UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
SECOND SESSION

VOLUME 144—PART 14

SEPTEMBER 9, 1998 TO SEPTEMBER 21, 1998
(PAGES 19631 TO 21059)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1998

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

SENATE—*Wednesday, September 9, 1998*

The Senate met at 8:59 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, infinite and eternal, in Your being, wisdom, holiness, goodness, truth, and grace, we praise You for Your providential care of this Nation. We humbly accept Your sovereignty over us and commit ourselves to emulate Your justice and truth. You know each of us completely. Your light of truth exposes our inner selves: our thoughts, feelings, and memories. We can be unreservedly honest with You for You know everything. Now, Father, help us to be as open and honest with each other. We commit ourselves to mean what we say and to say what we mean.

Thank You for the Senate and the mutual trust the Senators share. Bless them today as they work together. May their differences be debated but never divide them as people. Strengthen their love for You and their loyalty to America, enabling a oneness that will inspire the citizens of this great Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Mississippi, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I am pleased to announce that at 9:45 a.m. this morning there will be a vote on the cloture motion on the motion to proceed to the consideration of the missile defense bill, the American Missile Protection Act. The time between now and 9:45 will be equally divided for debate on that motion. I will be pleased to control the time on the Republican side of the aisle and the distinguished Senator from Michigan, Senator LEVIN, will control the time on the other side in opposition.

The leader intends to resume consideration, after this issue is completed, of the Interior appropriations bill and, further, at 4:30 p.m. today, the Senate will begin 30 minutes of debate prior to a cloture vote on the motion to proceed to the bankruptcy bill. That vote is expected to occur at 5 p.m. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring, as I said, at 9:45 this morning.

CONGRATULATING MARK McGWIRE ON HIS HISTORIC 62ND HOME RUN

Mr. COCHRAN. Mr. President, I think before we start debate on that cloture motion, we should recognize the tremendous accomplishment of Mark McGwire who just broke Babe Ruth's home run record, Roger Maris' home run record and any other record that anyone has had for hitting home runs. The fact is that this is something we are all very happy to celebrate today, and we join with all Americans in congratulating Mark McGwire on this magnificent accomplishment.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there will now be 45 minutes of debate on the motion to proceed to S. 1873, the American Missile Protection Act of 1998.

Mr. COCHRAN. Mr. President, the issue we are debating this morning is not new to the Senate. In May of this year, the Senate voted on a motion to invoke cloture so that we could proceed to consider the American Missile Protection Act. That motion was not successful. The vote was 59 in favor and 41 against. Therefore, we fell one vote short of invoking cloture so the Senate could proceed to debate the American Missile Protection Act.

We have another chance today, Mr. President, to go on record in favor of considering this bill. So it should be put in context what we are voting for and what we are not voting for. We are not voting to pass the bill without any debate. That is not the issue. We are voting to proceed to consider the bill. Now let us put in context what the facts are today as compared with last May when we fell just one vote short of voting to consider this bill.

At the time we voted in May, India had just tested—that very day—for the second time, a nuclear weapons device. We were not aware that India was going to conduct that test. Our intelligence community was surprised. All the world was surprised.

We used that example to urge the Senate to change our current policy on national missile defense, because the current policy is that we will make a decision to deploy a national missile defense system if we learn that some nation has developed the capacity to put us at risk, to threaten the security of American citizens with a ballistic missile system.

So the assumption is that our intelligence community and our resources for learning things like this are so sophisticated and so reliable that we will be able to detect this, that we will have an early warning, that we will be able to know well in advance of any nation having the capability of inflicting damage or destruction on America's soil, through a ballistic missile system, in enough time that we could deploy a national missile defense system.

Another consideration is that we have not yet developed a national missile defense system. We have various programs that are being tested in various stages of development—theater ballistic missile defense systems—that can defend us against regional attacks, shorter-range attacks. But this bill is talking about a national ballistic missile defense system and whether or not our policy should be to wait and see if other countries develop the capability to put us at risk and then decide—then decide—whether we should work to deploy a system to protect against that kind of threat.

What has changed since the vote in May is that not only did Pakistan proceed to test a nuclear device—we were

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

not sure they were going to do that—they also had just recently tested a missile system that we did not know they had. We had been told a few months earlier that they had a missile system that was in the 180 mile range. They tested one that had a range of about 900 miles without our knowing they had the capability to do that, without our knowing that they had that missile. But they had acquired either the missile, the component parts, or the design from other countries or another country—according to press reports, North Korea was involved in that—and they were able to actually launch that across that distance, and it was a surprise to our intelligence community, to our country and to the world.

Those events occurred about the time we voted in May. Since then, look what has happened. Iran has tested a longer-range missile than we expected them to have. North Korea has tested and has fired a multiple-stage ballistic missile. We had discussed the fact that that was possibly under development, the Taepo Dong missile. We are calling it the Taepo Dong I because we are told that there is a Taepo Dong II under development. That has been publicly reported in the press.

The missile that was tested the other day by North Korea, the multiple-stage missile, was fired over Japan. There was evidence that the missile actually crossed the territory of Japan. Do you realize, Mr. President—I know Members of the Senate are aware—that we have some 37,000 Americans deployed in South Korea as a part of a defense stability effort in that region, and we have more than that in Japan, in the Okinawa area?

The whole point is that if you consider all of that, we have 80,000 Americans who are at risk now because of the proven capability of North Korea and its new advanced missile capability. We have gone to great lengths in the last few years to dissuade North Korea from proceeding to develop nuclear weapons. We were very concerned that they were proceeding to do just that. Some think that they have made substantial progress in doing just that.

Incidentally, the Taepo Dong II that I just mentioned has the capacity of striking the territory of the United States. Many troops and military assets and resources are located in Alaska. According to press reports, the Taepo Dong II would have the capacity to destroy that area, as well as striking Hawaii.

Now, the issue is, do we proceed with the wait-and-see policy of this administration, or do we today vote to proceed to consider legislation that will change that policy, that will say as soon as technology permits, the United States will deploy a national missile defense system that will protect it against ballistic missile attack, whether unauthorized or accidental or intentional. We have all worried about accidental and unauthorized launches from China and Russia. We know those countries have the capability of striking us. But think about this other fact: What else has changed recently?

The United States has observed the Russian Government slowly deteriorate to the point that the command and control structure of the military is seriously in question. Who really controls the armed forces of Russia to the point that you can rely upon the good intentions of the Yeltsin government not to target U.S. sites with their missile systems, their intercontinental ballistic missiles, the most lethal and accurate of any other country in the world, with multitudes of warheads, nuclear-tipped warheads? We are sitting here hoping and assuming that we can continue to work with Russia and whatever government does come out of the struggle for power there to continue to destroy nuclear weapons under Russian control rather than to build them up and make them more accurate and lethal.

By the way, it is not like they have dismantled the nuclear weapon systems in Russia. They exist. They are lethal. They are capable of striking anywhere in the United States they might decide to strike, and we are glad that they don't have any intention of doing that. But they have the capability of doing that and there could be an unauthorized or accidental launch and we have absolutely no defense against that kind of attack. We have been operating under the assumption that we can assure them we will retaliate—we have the capacity to—and we will destroy any country who attempts to strike us in that way. That has been the system for defense that we have had.

We have had no defense. The defense is that we will destroy you if you attack us in that way. That doesn't work with North Korea or Iran or some other rogue states, leaders, and terrorists who have announced that it is their stated goal to kill Americans and to destroy America and to build missile systems to do that or to sell missile systems to those who want to do that. North Korea said just that. An official stated publicly that they are in the business of selling missile systems. They need the money. That was the explanation. We know that is true. They have sold missile systems; they have sold component parts. Russia has people who are cooperating in Iran right now, and have in the past, to develop systems that could inflict great damage not only in that region but beyond.

Now, some are saying that we already have authorization and funds in the pipeline to develop these missile systems to protect us—interceptor missiles—and we read about the testing that is going on of theater systems. But we have no program that has as its goal the development and deployment of a missile defense that will protect the United States against unauthorized, accidental, or intentional ballistic missile attack.

That is what this legislation addresses. It has two parts. The first is recitation of all of the facts that we have been able to gather through hearings over the last 2 years in our Subcommittee on International Security, Proliferation, and Federal Services. We have had hearings. We have published a report called Proliferation Primer. It has been widely distributed. It documents the fact that throughout the world there is a growing capability for the use of ballistic missiles.

We talk about how it is happening and what people are saying who are in charge of those countries who are involved in this. It clearly, in our view, justified our asking this Congress to legislate a change in our policy to carry out now the express recommendations of the Rumsfeld Commission, which has, since our vote in May, given its report on the state of affairs regarding the ballistic missile threat to the United States. It was concluded in that report that our intelligence community does not have the capacity for making the early warning assessment that is contemplated under current administration policy.

The Director of Central Intelligence has admitted in previous statements to the Senate that there are gaps and uncertainties in the information that his agency can obtain in making decisions about whether or not countries are developing or have the capacity to deploy ballistic missile systems that put our Nation at risk. Now that assessment and that description of the situation has been borne out by those recent developments.

Admiral Jeremiah made a recent study of our intelligence agencies in the wake of some of these events, and he reported a similar problem.

Given those facts, Mr. President, it seems clear to me, the cosponsors of this legislation, and 59 Senators, that the time has come to change the policy from wait and see to proceed as soon as technologically possible to deploy a national missile defense system to protect the security interests of the United States and its citizens. There is no higher responsibility that this Government has—no higher responsibility, no priority any greater—than the security of U.S. citizens. We are putting that security at risk, Mr. President, under the current policy. It is as clear as anything can be.

The time has come today—this morning at 9:45 a.m.—to vote to proceed to consider this proposal, which simply calls for the deployment, as soon as technology permits, of a national missile defense system.

Mr. President, I urge Senators to vote in support of the motion to invoke cloture.

I ask unanimous consent that several articles pertaining to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 1998]

PANEL SAYS U.S. FACES RISK OF A SURPRISE MISSILE ATTACK

(By Eric Schmitt)

WASHINGTON—Rogue nations or terrorists could develop and deploy ballistic missiles for an attack against the United States with "little or no warning," an independent commission announced Wednesday.

But senior American intelligence officials disputed the finding, which challenges a longstanding intelligence estimate that no country except Russia and China, which already possess ballistic missiles, could hit American targets, and that North Korea could perhaps field long-range missiles before 2010.

The unanimous conclusions of the bipartisan commission, headed by former Defense Secretary Donald Rumsfeld, provide fresh ammunition for supporters of a national missile defense, and sharpen an election-year issue that Republicans want to wield against the administration and Democrats in Congress.

"It's a very sobering conclusion," said Speaker Newt Gingrich, a strong supporter of national missile defenses, who called on the administration to work with Congress in the next several months to address the heightened threat as described in the report.

The United States has spent more than $40 billion since the Reagan administration to build a space- or land-based defense against ballistic missile strikes, but has yet to construct a workable network.

Indeed, a report Wednesday by the General Accounting Office, the auditing arm of Congress, concluded that it is unlikely that a program to develop a national missile defense will meet an important deadline in 2000.

The commission did not address the merit of any particular defensive system, focusing instead on the ballistic missile threat to the United States.

"The major implication of our conclusions is that warning time is reduced," said Rumsfeld, who was defense secretary under President Gerald Ford. "We see an environment of little or no warning of ballistic missile threats to the U.S. from several emerging powers."

The commission singled out North Korea, Iran and Iraq for scrutiny. For example, the panel's report said, "We judge that Iran now has the technical capability and resources to demonstrate an ICBM-range ballistic missile" similar to a North Korean model.

But in a letter sent to Congress on Wednesday, George Tenet, the director of Central Intelligence, said the government stood by a threat assessment first made in 1995 and reaffirmed most recently in March.

The government assessments, Tenet said in his letter, "were supported by the available evidence and were well tested" in an internal review.

But the commission, in its 300-page classified report delivered to the House and Senate on Wednesday, as well as in an unclassified 27-page version, said the American intelligence community was wrong in relying on the much-longer warning times.

Rumsfeld said rogue nations, such as Iran and Iraq, had obtained sensitive missile technology, in part because of loosened export controls among industrialized nations. "Foreign assistance is not a wildcard," Rumsfeld said. "It is a fact of our relaxed post-Cold-War world."

Rumsfeld also said that these suspect countries had become more adept at concealing their missile programs, making it more difficult for Western intelligence analysts to gauge a country's progress and intentions.

In a hastily called briefing for reporters, senior intelligence officials said Wednesday that the commission had examined the same information available to government analysts, but had come to different conclusions.

These intelligence officials said that they tended to focus on specific evidence to reach their conclusions, assigning various degrees of certainty to each assessment.

The intelligence officials said the panel, officially titled the Commission to Assess the Ballistic Missile Threat to the United States, took the same information and, in essence, assumed the worst about what was known for a particular country's missile program, and drew its conclusions.

Rumsfeld concurred: "We came at this subject as senior decision-makers would, who have to make difficult judgments based on limited information."

For that reason, the report, even though it was praised in particular by Republicans, is likely to stoke the debate over ballistic missile threats rather than be viewed as the definitive conclusion.

[From the Washington Times, July 23, 1998]

IRAN TESTS MEDIUM-RANGE MISSILE

(By Bill Gertz)

Iran conducted its first test flight of a new medium-range missile Tuesday night, giving the Islamic republic the capability of hitting Israel and all U.S. forces in the region with chemical or biological warheads, The Washington Times has learned.

"It is a significant development because it puts all U.S. forces in the region at risk," said one official familiar with the test.

U.S. intelligence agencies detected and monitored the launch, which took place at a missile range over land in northern Iran late Tuesday night, said officials familiar with intelligence reports.

The missile was identified as Iran's new Shahab–3 missile, which is expected to have a range of 800 to 930 miles, far longer than any of Iran's current arsenal of short-range Scud-design and Chinese missiles.

Data on the test are still being analyzed, but the missile appeared to be a modified North Korean Nodong missile, which Iran is using as the basis for its Shahab–3 design.

The launch has raised new fears that Iran has acquired more Nodongs, which have a range of about 620 miles, from North Korea.

Intelligence officials said the Shahab–3 is a liquid-fueled system carried on a road-mobile launcher. Mobile launchers are extremely difficult to detect and track.

The Shahab is believed by U.S. intelligence agencies to be inaccurate and thus is expected to be armed with chemical or biological warheads. Iran is developing nuclear warheads but is believed to be years away from having them.

Officials said the test's success is significant because U.S. military planners must regard the weapon as capable of being used even though it was only fired once.

North Korea's Nodong also was flight-tested only once and recently was declared "operational" by the Pentagon, which puts it in a position to threaten U.S. troops throughout that region.

In April, Pakistan for the first time also tested a Nodong-design missile called the Ghauri.

A congressional report released last week by a commission set up to assess the missile threat said, "Iran is making very rapid progress in developing the Shahab–3 medium-range ballistic missiles.

"This missile may be flight tested at any time and deployed soon thereafter," said the report by the commission, headed by former Defense Secretary Donald Rumsfeld.

Iran also is building a longer-range Shahab–4, which is expected to have a range of up to 1,240 miles—long enough to hit Central Europe.

The Shahab—which means "meteor" in Farsi—was first disclosed by The Times last year.

"The development of long-range ballistic missiles is part of Iran's effort to become a major regional military power," a Pentagon official said recently.

A second U.S. official said data on the missile test are being evaluated by U.S. spy agencies to determine in more detail its estimated range, payload capacity and other characteristics.

"This is something that was anticipated by the intelligence community," this official said.

The Shahab missile program has benefited greatly from Russian technology and materials, as well as Chinese and North Korean assistance, according to a CIA report on proliferation released Tuesday.

The report said companies and agencies in Russia, China and North Korea "continued to supply missile-related goods and technology to Iran" throughout last year.

"Iran is using these goods and technologies to achieve its goal of becoming self-sufficient in the production of medium-range ballistic missiles," the report said. A medium-range missile is one with a range between 600 and 1,800 miles.

Russian assistance to Iran's missile program has meant Tehran could deploy a medium-range missile "much sooner than otherwise expected," the CIA said.

A U.S. intelligence official said recently that Shahab–3 deployment was about one year away and that before Russian help it had been estimated to be up to three years from being fielded.

The Iranian Shahab program has been a target of intense diplomatic efforts by the Clinton administration, which has been seeking to curtail Russian technology and material assistance.

Asked to comment on the test, Rep. Curt Weldon, Pennsylvania Republican, said it was "devastating news." He said the test confirms the findings of a bipartisan congressional panel that emerging missile threats are hard to predict.

"We now have evidence that Iran has already tested a missile system that the intelligence community said would not be tested for 12 to 18 months," he said. "That means the threat to Israel, to our Arab friends in the region and to our 25,000 troops in the region is imminent, and we have no deployed system in place to counter that threat."

Mr. Weldon, a member of the House National Security Committee and an advocate of missile defenses, said Iran would most likely deploy chemical or biological weapons on the Shahab–3, depending on what types of advanced guidance systems it may have obtained from Russia.

"There is evidence Iran is aggressively pursuing nuclear weapons and within a short period of time—months not years—will have a nuclear warhead," Mr. Weldon said.

Henry Sokolski, director of the Nonproliferation Policy Education Center, said the test firing shows that long-range missiles are likely to be the threat of the future.

"This stuff is moving a lot faster than we thought five years ago in the Bush administration," said Mr. Sokolski, a former defense official.

Early Warning

When the history books on the 21st century are written, the Shehab–3 may show up on a list of early warning signs that schoolchildren memorize about great catastrophes. The medium-range ballistic missile that Iran tested last week is just that—a warning that the missile threat is here and now, not years away. The coming catastrophe is a ballistic missile attack on an undefended U.S. or U.S. ally by a rogue nation.

You can't say we haven't been warned. The week before the launch of the Shehab–3, made from a North Korean design, a bipartisan panel headed by former Defense Secretary Donald Rumsfeld issued a report to Congress on the ballistic missile threat. The unanimous finding? Ballistic missiles from rogue nations could strike American cities with "little or no warning."

The security and defense experts on the Rumsfeld Commission noted that North Korea is developing missiles with a 6,200-mile range, capable of reaching as far as Arizona or even Wisconsin, and that Iran is seeking missile components that could result in weapons with similar range, able to hit Pennsylvania or Minnesota. That information is from the unclassified version of the report. The general public doesn't get to hear about the really scary stuff. The bipartisan Rumsfeld Commission report, or course, received little play in the general media, which seems to have concluded somehow that this issue is no big deal.

Earlier this year, Senator Thad Cochran's Subcommittee on International Security reached many of the same conclusions. Using open-source materials, the committee published "The Proliferation Primer," which lists in detail the progress being made by a host of countries toward the development and deployment of weapons of mass destruction. "The Proliferation Primer" didn't make it into the headlines either.

As the Shehab–3 drama was being staged in Iran, Vice President Gore found himself in Russia, playing another scene in the absurd theater of arms control. This is a form of diplomatic drama that employs repetitious and meaningless dialogue and plots that lack logical or realistic development. Over the past 30 years, every act in this ongoing show has been structured around the same ludicrous theme: arms control works.

And so it goes in Moscow, where Mr. Gore, reading from the usual script, expressed U.S. concern last week about the transfer of Russian missile technology to Iran and other rogue states, and signed two agreements on the peaceful uses of nuclear technology. President Clinton voiced similar concerns in Beijing last month.

Meanwhile, two-dozen countries are hard at work on improvements to their ballistic-missile capabilities and North Korea is exporting do-it-yourself Nodong missile kits like the one that Iran used to build Shehab-3. In addition to all this there is the so-called loose-nukes problem, by which it is feared that a Russian missile might find its way into the hands of a terrorist group.

No arms-control agreement can provide the necessary protection against such threats. Not so long ago the threat was a massive Soviet missile attack, but today it is more likely to be one or two ballistic missiles in the hands of a calculating national leader or government determined to operate outside civilized norms. What do hoary notions of "arms control" have to do with these realities? Is anyone seriously going to propose that the way to keep more Iranian Shehab-3s from being produced is to invite the ayatollahs for a stay at Geneva's finest hotels and a long meeting of the minds across a green baize table?

What prospect is there at all that Iran will "agree," much less comply with any commitment to give up what it now has? What it has is a medium-range missile that can reach U.S. allies Turkey, Israel and Saudi Arabia and Egypt. And if similar minds somewhere in the world get hold of a missile capable of reaching San Francisco or Honolulu or New York, what "agreement" could induce them to give that up?

The fact that the U.S. has absolutely no defenses against ballistic-missile-attack is an unacceptably large negative incentive to this country's enemies. The way to deter them is not by signing more archaic arms-control agreements but by researching and deploying a national missile-defense system as quickly as possible after the next President takes office.

[From the Washington Times, Sept. 1, 1998]

N. Korea Fires Missile Over Japan

[By Rowan Scarborough and Bill Gertz]

North Korea yesterday conducted the first test launch of an extended-range ballistic missile in a provocative flight that crossed Japan and signaled the hard-line regime is now able to threaten more neighboring countries.

The Taepo Dong–1 and its dummy warhead traveled about 1,000 miles, surpassing by 380 miles the reach of North Korea's operational medium-range missile, the No Dong.

Taepo Dong's debut was predicted by Washington. The flight was tracked by U.S. Navy ships and by surveillance aircraft as the missile left northern North Korea, dropped its first stage in the Sea of Japan and then crossed Japan's Honshu island before falling in the Pacific Ocean.

The test of the medium-range missile immediately raised security fears not only in Asia, but in the Middle East and the United States as well.

Republicans in Congress renewed demands for President Clinton to accelerate development of a national missile defense that could intercept incoming ballistic missiles. Mr. Clinton has put off a decision until 2000 despite a blue-ribbon commission's finding that a rogue nation, such as North Korea, could launch a ballistic missile onto U.S. soil within the next five years without warning.

"The test of the Taepo Dong indicates that a North Korean threat to the continental United States is just around the corner," said Richard Fisher, an Asia expert at the Heritage Foundation. "It is now long past overdue for the administration to finally wake up, smell the coffee and get serious about missile defense."

By flying the missile directly over Japan, Mr. Fisher said, North Korea is showing it has the ability to hit U.S. military facilities there and can eventually field a missile capable of hitting bases farther south in Okinawa. "Okinawa is the military reserve area for the United States in any potential Korean peninsula conflict," he said.

David Wright, a physicist at the Massachusetts Institute of Technology in Cambridge and researcher at the Union of Concerned Scientists, said of utmost concern is "that this is a two-state missile."

Creating a multiple-stage missile is "one of the more complicated hurdles . . . in developing a longer range," he said. "But in and of itself it doesn't give much new capability to North Korea.

"The accuracy of these missiles is very low," he told Agence France-Presse, adding that they would most likely be used to carry biological or chemical weapons.

Japan reacted to the test by abruptly withdrawing plans to extend $1 billion in aid to build two civilian nuclear reactors. North Korea agreed to shut down its nuclear-weapons program in exchange for the two plants and U.S. deliveries of fuel oil.

Japanese analysts saw the missile launch as a ploy in winning concessions from the West during ongoing nuclear-disarmament talks in New York.

Secretary of State Madeleine K. Albright, visiting Sarajevo, Bosnia-Herzegovina, said, "This is something that we will be raising with North Koreans in the talks that are currently going on," the Associated Press reported.

A South Korean Cabinet meeting of 15 ministers said North Korea's "reckless" test-firing of a missile over Japanese territory poses a direct threat to the region.

North Korea is the world's largest exporter of ballistic missiles. It has been helping Iran develop a missile arsenal that can reach deployed American forces, moderate Arab states and Israel. A North Korean envoy told congressional aides last week the motive for exporting missile technology is simple: badly needed hard currency for the famine-ridden country.

Intelligence officials said Iranian technicians observed yesterday's test, underscoring the close ties between Pyongyang and Tehran, which tested its own medium-range missile, the Shahab-3, with a range of about 800 miles, last month.

North Korea, which boasts a 5-million-man army and stocks of chemical and biological weapons, is also developing the intermediate range Taepo Dong-2. Scheduled for operation in 2002, the weapon is designed to travel up to 3,700 miles, putting it within range of Alaska. Eventually, Pyongyang wants to deploy an intercontinental ballistic missile capable of reaching the continental United States.

The U.S. has 37,000 troops stationed in South Korea, where they are already vulnerable to North Korea's arsenal of short-range missiles and thousands of artillery pieces. The forces enjoy limited protection through Patriot interceptors used in the 1991 Persian Gulf war to knock down Iraqi Scud missiles.

Maj. Bryan Salas, a Pentagon spokesman, said, "We were not surprised by the launching. We're still evaluating all the specifics in the matter and we consider it a serious development."

The missile test comes as Mr. Clinton and Republicans are at odds on national missile defense.

The GOP got a boost this summer when a congressionally appointed panel of experts, led by former Defense Secretary Donald Rumsfeld, stated the United States could be blindsided by a missile attack within the next five years from North Korea or another rogue nation.

But the Joint Chiefs of Staff, in a letter disclosed last week by The Washington Times, rejected the finding and continued to support a 2003 deployment date at the earliest for a national system.

"The administration needs to wake up," said Rep. Curt Weldon, Pennsylvania Republican and a leading missile defense advocate. "From what we know about this missile, it can even reach U.S. soil with a range that can strike U.S. citizens in Guam."

Sen. Kay Bailey Hutchison, Texas Republican, added: "The administration's decision to block development and deployment of missile defenses means we are unable to protect either our important allies . . . or the thousands of American troops stationed there."

North Korea has the expertise to mount chemical and biological warheads on its ballistic missiles. It also has been attempting to develop nuclear weapons, but promised to end the program in return for economic aid.

"When you begin to feed the wolf, the wolf just gets hungrier and hungrier," Mr. Fisher said. "The aid to North Korea since 1995 can be said to have indirectly assisted the North Korean missile program because it allowed them to spend less money on feeding their people and sustain their missile develop budgets."

The Rumsfeld panel dismissed a CIA conclusion the United States faces no ballistic missile threat from a rogue nation for 15 years. The panel was particularly leery of North Korea and its ally, Iran.

Its report said: "The extraordinary level of resources North Korea and Iran are now devoting to developing their own ballistic missile capabilities poses a substantial and immediate danger to the U.S., its vital interest and its allies. . . . In light of the considerable difficulties the intelligence community encountered in assessing the pace and scope of the No Dong missile program, the U.S. may have very little warning prior to the deployment of the Taepo Dong-2."

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 6 minutes.

Mr. President, this bill will not contribute to our national security. As a matter of fact, it will weaken and jeopardize our national security.

That is not just me saying it and those of us who oppose this bill. The Chairman of the Joint Chiefs of Staff has written us a very, very strong letter supporting the current national missile defense policy, which is to develop defenses against these long-range missiles but not to commit to deploy such defenses, since such a commitment will violate an agreement that we have with Russia which has made it possible for us to reduce the number of nuclear weapons in this world.

Committing to break out of a treaty which has allowed us to reduce the number of nuclear weapons will result in Russia—they have told us this—not ratifying START II, and then, indeed, deciding to reverse the START I reductions. START I reductions, START II reductions, and hopefully START III reductions are based on an agreement that we have with Russia that neither party will deploy defenses against long-range missiles.

If we violate that agreement—this bill commits us to a position which would violate that agreement—if we violate that agreement, we are going to see Russia reverse the direction in which it is going—reduction of nuclear weapons. Indeed, there will be a much greater threat of the proliferation of nuclear weapons, because thousands of additional weapons will then be on Russian soil.

This bill is a pro-proliferation of a nuclear weapons bill. That is not the intent, obviously. But that is the effect of this bill, because instead of Russia just having a few thousand nuclear weapons on its soil—which are then subject to being stolen, or pilfered, or sold—it will have many more thousands of nuclear weapons.

It is not in the security interests of this Nation to trash the START II agreement by threatening another treaty called the Antiballistic Missile Treaty upon which START II is based, upon which START I is based, and upon hopefully START III will be based.

Can we negotiate a modification in that ABM Treaty? I hope so. Might it be desirable for both sides to move to defenses against long-range missiles? I think so. Should we develop defenses against long-range missiles but not commit to violate the ABM Treaty by committing to deploy those missiles? Yes. We should develop those defenses. And we are at a breakneck speed—by the way, a very high-risk speed.

This bill, which would change our policy, will not speed up the development of national missile defenses by 1 day. We are already developing those defenses as fast as we possibly can.

Mr. President, I want to just read briefly—if my 4 minutes are up, I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Chairman of the Joint Chiefs of Staff wrote Senator INHOFE a letter on August 24, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, August 24, 1998.
Hon. JAMES M. INHOFE,
U.S. Senate, Washington, DC.

DEAR SENATOR INHOFE: Thank you for the opportunity to provide my views, together with those of the Joint Chiefs, on the Rumsfeld Commission Report and its relation to national missile defense. We welcome the contributions of this distinguished panel to our understanding of ballistic missile threat assessments. While we have had the opportunity to review only the Commission's prepublication report, we can provide answers to your questions subject to review of the final report.

While the Chiefs and I, along with the Intelligence Community, agree with many of the Commission's findings, we have some different perspectives on likely developmental timelines and associated warning times. After carefully considering the portions of the report available to us, we remain confident that the Intelligence Community can provide the necessary warning of the indigenous development and deployment by a rogue state of an ICBM threat to the United States. For example, we believe that North Korea continues moving closer to the initiation of a Taepo Dong I Medium Range Ballistic Missile (MRBM) testing program. That program has been predicted and considered in the current examination. The Commission points out that through unconventional, high-risk development programs and foreign assistance, rogue nations could acquire an ICBM capability in a short time, and that the Intelligence Community may not detect it. We view this as an unlikely development. I would also point out that these rogue nations currently pose a threat to the United States, including a threat by weapons of mass destruction, through unconventional, terrorist-style delivery means. The Chiefs and I believe all these threats must be addressed consistent with a balanced judgment of risks and resources.

Based on these considerations, we reaffirm our support for the current NMD policy and deployment readiness program. Our program represents an unprecedented level of effort to address the likely emergence of a rogue ICBM threat. It compresses what is normally a 6–12 year development program into 3 years with some additional development concurrent with a 3-year deployment. This emphasis is indicative of our commitment to this vital national security objective. The tremendous effort devoted to this program is a prudent commitment to provide absolutely the best technology when a threat warrants deployment.

Given the present threat projections and the potential requirement to deploy an effective limited defense, we continue to support the "three-plus-three" program. It is our view that the development program should proceed through the integrated system testing scheduled to begin in late 1999, before the subsequent deployment decision consideration in the year 2000. While previous plus-ups have reduced the technical risk associated with this program, the risk remains high. Additional funding would not buy back any time in our already fast-paced schedule.

As to the Anti-Ballistic Missile (ABM) Treaty, the Chiefs and I believe that under current conditions continued adherence is still consistent with our national security interests. The Treaty contributes to our strategic stability with Russia and, for the immediate future, does not hinder our development program. Consistent with US policy that NMD development be consistent with the ABM Treaty, the Department has an ongoing process to review NMD tests for compliance. The integrated testing will precede a deployment decision has not yet gone through compliance review. Although a final determination has not been made, we currently intend and project integrated system testing that will be both fully effective and treaty compliant. A deployment decision may well require treaty modification which would involve a variety of factors including the emerging ballistic missile threat to the United States (both capability and intent), and the technology to support an effective national missile defense.

Again, the Chiefs and I appreciate the opportunity to offer our views on the assessment of emerging ballistic missile threats and their relation to national missile defense.

Sincerely,

HENRY H. SHELTON.

Mr. LEVIN. Mr. President, part of the Joint Chiefs' letter is the following:

> * * * we reaffirm our support for the current [National Missile Defense] policy and deployment readiness program.

Those are the key words.

> Based on these considerations, we reaffirm our support for the current [National Missile Defense] policy and deployment readiness program.

Then General Shelton wrote the following:

> Our program represents an unprecedented level of effort to address the likely emergence of a rogue ICBM threat. It compresses what is normally a 6-12 year development program into 3 years with some additional development concurrent with a 3-year deployment. This emphasis is indicative of our commitment to this vital national security objective. The tremendous effort devoted to this program is a prudent commitment to provide absolutely the best technology when a threat warrants deployment.
>
> Given the present threat projections and the potential requirement to deploy an effective limited defense, we continue to support the "three-plus-three" program. It is our view that the development program should proceed through the integrated system testing scheduled to begin in late 1999, before the subsequent deployment decision consideration in the year 2000.

Then he points out that:

> Additional funding would not buy back any time in our already fast-paced schedule.

Finally, General Shelton said the following:

> The [ABM] Treaty contributes to our strategic stability with Russia and, for the immediate future, does not hinder our development program.

Mr. President, our program now calls for the development of defenses against long-range missiles. Let no one misunderstand that, or misstate that. That is our current program.

We are moving as quickly as possible. Indeed, it is a high-risk move that we are making because we have collapsed this development schedule so much. We are not going to speed up this schedule 1 day by threatening to destroy the ABM Treaty. All we will do, if this bill passes, is to contribute to the threat of the proliferation of nuclear weapons on the soil of Russia. That is not in our security interest. I hope we do not proceed to the consideration of this bill.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 1 minute to the distinguished chairman of the Senate Armed Services Committee, the distinguished Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am a cosponsor of this amendment. I believe that it is a very important amendment. Other countries are going forward and developing missile systems. Can we afford not to do it? For the sake of our people and the sake of this Nation, we should seize this opportunity to go forward on this matter promptly. It is in the interest of our Nation and the people of this country that we take that step.

I thank the Senator, very much, for yielding to me.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 2 minutes to the distinguished Senator from Oklahoma, Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

I regret that we are on such a tight constraint, because I think this is the most significant issue this Senate will be addressing certainly this year. We are talking about the lives of American citizens.

As one who is from Oklahoma and can see what type of terrorist devastation can take place, and realizing that the devastation in Oklahoma was one-thousandth of the power of the smallest nuclear warhead known, it is a very scary thing.

I believe right now—I don't think there is a Senator here who doesn't believe this—that there could very well be a missile headed our direction as we speak. It is not a matter of a rogue nation learning how to make missiles to deliver the weapons of mass destruction that we know they have. It is a matter of just getting that technology and those systems from a country that already does. China is such a country.

China fully has missiles that can reach Washington, DC, from any place in the world. We have no way in the world of knocking them down. We know that China is trading technology systems with countries like Iran—countries that would not hesitate to use missiles against us.

I wish I were speaking last, because there are going to be some things said about the exorbitant costs of such a system. We can complete a system to protect us against a limited missile attack for about $4 billion. In the case of our AEGIS ship system, we have 22 AEGIS ships that have the capability of knocking down a missile, but not an ICBM. We have a $50 billion investment in that system, and for only $4 billion more we could have that system to protect Americans.

I hope that people will give consideration to this resolution. I think it is the most significant resolution we will be considering this year.

I ask unanimous consent that three items pertaining to this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[April 15, 1998]

PAKISTAN'S FIRST TEST OF ITS NEW BALLISTIC MISSILE

(By Rahul Bedi, New Delhi and Duncan Lennox, London)

The first test of Pakistan's new ballistic missile, the Hatf 5 or 'Ghauri', took place on 6 April. Statements from the Pakistani government said that the missile has a maximum range of 1,500km, a payload of 700kg and a launch weight of 16,000kg.

Some earlier statements had implied that the 'Ghauri' might also be used as the basis for a satellite launch vehicle.

Currently described by government officials as "a research effort for the time being", its indigenous development and research status means that "no international sanctions or regimes apply to its development or production".

Claims that the missile was tested over land are confusing as the length of Pakistan's territory does not allow for the range attributed to 'Ghauri'. Other reports have indicated that the missile was test launched from a location near Jhelum in northeast Pakistan to the area southwest of Quetta, a range of about 800km to 1,000km, which would agree with the reported flight time of around eight minutes.

An earlier secret test of the 'Ghauri' missile in January was reported by the Islamabad News, which said that further tests would be made before a public demonstration of the missile on 23 March. The "secret" test probably refers to a static motor firing and systems check-out, and is unlikely to have been a flight test.

The 'Ghauri' missile was not displayed during Pakistan's National Day parade on 23 March. A missile similar to the Hatf 1 short-range missile was the only ballistic missile displayed.

Pakistani official statements are limited to the maximum range, payload and launch weight. From the pictures released, the missile is similar in shape to the earlier Hatf 1 design, which is also similar to the Chinese M–9 (CSS–6/DF–15). The launch weight of 16,000kg makes 'Ghauri' much heavier than the M–9, which has a launch weight of 6,000kg. This would appear to support the payload weight quoted for 'Ghauri' of 700kg over the maximum range of 1,500km.

It appears to be a scaled-up Hatf 1 single or two-stage solid-propellant missile that may use some Chinese technologies. The missile shown does not bear any resemblance to the Chinese CSS–2 (DF–3), which uses liquid propellants and has a launch weight of 64,000kg.

An alternative option might be that 'Ghauri' is based on the Chinese CSS–5 (DF–21) and CSS–N–3 (JL–1) ballistic missile design, which has a launch weight of 15,000kg, a payload of 600 kg and a maximum range of between 1,700km and 1,800km. The CSS–N–3 SLBM version entered service in 1983 and the CSS–5 in 1987.

The Iranian 'Shahab 3' ballistic missile project has a similar range and payload to 'Ghauri', and, although the Iranians have never quoted a launch weight for 'Shahab 3', it might be in the 16,000kg bracket.

'Shahab 3' is believed to be an Iranian-developed single-stage liquid-propellant ballistic missile, based on North Korea's 'Nodong 1' design, and a series of motor tests were reported last year.

It is not clear whether Pakistan and Iran have shared missile technologies, but their development approaches appear to have followed relatively similar lines and in similar timescales.

Unconfirmed reports have suggested that Pakistan and Iran may have received either missiles or technologies associated with the Chinese solid-propellant M–11 (CSS–7/DF–11) and M–9 programmes, and it is to be expected that there might have been some assistance given both ways.

[From the Daily Oklahoman, Sept. 8, 1998]

VULNERABLE AND AT RISK

Recently, U.S. Sen. James Inhofe, R-Tulsa, asked Gen. Henry H. Shelton, chairman of the Joint Chiefs of Staff, to comment on a new report questioning U.S. readiness to deal with a long-range missile attack. The general's response was illuminating, particularly so in light of North Korea's subsequent test of a missile capable of carrying nuclear warheads.

Inhofe raised the issue after release of the Rumsfeld Commission Report, warning a missile threat may come sooner than many in the U.S. government think. The panel said it's possible an enemy could develop a ballistic missile program in a way that would give the United States little or no warning before an attack.

In fairness, Shelton and the joint chiefs answer to Bill Clinton, so it's not surprising they echo his administration's soft-line on missile defense.

Shelton reiterated to Inhofe that the chiefs don't think a real threat is near. They believe the United States should continue to comply with the 1972 Anti-Ballistic Missile Treaty and they support Clinton's "3-plus-3" plan for a national missile defense. The policy calls for three years of development with another three years for deployment—if a missile threat is identified. "We remain confident that the Intelligence Community can provide necessary warning of . . . an ICBM threat," Shelton wrote.

Inhofe points out that U.S. intelligence was surprised by India's nuclear testing this summer and considered attacks on embassies in Africa unlikely. As for the ABM treaty, Inhofe says it "reinforces the discredited policy of mutual-assured destruction at a time when the U.S. is being targeted by numerous potentially undeterrable rogue states and terrorists."

Inhofe's ally on missile defense, U.S. Rep. Floyd Spence, R-S.C., cut to the dangers of the Clinton administration's ostrich-like approach to missile defense in an interview with Frank Gaffney, director of the Center for Security Policy.

"The first warning of a heart attack is a heart attack," Spence said. "The Clinton administration's response to all this is that we are working on a system and we are going to experiment for about three years. And if the threat arises, we will decide at that time whether or not to deploy. My God, the threat is right now here, this minute, this moment, not some time in the future."

The Oklahoman urges Inhofe, Spence and other patriots in Congress to hold hearings highlighting America's vulnerability to missile attack.

Bold action is needed to counter Clinton's idle approach to defending the U.S. against a grave and growing threat.

[From the Wall Street Journal, Sept. 8, 1998]

SHOOTING STARS

"Nothing in life is so exhilarating as to be shot at without success," Winston Churchill once famously said. Perhaps. But the Japanese might have a different take, having now had North Korea fire a missile over their heads. In a world where Pathan tribesmen with rifles have been replaced by rogue states with ballistic missiles, Churchill would have been the first to argue that the leader of the free world needs more going for him then the other guy's bad aim. To wit, a missile defense.

If the events of the past few weeks have taught us anything, it is that the bad guys out there—Saddam Hussein, Kim Jong II, Osama bin Laden and the like—are not kidding when they threaten to blow up Americans. What we don't yet know is just how many of them have the capability to follow through on their threats, though recent tests by both North Korea and Iran confirm that some are not that far away. We shouldn't have to wait until a missile lands in Times Square to find out.

Unfortunately that is precisely what Democratic Senators have been doing. Back in March, GOP Senator Thad Cochran introduced a bill calling for the U.S. "to deploy as soon as is technologically possible an effective National Missile Defense System capable of defending the territory of the United States against limited ballistic missile attack." When the motion to move it to the floor for debate and amendments came up, it fell just one vote shy of the 60 needed. All 41 opposed were Democrats. While bin Laden bombs, the Democrats filibuster.

They have a chance to redeem themselves when the reintroduced petition comes up for a vote tomorrow. Events since the March 13 filibuster have tragically underscored just how irresponsible a move it was: India and Pakistan have exploded nuclear bombs; Iran and North Korea have tested ballistic missiles; Saddam Hussein has forced U.N. inspectors to a standstill; and bin Laden blew up two American embassies in Africa.

Indeed, it has lent a prophetic tone to the findings of the Rumsfeld Commission, a team of defense experts which in July warned that America's enemies could deliver a ballistic missile threat to the U.S. within five years of any decision to acquire such a capability. More ominously, the Rumsfeld report warns that "during several of those years, the U.S. might not be aware that such a decision has been made."

In face of these tangible threats, the continued Democratic preference for arms control agreements in the bush over real defense capabilities in the hand is baffling. And our guess is that an American public that has now watched North Korea and seen for itself some of bin Laden's handiwork also would be a hard sell. We wouldn't be surprised, then, if these developments, coupled with a President suffering from a severe loss of moral authority, might lead some of these Democrats to consider whether they want to continue to block debate about ways to protect Americans—especially the 13 Democratic Senators up for re-election which follow:

UP FOR RE-ELECTION

Democratic senators who voted against closure on the American Missile Protection Act of 1998.

Barbara Boxer, California.
John Breaux, Louisiana.
Thomas A. Daschle, S. Dakota.
Christopher J. Dodd, Connecticut.
Byron L. Dorgan, N. Dakota.
Russell D. Feingold, Wisconsin.
Bob Graham, Florida.
Patrick J. Leahy, Vermont.
Barbara A. Mikulski, Maryland.
Carol Moseley-Braun, Illinois.
Patty Murray, Washington.
Harry Reid, Nevada.
Ron Wyden, Oregon.

Source: Coalition to Defend America.

Bill Clinton might have his own second thoughts. It is worth asking whether Mr. Clinton could even have taken the limited action he did against sites in Afghanistan and the Sudan had bin Laden somehow managed to buy a missile of his own—or pay the North Koreans or Iranians to shoot one off for him.

Likewise, could George Bush have prosecuted the Gulf War if Saddam Hussein had had a missile capability? As Mr. Clinton has had impressed on him, just four or five warheads in hands like Kim Jong II's pose a far more immediate and practical threat to American lives and interests than the 2,000 or so in the Russian arsenal. Especially given North Korea's willingness to sell its missiles to anyone with cash.

Providing an American President with the wherewithal to shoot down a ballistic missile on its way to an American city shouldn't be a partisan issue. But if the Democrats decide again to make it one in the coming vote, that would be a persuasive Republican argument for a filibuster-proof Republican Senate. If we ever get a missile defense system this country needs, we may owe more to Monica Lewinsky and Osama bin Laden than we do to our Democratic Senators.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield Senator CONRAD 4 minutes.

Mr. CONRAD. Mr. President, I rise as a strong supporter of national missile defense. But I also rise as a strong opponent of the Cochran bill that is before us. I believe so strongly in national missile defense that I have introduced legislation promoting national missile defense that has passed the U.S. Senate.

I support national missile defense because we have an unpredictable and rapidly emerging ICBM threat to this country from the so-called rogue states. The Rumsfeld Commission recently alerted us to the growing need for national missile defense. As I have said many times on the Senate floor, we must be prepared before we are surprised.

But the bill before us is fatally flawed because it does not include the correct criteria for a decision to deploy. It says that we should deploy "as soon as technologically possible." Mr. President, that isn't the right test. Let's make sure that we deploy the best initial system, not simply the first one off the shelf. The first one off the shelf may be significantly inferior to one that follows soon thereafter that would be a far more effective system of national missile defense.

Further, the Cochran bill is also seriously flawed because it has only one criterion—"as soon as technologically possible." It completely disregards three other vital criteria for national missile development:

No. 1, treaty compliance. As the Joint Chiefs have said in several letters, the ABM Treaty and START accords must not be endangered. Mr. President, I direct my colleagues' attention to a statement by General Henry Shelton, the current Chairman of the Joint Chiefs. He said that the effect that "NMD deployment would have on arms control agreements and nuclear arms reductions should be included in any bill on national missile defense."

Are we going to listen to the top military leadership of our country on this question? I hope so. I hope we are going to listen to the Chairman of the Joint Chiefs of Staff.

The second key criterion is cost. A system we can't afford, such as one with space-based weapons, is a fantasy in the short run and protects no one. We need to have a system that we can afford.

The third criterion is use of proven technology to ensure performance and contain costs. We ought to use technology we know will work. Again, rushing to failure will not protect one single American family.

Mr. President, we are in a development stage on national missile defense, and that is where our efforts must be. I applaud our colleagues on the Appropriations Committee and Armed Services Committee for fully funding aggressive development of national missile defense. However, the Cochran bill, at this point, is counterproductive because it applies the wrong criteria to the decision to deploy. The Senate should again vote no on cloture.

I thank the Chair. I yield the floor and give back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Several Senators addressed the Chair.

Mr. LEVIN. I yield 4 minutes to Senator DORGAN.

Mr. DORGAN. Mr. President, this debate and this vote are not about whether we support research on a missile defense system. I am on the Appropriations Committee. I am on the Defense Appropriations Subcommittee. The Defense appropriations bill has over $3 billion for research and development of theater and national missile defense programs. I expect all Members of the Senate support that. I do.

But this bill presents us with a different question. This bill would put the Senate on record saying there must be a deployment of a national missile defense system—there must be a deployment as soon as "technologically feasible." And we must then deploy.

Well, 25 years ago, we had an antiballistic missile system in North Dakota. I guess that particular system was technologically feasible then. Of course, that system would have used nuclear bombs to intercept and destroy incoming missiles. But it was built, at the cost of over $20 billion in today's terms. Thirty days after it was declared operational, it was mothballed. That system was too expensive and too controversial.

Let's keep that cautionary tale in mind as we consider this bill.

If this bill were to pass, the question is, What is technologically feasible? What kind of technology? At what cost? Does cost have any relevance at all? How will the bill affect arms control? Will this bill crowd out spending on other ways of dealing with terrorism? What other defense programs that respond to terrorist threats or rogue nations will then lack funding because we forced deployment of a system when someone said we now have the technology, and we forced deployment notwithstanding costs?

Frankly, a rogue nation or a terrorist state is much more likely to pose a threat to us with a suitcase nuclear bomb planted in the trunk of a rusty Yugo car at a dock in New York City. The threat is much more likely to be a nuclear weapon put on top of a cruise missile—not an ICBM, but a cruise missile. There is far greater proliferation of cruise missiles and greater access to them. Will this defend against cruise missiles? No. Will it do anything about the suitcase bomb? No. What about a fertilizer bomb in a truck parked in front of a building? No. What about a vial of the most deadly biological agents? Again, no.

There are a lot of terrorist and rogue nation threats that we ought to be concerned about, and we ought to worry about developing missile defense—and we are. But rushing to say we must deploy now, as soon as it is technologically feasible, notwithstanding any other consideration, makes no sense.

The Senator from Michigan was asking what this bill would do to arms control. I want to hold up a chart of unclassified pictures to try and show what arms control means. This is a photo from March 26, 1997. It shows the launching of an SSN-20 missile from a Russian submarine in the Barents Sea. The submarine launched a missile, and within minutes the missile was destroyed. And the last picture here shows the missile's pieces falling into the sea.

Why was that missile destroyed? Because of arms control agreements that we have reached with Russia. There was a whole series of these "launch-to-destruction" launches, because they were an inexpensive way for Russia to destroy its submarine-launched missiles and for us to verify their destruction. That is the way to deal with these threats—a reduction of nuclear weapons, reduction of delivery vehicles. This is the kind of thing, with Nunn-Lugar and other efforts, especially arms control agreements, that results in a real reduction of threat.

The question is, What will the vote today do to arms control? Will it mean more delivery systems, more nuclear weapons? A greater arms race? I don't think anybody in this Chamber has that answer. My colleague, Senator CONRAD, put it well. To those who support—and I think almost all of us do—theater missile defenses and the research on national missile defense, it doesn't make any sense to say that notwithstanding any other consideration we must deploy as soon as technologically feasible. That is not, in my judgment, the right thing or the thoughtful thing to do in order to defend this country.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield Senator BINGAMAN 3 minutes.

Mr. BINGAMAN. Mr. President, I thank the Senator from Michigan for yielding me time. I want to join my colleagues in resisting S. 1873, this proposal. In my view, what this proposal would do is to put our Defense Department in an untenable position. It essentially says that, in this case, in the case of national missile defense, as distinguished from all other cases, they should ignore the criteria that they use for deciding which programs to go ahead and deploy. Those criteria are that they maintain a sensible balance among cost, schedule, and performance considerations, given affordability constraints.

Now, that is the criteria the Department of Defense has set up. This proposal by my colleague from Mississippi would have them ignore those provisions and rush ahead to develop this as soon as it is technologically feasible. We have some experience with efforts by Congress to turn up the political pressure on the Department of Defense and to urge them to rush ahead with development of programs before they can be safely deployed. The most recent example is one that many of us are familiar with; it is the THAAD Program, Theater High Altitude Area Defense Program. In that case, again, we were anxious to get this program fielded. The Congress put increased pressure on the Department of Defense to move ahead. Accordingly, we have had disaster. In that case, the program is 4 years behind schedule. There have been five consecutive flight test failures of the THAAD interceptor. The cost of the program has risen from $10 billion to $14 billion today.

General Larry Welch, who reviewed this missile defense program and other programs indicated that one reason is that there was a very high level of risk, that we were, in fact, engaged in what he called a "rush to failure" in the THAAD Program. We do not need a rush to failure in the national missile defense program to follow onto the rush to failure in the THAAD Program. We need a program that the Department of Defense can develop on an urgent basis, but on a reasonable basis. I believe they are on that course. I believe when General Shelton asks us to refrain from this kind of a legislative proposal, I think we should take his advice. I hope we will defeat the proposal by the Senator from Mississippi.

The PRESIDING OFFICER. The minority has 3½ minutes.

Mr. LEVIN. I yield 3 minutes to Senator BIDEN.

Mr. BIDEN. Mr. President, whatever our views on a nationwide ballistic missile defense, it seems to me that we should reject S. 1873.

Were that bill to pass, deploying a national missile defense system could, in my view, break the back of the economy at a moment when we finally have gotten a handle on things.

A week ago, General Lyles warned that our current programs are over budget and "may not be all affordable."

We spent years getting some budget discipline. We have finally achieved that. We must not throw that all away.

This bill would require deployment even without a threat of new strategic missiles; and it would throw taxpayers' money at the first available technology, rather than the best technology.

As Dr. Richard L. Garwin warns, the first technology will be vulnerable to missiles with penetration aids, which Russia surely has and others can easily develop. Missile defense is expensive; penetration aids are cheap.

This bill will also guarantee what General Welch calls a "rush to failure." Five test failures with the THAAD theater defense system are a reminder of how difficult it is to develop any missile defense. A policy of deploying the first "technologically possible" system is almost bound to fail.

Finally, this bill does not even permit consideration of the negative consequences of deployment. S. 1873 would destroy the Anti-Ballistic Missile Treaty, and thus end any hope of implementing START Two or of achieving START Three.

"Star Wars" may seem easier than the hard, patient work of reducing great power armaments and stabilizing our forces. But the "easier" path can also be the dangerous path.

Last week, Presidents Clinton and Yeltsin agreed to share real-time data on third-country missile launches, to reduce the risk of accidental nuclear war. That is a good, sensible initiative.

But what happens if we say we will deploy a national missile defense? We may call it just a defense, but others will see it as a second-strike defense that enables us to mount first-strike nuclear attacks. Russia and China will adopt a hair-trigger, "launch on warning" posture to overwhelm that defense, and the risk of nuclear war will rise.

Now, some day we may need a nation-wide ballistic missile defense. That is why the Defense Department has the "3+3" policy of developing technology that would permit deployment within three years of finding an actual threat on the horizon.

Some of my colleagues believe we cannot wait for that. But Iran's missiles will hit the Middle East and parts of Europe. North Korea's missiles will hit Japan and Okinawa. Despite recent missile tests, these countries are several years away from threatening even the far western portions of Alaska and Hawaii, as General Shelton made clear in his letter of August 24.

And should a real threat materialize, there are far cheaper alternatives to fielding a national missile defense. So, while sensible policy on ballistic missile defense is perfectly feasible, S. 1873 is not such a sensible policy.

Mr. President, the Senate has real work to do. Americans deserve a Patient's Bill of Rights; we can enact campaign finance reform that even the House of Representatives had enough sense to pass; and we must stop the slaughter of our teenagers by Big Tobacco.

Let us get back to legislation that meets real, current needs and that will not destroy the balanced budget. Let us reject cloture on the motion to debate S. 1873, and get this Senate back to work.

Mr. DOMENICI. Mr. President, as a cosponsor of the legislation before the Senate, I rise in strong support of the objectives set forth in this bill. As we all know, this legislation would establish a policy for the U.S. to develop and deploy a national missile defense as soon as technologically possible. This system will defend all 50 states against any limited ballistic missile threats.

Mr. President, allow me to offer a couple of observations about the changed international and national security environment which directly impact U.S. defense needs. The original impetus for a national missile defense system was the perceived threat from the Soviet Union during the cold war.

Although some assume that the collapse of the Soviet Union and the continued thaw in previously frosty relations with Russia have rendered such defensive capabilities unnecessary, this view is naive. I believe that in many respects the threat has actually increased.

The increased threat results from several interrelated factors. The collapse of the bipolar geopolitical order defined by U.S.-Soviet confrontation has ushered in multipolar instability. The threats we confront today as a nation are diffuse. Moreover, our potential enemies are abundant in a world where interstate relations are no longer delineated according to membership in one of two ideological camps.

I would like to emphasize a further change brought about by changes in the international environment. An additional aspect of the post-cold-war world is the rapid and, in some cases, uncontrollable diffusion of advanced technologies. While earlier non-proliferation efforts relied heavily on stringent export control regimes, heavy reliance on multilateral controls is insufficient to protect U.S. interests.

The U.S. continues to maintain a complex and multi-layered system of export controls as a deterrent to would-be proliferators or rogue nations. However, an export control regime is only as strong as its weakest link. Furthermore, rogue nations—such as North Korea—who already possess threatening capabilities, are more than willing to sell their know-how to others.

I am aware of others' predictions that ballistic missile capability will not present a threat for more than another decade. I believe, however, that these predictions rely too heavily on the assumption that export controls will keep rogue nations at bay. Without the technology, our potential enemies are presumably impotent. I think this is an overly optimistic view.

More than 15 nations already possess short-range ballistic missiles. Many of these same nations are pursuing weapons of mass destruction to accompany these missile capabilities. Several of these same countries are hostile to U.S. interests.

Any country with the know-how to launch low-orbit satellites is also capable of achieving long-range delivery of a nuclear or other type of warhead. In contrast to the CIA's earlier prediction, the recently released Rumsfeld Report stated that the threat is only five years away. Moreover, the Rumsfeld Commission determined that the U.S. may not be able to identify the source of a threat, thus having little or no warning.

Let me simply offer one concrete example why the Administration's current policy is dangerous. The Administration assumes it will have three years warning of a ballistic missile threat to the U.S. Although U.S. intelligence previously believed that Iran could not field a medium-range missile until 2003, this system was flight-tested in July.

According to intelligence sources, the light-weight alloys as well as equipment for testing these Iranian missiles came from Russia.

If we assume the predictions about othe5r countries; lack of technological capacities are accurate and postpone implementation of our own defensive capabilities based on these assumptions, the U.S. will be rendered vulnerable while we test the accuracy of these predictions. If these assumptions are proven false, the results would be devastating.

This is a risk to U.S. security and a risk to U.S. civilians that I personally am not willing to take.

It has been an enduring objective of U.S. defense policy to achieve the capability to defend our country from ballistic missiles, whether the threat be from deliberate, accidental or unauthorized launch.

A further reality we confront under changed circumstances is the steady deterioration of Russia's system of command and control over its nuclear warheads.

Although the Russian situation presents a potential threat now and deployment is not slated for another several years, no one can assume that the command-and-control elements in any state possessing weapons of mass destruction and long-range delivery capability will remain impenetrable and secure. This is one more reason that devising and deploying missile defense makes sense.

There has been sufficient debate as to whether this bill is necessary in addition to the Defense Department's three-plus-three program. I believe it is for the following reasons:

First, although the three-plus-three program provides for development of national missile defense (NMD) technology, it does not commit to deployment.

Under the Administration's program, the U.S. would achieve the means to deploy an NMD system, but would await an imminent threat to do so. Capability that is not deployed opens a window of vulnerability. Certainly the plans of an attack on the U.S. by a hostile nation are not going to include a great deal of advanced warning. By not providing a commitment to deployment, as is the objective of this legislation, we are deliberately creating an indefinite phase of vulnerability.

Second, opponents to this legislation firmly believe that by committing to deployment we may end up with an inadequate or faulty system. This bill neither prematurely locks the U.S. into specific technological solutions nor does it freeze our missile defense options.

We already are deploying systems, even though the technologies involved continue to evolve. The specific technologies utilized and the defense capabilities achieved are in no way determined by this legislation. Further development and improvements to the system are anticipated, and this legislation allows for that.

An additional strategic consideration is that the lack of a U.S. NMD system may actually provide an additional incentive to would-be rogues. If the U.S. implements an NMD system early enough, this may serve as a deterrent to these states.

As mentioned, I believe that predictions regarding the technical mediocrity of hostile nations are excessively optimistic. However, I also firmly believe that a national missile defense system undoubtedly raises the bar on the technological capability necessary to inflict damage.

Any nation hostile to the U.S. would not only have to achieve long-range capability, but they would also have to be sophisticated enough in their delivery system to defeat a defensive shield. The financial and technical means necessary to accomplish this goal does, indeed, comprise a substantial deterrent.

More importantly, a missile defense system places strategic stability on a more reliable and less adversarial foundation. The cold war deterrence relied on vulnerability and threats of retaliation. Missile defenses create a shield of protection, while the maintenance of a reliable stockpile underpins our credibility in threats of retaliation if attacked.

Arms reductions can only achieve objectives of stable U.S.-Russian relations if these reductions are accompanied by national missile defense deployment. With such a system in place, possible non-compliance and third party threats are not as pertinent. This would provide the confidence necessary to achieve even greater reductions.

Mr. President, based on these concerns about U.S. national security in conjunction with my commitment to disarmament objectives I cosponsored and fully support the legislation before us today.

National missile defense will provide the necessary additional security requisite in an unstable and transitional global environment where hostile nations are rapidly amassing threatening and sophisticated weapons capability. The objectives set forth in this legislation achieve that goal.

Mr. MURKOWSKI. Mr. President, I rise today in support of S. 1873, the American Missile Protection Act. This bill is simple, but extremely important. It makes it clear that it is the policy of the United States to deploy, as soon as technologically possible, a national missile defense system which is capable of defending the entire territory of the United States against limited ballistic missile attack.

We voted on cloture earlier this year—the motion fell one vote shy. Well, as is common in this business, we are dealing with changed circumstances. North Korea continues to defy rational behavior. As we all know, it recently fired a multi-stage missile over Japan! Starvation in North Korea is rampant, and many North Korea watchers have long predicted that government's imminent collapse. Well, Mr. President, the North Korean Government continues to defy the odds—but, what concerns me is the old adage that "desperate times often call for desperate measures." If North Korea is truly desperate, to what extent will it go to try to hold on to its grasp of power?

We have almost 80,000 American troops in the Asia/Pacific Theater. Most of these troops are already in the range of current North Korean missile technology. As their missile development program advances, we can expect more American lives and territory to be at risk. We cannot stand idly by and wait! We need to be prepared so that we can protect our citizens and our territory from such a reckless or accidental strike by North Korea or some other nation.

Alaskans have been justifiably concerned with this issue for some time. I ask unanimous consent to have printed in the RECORD at this time a resolution passed by the Alaska State Legislature which calls on the Administration to include Alaska and Hawaii in all future assessments of the threat of a ballistic missile attack on the United States. More than 20 percent of our domestic oil comes from Alaska, all of it through the Trans-Alaska Pipeline. Alaskans are concerned, as should the rest of the country be concerned, that a strike at the pipeline could have dire consequences to our domestic energy production.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:'

STATE OF ALASKA—LEGISLATIVE RESOLVE NO. 36

Whereas Alaska is the 49th State to enter the federal union of the United States of America and is entitled to all of the rights, privileges, and obligations that the union affords and requires; and

Whereas Alaska possesses natural resources, including energy, mineral, and human resources, vital to the prosperity and national security of the United States; and

Whereas the people of Alaska are conscious of the State's remote northern location and proximity to Northeast Asia and the Eurasian land mass, and of how that unique location places the state in a more vulnerable position than other states with regard to missiles that could be launched in Asia and Europe; and

Whereas the people of Alaska recognize the changing nature of the international political structure and the evolution and proliferation of missile delivery systems and weapons of mass destruction as foreign states seek the military means to deter the power of the United States in international affairs; and

Whereas there is a growing threat to Alaska by potential aggressors in these nations and in rogue nations that are seeking nuclear weapons capability and that have sponsored international terrorism; and

Whereas a National Intelligence Estimate to assess missile threats to the United States left Alaska and Hawaii out of the assessment and estimate; and

Whereas one of the primary reasons for joining the Union of the United States of America was to gain security for the people of Alaska and for the common regulation of foreign affairs on the basis of an equitable membership in the United States federation; and

Whereas the United States plans to field a national missile defense, perhaps as early as 2003; this national missile defense plan will provide only a fragile defense for Alaska, the state most likely to be threatened by new missile powers that are emerging in Northeast Asia;

Be it resolved, That the Alaska State Legislature respectfully requests the President of the United States to take all actions necessary, within the considerable limits of the resources of the United States, to protect on an equal basis all peoples and resources of this great Union from threat of missile attack regardless of the physical location of the member state; and be it

Further resolved, That the Alaska State Legislature respectfully requests that Alaska be included in every National Intelligence Estimate conducted by the United States joint intelligence agencies; and be it

Further resolved, That the Alaska State Legislature respectfully requests the President of the United States to include Alaska and Hawaii, not just the contiguous 48 states, in every National Intelligence Estimate of missile threat to the United States; and be it

Further resolved, That the Alaska State Legislature urges the United States government to take necessary measures to ensure that Alaska is protected against foreseeable threats, nuclear and otherwise, posed by foreign aggressors, including deployment of a ballistic missile defense system to protect Alaska; and be it

Further resolved, That the Alaska State Legislature conveys to the President of the United States expectations that Alaska's safety and security take priority over any international treaty or obligation and that the President take whatever action is necessary to ensure that Alaska can be defended against limited missile attacks with the same degree of assurance as that provided to all other states; and be it

Further resolved, That the Alaska State Legislature respectfully requests that the appropriate Congressional committees hold hearings in Alaska that include defense experts and administration officials to help Alaskans understand their risks, their level of security, and Alaska's vulnerability.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, Chair of the U.S. Senate Committee on Appropriations; the Honorable Bob Livingston, Chair of the U.S. House of Representatives Committee on Appropriations; the Honorable Strom Thurmond, Chair of the U.S. Senate Committee on Armed Services; the Honorable Floyd Spence, Chair of the U.S. House of Representatives Committee on National Security; and to the Honorable Frank Murkowski, U.S. Senator, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. MURKOWSKI. Last year North Korean defectors indicated that the North Korean missile development program already poses a verifiable threat to American forces in Okinawa and seems on track to threaten parts of Alaska by the turn of the Century. The Taepodong missile, which is under development, would have a range of about 3,100 miles. From certain parts of North Korea, this weapon could easily target many of the Aleutian islands in western Alaska, including the former Adak Naval Air Base.

The Washington Times reported earlier this year that the Chinese have 13 of 18 long-range strategic missiles armed with nuclear warheads aimed at American cities. This is incredible, Mr. President. Opponents to the motion to invoke cloture somehow fail to understand that this threat is real and that we have a responsibility to protect the United States from attack, be it deliberate or accidental. Without question, the threat of an attack on the United States is increasingly real, and we must act now to make certain that it is the policy of the United States to construct a national missile defense system with the capability of intercepting and deterring an aggressive strike against American soil from all parts of the United States—as soon as possible.

Finally, Mr. President, I would mention for a moment that S. 1873 is not, and I repeat not, in any way a strike at Russia. The ABM treaty was crafted and agreed to when the United States and the Soviet Union were the only nuclear powers. The mutually assured destruction system was agreed to under the understanding that we were dealing with the Soviet Union, and not third parties. Times have changed; there are countless more players that have complicated the issues. We have a responsibility to protect ourselves, and we must act now to do so.

Mr. President, I support the motion to proceed to the bill and hope that my colleagues will vote overwhelmingly in favor of this legislation this morning and pass it in the near future.

Mr. MACK. Mr. President, I am pleased to be a cosponsor of S.1873, the American Missile Protection Act of 1998 drafted by Senators COCHRAN and INOUYE. While I have been an ardent supporter of a vigorous missile defense program with a specific architecture and under a specific deployment schedule, a sufficient minority of members has been able to derail this effort over the last few years. Therefore, the modest proposal under consideration today, is an attempt to compromise by affirmatively establishing as U.S. policy the deployment of an effective National Missile Defense (NMD) system as soon as technologically possible.

I have long argued that such a system is both necessary and prudent because the threat of an attack or an inadvertent launch did not end with the termination of the cold war, but is real and continues to grow. In fact, the threat is greater today than any time in United States history. The technology revolution aids equally those who want to bring good into the world, as well as those who would do harm.

Recent activities in Africa, namely the bombing of our embassies in Kenya and Tanzania, and the launch of ballistic missiles (or a satellite) by North Korea, as well as the shoot-down of two unarmed American aircraft in the Florida straits two years ago, reminds us of the threat the United States and our allies face from rogue and terrorist states, and non-state actors.

Beyond these, the future of Russia and China remains unclear. While we wait to see if the forces of freedom and democracy prevail in the internal struggles happening in these countries, we must remember that they maintain the capability to launch weapons of mass destruction. Other states continue efforts to develop destructive capabilities. Recently, Iran has made dramatic progress in its missile development. We know that China's proliferation has aided the development of Pakistan's nuclear program, adding to the instability of South Asia.

My primary concern with the Administration's "plan" on deploying an anti-ballistic missile defense system is that it is premised on deploying a system within three years of clearly identifying an emerging threat. I believe the Administration greatly overestimates its intelligence gathering capability.

In early 1997, a CIA official testified that Iran was not expected to have the capability to field a medium range ballistic missile until 2007. Less than a year later, that nine year time frame was significantly reduced by the CIA, and another Administration official predicted Iran could have the capability in as early as one-and-a-half years. Similarly, in 1997 the Department of Defense only credited Pakistan with a 300 km capability. However, less than six months later Pakistan launched a missile capable of traveling 1,500 km.

Based on past performance, I am very hesitant to base the fielding of a missile defense system on the Administration's determination of the existence of an emerging threat. I believe such a plan is grossly inadequate and could have catastrophic consequences for the American people.

Mr. THOMPSON. Mr. President, last May, in the wake of India's nuclear weapons tests, the Senate rejected by one vote a motion to allow us to consider the need for a national missile defense. At that time I came to the floor and urged my colleagues to support defending our nation against missile attack. I recalled how the President, in his State of the Union address, underscored the importance of foresight and the need to prepare "for a far off storm." The President wasn't talking about weapons proliferation and national missile defense, but I suggested he should have been—and that the thunder clouds of proliferation were gathering.

Since that vote in May, the storm has picked up force and is not so "far off." That weapons proliferation is a serious threat to our nation is more obvious today that even a few month ago.

Allow me to remind my colleagues of a few developments since the Senate last considered missile defense:

Following India's nuclear tests, Pakistan conducted six of its own tests. The South Asian subcontinent—rife with smoldering disputes—is now perched on the edge of a nuclear arms race.

The following month, in June, North Korea blatantly announced that it was selling, and would continue to sell, ballistic missiles to any and all comers. The only requirement is cash on the barrel-head.

In July, the Congress received stark warning of our under-preparedness from the Rumsfeld Commission. This distinguished, bi-partisan, group of experts concluded that our assessment of the missile threat to America was inadequate, and that hostile countries were closer to developing and deploying ballistic missiles than we thought. As if to prove the Rumsfeld Commission right, Iran test-launched its Shahab-3 missile that same month. This weapon was based on a North Korean design and updated with Russian and Chinese assistance. It is capable of striking U.S. allies and troops in the Middle East. Iran also continues its work on the Shahab-4, which will be able to reach central Europe.

Then, just a few weeks ago, North Korea test-launched its Taepo-Dong 1 missile—and they shot it right over our key ally, Japan. The Taepo-Dong 1 is a huge breakthrough for North Korea. It is a multi-stage rocket that puts North Korea over a critical technology threshold. Their next missile, already under development, is the Taepo-Dong 2 which will be capable of striking American shores.

When I spoke on this subject in May, I cautioned that developments such as these were on the horizon. Indeed, I noted a few of them specifically. But I truly did not expect to stand here this soon and recount that so many dangerous developments actually occurred. My friends, the past few months demonstrate that the threats from weapons of mass destruction and missiles with increasingly greater range are an imminent threat. We have consistently underestimated that threat and must proceed with development and deployment of a national missile defense as soon as possible.

I do not know if there will be another proliferation development to report this month. Given the recent track record, it's very likely there will be. It's certain that missile development in hostile countries will continue apace. Moreover, world events are becoming more and more chaotic each day. The instability in Russia and Asia and the continuing proliferation activities of countries like China and North Korea only heightens the prospect that dangerous weapons technology will be sold to rogue actors.

President Clinton was recently quoted in the press that requiring certification regarding other countries' actions only creates the need for the Administration to "fudge" its reporting. More recently, it appears the Administration took an active role to limit weapons inspections in Iraq, despite all its rhetoric to the contrary. Mr. President, events like these are highly worrisome because they suggest the President is less than forthcoming to the American people, to our allies and to our foes on issues of national defense and foreign policy. Perhaps even more worrisome, however, is the possibility that Administration policy makers may be fooling themselves. In the case of missile defense, this appears to be so. Their defense policy is based on hollow rhetoric and delusion. It is based on the hope of a three-year advanced warning. My friends, we're receiving our warnings now—over and over again. It's time to act.

It's time to wake up and it's time to act. The technology to develop nuclear and other weapons of mass destruction is widely available. If we do not prepare today, when the day arrives that America is paralyzed by our vulnerability to ballistic missile attack, or when an attack actually occurs, we will be reduced to telling the American people—and history—that we had hoped this would not happen. We will have to say we had ample evidence of a growing threat, but did not act for whatever reason.

Mr. President, if we're going to err on this issue, we should err on the side of caution. If our choices are to deploy a missile defense either too early or too late, let's make it early. The first step in raising our guard is to pass S. 1873, the American Missile Protection Act, and commit the United States to a policy of deploying national missile defenses.

Mr. DASCHLE. Mr. President, as I listen to the debate on S. 1873, two observations come to my mind. First, it appears that a rigid adherence to ideology seems to be trumping the judgment of this nation's most senior military leaders. Second, advocates of S. 1873 apparently lack confidence in their own publicly stated position. They are insisting that the critical and costly decision about whether we deploy a national missile defense should be based on a single criterion—technological feasibility—a simplistic test that the bill's supporters are unwilling to use for any other federal program.

The Senate should act as it did in May. We should oppose cloture and move on to the Patients' Bill of Rights, campaign finance reform, education, agricultural relief, and the environment—all issues of greater urgency for working families in this country.

The proponents of this latest attempt to deploy ballistic missile defenses at all costs have entitled this bill the American Missile Protection Act. But let's be clear, enactment of this bill will provide precious little if any additional protection. If the Senate were to immediately adopt this bill, we would not be a single day closer to actually having a national missile defense. In fact, as stated by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in recent letters to Congress, deployment of national missile defenses at this time is unnecessary, premature, and could effectively increase the nuclear threats this country faces.

Quoting from S. 1873, "the United States should deploy as soon as is technologically possible an effective national missile defense system." In the eyes of the sponsors of this bill, the only standard that must be met in deciding whether to deploy defenses is that they be technologically possible.

Mr. President, I cannot find a clear definition of effective defenses in S. 1873. That troubles me greatly, though it apparently doesn't trouble the bill's supporters. They are strangely silent when it comes to establishing even the most minimal performance requirements for missile defenses. Many of these bill supporters are the same people who reject important domestic programs such as health care and school construction because they fail to meet their stringent—sometimes logically impossible—set of conditions.

This irony is not lost on me, nor should it be lost on the rest of the Senate. As I noted in May when we last debated this bill, the attitude displayed by the proponents of S. 1873 is cavalier even by military spending standards. Some research by the Department of Defense shows that S. 1873 would make history. For the first time ever, we would be committing to deploy a weapons system before it had been developed, let alone thoroughly tested.

An additional irony is that most experts believe that a rush to judgment on ballistic missile defenses will not necessarily lead to the deployment of the most effective system. According to General John Shalikashvili, the former Chairman of the Joint Chiefs of Staff, "if the decision is made to deploy a national missile defense system in the near term, then the system fielded would provide a very limited capability. If deploying a system in the near term can be avoided, the Defense Department can continue to enhance the technology base and the commensurate capability of the missile defense system that could be fielded on a later deployment schedule."

In addition to its silence on the effectiveness issue, there is not a word in S. 1873 about the costs of this system. The Congressional Budget Office estimates that the deployment of even a very limited system could cost tens of billions of dollars. And given that so much of the necessary technology remains unproven, history tells us the real cost could be much, much more. Despite the hefty price tag and the questionable technology, proponents of this bill essentially say, "the costs be damned, full speed ahead." Yet when it comes to proven proposals to improve our nation's schools, increase the quality of health care, or enhance the environment, the first question out of the mouths of the proponents of S. 1873 is, "how much does it cost?"

Mr. President, S. 1873 also says absolutely nothing about how a U.S. declaration that it plans to unilaterally deploy national missile defenses will affect existing and future arms control treaties. It should be clear to every one in this chamber that if the United States unilaterally abrogates the ABM Treaty, which is what S. 1873 states we will do, the Russians will effectively end a decades-long effort to reduce strategic nuclear weapons. They will back out of START I. They will not ratify START II. And they will not negotiate START III. In other words, a unilateral U.S. deployment of national missile defenses could end the prospect for reducing Russia's strategic nuclear arsenal from its current level of 9,000 weapons down to as few as 2,000.

I find it hard to believe that many of my colleagues are willing to forego the opportunity to eliminate thousands of Russian nuclear weapons today in exchange for the possibility that we might some day be able to deploy a system that can intercept a few missiles. This is much too steep a price to pay for a course of action that at present is unproven, unaffordable, and unnecessary.

Supporters of S. 1873 have argued that the Senate should reconsider its position on this issue as a result of three major developments since May—the nuclear weapons tests in India and Pakistan, the Rumsfeld Commission report on the threat posed by ballistic missiles, and North Korea's test of a medium-range ballistic missile. In reality, none of these events suggests we should go forward with premature deployment of national missile defenses. The tests of nuclear weapons by India and Pakistan as well as the larger issue of proliferation of nuclear weapons can best and most directly be addressed by swift consideration and ratification of the Comprehensive Test Ban Treaty. Adoption of S. 1873 does not directly address this situation and will, in fact, lead to more, not less, nuclear weapons. Unfortunately, the majority side of the Senate Foreign Relations Committee has not seen fit to conduct a single hearing on this issue, let alone report out this treaty for consideration by the full Senate.

As for the remaining two events, I commend to all members of the Senate an excellent letter from General Shelton, this nation's most senior military leader. General Shelton and the rest of the service chiefs take issue with the Rumsfeld Commission's findings and reaffirm their support for the Clinton Administration's current missile defense policy and deployment readiness program. As for the recent Korea missile test, although the letter was written prior to the test, the Chairman's conclusions were explicitly based on the assumption that North Korea would continue the development and testing of their missile program. Quoting General Shelton, the North Korean missile program, "has been predicted and considered in the current examination."

Mr. President, I ask my colleagues to reflect on the advice of the Secretary of Defense and the Joint Chiefs of Staff and vote against cloture on S. 1873.

Mr. ALLARD. Mr. President, I rise as a cosponsor and strong supporter of S. 1873, the American Missile Protection Act, and I urge all my colleagues to vote in favor of this much needed legislation.

Let me begin by being blunt—the United States cannot defend its borders against a single ballistic missile attack. This leaves all fifty states, especially Alaska and Hawaii, defenseless against any country that wants to threaten the U.S. with ballistic missiles.

We will hear that there is no need for a national missile defense because the Soviet Union is gone. This is true, but the USSR's demise has given rise to many nations ready to take their place. Russia has 25,000 nuclear warheads and recent reports show that their technology and warheads are readily available. Just as problematic is that 25 nations have or are developing nuclear, biological and chemical weapons. Over 30 nations have ballistic missiles, with many more attempting to strengthen their weapon of mass destruction capability.

Until just recently, China, with its over 400 warheads, had strategic nuclear missiles targeted at the United States. However, these missiles could be red-targeted within minutes if so desired. Just last week, North Korea placed all of South Asia on high alert due to their missile test. They now have demonstrated the capability to build two-stage missiles, which is significant because adding stages increases missile range. While the Administration plays down the threat, I cannot. This leaves the region and our over 80,000 troops in the area vulnerable to attack. Also, according to "Jane's Strategic Weapons Systems," North Korea is developing long-range missile capability that could threaten southern Alaska and with additional assistance from Russia could later develop missiles with ranges which could threaten the west coast of the U.S.

Opponents will also argue that a missile defense system cannot defend the United States against suitcase nukes or terrorist attacks on our own soil. They are right, and we need to do more to detect this form of terrorism, but it should not be done at the risk of a ballistic missile attack. To quote William Safire, ". . . nations like China, Iran, Iraq, North Korea, India, and Pakistan have not been investing heavily in suitcases." These countries are spending money on long range missiles. While many of these countries may never threaten the United States, we should not base all of our future threats on the present.

Opponents also point out that nonproliferation agreements will end the need for a missile defense. The problem is that not all countries abide by these agreements, or even sign at all. Presently, China, North Korea, and Russia are all engaged in the transfer of missile components and technologies. Despite past denials, North Korea now admits to testing and selling missiles in an effort to help build the arsenals of Iran, Iraq, and Syria. Again, despite the threats and pleadings of the Administration, North Korea has refused to stop developing, testing, and deploying missiles.

Lastly, opponents of a missile defense system point to the Administration's 1995 National Intelligence Estimate which stated that the United States would not face a threat of a missile attack for at least 15 years. However, to come to this conclusion, they had to exclude any threat to Alaska and Hawaii. This intentional omission is deceptive at best. We must not sacrifice the protection of U.S. citizens living in Alaska and Hawaii just to score political points. By leaving one state vulnerable, we leave the country vulnerable. This is unacceptable.

While I am a strong supporter of the capability of our intelligence community, they are not perfect. In May, the U.S. intelligence community was caught by surprise when India conducted a series of nuclear tests on the 11th and 13th of that month. In another surprise, despite intelligence estimates that Iran could not field its medium range ballistic missile until 2003, Iran flight-tested this system on July 22nd of this year. Also, it has been reported that Iran is developing a longer-range version capable of reaching Central Europe.

Again, the Administration believes that we will have at least 3 years warning before any missile attack would be feasible. However, on July 15th, the Congressionally mandated bipartisan Rumsfeld Commission concluded that the United States could get little to no warning of ballistic missile deployments from several emerging powers. The Commission stated that "The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community." It also warns that, "The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced. . . . the U.S. might well have little or no warning before operational deployment."

While it may be difficult, we must admit that we live in an era of unstable international politics. The U.S. should never initiate a ballistic missile attack, but we cannot be sure that other nations are like-minded. The United

States must be able to defend itself. I believe the world would be a better place without these weapons. In the meantime though, we must live with the reality that they do exist and in the wrong hands will be used.

The bottom line is that if the United States is on the receiving end of a missile attack, we are defenseless. I believe it is wrong to understate the danger still lurking in the world. We must do all that is possible to protect all Americans. We must develop a true national missile defense as soon as technologically possible. To do anything less would be to shirk our duties to provide for the common defense of the United States and all its citizens.

Mr. FAIRCLOTH. Mr. President, how we vote is not always clear to Americans. For the average citizen it is not easy to keep straight whether a "yea" is for or against something—whether it is a vote to pass a bill or table it. It also can be difficult to sort out where their senators stand when a particular vote covers many provisions in one "package." Which provision was the "yea" vote for or the "no" vote against?

But, Mr. President, the vote on cloture of the American Missile Protection Act (S. 1873) this morning is not at all one of those "confusing" votes. I can think of no vote where it can be seen more clearly exactly where each senator stands. This morning's vote was black and white. This morning's vote shows who takes the most important function of the Federal Government—national security—seriously. The Senate failed for a second time this year to invoke cloture on the bill. Forty-one Senators, all Democrats, voted against protecting American families from the greatest threat to our homeland.

Nothing can be more frightening than the thought of an attack on our homes by another nation using nuclear, biological, or chemical weapons. Not thinking about it or pretending that it won't happen are absolutely not grownup ways to deal with this reality.

Opponents of the American Missile Protection Act claim concern with the fact that the bill mandates deployment of a National Missile Defense system. They claim that this bill ties our hands because when we finally do develop the capability to deploy a system, there might not be a need for it.

Might not be a need? Let me be completely up-front. It's a myth that we have plenty of time to build a missile defense capability and hold off deployment until some potential future threat develops. The American people need to get that scenario out of their minds. The system is needed today, right now, and it is time for this Administration to get off its slow-track development program.

Just two months ago, the Rumsfeld Commission to Assess the Ballistic Missile Threat to the United States concluded that "ballistic missiles armed with WMD payloads pose a strategic threat to the United States." The commission did not say there might be a future threat, it said there is a present threat. Further, India and Pakistan have conducted nuclear tests, North Korea just launched a two-stage missile over Japan, and we don't know Iraq's chemical weapons capability because the inspectors have not been allowed to look. If these events do not convince my colleagues on the other side of the aisle of our need for a National Missile Defense system, what will it take to convince them? Do they actually have to see a missile strike?

So, Mr. President, I do not take seriously this criticism that S. 1873 is flawed because it mandates deployment of a missile defense system that may not be needed. This sounds more like a smoke screen. I believe that the Democrat's real hope is to try and resuscitate the Anti-Ballistic Missile Treaty, which was voided by the breakup of the Soviet Union. Getting back the ABM Treaty seems to be all consuming for some senators, and a U.S. National Missile Defense system gets in the way of their goal.

Mr. President, after today's vote it is very clear to American families that their senators either support real national security action or are trying to convince the citizens that a paper treaty will be sufficient to protect them—there is no middle ground.

The PRESIDING OFFICER. The minority has 15 seconds remaining; the majority a minute and a half.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise today to oppose cloture on the Cochran bill.

I will agree at the outset that the many cosponsors of this bill, though haling overwhelmingly from a single party, probably believe they have the best interests of the nation in mind by giving their support to this bill. So I am not here today to challenge their motives or to impugn their character. I am here instead to state as concisely and sincerely as I can how and why I believe they are simply wrong.

This bill is fatally flawed because it bases a profound national security decision—that is, the decision to deploy a missile defense system spanning the entire territory of the United States—upon one single consideration . . . its technological possibility.

Voters across the land sent us here to Washington because here is where the tough decisions are made that face all Americans. They are tough decisions precisely because they rarely if ever involve only one consideration. They are tough because they often entail tough trade-offs in the pursuit of goals that our country simply cannot achieve all at once. As members of Congress, we have to consider politics, economics, short-term and long-term effects, impacts on other policies, legal issues, and other factors. We have to weigh all these considerations and reach a judgment on what will serve the interests of the nation.

Yet here we are today, deliberating a decision that could well lead to the expenditure of tens or potentially hundreds of billions of dollars solely on the basis of a wish on a star. And that star is Star Wars.

This is my main objection to the bill—I just do not think it is wise to base fundamental national security decisions on simply one criterion, especially one so notoriously ill-defined as the notion of a "technological possibility."

But I have other concerns as well. These relate to the potential cost of the policy enshrined in this bill. And they focus on the dubious technological objective that lies at the heart of what is known as "National Missile Defense." I think it is certainly appropriate to ask some tough questions—as the Rumsfeld Commission did—about the foreign missile threat to determine if this threat is so grave or so imminent that it requires throwing twin babies out with the bath water: first, by abandoning standard US government procurement laws and procedures when it comes to acquiring major technological systems, and second by setting America on a course that is contary to our nation's arms control treaty obligations. And with respect to the consideration of what is actually possible, I also want to call my colleagues' attention to an article in the New York Times dated July 28 by Richard Garwin, a member of the Rumsfeld Commission. The article makes a persuasive point: that we cannot—must not—depend on a system for our defense which, even under the best circumstances, cannot accomplish its mission. In fact, it is not at all clear that any system we design could ever deal with all of the varied threats from different quarters.

Mr. President, the American people are not dummies. I am convinced that when they listen carefully to both sides on this issue, they will recognize that nobody has yet come up with an improvement on existing US policy for missile defense. They will come to this conclusion precisely because our current policy is premised upon all of the many considerations I have just summarized . . . not just one.

Americans understand that it makes sense not to force the government to buy costly, high-risk technologies that simply have the possibility of being effective.

They understand that America's national security decisions must not be made without considering the impacts of these decisions on the defense choices that will be left open to other countries.

They understand that in an age of balanced budgets, large new public sector commitments will jeopardize funding prospects for a multitude of other precious national goals.

They will know how to assess the incorrect claim so frequently made by missile defense advocates that America is allegedly "defenseless" against the foreign missile threat. The closer they look at the $270-plus billion that we are spending each year on the nation's defense (not to mention the additional billions that we are investing in our diplomatic and intelligence capabilities), the sooner they will see the fallacy in the idea of a defensless America.

Mr. COCHRAN. Mr. President, I yield the time remaining on our side to the distinguished Senator from Texas, Senator HUTCHISON, for closing our debate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Mississippi for his leadership.

Which of these actions would be the act of a strong and powerful nation led by men and women of vision and foresight: a nation that constantly reassesses its security threats and tailors its defense to meet those threats, or a nation that sits back and says let's see what the threat is, then we will assess it and then we will address it?

Mr. President, it was the latter thinking that caused us to go to a hollow military after World War II, and we paid the price with thousands of lives in the Korean war—lives of our men and women, because we hadn't planned for the future.

Mr. President, we have gotten the wake-up call. It is the Rumsfeld report that Congress commissioned, which said that we have failed to estimate how long it would take rogue nations to develop ballistic missiles. That is the wake-up call. Are we going to meet the security threats of this country? The greatest security threat we have is incoming ballistic missiles. If we put our mind to the technology, we can prioritize our defense spending to say to the American people that we will protect you from incoming ballistic missiles to our shores, or to any theater where our Armed Forces are present. We can do no less if we are men and women of vision and foresight for the greatest Nation on Earth.

I urge your support for the Cochran visionary amendment that would protect our country at the earliest opportunity.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senator COATS be added as a cosponsor of S. 1873.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the Missile Defense System legislation.

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry E. Craig, Ted Stevens, Rick Santorum, Judd Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, Robert F. Bennett, and Jeff Sessions.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on a motion to proceed to Senate bill 1873, the missile defense bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—59

Abraham
Akaka
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the distinguished President pro tempore has asked for 5 or 10 minutes to speak as in morning business. I ask unanimous consent that you recognize him for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from South Carolina is recognized.

CONSUMER BANKRUPTCY REFORM ACT

Mr. THURMOND. Mr. President, I rise today in support of cloture on the motion to proceed to S.1301, the Consumer Bankruptcy Reform Act, which will be voted on later today. This legislation is urgently needed to address abuses of our bankruptcy laws and help make sure bankruptcy is reserved for those who truly need it.

We have had Federal bankruptcy laws for 100 years, and no one disputes that some people must file for bankruptcy. Some people fall on hard times and have financial problems that dwarf their financial means. They need to have the debts that they cannot pay forgiven under chapter 7.

However, other people who file for bankruptcy have assets or have the ability to repay their debts over time. These people should reorganize their debts under chapter 13. Bankruptcy should not be an avenue for someone to avoid paying their debts when they have the ability to do so. People should pay what they can.

Unfortunately, too many people today who file for bankruptcy choose to discharge their debts rather than reorganize them and pay what they can. The reason may be because filing for bankruptcy does not have the moral stigma it once had. It may be because the person needs to be educated on how to better manage their money. Maybe attorneys do not encourage enough people to reorganize their debts. Whatever the reason, it is a big problem today.

The problem is becoming more serious because more and more people are filing for bankruptcy every year. In fact, more Americans filed for bankruptcy last year than ever before, about 1.35 million people.

S. 1301 addresses the issue by making it easier for judges to transfer cases from chapter 7 discharge to chapter 13 reorganization, based on the income of the debtor and other factors. The bill permits creditors to be involved if they believe the debtor has the ability to repay. However, if a creditor abuses that power and brings such motions without substantial justification, the creditor is penalized. Also, the legislation places more responsibility on attorneys to steer individuals toward paying what they can.

The bill makes reforms without jeopardizing the truly needy. For example, the bill has special provisions to protect mothers who depend on child support by making these payments the top priority for payment in bankruptcy.

Mr. President, it is too easy to file for bankruptcy. It is too easy to get the slate wiped clean. We recognize that some people need a fresh start. But a fresh start should not mean a free ride. We must stop this type of abuse.

It is important to note that we are only attempting to proceed to the bill. It is only appropriate that we consider this legislation on the merits this year.

Under the outstanding leadership of Senator GRASSLEY, we held numerous hearings during this Congress in the Judiciary Committee on bankruptcy and on this bill in particular. We have considered and debated this legislation at the subcommittee and full committee, where it was reported out on a bipartisan vote of 16 to 2. Much work has been invested in this complex issue, and it would be a mistake not to act on this important reform proposal this year. It deserves our consideration and our support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to speak during morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW WORLD ALTITUDE RECORD BREAKING FLIGHT

Mr. AKAKA. Mr. President, I rise today to recognize and celebrate the world record breaking achievements of the National Aeronautics and Space Administration's (NASA) Unmanned Aerial Vehicle (UAV) program conducted at the Pacific Missile Range Facility (PMRF) on Kauai. This exemplary program is part of NASA's Environmental Research Aircraft and Sensor Technology (ERAST) program, which first gained national recognition for record breaking Pathfinder flights last year.

Mr. President, on December 10, 1997, I was proud to participate in a ceremony dedicating the previous record breaking flight that reached an altitude of 71,500 feet in memory of Hawaii's beloved hero, Colonel Ellison Onizuka. This was a most fitting tribute to honor Colonel Onizuka and inspire our youth to excellence.

Since that time, the Pathfinder solar electric powered remotely piloted aircraft has undergone design upgrades which have allowed the ERAST Team to once again set a new world altitude record for unmanned solar-powered aircraft. This landmark was accomplished when the solarplane climbed to 80,200 feet above PMRF on August 6, 1998. I am particularly proud of the students and faculty of Kauai Community College and the talented personnel at PMRF who assisted NASA's ERAST Team in attaining this monumental achievement.

The success of Pathfinder and Pathfinder Plus has opened new doors to possible educational, scientific, and technological applications that were not imaginable a few years ago. There are countless implications for advances in the fields of aviation, satellite deployment, solar energy technology, oceanic and atmospheric research and monitoring, and environmental protection.

Mr. President, I commend NASA's ERAST Team, the students and faculty of Kauai Community College and the personnel at PMRF for demonstrating that through our imagination, we can reach unimagined realms in space and near space.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Deanna Caldwell and Jennifer Gaib be allowed to be on the floor during the debate on campaign finance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington.

MEASURES PLACED ON THE CALENDAR—H.R. 2183 AND H.R. 3682

Mr. GORTON. Mr. President, I understand there are two bills at the desk awaiting their second reading. I now ask for the second reading of the first bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GORTON. I now ask for the second reading of the second bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain Amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The Chair will observe that the pending amendment is numbered 3554.

Mr. GORTON. Mr. President, while we are on the Interior appropriations bill, the current amendment is the McCain-Feingold campaign financing amendment. Whether we will use all of the time of the Senate between now and the time for a vote on a motion for cloture on the amendment, I am not certain.

However, it is very unlikely, I say to my colleagues, that we will debate contested amendments to the Interior appropriations bill before we have completed debate on McCain-Feingold. However, we are available to deal with amendments that can be worked out and agreed to which we will send up and deal with if there are any short spaces of time in which Members are not available to discuss the McCain-Feingold bill. Members who have interests in the Interior appropriations bill who have amendments that they think will be accepted or can be worked out should be in contact with me or with staff of the Appropriations Committee, and we will attempt to work them in whenever it is convenient to do so.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, first I mention a scheduling item. I am confident that the agreement we reached yesterday was that there would be a vote either late tomorrow afternoon or early evening. Now I am told that there may be some Members on the other side who want to have an earlier vote. Mr. President, I will not agree to such a thing. I believe that we need more than 2 days' debate on this issue even though we have been over this issue many times before. I just want to tell my colleagues on both sides, but particularly on the other side of the aisle, I understand there are personal commitments and we will try to accommodate those, but to have a vote earlier than very late tomorrow afternoon or tomorrow evening I think would not be in keeping with the agreement that we reached yesterday.

This is not a happy time for America. It is not a happy time for the institutions of government, especially the Presidency, but also the Congress. We are going through a very wrenching and difficult episode which already, I think most of us would agree, ranks in the first order of crises that affect this country. And it affects us. As I have said on numerous occasions, all of us are tarred by a brush when the institutions of government are diminished and affected by scandal. But it also points out the criticality of us addressing this issue of campaign finance reform now rather than later. In today's newspaper, "Reno Sets 90-day Clinton Probe":

> Attorney General Janet Reno yesterday opened a preliminary investigation of President Clinton that could lead to an independent counsel probe of allegations that he orchestrated a plan to violate spending limits for his 1996 reelection campaign. . . .The new Clinton inquiry was triggered by a preliminary report last month from the Federal Election Commission auditors. The auditors concluded that the DNC ads about issues such as Medicare and the budget amounted to "electioneering" on the President's behalf, and the Clinton-Gore campaign should be required to reimburse the government for the entire $13.4 million it received in Federal matching funds.

This morning, in most of the major newspapers in America, there is a poll that is conducted by the Terrence Group and Lake, Snell, Perry and Associates—one Democrat and one Republican polling group: "What do you think is the number one problem today? Moral-religious issues, 14 percent; crime and drugs, 14 percent; economy and jobs, 13 percent."

Mr. President, perhaps moral and religious issues have been a No. 1 priority in America before, but I don't think there is any doubt that that is the case today. "Which of the following issues do you want Congress to focus on? Restoring moral values, 22 percent; improving education, 19 percent; reducing taxes and Federal spending, 13 percent."

Mr. President, when 22 percent of the American people say they believe that restoring values is the No. 1 issue they want Congress to focus on, I don't believe they are just referring to the problems concerning the Presidency and that crisis. I think they are talking about the fact that they don't believe that they, as individual citizens, are represented here in the Congress in the legislative process. I think they believe that special interests rule. I believe they are concerned that no longer are their concerns paramount, but only those of major contributors.

The effect of this was manifested just yesterday in my home State of Arizona in the primary that was held, as has been true throughout the country. It was the lowest voter turnout, as a percentage, of any time in the history of my State. I don't think that voters didn't turn out to vote in the primary in Arizona yesterday because of their anger—which may be justified—at the President of the United States; I think they didn't turn out because they believe that the present system of financing campaigns results in an exclusion of them in the legislative process; their homes and their dreams and aspirations for themselves and their families are no longer reflected here in the Congress of the United States.

Mr. President, the amendment at the desk, which is commonly known as the McCain-Feingold campaign finance legislation, is amended by Senators SNOWE and JEFFORDS. This amendment would begin to reform a severely broken campaign finance system. Early last month, the Members of the other body did what the Senate has failed to do, and that is to pass genuine campaign finance reform. By so doing, they have given Members of this body who support reform encouragement that Congress, at long last, may accede to the wishes of the majority in both Houses of Congress and to the wishes of the vast majority of the people we represent by repairing a campaign finance system that has become a national embarrassment and assails the integrity of the office that we are privileged to hold.

I want to commend and thank Representatives SHAYS and MEEHAN, and many other Members of the other body, whose courage and determination have given us a chance to reclaim the respect of the American people. I appeal to all Members of the Senate to listen to the majority of our colleagues in the other body, and to the majority of Senators, and seize this historic opportunity to give the Nation a campaign finance system that is worthy of the world's greatest democracy.

Mr. President, no Washington pundit thought that the House would actually pass campaign finance reform, but it did. It was not an easy fight. But those in favor of reform prevailed. I hope the majority in the Senate that favors reform will be able to prevail here. A majority in the House passed reform because the American people demand it. Members of the House recognized that the current system is awash in money, exploited loopholes, and publicly perceived corruption. It is a system that no Member of Congress should take pride in defending.

Before I discuss the matter more fully, I want to remind my colleagues of three points. One, for reform to become law, it must be bipartisan. This is a bipartisan bill. It is a bill that affects both parties in a fair and equal manner.

Two, reform must seek to reduce the role of money in politics. Spending on campaigns in current inflation-adjusted dollars continues to rise. In constant dollars, the amount spent on House and Senate races in 1976 was $318 million. By 1986 that total had risen to $645 million, and in 1996 it was $765 million. Including the Presidential races, over a billion dollars was spent in the last campaign. As the need for money escalates, the influence of those who have it rises exponentially.

Three, reform must seek a level playing field between challengers and incumbents. Our bill achieves this by recognizing the fact that incumbents must always raise more money than challengers. As a general rule, the candidate with the most money wins the race. If money is forced to play a lesser role, then challengers will have a better chance.

The amendment before the Senate achieves these three points. Is the measure perfect? No. Is it a legitimate start for discussion? Yes. For that reason, I hope my colleagues will support cloture and allow the Senate to work its will, to improve the measure where necessary, and begin a real dialog with the House on what can and should be sent to the President for his signature.

I want to repeat that this is the Senate's opportunity to not only do what is right but what is necessary. Washington has lately become synonymous with scandal, but for all the recent scintillating revelations, the real scandal—a scandal that will not go away—is the money that is and has been corrupting our elections. Unless this Senate finds the courage to act, that scandal will not subside.

Some will come to the floor and state that we do not need to reform how campaigns are run. They will state instead that we should simply enforce the laws that already exist. Mr. President, with all due respect, this argument is specious. Republicans demanded that the welfare system be reformed not only because it was the right thing to do but because the system was riddled with loopholes and was being abused and exploited. We didn't sit back and simply challenge the executive branch to enforce the laws. We acted, we changed the law, and we changed it in our society for the better. Let's do the same now.

I know that many colleagues think this refrain has become all too familiar, and they are correct. This is not the first time our campaign finance system has been in need of reform, and it will undoubtedly not be the last, because as time passes, the flaws and loopholes in the law become more evidence. It is at that time that the Congress has historically done what is needed; it has passed campaign finance reform.

> The underlying purpose of this movement for the publication of contributions made for campaign purposes is to limit expenditures in political contests to legitimate purposes and to lessen the use of money in political elections.

So said Senator Culberson in 1908.

Senator Culberson inserted into the RECORD many letters, many of which could have been written today:

> For some years there has been earnest agitation of the question of enforcing campaign

> contributions relating to national elections. A strong public sentiment has been created in favor of this important regulation. In obedience to this sentiment, a bill is now pending in Congress providing for the desired publicity. The question is whether the bill will be passed, defeated, or smothered.

The letter continues:

> No party should be afraid to go before the country with a record of its campaign financiering.
>
> No candidate for office should hesitate to have the people know the sources of campaign money. In other words, such contributions should come only from legitimate sources, and only money from such sources would be accepted, if the facts had to be made public: Hence, the great importance of publicity. The people do not want successful candidates to owe their elections to special interests affected by the subsequent administrations of such candidates. Such favors and obligations they involve are absolutely against the principles of honest government, whether that government be national, State, or municipal.

In the House that same year 1908, Congressman Sulzer stated:

> In my opinion, this publicity campaign contribution bill is one of the most important measures before this House. It is a bill for more honest elections, to more effectively safeguard the elected franchise, and it affects the entire people of this country. It concerns the honor of the country. The honest people of the land want it passed. All parties should favor it. Recent investigations conclusively demonstrate how important to all the people of the country is the speedy enactment of this bill.

Remember, this statement was made in 1908.

> In every national contest of recent years the campaign has been a disgraceful scramble to see which party could raise the most money, not for legitimate expenses but to carry a system of political iniquity that will not and cannot bear the light of publicity. Political corruption dreads the sun of publicity and works in the secret of darkness . . . Napoleon said victory was on the side of the heaviest guns. There are many thoughtful people in this country who have been saying since 1896 that the political victory in our Presidential contest is on the side of the campaign committee which can raise the largest boodle fund.
>
> This important bill for publicity of campaign contributions is a nonpartisan measure. There should be no politics in it. We should all advocate from patriotic motives; but some of the gentlemen on the other side are injecting party politics into it, and are doing everything in their power to prevent the Members of this House who sincerely favor the bill from having the opportunity to vote for it. . . It is a shame the way this bill is being strangled to death.

In 1908, Congress went on to do the people's bidding. It passed the campaign finance reform legislation.

In 1947, Senator Ellender stood on this floor, and stated:

> It came to my attention as chairman of that committee—and this feeling is shared by committee members joining me in sponsoring this bill—that the present statutes dealing with elections, campaign expenditures, and contributions, and limitations thereon, are utterly inadequate and unrealistic and as now in force and do not begin to accomplish the purposes for which they were enacted. . .
>
> I may state, Mr. President, that our committee last year found that many corporations and some labor organizations had spent thousands of dollars in Federal elections, but we could not force them to report for the reason that the money expended was not considered as contributions. So this bill requires any money spent to be reported by whoever makes the expenditure.
>
> Experience has shown that some corporations and labor unions have spent money directly on behalf of a party or candidate and thus I invaded the application of the prohibition upon contributions.

In 1947 the Congress, again, responded to the public's disdain for the way our campaigns are financed and passed campaign finance reform legislation.

In 1974, in the aftermath of the Watergate scandal, the Congress again passed campaign finance reform legislation.

Mr. President, after what we know about the last election, it is time again to pass campaign finance reform legislation.

Mr. President, recently there was given to me a memo that is public knowledge: The Democratic National Committee, Democratic National Committee Managing Trustee Events and Membership Requirements Events; two annual Managing Trustee Events where the President in Washington, DC, attended; two annual meetings, trustee event for the Vice President, et cetera. It is kind of a standard thing that you see on these kind of things. But the thing that is interesting about this is the fifth one down, "Annual Economic Trade Missions." "Managing trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad."

Another memorandum that was given to me of May 5, 1994, to Anne Cahill from Martha Phipps:

> White House Activities: In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and Democratic National Committee: 1. Two reserved seats on Air Force One; and, 2. Six seats at all White House private dinners.

No. 4: "Invitations to participate in official delegation trips abroad. Contact: Alexis Herman."

Mr. President, that is wrong. We know that is wrong. And the people who did it knew that it was wrong at the time. That is not an appropriate use of official trade missions.

This gives rise to all the speculation and allegations concerning the transfer of technology to China. It makes it much more logical or believable when you read about these kinds of things.

Mr. President, I know this legislation is not perfect. I know that if given the opportunity to offer amendments, many Members would do exactly that, and the measure could be improved.

For example, I think there would be a majority vote in this body that would raise the individual spending limits to the level of $1,000, which it was in 1974, that some here may not agree with. But I believe the majority would.

I believe that the Snowe-Jeffords amendment went a long way towards leveling the playing field as far as unions, businesses, and corporations are concerned. I know that there are other ways we could improve this legislation. I know that we can do that if my colleagues would vote for cloture.

I appeal to my colleagues to muster the courage that led to reform in 1908, 1947, and 1974.

Mr. President, I ran for public office first in 1982. It was not the kind of money in that campaign that I see today. When I meet a young man or woman who is interested in public office nowadays—I used to ask them, "How do you feel about smaller government, taxes, less regulation?" We would have discussions of the issues. Now there is only one question you ask a young man or woman who is interested in seeking public office. And I might add it seems to be fewer and fewer. The only question is, "Where is the money? Where is the money?" Because, if they don't have the money, obviously no matter how they stand on the issues, no matter how principled they are, and how impressive their resume might be, their chances of achieving public office are dramatically diminished.

I know that many on this side of the aisle don't agree with all of the provisions of the amendment. I know they recognize that there is a problem—a problem that we have to address.

This is our opportunity, and if we opt to gridlock over results, we will only fuel the cynicism of the American electorate.

I want to point out again, every political expert is predicting that we will have the lowest voter turnout in this upcoming election than at any time in history. I think that is a sad commentary.

I hope we will do what is right to take such steps as necessary to pass meaningful campaign finance reform. Should we fail, we will have only ourselves to blame for the low esteem in which we are held by the American people. We will have done our part to degrade the high office to which we have been elected. We will by our inaction contribute to the alienation of the American people from the people who have sworn an oath to defend their interests.

As I mentioned, Mr. President, yesterday was primary day in Arizona. Turn out was an all-time low, indicating another record-setting low turnout election day. I have no doubt whatsoever that the way in which we finance our campaigns has in no small measure contributed to the abysmal commentary of the health of our democracy. The people's contempt—there is no more charitable way to describe it—for us and for the way in which we attain our privileged place in government cannot be sustained perpetually. We will someday pay a high price for our inattention to this problem. We will forfeit our ability to lead the country as we meet the complicated challenges confronting us at the end of this century because we have so badly squandered the public respect necessary to persuade the Nation to take the often difficult actions that are required to defend the Nation's interests.

Our ability to lead depends solely on the public's trust in us. Mr. President, people do not trust us today. And that breach, that calamity, is what the supporters of campaign finance reform intend to repair. I beg all of my colleagues to join in this effort and give our constituents a reason to again trust us, and to take pride in the institution we are so proud to serve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, some in the press have suggested there is a sense of momentum for this issue because it passed the House of Representatives. I would remind my colleagues that a measure similar to this passed the House in the 101st Congress, the 102d Congress, and the 103d Congress. So it is not unusual, I would say, for the House of Representatives to pass this kind of legislation. It has happened before, and I would say it does not reveal any sense of momentum behind a plan that is constitutionally flawed. Speaking of the Constitution, we were on this same issue last fall and then we were on it again in February. The outcome was the same during those debates, and in a sense what we are doing is having the same debate once again.

There have been suggestions, particularly on the other side, that the courts might be open to changing the Buckley case or revisiting it in some way. So I think it is always appropriate, when we have these periodic campaign finance debates, to bring my colleagues up to date on what has been happening in the courts. As we all know, the so-called reformers have been out around the country seeking to get new laws on the books at various States and localities, some by referendum, some by State statute. All of those, of course, are subsequently found in the courts, in litigation. So what I would like to do here at the outset is give my colleagues an update on what is happening in the courts; all of these court cases, by the way, reaffirming Buckley in one way or another.

I would remind everyone—I think everyone in this Chamber surely knows the Buckley case, Buckley v. Valeo, the landmark case in the area of campaign finance reform which has not been changed by any of the courts over the last almost 25 years. In fact, court decisions have deepened and broadened areas of permissible political speech over the quarter of a century since this landmark case, widely thought to have been written by Justice Brennan. So let me just run down a few cases that have been decided just since April of this year, since there is a good deal of litigation emanating from these State efforts to restrict the rights of people to be involved in political activity.

On April 17, in Americans for Medical Rights v. Heller, the United States District Court for the District of Nevada held that the Nevada State Constitution could not be enforced so as to prevent issue advocacy groups from contributing more than $5,000 to a ballot initiative. This was a court response to an effort to try to shut up groups in criticizing politicians—very similar to the measure currently before us which seeks to make it essentially impossible for a group to criticize a politician in proximity to an election.

On April 27, in Kruse v. Cincinnati, the United States Court of Appeals for the Sixth Circuit held that a Cincinnati ordinance placing spending caps on campaigns for city council violated the first amendment. This case is noteworthy. Here was a conscious effort on the part of the city council in Cincinnati to get a court, some court, to revisit the question of whether spending limits were permissible. This is something the Buckley case struck down forthwith, and forthrightly. That effort to get the court to reverse its decision was unsuccessful.

On April 29, in North Carolina Right to Life v. Bartlett, the U.S. District Court for the Eastern District of North Carolina held a State statute that attempted to regulate issue advocacy groups as unconstitutional. That is the same issue we have before us in the McCain-Feingold amendment, the effort by the Government to try to regulate constitutionally protected issue advocacy.

On June 1, in FEC v. Akins, the Supreme Court held that voters have standing to challenge the FEC's dismissal of an administrative complaint. Although the Court remanded the case for further proceedings, the Court strongly suggested that a membership organization's communications with its own members would not meet the definition of "expenditures" subject to regulation by Congress.

In another case, on June 1, in Right to Life of Dutchess County v. FEC, the U.S. District Court for the Southern District of New York joined a chorus of many other Federal groups in striking down—striking down—an FEC regulation that prohibited corporate speech, even though that speech stopped short of the "express advocacy" standard adopted in the Buckley case.

Then on June 4, in Russell v. Burris, the U.S. Court of Appeals for the Eighth Circuit held that contribution limits of $300 to certain State candidates violated the first amendment and that special privileges to so-called "small donor" PACs violated the equal protection clause.

On June 11, in State of Washington v. 119 Vote No!, the Supreme Court of Washington held that a State statute which prohibits a person from sponsoring, with actual malice, a political advertisement containing a false statement of material fact to be facially unconstitutional.

On July 21, in Virginia Society for Human Life v. Caldwell, the U.S. Court of Appeals for the Fourth Circuit held that a Virginia campaign finance statute could not reach the conduct of groups that engaged in issue advocacy.

On July 23, in Shrink Missouri Government PAC v. Adams, the U.S. Court of Appeals for the Eighth Circuit held that a first amendment challenge of a State statute limiting campaign contributions was so likely to succeed that a preliminary injunction should issue preventing Missouri from enforcing the statute.

On July 23, in Suster v. Marshall, the U.S. Court of Appeals for the Sixth Circuit enjoined the enforcement of a provision of the Ohio Code of Judicial Conduct which capped spending in a judicial election for the Ohio Common Pleas Court at $75,000—again, a court decision striking down spending limits.

On August 10, in Alaska Civil Liberties Union v. the State of Alaska, the Superior Court for the State of Alaska granted summary judgment, ruling Alaska's campaign finance reform legislation unconstitutional and, therefore, null and void.

Finally, on August 11, in Vannatta v. Keisling, the U.S. Court of Appeals for the Ninth Circuit held that an Oregon ballot measure passed into law which prohibited State candidates from using or directing any contributions from out-of-district residents and penalizing candidates when more than 10 percent of their total funding comes from such individuals does not survive scrutiny under the first amendment.

My reason for the recitation of these cases is these are cases just since April, and every single one of them, at least three of which are right on the point of issue advocacy, which is what we have before us today, have ruled these government restrictions unconstitutional.

So there is virtually no chance—no chance—that the restrictions on citizens' ability to engage in issue advocacy contained in McCain-Feingold will be upheld as constitutional. There is certainly no evidence that the courts are moving in the direction of allowing governments at any level to restrain the voices of citizens at any time in proximity to an election or any other time.

Mr. President, issue advocacy is, of course, as I said, constitutionally protected speech. The New York Times, the Washington Post, and USA Today are some of the most aggressive users of issue advocacy. These multimillion-dollar corporations express themselves without limitation at any point, both in the news sections and on the editorial pages. They are the practitioners of the first amendment.

The problem with the New York Times, the Washington Post, and USA Today is that they think the first amendment only applies to them. It is amusing to look at the amount of space dedicated over the last 2 years by these three newspapers to their efforts to aid and abet those who would shut up citizens and make it difficult for them to exercise their constitutional rights.

Just looking at the New York Times, they have editorialized on the subject of campaign finance reform between July 1, 1997, and September 9, 1998, 82 times. The average number of days between campaign finance editorials in the New York Times is 8. On the average, every 8 days, the New York Times is lobbying for campaign finance reform, which they have a constitutional right to do. What is particularly amusing is the way in which they do it, which is remarkably similar to issue advocacy that groups engage in frequently on television.

The typical issue ad says at the end of the ad, "Call Congressman" so-and-so "and tell him to either keep on doing what he is doing" or "stop doing what he is doing." I thought it was particularly amusing that the April 21, 1998, editorial in the New York Times was just like issue advocacy. The same opportunity they would deny to anyone else, they engaged in themselves.

They opined here about the importance of passing their version of campaign finance reform and then listed Members of the House and their phone numbers—exactly the kind of thing they don't want anybody else to do. Exactly the kind of thing they would prohibit every other American citizen from doing in proximity to an election, they are doing right here on the editorial page.

Of course, the newspapers are exempt from the Federal Election Campaign Act. I think they should be exempt, but I find it disingenuous in the extreme for them to engage in the very same practice. This is a huge, multi-, probably billion-dollar, American corporation, a corporation engaging in issue advocacy, putting the heat on elected officials, putting their phone numbers in there, saying call them—call them up and tell them to do this or not to do that. That is what they don't want anybody else in America to be able to do.

Mr. President, part of what is at the root of this debate is: Who is going to have the opportunity to express themselves, who is going to be able to engage in political discourse, in this country? Just newspapers and nobody else? Boy, that would be a good deal for them. That is exactly what they have in mind, because they practice issue advocacy every day, and sometimes it is remarkably similar to the issue ads you see on television run by organized labor, or plaintiffs' lawyers, or you name it. "Call Congressman" so-and-so, "and tell him to do" this or do that, it said in the New York Times of April 21.

The Washington Post has been not far behind, another megacorporation which exists for the purpose of influencing political discourse in this country. This big corporation, of course, like the other big corporation I just mentioned, the New York Times, is exempt from the Federal Election Campaign Act, and this big corporation, too, would like to restrict the speech of other American citizens in order to enhance its own views.

On the subject of campaign finance reform, going back to January 1, 1997, the Washington Post has written 53 editorials. The average number of days between editorials on campaign finance reform in the Washington Post is 12. So, Mr. President, every 12 days, this great, huge American corporation is lobbying the Congress to take a particular position on campaign finance reform.

I defend their right to do it, but I find it amusing—if not really troubling more than amusing—that this kind of corporation should have this kind of influence and everybody else in society in proximity to an election would be essentially muffled from being able to mention a candidate's name in proximity to an election.

So some big corporations would have an advantage; others a disadvantage. That is what the Washington Post would like—more power and more advantage. USA Today, another huge American corporation—between January 1, 1997, and today, USA Today has run 25 editorials on the subject of campaign finance reform. That is an average of one every 25 days—another major American corporation seeking to influence the course of this legislation, which also supports McCain-Feingold, which would make it impossible for anybody else to do the same thing in proximity to an election.

The USA Today editorial just yesterday was remarkably akin to an issue ad, Mr. President, remarkably akin to an issue ad, just like the New York Times editorial back in April I mentioned awhile ago. They state their case on the editorial page, and then they list all the Republican Senators, and particularly they highlight those who are up for reelection this year. And they put their phone numbers by their names. Issue advocacy, Mr. President; within 60 days of an election.

Under the bill they support, over at USA Today, nobody else in America could do this, could mention a candidate's name within 60 days of an election. So this big corporation would have its power further enhanced by the quieting of the voices of everybody else in America who sought to express themselves within 60 days of an election by maybe saying something unkind about some Member of Congress.

So, Mr. President, there isn't any question; there is an enormous transfer of influence and power to the part of corporate America that owns and operates newspapers. Of course they are enthusiastic about this kind of legislation. This industry, the newspaper industry, which already has an enormous amount of power, would be dramatically more powerful if the kind of legislation we have before us were passed.

Some would argue there is a media loophole in the Federal Election Campaign Act because they are exempt from all of these restrictions that currently apply to everybody else, and certainly would be exempt of the greater restrictions that this legislation seeks to place on Americans of all kinds.

Mr. President, there are some Americans who believe that newspapers are a bigger problem, a bigger problem than campaign contributors. There was an interesting article back on October 21, 1997—excuse me, Mr. President, it is a Rasmussen poll, an interesting finding.

> More than 80% of Americans would like to place restrictions on the way that newspapers cover political campaigns. In fact, restricting newspaper coverage is far more popular than public funding of campaigns.

Restrictions on newspaper coverage is far more popular than public funding of campaigns. This is the American people in a poll in late 1997 discussing the influence of newspapers on the political process.

Further, in the description of the poll finding, it says:

> One reason for the public desire to restrict newspapers is that Americans think reporters and editorial writers have a bigger impact on elections than campaign contributions.

Mr. FEINGOLD. Mr. President, would the Senator yield for a question?

Mr. McCONNELL. Not at the moment.

> The Rasmussen Research survey found that 68% of Americans believe newspaper editorials are more important than a $1,000 contribution. Only 17% think such contributions have a bigger impact.
>
> Americans may also support restrictions on reporters because more than seven-out-of-ten believe personal preferences of reporters influence their coverage of politics. In fact, Americans overwhelmingly believe (by a 61% to 19% margin) that a candidate preferred by reporters will beat a candidate who raises more money.

Let me repeat that, Mr. President. This comprehensive poll of American citizens on the influence of newspapers, in late 1997, found that Americans, by a margin of 61 percent to 19 percent, believe that a candidate preferred by reporters will beat a candidate who raises more money.

Mr. President, I am making these points somewhat tongue in cheek because, obviously, I am not advocating restrictions on newspapers. But what I find particularly outrageous is newspapers advocating restrictions on everyone else. Who are they to think that they are the only ones who are to have influence in the American political process?

Richard Harwood of the Washington Post, on October 15, 1997, made some interesting points along those lines. Mr. Harwood said:

> It is fortunate for the press in the United States that the voice of the people is not the voice of God or the Supreme Court.
>
> That is because Americans, in the mass, believe in "free speech" and a "free press" only in theory. In practice they reject those concepts.
>
> That was the troubling conclusion drawn, ironically, from a major study of public opinion commissioned in 1990 by the American Society of Newspaper Editors as part of the observance of the 200th anniversary of the Bill of Rights. . . .

So this was a survey taken, I guess, by the Louis Harris organization for the Center for Media and Public Affairs. And Mr. Harwood points out the findings are, as he puts it, "depressing."

The first point in this survey of the American people, Harwood, in talking about the American people, said:

> If they had their way, "the people"—meaning a majority of adults—would not allow journalists to practice their trade without first obtaining, as lawyers and doctors must, a license.

The second finding of this survey:

> [The people] would confer on judges the power to impose fines on publishers and broadcasters for "inaccurate and biased reporting". . . .

Third:

> They would empower government entities to monitor the work of journalists for fairness and compel us to "give equal coverage to all sides of a controversial issue." They also favor the creation of local and national news councils to investigate complaints against the press and issue "corrections" of erroneous news reports.

Harwood further points out, at the end of his article:

> So press freedoms remain, as in the past, dependent not on the goodwill of the masses but on the goodwill and philosophical disposition of the nine men and women of the Supreme Court of the United States.

Mr. President, I make those points to illustrate that the principal beneficiaries of the amendment before us are the huge corporations of America that control the press. They almost uniformly support legislation that would quiet the voices, at least in 60 days' proximity to an election, of all other American citizens, thereby enhancing the ability of newspapers to control the outcome of American elections.

The good news, Mr. President, is we are not going to pass this legislation. The further good news is the courts would not uphold this legislation if we did pass it. I just mentioned three cases that have been handed down in the last 6 months indicating that Government restrictions on issue advocacy, tried by State governments, is clearly unconstitutional.

But what is truly disturbing in this free country, Mr. President, is that these big corporations that own these newspapers are so aggressively advocating efforts to quiet the voices of other American citizens.

It is truly alarming that in 1998 these big corporations, which already have enormous influence in our country, want to have even more. In fact, they want to have a monopoly on influence in proximity to an election. And as we all know, they are perfectly free to do editorials, both on the front page and on the editorial page—and do—up to and including the day before the election. And I defend their right to do it.

But what is disturbing is they do not want to let anybody else have their say. So this legislation, Mr. President, dramatically benefits the fourth estate at the expense of other citizens in our country.

Now, finally, before going to Senator BYRD, I have heard it said that we need to pass this kind of legislation. I have heard for over a decade we need to pass this kind of legislation in order to restore the faith of the American people in the Congress. In October of 1994, in the waning days of the end of Democrat control of this Congress, only 27 percent of the American people approved of the Congress. As of this past week, the congressional approval rating was 55 percent. Now, the 55 percent approval rating Congress has today comes after two Federal elections, 1994 and 1996, with record spending, three intervening filibusters of McCain-Feingold and its ancestor, Boren-Mitchell, and even the Clinton-Gore fundraising scandal.

Clearly, Mr. President, there is no political imperative to pass campaign finance bills that are unconstitutional. To suggest that the Congress is still unpopular—which it isn't—or that when it was unpopular it was somehow related to this issue simply cannot be supported by the facts.

Bill Schneider, a reputable pollster who works for CNN, back in February of this year had an interesting article in the National Journal. This was when the approval rating of Congress began to turn around. He pointed out in February 14 of this year:

> For the first time in at least 25 years, a majority of Americans approve of the way Congress is doing its job. Congress—perhaps the most ridiculed institution in America—has rarely gotten above a 40 per cent job-approval rating since 1974. Now, it's at 56 per cent.

That was then; it is 55 percent now.

"What's going on here?" said Bill Schneider.

> A balanced budget, a booming economy and—not the least important—a smaller government. "We have the smallest government in 35 years, but a more progressive one," the President said. Right now, trust in government is at its highest level since the Reagan era, when it was "morning in America."

Now, we clearly do not need to pass this unconstitutional legislation in order to deal with cynicism about the Congress, which enjoys a 55 percent approval rating.

I might say that at the end of the Congress in 1994, I was personally involved in an all-night filibuster on September 30, 1994. I will never forget it. It is the only real filibuster we have had here in 10 years. It was an all-nighter. The cots were out. People were blurry eyed. But it was a remarkably uplifting event for those of us who were involved in it. We defeated Boren-Mitchell a mere 5 weeks before the greatest Republican congressional victory of this century.

Suffice it to say, there is no connection between this issue and electoral success. The responses you get on polls on this issue depend on how you ask the question. This is an arcane, complicated subject, and it is the obligation and the responsibility of Members of the Senate to protect the Constitution, to protect political discourse in this country, and to do the right thing one more time.

Mr. President, I am confident that, at the appropriate time, this amendment will be defeated.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. McCONNELL. Yes, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if I might get consent to speak on another matter at the conclusion of the Senator's remarks?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Reserving the right to object, I wonder if the Senator has any notion about approximately how much time he would consume?

Mr. BYRD. I guess it would be 45 minutes to an hour. It would give Senators a chance to get lunch.

Mr. McCAIN. Mr. President, reserving the right to object, I would say in all due respect to the most respected Senator from West Virginia, we have a limited amount of time to debate this issue. There are Senators who want to talk on it. I say in all respect to the Senator from West Virginia, we have just begun this debate. We just had the first opening statements. If we interrupt for 45 minutes to an hour, I think that would certainly disrupt this entire debate, which is of the greatest importance. I hope the Senator from West

Virginia, in all great respect, would understand.

Mr. BYRD. I do understand that. I have to be somewhere else from 1:30 on, for awhile. I had hoped that I might be able to speak out of order earlier.

Mr. FEINGOLD. Mr. President, let me indicate, if I may, I will not object to this Senator's request. But let me say that after this address I do intend to object to any other discussions about other matters that do not have to do with the issue before us, before the scheduled cloture vote. But in this instance I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I hope that other Senators would permit me to proceed.

Mr. McCAIN. Mr.' President, could the Senator at least wait until 12:30, if he has to be someplace at 1:30? We just began. There have been two statements that have been given on this very important issue. I understand and appreciate the seniority and respect and dignity that the Senator from West Virginia has, but this is incredibly disruptive, which I am sure the Senator from West Virginia can understand.

Mr. BYRD. Mr. President, will the distinguished Senator yield so I might reply?

Mr. McCONNELL. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the Senator will remember that debate on the Interior bill is being interrupted here. I have no objection to that. And there was a request that there be no amendments until, I believe it was Friday or Thursday, at some point, or until we vote on cloture on this matter. I had no objection to that. But I could have objected. That debate was interrupted. I don't interrupt in debates very often. I hope the Senator will allow me to proceed in this instance.

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object because of the Senator from West Virginia, but the fact is we are debating an amendment just as we normally do. And we are under a unanimous consent agreement, which we normally do. The Senator from West Virginia could object to us going into session—we all know that—because we function by unanimous consent. I think it is very unfortunate that when we have, really, now, a day and a half, and we just initiated debate on this very, very critical issue, the Senator has to do that at this time. I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. If the Senator from Kentucky will yield, I make the request I be recognized, upon the conclusion of the remarks by the Senator from Kentucky, for not to exceed 1 hour.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. McCONNELL. I yield the floor.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to make brief remarks before the Senator from West Virginia begins.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I repeatedly asked the Senator from Kentucky if he would yield for a question about his statements about the case law, and he refused on several occasions. That is regrettable because I hope we will have a debate here, but I do appreciate his review of the case law. I think it is helpful, and I do want to hear Senator BYRD's remarks very shortly.

Let me quickly point out that I heard the Senator from Kentucky discussing a Nevada case regarding restriction on spending on issue advocacy. But the bill before the Senate has no such restriction. So that case is not applicable to what is before the Senate.

The Senator referred to the Cincinnati spending limits case. The problem is, our bill before the Senate does not have any spending limits in it.

The Senator is arguing case law that has absolutely nothing to do with what we are debating here today. I think that is regrettable because this is supposed to be a debate about the amendment before the Senate.

The Senator discussed a case involving in-state contributions. But there are no in-state limits included in this bill. And the same for the California case involving small donor——

Mr. McCONNELL. Will the Senator yield?

Mr. FEINGOLD. I will yield for a question, yes.

Mr. McCONNELL. The Senator from Kentucky—if the Senator from Wisconsin was closely listening—didn't claim the cases were about issue advocacy. What the Senator from Kentucky said is that all the cases were further reinforcement of the Buckley decision and that several of the cases were about issue advocacy.

Mr. FEINGOLD. None of the provisions that were specifically cited with regard to those cases has anything to do with the legislation before us. I will make the point now and continue to make the point throughout this debate that when case law is cited, it ought to have something to do with the matter before the Senate, or that clouds the issue of constitutionality in a way that is a disservice. If the Senator from Kentucky is going to make his arguments based on court cases, he should at least recognize and acknowledge that this version of the bill does not include many of the red herrings that he keeps presenting before the Senate. As we say in the law, these cases are readily distinguishable from the matter before us.

With that, Mr. President, I ask unanimous consent to add as cosponsors to the McCain-Feingold amendment, in addition to Senators THOMPSON, SNOWE, COLLINS, and JEFFORDS, Senators LEVIN, GLENN, LIEBERMAN, and WELLSTONE, who are long-time and vigorous supporters of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I very much look forward to the remarks of the Senator from West Virginia and appreciate his courtesy in allowing me to speak.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 60 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank, again, all Senators for allowing me to speak at this particular juncture.

(By unanimous consent, the remarks of Mr. BYRD, Mr. GRAMM, and Mr. FEINGOLD pertaining to another subject are printed later in today's RECORD.)

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the McCain-Feingold bill was first introduced in the fall of 1995, just about 3 years ago. To date, thanks to the truly extraordinary efforts of our colleagues in the other House, we are as close as we have ever been to passing that bill and making a start on cleaning up the corrupt campaign finance system that has seemed so intractable for so long. As we stand here today, only eight votes stand between this bill and the President's desk—just eight votes. Only eight Senators out of all Members of the Congress are preventing this body from joining the other body in passing campaign finance reform. Eight Senators are blocking the Senate from banning soft money.

Mr. President, the time for excuses is over. It is time to finish the job. It is time to pass campaign finance reform and send it on to the President.

Let me first take a moment to remind my colleagues of what happened in the other body the week after we in the Senate left for the August recess. This campaign finance reform bill that all the pundits thought was dead and constantly claimed as dead actually passed the other body by a very strong vote. The vote was 252 to 179. That is right, Mr. President, 252 to 179 in the House. It wasn't even close. By any measure, the passage in the House of the Shays-Meehan version of the

McCain-Feingold bill was a landslide. Sixty-one Republicans, over one-quarter of the Republican caucus in the entire House, voted for this bill. Mr. President, I think that should answer once and for all the allegation that the McCain-Feingold bill is a partisan piece of legislation. It is not.

Sixty-one Republicans would not vote for a bill that is a Trojan horse for the Democratic Party. No, this bill has now been shown in both Houses to be a bipartisan solution to a bipartisan problem.

The House vote was the culmination of literally months of debate on campaign finance reform. The debate actually started, if you can believe this, on May 21 and did not conclude until August 6. There were 72 amendments offered to the House version of the Shays-Meehan bill. There were a total of 41 rollcall votes on those amendments. The House spent over 50 hours debating campaign finance reform, an amount of time that is almost unprecedented to spend on one bill over there. I think we do it fairly frequently here, but it is almost unprecedented in the House.

The opponents of reform tried to take a page from the Senate playbook and openly proclaimed that they were going to try to kill the bill with amendments. Just like here, they offered poison pills and they tried to overwhelm the reformers with just the sheer number of amendments. They tried to drown them in amendments, but they failed, and they failed miserably.

In the end, a reform bill emerged and passed the House that retained all of the essential features of the McCain-Feingold bill—a ban on soft money, improved disclosure of campaign contributions, codification of the Supreme Court Beck decision, and provisions designed to deal with campaign advertising that is dressed up as issue advertising.

After many months of debate in the House, the bill has come back to the Senate. It is now on the calendar and is awaiting action.

The majority leader objected to bringing up the House-passed version of McCain-Feingold, but, fortunately, that was not the end of the matter. Because we have the right as Senators to offer amendments to pending legislation, we were able to bring it up on this bill, and that is exactly what Senator MCCAIN and I have done. We would have been delighted if the majority leader had agreed to bring up the House-passed version of the bill, and some comments that he made on "Meet the Press" this weekend suggested that he was going to do just that. But by offering our amendment, we will assure that the Senate will again vote on this issue, which is what the people of this country want.

Once again, I want to say that I am very proud of the solid, 100-percent support of the Democratic Senators for this bill. I am grateful for the efforts of the minority leader, Senator DASCHLE, to keep this issue on the agenda and line up our caucus in support of the McCain-Feingold bill.

But we are not doing this for partisan reasons. We are doing this because it is the right thing to do for our country. This campaign finance system is sapping the confidence of the American people in their Government. People have seen time and time again that these huge soft money contributions do influence the congressional agenda. They understand that we cannot act in the interest of average people if we are spending too much time trying to woo the big contributors. They know that soft money must be eliminated before it just totally swamps our elections and our legislature.

It is absolutely critical that we finish the job now; that we finish the job now before the end of this Congress, otherwise, we will undoubtedly see an explosion of soft money fundraising as the parties get ready for the next big show, and that is the next Presidential election in the year 2000.

If we go home and allow this soft money system to continue into the next Presidential election cycle, we will reap scandals that will make the scandals of 1996 look pale by comparison.

Look at what has happened in this cycle already will give you a clue as to what is going to happen. Already in this cycle, according to Common Cause, the parties have raised a total of $116 million, and that is the most ever in a non-Presidential cycle. Soft money fundraising more than tripled from 1992 to 1996—from an already troubling amount of $86 million to the now staggering amount of $262 million. Based on that growth, some estimate that the parties could raise $600 million in soft money in the year 2000 cycle—$600 million. Over half a billion dollars in soft money is likely to be the consequence and the disgusting display in the year 2000.

Mr. President, we already have a majority in this body, and with just eight more votes in the Senate we can stop this escalation of soft money. We can say to the political parties, Enough is enough. Go back to raising money under the limits established in the Federal Election Campaign Act. And then if somebody says, "Well, we need more money," then start raising money from more people; get more people involved. Don't just extort more and more money from the major corporations and labor unions that are eager to curry favor with the Congress or the President.

Mr. President, the American people are sick of tales of big money fundraisers. It is a terrible turnoff for a citizen of average means to read that people give $100,000, or $250,000 to sit at the head table with the President, or have a special meeting with the majority leader of the U.S. Senate. They do not want more stories like the story of Roger Tamraz who gave $300,000 to the Democratic National Committee hoping for the special access he needed to promote his pipeline project. Tamraz told the Governmental Affairs Committee that as he thought about it, the next time he would give $600,000 if he thought this would help his business and that getting special access was not just one of the reasons he gave to the DNC, he said it was the only reason he gave the $300,000 and would give $600,000—for special access.

But these kinds of scandals are bound to come back again and again because our political parties, Mr. President, are addicted to soft money. They cannot get enough of it. And the reason is that they have found a way to make soft money work directly for them in Federal elections. This is an incredible twist of a loophole that was established by the FEC in 1978. Remember that prior to 1996, most of the parties' soft money went into what were called party building activities—get out the vote drives, voter registration efforts, and the like.

But then in 1996, the parties discovered the issue ad, and it was off to the races. Both Presidential campaigns directly benefited from these kinds of ads—you know, the ones that do not explicitly say "vote for" or "vote against" a candidate, but they are nonetheless obviously aimed at directly influencing an election, obviously intentionally intended to cause someone to vote specifically for one candidate or another. And they used party soft money to pay for the ads.

Now, here is an irony, Mr. President. Just yesterday, Attorney General Reno announced yet another 90-day inquiry into the campaign finance scandals of the 1996 campaign. It has to do with issue ads run by the DNC, a portion of which were paid for with soft money. The allegation is that it was improper for the President to have participated in the development of that ad campaign. The McCain-Feingold amendment that is before us makes it very clear that such ads cannot be paid for with soft money and cannot be coordinated by the parties with their candidates. Yet some of the very people who are calling on the Attorney General to appoint this independent counsel are staunchly opposed to this amendment anyway.

We also already have seen the parties and outside groups preparing to exploit the phony issue ad loophole in this election. Over the next month, more and more election ads will begin appearing around the country, but because of that loophole, in many cases there will be no disclosure either of the spending itself or of the identity of the donors who are really behind the ads.

These issue ad campaigns, Mr. President, are blatantly targeted at specific elections, but again their creators intentionally avoid the elections law, but avoiding the so-called magic words of "vote for" or "vote against."

Here is an example. The Capitol Hill newspaper Roll Call reported in July that the Republican Party is planning a $37 million issue advocacy campaign to begin running after Labor Day designed to help Republicans pick up seats in the House in November. Roll Call described the campaign as follows:

> Republican leaders are calling the plan "Operation Break-Out:" a comprehensive strategy to blanket as many as 50 to 60 battleground districts with "issue advocacy" television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

The story then states that Republican officials predict that if Members help raise the $37 million, then the party will pick up as many as 25 additional seats. So they are candid. They are very upfront about the fact that this issue ad campaign is designed specifically to help elect more Republicans to the House, not just to talk about issues.

So here you have the leaders of a national political party designing a huge media plan specifically to elect candidates from that party, and specifically planning to take advantage of the phony issue ad loophole so they can at least partially pay for the campaign with soft money.

This is what the twin loopholes—soft money and phony issue ads—have led us to. And, of course, Mr. President, neither party is exempt. I have consistently maintained a bipartisan approach to this issue in my work with the senior Senator from Arizona and in my other work on this issue. And I will do so today.

A Democratic Party source is quoted in that same Roll Call story as saying that the Democratic Party is budgeting $6 million for issue ads and possibly a lot more. And, of course, the Republican Party justifies its plan as a preemptive strike against the labor unions that spent about $25 million on issue ads in the 1996 elections.

Mr. President, I ask unanimous consent that the entire Roll Call story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, July 23, 1998]

GOP PLANS TO "BREAK OUT" IN FALL ELECTION, LEADERSHIP WANTS $37 MILLION FOR AD CAMPAIGN

(By Jim VandeHei)

Speaker Newt Gingrich (R-Ga) and top GOP leaders have devised a $37 million "issue advocacy" media campaign and a detailed communications plan to deliver poll-tested messages to dozens of targeted Congressional districts in coming months, according to internal documents and several Republican sources familiar with the strategy.

The $37 million media campaign, the centerpiece of the Republicans' strategy, will be launched around Labor Day in an effort to preempt an anticipated ad blitz by the AFL–CIO and to define the agenda heading into November. Republican Members are expected to contribute or raise $15 million to $20 million total for the project, including $8 million in hard money in the next few weeks.

Republican leaders are calling the plan "Operation Break-out:" a comprehensive strategy to blanket as many as 50 to 60 battleground districts with "issue advocacy" television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

Gingrich and National Republican Congressional Committee Chairman John Linder (Ga) predict that if Members help raise the $37 million, the GOP will pick up as many as 25 additional seats, according to GOP officials.

Operation Break-out, according to GOP leadership sources, also includes a new communications regime and a legislative agenda that caters specifically to the Republicans' financial contributors off Capitol Hill. These contributors, once placated, will be hit up during the August recess to help bankroll the ad campaign.

While Gingrich insisted in an interview that a 40-seat gain is possible, GOP strategists have determined that a net pickup of 15 of 25 seats in "eminently doable" if Members cough up millions of dollars for their colleagues before the August break, according to a GOP leadership source close to the effort.

Privately, top GOP leaders expect a net gain of five to ten seats unless the Operation Break-out is implemented.

Gingrich and company rolled out the $37 million issue-advocacy campaign to Members at a private meeting at the Capitol Hill Club yesterday and plan to brief key Members and staffers on the communications plan in coming weeks.

If Republican leaders can overcome internal opposition from key Members—including Majority Whip Tom Delay (Texas) and Conference Vice Chairwoman Jennifer Dunn (Wash)—the new election plan will be the vehicle Gingrich and company hope to ride to an expanded majority in November's elections, the sources said.

"I have always felt that we get weak-kneed in the spring and worry we'll lose seats," said Appropriations Chairman Bob Livingston (La), who has pledged $500,000 for the project.

"This is the best economy in 50 years, so it's the incumbents' time. This (new strategy) will help expand (our majority) even further."

Democrats are not losing any sleep over the GOP's plan.

"Republicans will spend more than us, but we will be competitive in the area of issue advocacy," said Democratic Congressional Campaign Committee spokesman Dan Sallick, who added that Democrats will budget more than $6 million for issue advocacy and possibly "substantially more."

"As 1996 showed, we do not have to spend more money to be competitive"

SHAKING THE MONEY TREE

As of today, there are roughly 170 Republican incumbents who either have no opposition in November's election or token opposition from an inadequately funded challenger who has little chance of winning. Combined, these Members are sitting on almost $60 million in campaign funds, according to GOP strategists.

If Linder, Gingrich and the rest of the GOP leaders can pry some portion of that money from these Republican incumbents, they are confident that the NRCC can blanket as many as 60 Congressional districts with issue-based ads between Labor Day and Election Day.

"We can sit back, do little on the House floor, get out of here early and probably win five seats," said one GOP operative. "But if we can get Members and (outside groups) to kick in $40 million more than we have budgeted, there's a damn good chance we can expand our majority by 20 to 30 seats."

That's the message Gingrich and Linder delivered to Republican Members at the closed-door meeting yesterday.

And they promised to lead by example.

Gingrich, Majority Leader Dick Armey (Texas), Livingston and Rep. David Dreier (Calif) all pledged to kick in $500,000 each. Linder promised $200,000 from his personal account and Oversight Chairman Bill Thomas (Calif) pledged $100,000 and will urge other chairmen to follow suit.

Deputy Majority Whip Dennis Hastert (Ill) stood up at Wednesday's meeting and promised $150,000, and Reps. Tom Davis (Va), Jim McCrery (La) and Larry Combest (Texas) vowed to pump in $100,000 each. Even Rep. Chris Shays (Conn), a moderate Republican who has worked closely with Democrats on certain issues, pledged $50,000.

Top political strategists from the NRCC and certain leadership offices are reviewing campaign data from every Republican Member to determine how much money individual Members can afford to ante up. While no specific targets have been spent, any Republican who is a cinch to win this November will be expected to contribute significantly to the effort.

"Members will be leaned on to help the team," said one leadership source.

Gingrich, Armey and Linder have formed a "whip team" of about 20 Members who will make sure that Members and outside groups are paying their fair share.

The whip team—which includes top GOP leaders and the party's most aggressive money men, such as Reps. Mark Foley (Fla) and Bill Paxon (NY)—will twist Members' arms for cash and lobby wealthy business leaders for sizable contributions, the sources said.

Their goal is to raise $8 million in hard money by August to prove to business leaders that Republican leaders are dead serious about expanding their majority. "We know that business leaders are investors. They put their money on the party that will control this place. We want to show them that investing in Democrats is not wise," said another GOP leadership source.

By September, Gingrich and Linder predict that Members will have kicked in at least $15 million to $20 million and that corporate America and individual contributors will match that amount.

The last thing they want, according to strategists, is a repeat of the 1996 elections, when GOP Members sat $30 million-plus and the business community failed to raise one-quarter of what it promised for issue-advocacy ads.

SETTING THE AGENDA

A $35 million issues-based ad campaign financed by the AFL–CIO is widely credited with helping Democrats chip away at the Republicans' House majority in 1996.

AFL–CIO president John Sweeney picked about three dozen competitive districts and flooded the airwaves with ads hammering Republicans for gutting Medicare and blocking a minimum wage. The ads, Gingrich and

Linder believe, defined the 1996 election before most candidates hit the campaign trails and cost the Republicans nine House seats.

The NRCC fired back with a $20 million issue-ad campaign and the pro-Republican Coalition dumped in $5 million more, but it was too little, too late, Republicans say.

This year, GOP leaders plan to beat the AFL-CIO and the Democrats' allies to the punch, Linder has told Members.

The reason for such an ambitious issue campaign, sources said, was that internal polls found that the Republican message on key issues like education and the budget were more popular than expected in the most competitive districts.

Republican operatives picked the 28 most competitive districts and tested the Republicans' positive message versus the Democrats' positive message; on virtually every topic, Republicans learned they could win a head-to-head debate, sources said.

"The bottom line is . . . we are going to be competitive with labor . . . and we are going to have the debate on our turf," said NRCC spokeswoman Mary Crawford. "And with these two goals in mind we will determine where we need to run these spots and when."

THE PLAY BOOK

In a recent interview, Gingrich admitted that communications, internally and externally, has been a disaster for Republicans at serveral points since winning the majority in 1994.

The behind-the-scenes battle for control over communications has soured Gingrich's relationship with Conference Chairman John Boehner (Ohio) and has been a source of friction during countless leadership meetings. As late as a month or so ago, control over the message led to a nasty fight between Boehner and Dunn, and their relationship remains icy at best, according to several sources.

Congnizant that communications is the weakness, top advisers for Gingrich, Armey and Boehner have spent the past two months writing a Republican "playbook," which will be distributed to Members soon. The playbook, which provides Members with the party line on a variety of topics, outlines a unified message for the campaigning Republicans, according to a draft copy of the document.

Top Republicans have also revamped the communications structure to make sure the message is filtered down to rank-and-file Members and broadcast outside to Republican supporters and likely voters. Gingrich's office will schedule Members for Sunday talk shows; Armey will control the message on the floor; DeLay will use his whip team to distribute the message du jour to Members; and Boehner will write the overall communications message.

Armey's office is also responsible for making sure that hard feelings between GOP leaders do not interfere with disseminating the message. GOP leadership sources said that will not be an easy task.

Already, there is concern among some GOP leaders that DeLay and Dunn are spending too much time privately briefing Members on a separate communications strategy that could divert Members' attention away from the overall plan, according to leadership sources. While most leaders are confidant that that problem will be taken care of by week's end, other sources said it shows that distrust and competitiveness could hamper the leadership's campaign problems.

But on Wednesday, DeLay spokesman John Feehery said: "Mr. DeLay supports what they are doing. I think he believes that anything that helps him do his job, like getting more Republicans, is something that should be done. A lot of our concerns have been met."

Mr. FEINGOLD. This arms race of soft money spending on issue ads has to stop. And the way to do that is to ban soft money and bring these types of ads within the election laws in a fair and reasonable way that respects the constitutional rights of all citizens. That is what we have done in the McCain-Feingold bill. Contrary to the completely inaccurate and sometimes dishonest advertisements that have been run across the country saying that we use a different approach, we, in fact, maintain a clear respect for free speech, which both Senator MCCAIN and I strongly adhere to. We have addressed in our bill, which is in the form of the amendment before us today, the two biggest problems in our campaign finance system—soft money and phony issue ads.

Mr. President, if we do not act on this bill, the exploitation of the loopholes will continue to spiral out of control. In the year 2000, we will see both Presidential candidates promising to limit their private fundraising in order to receive public funds while their parties pursue parallel or even intertwined campaigns with issue ads funded by as much as $600 million in soft money.

Is that the kind of campaign we want to see in the first Presidential election of the next century? I do not think so. We need to make the next campaign a cleaner, less corrupt, less out of control Presidential campaign. We do not want more of the same of what we saw in 1996.

Mr. President, all across the country the American people are telling us that they do, in fact, overwhelmingly support the McCain-Feingold bill. Recent polls conducted in eight States during the month of August by the Mellman Group for the advocacy group Public Campaign showed that strong majorities, ranging from 58 percent in Mississippi to 75 percent in New Hampshire, are in favor of the McCain-Feingold bill. And this support is constant—it is constant, Mr. President—across demographic groups and across party lines. In fact, in seven of the eight States polled, believe it or not, Republican voters were more likely to support the bill than Democrat voters.

Editorial boards across the country are constantly calling on us to act. And it is not just the Washington Post and the New York Times, although they have been wonderful advocates for this much-needed change; it is also the Hartford Courant, the Kansas City Star, the St. Louis Post-Dispatch, The Tennessean, and the Charleston Gazette.

The message from each of these editorial boards is that this body, the Senate, has one last chance to salvage some semblance of respect on the issue of campaign finance reform. After all the investigations, all the allegations, and all the finger-pointing of the last 2 years, this is the chance to show that we care, that we think there is something wrong with such a corrupt system. This is the chance.

Now, these writers know that McCain-Feingold is not perfect, and I agree with that. But they think it will make a difference and that it should be passed and that it should be sent to the President.

Mr. President, I ask unanimous consent recent editorials from each of the fine newspapers I just mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Sept. 4, 1998]

LISTEN TO THE PUBLIC, MR. LOTT

After a monthlong summer recess, senators returned to Washington this week to find a full agenda and only a short time to work through it. High on the to-do list should be campaign finance reform. But getting that legislation to the floor for a vote will be a daunting struggle despite the fact reform is favored by a majority of Americans.

Appalled by the fund-raising abuses in the 1996 elections, the public wants change. Republican congressional leaders, however, are comfortable with the status quo.

It would be a pity to let this opportunity to clean up the political system pass by. Reformers must redouble their efforts. Citizens who want the campaign finance cesspool drained must let Congress know how they feel.

Before the August vacation, the House passed the Shays-Meehan bill to eliminate soft money—the unrestricted, unregulated contributions (in effect, payoffs) from corporations, unions and wealthy individuals that are corrupting politics. House reformers triumphed because there were enough Democratic votes and enough courageous Republicans such as Rep. Chris Shays of Stamford to win the day.

As considerable risk to themselves, Republican House members bucked their party leadership's opposition to change.

The Senate version of the soft-money ban, called the McCain-Feingold bill, was favored by a majority of the 100 senators when the issue was taken up earlier this year. But backers coundn't get the 60 votes needed to shut off a filibuster mounted by Republican leaders.

Quashing a filibuster will again be difficult.

Senate Majority Leader Trent Lott and other top Republicans are "dead set against reform," Sen. Joseph I. Lieberman of Connecticut observed recently. "They don't feel that they will suffer any consequences if they don't bring it up. They feel that people just don't care."

That isn't what the polls say. But people have to act on the disgust they feel toward a system under which politicians become the wards of favor-seekers with lots of money. The public should apply pressure on politicians who scoff at the idea of cleaning up the system.

Connecticut's senators—Mr. Lieberman and Christopher J. Dodd—long have favored change in the way campaigns are financed. They should assume high-profile, leadership positions in making the case for the Senate version of reform. These two Democrats should use their powers of persuasion to bring reluctant colleagues of both parties aboard the reform cause.

As Mr. Shays and his Democratic partner, Martin Meehan of Massachusetts, proved, the good fight can be won even against long odds.

[From the Kansas City Star, Sept. 3, 1998]

VOTE NEEDED ON CAMPAIGN FINANCE

A showdown on campaign finance reform is shaping up in the U.S. Senate. The test will be whether a minority of the Republican-dominated body can continue to block action on legislation that would outlaw the scandalous fund-raising and spending that occurred in the 1996 elections.

The access and influence bought by moneyed interests are contaminating our political system. Ordinary citizens are increasingly locked out of the policy-making decisions on Capitol Hill.

The fight in the Senate is over the McCain-Feingold bill, a measure considered dead until recent weeks. Earlier this year a bipartisan majority of the Senate voted for McCain-Feingold, which is co-sponsored by Sens. John McCain, Arizona Republican, and Russell Feingold, Wisconsin Democrat.

Despite that vote, a GOP-led filibuster prevented the Senate from a final decision on the bill. Reformers, including all Democrats and some Republicans, failed by eight votes to get the 60 necessary to halt the filibuster. Thus a minority of Republicans blocked a measure that would bring genuine reform to the way campaigns are financed.

The issue was revived when the House passed a bill last month similar to McCain-Feingold, setting the stage for new action in the Senate.

Based on previous performance, no help is expected from Missouri and Kansas senators. They seem satisfied with the current arrangement.

The McCain-Feingold bill and the House-passed measure would prohibit "soft money," the funds that are contributed by corporations, labor unions and wealthy individuals to the political parties. Soft money funding, which is not limited or regulated, is supposed to be used for party-building activities, but not specific candidates. This rule was largely ignored in 1996.

The majority votes for campaign finance reform in both houses of Congress this year reflect broad support for change. That sentiment disputes the contention of many members of Congress that the public is not interested in the issue. Opinion polls also show overwhelming public support for reforms.

That is why the Senate Republican leadership is obligated to allow a new vote on campaign finance reform before adjournment.

[From the St. Louis Post-Dispatch, Aug. 31, 1998]

DO THE RIGHT THING

If the two gentlemen running for the U.S. Senate would stop kicking each other in the shins, each would see a monumental opportunity to serve the public good while serving his own political interest.

Attorney General Jay Nixon should sit down at the negotiating table and not get up until he has a settlement in the St. Louis school desegregation case. A settlement would be good for the schoolchildren and would mend political fences with African-Americans upset by Mr. Nixon's extreme opposition to the desegregation program.

Meanwhile, Sen. Christopher S. Bond, R-Mo., should go back to Washington this week where he holds a key vote for campaign finance reform. Passage of the McCain-Feingold bill would restore people's faith in the political process and spotlight Mr. Bond's willingness to occasionally stand up to misguided GOP leadership.

DESEGREGATION

The Missouri Legislature provided Mr. Nixon with the tools to work out a settlement of the school desegregation case with the NAACP, which represents African-American children. The Legislature passed SB 781, which would provide $2 in new state aid to the St. Louis schools for every additional $1 raised locally in taxes. This would enable the city to fund desegregation programs, like the magnet schools.

SB 781 also continued the transfer program under which about 12,000 black children from the city attend suburban schools.

In this way, SB 781 took away Mr. Nixon's main legal arguments. Across many years and in many courts Mr. Nixon has argued that the transfer program has never been legal and that the state obligation to help fund desegregation programs in St. Louis should end soon.

Legally disarmed, Mr. Nixon should be able to settle pronto.

There have been recent rumblings that some suburban school districts are causing problems behind the scenes by making unreasonable demands to get out of the transfer program. Mr. Nixon should simply sidestep that sideshow and settle the case with the NAACP. Those two sides should be able to obtain a final judgment from the court.

Mr. Nixon has complained recently that his civil rights record is actually better than Mr. Bond's. Yet some African-American leaders seem to want to judge Mr. Nixon on his deeds rather his words.

There is one way for the attorney general to counter: Do something. Settle the case.

CAMPAIGN FINANCE

Distressingly, Mr. Bond joined the GOP leadership to kill the McCain-Feingold campaign finance reform bill earlier this session.

The bill had majority support, but needed eight more Republican votes to escape a filibuster. At the time the bill was killed in the Senate, it didn't look as though it would pass in the House. But in Phoenix-like fashion, the House version of the bill—Shays-Meehan—passed this summer.

Mr. Bond now has an opportunity to reconsider in light of the changed circumstances. Mr. Nixon, who supports the bill, should keep the heat on this issue.

When Mr. Bond helped kill the bill, he said he was acting on First Amendment concerns. Although the free speech questions are not frivolous, the bill appears to be constitutional. The bill would ban "soft" money—the huge gobs of dough that political parties raise for campaign purposes from corporate and union treasuries, wealthy individuals and foreign nationals.

Federal law now bars "hard" money contributions to individual candidates from corporations, unions and foreign citizens. Extending this ban to soft money simply recognizes that soft money is used for electing candidates, too. There should be no First Amendment problem.

The other main part of the bill regulates issue ads within 60 days of an election or when the ads are clearly intended for campaign purposes. Politically active organizations—like those for or against abortion rights—could not use organization funds for these issue ads. They would have to set up political action committees. That would require disclosure of donors and $5,000 contribution limits. Issue ads are clearly at the core of protected speech, but the Supreme Court has given Congress latitude in regulating speech when it is for campaign purposes.

Frankly, Mr. Bond, the First Amendment arguments do not justify the GOP leadership's morally bankrupt position on campaign finance. Senate Majority Leader Trent Lott talks a lot about President Bill Clinton's campaign abuses, but he won't reform the system that allowed them.

The GOP claims that Mr. Clinton's abuses were illegal. But most of those big $100,000 contributions were legal, soft money contributions, obviously intended to buy access and favorable consideration—and maybe a night between the sheets in the Lincoln bedroom.

In the end it comes down to the voters. Holding Mr. Bond's feet to the fire on campaign finance reform and Mr. Nixon's on school desegregation would be a lot better use of this election than sitting idly by and watching the attack ads that distort, demogogue and demean the entire process.

[From the Tennessean, Aug. 31, 1998]

SALVAGE SORRY SESSION WITH CAMPAIGN REFORM

The U.S. Senate comes back from recess today with a long agenda, a short calendar, and an even shorter list of accomplishments to date.

It's already snuffed out anti-smoking legislation. It has shoved to the back burner President Clinton's proposal to expand a self-financed form of Medicare to early retirees. It has largely ignored the administration's call to provide more teachers and more federal money to public schools. The prospects for reaching consensus on a massive bankruptcy bill or the so-called Patients Bill of Rights are slim indeed this year.

And with five weeks left on the Senate calendar, some members might be satisfied just to pass the necessary appropriation bills and head for home.

But such a minimalistic approach from the Senate, however, would shortchange the public. The Senate can still salvage this unproductive year by focusing its energy and effort on one extremely worthy area, the McCain-Feingold campaign finance bill.

Since this bill's House counterpart has already passed, the Senate adoption of McCain-Feingold could send the reform measure to the President's desk.

The heart of the bill is a ban on "soft money," which is now largely unregulated and can therefore be given in unlimited quantities by individuals, unions or corporations. The elimination of soft money would greatly reduce the aggregate amount of political money.

A majority of the Senate is already on record in support of McCain-Feingold. The obstacle, however, comes down to eight votes the number of Republican senators who need to switch their votes on cloture so the bill can come up for a vote.

The opponents to this bill, led by Sen. Mitch McConnell, R-Ky., believe they have made it through the August recess without any defections. And in truth, the opponents are counting on public apathy to help kill the measure. McConnell has remarked on several occasions that the public doesn't really care about campaign finance reform.

It's not too late to prove him wrong. Although the public may not know the intricacies of campaign law, it cares deeply when it sees its leaders kowtowing to big money while they ignore average citizens.

Sen. Fred Thompson has been a strong supporter of McCain-Feingold from the start. Tennesseans who want to see a measure of reason restored to the campaign finance process should contact Sen. Bill Frist, and ask him to vote for cloture on this issue.

The McCain-Feingold bill would not cure all that ails the U.S. political system. But it would greatly weaken the ties between big money and politicians. The result would necessarily be a more responsive government. Eight additional votes needed for cloture.

[From the Charleston Gazette, Aug. 27, 1998]

POLITICAL CASH CLEAN UP THE CESSPOOL

Americans have turned cynical about Congress, assuming that big-money pressure groups buy influence by lavishing cash on senators and representatives.

High-cost campaigning forces Congress members to be "bag men," carrying home loot from every lobbying interest wanting legislation. Republicans get most industry money, so they resist every attempt to dam the cash river. But they've lost a few battles—and another victory for the public seems within reach.

On Aug. 6, the House strongly passed the Shays-Meehan campaign finance reform bill, which bans unlimited "soft money" gifts to political parties. Speaker Newt Gingrich, R-Ga., and other GOP leaders fought it, but 61 Republicans defected and voted with Democrats to pass the bill. (Disgustingly, West Virginia Democrats Nick Rahall and Allan Mollohan jumped the other way and joined the Republicans.) Now it's in the Senate, which returns from summer recess Monday. Passage in the Senate is tougher because a GOP filibuster is likely, and a three-fifths majority is needed to break a filibuster. Twice before, attempts to ban soft money were killed by Republican filibusters despite unanimous Democratic support.

But this is an election year, and GOP senators don't want voters to see them as defenders of the cash sewer. Perhaps a few more will switch sides, creating the three-fifths majority. We surely hope so. After the House victory, the New York Times said: "The House action was a milestone in a journey that began with the first disclosure of campaign fund-raising excesses in the 1996 presidential election. Hearings into those abuses last year were clouded with partisan acrimony. But on Monday Republicans and Democrats showed they could work together.

"Gingrich and his henchmen, especially Tom DeLay, tried to portray the legislation as revolutionary. In fact, it simply closes loopholes in the existing law by banning unlimited 'soft money' donations to political parties from corporations, unions and rich individuals." The newspaper said the House vote "kindles genuine hope that Congress does listen to the public's yearning for a more accountable political system. Members of the House or the Senate will now ignore that message at their peril."

Exactly. Any senator who opposes the Shays-Meehan bill is voting to keep the money flood pouring—in effect, voting for disguised bribery. We hope that election-year pressure is enough to push through the cleanup.

Mr. FEINGOLD. Mr. President, again, we are down to 8 votes out of 535 Members of Congress. After a clear demonstration that a bipartisan majority in both Houses support this bill, we are just down to eight votes, eight votes to break the filibuster that is holding up this important reform bill.

This isn't one of those situations where we haven't had votes to see if there might be a majority. We have. We had the votes in March, in February, and it was clear that a bipartisan majority of this body supports McCain-Feingold. So it is only the filibusterers, a minority of this body, who are standing against the majority of this body and the other body. We will soon see whether eight more Senators are ready to do what so desperately needs to be done.

Time and time again the senior Senator from Arizona and I have said we are more than willing to entertain changes to our bill that will allow us to get those eight votes, as long as the basic integrity of the bill remains intact. We reached that kind of agreement with Senators SNOWE, JEFFORDS and CHAFEE, and it led to our proving that a clear majority in this body supports McCain-Feingold.

I say to all of my colleagues, but especially the 48 who have not yet joined the majority, if you are one of the potential eight votes, if before the end of this year you want to show that you do care about the corrupting influence of money in our political process, and if you have a particular concern or problem with the amendment that is on the floor now, please come talk with us. I have had several fruitful conversations with some of these potential Senators and I look forward to more of them. Let's try to come to some agreement that will allow us to give the American people what they so desperately want from this Congress—a campaign finance reform bill that will make the first election of the next century one of which we can all be proud.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the American body politic has a disease. It is a serious disease that some would argue is a critical disease. It is called "the money chase." No party and few candidates are immune from it. The good news is that it is curable. The bad news is that there may be enough Members in this body—the Senate—who want to block the cure so that the cure cannot succeed.

To inoculate our democratic system against this disease, we passed a series of laws in the 1970s to limit the role of money in Federal elections. It was our intent at that time to protect our democratic form of government which relies so heavily on the interchange of ideas and actions between the government and the private sector and to protect our form of government from the corrosive influence of unlimited and undisclosed political contributions. We wanted to ensure that our elected officials were neither in reality nor in perception beholden to special interests who are able to contribute large sums of money to candidates and their campaigns. These laws were designed to protect the public's confidence in our democratically elected officials.

For many years those laws setting limits on campaign contributions worked fairly well.

The limits that they set were respected, and these limits, indeed, are still on the books today. Those same laws that purportedly set limits on how much people can contribute to campaigns are on the books. And here is what they say.

Individuals aren't supposed to give more than $1,000 to a candidate per election, or $5,000 to a political action committee, or more than $20,000 a year to a national party committee, or $25,000 total in any one year. Corporations and unions are supposed to be prohibited from contributing to any campaign. Contributions from foreign countries, foreign citizens, and foreign corporations are prohibited. And Presidential campaigns are supposed to be financed with public funds.

That is the law. That is what it says on the law books today. Yet in the last few years we have heard story after story after story about contributions of hundreds of thousands of dollars from individuals, corporations, and unions, and even about contributions from foreign sources. And we have heard stories about Presidents and Presidential candidates spending long hours on fundraising tasks.

Now, how is that possible? Well, what has happened is that a pretty good law setting limits on the size and source of contributions had some soft spots which, over the years, both parties took advantage of. Both parties pushed up against those soft spots and created holes in the law, big loopholes that allowed the big money to pour in.

So now there are effectively no limits at all. That is why we hear about a $1.3 million contribution to the RNC from just one company in 1996, and a half-million dollar contribution from just one couple to the DNC the same year.

Some in this Chamber like it that way. They don't want any limits. The majority leader has said it is "the American way."

I disagree. We have got to plug those loopholes. We have to make the law whole again and, in making it whole, to make it effective. If we don't do that, we risk losing the faith the American people have that we represent their best interests.

Soft money has blown the lid off the contribution and spending limits of our campaign finance system. Soft money is the 800-pound gorilla sitting right in the middle of this debate. Some want to pretend that it is not there, but it is. Soft money is at the heart of this problem. All soft money means is money which is unregulated and unlimited that, for one reason or another, crawls through that loophole that has been pierced by both parties in our campaign finance limits.

Look at the most recent data. In the 1996 election, Republicans raised $140 million in soft money contributions, while Democrats raised $120 million—almost as much. In the first 18 months of the 1998 election cycle, Republicans have raised about $70 million, and Democrats have raised about $45 million. That was double the amount that both parties raised in the first 18 months of the 1996 elections. That money currently is legal, and it is legal because of the loopholes in the law that we must close with the McCain-Feingold bill.

The way both parties have gotten around the law of the 1970s has been to establish a whole separate world of campaign finance. It is the world of soft money—contributions that are not technically covered by the limits under current law. Once that soft money loophole was opened, once the loophole was viewed as legitimate, the money chase was on by both parties. Couple that with the high cost of television advertising, and you have the money chase involving just about all candidates.

The chase for money has led most of us in public office or seeking public office to push the envelope, to take the law to the limits, to get the necessary contributions.

The money chase led the head of the Republican National Committee, Haley Barbour, to use a subsidiary of the RNC, the National Policy Forum, to obtain some $750,000 in what, practically speaking, became a foreign contribution from a Hong Kong businessman to run ads in key congressional races.

The money chase drove the actions of Roger Tamraz, a large contributor to both parties who, during last year's investigation, became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administrations and a Democratic trustee in the 1990s during Democratic administrations. He was unabashed in admitting his political contributions were made for the purpose of getting access to people in power. Tamraz showed us in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. And despite the condemnation by Members of Congress and the press of Tamraz's activities, when asked at a hearing to reflect on his $300,000 contribution to the Democrats in 1996, Tamraz said, "I think next time I'll give $600,000."

What happened to the limits? What happened to the $1,000 limit and the $5,000 limit on PAC contributions, and the overall $25,000 limit per year? What happened to the intent of this Senate and the House of Representatives back in the 1970s to establish limits on contributions to candidates? How is it that a Roger Tamraz can unabashedly appear in front of a Senate committee and say, "Yes, I gave $300,000 to the Democrats. I did it to gain access." And when asked, "Would you do it again?" indicated that, next time, he'll give $600,000, if necessary.

Now, what do we believe the public feels and senses when they hear and see that? What do we think goes through the average person's mind when they see a Roger Tamraz unabashedly, boldly, without any shame, saying, "Hey, I can give you guys $300,000, I can give you $600,000, using that loophole, and I will do it again"?

Is that what we want our election system to be—when we have passed a law which says $1,000 to a candidate, $25,000 overall in a year, that somebody can just appear in front of a Senate committee and say, "Yes, I gave $300,000, nothing illegal about that. I used the soft money loophole, folks. If you don't like it, close it. If you want to put limits on how much money I can give, close the loophole. But until you do it, I am going to keep on giving it"?

That is the Tamraz challenge to us. That is the gauntlet that he has laid down in front of us, both parties. Answering his challenge cannot be done on a partisan basis. There is no way we are going to reform these laws unless enough Democrats and enough Republicans come together, as they did in the House of Representatives, and say enough is enough. We intended limits, we intended limits to apply, and we are going to close the loopholes which have obviated those limits, destroyed them, undermined them and, in the process, undermined the confidence of the American people.

The money chase also pressures political supporters to cross lines they should not in order to help their candidates get needed funds.

The money chase led a national finance chair of Senator Dole's presidential campaign, Simon Fireman, to engage in a 5-year money laundering scheme which funneled $120,000 through a secret Hong Kong trust to his employees who contributed to the candidates he supported. Similarly, the money chase led members of the Lum family, a father, mother and daughter, to funnel $50,000 through company employees and stockholders to Democratic candidates they supported, resulting in the first guilty pleas in the Justice Department's ongoing campaign finance fraud case.

The money chase led a foreign corporation, Korean Airlines, and four U.S. subsidiaries of foreign corporations from the same country to funnel illegal contributions through their employees to a Republican Member of Congress JAY KIM, resulting in $1.6 million in corporate criminal fines.

The money chase in political campaigns is a serious disease that has become chronic and too many of us have been affected by it. Too many of us have spent too much time fund-raising and in the process, pushing the fundraising rules to their limits. Most of us know in our hearts that the money chase is a bipartisan problem and the bipartisan solution is the McCain-Feingold bill.

But we have been here before. During my career in the Senate I have lost count of the number of times that this body has debated the need for campaign finance reform, been presented with reasonable bipartisan proposals, yet, in the end, failed to get the job done.

Will this time be different?

The Senate has before it a bipartisan campaign reform bill, the McCain-Feingold bill, that would do much to repair our campaign finance system. It is not a new bill. It has been before this body for years now and has received sustained scrutiny from Members on both sides of the aisle.

It is a bill that recognizes that the bulk of troubling campaign activity is not what is illegal, but what is legal—what is currently legal because of the soft money loophole. The McCain-Feingold bill takes direct aim at closing the loopholes that have swallowed the election laws. In particular, it takes aim at closing the soft money and issue advocacy loopholes, while strengthening other aspects of the federal election laws that are too weak to do the job as they now stand.

I have heard experts and my colleagues condemn the excesses of the 1996 elections. I've also heard people bemoaning the lack of tough civil and criminal enforcement action against the wrongdoers. But there is an obvious reason for the lack of strong enforcement—the existing Federal election laws are riddled with loopholes and in many respects unenforceable. And as much as some want to point the finger of blame at those who took advantage of the campaign finance laws during the last election, there is no one to blame but ourselves for the sorry state of the law.

The soft money loophole exists because we in Congress allow it. The so-called issue advocacy loophole exists because we in Congress allow it to exist. Tax-exempt organizations spend millions televising candidate attack ads days before an election without disclosing who they are or where they got their funds because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

The Federal Election Campaign Act was first enacted 20 years ago, in response to campaign abuses uncovered in connection with the Watergate scandal. Congress enacted a comprehensive and tough system of laws, including contribution limits and full public disclosure of all campaign contributions and expenditures.

At the time they were enacted, many people fought against those laws, claiming they were an unconstitutional restriction of First Amendment rights to free speech and free association. The laws' opponents took their case to the Supreme Court. The Supreme Court issued the Buckley decision, which held both contribution limits and disclosure requirements were constitutional.

I want to repeat that, because Buckley is thrown around quite a bit on this floor, so I want to just repeat that last statement. Buckley upheld the constitutionality of contribution limits.

There are those who say we should not, or cannot, limit the amount of contributions. We do limit the amount of contributions, and Buckley said that we can. The question now is whether we close the loopholes which have destroyed those limits. But in terms of the constitutionality under the first amendment, Buckley upheld the constitutionality of limits on campaign contributions.

The Buckley court wrote specifically—relative to disclosure requirements, by the way—that:

> While disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the problem.

And the court held in Buckley that:

> We find that under the rigorous standard of review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon first amendment freedoms caused by the $1,000 contribution ceiling. Congress was justified [the Buckley court wrote] in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

That is Buckley explicitly holding that Congress can set and enforce contribution limits, and that the first amendment does not preclude us from doing so. The Buckley court also wrote:

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. . . . To the extent that large contributions are given to secure political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . .

Roger Tamraz spent $300,000 buying access and said, "I'll double it next time." Buckley, the Supreme Court, said:

> Of almost equal concern . . . is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . .

Congress [the Buckley court held] could legitimately conclude that the avoidance of the appearance of improper influence . . . is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.

That is Buckley. That is Buckley ruling on contribution limits. That is Buckley saying that Congress could legitimately conclude, to use its words, that "the avoidance of the appearance of improper influence . . . is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

That is Roger Tamraz' challenge to us.

And when he and others say, "I can give $300,000 because of that soft money loophole, and I'll double it next time," the Supreme Court says that Congress can legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

The Buckley Court also upheld the disclosure limits that we had in the law. In upholding both the contribution limits and the disclosure requirements, the Supreme Court used a balancing test that weighed the first amendment rights against the integrity of Federal elections, and the Court ruled that the integrity of our elections is so compelling a Government interest that contribution limits and disclosure requirements are constitutionally acceptable.

Some have argued that McCain-Feingold is an unconstitutional restriction of free speech, but that analysis leaves out several key legal considerations.

First, although Buckley is often cited in support of that argument, Buckley, as a matter of fact, is the decision that upheld contribution limits and disclosure requirements. Buckley did strike down spending limits, but not contribution limits which Buckley affirmed. Spending limits were stricken by Buckley, but no one is talking about mandatory spending limits in this bill. What we are talking about is contribution limits and disclosure requirements, exactly what Buckley said is a constitutional means to protect the integrity of our elections, to deter corruption and the appearance of corruption, and to inform voters.

Some have correctly cited other court decisions holding that only ads which contain a short list of so-called magic words can be subjected to the Federal election law requirements and limits relative to contributions, but that analysis leaves out a decision in the ninth circuit in the Furgatch case which holds that the list of magic words, which those other courts cited, "does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate."

The analysis by some relative to issue ads also leaves out, in addition to ignoring the ninth circuit Furgatch case, the fact that the Federal Election Commission has reaffirmed, on a bipartisan basis, its commitment to a broader test that goes beyond the magic words to unmask ads that claim to be discussions of issues but which are clearly intended to advocate the election or defeat of a Federal candidate.

The Supreme Court has yet to rule on the Federal Election Commission regulation or whether the magic words must be present before Federal election laws can be applied to ads that clearly attack or support candidates.

Despite attempts to depict the constitutional picture as providing crystal clear support for unfettered speech, no matter how corrupting of our electoral system, that is not the state of the law. To the contrary. The Supreme Court has repeatedly held that the integrity of our elections is a weighty concern which Congress can consider. The question is how to balance that concern for the integrity of elections against the free speech concerns in the first amendment.

How do you balance the two? In Buckley, the Court balanced them by saying contribution limits are constitutional; disclosure requirements are constitutional; spending limits, expenditure limits are not. That is what the Buckley Court ruled. This bill, our bill, is consistent with Buckley, consistent with Furgatch, and consistent with the Federal Election Commission s reaffirmation of the broader test for candidate advocacy.

The problem with our campaign laws is that candidates and parties have pushed against the limits of the law and found loopholes to such an extent that the law's limits are no longer effective. We intended to establish limits after Watergate. Those limits have been destroyed by the soft money loophole.

The Supreme Court said we can, in fact, limit contributions. The issue before us is whether we will restore those limits on contributions. Individuals can now give parties hundreds of thousands of dollars, millions of dollars at a time, claiming that they are providing soft money rather than the hard money that has to meet the legal limits. Corporations, which are not supposed to make direct contributions at all, now routinely contribute huge sums to both parties, millions to both parties. While those contributors claim to be providing money that is simply for party-building purposes and not for candidates, the issue advocacy loophole allows parties and others to televise ads that clearly attack or support candidates while claiming to be discussions of issues beyond the reach of the election laws, but which are indistinguishable from candidate ads which are subject to contribution limits and disclosure requirements.

To show the absurd state of the law, at least in some circuits, we can just look at one of the 1996 televised ads that was paid for by the League of Conservation Voters and which referred to House Member GREG GANSKE, a Republican Congressman from Iowa, who was then up for reelection. This is the way the ad read:

> It's our land; our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections. Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman Ganske voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman Ganske. Tell him to protect America's environment. For our families. For our future.

The ad sponsor claimed that was an issue ad, an ad that discussed issues rather than a candidate, and so could be paid for by unlimited and undisclosed funds. If one word were changed, if instead of "Call Congressman Ganske," the ad said, "Defeat Congressman Ganske," it would clearly qualify as a candidate ad subject to contribution limits and disclosure requirements.

In the real world, that one word difference doesn't change the character or substance of that ad at all. Both versions unmistakably advocate the defeat of Congressman GANSKE. But the ad sponsor claims that only one of those ads must comply with election law contribution limits and disclosure requirements. That doesn't make sense, and McCain-Feingold would help close down that interpretation of the law.

This is not the first time that loopholes have eroded the effectiveness of a set of laws. It happens all the time. The election laws are just the latest example. Congress is here partly to oversee the way that laws operate, to close loopholes that have been discovered.

The question is, What are we going to do about it?

The time for crying crocodile tears about campaign fundraising is over. Folks should wipe away those crocodile tears from their eyes, because if they do, they will see a public disgusted with both parties for allowing unlimited fundraising and contributions in our Federal elections. Seventy-three percent of American people in a poll conducted by the Los Angeles Times believe both parties committed campaign finance abuses in the 1996 elections; 81 percent—81 percent—of the American people believe the campaign fundraising system needs to be reformed; 78 percent of the American people believe we should limit the role of soft money.

Campaign finance reform is an issue that can convert a dedicated optimist into a doomsayer, but we have before us a bipartisan bill that provides the key reforms, that has passed the House and that the President will sign.

We have before us a bipartisan bill which a majority in the Senate support, and we have a bipartisan coalition that is willing to fight hard for this bill.

So let us stop complaining about weak enforcement of the election laws when the wording of those laws make them virtually unenforceable. Let us stop feigning shock at the laws' loopholes while allowing them to continue. It is time to enact campaign finance reform. That is our legislative responsibility. Otherwise, we are going to be haunted by the words of Roger Tamraz that in the next election it will be $600,000 instead of $300,000.

Mr. President, I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. McCONNELL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me thank my colleagues. I thank Senator LEVIN for his remarks. I thank him for his unbelievable dedication in trying to push through reform legislation. He has been at this a long time. This is the time to do it; I agree with my colleague. We have an opportunity. We have a bill that was passed on the House side. It is a bipartisan measure. We have a public that is calling for the change. And I agree with you, I say to the Senator; now is the time to pass this legislation.

I also thank my colleagues, Senator McCAIN, Republican from Arizona, and Senator FEINGOLD, Democrat from Wisconsin. I have a special kind of affection for both of my colleagues. I think Senator McCAIN is principled; he speaks out for what he believes in; he is a courageous legislator. I think Senator FEINGOLD has emerged here in the U.S. Senate as a leading reformer. He is my neighbor. I am a Senator from Minnesota, and I tell you, people from Minnesota who follow RUSS FEINGOLD's work have a tremendous amount of respect for him. I am honored to be an original cosponsor of this legislation.

I do not know exactly where to get started. It is interesting. Senator Barry Goldwater told it like it is. I went to Senator Goldwater's service in Arizona, not because I was necessarily in agreement with him on all the issues. As a matter of fact, some of my good friends, Republican colleagues, who were on the plane with me kept giving me Barry Goldwater's book "Conscience of a Conservative" and kept telling me if I had read that book when I was 15 I would be going down the right path. I told them I did read the book when I was 15. I just reached different conclusions.

Senator Goldwater about a decade ago said:

> The fact that liberty depended on honest elections was of the utmost importance to the patriots who founded our nation and wrote the Constitution. They knew that corruption destroyed the prime requisite of constitutional liberty, an independent legislature free from any influence other than that of the people. Applying these principles to modern times, we can make the following conclusions. To be successful, representative government assumes that elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community.

Let me just start out with some examples. I was involved in a debate here on the floor of the Senate last week which was emotional. It was kind of heart rending. You had a small group of people who were sitting where some of our citizens are sitting today. And they were from Sierra Blanca. They were disproportionately poor. They were Hispanic. And you know what? They were saying, "How come when it comes to the question of where a nuclear waste dump site goes, it's put in our community? How come it always seems to be the case that when we figure out what to do with these incinerators or where to put these power lines or where to dump this waste, it almost always goes to the communities where people don't make the big contributions? They are not the heavy hitters. They are disproportionately poor, disproportionately communities of color; thus, the question of environmental justice.

This was a debate where you had the interests of big money, big contributors, corporate utilities, versus low-income minority communities. I would argue different colleagues voted for different reasons, and some voted because it was not their State and they felt a certain kind of, if you will, deference to Senators from other States. I understand that. But my point is a little different.

I tell you that all too often the conclusion is sort of predetermined. Those who have the clout and those who make the big contributions are the ones who have the influence, and those are the ones we listen to. All too often, a whole lot of citizens—in this particular case, the people from Sierra Blanca—are not listened to at all. Big money prevails, special interests prevail, for the same reason that the people in Sierra Blanca cannot get a fair shake in Texas. That is to say, they do not give the big contributions, they do not have the political clout. For the same reason, they could not get a fair shake here in the U.S. Senate.

In about 20 minutes I am going to be at a meeting with some colleagues from the Midwest. We have an economic convulsion in agriculture. Let me wear my political scientist hat. I really believe that when people look back to 1998, 1999, going into the next century, and raise questions about our economy—because I fear that we are going to be faced with some very difficult times—they are going to be looking at this crisis in agriculture as a sort of precursor.

What has happened in agriculture is record low prices. Not everybody who is watching the debate comes from a State where agriculture is as important as it is in the State of Minnesota, the State I come from. But let me say to people who are listening to the debate, if you are a corn grower and you are getting $1.40 for a bushel of corn, you can be the best manager in the world, you can work from 5 in the morning until midnight, but you and your family will never make it. You will never make it. Record low prices. People are having to give up. They are just leaving. The farm is not only where they work, it is where they live.

It is interesting that we had a farm bill, the 1996 farm bill. It was called the Freedom to Farm bill. I called it then the "freedom to fail" bill. It was a great bill—I am not saying anything on the floor of the Senate that I have not said a million times over in the last 2 years. It was a great bill for the grain companies because what this piece of legislation essentially said to family farmers is, "We're no longer going to give you a loan rate. We're going to cap the loan rate at such a low level that you won't have the bargaining power."

This sounds a little technocratic, but to make a long story short, you have family farmers faced with a monopoly when it comes to whom they sell their grain to. If they do not have some kind of loan rate that the Government guarantees that brings the price to a certain level, they have no bargaining power in the marketplace.

Not surprisingly, the prices have plummeted. There is no safety net whatsoever. And now we see in our part of the country, in the Midwest, a family farm structure of agriculture which is in real peril. We see an economic convulsion. We see many family farmers who are going to be driven off the land.

We are going to be coming to the floor of the Senate—you better believe we are going to be coming to the floor of the Senate—and we are going to be saying to our colleagues, "Look, you could have been for the 'freedom to fail' bill or not, but there's going to have to be a modification. You are going to have to cap off the loan rate, and we're going to have to get the prices up for family farmers."

I would argue that in 1996—and I hope this will not be the debate again—what was going on here was a farm bill that was written by and for big corporate agribusiness interests. That is what it was. It was a great bill for the grain companies, but it was a disaster for family farmers.

So we are going to revisit this debate. And once again, is it going to be the grain companies and the big food processors and the big chemical companies and the transportation companies, or is it going to be the family farmers? I hope it will be the family farmers. I hope our appeal to fairness and justice will work on the floor of the U.S. Senate.

But I tell you, all too often, as I look at these different issues in these different debates, it is no wonder, as Senator LEVIN said, that people are so disappointed and disillusioned with both political parties. It is no wonder that people do not register and do not vote. Because you know what? They have reached the conclusion that if you pay, you play, and if you do not pay, you do not play.

They have reached the conclusion that this political process isn't their political process. I mean, my God, what happens in a representative democracy when people reach the conclusion that they are not stakeholders in the system, that when it comes to their concerns about themselves, about their families and their communities, their concerns are of little concern in the corridors of power in Washington? This is really dangerous. What is at stake is nothing less than our very noble, wonderful, 222-year experiment in self-rule and representative democracy. That is what it is really all about.

(Mr. FRIST assumed the Chair.)

Mr. WELLSTONE. Now, let me give some other examples. We went through a debate about whether or not we were going to do anything to provide our children with some protection from being addicted to tobacco. Guess what happened? Tobacco companies, huge contributors, individual contributions to Senators and Representatives, big soft money, hundreds of thousands of dollars of contributions to the party, and guess what happened? As a special favor to those big tobacco interests, we didn't even provide our children with sensible protection.

I fear as a special favor to the big insurance companies we are not going to eventually provide patients with the kind of protection that they need. I fear that as a special favor to those bottom dwellers of commerce who don't want to raise the minimum wage, we are not even going to raise the minimum wage for hard-pressed working people.

What I see over and over and over again is a political process hijacked by and dominated by big money. I tell you, that is the opposite of the very idea of representative democracy, because the idea of representative democracy is that each person counts as one and no more than one.

What we have instead is something quite different. Let's just think for a moment about what is on the table and what is not on the table, because I think this mix of money and politics, this is the ethical issue of our time. We are not talking about corruption as in the wrongdoing of individual office holders; we are talking about systematic corruption. What systematic corruption is all about is when too few people have the wealth, the power, and the vast majority of people are locked out. Some people march on Washington every day and other people have a voice that is never heard.

Let's just think a little bit about what is on the table and what is not on the table. I think quite often money determines who runs for office. I will talk about who wins, what issues are put on the table, what passes, what doesn't. Let's talk about what is not on the table and maybe should be on the table. What is not on the table is the concentration of power in certain key sectors of our economy which poses such a threat to consumers in America.

Think for a moment about the concentration of power in the telecommunications industry. If there is anything more important than the flow of information in a democracy, I don't know what it is. This is so important to us. Now, we had a telecommunications bill that passed a couple years ago, which, by the way, I think has led to more monopoly. What was interesting is that the anteroom right outside our Chamber was packed wall to wall. You couldn't get in here if you tried to get through that anteroom. Personally, I couldn't find truth, beauty and justice anywhere. There was a group of people representing a billion dollars here, another group of people representing a billion dollars over there. You name it.

What is not on the table is a concentration of power in financial services or a concentration of power in agriculture or all the ways in which conglomerates have muscled their way to the dinner table and are taking over the food industry. What is not on the table is a concentration of power in the health care system, the way in which just a few insurance companies can own and control most of the managed care plans in the United States of America.

Again, I would say that we are moving toward this new century. I hope the brave new world isn't two airline companies. I come from a State where we now have a strike. In Minnesota we don't have a lot of choice. We can't walk from Minnesota to Washington, DC. Northwest Airlines has 85 percent of the flights in and out. What are we going to have—two airlines, two banks, two oil companies, one supermarket, two financial institutions, two health care plans? It is interesting that this isn't even on the table here. Could it be that these powerful economic interests are able to preempt some of the debate and some of the discussion by virtue of the huge contributions they can make with the soft money loophole that can add up to hundreds of thousands of dollars?

What is not on the table is, I argue, a frightening maldistribution of wealth and income in America. The goal of both political parties, the goal of political leaders, ought to be to improve the standard of living of all the people. Since we started collecting social science data, we have the greatest maldistribution of wealth and income we have ever had in our country. You don't hear a word about it. It is important for people, if they work hard, to be able to participate in the life of our country. It is important for people to be able to receive the fruits of their labor.

We have this huge maldistribution of wealth and income. We are not even going to discuss it. Could it be that some of the people who are the most hard-pressed citizens in this country have basically become invisible? They are out of sight; they are out of mind. They don't have lobbyists. They don't make the big contributions. They don't even register to vote because they don't think either political party has much to say to them. They think both parties have been taken over by the same investors. Unfortunately, there is some truth to that. Unfortunately, we have given people entirely too much justification for that point of view.

What is not on the table? What is not on the table is a set of social arrangements that allow children to be the most poverty-stricken group in America. One out of every four children under the age of 3 is growing up poor in America. One out of every two children of color under the age of 3 is growing up poor in America today. That is a national scandal. That is a betrayal of our heritage. Certainly we can do much better.

Now, there are organizations like the Children's Defense Fund. They do great work. But it is a very unequal fight. It comes to whether or not you are going to have hundreds of billions of dollars of what we call tax expenditures—tax loopholes and deductions, corporation welfare, money that goes to all sorts of financial interests, some of the largest financial institutions, some of the largest corporations in America—or whether or not we are going to make a commitment to make sure that every child has the same opportunity to reach his or her full potential. This is the core issue. I am convinced that so many good things that could happen here get "trumped" by the way in which money dominates politics.

Now, the House has passed a good campaign finance reform bill, the Shays-Meehan proposal. It is not everything that some of us would have liked. As a matter of fact, what is interesting is that the original McCain-Feingold bill applied to Senate races. I thought that was one of the most important things. We had voluntary spending caps—you can't mandate it—and at the same time an exchange for media time. That is gone. That was really important. So we are talking about a proposal that is a milder proposal, but it is an enormous step forward. It is an enormous step forward.

There are other things that are going on in the country that I am excited about, that I wish for, that I think eventually we will get to. The clean money, clean election bill that some of us have introduced here on the Senate side is an exciting proposal. We have a lot of energy behind it at the State level. I think New York City will pass it. I think the State of Massachusetts will pass it. The State of Maine already did pass it. The State of Vermont passed it. There are initiatives in other States.

Basically, with the clean money, clean election proposal, we get the big private money out. You say to the citizen, listen, for $5 a year, would you be willing to contribute to a clean money, clean election trust fund? And then those candidates who abide by spending limits and don't raise the private money, this money goes to their campaigns. You have a level playing field, and you own the elections, and you own your State capitol, and you don't have all of this mix of big money in politics. A lot of people in the country really like this proposal. I think the political problem here is we are not ready for it yet because the system is wired. It is wired to people who can raise the big money, and quite often, they are the incumbents. And a lot of people don't like to vote out a system that benefits them. But the McCain-Feingold bill represents a very important step forward—following on the heels of a really exciting victory in the House of Representatives. It is very important, very similar. It bans the soft money as my colleague, Senator LEVIN—and there is nobody with more intellectual capital in this area—discussed. Senator LEVIN knows all of the specifics. I am so impressed with him as a legislator, with his ability. He talked about it. I will just say that this is a huge loophole. It is all very amorphous.

Corporations and unions can make these huge soft money contributions. We all end up calling for this money now because everybody is trapped by the same rotten system. It restricts issue advocacy, these phony issue ads that are disguised as not really election ads. I went through this. I don't mean this in the spirit of whining, but it started in 1996, in the spring in Minnesota, and it went on all summer. There were all of these ads that would come on TV and they bash you for this and bash you for that, but they don't say "vote against" whether you are Democrat or Republican; they just say "call." It is unbelievable. They could be financed by soft money. A huge loophole, huge problem. This bill codifies the Beck Supreme Court decision requiring unions to notify their dues-paying members of their right to disallow political use of their dues. It improves disclosure and FEC enforcement. This bill would represent a substantial step forward.

Mr. President, there is a wonderful speech that was given by Bill Moyers in December of 1997, the title of which is "The Soul of Democracy." I want to quote from part of Bill Moyers' speech:

> If Carrie Bolton were here tonight, she could speak to this. The Reverend Carrie Bolton from North Carolina. You'd have a hard time seeing her because she is only so high and her head would barely reach the microphone. But you would hear her, of that I'm sure. The state legislature in North Carolina established a commission to look at campaign financing, and Carrie Bolton came to one of the hearings. She listened patiently as one speaker after another addressed the commissioners. And then it was her time. She spoke softly at first. Then the passion rose, and her words mesmerized her audience. When Carrie Bolton finished, they stood and cheered. This is what she said; listen to what Carrie Bolton said:
>
> "I was born to a mother and father married to each other, who were sharecroppers, who proceeded to have ten children. I picked cotton, which made some people rich. . . . I pulled tobacco. . .I shook peanuts. . .I dug up potatoes and picked cucumbers, and I went to school * * * with enthusiasm. And with great enthusiasm I memorized the Preamble to the Constitution of the United States, I learned the Pledge of Allegiance to the flag, and I was inspired to believe that somehow those things symbolized hope for me against any odds I might come upon.
>
> "I am a divorcee, a single parent divorcee, and I earn enough money to take care of my two children and myself. And I have managed to get a high school diploma, a bachelor's degree, two master's degrees, and do post doctoral work.
>
> "I am energetic. I'm smart. I'm intelligent.
>
> "But a snowball would stand a better chance surviving in hell than I would running for political office in this country. Because I have no money. My family has no money. My friends do not have money.

> "Yet, I have ideas. I'm strong, I am powerful (with her right hand she lifts her left wrist)—people can feel my pulse. People who are working, and working hard, can feel what I feel.
>
> "But I can't tell them because I don't know how to get the spotlight to tell them.
>
> "Because I have no money."
>
> Anyone who believes Carrie Bolton's cry isn't coming from the soul of democracy is living in a fool's paradise—a rich fool's paradise.

That is from Bill Moyers' speech. He is my hero journalist. I think he has done some of the finest work. He concludes his speech by saying this:

> I have three grandchildren—Henry, 5; Thomas, 3; and 10-month-old Nancy Judith. I want them to grow up in a healthy, civil society, one where their political worth is not measured by their net worth.

That is one of the reasons Bill Moyers goes on to argue that this is his passion, this is his work. He is right. This is the core issue.

Now, Mr. President, I don't know that I would have the eloquence of Carrie Bolton, but I conclude this way because I see other colleagues who may want to speak. I can't forget my own experience. It is not quite Carrie Bolton's experience, but I ran for office in 1990, and it was amazing. I mean, you don't come to the floor to brag, but you don't run for office if you don't think you have the character and ideas. Basically, everywhere I went, the argument was made, "you don't have a chance." I was a teacher, so I didn't have much money. My father was an unsuccessful writer. My mother was a cafeteria worker, a food service worker. My family didn't have any money. My wife Sheila worked in the library at the high school. Everywhere I would go—including on the Democrat side, not just the Republican side—people were trying to decide whether or not I was a viable candidate. It had nothing to do with content of character, nothing to do with ideas, nothing to do with leadership potential, and it had nothing to do with positions on issues. People just wanted to know how much money you raised. You were viable or you weren't viable. You were a good candidate or you were a bad one based upon how much money you yourself had—and I didn't have it—or how much money you would raise.

It is unbelievable, absolutely unbelievable. There are so many people who can't run for that reason alone. I was lucky. I come from Minnesota, and I am emotional about how much I owe to them. They were an exception to the rule. We were outspent six or seven to one, and we won. Sometimes it happens—if you have a great green schoolbus to campaign in and a great grassroots organization.

I am the son of a Jewish immigrant who fled persecution from Russia. We have had a 222-year, bold, important experiment in self-rule in democracy, representative democracy. That is what is at jeopardy here. I have talked to people about potentially running for office. They don't want to. A lot of people, good people, don't want to run for office any longer because they can't stand the thought of this money chase. They can't stand doing it. Moreover, if you combine what the money is used for, with communication technology becoming the weapon of electoral conflict, people using the money for poison politics, all the attack stuff on TV, a lot of very good, sane people don't run.

I think what is happening is a lot of good people aren't going to be involved in public affairs. A lot of young people are not going to get involved in public affairs. You get to where people are either millionaires or they have to raise millions of dollars. I think you get into this awful self-select where a whole lot of good men and women aren't going to run at all. I am not going to cite the polls because we have the evidence for this. Everybody knows it. Every Democrat and Republican knows full well that people are disengaged and disillusioned with politics in this country, and this is one of the central reasons.

So, Mr. President, I simply say to my colleagues that we have a piece of legislation on the floor that follows up on an exciting victory in the House of Representatives, and we need to pass this legislation. I also say to my colleagues—Democrats and Republicans alike—frankly, I can't figure out the opposition. People want to see this changed. People just hate the way in which they feel like money dominates politics. Those of us in office, and even those of us who are challenged for office, hate it. We hate raising the money; we hate this system. I would think if we wanted the people we represent to have more confidence and faith in us, more confidence and faith in this political process, more confidence and faith in the U.S. Senate, we would vote for the McCain-Feingold piece of legislation.

So the debate will go on. We will have this vote.

I say to my colleagues on the other side—which doesn't mean just Republicans because there are some Republicans who support this legislation—that I think they are making a big mistake filibustering. From my point of view, this should go on and on for the next however many weeks it takes. I don't think we should drop this one. This is the core issue. This is the core question. It speaks to all the issues that are important to people's lives. It speaks as to whether or not we are going to have a functioning democracy or not.

As a Senator from Minnesota, from a good government State, from a reform State, from a progressive State, there is no more important position that I can take than to be for this reform legislation.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that it is tough to follow the Senator from Minnesota. Senator WELLSTONE brings to this body extraordinary talent, and more than that, a conviction and fervent commitment to principle that all of us admire so greatly.

His first campaign for the U.S. Senate was legendary. He was a college professor, I believe, in a small college in Minnesota. He put himself on a school bus—an old, beaten up school bus—and traveled all around the State of Minnesota. He was dramatically outspent by a gentleman who had formerly served in the U.S. Senate, and, yet, prevailed.

His presence on the floor of the Senate indicates his reelection to the U.S. Senate and to the fact that there are Members of the Senate who can basically break the rules. He wasn't supposed to win. You are not supposed to have a chance when somebody outspends you 6 or 7 to 1. It might raise some question in some people's minds. Why we are even debating this if someone like PAUL WELLSTONE can win when he is being so dramatically outspent? Why do we need campaign finance reform? It is just because of the fact that PAUL WELLSTONE, unfortunately, is the exception to the rule. The rule is that at the end of a campaign, if you take a look at the amount of money spent by a candidate, in most instances—the overwhelming majority of instances—the candidate, whether it is the incumbent or the challenger, who spends more money will prevail, will win the election.

That really tells the story of why this bill—the McCain-Feingold bill—the only bipartisan campaign finance reform bill, is so important, because it strikes at the heart of this money chase.

Think about this last Presidential election in 1996—incumbent President Bill Clinton v. Senator Robert Dole, two extraordinarily talented men with a background in public service running for the highest office in the land. They traversed America from one side to the other. They were on every newscast every night. They debated with frequency. There was a great exchange on issues, and a real difference of opinion on many important questions.

We in America—at least the politicians—were focused on a daily basis.

Then came the election in November of 1996. Something historic occurred. I am not talking about who won and lost. What was historic was the fact that we had the lowest percentage turnout of eligible voters casting ballots in the Presidential election than we had in 72 years in America. Think of it. Despite all of the publicity, and all of the attention, when the election day came, Americans—American voters—stayed home.

Let me amend that for a moment.

The reason why 72 years applies is that 72 years before 1996 was the first election in American history when women were eligible to vote, and many did not. If you would take that particular election in 1924 out of the picture, you have to go back into the early part of the 19th century to see a lower turnout of eligible voters. Is that important? Does it mean anything that voters stayed home; that they have decided for the most important election in America that they wouldn't participate? I think it means everything in a democracy, because the voters—the citizens of this country—will not even come forward to express their choice in an election. It is not only a sad commentary on our democracy. It is a threat to our democracy.

The McCain-Feingold bill goes to the heart of the problem. Why did people stay home? Did they assume they already knew the results? That is possible. But I think a lot of them were sickened by this political process. They looked at the way that, in this case, men ran for President; and men and women ran or not for the House and Senate. They basically said, "We don't care to participate in it. Our family is going to stay home." And they did.

What was it about those election campaigns? Was it the groveling that all of us as candidates who were not independently wealthy had to do to raise the money to be viable? I think that is part of it. I think that is the big part of it. They wonder how a man or a woman aspiring to serve in this body, or the House, can raise literally millions of dollars without dirtying themselves in the process, without sacrificing their own principles and values. They become increasingly skeptical of politicians in general, and the candidates up for election in particular.

There is another element, too—the advertising that we put on television during the course of the campaign. A lot of people are turned off by it. Most campaigns hire sophisticated people to make those ads. They hire pollsters who go out and take legitimate samples of American opinion—samples within a given State—and convert those samples into messages; 30-second messages that go up on television. Some of the messages are positive. Some are negative. It is the negative ones that unfortunately give us the bad name and lead a lot of people to say that this process itself is so fundamentally flawed.

This McCain-Feingold bill has one more aspect. And one important aspect of that says when it comes to these so-called independent expenditures—the issue advocacy ads—at the very minimum let us find out who these people are that are paying for the ads. That is not too much to ask. Let me give you an illustration.

The last time we debated this bill on the floor, I left the debate to go to a meeting of the Senate Judiciary Committee before which we had witnesses who were testifying on a variety of subjects, including the question of term limits. The term limits issue is fairly obvious. It says that we should limit—at least those people argue—that we should limit the number of terms served by Members of the U.S. Senate and Members of the House of Representatives. There is some surface appeal to this that has become a hot issue in a variety of elections. I know the issue myself personally, because in the closing days of my Senate race in the State of Illinois they spent about a quarter of a million dollars on TV ads criticizing me because I opposed the term limits proposal. And those ads were fairly effective. I won. But I had to deal with the criticism that they raised.

So there sat before me this gentleman representing the term limits movement who said he agreed with the opponents of McCain-Feingold that we shouldn't reform our campaign finance system. I said to the gentleman representing the term limits movement, "Please, since I as a candidate have to disclose every penny that I raise, the source of the amount, and my political party has to do the same, I would like for your term limits movement, having spent millions of dollars to defeat or elect candidates to office, to do the same. Are you prepared to disclose to the American people the sources of the money that paid for those TV ads?" His answer in a word was "no."

Why wouldn't he make a full disclosure? His argument was—follow this one, if you will—that there would be retribution from elected officials whom they disagreed with. I don't buy it.

Men and women organizations come forward on a regular basis to contribute to political campaigns. They understand they have taken a position for a man or woman running for office. The fear of retribution is part of the concern. But it is an illustration of how an organization with some high-sounding purpose like limiting terms for Members of the House and Senate can literally spend millions of dollars of mystery money and never make a full disclosure; never make any disclosure as to the source of those funds.

Is it important? It could be. Who knows who is financing term limits in America? Is it one person? Is it one company? Is it one special interest group? That is a legitimate question. I can guarantee you that you will not see the term limits movement people standing around the shopping centers of America with kettles and bells asking for quarters and dimes. They don't do business that way. They deal in big checks from big players, big expenditures, to make a big impact on the system, and they are totally, totally unregulated. That to me is shameful. It is disgraceful.

What is going on here in this debate on McCain-Feingold is an attempt to change the system, to clean it up, and to restore some character to our political process. I am at the same disadvantage as Senator WELLSTONE of Minnesota and Senator FEINGOLD, one of the cosponsors, of Wisconsin. I was raised in a family that was not wealthy. I had a wealthy background in terms of values and education but not a lot of money. Fortunately, with good education and some good friends, I was able to start a career in public service. But now we find this new emerging phenomenon in American political life on both sides, Democrat and Republican, the so-called middle-aged, crazy millionaire who shows up on the scene bored with his life who decides he is tired of practicing law, he is tired of making lots of money in business and now has dreams of being Governor or Senator or you name it. They then take their personal wealth and, under the existing law, spend it to basically buy a campaign, buy their way into office.

I think there are some genuinely good people who have done this, but I think we have to ask ourselves what will happen to this political process if more and more of this sort of person become the Representatives and Senators of America. I think we will lose something. We would lose something like a PATTY MURRAY, who is a Senator from the State of Washington, who has a background of teaching in a classroom. I am glad Senator PATTY MURRAY is on the floor of the Senate. When we discuss educational issues, I turn to PATTY MURRAY. Time and again, I want her perspective because she has been there. She comes from a family of modest means, but she makes a great contribution because the voters in the State of Washington have allowed her to come to this floor. And when you look around this Chamber you find others, Democrats and Republicans, of similar backgrounds. Unless we are prepared to reform this campaign finance system, I am afraid it will become more elite, more plutocratic, if you will, and limited in terms of the types of people who do serve it.

Let me also, in closing, note the procedural issue that we face here. This is an important issue. It was brought up before the Senate once before, and it was stopped. Some 57 Senators, if I am not mistaken, Democrats and Republicans, came forward saying they supported it, but in this body it really takes 60 in order to stop the filibuster. Sixty votes were not there. Campaign finance died. The House went through heroic efforts to bring this to the floor over the opposition of Speaker GINGRICH. After weeks of debate, weeks of amendment, they passed it, and now this bill sits ready for our approval.

Will we vote on it? That would seem the obvious thing. Let's vote on campaign finance reform, up or down. We are going to have it or we are not. If we can pass it, let's send it to the President. Let's try to make sure that we achieve at least one thing in this legislative session. And yet it is not likely we will ever see that opportunity. It is not likely because under the rules of the Senate procedurally you can basically stop a vote. I hope that doesn't happen. I hope we have an opportunity for the yeas and nays on this question, an up-or-down vote. Let the Senators of both parties be on record before they go home. Are they in favor of reform or would they want to obfuscate this issue, cover it up with rhetoric? Try to say to the voters back home: You just don't understand; it is much more complicated.

I hope that doesn't occur. I hope that we will have the up-or-down vote. I hope the men and women of the Senate, Democrats and Republicans, will cast their vote on this issue of campaign finance reform. I do believe what is at stake here is more than just a bipartisan bill. Senator MCCAIN of Arizona and Senator FEINGOLD of Wisconsin are the chief sponsors. At stake here is the question of the future of this democracy. We are just a few scant weeks away from an important election, an election which will ask the American people to make their choices again.

I guess it sounds almost hackneyed now to talk about the legacy that we have in this country, that we so often take for granted.

I can recall just a few years ago when I was given an opportunity to visit the tiny country where my mother was born, the country of Lithuania. Lithuania, which has for over 50 years been under Soviet domination, was given for the first time a chance at democracy, the first time in half a century. I was there as then-President Gorbachev sent in the tanks in an effort to quell this democratic movement, and, fortunately, he was not successful. People of that country risked their lives. They certainly risked their political futures because they wanted to vote. They wanted to elect their leaders. It was gratifying that they would invite me and others from the United States, because we represented to them what this was all about—democracy, the people speaking.

I found it curious. As each one of these leaders would emerge in these new countries, they would visit around the world, but the first stop would always be right here in this building, on Capitol Hill, before a joint session of Congress. Whether it was Lech Walesa, Vaclav Havel, the leaders of the Philippines and other places, in order to validate their democratic experiment, in order to come to what they considered to be the cradle of liberty, they came here to this building. They recognized in our country what many of our citizens are failing to recognize—what this democracy really means and what it is all about.

There are some who will argue this issue and say that the speech I have just made is too idealistic, it is way beyond practical politics. They are right. It is about ideals. It is about the democratic ideals that are at stake if we don't reform this system. I hope those who oppose this bill will in all fairness give us a chance for an up-or-down vote.

Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the first amendment to the Constitution of the United States reads in relevant part:

> Congress shall make no law abridging the freedom of speech or of the press.

No law, Mr. President, and I pick up this relatively long and detailed proposal for a new law, and I read the title of one of the sections, the title appearing on page 16: "Prohibition of Corporate and Labor Disbursements for Electioneering Communications." Let me read that once again, Mr. President. Section 200B of this bill is a "Prohibition of Corporate and Labor Disbursements for Electioneering Communications."

Now, what is an electioneering communication? According to the bill, and again I quote, "electioneering communication means any broadcast from a television or radio broadcast station which refers to a clearly identified candidate for Federal office; is made or scheduled to be made within 60 days before a general, special, or runoff election for such Federal office."

Mr. President, I go back to the first amendment. The first amendment says:

> Congress shall make no law abridging the freedom of speech or of the press.

It is impossible for me to see how the proponents of this legislation can claim that these detailed restrictions on what corporations or labor unions and within the body of the bill, individuals, political parties or organizations, can do when they are communicating about an election and so much as naming a political candidate.

The American Civil Liberties Union, in writing about this provision in connection with last February's debate, wrote:

> This unprecedented provision is an impermissible effort to regulate issue speech which contains not a whisper of express advocacy simply because it refers to a Federal candidate who, more often than not, is a congressional incumbent during an election season.

This argument doesn't even go to the desirability of such a provision but simply to the fact that it is clearly a violation of the first amendment to the Constitution of the United States.

One can go beyond that and wonder why this phrase "electioneering communication" only applies to radio and television. I think at the time of our previous debate the definition was broader than that. But here we have a situation in which a particular form of communication about public issues—of speech about public issues—is banned but an identical speech about the same public issues using the same words is not banned or controlled in any respect whatsoever—radio and television; not newspapers, not handbills, not direct mail. I believe it is likely that these provisions would be found unconstitutional if only because of that distinction without a difference between forms of communication; that if one form of communication is allowed, how can you possibly prohibit another form of communication?

The rationale, I believe, is that the sponsors of this provision believe that radio and television communication is somehow more effective than other forms of communication and so they will ban it only. But the fundamental position of the opponents to this bill is that this whole section, the whole subtitle dealing with independent and coordinated expenditures, dealing with what can and cannot be done within 30 days of a primary election and 60 days of the general election, clearly abridges the "freedom of speech" clause of the first amendment to the Constitution of the United States.

In both Congress and the courts, there have been frequent appeals to certain limitations on certain forms of speech and the broadest definition of that word when that speech is asserted to be obscene. Much of that debate revolves around whether or not James Madison and the Founding Fathers would have protected certain forms of speech—obscenity, even advertising and the like. We debated that issue in connection with proposed tobacco legislation earlier this year. But clearly the draftsmen of the first amendment, the Founding Fathers, were absolutely certain and clear in their belief that political speech, the debate about political ideas, be absolutely free and unfettered. And they succeeded in doing just exactly that.

In Buckley v. Valeo, the Court said:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

I may return to this issue in a few moments, but it does represent only one-half—one section of this bill. The other element of the bill, the prohibition of what is called "soft money," probably is not subject to the same constitutional strictures. It is simply overwhelmingly undesirable. Congress, in 1974, in a portion of its campaign finance regulations passed in that year, limited the amount of money that one individual could give to another individual's political campaign for Federal office. That portion of the 1974 statute was found to be valid, though the limitations on actual expenditures by a given candidate from that candidate's own money or from other sources was found to be invalid, under the Constitution, for the very reasons that I have just read, from the Supreme Court's opinion in Buckley v. Valeo.

What has been the inevitable result of those restrictions? What has been the inevitable result of those restrictions as the limitations passed in 1974 have shrunk by the operation of inflation in our society so that the $1,000 per individual per campaign limitation in 1974 is worth roughly $380 or $390 today? Mr. President, the response on the part of people who feel strongly about political ideas and about political campaigns has been to cause them to switch a great deal of their support from individual candidates to the political parties under whose aegis those candidates run for office.

Now, I think that this is, at least, a modest step in the wrong direction. Why? Because, of course, every dollar spent by a candidate—whether that candidate has written a check out of his or her own pocket or whether or not that money has been solicited from others—every dollar spent by an individual candidate on a communication is subject to criticism from the newspapers, television stations, and from other candidates to exactly the extent that it is deceptive or dodges the perceived real issues in a political campaign. Each candidate, in other words, can be held responsible, and candidates are generally held responsible, for the quality of their own communications. A candidate, however, cannot nearly so easily be held responsible for communications coming from that candidate's party. So to exactly the extent that we have limited—have choked off the ability of candidates other than the wealthiest of those candidates to raise—

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. FEINGOLD. Let me first express my admiration for the Senator from Washington's interest in first amendment and free speech issues, and his very careful presentation.

I would just like to ask, in light of his earlier comments, if he believes the Buckley v. Valeo decision was correctly decided?

Mr. GORTON. He does, though in this case I am not sure that Buckley v. Valeo would have been so decided, even with respect to the limitation on contributions to individual candidates, had those limitations been, say, $380 or $390 today. That is to say, a restriction or a limitation that is constitutional under one set of circumstances could easily find itself to be unconstitutional under another set of circumstances, if the Court deemed those limitations to be unreasonably restrictive.

Mr. FEINGOLD. Mr. President, I recognize the point that in Buckley v. Valeo the Court did suggest that there was some magnitude of contribution that might be needed to constitute a corrupting influence on the political process. But the Senator apparently accepts the notion that it is constitutional to have some kind of limitation on what a person can give to a candidate.

Mr. GORTON. That is the decision in Buckley v. Valeo, and while I question the wisdom of the limitation, I don't question the constitutionality.

Mr. FEINGOLD. I think the Senator has been—if I can continue, Mr. President—has been very candid on the floor as to whether it would be constitutional to prohibit soft money contributions. I think you have spoken to that. Correct me if I am wrong, but I believe you have indicated you believe that, under Buckley v. Valeo, it would be constitutional to do that although it may not be wise to do so. Is that a fair statement of the Senator's position?

Mr. GORTON. The Senator is correct.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. The point the Senator from Washington was making was simply this, Mr. President: That limitations, constitutional as they may be, on the ability of candidates, other than those who can finance their own campaigns, to solicit money from others, has forced that money into a channel in which the electioneering communications are far less the responsibility of the individual candidate than they are when that candidate spends for himself.

From a public policy point of view, it is the view of this Senator at least that money spent by political parties is less desirable because there is less responsibility for it than money spent by individual candidates. But of course those aren't the only two alternatives for spending money for political purposes.

As and when these limitations on contributions to political parties become law, to the extent they are found constitutional, the interest of those who feel a vital necessity to communicate political ideas to advance causes of either ideas or for candidates is not going to be eliminated, it is not even going to be diminished.

What do we have under those circumstances, Mr. President? Under those circumstances, we have the individual who can no longer give a significant amount of money to a candidate of his or her choice, can no longer give what he or she considers a sufficient amount to the political party of that candidate engaged in one or two other political activities: Either in independent expenditures on behalf of an individual candidate or an idea or in issue advocacy. Under those circumstances, the communications are even less the responsibility of the candidate who benefits from them than they are when the money is spent by that candidate's political party.

The political party is not responsible for the content of any such electioneering communications either, but we then get to the very unconstitutional limitations on express advocacy that are included in this bill. The sponsors of the bill run up against the fact that the limitations that they can impose constitutionally simply force money used on politics into areas that they cannot constitutionally touch because the Constitution says Congress shall make no law abridging the freedom of speech.

The amount of money spent on political ideas and political advocacy is no less—in fact, in many respects it may be more—it is simply that it is, for all practical purposes, impossible to criticize a candidate for money that is, for all practical purposes, being spent on behalf of that candidate.

That, Mr. President, is the fundamental reason that even those portions of this bill which are arguably constitutional are highly undesirable. They will not lessen the amount of money spent during the course of political campaigns. They will make the spending of that money less responsible than it is at the present time. They have nothing to do with an argument about corruption, other than to encourage the kind of subterfuge which so marked the 1996 elections.

If, for example, the money spent in 1996 could have been legally given directly to the candidates and disclosed at the time, we wouldn't be in the midst of one more search for an independent counsel to examine the results of those elections.

The net results of this bill, it seems to me, are twofold: They are to force political money into less and less responsible channels in which disclosure is less than it is at the present time and, to the extent that they attempt to control those expenditures, to come afoul of the first amendment to the Constitution of the United States. No, Mr. President, we would be far, far better off in encouraging, rather than discouraging, contributions directly to candidates and requiring their immediate disclosure, and in encouraging rather than discouraging support of our political parties.

Most of us who are engaged in partisan politics through most of our careers have been exposed to the academic proposition, at least, that one of the shortcomings of the American political system, in comparison with the parliamentary systems of most other democracies, is the almost total absence of party discipline and party responsibility. We are often criticized for the fact that each one of us as an individual—that a voter cannot be at all certain when he or she votes for a candidate of the Republican Party, or the Democratic Party, for that matter, that they will get what they believe to be the platform of that political party adopted, because the candidates, in each case, are independent agents.

Most academics would ask us to increase the power, the degree of influence, of political parties over their members, especially over their elected officials, so that we could have a brighter line of distinction between the parties and their platforms, so that voters would have what they consider to be a more significant choice.

I may say that I don't necessarily buy that argument. I am not sure I buy it at all. But there are few arguments put forward by either academics or, I think, by practicing politicians that political party organizations of the United States should be weaker and of less account than they are today.

This bill, to the extent that it is constitutional, weakens, marginalizes, almost eliminates, the effect of political party organizations, and it does so to exactly the extent that it increases the authority and the influence of nonparty organizations of the most narrow of special interest organizations in political campaigns.

No, Mr. President, we should strengthen the candidates' organizations. We should require candidates to be more responsible for the money that is spent on their behalf, and we should probably be strengthening political party organizations at the same time.

What we do in this bill is to continue the weakening of the candidates, to add to that the weakening of the parties, and we encourage, because of the unconstitutional nature of the second part of this bill, the portion of spending in our political system for which the spenders and the political parties and the candidates are least accountable.

This bill is no better than it was in February when it was defeated. It is no better than it was nearly 2 years ago when it was defeated.

The comments during the course of the debate a year ago last fall from George Will are as applicable today as they were then. And I will conclude by quoting him:

> Nothing in American history—not the left's recent campus "speech codes," nor the right's depredations during 1950s McCarthyism, or the 1920s "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

That was true last year. It is true this year. It will be true next year. It is the fundamental reason that this bill violating first amendment rights of free speech should be rejected by this body once again.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. GORTON. The Senator has yielded the floor.

Mr. FEINGOLD. I was wondering if the Senator would briefly be willing to continue the discussion of the constitutional issues.

Mr. President, I appreciated the Senator's candid responses on the relationship of the Buckley v. Valeo decision to the issues of contributions. He also talked a little bit about corporate and union spending and what should be done there.

Does the Senator have a constitutional problem with the current law's ban on corporate union spending in connection with Federal elections?

Mr. GORTON. This Senator has some question on that subject, but this Senator is completely convinced that, as undesirable as he regarded the political campaigns in 1996 by labor unions, that they were, are, and will remain completely constitutional, totally within the rights of those unions, and that they cannot be restricted in any respect whatsoever by the Congress.

Mr. FEINGOLD. Is the Senator aware that since 1904 corporations have not been able to make contributions directly, and since 1943 labor unions cannot? That is current law.

Mr. GORTON. That is current law, but that has to do with the direct contribution to a candidate. It has nothing to do with the express advocacy that is covered by the second part of this bill.

Mr. FEINGOLD. If the corporation or union simply ran campaign ads, the prohibition would apply as well, would it not?

Mr. GORTON. It is very difficult to see the difference between what was done during the course of the 1996 elections in direct campaign ads, and they were distinctions without a difference.

Mr. FEINGOLD. That is exactly the point.

To continue, is that not a reason that a majority of this body, as expressed in the Snowe-Jeffords amendment, believes that this is a very simple and logical extension on the ban of corporate and union campaigning by saying that a corporation and union cannot directly fund issue ads that directly mention a candidate's name in the last 60 days? Is that not simply an extension of, in effect, what has always been the law?

Mr. GORTON. No, I do not believe under any circumstances that it is. There is an absolute prohibition against so much as mentioning the name of a candidate in a 60-day period before an election in this bill. I simply refer the Senator to the first amendment. If that is not a law abridging the freedom of speech, we could not pass a law abridging the freedom of speech. Any other limitation or restriction would be valid. It flies directly into the teeth of the plain meaning of the first amendment.

Mr. FEINGOLD. It is interesting that the Senator makes that comment because a few years ago, for example, there was no question that Philip Morris could not write out a million-dollar check and run ads like that, but somehow now it is almost standard practice. Somehow the law has been moved away from almost a century-long prohibition on corporate spending in connection with Federal elections to the ability to have unlimited spending on Federal elections through the ruse of pretending that an issue ad is an issue ad when it actually does everything but say the words, of course, "vote for" or "vote against" a certain candidate.

Isn't that just, in effect, eliminating the whole corporate prohibition that has existed for such——

Mr. GORTON. The quarrel that the Senator from Wisconsin has is not with this Senator but the Supreme Court of the United States and the first amendment.

Mr. FEINGOLD. Mr. President, that is exactly what we would hope to determine with the passage of this bill. We would find out if in fact the Supreme Court would find that an ad that does everything to promote a candidate or attack a candidate but say "vote for" really is an issue ad. That would be a matter for the Supreme Court to determine.

Mr. President, I appreciate the courtesy of the Senator from Washington in responding to a series of questions.

I ask unanimous consent that the Senator from Nevada, Mr. BRYAN, be added as a cosponsor of the McCain-Feingold amendment before the body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank my colleague from Wisconsin, and I thank him and the senior Senator from Arizona for their leadership on campaign finance reform. They have been faithful to the cause. They have been leaders on the floor and they have, I think, engaged the American people at long last in a colloquy so that I believe, as I will comment later in my remarks, the American public now has a better understanding of what is at issue here.

Mr. President, I rise today as a cosponsor and strong supporter of the legislation brought to the floor by Senators MCCAIN and FEINGOLD. I must say that I am pleased—"overjoyed" may be an understatement—that the Senate has at last an opportunity to revisit this issue.

Although campaign finance reform has been derailed in the past by a perennial filibuster, the event of passage of the Shays-Meehan legislation in the House has provided us with a golden opportunity to move past the procedural maneuvering that has obstructed this important legislation for far too long.

The volume of evidence from our most recent Federal elections clearly demonstrates that our current system has spiraled completely out of control. It is no longer a system of rules but a system of loopholes, and through these loopholes has poured a staggering amount of money that continues to escalate each and every campaign cycle.

We no longer have a system in which candidates are encouraged to debate their records and their positions on the issues. We no longer have a system in which candidates are encouraged to look for votes by shaking hands at a coffee shop or greeting workers at a factory gate and knocking door to door at residents' homes.

Sadly, the system in place today encourages candidates to look not for votes but for money. It is a money chase, Mr. President. And all of us are part of this unsavory system. And only we can change it. It is a shameless and demeaning system. And that just speaks to the extraordinary sums of money that candidates themselves are required to raise and spend.

Add to that the millions and millions of dollars raised and spent by the national political parties and outside special interest groups who have perfected the art of saturating an entire State with political ads months and months before the election day.

Mr. President, those who continue to oppose meaningful campaign finance reform must be living in a different world. I simply cannot fathom how anyone can look at the chaos of our past and current elections and suggest that the response of the U.S. Senate should be to do nothing.

During the recent August recess, I had the opportunity to travel widely throughout my home State of Nevada and to meet face to face with thousands of my constituents. In fact, by automobile I traveled more than 3,000 miles through Nevada, visiting with some of the smallest communities in our State and holding 17 townhall meetings during the course of this recess.

Time and time again, the issue of campaign finance reform was raised at these townhall meetings. It was deeply unsettling to see firsthand how disgusted the American people are with the absolute scandal taking place in our campaign finance system. These were not politicians talking about the need for reform. These were ordinary people who have become so disillusioned with our political process that they no longer feel any sort of connection to our democratic system. This is a dangerous threat to democracy itself.

Let me also point out that as often as this issue was raised, not a single person, not one, expressed opposition to the McCain-Feingold bill on campaign finance reform. No one. Absolutely no one.

Thankfully, the House of Representatives has provided us with the opportunity to at least stop the hemorrhaging of our current finance system. Several weeks ago, on a strong, bipartisan vote, the House passed the Shays-Meehan bill which was modeled on the McCain-Feingold legislation before us today. This was not just a handful of Republicans voting with Democrats to pass this legislation. In point of fact, one quarter of the entire House Republican conference voted for that bipartisan bill which passed by a margin of 252-179.

Now, I have heard some of our colleagues, in expressing opposition to campaign finance reform, argue that just because the House has passed this legislation, it does not mean we should do so. I must say I have a different interpretation of the present situation. Shame on the Senate for not passing campaign finance reform in the past; shame on the Senate if we refuse to do so now when we have the opportunity to do so.

Some of us, myself included, would have preferred more comprehensive reform legislation than McCain-Feingold offers. But it is an important step, a vital step, on the road to campaign finance reform. Its centerpiece is the ban on the so-called soft money. Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades. Let me repeat this: Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades.

Despite the 3-year long filibuster of this legislation, we have heard very few opponents come down to the floor and stand up and defend the virtues of a $250,000 in soft money contribution or more. Soft money is an embarrassment to the American political system. It is the mother of all campaign finance loopholes and perhaps the most ingenious money-laundering system in history. Soft money as we know it refers to the unlimited and unregulated contributions from corporations, labor unions and wealthy individuals that flow to the political parties, unchecked and unregulated, outside the accepted contribution limits and reporting requirements of Federal law. This soft money, with little or no disclosure, is then poured into what have become known as issue ads, a nickname given to television and radio advertisements that skirt Federal election laws and fall under no regulations. This money is raised and spent with virtually no limits and no disclosure.

How much soft money can be contributed? Sadly, the sky is truly the limit. In fact, there are no limits to this incredulous, bizarre system. In 1992, just 6 years ago, the two parties raised and spent a combined $86 million in soft money. In just 4 years, soft money more than tripled, exploding from $86 million in 1992 to $262 million in 1996; $260 million that was raised and spent, completely outside the scope of Federal election law.

Perhaps the only thing worse than to know how this soft money is raised is to know how this soft money is being spent. In recent years, the airways have been bombarded, saturated with political ads paid for with soft money. These political ads specialize in shredding various candidates without telling the viewers who paid for the ad, where the money came from, and who was responsible for its content.

It should come as no surprise to any of us that more and more Americans are repulsed by these anonymous assaults and the sheer volume of money pouring into our election system. As a consequence, they are distancing themselves from the political process. That is the greatest tragedy of all. Americans are so turned off by our political system that they don't even vote on election day. When they do vote, often it is not the sense of voting for the better of two candidates; it is a perception that they are voting for the lesser of two evils on the ballot.

With a tidal wave of campaign cash flowing into our political system, the torrent of negative advertising on the airways, and the lack of meaningful disclosure or accountability, it is becoming increasingly difficult, almost impossible, for the American people to feel good about any candidate, or their participation in the democratic process.

Just last week, in my home State of Nevada, we had a critically important primary election. Not only is there an open gubernatorial seat in a hotly contested primary, there were primaries for the U.S. Senate, an open House seat, and a number of seats in the State legislature. I am sad to report that only 28 percent of all registered voters in Nevada turned out for this election—28 percent. Let me make an important distinction. That is not 28 percent of all Nevadans who were eligible to register and to participate in the system. That is 28 percent of those who are actually registered. This is a tragedy. It is not good for our system. Seventy-two percent of all registered voters in Nevada did not vote. And Nevada is not alone.

I have heard it said that if one looks at the entire primary election cycle this year—and I presume they are factoring in those who are eligible to register and chose not to do so, as well as those who are eligible to vote, having registered but chose not to vote—less than 17 percent of the people in America have participated in the electoral process this year. This is a disaster wherever one comes down in the political scale. Whether one registers himself or herself more closely aligned with Democrats or Republicans, independent Americans or Libertarians, wishes to revive the old Know Nothing party, would like to see the old Whig party revived, or want to be part of the avant garde 1990s and become a member of the vegetarian party, wherever one comes down on the political spectrum, 72 percent of those registered to vote not participating is a system that we cannot sustain and still have a representative democracy in America.

In addition to cutting down the soft money system, the McCain-Feingold proposal would place significant restriction on the issue ads which I have just described. Under the Snowe-Jeffords modification, if a radio or television advertisement mentions a candidate's name within 30 days of a primary election or 60 days of a general election, the funds used to pay for that advertisement must be raised under Federal election law and must be fully disclosed. Some outside organizations have suggested that they have a constitutional right to freely discuss an issue with the electorate. I agree. In fact, under this legislation, any organization can run an advertisement on any issue they want—whether it is health care reform, gun control, or any other issue—with no restrictions.

That is a true issue ad and a sort of communication that the Supreme Court has said is free from government regulation, and properly so. The Supreme Court has also said that we can regulate advertisements that are not meant to advocate issues, but instead are meant to advocate candidates. That is what this legislation provides. True issue ads would be exempt from this legislation. However, if an organization chooses to run an ad in the weeks before an election, and if that ad is clearly designed to advocate for or against a particular candidate who is involved in that election, this legislation will define that activity as election related, and the money used for those ads will be required to be raised and spent under the provisions of Federal election law.

Finally, in addition to banning soft money and enacting tough restrictions on candidate ads, the legislation includes a number of provisions that will improve the disclosure of fundraising activities and provide the Federal Election Commission with greater tools to detect and to investigate campaign finance abuses.

Unfortunately, it appears that once again it will require 60 votes to move this important legislation through the U.S. Senate. I, for one, would like to see us move past these procedural games and start having real votes and real issues and debate campaign finance reform on the merits, on the substance. Let's vote on whether or not we should ban all soft money. Let's vote on whether these thinly disguised attack ads should be considered election and campaign ads subject to Federal election law, and let's vote on whether we should strengthen our disclosure requirements under the Federal Election Commission and provide that Commission with greater tools to ensure that all candidates and all parties and outside groups are playing by the rules.

After the outrageous amount of money spent in the 1996 election, after all the charges and countercharges of abuse, impropriety and quid pro quo, and after what we have already witnessed in the opening months of the election season this year, it would be appalling, in my judgment, if the 105th Congress were to adjourn without passing a single reform of this deplorable system.

Madam President, I urge my colleagues to support the McCain-Feingold legislation and begin the process of restoring a sense of integrity and confidence to our democratic process.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Washington is recognized.

Mr. GORTON. Madam President, I note that at least two Senators are on the floor who wish to introduce a resolution on another subject, a subject that I think is appropriate. At this point, I yield to the Senator from Missouri.

Mrs. BOXER. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Missouri, I be granted time to express my support for what he is about to do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

RECOGNIZING MARK McGWIRE OF THE ST. LOUIS CARDINALS FOR BREAKING THE HISTORIC HOME RUN RECORD

Mr. BOND. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 273.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 273) recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Madam President, it is a great honor and with pleasure that I introduce this resolution for myself, Mr. ASHCROFT, the Senator from California, and others who may wish to join us.

Yesterday, I was on this floor describing a very difficult predicament that Major League baseball was encountering. It seemed, as of early yesterday morning, that the Internal Revenue Service might say that a fan who caught a historic home run ball hit by Mark McGwire and turned it back to him might be liable for $150,000 or more in gift taxes on that ball. We pointed out that that made no sense. I am proud to say that we had bipartisan support for that proposition, Madam President. There are very few things that have brought this Chamber together more than that one simple proposition.

I was very pleased yesterday afternoon to have a call from Commissioner Rossotti of the IRS, who understood the magnitude of the problem this could cause. He advised me that he has issued a release from the IRS saying that, while resolving gift tax issues is as difficult as figuring out the infield fly rule, it made sense that we congratulate a fan who returns the baseball rather than hit him with taxes. That is particularly good news to Deni Allen, a 22-year-old marketing representative from Ozark, MO, Mike Davidson, a 28-year-old St. Louis native, and Tim Forneris, a 22-year-old from Collinsville, IL, a member of the St. Louis grounds crew. They all just wanted to give Mark McGwire the baseball and didn't want to be taxed on it. Thanks to the support of this body and the action of the Commissioner, they will not be taxed. I am very pleased with that.

I was also pleased to join many friends and colleagues last night in rooting for the historic home run hit by Mark McGwire. Mark McGwire's achievements are there for all to see on television, or to read about in the sports page, because this is one tremendous athlete. He hit home run ball No. 62 in his 144th game of the season.

The purpose of our resolution is to recognize that historic contribution to baseball. But I also want to just spend a minute on Mark McGwire, the person. I have in my hand a copy of Sports Illustrated, which features a picture of Mark McGwire and his son, Matt McGwire. The article is entitled "One Cool Dad." I think a lot of people who watched Mark McGwire in the year he has been in St. Louis, and probably before that in California, know that he is a dedicated father and he is a community leader. He has shown his willingness to serve his community by his generosity.

This man is a great role model for young people in our country today, and the way he approached this record-setting mark, with due recognition for Roger Maris—also a tremendous athlete, one I greatly respected, who held the record prior to him—reflects extremely well on Mr. McGwire. I hope that I will have many cosponsors who will join in this resolution. I see several colleagues on the floor who want to discuss it, but suffice it to say that Mark McGwire has made a historic contribution to baseball. He has brought the country together. The only thing we are talking about in Missouri is Mark McGwire, not a lot of the other problems. His dedication to leadership and family values, his spirit of community contribution and leadership mark him as an outstanding gentleman who I trust all of us in this body are willing to recognize.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I thank the Senator from Missouri for his eloquent remarks, and I thank both Senators for introducing this resolution.

I rise to salute a native son of California, a man who grew up in the playing fields of southern California, a graduate of California public schools and honed his skills at the University of Southern California and developed into a mature professional in Oakland, CA, where I saw him play many a game; a man who has since settled in Missouri, but will always remain a favorite son of California; a man who brought immense talent, hard work, energy, enthusiasm and, above all, dignity and grace to one of America's most revered institutions.

I grew up, when I was a kid, six blocks from a Major League ballpark. I heard the sound of those home runs all through the years I was growing up. I went to many a game and sat in the bleachers. I am a baseball fan. Yet, I haven't seen such excitement in so many years that we have seen in the last month or so.

This man has really helped reinvigorate the game of baseball, further enshrining it as our national pastime. He has thrilled countless lifelong fans of baseball, and he has made millions of new fans who knew very little about the game. This is a man who has put us in touch with baseball heroes of the past, and he has inspired baseball heroes of the future—a giant of a man, playing a game that we learned to love as children, and who has made us all feel like little kids again at a time when we need that every once in a while. Of course, I speak of Mark McGwire.

I think it is also important to recognize the Cubs' Sammy Sosa. Both of these men have pursued Babe Ruth's and Roger Maris' home run records, and they did it under intense pressure, but with grace and joy, rooting for each other, appreciating their fan support, and infecting us all with good humor, poise and good sportsmanship.

Today is a day of heroes—one particular hero, Mark McGwire. I wanted to say on behalf of all of California—and I know Senator FEINSTEIN joins me in this—that we are very proud of Mark McGwire.

In closing, I want to say that it is hard to join a nexus between one thing and another here. But I have two heroes here today on the floor of the Senate—RUSS FEINGOLD and JOHN MCCAIN—because I am really proud of the way they have pursued their goal, a goal that I think will make this democracy stronger, a goal of good, solid campaign finance reform.

On the one hand, we laud the baseball heroes. I wanted to laud a couple of Senate heroes of mine on campaign finance reform.

Let me again thank the Senators from Missouri for giving us a chance to get to see this praise in writing in the RECORD for all time.

Thank you. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, let me extend my appreciation to the senior Senator from the State of Missouri, Senator BOND, for having presenting this important resolution; and my thanks as well to the Senator from California, Senator BOXER.

I was elated when I saw what we had all anticipated for so long—that Mark McGwire would learn uniquely how to pay the price for greatness, would achieve something that some had said could never happen. We watched and I watched in anticipation as I believe it was in the fourth inning last evening when the first pitch was, incidentally, not what I would call a home run pitch. It looked to me like it was a borderline strike zone, low and away, and Mark reached out and, on the low and away pitch, pulled the ball like a rifleshot over the wall in Busch Stadium in St. Louis.

I stand today to commend him for his outstanding baseball. To see him and Sammy Sosa embrace and salute each other in a friendly kind of competition that brings out the very best is a story about what America really needs and ought to be—how we don't have to be, because we are opponents, enemies. Those two are opponents in most every way and in every sense of the word. But, my goodness, they are not enemies. They elevate each other's performance, and they bring out the best in each other. What a tremendous thing.

Of course, I was so happy to see this happen in St. Louis, MO, a city whose baseball heritage is—well, frankly, it is just unparalleled; a city with baseball fans who understand the game, who know what it means to take a pitch, to hit behind the runner, to make the sacrifice. They know baseball. They know character. They saluted Mark McGwire last night, and properly so.

I was very thrilled to see the Missouri fans be consistent in wanting to share the achievement with Mark McGwire, but not necessarily to take it from him, and the willingness of Missouri fans over and over again to give the baseballs back—to make them part of Mark's heritage and history, to make them part of the national treasure. It is kind of an inspiration at a time when some would lead us to believe that America is nothing but a place of greed.

Too often, sports heroes themselves have participated in the idea that the memorabilia is so valuable that it is only to be sold. I think of these fans who would sort of teach some of our sports heroes lessons that the memorabilia is so valuable that it is not to be sold but it is to be shared. I salute those in St. Louis who decided that this part of American history was too valuable to be sold but it was so valuable that it ought to be shared.

Let me make a few remarks about Mark.

In the pictures—and I just hope the rest of America sees these pictures, if they haven't seen them—in the pictures we see a picture of what we need to be, how we need to think, and how we need to act. Perspective and balance are perhaps the most important characteristics of life. Knowing where you stand at the magic of the moment is certainly a valuable thing. Understanding where you stand in the perspective of history is a valuable thing. Having a respect for the future is a valuable thing. In just one tight little moment there on national television, as Mark McGwire finished rounding the bases, he showed us that he was a person who not only understood the magic of the moment—driving the ball over the left field wall and celebrating the incredible exhilaration and joy of that personal achievement, the crowning achievement of years of training, practice, and insistent persistence toward a goal—he understood the magic of the moment, but he also told us that he understood his place in history, because he went to the stands and he embraced the family of Roger Maris. Roger, of course, died tragically young as a result of cancer. But his family was there to understand not only his place in history but to understand that history marches on. Mark McGwire not only understood the moment but he understood his place in history. He embraced history.

America needs again to have a lesson in embracing history, in respecting our past and understanding that it is only from the greatness of our past that we draw inspiration for surpassing events in the future.

What a tremendous thing that picture was of Mark McGwire with those huge arms around the Roger Maris family.

Then, perhaps as inspiring as anything else, there was the fact that when he rounded the bases and was trading high fives, really before he got into the serious commendations of the rest of his teammates, Mark picked up Matt, the future. He understood that, yes, the past is important, and the magic of the moment is to be cherished, but there is also always the future that is ahead of us. He picks up young Matt, and he elevates young Matt to a position above his father. What a tremendous picture that is. If we as Americans would have an understanding of our youngsters that we need to place them ahead of ourselves, place their interests above our interests, invest in the future, if we would, indeed, hold up our youngsters and elevate them to a place of understanding and the opportunities for greatness, what a tremendous lesson that would be.

So I really have a degree of excitement that is difficult to contain about the tremendous lesson that we can all take out of the joy and exuberance of celebrating the achievements of one whose acts really just stun us and marvel us.

There is just one last point.

There were lots of people—I have been among them—who have said, "Well, Babe Ruth's record and Roger Maris' record"—Babe Ruth, if you wanted to count one game at one game level, and Roger Maris at another—"would never be broken." I am kind of glad that Mark McGwire straightened me out on the breakability of those records, because I believe that maybe as much as anything else, Mark McGwire tells us that the best is yet to come, that every record in the book is one we should look to break, that America is not a place whose primary and monumental achievements are all behind us, but America is a place where the best is yet to come.

Last night, Mark McGwire set a new record of 62 home runs. He might set another record the next time he bats. I am confident that he will set another record before the end of this season over and over and over again.

I think part of the American spirit is such that we should all think about America as a place where the best is yet to come. When we learn to pay the price, maybe when we have the balance and perspective that Mark demonstrated, understanding the magic of the moment, respecting history, and having a full dedication to the fabulous future, maybe that is when we will begin to understand that the best is yet to come and we can be part of it.

To Mark McGwire, to the fans of St. Louis, to Sammy Sosa, who happened to be there when it happened and who, with such class, saluted Mark, I say thanks for an inspiring game, which turns out to be a lesson teacher far bigger than just a game. I am delighted to commend them and thank them for the greatness that they remind us should be a part of all that America is and stands for.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the Senator from North Dakota, Mr. CONRAD, wants to be added as a cosponsor to this resolution and to note that Roger Maris, who was a great hero in St. Louis, was a North Dakotan. We are very proud of the Maris family. We extend our very best wishes to Sammy Sosa, and we hope he gets into the sixties.

If there are other Senators asking to add their names to the resolution, I would be happy to do that.

May I add the Presiding Officer, the Senator from Maine, Ms. COLLINS, the Senator from Utah, Senator BENNETT, and I believe the Senator from Connecticut, as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I came to the floor to speak about campaign finance reform, and I will do that in a moment, but I thank my colleague from Missouri for adding me as a cosponsor of the resolution. As is obvious to my colleagues, I am neither from Missouri nor California, so my claim to being added is my status as a baseball fan. And even though my colleagues may think I am reaching, the fact is that when Roger Maris set the record I was in college together with the junior Senator from Missouri. So it gives me some standing.

I do want to identify myself with his comments just to stress the obvious personal achievement here that has inspired the country, and also the way in which Mark McGwire did it. It was an act of fate, but somehow so correct, that he tied the record at the 61st homer on the day of his father's 61st birthday, because baseball, in my experience in this country, is very much a matter of one generation passing on the experience to another.

My own memories of baseball, first memories, come from my dad taking me to games, and they are cherished memories. I can tell my colleagues—I hope I am not violating her privacy—when my youngest child was 4 days old, in March, I held her up to a TV set and said, "Sweetheart, this is baseball, and you're going to love it." Fortunately, for me, she has, and we have shared that experience. As Senator ASHCROFT indicated, Mark McGwire beautifully continued that with his son there as a batboy.

The second is the obvious rapport between Mark McGwire and Sammy Sosa, as they compete for this but do it with extraordinary mutual respect. To make the point that is obvious but maybe still worth making, here we have one person whose family has been in this country a long time, from a family of relative success and comfort, another a new American born in poverty in another country, coming here, joined together in this remarkable American game to I think this year break records that were previously thought to be impossible.

And a final word about Roger Maris, who did set the record in the younger days of both my life and Senator ASHCROFT's life. I felt that Mark McGwire probably brought the whole country to give more tribute to Roger Maris than he ever had before, and we owed it to him. So I am proud to be added as a cosponsor.

Did the Senator from Missouri wish to add anything before I proceed to the topic of campaign finance reform?

Mr. BOND addressed the Chair.

Mr. LIEBERMAN. If so, I yield the floor.

Mr. BOND. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 273) with its preamble reads as follows:

S. RES. 273

Whereas, since becoming a St. Louis Cardinal in 1997, Mark McGwire has helped to bring the national pastime of baseball back to its original glory;

Whereas, Mark McGwire has shown leadership, family values, dedication and a love of baseball as a team sport;

Whereas, in April, Mark McGwire began the season with a home run in each of his first four games which tied Willie Mays' 1971 National League record;

Whereas, in May, Mark McGwire hit a 545-foot home run, the longest in Busch Stadium history;

Whereas, in June, Mark McGwire tied Reggie Jackson's record of thirty-seven home runs before the All Star break;

Whereas, in August, Mark McGwire became the only player in the history of baseball to hit fifty home runs in three consecutive seasons;

Whereas, on September 5, Mark McGwire became the third player ever to hit sixty home runs in a season; and

Whereas, on September 8, 1998, Mark McGwire broke Roger Maris' thirty-seven year old home run record of sixty-one by hitting number sixty-two off Steve Trachsel while playing the Chicago Cubs: Now, therefore, be it

Resolved, That the Senate recognizes and congratulates St. Louis Cardinal, Mark McGwire, for setting baseballs' revered home run record, with sixty-two, in his 144th game of the season.

Mr. BOND. I thank the Chair, and I thank all of my colleagues for their courtesy in allowing me to proceed.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, if I may continue the stretch to link the two subject matters, baseball and campaign finance reform, may I say that unlike the Brooklyn Dodgers of old, those of us who support McCain-Feingold are not willing to wait until next year, and since McGwire and Sosa are setting the standard for doing what we thought was impossible, we hope they are an eye-opener for those who think adopting campaign finance reform is impossible for this Chamber this year.

I make the comparison without wanting to set it too closely, but wouldn't it be great when this is over if we could refer to McCain-Feingold as the legislative equivalent of McGwire and Sosa?

I will cease and desist and proceed with my remarks.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3554

Mr. LIEBERMAN. I rise to speak on behalf of McCain-Feingold, the amendment offered, to thank my two colleagues for the extraordinary, principled, persistent, and practical leadership that they have given this critical effort, and to urge my colleagues to support the cloture motion that comes up tomorrow.

Madam President, we have a cherished principle in this country that every person gets one and only one vote, that a citizen's influence on our government's decisions rests on the power of his or her ideas, not the size of his or her pocketbook. The campaign finance system we have on the books protects this privilege. May I repeat, the campaign finance system we have on our law books protects this principle. It imposes strict limits on the amounts individuals can contribute to parties and to campaigns. The law prohibits unions and corporations from making most contributions or expenditures in connection with elections to Federal office, and it requires disclosure of money spent in advocating the election or defeat of candidates for Federal office.

That is what the campaign laws as they are on the books today require. But as we learned sadly during the 1996 campaigns and the various investigations that have followed, those laws appear to be written in invisible ink, which is to say that they have been honored, if one can use the term satirically, only in the breach. They have largely been evaded.

It has been several months since the Governmental Affairs Committee's investigation into the 1996 campaigns ended, but none of us who were part of that investigation will forget, nor I hope will others forget, what we learned there or our feeling of outrage and embarrassment upon learning it. We learned not only of hustlers like Johnny Chung, who saw the White House like a subway—put some money in and the gates will open, he said—or of opportunists like Roger Tamraz, who used big dollar donations to gain access that was originally denied to him by policymakers at the same time he declined even to register to vote because he saw the vote which generations of Americans have fought and died to protect as a meaningless exercise, a process which would gain him no real power, particularly not when compared to the power that $300,000 would give him.

We also learned in the Governmental Affairs hearings last year of something that was in its way even more disturbing because it was more pervasive and had a far greater effect on our elections and on our government. We learned that we no longer have a campaign finance system, that the loopholes have become so large and so many that they have taken over the entirety of the law, leaving us with little more than a free-for-all money chase in its place. We learned last year that it was somehow possible, for example, for wealthy donors to give hundreds of thousands of dollars to finance campaigns, even though the law was clearly intended to limit their contributions to a tiny fraction of those sums. That is what the law on the books says. It was possible for corporations and unions to donate millions of dollars to the parties at the candidate's request despite the decades-old prohibition on those entities' involvement in Federal campaigns. That is clearly on the law books. It was possible for the two Presidential nominees to spend much of the fall shaking the donor trees, even though they had pledged under the law, in this case the Presidential campaign finance law, not to raise money for their campaigns after receiving $62 million each in taxpayer funds. It was possible for tax-exempt groups to run millions of dollars worth of television ads that clearly endorsed or attacked particular candidates, even though they were just as clearly barred by law from engaging in such partisan activity.

Madam President, the disappearance, if I may call it that, of our campaign finance laws, which is to say the evasion of the clear intent of those laws, has serious consequences that none of us should overlook. Because our current system effectively has no limits on it, our political class, if you will, lives in a world in which a never-ending pursuit for money is often the only road—the only perceived road to survival. With each election cycle the competition for money gets fiercer and fiercer, the amounts needed to be spent get bigger and bigger, and consequently the amount of time Presidential candidates, national party leaders, fundraisers—all of us need to raise for our parties gets greater and greater.

In the 1996 election cycle the national parties raised $262 million in so-called soft or unregulated money, 12 times what they raised in 1984. And what about the current cycle, the 1997–1998 cycle? National party committees in the first 18 months of the 1998 election cycle have raised almost $116 million in soft money, more than double the $50 million raised during a comparable period by national party committees in 1994, which was the last non-Presidential election cycle.

Let none of us deceive ourselves that this unrelenting and ever-escalating money chase has no impact on the integrity of our Government and the impression our constituents have of our Government and those of us who serve in it. That clearly is the sad story, told by the Governmental Affairs investigation last year, and by the host of other investigations, journalistic and otherwise, that have been done of that 1996 election. Our country is focused at this moment in our history on the misconduct which our President acknowledged in his statement on August 17. The consequences of that misconduct were great, but that was the failure of one person. The failure that we speak of today, on the other hand, if we do not act to correct it, belongs to us all. It is systemic, and none of us should doubt that it will get worse unless we do something to change it.

Senator McCain was right, the Senator from Arizona, when he said a while ago that probably the biggest scandal in Washington today is the current state of our campaign finance laws. How can any of us justify a system in which our elected officials repeatedly appear at events exclusively available only to those who can give $50,000 or $100,000 or more, amounts that are obviously out of reach for the average American and above the annual incomes, in fact, of so many of our citizens—the annual incomes of so many of our citizens. How can any of us justify a system in which we, public servants, must divert so much of our time from the people's business to the business of fundraising? How can we justify a system that has so disenchanted our constituents that, according to an October 1997 Gallup survey, only 37 percent of Americans believe that the best candidate wins elections; 59 percent believe elections are generally for sale; in which 77 percent of Americans believe that their national leaders are most influenced by pressure from their contributors, while only 17 percent believe we are influenced by what is in the best interests of our country? That is a searing indictment of what we are devoting our lives to—public service, the national interest; and it comes, I believe, directly from the way in which we raise money for our campaigns, certainly at the Presidential and national level.

How can any of us justify not taking action, some action, to reform our campaign finance system this year, in this 105th session, after all of the time and energy and resources Members of both sides of the aisle have spent investigating, in effect denouncing, the conditions that prevail under the current system? The fact is, I respectfully suggest, that we cannot justify such a system and we cannot justify inaction.

In the additional views that I was privileged to submit to the Government Affairs Committee report on its investigation of the 1996 campaigns, I wrote that I came away from that year-long investigation with an overarching sense that our polity has fallen down a long, dark hole into a place that is far from the vision of values of those who founded our democracy. I find it hard to see how others can come away from that experience, or any other experience which allows them to examine what has become of our campaign finance laws, without reaching a similar conclusion. We no longer live in a system in which every citizen's vote counts equally, or anywhere near equally. Instead, we live in a system in which what seems to matter most is how much money we can raise.

It is time to act to restore a sense of integrity to our campaign finance system, to restore the public's trust in it and us. This is not a radical idea. All we are really asking is to restore our system to what it was meant to be, to what in fact the letter of Federal law is today: a system where individuals can participate in our political system, but they are limited in their ability to use their incomes to influence their Government; where only individuals, not corporations and unions, may use their money to directly influence our elections, and where we all know, through disclosure, who it is that is contributing and the public may judge to what extent those contributions are influencing our actions and our votes.

Madam President, I hope that our colleagues will do what most observers seem to think we will not, which is to vote for cloture tomorrow to take up this bill and to clear this cloud from over our political system.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, we have heard a good deal in this debate about people buying access to politicians. Indeed, there has been a tremendous amount of time and printer's ink and television signals spent on debating how you buy access to a politician. I want to turn this debate around, for the sake of looking at it from a different point of view. It may take me some time to do this because there has been so much expenditure in one direction, but I think the core of this issue requires us to look in another direction, and that is not access to the politician, but access to the voters.

Let me develop this for just a minute. We live in a democracy. Ultimate power in a democracy lies with the voters. Madam President, when you and I wished to become an elected official, in order to get here we have to have access to the voters, and this whole political process is about that challenge—how does the Presiding Officer gain access to the voters of Maine in order to get her message across?

How do I get access to the voters of Utah in order to convince them that I am a better person than others who are seeking this opportunity? That is the focus that has never come into this debate. It is always assumed that the politicians are the constant and the voters somehow are the variable. It is, in fact, the other way around. The voters will always be with us in a democracy. It is the politicians who come and go and who are variable, and the question of how a politician becomes an officeholder depends entirely on how effectively the politician can get his or her message across to the voters so the voters can then make a choice.

What I am about to say for the next half hour to 45 minutes, will be focused in a whole new direction than the direction that we have been having in this debate.

I begin, Madam President, by going back to a historical review of the whole issue of money in politics. For this, I am dependent on a number of sources. One is the Wilson Quarterly published in the summer of 1997, with the cover article being entitled "Money In Politics, The Oldest Connection." This gives us a historic point of view that will start us off in this direction that I think we ought to explore.

In this particular article, it points out that in the beginning of our Republic, a politician had access to the voters because he knew them all. They all lived in his neighborhood. George Washington was personally known to the people who voted to put him in Virginia's House of Burgesses. Thomas Jefferson was personally known to the people who he would turn to for political support. He had no problem gaining access to the voters.

I find it interesting, out of this Wilson Quarterly article, that even then, however, the subject of money did come up. If I can quote from the article:

> George Washington spent about 25 pounds apiece on two elections for the House of Burgesses, 39 pounds on another, and nearly 50 pounds on a fourth, which was many times the going price for a house or a plot of land.

Interestingly, many times the price of a house for a seat in the State legislature. Oh, what fun we could have with the rhetoric about that in this Chamber when we are saying that a seat in the House was up for sale.

Quoting from the article again:

> Washington's electioneering expenses included the usual rum punch, cookies and ginger cakes, money for the poll watcher who recorded the votes, even one election-eve ball complete with fiddler.

An interesting footnote about that appears in the article later relating to one of Washington's fellow State members, James Madison. Quoting again from the article:

> James Madison considered "the corrupting influence of spiritous liquors and other treats . . . inconsistent with the purity of moral and republican principles." But Virginians, the future president discovered, did not want "a more chaste mode of conducting elections." Putting him down as prideful and cheap, the voters rejected his candidacy for the Virginia House of Delegates in 1777. Leaders were supposed to be generous gentlemen.

Madison decided to enforce his own form of campaign finance reform, refused to treat the voters in Virginia, and they responded by refusing to send him to Virginia's House of Delegates.

As the country grew, obviously the circumstances changed. We got to the point where no longer could a candidate announce for office and assume he would be known to all the voters. Even if he bought some rum punch or ginger cakes, he still could not sway voters' opinion and, as the article says, quoting again:

> Leadership was no longer just a matter of gentlemen persuading one another; now, politicians had to sway the crowd.

As the article goes on to point out:

> In fact, the more democratic, the more inclusive the campaign, the more it cost.

In that one sentence, we have a summary of the challenge of a politician gaining access to the voters. I will repeat it:

> . . . the more democratic, the more inclusive the campaign, the more it cost.

Stop and think of the challenge today in that context where the Senator from New York has to reach millions, tens of millions, the Senator from California even more millions than that, in campaigns this fall. And the more democratic and more inclusive those campaigns are, the more they will cost.

Cost to do what? To gain access to the voters; to get your message across to the voters. The cost is directly connected with how democratic, how inclusive, and in the case of the larger States, how big the electorate is going to be.

We come into the present century, and we find things are getting worse in terms of the high cost of reaching the voters. One of the things, paradoxically, that has driven the cost of campaigns through the roof has been the cause of campaign finance reform. The reforms themselves have added to the burden of cost on a candidate who is seeking to have access to the voters.

Again from the article:

> Some reforms, such as the push for nomination of presidential and other candidates by primaries, made campaigning even more expensive. Ultimately, the reformers' decades-long efforts to improve the American political system did at least as much harm as good. They weakened the role of parties, lessened faith in popular politics, and hastened the decline of voter participation.

I find that very interesting. A historical analysis of America's politics written in an outstanding academic journal says that it has been the reformers' efforts that have "weakened the role of parties, lessened faith in popular politics and hastened the decline of voter participation." We heard on this floor this morning the statement that voter participation is going down, and the reason is because we do not have campaign finance reform; indeed, that the more money we put into politics, the less people vote and the lower the level of participation and that there is a direct correlation between the money chase and the voters being turned off.

We were told that in the State of Arizona, they just had a primary that set an all-time low for voter participation in this era when we have an all-time high in spending.

Madam President, I offer the case of my own State and what happens with respect to voter participation and money. If I can go back in my own political career, the one career I know better than any other, I can tell the Members of the Senate that the highest voter participation in history in a primary in the State of Utah occurred in 1992 when I was running for the Senate.

We had an open seat for the Senate, and originally five candidates on the Republican side and two on the Democratic side. We had an open seat for Governor, and originally there were five candidates for Governor on the Republican side, and I believe three on the Democratic side, plus an independent thrown in who ran on a third party ticket.

By virtue of the Congressman in the Second District in Utah challenging for the Senate seat, we had an open seat in Salt Lake City, the media center of the State. So even though it was not a statewide office, it nonetheless called for purchase of statewide media.

We had the largest spending amount of money in the history of the State as we went through that primary.

In the Senate primary alone—there were only two candidates, I say, because under Utah's law a convention eliminates all but two—we had the highest expenditures in the State's history. My opponent spent $6.2 million in the primary in the State of Utah, setting an all-time record for money spent per vote. I struggled by with second place in spending with $2 million, which would have beaten the previous high if it had not been for the amount of money my opponent was spending. So that is over $8 million spent on a Senate primary in the State of Utah that has fewer than 1 million voters.

At the same time, we had a heated race for Governor with primaries in both parties. Fortunately, the gubernatorial candidates did not spend in the millions that the senatorial candidates did, but they spent a lot of money for a primary. And we had spending in the House race in the Second Congressional District.

If we believe what we were told on the Senate floor this morning, that should translate into the lowest voter turnout in history, people turned off by the money chase. But in fact it produced, as I said, the largest voter turnout in the history of the State.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. Following the astute observations of the Senator from the State of Utah, in fact that is where the correlation is, is it not? Year after year after year, we see that there is a direct correlation between spending and turnout, a fact that makes good sense. If there is a contested election, with two well-financed candidates, the turnout goes up. If very little money is spent, very little interest is generated and turnout goes down.

So I ask my friend from Utah if the Utah experience that he related to us is not almost always the case?

Mr. BENNETT. It is my understanding that it is, Madam President. And I would like to underscore that point by going to the primary in 1998. In 1998, there were no Senate candidates on the primary ballot from either party, I having eliminated my challenger within the party within the convention, and my Democratic opponent having had no challenger in his convention. We did not have a gubernatorial race. There was no challenge in the Second Congressional District, which is in the large media market.

But there was a primary in the Third Congressional District, where the incumbent Congressman was challenged by a gentleman who made it very clear that he not only would not accept PAC money, he would not accept party contributions, he would not accept individual contributions. He said, "I will take my message directly to the people without accepting any money"—as he put it, in biblical terms—"gold and silver, from anyone." And the result of that primary was the lowest turnout that anyone can recall.

His opponent did not spend any money. I talked to his opponent, the incumbent Congressman. I said, "Aren't you going to spend anything?" He said, "I'm nervous it will look like overkill if I do." He did spend a little money on a get-out-the-vote campaign, but he did not buy any ads. There were no television broadsides and no radio ads. Most of the people in the district, by virtue of the lower spending, did not know an election was going on, and you had the lowest turnout in Utah history in that district.

So I submit, Madam President, that at least on the basis of the anecdote with which I am the most familiar, the more participation that you want, the more money you had better be prepared to spend. And if you are in fact decrying the low level of turnout and the low level of participation and you want to do something about that, then you defeat this amendment, because this amendment would take us down the road to further lowering the ability of candidates to access the voters and thereby let the voters know that an election is going on.

If I may go back to the historic pattern that I was outlining as to what has happened in this century, I would refer once again, Madam President, to the quote that I gave from the article in the Wilson Quarterly that "the reformers' * * * efforts to improve the American political system did at least as much harm as good * * * and hastened the decline of voter participation."

The article goes on to say:

> Twentieth-century politicking would prove to be far more expensive than 19th-century . . . politics . . . And as the century went on, politicians increasingly had to struggle to be heard above the din from competing forms of entertainment . . .

That is a very interesting way of putting it, Madam President. Politicians had to compete with the din of competing forms of entertainment. If you read the history books, there was a time when politics was the leading form of entertainment in this country. If you were going to have a rally, a bonfire, something to do, you went out and got involved in politics. As other forms of communication and entertainment came along, it became increasingly difficult.

I have a personal experience I can share on this which is perhaps not political but which makes the point. I served as a missionary for the church to which I belong in the early 1950s. And I served in the British Isles, where one of the great traditions of the British Isles is what is known as a street meeting. You stand on a street corner, you talk as loud as you can, and you hope somebody stops and listens to you.

On a good evening in the summertime, when the weather is fine, you could almost always draw a crowd. I would go down to the city square in Edinburgh, and the Salvation Army would be on that corner, and the Church of Scotland would be on that corner, and the Scottish nationalists would be over here, and I and my companions would be here.

The square would be filled with people, and you would compete with each other to see who could draw the biggest crowd and then who could hold the crowd as the other orators were speaking on their issues—the Scottish nationalists demanding that Scotland separate itself from the British tyranny, the Salvation Army putting forth—they were unfair in my book because they had a band. We did not have a band, we just had our own voices to carry it on. It was a great British tradition and still, presumably, goes on in some parts of Hyde Park in London, but I think only rarely now.

What happened to dry up the crowds that would show up and listen to the orators on politics and religion and everything else? Television. As soon they could stay home and watch television, they were not interested in coming down to the city square in Edinburgh to listen to a tall bald kid from America. However entertaining that may have been in an earlier time, all of a sudden there was competition. Politicians used to be at that square. Politicians have discovered, in the words of the article, that they have to "struggle to be heard above the din from competing forms of entertainment."

And how are they heard? They buy an ad. They go on television themselves. They go on radio themselves. How are they going to get access to the voters? They are going to have to compete in the same places where the voters are. It makes you feel wonderful to stand on a street corner and give an absolutely brilliant speech, if there is anybody listening.

But I can tell you from real experience, it makes you feel quite foolish to stand on a street corner and give an absolutely brilliant speech to a group of pigeons that keep flying in and out. If you are going to get access to the voters, you have to go where the voters are, and the voters are by their radio sets and in front of their television sets, and that is where you have to be, however much you might not like it.

Back to the article:

> By letting politicians appeal directly and "personally" to masses of voters, television made money, not manpower, the key to political success. Campaigns became "professionalized," with "consultants" and elaborate "ad-buys," and that added to the cost. So did the fact that as party loyalties diminished, candidates had to build their own individual organizations and "images."

I go back to the question of, Why did the party loyalties diminish? Because the reformers showed up and said, "Parties are evil." It was the reform movement that diminished the power of parties, so that it did not make enough difference for an individual to win his party's nomination, he had to have his own organization, his own campaign consultants, and his own adbuys.

Again, if I can give a personal anecdote to demonstrate this, my first experience with politics was in 1950 when my father ran for the U.S. Senate. Who managed his campaign that first year? It was the Republican State Party chairman who showed up when dad won the nomination and said, "OK, we have a party organization in place and we are going to run your campaign." When my father ran for his last term in the U.S. Senate in 1968, I am not sure I remember who the Republican State chairman was, because by that time we had created our own organization—Volunteers for Bennett, Neighbors for Bennett, our own door-to-door system of handing out information. We had our own advertising budget and our own advertising program. We had to take it all over ourselves if we were going to get access to the voters in a meaningful way. And all of that costs money. It was the cost of the politicians gaining access to the voters that was going up and that was what was driving the fundraising challenge.

Then we got to what is considered the great watershed in American campaign finance problems, Watergate. The article addresses that, as well. If I might quote once again:

> Yet for all the pious hopes, the goal of the Watergate era reforms—to remove the influence of money from presidential elections—was hard and inescapable fact, ridiculous. Very few areas of American life are insulated from the power of money. Politics, which is, after all, about power, had limited potential to be turned into a platonic refuge from the influence of mammon. The new Puritanism of the post-Watergate era often backfired . . . Tinkering with the political system in many cases just made it worse.

I can offer anecdotes about that, as well. Let me give one. We heard in the hearings to which the Senator from Connecticut referred in the Thompson committee with respect to campaign finance reform, we heard there about a campaign that many can argue changed the course of American history. It was the McCarthy campaign in New Hampshire in 1968. Eugene McCarthy, a distinguished member of this body, decided against all political wisdom that he was going to challenge an incumbent President within his own party over an issue he considered to be a moral issue, the Vietnam war. Conventional wisdom said a sitting Senator does not do that to an incumbent President. The sitting Senator does not take on an incumbent President of his own party. But Eugene McCarthy did. He went to New Hampshire. He did not win, but he came close enough to scare Lyndon Johnson and his advisers so badly that within a relatively short period of time after the McCarthy challenge, Lyndon Johnson announced that he would not run for reelection as President of the United States.

Now, we heard in the Thompson committee this bit about the McCarthy campaign. He went to five individuals, individuals of wealth, and said, "I want to challenge Lyndon Johnson on the basis of principle; will you support me?" And each one of those five said yes. Each one gave him $100,000. So he went to New Hampshire with a war chest of half a million dollars—which at the time was sufficient for him to gain access to the voters.

Again, the theme that I am trying to lay down here, the whole issue is not access to the politician; the issue is access to the voters. Eugene McCarthy could not have had access to the voters without that $500,000. We would, perhaps, not have had history changed the way it was as a result of the McCarthy campaign if those five men had not put up $100,000 apiece.

Now, someone connected with the McCarthy campaign testified before our committee and he gave this very interesting comment. He said those who signed the Declaration of Independence were so concerned about their Government that they were willing to pledge, in the words of that declaration, "their lives, their fortunes and their sacred honor." Then he said, in today's world it would say, "your lives, your fortunes and your sacred honor, just as long as it does not exceed $1,000 per cycle."

Now, I think the McCarthy campaign and the result of that demonstrates how the reforms of the Watergate era have backfired, how they have made it impossible for many people who would otherwise have a message worth hearing, to gain access to the voters.

Let me give an example out of the last campaign. One of the more energetic of America's politicians is a former Member of the House, former member of the Cabinet named Jack Kemp. He brings to politics the same enthusiasm that he used to display on the football field. Sometimes he has the same suicidal motives that he seemed to have on the football field, but he plays the game with that kind of zest. Jack Kemp dearly wanted to run for President in 1996. He had run once before and he still had it in his blood and he was ready to go. I talked to Jack Kemp and said, "Are you going to do it?" And he said, "No." I said, "Why not?" He said, "I can't bring myself to go through the agony of raising the money."

This is not cowardice on his part. If there is anything Jack Kemp is not, it is a coward. This is not lack of enthusiasm on Jack Kemp's part. It was a recognition of the fact that the so-called reforms out of Watergate meant that he could not do what Eugene McCarthy did. He could not go to five individuals and say, "Give me $100,000 a piece to get me started." He had to do it $1,000 at a time. He said to me, "Bob, I would have to hold 200 fundraisers between now and the end of the year to do it, and I simply cannot eat that much chicken."

Mr. McCONNELL. Will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator.

Mr. McCONNELL. The Senator's point, I gather, is that the last reform of the mid-1970s has, in fact, secured the Presidential system to favor either the well-off, for example, Steve Forbes; or the well-known with a nationwide organization, for example, Bob Dole, to the detriment of every other dark horse who might have a regional base or some dramatic issue that they cared about, like Eugene McCarthy.

In fact, is the Senator's point that regional candidates or candidates with a cause are now out of luck as a result of the last reform?

(Mr. GORTON assumed the chair.)

Mr. BENNETT. The Senator is entirely correct. That is my point. If, indeed, we want to increase the amount of public confidence in the system and candidate participation in the system, we should remove the restrictions that now make it virtually impossible for anybody other than the well-known or the well-funded.

I used Jack Kemp as an example. The Senator from Kentucky has mentioned Steve Forbes. It is widely assumed—I have not discussed it with him directly, but I think it is probably accurate—that Steve Forbes would have backed Jack Kemp in the last election if Kemp had been able to run. It is widely assumed—and I think it is correct—that if Jack Kemp, pre-Watergate reforms, had gone to Steve Forbes and said, "Steve, give me $1 million," Steve Forbes would have done it. But because he can't do it under the Watergate reforms, Steve Forbes ends up getting in the race himself because the only way he can make his money available to his causes is to spend it on himself.

The reforms we have make it impossible for him to spend it supporting anybody else, unless, of course, he does it in the terrible, dreaded form of soft money. And I will talk about that in a minute. But right now I want to focus again on the historic fact that, in the name of campaign finance reform, we have restricted rather than expanded the opportunities of politicians to get their message across. We have made it more difficult for a politician to gain access to the voters than it used to be before we had all of these reforms.

Back to the article for just a moment. A summary of this point, and one other aspect of it:

> In an age of growing moral relativism, reformers raised standards in the political realm to new and often unrealistic legal heights. Failure to fill out forms properly became illegal. This growing criminalization of politics, combined with the media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government.

We are all familiar with that, Mr. President. Failure to fill out forms properly—oh boy, what a terrible sin that is, and how dearly we pay for it. I have remained silent on my own experience with the Federal Election Commission, but I suppose the time has come now for me to confess my sins. My campaign in 1992, staffed primarily by volunteers, failed to fill out some forms properly—indeed, they failed to fill some of them out on the proper timeframe. They filled them out properly, they just didn't submit them in the proper timeframe. And for that, after spending about $50,000 in legal fees to convince the Federal Election Commission that I was not some kind of an ax murderer, we finally achieved an out-of-court settlement that cost me another $55,000.

In the negotiations between my campaign and the Federal Election Commission, my attorney made it very clear. He said, "You will settle at the amount they know is below what it would cost you to litigate this issue." It has nothing to do with what constitutes an illegitimate penalty; it has to do with how much they know they can get from you because you would rather spend money to have this thing over than you would spend it for legal fees. As I say, I spent about $50,000 in legal fees. The settlement figure was $55,000. It is clear that it would have gotten to more than $55,000 if I had to go to litigation, and so financially I made the decision to settle. That is another one of the fruits of reforms.

In the words of the article, "Criminalization of politics, combined with media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government."

All right. I started this by saying the focus of this is on access to the voters. All of the debate we have had has been on how we must somehow deal with access to the politicians. Let's talk about access to the politicians for just a minute before we come back to the main theme. We are told again and again that the only reason people give any money, the only reason people make any contribution is because they want access. I will again refer to the article, but I will have other references out of a more current publication:

> Wealthy people who purchase status with payoffs to museums are admirable philanthropists. When they plunge into public service, they risk being called "fat cats" who want something more in return for their generosity than advancement of their notion of the public good and something more sinister than status by association. Donors are "angels" if they champion the right candidate or the right cause, but "devils" if they bankroll an opponent.

In this week's issue of Fortune Magazine, Mr. President, there is an article on money and politics that brings up to date that observation from the article I have been quoting. It talks about fundraisers for campaigns and makes this point in concert with the point that was just made:

> Conspiracy theorists will be disappointed to learn that the majority of money raisers don't seek quid pro quos. Most have made their fortunes and dabble in politics because they are partisans and get a kick out of it.

That has been my experience. The people who give really big money—Rich DeVos of Amway, for example, for the Republicans, and a gentleman I believe named DeMont, who gave over $2 million to George McGovern and the Democrats, were not expecting an ambassadorship and not expecting to be appointed to the Cabinet. They made their fortunes; they are partisans and they get a kick out of it.

What they really crave is status and minor celebrity in the Nation's Capitol. The nastiest battles between fundraisers are often over who gets to sit next to the President or Presidential "wannabes." It may seem absurd to the uninitiated, but among fundraisers, top pols are the rock stars of the beltway. In some ways, the real scandal of the White House coffees and overnights that got President Clinton in such pre-Monica trouble is that many sophisticated people were willing to raise or give so much to be little more than Washington groupies.

Buying access? It is not automatically the motive on the part of those who give. They give because they believe that this is good for the country. They believe in the cause. In this same article in Fortune, there is a specific example of one of these gentlemen—Arnold Hiatt. He is highlighted in the article. Mr. Hiatt believes in many things in which I do not believe. He is of the opposite political persuasion than I, and the article reports that:

> In 1996, Arnold S. Hiatt, 71, was the second-largest individual contributor to the Democratic Party. His $500,000 gift was second only to the $600,000 given by Loral's Bernard Schwartz, who is now better known for his Chinese missile connections.

According to the article, Mr. Hiatt has decided not to give any more money to the Democrats. He gave $500,000 a month before the November 1996 election, specifically to help unseat 23 vulnerable House Republicans and return the House to Democratic control. Quoting the article:

> It was the failure of his money to produce that result—not just a fit of conscience—that spawned Hiatt's change of heart. Asked why he decided to stop contributing to politicians so soon after giving so much, he admits that it was because his Democrats didn't win.

He gave the money for what he believes is a public-spirited reason, and he stopped giving to the parties because he didn't get the result that he wanted. Being a good businessman—he is the former CEO of Stride Rite, the company that makes Keds—he discovered he wasn't getting a return on his investment—not a return in corruption, not a return in access—I am sure he still has access to all the Democrats he wants—but a return on his ideological investment. He wanted the Democrats to control the House. He gave money to the Democratic National

Committee. The Democrats didn't control the House so he decided to do something else.

What is he going to do? He is going to give his money directly to special interest groups. Now, according to the article, he doesn't believe that the groups to which he gives money are special interest groups; it is the groups he opposed that are the special interest groups.

The article says:

> Hiatt then having gotten religion, has changed tactics. Rather than relying on the Democrats to press his agenda, he is now giving heavily to organizations like the Washington based public campaign which lobbied for publicly financed elections. Since the business interests that Hiatt so dislikes tend to have more money than the green groups he backs, Hiatt believes taxpayer funded elections would curtail the clout of the bad guys. Both the House and Senate would be controlled by the voters and less by special interests, Hiatt insists. But what he means is that Congress would be controlled by the people he agrees with.

Once again, Mr. President, the issue is access to the voters. Mr. Hiatt thought he could help get his agenda if he gave money to the Democrats. It didn't work. So he is seeking access to the voters through special interest groups. He has decided that the parties are not able to help him advance his agenda, and he is going to fund other groups to help advance his agenda. He has every right to do that. I applaud his willingness to get engaged and involved in American politics. But, if we pass the amendment that is before us, he will be curtailed, and the groups to which he contributes will be curtailed in their effort to gain access to the voters.

Mr. McCONNELL. Mr. President, will the Senator yield for a question?

Mr. BENNETT. Yes. Certainly.

Mr. McCONNELL. Mr. President, over the last decade, the Senator from Kentucky asked numerous witnesses at hearings on campaign finance to define what a special interest is. I say to my friend from Utah that I have not yet gotten a good answer. So I have concluded—and I ask the Senator from Utah if he thinks this is a good definition of a special interest—I say to my good friend from Utah that I have concluded that a special interest is a group that is against what I am trying to do. Does the Senator from Utah think that probably is as good a definition of special interest as he has heard?

Mr. BENNETT. Mr. President, I say to the Senator from Kentucky that is what I have heard referred to as a good working definition.

I might add to that a comment that came out of the Thompson committee hearings from my friend from Georgia, Senator CLELAND, when he talked about tainted money and the definition of tainted money in Georgia. He said, "Taint enough; taint mine."

Yes. Every man's special interest is the other man's noble cause.

Mr. McCONNELL. Mr. President, in fact, I ask the Senator from Utah, was it not envisioned by the framers of our Constitution and the founders of this country that America would, in fact, be a seething caldron of interest groups, all of which would enjoy the first amendment right to petition the Congress; that is, to lobby, to involve themselves in political campaigns, and to try to influence, in the best sense of the word, the Government? And in today's America where the Government takes $1.7 trillion a year out of the economy, I ask my friend from Utah, is it not an enduring and important principle that the citizens should be able to have some influence on the political process and the government that may affect their lives?

Mr. BENNETT. Mr. President, the Senator from Kentucky is now getting into grounds that I love but that some others have sometimes scorned in this debate; that is, the basis of the free speech position of the Constitution of the United States.

If I may respond to the Senator from Kentucky by quoting from James Madison and the Federalist Papers that support exactly what he said, they didn't use the term "special interest" back in Madison's century. The term of art then was "faction."

This is what James Madison had to say:

> By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens.

That sounds like the definition of a special interest group to me.

Madison goes on to say:

> There are . . . two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.
>
> It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire.

Certainly we do not want to eliminate air that we cannot breathe in the name of stopping a fire that might occur, and we do not want to eliminate liberty.

So Madison makes that point.

Referring to the second, giving everyone the same opinions, passions, and interests, Madison says:

> The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed.

Absolutely the Founding Fathers created the Constitution for the sole purpose of protecting the rights of every one to have his own special interest, belong to his own faction, and hold his own opinion. An attempt on the part of the Senate of the United States to destroy that right is clearly going to be held unconstitutional as it has been again and again, as my friend from Kentucky has pointed out so often on the floor.

Mr. McCONNELL. Mr. President, I ask my friend further is it not the case that the underlying amendment which we have been debating seeks to make it impossible for groups of citizens to criticize the politician by name within 60 days of the election? Is that the understanding of the Senator from Utah?

Mr. BENNETT. Mr. President, it is my understanding that is the way the bill is written. I think James Madison would be turning over in his grave, although I think he would take comfort from the fact that the institution he helped create—the Supreme Court—would clearly strike it down.

Mr. McCONNELL. I say to my friend, so if you have the situation that on September 3rd of a given year a group of citizens could go out without registering with the Federal Election Commission, without subjecting themselves to that arm of the Federal Government, and criticize a politician by name, but then on September 4th, I ask my friend from Utah, that would become illegal. Is that correct?

Mr. BENNETT. It is my understanding that the bill would make that illegal and improper.

Mr. FEINGOLD. Mr. President, will the Senator from Utah yield for a question?

Mr. BENNETT. Yes.

Mr. FEINGOLD. Does the Senator realize that under the Snowe-Jeffords amendment, which is included in the version of McCain-Feingold that is before the Senate, at this time there is no restriction on individuals such as Mr. Hiatt? Are you aware that was the rule by a majority vote of this body?

Mr. BENNETT. I was unaware that Mr. Hiatt would be allowed to spend his soft money for a faction. I think it is still true that he would not be able to spend his soft money for a party. Is that not the case, I ask my friend?

Mr. FEINGOLD. As I understand it, he would still be able to do it for the types of ads the Senator was indicating. The question that I would ask is, if you have a concern with regard to the bill at this point concerning individuals and groups that are not corporations or unions, the whole purpose of the Snowe-Jeffords amendment was to make it clear. And in the spirit of compromise that it would not affect what the individuals have been able to do in the past in that area, I just wanted to make sure the record is clear, because much of the comments of the Senator from Utah have to do with individuals who are not restricted in the way that the Senator has suggested.

Mr. BENNETT. Mr. President, I would suggest that individuals are seriously restricted under this bill because they cannot exercise their constitutional privilege of giving the money to a political party. Mr. Hiatt has made the choice not to give the money to the political party, if the article is to be believed solely on the basis that it didn't work, not because he was motivated by some other higher spirit. He decided to give the money directly to a faction because he thought it would be more effective.

If this bill passes, as I understand it, Mr. Hiatt would be prohibited from changing that decision. That is, if he were to decide that, "Gee, I could make things better if I gave it directly to the political party, I want to go back to what I was doing before," he would be prohibited from doing that on the grounds that this is soft money, and he is forced by the law to give his money to a special interest group rather than to a political party or to a political candidate.

This puts us in the position of paradoxically strengthening the hands of special interest groups at the expense of political parties and political candidates. This puts us in the position of saying that eventually political discourse in this country will go the way that it is going in California. I lived in California for long enough to know that the California pattern of putting issues directly on the ballot with no spending limitation whatsoever eclipses elections for candidates. The amount of spending that went on in the last California election on the various referenda vastly outstripped and eclipsed the amount that any candidate was able to spend. And if we get to the point where political candidates are squeezed out of access to the voters by groups funded by people like Mr. Hiatt who have unlimited amounts to spend, we are going to be in great difficulty.

Mr. FEINGOLD. Mr. President, I have a question about that very point. Mr. President, I thank the Senator from Utah. Many of his remarks were devoted to the proposition that Mr. Hiatt couldn't give to various groups; independent groups.

Mr. BENNETT. I didn't say he couldn't give to various groups.

Mr. FEINGOLD. I believe I heard several comments to the effect that he would be prevented from doing that. I just want the record clear that the only concern the Senator from Utah has at this point in light of the effect of the Snowe-Jeffords amendment is the amendment's effect on what he can give to parties.

Mr. BENNETT. Exactly.

Mr. FEINGOLD. I want that clear for the record.

Mr. BENNETT. Sure.

Mr. FEINGOLD. Because I was not certain in light of your remarks.

Mr. BENNETT. That is not the only effect. If I can repeat once again, this bill, in light of the Snowe-Jeffords amendment, would hasten the day when people would abandon candidates and abandon parties and give their money directly to special interest groups, as Mr. Hiatt has voluntarily decided to do in this situation, and I think that would be tremendously deleterious to the cause of worthwhile political discourse in this country.

I pause at this example. Let us suppose that in the State of Utah the Sierra Club were to decide that their No. 1 goal was to drain Lake Powell. Indeed, they have announced many places that that is soon to be their No. 1 goal.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now begin 30 minutes of debate on the motion to proceed to S. 1301, which the clerk will report.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to finish my thought.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, reserving the right to object, I ask that I be given the opportunity to respond briefly to the Senator's remarks.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. I withdraw my request and suggest the absence of a quorum.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BENNETT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 394, S. 1301, a bill to amend title XI, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The PRESIDING OFFICER. Time for debate between now and 5 p.m. will be equally divided between the Senator from Iowa and the Senator from Illinois, Mr. DURBIN.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume from my portion.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I want to say a few words today before we have our cloture vote on S. 1301, and that is the Consumer Bankruptcy Protection Act. That is going to occur, as stated by the Chair, at 5 o'clock. We are going to vote at that time on whether we can even consider this very important piece of legislation that is called the Consumer Bankruptcy Protection Act.

As I said yesterday, I think the necessity of having a cloture vote and the objection to taking this bill up was a desperation tactic. If the opponents of reform want to fight reform, let's have a fight about the merits of bankruptcy reform. I would like to get to the bill. I would like to have everybody vote for cloture on the motion to proceed, and then we are there debating this legislation. When we get to the bill, I want to assure everyone that I am going to work hard to further accommodate concerns expressed by members of the minority. I have proceeded in this fair way since we started to consider bankruptcy reform, and we have been at this at the subcommittee and committee level probably almost a year to this point.

In subcommittee, when we marked up the bill, I personally saw to it that many of the changes which my distinguished ranking minority member, Senator DURBIN, wanted were inserted into the bill, and at the full committee markup I worked with Senator HATCH to ensure that a number of Democratic amendments were offered. I did not accept these provisions because I supported them or thought these provisions were the best policy choice. I accepted these amendments out of a desire to accommodate the concerns of the Democratic Members. So there is no reason for them to filibuster this bill at all. If the Democratic Members want to be respected, then it seems to me that the members of that party also have to act responsibly when those of us in the majority go out of our way to accommodate the concerns of the minority. There is no need to clutter up the bill with amendments that are totally irrelevant or unrelated to the issue of bankruptcy.

For instance, I have heard that the issue we just left, campaign finance reform, might be offered. I have heard that the minimum wage bill might be offered. I have heard that it is health care reform, that any or all of these could be added to this bill. That is why we have to vote for cloture now and, later on, on the bill. Otherwise, without imposing cloture, the bill becomes a vehicle for people who oppose reform to load this bill up with excess baggage.

As I have said repeatedly here on this floor, the American public overwhelmingly favors bankruptcy reform: 68 percent of the people in a national poll; in my State of Iowa, 78 percent of the people. So let's stop playing games and get to the business of the country. The cloture vote is one of the key votes on bankruptcy reform. A vote against cloture is a vote against a piece of legislation that deals head on with an issue of extreme national importance. The Consumer Bankruptcy Reform Act that we have before us, or will have before us if we vote cloture, is fair and balanced. It passed out of the Judiciary Committee on a 16-to-2 vote. How could a bill that got out of committee 16 to 2 be subject to a filibuster? So, let's get to the bill and, hopefully, pass it.

The Consumer Bankruptcy Reform Act is a bipartisan effort. It is a bipartisan effort which keeps the best of old law while curbing abuses. S. 1301 continues to help those who need the protection of the bankruptcy laws but implements measures to screen out those who use the bankruptcy system to avoid paying debts that they can afford to repay.

The fair nature of this bill is represented by the overwhelming bipartisan support that it received in committee. The near unanimous consensus of the committee action reflects a belief that something must be done to curb the skyrocketing rate of bankruptcies, which reached an all-time high last year, and that this bill is thus a necessary step in restoring common sense to our bankruptcy laws and the system of bankruptcy.

As the prime sponsor of this bill and chairman of the subcommittee with jurisdiction over bankruptcy, I went out of my way to make sure the minority was treated fairly. At my hearing we invited every witness the minority requested. And every time my distinguished friend, Senator DURBIN, sought to insert language into the bill, I personally saw to it that his desires were accommodated. The only time that I could not accommodate his desires was sometimes he asked for certain language to be deleted.

American business lost around $40 billion last year as a result of bankruptcies. This translates into a hidden tax of $400 per family. We need to cut this hidden tax and put more money into the pockets of American families. We do this by reducing or eliminating the costs that we have of goods and services in America to every family of four by a figure of $400.

Efforts to burden this bill with minimum wage and other completely unrelated amendments ought to be resisted. This bill is too important and time too short to allow political stunts and unrelated side issues to impede or delay its passage. As I said, 68 percent of the American people support bankruptcy reform. In its letter to the Judiciary Committee, the administration of President Clinton indicated its support for reform, and I thank the President and his people for helping this legislation along. I think there is a real consensus that now is the time to act. We have a fair, effective, bipartisan bill which deserves to be considered. As I said, we are willing to work with the minority to accommodate their concerns even further.

It comes down to this. Do the Members of this body support bankruptcy reform? Will they vote for cloture today? And will they also follow on voting for cloture of the bill itself? I ask my colleagues to vote "yes" at 5 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset, I am going to support this motion for cloture to proceed on the bill because I agree with my colleague and friend, the Senator from Iowa, that this is an important issue that should be addressed by this Congress. He has been eminently fair in all of his dealings with me on this legislation. Being a member of the abject minority, I appreciate that, and that sort of fairness I hope will be rewarded in the passage of a bankruptcy reform bill which both Senator GRASSLEY and I will be proud of.

I am hoping during the course of this debate we can point out those areas of the bill that need to be addressed and address them in a responsible way. I think this is, at its heart, a good bill. I think there are some elements of it which can be changed and improved to make it better.

Let me address at the outset his frustration, and mine, too, over the fact that this bill may become a vehicle for other issues. First, why is this necessary? Why would any Senator want to come and put a measure such as an increase in the minimum wage on the bankruptcy bill? It does not seem to follow very closely. I guess there is some connection to it, but by and large you would think we could vote separately on the minimum wage bill. The honest answer is, we should. The honest answer is, we cannot. The Republican leadership refuses to afford an opportunity for many of the more serious measures that have been brought before this Congress to be considered. Some of my colleagues, in frustration, look for virtually any bill, any vehicle, to move important measures such as reform of HMOs, campaign finance reform, or an increase in the minimum wage. I hope, while Senator GRASSLEY and I address the merits of this legislation, that the Republican and Democratic leadership in a bipartisan fashion can come to an agreement as to the proper time and place for us to consider important measures such as an increase in the minimum wage.

Having said that, let me address the issue of bankruptcy reform. As I mentioned the other day, it is truly an area that deserves our attention. The dramatic increase in the filings in bankruptcy in America suggest that we should look at the bankruptcy system. We have tried to do that in the committee, both in the full committee and the subcommittee. We will address it again on the floor of the Senate. There are many people who have many explanations for the increase in the filings in bankruptcy. One of the most cogent explanations that I have found is demonstrated by this chart.

Why do more people file for bankruptcy in a time when the American economy is expanding and more jobs have been created, people are building homes and starting businesses, and inflation is down? Why in the world would more people be filing for bankruptcy? I think this chart answers that question. Bankruptcy cases track consumer debt. As Americans become more deeply indebted, particularly unsecured debt—not their home or their car, but unsecured debt like credit card debt—they become more vulnerable. One bad occurrence in a person's life—the loss of a job, a divorce, a serious illness in the household —and they find themselves pushed over the edge. A lot of people find that as their debt increases they are more vulnerable to bankruptcy.

Just look at this chart which tries to track the number of filings in bankruptcy per capita along with the debt-to-income ratio. It is no surprise to me that they are in lockstep. So the credit industry that comes to us and talks about bankruptcy reform must accept some share of responsibility for the increases in filing.

Who are the people filing for bankruptcy? There are clearly exceptions to the rule, but if you look at the average person filing for bankruptcy, you will see that consistently the income of the person filing for bankruptcy has been descending, going down over the years; the average income in 1997, $17,652. These are people who are making less than $10 an hour who are filing for bankruptcy. So they are not the fat cats, the ones who are going to the canny attorneys who can find some way to bring them to bankruptcy court. These are genuinely low-income Americans. The average debt of the person filing for bankruptcy is about $28,000. That is the average.

What this bill tries to address is not that average person but the person who is the exception filing for bankruptcy, the one who is, perhaps, trying to take advantage of the system.

The reason this debate is important—and I hope my colleague, the Senator from Iowa, will note in the information that we have shared with him—is our belief that we should address not just the bill as it is written and some changes in it but some other aspects of this question. I do believe, as does Senator SARBANES of Maryland and Senator DODD of Connecticut, who are joining me in offering an amendment, that we should call on the credit card companies to accept more responsibility, too. If the people who are incurring debt are asked to be more responsible, so, too, should these companies.

How many credit card solicitations have you received in the last month or two? You almost have to shovel them away from the mailbox. Whether you have asked for it or not, a lot of people want to offer you credit, perhaps more credit than you should have. Time and again, more people take these credit cards and get more deeply in debt and then struggle to find a way to pay for them.

I also think we have to address the billing system, the minimum monthly payment on your credit card. I think the credit card companies should tell you how long it will take to pay off your balance and how much interest you will pay if you pay the minimum monthly amount. Is that unreasonable? I think it is only fair. It really gives a person at least some sobering message, perhaps, that they cannot continue to pay the minimum monthly balance and expect to ever come out of debt.

Finally, you may not realize it but some of the credit cards that we own, when we go to charge on a purchase, establish a security interest. What does that mean? It means that if you find yourself in hard times, the credit card company can claim the item you purchased. You didn't know that? A lot of people do not. I don't think it is unreasonable that the credit card companies make that disclosure.

We also want to make sure the credit card solicitations are done in an honest way. We find a lot of people, and some nonhumans, I might add, who are receiving credit card solicitations who should not—people who are mentally incompetent, people who are too young to own a credit card in any State. I think this needs to be cleaned up.

We also need to protect retirement income in bankruptcy. If you file for bankruptcy, did you know your 401(k) plan is protected but your IRA is not? Why would that be? One of the amendments we are offering is to make sure that there is equal treatment of retirement income.

We also want to change the area of farm bankruptcy. That has not been touched in 15 years, and it should be.

In the area of reaffirmations, when it comes to the debts that the creditor should convince you that you shouldn't step away from, you should still accept responsibility for, let's make a level playing field. Let's make certain there is not too much pressure on the debtor.

We also talk about tax returns with this bill. As it is written, if you walk into bankruptcy court and file a petition and do not produce within 65 days your income tax returns for the previous 3 years and your pay stubs for the previous 6 months, you are thrown out of court. I asked the Internal Revenue Service, if I asked for my income tax returns, how long would it take me to receive them? They said 60 days, if you are lucky. But you ask somebody who writes to the IRS, and they tell you it takes a lot longer. We ask that there be some provision in the bill that is sensitive to this.

One of the other areas of the bill says you can't file for bankruptcy unless you have been to a consumer credit counselor. That sounds reasonable, but the consumer credit counseling industry came to us and said, "We can't handle this. We can't handle over 1 million people coming through our doors each year. We can't be the threshold for bankruptcy court." That is what this bill does. I am afraid it goes too far.

Another thing that concerns me is, in bankruptcy there are certain categories of debt that are protected. One of them is the area of child support. If we are going to have a mother with children, who was perhaps involved in a divorce and now relies on child support, receive enough money to raise her children, we can't send her into a bankruptcy court that diminishes her ability to recover those child support payments. Unfortunately, this bill does.

I have just outlined a handful of the amendments that we think are important to make this a better bill. I believe that my colleague, the Senator from Iowa, is going to accept some of these or some form of these, as he has been very responsive and open in the past to talk about some changes, constructive changes in the bill.

When it is all said and done, I believe we can pass a good Bankruptcy Reform Act, one that is a credit to both parties that have been involved in this debate, and particularly a credit to the chairman of the subcommittee who has worked so long and hard on this measure.

Mr. President, I yield back the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes, 52 seconds.

Mr. GRASSLEY. I probably will not use all that. I can yield back some time. I will comment briefly.

First of all, in order to get to the point where Senator DURBIN needs to be to get consideration of his amendments, we have to get through this cloture vote and a cloture vote on the bill so we can get down to talking about these very serious matters.

Many of the things that Senator DURBIN has stated that he is interested in changing I would not want to say right out that I agree with every one of those. Some of them, I think, maybe go a little bit too far, but I have not seen—maybe I shouldn't say I haven't seen any, but I have seen few issues that he brought up in the course of the last year as we constructed this bill, that it wasn't possible for us to work out a lot of differences, particularly for those things that are included in the bill.

As I said in my opening remarks, some things that he wanted removed, we didn't remove. I look forward to that opportunity, if we get it by getting through two cloture votes, to sitting down with Senator DURBIN and some of his colleagues on his side of the aisle who now have an interest in this legislation to see what we can work out and even minimize the number of votes or the length of debate we ought to have on this bill.

I will make one comment about one of the things Senator DURBIN made reference to about opposition from the National Foundation for Consumer Credit to some of the ideas of Senator SESSIONS. To Senator SESSIONS' credit, he did work out some compromises that needed to be done. We have a letter dated August 6 from the National Foundation for Consumer Credit that says that they support those provisions of the legislation as well, and there is a copy of that letter to Senator DURBIN.

I think we have a process here that has worked so well. If you would stop and think—and Senator DURBIN has worked in this spirit—for the years I have been on this subcommittee, either as chairman or as ranking member—and I served 16 years with the predecessor of Senator DURBIN, and that was Senator Heflin from Alabama—there has not been a single piece of bankruptcy legislation to get through this body in that 16-year period of time that didn't have the cooperative effort of the Democrat chairman or ranking member and the Republican chairman or ranking member, depending on who was controlling the committee at that time in history. That reputation has been continued through Senator DURBIN at this point.

If we can just get everybody on Senator DURBIN's side of the aisle to be in that same spirit that has promoted good bankruptcy legislation through this body for that period of time, we can be successful, not only with this piece of legislation, but also to emphasize that this is a needed piece of legislation. Even Senator DURBIN, working with us, has helped us develop the first major change in legislation to be considered on the floor of this body since the passage of the 1978 bankruptcy law.

I hope that the spirit that former Senator Heflin of Alabama and I have worked in, and has been continued by Senator DURBIN and me thus far, can be fully accepted by people from his side of the aisle. I know he has to satisfy a lot of interests. I even have, I say to Senator DURBIN, some interests on my side that are not satisfied with the legislation we brought out of committee.

So I have some problems with which I have to work.

The point is, if, since 1981, this effort can be successful, it can be successful this time. I just plead with everybody who might want to filibuster this for some extraneous issues that probably can be brought up in some other way on other bills that would satisfy the Senate majority leader, we can get there.

I urge, as Senator DURBIN has, a very positive vote on this. I hope it will be followed, assuming we are successful this time, with a positive vote later this week on cloture on the entire bill.

I yield the floor, and I yield back what few seconds I have remaining.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act.

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rod Grams, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1301, the bankruptcy bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 1301, the bankruptcy reform bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO KIRK O'DONNELL

Mr. KERRY. Mr. President, I want to pause for a few moments to acknowledge that many of us, particularly those of us from Massachusetts, are feeling the loss this week of one of our Nation's most savvy political strategists and one of our most contributing and admirable citizens. Kirk O'Donnell was a man who lived his life in a way that proved not only can you work in politics without losing your soul but that politics from Fields Corner in Dorchester to city hall in the heart of Boston, all the way up to the lofty office of the Speaker of the House of Representatives, can in fact be a most honorable profession.

Mr. President, we all know that we live in very difficult political times, where endless cynicism seems to find too many citizens turning away from political dialog that they seem to find disappoints them. But Kirk O'Donnell, through every fiber of his body and in every step that he took in life, reminded us that political parties can stand for a set of ideals and that politics can still be an art form mastered in order to advance the common good—not individual good, but the common good. That is what Kirk always fought for.

Like so many of us in Massachusetts—and many are Republicans—Kirk O'Donnell was a Democrat by birth. But through his decades in public service he became a Democrat by conviction and a Democrat by sacrifice and by life work. The young man who fell in love with football at the Boston Latin School and at Brown University—so much so that at Boston Latin he was enshrined in their sports hall of fame—found his passions attracted him to an equally rough and tumble game on the field of Boston politics.

Kevin White's 1970 campaign for Governor in Massachusetts inspired Kirk to get involved in politics for what he thought was a "brief stint." That "brief stint" became a remarkable career. When Kevin White made good on his promise as mayor of Boston to "bring city hall to the neighborhoods," he turned to Kirk O'Donnell to run his Fields Corner little city hall. From his office in a trailer, Kirk brought city government to street corners, to newsstands, and to neighborhood picnics. He knew how important it was to show his fellow Bostonians that government worked for them, if only they knew how to work within the system. And within that system, Kirk was their devoted guide. Tip O'Neill could not have chosen a more dedicated or more skillful individual to be his counsel than Kirk O'Donnell, a man who said, in his own unassuming way, "if you can understand Fields Corner, you can understand Congress." Kirk was right—and Tip O'Neill knew it. For 8 years, it was Kirk O'Donnell who gave the Speaker the extra set of eyes and ears he needed to hold a Democratic majority together in spite of all of the force of President Reagan and the Reagan era. Kirk talked with Members of Congress the same way he would with a friend of 20 years or a constituent in Fields Corner or West Roxbury—warm, honest, straightforward. Tip O'Neill knew that in Kirk O'Donnell he had found a true friend.

Thousands of people to this day will tell you they were friends with Tip O'Neill, the Speaker. Tip O'Neill was a politician who never forgot a name and loved to talk with everyone he met. He had more than his share of friends and acquaintances. But Kirk O'Donnell was a special kind of friend and so it was that he was one of the few asked to help carry Tip O'Neill's casket when our beloved Speaker passed away. That gesture alone spoke volumes about the kind of relationship forged between the older, wiser, more experienced Tip O'Neill and the younger, idealistic, and committed Kirk O'Donnell.

Even after he lost his friend, Tip O'Neill, Kirk kept fighting for the Democratic Party and the causes in which he believed so strongly. He breathed life into the Center for National Policy, leading seminars and meetings with Democratic activists, supporters, and even with those who Kirk believed might someday run for office. His message always came from the heart—Democrats stand for something, something real, something which could not be measured alone in an election. And he cared passionately about that something. On the darkest days for our party—and he went through some—Kirk reminded us to never give up the fight. He knew the importance of staying involved, of staying committed. He understood the full measure of democracy—and tried to bring it to others starving for freedom through his work in the National Democratic Institute for Foreign Affairs. Wherever, Kirk went, his message was the same; find out what matters to you and never stop fighting for it.

Kirk O'Donnell never forgot what really mattered in life. More than anything that was his devotion to his family—to his wife of 26 years, Kathryn Holland O'Donnell and their children, Holly and Brendan. That devotion was absolute.

I am proud to say that Brendan was going to join us as an intern in our office. Now that may be somewhat delayed, but, obviously, we look forward to the day when he will be there with us continuing in his father's footsteps.

Whenever I ran into him either in Washington, DC, or in Massachusetts, Kirk's first question wasn't about politics; he always asked me how my daughter was enjoying her education in his alma mater, Brown University. And he was always quick to share with me his latest story about his own daughter—Holly's experience on that same campus, or the story of the last trip to Foxboro Stadium with his son Brendan to watch Patriots football. It goes without saying that as much as all of us will miss him, obviously we feel the special pain that Kathryn, Holly, and Brendan feel at this time with their lost which is so much greater.

Today, we remember Kirk O'Donnell with words that cannot do any justice to a life that was both tragically short and joyfully filled with meaning and with accomplishment. We will miss Kirk O'Donnell, a friend and an adviser to all of us in Massachusetts politics and in the Democratic Party. But we know that his spirit will continue to inspire us with the faith that he had in our common ideals as Americans and in his commitment to working to make life better for other people.

I thank the President.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. KERRY. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our friend and colleague for his superb recollections and comments about this son of Massachusetts, Kirk O'Donnell. Kirk O'Donnell was really a committed public servant right from the earliest days. He started out as a schoolteacher. He came from a working-class family. He entered politics. He served with great distinction, as the Senator has pointed out, with a great friend of both of us, Congressman O'Neill, in a very significant time in the history of this country. And then after our friend and colleague, Speaker O'Neill, left, Kirk O'Donnell went to run the Center for National Policy. He kept his interest in public policy, believing that public policy can make a difference in people's lives.

He really was an extraordinary human being in his common sense, his good judgment and his real desire to advance the common interests of working families in our State.

So I wish to commend my colleague, Senator KERRY, for bringing this matter to the Senate. This man was a very rare human being, a rare individual, a very loving person, certainly for his wife and his family but also to his friends. He also cared very deeply about the condition of the people that he met over his journey of life. He had a strong commitment to make this world a better world and our State of Massachusetts a better State.

I thank my colleague for bringing these remarks to the Senate. I commend these remarks to our colleagues and to his family because we miss him not only as a friend, but as an extraordinary public servant. We should not let his name and his memory leave us. Those who knew him and loved him will certainly carry his memory in their hearts throughout their lives.

I thank the Senator.

Mr. KERRY. Mr. President, I thank my colleague. We both benefited enormously from the generous friendship of Kirk O'Donnell and from the remarkable quality of wisdom he had well beyond his years, great common sense, great roots in the streets, the city that he worked for, and of the State that he loved, and we will both miss him. I thank the Chair.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the parliamentary situation, we are in the post-cloture period, which allocates up to one hour to each Member of the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, we have just a few moments ago decided as a Senate to consider the bankruptcy legislation that was reported out of the Judiciary Committee a few weeks ago. I mentioned at the time that this measure was being considered by the leadership, that I had hoped we would have the opportunity at the time that the leadership was considering calling up the bankruptcy legislation to consider other legislation that had been pending for some period of time.

The legislation that I was hoping would be considered is the Patients' Bill of Rights. It has been introduced by the Democratic leader, Senator DASCHLE, and supported by a number of us. Or, alternatively, I had hoped that the Senate would have been able to accept the proposal of the minority leader, Senator DASCHLE, that we would lay down before the Senate the Republican managed care proposal that passed the House of Representatives in July. This would have provided us with an opportunity to debate an issue that is enormously important to families in this country.

I mentioned before, the bankruptcy legislation deals with 1,200,000 people or occasions in this country per year. The Patients' Bill of Rights, however, affects 160 million Americans. The concerns that these families have are very real and very powerful.

Time and again, we hear of insurance company abuses that cripple or kill patients in states around the country. Yet, the response of the Republican leadership has been, well, you can either take it or leave it. That's it. Take the alternative that is advanced by the Republican leadership—which allows one vote on Senator DASCHLE's bill, one vote on the Republican bill, and perhaps three other amendments, but no more than those amendments in number that are designated by the majority leader—or leave it and do nothing. Mr. President, this proposal effectively gags the Senate from having full debate and discussion on this legislation. But, we have been told that was the position of the leadership and that was what we were going to be stuck with.

Mr. President, this is unsatisfactory because it excludes the opportunity to debate the major differences that exist between the Republicans and the Democrats on the issues of health care.

I have here before me a comparison of each of the patient protection bills—the proposal that has been advanced by the Republicans, and also the Patients' Bill of Rights proposal introduced by the Democrats. At the heart of this debate is a very simple concept: Are medical professionals, the doctors and nurses, going to make the health care decisions that affect patients? Or are insurance company accountants going to make those judgments and make those decisions, which is the case in too many instances in our country today? We believe that in all of these circumstances medical decisions ought to be made by the health professionals who have been trained, qualified, and certified to be able to deal with the health care challenges that will affect our families in this country.

We believe there should be a prohibition on gag practices; access to emergency rooms when there is a need for services, which is not guaranteed in too many instances today; access to the Ob/Gyn providers; the ability to keep your doctor; and guaranteed access to the specialists, including out-of-network providers, when those needs are important.

We believe that there should be standing referrals to specialists or that specialists should be allowed to act as primary care providers when that is important for particular patients, such as cancer patients, or persons with disabilities or HIV; the ability to have access to doctor-prescribed drugs when the various formularies override a physician's decision; and access to clinical trials, which are absolutely essential for patients who have life-threatening conditions—such as breast cancer—that have failed to respond to conventional therapies. The failure to promote and cover routine costs for participation in these clinical trials is something that the Senate ought to make some judgment and decision about.

The interesting point about clinical trials is that it really is not more costly to the HMOs, because the drug and biotechnology companies or the government continue to assume the burden for the experimentation. The HMOs are simply asked to shoulder their fair share of the routine costs that the patient would incur anyway. So it really is not costly to the HMOs to guarantee this access to clinical trials. We ought to have the opportunity to debate that here on the floor of the U.S. Senate.

We ought to be able to ensure there is going to be protection for patient advocacy, and that we are going to have information on plan quality. People need to understand which plans present themselves to be quality plans, and which do not. And, perhaps most importantly, there should be a clear right to a timely and independent appeal process and the ability to hold health plans accountable for their actions. These are the areas of public policy that we ought to have an opportunity to debate and discuss.

We have not heard from the Republican leadership what particular aspect of this list, which basically includes the President's reservations about the Republican proposal, that they object to. All they say is: We are not going to debate it. We are not going to discuss it. You can get one amendment, two amendments, three amendments, but we are just not going to tie the Senate up to debate these particular measures, even though these are the items which have been embraced by not just Members of the U.S. Senate but by nearly 190 organizations across this country that represent—who? Represent the Congress? The Senate? No. They represent the doctors, represent the nurses, represent the researchers, represent the patients and consumers.

Nearly every single major and minor consumer group has effectively endorsed the proposal that we have advanced, and we have not heard of a single group that has endorsed or embraced the Republican proposal—not one. Not one. They do not have a single group—doctors or patients or nurses or health delivery professionals—that endorses their proposal. All of them endorse ours. Yet we are told by the Republican leadership that you are going to be denied the opportunity to even raise these issues in an orderly way, to have debate and discussion and an outcome decided on the floor of the U.S. Senate.

These are the areas that need to be discussed. These are the gaps in the Republican bill. Some of them probably could be worked on through an agreement—not a great number. But they certainly are the ones that have been mentioned and identified by the health professionals in this country that are essential if we are going to provide quality health care for the American people. And we are denied this. We are being stonewalled, those of us who believe the patients' interests should be advanced. The Republican leadership have closed us out. They say, "No. No."

They don't mind getting consideration for the bankruptcy bill. They don't say we will take the bankruptcy bill up, but there are only X number of amendments. No. They just went ahead and scheduled the bankruptcy bill, which, interestingly, is supported by major financial institutions and credit companies that have spent over $50 million in support of the legislation. Whom does that bill protect? It protects the banking and the financial interests over, I believe, the interests of the consumers. So we have seen that legislation that protects big business is on the fast track, and the legislation that protects patients and families is being denied the floor of the U.S. Senate for debate and discussion.

I do not think, in the remaining time that we are here, outside of the various appropriations bills, there is any piece of legislation that is more important than this legislation. But we have been in a constant position now, for week after week after week, month after month after month.

We were denied the opportunity to get even a markup in the relevant committee, in the Human Resources Committee. We were denied an opportunity to consider this as an amendment on other legislation. We have been denied the opportunity to have a full debate and discussion. We are told, "You take it or leave it. You take the three-amendment strategy or you just do not get any debate or discussion." That is not satisfactory. Although the leadership has been able to prevent us from the opportunity of having that kind of debate and discussion up to this period of time, they will not be successful in denying us the chance to have the kind of debate that we need in order to protect the consumers of this country.

So I think we have, again, missed an extraordinarily important opportunity to do the public business, to do the people's business, to try to do something about the quality of health care for the American people. We here this evening would like to give the assurance to the American people, as the leader has, as our Democratic leader has, that we will have the opportunity one way or the other to have consideration of this legislation before we adjourn. We should be able to do it in the way in which we deal with important legislation, where we call the legislation up and move toward the consideration of these various amendments, trying to work through a timeframe to get the final resolution. The Democratic leader even indicated that we were prepared to deal with these issues at nighttime, at 6 o'clock tonight, 6 o'clock in the evening. There is no reason in the world that the Senate of the United States should not work tonight, from 6 o'clock to 10 o'clock, for the next 4 hours, debating these particular issues, and do so tomorrow night, too. We could have done it last night as well. There is no reason, no reason in the world. If we believe this legislation is important, why aren't we here debating this issue tonight? What is so important, in terms of Members' schedules, that we are not debating or discussing this?

I have been in the Senate for a period of time and we have had evening sessions. We have had two-track sessions many, many times. At this time in the session when there is important legislation to consider, Senator DASCHLE has proposed that to the majority leader, saying, 6 o'clock this evening, why aren't we out here considering and debating these issues tonight for 3 or 4 hours and having resolution of those? But we have been told no, we cannot do that either. We cannot take the time this evening or tomorrow evening, or Friday evening, or next week, or any of the evenings of next week to try to deal with the issues on the Patients' Bill of Rights—no. We are told we will not do it. You are not entitled to have that kind of debate and discussion. Evidently, the public interest with regard to health care will not be considered by the Republican leadership.

So we will be forced, as the leader pointed out, to take the extraordinary steps that can be taken from a parliamentary point of view to move ahead and consider this at another time. We will continue to press the leadership for that consideration, because we believe that this issue is of such overpowering importance to children, to women, to grandparents, to members of the family, and it is essential that we deal with it. And we will, as our leader has pointed out.

Now, we are told, as we are moving towards the consideration of the bankruptcy legislation, we will have a cloture motion filed so we will not be able to have debate on various amendments that are relevant to the issue at hand. They may not fall within the particular framework of the technical provisions of the cloture motion. So we are facing the prospect of another cloture vote coming up on this Friday.

I am hopeful that we will be able to consider, on that particular piece of legislation, a modest increase in the minimum wage. But we are told that the leadership will not permit a debate or discussion on any increase in the minimum wage.

I have been asked why we should consider having an amendment on increasing the minimum wage on this legislation. I have been asked, what is its relevancy to bankruptcy? The fact of the matter is that the average wage of people filing for bankruptcy is just over $17,000 a year. One of the principal reasons that individuals file bankruptcy is because their income has declined—their purchasing power has been reduced. No one in this Nation has seen a greater decline in their purchasing power than minimum wage workers.

Mr. President, I have here a chart that reviews where the minimum wage has been in the past 40 years.

As we can see, the real value of the minimum wage went up to $6, and then to $6.50, until it reached $7.38 in the mid to late 1960s. Again, it bounced up and down through the 1970s at about $6 or slightly above. Then we saw a continued decline down to $4.34 in 1989. We saw an increase again in 1991 and then the increases in 1996 and 1997 which brought it up to $5.15.

The proposal I have made will increase the minimum wage in two stages—50 cents on January 1, 1999 and 50 cents on January 1, 2000. That will bring the nominal value of the minimum wage to $6.15, but the real value, because of inflation, will be only $5.76.

Even if this body accepted the increase in the minimum wage, we would still be well below the historical value of the minimum wage for some 20 years in the 1960s and 1970s. These individuals on the lower rung of the economic ladder, the men and women who work 40 hours a week, 52 weeks of the year, hard-working men and women trying to provide for their families—they will still be earning well below what the minimum wage was worth for more than 20 years.

This issue is a woman's issue, because 60 percent of all minimum-wage workers are women. It is a children's issue, because many, many of those women are single moms and, therefore, their income is going to dictate what they can provide for their children. It is a family issue.

I will always remember the witness who described what an increase in the minimum wage would mean to her. She said, "It is very simple, Senator, we will only have to work two jobs now instead of three." Only two jobs instead of three. What that means is increasing the ability of those parents to spend time with their children, increasing the ability of those parents to take a little time and work with their children on homework. The additional money may allow them to take their child to a ball game. Maybe they can afford a birthday present. Maybe they can afford to take a child out to dinner, or even see a movie. Of course, a vacation is completely out of reach—it is not even being considered.

This is what I mean when I talk about family issues. We hear a great deal of discussion about family issues and about family values. The minimum wage is a family value. It is a working family value. It is saying to someone who works 40 hours a week, 52 weeks of the year that we are going to honor their work, and that in the United States of America working people are not going to live in poverty. These are family values.

We are going to hear, Mr. President, when we get a chance to debate this—and I can understand why the Republican leadership does not want to permit us to debate it—we are going to hear that we don't need to have an increase in the minimum wage. The market will take care of these workers. If we do increase the minimum wage, opponents will claim it will add to inflation and unemployment. This is against the background of the most extraordinary economic growth in the history of this country, with the greatest prosperity, the lowest inflation, the lowest unemployment in a generation. We will hear, "We can't afford it; we're going to lose jobs." We will hear that from Members of Congress who have experienced an increase in their own salary of more than $3,000 only last year.

We will hear, "We just can't afford to do that for working Americans." It is the working Americans, the working poor who have fallen further and further behind in their purchasing power—further behind than any group in our society.

I think some of us remember those wonderful charts Secretary Reich used to present at the Joint Economic Committee when he talked about the five different economic groups and what has happened in the postwar period from 1947 right up to 1979. And it showed that the wage rates of these groups increased at similar rates. Incomes of those at the lower rungs went up in percentages as high as if not higher than those at the highest levels. This is not true any more. It is the top 1 percent, the top 5 percent, the top 20 percent. Their incomes are going up through the roof. Those at the lower end have been going right down through the cellar. This is an issue that we have an opportunity to do something about.

Mr. President, I want to take a moment to answer some of the arguments that will be made with regard to an increase in the minimum wage, of what that means in terms of inflation. When we debate this issue, I will review some of the statements that our friends and colleagues made during those final hours of the 1996 debate about the effect on inflation and unemployment of the increase. These were the most extraordinary statements. I will not take the time of the Senate to go through them now, but they are just so out of touch with reality that it really is extraordinary.

Raising the minimum wage does not fuel inflation. This chart shows what the inflation rate was per month during the year or two before the increase in 1996. The rate of inflation was relatively flat between February of 1996 and October 1996. It was pretty flat—it held fairly steady at three-tenths of 1 percent per month.

The minimum wage increased to $4.75, and look what happened to inflation. The rate stayed steady. In October 1996, the inflation rate was maintained at three-tenths of 1 percent. Inflation declined in December 1996, and then went up and down slightly between January and September 1997.

Then the minimum wage increased in September 1997 to $5.15. Here we see the continued decline of inflation. In June of 1998 the inflation rate was one-tenth of 1 percent. This chart puts the lie to claims that the minimum wage increase added to the rate of inflation in the United States.

I believe that the overwhelming power of this argument comes from notions of basic fairness and justice. But if the opponents are going to claim that increasing the minimum wage will increase inflation, let us look at what happened over the period of the last two increases, going back to October 1996 and then the increase in September 1997.

Mr. President, I would like to consider at the other argument that is made in opposition. That is the claim that raising the minimum wage causes unemployment to rise.

Opponents always say, "If you increase the minimum wage, you're going to see a rise in unemployment." I will come to teenage unemployment in a minute. Unemployment overall declined dramatically since the minimum wage increased in October 1996.

And then, after the minimum wage increased again in September 1997, unemployment continued to drop. Now we are at 4.5 percent unemployment, which is virtually the lowest unemployment level in a generation. Since 1996, the nation has experienced the lowest rate of inflation and the lowest rate of inflation in a generation.

So you cannot make the argument, Mr. President, that if we increase the minimum wage, it will add to the rate of inflation or add to the rate of unemployment.

Mr. President, what is always said is, "Well, all right, you don't really understand it. It is teenagers, teenage unemployment. They are the ones who really get squeezed." Let us look at teen unemployment, ages 16 to 19, over this same period. Before the minimum wage increase, you had some 16 percent teenage unemployment in 1996. Since the 1996 and 1997 increases, it has dropped to 15 percent unemployment. The fact of the matter is, Mr. President, that about a quarter of those who earn the minimum wage are teenagers. Many of those teenagers are trying to go out and work their way through their first or second year of community college. They are teenagers. These kids, in many instances, are the ones who are trying to earn in order to continue their education. They need that increase as well.

So, Mr. President, this chart makes the point that the total unemployment for teenagers is down.

Mr. President, the greatest opposition to this has come from the retail industry. But retail employment has grown by leaps and bounds over this period. It is growing 31 percent faster. Before the minimum wage increased, from September 1995 to September 1996—394,000 new retail jobs were added. The minimum wage increased in October 1996, and then again in September 1997.

This is a 1-year period before the minimum wage went up. From September to September, 394,000 new retail jobs were added. Then in the 11 months after the increase took effect, 517,000 new jobs were added. This is very dramatic growth.

The point about it is, Mr. President, that there is not a valid economic argument to be made. I wish we had the opportunity to engage in that debate on the floor of the U.S. Senate with those who are opposed to the increase because they claim they are concerned about teenage unemployment, about inflation and about the effect on people who work in retail stores and will lose their jobs. The facts belie those claims.

Mr. President, we are talking about individuals who are still earning $2,900 below the poverty level for a family of three.

What will this $1 an hour increase mean to minimum wage workers? It would buy almost 7 months of groceries. $1 an hour may not mean much to many in this country. Certainly, it doesn't mean a lot to the people who saw the stock market go up 370 points yesterday, gain over $1 trillion in value in one day. Of course, all of us are glad to have seen the stock market go up these past few days.

$1 an hour might not make so much difference to those who are investing in the stock market, but it represents about 7 months of groceries to an average family of four. It buys about 8 months of rent for that family. It pays three-fourths of a year's tuition and fees at a community college. It is a matter of enormous importance and it is a matter of critical need for working families.

When you come right down to it, this issue is really about dignity. It is about dignity for individuals who can pay their bills. It is about dignity for people who don't have to go on welfare. It is the dignity of a family knowing they will not have their electricity or their water turned off because they can't pay the bill. Raising the minimum wage is really about dignity. It is about a sense of pride. It is the way parents look at children and the way children look at parents. This is an issue of fairness, an issue of whether we as a society honor work, for people who will work and want to work; those people who are the child-care helpers, the teachers' aides in our schools.

We talk a great deal about education. Teachers' aides are important. Many of them earn the minimum wage. We talk about the importance of Medicare and Medicaid and making sure that our parents are going to be able to live in dignity. Much of that dignity is provided for by health aides who earn the minimum wage. The men and women who clean office buildings at nighttime, by and large, are minimum-wage earners. These are people who have a sense of dignity and pride in themselves, as they should.

This is an issue of fundamental fairness. In the past, this body has responded. It has responded at other times when the minimum wage has sunk this low. It has responded with Republican and Democratic leadership, with Republican Presidents and Democratic Presidents, alike. But we are now being told by the Republican leadership that we are going to be denied the opportunity even to address this issue on the floor of the U.S. Senate. We are told, "We will not give you the time." We will not have that debate tonight, here in the U.S. Senate, and vote at 10 o'clock tonight.

What is more important to the 12 million Americans who would benefit from an increase than a debate this evening and a vote at 10 o'clock tonight? I can understand that many of my Republican colleagues don't want to vote on this issue. But that isn't a good enough reason. We are sent here to make choices. This is a choice that ought to be made in the light of day, or even in the evening, but it ought to be made here on the floor of the U.S. Senate. Parliamentary tricks should not be used to deny us the opportunity to address it. This is not a complicated issue, involving constitutional questions. This is a simple issue of fairness and justice. The Members of this body know it. The Members of this body understand it. We don't need any more hearings on this issue.

People know what this issue is all about. It is simple and plain: Here in the U.S. Senate, are we going to take steps that will guarantee some fairness to American workers who need that increase and have been falling further and further behind? Are we going to say, as a society, that we are all going to move together, that we have a sense of common purpose and common direction? Will we make sure that our fellow citizens can participate in this extraordinary economic expansion? Or are we going to say, no, we will let you stay out there in the cold, we won't even debate any kind of increase? Sure, you are providing for your kids, but we will not even permit the U.S. Senate the opportunity to debate this and vote on this, up or down; up or down.

Mr. President, that is why this issue is so important. I believe it is one of fundamental fairness. It is a defining issue. It has been a defining issue at other times, and it is at this time. I am hopeful that we could have a time to debate this issue. We are not interested in prolonged debate and discussion. As I mentioned, we would settle for a reasonable period of time to debate this and have a vote. It is not a complex issue. We are going to continue to pursue it because we believe it is right and it is just and it is fair. Those are values which I think most of us were sent here to uphold in the U.S. Senate.

How much time remains?

The PRESIDING OFFICER. The Senator has used 41 minutes 50 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. REED. Mr. President, I ask unanimous consent to be recognized to use such time as I may consume with respect to bankruptcy reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, today we have voted to move to consideration of the Bankruptcy Act. One of the sad but true causes of so many bankruptcies of families throughout this country is the fact that they are overwhelmed by medical bills. Now, this is obvious when it comes to those people without insurance, because for those people, getting sick in America not only means being ill, it also very often means going broke.

But one of the other aspects that is startling to so many is that many families with insurance, particularly health maintenance organization insurance, find themselves in similar situations where the insurance they paid for, they thought they bargained for, evaporates when they actually have a health care crisis.

That is why it is so very, very important to engage in a thorough debate and legislative action with respect to the Patients' Bill of Rights. I join all of my colleagues in issuing a challenge to the leadership of this body to bring up the Patients' Bill of Rights so we can debate it, we can consider it, and hopefully we can pass it.

Indeed, we should be here tonight debating this worthy measure, or the minimum wage, as my colleague from Massachusetts, Senator KENNEDY, has suggested, because that is truly the people's business. When I go back to Rhode Island, people are concerned about many things, but they are most concerned about the status of the health care and about whether or not working families in my State and across this country can provide for themselves.

The Patients' Bill of Rights, the legislation that we should be debating tonight, is about applying fair rules of the game to health care. When it comes to health care, consumers should get the health care they pay for and they should get it when they need it. But sadly, this is not always the case. In many cases, it is the exception to the rule. It is time for this Congress to accept the President's challenge and pass legislation to enact guarantees for quality health care in this country and important consumer protections.

The Patients' Bill of Rights introduced by Democratic leader DASCHLE, protects patients' rights, while the opposing version introduced by Senator LOTT and Senator NICKLES leaves too many loopholes and does not provide adequate protections for consumers. By addressing only self-funded, non-ERISA plans, the Lott-Nickles bill excludes 113 million Americans from the protections that are necessary, and, indeed, if you follow the logic of their bill, if a portion of Americans need protection in their health care plan, if a portion of Americans need these protections from insurance companies that are too much oriented toward the bottom line and not quality health care, why should all Americans in private health care plans not have these protections?

That is what the Daschle bill does. It would provide coverage for all 161 million Americans who aren't privately insured. This bill submitted by Leader DASCHLE provides full protection to patients, including, for example, access to specialists, pediatric specialists for children, coverage for emergency services, an internal and an independent external appeals process, and allowing patients to hold health plans accountable in court.

All of these protections are important to the health and well-being of all Americans. And all of these protections deserve full debate and consideration on the floor of the U.S. Senate. Now, an offer of a single vote on the bill with an extremely limited opportunity for amendments is not the full, vigorous debate that this issue requires—in fact, that this issue demands. The health care of the American people is too important to try to squeeze in between other issues here on the floor of the Senate. I think we should move today to bring up this legislation, debate it vigorously, pass it and send it forward. Our colleagues in the other body have done so. Now the challenge is with this body to move forward deliberately and purposefully to pass protections that will ensure quality health care and access to all Americans.

There is a particular aspect of this debate that I am extremely interested in, which is ensuring that there are adequate protections in managed care plans for children. Too often, children are ignored in the preparation of these plans. Too often, pediatric illnesses are relegated to just another variation of adult illnesses. Too often, children are just seen through these lenses as smaller adults when, in fact, pediatric care is a very specialized part of the health care delivery system. And too often, parents discover that what they bargain for and what they thought they had in terms of protections evaporate when their child is ill.

Earlier this year I introduced my own legislation that would ensure that children are not left out of this great debate about managed care, that children would, in fact, be the focal point of very specific procedures within managed care plans, that there would be access to pediatric specialists. A family could choose a pediatrician as a primary care provider, and pediatric specialists would evaluate outcomes relative to children. In working with the pediatric hospitals and with the American Academy of Pediatrics, I have come to understand the very specialized care that is necessary to deliver such care to children. Without such care, illnesses that may have been treated successfully and cheaply in children become traumatic and complicated illnesses that are more expensive and more threatening to the health of this child and later to that adult.

My words are less compelling than the words of the people in my home State of Rhode Island who have dealt with this health care morass. A few weeks ago, I had the opportunity to share a podium with Dr. Karen LaMorge. She detailed the problems she had in getting adequate health care for her father and the fact that the insurance company would not provide a second opinion, and they would not make easy referrals to specialists. One of the great ironies of her story is that Dr. LaMorge is a podiatrist and, in fact, a member of the professional panels of this particular HMO. Now, she, a skilled professional, a provider herself, cannot easily and quickly get adequate care for her father.

What happens to the average citizen who confronts this morass of regulations and rules and consents and approvals and daily calls and tracking down people to give the right approval? It becomes a daunting experience. Many, many Americans simply get exhausted trying to get basic health care for their families and themselves. Some give up. Others press on, enduring huge costs in time, efforts and energy. That is not the way our health care system should operate.

With the Patients' Bill of Rights, we will go a long way toward ensuring that it doesn't operate that way, that there is an opportunity for high-quality care that is accessible and, indeed, also affordable, because, frankly, there is a lot of money being spent by these health care plans on administrators and bureaucrats. Maybe more could be directed to health care and to the American citizens.

There is a particular aspect of this which I find particularly compelling, and I mentioned it before; that is, the aspect of pediatric health care. A few weeks ago, I had the opportunity to visit the Hassenfeld Children's Cancer Center at New York University Hospital in New York City. There I saw the care they are giving to dying children. I heard from the frontline professionals, the social workers, nurses, doctors, about the daily frustrations they face and endure in trying to get adequate care for these children from HMOs. The idea that they would spend days trying to get hospice care for a child who is dying, the idea that they would have to get daily approval and reapprovals for a course of treatment that is clear and obvious and has been prescribed is just an example of the state of this system, which is, in many respects, a crisis for so many families in this country.

We can do better. We must do better. But we can only do that if we have the will. We must bring this legislation to the floor. We must bring this legislation to this floor promptly. There are few days left, but in those days it is our obligation to serve the interests of the American people. At the top of their list is a more rational, more appropriate health care system. We are within striking distance of that, if we just act.

As I mentioned before, the other body has acted. It is our responsibility, our turn to step up to the plate and to get a greater hit than even Mark McGwire, because this hit will ensure that every family in America has good access to health care and will help that process to continue along. We should stay here tonight and every night and not simply make speeches with respect to this underlying bankruptcy bill, but actively debating and actively voting on, in a robust, wide-open debate, HMO protections for the people of America. As Senator KENNEDY suggested, we should also take up the minimum wage because that, too, is a way to address the real problems that face America.

I hope that our resolution tonight would be to take up these measures, debate them fairly and honestly, and to vote and give the American people what they so desperately want and deserve—a health care system that works for them, and for those low-income working Americans a decent wage which will lift them out of poverty. I hope we do that. Certainly I think I and my colleagues will continue to urge that action on this Senate, and hopefully these words will take heart and take hold.

Mr. President, I reserve the remainder of my time and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2453 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I yield back the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 4250

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its legislative business today, it then proceed to the consideration of Calendar No. 505, H.R. 4250, the House-passed HMO reform bill, that only relevant amendments be in order, and that the bill become the pending business every day thereafter upon completion of legislative business.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, the hour is again upon us, as it was last night. I suggested last night that we move to a second shift, that at approximately 7 o'clock every night we take up legislation our Republican colleagues say we don't have time for during the day.

I am very disappointed, once again, that our Republican colleagues have objected to doing that. There is absolutely no reason why, with less than 6 weeks left in the session, we leave this Chamber at 10 minutes to 7. There is no reason for that. How many businesses would survive with an incredible amount of production in front of them if they were to say: We are going to take off work early, we are not going to work a second shift, we are not going to work as if we are in a state of emergency, we are going to treat the situation as business as usual?

Mr. President, that is what we are doing with the schedule right now. It is remarkable to me that with little time left in the session, our Republican colleagues are content to go home and in a sense tell the American people: Look, we don't have time to consider your problems. We don't have time to consider the importance of HMO reform or to pass a Patients' Bill of Rights. We don't care; we are going home.

Mr. President, that ought not be the message we send the American people. So that is why we have suggested working a second shift. That is why we have suggested coming to the Senate floor at this hour each evening to pick up where we left off the night before, to recognize that we will never be able to address this and other serious problems unless we are willing to stay here and do our work. We have worked hard to bring the Senate to the point of passing a meaningful Patients' Bill of Rights. More than 170 organizations wait for us to act tonight. Millions and millions of people who have high expectations about the possibility of realistically dealing with this problem wait for us to act tonight.

I am disappointed, disappointed, No. 1, that our Republican colleagues again would rather go home than do their work, disappointed that legislation which has now passed in the House languishes in the Senate without any hope of passing unless we stay here tonight or tomorrow night or the next night. And I am disappointed by what it means in terms of the real prospects for accomplishment, the real prospects for getting something done, the real chance that we can leave and close down the 105th Congress feeling good about having addressed one of the most serious problems facing the American people today.

There are too many insurance companies making decisions for doctors. There are too many women who are being turned out of hospitals too early. There are too many patients who are not being given the opportunity to choose their doctor. There are too many people whose doctors prescribe a medicine only to be overturned by an insurance company.

Mr. President, it goes on and on. The problem we have is that unless we act, unless we are willing to do our work, unless we take this second shift, we will never have the opportunity to bring this important issue to closure.

Obviously, there is one other way to do it, and that is to eat up the day throughout the day. We have already indicated that if we can't take a second shift approach, then we have no other recourse but to offer this legislation in the form of an amendment on any vehicle that comes along. Whatever bill may be pending, we will have no other option but to offer it as an amendment, and we will do that just as we have done it before. We will offer it on a bill that will require our colleagues to vote.

So it is not a question of avoiding the vote. We will either do it in a constructive way on a second shift or we will do it in a confrontational way during the day on the first shift. But we are going to do it. We have said that in the remaining days of this session we must have a vote on minimum wage, we must have a vote on a Patients' Bill of Rights, we must have a vote on campaign finance reform, we must have a vote on pay equity, and we must have a vote on a series of amendments that will improve the crisis in agriculture today. Those are votes we must have, and we must find a way with which to accommodate each other's priorities to allow that to happen.

Again, let me express my disappointment, my sorrow, my frustration at our Republican colleagues' unwillingness to cooperate with us.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. As the Senator has pointed out, it is 7 o'clock this evening. We had last evening, we will have tomorrow evening. There is no reason we can't go from 7 to 10 or 10:30. The Senator remembers the times where we have had these double sessions. They are not a very unusual process and procedure. I will include in the RECORD tomorrow the instances when we have had these, generally at the end of sessions, but they have been a two-track process by which we deal with certain measures during the day and others during the course of the evening.

Does the Senator agree with me, for example, on the Patients' Bill of Rights that if we took Tuesday and Wednesday and Thursday evenings and did it from 7 to 10, 10:30 probably this week, three different evenings, there would be a good opportunity where we could probably finish that legislation, or perhaps take one or more evenings of next week to address the issues which the Senator has talked about. We could have a good debate on the question of minimum wage—whether it has been inflationary, whether there has been loss of employment, the impact on small employment, the various kinds of arguments that have been made—and we would be able to dispose of that in a fair and reasonable time, as well as the agriculture and farm issues, pay equity, and other issues?

Does the Senator believe, if we knew now that we were going to do this, the membership would become engaged in this legislation, particularly if we had notice that we were going to consider various legislation with due notice, in 2 or 3 nights we would consider X legislation, which is sort of a time-honored way that we have proceeded here? Is that the kind of arrangement that the Senator is looking for so that the membership would have notice of the legislation and we could have that kind of debate during the course of the evenings? Does the Senator think there is any other business that is more important for us to be involved in at this time than those issues which people have expressed an interest and concern about such as the Patients' Bill of Rights issue?

Mr. DASCHLE. I appreciate very much the question of the Senator from Massachusetts. The answer is, "No."

I know the Senator, who is a real student of history and has a wealth of experience, can go back to those occasions over many, many years when we have found nighttime debates to be the best debates because there are no interruptions. Why? Because Senators don't have to be in their offices with appointments and phone calls. They can be here on the Senate floor. If we are here, we get more interaction.

There have been some extraordinary debates on the floor of the U.S. Senate after 7 o'clock at night. And the reason for that is because, oftentimes, we do not have so many other tugs and pulls on our schedules.

So, first of all, the Senator is right when he comments about the historical precedent for this approach. Second, he is correct that not only is it a common Senate practice, but actually the quality of the debate oftentimes is enhanced. Third, unless we do it this way, I fear that we really are not going to have the opportunity to address the issues, as the Senator from Massachusetts has pointed out, that have the highest priority when you ask the American people what we should be addressing.

So from the perspective of priority, from the perspective of quality, from the perspective of history, the Senator from Massachusetts is correct.

Mr. KENNEDY. I thank the Senator. Would he not agree with me that we have a general understanding that Thursday nights are the late night in the Senate? We do that with the idea that we hope we can finish various measures that may go on over to Friday out of consideration to some of those Senators who live in different parts, some distance away from the Nation's Capital, to try at least to accommodate some of their interests.

So the idea that we have a night session is not really unique or special. Members are here during the period of the week. They are on notice now. We have just come back from a good break in the period of August, but we have a limited time that is available. I must say, I fail to find an adequate response by the Republican leadership to the Senator's eminently fair and reasonable proposal. It would seem to me we ought to at least try it for a week, try it for a week or two and find out how we are proceeding. We could consider the Patients' Bill of Rights, for example, a measure of enormous importance to the millions of families in this country. We have been denied that opportunity to have the debate. We have always been told we cannot have that debate because we are not going to take up a lot of the Senate's time.

The way I understand the leader's proposal is we might be able to do that in the evening time until we reach a conclusion on that so we would not interfere with the appropriations legislation.

What is possibly the justification not to do it? Are we saying our own personal requirements are of greater importance than trying to deal with the business of America's families—whether they are in South Dakota or in Massachusetts—who are very, very much affected by what we fail to do here in reaching some resolution on the Patients' Bill of Rights?

I do not know whether the leader had an opportunity to see the list of the various parts of the Patients' Bill of Rights bill that I had on the floor a short time ago, but I know the Senator is very familiar with them. Doesn't he agree that probably 17 or 18 topic areas are about it with regard to the Patients' Bill of Rights, and probably even some of those areas could be accommodated by individual Members on both sides who are really interested in trying to reach a resolution? We could deal with these other measures—whether women are going to be in clinical trials; whether we are going to have appeals procedures; whether we are going to have gag rules—and the various other protections the Senator mentioned earlier.

Doesn't the Senator feel we could work that through in a reasonable period of time if we involved the Senate in debate during these weekday nights?

Mr. DASCHLE. The Senator has asked a couple of very good questions. The first question he asked is why we are quitting work at an hour that could easily accommodate debate on important issues? I think the answer is, we all appreciate a family-friendly environment. We all enjoy being able to go home to our families. By and large, in the last couple of years, we have been able to do that. We have had a family-friendly legislative session that has accommodated personal needs. I think that is understandable, and for the most part, I think I have supported it.

I think there comes a time, though, when you get to this period at the end of the Congress—not the end of a session, we are talking about the end of a Congress. We have just a few weeks left, and our work has to take priority.

As the Senator noted, usually Thursday nights have been nights where we work late. What we are suggesting is that we at least take Tuesday, Wednesday and Thursday nights, for the balance of the time that remains in this session, and use that time productively. Let's take 3 or 4 hours and see what we can accomplish—particularly on something as important as the Patients' Bill of Rights.

The second question is about the degree to which we want to be able to offer amendments. I heard the Senator so compellingly speak about other bills that have required hundreds of amendments, in some cases well over 100 amendments for bills of great import. We are not even asking for that, as the Senator has noted. I think his chart points that out.

There are categories for which there are legitimate differences of opinion. We want to be able to offer amendments in those areas, to be able to have a good debate and discuss them. But to say you are going to be forced into this three-amendment limit with no ability to talk about all the very serious concerns is just unacceptable and does not do justice to the issue. They say we don't have time for a full debate. We have 3 hours of time. They say we have to limit ourselves to three amendments, even though other bills have taken 150 amendments—we have the time. We have the interest. What is holding them up? No one can really answer that for us. Obviously that is the perplexing question. The bill has passed in the House. Why not debate it here in the Senate as well?

Mr. KENNEDY. I thank the leader for, again, his leadership in this important area. Next time there is objection to the proposal—the Republican leadership says we can't afford the time for this; we can't afford the time to debate it— it is going to ring very hollow after we have seen the very reasonable request of the leader to debate those issues this evening. The Senator from South Dakota has introduced the legislation. He is here tonight to debate it, and I welcome the chance to join with him in debating that. We are here ready to go on this legislation. We could do it this evening or any night this week. It is not satisfactory enough for the American people, just to say, as the Republican leadership has, "No, we are not going to do this, and we are going to refuse to permit this debate and discussion." That is not really in the great traditions of this body. This body was supposed to deal with the public interest, the unfinished agenda.

There is nothing more important than protecting American families from decisions being made by insurance companies rather than health professionals. There is nothing more important, in terms of the health care of these families, before the Senate this year. I think it is grossly unfair.

So I commend, again, the leader for bringing this up. I know the leader will bring up the amendment. Then we will hear from the other side, "Oh, my goodness, we can't do that; we can't do this. It's impossible to do it." We could have done it this evening; probably last night and the other nights this week. I certainly join in supporting his efforts to insist that we are going to debate these, and we are going to reach resolution on these matters before we conclude.

I thank the Senator.

Mr. DASCHLE. I thank the Senator from Massachusetts for his thoughtful comments and for his willingness to engage in this colloquy.

I think the legislative history ought to demonstrate that there are those of us who truly want this issue resolved. We really are prepared to put in the time and effort to come to closure on what is the most important health question facing this Congress, and that is, how do we deal with the array of problems we are facing in managed care today.

No one has put more time and effort and leadership into this question than the distinguished Senator from Massachusetts. I am grateful for the partnership and extraordinary effort he has demonstrated and put forth in bringing us to this point.

Mr. President, unless there are further comments, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 3554 TO S. 2237

Mr. LOTT. Mr. President, we have had a good deal of discussion about how to proceed tomorrow with regard to campaign finance reform, and I think we have something worked out here that is acceptable to all sides. I hoped there would be more time for Senator MCCAIN and others to discuss the issue tomorrow, but there are some conflicts that we are trying to recognize and accommodate.

So I ask unanimous consent that at 10 a.m. on Thursday, the Senate resume the pending McCain amendment, and the time between 10 a.m. and 12 noon be equally divided in the usual form for debate only. I further ask unanimous consent that at 12 noon Senator FEINGOLD be recognized to offer a motion to table the pending amendment.

I further ask unanimous consent that if the amendment is not tabled, the time prior to 1:45 p.m. on Thursday be equally divided in the usual form for debate only, and notwithstanding rule XXII, the cloture vote occur at 1:45 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER BANKRUPTCY REFORM ACT OF 1998—MOTION TO PROCEED

Mr. LOTT. Mr. President, I also just discussed with Senator DASCHLE the possibilities of working out a procedure that we could take up the bankruptcy reform, allow for amendments to be offered, and get some sort of understanding about what those amendments would be and the time that might be involved. There are a number of Senators who are interested in this legislation on both sides of the aisle—Senator GRASSLEY obviously, Senator HATCH, Senator DURBIN; Senator KENNEDY has an amendment he wants to offer.

I had not seen any movement earlier than this afternoon toward working something out, but I believe now that there will be a good-faith effort to see if we can work out some sort of agreement that we will come together on tomorrow. But so that we can get the matter laid down in the proper way, and so that there can be protections for all concerned until we get an agreement worked out, I want to go ahead and do this procedure. But if we get an agreement worked out, obviously I would move to vitiate it. I really would like to get bankruptcy reform done, but I think we need some sort of reasonable agreement in order to accomplish that and in order to not go forward with the cloture vote.

So I understand that there is no further need for debate on the pending motion, and I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer protection, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

Sec. 201. Allowance of claims or interests.
Sec. 202. Exceptions to discharge.
Sec. 203. Effect of discharge.
Sec. 204. Automatic stay.
Sec. 205. Discharge.
Sec. 206. Discouraging predatory lending practices.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

Sec. 301. Notice of alternatives.
Sec. 302. Fair treatment of secured creditors under chapter 13.
Sec. 303. Discouragement of bad faith repeat filings.
Sec. 304. Timely filing and confirmation of plans under chapter 13.
Sec. 305. Application of the codebtor stay only when the stay protects the debtor.
Sec. 306. Improved bankruptcy statistics.
Sec. 307. Audit procedures.
Sec. 308. Creditor representation at first meeting of creditors.
Sec. 309. Fair notice for creditors in chapter 7 and 13 cases.
Sec. 310. Stopping abusive conversions from chapter 13.
Sec. 311. Prompt relief from stay in individual cases.
Sec. 312. Dismissal for failure to timely file schedules or provide required information.
Sec. 313. Adequate time for preparation for a hearing on confirmation of the plan.
Sec. 314. Discharge under chapter 13.
Sec. 315. Nondischargeable debts.
Sec. 316. Credit extensions on the eve of bankruptcy presumed nondischargeable.
Sec. 317. Definition of household goods and antiques.
Sec. 318. Relief from stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 319. Adequate protection of lessors and purchase money secured creditors.
Sec. 320. Limitation.
Sec. 321. Miscellaneous improvements.
Sec. 322. Bankruptcy judgeships.
Sec. 323. Preferred payment of child support in chapter 7 proceedings.
Sec. 324. Preferred payment of child support in chapter 13 proceedings.
Sec. 325. Payment of child support required to obtain a discharge in chapter 13 proceedings.
Sec. 326. Child support and alimony collection.
Sec. 327. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 328. Enforcement of child and spousal support.
Sec. 329. Dependent child defined.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Definitions.
Sec. 402. Adjustment of dollar amounts.
Sec. 403. Extension of time.
Sec. 404. Who may be a debtor.
Sec. 405. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 406. Limitation on compensation of professional persons.
Sec. 407. Special tax provisions.
Sec. 408. Effect of conversion.
Sec. 409. Automatic stay.
Sec. 410. Amendment to table of sections.
Sec. 411. Allowance of administrative expenses.
Sec. 412. Priorities.
Sec. 413. Exemptions.
Sec. 414. Exceptions to discharge.
Sec. 415. Effect of discharge.
Sec. 416. Protection against discriminatory treatment.
Sec. 417. Property of the estate.
Sec. 418. Limitations on avoiding powers.

Sec. 419. Preferences.
Sec. 420. Postpetition transactions.
Sec. 421. Technical amendment.
Sec. 422. Setoff.
Sec. 423. Disposition of property of the estate.
Sec. 424. General provisions.
Sec. 425. Appointment of elected trustee.
Sec. 426. Abandonment of railroad line.
Sec. 427. Contents of plan.
Sec. 428. Discharge under chapter 12.
Sec. 429. Extensions.
Sec. 430. Bankruptcy cases and proceedings.
Sec. 431. Knowing disregard of bankruptcy law or rule.
Sec. 432. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not" and inserting "or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the last sentence and inserting the following:

"(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

"(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 20 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

"(B) the debtor filed a petition for the relief in bad faith.

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified, the court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1) of this subsection.

"(4)(A) Except as provided in subparagraph (B), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee) under this subsection (including reasonable attorneys' fees) if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion was not substantially justified; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

"(5) However, a party in interest may not bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national median household monthly income calculated on a monthly basis for a household of equal size. However, for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals plus $583 for each additional member of that household.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 13.".

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court may award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

"(A)(i) disallows the claim; or

"(ii) reduces the claim by an amount greater than 20 percent of the amount of the initial claim filed by a party in interest; and

"(B) finds the position of the party filing the claim is not substantially justified.

"(2) If the court finds that the position of a claimant under this section is not substantially justified, the court may, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award such damages as may be required by the equities of the case.".

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking "a false representation" and inserting "a material false representation upon which the defrauded person justifiably relied"; and

(2) by striking subsection (d) and inserting the following:

"(d)(1) Subject to paragraph (3), if a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

"(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court may award reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

"(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a)(2) if—

"(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

"(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

"(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(ii) the refusal to negotiate by the creditor involved to was not reasonable.".

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

"(j) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

"(1) the greater of—

"(A)(i) the amount of actual damages; multiplied by

"(ii) 3; or

"(B) $5,000; and

"(2) costs and attorneys' fees.".

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

"(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

"(A) actual damages; and

"(B) reasonable costs, including attorneys' fees.

"(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.".

SEC. 205. DISCHARGE.

Section 727 of title 11, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

"(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a) if—

"(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

"(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

"(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(ii) the refusal to negotiate by the creditor involved to was not reasonable."; and

(2) by adding at the end the following:

"(f)(1) The court may award the debtor reasonable attorneys' fees and costs in any case in which a creditor files a motion to deny relief to a debtor under this section and that motion—

"(A) is denied; or

"(B) is withdrawn after the debtor has replied.

"(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court may assess

against the creditor such damages as may be required by the equities of the case.''.

SEC. 206. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt if the creditor has failed to comply with the requirements of subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) In General.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed pursuant to section 586 of title 28. The notice shall contain the following:

''(1) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(2) A brief description of services that may be available to that individual from an independent nonprofit debt counseling service.

''(3)(A) The name, address, and telephone number of each nonprofit debt counseling service with an office located in the district in which the petition is filed, if any.

''(B) Any nonprofit debt counseling service described in subparagraph (A) that has registered with the clerk of the bankruptcy court on or before December 10 of the preceding year shall be included in the list referred to in that clause, unless the chief bankruptcy judge of the district involved, after giving notice to the debt counseling service and the United States trustee and opportunity for a hearing, orders, for good cause, that a particular debt counseling service shall not be so listed.''.

(b) Debtor's Duties.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—'';

(2) by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition pursuant to section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(3) by adding at the end the following:

''(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

''(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(d)(1) A statement referred to in subsection (c)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

''(C) the identity of any persons who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (e).

''(e)(1) Not later than 30 days after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall prepare, and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation—

''(i) to further protect the confidentiality of tax information; and

''(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.''.

(c) Title 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.''.

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

(a) Restoring the Foundation for Secured Credit.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking the matter preceding subparagraph (A) and inserting the following:

''(5) with respect to an allowed claim provided for by the plan that is secured under applicable nonbankruptcy law by reason of a lien on property in which the estate has an interest or is subject to a setoff under section 553—''; and

(2) by adding at the end of the subsection the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph.''.

(b) Payment of Holders of Claims Secured by Liens.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and''.

(c) Determination of Secured Status.—Section 506 of title 11, United States Code, is amended by adding at the end the following:

''(e) Subsection (a) shall not apply to an allowed claim to the extent attributable in whole or in part to the purchase price of personal property acquired by the debtor during the 90-day period preceding the date of filing of the petition.''.

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as'';

(2) by striking ''(1) the stay'' and inserting ''(A) the stay'';

(3) by striking ''(2) the stay'' and inserting ''(B) the stay'';

(4) by striking ''(A) the time'' and inserting ''(i) the time'';

(5) by striking ''(B) the time'' and inserting ''(ii) the time''; and

(6) by adding at the end the following:

''(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

''(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

''(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)) was pending during the preceding year but was dismissed.

"(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

"(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(A) with respect to the creditors involved, if—

"(i) more than 1 previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

"(ii) a previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

"(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

"(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

"(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

"(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

"(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

"(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

"(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

"(i) for a definite period of not less than 1 year; or

"(ii) indefinitely.

"(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

"(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

"(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

"(II) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

"(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.".

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) Filing of Plan.—Section 1321 of title 11, United States Code, is amended to read as follows:

"§ 1321. Filing of plan

"The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.".

(b) Confirmation of Hearing.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: "That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.".

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

"(i) the individual that received that consideration; or

"(ii) property not in the possession of the debtor that secures that claim.

"(B) Notwithstanding subparagraph (A), the stay provided by subsection (a) shall apply in any case in which the debtor is primarily obligated to pay the creditor in whole or in part with respect to a claim described in subparagraph (A) under a legally binding separation or property settlement agreement or divorce or dissolution decree with respect to—

"(i) an individual described in subparagraph (A)(i); or

"(ii) property described in subparagraph (A)(ii).

"(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.".

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) Amendment.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1998, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

"(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) Effective Date.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 307. AUDIT PROCEDURES.

(a) Amendments.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures for the auditing of the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) The audits described in subparagraph (A) shall be made in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract with the United States trustee to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited according to generally accepted auditing standards, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

"(iv) establish procedures for—

"(I) reporting the results of those audits and any material misstatement of income, expenditures, or assets of a debtor to the Attorney General, the United States Attorney and the court, as appropriate;

"(II) providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported; and

"(III) fully funding those audits, including procedures requiring each debtor with sufficient available income or assets to contribute to the payment for those audits, as an administrative expense or otherwise.

"(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

"(3) According to procedures established under paragraph (1), upon request of a duly appointed auditor, the debtor shall cause the accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor as the auditor requests and that are reasonably necessary to facilitate the audit to be made available for inspection and copying.

"(4)(A) The report of each audit conducted under this subsection shall be filed with the court, the Attorney General, and the United States Attorney, as required under procedures established by the Attorney General under paragraph (1).

"(B) If a material misstatement of income or expenditures or of assets is reported under subparagraph (A), a statement specifying that misstatement shall be filed with the court and the United States trustee shall—

"(i) give notice thereof to the creditors in the case; and

"(ii) in an appropriate case, in the opinion of the United States trustee, that requires investigation with respect to possible criminal violations, the United States Attorney for the district.".

(b) EFFECTIVE DATE.—*The amendments made by this section shall take effect 18 months after the date of enactment of this Act.*

SEC. 308. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than one creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 309. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c), by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(2) by adding at the end the following:

"(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

"(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

"(3) For purposes of this section, the term 'notice' shall include—

"(A) any correspondence from the debtor to the creditor after the commencement of the case;

"(B) any statement of the debtor's intention under section 521(a)(2);

"(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

"(D) any notice of a hearing under section 1324.

"(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

"(2) If the court or the debtor is required to give the creditor notice, not later than 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

"(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

"(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

"(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.".

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.".

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause.".

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

"(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 20 days to file the information required under section 521(a)(1) if the court finds justification for extending the period for the filing.".

SEC. 313. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a).".

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (4), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of

willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, except for any debt incurred to pay such a nondischargeable debt in any case in which—

''(A)(i) the debtor who paid the nondischargeable debt is a single parent who has 1 or more dependent children at the time of the order for relief; or

''(ii) there is an allowed claim for alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor payable under a judicial or administrative order to that spouse or child (but not to any other person) that was unpaid by the debtor as of the date of the petition; and

''(B) the creditor is unable to demonstrate that the debtor intentionally incurred the debt to pay the nondischargeable debt;''.

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ''(and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the order for relief shall be presumed to be nondischargeable under this subparagraph); or'';

(2) in subparagraph (B), by striking ''or'' at the end; and

(3) by striking subparagraph (C).

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (27) the following:

''(27A) 'household goods' has the meaning given that term in section 444.1(i) of title 16, of the Code of Federal Regulations (as in effect on the effective date of this paragraph), which is part of the regulations issued by the Federal Trade Commission that are commonly known as the 'Trade Regulation Rule on Credit Practices', except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child;''.

SEC. 318. RELIEF FROM STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

(a) Automatic Stay.—Section 362 of title 11, United States Code, as amended by section 303, is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''(e) and (f)'' and inserting ''(e), (f), and (h)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) In an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim that is in an amount greater than $3,000, or subject to an unexpired lease with a remaining term of at least 1 year (in any case in which the debtor owes at least $3,000 for a 1-year period), if within 30 days after the expiration of the applicable period under section 521(a)(2)—

''(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

''(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

''(i) either—

''(I) redeem the property pursuant to section 722; or

''(II) reaffirm the debt the property secures pursuant to section 524(c); or

''(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not do so; or

''(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

''(A) the statement of intention specifies reaffirmation; and

''(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.''.

(b) Debtor's Duties.—Section 521(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''consumer'';

(2) in subparagraph (B)—

(A) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first meeting of creditors under section 341(a)''; and

(B) by striking ''forty-five-day period'' and inserting ''30-day period''; and

(3) in subparagraph (C), by inserting '', except as provided in section 362(h)'' before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.

(a) In General.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

''§ 1307A. Adequate protection in chapter 13 cases

''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2)(A), to—

''(i) any lessor of personal property; and

''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

''(i) the creditor begins to receive actual payments under the plan; or

''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

''(I) the lessor or creditor; or

''(II) any third party acting under claim of right, as applicable.

''(2) The payments referred to in paragraph (1)(A) shall be determined by the court.

''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount and timing of the dates of payment of payments made under subsection (a).

''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

''(B) The amount of a payment referred to in paragraph (1) shall not be less than the reasonable depreciation of the personal property described in subsection (a)(1), determined on a month-to-month basis.

''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides—

''(1) for payments to a creditor or lessor described in subsection (a)(1); and

''(2) for the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.''.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

''1307A. Adequate protection in chapter 13 cases.''.

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following new subsection:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.''.

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, made a good-faith attempt to create a debt repayment plan outside the judicial system for bankruptcy law (commonly referred to as the 'bankruptcy system'), through a credit counseling program (offered through credit counseling services described in section 111(a)) that has been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district in which the petition is filed.''.

(b) Chapter 7 Discharge.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(f) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111 that was administered or approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district in which the petition is filed.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 301(b) and 318(b) of this Act, is amended by adding at the end the following:

"(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the credit counseling service that provided the debtor services under section 109(h) or other substantial evidence of a good-faith attempt to create a debt repayment plan outside the bankruptcy system in the manner prescribed in section 109(h); and

"(2) a copy of the debt repayment plan developed under section 109(h) through the credit counseling service referred to in paragraph (1).".

(e) EXCEPTIONS TO DISCHARGE.—Section 523(d) of title 11, United States Code, as amended by section 202 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

"(i) before the filing of the petition, the debtor made a good faith attempt pursuant to section 109(h) to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and".

(f) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.

"(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

"(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

"(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity and that have been approved by the United States trustee or that bankruptcy administrator.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(g) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section 317 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or co-operative unit;"; and

(2) by inserting after paragraph (27A), as added by section 318 of this Act, the following:

"(27B) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 322. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the "Bankruptcy Judgeship Act of 1998".

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: "Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.".

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) In this subsection, the term 'travel expenses'—

"(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

"(B) shall not include the travel expenses of a bankruptcy judge if—

"(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

"(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

"(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

"(3)(A) Each chief bankraptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

"(B) The annual report under this paragraph shall include—

"(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

"(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

"(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

"(4)(A) The Director of the Administrative Office of the United States Courts shall—

"(i) consolidate the reports submitted under paragraph (3) into a single report; and

"(ii) annually submit such consolidated report to Congress.

"(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).".

SEC. 323. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 7 PROCEEDINGS.

Section 507(a) of title 11, United States Code, is amended in the matter preceding paragraph (1), by inserting ", except that, notwithstanding any other provision of this title, any expense or claim entitled to priority under paragraph (7) shall have first priority over any other expense or claim that has priority under any other provision of this subsection" before the colon.

SEC. 324. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 13 PROCEEDINGS.

Section 1322(b)(1) of title 11, United States Code, is amended by striking the semicolon at the end and inserting the following: "and provide for the payment of any claim entitled to priority under section 507(a)(7) before the payment of any other claim entitled to priority under section 507(a), notwithstanding the priorities established under section 507(a).".

SEC. 325. PAYMENT OF CHILD SUPPORT REQUIRED TO OBTAIN A DISCHARGE IN CHAPTER 13 PROCEEDINGS.

Title 11, United States Code, is amended—

(1) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, the debtor has paid all amounts payable under that order for alimony, maintenance, or support that are due after the date on which the petition is filed."; and

(2) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, only after the debtor certifies as of the later of the date of that completion or the date of certification that all amounts payable under that order for alimony, maintenance, or support that are due before the date of that certification have been paid in accordance with the plan if applicable, or if the underlying debt is not treated by the plan, paid in full" after "completion by the debtor of all payments under the plan".

SEC. 326. CHILD SUPPORT AND ALIMONY COLLECTION.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

"(20) under subsection (a) with respect to the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)).".

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

"(5) to a spouse, former spouse, or child of the debtor—

"(A) for actual alimony to, maintenance for, or support of that spouse or child;

"(B) that was incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, property settlement agreement, divorce decree, other order of a court of record, or determination made in accordance with State or territorial law by a governmental unit; or

"(C) that is described in subparagraph (A) or (B) and that is assigned pursuant to section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)), or to the Federal Government, a State, or any political subdivision of a State,

but not to the extent that the debt (other than a debt described in subparagraph (C)) is assigned to another entity, voluntarily, by operation of law, or otherwise;"; and

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)".

SEC. 328. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting ", except that, notwithstanding any other Federal law or State law relating to exempted property, such exempt property shall be liable for debts of a kind specified in paragraph (1) or (5) of section 523(a)" before the semicolon at the end of the paragraph.

SEC. 329. DEPENDENT CHILD DEFINED.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) 'dependent child' means, with respect to an individual, a child who has not attained the age of 18 and who is a dependent of that individual, within the meaning of section 152 of the Internal Revenue Code;".

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 317, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (56A) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (56A) in entirely numerical sequence, so as to result in numerical paragraph designations of (4) through (72), respectively.

SEC. 402. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3), 707(b)(5)," after "522(d)," each place it appears.

SEC. 403. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 404. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking "subsection (c) or (d) of".

SEC. 405. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys' ".

SEC. 406. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 407. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 408. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 409. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (19), by striking "or" at the end;

(2) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(21) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

"(22) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement; or

"(23) under subsection (a)(3) of this section, of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated.".

SEC. 410. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract.".

SEC. 411. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 412. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting "unsecured" after "allowed".

SEC. 413. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of,"; and

(B) by striking ", unless" and all that follows through "support"; and

(2) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 414. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking "or (6)" each place it appears and inserting "(6), or (15)";

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in subsection (a)(9), by inserting ", watercraft, or aircraft" after "motor vehicle";

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)";

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court";

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915"; and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears; and

(6) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 415. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 416. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 417. PROPERTY OF THE ESTATE.

Section 541(b)(4) of title 11, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting "365 or" before "542"; and

(2) by adding "or" at the end.

SEC. 418. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) (as added by section 222(a) of the Bankruptcy Reform Act of 1994; 108 Stat. 4129) as subsection (h).

SEC. 419. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (h)"; and

(2) by adding at the end the following:

"(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

SEC. 420. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 421. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking "product" each place it appears and inserting "products".

SEC. 422. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking "362(b)(14)" and inserting "362(b)(17)".

SEC. 423. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 424. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

SEC. 425. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.".

SEC. 426. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 427. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 428. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 429. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 430. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 431. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 432. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

AMENDMENT NO. 3559

(Purpose: In the nature of a substitute)

Mr. LOTT. On behalf of Senator GRASSLEY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. GRASSLEY, for himself and Mr. HATCH, proposes an amendment numbered 3559.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act:

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote would occur, then, on Friday 1 hour after the Senate convenes unless changed by unanimous consent or unless we get something worked out.

I yield to Senator DASCHLE for his comments on this or his suggestions as to how we might proceed.

Mr. DASCHLE. Mr. President, I appreciate the leader's comments earlier. I do believe that there is an opportunity here for us to come to some procedural conclusion on how we might address this bill. I think that Senators GRASSLEY and DURBIN have been working in good faith. I have had the opportunity to discuss this matter with Senator KENNEDY. I personally don't believe the cloture motion is the most constructive approach, but I also recognize that the majority leader has noted that that could be vitiated were we to come to some agreement.

I think it is a fair statement that if we are forced into a cloture motion, nothing will happen. If we can reach an agreement, there may be an opportunity for us to have a good debate and to have some votes on key amendments, both directly relevant to the bill and perhaps not as directly relevant, but certainly relevant to the American agenda.

I am hopeful that we can accommodate the needs of Senators who have expressed an interest in amending this bill. I am confident that we can, and I hope this cloture motion will not be necessary.

Mr. LOTT. Mr. President, just in conclusion, once again, I urge all of the Senators that are interested in this legislation that they begin work right away, tomorrow, so that we will not let the whole day pass without trying to work something out. Senator DASCHLE and I will talk as the day progresses. That would be the wise thing to do, I think, if we can work something out that is reasonable, to allow us to continue to complete campaign finance reform, and so we can go on and hopefully complete the Interior appropriations bill.

This is a positive move and I appreciate the opportunity to work on it to see if we can get something agreed to.

Mr. President, at this point, I ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. On behalf of the managers of the bankruptcy bill, I hope Members will file their amendments in a timely manner. I know there are amendments that Senators are very interested in that would even be relevant postcloture, and then there are others that obviously Members are interested in, too. I hope they will file them. The managers are attempting to clear as many amendments as possible and would like to reach a consent agreement limiting amendments, if that is at all possible, and perhaps that could be taken care of in our agreement that we are working on.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask there be a period for morning business, with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RUSH TO JUDGMENT

Mr. BYRD. Mr. President, we appear to be only days away from receiving the Independent Counsel's report on President Clinton. The pressure on Congress is escalating. Talk of impeachment is in the air along with suggestions of resolutions of reprimand and censure. Some have even suggested that we ought to get on with impeachment and "get this thing behind us."

There had to come a time, sooner or later, when the boil would be lanced. The problem is, that with the lancing, a hemorrhaging may be only one of those continuing symptoms of a greater lancing—perhaps even an amputation—that still lurks in the shadows up ahead.

There is no question but that the President, himself, has sown the wind, and he is reaping the whirlwind. His televised speech of August 17 heaped hot coals upon himself, coals causing wounds which continue to inflame and burn ever more deeply. Coming, as the speech did, so soon after the President's appearance before the Grand Jury, his words were ill-timed, ill-formed, and ill-advised. Perhaps if he had only delayed his televised speech for 24 hours, he may have, upon reflection, avoided some self-inflicted wounds that have since festered and continue to fester.

The Moving Finger writes; and, having writ,
Moves on: nor all thy Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all thy Tears wash out a Word of it.

When the scribes and Pharisees brought before Jesus a woman taken in adultery, saying that, under Moses, the law commanded that she be stoned, they sought to tempt Jesus that they might accuse him. He said unto them: "He that is without sin among you, let him first cast a stone at her." And that ancient admonition, that he who is without sin should cast the first stone, applies to every human being in this country today. Someone else has said: "No man's life will bear looking into." These admonishments should give all of us pause and should encourage reflection and self-examination. In this instance, the President, himself, has, by his own actions and words, thrown the first stone at himself and thus made himself vulnerable to the stoning by others.

What a sorrowful spectacle! To maintain that Presidents have private lives is, of course, not to be denied, but the Oval Office of the White House is not a private office; it is where much of the business of the Nation is conducted daily; it is the people's office; and the only real privacy that any President can realistically claim is in the third-floor living quarters of the White House with his family. What the President had hoped to claim was "nobody else's business" has now become everybody else's business.

His speech was a lawyer-worded effort—as in the reference to "legally accurate" testimony—and the people have long since grown tired of having to pick and sift among artfully crafted words that have too often obscured the truth rather than revealed it.

The White House's apparent strategy of delay and attack over so many long months has only succeeded in stringing out a judgment day that is increasingly threatening, and has only made bad matters worse. Former President Nixon, in an earlier tragedy for the Nation and for all of us who were here and lived through it, tried the same thing—delay, delay, delay, and counter-attack, attack, attack—and it failed in the end.

We seem to be living recent history all over again. As the Book of Ecclesiastes plainly tells us, "There is no new thing under the sun." Time seems to be turning backward in its flight, and many of the mistakes that President Nixon made are being made all over again.

We also must stop and remember that this is a sad time for the President and his family, a sad time for his friends and supporters throughout the country, a sad time for the devoted members of his staff who have labored and sacrificed and given so much for a man in whom they implicitly believed. It is a sad time for members of his cabinet and heads of agencies who publicly defended him and who depended on his word.

But it is an even sadder time for the country. As a schoolboy, I looked upon George Washington and Thomas Jefferson and James Madison and Abraham Lincoln as my idols to be emulated; I looked upon Babe Ruth and Jack Dempsey and Charles Lindbergh and Benjamin Franklin and Thomas Edison and Nathan Hale and Daniel Morgan and Nathaniel Green and Stonewall Jackson as my heroes. I was taught, as most of us were, to revere God. I was taught to believe the Bible, and that a judgment day would surely come when we would all be punished for our sins or be saved by our faith and good works.

The old couple who raised me taught me by their example and their words not to lie but to tell the truth, not to cheat but to be honest; but what will parents tell their children today? Can they tell them to plow a straight furrow and that honesty is still the best policy? To whom can our young people look for inspiration?

I recently asked a question on this floor, "Where have all the heroes gone?" I ask that question again today. Where have all the heroes gone? Fortunately, we do have a Mark McGwire and a Sammy Sosa, both of whom have captured the Nation's admiration with their home runs. But where are the Nation's leaders to whom the children can look and be inspired to work hard and live clean lives?

The political and social environment in which parents must today raise their children is, unfortunately, an environment in which anything goes; politicians try to be all things to all people; family values and religious values which made us a great Nation are looked upon as old-fashioned, unsophisticated, and the product of ignorance and rusticness. Profanity and vulgarity, sex and violence are pervasive in television programming, in the movies, and in much of today's books that pretend to pass for literature. The Nation is inexorably sinking toward the lowest common denominator in its standards and values. Haven't we had enough?

I think our country sinks beneath the yoke;

It weeps, it bleeds, and each new day
A gash is added to her wounds.

Yes, talk of impeachment and censure and resignation is in the air. It is on almost everybody's mind with whom I have talked.

As we find ourselves being brought nearer and nearer, as it would seem, to a yawning abyss, I urge that we all step back and give ourselves and the country a little pause in which to reflect and meditate before we cast ourselves headlong over the precipice.

To say we ought to get on with impeachment and "get the thing behind us" is a bold thing to say; but boldness, to the point of cavalierness, can come back to haunt us.

I suggest that we Senators should let the House do its work and wait to see what action that body takes. The Senate cannot vote on Articles of Impeachment—we all know that—until the House formulates such articles and presents them by its managers to the Senate—if it ever does so. I also suggest that putting "this thing behind us" is not going to be an easy thing to do. If Congress reaches that stage of voting on Articles of Impeachment it is going to be a traumatic experience for all of us, both here in this city and throughout the country. The House is in no position to formulate Articles of Impeachment prior to its receipt and consideration of—and I emphasize consideration—the Starr report. The Judiciary Committee—I am talking about the Judiciary Committee in the House—will undoubtedly want to hold hearings before it formulates any Articles of Impeachment if such appear to be called for.

That is the House's charge; that is the House's responsibility, not ours. If and when such Articles are presented here to the Senate—they are not amendable here, and the Senate, in such cases, is limited to an up-or-down vote on each Article—that will be a matter of the utmost gravity. All Senators will be sworn. I tell you. That will be a matter of the utmost gravity. Caution should be the order of the day.

If, sometime in the future, the American people should come to believe that this President, or any other President, has been driven out of office for what they may perceive to be political reasons, their wrath will fall upon those who jumped to judgment prematurely. That is not something that we can so easily "put behind us." Both the media and those of us who may ultimately be called upon to sit in judgment should exercise restraint in pressing toward a particular conclusion before all of the facts are known. There is a constitutional process in place. We should all let it work.

It is my suggestion that everyone should exercise some self-restraint against calling for impeachment or censure or for the President's resignation.

Who knows? I may do that before it is all over. But not now. We should exercise some self-restraint against calling for impeachment, or censure, or for resignation—until the other body has had an opportunity to study and sift through the Starr report.

There are many avenues down which we could travel as we grapple with this matter. Among them is the path of official censure which some have suggested. Others may think that censure is "meaningless." Let me state for the record that that is not my view. I have written in my work on the Senate that censure has no constitutional basis.

It doesn't mean that censure is unconstitutional. Just as "holds" that are placed on bills and resolutions have no basis in the Senate rules, they nevertheless have grown up as a custom here, and such "holds" are practiced.

I have observed that censure is not mentioned in the Constitution. But, certainly censure is not "meaningless." It is a serious and emphatic expression of condemnation and disapproval. Censure by the Congress is a major blot on the record and reputation of a public official. While at this point, I prefer to reserve judgment on that course, it should not be simply brushed off as "meaningless."

And we must not fail to consider the lessons of history. For my part, I have seen history repeat itself. I served on the Senate Judiciary Committee and was the Democratic Whip during the weeks and months of the Nixon tragedy. Some of the aspects of that tragedy can be seen in the problems that are today confronting us. Some aspects are different. Much is the same.

By April 1973, there had been talk of impeachment of President Nixon, with some people saying that he should resign. On May 23 of that year, I said, "As of now, there is no reason for President Nixon to resign, and talk of impeachment is at best, premature, and, at worst, reckless." Citing the lack of hard evidence "to date," I also said, "It is a time for restraint and sobriety in our words, our actions, and our judgments."

I later said that impeachment would require "hard evidence" of Nixon's complicity in Watergate and would also require strong "public opinion to support" impeachment and conviction. And I say to my colleagues here today, it will require strong "public opinion to support" impeachment and conviction of any President in the future.

"We all shrink from taking a step that is the most drastic step authorized in the Constitution," I said. I added that "the bare possibility of resignation of Mr. Nixon at some point is a more likely event than impeachment." Those are my quotes as I look back.

On January 28, 1974, I was a guest on "Washington's Straight Talk," a 30-minute public television interview show. In reference to the impact that the Watergate Affair was having on the President, I stated: "There is no question but that his influence has been greatly eroded. I doubt that he can ever regain the confidence of the American people." I also said that impeachment of the President "is becoming a more realistic possibility, but there is still no groundswell for impeachment." I was talking about a Republican President in that instance. "There is an uneasiness on impeachment because of the paralysis that would come with it," I said then.

I cosponsored a resolution directing the Committee on Rules and Administration—on which I served and still serve—to review all existing rules and precedents that applied to impeachment trials in order to recommend any revisions to the rules that might be necessary. The result of our work was an exhaustively researched publication, titled, "Procedure and Guidelines for Impeachment Trials in the United States Senate." The Senate was, indeed, gearing up for an impeachment trial—if needed.

But, on Thursday, August 8, 1974—almost a quarter of a century ago—President Nixon resigned, his resignation to be effective at noon the next day. And promptly after noon on Friday, August 9, Gerald Ford was sworn in as the 38th President.

Mr. President, just as I urged caution and patience in 1973 and 1974, I urge that same course now. I suggest that we try to restrain ourselves and wait until the House of Representatives has had an opportunity to examine the contents of Mr. Starr's report. It will be forthcoming soon, I hear. Perhaps before the week is out. Let us, as Senators, remember that if the House ultimately votes to impeach this President—and we all should be careful not to attempt to influence the other body—when I say "we all" I have reference to ourselves, to the executive branch and to the media—in any way in a decision which should rest with the House, and it alone—we Senators, who must sit as jurors if the worst ever comes to worst, will carry a heavy burden in that event. We must not compromise any final decision by rushing to judgment in advance. I trust that we will all weigh carefully, in our own minds and hearts, the possible consequences to the nation of our words and actions and judgments if that duty ultimately should beckon us. If it does, there will be many difficult questions.

What is an impeachable offense? We read in last weekend's newspaper. And what is meant by "high crimes and misdemeanors"? We heard the question asked on television. Gerald Ford, in remarks to the House of Representatives in April 1970, stated: "The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers [it] to be at a given moment in history; conviction results from whatever offense or offenses two-thirds"—not just 60—"of the other body considers to be sufficiently serious to require removal of the accused from office."

Even though the debates and actions at the Philadelphia Convention regarding impeachment appear on the record to have been comparatively sparse, they seem to indicate clearly enough that the framers intended the phrase "high Crimes and Misdemeanors" to subsume corruption, maladministration, gross and wanton neglect of duty, misuse of official power, and other violations of the public trust by officeholders."

The interpretation of the Constitution's clause on impeachable offenses entered into the ratification debates. James Iredell, speaking at the North Carolina Convention, declared that the "power of impeachment" given by the Constitution was "to bring great offenders to punishment. . . . for crime which it is not easy to describe, but which every one must be convinced is a high crime and misdemeanor against the government." Iredell, who would later serve as a Supreme Court justice, said that the "occasion" for exercise of the impeachment power "will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal."

Alexander Hamilton, hoping to influence the critical New York decision on ratification, explained in The Federalist No. 65:

> A well constituted court for the trial of impeachments, is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety to be denominated political, as they relate chiefly to injuries done immediately to the society itself. . . . What it may be asked is the true spirit of the institution itself? Is it not designed as a method of national inquest into the conduct of public men?

A misconception that has surfaced during impeachment trials is the notion that criminal or civil standards of proof are somehow required in order to convict. Such standards run the gamut from the lowest threshold, proof by "preponderance of the evidence," which must be met by plaintiffs in most civil cases; to the next highest standard, proof by "clear and convincing evidence," employed in some classes of civil cases; to the most rigorous standard, "proof beyond a reasonable doubt," imposed for criminal cases. Of course, Mr. President, a Senator may apply any standard of proof he or she desires, or may choose to apply no set standard whatever. But, given the history of impeachment in the United States and the fact that neither civil penalties nor criminal punishments are applicable in impeachment cases, any talk of standards of proof seems rather pointless and likely to be unproductive.

If they have taught us nothing else, the events of recent months at least should have taught us the essential importance of restraint. As Members of this body, we are all likely to be sorely tested in this matter. The nation will look to us for leadership. And in critical times, real leadership often requires one to turn one's back on the daily hue and cry and quietly sort through the noise of competing interests for the one overriding, essential interest. Such a course demands restraint and discipline. We, who may one day be called upon to bear the brunt of the responsibility of deciding the fate of a president, must reach for those qualities at this time.

And so, I respectfully urge everyone in this town to calm down for a little while and contemplate with seriousness the impact that our actions may have on the well-being of the nation, and the paralysis which we may be spawning if we continue to be mesmerized with each new rumor, and each new titillating whisper. The President's situation—and the Congress', the media's, and the public's all-consuming obsession with it—has contributed to a loss of focus on, and attention to, many aspects of our national life that have far-reaching consequences; and we shall see a continuation of that loss of focus when and if the time ever comes that we have to vote on an impeachment resolution. Nowhere is this more true than in the realm of foreign policy. In the few snippets of newspaper and news shows which attempt to turn our attention from our unfortunate domestic travails and focus instead on events overseas, we can see the troubling signs of a long and difficult winter ahead.

In the Balkans, the Serb-dominated Yugoslav Army has reportedly rounded up ethnic Albanian men and boys of fighting age in the province of Kosovo, labeling them all "terrorists." This action bears the bloody stains of earlier Serbian "ethnic cleansing" in neighboring Bosnia that eventually led to a massive intervention by NATO. What action, if any, should the U.S. take? I fear that our lack of attention may allow the situation to get even further out of hand.

In Iraq, troubling questions have been raised about an unwillingness to deal with continued Iraqi intransigence over weapons inspections. Russia's economy and indeed her very government appear on the verge of dissolution. North Korea has launched a long range missile right over our ally, Japan. In China and elsewhere, many tens of thousands of people face the coming winter hungry and homeless as a result of floods and fires and droughts. And, not least, acts of terrorism against U.S. embassies and interests continue to threaten. All of these unhappy circumstances will challenge the U.S. economy and U.S. leadership. It ill behooves us all to become so enmeshed in the current web of scandal that we ignore or obscure opportunities to deal with these serious challenges before they escalate into full-blown crises.

We cannot continue to swirl in this miasma of misery if we are to judiciously carry out our duties as the representatives of the people. Impeachment is among the most serious, if not the most serious, duty meted out to us in the Constitution that we are sworn to support and defend. Let us wait for the facts to come out before we rush to judgment as to the action we should take. Let us wait for the House to determine those facts from the report that will shortly be presented to it. And then, hopefully, we can all see what the facts are.

There are serious challenges to our nation ahead. Here in the Senate, we may be called upon to help restore such forgotten qualities as courage, integrity, dignity, fairness, and thoughtfulness to a situation marked, for the most part, by the absence of those characteristics. For my part, I shall pray that we who serve here will do our best to restore the sense of serious contemplation and quiet duty expected of us under the Constitution and by the good people of this nation during times of testing and crisis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to respond, if I might, for just a minute, to Senator BYRD. First of all, I would like to thank him for the lesson of his speech today. Our founders did not write the Constitution and then sit down and wonder about what they would do about corruption in public men. In fact, when they wrote the Constitution the first power enumerated for the House of Representatives in the Constitution is the power to impeach. This was no afterthought. When the founders wrote, in article I, section 3, about the first power of the Senate, it was the power to try all impeachments. So Senator BYRD, I would like to thank you for reminding us that this is a high constitutional responsibility.

None of us will be judged based on what the President did or did not do, but we will be judged on what we do or what we do not do. One of the quotes from the Federalist Paper No. 65, from Alexander Hamilton, that you did not use, which I think defines the role you have taken in this debate, is the line where Hamilton sees a Senate which is "unawed and uninfluenced." I think your lesson today to us is we should be unawed, but we should also be uninfluenced. And I can say that if I were to be tried in the Senate, if I were innocent, I would look to Senator BYRD as my greatest hope; if I were guilty, I would look to him as my greatest fear.

Finally, before yielding the floor, the Senator asked, Where are the heroes? I would like to say that for those who know him, ROBERT C. BYRD is a hero. When I think of great men and women who have sat in this body as Senators whose names you might want to put up next to Cicero and Cato, I include the name of ROBERT C. BYRD on that list. I am very proud to serve in the Senate with him.

I think his comments today really reflect on the posture that the Senate should take. I have no doubt that Senator BYRD will take that posture. I intend to do my best to take it as well. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his words, which I take very seriously, and for his kindness, as always, to me.

I hope that I have spoken wisely. I hope that I will not be misunderstood. I simply think that before we reach a judgment on this President or any other President—and I said this when Mr. Nixon was in the docks, as it were—I hope that we Senators will not advocate impeachment or censure or resignation at least until the Starr report has reached the House and the House has had an opportunity to conduct hearings, if it so chooses, and has formulated articles, if it so chooses. There will be plenty of time then for Senators to reach that judgment. In the meantime, we have much to do. I thank the distinguished Senator.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate the remarks of the Senator from West Virginia, obviously, as fundamental a matter as we can have before us, but I share the Senator's view that prior to the release of the report, there are many matters that need our attention. First on that list is what we have been debating today and will be debating tomorrow, and that is the extremely urgent need to pass campaign finance reform.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 8, 1998, the federal debt stood at $5,548,700,311,164.48 (Five trillion, five hundred forty-eight billion, seven hundred million, three hundred eleven thousand, one hundred sixty-four dollars and forty-eight cents).

One year ago, September 8, 1997, the federal debt stood at $5,411,319,000,000 (Five trillion, four hundred eleven billion, three hundred nineteen million).

Five years ago, September 8, 1993, the federal debt stood at $4,391,317,000,000 (Four trillion, three hundred ninety-one billion, three hundred seventeen million).

Ten years ago, September 8, 1988, the federal debt stood at $2,605,450,000,000 (Two trillion, six hundred five billion, four hundred fifty million).

Fifteen years ago, September 8, 1983, the federal debt stood at $1,355,323,000,000 (One trillion, three hundred fifty-five billion, three hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,193,377,311,164.48 (Four trillion, one hundred ninety-three billion, three hundred seventy-seven million, three hundred eleven thousand, one hundred sixty-four dollars and forty-eight cents) during the past 15 years.

COMPREHENSIVE TEST BAN TREATY

Mr. BIDEN. Mr. President, I want to commend to my colleagues the exceptionally thoughtful lead editorial in yesterday morning's Washington Post. It is entitled "The Test Ban and Arms Control," and it makes some cogent points about the Comprehensive Test-Ban Treaty and a Senate where few objections are raised to the Treaty itself, but most Republicans still cast symbolic votes against it.

The Post notes correctly that leading Senate Republicans seem to assume that a national missile defense is the only answer to the problems of nuclear proliferation and the risk of nuclear war.

As the Post concludes, however, treaties like the Chemical Weapons Convention and the Comprehensive Test-Ban Treaty "are capable of serving American requirements well." Whatever one's views on national missile defense, those treaties "would strengthen the American position in the world."

I would note two areas in which I disagree with the Post editorial. First of all, the Test-Ban Treaty was signed 2 years ago, rather than "earlier this year." The Treaty was submitted to the Senate nearly a full year ago, and has languished because the Republican leadership is afraid to let it come up.

I do not accept the Post's pessimistic view, moreover, of the Test-Ban Treaty's chances on the floor. In last week's vote, moderate Republicans could support their Leader without doing any tangible harm.

When the Test-Ban Treaty finally comes up for a vote on ratification, however, I am confident that at least 67 members will support it, just as they supported the Chemical Weapons Convention last year.

With those two caveats, I strongly urge my colleagues to read Tuesday's Post editorial and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 8, 1998]

THE TEST BAN AND ARMS CONTROL

An early Senate vote on funds for implementation of the comprehensive nuclear test ban treaty indicates that the two-thirds majority needed to ratify the test ban may be lacking. There would be some votes from the Republican majority for a treaty, but at this moment the dominant blocking position of the party leadership looks strong. The evident resistance to ratification is attributed not simply to dissatisfaction with some of the treaty's terms—there isn't all that much dissatisfaction—but to a fundamental and wrongheaded quarrel with the premises of arms control itself.

Modern arms control was invented during the Cold War to restrict the nuclear armories of the then-two great powers and, if not to bring something deserving of the name of peace between them, then to lessen the risks and costs of their preparing for nuclear war. There were ups and downs, and their ultimate worth can be argued, but there is no denying that at a certain point Ronald Reagan demolished arms control as everyone had known it.

From being a policy aimed at producing nuclear parity or stalemate in a condition of reduced but continuing political hostility, arms control became under President Reagan a bold program to end Soviet-American nuclear competition and beyond that, to close out the Cold War itself by seeing to the transformation of the Soviet Union. Many other hands, especially Mikhail Gorbachev's, shared in this task. But Ronald Reagan was a leading contributor to the different state of affairs we enjoy with Russia to this day.

Since the Cold War's demise, the urgency has gone out of classical arms control. The United States, far from deterring Russia and preserving a balance of terror, is helping Russia dismantle its excessive and expensive nuclear capability, concentrating on the specter of "loose nukes"—weapons under uncertain official control and vulnerable to private theft and misuse. Still, the weapons that most trouble the United States and Russia are those in the hands, or in the aspirations, of third countries. Nonproliferation or counter-proliferation is at the heart of post-Cold War arms control.

This is the context in which the comprehensive test ban treaty, which was decades in the making, finally was signed earlier this year. This arms-control perennial had changed from being a check on Russian and American arms programs into a restraint on the spread of weapons of mass destruction among assorted regimes around the world. This is the test ban's 21st century mission: to give the multitude of nations an additional lever with which to press Iran and Iraq, North Korea, India, Pakistan and Israel—and rogues elsewhere—to abandon or slow their nuclear urges.

Leading Senate Republicans perversely persist in blaming the test ban, and by extension the whole updated post-Cold War framework of arms control, for nuclear and chemical and other programs being pursued by various countries. These naive senators seem to believe that arms-control measures are magically self-enforcing. They fail to understand that the signatories of arms-control agreements must take upon themselves the burdens of observing their terms and of enforcing compliance to others' formal pledges of self-denial. If the signatories fall short, the responsibility falls on them, not on the agreements.

The senators also profess to rely on American power and American technology alone—

especially on a new national missile defense—to ensure the security of the United States. Such a missile defense is in the works, but questions remain about its strategic purpose, efficacy and cost. The pace of pondering these questions has itself become a sharp political issue. Meanwhile, some senators carelessly would throw away the increments to American security that could be added by cooperation with other friendly countries in matters such as the chemical weapons treaty, the nuclear nonproliferation treaty and the test ban.

These are imperfect instruments, but they are capable of serving American requirements well. Even if a missile defense of minimal cost, deadly accuracy and reliability were ready today, which it is not, those instruments would strengthen the American position in the world.

THE PROPOSED UNANIMOUS CONSENT AGREEMENT FOR REPUBLICAN JUVENILE CRIME BILL, S. 10

Mr. LEAHY. Mr. President, last Thursday, after Senators had been informed that there would be no more votes that day and after I had already headed for home to Vermont, Republicans came to the floor to propose a narrow procedural device in connection with the Republican juvenile crime bill, S. 10.

No one had advised me that the Senate Republican leadership planned to proceed to S. 10 on Thursday. After a year of inaction on this bill—which was voted on by the Judiciary Committee in July 1997—the Republicans did not even seek a response to their proposal. Instead, they rushed to the floor in ambush fashion.

The failure of this Congress to take up and pass responsible juvenile crime legislation does not rest with the Democrats, and no procedural floor gimmick by the Republican majority can change that fact.

Over the past year, I have spoken on the floor of the Senate and at hearings on several occasions about my concerns with this legislation. At the same time, I have expressed my willingness to work with the Chairman in a bipartisan manner to improve this juvenile crime bill.

I am not alone in my criticisms and in wanting to see changes in this bill. It has been blasted by virtually every major newspaper in the United States. The Philadelphia Inquirer concluded that the bill "is fatally flawed and should be rejected." The Los Angeles Times described the bill as "peppered with ridiculous poses and penalties" and as taking a "rigid, counterproductive approach" to juvenile crime prevention. The St. Petersburg Times called the bill "an amalgam of bad and dangerous ideas."

The bill has also been criticized by national leaders ranging from Chief Justice Rehnquist to Marian Wright Edelman, President of the Children's Defense Fund.

In May, the Chief Justice criticized S. 10 because it would "eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary." Earlier in the year, the Chief Justice raised concerns about "federalizing" certain juvenile crimes, noting that "federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts."

The National District Attorneys Association (NDAA) and other law enforcement agencies have also written me with their concerns about this bill. In May, William Murphy, President of the NDAA, expressed NDAA's serious concerns about parts of S. 10, including the fact that "S. 10 goes too far" in changing the "core mandates" which have kept juveniles safer and away from adults while in jail for over 25 years. Mr. Murphy also criticized S. 10's new juvenile record keeping requirements as "burdensome and contrary to most state laws." He further noted that S. 10 failed to provide "any lee way to give juveniles a second chance by providing for the option to seal or expunge records."

I have also heard from numerous State and local officials across the U.S., including the National Governors' Association, the Council of State Governments (Eastern Regional Conference), the U.S. Conference of Mayors, the National Association of Counties and the National Conference of State Legislatures. All of them have expressed concerns about the restrictions this bill would place on their ability to combat and prevent juvenile crime effectively. Last June, the President of the National Conference of State Legislatures cautioned that the new mandates placed on the States by S. 10 could "imbalance the constitutionally designed relationship between the federal government and the states."

He further noted that "[s]tates handle crime in a more flexible and more responsive manner than the federal government" and urged the Senate not to impose a single "federal 'fix' upon all fifty states and the territories."

In short, S. 10 as reported by the Judiciary Committee is a bill laden with problems—so much so that, at last count, the bill has lost a quarter of its Republican cosponsors since introduction.

The unanimous consent agreement proposed by the Republicans would limit debate of juvenile justice and other crime matters. Ironically, it would permit the Republicans to offer a substitute to their own bill, but not allow Democrats the same opportunity. The only additional amendments in order under their plan would be five on each side.

When the Judiciary Committee Chairman indicated on the floor that the minority has had the text of the proposed Hatch-Sessions substitute for "well over a month," he was incorrect. In fact, we only got a copy of the substitute on the same day that the Republicans proposed their unanimous consent agreement and had not had an opportunity to review it.

While I appreciate that we are short of time in this Congress and that, consequently, the Republican leadership would like to limit the number of amendments the Democrats may offer, I must point out that the Hatch-Sessions substitute alone contains substantial changes to over 160 separate paragraphs of this reported bill.

While I do not believe that Democrats will have close to 160 additional amendments to the bill, I believe that we will want to offer more than five.

We are continuing to pare down the amendments that Democrats plan to offer to S. 10 to address the substantial criticisms leveled at this bill. We are continuing to negotiate in good faith on a unanimous consent agreement to ensure that Senate consideration of this legislation is fair, full and productive. The attempted ambush at the outset of this process, however, suggests that the Republican leadership is more interested in placing blame for its inaction than in actually moving to consideration of the bill.

BOSTON UNIVERSITY SCHOOL OF MEDICINE CELEBRATES 150 YEARS

Mr. KENNEDY. Mr. President, I rise today to pay tribute to Boston University School of Medicine on its 150 anniversary. The School of Medicine has a long and distinguished history, and I am proud to join in paying tribute to its remarkable leadership for the city of Boston and the nation.

Boston University School of Medicine was founded in 1848 as the New England Female Medical College, and was the first institution in the world to offer medical education to women. In 1864, the school graduated its first African-American female physician, Rebecca Lee. In 1873, Boston University merged with the New England Female Medical College to establish a co-educational School of Medicine.

In addition to being the first medical school to graduate women, Boston University School of Medicine was also the first school to establish Home Medical Services, an educational and patient care service that continues today. The School of Medicine has constantly introduced innovations in medical education and played a central role in developing the Boston University School of Public Health.

Down through the years, Boston University School of Medicine has provided outstanding service to our community. It is renowned for its clinical care and its professional training in a vast network of affiliated hospitals including Boston Medical Center, community health centers, and physicians' offices. In 1995, this commitment to service earned the school the Association of American Medical College's Outstanding Community Service Award.

Mr. President, I congratulate Boston University School of Medicine on its 150 years of excellence, and I know that its outstanding tradition, professional commitment, and community service will continue in the years ahead.

CORRECTIONS TO THE LIST OF OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1999 INTERIOR APPROPRIATIONS BILL

Mr. McCAIN. Mr. President, yesterday I submitted a list of objectionable provisions in the FY'99 Interior Appropriations bill for the RECORD. I wish to make two clarifications to that list which came to my attention.

First, I learned that the Navajo Indian Irrigation Project was not requested for a funding level of more than $97 million. Instead, the allocated amount for the NIIP project was equal to the requested level of $25.5 million, but this information was not clear in the committee bill. I removed this item from my list of objectionable provisions.

Second, two separate listings for the removal of the Elwha dam removal project were requested for funding, based on its authorization in P.L. 102-495. These items should not have been listed as objectionable according to my established "pork criteria." These two items are removed from the list: (1) $29,500,000 for the purchase of the Elwha Project and Glines Canyon Project; and, (2) $2,000,000 for planning and design, removal of Elwha Dam in Olympic National Park, WA.

I wish to thank the individuals who brought these matters to my attention and for providing the necessary information to clarify this mistake.

Mr. President, I wish to state that the revised total amount of $222.4 million included in this bill still represents an inordinately high level of wasteful spending. I sincerely hope that we will do better by the American people with stricter fiscal spending that abides by the appropriate legislative process.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 2183. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

H.R. 3682. An act to amend title 18, United States Code, to prohibit taking minors across State lines to avoid law requiring the involvement of parents in abortion decisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6671. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation entitled "The Department of Agriculture Working Capital Fund Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6672. A communication from the Secretary of the Judicial Conference of the United States, transmitting a draft of proposed legislation regarding the restructuring of the District Court of the Virgin Islands as an Article III court; to the Committee on the Judiciary.

EC-6673. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding a settlement in the case of Menominee Indian Tribe of Wisconsin v. The United States (Docket 93-649X); to the Committee on the Judiciary.

EC-6674. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding the case of Inslaw, Inc. v. The United States (Docket 95-338X); to the Committee on the Judiciary.

EC-6675. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "The Threat Protection for Former Presidents Act"; to the Committee on the Judiciary.

EC-6676. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Significant New Use Rules for Certain Substances" (FRL6019-2) received on August 28, 1998; to the Committee on Environment and Public Works.

EC-6677. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Public Water System Program; Removal of Obsolete Rule" (FRL6121-7) received on August 28, 1998; to the Committee on Environment and Public Works.

EC-6678. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report on the Ala Kahakai Trail, Hawaii; to the Committee on Energy and Natural Resources.

EC-6679. A communication from the Policy and Regulations Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule regarding correcting amendments to Alaska Subsistence Taking of Fish and Wildlife Regulations (RIN1018-AE12) received on August 28, 1998; to the Committee on Energy and Natural Resources.

EC-6680. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the Department's annual report on royalty management and delinquent account collection activities for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-6681. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to allow for regulations prescribing an alternative interest accounting methodology; to the Committee on Finance.

EC-6682. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 98-44) received on August 28, 1998; to the Committee on Finance.

EC-6683. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Requirements Incident to Adoption and Use of LIFO Inventory Method" (Notice 98-46) received on August 28, 1998; to the Committee on Finance.

EC-6684. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding hard cider, semi-generic wine designations, and wholesale liquor dealer's signs (RIN1512-A71) received on August 28, 1998; to the Committee on Finance.

EC-6685. A communication from the Commissioner of Social Security, transmitting an updated version of the report entitled "Social Security and Supplemental Security Income Statistics by Congressional District"; to the Committee on Finance.

EC–6686. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule; Administrative Stay" (FRL6153–2) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6687. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Section 111(d) Plan; State of Missouri" (FRL6150–8) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6688. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the delegation of authority for new source performance standards under the Clean Air Act State Implementation Plan for North Dakota (FRL6150–6) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6689. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements" (FRL6148–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6690. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District" (FRL6150–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6691. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky" (FRL6152–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6692. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1998 Reporting Notice and Technical Amendment; Partial Updating of TSCA Inventory Data Base; Production and Site Reports" (FRL6028–3) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6693. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL6148–3) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6694. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to VOC Regulations for Dry Cleaning and Stage I Vapor Recovery" (FRL6148–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6695. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM–10 Nonattainment Area" (FRL6149–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6696. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules" (FRL6152–4) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6697. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District" (FRL6142–5) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6698. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Aerospace Manufacturing and Rework Facilities" (FRL6154–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6699. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Early-Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AE93) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6700. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations" (RIN1018–AE93) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6701. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, an alteration prospectus for the U.S. Customhouse in New Orleans, LA (Number PLA–99004) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6702. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revision to Recordkeeping and Reporting Requirements" (RIN0648–AK36) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6703. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands" (I.D. 081498A) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6704. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revocation of Reexport Authorizations Issued Prior to June 15, 1996" (RIN0694–AB74) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6705. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Personal Communications Industry Association's Broadband Personal Communications Services Alliance's Petition for Forbearance For Broadband Personal Communications Services" (Docket 98–100) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6706. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments; FM Broadcast Stations (Ashton, Idaho and West Yellowstone, Montana)" (Docket 97–200) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6707. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments; FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York)" (Docket 97–200) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6708. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments; FM Broadcast Stations (Nassawadox, Virginia)" (Docket 97–189) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6709. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations" (Docket 97–138) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety and Security

Zones; Presidential Visit, Martha's Vineyard, MA'' (Docket 01–98–115) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6711. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zone; Presidential Visit, Martha's Vineyard, MA'' (Docket 01–98–114) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6712. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, Alaska (COTP Western Alaska 98–003)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6713. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Suisun Bay, Sacramento River, San Joaquin River, San Francisco, CA (COTP San Francisco Bay; 98–021)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6714. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Connections Unlimited Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–123) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6715. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; San Juan Harbor, San Juan, PR'' (Docket 07–98–023) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6716. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Kennedy Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–113) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6717. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Baptiste Collette Bayou from Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound (COTP New Orleans, LA 98–019)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6718. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B–1, and 214ST Helicopters'' (Docket 94–SW–29–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6719. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61A, D, E, L, N, NM, R, and V Helicopters; Correction'' (Docket 97–SW–18–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6720. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy'' (Docket NHTSA–98–4358) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Lake Champlain, VT'' (Docket 01–98–124) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6722. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Anacostia River, Washington D.C.'' (Docket 05–98–017) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6723. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: Fireworks Displays Within the First Coast Guard District'' (Docket 01–98–127) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6724. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones, Security Zones, and Special Local Regulations'' (Docket 1998–4306) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6725. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Riverbend Festival, Tennessee River Miles 463.5 to 464.5, Chattanooga, TN'' (Docket 08–98–027) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6726. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Riverfest; Mississippi River Miles 51.0–53.0, Cape Girardeau, MO'' (Docket 08–98–026) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6727. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; ''Duckin' Down the River''; Arkansas River Mile 308.0–309.0, Ft. Smith, AR'' (Docket 08–98–016) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6728. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Key West, Florida'' (Docket 07–98–030) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6729. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Fort Lauderdale, FL'' (Docket 07–98–026) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6730. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations'' (RIN2115–AA97) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6731. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with Rolls-Royce Model RB211G/H Engines'' (Docket 98–NM–194–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6732. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Legal Description of the Memphis Class B Airspace Area; TN'' (RIN2120–AA66) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6733. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA 3180, SA 318B, SA 318C, SE 3130, SE 313B, SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters'' (Docket 98–SW–36–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6734. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Series Airplanes'' (Docket 98–NM–86–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Textron Lycoming and Teledyne Continental Motors Reciprocating Engines'' (Docket 98–ANE–27–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6736. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Territory and Airspace of Afghanistan'' (Docket 27744) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6737. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Territory and Airspace of Sudan'' (Docket 29317) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Financial Responsibility Requirements for Licensed Launch Activities'' (Docket 28635) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6739. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Savannah, TN'' (Docket 98–ASO–7) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6740. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of

Class E Airspace; Hartford, KY" (Docket 98–ASO–10) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6741. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Clinton, IA" (Docket 98–ACE–26) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6742. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on implementation of provisions of the Small Business Regulatory Enforcement Fairness Act; to the Committee on Energy and Natural Resources.

EC–6743. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a National Trails System report on the El Camino Real de los Tejas Trail; to the Committee on Energy and Natural Resources.

EC–6744. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation entitled "Hoover Dam Miscellaneous Sales Act"; to the Committee on Energy and Natural Resources.

EC–6745. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Replacement Housing Factor in Modernization Funding—Final Rule" (FR–4125–F–02) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6746. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing" (FR–4280) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6747. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniform Financial Reporting Standards for HUD Housing Programs" (FR–4321) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6748. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Assessment System" (FR–4313) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6749. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Termination of an Approved Mortgagee's Original Approval Agreement" (FR4239) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency and Administrator of the Banks, transmitting, pursuant to law, the report of a rule entitled "Risk Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities" (Docket 98–75) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6751. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency and Administrator of the Banks, transmitting, pursuant to law, the report of a rule entitled "Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks" (RIN3064–AC15) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6752. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities" (RIN1550–AB11) received on September 07, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6753. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Year 2000 Compliance, Telecommunications Program" (RIN0572–AB43) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6754. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Refrigeration and Labeling Requirements for Shell Eggs" (RIN0583–AC04) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6755. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments" (No. LS–98–004) received on September 7, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6756. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling and Reporting Requirements for Fresh Nectarines and Peaches" (No. FV98–916–1 FIR) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6757. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit grown in California; Decreased Assessment Rate" (Docket FV98–920–3 IFR) received on September 7, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6758. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animal Welfare; Marine Mammals, Swim-with-the-Dolphin Programs" (Docket 93–076–10) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6759. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis; Increased Indemnity for Cattle and Bison" (Docket 98–016–2) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6760. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Minimum Financial Requirements by Futures Commission Merchants and Introducing Brokers" received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6761. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Orders Eligible for Post-Execution Allocation" received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6762. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Contributions and Witholdings" (RIN3206–AI33) received on September 2, 1998; to the Committee on Governmental Affairs.

EC–6763. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in July 1998; to the Committee on Governmental Affairs.

EC–6764. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit; Capitol Preservation Fund's Fiscal Years 1997 and 1996 Financial Statements"; to the Committee on Governmental Affairs.

EC–6765. A communication from the Mayor of the District of Columbia, transmitting, pursuant to law, notice of the Mayor's response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority; to the Committee on Governmental Affairs.

EC–6766. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of the Council's response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority; to the Committee on Governmental Affairs.

EC–6767. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998–99 Early Season" (RIN1018–AE93) received on September 2, 1998; to the Committee on Indian Affairs.

EC–6768. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report on the cost of operating privately owned vehicles; to the Committee on Governmental Affairs.

EC–6769. A communication from the Chairman of the Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the Commission's report under the Inspector General Act and the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–6770. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions and deletions to the Committee's Procurement List; to the Committee on Governmental Affairs.

EC–6771. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report "Health, United States, 1998"; to the Committee on Labor and Human Resources.

EC–6772. A communication from the Assistant Secretary of Labor for Mine Safety and Health, transmitting, pursuant to law, the report of a rule entitled "Improving and Eliminating Regulations: Flame Safety Lamps and Single-Shot Blasting Units" (RIN1219–AA98) received on September 7, 1998; to the Committee on Labor and Human Resources.

EC–6773. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device Reporting; Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributer Reporting" (Docket 98N–0170) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6774. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (polymer stabilizer)" (Docket 98F–0057) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6775. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Radiology Devices; Classifications for Five Medical Image Management Devices; Correction" (Docket 96N–0320) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6776. A communication from the Acting Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Natural Rubber-Containing Medical Devices; User Labeling; Cold Seal Adhesives, Partial Stay" (Docket 96N–0119) received on September 7, 1998; to the Committee on Labor and Human Resources.

EC–6777. A communication from the Acting Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amended Economic Impact Analysis of Final Rule Requiring Use of Labeling on Natural Rubber Containing Devices" (Docket 96N–0119) received on September 7, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE (Rept. No. 105–314).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1802. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001 (Rept. No. 105–315).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2096. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (Rept. No. 105–316).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2124. A bill to authorize appropriations for fiscal year 1999 for the Maritime Administration and for other purposes (Rept. No. 105–317).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2139. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YESTERDAYS DREAM (Rept. No. 105–318).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes (Rept. No. 105–319).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 469. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic River System (Rept. No. 105–320).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1663. A bill to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law (Rept. No. 105–321).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1998. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes (Rept. No. 105–322).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Rept. No. 105–323).

S. 2272. A bill to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana (Rept. No. 105–324).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself and Mr. ROBB):

S. 2450. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 2451. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 2452. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 2453. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. NICKLES):

S. 2454. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. ASHCROFT, Mrs. BOXER, Mr. CONRAD, Ms. COLLINS, Mr. BENNETT, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERREY, and Mr. DASCHLE):

S. Res. 273. A resolution recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998; considered and agreed to.

By Mr. FORD:

S. Res. 274. A resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ROBB):

S. 2450. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Governmental Affairs.

THE LORTON TECHNICAL CORRECTIONS ACT OF 1998

• Mr. WARNER. Mr. President, today I introduce the Lorton Technical Corrections Act of 1998, along with my colleague Senator ROBB.

As you know, I along with my colleague Congressman TOM DAVIS and the rest of the delegation from the Commonwealth of Virginia succeeded in

1997, in passing the National Capital Revitalization and Self-Government Improvement Act to close the Lorton Complex in its entirety, and relocate prisoners to other facilities outside of northern Virginia.

Under this act, transfer of the Lorton facility would go to the control of the U.S. Department of the Interior after 2001. Since that time, however, discussions with both the affected communities and the Department of Interior have concluded that this is not the best option for ultimate disposal of this property, and that the General Services Administration would be a better agency to assume title to the property for ultimate disposal.

Fairfax County would then be able to submit a reuse plan to the General Services Administration delineating preferred permissible or required uses of the land. It should also be noted that the Department of Interior will still have the authority to use a portion of this property for land exchange, to expand the properties of the U.S. Fish and Wildlife Service properties, as originally envisioned.

I look forward to working with my colleagues to resolve this most important issue.●

By Mr. COVERDELL:

S. 2451. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

CHATTAHOOCHEE NATIONAL RECREATION AREA BOUNDARIES LEGISLATION

● Mr. COVERDELL. Mr. President, today I introduce legislation which would modify the boundaries of the Chattahoochee River National Recreation Area to protect and preserve the endangered Chattahoochee River and provide additional recreation opportunities for the citizens of Georgia and our nation. This legislation authorizes the creation of a greenway buffer between the river and private development to prevent further pollution from continued development, provide flood and erosion control, and maintain water quality for safe drinking water and for the fish and wildlife dependent on the river system. In addition, this legislation promotes private-public partnerships by authorizing $25 million in federal funds for land acquisition for the recreation area. This $25 million will be matched by private funds but only if Congress acts quickly. The State of Georgia, private foundations, corporate entities, private individuals, and others have already given or pledged tens of millions of dollars to protect and preserve the Chattahoochee River for future generations of Georgians to enjoy.

The legislation I introduce today is a Senate companion to legislation introduced by Speaker of the House NEWT GINGRICH. I applaud the leadership Speaker GINGRICH has shown on this important issue. It is crucial for Congress to act quickly on this legislation in order to protect the Chattahoochee River, a vital natural resource. I look forward to working with my colleagues in the Senate on this proposal and urge its speedy consideration.●

By Mrs. BOXER:

S. 2452. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Labor and Human Resources.

SHERRICE IVERSON ACT

● Mr. BOXER. Mr. President, I am pleased to join Congressman NICK LAMPSON of Texas today in introducing the Sherrice Iverson Act. This "good samaritan" legislation is named in honor of the 7-year old girl molested and murdered in a Nevada casino in May of 1997, while a bystander did nothing.

Nevada authorities report this vicious attack was at least partially witnessed by David Cash, Jr. the best friend of the assailant. Mr. Cash was in a position to stop this brutal murder, yet he did nothing. He then failed to report the crime to the proper authorities. Nevada officials considered prosecuting Mr. Cash for his callous disregard of human life but found no legal basis for a criminal prosecution.

Nevada officials had no legal recourse because the state does not have a "good Samaritan" law requiring witnesses to report crimes to the proper authorities.

This is wrong and we need to address that aspect of our laws. That is exactly what the Service Iverson Act does. It requires that states pass laws requiring witnesses of child sexual abuse to report that crime to the police. If they do not pass such laws, states would become ineligible for federal Child Abuse Prevention and Treatment Act funds. The details of these laws, including the penalties imposed, are left to the states.

The bill only requires people to report the crimes they witness; it does not require them to intervene in potentially dangerous situations. Only two states, Vermont and Minnesota, currently have such "good samaritan" laws.

I want to thank Representative NICK LAMPSON for all his hard work on this issue, and I look forward to working with him to pass this important legislation; I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sherrice Iverson Act".

SEC. 2. REQUIREMENT ON STATES RECEIVING GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) IN GENERAL.—Section 106(b)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law providing for a criminal penalty on an individual 18 years of age or older who fails to report to a State or local law enforcement official that the individual has witnessed another individual in the State engaging in sexual abuse of a child.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.●

By Mr. ROTH:

S. 2453. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

POULTRY ELECTRIC ENERGY POWER LEGISLATION

Mr. ROTH. Mr. President, today I introduce legislation that would amend section 45 of the Internal Revenue Code to provide a tax credit to biomass energy facilities that use chicken manure as fuel.

Joining me as original cosponsors are Senators BIDEN, MIKULSKI, SARBANES, JEFFORDS, HARKIN, HELMS, HUCHINSON, and BUMPERS.

Mr. President, I am bullish on poultry's future in America. It is hard not to be with world-wide poultry consumption growing at double-digit rates.

In the United States, poultry production has tripled since 1975. We now produce almost 8 billion chickens a year to feed the growing world-wide demand for poultry.

In particular, Delaware, Maryland, and Virginia produce some of the world's finest poultry. Just last year Delmarva poultry farmers produced over 600 million chickens. Our poultry farmers are among the most productive and efficient in the world.

As the amount of chickens we produce as a nation has grown, so too has the amount of manure.

Due to environmental pressures, spreading manure on land is no longer an option in some areas for our rapidly growing poultry industry.

In the United Kingdom, several companies have been able to do what medieval alchemists dreamed of—turning a base element into gold—in this case an agricultural waste product into electricity.

The UK has two utility plants that use poultry manure to generate electricity. These two poultry power plants will, when combined with a third scheduled to open this fall, burn 50 percent of the UK's total volume of chicken manure.

The electricity generated by these plants will supply enough power for 100,000 homes. These plants have the support of both the poultry industry and the international environmental community.

The way this system works is simple.

Power stations buy poultry manure from surrounding poultry farmers and transport it to the power station. At the station the manure is burned in a furnace at high temperatures, heating water in a boiler to produce steam which drives a turbine linked to a generator. The electricity is then transfered to the local electricity grid.

It is then used to supply electricity to commercial and residential customers.

There are no waste products created through this process. Instead, a valuable by-product emerges in the form of a nitrogen-free ash, which is marketed as an environmentally friendly fertilizer.

The legislation I am introducing today will provide a tax credit to energy facilities that use poultry manure as a fuel to generate electricity.

It will build on concepts in the tax code that provide incentives for environmentally friendly energy production.

I am introducing this legislation in an effort to encourage the development of another environmentally-friendly method of producing electricity, while at the same time tackling a thorny animal waste disposal problem.

This legislation will provide incentives to build an energy plant that will not only dispose of poultry manure and create clean electricity, but will also supply our nation's farmers with a clean fertilizer free of nitrates.

I urge my colleagues to join me in cosponsoring my bill, the Poultry Electric Energy Power Act, affectionately known as the PEEP Act. It is important for future generations that we continue to explore green technologies that will protect our environment.

ADDITIONAL COSPONSORS

S. 466

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 1295

At the request of Mr. REID, his name was added as a cosponsor of S. 1295, a bill to provide for dropout prevention.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2083

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2083, A bill to provide for Federal class action reform, and for other purposes.

S. 2180

At the request of Mr. LOTT, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) the Senator from Ohio (Mr. GLENN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2296

At the request of Mr. MACK, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2308

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 2323

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2422

At the request of Mr. MACK, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2422, a bill to provide incentives for states to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary teachers.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2448

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

AMENDMENT NO. 3554

At the request of Mr. FEINGOLD the names of the Senator from Michigan (Mr. LEVIN), the Senator from Ohio

(Mr. GLENN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 3554 proposed to S. 2237, an original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 273—RECOGNIZING THE HISTORIC HOME RUN RECORD SET BY MARK McGWIRE OF THE ST. LOUIS CARDINALS ON SEPTEMBER 8, 1998

Mr. BOND (for himself, Mrs. BOXER, Mr. CONRAD, Ms. COLLINS, Mr. BENNETT, Mr. LIEBERMAN, and Mrs. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas, since becoming a St. Louis Cardinal in 1997, Mark McGwire has helped to bring the national pastime of baseball back to its original glory;

Whereas, Mark McGwire has shown leadership, family values, dedication and a love of baseball as a team sport;

Whereas, in April, Mark McGwire began the season with a home run in each of his first four games which tied Willie Mays' 1971 National League record;

Whereas, in May, Mark McGwire hit a 545-foot home run, the longest in Busch Stadium history;

Whereas, in June, Mark McGwire tied Reggie Jackson's record of thirty-seven home runs before the All Star break;

Whereas, in August, Mark McGwire became the only player in the history of baseball to hit fifty home runs in three consecutive seasons;

Whereas, on September 5, Mark McGwire became the third player ever to hit sixty home runs in a season; and

Whereas, on September 8, 1998, Mark McGwire broke Roger Maris' thirty-seven year old home run record of sixty-one by hitting number sixty-two off Steve Trachsel while playing the Chicago Cubs: Now, therefore, be it Resolved, that the Senate—recognizes and congratulates St. Louis Cardinal, Mark McGwire, for setting baseball's revered home run record, with sixty-two, in his 144th game of the season.

SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE THAT THE LOUISVILLE FESTIVAL OF FAITHS SHOULD BE COMMENDED AND SHOULD SERVE AS A MODEL FOR SIMILAR FESTIVALS IN OTHER COMMUNITIES THROUGHOUT THE UNITED STATES

Mr. FORD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 274

Whereas a Festival of Faiths celebrating the diversity of religion has been held in Louisville, Kentucky, in the month of November of each of the last 3 years;

Whereas the Louisville Festival of Faiths has provided an opportunity for representatives of different faiths to communicate with each other and learn about each other's heritage, experiences, and beliefs;

Whereas more than 60 faiths have participated in the Louisville Festival of Faiths over the past 3 years;

Whereas the freedom to practice religion in diverse ways is a principle that the United States was founded on and one that the United States has embraced throughout its history;

Whereas religious diversity, in addition to its other benefits, expands the perspectives and experiences available to this Nation as a whole;

Whereas the communication of diverse perspectives and experiences between representatives of different religions can enrich the lives of such individuals and can assist such individuals in developing an appreciation of the commonality between different religions;

Whereas such communication can also diminish the potential for conflict between religious groups at a time when the dangers of religious conflict pose increasingly serious problems throughout the world; and

Whereas the Louisville Festival of Faiths experience can be replicated without great difficulty in other communities; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Louisville Festival of Faiths—

(1) should be commended for its concept and its achievements to date; and

(2) should serve as a model for similar festivals in other communities throughout the United States.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

CLELAND AMENDMENT NO. 3558

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 154, between lines 3, insert the following:

SEC. 3___. CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA.

Of funds made available under title V of the Department of the Interior and Related Agencies Appropriations Act, 1998 (111 Stat. 1610), $6,400,000 shall be made available for the Cumberland Island National Seashore, Georgia.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

GRASSLEY (AND HATCH) AMENDMENT NO. 3559

Mr. LOTT (for Mr. GRASSLEY for himself and Mr. HATCH) proposed an amendment to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

Sec. 201. Allowance of claims or interests.
Sec. 202. Exceptions to discharge.
Sec. 203. Effect of discharge.
Sec. 204. Automatic stay.
Sec. 205. Discharge.
Sec. 206. Discouraging predatory lending practices.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

Sec. 301. Notice of alternatives.
Sec. 302. Fair treatment of secured creditors under chapter 13.
Sec. 303. Discouragement of bad faith repeat filings.
Sec. 304. Timely filing and confirmation of plans under chapter 13.
Sec. 305. Application of the codebtor stay only when the stay protects the debtor.
Sec. 306. Improved bankruptcy statistics.
Sec. 307. Audit procedures.
Sec. 308. Creditor representation at first meeting of creditors.
Sec. 309. Fair notice for creditors in chapter 7 and 13 cases.
Sec. 310. Stopping abusive conversions from chapter 13.
Sec. 311. Prompt relief from stay in individual cases.
Sec. 312. Dismissal for failure to timely file schedules or provide required information.
Sec. 313. Adequate time for preparation for a hearing on confirmation of the plan.
Sec. 314. Discharge under chapter 13.
Sec. 315. Nondischargeable debts.
Sec. 316. Credit extensions on the eve of bankruptcy presumed nondischargeable.
Sec. 317. Definition of household goods and antiques.
Sec. 318. Relief from stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 319. Adequate protection of lessors and purchase money secured creditors.
Sec. 320. Limitation.
Sec. 321. Miscellaneous improvements.
Sec. 322. Bankruptcy judgeships.
Sec. 323. Preferred payment of child support in chapter 7 proceedings.
Sec. 324. Preferred payment of child support in chapter 13 proceedings.
Sec. 325. Payment of child support required to obtain a discharge in chapter 13 proceedings.
Sec. 326. Child support and alimony collection.
Sec. 327. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 328. Enforcement of child and spousal support.
Sec. 329. Dependent child defined.

TITLE IV—FINANCIAL INSTRUMENTS
Sec. 401. Definitions of certain contracts and agreements.
Sec. 402. Definitions of financial institution and forward contract merchant.
Sec. 403. Master netting agreement and master netting agreement participant defined.
Sec. 404. Swap agreements, securities contracts, commodity contracts, forward contracts, repurchase agreements and master netting agreements under an automatic stay.
Sec. 405. Limitation of avoidance powers under master netting agreement.
Sec. 406. Fraudulent transfers of master netting agreements.
Sec. 407. Liquidation, termination, or acceleration of certain instruments.
Sec. 408. Municipal bankruptcies.
Sec. 409. Securities contracts, commodity contracts, and forward contracts.
Sec. 410. Ancillary proceedings.
Sec. 411. Liquidations.
Sec. 412. Setoff.
Sec. 413. Recordkeeping requirements.
Sec. 414. Damage measure.
Sec. 415. Asset-backed securitizations.
Sec. 416. Applicability.
TITLE V—ANCILLARY AND OTHER CROSS-BORDER CASES
Sec. 501. Amendment to add a chapter 6 to title 11, United States Code.
Sec. 502. Amendments to other chapters in title 11, United States Code.
TITLE VI—MISCELLANEOUS
Sec. 601. Executory contracts and unexpired leases.
Sec. 602. Expedited appeals of bankruptcy cases to courts of appeals.
Sec. 603. Creditors and equity security holders committees.
Sec. 604. Repeal of sunset provision.
Sec. 605. Cases ancillary to foreign proceedings.
Sec. 606. Limitation.
TITLE VII—TECHNICAL CORRECTIONS
Sec. 701. Definitions.
Sec. 702. Adjustment of dollar amounts.
Sec. 703. Extension of time.
Sec. 704. Who may be a debtor.
Sec. 705. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 706. Limitation on compensation of professional persons.
Sec. 707. Special tax provisions.
Sec. 708. Effect of conversion.
Sec. 709. Automatic stay.
Sec. 710. Amendment to table of sections.
Sec. 711. Allowance of administrative expenses.
Sec. 712. Priorities.
Sec. 713. Exemptions.
Sec. 714. Exceptions to discharge.
Sec. 715. Effect of discharge.
Sec. 716. Protection against discriminatory treatment.
Sec. 717. Property of the estate.
Sec. 718. Preferences.
Sec. 719. Postpetition transactions.
Sec. 720. Technical amendment.
Sec. 721. Disposition of property of the estate.
Sec. 722. General provisions.
Sec. 723. Appointment of elected trustee.
Sec. 724. Abandonment of railroad line.
Sec. 725. Contents of plan.
Sec. 726. Discharge under chapter 12.
Sec. 727. Extensions.
Sec. 728. Bankruptcy cases and proceedings.
Sec. 729. Knowing disregard of bankruptcy law or rule.
Sec. 730. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not" and inserting "or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 13 of this title," after "consumer debts"; and

(III) by striking "substantial abuse" and inserting "abuse"; and

(ii) by striking the last sentence and inserting the following:

"(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

"(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 20 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

"(B) the debtor filed a petition for the relief in bad faith.

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified, the court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

"(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

"(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

"(ii) determined that the petition—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1) of this subsection.

"(4)(A) Except as provided in subparagraph (B), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee) under this subsection (including reasonable attorneys' fees) if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion was not substantially justified; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

"(5) However, a party in interest may not bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national median household monthly income calculated on a monthly basis for a household of equal size. However, for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals plus $583 for each additional member of that household.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 13.".

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court may award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

"(A)(i) disallows the claim; or

"(ii) reduces the claim by an amount greater than 20 percent of the amount of the initial claim filed by a party in interest; and

"(B) finds the position of the party filing the claim is not substantially justified.

"(2) If the court finds that the position of a claimant under this section is not substantially justified, the court may, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award such damages as may be required by the equities of the case.".

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking "a false representation" and inserting "a material false representation upon which the defrauded person justifiably relied"; and

(2) by striking subsection (d) and inserting the following:

"(d)(1) Subject to paragraph (3), if a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

"(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court may award reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

"(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a)(2) if—

"(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

"(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

"(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(ii) the refusal to negotiate by the creditor involved to was not reasonable.".

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

"(j) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

"(1) the greater of—

"(A)(i) the amount of actual damages; multiplied by

"(ii) 3; or

"(B) $5,000; and

"(2) costs and attorneys' fees.".

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

"(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

"(A) actual damages; and

"(B) reasonable costs, including attorneys' fees.

"(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.".

SEC. 205. DISCHARGE.

Section 727 of title 11, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

"(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a) if—

"(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

"(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

"(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(ii) the refusal to negotiate by the creditor involved to was not reasonable."; and

(2) by adding at the end the following:

"(f)(1) The court may award the debtor reasonable attorneys' fees and costs in any case in which a creditor files a motion to deny relief to a debtor under this section and that motion—

"(A) is denied; or

"(B) is withdrawn after the debtor has replied.

"(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court may assess against the creditor such damages as may be required by the equities of the case.".

SEC. 206. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is based on a secured debt if the creditor has failed to comply with the requirements of subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).".

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed pursuant to section 586 of title 28. The notice shall contain the following:

"(1) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

"(2) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee or the bankruptcy administrator for that district.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—";

(2) by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition pursuant to section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

"(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

"(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

"(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(3) by adding at the end the following:

"(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

"(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

"(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

"(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(d)(1) A statement referred to in subsection (c)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

"(C) the identity of any persons who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (e).

"(e)(1) Not later than 30 days after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall prepare, and submit to Congress a report that—

“(A) assesses the effectiveness of the procedures under paragraph (1); and

“(B) if appropriate, includes proposed legislation—

“(i) to further protect the confidentiality of tax information; and

“(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.”.

(c) Title 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.”.

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

(a) Restoring the Foundation for Secured Credit.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking the matter preceding subparagraph (A) and inserting the following:

“(5) with respect to an allowed claim provided for by the plan that is secured under applicable nonbankruptcy law by reason of a lien on property in which the estate has an interest or is subject to a setoff under section 553—”; and

(2) by adding at the end of the subsection the following flush sentence:

“For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph.”.

(b) Payment of Holders of Claims Secured by Liens.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

“(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and”.

(c) Determination of Secured Status.—Section 506 of title 11, United States Code, is amended by adding at the end the following:

“(e) Subsection (a) shall not apply to an allowed claim to the extent attributable in whole or in part to the purchase price of personal property acquired by the debtor during the 90-day period preceding the date of filing of the petition.”.

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) by inserting “(1)” before “Except as”;

(2) by striking “(1) the stay” and inserting “(A) the stay”;

(3) by striking “(2) the stay” and inserting “(B) the stay”;

(4) by striking “(A) the time” and inserting “(i) the time”;

(5) by striking “(B) the time” and inserting “(ii) the time”; and

(6) by adding at the end the following:

“(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

“(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

“(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)) was pending during the preceding year but was dismissed.

“(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

“(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

“(A) with respect to the creditors involved, if—

“(i) more than 1 previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

“(ii) a previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

“(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

“(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

“(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

“(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

“(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

“(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

“(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

“(i) for a definite period of not less than 1 year; or

“(ii) indefinitely.

“(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

“(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

“(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

“(II) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

“(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.”.

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) Filing of Plan.—Section 1321 of title 11, United States Code, is amended to read as follows:

“§ 1321. Filing of plan

“The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.”.

(b) Confirmation of Hearing.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: “That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.”.

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

“(i) the individual that received that consideration; or

“(ii) property not in the possession of the debtor that secures that claim.

“(B) Notwithstanding subparagraph (A), the stay provided by subsection (a) shall apply in any case in which the debtor is primarily obligated to pay the creditor in whole or in part with respect to a claim described in subparagraph (A) under a legally binding separation or property settlement agreement or divorce or dissolution decree with respect to—

“(i) an individual described in subparagraph (A)(i); or

“(ii) property described in subparagraph (A)(ii).

“(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.”.

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) Amendment.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

“§ 159. Bankruptcy statistics

“(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the ‘Office’).

“(b) The Director shall—

“(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 1998, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

"(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed for failure to make payments under the plan; and

"(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

"(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following:

"(f)(1)(A) The Attorney General shall establish procedures for the auditing of the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

"(B) The audits described in subparagraph (A) shall be made in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract with the United States trustee to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited according to generally accepted auditing standards, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

"(iv) establish procedures for—

"(I) reporting the results of those audits and any material misstatement of income, expenditures, or assets of a debtor to the Attorney General, the United States Attorney and the court, as appropriate;

"(II) providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported; and

"(III) fully funding those audits, including procedures requiring each debtor with sufficient available income or assets to contribute to the payment for those audits, as an administrative expense or otherwise.

"(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

"(3) According to procedures established under paragraph (1), upon request of a duly appointed auditor, the debtor shall cause the accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor as the auditor requests and that are reasonably necessary to facilitate the audit to be made available for inspection and copying.

"(4)(A) The report of each audit conducted under this subsection shall be filed with the court, the Attorney General, and the United States Attorney, as required under procedures established by the Attorney General under paragraph (1).

"(B) If a material misstatement of income or expenditures or of assets is reported under subparagraph (A), a statement specifying that misstatement shall be filed with the court and the United States trustee shall—

"(i) give notice thereof to the creditors in the case; and

"(ii) in an appropriate case, in the opinion of the United States trustee, that requires investigation with respect to possible criminal violations, the United States Attorney for the district.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 308. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than one creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 309. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c), by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(2) by adding at the end the following:

"(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

"(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

"(3) For purposes of this section, the term 'notice' shall include—

"(A) any correspondence from the debtor to the creditor after the commencement of the case;

"(B) any statement of the debtor's intention under section 521(a)(2);

"(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

"(D) any notice of a hearing under section 1324.

"(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

"(2) If the court or the debtor is required to give the creditor notice, not later than 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

"(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

"(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

"(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.''.

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.''.

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause.''.

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

''(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 20 days to file the information required under section 521(a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 313. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a).''.

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, except for any debt incurred to pay such a nondischargeable debt in any case in which—

''(A)(i) the debtor who paid the nondischargeable debt is a single parent who has 1 or more dependent children at the time of the order for relief; or

''(ii) there is an allowed claim for alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor payable under a judicial or administrative order to that spouse or child (but not to any other person) that was unpaid by the debtor as of the date of the petition; and

''(B) the creditor is unable to demonstrate that the debtor intentionally incurred the debt to pay the nondischargeable debt;''.

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ''(and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the order for relief shall be presumed to be nondischargeable under this subparagraph); or'';

(2) in subparagraph (B), by striking ''or'' at the end; and

(3) by striking subparagraph (C).

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (27) the following:

''(27A) 'household goods' has the meaning given that term in section 444.1(i) of title 16, of the Code of Federal Regulations (as in effect on the effective date of this paragraph), which is part of the regulations issued by the Federal Trade Commission that are commonly known as the 'Trade Regulation Rule on Credit Practices', except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child;''.

SEC. 318. RELIEF FROM STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

(a) Automatic Stay.—Section 362 of title 11, United States Code, as amended by section 303, is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''(e) and (f)'' and inserting ''(e), (f), and (h)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) In an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim that is in an amount greater than $3,000, or subject to an unexpired lease with a remaining term of at least 1 year (in any case in which the debtor owes at least $3,000 for a 1-year period), if within 30 days after the expiration of the applicable period under section 521(a)(2)—

''(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

''(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

''(i) either—

''(I) redeem the property pursuant to section 722; or

''(II) reaffirm the debt the property secures pursuant to section 524(c); or

''(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not do so; or

''(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

''(A) the statement of intention specifies reaffirmation; and

''(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.''.

(b) Debtor's Duties.—Section 521(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''consumer'';

(2) in subparagraph (B)—

(A) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first meeting of creditors under section 341(a)''; and

(B) by striking ''forty-five-day period'' and inserting ''30-day period''; and

(3) in subparagraph (C), by inserting '', except as provided in section 362(h)'' before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.

(a) In General.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

''§ 1307A. Adequate protection in chapter 13 cases

''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2)(A), to—

"(i) any lessor of personal property; and

"(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

"(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

"(i) the creditor begins to receive actual payments under the plan; or

"(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

"(I) the lessor or creditor; or

"(II) any third party acting under claim of right, as applicable.

"(2) The payments referred to in paragraph (1)(A) shall be determined by the court.

"(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount and timing of the dates of payment of payments made under subsection (a).

"(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

"(B) The amount of a payment referred to in paragraph (1) shall not be less than the reasonable depreciation of the personal property described in subsection (a)(1), determined on a month-to-month basis.

"(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides—

"(1) for payments to a creditor or lessor described in subsection (a)(1); and

"(2) for the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

"(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

"1307A. Adequate protection in chapter 13 cases.".

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following new subsection:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.".

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, received credit counseling, including, at a minimum, participation in an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing an initial budget analysis, through a credit counseling program (offered through an approved credit counseling service described in section 111(a)) that has been approved by—

"(A) the United States trustee; or

"(B) the bankruptcy administrator for the district in which the petition is filed.".

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the chief judge of the bankruptcy court of that district determines that the approved credit counseling services for that district are not able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

"(B) Each chief judge that makes a determination described in subparagraph (A) shall review that determination not later than 180 days after the date of that determination, and not less frequently than every 180 days thereafter.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.".

(b) Chapter 7 Discharge.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111 that was administered or approved by—

"(A) the United States trustee; or

"(B) the bankruptcy administrator for the district in which the petition is filed.".

(c) Chapter 13 Discharge.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(f) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111 that was administered or approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district in which the petition is filed.".

(d) Debtor's Duties.—Section 521 of title 11, United States Code, as amended by sections 301(b) and 318(b) of this Act, is amended by adding at the end the following:

"(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).".

(e) Exceptions to Discharge.—Section 523(d) of title 11, United States Code, as amended by section 202 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

"(i) within the applicable period of time prescribed under section 109(h), the debtor received credit counseling through a credit counseling program in accordance with section 109(h); and".

(f) General Provisions.—

(1) In general.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.

"(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

"(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

"(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity and that have been approved by the United States trustee or that bankruptcy administrator.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(g) Definitions.—Section 101 of title 11, United States Code, as amended by section 317 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or co-operative unit;"; and

(2) by inserting after paragraph (27A), as added by section 318 of this Act, the following:

"(27B) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 322. BANKRUPTCY JUDGESHIPS.

(a) Short Title.—This section may be cited as the "Bankruptcy Judgeship Act of 1998".

(b) Temporary Judgeships.—

(1) Appointments.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) Vacancies.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) Extensions.—

(1) In general.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) Applicability of other provisions.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

(d) Technical Amendment.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: "Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.".

(e) Travel Expenses of Bankruptcy Judges.—Section 156 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) In this subsection, the term 'travel expenses'—

"(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

"(B) shall not include the travel expenses of a bankruptcy judge if—

"(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

"(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

"(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

"(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

"(B) The annual report under this paragraph shall include—

"(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

"(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

"(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

"(4)(A) The Director of the Administrative Office of the United States Courts shall—

"(i) consolidate the reports submitted under paragraph (3) into a single report; and

"(ii) annually submit such consolidated report to Congress.

"(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).".

SEC. 323. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 7 PROCEEDINGS.

Section 507(a) of title 11, United States Code, is amended in the matter preceding paragraph (1), by inserting ", except that, notwithstanding any other provision of this title, any expense or claim entitled to priority under paragraph (7) shall have first priority over any other expense or claim that has priority under any other provision of this subsection" before the colon.

SEC. 324. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 13 PROCEEDINGS.

Section 1322(b)(1) of title 11, United States Code, is amended by striking the semicolon at the end and inserting the following: "and provide for the payment of any claim entitled to priority under section 507(a)(7) before the payment of any other claim entitled to priority under section 507(a), notwithstanding the priorities established under section 507(a).".

SEC. 325. PAYMENT OF CHILD SUPPORT REQUIRED TO OBTAIN A DISCHARGE IN CHAPTER 13 PROCEEDINGS.

Title 11, United States Code, is amended—

(1) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, the debtor has paid all amounts payable under that order for alimony, maintenance, or support that are due after the date on which the petition is filed."; and

(2) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, only after the debtor certifies as of the later of the date of that completion or the date of certification that all amounts payable under that order for alimony, maintenance, or support that are due before the date of that certification have been paid in accordance with the plan if applicable, or if the underlying debt is not treated by the plan, paid in full" after "completion by the debtor of all payments under the plan".

SEC. 326. CHILD SUPPORT AND ALIMONY COLLECTION.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

"(20) under subsection (a) with respect to the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)).".

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

"(5) to a spouse, former spouse, or child of the debtor—

"(A) for actual alimony to, maintenance for, or support of that spouse or child;

"(B) that was incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, property settlement agreement, divorce decree, other order of a court of record, or determination made in accordance with State or territorial law by a governmental unit; or

"(C) that is described in subparagraph (A) or (B) and that is assigned pursuant to section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)), or to the Federal Government, a State, or any political subdivision of a State, but not to the extent that the debt (other than a debt described in subparagraph (C)) is assigned to another entity, voluntarily, by operation of law, or otherwise;"; and

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)".

SEC. 328. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting ", except that, notwithstanding any other Federal law or State law relating to exempted property, such exempt property shall be liable for debts of a kind specified in paragraph (1) or (5) of section 523(a)" before the semicolon at the end of the paragraph.

SEC. 329. DEPENDENT CHILD DEFINED.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) 'dependent child' means, with respect to an individual, a child who has not attained the age of 18 and who is a dependent of that individual, within the meaning of section 152 of the Internal Revenue Code;".

TITLE IV—FINANCIAL INSTRUMENTS

SEC. 401. BANKRUPTCY CODE AMENDMENTS.

(a) Definitions of Swap Agreement, Securities Contract, Forward Contract, Commodity Contract, and Repurchase Agreement.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following new subparagraphs:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) any option to enter into any agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B) or (C), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that the master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B) or (C); or

"(E) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C) or (D);";

(B) by amending paragraph (47) to read as follows:

"(47) the term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(A) means—

"(i) an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds; or any other similar agreement; and

"(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) any option to enter into any agreement or transaction referred to in clause (i) or (ii);

"(iv) a master agreement that provides for an agreement or transaction referred to in clauses (i), (ii) or (iii), together with all supplements, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that the master agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii) or (iii); or

"(v) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clauses (i), (ii), (iii) or (iv); and

"(B) does not include any repurchase obligation under a participation in a commercial mortgage loan,

and, for purposes of this paragraph, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development."; and

(C) by amending paragraph (53B) to read as follows:

"(53B) the term 'swap agreement'—

"(A) means—

"(i) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement;

"(ii) any agreement similar to any other agreement or transaction referred to in this subparagraph that—

"(I) is presently, or in the future becomes, regularly entered into in the swap agreement market (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(iii) any combination of agreements or transactions referred to in this subparagraph;

"(iv) any option to enter into any agreement or transaction referred to in this subparagraph;

"(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is described in any of such clause, except that the master agreement shall be considered to be a swap agreement only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

"(C) is applicable for purposes of this title only and shall not be construed or applied to challenge or affect the characterization, definition, or treatment of any swap agreement or any instrument defined as a swap agreement herein, under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) by amending section 741(7) to read as follows:

"(7) the term 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, or a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

"(ii) any option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interest therein, or group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

"(iv) any margin loan;

"(v) any other agreement or transaction that is similar to any agreement or transaction referred to in this subparagraph;

"(vi) any combination of the agreements or transactions referred to in this subparagraph;

"(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that the master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); and

"(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph; and

"(B) does not include any purchase, sale, or repurchase obligation under a participation in or servicing agreement for a commercial mortgage loan."; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following new subparagraphs:

"(F) any other agreement or transaction that is similar to any agreement or transaction referred to in this paragraph;

"(G) any combination of the agreements or transactions referred to in this paragraph;

"(H) any option to enter into any agreement or transaction referred to in this paragraph;

"(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G) or (H), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G) or (H); or

"(J) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph;".

(b) Definitions of Financial Institution, Financial Participant, and Forward Contract Merchant.—Section 101 of title 11, United States Code, is amended—

(1) by amending paragraph (22) to read as follows:

"(22) the term 'financial institution' means a Federal reserve bank, or a person that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such person and, when any such Federal reserve bank, receiver, or conservator or person acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741(7) of this title, such customer;";

(2) by inserting after paragraph (22) the following new paragraph:

"(22A) the term 'financial participant' means any entity that, at the time it enters into a securities contract, commodity contract or forward contract, or at the time of the filing of the petition, has 1 or more agreements or transactions that is described in section 561(a)(2) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of at least $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of at least $100,000,000 (aggregated across counterparties) in 1 or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(3) by amending paragraph (26) to read as follows:

"(26) the term 'forward contract merchant' means a Federal reserve bank, or a person whose business consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761(8) of this title, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing or in the forward contract trade;".

(c) Definition of Master Netting Agreement and Master Netting Agreement Participant.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) the term 'master netting agreement' means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing. If a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

"(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) Swap Agreements, Securities Contracts, Commodity Contracts, Forward Contracts, Repurchase Agreements, and Master Netting Agreements Under the Automatic-Stay.—

(1) In general.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (6), by inserting ", pledged to, and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, and under the control of," after "held by";

(C) by amending paragraph (17) to read as follows:

"(17) under subsection (a), of the setoff by a swap participant of any mutual debt and claim under or in connection with 1 or more swap agreements that constitute the setoff of a claim against the debtor for any payment due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property of the debtor held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle any swap agreement;";

(D) in paragraph (18), by striking the period and inserting "; or"; and

(E) by inserting after paragraph (18) the following new paragraph:

"(19) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements to the extent such participant could offset the claim under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.".

(2) Limitation.—Section 362 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(l) Limitation.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (19) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.".

(e) Limitation of Avoidance Powers Under Master Netting Agreement.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking "under a swap agreement";

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement";

(2) by redesignating subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(3) by inserting before subsection (i) (as redesignated) the following new subsection:

"(h) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, to the extent that under subsection (e), (f), or (g), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with each individual contract covered by any master netting agreement that is made before the commencement of the case, the trustee may not avoid a transfer made by or to such master netting agreement participant under or in connection with the master netting agreement in issue, except under section 548(a)(1) of this title.".

(f) Fraudulent Transfers of Master Netting Agreements.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and";

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement takes for value to the extent of such transfer, but only to the extent that such participant would take for value under paragraph (B), (C), or (D) for each individual contract covered by the master netting agreement in issue.".

(g) Termination or Acceleration of Securities Contracts.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read "**Contractual right to liquidate, terminate, or accelerate a securities contract**"; and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) Termination or Acceleration of Commodities or Forward Contracts.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read "**Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract**"; and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) Termination or Acceleration of Repurchase Agreements.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read "**Contractual right to liquidate, terminate, or accelerate a repurchase agreement**"; and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) Liquidation, Termination, or Acceleration of Swap Agreements.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read "**Contractual right to liquidate, terminate, or accelerate a swap agreement**"; and

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of 1 or more swap agreements"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of 1 or more swap agreements".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following new section:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset, or net termination values, payment amounts or other transfer obligations arising under or in connection with the termination, liquidation, or acceleration of 1 or more—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b) EXCEPTION.—

"(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2)(A) A party may not exercise a contractual right described in subsection (a) to offset or to net obligations arising under, or in connection with, a commodity contract against obligations arising under, or in connection with, any instrument listed in subsection (a) if the obligations are not mutual.

"(B) If a debtor is a commodity broker subject to subchapter IV of chapter 7 of this title, a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments listed in subsection (a) if the party has no positive net equity in the commodity account at the debtor, as calculated under subchapter IV.

"(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right whether or not evidenced in writing arising under common law, under law merchant, or by reason of normal business practice.".

(l) MUNICIPAL BANKRUPTCIES.—Section 901 of title 11, United States Code, is amended—

(1) by inserting ", 555, 556" after "553"; and

(2) by inserting ", 559, 560, 561, 562" after "557".

(m) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any proceeding under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(n) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following new section:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights or affect the provisions of this subchapter IV regarding customer property or distributions.".

(o) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following new section:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of rights or affect the provisions of this subchapter regarding customer property or distributions.".

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 555, 556, 559, 560, or 561 of this title)" before the period; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 555, 556, 559, 560, 561".

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant";

(2) in section 546(e), by inserting "financial participant" after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant" after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant" after "financial institution,"; and

(B) by inserting before the period ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant" after "commodity broker".

(r) TECHNICAL AND CONFORMING AMENDMENT.—Section 104 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(c) EXCEPTION FOR CERTAIN DEFINED TERMS.—No adjustments shall be made under this section to the dollar amounts set forth in the definition of the term 'financial participant' in section 101(22A).".

SEC. 9. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

SEC. 402. DAMAGE MEASURE.

(a) Title 11, United States Code, is amended by inserting after section 561 (as added by section 7(k)) the following new section:

"§ 561. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract as defined in section 741 of this title, forward contract, repurchase agreement, or master netting agreement pursuant to section 365(a) of this title, or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates any such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

(2) by adding at the end the following new paragraph:

"(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a),(b), or (c) of this section or disallowed under subsection (d) or (e) of this section as if such claim had arisen before the date of the filing of the petition.".

SEC. 403. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "or" at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

"(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or"; and

(4) by adding at the end the following new subsection:

"(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ASSET-BACKED SECURITIZATION.—The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer;

"(2) ELIGIBLE ASSET.—The term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) ISSUER.—The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

"(5) TRANSFERRED.—The term 'transferred' means the debtor, pursuant to a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 404. APPLICABILITY.

The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act.

TITLE V—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 501. AMENDMENT TO ADD A CHAPTER 6 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 5 the following:

"CHAPTER 6—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"601. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"602. Definitions.
"603. International obligations of the United States.
"604. Commencement of ancillary case.
"605. Authorization to act in a foreign country.
"606. Public policy exception.
"607. Additional assistance.
"608. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"609. Right of direct access.
"610. Limited jurisdiction.
"611. Commencement of bankruptcy case under section 301 or 303.
"612. Participation of a foreign representative in a case under this title.
"613. Access of foreign creditors to a case under this title.
"614. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"615. Application for recognition of a foreign proceeding.
"616. Presumptions concerning recognition.
"617. Order recognizing a foreign proceeding.
"618. Subsequent information.
"619. Relief that may be granted upon petition for recognition of a foreign proceeding.
"620. Effects of recognition of a foreign main proceeding.
"621. Relief that may be granted upon recognition of a foreign proceeding.
"622. Protection of creditors and other interested persons.
"623. Actions to avoid acts detrimental to creditors.
"624. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"625. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"627. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"628. Commencement of a case under this title after recognition of a foreign main proceeding.
"629. Coordination of a case under this title and a foreign proceeding.
"630. Coordination of more than 1 foreign proceeding.
"631. Presumption of insolvency based on recognition of a foreign main proceeding.
"632. Rule of payment in concurrent proceedings.

"§ 601. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies where—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity identified by exclusion in subsection 109(b); or

"(2) a natural person or a natural person and that person's spouse who have debts within the limits specified in under section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 602. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapters 9 or 13 of this title; and

"(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed to be located within that territory, including any property that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 603. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

"§ 604. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 615.

"§ 605. Authorization to act in a foreign country

"A trustee or another entity designated by the court may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 606. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 607. Additional assistance

"(a) Nothing in this chapter limits the power of the court, upon recognition of a foreign proceeding, to provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 608. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 609. Right of direct access

"(a) A foreign representative is entitled to commence a case under section 604 by filing a petition for recognition under section 615, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

"(b) Upon recognition, and subject to section 610, a foreign representative has the capacity to sue and be sued.

"(c) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign proceeding in any State or Federal court in the United States. Any request for comity or cooperation in any court shall be accompanied by a sworn statement setting forth whether recognition under section 615 has been sought and the status of any such petition.

"(d) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

"§ 610. Limited jurisdiction

"The sole fact that a foreign representative files a petition under sections 604 and 615 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 611. Commencement of bankruptcy case under section 301 or 303

"(a) Upon filing a petition for recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) of this section must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) of this section prior to such commencement.

"(c) A case under subsection (a) shall be dismissed unless recognition is granted.

"§ 612. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 613. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b)(1) Subsection (a) of this section does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than the class of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

"(2)(A) Subsection (a) of this section and paragraph (1) of this subsection do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 614. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title, notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

"(b) The notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for their filing;

"(2) indicate whether secured creditors need to file their proofs of claim; and

"(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

"(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 615. Application for recognition of a foreign proceeding

"(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

"(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

"(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

"§ 616. Presumptions concerning recognition

"(a) If the decision or certificate referred to in section 615(b) indicates that the foreign proceeding is a foreign proceeding within the meaning of section 101(23) and that the person or body is a foreign representative within the meaning of section 101(24), the court is entitled to so presume.

"(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether the documents have been subjected to legal processing under applicable law.

"(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 617. Order recognizing a foreign proceeding

"(a) Subject to section 606, an order recognizing a foreign proceeding shall be entered if—

"(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 602 and is a foreign proceeding within the meaning of section 101(23);

"(2) the person or body applying for recognition is a foreign representative within the meaning of section 101(24); and

"(3) the petition meets the requirements of section 615.

"(b) The foreign proceeding shall be recognized—

"(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

"(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 602 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

"(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The foreign proceeding may be closed in the manner prescribed for a case under section 350.

"§ 618. Subsequent information

"From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 619. Relief that may be granted upon petition for recognition of a foreign proceeding

"(a) From the time of filing a petition for recognition until the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person designated by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4), or (7) of section 621(a).

"(b) Unless extended under section 621(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

"§ 620. Effects of recognition of a foreign main proceeding

"(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

"(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States; and

"(2) transfer, encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552.

Unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

"(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) of this section are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

"(c) Subsection (a) of this section does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

"(d) Subsection (a) of this section does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 621. Relief that may be granted upon recognition of a foreign proceeding

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 620(a);

"(2) staying execution against the debtor's assets to the extent it has not been stayed under section 620(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 620(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, designated by the court;

"(6) extending relief granted under section 619(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, designated by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"§ 622. Protection of creditors and other interested persons

"(a) In granting or denying relief under section 619 or 621, or in modifying or terminating relief under subsection (c) of this section, the court must find that the interests of the creditors and other interested persons or entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 619 or 621 to conditions it considers appropriate.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 619 or 621, or at its own motion, modify or terminate such relief.

"§ 623. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a pending case under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) of this section relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 624. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 625. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) In all matters included within section 601, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§ 626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) In all matters included in section 601, the trustee or other person, including an examiner, designated by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, designated by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"(c) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322(a).

"§ 627. Forms of cooperation

"Cooperation referred to in sections 625 and 626 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 628. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of that case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 625, 626, and 627, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) and 1334(e), to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 629. Coordination of a case under this title and a foreign proceeding

"Where a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

"(1) When the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under sections 619 or 621 must be consistent with the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 620 does not apply.

"(2) When a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under sections 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 620(a) shall be modified or terminated if inconsistent with the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 628 and 629, the court may grant any of the relief authorized under section 305.

"§ 630. Coordination of more than 1 foreign proceeding

"In matters referred to in section 601, with respect to more than one foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

"(1) Any relief granted under section 619 or 621 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 631. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts.

"§ 632. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 5 the following:

"6. Ancillary and Other Cross-Border Cases .... 601".

SEC. 502. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: "and this chapter, sections 307, 555 through 557, 559, and 560 apply in a case under chapter 6"; and

(2) by adding at the end the following:

"(j) Chapter 6 applies only in a case under that chapter, except that section 605 applies to trustees and to any other entity designated by the court, including an examiner, under chapters 7, 11, and 12, to debtors in possession under chapters 11 and 12, and to debtors or trustees under chapters 9 and 13 who are authorized to act under section 605.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign state, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including 1 appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 6.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 6 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting "6," after "chapter".

TITLE VI—MISCELLANEOUS

SEC. 601. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.".

SEC. 602. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) IN GENERAL.—Section 158 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) Any final judgment, decision, order, or decree of a bankruptcy judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

"(A) an appeal from such judgment, decision, order, or decree is first filed with the appropriate district court of the United States; and

"(B) the decision on the appeal described under subparagraph (A) is not filed by a district court judge within 30 days after the date such appeal is filed with the district court.

"(2) On the date that an appeal is filed with a court of appeals under paragraph (1), the chief judge for such court of appeals shall issue an order to the clerk for the district court from which the appeal is filed. Such order shall direct the clerk to enter the final judgment, decision, order, or decree of the bankruptcy judge as the final judgment, decision, order, or decree of the district court."; and

(3) in subsection (e), (as redesignated by paragraph (1) of this section) by striking "subsections (a) and (b)" and inserting "subsections (a), (b), and (d)".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(c) of title 11, United States Code, is amended by striking "section 158(d)" and inserting "section 158(e)".

(2) Section 1334(d) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "section 158(e)".

(3) Section 1452(b) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "section 158(e)".

SEC. 603. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: "On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.".

SEC. 604. REPEAL OF SUNSET PROVISION.

Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 605. CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, as amended by section 410 of this Act, is amended by adding at the end the following:

"(e)(1) In this subsection—

"(A) the term 'domestic insurance company' means a domestic insurance company, as that term is used in section 109(b)(2);

"(B) the term 'foreign insurance company' means a foreign insurance company, as that term is used in section 109(b)(3);

"(C) the term 'United States claimant' means a beneficiary of any deposit referred to in paragraph (2)(A) or any multibeneficiary trust referred to in subparagraph (B) or (C) of paragraph (2);

"(D) the term 'United States creditor' means, with respect to a foreign insurance company—

"(i) a United States claimant; or

"(ii) any business entity that operates in the United States and that is a creditor; and

"(E) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

"(2) Notwithstanding subsections (b) and (c), the court may not grant relief under subsection (b) to a foreign insurance company that is not engaged in the business of insurance or reinsurance in the United States with respect to any claim made by a United States creditor against—

"(A) a deposit required by an applicable State insurance law;

"(B) a multibeneficiary trust required by an applicable State insurance law to protect United States policyholders or claimants against a foreign insurance company; or

"(C) a multibeneficiary trust authorized under an applicable State insurance law to allow a domestic insurance company that cedes reinsurance to the debtor to reflect the reinsurance as an asset or deduction from liability in the ceding insurer's financial statements.".

SEC. 606. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking "20" and inserting "45".

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 317, is amended—

(1) by striking "In this title—" and inserting "In this title:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by amending paragraph (54) to read as follows:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (56A) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (56A) in entirely numerical sequence, so as to result in numerical paragraph designations of (4) through (77), respectively.

SEC. 702. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3), 707(b)(5)," after "522(d)," each place it appears.

SEC. 703. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 704. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking "subsection (c) or (d) of".

SEC. 705. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking "attorney's" and inserting "attorneys' ".

SEC. 706. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 707. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking ", except" and all that follows through "1986".

SEC. 708. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 709. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

"(24) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement; or

"(25) under subsection (a)(3) of this section, of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated.".

SEC. 710. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

"556. Contractual right to liquidate a commodities contract or forward contract.".

SEC. 711. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 712. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting "unsecured" after "allowed".

SEC. 713. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking "includes a liability designated as" and inserting "is for a liability that is designated as, and is actually in the nature of,"; and

(B) by striking ", unless" and all that follows through "support"; and

(2) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 714. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking "or (6)" each place it appears and inserting "(6), or (15)";

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in subsection (a)(9), by inserting ", watercraft, or aircraft" after "motor vehicle";

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting "to a spouse, former spouse, or child of the debtor and" after "(15)";

(5) in subsection (a)(17)—

(A) by striking "by a court" and inserting "on a prisoner by any court";

(B) by striking "section 1915 (b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915"; and

(C) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears; and

(6) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 715. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1) of this title, or that".

SEC. 716. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 717. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 718. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (h)"; and

(2) by adding at the end the following:

"(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

SEC. 719. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of";

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 720. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking "product" each place it appears and inserting "products".

SEC. 721. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 722. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 408, is amended by inserting "1123(d)," after "1123(b),".

SEC. 723. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.".

SEC. 724. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 725. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 726. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 727. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking "or October 1, 2002, whichever occurs first"; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking "or October 1, 2002, whichever occurs first"; and

(ii) in the matter following subclause (II), by striking "October 1, 2003, or"; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking "before October 1, 2003, or"; and

(ii) by striking ", whichever occurs first".

SEC. 728. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 729. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 730. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 17, 1998, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Gregory H. Friedman to be Inspector General of the Department of Energy; Charles G. Groat to be Director of the United States Geological Survey, Department of the Interior; and to consider any other pending nominations which are ready for consideration before the Committee.

For further information, please contact Gary Ellsworth of the committee staff at (202) 224-7141.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the recent midwest electricity price spikes.

The hearing will take place on Thursday, September 24, 1998, at 10:00 A.M. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish to testify or submit a written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Julie McCaul or Howard Useem at (202) 224-7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 9, 1998, at 9:30 a.m. on auto choice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, September 9, 1998, at 10:00 a.m. for a hearing on the Inspector General Act of 1978 on its 20th Anniversary.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, September 9, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on "Impeachment or Indictment: Is a Sitting President Subject to the Compulsory Criminal Process?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ENVIRONMENTAL RESTORATION AT LAKE TAHOE

• Mrs. FEINSTEIN. Mr. President, I rise today to convey my strong support for the $3,000,000 this bill contains for land acquisition at Lake Tahoe. This funding is crucial if we are to control the erosion problem that is robbing Lake Tahoe of its striking water clarity.

Lake Tahoe is the crown jewel of the Sierra Nevada. The clarity of its blue waters, and the beauty of its surrounding forests and high mountains, inspired Mark Twain to call it "the fairest view the whole earth affords."

Mark Twain would still recognize the Lake Tahoe Basin today, but it is no longer a pristine wilderness surrounding a perfectly clear lake. Today Lake Tahoe is a year-round recreational mecca, drawing millions annually to its ski slopes, hiking trails, and crystal clear waters. Lake Tahoe is a major economic force in both California and Nevada, contributing $1.6 billion annually to the economy from tourism alone.

The environment and the economy are inextricably linked at Lake Tahoe. The famous azure lake and its surrounding pristine forests are the primary reasons that people visit the region. Protecting environmental quality at Lake Tahoe is key to preserving the economy of the Sierra region.

Scientists agree that the Lake is in the midst of an environmental crisis. Lake Tahoe is one of the largest, deepest, and clearest lakes in the world, but that remarkable clarity is disappearing at the rate of over a foot a year.

In the 1960s, you could drop a white plate into Lake Tahoe and watch it fall 105 feet before it disappeared. Now you can watch the same plate fall only 70 feet. As the Lake's water clarity decreases, algae is taking over. In 10 years, the effects could be irreversible.

Why the troubling decline? The answers are quite simple: air pollution and erosion. Algae is fed by nitrogen, a key component in car exhaust, and phosphorous, a key component of runoff that flows into Lake Tahoe from streams, paved roads, old logging roads, golf courses, and even private homes.

Lake Tahoe was once ringed by wetlands that filtered out most of this harmful sediment and debris. But most of the wetlands have been filled in to provide more lakefront property. The lake's clarity continues to deteriorate.

For nearly 20 years, the Forest Service has been slowing this deterioration by acquiring environmentally sensitive land at Lake Tahoe—land especially prone to the erosion that is slowly strangling the Lake—and protecting it from development. Since 1980, the Forest Service has purchased 11,000 acres at Lake Tahoe. This acquisition program has the wholehearted support of Lake Tahoe's elected officials, as well as both environmental and business groups.

The $3 million for land acquisition contained in this bill will help buy parcels like the Wells property, an 18.5 acre site adjacent to a County park that includes some of the few remaining wetlands surrounding Lake Tahoe, as well as a stretch of Burke Creek that provides a vital wildlife corridor. If the Forest Service is not able to buy this property, it may end up being developed into 50 condominium units.

Land acquisition funds may also be used for a phased-in purchase of High Meadows, a 2300-acre parcel that remains the largest private inholding in the Lake Tahoe Basin. The meadows include the headwaters for Cold Creek, one of Lake Tahoe's most sensitive watersheds. Protecting the property could dramatically reduce the amount of sediment and debris that flows currently flow into Lake Tahoe from Cold Creek.

I commend the Committee for including these land acquisition funds for Lake Tahoe in this bill. I am disappointed that the House did not include any funds in its version of the bill. I intend to urge the Senate conferees on this legislation to protect the full $3 million in conference.

Unfortunately, this $3 million barely scratches the surface of what is needed to restore the environment at Lake Tahoe. The region's environmental problems extend well beyond its famous azure lake.

Insect infestations have killed over 25 percent of the trees in the forests surrounding Lake Tahoe, creating a severe risk of catastrophic wildfire that could destroy communities and have a devastating impact on water quality at the Lake. The millions of cars that visit the Lake Tahoe Basin each year worsen erosion problems from roads and produce nitrogen that ends up feeding algae in the Lake.

The Federally-chartered Tahoe Regional Planning Agency estimates that preserving the Lake's water quality, restoring its fragile forest ecosystem, and establishing a public transportation system that would reduce air pollution and road run-off could cost $900 million in Federal, State, local, and private funds.

The Federal government, through the United States Forest Service, owns nearly 80 percent of the land in the Lake Tahoe Basin. Therefore, we have a unique responsibility for protecting Lake Tahoe. Two important Federal reports that are currently pending will help determine what steps the Forest Service must take to stop the environmental decline at the Lake.

One report is the Watershed Assessment, a study being conducted by an independent team of scientists, that will create a model of Lake Tahoe's ecosystem to help us determine the impact of proposed environmental restoration projects. Lake Tahoe is so fragile that we need to be sure prescribed burning to reduce the risk of catastrophic fire at one end of the lake does not cause too much erosion or air pollution in another part of the Lake. The Watershed Assessment will provide the Forest Service with the tools to make those tough judgment calls.

The other Federal effort underway is an interagency review of the Environmental Improvement Program, a list of more than 500 environmental improvement projects that the Tahoe Regional Planning Agency proposes to implement at Lake Tahoe. The Environmental Improvement Program has the full support of Lake Tahoe's local governments, business leaders, and environmental groups. Now the Federal government is assessing which of the environmental projects on this list should have high priority for Federal funding, and whether new programs are needed to provide that funding.

I plan to act upon the results of these studies as soon as they are complete in December 1998. I am hoping to offer legislation in the next session that would authorize a new Federal initiative, led by the U.S. Forest Service, to address Lake Tahoe's erosion and forest health problems. I am working with a bi-partisan group of Tahoe's business, environmental, and community leaders to develop a proposal, and I hope that the Forest Service will become an active player in the process as well.

In 1997, President Clinton and Vice President GORE visited Lake Tahoe. I attended the Forum they sponsored, as did Senators BOXER, REID and BRYAN. We applauded the President as he announced an ambitious Tahoe initiative that included $50 million over two years for land acquisition, prescribed burning, watershed restoration, public transportation, upgrades to wastewater pipelines, erosion control, and scientific research at the Lake.

Unfortunately, since then, Lake Tahoe seems to have dropped off the Administration's radar screen. The Administration never even fulfilled the $50 million in commitments the President made at Tahoe, let alone extend those commitments to fiscal year 1999.

In his 1999 budget request, President Clinton did not make any specific requests for Tahoe, and the Forest Service will be lucky if they receive $5 million from the Administration next year for forest health and erosion control projects.

Forest Service officials at Lake Tahoe are doing a heroic job of reducing fire risk in the forest while simultaneously protecting Lake Tahoe's water quality. They need more resources if they are going to reverse declining environmental quality at the Lake and its surrounding forests.

Time is running out for Lake Tahoe. If we do not act quickly with a full commitment of Federal resources, the crown jewel of the Sierra could become permanently tarnished. I urge my colleagues in the Senate to join me in preserving this national treasure for generations to come. Let's look at this $3 million for land acquisition as a down payment, not the last word.•

OUR LADY QUEEN OF ALL SAINTS 40TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to honor a special church in Fraser, Michigan. our Lady Queen of All Saints Parish celebrated its 40th Anniversary on August 23, 1998.

Since its beginning, Our Lady Queen of All Saints Parish has been selflessly dedicated to serving God and the Fraser community. The members of the Parish demonstrate their commitment to their faith through providing valuable human services to those in need. They have done so under the guidance and leadership of Our Lady Queen of All Saints' founding father Reverend Father Joseph J. Szmaszek and former pastors Monsignor Ferdinand J. DeCneudt, Father J. Michael McGough and Father Arthur W. Fauser. The parish continues this service under the present pastor, Father Ronald J. Babich. It is my great pleasure to recognize the contributions these men have made to the parish, ensuring its prosperity and longevity.

I want to express my congratulations and best wishes to all of the clergy and members of Our Lady Queen of All Saints parish. May they enjoy continued success.•

75TH ANNIVERSARY OF ROWAN UNIVERSITY

• Mr. TORRICELLI. Mr. President, I rise today to recognize Rowan University as it celebrates its 75th Anniversary. This year marks the 75th year that Rowan will provide quality education to residents in New Jersey and across the country. It is a pleasure for me to be able to recognize this important milestone.

Rowan provides an exceptional environment for achievement and fulfillment through rigorous academic training and vigorous personal interaction among the members of its diverse learning community. As a regional public university committed to teaching, Rowan combines liberal education with professional preparation and offers programs from the undergraduate through doctoral levels. Rowan University seeks to achieve knowledge through ambition, responsibility through service, and character through challenge. The University is a constantly expanding resource for the State of New Jersey, developing as a community of learners with a curriculum that integrates professional and liberal education. Rowan has succeeded in developing values, shaping character, and enhancing the capacity for a fulfilling and socially responsible life among its graduates. Rowan University alumni are well prepared to assume positions of leadership within their communities and professional fields.

Rowan University has become an extraordinary comprehensive institution that has improved the quality of life for the citizens of New Jersey, and it has long been an example of the standard that we set for our nation's universities. Through hard work and dedication, the faculty have illustrated their commitment to building the leaders of tomorrow, and their success over the past 75 years serve as an inspiration to all educators.

I am proud to recognize Rowan University on its anniversary, and I look forward to another 75 years of quality education from this institution.•

TRIBUTE TO THE COVENANT HOUSE ON ITS 25TH ANNIVERSARY

• Mr. BOND. Mr. President, I rise today to pay tribute to the Covenant House in St. Louis, Missouri on its 25th Anniversary. Over the years, Covenant House has been an important and integral part of the low-moderate income housing community for the elderly. The Anniversary celebration will take place on September 13, with special honorees Harvey and Wilma Gerstein.

The Gersteins have dedicated a great deal of their lives to the development of quality housing for the elderly. Harvey was the first-ever President of the Covenant House and still serves on the Board of Directors. Wilma is a member of the Board and serves as Chair of the Volunteer Committee.

Covenant House is publicly financed and has 434 units of housing to serve its 484 elderly residents. With the continuing need for more establishments like the Covenant House, they founded the Community Aging Corporation. This Corporation provides a variety of social services to guarantee safety for the elderly in an independent setting.

It is a great privilege to honor this high caliber living community and its special honorees. Dedication to one's community has become an increasingly rare quality in our society. The St. Louis community is lucky to have such a facility and I want to express my sincere appreciation to everyone who makes the Covenant House excel.•

TRIBUTE TO HERBERT MABRY, THE 1998 RICHARD B. RUSSELL PUBLIC SERVICE AWARD RECIPIENT

• Mr. CLELAND. Mr. President, I rise today to honor the 1998 Richard B. Russell Public Service Award recipient, Herbert Mabry of Sandy Springs, Georgia.

Herb is a man who truly defines public service. Over the years, he has been actively involved in serving the people in many capacities, including his own campaign for public office.

The Richard B. Russell Award is given each year to an individual who truly "raises the bar" for us all and goes the extra mile for his or her community and state. The honor is bestowed upon an individual who works tirelessly to promote the ideals of the State of Georgia and who strengthens and shapes our State for the future. Senator Russell understood that public service and political involvement is a tool of citizenship, and this year's honoree is a man who believes that being an active public servant defines citizenship.

Herb has been the President of the Georgia State AFL–CIO since 1972, and has truly defined and shaped the labor movement throughout Georgia during the past several decades. He is also very involved in other organizations including the Georgia Labor Committee, the Georgia Trade Union Council for Histradut, the AFL–CIO Appalachian Council, the Georgia Democratic Party and the Fulton County Personnel Board. He has been a member of Carpenter's Local Union #225 since 1950 and served as its President for the past 25 years. He also serves as the President of the Southeastern Regional Council of Carpenters.

Herb Mabry is a native of Fulton County, Georgia. He and his wife Colleen have six children and 11 grandchildren.

Mr. President, I ask that you join me and our colleagues in honoring Herbert Mabry's innumerable contributions and unselfish and inspiring hard work and dedication to the State of Georgia and our Nation. Herb personifies the definition of a true and loyal American and sets the standard for all citizens to live by.•

PONTIAC AREA HISTORICAL AND GENEALOGICAL SOCIETY CITIZEN OF THE YEAR

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Pontiac Area Historical and Genealogical Society's Citizen of the Year, Mr. John A. Riley of Pontiac, Michigan.

Mr. Riley, born December 8, 1912 has been chosen as the Citizen of the Year on the basis that he has given tremendously of his time and resources to many causes. His professional career consisted of 40 years of service to the Pontiac Daily Press as vice-president of marketing. Additionally, Riley has served voluntarily in many positions. He was a member of the Pontiac Osteopathic Hospital Board for 36 years, president of the Pontiac J.C.s, president of the Pontiac Chamber of Commerce, member of the Boys Club and a

50 year member of the Kiwanis Club of Pontiac.

Currently, Mr. Riley sits on the committees for the Key Club for Pontiac High Schools and the Terrific Kids Program. He also serves as Chairman of the Board for the General Hospital Authority, First Chairman of the Economic Development Commission for the City of Pontiac. He was instrumental in the raising of the funds to build the Pontiac Silverdome. In addition, John Riley is a man of strong faith as reflected in his service to All Saints Episcopal Church where he is Senior Warden for the Vestry.

Mr. Riley's accomplishments are numerous. It is clear to see that he commits himself selflessly and completely to many causes. He is undoubtedly deserving of the Citizen of the Year award being given to him by the Pontiac Historical and Genealogical Society. It is with great pleasure that I extend my congratulations to Mr. John A. Riley on this special occasion.•

REFORMING THE RESOURCE CONSERVATION AND RECOVERY ACT

• Mr. LAUTENBERG. Mr. President, late last week the Majority Leader indicated that the Senate would be unable to complete efforts this year to reform the Resource Conservation and Recovery Act as it pertains to remediation waste. For many months, Senators LOTT, CHAFEE, SMITH, BAUCUS, BREAUX and I have worked on "rifleshot" legislation in this area. I regret that we were unable to bring these negotiations to a successful conclusion. However, I believe that we made a lot of progress in narrowing differences and developing a bill that could have improved the RCRA hazardous waste cleanup program through a series of responsible reforms. Our work provides a solid foundation upon which to build in the next Congress.

Mr. President, last fall, in October, the GAO issued a report recommending targeted reforms which, in conjunction with adequate resources for state and federal agencies, could have resulted in substantial savings in cleanup costs; encouraged treatment remedies; and sparked brownfields cleanup and redevelopment efforts. As Chairman of the Subcommittee in the Senate with jurisdiction over these issues for many years, and more recently as Ranking Democratic Member, one of my priorities has been to encourage such efforts, and to return these contaminated parcels to valuable uses. I believe such reforms can yield substantial national economic and environmental benefits while protecting human health and the environment. Such reforms would especially benefit my state of New Jersey, which is one of the five states with the largest volume of remediation waste.

For these reasons, I was pleased that Senators LOTT, CHAFEE and SMITH invited Senator BAUCUS and me to join in developing a targeted consensus reform package. We spent many hours at this effort and we reached agreement in a number of areas. I regret that we did not come to final closure on this legislation. I want to thank my colleagues and the Administration for the considerable efforts they all made in thoughtfully resolving many of the complicated issues in this debate. I want to also thank Senator BREAUX, who has been instrumental in championing reform in this area. Finally, I want to thank the many and varied stakeholders—representatives from industry, environmental organizations, as well as state and local agencies and community groups—that provided us with inestimable assistance in understanding this highly complex statute.

Mr. President, I regret that we did not have the chance to resolve all of the issues this year. We made significant progress in resolving a host of thorny questions. The Resource Conservation and Recovery Act has significantly reduced the generation of hazardous waste, and prevented new generations of Superfund toxic waste sites. I am optimistic that we can resume this process next year and achieve responsible reforms at that time. I pledge myself to these efforts.•

TRIBUTE TO BERTIE SWEENEY GAMMELL PARISH

• Mr. SHELBY. Mr. President, I rise today to pay tribute to my friend Bertie Sweeney Gammell Parish, a lifelong resident of Clayton, Alabama, hardworking wife and mother, dedicated member of the community, newspaper professional, and an inspiration to all who knew her. Bertie passed away at her home on Wednesday, August 26, 1998.

Born on June 4, 1915 in Dothan, Alabama, Bertie was the daughter of William Lee and Pearle Ennis Gammell. From her earliest beginnings, Bertie was an active member of the Clayton United Methodist Church where she combined her love of music with her service to God as organist and choir director for almost 50 years. Bertie held a bachelor's degree in music from Alabama College, teaching music briefly at Montgomery County High School and later in Clayton.

A former member of the Eufaula Music Guild, Bertie was a Paul Harris fellow of the Rotary Foundation of Rotary International—an award presented by the Clayton Rotary Club, a lifetime member of the Alabama Federation of Garden Clubs and a member of the Clayton Garden Club.

In addition to the many awards and community service position she held, Bertie is probably best known as the editor and publisher of The Clayton Record—a post she assumed in 1960 after the deaths of her father and later her mother—both held the position in consecutive terms before her. She passed this torch to her daughter Rebecca Parish Beasley who holds the position today. The Clayton RECORD is one of only a few remaining family-owned and operated newspapers.

Bertie's column "One Comment," which appeared on the front page of The Clayton Record, was a favorite of subscribers. From her astute observations on everything from politics to gardening, Bertie thrilled, inspired and delighted her readers, including local gardeners who hoped to receive mention in one of her columns.

Bertie was well known not only in Clayton, but across Alabama. She received many awards and kudos from colleagues in the news business including a listing in Who's Who of American Women, and the News Media Service to Education Award. She was also a staunch preservationist who worked diligently to preserve history and local historic structures in and around Clayton.

Despite a demanding schedule, Bertie never forgot what matters most: family and friends. She is survived by her husband Thomas William Parish, Sr.—to whom she would have been married for 59 years on August 30, 1998; three children: Dr. Thomas William Parish, Jr., of Geneva, Joseph Edward Parish, Sr., of Clayton; and Rebecca Parish Beasley of Clayton; six grandchildren: Joseph Edward Parish, Jr. of Montgomery; Lucile Martin Parish of Columbus, Georgia; Edna Elane Parish Gulledge of Virginia Beach, Virginia; Thomas Frank Kelly, Jr., of Montgomery; Rebecca Parish Kelly of Clayton; and Thomas William Parish III, of Geneva; three great-grandchildren; other relatives and friends too numerous to mention.

I will miss Bertie. She was a good friend for many years. My heart goes out to her family as they remember her love, her many accomplishments, and the important role she set for them and for others in and around Clayton, Alabama. My prayers are with you.•

THE PROGRESS OF PEACE IN NORTHERN IRELAND

• Mr. FEINGOLD. Mr. President, I would like to reflect for a moment on recent events in Northern Ireland, highlighted by the President's trip there last week. As every member of this body knows, the violent political and religious conflict in Northern Ireland has claimed the lives of more than 3,200 people since 1969. In April of this year, after many failed attempts at a political solution to this violence, a settlement was announced that was deemed acceptable to all sides of this conflict. The so-called Good Friday peace agreement is an historic achievement in the struggle for peace in Northern Ireland. It seemed that finally, peace had won out over war and intolerance, and that the children of Northern Ireland, both Protestant and Catholic, would finally be able to move hand-in-hand toward a shared future.

As a member of the Senate Committee on Foreign Relations, I have closely monitored that Northern Ireland peace process, and I welcomed this peace agreement, which was expertly brokered by our former colleague, and the former Majority Leader of this body, Senator George Mitchell.

In a May 22, 1998, referendum, a convincing majority of the people of Northern Ireland and the Irish Republic embraced this peace plan. On June 25, 1998, the people of Northern Ireland went to the polls and elected representatives from Protestant, Catholic, and non-sectarian parties to sit in the newly created Assembly, which will gradually assume rule of Northern Ireland from Great Britain.

This election was perhaps one of the most historic aspects of the Northern Ireland peace agreement. For the first time, the people of Northern Ireland elected representatives for an Assembly that will not be located in Westminster, but rather in Northern Ireland itself. The British Parliament must still draft and adopt legislation that will transfer the necessary powers to the Assembly that will make that body truly independent from Westminster, and I hope this will be done at the earliest possible time.

This brief but promising time of peace and cooperation was shattered on July 5, 1998, during the annual and often contentious "Marching Season," during which time it is common for Protestant groups to conduct sectarian marches throughout Northern Ireland. Tensions rose as many would-be marchers resisted a Parades Commission decision to reroute a march through a Catholic neighborhood in Drumcree planned by a Protestant group to commemorate the Battle of the Boyne, a 1690 skirmish in which the Protestant King William III of Orange defeated the Catholic King James II. The ensuing riots and violence culminated in a firebombing on July 11 in Ballymoney that left three young Catholic brothers dead. Both the Protestant and Catholic communities denounced this attack, which has been attributed to a loyalist paramilitary group.

This senseless attack was particularly ironic because it appears that the house of the three young victims was targeted because their family was mixed—part Catholic and part Protestant.

Violence ripped through Northern Ireland again one month later, on August 11, when a car bomb exploded in a busy marketplace in the town of Omagh. Twenty-eight people, including an elderly woman, her pregnant daughter, and her young granddaughter, were killed, and more than 200 were injured. It is ironic that the most horrible act of violence to occur in the last 30 years in a country that has suffered so much throughout its tumultuous history occurred just as the people of Northern Ireland finally embarked on the road to peace.

Reports indicate that a warning was issued to police prior to the bombing, but that the terrorists gave false information which lead police to move those in the marketplace to the site where the bomb was located, thereby increasing the number of casualties.

A fringe group which calls itself the "Real IRA" has claimed responsibility for this monstrous attack. This group, and one other anti-British fringe group, have since announced ceasefires. It is my strong hope that those responsible for this cowardly act will be identified and prosecuted for their crimes.

Recently, British Prime Minister Tony Blair and Irish Prime Minister Bertie Ahern recommitted themselves to the success of the Northern Ireland peace agreement and vowed that this attack would not destroy the progress of the last several months. They also announced new security measures that will be put in place to help prevent future attacks, and that the British Parliament plans to take a hard look at ways to improve security.

I am pleased that President Clinton visited Northern Ireland, and the town of Omagh, last week and met with some of the victims of the attack in Omagh and their families, as he did last Thursday. The United States has invested much in the long and sometimes harrowing journey toward a lasting peace in Northern Ireland, and we must remain engaged there and continue to offer our encouragement and friendship to the people of Northern Ireland. While tremendous progress has been made in the last year, there is still much work to be done as the people of Northern Ireland strive to live and govern together in peace.•

CBO COST ESTIMATE—S. 2375

• Mr. D'AMATO. Mr. President, I ask that the Congressional Budget Office Cost Estimate for S. 2375 the "International Anti-Bribery Act of 1998" be printed in the Record.

The cost estimate follows:

Congressional Budget Office Cost Estimate

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

CBO estimates that implementing this legislation would not result in any significant cost to the federal government. Because enactment of the bill could affect direct spending and receipts, pay-as-you-go procedures would apply. However, CBO estimates that any impact on direct spending and receipts would not be significant.

CBO has determined that this legislation is excluded from the application of the Unfunded Mandates Reform Act (UMRA) under section 4 of that act, because it would amend the Foreign Corrupt Practices Act (FCPA) in ways that are necessary to implement the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations.

The bill would expand the FCPA to cover additional offenses relating to corporate bribery of foreign officials. As a result, the federal government would be able to pursue cases that it otherwise would not be able to prosecute. CBO expects that the government probably would not pursue many such cases, however, so we estimate that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant. Any such additional costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under the bill could be subject to civil and criminal fines, the federal government might collect additional fines (which are categorized as governmental receipts) if the bill is enacted. However, CBO expects that any additional fines would be negligible because of the small number of cases involved. Collections of criminal fines are deposited in the Crime Victims Fund and spent in the following year. Because any increase in direct spending would equal the fines collected with a one-year lag, the additional direct spending from the Crime Victims Fund also would be negligible.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.•

TRIBUTE TO ELIZABETH SNYDER

• Mrs. FEINSTEIN. Mr. President, I rise today to honor Elizabeth Snyder, a longtime civic leader who helped pave the way for women to assume positions of leadership in California. She died in Los Angeles on August 26, 1998.

Elizabeth first came to national attention in 1954, when she was elected Chair of the California Democratic Party, becoming the first woman in the United States to be elected chair of a major political party in any state. In a career that spanned more than half a century, Elizabeth worked prominently in the California presidential campaigns of Harry Truman, Adlai Stevenson, and Lyndon Johnson and served as the California Co-Chair of President Jimmy Carter's 1976 Presidential campaign.

Born on April 8, 1914, in Minnesota of immigrant parents, Elizabeth and her family moved to San Diego in the early 1920s. Following the collapse of her father's business at the outset of the Great Depression, Elizabeth, her mother and two brothers relocated to East Los Angeles where life was, in her words, "lean, precarious and hard." Elizabeth graduated with honors from Garfield High School in 1931. She studied at Los Angeles City College and graduated as a political science major from the University of California at

Los Angeles in 1933. She went on to become one of the first two doctoral candidates in UCLA's political science department.

After World War II, Elizabeth became involved in the first of many Congressional campaigns on behalf of her lifelong friend and mentor, Congressman Chet Holifield. In 1959, she co-founded one of California's first political campaign management firms, Snyder-Smith. Although she remained committed to what she believed were the true ideals and principles of the Democratic Party, Elizabeth never hesitated in non-partisan races to support Republicans whom she believed to be best qualified to serve in office.

None of her political activities was more important to Elizabeth than her lifelong effort to bring about greater participation by women in the political arena. During the 1970s, Elizabeth devoted herself to the mentoring of Los Angeles women in politics, holding weekly luncheon meetings of The Thursday Group at her Bunker Hill apartment.

Her dedication to improving our society extended beyond the realm of politics. She was especially proud of her work on the prevention of fetal alcohol syndrome which culminated in ordinances requiring the restaurants and bars to post warnings to women regarding the dangers of alcohol consumption during pregnancy. In addition to all her varied civic activities, Elizabeth will be remembered fondly by the literally thousands of men and women to whom she provided comfort and assistance in overcoming the adversities of alcoholism and substance abuse.

In 1994, she received the prestigious CORO Public Affairs Award in recognition of her lifelong commitment to the reform of the American system of government in which she so deeply believed. As Elizabeth herself once wrote, In the last analysis, the most significant single political activity is not winning elections and defeating opponents, it is improving, expanding and correcting government structure, so that democracy works.

On behalf of my colleagues in the Senate, I extend my heartfelt condolences to her husband, Nathan, and her daughter, United States District Judge, Christina A. Snyder.•

MEASURE READ THE FIRST TIME—S. 2454

Mr. LOTT. I understand that S. 2454, which was introduced earlier by Senator McCONNELL and others, is at the desk, and I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Mr. LOTT. I ask now for its second reading, and would object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

Mr. LOTT. I ask unanimous consent that the Senate now turn to consideration of S. 1645, the child custody bill.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. The objection is heard.

CLOTURE MOTION

Mr. LOTT. In light of the objection, I move to proceed to S. 1645, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Friday, 1 hour after the Senate convenes, unless changed by unanimous consent. I am making an effort to make sure that we have some votes on Friday, but as is usually the case, we would do our best to accommodate Members and have the votes before noon on Friday so we could have cloture vote on this bill, possibly on bankruptcy reform, but I am still hoping we can work that out.

I now ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I think that a short explanation may be in order with regard to the objection I just made to the motion that has just been filed by the majority leader.

Obviously, there are varied opinions about the nature of this legislation and its propriety and how we might pursue some resolution to the issue of individuals transported from one State to another. I think the fundamental question, once more, is simply procedural. Can we find a way to take into account legitimate concerns that should be raised under a debate of this nature? I believe that there are many relevant amendments that will be declared nongermane but that are certainly relevant to this very complex question.

If a cloture motion on the bill were to be successful, it would preclude those amendments. It is for that reason that I objected.

It is also worth noting that we are being asked to proceed to yet another bill that has had little debate at the same time we are being told that there is not enough time left in the session to debate HMO reform. That causes me concern as well.

Perhaps we could explore the possibility of coming up with a definitive list on this legislation as we are attempting to do on bankruptcy. I don't know. But I do know this, that filing cloture prior to the time we had a debate, filing cloture prior to the time we have even considered whether that option is available to us, in my view, is premature, and for that reason I had to object.

I yield the floor.

Mr. LOTT. Mr. President, could I just inquire of Senator DASCHLE, the Democratic leader, is there some Senator that I should get Senator ABRAHAM to contact about this particular bill, or just talk through you?

Mr. DASCHLE. There are a number of Senators, and I will certainly provide the Senator with the information. I wouldn't want to preclude somebody by simply giving him a name off the cuff, but there are some Senators that will address this issue, and I am willing to share that with you.

Mr. LOTT. Or if you ask them if they would get in touch with us tomorrow, maybe we can work something out.

ORDERS FOR THURSDAY, SEPTEMBER 10, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, September 10. I further ask that when it reconvenes on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and Senator BROWNBACK then be recognized to speak in morning business until 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent following the cloture vote on the McCain amendment, Senator GRAHAM of Florida be recognized to speak for up to 1 hour as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, when the Senate reconvenes on Thursday, Senator BROWNBACK will be recognized to speak in morning business until 10 a.m. Following morning business, the Senate will resume the McCain amendment with the time until 12:00 noon equally divided for debate. At noon, Senator FEINGOLD will be recognized to offer a motion to table the McCain amendment. If the amendment is not tabled, the debate time will continue equally divided until 1:45 p.m. At that time, a cloture vote will occur on the McCain campaign finance amendment.

Following that vote, assuming cloture is not invoked, there will be a brief period of morning business, and then the Senate will continue offering and debating amendments to the Interior bill. Therefore, Senators should expect rollcall votes throughout Thursday afternoon and into the night, with the first vote, of course, occurring at 12:00 noon on Thursday.

I really hope that we can make some progress on the Interior appropriations bill. If Senators have amendments they would like to offer, I urge them to come to the floor on Thursday afternoon and Thursday night and we could possibly even carry over a vote or two until Friday and have a sequence of stacked votes. Of course, that will depend on what we are able to get done Thursday afternoon and Friday morning. This is an important bill. There are some important amendments that need to be debated and voted on. I hope we can get started.

Unfortunately, it has kind of been sandwiched between campaign finance reform amendments and cloture votes on national missile defense and also bankruptcy. These are all important, but we need to get more focused on Interior appropriations tomorrow afternoon and tomorrow night.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Thursday, September 10, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1998:

DEPARTMENT OF STATE

DAVID G. CARPENTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ERiC JAMES BOSWELL, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DAVID G. CARPENTER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE ERIC JAMES BOSWELL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

MARGARET B. SEYMOUR, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE WILLIAM B TRAXLER, JR.

HOUSE OF REPRESENTATIVES—*Wednesday, September 9, 1998*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 1998.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 138th Psalm.

"I give my thanks, O Lord, with my whole heart; before the gods I sing thy praise; I bow down toward thy holy temple and give thanks to thy name for thy steadfast love and thy faithfulness; On the day I called, thou didst answer me, my strength of soul thou didst increase."

We pray, O gracious God, that You would give strength of soul to every person for You have blessed us and nurtured us along life's way. May Your good Spirit that is new every morning and with us all the day through remind us each day to do justice, love mercy, and ever walk humbly with You. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 930. An act to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 4104. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4276. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4104) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4276) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that pursuant to provisions of Public Law 103-227, the Chair announces the following appointment made by the Democratic Leader during the August recess: Barbara Kairson, of New York, as the Representative of Labor to the National Skill Standards Board, effective August 13, 1998.

The message also announced that pursuant to Public Law 93-415, as amended by Public Law 102-586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the appointment of Robert H. Maxwell, of Mississippi, to serve a one-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, September 2, 1998 at 2:14 p.m.:

That the Senate Agreed to Conference Report H.R. 629

That the Senate Agreed to Conference Report H.R. 4059

With warm regards,

ROBIN H. CARLE,
Clerk.

PERMISSION FOR THE SPEAKER TO ENTERTAIN SUNDRY MOTIONS TO SUSPEND THE RULES ON TODAY

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding clause 1 of rule XXVII, it shall be in order at any time today for the Speaker to entertain the following motions to suspend the rules and to pass bills and resolutions:

H.R. 3109, Thomas Cole National Historic Site Act; S. 1683, Lake Chelan National Recreation Area; S. 1883, Conveyance of the Marion National Fish Hatchery to the State of Alabama; H.R. 4090, Public Safety Officer Medal of Valor Act; H.R. 678, Thomas Alva Edison Sesquicentennial Commemorative Coin Act; H.R. 1560, Lewis and Clark Expedition Bicentennial Commemorative Coin Act; H.R. 2225, Designating the Lloyd D. George Federal Building and United States Courthouse; H.R. 3295, Designating the Ronald V. Dellums Federal Building; H. Res. 459, Commemorating 50 Years of Relations between the United States and the Republic of Korea; H. Res. 421, Expressing a Sense of the House of Representatives Deploring the Tragic

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and Senseless Murder of Bishop Juan Jose Gerardi; H. Con. Res. 277, Concerning the New Tribes Mission Hostage Crisis; H. Con. Res. 292, Calling for an End to the Recent Conflict between Eritrea and Ethiopia; H.R. 3810, Designating the James T. Leonard, Sr., Post Office Building; H.R. 2623, Designating the Ray J. Favre Post Office Building; H.R. 3167, Designating the Jerome Anthony Ambro, Jr., Post Office Building; H.R. 3939, Designating the Edgar C. Campbell, Sr., Post Office Building; and H.R. 3999, Designating the David P. Richardson, Jr., Post Office Building.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE AIR FORCE'S VERY BEST HONORED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last Friday, the United States Air Force lost 12 brave airmen who specialized in combat search and rescue and special operations missions. These airmen were representatives of the very best of the United States Air Force. They were highly skilled and they were regularly deployed to remote corners of the globe, supporting America's national military strategy.

Their unit, the 66th Helicopter Rescue Squadron, based in my district at Nellis Air Force Base, is only one of 2 such units in the United States Air Force. One can find the 66th and their sophisticated H–60 "Pave Hawk" helicopters, wherever the action is: Iraq, Saudi Arabia, Turkey; you name it, they are there.

These men are part of a proud tradition of military professionals who dedicated their lives to the defense of our country. They paid the ultimate price for our freedom. Each and every American owes them a debt of gratitude for protecting the freedoms we all enjoy.

Tomorrow, in a memorial service at Nellis, their families and peers will honor these heroes. Our thoughts and our prayers are with the families today and tomorrow.

Mr. Speaker, these men lived up to the 66th Helicopter Rescue Squadron's motto, "These things we do so that others may live."

PROTECT SOCIAL SECURITY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Social Security is a guarantee. No senior has ever gone without a benefits check, even in times of economic recession. That is because the full faith and credit of the United States stands behind the Social Security promise.

Social Security is there for everyone. Wall Street is a gamble. Unlike Social Security, Wall Street cannot guarantee anything because the stock market is premised on a bet that there will be someone willing to pay a lot more for something than someone else will. The recent fall in the stock market should be a reminder: As with all gambles, there is a downside. What goes up must come down.

Turning Social Security over to Wall Street will mean that senior retirees will have to check the Dow Jones before they check their mailboxes to see if they are going to have any money left for shelter, food and medicine. There is no reason to sell out Social Security to Wall Street.

Privatization schemes trade away Social Security's guarantee for a Wall Street gamble. Americans do not need a gamble. Americans need to hear Congress reaffirm its commitment to its citizens. Protect Social Security.

NATIONAL COMMISSION ON TERRORISM ACT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, while Congress was in recess over the last few weeks, the news was filled with reports on the bombing of the U.S. embassies in East Africa and subsequent retaliation strikes in Sudan and Afghanistan. Experts in the field of counterterrorism are warning about a coming long and difficult struggle between the U.S. and the forces of terrorism.

While much valuable work is being done by the intelligence community to combat terrorism, we need to take a close look at national terrorism policy. Today I will introduce, with other Members, the National Commission on Terrorism Act which will serve an important role in making sure we do everything possible to prevent future terrorist attacks.

This legislation would create a commission consisting of 15 distinguished experts in the field of terrorism including 3 Congressmen and 3 Senators. Five members appointed by the President, 5 by the Speaker, and 5 by the Senate majority leader in consultation with the minority. Over the course of 6 months, the Commission will be charged with developing a clear and effective strategy for protecting the American people.

Mr. Speaker, with the threat of terrorism on the rise and new threats of chemical, biological, and nuclear weapons looming on the horizon, I believe it is the right time for a comprehensive assessment of our Nation's terrorism policy.

I urge my colleagues to cosponsor the bill and hopefully we will pass it before we go home.

JANET RENO SHOULD LEAD OR GET OUT OF THE WAY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, this Monica matter is serious, but it pales in comparison to the reports that the White House was bribed with Chinese money.

Unbelievable. I do not know if it is true, but I know one thing. Janet Reno has turned her back on both the American people and the Constitution.

Let us tell it like it is. Janet Reno should either lead or get out of the way. I say to my colleagues, Monica is a fly on her face. This Chinese money business is a dragon eating her assets.

I say, Janet Reno has 2 decisions to make. One is to appoint an independent counsel to scrutinize and investigate this madness, or number 2, Janet Reno should resign. I urge my colleagues to think about it.

I yield back the balance of any national security we may have left.

DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in a recent survey of its members, the Association of American Educators found that 82 percent of the teachers surveyed supported consolidating Federal education programs, sending those funds in a formula grant to the States, just what the Dollars to the Classroom Act does.

I would like to share with my colleagues some comments from teachers who support this approach:

"The Federal Government should quit dictating to local communities what should be taught to children, mainly because the Federal Government is totally out of touch with reality." Kansas City, Missouri.

"It is time we realize that no one program can meet the needs of every region." Oklahoma City.

"I am all in favor of localizing control of school budgets. Local educators are professionals with the training and experience to make the best decisions for their schools." Harrisburg, Pennsylvania.

"When layers of bureaucracy can be eliminated for the benefit of the school and students, then we should all be pleased. However, this calls for added input from the parents and communities involved." Charleston, South Carolina.

Mr. Speaker, those are the thoughts of teachers around the Nation. Colleagues, it is time to send dollars to the classroom.

INTEGRITY IN PUBLIC SERVICE PARAMOUNT CONCERN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, integrity in public service is always of paramount concern. I believed that last year when I addressed on this floor misconduct by Speaker GINGRICH, and I believe it this year when I address misconduct by President Clinton.

In short, I believe this Congress should take 3 steps and take them immediately. Number 1, it should make clear that all of the Starr report will be public. There is no reason this should be limited to some inner circle here in the Congress and drift out through leaks week after week after week. It should be posted on the Internet and made available to every American citizen.

Number 2, this Congress should commit to stay right here until the job is complete. We do not need another year ruined by this whole episode. We need to be back attending to some of the real concerns that affect the American people, and the only way to do that in 1999 is to complete the job now.

Number 3, we ought to go ahead and indicate we are prepared to take an appropriate sanction, but we want the evidence first. It is not punishment first and sentence later; it is after a thorough and deliberate consideration of the evidence before us.

In short, we should get it now, we should get it all, and we should get it right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to make personal references to the President.

TIME TO ACT IS NOW ON CONSTRUCTION OF NATIONAL MISSILE DEFENSE SYSTEM

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, the liberals tell us that we should trust our national security to a piece of paper: the ABM treaty. It is a treaty with a country that no longer exists.

The liberals are convinced that America will be safe with this piece of paper, but what will they say when a missile attack occurs when a rogue Nation or a group of dangerous terrorists threaten our Nation with a missile attack? Then what will they say? Will they continue to point to this piece of paper and say, but we have a treaty.

Mr. Speaker, Iran does not care that we signed a treaty. Saddam Hussein does not care that we signed a treaty. Osama bin Laden and all of his many sympathizers across the globe certainly do not care.

I ask the other side again, just what will you do when we discover to our peril that a piece of paper will not protect America from a ballistic missile attack?

Men of prudence, on the other hand, look to the construction of a national missile defense system to protect America from a ballistic missile attack. It is time to act now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

THOMAS COLE NATIONAL HISTORIC SITE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3109) to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Thomas Cole National Historic Site Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and purposes.
Sec. 4. Establishment of Thomas Cole National Historic Site.
Sec. 5. Retention of ownership and management of historic site by Greene County Historical Society.
Sec. 6. Administration of historic site.
Sec. 7. Authorization of appropriations.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "historic site" means the Thomas Cole National Historic Site established by section 4 of this Act.

(2) The term "Hudson River artists" means artists who were associated with the Hudson River school of landscape painting.

(3) The term "plan" means the general management plan developed pursuant to section 6(d).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Society" means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America's most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole's Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 5. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.

The Greene County Historical Society of Greene County, New York, shall continue to own, manage, and operate the historic site.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered by the Society in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) OTHER ASSISTANCE:—To further the purposes of this Act, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) ARTIFACTS AND PROPERTY.—

(1) PERSONAL PROPERTY GENERALLY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(2) WORKS OF ART.—The Secretary may acquire works of art associated with Thomas Cole and other Hudson River artists for the purpose of display at the historic site.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et seq.; commonly known as the National Park System General Authorities Act).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

□ 1215

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3109 is a bill introduced by my long-time friend and colleague, the gentleman from New York (Mr. SOLOMON). Unfortunately for many of us here in the House, the gentleman from New York has decided to bring his distinguished and energetic representation in the House to a close this year. I truly regret his departure, but wish him well in the years to come. He will surely be missed here in Congress.

As for H.R. 3109, the gentleman from New York (Mr. SOLOMON) deserves credit for a bill that establishes, as an affiliated area of the National Park Service, the Thomas Cole National Historic Site in the State of New York. Thomas Cole is recognized as America's most prominent landscape artist who inspired the Hudson River School of landscape painting.

The Thomas Cole house where Cole lived while painting his masterpieces is currently listed on the National Register of Historic Places, and has been designated as a National Historic Landmark. The actual site will still be owned, managed, and operated by the Greene County Historical Society, who will enter into a cooperative agreement with the National Park Service relating to the preservation, interpretation, and use of this historic site.

Mr. Speaker, this is an important bill which creates an affiliated area of the Park Service and protects an important historical site so that the public could admire the life of, and the beautiful landscapes created by, Thomas Cole. I strongly urge my colleagues to support H.R. 3109, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3109. This measure, introduced by our colleague, the gentleman from New York (Mr. SOLOMON), establishes the Thomas Cole National Historical Site in the State of New York.

Thomas Cole was the founder of the American artistic movement known as the Hudson River school. His beautiful paintings are available for Americans who come to the mall to see some of the fine work of our American painters, and indeed, they are scattered in museums across this country.

Students and followers of the Hudson River school included such artists as Frederick Church, Alfred Bierstadt, and Thomas Moran. This school of painting, with its focus on natural landscapes, is closely associated with theconservation movement in this country. The Thomas Cole property, known as Cedar Grove, located in upper New York State, has been designated as a National Historic Landmark.

The National Park Service has completed a suitability and feasibility study of the property. The National Park Service testimony in our Committee on Resources on H.R. 3109 recommended affiliated status for the site with the current owner, the Greene County Historical Society, continuing to manage the site.

This bill, as reported by our Committee on Resources, reflects the affiliated status recommended by the National Park Service, and as reported, H.R. 3109 is noncontroversial, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding time to me, Mr. Speaker. I thank the gentleman from Texas (Mr. DOGGETT) for his remarks, also.

Mr. Speaker, I am pleased to come before the House today to speak for this bill, which I introduced, establishing the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park Service. As a representative of the Catskill Mountains as well as the Adirondack Mountains, I have been a strong supporter of a measure that would protect the Thomas Cole house since I came here 20 years ago.

As has been said, Thomas Cole was one of this country's preeminent landscape painters of the early 19th century. His work inspired several generations of artists, including Frederick Church—whose work I have brought with me today—and Thomas Moran, to chronicle the growth of a young United States and help to generate interest in our country's natural beauty.

I would invite all Members to come here and take a look at this later on. It is a reproduction of one of the most magnificent paintings that I have ever seen. It was viewed by Frederick Church from the east side of the Hudson River, just above West Point, where our military academy is, looking west over the Hudson River and into the Catskill Mountains. It is the sunset, and it looks exactly like a tattered American flag. It is truly magnificent, and I would invite all to come and take a look at it, as well as at the postcards that illustrate some of the most magnificent painting we have ever seen of the Hudson River Valley.

With the broad landscape paintings that I have just talked about, Thomas Cole's students and followers dominated the visual arts in this country as have no painters before or since. Today their paintings provide insight and reflect the growth of a uniquely American spirit.

In passing this bill today, we will preserve this school of art, the residence that Thomas Cole worked from in creating many of his paintings, as well as the very landscapes which these artists painted, especially the beautiful Hudson River.

Again, I just want to thank the chairman, the gentleman from Alaska (Mr. DON YOUNG), and certainly the subcommittee chairman, the gentleman from Utah (Mr. JIM HANSEN), and all of their staffs on both sides of the aisle for bringing this bill out here in a timely manner. I really appreciate it, and so do the people that enjoy one of the most scenic beauties in the entire world, and that is the Hudson River Valley of New York.

Mr. DOGGETT. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3109, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

"A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3109, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER CONVEYANCE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1883) to direct the Secretary of the Interior to convey the Marion National Fish HATCHery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The Clerk read as follows:

S. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center Conveyance Act".

SEC. 2. CONVEYANCE OF MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER TO THE STATE OF ALABAMA.

(a) CONVEYANCE REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Alabama without reimbursement, and subject to the condition described in paragraph (2), all right, title, and interest of the United States in and to the properties described in subsection (b) for use by the Game and Fish Division of the Department of Conservation and Natural Resources of the State of Alabama (referred to in this section as the "Game and Fish Division)" as part of the fish culture program of the State of Alabama.

(2) LEASE OF CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER.—As a condition of the conveyance under paragraph (1), the Game and Fish Division shall offer to lease the property described in subsection (b)(1)(B) to the Alabama Agriculture Experiment Station—

(A) at no cost to the Station or the Game and Fish Division; and

(B) for the period requested by the Station and provided by Alabama law.

(b) DESCRIPTION OF PROPERTIES.—The properties referred to in subsection (a)(1) consist of—

(1)(A) the portion of the Marion National Fish Hatchery leased to the Game and Fish Division, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in Amendment No. 2 to the Cooperative Agreement dated June 6, 1974, between the United States Fish and Wildlife Service and the Game and Fish Division, consisting of approximately 300 acres; and

(B) the Claude Harris National Aquacultural Research Center, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in a document of the United States Fish and Wildlife Service entitled "EXHIBIT A" and dated March 19, 1996, consisting of approximately 298 acres;

(2) all improvements and related personal property under the control of the Secretary of the Interior that are located on the properties described in paragraph (1), including buildings, structures, and equipment; and

(3) all easements, leases, and water and timber rights relating to the properties described in paragraph (1).

(c) REVERSIONARY INTEREST.—

(1) REQUIREMENT.—If any property conveyed to the State of Alabama under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States.

(2) CONDITION OF PROPERTY ON REVERSION.—In the case of a reversion of property under paragraph (1), the State of Alabama shall ensure that all property reverting to the United States under this subsection is in substantially the same condition as, or in better condition than, at the time of conveyance under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 1883, a bill introduced by our colleagues from Alabama, Senators SHELBY and SESSIONS, to transfer the Marion National Fish HATCHery and the Claude Harris National Aquacultural Research Center to the State of Alabama.

This legislation, which would convey about 600 acres of Federal land, is virtually identical to a measure that the House of Representatives unanimously adopted in 1996.

The Alabama Fish and Game Division has effectively operated the Marion Fish Hatchery for over 24 years. During that time it has produced thousands of bluegills, channel fish, channel catfish, large-mouthed bass, striped bass, sunfish, and hybrid striped bass fingerlings. These fish are used to stock over 500,000 acres of public waters in the State of Alabama, and they are available to over 530,000 licensed sport anglers.

Furthermore, over $2 million has been spent on improvements and renovations to the Marion Fish Hatchery since the State assumed operation of the facility in 1974. By obtaining title to the hatchery, the State will be able to make additional necessary modifications for the future.

The Claude Harris National Aquacultural Research Center, which is adjacent to the hatchery, was established in 1959 to conduct much of the primary research on the channel catfish. Within the past 2 years the State has assumed, under a memorandum of agreement with the Department of the Interior, the operation of the research center, and its mission will be to continue to improve the efficiency of warm water aquaculture.

Under the terms of this legislation, the State of Alabama has agreed to use these two facilities exclusively for their fish culture program. S. 1883 is supported by the Clinton administration, Governor Fab James, and the Alabama Department of Conservation and Natural Resources.

Mr. Speaker, I urge everyone to vote for this bill, and I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. This is the Senate companion to a House bill introduced by our colleague, the gentleman from Alabama (Mr. HILLIARD). It was considered in our Committee on Resources, and employs the standard legislative formula that we have used to transfer hatcheries in the past. In fact, it is almost identical to a bill that was passed by the House in the last Congress, but it did not become law. It is without controversy, and I urge Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 1883.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1883, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LAKE CHELAN NATIONAL RECREATION AREA

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1683) to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

The Clerk read as follows:

S. 1683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENTS, LAKE CHELAN NATIONAL RECREATION AREA AND WENATCHEE NATIONAL FOREST, WASHINGTON.

(a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90–544 (16 U.S.C. 90a–1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled "Proposed Management Units, North Cascades, Washington", numbered NP–CAS–7002A, originally dated October 1967, and revised July 13, 1994.

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1683, introduced by Senator GORTON, was amended by the Senate and is now identical to House Resolution 3520, which was introduced by my colleague, the gentleman from Washington (Mr. DOC HASTINGS). I would like to commend the gentleman from Washington (Mr. HASTINGS) for his excellent work to complete this commonsense legislation.

The House passed H.R. 3520 on June 9 by voice vote under suspension of the rules, but because the Senate subsequently passed the Gorton bill, the gentleman from Washington (Mr. HASTINGS) has now asked us to approve Senate bill 1683 to expedite its enactment into law.

This legislation will provide relief to a private landowner whose property is within the boundaries of the Lake Chelan National Recreation Area, which is managed by the National Park Service and the Wenatchee National Forest. It will transfer lands from the Lake Chelan National Recreation Area to the Wenatchee National Forest to consolidate management of the Federal lands under one agency, and alleviate the natural confusion caused by working with dual jurisdictions.

I urge my colleagues to vote yes and fulfill a long-standing commitment made by the National Park Service to this private landowner, Mr. George Wall. I strongly support this measure. I applaud the gentleman from Washington (Mr. HASTINGS) for his hard work to ensure the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. It deals with one of the most beautiful areas in our country. My daughter Cathy has a large photo of this lake hanging in her room in our house in Texas as a memory of pleasant time spent at a church camp on the banks of this lake.

This particular piece of legislation is noncontroversial. It was considered in our Committee on Resources. It addresses, as the gentlewoman indicated, the boundaries of the lake. Currently a private landowner is subject to dual jurisdiction by the National Park Service and the U.S. Forest Service. This will resolve that. I appreciate our colleague, the gentleman from Washington (Mr. HASTINGS) for bringing this to the attention of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to begin by offering my thanks to the Chairman, Mrs. CHENOWETH, for her assistance with this legislation.

Mr. Speaker, I strongly support S. 1683, which adjusts the boundaries of the Lake Chelan National Recreation Area and the Wenatchee National Forest. This is a non-controversial measure that is supported by both the U.S. Forest Service and the National Park Service. Furthermore, S. 1683 is identical to my bill, H.R. 3520, that passed the House unanimously in June.

Mr. Speaker, this boundary adjustment legislation will consolidate the property of Mr. George Wall within the jurisdiction of the U.S. Forest Service. Because of a drafting error in the original legislation creating the Lake Chelan National Recreation Area in 1968, a portion of Mr. Wall's property was included in the Area despite assurances that his property would remain entirely within the Wenatchee National Forest. This error has resulted in needless confusion among these agencies and Mr. Wall regarding land use policy in the area.

In a May 1995 letter to Senator SLADE GORTON the Park Service wrote that this boundary adjustment would "contribute to enhancement of public service as well as more efficient administration of federal lands." Not only will this legislation ease an administrative burden on the agencies involved, it will also honor a 30 year old commitment made to Mr. Wall by the federal government.

Mr. Speaker, Mr. Wall is now in poor health and his family has asked that we complete our consideration of this legislation as quickly as possible. Because this bill is identical to the legislation which passed the House by a voice vote on June 9, 1998, I ask my colleagues to support S. 1683 and avoid further delays in enacting this non-controversial measure.

Mr. DOGGETT. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the Senate bill, S. 1683.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S.1683, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

□ 1230

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1998

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4090) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Officer Medal of Valor Act of 1998".

SEC. 2. AUTHORIZATION OF MEDAL.

The President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, on the advice of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty.

SEC. 3. BOARD.

(a) BOARD.—There is established a permanent Medal of Valor Review Board (hereinafter in this Act referred to as the "Board"). The Board shall—

(1) be composed of 11 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Board shall be appointed as follows:

(A) 2 shall be appointed by the Speaker of the House of Representatives.

(B) 2 shall be appointed by the minority leader of the House of Representatives.

(C) 2 shall be appointed by the Majority Leader of the Senate.

(D) 2 shall be appointed by the Minority Leader of the Senate.

(E) 3 shall be appointed by the President, one of whom shall have substantial experience in firefighting, one of whom shall have substantial experience in law enforcement, and one of whom shall have substantial experience in emergency services.

(2) PERSONS ELIGIBLE.—The members of the Board shall be individuals who have knowledge or expertise, whether by experience or training, in the field of public safety.

(3) TERM.—The term of a Board member is 4 years.

(4) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(5) OPERATION OF THE BOARD.—

(A) MEETINGS.—The Board shall meet at the call of the Chairman and not less than twice each year. The initial meeting of the Board shall be conducted not later than 30 days after the appointment of the last member of the Board.

(B) QUORUM; VOTING; RULES.—A majority of the members of the Board shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board is not required to choose any names, but is limited to a maximum number of 6 recipients. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board:

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) PUBLIC SAFETY OFFICER.—The term "Public Safety Officer" has the same meaning given that term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

SEC. 7. OFFICE.

There is established within the Department of Justice a national medal office. The office shall staff the Medal of Valor Review Board and establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor.

SEC. 8. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

SEC. 9. CONSULTATION REQUIREMENT.

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month we honored two men whose sacrifices right here in the Capitol were both shocking and supreme. Our two heroic Capitol Hill police officers, Detective John Gibson and Officer Jacob Chestnut, could never have imagined that tragic Friday morning that a violent gunman would take away their lives and destroy their families' dreams.

The terrible truth is that each and every day a police officer dons that familiar blue uniform could be that officer's last day. In our hearts we all know this, and yet we allow ourselves to be lulled into complacency and to forget. But the spouses and children of a police officer can never forget. They must live with the daily fear of the sudden and painful disintegration of their family.

When those greatest fears are realized and an officer is slain, we rightly honor him or her for that final sacrifice. Every year, we set aside one week to celebrate the lives and work of police officers slain, and we forever pay tribute to their memories by adding their name to the memorial wall.

But is that enough? I believe that we can and should do more. In the military, we recognize many acts of heroism and valor with special medals and ribbons. As we are all aware, the Nation's highest combat medal, the Medal of Honor, is given to a member of the military who has demonstrated "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty."

The American public knows of this prestigious honor and of the many others bestowed by the military, for example the Purple Heart and the Silver Star. Yet we do not offer a similarly high honor to public safety officers.

Mr. Speaker, today I bring before the House H.R. 4090, the "Public Safety Officer Medal of Valor Act." It is long past due for the Federal Government to pay tribute to acts of extraordinary valor committed by public safety officers. They gave their utmost and now so should their government in honoring them.

H.R. 4090 will establish a medal given by the President in the name of the Congress to a public safety officer who is cited by the Attorney General for extraordinary valor above and beyond the call of duty. The legislation creates a Medal of Valor review board composed of 11 members appointed by Congress and the President who will serve 4-year terms. The members of the board shall be persons with knowledge or expertise in the field of public safety. The board will be staffed by a new office within the Department of Justice called the National Medal Office. The board would be charged with reviewing the applications which the office receives each year, to select which names to present to the Attorney General as nominees for the Medal of Valor. They may conduct hearings and take testimony as necessary.

In a given year, the board may choose not to select any names, but it is limited to no more than six per year. This way the medal is truly for extraordinary valor above and beyond the call of duty. I believe that limiting the number of medals given each year will help retain the high honor which I envision the award to represent.

Mr. Speaker, White House supports passage of this long overdue legislation. And also I would like to thank the Fraternal Order of Police, the National Association of Police Organizations, the National Troopers Coalition, the National Law Enforcement Alliance of America, and the Federal Law Enforcement Officers Association for their support.

Mr. Speaker, we all look forward to that momentous day when not one new name is added to the Law Enforcement Officers Memorial Wall. While we continue to nurture that hope, we will let this medal represent our gratitude and respect to heroic law enforcement officers all across this Nation. I urge my colleagues to pass H.R. 4090.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased on behalf of the minority to give my strong support to this legislation. The gentleman from Arkansas (Mr. HUTCHINSON), who is one of the sponsors, very eloquently outlined what the bill does.

We have been the beneficiaries in recent years in particular of the excellent work done by law enforcement people. There is no greater responsibility for government than the protection of its citizens. Until fairly recently, there were serious gaps in our ability to provide that protection in many parts of this country. We still are not where we should be. But across this country there has been significant improvements in this government and State and local government's ability to protect its citizens against those who would prey on them. And, obviously, one of those entities most responsible for this are law enforcement officers.

We have ended a sterile debate, I hope, as to whether we needed more law enforcement officers or better procedures. Obviously, the answer is both. And to a great extent we have had both. I do want to note that providing well-trained, well-equipped law enforcement officers in adequate numbers is a function of government. It is supported by taxes. It is one of those things which, if we are going to do it well we will have to have a government that has the resources to provide it, because this is not something that we can do in our own individual capacities.

As part of that effort, it is entirely appropriate that we single out for a medal of this sort individual officers who from time to time show extraordinary valor. We should be very clear, there are no nonvalorous people in law enforcement. One does not strap on a weapon and put themselves out front as a target for the criminal element; one does not insert themselves as a shield between law-abiding citizens and their property and those who would viciously take advantage of it if they are not a person of valor.

We saw that in the murder of those two brave officers here in the Capitol that my colleague alluded to. The first one noted, Officer Chestnut, was at his post and he was unfortunately the target. Because we say to law enforcement officials, "Arm yourself and put yourself out there," and sadly we have no alternative to this, the vicious will get the first shot. So we do not mean to suggest by this that we are singling out those who are brave and not others. There is an inherent bravery in anyone who undertakes that job of being a law enforcement officer. And that is why it is appropriate that we talk here about extraordinary demonstrations of bravery.

So as a way of honoring all those in law enforcement who literally put their lives at risk every single day to protect the rest of us, as we were so tragically reminded here, and to recognize as a mark of the gratitude of a generous society those extraordinary efforts, this is an entirely reasonable piece of legislation and I support it.

Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his excellent words in support of this legislation, and I wholeheartedly agree with his comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4090, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 678) to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes, as amended.

The Clerk read as follows:

H.R. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas Alva Edison Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) The inexhaustible energy and genius of Thomas A. Edison produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal "for development and application of inventions that have revolutionized civilization in the last century".

(4) 2004 will mark the 125th anniversary of the invention of the light bulb by Thomas A. Edison in 1879, the 1st practical incandescent electric lamp.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATION.—In commemoration of the 125th anniversary of the invention of the light bulb by Thomas A. Edison, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the light bulb and the many inventions made by Thomas A. Edison throughout his prolific life.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin; and

(B) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(3) OBVERSE OF COIN.—The obverse of each coin minted under this Act shall bear the likeness of Thomas A. Edison.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2004.

(c) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2004.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, the first $5,000,000 of the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid by the Secretary as follows:

(1) MUSEUM OF ARTS AND HISTORY.—Up to ⅛ to the Museum of Arts and History, in the city of Port Huron, Michigan, for the endowment and construction of a special museum on the life of Thomas A. Edison in Port Huron.

(2) EDISON BIRTHPLACE ASSOCIATION.—Up to ⅛ to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in the efforts of the association to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) NATIONAL PARK SERVICE.—Up to ⅛ to the National Park Service, for use in protecting, restoring, and cataloguing historic documents and objects at the "invention factory" of Thomas A. Edison in West Orange, New Jersey.

(4) EDISON PLAZA MUSEUM.—Up to ⅛ to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) EDISON WINTER HOME AND MUSEUM.—Up to ⅛ to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of the historic home and chemical laboratory of Thomas A. Edison.

(6) EDISON INSTITUTE.—Up to ⅛ to the Edison Institute, otherwise known as "Greenfield Village", in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) EDISON MEMORIAL TOWER.—Up to ⅛ to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(8) HALL OF ELECTRICAL HISTORY.—Up to ⅛ to the Schenectady Museum Association in Schenectady, New York, for the historic preservation of materials of Thomas A. Edison and for the development of educational programs associated with Thomas A. Edison.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 678, the Thomas Alva Edison Commemorative Coin Act of 1998. This bill commemorates the life work of the man Life Magazine selected as the single most important individual of this millennium. An American citizen whose more than 1,300 inventions have shaped our daily life and will underpin the technology of the next 1,000 years. Mr. Speaker, I have the issue of Life Magazine that so designated him.

This bill conforms in all respects to the coin reform legislation that we have passed in this Congress and the last.

Mr. Speaker, the gentleman from Ohio (Mr. GILLMOR), along with his colleagues, have persevered and obtained the necessary cosponsors.

This commemorative coin has already been approved by the Citizens Commemorative Coin Advisory Committee. It also meets other strictures of those reforms including mintage limits and retention of surcharge payments until all the government's costs are recovered from the program.

Mr. Speaker, the manager's amendment simply updates earlier legislative language that envisioned a 1997 anniversary and now instead commemorates the 125th anniversary of the invention of the electric light bulb which will take place in 2004.

Mr. Speaker, I urge the immediate adoption of H.R. 678, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. The Committee on Banking and Financial Services is asked to authorize commemorative coins to support popular public causes. The sale of commemorative coins have helped finance the Olympics, repair Mount Rushmore and refurbish the Botanical Gardens.

In today's bill, we are asked to help preserve the historic legacy of Thomas Edison, one of our Nation's most brilliant and intriguing inventors. Born in Ohio, Edison was the youngest of seven children. Primarily schooled at home, Edison in his lifetime would eventually be credited with more than 1,300 inventions. The incandescent light bulb, the phonograph, and the motion picture camera are just a few of his well-known inventions, and often manufactured in firms founded and managed by the colorful and talented Edison.

Mr. Speaker, Thomas Edison's work has already been recognized by Congress through the award of a Congressional Gold Medal. The purpose of this measure is to preserve the Edison legacy for generations of future Americans. Surcharges on the sale of the commemorative coins will be used to support museums and maintain historic sites in six different States. Each will highlight the spirit and genius of Thomas Edison.

Those who support this bill hope all Americans, young and old alike, will be inspired by the accomplishments of Thomas Edison and will continue the American fascination with the spirit of invention.

Mr. Speaker, I note that part of the dollars here go to the Park Service for help with the archives and other type of work, the indexing and preservation of many of the documents and papers that are important to our cultural history. I think that is especially noteworthy.

I note that many of the other sites are in need of funding and this permits us to provide an opportunity for those supportive of the Edison legacy to actually buy the coins, purchase them in some cases. Some of the dollars then would be voluntarily provided in this way, rather than going through direct tax dollars. Of course, some will be purchased by coin collectors. There will be half a million coins as I understand, the coins put out for this purpose. So I hope that the sale is vigorous and the dollars used in this attain the objectives of the sponsor.

I commend the gentleman from Ohio (Mr. GILLMOR) for his persistence in this, along with the other sponsors in Ohio and Michigan, the sites that host the work of this American genius, an American icon, Thomas Edison.

Mr. Speaker, I rise in support of H.R. 678, the Thomas Alva Commemorative Coin Act.

In every Congress, the Banking Committee is asked to authorize commemorative coins to support popular public causes. The sale of commemorative coins have helped finance the Olympics, repair Mount Rushmore and refurbish the Botanical Gardens.

In today's bill, we are asked to help preserve the historic legacy of Tom Edison, one of our nation's most brilliant and intriguing inventors. Born in Ohio in 1847, Edison was the youngest of seven children. Primarily schooled at home, Tom Edison in his lifetime would eventually be credited with more than 1300 inventions. The incandescent light bulb, the phonograph and the moving picture camera are just a few of his well know inventions, often manufactured in firms founded and managed by the colorful and talented Edison.

Tom Edison's work has already been recognized by the Congress through the award of a Congressional Gold Medal. The purpose of H.R. 678 is to preserve the Edison legacy for generations of future Americans. Surcharges on the sale of the commemorative coins will be used to support museums and maintain historical sites in six different states. Each will highlight the spirit and genius of Thomas Edison. Those who support this bill sincerely hope all Americans, young and old alike, will be inspired by the accomplishments of Thomas Edison and will continue the American fascination with the spirit of invention.

Again, Mr. Speaker, I intend to support H.R. 678 and I urge my colleague to join with me to honor the life and work of Thomas Edison.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the distinguished gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Domestic and International Monetary Policy, for yielding me this time.

Mr. Speaker, when I introduced this bill on February 11, 1997, that was Thomas Edison's 150th birthday, and I had no idea what a monumental task getting a coin bill to the floor is.

□ 1245

Obtaining 290 cosponsors is no small task. I particularly want to thank some of those original cosponsors, the gentleman from New York (Mr. SOLOMON), the gentleman from Michigan (Mr. BONIOR), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Florida (Mr. GOSS), and others for their exceptional efforts in making this bill possible.

The coin to be issued is to honor the world's greatest inventor, Thomas Edison. The effort it took to get it minted reminds me of one of his most famous sayings, "Genius is 1 percent inspiration and 99 perspiration."

To reawaken America to the history of this national hero, this bill commemorates the 125th anniversary of the light bulb. The Treasury is authorized to issue a $1 commemorative coin in 2004 bearing Edison's likeness. The surcharges from the sale of the coins will be used to help fund eight different Edison locations across the country dedicated to preserving Edison's legacy. The bill has no net cost to the Federal Government.

Edison was born in my district, and, last year, the Edison Birthplace Museum in Milan, Ohio, was so strapped for funds that it had to ask local officials for help with the electric bill. Other Edison sites across the country are faced with similar financial difficulties.

Edison was the most prolific inventor in American history with more than 1,300 patents. In addition to the light bulb, those inventions include the stock ticker, the electronic vote recorder, the phonograph, and many others.

This coin bill will be a suitable memorial to Thomas Edison and will provide needed help to many historical sites across America, and I urge its passage.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Minnesota (Mr. VENTO), for his kindness in yielding to me at this particular time.

I strongly support this legislation which I am the original author. As pointed out, Thomas Edison invented more than 1,300 wondrous devices. It changed the way we not only viewed the world, but how we lived. He truly represents an extraordinary creative spirit of the kind which made this Nation great. It is not only fitting that we honor him, but we do so here with a commemorative coin.

The revenue from the sales of this coin will be used to continue his legacy by funding a number of important programs such as the Edison Institute at Greenfield Village.

I want to express my thanks to my colleague, the gentleman from Minnesota (Mr. VENTO); also the gentleman from Ohio (Mr. GILLMOR), the minority whip, the gentleman from Michigan (Mr. BONIOR), the gentleman from Florida (Mr. GOSS), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from California (Ms. WATERS) for their fine work in this matter.

Mr. Speaker, I urge the adoption of this legislation.

Mr. CASTLE. Mr. Speaker, I yield whatever time he may consume to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Delaware for yielding to me, and I will not take much time.

I certainly thank the gentleman from Ohio (Mr. GILLMOR) for bringing this very important piece of legislation to the floor. The gentleman from Ohio (Mr. GILLMOR) was good enough to include as one of the eight sites across the country dedicated to preserving the legacy of Thomas Edison the Hall of Electrical History in Schenectady, New York.

The Schenectady Hall of Electrical History, established in 1979 by the GE Elfun Society, is charged with the task of salvaging and preserving and sharing the wealth of historic information associated with the Edison era and the early years of this country's electrical age.

This museum in upstate New York provides public access, especially to young students, to artifacts, displays, and other educational exhibits directly connected to the discoveries and inventions of Edison. Their collection includes some 30,000 artifacts of which some 45 to 50 are Edison artifacts.

I commend the gentleman from Ohio for bringing this legislation to the floor. I might also say we want to expedite it over in the other body. I will be contacting Senator D'AMATO to see if we cannot go through a procedure of holding it at the desk so it does not have to go through a committee over there.

Let us pass it. I salute the gentleman.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me, and I thank my friend, the gentleman from Minnesota, for his support, and I thank the Speaker for his leadership on this.

The gentleman from Ohio (Mr. GILLMOR) has been most helpful, as has been the gentleman from Delaware (Mr. CASTLE) and the gentleman from Florida (Mr. GOSS), and others, and my dear friend the gentleman from Michigan (Mr. DINGELL).

Most of us have heard Thomas Edison's old adage, "Genius is 1 percent inspiration and 99 percent perspiration," but we sometimes forget that those words are more than just a clever quip. At their core, they really capture the American entrepreneurial spirit: the freedom to pursue your own ideas, to satisfy your curiosity, to create something of value, to work as hard as you can to turn your dreams into reality.

Today we have the opportunity to recognize this spirit through a special silver dollar commemorating Thomas Edison and the 125th anniversary of the invention of the light bulb.

Thomas Edison did not just invent the light bulb, the phonograph, the motion picture. Yes, all of these inventions are important. In their modern form, they still affect our lives today, long after his death.

But more than that, more than being an inventor, Thomas Edison is an inspiration, an inspiration to every person who has ever had a good idea and showed the determination to make it a reality, no matter how many tries that it takes.

It took Edison hundreds of tries to get the light bulb to work, literally hundreds. The problem was finding the right filament. He tried platinum. He even tried horsehair. He tried rare fibers from the South American jungles. Do you know what the solution turned out to be? A special type of burnt cardboard. Who would have guessed?

Edison's spirit of ingenuity, of creativity, of sheer determination is what we recognize with the minting of this coin.

Seventy years ago, this House honored Edison with the Congressional Gold Medal. Today, through the Thomas Alva Edison Commemorative Coin Act, we can honor his great invention and lasting legacy.

I have a special, personal interest in honoring Edison because he grew up in my district, in Port Huron, Michigan. He got his start there. He was raised there from the age of, I believe, 6 to 16. He sold newspapers and candy on a train between Port Huron and Detroit, conducting experiments in baggage cars between the different stations that they pulled into.

Port Huron is proud of its most famous citizen, as are other communities where he later lived and worked.

I would like to take a moment to thank the people at the Port Huron Museum of Arts and History, who have been very active in Edison scholarship and in exploring and preserving his legacy.

Let me also add that minting this commemorative silver dollar will not cost taxpayers one dime, and that the revenue generated from the sales will help fund eight important Edison-related historic sites around the country, including Ohio, Texas, New Jersey, New York, and Michigan.

These sites include both museums and laboratories, just the type of educational venues in which to inspire children to become inventors and entrepreneurs themselves.

So please join me and my esteemed colleague, the gentleman from Ohio (Mr. GILLMOR), in this endeavor to honor the world's greatest inventor, Thomas Alva Edison. This project would not have been possible without the leadership of the gentleman from Ohio (Mr. GILLMOR), and I am grateful for all that he has done to make it happen.

Please join us in supporting this project. Through this commemorative coin, we celebrate Edison's contributions to the world and promote the ideals he embodied, creativity, hard work, determination, and an abiding faith in our ability to create a better future.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), the sponsor of this measure and my friend and colleague.

Mr. PAYNE. Mr. Speaker, I am privileged to have within my Congressional District one of the most important national historical sites in the Nation, the complex of laboratories in West Orange, New Jersey, where Thomas Edison produced the inventions that changed the world: the light bulb, the phonograph, the motion picture camera, and the alkaline battery, among others. In fact, he obtained over 1,000 patents in his lifetime. The prolific American genius left behind 400,000 artifacts and more than 5 million pages of notes, drawings, letters, and memos.

Let me note that another prominent African-American inventor, Lewis Latimer, contributed to the development of electric lighting and was a member of the Edison Pioneers who supported Thomas Edison's work. Also, in a photo, a rare photo, there is a picture of about 30 visitors to the Edison grounds, one of them being Frederick Douglass, an outstanding African-American in the history of this country. So the Edison movement had many people involved.

Unfortunately, about 5 years ago, the magnificent Thomas Edison National Historic Site was added to the list of "America's Most Endangered Historic Places." A lack of funding had led to serious deterioration in the physical condition of the site, threatening the priceless treasures of history that are stored at the very place where Thomas Edison worked on his monumental inventions.

I am grateful that the following year my colleagues in Congress approved my request for over $1 million to help repair and preserve the Edison labs in West Orange. But estimates to complete the rest of the work are up to as much as $60 million.

Earlier this summer, the First Lady, Ms. Hillary Rodham Clinton, visited the site and announced a contribution by GE Corporation to help with the restoration. But it is essential that we find other avenues for raising funds to save this remarkable piece of history.

The bill we are considering today will authorize the minting of 500,000 $1 commemorative coins to mark the 125th anniversary of the invention of the light bulb.

The proceeds from the coin sales will be distributed equally to the eight sites around the country involved in the preservation of THOMAS Edison's legacy.

Let me commend my good friend and colleague, the gentleman from Ohio (Mr. GILLMOR), for his tireless work on this legislation. It has been a pleasure working with him, as well as with the gentleman from Michigan (Mr. BONIOR), on this project which is so important to all of us who have Edison sites in our districts and who have the responsibility of preserving these sites for future generations.

I urge my colleagues to approve this legislation so that we may preserve the legacy of a man who forever changed our Nation and the world.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would encourage support for this. We are going to ask for the yeas and nays on this particular piece of legislation. We have had a number of speakers. I would point out that eight different sites that somehow Thomas Edison touched on will share in the proceeds of this.

I will also say that sometimes we do these coin bills, where there are 290 sponsors, and I am worried they will not do particularly well, and the institutions that may benefit from it will not necessarily benefit as much as they might have perceived that they would. But I am convinced that this one will.

Again, we thank the gentleman from Ohio (Mr. GILLMOR) for his perseverance. As he has already indicated, it is not easy to get 290 cosponsors for anything in this body. I think Thomas Edison has been able to bring people together today.

Mr. PALLONE. Mr. Speaker, I rise in strong support of the Thomas Alva Edison Sesquicentennial Commemorative Coin Act. Although it was last year that marked the sesquicentennial of Edison's birth, it is never too late to commemorate the vast creativity, scientific discovery, and technological achievement of this great American inventor and industrialist.

Edison has impacted all of our lives with the invention of the photograph and over a thousand other patented devices, not to mention the prototype for the modern industrial research laboratory. As Members of Congress, Edison's very first patented invention may have been the most influential. Many of you may not know that the first patent that Edison ever received was for an electric vote recorder, which he invented in 1869 at the ripe old age of 22.

I am proud to represent the town of Edison, New Jersey, home of Edison's Menlo Park lab where Edison spent the peak of his creative life—including the invention of the phonograph in 1877. The Edison Tower now commemorates the site of the Menlo Park lab, where Edison created some of the most revolutionary inventions in history. The tower also stands as a key symbol of local pride for the community and the people of Edison Township.

Unfortunately, the Edison Tower has been forced to close due to structural deterioration. With the passage of the Thomas Alva Edison Sesquicentennial Commemorative Coin Act, the Edison Tower and six other Edison-related historic sites across the country would benefit from much needed funding. Proceeds from the sale of an Edison commemorative coin would be used in combination with state and local contributions to restore the Edison Tower and ensure that the adjacent Tower Museum remains open to the public.

I would like to thank my colleague, Congressman GILLMOR, for his leadership on this issue and for introducing this important legislation. And I urge all of my colleagues to vote to commemorate the unrivaled accomplishments of a great inventor and a great American, Thomas Alva Edison.

Mr. GOSS. Mr. Speaker, first, I would like to commend Chairman CASTLE and Representative GILLMOR for their leadership—we simply would not be here today without them.

As we all know, Thomas Edison's inventions have revolutionized our every day lives. Today we have the opportunity to recognize one of the most important of these inventions, the light bulb, with a commemorative coin.

The 500,000 coins that would be minted under this legislation would bear Edison's likeness and could be used as legal tender, serving to remind all American citizens of the valuable contributions that Edison made to modern society.

Further, the proceeds from the sale of these coins would provide much needed financial support to a number of historical institutions that preserve the history of Thomas Edison.

My home district of southwest Florida is the site of the Thomas Edison winter home and museum. This remarkable exhibit includes tropical gardens and thousands of fascinating items from his long and illustrious career. However, this national treasure is in dire need of some long overdue repairs. The proceeds from this coin could help defray the costs of restoring the Edison home and other important Edison landmarks throughout our nation.

This bill is an opportunity to help preserve a valuable piece of American history at no cost to the American taxpayers. I urge its adoption.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill H.R. 678, as amended.

The question was taken.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 678.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Expedition Bicentennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The expedition commanded by Meriwether Lewis and William Clark, which came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history.

(2) President Thomas Jefferson gave Lewis and Clark the mission to "explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river may offer the most direct and practical water communication across this continent for the purposes of commerce".

(3) The Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with American Indian tribes throughout the land.

(4) President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land.

(5) The Expedition departed St. Louis, Missouri, on May 14, 1804.

(6) The Expedition held its first meeting with American Indians at Council Bluff near present-day Fort Calhoun, Nebraska, in August 1804, spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present-day city of Astoria, Oregon.

(7) The Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon.

(8) Accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhance knowledge of the western continent and routes for commerce.

(9) The Expedition significantly enhanced amicable relationships between the United States and the autonomous American Indian nations, and the friendship and respect fostered between American Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures.

(10) The Lewis and Clark Expedition has been called the most perfect expedition of its kind in the history of the world and paved the way for the United States to become a great world power.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the bicentennial of the Lewis and Clark expedition, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue—

(1) not more than 200,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper; and

(2) not more than 200,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the expedition of Lewis and Clark.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years "1804–1806"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Thomas Jefferson, Meriwether Lewis and William Clark.

(4) GENERAL DESIGN.—In designing this coin, the Secretary shall also consider incorporating appropriate elements from the Jefferson Peace and Friendship Medal which Lewis and Clark presented to the Chiefs of the various Indian tribes they encountered and shall consider recognizing Native American culture.

(b) SELECTION.—The design for the coins minted under this title shall be selected by the Secretary after consultation with the Commission of Fine Arts and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning on January 1, 2003.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2003.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of—

(1) $10 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) NATIONAL LEWIS AND CLARK BICENTENNIAL COUNCIL.—⅔ to the National Lewis and Clark Bicentennial Council, for activities associated with commemorating the bicentennial of the Expedition.

(2) NATIONAL PARK SERVICE.—⅓ to the National Park Service for activities associated with commemorating the bicentennial of the Lewis and Clark Expedition.

(b) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

SEC. 10. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1560, the Lewis and Clark Commemorative Coin Act of 1998. This bill directs the minting of coins to commemorate the bicentennial of the incredible expedition conducted by the Corps of Discovery.

The Corps was commissioned by President Thomas Jefferson and led by Meriwether Lewis and William Clark. This expedition confirmed the extent of the Louisiana Purchase and pushed our national boundary from the Mississippi to the Pacific Ocean. It was an heroic and exhausting adventure. The gentleman from Nebraska (Mr. BEREUTER) has invested considerable energy of his own in obtaining the requisite cosponsors.

☐ 1300

This bill also conforms in all respects to current coin reform legislation. It has already been approved by the Citizens Commemorative Coin Advisory Committee. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all of the government's costs are recovered from the program.

The amendment makes explicit the minting of the coin in the year 2003, the first year of the bicentennial celebration. I urge the adoption of H.R. 1560.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of this measure, which has been spearheaded by our friend and the gentleman from Nebraska (Mr. BEREUTER), and to be a cosponsor on this measure. I know they worked hard in achieving the sponsorship and crafting the policy path this measure sets.

The idea, of course, is recognized, and of import the 200-year bicentennial of the Lewis and Clark expedition, an expedition that, indeed, made graphic the immence importance of the Louisiana Purchase by the United States, led by then, President Thomas Jefferson.

This was an important journey of over 8,000 miles and, of course, the map-making and the documentation of these areas through Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington and Oregon, obviously provided us with the knowledge, and an appreciation for the vastness of this purchase as well as the tremendous resources and the native population within these areas and the different topographies that would for many years be trodden by Americans on the journey of Western expansion.

The Lewis and Clark Expedition Bicentennial Coin Act, of course, celebrates this discovery and the exploits of these two individuals. Part of the dollars will go to the Lewis and Clark Bicentennial Council and part to the National Park Service as they prepare for the celebration. So we will be able to celebrate based on the enthusiasm of those that are interested in Lewis and Clark and their accomplishments, as well as, of course, coin collectors resources that will fund this Lewis and Clark Bicentennial celebration.

The expedition commanded by Meriwhether Lewis and William Clark was one of the most remarkable and productive scientific and military expeditions in American history.

At the direction of President Thomas Jefferson, Meriwhether Lewis and William Clark led a band of some 40 soldiers and civilians up the Missouri River, across the Rocky Mountains, and down the Columbia River to the Pacific Ocean. From 1804 to 1806, Lewis and Clark covered 8,000 miles and crossed 11 future states, including Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon.

Thanks to the pioneering spirit of Lewis and Clark, new maps were made of a vast territory, scores of previously unknown species of plants and animals were collected and studied, and with this new glimpse of previously unchartered territory, Americans were first inspired to push the American frontier to the Pacific Ocean.

The Lewis and Clark Expedition Bicentennial Commemorative Coin Act celebrates this historic, geographical and scientific exploration of the United States. Proceeds from the sale of these commemorative coins will benefit the Lewis and Clark Bicentennial Council and the National Park Service as they prepare for the bicentennial celebration of the Lewis and Clark expedition. This commemorative coin will be produced and sold at no cost to the American taxpayer.

This will be timely insofar as the 200-year anniversary, and I commend my colleagues that have brought this bill forward and ask Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield whatever time he may consume to the gentleman from Nebraska (Mr. BEREUTER), who has worked so very, very hard on this legislation obtaining the necessary cosponsors and is truly an expert on it.

Mr. BEREUTER. Mr. Speaker, I thank my colleague, the chairman of the subcommittee, for yielding me this time. I rise today to request the passage of H.R. 1560, the legislation introduced by this Member which authorizes the U.S. Department of the Treasury to mint 200,000 one-dollar coins and 200,000 half-dollar coins to commemorate the bicentennial of the Lewis and Clark expedition. The coins will be of legal tender. In addition, this measure will raise money to defer costs of the bicentennial celebrations.

I would like to thank my distinguished colleagues, especially the gentleman from Delaware (Mr. CASTLE) and the distinguished gentlewoman from California (Ms. WATERS) for their effort on H.R. 1560, respectively, as chairperson and ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services, and the gentleman from Minnesota (Mr. VENTO), who has just spoken.

President Thomas Jefferson, eager to explore newly acquired land from the Louisiana Purchase, chose Meriwether Lewis and William Clark to begin the expedition, which came to be called The Corps of Discovery. President Jefferson gave the following directive to Lewis and Clark to, "explore the Missouri River and such principal streams of it, as by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado or any other river, may offer the most direct and practicable water communication across this continent for the purposes of commerce."

Lewis and Clark departed St. Louis on May 14, 1804 and returned to St. Louis 28 months later on September 23, 1806. Their journey of undaunted courage, recently chronicled in a very popular novel by Steven Ambrose, covered 8,000 miles of the land which now constitutes the States of Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington and Oregon, or some parts of them.

This expedition was one of the most remarkable and productive military and scientific exploring expeditions in all of American history. This expedition advanced our geographic knowledge of the continent and its beautiful natural resources. In addition, the expedition greatly enhanced amicable relationships and nurtured a mutual friendship and respects at that time between the United States and the various American Indian nations. Furthermore, Sacajawea, the young Native American woman who was a guide and interpreter for the expedition, has been singled out for acknowledgment and admiration.

I might say I am particularly looking forward to the bicentennial celebration because it is in my district in Nebraska where Lewis and Clark first met and consulted with the Indian tribes at what was called Council Bluffs, a site which is located near the location later chosen for the historic Fort Atkinson. I would hope we have celebrations on that site in 2004 which would perhaps emphasize the Native Americans' vital role in the Lewis & Clark Expedition.

In order for a commemorative coin bill to be considered by the House of Representatives, of course, it is necessary to acquire at least the requisite 290 cosponsors, or greater, for the legislation, and we met that with over 300. I would say that this Member's gathering of those cosponsors was a labor of love and admiration for the Lewis and Clark expedition, and I wish to particularly recognize the contribution of our distinguished colleague, the gentleman from Oregon (Mr. BLUMENAUER), for his assistance in gaining those cosponsorships.

Furthermore, the distinguished Senator from North Dakota, Senator DORGAN, has simultaneously introduced a companion bill on this topic in the Senate, S. 2005.

Under H.R. 1560, these coins will include the likenesses of Thomas Jefferson, Meriwether Lewis, and William Clark, and will incorporate appropriate elements recognizing Native American culture. In its 1997 report, the congressionally authorized Citizens Commemorative Coin Advisory Committee recommended commemorating the Lewis and Clark expedition with the coin. This Lewis and Clark commemorative coin legislation assures that the coin can go into circulation in the year 2003. Moreover, the National Lewis and Clark Bicentennial Council, which supports this commemorative coin, is an outgrowth of the Lewis and Clark Trails Foundation, Inc., which was created in 1969 to continue the work of the 1964 congressionally established Lewis and Clark Trail Commission.

House Resolution 1560 provides that the net proceeds from the surcharge included in the price of the coin shall be distributed to the National Lewis and Clark Bicentennial Council, two-thirds, and the National Park Service for Lewis and Clark commemorative activities, one-third. This contribution to the Park Service could save taxpayers $1.13 million on currently planned events. The legislation also includes language requiring the Department of the Treasury to take actions necessary to ensure that the minting and issuing of the coin results in no net cost to the U.S. Government.

In closing, this Member believes that the courage and resilience of Lewis and Clark and their party, with the assistance of Native Americans along the expedition on both sides of the Continental Divide, left an indelible and lasting mark on the landscape of the United States as we know it today. Lewis and Clark, in 1804, began an expedition into the unknown wilderness of the West. They returned in 1806 with a wealth of knowledge and experience which has been invaluable in the development of the United States both as a country and a people.

I anticipate great fanfare and attendance during that 3-to-4-year period. We have already had huge numbers of foreign visitors asking how they can take part of that water trail, and I think this is going to be a remarkable celebration of a truly remarkable event. Therefore, this Member would encourage his colleagues to vote on H.R. 1560, the Lewis and Clark Commemorative Coin bill, and unless I have a signal otherwise, I would like to have a recorded vote for them to do that.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself the balance of my time to thank the gentleman from Nebraska (Mr. BEREUTER) for his continuing and abiding interest in this subject. I think it is of great importance to the people of the United States of America. What Lewis and Clark did is extraordinary, particularly at the time in which they did it, and I think we should all recognize that. This piece of legislation, I think, goes a long ways towards doing that.

Mr. BLUMENAUER. Mr. Speaker, I rise today to express my support of H.R. 1560, the Lewis and Clark Expedition Bicentennial Commemorative Coin Act. I'd like to thank my friend and colleague Rep. BEREUTER for his leadership on this historically significant legislation. H.R. 1560 calls for the minting of dollar and half dollar coins honoring the astounding accomplishments of "The Corps of Discovery." The proceeds from the sale of the coins will be distributed to the National Lewis and Clark Bicentennial Council and the National Park Service to defer the costs of bicentennial events and celebrations.

Passage of this Act is in keeping with our ongoing commitment to this important expedition which opened the American West, making it possible for me and my constituents to call Portland, Oregon home. In 1803, Congress appropriated twenty-five hundred dollars to fund a small expedition whose mission it was to explore the uncharted west and to find the quickest water route to the Pacific Ocean. Thomas Jefferson entrusted his Secretary and good friend Meriwether Lewis and William Clark to embark on America's most historic journey. On May 14, 1804 Meriwether Lewis, William Clark and their "Corps of Discovery" departed Wood River, IL on a journey to explore the uncharted wilderness west of the Mississippi River. Over the next four years, they would travel thousands of miles, encountering lands, rivers and cultures that no Americans ever had before.

Although they did not return from their journey with a direct water passageway across the continent, what they did bring was an invaluable wealth of knowledge. From Illinois to my home state of Oregon, and back to St. Louis, the Expedition covered 8,000 miles exploring what would become 11 future states. Their extensive journals and detailed maps depicted a rich landscape for those who until then could only imagine what lay beyond the Mississippi. Their expedition also exposed them to never before seen species of plants and animals. As well, Lewis and Clark succeeded in building and fostering friendships with the American Indian tribes they encountered during the Expedition.

From 2003 to 2006, through the efforts of the National Lewis and Clark Bicentennial Council, the National Park Service, State and local entities and several other interested groups, Americans will have various opportunities to join in the celebration of the 200th anniversary of the Lewis and Clark Expedition. Passage of H.R. 1560 is an important first step to ensuring that citizens all across this country have an opportunity to pay their respects to the history-shaping achievements of Lewis and Clark and "The Corps of Discovery".

I urge my colleagues to support H.R. 1560.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H.R. 1560, the Lewis and Clark Bicentennial Commemorative Coin Act, and I want to personally thank Congressman Bereuter, the sponsor of the legislation, for his work on this issue.

Nearly two hundred years after the Corps of Discovery, Americans of all ages have begun a national pilgrimage to follow the steps of Meriwether Lewis and William Clark. The journey today stands as one of the most remarkable and productive scientific and military exploring expeditions in all of American History. H.R. 1560 recognizes this extraordinary journey and the discipline, sacrifice and strength shown by Lewis and Clark by authorizing the Treasury to mint one-dollar and half-dollar coins to commemorate the bicentennial of the expedition.

The bill will not only serve to highlight this historic expedition and the roles of Meriwether Lewis, William Clark, Thomas Jefferson and the many Native Americans who aided in the journey, but it will also provide a source of financial support for commemorative activities. After the cost of minting is covered, the proceeds from the sale of the coin will be distributed to the National Lewis and Clark Bicentennial Council and the National Park Service which will allow both entities to continue their work in planning and organizing bicentennial events.

As we continue preparing for the bicentennial of this historic expedition, it is important that Congress play an active role in supporting and promoting its commemoration. I urge my colleagues to recognize the importance of the Lewis and Clark expedition to the nation and the efforts of the bicentennial council and the National Park Service to highlight its bicentennial by passing this legislation.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 1560, as amended.

The question was taken.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1560, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

LLOYD D. GEORGE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2225) to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 2225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, shall be known and designated as the "Lloyd D. George Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Lloyd D. George Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 2225 designates the Federal building and United States courthouse to be built in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse".

Judge Lloyd D. George was born in Montpelier, Idaho, and later moved to Las Vegas, Nevada. He earned his bachelor's degree from Brigham Young University in 1955, and that same year entered the United States Air Force. He participated as a fighter pilot in the Strategic Air Command, concluding his military service in 1958, holding the rank of captain. He then returned to school, where he earned his J.D. in 1961 from the University of California at Berkeley.

Judge George was admitted to the Nevada Bar in 1961 and began practicing in Las Vegas. In 1974, he was appointed by the 9th Circuit to preside over the United States Bankruptcy Court for the District of Nevada for a term of 14 years. In 1980, he became a Member of the 9th Circuit Bankruptcy Appellate Panels.

In 1994, President Ronald Reagan appointed Judge George to the United States District Court for the District of Nevada, where he was elevated in 1992 to Chief Judge of the Nevada District.

During his tenure on the bench, Chief Judge George held a variety of distinguished memberships. He was a board member on the Federal Judicial Center, a member of National Bankruptcy Conference, the chair of the Judicial Advisory for Bankruptcy Rules, the chair of the Judicial Committee on Administration of Bankruptcy System, a Fellow at the American College of Bankruptcy, and a member of the Judicial Committee on International Judicial Relations.

Mr. Speaker, I support the bill and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I support this bill and I want to commend both the gentlemen from Nevada (Mr. ENSIGN) and (Mr. GIBBONS) for their hard work in bringing forth this meritorious designation. I have worked with the gentleman from Nevada (Mr. GIBBONS) specifically on many other occasions, and I commend him and his other colleague, the gentleman from Nevada (Mr. ENSIGN), for their efforts.

Judge George, in addition to all the plaudits made by our distinguished chairman, has served on various judicial committees in the 9th Circuit.

□ 1315

In addition to all those official duties, very active in civic and professional associations in Nevada that distinguishes him from many other jurists, Judge George was the recipient of the Jurist of the Year Award and the Brigham Young Alumni Distinguished Service Award.

Judge George is the former president of the Clark County Association for retarded children, showing the diversity of the community activity which has established him as a strong community support. He has also served on the Advisory Committee for the Marriott School of Management. Taking the time with the people to advise in such a capacity, I think, underscores the type of involvement this jurist has given to his community and to the Nation.

Through his long and distinguished career, Judge George has been a mentor and an advisor to many young lawyers. That is a rarity. It is absolutely fitting and proper to honor Judge George with this designation, and I am proud to support the efforts of the gentleman from Nevada (Mr. ENSIGN) and the other gentleman from Nevada (Mr. GIBBONS).

H.R. 2225 is a bill to designate the federal building and U.S. courthouse to be constructed in Las Vegas, Nevada as the Lloyd D. George Federal Building and United States Courthouse.

Judge Lloyd George was appointed as a United States District Judge by President Reagan in 1984. Prior to that appointment he served on the United States Bankruptcy Bench for over 10 years.

He is a graduate of Brigham Young University and received his law degree from the University of California in 1961.

Judge George has served on various judicial committees in the 9th circuit.

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my colleague and friend the gentleman from California (Mr. KIM) as well as my colleague and friend the gentleman from Ohio (Mr. TRAFICANT) for their eloquent remarks on this bill.

And on behalf of the gentleman from Nevada (Mr. ENSIGN) and myself and the great State of Nevada, I would encourage all of my colleagues to support H.R. 2225 in naming the Federal building and United States courthouse in Las Vegas as the "Lloyd D. George Federal Building and United States Courthouse."

It is an honor for me, Mr. Speaker, to come before this body to speak about a man who has given so much not just to the people of the State of Nevada but to the citizens and people of this great country. The naming of this building and this courthouse after Judge George will forever remind the people of Nevada, as well as all Americans, of a truly special man who has dedicated his public service and his personal professional career to the people of this country.

Mr. Speaker, I would also like to point out that Judge George served in the service of this country as more than a public service in the judiciary, but also as a man of integrity in military leadership as he was a member of our United States Air Force.

I encourage all Members and colleagues to support H.R. 2225 as a fitting way to recognize the honorable and distinguished career of Chief Judge George. Las Vegas, the State of Nevada, and the people of the United States will be very honored to have his name on our new Federal building and courthouse.

And so, Mr. Speaker, I urge my colleagues to support this bill as a true and fitting recognition of the great and honorable service of Judge Lloyd D. George.

Mr. OBERSTAR. Mr. Speaker, H.R. 2225 is a bill which will designate the federal building and United States Courthouse in Las Vegas, Nevada in honor of Chief Judge Lloyd D. George.

Judge George and his family have lived in Nevada for over 6 decades. He is an active civic leader, devoted father of four children and 11 grandchildren. Judge George has received numerous awards and honors such as the Jurist of the Year award, the Liberty Bell award for public service, Distinguished Alumni Service award from his alma mater Brigham Young University, and Professional recognition from the National Conference of Christians and Jews.

Judge George served the citizens of Nevada in the United States Bankruptcy Courts for 10 years prior to his appointment by President Reagan as a United States Judge in May 1984.

It is fitting and proper to designate the federal building and United States Courthouse in Las Vegas in honor of Judge George in recognition of his significant civic and professional contributions.

Mr. ENSIGN. Mr. Speaker, I would like to take this opportunity to encourage my colleagues to support H.R. 2225, a bill that will designate the Federal building and United States Courthouse being constructed in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse." This is an issue of great importance to me as well as all the citizens of Nevada.

On November 17, 1997, ground was broken for the future Lloyd D. George Federal Building and United States Courthouse. Las Vegas waited a long time for that day, and it was a great milestone for our community.

When the Las Vegas Courthouse is completed in the year 2000, there will be another dedication ceremony for the building and the distinguished Nevadan whose name will appear on the Courthouse. I would like to take the opportunity to recognize a thoroughly decent, wise gentleman whom I admire greatly: Chief Judge George.

Chief Judge George served on the United States Bankruptcy Bench for ten years before his appointment by President Reagan as United States District Judge in 1984. He has served on three and been the chairman of two United States Judicial Conference Committees. Judge George currently serves as a member of the Judicial Conference of the United States and at the request of Chief Justice Rehnquist he serves as a member of the Judicial Conference. He is also a member of the Judicial Council of the Ninth Circuit Court of Appeals, and has chaired the Executive Committee of the Judicial Conference of the Ninth Circuit. Additionally, he frequently lectures in the U.S. and abroad on various legal topics and has published a number of articles in legal periodicals.

Interestingly enough, Judge George went to high school and grade school just across the street from where the new courthouse will be located. That reminds me that while Nevada is a state which welcomes new residents by the thousands each year, there is something to be said for the Native Nevadan who loves this beautiful State so much that he would never think of calling anywhere else home. Successful people like Judge George could have easily left Nevada many years ago to pursue lucrative careers elsewhere. But Judge George chose to give something back to his hometown and his fellow Nevadans.

I hope that future generations of Nevadans will follow Judge George's example and remain in Nevada. Growing up in Nevada gave me a special understanding of this unique quality of life in Nevada, and I am grateful for such an opportunity.

Naming the Las Vegas Courthouse in honor of Judge George is an appropriate way to express the appreciation we have for his years of public service to his community, the State of Nevada, and the United States. Due to his level of commitment, all of these societies are better places.

The beautiful building that will soon stand in Las Vegas will be an enduring testament to Judge George's hard work, humility, wisdom, and service to others. It will also stand as a monument to the ideas we share about the Constitutional limits of our federal government and the rights which are reserved to the States and people.

Mr. Speaker, thank you again for your support, and I look forward to the passage of H.R. 2225 so it can be sent to the White House for the President's signature. It is probably the most fitting recognition we can give him.

Mr. TRAFICANT. Mr. Speaker, I urge an aye vote on the bill, and I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 2225.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD V. DELLUMS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3295) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

The Clerk read as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 1301 Clay Street in Oakland, California, shall be known and designated as the "Ronald V. Dellums Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald V. Dellums Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, H.R. 3295 designates the Federal building located in Oakland, California, as "Ronald Dellums Federal Building."

Congressman Dellums was born in Oakland, California, on November 24, 1935. After 2 years of service in the U.S. Marine Corps, Congressman Dellums received an honorable discharge. He then followed educational pursuit and received his AA from Oakland City College in 1958, his BA from San Francisco State University in 1960, and his MSW from the University of California at Berkeley in 1962.

In his public role, Congressman Dellums served on the Berkeley City Council from 1967 to 1970, when he was then elected to the United States House of Representatives to represent northern Alameda County.

Congressman Dellums' first major effort after arriving in Washington was toward finding a resolution to the war in Indochina. This experience prepared him to be a strong advocate for arms reductions throughout his entire career.

In addition, Congressman Dellums championed issues involving civil rights, equal rights for women, human rights, and environment.

At the time of his retirement, Congressman Dellums was the ranking member on the House Committee on National Security. During his tenure, he also held chairmanship of the Committee on Armed Services and the Committee on the District of Columbia.

Throughout his 27-year career, Congressman Dellums served on a variety of other committees and caucuses, as well, including the Committee on Foreign Affairs, the Committee on the Post Office and Civil Service, the Permanent Select Committee on Intelligence, and the Congressional Black Caucus.

This is a fitting tribute to our esteemed colleague, and his compassion for causes will be deeply missed in this body.

I support the bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER), a distinguished leader on the Democrat side.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding.

Mr. Speaker, I rise in support of this bill and urge the House to pass it. I am proud to have authored this legislation to name the Federal building in Oakland, California, after Ronald V. Dellums, the man who represented the people of Oakland and Berkeley in Congress for 2½ decades.

The people who will go in and out of this building with Ron's name on it can take pride in knowing that Ron cared about them, he fought for them, and he left a mark in Congress and this country in their names.

I would like to thank the gentleman from Texas (Mr. ARMEY), the majority leader, for scheduling the bill on the floor today. And I also would like to thank the subcommittee chairman and the ranking member, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT), for their support in the full committee and to thank the full committee chairman and ranking member the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for their support of this legislation.

I also want to acknowledge the support of the gentleman from California (Mr. LEWIS) for his coauthorship of this bill. And I would like to thank Senator BARBARA BOXER for passing this legislation in the Senate in June.

Ron Dellums was truly a unique Member of Congress. His passion was his fuel, and his passion did not blind him. He was clear, incisive, instructional, and inspirational. He was a tireless champion.

I know I speak for most of my colleagues when I say that rarely a day passes that I do not remark on how I miss his presence in this body. Ron Dellums was always known to be the best-dressed Member of Congress. He was known as one of the Congress' great orators, colorfully and articulately dancing in the well of the House to draw support for his positions. And he is known as one of the greatest advocates for peace, justice, and human rights.

Ron Dellums has been our modern-day drum major for peace. He saved us from many weapons systems that we did not need, could not afford, and probably could not control. As a titan in the movement for human rights, he brought the titans of apartheid to their knees and dragged a reluctant American Government along the way. He fought for the civil rights of all Americans. And more than any other Member of Congress, he helped to clearly illustrate how an overfed military budget was literally starving our children, our schools, and our communities.

And Congressman Ron Dellums served the people of America and fought for human rights around the world. He did not bid for the monied special interests that prey on Congress to answer their every narrow need. And he is always there to help his friends.

When it came time to downsize the military establishments in the Bay Area and across the United States, Ron fought to ensure the base closure process was fair and expeditious. He also made sure that in fact it was about economic conversion and the communities that were affected by base closing.

Perhaps in naming this Federal building in Oakland will serve as an opportunity to rededicate ourselves to the challenges that Ron Dellums championed. Maybe if we learn to carry the convictions of a more just society with us and to work every day as he did, just maybe we will be able to make America an even better place and a world just a bit safer.

With passage of this bill today, I look forward to the President's signature in naming the Federal building in Oakland after Ronald V. Dellums, Congressman, brother, and champion to us all.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON) chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from California (Mr. KIM) for yielding the time.

People might be surprised when this, one of the most conservative Members of the Republican Party, stands to pay tribute to one of the most liberal Members who ever served in this body, Ron Dellums.

I represent the Adirondack Mountains, about as far east as we can get. And Ron Dellums, of course, represented the other end of the country, out in California. And yet, this conservative Member respects Ron Dellums perhaps as much, if not more, than almost any other Member. And there is a reason for that: Because Ron Dellums is truly a great American.

Yes, he served in the Marine Corps, like I did many years ago. But when he came to this body, he did not speak often, but when he did, he spoke with sincerity. He spoke from his heart, and we knew that he was not playing to a crowd, that he really was debating the issues that he believed in.

When he became the chairman of the Committee on Armed Services, as it used to be called, many of us on our side of the aisle thought that he might not do a good job. But do my colleagues know something? He did one of the finest jobs that any Democrat from the other side of the aisle ever did as chairman of that committee. He was fair to all of us.

And that is why he and I never had a cross word, except for early in both of our careers, almost 20 years ago. And I can recall it was late at night, maybe 1:00 in the morning. We were in a furious debate on the floor and we got mad at each other. And after the debate was over, Ron Dellums came over to me and he said, "Solomon, why don't we step outside and settle this." And I looked up at him, I say "up at him" because he was 5 inches taller and 80 pounds heavier, and I said, "Your guns or mine?" And he said, "What do you mean?" I said, "Well, Ron, you are so much bigger and in so much better shape and you are younger, we have to handicap this." So I said, "Your guns or mine?" And he broke out in a smile and he said, "Solomon, you are okay."

And you know what? We never had a cross word after that time because we both respected each other. And that is why I stand here today in support of naming this building after a great American, a great Congressman named Ronald Dellums.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding, and I commend him and the gentleman from California (Mr. KIM) and particularly the author of this resolution the gentleman from California (Mr. MILLER), his cosponsor the gentleman from California (Mr. LEWIS), and our great Senator, Senator BOXER, for their authorship of this.

How wonderful this is for us in the Congress of the United States to be naming a Federal building for someone who just a few short months ago we called "colleague." And indeed it was an honor for every one of us who had ever had the privilege of calling him "colleague" to serve with Ron Dellums.

As has been mentioned by my colleagues, he served here with great dignity. He brought a brilliant intellect, great integrity, tremendous passion and energy to all of the issues that he cared about.

I think it is particularly appropriate that this conversation is taking place on a day when we are also honoring Thomas Edison, Lewis and Clark, fitting that Ron Dellums' name should be listed among the great pioneers of our country, because a pioneer he was indeed and is indeed.

Although he does not serve in Congress, he is still a leader for social and economic and environmental justice in our country and indeed throughout the world.

And as we all take great pride in the role America played in ending apartheid in South Africa, we must remember that it was not easy and it took great and tremendous leadership at the start and was met with resistance from the start. But Ron Dellums was there from the start. He fought that fight. And I cannot help but think that it has to be his proudest boast that he helped end apartheid in South Africa.

As a Bay Area Member, as a Member from California, I want to say what great pride his constituents take in Ron's service in Congress. Actually Ron has a Bay Area-wide constituency, actually a national constituency, because of his eloquent leadership and passionate leadership and the great intellect that he has brought to issues.

And so, I want to join my colleagues in support of this resolution. As the gentleman from California (Mr. MILLER) mentioned, for generations to come, young people will go to that Federal building and the name "Ron Dellums" in history will be synonymous with honor, integrity, concern about issues, social and economic justice in our country and throughout the world.

Thank you very much to those who led the way on this, the gentleman from California (Mr. MILLER) especially, for giving us the privilege in this House. In honoring Ron Dellums, we bring honor to this House of Representatives.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

□ 1330

Mr. FALEOMAVAEGA. Mr. Speaker, I too would like to thank the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) for bringing this legislation to the floor. I want to thank the gentleman from California as well as the gentlewoman from California for their remarks, and for the opportunity to allow me to say a few words concerning this piece of legislation.

Mr. Speaker, in the years I have known and been a Member of this body, Ron Dellums' name stands out as a giant, in my opinion. There have been a lot of misunderstandings among our colleagues about this gentleman, especially over the positions that he has taken on questions of national security and our defense posture.

If there was ever someone that I have always respected for what he has advocated so strongly over the years, Ron Dellums was not against our defense, but he was against corruption and the idea that you can buy a little bolt or a little nut that is worth only about 50 cents in a hardware store and is sold among the defense industry for $150. That is the kind of thing that Ron Dellums stood for.

I do not think there has ever been a Member that I have known who, when he stands up and makes his statement or gives a speech in this body, he speaks with such great passion and such a tremendous amount of understanding and knowledge on whatever issue he takes up. I have never known a gentleman that could speak with great eloquence without even the use of notes or anything such as Ron Dellums.

I think it is most fitting that our colleagues have brought forth this legislation to name a Federal Building after this gentleman, and I sincerely hope that my colleagues will support this piece of legislation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I was reminded when the gentlewoman from California (Ms. PELOSI) talked about people going in and out of this building, people go to the Federal buildings very often seeking help, compassion and understanding. Very often their arguments are not recognized with dignity. Hopefully people will understand that this building and the people who work in it, it is named for a man who gave dignity to people's arguments and concerns, even when he so strongly disagreed with them.

Ron Dellums used to say that he arrived in Congress as an Afro-top bellbottom militant from Berkley, and he rose to become chairman of the Committee on National Security. One of the amazing things was after he became chairman of the Committee on National Security, where there were serious disagreements about military policy, national policies, the future, procurements and all this, the people who disagreed with him so much on the issues commented how fairly they had been treated by him in those hearings and how fairly they had been treated in front of the Committee on Rules, because he believed that people should be able to and that this body could only function if people were allowed to bring amendments to the floor and have a free and fair and open debate on those issues.

So when we name this building for Ron Dellums, we do so in the spirit of what should be the best about the Congress of the United States, what should be the best about public service, and what should be the best about public servants looking at their constituents and recognizing their dignity and recognizing their needs and understanding the need to be heard on their arguments, even when you disagree with them.

So, again, I want to thank the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) for bringing this legislation to the floor, because I think here truly we do honor the best of the Federal Government when we seek to name this building after Congressman Ron Dellums.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, he was a liberal, he was a Democrat, but he was a great American. I have heard him called so many things on the floor. I look back at the history of Ron Dellums, and what a great Member we had in our midst. What an orator. It is so fitting to see the gentleman from New York (Chairman SOLOMON), one of our great Members, discuss here some of the little anecdotes of Ron's great involvement in our Congress.

Just in passing, I don't want to embarrass her, but Susan Brita of our staff at the Committee on Transportation, the Subcommittee on Public Buildings and Economic Development, said she can remember the day when Ron Dellums brought the mayor in from Oakland, and he was lobbying to get free land to have this courthouse built, this very same courthouse, that will appropriately be named in his honor.

I have had a few run-in's with Ron. I disagreed with him on troops on the border and I disagreed with him on some other issues, but I will tell you what: He was always straight up, looked you right in the eye and told you what he felt, right to your face, and you had to appreciate that.

But I want to go step further here today. Nelson Mandela and his great efforts in South Africa can never be overshadowed, but there is one real big one here today that has to be laid on the platter of service of Ron Dellums: Ron Dellums had as much to do with ending apartheid in South Africa and developing self-determination in that nation as any other American. He deserves absolutely this great and fitting tribute.

So if Ron is out there watching, and he should be, I want him to change his position on the border and securing our national security. His powerful voice could help our country end that plight.

But I want to raise my voice today and say Ron Dellums, you deserve this. And to see one of his former colleagues, the fine Senator from Illinois here, Mr. DURBIN, it is so great to see him. I am sure if he could take the mike, I would like to yield to you, Senator, and I am sure you would like to say this.

So, on behalf of the fine Senator who took his time to come over, Ron Dellums, you deserve this. You are an absolutely great American. You stood in the well and you stood on this side for things that were not popular years ago, but they are not only popular today, they are the law today, and that is the tribute, when you put that name on that courthouse.

H.R. 3295, is a bill to honor Ron Dellums by naming the federal building in Oakland, CA the "Ron V. Dellums Federal Building."

As you know, Ron represented the 9th district of California for 26 years and during that period distinguished himself in many, many ways.

He fought tirelessly for vigorous examination of the state of our military establishment including its purposes, its budget, and other issues involving racial and sexual discrimination.

He was a dynamic advocate for arms reduction and peaceful resolution of international conflict. Ron's interests extended to healthcare, civil rights, Congressional authority, and alternative budgets.

He was a great friend, a mentor, always a gentleman, and leader. His kindness and humor are missed by all.

I support this bill and urge my colleagues to join me in support of H.R. 3295.

Mr. OBERSTAR. Mr. Speaker, H.R. 3295 is a bill to designate the federal building in Oakland, CA, in honor of our colleague, Ron Dellums.

For over a quarter century Ron represented the 9th district of California. Elected to Congress against the backdrop of the Vietnam War, Congressman Dellums worked to end that conflict and remained a steadfast advocate for peaceful solutions to conflict.

Ron became a leader for such diverse issues as rational military policy, comprehensive and progressive healthcare, and social justice for all.

He was an early and out spoken critic of the racist apartheid policies of South Africa. He was a determined advocate of Congressional authority to declare war. He led the fight against racial and sexual harassment in the military forces. He was sponsor of the alternative agendas for the Congressional Black Caucus.

Ron was always a gentleman, a consensus builder, a mentor, and great friend to all members. His humor and judgment are sorely missed.

With great enthusiasm I support H.R. 3295, a bill to honor Ron Dellums by designating the federal building in Oakland, CA, as the Ronald V. Dellums Federal Building.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 3295, which designates a federal building in Oakland, California as the "Ronald V. Dellums Federal Building." The naming of this building after my predecessor, Ronald V. Dellums, is an honor that many of his constituents, his colleagues, and his supporters from across this nation have awaited; it is a mark of recognition, a symbol of their appreciation, our appreciation, for the role that he played, the leadership that he gave, the work that he did, and the spiritual uplift that he gave to the critical issues of our times.

Ron, as constituents, colleagues, friends and family call him, from the time of his first office as a member of the Berkeley City Council, became the focus and the leader of a ever-growing group of people who were hungry for leadership on the critical issues of the late 1960s and the 1970s. These people activists who were upset, angry about the Vietnam War, angry about injustices to Blacks and people of color, and yearning to be part of a larger America that would be moral and ethical domestically and internationally. Like his elder contemporary Martin Luther King, Jr., Ron Dellums, joined the activists for civil rights and activists for peace. For over two decades, this coalition provided some of the greatest political energies and social and political achievements that we have known.

This coalition propelled him to the House of Representatives where, as a result of his distinguished work in the Armed Services Committee, now the National Security Committee, he was elected to be the Chair and later the Ranking Member of that committee. He was valued and loved because of the role that he took on that committee and on the floor of Congress. He spoke the fears and doubts about an involvement in the war in Southeast Asia; he addressed, passionately, the need for social and economic justice domestically and abroad. He helped to forge the annual Alternative Budget which was a product of the Congressional Black Caucus and the Congressional Progressive Caucus. This budget was of tremendous importance to his district and to national constituents because it provided a necessary voice to many of their deepest moral considerations.

The people who worked with Ron, who supported Ron, who became the people who love Ron, I know will value this designation. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, which designates the Federal Building located on Clay Street in Oakland, California, the "Ronald V. Dellums Federal Building."

With the announcement of his sudden retirement from the Congress last month, Representative Ronald V. Dellums, the esteemed former chairman of the House National Security Committee (previously called the House Armed Services Committee), began to write the final chapter of a brilliant legacy of public service spanning well over three decades, that simply cannot go without recognition.

After a distinguished tour of service in the United States Marine Corps, Congressman Dellums began to prepare himself to pursue a career of helping others. Congressman Dellums was the first member of his family to attend college, and completed his studies with a Masters Degree in Social Work from the University of California. The Congressman's chosen field was that of psychiatric social work before he realized his true calling was in the area of public interest.

While serving as a well-respected community activist in the Bay Area, Congressman Dellums was persuaded by friends that he could be an even greater good to the local community by serving on the Berkeley City Council. The Congressman consented to these requests, and was elected to the Berkeley City Council in 1966. After four years on the City Council, in 1970, Congressman Dellums challenged the incumbent of the Ninth Congressional District of California, and won. From this point on, I guess one could say that the "rest was history".

Dellums, upon his arrival in Washington in 1971, emerged as one of the most controversial figures on Capitol Hill. Always willing to be a balanced and independent voice in times of crisis, Congressman Dellums soon rose to national prominence as one of the most intelligent and articulate members of this Congress. Congressman Dellums was widely recognized as the kind of man that did not just give lipservice to his announced legislative priorities, but actually worked tirelessly to meet these objectives in order to better serve his constituency and the nation at large. There is only one word that can accurately described a man like this, integrity.

Mr. Dellums, first as Chairman of the Acquisitions Subcommittee and then as the Full Committee Chairman, showed the kind of exemplary dignity befitting of the Chairman's gavel. Even though Congressman Dellums was always an advocate of lower military spending, he never used the power of the Chair as a means of impeding any opposing views held by his colleagues. Dellums used only his intellect and his vote as a way of expressing his views on pending legislation, and I am sure that this is how the Framers of the Constitution envisioned a Congressional Representative would conduct his or herself.

I honestly cannot think of a higher compliment to give to a lawmaker than to say that they consistently stood upon their convictions in the face of opposition with honor and dignity. Ronald V. Dellums, without exception, remained this kind of man of convictions, during his nearly thirty years of service in the United States Congress, and this must be applauded. Like Robert Frost said, Congressman Dellums took "the road less traveled by, and that has made all of the difference".

In conclusion, I believe that designating a federal building in honor of Congressman Dellums is the absolute least we could do. It is but a small part in his legacy, one which will leave an imprint of his dedication to public service in the minds of all of the federal employees in this building, while that imprint remains firmly in the hearts of the Members of this elected body.

Mr. TRAFICANT. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3295.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3295.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMEMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 459) commemorating 50 years of relations between the United States and the Republic of Korea, as amended.

The Clerk read as follows:

H. Res. 459

Whereas the Republic of Korea was established 50 years ago on August 15, 1948;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and common interests and values;

Whereas the United States relies on the Republic of Korea as a partner and treaty ally in fostering regional stability, enhancing prosperity, and promoting peace and democracy;

Whereas the American military personnel who are, and have been, stationed on the Korean Peninsula have been key in deterring armed aggression for more than 4 decades;

Whereas South Korean soldiers fought alongside American troops on the battlefields of Korea and Vietnam;

Whereas the Republic of Korea has embraced economic reform and free market principles in response to current economic circumstances;

Whereas the Republic of Korea is an important trading partner of the United States, the recipient of significant direct American investment, and a prominent investor in the United States;

Whereas the large Korean-American community has made significant contributions to American society and culture;

Whereas the people of the Republic of Korea have demonstrated their strong commitment to democratic principles and practices through free and fair elections; and

Whereas the state visit of President Kim Dae-jung to the United States offered the people of the United States and the people of South Korea an opportunity to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Republic of Korea on the 50th anniversary of its founding;

(2) commends the people of the Republic of Korea on the peaceful democratic transition that has taken place during the most recent Presidential elections;

(3) supports the government of President Kim Dae-jung as it takes appropriate measures to address the problems in the Korean economy;

(4) confirms that the question of peace, security, and reunification on the Korean Peninsula is, first and foremost, a matter for the Korean people to decide and that the Four-Party Peace Talks complement direct North-South dialog; and

(5) looks forward to a broadening and deepening of friendship and cooperation with the Republic of Korea in the years ahead for the mutual benefit of the people of the United States and the people of the Republic of Korea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 459.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to have been able to introduce this resolution commemorating 50 years of relations between our Nation and the Republic of Korea. It is only fitting that the House makes note of this special relationship that the United States and the Republic of Korea have shared since 1948, nearly half a century.

The United States has important strategic, economic and political interests at stake in Northeast Asia, and maintaining stability remains an overriding U.S. security concern in that region. South Korean soldiers have stood shoulder-to-shoulder with American troops on the battlefields of Korea and Vietnam in order to protect and advance these mutual interests.

Today, South Korea remains an important partner and ally in guarding the peace and maintaining stability in Northeast Asia. To support these objectives, 37,000 American servicemen and women are stationed in South Korea protecting freedom and democracy, which is threatened on a daily basis by the communist government and armed forces of the Democratic People's Republic of Korea.

The United States is pleased with the flourishing of democracy in South Korea. The Republic of Korea serves as an example to others in the region and encourages progress and the furthering of democratic principles and practices, respect for human rights and the enhancement of the rule of law.

Our Nation is blessed with a large Korean-American community, which has made immeasurable contributions to our American society and culture. Congress looks forward to broadening and deepening of our friendship, our cooperation and solidarity with the Republic of Korea in the years ahead, for the mutual benefit of the peoples of our Nation and the Republic of Korea.

Accordingly, Mr. Speaker, I urge my colleagues to support this timely resolution commemorating the distinctive ties between the peoples and governments of our two great nations.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his authorship of this piece of legislation.

Mr. Speaker, the resolution commends 50 years of relations between the United States and the Republic of Korea. The resolution also congratulates the Republic of Korea on its 50th anniversary of its founding. The resolution also supports the new president, Kim Dae-Jung, and the government, and deals with the Republic of Korea's economic problems. The resolution also confirms that the questions of peace, security and reunification of the Korean peninsula are matters for the Korean people to decide, and that the four party talks compliment direct North-South dialogue.

Mr. Speaker, the principle author, as I said earlier, the gentleman from New York, and the gentleman from New York (Mr. ACKERMAN), the gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. BERMAN), the gentleman from California (Mr. LANTOS), myself, and the gentleman from California (Mr. SHERMAN) are cosponsors of this piece of legislation. The resolution was drafted to welcome president Kim Dae-Jung upon his visit to Washington in June. The resolution was passed by the Asia Pacific subcommittee on May 13th of this year. Technical amendments were made in the full committee markup which was held July 21st of this year.

Mr. Speaker, the administration has no objection to this resolution. As a cosponsor of this resolution, I commend the gentleman from New York for bringing it to our attention.

I expect this resolution will be widely supported because there is great admiration in this body for the people and the government of South Korea. The American people and South Korean people have stood shoulder-to-shoulder during some of the most difficult periods of the past half century. I have no doubt that they will continue to stand shoulder-to-shoulder during the next half century.

This resolution reaffirms our commitment to and to keep our affection for the people of South Korea. This resolution deserves our support, and I urge my colleagues to vote yes on this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield four minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. Speaker, on a hot summer day almost 50 years ago the forces of freedom and democracy rallied to stop a vicious invasion of the Republic of Korea by the communist forces of North Korea and the People's Republic of China. Let us never forget, yes, and the People's Republic of China. On the Korean peninsula, the free world met that challenge of stopping and eventually sending the evil forces of godless communism to the trash heap of history. In that time of testing, America and the Republic of Korea became the very best of allies. The bonds forged between our two countries have anchored our strategic relationship with Asia. In partnership with the hard-working, freedom-loving people of the Republic of Korea, both our countries have prospered and both our countries have grown to be an alliance role model for the entire free world.

Today, with the Korean people facing a time of economic trouble, I recently had the honor of visiting with the leaders of the Republic of Korea and our military installations up near the DMZ at Camp Casey and other areas. Without question, the Korean people have the vision and they have the courage to face their current economic problems with a little help from us.

□ 1345

Korea will set a shining example for the rest of Asia in working through a difficult economic downturn. The people of Korea have the will, they have the vision, to turn their economic problems around. I am personally extremely bullish on the Republic of Korea in the long run.

When the history of this time is written, the courage and the leadership the Republic of Korea showed during the fifties, by throwing back communist invaders, will be repeated by their leadership in bringing back the rest of Asia from financial hardship. But never forget that America and Korea have a real and dangerous enemy in North Korea today. It is still there, threatening at this very minute. And there are others who share their atheistic Communist philosophy.

We must both remain strong and vigilant to ensure that the North is not foolish enough to attempt another invasion.

Our vigilance and our deterrence come at a price, however. America's young men and women in uniform are called upon even in times of relative peace to make the supreme sacrifice.

This summer, just a month or two ago, two American soldiers died while serving in Korea, swept away in the devastating floods there. This was a sobering reminder of the commitment made by America to serve this theater, to protect the peace and to stand by this strong ally of ours. That is a testament to our faith in Korea. And I would call on my fellow Members to give additional resources to the United States Army to immediately help repair the flood damage, over $300 million worth of damage, but more importantly to increase their combat readiness to maintain the deterrence possible only through a position of strength and power.

In closing, let me on behalf of a grateful nation, say to President Kim Dae-Jung and the Korean people: "America thanks you for standing with us shoulder to shoulder in defending our two countries against those that would take away our most cherished possession, and that is our freedom and our democracy." I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. I thank the distinguished chairman of our Rules Committee, the gentleman from New York (Mr. SOLOMON), who has been a longstanding champion of Korea, for his eloquent remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I rise today in strong support of House Resolution 459 commemorating 50 years of relations between the United States and the Republic of Korea and commemorating the Korean people for their steadfast commitment to democracy.

As you know, I was born in Korea while it was under occupation by the Japanese military in the late 1930s. I was a little boy in Seoul when the Republic of Korea gained its independence in 1948 and, like many, I witnessed communist invasion from the North in 1950 and the allies' successful liberation of Seoul for good in 1951.

To me personally, the United States has been Korea's strongest and most dependable ally over the last 50 years. From my earliest encounter with the U.S. during the war, I knew I wanted to be an American. Many others like me also came to America and added a special cultural and emotional tie between America and Korea.

Today, the Korean-American community is thriving and serves as a bridge between the U.S. and Korea. I am very proud of that.

The timing of this expression of support by the U.S. Congress for the Republic of Korea could not be better. The people of South Korea are struggling with an extraordinary economic crisis that has affected every segment of society, but they are doing so honorably and with a sense of purpose.

Much of the credit can be attributed to newly elected President Kim Dae-Jung, whose grasp of problems and understanding of what must be done gives me hope for the future of Korea. Implementation of needed reforms will be a painful process, but in the end, one that will result in a much stronger and more competitive Korea, a Korea whose citizens will be more prosperous and more secure in the knowledge that the economic system is a sound one.

However, sadly, the people of South Korea must also contend with an increasingly belligerent North Korea. The recent test firing of the Taepo Dong I missile over Japanese air space ushers in a new era of insecurity in an already unstable region. This overly hostile act has raised tensions considerably among our allies in the Far East. The Taepo Dong I missile was estimated to have a warhead capability of 3,000 pounds and could carry conventional weapons, or weapons of mass destruction.

As the economic meltdown in North Korea continues and the mass starvation being reported accelerates, the always unpredictable regime of Kim Jong-il will become more desperate and more dangerous.

House Resolution 459 sends a strong signal to the government of North and South Korea, as well as to the 37,000 American troops stationed along the border, that the United States is unwavering in its support of South Korea.

House Resolution 459 is an important symbol recognizing the long and special relationship between the United States and the Republic of Korea. This resolution serves as a valuable reminder of our genuine relationship and friendship, and I call on my colleagues to wholeheartedly support this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. SOLOMON) and the gentleman from California (Mr. KIM) for their eloquent statements. I would be remiss if I did not recognize the fact that many of our colleagues are Korean veterans or veterans of the Korean War, and probably more than anyone in this body would have a greater sense of sensitivity and understanding and appreciation of the sacrifices that our veterans made during the Korean War.

I remember a Chinese proverbial statement saying that there are many acquaintances, but very few friend. Mr. Speaker, I want to exemplify that statement with the fact that during the Vietnam War, as much as I can recall, our Korean friends were the only ones that committed forces sufficient enough to help us fight the Vietnam War. And I think this is truly a real tribute to the people and to the leaders of Korea where there are many acquaintances, but there are very few friends, and when the chips are down, Mr. Speaker, we really know who our real friends are. I want to pay this special tribute, not only to President Kim Dae-Jung, but also to the good people of Korea and to say again that the resolution really, really deserves their attention.

Again, I urge my colleagues to support this resolution and I thank the gentleman from New York for his sponsorship of this resolution. Again, I hope that my colleagues will vote in favor of this resolution.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Res. 459, a resolution commemorating 50 years of relations between the United States and the Republic of Korea. H. Res. 459 was introduced by the distinguished gentleman from New York, the Chairman of the Committee on International Relations [Mr. GILMAN] on June 5th, and referred to the Subcommittee on Asia and the Pacific. The people of Korea have no better friend in the U.S. Congress than the gentleman from New York, and this Member commends the gentleman for his efforts to craft a strong bipartisan statement of support for U.S.-Korea relations. This Member is pleased to join his chairman in cosponsoring this important resolution.

Over the past fifty years America has maintained a strong, multifaceted relationship with South Korea that includes a range of security, economic, and political issues. Throughout the Cold War, we have remained close allies and firm friends. The 1953 Mutual Defense Treaty is not only important to the security of South Korea but to the peace and stability of northeast Asia as well.

Despite the recent financial instability, South Korea's economy experienced remarkable growth since the end of the Korean War. Today the United States is South Korea's largest trading partner and largest export market. In turn, South Korea is America's seventh largest trading partner, fifth largest export market, and fourth largest market for U.S. agricultural products.

As Chairman of the Subcommittee with oversight responsibility over the Korean Peninsula, this Member has marveled at the determination of the Korean people to address and speedily resolve the economic difficulties that have caused their financial crisis. The Republic of Korea has made significant strides in reforming, restructuring and opening its economy and breaking the old monopolies that have choked the economy. Also, newly-elected President Kim Dae Jung has committed his administration to making further structural reforms designed to resolve the country's economic and financial problems and restore international confidence in South Korea's economy.

Mr. Speaker, H. Res. 459 sends a strong message of the importance our bilateral relationship and our commitment to strengthening this partnership as we enter the 21st century.

This Member urges adoption of H. Res. 459.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 459, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF THE HOUSE DEPLORING TRAGIC AND SENSELESS MURDER OF BISHOP JUAN JOSE GERARDI

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 421) expressing the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Jose Gerardi, calling on the Government of Guatemala to expeditiously bring those responsible for the crime to justice, and calling on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption.

The Clerk read as follows:

H. RES. 421

Whereas on December 29, 1996, the Government of Guatemala and the representatives of the Unidad Revolucionaria Nacional Guatemalteca signed a historic peace accord ending 36 years of armed confrontation;

Whereas the peace accords, which included as the primary goals lasting peace, national reconciliation, and political stability for all Guatemalans, are being successfully implemented;

Whereas the peace accords included the creation of individual commissions to implement a wide range of reforms to the political, social, and judicial systems of Guatemala, including an enhanced respect for human rights and the rule of law;

Whereas, despite the fact that crime and violence remain prevalent in Guatemala, the human rights situation has improved over the last several years, allowing for the creation of special investigative commissions on human rights abuses, the prosecution of those involved in past human rights-related crimes, and the ability of human rights groups to operate with freedom;

Whereas, in recognition that the human rights situation in Guatemala had improved significantly, the United Nations Human Rights Commission voted to remove Guatemala from its list of countries under observation for abuses;

Whereas on Sunday, April 26, 1998, Guatemalan Roman Catholic Bishop Juan Jose Gerardi was brutally and senselessly murdered just 48 hours after presenting a landmark report detailing significant human rights atrocities associated with the 36-year civil war in Guatemala;

Whereas Bishop Gerardi, while considered a common man, dedicated to his ministry, was also considered one of Guatemala's most progressive clergymen, an outspoken human rights advocate, and was the author of the recent report "Guatemala: Never Again", the first comprehensive examination of human rights violations committed during the decades of political violence which engulfed that nation;

Whereas the slaying of Bishop Gerardi casts a pall over the effectiveness of the peace accords and raises questions regarding the national commitment to human rights and freedom of expression; and

Whereas the expeditious and successful resolution of the tragic death of Bishop Gerardi is critical for the continuation of support for the peace accords: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of Guatemala, including the national police and the military, should commit themselves to take all steps necessary to resolve the heinous murder of Guatemalan Roman Catholic Bishop Juan Jose Gerardi;

(2) in order to deter continued human rights abuses, resolve other human rights cases, and improve the citizens' sense of personal security, the Government of Guatemala should continue its efforts to establish effective civilian law enforcement and judicial institutions;

(3) the Government and people of Guatemala should make a renewed commitment to successfully implement the peace accords, especially those accords concerning human rights; and

(4) the United States Government should provide all necessary support to the investigation of the murder of Bishop Gerardi and to continue to support the full implementation of the peace accords.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 421.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 421. I agreed to cosponsor this resolution, having been shocked by the news of the senseless murder of his eminence, Bishop Juan Jose Gerardi.

A great deal of progress has been made in Guatemala since the signing of the Peace Accords. It is a terrible tragedy for Guatemala to suffer the loss of one of its most steadfast champions of human rights. This brutal act occurred just as the process of examining the painful legacy of past abuses by security forces and guerillas was beginning in earnest.

Just days before he was murdered, Bishop Gerardi issued the Catholic Church's report on human rights abuses during Guatemala's 3 decade-long guerrilla conflict.

This past Sunday, The Washington Post ran a prominent story on Bishop Gerardi and on the critically important church report he oversaw, entitled, "Guatemala: Never Again." The Post article chronicles Bishop Gerardi's extraordinary leadership in defending the church and the indigenous peoples of Guatemala who were, to quote the Post story, "Caught in the middle, recruited by both sides, and frequently the victims of harsh, irregular warfare."

Mr. Speaker, I support this resolution and especially its call on the government of Guatemala, including the national police and the military, to take all steps necessary to resolve the killing of Bishop Gerardi.

This is an historic opportunity for President Alvaro Arzu to lead his people in breaking with impunity. Reformist elements in the Guatemalan Army who are working to create a professional military, as well as their former guerrilla adversaries in the National Guatemalan Revolutionary Union, the URNG, should seize this opportunity to demonstrate their commitment to resolving this crime.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this measure.

Mr. Speaker, I include at this time for the RECORD the article from the Washington Post which I referred to earlier in my comments.

[From the Washington Post, Sept. 6, 1998]

A LOOK AT . . . A MURDER IN GUATEMALA: THE MYSTERIOUS DEATH OF BISHOP GERARDI

(By Terri Shaw)

GUATEMALA CITY.—On April 24, Bishop Juan Jose Gerardi stood in front of the altar of the capital's Spanish colonial style Metropolitan Cathedral to present to his nation the results of a report detailing three decades of horrific civil strife in Guatemala, with information about more than 400 massacres, thousands of murders, rapes and cases of torture. It concluded that 79 percent of the abuses were committed by government forces and 9 percent by the leftist guerrillas opposing them. Entitled "Guatemala: Never Again," the report was based on thousands of interviews conducted with survivors, witnesses and even perpetrators of the abuses.

Gerardi's message accompanying the report was hardly comforting to a nation where many prefer to forget the ordeal of the conflict that ended only two years ago. "Facing our personal and collective reality is not an option that can be accepted or rejected," he declared, knowing that the report would not be well received by supporters of the military, or by the many Guatemalans who have remained aloof from the conflict. "It is a requirement for every human being, for every society that hopes to become human and be free."

Two days later, the bishop was dead. His body was found in the garage of his parish house, his head bashed in with a heavy object. He was 75 years old.

Four months later, the country is still absorbed by Gerardi's death and the details of the murder investigation, which to date has yielded no clear culprit. Opinion is divided over whether the murder was an assassination or a common crime. Competing theories say that Gerardi was killed by members of the armed forces—the initial suspicion of many—or by a priest who lived with him and who has been detained for questioning but not formally charged. While the media here follow the case closely and Guatemalans discuss it avidly, the content of the church's report has largely been overshadowed.

One morning last month, a steady trickle of buyers picked up copies of the four-volume report, priced at $40, at the headquarters of the Office of Human Rights of the Archdiocese of Guatemala next door to the cathedral. But while every Guatemalan I encountered during a recent visit had something to say about the investigation of the murder, only one—a retired banker—said he had actually read the report.

Perhaps no one would have been more disappointed than Gerardi himself. Persuading Guatemalans to face the painful truths about the war was his personal mission. Born in Guatemala City to a couple of Italian descent, Gerardi became a traditional churchman who did not speak out on political issues until the late 1970s when violence between leftist guerrillas and government forces intensified in the mountainous province of El Quiche where he worked. Most residents of the spectacularly beautiful region are Indians who live on tiny subsistence farms and still practice their traditional cultures.

As various leftist rebel groups battled Guatemala's military-dominated governments, these Indians were caught in the middle—recruited by both sides and frequently the victims of harsh irregular warfare.

Gerardi began to take a more open political stand when the army and paramilitary groups allied with it targeted church workers, accusing them of supporting the guerrillas. In 1976, the Rev. William Woods, an American Maryknoll missionary who was working with a peasant cooperative, was killed. A church biography of Gerardi called this the "beginning of systematic persecution against the church in El Quiche." In the early '80s, according to Tom Quigley, a policy adviser to the U.S. Catholic Conference, "Quichie was the Wild West," and scores of priests and lay leaders were killed.

Gerardi tried to persuade military and government officials to moderate the army's brutal methods, but he was unsuccessful. In 1980, he took the unusual step of withdrawing all Catholic religious workers from the province after he himself was shot at.

Gerardi went to Rome for a conference and told Pope John Paul II about the attacks on Indian communities and the church. The pope issued a letter shortly thereafter condemning the violence and Gerardi flew back to Guatemala City, but was turned away at the airport. He went into exile in Costa Rica.

"It is not convenient for me to go back now," he told June Erlick, a reporter for National Catholic Reporter, at the archdiocese in the Costa Rica capital, San Jose, where he was living. "In two days, in four days, in two weeks, I would be dead. And if I weren't, someone close to me would be."

Two years in exile did not radicalize Gerardi, however. He spurned invitations to join groups backing the guerrillas and refused to support about a dozen priests living in Nicaragua who formed what they called a "Guatemala church in exile." In 1982, when it was safer to work in Guatemala, he returned. In 1984 he was named auxiliary bishop, and in 1988 he joined a National Reconciliation Commission that encouraged meetings involving representatives of the guerrillas, the government and other groups, laying the groundwork for the peace accords that finally brought an end to the 36-year war in 1996.

In 1990, he formed the Human Rights Office of the archdiocese and in 1995 began the historic memory project. This effort, which was financed in part by European foundations, involved training 600 lay people who lived where the fighting took place to conduct interviews with witnesses, survivors and, in some cases, perpetrators of abuses. About two-thirds of the interviews were conducted in the languages spoken by the Indians who make up a majority of the Guatemalan population and who are a disproportionate number of the victims of abuses chronicled in the report.

The project—generally called REHMI, its Spanish acronym—was conceived in part as a supplement to the work of a Historic Clarification Commission formed by the peace accords. The commission's mandate was to investigate human rights abuses committed during the conflict, but not to name those responsible. The church's report, on the other hand, does name names and does assign responsibility to the leaders of the guerrilla organizations and of the army and paramilitary groups allied with it.

The REHMI report also demanded that both the army and the guerrillas publicly acknowledge responsibility for abuses and apologize. So far representatives of both groups have admitted only to "errors."

Gerardi's mission remains to be completed. Edgar Gutierrez, who directed the REHMI project, points out that the negotiations that ended the war were conducted by the leaders of the government and the guerrillas, not the people themselves. "The population, in general, remained divided," he said. "Since there is no reconciliation within the population affected by the armed conflict, the church now will work to bring about the reconstitution of the social fabric."

The REHMI report ends with recommendations of ways to help Guatemalans come to terms with their past and live together peacefully. These include concrete measures that could be taken by the government, such as financial restitution and humanitarian aid for survivors, attention to human rights cases in the courts and investigation of the cases of people who disappeared. The report also asks the guerrillas to "clarify the deaths and disappearances it was responsible for" and "recognize the murders of civilian noncombatants." And it recommends symbolic measures such as commemorative ceremonies and monuments to the victims.

It is a daunting agenda for a traumatized country of 11.6 million where it is easier to forget than forgive—but one that Gerardi did not flinch from promoting. He closed his last speech in the cathedral with a biblical quote that he said was brought to mind by the "memory of these painful facts":

> And the Lord said to Cain, Where is Abel thy brother? And he said, I know not; Am I my brother's keeper?
>
> And He said, What hast thou done? The voice of they brother's blood crieth unto me from the ground.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership and management of this bill before the body.

Mr. Speaker, this legislation was introduced and authored by the gentleman from Texas (Mr. BRADY), and it has the bipartisan support of all of the members of the Subcommittee on the Western Hemisphere as cosponsors.

Mr. Speaker, the resolution calls for the government of Guatemala to denounce the murder of Bishop Juan Jose Gerardi and to commit to take all necessary steps to resolve the murder. Bishop Gerardi, an auxiliary bishop of Guatemala City, was the author of the Guatemalan Church's narrative on the Civil War, released 2 days before he was murdered outside his home in Guatemala City. It was by far the highest profile murder in Guatemala since the signing of the Peace Accords in December 1996.

Mr. Speaker, "tragic" and "senseless" are appropriate words to define the murder of Bishop Gerardi. There are very few people who worked as hard as he did to bring to Guatemala a new sense of respect for human rights. It is now 5 months since this brutal incident took place, but it is timely that we focus our attention on this murder today.

The investigation of the murder is bogged down and we have heard very little public expressions of frustration from the people in Guatemala in following the investigation. We are right to express our ongoing interest in this case, and our commitment to seeing a successful investigation and prosecution. The United States has already provided substantial assistance to Guatemala and has pledged further support for the implementation of Guatemala's Peace Accords.

□ 1400

I believe that we pledged $260 million in assistance over 4 years now, and that support is contingent on all parties remaining committed to the letter and spirit of the accords. Guatemala's response to Bishop Gerardi's killing is an indicator of the willingness to implement those accords.

I believe, Mr. Speaker, that we can expect much more progress, and that we ought to continue to follow this case closely as an indicator of the government's commitment to human rights and its commitment to the spirit of the peace accords.

Mr. Speaker, this resolution deserves our support, and I urge my colleagues to join me in voting yes on this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BRADY), who is the original sponsor of this measure.

Mr. BRADY of Texas. Mr. Speaker, House Resolution 421 is a bipartisan effort introduced with the strong support and leadership of the chairman, the gentleman from New York (Mr. BEN GILMAN), and the chairman of the Subcommittee on the Western Hemisphere, the gentleman from California (Mr. ELTON GALLEGLY).

It expresss the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Gerardi, to call on the government of Guatemala to expeditiously bring those responsible for the crime to justice, and to call on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption to bring attention.

In some ways it is appropriate that we are considering this resolution today. It was on this day in 1776 that our Second Continental Congress authorized the use of the name "the United States" for our young Nation. Historians tell us no other subject more appropriately demonstrates one of the important steps taken by our Founding Fathers in our Nation's move towards independence and freedom.

Just as we have achieved that goal, Bishop Gerardi's report, which was a monumental, historic report entitled "Guatemala: Never Again," was and is an important step in Guatemalans' efforts at achieving their peace and their freedom.

As we may recall, late in the evening on Sunday, April 26 of this year, Bishop Gerardi was brutally bludgeoned to death in his garage as he returned from his usual Sunday night dinner with his sister and her family.

Specifically, the skull of Bishop Gerardi was crushed by a wedge of concrete. The autopsy revealed that the Bishop had been bashed in the head repeatedly, and in the face, at least 17 times. Mr. Speaker, the Bishop's face was bashed so badly that another priest living in the church's compound could only recognize his body by a ring on one of the fingers.

This attack occurred just 2 days after Bishop Gerardi, one of Guatemala's, and indeed, our world's, foremost human rights activists, released a report providing the most extensive account of human rights atrocities committed during the 36-year civil war that plagued the country until the peace accords were signed in December of 1996.

One aspect of that agreement called for the conflict to be investigated to determine the truth for historical purposes. This effort was led by the Bishop. This report indicated that while both the Guatemalan military and the guerillas committed war crimes, the military was responsible for most of the deaths, almost 80 percent of the 150,000 unarmed civilians killed during the civil war, and for the disappearance of at least 50,000 more. Additionally, the document also detailed how at least 1.5 million people were victimized, to varying degrees.

Almost immediately after word of this attack became public, Guatemalan President Arzu formed a commission to investigate the Bishop's death. At the same time, our FBI sent several people to Guatemala to assist the government with their investigation. Since those agents' return, the FBI has sent other agents to the country to assist in the investigation as needed.

Because the investigation is still ongoing, we would do more harm than good by commenting on any of the various paths the investigation has taken so far. Rather, what we must do is to continue to provide the Guatemalan government and the people the necessary support to help solve this murder, to bring to justice those responsible for committing it, and to continue implementation of the peace accords.

The question in this resolution for human rights activists throughout the world that must be answered is not who murdered Bishop Gerardi, but rather, who ordered Bishop Gerardi murdered.

In one of his last public speeches, he closed with a biblical quote brought to mind by the memory of the painful facts of his report. He said, "And the Lord said to Cain, where is Abel, thy brother? And he said, I know not. Am I my brother's keeper? And he said, what hast thou done? The voice of thy brother's blood cryeth unto me from the ground."

Mr. Speaker, the voice of Bishop Gerardi's blood cries to the people of Guatemala and to the world from the ground to determine and to call for justice to be brought. We must not and should not let this murder destroy the peace so many people have worked so hard to bring about.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentleman from California (Mr. GALLEGLY), the distinguished chairman of our Subcommittee on the Western Hemisphere, is unfortunately detained today, but I will be submitting a statement on his behalf under leave previously obtained.

Mr. GALLEGLY. Mr. Speaker, in December, 1996, the Government of Guatemala and representatives of the UNRG signed a historic peace agreement ending some 36 years of armed confrontation.

Since that historic day, peace and the implementation of the peace accords, especially with respect to political stability, national reconciliation, the observance of human rights and freedom of expression, have made significant gains in Guatemala. In fact, in recognition of the progress being made on human rights, the United Nations Human Rights Commission recently removed Guatemala from its list of countries under observation for abuses.

Unfortunately, the progress toward reconciliation in Guatemala was rudely shattered on April 26 when Roman Catholic Bishop Juan Gerardi, a leading human rights crusader and author of a recently released report detailing the human rights abuses committed during the years of conflict, was brutally and senselessly murdered outside his residence in Guatemala City.

The murder shocked the people of Guatemala and called into question national attitudes about human rights on the part of some in that country.

House Resolution 421, introduced by our Colleague, KEVIN BRADY of Texas, expresses our outrage over this murder and calls on the Government of Guatemala to do everything in its power to resolve this crime and bring those responsible to swift justice.

To that end, I want to commend President Arzu for acting quickly to establish a high level Commission to help in the investigation, and the efforts made to date to resolve the murder. However, progress has been slow and the effort continues to need the strong support and cooperation of the police and military.

Equally important, however, is that this bill calls on the government and people of Guatemala not to give up on the peace and reconciliation process and to make a renewed commitment to carry out the provisions of the peace accords despite this tragic and unfortunate set back.

On May 13, the Western Hemisphere Subcommittee marked up this resolution and unanimously adopted it.

I urge passage of this resolution.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of House Resolution 421, deploring the murder of Bishop Juan Jose Gerardi, and I thank the gentleman from Texas, Mr. BRADY, for having introduced this resolution.

I join with all of the people of Guatemala in mourning and deploring the brutal murder of Bishop Juan Jose Gerardi, the head of the Catholic Church's human rights office. Many of us who have followed developments in Guatemala since the signing of the historic peace agreement in 1996 are deeply concerned about the negative impact which the slaying of Bishop Gerardi will have on the process of peace and reconciliation in Guatemala.

This would be especially unfortunate because the Guatemalan government has shown great determination to implement the broad-ranging commitments laid out in the peace accords since the signing of the accords. There have been many positive evaluations from the U.N. Mission in Guatemala and other international and Guatemalan organizations of the political will that the Arzu government has demonstrated and of important advances in the peace process.

The murder of Bishop Gerardi took place less than two days after he had presented the Catholic Church's landmark report, "Never Again," on the human rights violations committed during the civil war. The report documented the killings, disappearances, and massacres of the more than 30-year war, assigning blame for more than 80 percent of them on the security forces. Given Guatemalan history and the timing of the murder, there is widespread presumption in Guatemala of official involvement in the murder. This belief, and shortcomings in the investigation of the crime, has cast a pall over the peace process and chilled the climate of respect for human rights.

It is a measure of great progress in democratic government and respect for human rights that few believe that the murder of the Bishop was carried out by institutions of the State. Nonetheless, there is concern that the government has not sufficiently investigated the role which former and current military officials may have had in the crime; two suspects, a retired military officer and a current officer, were named several weeks ago by Church sources as having been involved, but they have still not been questioned. In addition, petitions to exhume the body of Bishop Gerardi to evaluate conflicting autopsy reports have not been acted on by the courts, even though every passing day makes it more likely that an autopsy would not clarify outstanding questions. The crime scene was not properly secured to assure the reliability of forensic evidence collected.

It is critical to the success of the peace process, and to the faith of the Guatemala people in the institutions of democratic government, that this case be fully investigated and that all clues be followed, regardless of where the evidence leads. The investigation must be complete, credible, and transparent, and the Guatemalan people must have faith that it will be carried out in such a manner.

In addition, there can be no better way for the government and the people of Guatemala to honor the life and work of Bishop Gerardi than to maintain a clear and strong commitment to fully implement the peace accords.

Mr. LANTOS. Mr. Speaker, I rise in strong support of House Resolution 421, and I commend the Gentleman from Texas, Congressman BRADY, as well as the cosponsors of this important resolution for their work on this bill.

Mr. Speaker, before us today is legislation which highlights one of the most tragic losses in the fight for human rights world-wide. The violent death of Guatemala's outstanding spiritual leader and human rights defender, Monsignor Juan Jose Gerardi, the Bishop who served as General Director of the Guatemalan Archbishop's Human Rights Office, is not only a tragic loss for Guatemala, but also for the process of reconciliation in civil-worn torn Guatemala and its search for truth.

I previously had an opportunity to express to Bishop Gerardi's coworkers and the Guatemalan people the condolences of the U.S. Congress and the American people for the tragic loss of Bishop Gerardi, and would like to take this opportunity to do so again.

Mr. Speaker, Bishop Gerardi was murdered on April 26th, 1998—only two days after he publicly presented the report "Guatemala: Never Again." This report represents an outstanding and extremely difficult effort to establish the death toll of 36 years of civil war, which is estimated to be at least 150,000, in addition to some 50,000 estimated disappearances. This crucial report—which clearly placed the blame for the majority of human rights abuses during the civil war upon the Guatemalan army—was prepared by the interdiocesan project, Recovery of Historical Memory (REMHI), which the Bishop coordinated. Needless to say, there is complete documentation for only a small number of cases, and the efforts by the Archbishop's Human Rights Office will continue. Let us never forget that these staggering estimates reflect the suffering and pains of hundreds of thousands of individuals, families, and loved ones, which no statistics can ever do justice.

Mr. Speaker, I also would like to take this opportunity to thank my good friends and distinguished colleagues, Congresswomen NANCY PELOSI of California and CONNIE MORELLA of Maryland, as well as Congressman GEORGE MILLER of California for leading a recent delegation in conjunction with the Robert F. Kennedy Memorial Center for Human Rights, which went to Guatemala to examine the impact of the murder of Bishop Gerardi on the future of the peace process and to check the status of the investigation launched by the Guatemalan authorities. Our resolution today clearly shows to all parties involved how seriously we in the United States Congress and in the U.S. government take these brutal efforts to silence this human rights activist. The guilty parties must be brought to justice.

While the world mourns the tragic loss of Bishop Gerardi, the efforts to implement the peace process must continue. Only by establishing the basic democratic principle of accountability will the Peace Accords be successful. Otherwise, the removal of Guatemala from the U.N. Human Rights Commission list of Countries under observation for human rights abuses could prove to be premature.

In order to assist the people in Guatemala to achieve the goals expressed in the peace accords, I have introduced H.R. 2635, the Human Rights Information Act, which provides Truth Commissions, such as the one in Guatemala, with the necessary information to document and prosecute human rights abuses which occurred in their country. The bi-partisan Human Rights Information Act is currently cosponsored by 92 of our distinguished colleagues in the House. I commend the outstanding human rights leadership of my friend and colleague, Congressman STEVEN HORN, the Chairman of the Subcommittee on Government Management, Information and Technology, for holding a hearing on this bill. I hope it will be possible to mark up this bill as soon as possible, before we run out of time in this Congress.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 421.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 277) concerning the New Tribes Mission hostage crisis.

The Clerk read as follows:

H. CON. RES. 277

Whereas Mark Rich, David Mankins, and Rick Tenenoff of the Sanford, Florida, based New Tribes Mission were abducted on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama;

Whereas the wives and children of these American citizens, Tania Rich (daughters—Tamra and Jessica), Nancy Mankins (son—Chad, daughter—Sarah), and Patti Tenenoff (son—Richard Lee III, daughters—Dora and Connie), have lived the past 5 years without knowledge of the safety of these 3 men;

Whereas Mark Rich, David Mankins, and Rick Tenenoff presently are believed to be the longest held United States hostages;

Whereas this kidnapping represents a gross violation of the 3 missionaries' human rights and is not an isolated incident in Colombia where, since 1980, 83 innocent Americans have been held hostage by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the FARC and the ELN guerrilla groups in Colombia have both been designated terrorist organizations by the Department of State;

Whereas Colombia is engaged in a high-level conflict with these guerrilla insurgency groups, a number of whom are protectorates of the deadly drug trade;

Whereas the FARC has recently threatened officials of the United States Government and kidnapped additional United States citizens in Colombia;

Whereas the region of Colombia where the 3 American missionaries are believed to be held is controlled not by the Colombian Government, but rather by the FARC;

Whereas on December 9, 1997, the President of Colombia stated on an internationally televised episode of Larry King Live that the FARC "in some ways have admitted indirectly that they have the missionaries";

Whereas Human Rights Watch has stated that "The FARC has an obligation to unconditionally free the 3 missionaries, with all necessary guarantees" and Amnesty International has declared their "request that the FARC respect international humanitarian norms, guarantee the life and physical safety of the missionaries and unconditionally free them and all other hostages";

Whereas congressional inquiries regarding the 3 missionaries have been made to United States Government entities, including, the White House, the Department of State, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation;

Whereas congressional inquiries regarding the 3 missionaries have been made to Amnesty International, Pax Christi, His Holiness the Pope John Paul II, and the International Committee of the Red Cross, which has provided assurances that their Colombian delegation "is still actively working in favor of the missing members of the New Tribes Mission";

Whereas 58 Members of Congress and Senators signed letters to 8 different heads of state, including Costa Rica, Mexico, Panama, Spain, Venezuela, Guatemala, Colombia, and Portugal, in attendance at the Iberian-American Conference in Venezuela in November of 1997, requesting any and all assistance in order to bring about a favorable outcome to this unfortunate event;

Whereas no official confirmation of life or death has been made by any United States Government entity, nongovernmental organization, foreign government, or religious institution;

Whereas the distinction between a "terrorist activity" and a "criminal activity" perpetrated on an American citizen traveling abroad should not be a limiting factor in terms of United States governmental investigation; and

Whereas every consideration to safety and prudence regarding action by the United States Government, foreign governments, nongovernmental organizations, international institutions, and other groups in this matter should be of the highest priority: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the President of the United States and his emissaries should raise the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, nongovernmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved;

(2) the international community should encourage any and all groups believed to have information on this case to come forward to help the families of the kidnapped missionaries;

(3) all appropriate information obtained by the United States Government, foreign governments, international institutions, nongovernmental organizations, and religious institutions should be turned over in a timely basis to the New Tribes Mission crisis response team;

(4) a copy of this resolution shall be transmitted to the President, the Secretary of State, the National Security Advisor, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the President of the Republic of Costa Rica, the President of the United Mexican States, the President of the Republic of Panama, the King of Spain, the President of the Republic of Venezuela, the President of the Republic of Guatemala, the President of the Republic of Colombia, the President of the Republic of Portugal, and His Holiness Pope John Paul II; and

(5) a copy of this resolution shall be transmitted to the New Tribes Mission, Amnesty International, Pax Christi, and the International Committee of the Red Cross.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Concurrent Resolution 277.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 277 concerning the New Tribes Mission hostage crisis. I want to commend our colleagues on the committee: the gentleman from Missouri (Mr. BLUNT), for introducing this concurrent resolution highlighting the plight of the New Tribes missionaries in Columbia; and I understand that the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON) contributed to the drafting of this resolution, and have been actively engaged on behalf of the families of these victims of terrorist kidnappings. This resolution received the unanimous support of our committee, and was referred to the suspension calendar.

Since 1980, Mr. Speaker, 83 innocent Americans have been held hostage in Columbia. Twelve of these Americans are known to have been murdered. In February, 1997, American geologist Frank Pescatore was brutally killed by the narcoterrorist group that calls itself the National Liberation Army, the ELM.

In 1995, the Florida-based New Tribes Mission lost two other missionaries, Steve Welsh and Timothy Van Dyke, who were murdered by another narcoterrorist group that calls itself the Revolutionary Armed Forces of Columbia, the FARC. These kidnappings and the suffering of the victims and their families have been virtually unnoticed and have been underreported in the media. Moreover, in Columbia, kidnappers act with substantial impunity. Ninety-seven percent of crimes in Columbia are never brought to justice.

In March, our Committee on International Relations held a hearing in which we heard testimony from three Americans whose lives were callously and inexorably altered by kidnapping at the hands of Columbia narcoterrorists. The testimony of Mrs. Tania Rich and the other kidnapped missionaries' wives was particularly moving.

Mr. Speaker, now is the time for the missionaries' captives to come forward with any information they may have on their fate and their well-being. Accordingly, I invite all of our colleagues to join in approving this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I thank the gentleman from New York, the chairman of the Committee on International Relations, for his management of this legislation now before us. I want to commend the gentleman from Missouri (Mr. BLUNT) for his authorship of this legislation.

Mr. Speaker, the resolution calls for the President and his representatives to raise the kidnapping of these three missionaries and all other American victims of kidnapping in Columbia with relevant governments, NGOs, and religious institutions at every opportunity.

The resolution also calls on the international community to encourage all groups with information on this case to come forward. Also, the resolution states that all appropriate information on the case of these three missionaries be provided to the New Tribes Mission crisis response team.

Mr. Speaker, it seems that kidnapping is literally an industry now in Columbia, where thousands of people are taken and held for ransom every year. No case, however, is as cynical and senseless as the case of Mark Rich, David Mankins, and Rick Tenenoff. These three men were on mission in southern Panama when they were kidnapped in January of 1993. If Columbia insurgents are as serious about peace as they say they are, then the least we can expect from them is an accounting of where these three men are and what has happened to them.

Mr. Speaker, the drafters of this resolution have been very active in raising the profile of this very regrettable case, and they ought to be commended for their efforts, especially the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON).

This resolution deserves our support, Mr. Speaker, and I urge my colleagues to join me in voting yes on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, it is with great sadness that I am compelled to rise today to urge the House to support House Resolution 277, because it means that Columbian guerillas are still holding David Mankins, Mark Rich, and Rick Tenenoff as hostages.

As we know, in January of 1993 the Columbian guerillas crossed the border into Panama and kidnapped David, Richard, and Mark from an Indian village where they were doing humanitarian work. These three American missionaries have now been held for over 5 years by the guerillas. I believe that is the longest held Americans ever, as hostages. Credible reports suggest that they are still alive.

Last year a number of Latin American ambassadors pledged to assist in resolving this hostage situation. In addition, the governments of other countries in Central and South America learned of the case and pledged their support in working to secure the release of Mr. Mankins, Mr. Rich, and Mr. Tenenoff.

The commitments of assistance from a number of these governments has been very encouraging. In July of last year, Assistant Secretary of State John Shattuck committed to doing everything possible to secure the release of these three Americans. Unfortunately, despite all these pledges of assistance from other countries, the Americans remain as hostages.

Mr. Speaker, American citizens' lives are at stake, and now have been for over 5 years. We must continue our efforts on behalf of these men. I urge President Clinton, Secretary Albright, the State Department, and all other appropriate American officials to work to bring an immediate end to this tragic hostage situation. I urge the House to support House Resolution 277 to pledge our assistance in bringing David Mankins, Mark Rich, and Rick Tenenoff, home to their families.

I also again offer my continued to support, assistance and prayers to Mrs. Mankins, Mrs. Rich, and Mrs. Tenenoff and their families as they seek the release of their husbands and fathers. I call on all of my colleagues to stand firmly against terrorism of any kind.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PITTS) for his eloquent remarks in support of this resolution.

Mr. GALLEGLY. Mr. Speaker, on January 31, 1993, armed Colombian guerrillas from the FARC organization crossed the border between Colombia and Panama and kidnapped three American missionaries of the New Tribes Mission. These innocent American citizens were then taken back into Colombia and held for millions of dollars of ransom.

Since that day almost 6 years ago, the fate of Rick Tenenoff, David Mankins, and Mark Rich remains unknown. Their families wait anxiously every day for some news of their loved ones. I want to applaud the FARC for their recent release of U.S. businessman, Donald Lee Cary who they held captive for more than five months, but I want to express my disappointment with the FARC for their silence on the issue of the New Tribes missionaries. The FARC guerrillas have chosen not to provide any information on the whereabouts of these missionaries. They won't even say whether they are still alive or not.

I want to commend our colleague, ROY BLUNT for introducing H. Con. Res. 277 asking the Colombian guerrillas to release these American citizens or to provide some information as to their fate. For the families, this is the least that can be done.

I urge my colleagues to support this resolution and I call on the FARC to release whatever information they have about these citizens.

Mr. WOLF. Mr. Speaker, on January 31, 1993, armed guerillas entered in Kuna village of Pucaro in Southern Panama and stormed the homes of Mark Rich, David Mankins, and Rick Teneoff. The men were missionaries for new Tribes Mission who lived in the village with their families. The guerillas tied up the men in their homes and ordered their wives to prepare packages of clothing. Then they all—the gun-toting guerillas and the three American missionaries—disappeared into the night. The three men have not been heard from again—that was over 5½ years ago.

The three men are believed to be the longest held American hostages in our history.

It is believed the men are being held by the Revolutionary Armed Forces of Colombia or FARC—an organization designated by the State Department as a terrorist group. It is believed the men were taken to Northern Colombia into an area controlled by the FARC. We know little else. We don't know whether the men are dead or alive. We don't know the exact location of whether they are being held. Very little information has become available.

For over 5 years, the families of these men have longed for the return of their loved ones—Mark has two daughters, David has a son and a daughter, and Rick has two daughters. These children have all spent the last years of their young lives without their fathers. Their mothers—Tania Rich, Nancy Mankins, and Patti Teneoff—have been without their husbands. They have spent each day praying for some shred of information that may give them a ray of hope.

They have lobbied the State Department and FB to do more. They have written to President Clinton. They have met with Latin American leaders who may have influence with the FARC. They have presented their pleas to Congress. They are speaking out and doing what they can. But we must help.

I rise in strong support of H. Con. Res. 277 which condemns the kidnapping of the New Tribes Missionaries and urges the United States government to do everything possible to press for their release. It sends the message that U.S. Congress cares about this case and is committed to working for the release of these men. Resolving these cases is never easy, but there be must be more the U.S. government can and should do.

We must try everthing possible to help return these men to their families. The kidnapping of American citizens is not acceptable and must be punished. Indecisive or unenthusiastic intervention on behalf of the American government puts American citizens everywhere at risk.

My heart goes out to the Rich, Mankins, and Teneoff families. We are with you and will do what we can to help you.

I urge you to vote in favor of H. Con. Res. 277.

Mr. MICA. Mr. Speaker, I rise today to support this resolution and encourage my colleagues and the United States Government to highlight the plight of three missionaries from my district in Sanford, Florida, who are being held captive by a narco-terrorist group in Colombia. The Congress must ask every federal government agency to bring greater attention to the plight of these men and their families.

New Tribes Mission, founded in 1945, places missionaries around the world. With approximately 3,500 missionaries working in isolated areas worldwide, no one can dispute the courageous work and positive influences these dedicated individuals bring to so many. Their work, however, is sometimes marked by danger.

On January 31, 1993, three New Tribes Missionaries: David Mankins, Mark Rich, and Rick Tenenoff were taken from their families in their village in Pucuro, Panama by armed guerrillas, who crossed the nearby border back into Colombia. This was over five years ago! Still, these three husbands and fathers, believed to be the longest held U.S. hostages, have not been reunited with their loved ones. They were not wealthy, well placed or international figures. They were there with limited resources on a mission of faith.

Mr. Speaker, I have worked closely with many of our colleagues in efforts to seek their release. We have made numerous inquiries with various U.S. government entities, including the White House, the State Department, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation and the intelligence community. We have also solicited support from human rights organizations such as Amnesty International, Pax Christi, and the International Committee of the Red Cross.

We were joined by fifty-seven Members of Congress and U.S. Senators, in contacting foreign leaders and participants in the 1997 Iberian-American Conference on Human Rights urging their support in raising this issue with Colombia and with all relevant governments and organizations. While this effort was met with wide support, these men still have not been returned.

These three missionaries are not people of sizable wealth or corporate executives. They are families of modest means who certainly cannot afford large ransoms. Colombian guerrillas, largely funded by the drug trade, have nothing to gain from holding these men. The United States must not forget these American lives. These lives are of equal value to any American, even those of substantial wealth and power. This resolution emphasizes Congress's commitment to the cause of freeing these men.

In closing, Mr. Speaker, we must face the prospect of what this sad story holds for the children of these fine Americans. David Mankins has not seen his children, Sarah and Chad, get married. Rick Tenenoff's son has told his mother he would go and stay with the guerillas just be with his father. And Jessica, Mark Rich's youngest daughter said, "I would give away all my toys, even Cubby [her teddybear], if it would bring Daddy back."—Heartbreaking. Let us not forget these men and their families. I urge my colleagues to join me in supporting H. Con. Res. 277, and hope that this effort further encourages those in power to act now & use every possible resource to free these American hostages, these devoted missionaries, these longed for husbands and fathers.

Mr. BLUNT. Mr. Speaker, I would like to submit the following statement for the RECORD regarding H. Con. Res. 277, the New Tribes Mission Resolution:

I invite all of my colleagues to join me today in approving legislation that I introduced, H. Con. Res. 277, the New Tribes Mission Resolution.

On January 31, 1993 three Americans, Mark Rich, David Mankins, and Rick Tennenoff were abducted from the Kuna Indian village of Pucuro in the Darian Province of Panama, and were taken to Colombia by the Colombian Revolutionary Armed Forces (FARC). These men, missionaries from the New Tribes Mission headquartered in Sanford, Florida, are now believed to be the longest held American hostages in Colombia.

After five years of uncertainty about the fate of these men, their families and other members of the New Tribes Mission deserve closure. Congress must take action to urge the missionaries' captors to come forward and release any information they may have on the fate and well being of these hostages.

My resolution expresses the sense of Congress that any individual or group with knowledge of the whereabouts of the New Tribes Mission missionaries be encouraged to come forward. It also seeks to bring international attention to the abduction and to pressure the Colombian government to release any information they may have about the fate of these men.

Accordingly, I welcome the support of all of my colleagues in approving this bipartisan and humanitarian legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 277.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

CALLING FOR AN END TO RECENT CONFLICT BETWEEN ERITREA AND ETHIOPIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 292

Whereas the 1991 ouster of the Mengistu dictatorship led to relative peace and stability in Eritrea and Ethiopia;

Whereas in 1993 Eritrea became independent after an internationally supervised referendum and the Government of Ethiopia accepted the result of the referendum;

Whereas the Governments of Eritrea and Ethiopia have worked closely on a wide range of issues over the past several years;

Whereas the Government of Eritrea and Ethiopia enjoy warm relations with the United States;

Whereas on May 6, 1998, a military confrontation erupted between Eritrea and Ethiopia, resulting in the deaths of hundreds of innocent civilians and the displacement of tens of thousands of people;

Whereas the peoples of Eritrea and Ethiopia have suffered for decades due to war and manmade famines and do not deserve once again to suffer due to armed conflict;

Whereas the conflict between Eritrea and Ethiopia could destabilize the entire subregion and lead to a massive humanitarian crisis;

Whereas the Governments of Eritrea and Ethiopia have both stated that they are committed to a peaceful resolution of the conflict; and

Whereas the Governments of the United States and Rawanda, as well as countries in the region, have put forth proposals for resolving the conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls on both Eritrea and Ethiopia immediately to bring an end to the violence between the two countries;

(2) commends the executive branch of the United States Government for brokering a moratorium on air raids between Eritrea and Ethiopia;

(3) commends the recent efforts of the United States facilitation team to resolve the crisis, and encourages continued United States engagement toward a peaceful resolution of the conflict; and

(4) calls on President Isaias Afewerki and Prime Minister Meles Zenawi to end the conflict peacefully before it escalates into a full-scale war.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 292.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL), a member of our Committee on International Relations, for introducing this important resolution.

The conflict between Ethiopia and Eritrea is a tragic one. Although there is no fighting at this time, hundreds of lives have already been lost and there is expectation that the fighting will resume soon.

These two nations, which are closely linked by language, by culture, and by history, are two of Africa's most promising nations, which makes the current conflict all the more terrible.

Mr. Speaker, with this resolution, we stand with the innocent victims of this senseless conflict and with those who are working for peace between these two nations.

Again, I thank the gentleman from California (Mr. CAMPBELL) for introducing this resolution, along with the gentleman from New Jersey (Mr. PAYNE), another member of our committee. They traveled to both of these nations recently and have provided valuable expertise, leadership, and insight to our committee on this issue. Accordingly, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the gentleman from California (Mr. CAMPBELL) and the gentleman from New Jersey (Mr. PAYNE) for their joint sponsorship of this legislation. It is a fact that it does have the bipartisan support of the committee as well.

Mr. Speaker, the resolution before us calls on both Eritrea and Ethiopia immediately to bring an end to the violence between the two countries. The legislation also commends the United States executive branch for brokering a moratorium on air raids between Eritrea and Ethiopia. The resolution commends the recent efforts of the U.S. facilitation team to resolve the crisis and encourages continued U.S. engagement towards a peaceful resolution of the conflict.

The legislation also calls for President Afewerki and Prime Minister Meles Zenawi to end the conflict peacefully before it escalates into a full-scale war.

Mr. Speaker, the sides are deeply committed to their positions. This is in significant part a personality duel between the two leaders. The resolution will have little impact on that, Mr. Speaker. Nevertheless, the Congress should urge both sides to renounce the further use of force and the United States should continue to actively promote a political settlement.

The resolution puts the Congress on record in support of these goals. This resolution deserves our support, Mr. Speaker, and I urge my colleagues to vote in support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL), a member of our Committee on International Relations.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his kindness and courtesy to me, and for yielding me this time.

Mr. Speaker, I rise to offer support for this resolution, House Concurrent Resolution 292. I recognize my good friend and colleague, the gentleman from New Jersey (Mr. PAYNE) who has been in many ways my tutor in matters of great importance to my heart, and particularly in this difficult area of the Horn of Africa.

What can we do in this resolution, Mr. Speaker? We can do very little. I recognize that. But at the most basic level we can say that we notice and we care that things that happen in what would be considered by most Americans a remote part of the world, the Horn of Africa, does touch all of us in the United States as lovers of freedom.

We have nothing but praise for the way the people of Eritrea and Ethiopia fought for their freedom from a tyranny of many years, from artifacts of the Cold War, and, eventually, in the case of Eritrea itself, in receiving independence from Ethiopia. And at the time there was such optimism because this was a peaceful transition, which is regrettably rare in the world and regrettably rare in Africa.

The first thing we can do is say we observe, we know what is happening, and we do care.

Second, this resolution which I drafted with the help of my colleague, the gentleman from New Jersey (Mr. PAYNE), and I wish to say the help as well of the administration, does not choose sides. This resolution does not say that we have decided which side is right. And it is important that we do not enter into that judgment.

Nevertheless, I do wish to call attention to the fact that the Assistant Secretary of State, Susan Rice, has been a substantial player in bringing about what cease-fire exists right now; that she deserves a great degree of credit; that I here give her that credit on the floor. I know I will be joined by my colleagues in so doing. And that in the achievement of a cease-fire, we have at least some progress.

Mr. Speaker, the next step is for the people of Eritrea and Ethiopia, of course. But it seems to me, and I believe many members of our committee, that the delineation of the border between Eritrea and Ethiopia should be given to an international organization, whether it is the Organization of African Unity or the United Nations Secretariat or the World Court. That even while there is no actual settlement of the conflict, the beginning of the delineation between the two countries can proceed—from which, both countries say, all of the conflict follows.

So the second main point I would say is whereas we are observing and we do care about this, we are not choosing sides, but the delineation of the border ought to proceed while the bullets are not flying. And then whoever is determined to own what property at the end of that delineation will be the result of a neutral, a third-party process.

Lastly, Mr. Speaker, a personal note. I have traveled to Africa with the gentleman from New Jersey (Mr. PAYNE), my good friend and colleague, my tutor, as I call him, and have made Africa my focus. And it is of great personal sadness to me that this war broke out. I address these words more to my friends in Eritrea and Ethiopia than to our colleagues here today, Mr. Speaker, when I say it is difficult to draw the attention of the United States to the tremendous amount of good that we can do with a small investment of caring, a small investment of our resources in this part of the world, and whatever success the gentleman from New Jersey has had for the years that he has been here doing this before I came back to Congress and began to work with him, whatever success we have had, is cast into jeopardy. Cast into jeopardy by the illustration of war between these two countries—because the easiest thing is to say no. The easiest thing is to find a reason not to be concerned, to turn one's back, to vote for foreign aid to countries that will help one politically instead of for a little bit of assistance that can save some lives or make a child see who would otherwise go blind, and vindicate the trust that the people of Eritrea and Ethiopia have given to their democratic leadership.

So, I conclude by making that observation. Mr. Speaker, to those watching in the governments of Eritrea and Ethiopia, know the harm that this war has done to those of us in this country who would seek to help the progress of people who have done so much on their own to the commendation of all of those who have observed it.

Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for allowing me to present the argument in favor of H. Con. Res. 292 and for his courtesy to me on the committee on this and everything else.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume, just to say to the gentleman from California (Mr. CAMPBELL) that I thank him for his eloquent words in support of this resolution, and for introducing the resolution to the House.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE) to speak on behalf of this piece of legislation.

Mr. PAYNE. Mr. Speaker, to the gentleman from American Samoa (Mr. FALEOMAVAEGA), I say thank you for that gracious commitment for all the time that I may consume. Unfortunately, I am not in the Senate, so therefore I will keep my comments brief. Although we are not supposed to address the other House, I apologize.

Mr. Speaker, let me first of all say that I rise in strong support of the resolution, H. Con. Res. 292, to end the conflict between Eritrea and Ethiopia. I would like to commend both the gentleman from New York (Chairman GILMAN) and the gentleman from Indiana (Mr. HAMILTON), ranking member on the Committee on International Relations, for bringing this resolution swiftly to the floor.

Let me take a moment to express my real admiration and appreciation to the gentleman from California (Mr. CAMPBELL), who became active on the Subcommittee on Africa at the beginning of the last term and who has added so much to the committee from the other side of the aisle.

Mr. Speaker, I think that there has not been a time in the history of the committee that a new member has taken the initiative and has really made such a difference, and I really express my appreciation to the gentleman from the leadership position who has enabled many of these projects to move forward. I really feel that the committee is very, very privileged to have him as a member.

Mr. Speaker, I would also like to thank the gentleman from California (Chairman ROYCE) and the gentleman from Florida (Mr. HASTINGS) for their input on this resolution.

Mr. Speaker, it is very timely. As we have heard from my colleagues, although a cessation of hostilities is presently the mood on the ground, the situation is still at best tenuous. I am very concerned about the situation for the entire East Africa region.

Eritrea became an independent State in 1993 following an internationally monitored referendum, which incidentally was supposed to take place in 1962, but because of political maneuvers, the vote was never taken. But we were glad that the international monitors in 1993 allowed the Eritreans to vote and overwhelmingly they voted for independence from Ethiopia.

Since that time, though, the President has been forced to deal with the Eritrean Islamic Jihad, the EIJ, a small Sudan-based insurgent group that has mounted terrorist attacks in northern and west Eritrea. Increased EIJ activities, coupled with the buildup of Sudanese forces on the western border, has led the government to increase security and deploy the Army to the west.

The Lords Resistance Army, LRA problem in northern Uganda; the 2.6 million people in southern Sudan who are in imminent danger of starvation, many who have been suffering from slavery that is still practiced in that country of Sudan; the bombing and the terrorist threats in Nairobi and Dar es Salaam, has shown that very much is at stake and allies have to stay together at this time.

With that said, I think it is imperative that we resolve the situation in Ethiopia and Eritrea. I am anxious to see a resolve to the present impasse. I believe that the facts surrounding May 6 are at best sketchy and we still do not know exactly what happened. But as the gentleman from California (Mr. CAMPBELL) said, we are not here to say who is at fault, who is to blame. That is behind us. We need to move forward.

Mr. Speaker, I know that respect for one's sovereignty and maintaining territorial integrity are very serious foreign objectives; however, this is not a simple border dispute and it represents a bigger issue for more serious underlying problems, I believe.

In a world where border disputes are not that common but rarely result in full escalation of hostilities resulting in war, I could not understand why a full escalation of war occurred, especially between these two friends and neighbors, persons who fought together.

I cannot condone the killing of innocent men, women, and children, whether it is in Asmara Addis, Mekele or Badme. I am friends, as is the gentleman from California (Mr. CAMPBELL), with both Prime Minister Meles and President Isaias, who we have spoken to, as well as their ambassadors here in this country on numerous occasions. And we have both urged them to halt all air strikes, pull back their ground forces, and create a lasting solution for peace and stability in the region.

I cannot condone the minor Ethiopian migration in other parts of the border, nor can I condone the takeover of Badme by the Eritreans and the supposedly binding nature of the Italian colonial boundaries.

□ 1430

Let me say that I am becoming increasingly concerned about the expulsion of both countries. A simultaneous full demarcation in the Yigra triangle in northwestern Ethiopia is in order.

I am pleased by the swift, quick, and decisive action in the region taken by the Assistant Secretary of State, Dr. Susan Rice, who during, her short tenure as assistant secretary, has made tremendous inroads in Africa.

I would like to conclude by saying that both countries fought against the Ethiopian Marxist regime of Mengistu dictatorship and have common interests of containing regional actors. All of this ended in 1991, and since that time an exemplary relationship of friendship and cooperation had been forged between their peoples and governments of these two countries. It would be a shame if this stalemate continued.

The Eritreans and the Ethiopians are brothers and sisters, and it is sad and most embarrassing for this to have happened. Lives have been lost and damage has been done, but we must move forward. The U.S. should continue to work on and actively promote a political settlement.

Mr. Speaker, I support this resolution and urge my colleagues to do the same.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to commend and respond to the statements made earlier by the gentleman from New Jersey (Mr. PAYNE), to commend the gentleman from California (Mr. CAMPBELL), not only for his eloquence, but certainly for his keen interest on the very, very important international relationships that our country has with the various nations of Africa.

In the years that I have spent as a member of the Committee on International Relations, my good friend and colleague, the gentleman from New Jersey (Mr. PAYNE) has always been my stalwart and senior member who understands more than most members on the committee of the important issues affecting not only the nations of Africa but certainly our relations with them.

Again, I want to thank the gentleman from California (Mr. CAMPBELL) for taking an active interest in this important piece of legislation. I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 292, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

JAMES T. LEONARD, SR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3810) to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office".

The Clerk read as follows:

H.R. 3810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 202 Center Street in Garwood, New Jersey, shall be known and designated as the "James T. Leonard, Sr. Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "James T. Leonard, Sr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3810 was introduced by my distinguished colleague, the gentleman from New Jersey (Mr. FRANKS). The legislation was introduced on May 7, 1998, and is cosponsored by the entire House delegation from the State of New Jersey pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3810 designates the building of the United States Postal Service located at 202 Center Street in Garwood, New Jersey as the James T. Leonard, Sr. Post Office Building.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I want to thank the gentleman from Texas for yielding to me.

Mr. Speaker, I rise today in support of the bill to name the United States Post Office in Garwood, New Jersey, after James T. Leonard, Sr.

James Leonard was one of those special individuals who devoted his life to serving his community. Whether it was founding the local rescue squad, volunteering with the fire department, or serving as a special police officer, he was always there to lend a hand to people in need.

To his friends and neighbors in this small Union County community in which he lived, Judge Leonard was affectionately known as "Mr. Garwood."

During his 6 decades of service to his community, James served as mayor, councilman, recorder, magistrate, and finally judge of the Garwood Municipal Court. By the time he retired in 1989, Judge Leonard had earned the distinction of being the last municipal court judge in New Jersey who was not a lawyer. He was also one of the longest serving municipal court judges.

I urge my colleagues to support H.R. 3810 so that we could pay tribute to a great American who gave so much to the community he loved. Naming the Garwood Post Office after James T. Leonard, Sr. is a fitting honor to a man who will always be remembered as "Mr. Garwood."

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to, first of all, join with my colleague from Texas in urging the House to favorably consider H.R. 3810. This is one of the many of the naming bills that we will consider today, but it is singularly important to the sponsor of this bill and has been cosponsored by the entire New Jersey delegation. I would like to rise in favorable support of this bill and ask for its consideration before the House.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in its resolution number 98191, dated April 14, 1998, the mayor and the council of the Borough of Garwood, Union County, New Jersey formally requested that the Garwood Post Office be named in honor of Mr. James T. Leonard. I also urge all Members to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill H.R. 3810.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3810, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RAY J. FAVRE POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building".

The Clerk read as follows:

H.R. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, shall be known and designated as the "Ray J. Favre Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Ray J. Favre Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2623 was introduced on October 7, 1997, by our distinguished colleague from Mississippi (Mr. TAYLOR). The legislation enjoys the cosponsorship of the entire House delegation from the State of his Mississippi pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 2623 designates the building of the United States Postal Service located at 16250 Highway 603 in Kiln, Mississippi as the "Ray J. Favre Post Office."

Mr. Favre was appointed postmaster of Kiln in 1940 and served in that position until his retirement in 1976. He was known for his prompt, courteous, and efficient service to all who use the postal facility. On many occasions, he went beyond the call of duty to provide aid and assistance, particularly to the people who were indigent.

The Hancock County Board of Supervisors honored Mr. Favre on his retirement by proclaiming August 29, 1976, as "Ray Favre Day" in Hancock County. The Veterans of Foreign Wars also held ceremonies at their post honoring him upon his retirement. He was a member of several civic associations in Kiln until his death in April of 1996.

The Hancock County Board of Supervisors unanimously requested that the Kiln Post Office be named in Mr. Favre's honor.

Mr. Speaker, I urge our colleagues to support this legislation and to honor Mr. Favre as a dedicated postal employee for his consistent work during his daily employment and for his exemplary work in the community.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me also rise in support of H.R. 2623. The House would have to take note that the only reason that this bill is before us, and one of the greatest pleasures that I have had as ranking member of this Subcommittee on Postal Service, is that I have the opportunity to work so closely with my colleague, the gentleman from the great State of Mississippi (Mr. TAYLOR) who introduced and sponsored this legislation.

Mr. Speaker, I yield whatever time he would need to the gentleman from Mississippi (Mr. TAYLOR) for him to articulate to the House his reasons for offering this legislation.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to thank the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH).

I would like to tell my fellow members that this could well be the tale of two Favres. A few years ago, after the Dallas Cowboys defeated the Green Bay Packers in the NFL championship game on a Sunday, the following Friday, I visited a fish fry at St. Paul's Catholic School in Pass Christian, Mississippi.

The purpose of the fish fry was to raise money for the elementary school, and it was done in a competition, where the group that raised the most money got to name the king and queen of St. Paul's carnival parade in Pass Christian.

One of the contestants was a lovely lady by the name of Bonita Favre. She has the distinction of being the mother of three wonderful children, one of whom is Bret Favre.

During the week that transpired between the Packers loss to the Cowboys and this Friday night, Bret was named Most Valuable Player of the NFL. So when I go to the fish fry on Friday night at Pass Christian, you would fully expect the recently appointed Most Valuable Player of the NFL to show up in a limousine, probably a Hollywood starlet on each arm, probably enough jewelry around his neck to retire the national debt.

Let us just say that I was very pleasantly surprised as I walked into the school cafeteria and looked over in the corner to see a young man who had just been named the most valuable of the NFL in a T-shirt, wearing a pair of brown khaki pants and some tennis shoes.

He is over in the corner, not talking to reporters, but playing rock, paper, and scissors with two local teenagers. I was thinking to myself I have seen all the people that have a lot of fame and idolization, and sometimes it does good things for them, and sometimes it ruins them. The first thought of mine is he is obviously handling this very well.

Bret probably could have very easily written a check for his mom to win this contest, but they decided to do it the way everyone else does, with fish fries where the local fisherman donate the fish and the shrimp and the oysters. The local men get together, clean them, and prepare them. Everyone goes through the line at $5 a pop.

I just thought it was absolutely remarkable that this young man, the son of two public schoolteachers in rural Mississippi, had done so well in such a short amount of time and handled it so well.

Based on that, I wrote the Hancock County Board of Supervisors and said there is going to be a new post office in Kiln, Mississippi, the community nearest to where Bret is from. He is actually from a smaller community called Fenton. Maybe we should name it in honor of him.

The board, in their wisdom, came back and really gave me a lesson in life. They said, think about it. This young man has had his photograph on the cover of almost every magazine and newspaper in the world. He has already been the Most Valuable Player. He will undoubtedly in his lifetime, and he since has won a couple of Super Bowls, won a Super Bowl and appeared in another. He gets plenty of idolization. Let us do something in honoring a good person.

If you have had the great privilege of seeing the movie "Saving Private Ryan," you know one of the most moving scenes at the end is when Private Ryan, the character who plays Private Ryan is crying at the grave site of one of the people, Captain John Miller, who saves his life. He turns to his wife and says, Am I a good man? Tell me I am a good man.

The person that the Hancock County Board of Supervisors chose to honor with this post office was a good man. It marks the fourth good man that I have had the privilege of helping to, working with my colleagues, to name a building after.

The first was my immediate predecessor, Congressman Larkin Smith, former sheriff and congressman, very well respected, someone else who worked himself up from his bootstraps and died tragically in a plane crash.

Another was an incredibly brave young Mississippian from Eastabuchie, Mississippi, by the name of Roy Wheat who threw himself on a land mine during the Vietnam War to save the lives of three other Marines, who was later awarded the Congressional Medal of Honor.

A third was probably the most lovable man any city in Mississippi produced, by the name of Johnny Longo, who served for better than 30 years as an elected official in his hometown of Waverly, Mississippi.

Being a good man is more than receiving a Medal of Honor. It is more than being a Congressman. It is more than being a lifetime elected official. Being a good man is the greatest compliment that any of us can hope to obtain when it is all said and done about us.

□ 1445

Mr. Favre spent his life serving his hometown of Kiln, Mississippi. For 36 years he was their postmaster. He married a local girl in 1945, was the loving father of Rae Ann Normand, Nancy V. Smith and Edward R. Favre. He was very active in his church. But more than anything else, he served the people he loved for 36 years.

About 4 years ago a heck of a lot of people were elected to Congress because they said they hated their country; they hated the people who worked for their country. I thought that was wrong then. I still think that is wrong. Mr. Favre loved his country and he loved serving his country. He did not need the limelight, he just wanted to do a good job.

So I stand before my colleagues today, number one, to thank the Hancock County Board of Supervisors for honoring a good man, and I ask my fellow Members of Congress to do the same. And let us see to it that this great public servant, who served that community so well for so long, is honored in an appropriate manner.

Mr. FATTAH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Once again we have heard from the gentleman from Mississippi about people who have served our country not only as good husbands and fathers but also as postal employees, and I too give thanks for Mr. Favre, for his 36 years of service to the people of Mississippi and the people of the United States.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2623.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2623, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JEROME ANTHONY AMBRO, JR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3167) to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building".

The Clerk read as follows:

H.R. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 297 Larkfield Road in East Northport, New York, shall be known and designated as the "Jerome Anthony Ambro, Jr. Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Jerome Anthony Ambro, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3167 was introduced by the gentleman from New York (Mr. ACKERMAN). The legislation was introduced on February 5, 1998 and is cosponsored by the entire House delegation from the State of New York pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3167 designates the building of the United States Postal Service located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building".

Jerome Anthony Ambro, Jr., a lifelong New Yorker, was born in Brooklyn. He graduated from New York University and served in the United States Army military police. Mr. Ambro served four terms as Huntington Town Supervisor and as a member of the Suffolk County Board of Supervisors. He was elected to Congress in 1974 and served three terms representing the 3rd District of New York. Mr. Ambro was elected leader of the 1982 freshman Members who were elected after Watergate. He served as Chairman of the House Subcommittee on Natural Resources and Environment and was known for his tireless work for senior citizens, strengthening Social Security, and his role in passing the clean air and clean water legislation. Mr. Ambro died at age 64 in 1993.

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3167.

Our effort here, Mr. Speaker, is to name a post office in honor of a former colleague, and this was offered by the gentleman from the great State of New York (Mr. ACKERMAN). It is in honor of a gentleman whose record of service in this House speaks for itself, I think all would agree, in terms of his fight on behalf of senior citizens and the protection of Social Security and in terms of his efforts in passing the Clean Air Act, his acknowledged leadership by his colleagues when he was elected head of the freshman class, some 82 Members.

The other point that I would make is that he served even before his election here to Congress. He was a member of the armed forces and, in part, during his service there, was a military police officer. My older brother served as a military police officer, so I have a certain affection for those who serve in that role or have served in that role. And I also think it is important to note his recognized contributions in his local community.

So I would join with my colleague from Texas and ask that we favorably support this bill unanimously out of the House and that we do our part, which is to acknowledge his service and his dedication to public service, through the naming of this post office in his hometown.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 3167, a bill to designate the United States Post Office located in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building." This legislation is a fitting tribute to a great man and selfless public servant.

I am proud to be the sponsor of this legislation. The fact that all 31 members of the New York Delegation cosponsored the bill demonstrates the respect we all have for Jerome Anthony Ambro, Jr. In addition, both Senators from New York have sponsored similar legislation in the other body. It doesn't stop there. The Huntington Town Board—the local government representing the community where the post office is located—unanimously approved a resolution urging Congress to pass this legislation.

The reason this bill has such widespread support, from the grassroots to the Capitol, is that Jerry, as his friends called him, served his constituents, colleagues and country well. Unfortunately, our nation sustained a major loss when Jerry passed away in 1993 from diabetes complications.

Jerry was a lifelong New Yorker, and he never forgot his roots. Following his service in the United States Army, Jerry served his constituents admirably for four terms as the Huntington Town Supervisor. In that role, he worked diligently to improve environmental protection and senior citizen services on Long Island.

Following his local success, Jerry was elected to three terms in the U.S. House of Representatives where he served as Chairman of the Science Subcommittee on Natural Resources and the Environment. He played a leading role in passing clean air and clean water legislation that improved our country's quality of life. Jerry also was a tireless advocate for senior citizens, fighting for the strengthening of Social Security.

Jerry Ambro's distinguished public service in local government and the House of Representatives deserves to be honored. The East Northport Post Office will be a legacy to Jerry's tireless efforts to improve the lives of New Yorkers.

I thank the chairman and the ranking member of the Postal Service Subcommittee for their cooperation in moving this legislation, and I strongly urge all of my colleagues to support this important bill.

Mr. FATTAH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3167, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EDGAR C. CAMPBELL, SR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3939) to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the "Edgar C. Campbell, Sr., Post Office Building".

The Clerk read as follows:

H.R. 3939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDGAR C. CAMPBELL, SR., POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 658 63rd Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Edgar C. Campbell, Sr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Edgar C. Campbell, Sr., Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3939 was introduced by our distinguished colleague and ranking member of the Subcommittee on Postal Service, the gentleman from Pennsylvania (Mr. FATTAH). The legislation was introduced on May 21, 1998, and enjoys the cosponsorship of the entire House delegation from Pennsylvania pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3939 designates the building of the United States Postal Service located at 658 63rd Street in Philadelphia, Pennsylvania, be known as the "Edgar C. Campbell, Sr., Post Office Building".

Mr. Campbell senior was elected to five terms of city-wide office, including Councilman-at-Large and Clerk of the Quarter Sessions Court.

Mr. Speaker, I urge our colleagues to support this legislation, which is to honor Mr. Edgar C. Campbell, Sr.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, obviously in support of H.R. 3939, a bill that I have authored and does indeed have the full support of the entire Pennsylvania delegation.

On many occasions we do this to honor the people that we are naming the buildings after, and in so many respects Edgar C. Campbell, Sr., honored us by his willingness to work and dedicate his life to public service. I knew him well personally. He taught me some of the more painful lessons of local politics, beating me in some of my earlier efforts at public office.

He was known as the "Dean of Black Politics" in Philadelphia, but also had a hand in most all of the politics of our local city in Philadelphia. He was someone who served both on the city council and as clerk of the court. He served as what we call the ward leader, that is, the local political leader of the

4th Ward executive committee, which is the ward I was raised in and came of age in politically.

Edgar C. Campbell, Sr.'s legacy continues through the great work of his daughter, who is now the ward leader there and head of a group of ward leaders, and also the leader of our local party, the leader of one of the head offices of our local Democratic party organization.

So I just want to have the House understand the tremendous contributions of this person, who was a gentleman, but also had a way to make sure that everyone understood that he had a sense about politics and he understood how to make it work to the benefit of the people who were his neighbors, who entrusted him with the responsibility of serving in public office.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

I did not know that Mr. Edgar C. Campbell, Sr., was a mentor of the gentleman from Pennsylvania (Mr. FATTAH), but I must state that he must have been a gentleman who taught well, because he has always not only been a gentleman but fought vigorously for all those things he believes in.

Mr. Speaker, it is an honor for us to name this post office in his honor, and it is great that the gentleman has brought this forth, and we appreciate that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3939.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3939, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAVID P. RICHARDSON, JR., POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3999) to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building".

The Clerk read as follows:

H.R. 3999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVID P. RICHARDSON, JR., POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5209 Greene Street, in Philadelphia, Pennsylvania, shall be known and designated as the "David P. Richardson, Jr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "David P. Richardson, Jr., Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3999 was introduced by the gentleman from Pennsylvania (Mr. FATTAH), who is the ranking member of the Subcommittee on Postal Service. The legislation was introduced on June 5, 1998, and enjoys the cosponsorship of the entire House delegation from the State of Pennsylvania pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3999 designates the building of the United States Postal Service located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building".

Mr. Richardson served 11 terms in the Pennsylvania House of Representatives. He was involved in many community and professional organizations, including the Urban League of Philadelphia, the National Association of State Legislators, and the Greater Germantown Youth Corporation. He was the recipient of numerous honors and awards for his civic involvement.

☐ 1500

Mr. Richardson died in 1995.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 3999, which would name a postal facility in the Germantown section of Philadelphia after a former colleague who I served in the State House with, David P. Richardson. He served for some 11 terms as a state legislator from Philadelphia. I served in the State House for 3 terms and then as a state senator in which our districts were contiguous to each other and also briefly as a Member of Congress while he was still alive.

David P. Richardson was a state legislator. But he was more than that. He was elected by his colleagues as the president of the National Association of Black State Legislators in our Nation. He was the president of that association but also served on the Executive Committee of the National Conference of State Legislators.

He was at home in Harrisburg, in our state capital, the chairman, or as we would say, the "powerful chairman," of the health and welfare committee for so many years that none could remember a previous chairman.

David P. Richardson served his constituents well. He was a former product of the public schools of Philadelphia, Germantown High School. He is someone who is well-respected for all of his work. His legacy will be with us for a great time to come. And this post office in the heart of his State House district will remind his constituents that David P. Richardson and his work should not ever be forgotten.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

May the spirit of what we have done here today and us working together live and enrich these communities of these post offices of which we have dedicated not only to the people of these communities but also for the spirit in which these gentlemen lived their lives.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Gillmor). The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3999.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVERETT) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question of each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 678, by the yeas and nays;

H.R. 1560, by the yeas and nays; and

H.R. 459, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 678, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 678, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 1, not voting 36, as follows:

[Roll No. 417]

YEAS—397

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—1

Paul

NOT VOTING—36

Ackerman
Barcia
Berman
Blumenauer
Borski
Brown (FL)
Buyer
Davis (VA)
Deutsch
Dixon
Ehrlich
Ford
Furse
Gonzalez
Hoekstra
Hooley
John
Kaptur
Kennedy (MA)
Kennelly
Kolbe
Lampson
Moakley
Moran (VA)
Poshard
Pryce (OH)
Riggs
Roukema
Rush
Schaefer, Dan
Schumer
Smith, Adam
Smith, Linda
Towns
Wexler
Young (AK)

□ 1722

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further consideration.

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 1560, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 1560, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 2, not voting 34, as follows:

[Roll No. 418]

YEAS—398

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—2

Boehner
Paul

NOT VOTING—34

Ackerman
Barcia
Blumenauer
Borski
Brown (FL)
Buyer
Deutsch
Dixon
Ehrlich
Ford
Furse
Gonzalez
Hoekstra
Hooley
John
Kennedy (MA)
Kennelly
Kolbe
Lampson
Lewis (CA)
Meek (FL)
Moakley
Poshard
Pryce (OH)
Riggs
Roukema
Rush
Schaefer, Dan
Schumer
Smith, Adam
Smith, Linda
Towns
Wexler
Young (AK)

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 459, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 459, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 419]

YEAS—400

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez

Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—34

Ackerman
Barcia
Borski
Brown (FL)
Burr
Buyer
Deutsch
Ehrlich
Ford
Furse
Gonzalez
Graham
Hoekstra
Hooley
John
Kennedy (MA)
Kennedy (RI)
Kennelly
Kolbe
Lampson
Moakley
Poshard
Pryce (OH)
Riggs
Roukema
Rush
Schaefer, Dan
Schumer
Smith, Adam
Smith, Linda
Towns
Wexler
Wolf
Young (AK)

☐ 1741

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was absent from the chamber today for rollcall votes 417, 418 and 419. Had I been present, I would like the RECORD to reflect that I would have voted "aye" on each of these votes.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, today I was unavoidably detained and missed the following rollcall votes:

Rollcall No. 417—H.R. 678, Thomas Alva Edison Sesquicentennial Commemorative Coin Act;

Rollcall No. 418—H.R. 1560, Lewis and Clark Expedition Bicentennial Commemorative Coin Act; and

Rollcall No. 419—H. Res. 459, Commemorating 50 Years of Relations between the United States and the Republic of Korea.

Had I been present, I would have voted "aye" on Rollcall Nos. 417, 418, and 419.

COMMUNICATION FROM INDEPENDENT COUNSEL KENNETH W. STARR

The Speaker laid before the House the following communication from Kenneth W. Starr, Independent Counsel:

OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, September 9, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. RICHARD A. GEPHARDT,
Democratic Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVE GEPHARDT: Today this Office has delivered to the Sergeant at Arms, the Honorable Wilson Livingood, 36 sealed boxes containing two complete copies of a Referral to the House of Representatives. This Referral is filed in conformity with the requirements of Title 28, United States Code, Section 595(c), which provides that "[a]n independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives . . . that may constitute grounds for an impeachment."

This Referral contains confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. Disclosure of this material to the House of Representatives has been authorized by the United States Court of Appeals for the District of Columbia Circuit, Division for the Purpose of Appointing Independent Counsels. A copy of that order is attached. The contents of the Referral may not be publicly disclosed unless and until authorized by the House of Representatives. Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential.

I respectfully request that the Sergeant at Arms maintain this Referral in a sealed and secure condition and deliver this sealed Referral to the House of Representatives at a time and place to be determined by the House consistent with its own Rules. Until such time as the Sergeant at Arms is directed to deliver this Referral, I consider it a record of the Office of the Independent Counsel, and executive department of the Executive Branch. I respectfully request that the Referral remain sealed until its formal receipt by the House. Jefferson's Manual, §706(c) (citing Speaker O'Neill's ruling of July 31, 1980, CONG. REC. at 20765).

Respectfully yours,
KENNETH W. STARR,
Independent Counsel.

☐ 1745

The SPEAKER. The accompanying court order will appear at this point in the Congressional RECORD.

The text of the court order is as follows:

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

DIVISION FOR THE PURPOSE OF APPOINTING INDEPENDENT COUNSELS

Ethics in Government Act of 1978, As Amended

In Re: Madison Guaranty Savings & Loan Association, Division No. 94-1.

Before: Sentelle, Presiding Judge, and Butzner and Fay, Senior Circuit Judges.

ORDER

Upon consideration of the "Ex Parte Motion for Approval of Disclosure of Matters Occurring Before a Grand Jury" filed by Independent Counsel Kenneth W. Starr on July 2, 1998, the Court finds that it is appropriate for the Independent Counsel to convey the materials described in that motion to the House of Representatives. Accordingly, it is

ORDERED that the motion be granted. The Court hereby authorizes the Independent Counsel to deliver to the House of Representatives materials that the Independent Counsel determines constitute information of the type described in 28 U.S.C. §595(c). This authorization constitutes an order for purposes of Federal Rule of Criminal Procedure 6(e)(3)(C)(i) permitting disclosure of all grand jury material that the independent counsel deems necessary to comply with the requirements of §595(c). This order may be disclosed as required in connection with the Independent Counsel's compliance with his statutory mandate.

PER CURIAM
FOR THE COURT:
Mark J. Langer, Clerk
BY
MARILYN R. SARGENT,
Chief Deputy Clerk.

PARLIAMENTARY INQUIRIES

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, I note that the Rules of the House say that any document in any committee is available to any Member of this House upon proper presentation by that Member to this committee. Will that rule prevail with regard to the documents referred to?

The SPEAKER. The documents currently do not belong to any committee and are in possession of the House under armed guard. The House will consider a rule to deal with the documents. At that time, the gentleman may have an ample opportunity, to debate it.

The majority is working very closely with the minority leader and the ranking minority member of the Committee on the Judiciary and with the Members on both sides of the Committee on Rules to develop a rule which may come to the Committee on Rules. This hopefully will be a clearly bipartisan rule with a broad base of support which will handle a complex group of documents in a way that will both meet the public interest and the needs of the Members.

Mr. DINGELL. Mr. Speaker, I have a further parliamentary inquiry. As I note that the Rules of the House require that any document in the possession of any committee or in the possession of the House is available to any Member of this House upon demand; is that correct?

The SPEAKER. Only with respect to committee files. Documents initially in the possession of the whole House can be handled in a different manner. And until the Committee on Rules and the House has determined where these documents will go and in what manner they will be handled, they will be maintained under armed guard in a room that the Sergeant at Arms is responsible for.

Mr. DINGELL. Mr. Speaker, again, I have a further parliamentary inquiry. The documents are in the custody of the Speaker, are they not?

The SPEAKER. At the direction of the Chair, the documents are in the custody of the Sergeant at Arms on behalf of the House. No Member of the House, neither the Speaker nor the minority leader nor any other Member nor any staff member, has access to these documents.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, how would a Member of the House who seeks to see these documents go about seeing them?

The SPEAKER. The most efficient way could be for the gentleman from Mississippi to meet with either the minority leader or the ranking minority member of the Committee on the Judiciary and explain how he wishes them to be handled, so that as the rule is written tonight or tomorrow morning it is written in a manner that fits the gentleman's interest. That is the way for an individual Member to be effective on this topic. On the Republican side, Members could meet with the gentleman from Illinois (Mr. HYDE) or the gentleman from New York (Mr. SOLOMON).

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a further parliamentary inquiry. If it is the understanding of a Member that the people that the Speaker has mentioned would not be in favor of releasing the report, what recourse then would a Member, or hopefully a majority of Members, have in seeking these documents?

The SPEAKER. The Chair will not speculate on relations inside the gentleman's party. The gentleman will have to discern that for himself. The Chair will not speculate on how that might work out. The gentleman would also, as a Member, have a right to vote against a proposed rule.

Mr. TAYLOR of Mississippi. Mr. Speaker, is that the sole recourse?

The SPEAKER. The Chair will not speculate, but the gentleman may want to sit down with the Parliamentarian and determine what other recourse he might have.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I would say to the honorable gentleman from Michigan (Mr. DINGELL) and the gentleman from Mississippi (Mr. TAYLOR) that there are ongoing meetings right this minute between the staffs of the Committee on the Judiciary on both sides of the aisle and the Committee on Rules on both sides of the aisle to make a determination of how to expedite this matter. And I would suggest to any and all Members that they go to their respective party leaders, because that input is being put in right now and sometime this evening we will come to some kind of bipartisan decision and bring that rule to the floor tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2863, MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–698) on the resolution (H. Res. 521) providing for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2538, GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–699) on the resolution (H. Res. 522) providing for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER TO THE NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Chair announces the Speaker's reappointment of the following Member on the part of the House to the National Skills Standard Board for a 4-year term:

Mr. William E. Weisgerber, Iona, Michigan.

There was no objection.

APPOINTMENT OF MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) as amended by section 2(d) of Public Law 102–586, the Chair announces the Speaker's appointment of the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Mr. Gordon A. Martin, Roxbury, Massachusetts to a 2-year term.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RONALD V. DELLUMS FEDERAL BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today in support of H.R. 3295 which designates a Federal building in Oakland, California, as the Ronald V. Dellums Federal Building. The naming of this building after my distinguished predecessor, Ronald V. Dellums, is truly an honor that many of his constituents his colleagues and his supporters from across the Nation have awaited as a mark of recognition and as a symbol of our appreciation for the role that he played, the leadership that he gave, the work that he did, and the spiritual uplift that he gave to the critical issues of our time.

Ron, as constituents, colleagues, family, and friends call him, we have called him that from the time actually of his membership on the Berkeley City Council in 1967, Ron became the focus and the leader of an ever growing group of people who were hungry for leadership on the critical issues of the late 1960s and the 1970s. These were people, activists who were upset about the Vietnam war, angry about injustices against blacks, people of color, women, and all those yearning to be a part of the larger America that would be moral and ethical in our domestic and foreign policy.

Ron V. Dellums, like his elder contemporary, Dr. Martin Luther King, Jr., ignited the activists for civil rights and activists for peace. For over two decades, this coalition provided some of the greatest political energies and social and political achievements that we have ever known.

This coalition propelled Ron to the House of Representatives where as a result of his distinguished work in the Armed Services Committee, now the Committee on National Security, he was elected to the chair and later the ranking member of that committee. He was valued and loved because of the role that he played on that committee and on the floor of Congress.

He spoke to the fears and the doubts regarding the war in Southeast Asia. He addressed passionately the need for social and economic justice at home and abroad. He also helped to forge the annual Alternative Budget, which was a product of the Congressional Black Caucus and the Congressional Progressive Caucus. This budget was of tremendous importance to his district and his national constituents because it provided a necessary voice for many of our deepest moral considerations.

The people who worked with Ron, who supported Ron, who became the people also who loved Ron, value this designation of the Ronald V. Dellums Federal Building. I want to thank my colleagues for honoring Ronald V. Dellums by designating this building in his name.

LABOR DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this week we celebrated Labor Day, and I believe that it is important to acknowledge the working men and women of America, for it is on their good and hard work, their tenacity and determination, their appreciation for excellence and equality that this Nation was built.

So if I might, Mr. Speaker, let me pay tribute to all of America's workers, men and women, single parents, senior citizens, young people who go to work every day and make this country a better place.

All over the Nation we celebrate Labor Day in many different ways. Families gather together. And I thought it was important to bring to the attention of this body maybe something that is not particularly associated with Labor Day, people working, but to emphasize how we can improve this Nation.

Mr. Speaker, I live in Houston, Texas, near the coast, so many celebrate Labor Day by going to their beloved Gulf waters. This past weekend a family from Beaumont went to those waters to celebrate Labor Day. The family of four enjoying an outing out together happened to be African-American. Those family members joined on what was claimed to be a flimsy raft and went out into the rough waters seeking to have a good time.

□ 1800

I think there is nothing wrong with a family having a good time. Tragically, the raft overturned. But I would like to pay tribute to Holly Shaffer, a white woman in Galveston. I say that for a reason. For quoting from the Houston Chronicle, here are Holly Shaffer's words,

> "Shaffer said she was sitting in her pick up truck watching two families go in and out of the surf when one group began struggling. She said other help might have arrived sooner, but a man she asked to call for help on his cellular telephone refused to do so. The man remarked they are black, they are probably drunk, she said. He got out of his car and stood there for 5 minutes, she added. I was seeing red by then. Holly then had to run across the street to a restaurant to seek help. Then she ran back across the street to get whatever she had out of her car and ran down the rugged rocks to be able to save one of the people who had overturned."

I say that because it is important for us to uplift the goodness of America, and Holly Shaffer emphasizes that. How tragic it is that, in 1998, on a day when we celebrate working Americans of all hues and colors and ethnic backgrounds, this quote in Texas signifies the cancer that still plagues America.

That is why I think it is important to note and say thank you to two very fine scholars, William Bowen of Princeton University and Darek Bok of Harvard University who today have presented a report that should end and silence forever those who want to kill affirmative action and civil rights in America.

The study says affirmative action created black middle class. There is no doubt, with absolute documentation, finite research to indicate that those African-Americans who were able to be race-based admitted into institutions of higher learning, elitist institutions like Yale and Harvard and Princeton in the 1970s and 1980s clearly carved out the path of black middle class in America.

In fact, the article goes on to say that, more than their counterparts, and a Hispanic study will follow, those individuals became civic leaders. They became doctors and lawyers. They became active and contributors in their community.

The shape of the report draws upon data about students who entered college in 1976 and 1989. It emphasizes in particular that race neutral admissions policy would be disastrous for American society, reducing black percentages to top schools to less than 2 percent.

As an illustration of what that would mean, they constructed a rough profile of 700 black students admitted in 1976 under race conscious policies. Of the 700, 225 doctorates, 70 are now medical doctors, 60 are lawyers, 125 are business executives, and more than 300 are civic leaders. Their average annual salary are $71,000, as reported from the New York Times, as I am reading from the Houston Chronicle, Wednesday, September 9, 1998.

Mr. Speaker, I think this puts to rest, I hope, as we begin the debate in the years to come and the future months as we listen to the courts, looking at cases in Michigan and elsewhere around this Nation, we cannot snuff out the opportunities for African-Americans, women, and other minorities because someone believes that we have enough.

Because we hear comments like they are drunk and probably black when people are losing their lives in the rough waters off the Gulf of Mexico, I think it is clear that we have a cancer in this community that we need to address.

This Congress must come on the side or come down on the side of affirmative action. We must support those who believe in equal opportunity.

The documentation by William Bowen and Derek Bok are clear deciding factors that suggest, without affirmative action in the 1960s and 1970s and 1980s, the affirmative action would not have created the black middle class that now serves and contributes to America. I hope we can stand for once on the side of equality and opportunity and carve out the cancer of racism for once and for all as we move into the 21st Century.

A WORLDWIDE FINANCIAL CRISIS

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, we are now experiencing a worldwide financial crisis. It may yet prove to be the worst in all of history.

There have been a lot of wringing of hands as to the cause, but the source of the problem is not a mystery. It is a currency induced crisis.

Although tax, spending, regulatory policies and special interest cronyism compounds the problems, all nations of the world operate with a flat monetary system. We have been operating with one for 27 years. It has allowed the financial bubble to develop.

Easy credit and artificially low interest rates starts a chain reaction that, by its very nature, guarantees a future correction. Depending on the particulars of fiscal and monetary policy and political perceptions, the boom part of the cycle lasts for unpredictable lengths of time.

The later bad consequences of inflating a currency are certain, no matter how beneficial the earlier ones seem. The dollar has played a major roll in the worldwide financial bubble since the dollar is the reserve currency of the world. It is readily accepted and used to further inflate most other world currencies.

Noted free market economists Ludwig Von Mises astutely observed in 1940:

> No political party and no government has ever tried to make a conscious deflationary

effort. The unpopularity of deflation is evidenced by the fact that inflationists constantly talk of the evils of deflation in order to give their demands for inflation and credit expansion the appearance of justification.

Since we hear no talk of sound money and we can be assured no government will deliberately deflate, we should remain vigilant against the politically popular policy of inflation, the deliberate debasement of the currency.

Beneficiaries of easy credit demand the policy of currency inflation continue. Creating money and credit out of thin air gives the illusion of the perfect counterfeiter, appearing legal and helpful to many. The power to inflate a currency guarantees a lender of last resort for risky borrowing, domestic and international. It accommodates deficit spending, permitting spending on extravagant welfare programs and unwarranted international militarism, something for everyone.

The welfare poor like it. The welfare rich like it. The foreign welfare recipients like it. It seems everyone likes it until the artificial nature of the financial bubble becomes apparent as it is now.

Fiat money and its low interest rates cause mal-investment, over capacity, rising prices in one industry or another, excessive debt and over speculation worldwide. We have had all of this. The current system has generated a nearly $30 trillion derivatives market. This is a modern day phenomenon, having allowed a greater speculative binge than anything known in financial history. But the current prices signals an end of an era and it does not bode well for anyone.

The near anarchy in Russia, the food riots in Indonesia, and the growing recession in Japan are signs of conditions spreading across the globe. Unfortunately, there is no sign that correct policy will soon be instituted, anyplace.

Capitalism erroneously is being blamed. No mention is made that no country today is truly capitalist in following a sound monetary policy.

A lot of lip service is given to free trade but, with only casual observation, one realizes that which is being promoted as free trade is internationalism and managed trade through organizations and programs such as NAFTA, the World Trade Organization, the IMF, the World Bank, foreign aid, subsidized exports, and a U.N. directed foreign policy. Economic sanctions by those professing free trade are commonplace and growing.

Today's protectionists rely on these programs in an effort to outwit their competitors along with demanding currency devaluations in a futile effort to enhance exports.

Markets inevitably devalue currencies that have been inflated by the monetary authorities. The degree depends on the amount of previous monetary inflation and political perceptions but, on the short run, countries frequently accelerate the devaluation in a competitive fashion in an effort to gain a competitive edge against their trading partners. This is why China, despite the denials, will likely accept the policy of official devaluation.

But our concerns here in the Congress should be for the dollar. We should not be so arrogant as to dictate policies to others since we have no authority to do so, whether it be Japan, Indonesia, Mexico, or Russia. We should resist this no matter how tempting it might seem. And we certainly should not use dollars to prop up other currencies or economies whether it be Mexico or anyone else.

Bailouts compound the problems and encourages others to mismanage their economies while expecting a bailout for themselves from Uncle Sam. But most importantly, it undermines the value of the dollar.

Since returning to Congress in January of 1997, I have repeatedly warned that our monetary policy is seriously flawed and will eventually lead to a dollar crisis. This, in spite of the fact that the dollar has been riding high in American bonds, and up until recently our stock markets have been a haven for the ravaged world financial markets.

Foreign Central Banks for years have been willing holders of our dollars, helping to finance our profligate ways, diminishing price inflation here at home, by buying up more dollars than our own central bank. But conditions are changing. In spite of many reasons for capital to flow into dollars assets in the last few years, foreign central banks have dumped $85 billion of their U.S. bond holdings. Considering our large negative trade balance, it is not a surprise to see this happening. And as this dumping of U.S. dollars accelerates, more pressure will be put on the dollar.

What can we expect from our illustrious central planners, the Federal Reserve? Just as difficult as it is for an addict to gradually cut back on drugs, economic planners refuse to accept the cutting back of credit creation the markets have become addicted to. Long life may be dependent on sound medical advice and drug abstinence, but feeling good on the short run drives the addict.

Likewise, an economy feels good by perpetuating for as long as possible the easy credit that brought us the good times in the first place while the long life of the currency, the economy, and the political system causes little concern. Because there is little interest for the long term in Russia and East Asia, chaos and political strife has prevailed. This we cannot afford in the United States.

Today, essentially all politicians, economists, and investors are strongly urging the Fed to do what they do best, inflate the currency, arguing that a liquidity crisis must be avoided at all costs. All that is required, they say, are low interest rates. But this can only be achieved by creating new money even faster, and M3 is already growing at a 9 percent annualized rate. This is inflation and the source of the problem. It appears the Fed is ready to accommodate.

Central planning, Soviet style, is a known failure. But we have not yet given up on our type of central planning through a powerful and secretive central bank that dictates interest rates and amounts of credit available to the system. Fine tuning and economic management has been left to the Fed. It is at its pinnacle of power under, ironically, a once gold standard, free market proponent, Alan Greenspan who leads it.

Let there be no doubt about it. The good times came with the generous credit creation and low interest rates. And Greenspan will yield to the politicians' pressure to continue the process. Turning off the money spigot and allowing the markets to work will never be seriously considered.

But eventually, the markets will rule. Credit creation may lower rates for a time, but when confidence is undermined, an inflation premium will emerge and rates will rise regardless. Lack of demand for loans in Indonesia and elsewhere in East Asia has not lowered rates. In a country with a collapsing currency, rates can and will rise especially if inflating the money supply is the tool of choice in an effort to stimulate the economy.

Inflating the money supply presents a great danger to the future of the dollar and the economy and our political system.

□ 1815

The worldwide financial bubble is like nothing ever witnessed before and it is collapsing. The Y2K problem will compound our problems, not to mention the instability of the U.S. presidency.

It is time to consider the fundamentals underlying our financial and economic system. The welfare state is unsustainable as are our worldwide commitments to bail out everyone and to intervene in every fight, even those that have been ongoing for hundreds if not thousands of years.

A limited government, designed to protect liberty and provide for a national defense is one that could be easily managed with minimal taxes, but it would also require that we follow the advice of the founders who explicitly admonished us not to "emit bills of credit," that is paper money, and to use only silver and gold as legal tender.

We need to lay plans for our future because we are rapidly approaching a time of crisis and chaos. We surely do not want to leave the solution to FEMA and presidential executive orders.

Let me quote from a famous economist who was writing in 1966 about the Great Depression:

> The Fed succeeded, but it nearly destroyed the economies of the world in the process. The excess credit which the Fed pumped into the economy spilled over into the stock market, triggering a fantastic speculative boom. Belatedly, Federal Reserve officials attempted to sop up the excess reserves and finally succeeded in braking the boom.
>
> But it was too late; by 1929 the speculative imbalances had become so overwhelming that the attempt precipitated a sharp retrenching and a consequent demoralizing of business confidence. As a result, the American economy collapsed.
>
> Great Britain fared even worse, and rather than absorb the full consequences of her previous folly, she abandoned the gold standard completely in 1931, tearing asunder what remained of the fabric of confidence and inducing a worldwide series of bank failures. The world economies plunged into the Great Depression of the 1930s.
>
> With a logic reminiscent of a generation earlier, statists argued the gold standard was largely to blame for the credit debacle which led to the Great Depression. If the gold standard had not existed, they argued, Britain's abandonment of gold payments in 1931 would not have caused the failure of banks all over the world. The irony was that since 1913, we had not been on a gold standard, but on what may be termed a mixed gold standard; yet it is gold that took the blame.

Further quoting from this economist from 1966:

> But the opposition to the gold standard in any form, from a growing number of welfare state advocates, was prompted by a much subtler insight: the realization that the gold standard is incompatible with chronic deficit spending, the hallmark of the welfare state. Stripped of its academic jargon, the welfare state is nothing more than a mechanism by which governments confiscate the wealth of the productive members of a society to support a wide variety of welfare schemes. A substantial part of the confiscation is effected by taxation. But the welfare statists were quick to recognize that if they wished to retain political power, the amount of taxation had to be limited and they had to resort to programs of massive deficit spending, i.e., they had to borrow money, by issuing government bonds, to finance welfare expenditures on a large scale.
>
> Under a gold standard, the amount of credit that an economy can support is determined by the economy's tangible assets, since every credit instrument is ultimately a claim on some tangible asset. But government bonds are not backed by tangible wealth, only by the government's promise to pay out of future tax revenues, and cannot be easily absorbed by the financial markets. A large volume of new government bonds can be sold to the public only at progressively higher interest rates. Thus, government deficit spending under a gold standard is severely limited.
>
> The abandonment of the gold standard made it possible for the welfare statists to use the banking system as a means to an unlimited expansion of credit. They have created paper reserves in the form of government bonds which, through a complex series of steps, the banks accept in place of tangible assets and treat them as if they were an actual deposit as the equivalent of what was formerly a deposit of gold. The holder of a government bond or of a bank deposit created by paper reserves believes that he has a valid claim on a real asset. But the fact is there are no more claims outstanding than real assets.
>
> In the absence of the gold standard, there is no way to protect savings from confiscation through inflation. There is no safe store of value. If there were, the government would have to make its holding illegal, as was done in the case for gold. If everyone decided, for example, to convert all his bank assets to silver or copper or any other good, and thereafter declined to accept checks for payment for goods, bank deposits would lose their purchasing power and government-created bank credit would be worthless as a claim on goods.
>
> The financial policy of the welfare state requires that there be no way for the owners of wealth to protect themselves.
>
> This is the shabby secret of the welfare statists' tirades against gold. Deficit spending is simply a scheme for the hidden confiscation of wealth. Gold stands in the way of this insidious process. It stands as a protector of property rights. If one grasps this, one has no difficulty in understanding the statists' antagonism toward the gold standard.

The economist who wrote this in 1966 was Alan Greenspan. He was right then. He is wrong now. Deliberate debasement of a currency cannot assure perpetual wealth, only hardship, the type of hardship we are now witnessing in East Asia and spreading around the world, moving now into Central and South America. And we here in the United States follow the same policy, and we are vulnerable no matter how beneficial and how it appears that we are doing today.

Congress has an explicit constitutional responsibility in the area of money and finance, and we must assume this responsibility. Secretive plans by a central bank to manipulate money and credit with the pretense of helping us is unacceptable, and before the trust in the dollar is lost we should work diligently to restore soundness to our monetary system. Without trust, the current system cannot last, and there is every reason to believe that the disintegration of trust throughout the world can and will spread to this country.

It is an obligation on our part, Members of Congress, to look into this matter, study it and at least be prepared for the problems that we will have to confront. We cannot continue with the system that we have. That is what the markets are telling us today. The worldwide financial crisis is not a figment of anybody's imagination, it is real, and we are reading about it every day and it threatens the life savings of every single American.

The value of the currency is crucial to protecting the assets of all retirees. This issue, I believe, is one of the most serious issues that we as Members of Congress have the responsibility of looking into and confronting and doing something about it. But as long as we accept the notion that the central planner of this country, the Federal Reserve, remains totally secret, without true supervision by the Congress, we are derelict in our duty.

It is up to us to do something. And as the crisis worsens, I believe it will become more apparent that our responsibility to look into this is quite evident.

MEDICAL RED-LINING: ECONOMIC CREDENTIALS FOR PHYSICIANS

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from California (Mr. CAMPBELL) is recognized for the remaining time of the gentleman from Texas (Mr. PAUL).

Mr. CAMPBELL. Mr. Speaker, Robert Weinmann is a medical doctor, president of the Union of American Physicians and Dentists, an independent labor union based in Oakland, California. He is a resident of San Jose.

Dr. Weinmann was kind enough to lend his support for a bill that I drafted that was heard in the Committee on the Judiciary just about a month and a half ago, and in his testimony he put forward the argument in favor of my bill which would create an antitrust exemption for health care professionals to present a united front when they are met with a united front on the other side by an HMO or some other intermediary.

Dr. Weinmann requested that I read his op-ed on this subject personally, and I am pleased to do so, and it is from the San Francisco Examiner of Friday, January 12, 1996. Its title is: Medical red-lining: "Economic credentials" for physicians.

Credentialing for physicians, a dimension that could be disastrous to patients, it is called "economic credentialing." The term refers to the use of economic or financial criteria to decide whether or not a doctor should have the medical staff membership or privileges without which he cannot practice at his local hospital.

Physicians document their medical education and training when they apply for hospital medical staff membership for the privilege of practicing and performing surgery in a hospital. Credentialing committees in hospitals make sure that physicians do not practice in specialties in which they have no training. This scrutiny of medical credentials ensures that patients get properly trained doctors.

Whereas medical credentials determine the expertise of physicians to evaluate their knowledge and judgment and to grant them the privilege of practicing in a particular hospital, "economic credentials" do not measure physicians' expertise, knowledge or judgment. Nonetheless, "economic credentials" are becoming more important than medical credentials in determining medical staff membership or privileges.

How do "economic credentials" work? Data retrieval is key. Let us assume one doctor has 100 patients for whom his diagnostic tests and treatment costs $2,000. Let us assume another doctor has 100 patients and that this doctor's prescribed diagnostic tests and treatment cost $3,000. We can say that the cost ratio of the first doctor is 20-to-1, whereas the cost ratio of the second doctor is 30-to-1.

In certain managed care plans, such as health maintenance organizations, HMOs, with prepaid premiums, the doctor with the 20-to-1 cost ratio has preferable "economic credentials" in comparison with the doctor whose ratio is 30-to-1. If the managed care plan is going to make a profit, it will do better with the first doctor than with the second. So the plan gives the boot to the second doctor and welcomes the first one.

Essential to this program is knowing how much doctors actually cost the program in terms of expenses meted out for patients' medical care. These expenses used to be called medical care. Now they are characterized as losses, or expenses that rob corporate owners or shareholders of profit.

Keeping track of this data and using it to grant doctors membership in HMOs, independent practice associations, or hospitals is the backbone of economic credentialing. Unfortunately, this backbone is spineless and without soul. It doesn't care a whit about patients as people, but only about patients as progenitors of cost and expenses. Companies want to minimize these costs to enhance profits.

The danger is that physicians' "economic credentials" will become more vital to managed care companies than their medical credentials. Court decisions have not shot down economic credentialing.

In Florida, a doctor was denied membership on a hospital staff because he was already a heart surgery director at another hospital. In other words, his services were declined not because he could not measure up medically, but because he was viewed as an economic competitor.

In Los Angeles, a doctor was terminated from a health care plan based solely on a business and financial management analysis. The company told the doctor that, "This decision in no way is a reflection on your performance." An inquiry has been launched to discover if medical red-lining occurred.

In San Jose, a group of doctors in a managed care organization were issued an edict telling them that coronary stents, a type of heart surgery, no longer would be authorized. To ensure that the doctors took the edict to heart, so to speak, they were hammered with the following declaration, "If any charges are incurred for such (coronary stents), the cost resulting from such will be deducted from your income."

Patients need to know that before they join any managed care plan they must make sure the plan manages to take care of them before it takes care of its owners.

□ 1830

This advice will not be easy to follow. In some plans, doctors operate under "gag" or "no-cause" clauses, legally imposed conditions, whereby participating doctors agree not to discuss with patients the plan's financial incentives for doctors.

Additionally, a doctor's criticism of a plan's refusal to provide diagnostic testing or recommended treatment may be treated as corporate disloyalty and grounds for dismissal.

In the meantime, it behooves patients and doctors alike to learn how the health insurance industry works. Otherwise, we risk being red-lined out of whatever health care coverage we believe we may still have.

This ends the editorial by Dr. Robert Weinmann in the San Francisco Examiner of Friday, January 12, 1996.

2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise this evening to clarify the status of planning for the 2000 Census.

Some of my colleagues tried to give the impression that the Census Bureau is pursuing an illegal course of action by planning for a scientific census that will count all Americans. Nothing could be further from the truth.

There are three issues here: Number one, what have the courts said? Secondly, what were the terms of the agreement between the administration and Congress passed by the Commerce, Justice, State Appropriations bill last November? And thirdly, what is the appropriate course of action for the future?

Last month, the District Court for the District of Columbia issued a ruling in the case of the U.S. House of Representatives v. the Department of Commerce. That court ruled that the use of sampling in the census violates the provisions of Title 13 of the United States Code.

If this were the first ruling on this issue, this might be news, but it is not. The fact of the matter is, three district courts have ruled on this issue since 1980 and all three have come to the opposite conclusion.

Let me read to my colleagues a few of the other courts' decisions so that we can make up our own mind about the guidance from the courts.

In 1980, the United States District Court for the Eastern District of Michigan said, "The words 'actual enumeration' in Article 1, section 2, clause 3 do not prohibit an accurate statistical adjustment of the decennial census to obtain a more accurate count."

That court went on to address Title 13 and said, "There is nothing contained in Title 13, United States Code, section 195, as amended, which would suggest that the Congress was interested in terminating the Census Bureau's practice, manifested in the 1970 census, of adjusting the census returns to account for people who were not enumerated. All that section 195 does is prohibit the use of figures derived solely by statistical techniques."

In that same year, the United States District Court for the Eastern District of Pennsylvania said, "The court holds that the Census Act permits the Bureau to make statistical adjustments to the headcount in determining the population for apportionment."

In 1993, these concepts were restated by the District Court for the Eastern District of New York, which said, "It is no longer novel or in any sense new law to declare that statistical adjustment of the decennial census is both legal and constitutional."

Three separate district courts have ruled that the use of modern statistical methods to correct the census is both legal and constitutional. One district court has said that it is illegal and did not address the constitutional issue.

When agreement was reached last November to pursue the legality and constitutionality of the census plans in the courts, all agreed that the ultimate answer must come from the Supreme Court. This division among the district courts, even though it is 3 to 1, simply reinforces the wisdom of that decision.

If we were to draw a conclusion from the district courts, the smart money would be on the side of the Census Bureau. But that is not what we agreed to, and it is irresponsible to now chastise the Census Bureau for continuing down the path laid out last November.

Where do we go from here? The answer is obvious. We stay the course. That is not what the Republican majority is doing. Instead, they want to hold the funding for the second half of the 1999 census hostage because they fear that the Supreme Court will rule in favor of the Census Bureau.

The Republican majority's fight against the census has always been an issue of political survival, not one of getting the most accurate count. We need a scientific census, one that will count all Americans. We need to support the professional Census Bureau plan.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, it is not my intention to use all the time this evening, but I did want to spend some time this evening to talk about managed care reform.

Today, after having spent the last month in their districts, Members of the House returned from Congress' annual August recess. And the month of August always provides Members with an extended opportunity to hear what is on their constituents' minds. And I just wanted to assure my colleagues that the number one issue on people's minds, at least in my district, continues to be managed care reform.

I think over the last 4 weeks I held about 20 town meetings or forums in various municipalities in my district, and it was the issue people were most concerned about before we left in August and it continues to be the one that I hear most about at town hall meetings and the open houses that I have had in my district offices. And I think it will be the major issue that people worry about in terms of legislative action in this Congress and that we need to address the issue before this Congress adjourns sometime in October.

One of the things that a lot of people ask me is exactly what type of reform we have in mind. And I talk specifically about the Patients' Bill of Rights, which is the legislation that myself and other Democrats put forth before the House before the August break.

The Patients' Bill of Rights, the Democratic Patients' Bill of Rights, basically provides a number of patient protections, if you will, for Americans that are in a managed care organization, or HMO.

And just to give an example of some of the patient protections that we do provide in the Democratic bill, most important is the return of medical decision-making to patients and health care professionals, not insurance company bureaucrats.

Most of the people who have attended my town meetings or come to my district office complain to me about the fact that a decision about what kind of procedure or operation they might have or whether they are able to stay in the hospital after a particular operation or particular care that they need that that decision is increasingly made by the insurance company and not by the doctor.

The doctor may say to them, "Well, I really think you should be staying in the hospital a few more days," or the doctor may recommend a particular medical procedure or operation and the insurance company decides that they will not pay for it because they do not deem that operation medically necessary.

Well, it should not be the insurance company that makes that decision. It should be the physician in consultation with the patient. And that is what the Democrats are trying to do with our Patients' Bill of Rights, bring that decision about what is medically necessary back to the physician and the patient, to the health care professionals, not the insurance company bureaucrats.

The other major patient protection that we provide in our Democratic bill relates to access to specialists, including access to pediatric specialists for children. Many people have complained to me that if they need a specialist, sometimes a specialist is not available within the managed care network or that they do not feel that the person that they are referred to within the managed care HMO network really has the expertise that is necessary with regard to the care that they need.

And what we say in our Democratic bill is that they have to be guaranteed access to a specialist. If in fact these specialists within the HMO network are not adequate, for example, if the HMO decides that they can see a pediatrician but not a pediatrician that has a specific type of expertise, then they have the right under the Democratic bill to go outside the network and the insurance company would have to pay for that specialist that is necessary even though it is not a doctor that operates within the HMO.

The other major issue that I hear constantly from constituents, probably even more so than any other, is coverage for emergency room care. Many insurance policies now that come under managed care, or HMOs, would say that in a given circumstance they might have to go to an emergency room, to a hospital, that is further away from where they are located, or if they do go to the emergency room, they may decide afterwards that it really was not an emergency, and therefore, they are not going to cover the care and they have to pay for it out of their own pocket.

Well, what the Democratic bill says is that if the average person, it is a standard we call a "prudent layperson" standard, if the average person, the average citizen, would feel that at a particular time they need to go to an emergency room because they have a particular type of pain or they have suffered a particular kind of injury, then they have the ability to go to the closest emergency room and the insurance company has to pay the bill.

It really is common sense. Most of these patient protections, Mr. Speaker, are nothing more than common-sense proposals that I think most Americans would feel that we already have. But we do not; we do not have these guarantees, and we need to make these patient protections, these guarantees, we need to make them the law of the land.

The other issue that comes up and another patient protection in the Democratic bill is the right to talk freely with doctors and nurses about every medical option. What we have found is that many of the HMOs now will simply tell the doctor that they cannot talk to the patient about a particular medical option, say, a particular procedure or operation, if they do not cover it. It is called a "gag rule." They basically implement a gag rule and limit what the doctor or the nurse can say.

That is not right. We live in a country where we value freedom of speech, and certainly we would expect that our physician would be able to tell us freely whether we need a particular procedure and what kinds of procedures or care are available.

The Democratic bill basically guarantees that there would be no gag rule and that the physician or the nurse would have the right to talk freely with the patient about medical options that might be necessary.

Also, in our Democratic bill we have an appeals process and real legal accountability for insurance company decisions.

Now, let me talk a little bit about that. What I find is a lot of people will come to my office or they will testify at some of the hearings that we have had in Congress, and they will say that if the insurance company or the HMO denied them care and said that they could not have a particular procedure or said that they had to leave the hospital, and they tried to appeal it, they either filed a grievance or they called up the insurance company and said they did not agree with their decision and would like to have it reviewed, that right now, for most people, that is not really an option because the review, if there is one, is done internally by the HMO, by the insurance company, and they simply review their own decision and decide that they are wrong and that is the way that it is going to be.

Well, what we do in the Democratic bill is, we say that there will be an external review procedure, that it will not be the insurance company that they go to if they have a grievance or they want to appeal the denial of care. They get to go to an outside board that they do not appoint and they cannot influence that will decide whether or not that decision was accurate; and if it was not, they have the power to overturn the insurance company and guarantee that the care is provided or that the care is reimbursed for and paid for.

In addition to that, for many people now, if they are in what we call an ERISA plan, which is a plan where their company that is helping pay for the insurance is self-insured and, therefore, it comes under the Federal Government's review, that they may not have a right to sue the HMO or the managed care organization for damages that are inflicted because they denied them care. They cannot go to court and recover for the damages that occurred because they were denied a particular type of care.

Well, that is not right. People should be free, in my opinion, to be able to go to court and sue the HMO, sue the managed care organization, if they have been denied care and they suffered damages. And that is what we also say in the Democratic bill, that they will have that right.

Again, we are not talking about anything that anyone should be surprised about. It only makes sense that if someone injures them that they should be able to go to court and recover for their injuries.

And finally, there are a number of patient protections, but I wanted to talk about one more that I consider particularly important, and that is an end to financial incentives for doctors and nurses to limit the care that they can provide.

What we find now is that many insurance companies, many HMOs, many managed care organizations basically, give a financial incentive to the doctor if they limit the care that is provided, so that, in a sense, they have an incentive because they are getting paid more, for example, if they do not do as much and if they can show over a period of time that they have not prescribed or recommended certain procedures that may be costly.

□ 1845

Well, again, that is just the opposite of the type of incentive that we should have. People should feel free, if their doctor thinks that they need care, that the doctor will recommend that the care be provided and not have a financial incentive not to provide it. Again, our Democratic bill makes it clear that that type of financial incentive to limit care is not allowed and is essentially made illegal.

Now, I wanted to talk about what happened here in the House before the break, before the August break. The House, of course, hastily considered a Republican managed care bill and the Democrat's Patients' Bill of Rights, which I have talked about this evening, was essentially defeated by about 5 votes, very narrowly, and I believe that the Republican leadership was anxious to get something passed so that the Republicans would have something to point to when voters raised the issue of managed care reform at town meetings and other opportunities back in our districts.

So what I want to stress tonight is that the Republican alternative to this Democratic Patients' Bill of Rights that I talked about this evening really is not going to do the trick. It is not going to be effective in providing patients with adequate protections.

I just wanted to spend a little time, if I could, talking about why this Republican plan that was passed in the House, and was basically passed and the Democratic plan was defeated, why this Republican plan will not work effectively to protect patients' rights and to reform HMOs and managed care. I do not do this in an effort to suggest that I am not open to alternatives that would come from the other side and come from the Republican leadership but I am concerned that if the Republican bill is the one that ultimately were to pass the Senate and go to the President's desk that it really would not do anything to improve the situation for health care for those in HMOs and, in fact, might make it a lot worse in terms of the kind of protections that people have.

I talked a little bit about access to specialists under the Democratic proposal. The Republican bill does not ensure access to specialty care. For example, if a child with cancer needed to see a pediatric oncologist, there is no requirement that he or she would have access to that specialist. If the HMO said, okay, we will provide a pediatrician for children but we are not going to provide any specialists for children beyond the basic pediatrician, then you would not have the ability under the Republican plan to see a pediatric specialist or certainly to have the insurance company pay for it.

Protection of doctor/patient relationship, I talked about how one of the most important things that people bring up to me is the need to have the decision about what is medically necessary and what care is provided, that that decision be made by the doctor and the patient and not by the insurance company. Well, under the Republican bill, basically the insurance companies decide what is medically necessary. The health plan can define medical necessity any way it wants and if there is a review of a decision to deny care, then the review only goes back to what the plan originally provided in terms of what is medically necessary.

So, for example, if you want a particular type of operation and the HMO decides that they are not going to pay for it, well, they decide what is medically necessary, and if you go out and try to appeal that, the court or the appeal board would have to say, well, that decision about what is medically necessary is made by the insurance company. We cannot review it.

So, again, this is a major flaw. If the decision about what is medically necessary is decided by the insurance company essentially the patient has effectively no protection.

The other thing that I have not discussed tonight but I want to discuss, and I think is very important, is the whole idea of choice of doctors. Now, we know that the basic idea with an HMO or a managed care plan is that the plan is limited to a network of doctors that sign up and that you are allowed to choose from, but what we say in the Democratic plan is that we will do initially, when a patient decides what kind of health insurance to sign up for, that they must have the option of being able to sign up for an HMO that allows point of service; that allows them to go outside the plan and see another doctor even if it means they have to pay a little more. So that what we are saying is that you will have a choice in the beginning when you decide what kind of health insurance to buy, you will have a choice, other than a closed panel HMO.

Right now, many employers only provide what we call a closed panel HMO. In other words, you can take the HMO and they have their network of doctors and if you do not want to see one of those doctors, that is it. Those are the only choices you have. What we are saying in the Democratic bill is that initially you should be able to decide to have the point of service option so that you can go outside the network at your own option if you want to pay a little more for a physician that is not a part of the network.

Now, again, contrasting that Democratic proposal with the Republicans, what the Republicans put forward, they have a point of service option, if you will, but it is so full of loopholes as to make it essentially meaningless. There are exemptions for HealthMarts. There are exemptions if the employer does not want to contract with the plan to do it; exemptions if premiums increase 1 percent. Basically, they are saying if the cost of premiums go up or if the employer doesn't want to have an option where you can go outside the network, then you do not get this point of service option where you can choose your doctor. So essentially they have not provided for a point of service where you can choose your doctor.

Again, talking to many of my constituents during the August break, this was a very important point, that they wanted to have that option if they wanted to go outside of the network and choose a doctor, even if it meant that they had to pay a little more.

The other thing that I wanted to mention is, again, with regard to specialists, there are a few things that the Democratic bill does that the Republican bill does not do. First of all, we allow women to choose their obstetrician or the gynecologist as a primary care doctor. That is not allowed under the Republican plan. Again, this is important, because if your OBGYN is your primary care doctor then that person can make referrals to other specialists. If they are not, then you are dependent upon the general practitioner essentially to make those kinds of referrals.

Let me also talk about emergency care again and how the bills differ, how the Republican and the Democratic plan differ. In the Democratic plan, we specifically say that severe pain is a basis for going to the emergency room. Like, for example, if you have severe chest pains and the average person would think well, that is a good enough reason to be able to go to the emergency room that is closest to me, well, the Republican bill does not include that so that essentially, again, it is up to the insurance company to decide whether or not there was justification for you to go to the emergency room. To me, that is very important.

I do not want to have to second-guess, when I have severe chest pains, whether or not it is strong enough for me to have to go to the emergency room. I would think that the average person would think if they have severe chest pains that they go to the emergency room and they get care and it is going to be covered. That is the way it should be. Unfortunately, that is not the way it is under the plan that the Republican leadership brought forward here a few weeks ago before we had the August break.

Now, I just wanted to talk about a few other things that the Republican bill does that I think ultimately cause the situation even to be worse in terms of patient protections and health care. The Democratic bill is pure in the sense that it seeks to address the issue of managed care reform and HMO reform directly without adding a lot of other things. When we talk about health care in the House of Representatives amongst our colleagues, Democratic and Republican, we know that there are a lot of issues that need to be addressed. For example, one of the biggest concerns I have is the fact that so many people are uninsured and have no insurance. The number keeps growing.

Others want to address the issue of malpractice reform, because they think that physicians in many cases are too liable for malpractice and that we need to address that issue. Others feel that there needs to be ways to expand and experiment with other kinds of health insurance that many people do not have right now. Well, all that makes sense and certainly are things that we should look into, but what the Republican bill has done, and I think it is purposeful, is to throw a lot of these things that are unrelated to managed care reform into their legislation, which will make it very difficult for the legislation to move forward.

Now, again, we only have about a month here from today until we are scheduled to adjourn. It is going to be very difficult in that month to get anything passed. So if you overlay legislation dealing with managed care reform with all these other concerns, you are pretty much guaranteeing that we are not going to address the issue.

Well, what the Republican leadership has done is they put in their legislation medical malpractice reform. They have also said that if companies right now that are self-insured and come under the Federal law, under the ERISA, if a group of companies want to get together and start their own self-insurance pool, that they also will be exempt from State laws and come under Federal law and be under ERISA and also, therefore, there would not be the ability to sue.

Well, throwing that in, throwing in, again, an expansion of self-insurance and bringing it under ERISA is another sort of poison pill that takes away from the real issue at hand, which is managed care reform.

So we have the medical malpractice reform, we have the expansion of ERISA, and a third thing that we also have is expansion of medical savings accounts. Medical savings accounts were started on an experimental basis last year when we passed the Balanced Budget Act and it is a very controversial way of basically allowing people to take money, for example, in the case of Medicare, if you had a medical savings account under Medicare, if you decide to have a very high deductible and pay out-of-pocket for most of your every day health care expenses, then the Federal Government would give you money in a savings account from Medicare, from Medicare funds, rather than pay for your health insurance for most of the normal daily occurrences that might result in your need to have health care. So you basically get an account coming from the Federal Treasury for you to save money as opposed to getting your health insurance paid for. You have to pay out-of-pocket from that account.

Well, it is an idea that some people think needs to be looked into and we do have it on an experimental basis, but what the Republicans have done in their bill is to allow this to be expanded to cover a lot more people in the context of the managed care reform that I have been talking about this evening.

Well, once again, that is a poison pill. That is a controversial issue, along with the medical malpractice reform and the expansion of ERISA, that needs to be debated, needs to be discussed a lot more by the House of Representatives and by the Senate. If we throw that into managed care reform, we are basically going to kill managed care reform and not allow it to come to the floor and really be passed and considered in the month or so that we have left here before we adjourn.

So what I am asking tonight, and I will be saying it many more times over the next month while we are in session, is that we put partisanship aside, we put all of these other issues aside that really do not relate to managed care reform, and we try to get to the heart of the matter. Americans from all walks of life, no matter how poor, no matter how rich, no matter how young, no matter how old, that I have talked to in my district and even from other parts of the country feel that this issue of HMO reform needs to be addressed and needs to be addressed now. We need to address it before we adjourn. We should get together and pass something, pass the Patients' Bill of Rights with the patient protections that I outlined or at least something very similar to it.

□ 1900

I am just hopeful that on this first day when we are back, and, of course, there are a lot of other things on our mind here in Congress, that we pay attention to this and try to get HMO reform approved before we adjourn sometime in October.

IMPORTANCE OF PERSONAL HEALTH CARE

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, in a way, I am going to talk about health care, but I am going to talk about personal health care. The reason is that I am a prostate cancer survivor. Three weeks ago I had prostate cancer and it was removed out of my body. I would like to go through the process and describe how many men and women, both with breast cancer and prostate cancer, can have a good diagnosis.

That diagnosis is based on early detection. Many HMOs do not offer a PSA, which is an indicator for an antigen produced by prostate cancer. TRICARE for veterans does not necessarily offer a PSA.

Let me tell you why that is important. First of all, about a month ago Dr. Eisold here in the Capitol, who is the attending physician, gave me my annual physical. I have had an annual physical for the last 30 years. Every year for 20 years in the military they demanded it as a pilot, and then, after that, I know the importance of an annual physical.

This time they wanted to do a prostate check. I am over 50 years of age, and it should be checked every year. Well, they did the regular prostate check, and they found nothing. There was no cancer, there were no lumps, there were no lesions, and there was no metastasized area.

Then the doctor looked at a blood test, which was painless, and in that blood test, a PSA, which, again, is a check for an antibody that prostate cancer produces, and I had a slight elevation in the level; not real high, but just a slight elevation.

Now, normally you would do the physical check and that would be it. You would think you were cancer-free. So the doctor ordered a sonogram, which takes a look at the internal aspects of the prostate itself, and in that they found no tumors as well, no cancer. So then they did an MRI through the whole pelvic region and found no tumors, no cancer.

Another reason I am alive today is that the doctor, besides having a good health care system, besides having a doctor that was thorough, that not only just gave you a blood test, but he read the results and was insistent upon going through and analyzing all the different aspects of the diagnosis, said "Duke, we want to perform a prostate biopsy."

Now, I would rather fly over Hanoi again than get a shot, so you can imagine, Mr. Speaker, the dismay the night before. I imagined a needle this long that they were going to take and stick in my prostate and take out these core cells.

When I got out to Bethesda, the doctor and the clinician prepared me, and they said, "Duke, this is not going to be real painful." And I said, "Yeah, right." It is like sitting in a dentist's office, and you are just waiting for that drill to hit a nerve. What it is is they take six core cells each time out of your prostate, and there is a little needle with a mechanism that fires and takes out a core cell.

The first one he said it is going to sound like a cap gun goes off. So you are sitting there waiting for this immense pain to happen, and you hear the snap and you flinch, but there was no pain, not even a prick. At that point you are sitting there waiting; okay, I have got 5 to go, I know the next one is going to hurt. Well, they did each and every one of those core samples, and there was no pain.

The point I want to make is that for the men, Mr. Speaker, if you are asked to get a biopsy and you think it is going to be painful, and I almost myself said "Hey, you have given me a regular check for prostate, you have given me a sonogram, you have given me an MRI, I don't want to go get a biopsy," because of the fear.

Thank God that the doctor insisted, and I went and got it, because in two of the core cells of the six in the right lobe they found cancer cells. There is a Gleason number, and what Gleason is, it is a number between two and ten, but a Gleason rate of two to ten gives the amount or the characteristic or the aggressiveness of the cancer. A Gleason ten is the highest. For example, a Gleason of eight to ten, I have read, and you become an automatic expert on this and you read as much as you can, you have about five years until the cancer metastasizes, which means it spreads into the bladder area or into other areas, into the lymph nodes and so on.

Originally the doctor told me, Duke, you can probably go to eight to ten years, because my Gleason rate was so low, and not have a problem, or at least have the symptoms, because the symptom is when you actually get a tumor and the tumor presses on the urethrae in the GI tract, and it presses and you have urinary problems. By that time, the tumor has spread and there is a big problem. By that time, it can metastasize, go to other areas, and the prognosis is not good. But the doctor, because of the low Gleason rate, because they only found cells, they found no tumors whatsoever, said, "Duke, I am going to go through the cycle with you and I am going to give every option there is."

Next comes, I think, Mr. Speaker, probably the most important phase of cancer. My family flew back here and were very supportive. We made the decisions together. I told my wife, I said, "Honey, it was like the time when I was shot down in Vietnam just south of Hanoi, and coming down in a parachute thinking I was going to be a prisoner or die, hanging in a parachute, the thought, it is always the other guy that gets shot down; it is not you. It does not happen to Duke Cunningham." But it did. And when a doctor looks you in the face and says, "Duke, I have got bad news; you've got cancer," the first reaction I had was no, it is impossible. That does not happen to Duke Cunningham. It is about all those other people that you read about that have cancer, or have diabetes, or have that, but it cannot happen to me.

The doctor looked and said "Duke, you do have cancer. The good news is we think we have it early and that the prognosis should be very good."

He went through the different steps. Radiation is one of those. With radiation they actually can focus the radiation almost pinpoint now because of the increased techniques that they have, but, still, the radiation treatment that you can have can cause side effects just as bad as if you have a radical prostatectomy, which is taking out the prostate through surgery. With that, one is incontinence, in which you cannot control your urinary tract, and the second is impotence. And with the radiation they said there was a high percentage, and I say high, about 15 to 20 percent, that the cancer would come back.

By having the cancer removed, especially at an early age, they said "We can go in, and instead of making an incision across the stomach, we can do one called," I can't remember the name of it right now, I will think of it in a minute. But it is down in the lower area instead of across the stomach. "By that way, we can go in and remove the prostate. We will not have to cut a bunch of nerves, we won't have to cut blood vessels, and most of your functions, all of your functions, can be normal after this, if we do it early and we do it right."

So rather than sit with myself and make a decision that there is a 20 percent chance that the cancer may return, my election and my family's election was we did not want me to sit there for the next eight to ten years and think maybe I have a time bomb inside of me and this could come back. Plus if you have radiation surgery, it is more difficult to do actual surgery because of the tissue damage on the internal organs. At the same time, we made the decision to go ahead and have the surgery.

Now, there are alternative methods, Mr. Speaker, and this the reason I am encouraging both men and women to have their yearly checks. Because of the research that we have, if you catch it early, either with breast cancer or prostate cancer, the success rate can be very, very high, up to 95 percent.

The doctor also told me that women quite often will do the self-examination or breast check. They will have a doctor check it, they do the mammograms, blood tests and throughout, but in the self-check, that they will quite often find a lump and not do anything about it because they are afraid to see the doctor to find out what the results are, the fear. By the time that they go to the doctor because there are other problems, complications, then the prognosis is not good, and it will be a mastectomy or even death. And the doctor said, "Duke, what you can do is get out the word for early checks and have men and women do the self-checks and get the word early."

But some of the research, they even have cryogenics, where they can take the prostate and insert a tube that basically freezes the prostate. It looks rewarding. All the numbers are not out on that.

They also for quite a few years have been able to implant nuclear rods within the prostate itself. Now, that did not sound too neat, but it is not that big, I guess. But before, they did not have guidance control, so that many of the surrounding areas were damaged in the prostate by inserting the nuclear. Now with the sonogram, they can precisely pick the area of where they want to go in and place the rods to kill the cancer cells. Still, there is a percentage, you have got to get 100 percent of the cells, and they cannot, of course, guarantee that, and there are figures and numbers that you can check to see what the different things are.

Another point is that the Speaker of the House has said that we want to invest money in NIH for medical research. Well, Mr. Speaker, I would like to give a few figures here. This is a chart that shows prostate cancer issues, and they need your support. This is from the surgeons. The message is that prostate cancer is the leading cancer diagnosed and second leading cause of cancer-related deaths in American men. The second-leading cause of deaths of American men is prostate cancer.

Per diagnosed case, research for prostate cancer is one of the least funded priorities. I would like to submit this chart, Mr. Speaker, because on this chart you can see way down here in the bottom, $450 million, where breast cancer is funded at $2.3 billion, and AIDS is funded at $23 billion. Now, what are the mortality rates in this? If you look, AIDS accounts for 44,000 deaths in the United States, 44,000 deaths in the United States per year. Breast cancer is 43,900, almost 44,000. Prostate cancer, 42,000 men will die of cancer every single year in the United States. Over 250,000 men in the United States will be diagnosed with prostate cancer, yet the proportion of funding is so low that cancer research is not carried out in a degree in prostate cancer, but yet it is second only to AIDS and breast cancer. That is a disaster, and we need to change that.

Prostate Cancer Issues Need Your Support

DID YOU KNOW

Prostate cancer is the leading cancer diagnosed and the second leading cause of cancer related deaths in American men.

Per diagnosed case, research for prostate cancer is one of the least funded priorities at the National Institutes of Health (NIH).

Medicare does not reimburse for all FDA approved prostate cancer treatments, such as oral hormonal therapies.

WHAT YOU CAN DO?

The American Foundation for Urologic Disease is dedicated to increasing awareness and research funding for the urologic diseases and disorders through various state and national advocacy efforts. You can help ensure that prostate cancer issues get the attention they deserve in Congress by contacting your state and national legislators by: Meeting with them in their local offices; inviting them to address your local support group and other organizations; writing and calling their local and national offices.

THE MESSAGE

Prostate cancer is the leading cancer threat to American men. Estimates show that in 1997, 210,000 men will be diagnosed with it and 41,800 men will die from it. Federal research allocations for prostate cancer must appropriately reflect the incidence and mortality of the disease.

GOOD NEWS

Through increased advocacy efforts, $45 million was allocated to prostate cancer research through the Department of Defense (DOD) in 1996 and 1997. This money will fund 1998 and 1999 prostate cancer research projects, as approved by the DOD.

1997 INCIDENCE

Prostate Cancer—210,000.
Breast Cancer—180,200.
AIDS—66,000.

1997 MORTALITY

Prostate Cancer—41,800.
Breast Cancer—43,900.
AIDS—44,000.

1997 NIH RESEARCH ALLOCATIONS

AIDS—$23 billion.
Breast Cancer—$2.3 billion.
Prostate Cancer—$450 million.

Mortality—Cost per incidence

AIDS—$34,090.
Breast Cancer—$9,328.
Prostate Cancer—$2,263.

CONTACT CONGRESSIONAL LEADERSHIP

The Honorable Ted Stevens, The United States Senate, Washington, D.C. 20510, telephone: 202–224–3004, fax: 202–224–2354.

The Honorable Dick Armey, U.S. House of Representatives, Washington, D.C. 20515, telephone: 202–225–7772.

The Honorable Trent Lott, The United States Senate, Washington, D.C. 20510, telephone: 202–224–6253.

The Honorable Newt Gingrich, U.S. House of Representatives, Washington, D.C. 20515, telephone: 202–225–4501, fax: 202–225–4656.

The Honorable Bob Livingston, U.S. House of Representatives, Washington, D.C. 20515, telephone: 202–225–3015, fax: 202–225–0739.

BY THE NUMBERS—PROSTATE CANCER IN AMERICA

209,000—The number of American men who were diagnosed with prostate cancer in 1997.

41,800—The number of American men who died of prostate cancer in 1997.

20%—The percentage of all non-skin cancer cases that are of the prostate.

3.6%—The percentage of all federal cancer research funding dedicated to prostate cancer research.

$250 million—The amount of promising prostate cancer research that was not conducted in 1997 due to lack of funding.

The Speaker has talked about putting more funds into NIH, and we have every year, because he feels that is one of the areas, even though I believe in states' rights, where individual states cannot conduct the research that we need in all of the diseases.

For example, diabetes takes up about 23 to 27 percent of the Medicare bill. Yet just by early detection of diabetes we can save over two-thirds of the blindness, two-thirds of the amputations, two-thirds of the removal of kidneys, and you can imagine what kidney dialysis costs and the quality of living costs of different people. So it is a disaster.

I would like to submit this chart, Mr. Speaker, because it is very, very important, the low cost and low funding, and one of the messages is that we want to increase the cost not only across the board for prostate cancer, but for breast cancer, for diabetes and the others as well, and have a more equitable funding for prostate cancer.

Why is this important? Well, there is a very famous guy that I think most people on the floor in both bodies would recognize, his name is Len Dawson. He is a member of the NFL Hall of Fame, a quarterback, now a broadcaster fine-tuning his golf game. You can watch him at different times. But he puts out a program called "Keep Your Health up to Par." Len Dawson and Chi Chi Rodriguez, a very famous golfer, go about, along with Arnold Palmer, and talk about some of the same very things that I am talking about here tonight.

☐ 1915

Len and his wife, Linda, do not know much about prostate cancer, did not know, until he was diagnosed in 1992. It began when Linda read an article about a former U.S. Senator, Bob Dole, and his own battle with prostate cancer. Mr. Speaker, the day that I found out that I had cancer I called Senator Dole and he sat down and talked to me and went through the different options just like the doctor did. Find a friend if you are diagnosed. Get a message. Talk to the Cancer Society.

But, in the same edition of the paper, she saw an advertisement about a local prostate cancer screening and immediately made Len, that is kind of like most of our wives, made Len an appointment. Len was reluctant, since 6 months earlier he had an annual checkup and received a clean bill of health, including a prostate check, just like I had, and he walked out thinking that he was cancer-free. At the screening, the physician found the results were abnormal and ordered further tests and a biopsy.

Now, with the PSA, the PSA is only an indicator. One can actually have a swollen or an enlarged prostate gland and one can get an increase in PSA numbers, or there is different kinds of infections that can cause the same thing that can be treated with just antibiotics. It is not necessarily cancer. Do not be afraid if your doctor said you have an elevated PSA that it is automatically cancer, because in most cases, it is not. But the biopsy is the final act in which it is determined.

Lucky for Len, his cancer was caught early, like mine. He was treated with a prostatectomy, a radical prostatectomy and today lives a normal life. By Dole speaking out about his own experience and Linda's persistence, Len's cancer was able to be treated. Len Dawson said, I want to let every man know that something as easy as going to the doctor regularly can actually save your life; I am living proof. And Len Dawson, I would like to say that I am too.

In 1995 he was again affected by this disease when his older brother Ron was diagnosed with an advanced stage of prostate cancer. Unfortunately, Ron had not had a checkup in many years and died that same year. In 1997, Len learned that another brother, Gilbert, was diagnosed with prostate cancer. It has been a dramatic impact on my family, Dawson said. I am determined to do what I can to make other families, assure that other families are aware of prostate cancer and its early warning signs.

In addition to hosting the HBO show "Inside the NFL," Len Dawson is a sportscaster with KMBC-TV in Kansas City, Missouri, and in 1998 he will be taking time out of his broadcasting duties to hold a series of town meetings addressing the public on prostate health and prostate cancer matters.

Now, if one wants, I do not know if it is legal to give out numbers on this, but it is a nonprofit, and it is 1–800–319–8633, Len Dawson Hall of Fame on prostate cancer.

Another legend that is speaking out that was stricken with prostate cancer is legend Arnold Palmer, who is again living proof that prostate cancer can be defeated. In January 1997 Palmer underwent surgery for prostate cancer. Fortunately, his cancer was diagnosed before it spread outside the prostate gland. By April of that same year, he was back on the golf course, and many of us have seen he is hitting the ball better than anyone can do.

For 18 months before Palmer's cancer was diagnosed, he and his doctor were on alert. Palmer's regular checkups indicated an elevated level of Prostate-Specific Antigen, or PSA, again a protein in the blood that can indicate; can, not necessarily does, but can indicate prostate cancer.

So there is another area in which the doctors, besides having radiation, besides having tubes put into someone, whether it is cryogenics or even removal, there is a phase, if your Gleason rate is very low, between 2 and 10 is the highest, probably between 2 and 5, quite often they will set in a monitor and see how the disease is progressing.

"I would not call what I was feeling afraid or fear," Palmer said. "I would say that I had some very serious concerns about my health. Frightened, no, but very concerned, yes."

Palmer joined the ranks of professional golf in 1954 and over the years he earned over 92 championships, including Master's titles, 2 British Opens, 1 U.S. Open, to go along with 61 PGA tour victories. His popularity and success led to the formation of Arnie's Army, a large audience of adoring fans who follow him to each tournament. As a survivor, Palmer is a great advocate of prostate cancer awareness and early detection.

Because of these men, and I got a phone call from some of these gentlemen and they asked, Duke, would you do what you can to spread the word. If you or someone you love is a male over 50 years of age, this year it is again estimated a large number of men, over 200,000 men, will be diagnosed with prostate cancer. And one of the things that one can do is just as simple as going to your doctor.

One of the things I think that we need to look into, though, is again, in both the bills, the Republican and Democrat bill for health care, there is different areas that are not covered in each, and one of those is again that Medicare does not pay for some of these things.

For example, I had a gentleman call me and write and say, let me see if I can find it here, his letter, I had it right here. Here it is. I hear that Medicare will be limiting the PSA test to one per year, and Medicare, to cover one screening per year for Medicare-eligible men beginning January 1, 2000. This is purely a screening tool, not intended to be a treatment regime. However, if a doctor orders a screening as part of the diagnosis; for example, if one has a PSA that is high and one does not have the surgery, or even after one has the surgery and one wants another PSA, the reason is to limit the number of tests, but Medicare will pay for it if the doctor takes it as a course of action as a diagnosis and needed, and then Medicare will pay for it.

Mr. Augman's question, who lives in San Diego, was, he says, I would be willing to pay for a PSA test out of my own funds, but the law prohibits any doctor or medical lab from accepting fee-for-service for Medicare patients on procedures covered by Medicare.

Now, this is an application that many of us vehemently do not like within the Medicare bill. It was not placed in there by us, but what it does, it limits, if one has cash and one wants to go to a doctor that accepts Medicare, one cannot pay that doctor for that particular check. I personally think that is wrong. And the response to Mr. Augman is, that is correct. Medicare patients cannot pay for services out of their own pockets unless the doctor has a contract not to bill Medicare for 2 years, and again, many of us feel that that is wrong.

However, if he and his doctors would like an additional PSA test, he can get the test and bill Medicare. Should Medicare deny to pay, he can pay out of his own pocket. This requires some additional paperwork, but it can be done. If he would like assistance, please have him contact me at 202-225-5452. That is my office.

There are many things about prostate cancer. I was in the hospital for just about 2 days, and I had Robert Hitchcock, he is a playwright that lives in San Diego and he sent me this book, Mr. Speaker. It is the only one I have, so I cannot submit it for the RECORD, but I can give the number where it can be found, and I do not get a cut out of it. But it is a good book, and it is called "Love, Sex, and PSA."

It is just about everything that one would want to know about prostate cancer. From the phone call to the research network that one can call if one thinks they have prostate cancer, or different areas, different operation techniques, and it talks about some of the problems that one may encounter. And in the book, his wife speaks on the problem from the female side or the spouse side of how the family can get involved, and it is a great book.

It talks about a catheter that is a pain to have. If one has ever had to have one, you have to leave it in there 2 to 3 weeks, and I want to say, that was the worst part of this whole thing is having a catheter and having to manage this whole thing. When you roll over I guarantee it will let you know that it is there.

My wife told me, kind of being funny, she said honey, with your surgery, remember when we had our 2 children? Remember a little operation called the episiotomy. She said, do you understand now? I looked at her seriously and said, I understand. And men quite often do not understand what women go through in childbirth or in different operations. And if one wants to get a quick illustration of what that means, then that is it.

Mr. GANSKE. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Speaker, I just want to commend the gentleman for coming to the floor and speaking from personal experience about his illness with prostate cancer and his treatment. I think all of our colleagues should be listening to this. There are a lot of people who tune into C-SPAN and watch the Special Orders on the floor. I think the gentleman has given an awful lot of good information to people around the country today, and I just want to commend the gentleman for drawing attention to this second most common cancer in men.

When I was in medical school it was taught that if a man lived long enough, his chances of developing prostate cancer were very high, but as the gentleman pointed out, there are many different types of treatment for prostate cancer, and after treatment, many, many men can expect to live out normal life-spans.

So I consider the gentleman's commentary today a real public service, and I commend the gentleman for sharing his experiences with us.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman. I am a survivor, and I am a very, very fortunate survivor. By early detection, by having a good health care system, by having a doctor that is demanding, that you go through with all of the tests to check; by having a good surgeon and catching it early, one can also eliminate many of the side effects that normally go with radical prostatectomy, and that is such things as impotence and another is incontinence. And I tell my colleagues, those 2 things in every day life are very, very important.

I would like to say too, to the African-Americans that are listening tonight, Mr. Speaker, that African-Americans have a much higher incidence of prostate cancer. It was interesting. The doctor said that those that can be traced with bloodlines directly back to Africa have a lower incidence of prostate cancer than those that do not have bloodlines that relate directly back to Africa. But yet African-Americans, at even a much younger age, contact and have a higher incidence, not only incidence, but have a higher mortality rate. My first thought was that well, maybe it is because many African-Americans are poor and they do not have the health care facilities. But this was a study done across-the-board with equal health care systems.

□ 1930

Mr. Speaker, some of these studies, this is another reason why we need more money in prostate cancer research is the fact that they say that a lot of it can be or they suspect a lot of it is diet, in the foods available to different people. If you did not have very much money in the household and what you feed your family, you do not have salads, good nutrition, fish, the olive oil, instead of some of the other things that can cause prostate cancer, then maybe diet is very important, and we can change that.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding to me, and for raising this issue. I was listening to the gentleman, and I just wanted to add a few things.

I represent the Seventh Congressional District of Maryland, which is basically Baltimore city. Of course, we are predominantly an African American district. One of the things that has been at the forefront of my agenda is dealing with prostate cancer, because it is not unusual for me to go to the bank, for example, on weekends, and run into African American men, as the gentleman just talked about, who either are about to go through some type of procedure for prostate cancer, or who have been diagnosed recently, or have had the procedure.

I just wanted to thank the gentleman for raising the issue. A lot of this is about early detection, as I heard the gentleman talk about it a little earlier. Certainly we have in our district, in my district, Johns Hopkins Hospital, and we have some of the finest physicians in the area of dealing with prostate cancer. I just wanted to thank the gentleman, to take a moment to thank the gentleman for raising this issue, because it is a very, very important issue.

I see so many African American men who die, and if they had only gotten the appropriate detection types of examinations and whatever. A lot of it, I think, does go to diet. Dr. Schwartz of Johns Hopkins has often talked about that. I think we could save a lot of lives there. I just wanted to again express my appreciation.

Mr. CUNNINGHAM. Mr. Speaker, as I said, at an age over 50 years of age, everyone should have an annual check with a PSA, with the diagnosis and the different checks. But for African Americans, the doctor recommended it at least when you are 45 years of age, because there is a higher incidence. There is a higher instance of mortality and a higher incidence of younger males coming down with prostate cancer.

I also learned that males can have breast cancer as well, so it is not just the prostate check or the genital check, but the complete check-up and an annual physical is very helpful.

The doctor also pointed out to me that Asian Americans have a very low incidence of cancer. Again, the studies are important for prostate cancer because they think, again, generally the Asian population eats the more healthy foods: A lot of fish, salmon, rice, the things that are not high in the different kinds of oils. Olive oil is supposed to be a good one.

I went to my check-up after 3 weeks out of surgery this morning, and I saw Dr. Christensen, who is my surgeon and a great doctor. I pointed out these different foods. I said, how much is there to diet in cancer? He said, DUKE, there are actually certain foods that cause cancer cells to replicate faster. For example, your soy oils and your different safflower and all of those kinds of oils, there have been studies to show that they actually cause the cancer to multiply faster. Olive oil, however, is low in a certain chemical, and so are tomatoes. As a matter of fact, cooked tomatoes allow that particular chemical to get into your system that actually kills cancer cells. Regular tomatoes are good, but he said cooked tomatoes allow that substance to break down.

It also says here about coffee. I drink 3 or 4 cups of coffee a day. Maybe that is the reason I got it in the first place. But I thought the response was good from Dr. Christensen, who had a cup of coffee in his hand, with all the other surgeons sitting there with cups of coffee. Oh, he said oh, no, it cannot be coffee, because we are not giving it up. I am not telling people to give up all the things they like in life, but at least with moderation, they could take a look at how these things affect their life.

As a matter of fact, in this book there is a number that you can order. I would recommend that Members get this book if they have any doubts. What I will do is give my number, at 202-225-5452. If Members want to call my office, I will get the number where they can get this book that tells almost everything that one wants to know about prostate cancer, because I cannot find the number within the book here.

There are other areas: the National Institutes for Health, the Cancer Research Society. If you call, in every State there is a cancer support group. In every State there are groups that meet, groups of cancer patients. I went to one this last weekend. It was very good. Dr. Barken in San Diego has a cancer group. As a matter of fact, there is going to be a cancer awareness, actually, by Israel Barken, M.D., President of the Prostate Cancer Education and Research Foundation, in San Diego, California. Every State and almost every city has these support groups. I would encourage each and every individual to check in, especially if they are diagnosed with cancer. Again, one of the worst things that you can have happen to you is the doctor look you in the face and say, ma'am, or sir, you have cancer, and it is almost overwhelming in the impact that has on your life.

Through early detection, over 95 percent of prostate cancer victims can be saved with good mortality rates. All of the things that people dread, like impotence, I will say, that is a big factor, and incontinence, all of those things with early detection can be changed and saved. Even if they are not, the techniques they have today can bring about full, meaningful life for married or unmarried men and women in this.

Mr. Speaker, I would just like to close by saying each man and each woman, whether it is breast cancer, whether it is diabetes or prostate cancer, we need to support the funds for the research, because we are so close in the biotech industries to finding out the answers.

I would also say that the money for prostate cancer is so low, but yet it is the second leading cause in men's death, and in African American deaths it is one of the highest and leading causes, second only to AIDs.

PRESSING ISSUES THAT STILL FACE CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we just returned to Congress from a recess. We have 5 weeks of working time left, unless there is some extended Congress before the election. I doubt that very seriously.

I also have heard the news today that the Ken Starr report has been delivered to the House of Representatives, and a process is going forward by which the Committee on Rules will determine what will happen to that report and how it could be handled. I am sure that is going to absorb a large part of our time.

There are items on the agenda that have been on the agenda all year long and all during this session of Congress that I hope will not get lost. I think it is very important that the American people, in their commonsense wisdom, understand that there is no need for us to suddenly go on holiday with respect to the pressing issues that face the Congress.

There are still overcrowded schools, schools with coal-burning furnaces. There is still a need for some kind of relief from every area of government, including the Federal Government, for school construction in our big cities. There is still a need to have money to lower the ratio of students to teachers.

There is still a need for the wiring of our schools for technology, to bring them up to the point where they can train young people for jobs that do exist. There is still a need for increasing the minimum wage.

There are a lot of things that mean a lot to ordinary people, and we should not put them in the deep freeze in order to spend all of our time on the one issue of the President's private life and the Ken Starr report.

I have been asked a couple of times today why the black community so solidly supports the President. In poll after poll, no matter how you ask the question, whether you are talking about the job performance of the President or his personal life or any other matter related to the President, you generally get a high approval rate in the African American community.

Certainly I think one of the reasons for that, and I do not pretend to know all of the answers, one of the reasons for that is because we are oriented toward the issues and the problems, and we would like to see the problems and the issues dealt with. We would like to see some of the problems solved and resolved.

Additional polls of African American parents in big cities have shown that large numbers of African American parents are now supporting vouchers for education as an alternative to the public school system. I think that the two kinds of responses are related; that the large numbers of African American parents supporting the vouchers in the school system, it is evidence of a kind of desperation, a kind of fatalism that has set in, that they do not believe anything is going to change in the public school system. They do not think the supporters are there among elected officials.

In New York City we had a surplus of nearly $2 billion in the budget, and not a penny was spent to deal with the pressing problems of school construction, including removal of coal-burning furnaces. At the same time, in New York State they had a similar $2 billion surplus, and the Governor turned down a legislative request or vetoed a legislative request for $500 million for school construction.

So wherever parents in inner city communities look for some relief from the conditions, it appears that government officials are not interested, or have decided to deliberately abandon or ignore the needs of children in our inner city schools. We are talking about millions of children.

The same conditions that exist in the crowded New York City schools exist in many other big cities. Children are forced to eat lunch at 10 o'clock because there are so many, they have to have a relay in the cafeteria, and they have to start early in order to get three or four teams in, three or four sessions in the cafeteria where youngsters eat. Coal-burning furnaces are definitely a threat to every child's health who sits in the school, because the dust that you do not see is still getting into the lungs of young children. Things that bad are not being addressed by our elected officials at various levels.

The despair about change relates to the support for President Clinton. The one person who has articulated and set forth a program which would address these issues, if he had the cooperation of the Republican-controlled Congress, is President Clinton.

Across the board, when affirmative action was threatened, and hysterical forces surrounding the President were counseling him to abandon affirmative action, it was President Clinton who came up with the statement and the strategy that we should mend affirmative action and not end it.

In very serious matters that affect peoples' lives, including the minimum wage, which does not cost the government anything, an increase in the minimum wage would not cost the government anything, the President supports an increase in the minimum wage. Most of the people in my district would appreciate very much the government taking that step, which will not cost the government anything, but recognizes that the prosperity that we enjoy should be shared.

We could pull up a very good list of concrete reasons why African American people, who the large majority of them are poor, or poor people in general, support this President. We want to see a focus on the duties and functions of government, that government has certain duties and functions, and we would like to see a decrease in the obsession with the private life of the President.

I issued a statement this afternoon to get on the record, since I see a lot of people want to get on the record, and I suppose it would be prudent to back out now, since the Starr report is here, and wait and see what the Starr report has to say, but I choose not to do that.

I very strongly feel that government has invaded an area of individual privacy here, and some of us should marshall all of the energy and resources at our command to fight this kind of intrusion by government, because if they can do it to a President, there is no other individual in this Nation who is not also subject to that kind of intrusion into their private life.

□ 1945

The statement I issued sums it all up for me: As a Member of Congress, I am sorry that there is an escalating hysteria that may lead to the religious lynching of a great President. President Clinton has gone farther than he should have been asked to go in offering a public statement about his intimate personal life. In view of the fact that absolutely no one has charged that a national security issue is involved in this matter, all further government inquiries should be dropped. The Nation has in no way been placed at risk. Certainly nothing took place which touched on bribery, treason, or high crimes and misdemeanors.

For those who continue to expand their detailed probe and to pass judgment through the prism of their hypocritical, Victorian values, we concede their right to wallow in their Peyton Place preoccupations. There is, however, a profound difference between crimes and sins.

It is of utmost importance that we acknowledge and support the spirit of our Constitution which discourages the state from investigating private morality and affirms the right of every American, even the President, to separately negotiate his sins with his God.

This intrusion on the President's private life bodes ill for the future. Every politician is fair game. It bodes ill for ordinary people if government at this level is allowed to move in a way which really knocks down the separation of church and state, because the church, the religious institutions are responsible for private morality and for sin.

If we are going to invade that domain and become the arbiters of who is sinful, who has done what wrong, and who should be punished, then we are on our way to something similar to the Taleban government in Afghanistan. The extreme of what we are doing now can be seen in the way the Taleban behave. You get on that course of giving government the power to interfere, to regulate, to get into the minute details of individual lives and determine who is sinning and who is not, then we can get into a situation where a government like the Taleban government is justified. They determine. They decide women should not only cover themselves in public; they should not go out in public too much. They determine that women in Afghanistan could no longer hold positions of any kind in the government. They determined all that on the basis of their concept of what is moral. The government and the religion are one.

That is the way we are headed in a country which prides itself on separation of church and state. Why is the state spending millions of dollars in order to pursue what is probably someone's sin? Not probably; we have reached the point where the President has admitted, apologized, et cetera. It is a fact. A sin was committed in accordance with the standards of this Nation and the standards of the President himself. So sin is what we are talking about. Where are the high crimes and misdemeanors? Where is the bribery or treason or anything of that kind?

I would like to certainly see the Starr report as soon as it is available to Members of the House. I certainly will read it and I will be looking for a statement on bribery, treason, or high crimes and misdemeanors. Where is it in that Starr report? Why are we even going to bother with the report if it does not contain charges of bribery, treason, or high crimes and misdemeanors?

I think that in 5 weeks it is expected that the President will become paralyzed, that nothing of substance will be done. I am hoping that the common sense of the American people will send a message to this Congress and send a message to the commentators and the reporters, the media, and the press. They have driven this thing very hard. They have looked at the response of the American people and decided they will not accept it, that they are going to change it. So the press and the media have become a force for changing people's minds. They are going to make us believe that this is the most important issue in the world.

One reporter, one veteran reporter who covers the White House, said this is the most important story because it is a human story. There are a lot of human stories. Jerry Springer has a lot of human stories on every day. Pulp magazines are full of human stories. If we are going to consider human stories to be stories about sex, then there are many of those human stories.

I do not think the intimate sex lives of human beings are particularly the kinds of things that define human beings. Animals of all kinds have sex. Why does the human story have to be related to a sexual relationship? Why can the human story not be about the fact that the human beings in Northern Ireland cheered the President as a hero? They cheered the President as a hero because they have faced life-and-death issues. They have faced life and death. They have died. They know this President went out of his way, an uncommon procedure of an American President, and became intimately involved in the negotiating of the peace that Senator Mitchell brokered, that led to the present situation.

They know this President has been intimately involved in a life-and-death matter and lives will be saved, important things are going to happen as a result of his intervention. They understand what President Clinton meant when he called this Nation an "Indispensable Nation." And I think the President in certain situations has seen himself as the indispensable person to make things happen. In the case of Northern Ireland, this was the case.

In the case of the rescue of Haiti from a bloodthirsty, armed occupation by its own army where people counted bodies every morning when they came out to go to work, the President, against public opinion, public opinion was running two to one against intervention in Haiti, on the floor of the Congress two-thirds of the Members of Congress were against intervention, but the President made a decision and he freed the people of Haiti. He took the bloody yoke off of Haiti. That legacy will stand. As a result of his actions in Haiti, the President, I think, found himself and understood the kinds of decisions he would have to make in the future.

It was possible, because he made a definite, right decision in Haiti, it was possible for him to follow through in the case of Bosnia and Yugoslavia and make similar decisions. The public opinion polls were running two to one against intervention in Bosnia, intervention in the whole Yugoslavia-Serbia-Croatia situation. But the President felt that we were the indispensable nation, the indispensable element that had to become involved, and he made that decision.

The children dying while they were running to go to the well, all the horror stories that we saw in connection with Sarajevo, the genocidal death pits, all of that would be going on still if it had not been for the fact that this President made a decision that as an indispensable nation and as the indispensable leader at this point that he was going to take action, and he led us into Bosnia.

It so happens that I disagree with the length of time we have spent there and the amount of money that we have spent there, but the decision was vital in order to turn the situation around. So Bosnia, Serbia, Croatia, all of those elements are still struggling.

Mr. Speaker, I do not think the United States should stay there forever to help them put things together. I think the horror is gone and they will never go back to the horror. I think all the fighting factions there are glad to be relieved of the need to perpetrate one horror after another against one another. This President, he has a legacy there that no one can take away.

Mr. Speaker, I think that those who press the issue of destruction of the legacy of the President by his personal actions, it is one argument being used by the press and the heavy-handed commentators that seem persuasive to a lot of people. How can he go down in history? How can he salvage anything for the next 2 years with all of the present exposure of his personal life?

Well, I think we ought to go way back in American history and recognize some things that people do not like to talk about. One of the greatest American Presidents, I certainly would place him in the top three or four American Presidents, was challenged in his first term by the press and a journalist that actually had been a friend of his, named James Calendar. He wrote a story and started a whole series of stories about the life of Thomas Jefferson and the fact that Thomas Jefferson had a slave mistress who had several children by Thomas Jefferson. This is not a rumor. There are newspapers and cartoons and factual evidence. It happened.

James Calendar made the charge in the article. The other papers picked it up. The cartoons ridiculed Jefferson for his black bride. All kinds of pressure was brought to bear on Thomas Jefferson in his very first term. This is a President who served 8 years. In his first year, these were the kind of pressures that were unleashed on Thomas Jefferson.

Without going into an argument about whether they really were his kids or not, or whether he was really involved with Sally Hemings as charged, the pressure was there. The story was there. The Chief Justice of the United States Supreme Court, who was a distant relative of Jefferson's and did not like him, he chimed in until one of the newspapers stated that the Chief Justice had several children by slave mistresses also, and then he backed away.

But it was a big scandal. I am not going to go into much greater detail. It just so happened that there is a very interesting ending. The woman, Sally Hemings, who was supposed to be Jefferson's mistress, stayed at Monticello when Jefferson left the presidency. She stayed for 30 years. Sally Hemings and the President were in the same house. Only Sally Hemings was ever fingered and pointed out to be a mistress of Jefferson.

But the important thing is that Jefferson went on to effect the Louisiana Purchase. Where would the Nation be if there had been no Louisiana Purchase, the opening up the direction of the West, the removal of Spain and France who were lingering around the edges of the United States, dying to establish some kind of beachhead? All of that was swept away in one fell swoop.

The Louisiana Purchase, which was engineered by Thomas Jefferson almost alone, because there was no great debate about what to do, he outmaneuvered Napoleon. Napoleon wanted Jefferson and the United States to get involved in the war in Haiti and expected the United States to come to his aid. Jefferson refused to do that. Napoleon lost the war in Haiti and he expended a great deal of funds in the process and was broke. So he sold the Louisiana Territory to the United States at a very, very bargain price. But Jefferson maneuvered all of that, despite the fact that he had been put under great pressure in his first year. They went away. The charges and the people who attempted to ridicule him finally shut up.

Throughout the course of the entire ordeal, Thomas Jefferson refused to comment at all. He never said a word one way or another. The American people at that time, the ordinary people out there, the innkeepers, the carpenters, and the various ordinary workers out there, who adored Thomas Jefferson, were never that concerned. It was always the press, always the cartoonists who pressured and pressed to get answers about the private life of Thomas Jefferson.

So, Mr. Speaker, he was one example. I can give many others where the legacy, the individual legacy is not injured by the personal life. The ability to achieve things is not injured by the personal life of public people.

It is quite amusing to hear people talk about a legacy being destroyed because of private behavior. We would have legacies destroyed right down through American history of quite a number of other presidents. I heard the other day on National Public Radio an irate listener call up and said somebody tried to tarnish George Washington, was smearing George Washington in order to protect Bill Clinton. I do not think it is a smear of George Washington to point out that there was at least one factual account of an extramarital relationship and rumors and some historians talk about other things. Remember, this is a George Washington who refused to be crowned the king. This is the George Washington who would not run for a third term.

□ 2000

Nobody can take away from George Washington the nobility and the greatness of those kinds of actions regardless of what the historians pinpoint.

Franklin Delano Roosevelt is among the greatest of the three or four greatest Presidents. The man who probably has to be credited with stopping Adolph Hitler from ruling the world. Very few intellects, very few imaginations, very few courageous spirits can match Franklin Delano Roosevelt. Yeah, he made a few mistakes here and there. He interned the Japanese at the beginning of World War II.

Every President makes mistakes. He did not move fast enough, as fast as he could have, to integrate the armed forces. There are a lot of mistakes. But when you measure the mistakes against the achievements, there is no question about the legacy of Franklin Delano Roosevelt will ever be taken away. Nobody can ever deny him his place of one of the greatest American Presidents.

But it is a fact that he had some extramarital relationships in his public life, more than one. It is a fact. They are not disputed. It did not mean that he could not meet day after day and night after night with Winston Churchill in the early days when the United States declared war on Germany and Japan when Churchill came over here. It did not mean he could not rise to the occasion whatever his personal life was like, whatever he was doing in his personal life. It certainly did not mean that publicly he could not perform.

This notion that they go together or the human story must be told because the human story tells us what a person is all about is a soap opera notion. It is soap opera.

I think the private domain sometimes can be legitimately invaded. I think Presidents ought to report on their health correctly. I think the French are right and that Francois Mitterand, when it was disclosed that Francois Mitterand, the President of France, had cancer before he died, he died of cancer, the French appointed investigators to find out when did he know that he had cancer, how serious was it. They felt it was an important thing to know.

Was he incapacitated and unable to carry out the business of the state. That is all they wanted to know. They did not want to know about his mistress and his children by his mistress. But they thought it was important to know what kind of person with what kind of mental capacity was, or physical capacity was in charge of the state.

There are some things a state should know. There are things that the state may also disapprove of. But the fact that the state disapproves of certain kinds of private behavior does not mean the state should become the prosecutor, the arbiter.

I mean, where is the church, where are the priests, where are the ministers, where is their function if we are going to have the state become the agency for monitoring sin and regulating sin?

I want to read some excerpts from a column that appeared in the New York Times yesterday by Anthony Lewis. And I think the very strong statement here is one that I certainly would agree with 100 percent, and I invite you to get a copy of the Anthony Lewis column of September 8, 1998.

It starts as follows:

> Senator Joseph Lieberman struck a cord in the country because of the way he criticized President Clinton's behavior. He ground no political ax. He was not holier than thou. He gave us no prurient sanctimony. Simply and directly, he expressed what most people feel: Sadness and outrage.
>
> But on one point he went too far when he said that no President today can have a private life. The reality is it is in 1998 that a President's private life is public, Senator Lieberman said. Contemporary news media standards will have it no other way.

I am quoting from an article by Anthony Lewis.

> Must every President from here on live with a press driven downward by competition and morbid curiosity? Beyond that, can no President ever again be assured of confidence in his talks with advisors? Must every President look at his Secret Service guards as potential witnesses?
>
> I cannot imagine any ordinary person who wanted to live under such conditions. Total exposure or the fear of it would put an intolerable strain on us.
>
> Privacy is an essential ingredient of civilized human existence. The reason was explained in a superb article last month in the London Times Literary Supplement by Thomas Nagel, professor of philosophy and law of New York University.

I am still quoting from Anthony Lewis' column.

> To quote Professor Nagel, "each of our inner lives is such a jungle of thoughts, feelings, fantasies, and impulses that civilization would be impossible if we expressed them all or if we could all read each other's minds. Just as social life would be impossible if we expressed all our lustful, aggressive, greedy, anxious, or self-obsessed feelings in ordinary public encounters, so would inner life be impossible if we tried to become wholly persons whose thoughts, feelings, and private behavior could be safely exposed to public view."
>
> Professor Nagel correctly saw the destruction of Presidential privacy as part of a larger trend, quote, "a disastrous erosion of the pressures but fragile conventions of personal privacy in the United States over the past 10 or 20 years. We are in the age of letting it all hang out and of rewards for exposing others."
>
> We can't limit the choice of political figures to those whose peculiar inner constitution enables them to withstand outrageous exposure or those whose sexual lives are pure are simon-pure, Professor Nagel wrote.

It is important to understand that the Clinton case is special. Last February, I wrote, to quote Anthony Lewis,

> President Clinton was on notice, years of notice, that his sexual behavior was in issue. If he ignored the warnings and then went on television to deny the truth, he will be judged by the American people in those terms, and should be.
>
> But in general, we as a country are better off not knowing about the private lives of our leaders and not lusting to know. Would America be a better place if the supposed sexual adventures of John F. Kennedy lately retailed had been reported at the time? If the press, which in those days was far more restrained, had published the material leaked by J. Edgar Hoover about Dr. Martin Luther King's sexual straying?
>
> The great Italian playwright Luigi Pirandello in the play "Right You Are If You Think You Are" showed the price of community pays when it is driven by gossips to find out the truth about people's private lives. It is not an accident that both Linda Tripp and Kenneth Starr justify their relentless behavior as demanded by the truth.
>
> We should not ferret out the secrets of private lives; least of all should we do so by the terrible power of the criminal law. My hope and belief are that, however the Clinton story ends, the country and Congress will see to it that never again will a prosecutor thus damage the Presidency. For the good of the country, a President needs what Justice Brandeis call the right to be let alone, the right most valued by civilized men.

This is the end of the quote from Anthony Lewis in the New York Times on September 8. I invite you to get a copy for yourself. I think it is a brilliant statement there of what the present situation means in terms of overall civilization and our values in this civilization.

I am not a lawyer or a legal scholar, but I really would like to hear a legal discussion of what the present situation means in terms of separation of church and state. If the state can invade the personal domain and personal behavior and charge itself to deal with people's sins, where are we going in terms of separation of church and state?

I have heard all kinds of speeches made in the name of raising the flag of morality in America. There have been numerous reporters who have stated that the country's values have gone downward, and we have degenerated in terms of morality over the last 25, 30 years.

I challenge that. I challenge that very much so. I challenge it first in terms of the fact that the private lives of several Presidents I mentioned, John F. Kennedy, Franklin Roosevelt, private lives of those people and the things that we might not approve of that happen in their private lives were known to members of the press and members of the establishment here in Washington. They were not so secret that they were not known.

The fact that no one felt so morally compulsive as to come forward and make a public issue out of the private life of Franklin Roosevelt or the private life of John F. Kennedy, what does that mean? They were less moral? Maybe they were.

Maybe our indignation and the fact that the press feels it has a right to discuss these matters and to pass judgment and to wage an editorial crusade to change the mind of the American people and make them prosecute the President for his sins, that is new. It evolved, as Professor Nagel said, in the last 10 or 20 years. Does that mean that we are more moral because we lay those issues out on the table?

I heard a commentator on a C-SPAN show who spoke very forcefully about this moral issue, how we have to deal with saving the morality of America, how the children are watching, and we must set the best examples, all of which separately make a lot of sense. I think we should set the best possible examples as public officials. I think this scandal is very damaging.

But the same commentator was asked a few minutes later, have you discussed this with your teenage children? He wants to save America. He wants to guarantee that the moral standards of the President and the public officials are the highest. But when he was asked have you discussed this with your teenage children, he said no. He said I have not. I am a little afraid to tackle that. I am afraid of what they might say. I am afraid.

Here is a man who wants to save America, but he will not talk to his own children. If there is a moral problem in America, then the moral problem is parents who will not talk to their children about something they consider so important that they take very intense public positions about.

He is a afraid. Is afraid that they might say we do not think it is that important. He is afraid. Let me not put thoughts in his mouth. I do not know what he is afraid of. But certainly the refusal to talk to your own children about it says a great deal about your convictions as to the morality of them.

Are we afraid because children understand that people tell lies all the time? And when they hear adults railing about how awful it is to have a lie, a lie about something you have done, children, by the time they are teenagers, they are ahead of us.

They have gone through the discovery that there is no Santa Claus. They know that storks do not bring babies, or you do not pick babies up in packages at the hospital. There are all kinds of little lies that have been told them that have been exposed. I assure you they are way ahead and listening all the time for those kinds of untruths, as innocent as they may be.

□ 2015

Children may know what was recently stated by a priest in a contest that was held. It was a big contest held about America's wisdom, and a priest was in the contest with three other contenders and he won.

The question was: Is it always important to be honest and tell the truth; must we always be honest and tell the truth? And the priest was selected as having the best answer because he said it is not always important that we tell the truth. And he laid out a whole series of situations where innocent people would be hurt if we were to tell the truth.

There is no absolute standard which says we must always tell the truth and that any lie is equal to any other lie. Goebbels' lying about the concentration camp is equal to somebody lying about their personal behavior. Moral standards are something that always relate to sex or relationships between men and women.

Adolf Hitler would not allow his picture to be taken in short pants because he thought it was indecent. Adolf Hitler, responsible for more murders and more death and more suffering and more horror than this planet has ever experienced. No matter how far we go back, the scale of Hitler's murderous ventures cannot be matched, and yet he would not have his picture taken in short pants because it was immoral, obscene.

Charles Keating, head of a savings and loan association out in Arizona which cost the taxpayers more than $2 billion when it went under, Charles Keating is a crusader against pornography. And yet he swindled the American people. Through the schemes related to the savings and loan association, he swindled us out of $2 billion. And when he could not get any more through the Federal Deposit Insurance Corporation, he went out into the lobby of his bank and sold securities to people without any Federal deposit insurance, and they lost everything. This is the kind of monster we are dealing with.

Morality in America. Where was the press, where were the reporters and the editorials when the savings and loan swindle was exploding? I could not believe the degree to which the press, the media, ignored a swindle of the magnitude that the world had never seen before, the savings and loan association swindle.

And there were other banks involved, too. The whole process by which they used the Federal Deposit Insurance Corporation to cover for the draining of billions of dollars from the banks was never treated by the press the way the private behavior of the President is being treated now. There was never any passion in the editorials. There were long stretches of silence.

There were books that were written that suddenly disappeared. And even now it is difficult to get hard facts that are clear as to exactly how much money did the American taxpayers lose. The estimate is $500 billion by some economists at Stanford University, that the savings and loan swindle in the end will cost the American taxpayers $500 billion.

Now, the savings and loan swindle was the beginning of something which continues today. The savings and loan swindle was based on crony capitalism and banking socialism. The socialism part came because the Federal Deposit Insurance Corporation, the American taxpayers' money, insured every depositor who had placed $100,000 or less in the bank. So it was a kind of socialist protection.

The cronyism came because banks did not follow the regular procedures of lending. They lent millions of dollars on the basis of friendship. Cronies. The crony capitalism and the banking socialism pattern that started with the savings and loan associations of America is exactly what happened in Mexico, only they did not have the safeguards of a Federal Deposit Insurance Corporation to the degree we have, so individuals in Mexico lost much more.

It is the same pattern of Indonesia crony capitalism, where there are no real standards or real requirements for collateral or a sound business plan or all the things we would confront if we went to the bank to ask for a $10,000 loan or a $20,000 business loan. We would have to fill out reams of paper and go through a whole process. Well, there is a stratum in the business world where they do not do that. It is on the basis of friendship that loans are made.

And the pattern that the savings and loan associations established, Mexico picked up on it, Korea was run the same way, Indonesia, all across the Asian Tiger countries we have this pattern of crony capitalism and government now stepping in to help bail the situation out. because government in these areas played a major role in providing the capital to the banks that did the lending to their cronies. Overnight, economies like Korea and Malaysia, boom.

I visited Korea for a week and was in Seoul, the capital of Korea, and I was astonished at the number of office buildings. We visited about three office buildings, high-rise buildings, beautiful buildings on the outside. Inside the buildings, most of the offices were empty. They got the money to do the building and whatever the financing was, but they did not need the buildings.

Just as during the savings and loan swindle days they had all these developments in Texas that the builders had gone and borrowed the money, made the first effort of digging foundations, doing a few things, and therefore it qualified for the loans. They were scot-free. They said that the developments failed for economic reasons. Nobody was convicted in most of these cases. They just walked off scot-free. That kind of crony capitalism, backed up by banking socialism, was never attacked as being immoral; the kind of day-after-day, relentless pursuit.

On ABC, Cokie Roberts has been around for a long time. She has seen a lot of things happen in Washington. She ought to know better when she talks about this being one of the most important things in the world morally. Where were their voices during the savings and loan swindle? Immoral, costly, a lot of criminality took place, the Mafia made a mint, and the response morally was not there.

Let me just sort of sum up what I am saying. A nation that cannot identify what is morally most important, cannot set priorities, cannot see that it is immoral at a time like this, when we have a budget surplus, to keep sending children to unsafe schools and overcrowded schools. It is immoral to send them to schools that have coal-burning furnaces. That is immoral, not to have the leadership being willing to invest in safety and health.

It is immoral not to take this opportunity, when the money is here, to invest in education in greater amounts. A nation that cannot see that, a nation that prefers to spend $30,000 or $40,000 a year on a prisoner, a prisoner in a prison cell, and will not do anything about the expenditure of less than $5,000 a year on children who go to inner city schools is immoral. That is an immoral act.

There are all kinds of judgments that need to be made about what is important and what is not important. What are we here for, for 5 weeks? Should we not do things that make a difference for people in the Nation or people anywhere in the world? For 5 weeks the power is here to do a great deal if we were to see ourselves as President Clinton described us in his inaugural address, if we were to see ourselves as an indispensable nation.

We have all kinds of problems throughout the world. The economies are in serious trouble. That is obvious. The global warming now is pretty much a fact with a lot of implications. And with the tumultuous kinds of weather we have been having recently, if global warming is going to make that worse, we are in serious trouble. There is a whole lot of planning and a whole lot of leadership needed.

We are the indispensable nation. We are the ones who at this point are economically most secure. We are the Nation that the world looks to. They value our leadership. The American colossus does not rule with armies, does not have to administer colonies. It is the goodwill of America.

It is the fact that American men died on the beaches of Normandy to defend the concept of freedom. Our homes were not immediately threatened by Hitler. Those great sacrifices were made in the Battle of the Bulge and on the beaches of Normandy by people who had some idealism. And the country was driven by idealism. We get a return on that.

The whole world, despite what we hear here and there, the whole world looks to America for leadership, admires America. We have terrorists who will hate us just because we are admired. We have many enemies, but to be admired means we are going to have enemies.

So this great America of ours is at the pinnacle of its power and it is an indispensable nation and we ought to behave like an indispensable nation. Instead of being preoccupied with Peyton Place-type activities, we should look to where are we now and what can we do with our enormous power and wealth to make the world a better place for our constituents, to deal with some immediate problems.

I do not want to have to go back to my constituents and say, look, we have no hope. The relief of the overcrowding schools, the coal-burning furnaces, these are relatively small things, but we are not going to get any help with them. I do not want the despair which drives people to choose vouchers, which is a ridiculous way to go because only a handful of children can ever be served through that method. And vouchers to private schools, there are just not enough out there. It is the public school system that will continue to educate most of our children and we have to stay with the public school system.

We can experiment more with charter schools, which are public schools, there are a number of things we can do to try to improve the schools, but we cannot spoon-feed the process or put Band-aids on. We really need to do something dramatic about guaranteeing that every youngster has a clean, safe school with an atmosphere that is conducive to learning; that every youngster is in a classroom where the teachers are not overwhelmed because there are so many children.

There are a lot of very small things that a mere stroke of the pen on some appropriations bills could put in place. But yet we choose not to live up to the calling or the responsibility that history has thrust upon us.

I want to read, in closing, a statement that I made on February 4, 1997, following President Clinton's inaugural address and I put it in the CONGRESSIONAL RECORD.

> Mr. Speaker, President Clinton's inaugural address was not a State of the Union speech obligated to provide substance for general proposals. Appropriately, the President used his second inaugural statement to set a tone for the next 4 years, the prelude to the 21st century. America is a great country blessed by God with wealth far surpassing any nation on the face of the Earth now or in the past. The Roman Empire was a begger entity compared to the rich and powerful Americans. God has granted us an opportunity unparalleled in history.
>
> President Clinton called upon both leaders and ordinary citizens to measure up to this splendid moment. The President called upon all of us to abandon ancient hatreds and obsessions with trivial issues. For a brief moment in history we are the indispensable people.
>
> Other nations have occupied this position before and failed the world. The American colossus should break the historic pattern of empires devouring themselves. As we move into the 21st century we need indispensable leaders with global visions. We need profound decisions.

I conclude with a poem of my own.

"Under God
The indivisible indispensable nation
Guardian of the pivotal generation
Most fortunate of all the lands
For a brief moment
The whole world we hold in our hands
Internet sorcery computer magic
Tiny spirits make opportunity tragic
We are the indispensable nation
Guardian of the pivotal generation
Millionaires must rise to see the need
Or smother beneath their splendid greed
Capitalism is king
With potential to be Pope
Banks hoard gold
That could fertilize universal hope
Jefferson, Lincoln, Roosevelt, King
Make your star spangled legacy sting
Dispatch your ghosts
To bring us global visions
Indispensible leaders
Need profound decisions
Internet sorcery, computer magic.
Tiny spirits make opportunity tragic.
We are the indispensable nation,
Guardian of the pivotal generation
With liberty and justice for the world
Under God.

☐ 2030

Instead of being preoccupied with a soap opera and the human story of one man's fragility, we should look to our role as the indispensable nation, we should look to our role as the generation within this indispensable nation that has a golden opportunity to turn things around.

I started by saying that in the African-American community there is strong support for President Clinton despite all of the revelations. And I certainly know from firsthand information gathered in my district that it is very strong. I made it my business to question ladies of the church and find out where they stood.

And I think there have been many reasons that have been said before why blacks support this President. We are afraid of what happens when he is no longer there. We appreciate the fact that he has stayed with the issues that matter most.

But I think, also, there is a wisdom in the African-American community by these church ladies and other people who have been raised on the Bible. They know the legacy of King David is not wiped out by his weakness in connection with Bathsheba. They know that Sampson is still a symbol of strength despite the fact that he had a weakness and was vulnerable.

They looked over the whole pattern of history and they know that the good that men do often dies with them, and it is not fair.

We are in a situation now where trivialities may smother America, trivialities. We have opened Pandora's box. If a President's life can be invaded by the government, trivialities will smother us all. Who will be next and how many dramatic human stories will television have to play with along the way?

I hope that for the next 5 weeks we can turn away from preoccupation with the personal life of one man and deal with preoccupation with the life of the Nation. We are an indispensable nation. We ought to behave like people who are a pivotal generation within this indispensable nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). While the Chair did not interrupt the Member, the Chair would remind all Members to avoid specific personal references to the President even as a point of reference or comparison to a more general standard of conduct.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. PRYCE of Ohio (at the request Mr. ARMEY), for today and for an indefinite period, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETERSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. PETERSON of Pennsylvania, for 5 minutes, on September 10.

(The following Members (at the request of Ms. LEE) to revise and extend their remarks and include extraneous material:)

Mr. STUPAK, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. LEE) and to include extraneous matter:)

Mr. KIND.
Mr. ETHERIDGE.
Mr. KENNEDY of Massachusetts.
Mr. MILLER of California.
Mr. STARK.
Mr. HAMILTON.
Mr. KANJORSKI.
Mr. MATSUI.
Mr. SANDERS.
Mr. UNDERWOOD.
Mr. MURTHA.
Mr. DELAHUNT.
Mr. DIXON.
Mr. GEPHARDT.
Mr. VENTO.
Mr. MORAN of Virginia.
Mr. SANDLIN.

(The following Members (at the request of Mr. PETERSON of Pennsylvania) and to include extraneous matter:)

Mr. SPENCE.
Mr. RADANOVICH.
Mr. DUNCAN.
Mr. DIAZ-BALART.
Mr. SMITH of Oregon.
Mr. SAXTON.
Mr. THOMAS.
Mr. HYDE.
Mrs. NORTHUP.
Mr. SOLOMON.
Mr. STUMP.
Mr. DAVIS of Virginia.
Mr. WOLF.
Mr. GILMAN.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. MICA.
Mr. LAHOOD.
Mr. GILMAN.
Mr. DEUTSCH.
Mr. BILBRAY.
Mr. TOWNS.
Ms. VELÁZQUEZ.
Mr. FORD.
Mr. BERRY.
Mr. CONYERS.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1379. An act to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On August 10, 1998:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, September 10, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10608. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Revision of Requirements Regarding Quality Control Program [Docket No. FV98-981-1 FR] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10609. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Areas [Docket No. 98–082–1] received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10610. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Domestically Produced Peanuts; Decreased Assessment Rate [Docket Nos. FV98–997–1 IFR and FV98–998–1 IFR] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10611. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designation; Michigan [Docket No. 98–081–1] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10612. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No: 97–056–14] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10613. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Exemption From Area No. 2 Handling Regulation for Potatoes Shipped for Experimentation and the Manufacture of Conversion Into Specified Products [Docket No. FV98–948–2 IFR] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10614. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand [Docket No. FV98–989–2 FIR] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10615. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP–300693A; FRL–6021–9] (RIN: 2070–AB78) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10616. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Extension of Tolerance for Emergency Exemptions [OPP–3000692; FRL 6020–2] (RIN: 2070–AB78) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10617. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Potassium Dihydrogen Phosphate; Exemption From the Requirement of a Tolerance [OPP–300684; FRL–6017–6] (RIN: 2070–78AB) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10618. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions [OPP–300696; FRL–6021–6] (RIN: 2070–AB78) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10619. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Cleaning and Reinspection of Farmers Stock Peanuts (RIN: 0560–AF56) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10620. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Letter of Offer and Acceptance [DFARS Case 98–D015] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10621. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Portfolio Reengineering——Fiscal Year 1998 Transition Program Guidelines (FR–4162–N–03) received August 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10622. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation and Payment of Lump Sum Benefits (RIN: 1212–AA88) received August 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Replaceable Light Source Information; Federal Motor Vehicle Safety Standards [Docket No. NHTSA 98–4274] (RIN: 2127–AH32) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag On-Off Switches [NHTSA–98–4342] (RIN: 2127–AH25) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10625. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Removal of the Reformulated Gasoline Program from the Phoenix, Arizona Serious Ozone Nonattainment Area [FRL–6137–8] (RIN: 2060–AI06) received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10626. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries [AD-FRL–6145–5] (RIN: 2060–PI00) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10627. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Section 111(d) Plan; State of Missouri [MO 045–1045; FRL–6150–8] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of Existing Variance and Exemption Regulations to Comply with Requirements of the Safe Drinking Water Act [FRL–6144–2] (RIN: 2020–AA37) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10629. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revision to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND–001–0002a & ND–001–0004a; FRL–6150–6] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10630. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act; Standards of Performance For New Stationary Sources and Guidelines For Control of Existing Sources: Municipal Solid Waste Landfills [FRL–6142–9] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10631. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Consumer Confidence Reports [FRL–6145–3] (RIN:2040–AC99) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10632. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Sources that Store and Handle Jet Fuel [MD068–3027a; FRL–6144–5] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10633. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Disapproval of the 15 Percent Rate of Progres Plan [Region II Docket No. NJ28–1–162–3; FRL–6151–2] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10634. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996 [Docket No. 816–R–98–006] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10635. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ30–184; FRL–6151–4] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10636. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes Kentucky: Redesignation of the Muhlenberg

County Sulfur Dioxide Secondary Nonattainment Area to Attainment [KY 99–1–9820a; FRL–6142–7] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10637. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS–50632; FRL–5788–7] (RIN: 2070–AB27) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10638. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delaware: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6145–2] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10639. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 037–0080; FRL–6142–1] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10640. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plans Revision, South Coast Air Quality Management District, and Ventura County Air Pollution Control District [CA 126—0082a FRL- 6140–6] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10641. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District [CA 187–0076a; FRL–6137–6] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10642. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District & South Coast Air Quality Management District [CA 181–0081a; FRL–6141–8] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10643. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District [CA 063–0072a; FRL–6138–4] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10644. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego Air Pollution Control District [CA 184–0086a FRL—6137–9] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10645. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation [ME014–01–6994a; A–1–FRL–6136–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10646. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Listing of Exempt Volatile Organic Compounds, Approval of Minor Rule Changes for Emissions from Air Strippers and Soil Venting Projects, and Repeal of Perchloroethylene Dry Cleaning Plant Requirements [UT–001–0005a, UT–001–0006a, UT–001–0007a, UT–001–0009a, UT–001–0012a, UT–001–0013a; FRL -6140–5] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10647. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan Revision; South Coast Air Quality Management District [CA 022–0087a; FRL 6138–2] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10648. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA 191–0088a; FRL 6138–6] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10649. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Minnesota; Municipal Waste Combustor State Plan Submittal [MN59–01–7284a; FRL–6139–2] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval And Promulgation Of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [GA–34–3–9819a; FRL–6143–7] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consumer and Commercial Products: Schedule for Regulation [AD-FRL–6149–6] (RIN: 2060–AE24) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10652. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL–6145–6] (RIN: 2060–AE04) Recieved August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Architectural Coatings [AD-FRL–6149–7] (RIN: 2060–AE55) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Consumer Products [AD-FRL–6149–8] (RIN: 2060–AF62) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10655. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings [AD-FRL–6149–5] (RIN: 2060–AE35) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—WASHINGTON: Withdrawal of Immediate Final Rule for Authorization of State Hazardous Waste Management Program Revision [FRL–6147–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10657. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH117–1; FRL–6147–9] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule; Administrative Stay [FRL–6153–2] (RIN: 2050–AE05) received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10659. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Nasal Decongestant Drug Products [Docket No. 76N–052N] (RIN: 0910–AA01) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10660. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Department's final rule —Beverages: Bottled Water [Docket No. 98N–0294] received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10661. A letter from the Deputy Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Revision to the General Safety Requirements for Biological Products [Docket No. 97N–0449] (RIN: 0910–ZA08) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10662. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 81N–0201] (RIN: 0910–AA01) received August 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10663. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0055] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10664. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0467] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10665. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 98N–0392] received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10666. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems [Docket No. 95N–0176] (RIN: 0910–ZA12) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10667. A letter from the Acting Director, Bureau of the Census, transmitting the Bureau's final rule—Amendment to 15 CFR 30, Foreign Trade Statistics Regulations, to Include Provisions for Reporting the Value of Foreign Military Sales Shipments [Docket No. 980331081–8171–02] (RIN: 0607–AA22) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10668. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10669. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10670. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Removal of Obsolete Regulations Concerning the Inoperative Statutory Honorarium Bar, Revisions to Related Supplemental Reporting Requirements, and Conforming Technical Amendments (RIN: 3209–AA00) (RIN: 3209–AA13) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10671. A letter from the Director, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule Listing Five Plants from Monterey County, California, as Endangered or Threatened (RIN: 1018–AD09) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10672. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Determine the Plant Pediocactus winkleri (Winkler Cactus) to be a Threatened Species (RIN: 1018–AC09) received August 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10673. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endanagered and Threatened Wildlife and Plants; Emergency Listing of the Jarbidge River Population Segment of Bull Trout as Endangered (RIN: 1080–AF01) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10674. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498E] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10675. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498G] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10676. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498F] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10677. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498D] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10678. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Mississippi Regulatory Program [SPATS No. MS–013–FOR] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10679. A letter from the Commissioner, Department of Justice, transmitting the Department's final rule—Adjustment of Certain Fees of the Immigration Examination Fee Account [INS No. 1768–98; AG No.] (RIN: 1115–AE42) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No. 96–NM–42–AD; Amendment 39–10680; AD 98–16–05] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Fort Leonard Wood, MO; Correction [Airspace Docket No. 98–ACE–17] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–80–AD; Amendment 39–10685; AD 98–16–09] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10681; AD 98–11–01 R2] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 Series Airplanes [Docket No. 98–NM–229–AD; Amendment 39–10678; AD 98–15–51] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airway V–465 [Airspace Docket No. 96–ANM–15] (RIN: 2120–AA66) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway 369; TX [Airspace Docket No. 98–ASW–40] (RIN: 2120–AA66) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Tallahassee, FL [Airspace Docket No. 98–ASO–8] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Safford, AZ [Airspace Docket No. 96–AWP–11] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 98–NM–212–AD; Amendment 39–10676; AD 98–16–01] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Moses Lake, WA [Airspace Docket No. 98–ANM–05] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10691. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes [Docket No. 97–NM–148–AD; Amendment 39–10688; AD 98–16–12] (RIN: 2120–AA64) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10692. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Automatic Train Control and Advanced Civil Speed Enforcement System; Northeast Corridor Railroads [FRA Docket No. 87–2, Notice No. 7] (RIN: 2130–AB20) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10693. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997) [Docket No. RSPA–97–2251; Amdt Nos. 190–8; 191–13; 192–84; 193–15; 194–2; 195–61; 198–3; 199–17] (RIN: 2137–AD03) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10694. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Staten Island Fireworks, New York Harbor, Lower Bay [CGD01–98–102] (RIN: 2115–AA97) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10695. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, Pennsylvania [CGD 05–98–002] (RIN: 2115–AE46) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10696. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; St. Johns River, Jacksonville, Florida [CGD07–98–033] (RIN: 2115–AE46) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10697. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Streamlined Inspection Program [CGD 96–055] (RIN: 2115–AF37) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped with AlliedSignal RIA–35B Instruement Landing System Receivers [Docket No. 98–NM–154–AD; Amendment 39–10707; AD 98–17–05] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 98–NM–128–AD; Amendment 39–10711; AD 98–17–09] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters [Docket No. 98–SW–25–AD; Amendment 39–10712; AD 98–12–19] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders [Docket No. 98–CE–07–AD; Amendment 39–10705; AD 98–17–03] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fortuna, CA [Airspace Docket No. 98–AWP–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10703. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes [Docket No. 98–CE–05–AD; Amendment 39–10704; AD 98–17–02] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10704. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–210–AD; Amendment 39–10689; AD 98–16–13] (RIN: 2120–AA64) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10705. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advance Notice of Arrival: Vessels bound for ports and places in the United States [CGD 97–067] (RIN: 2115–AF54) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amdt. No. 1883; Docket No. 29295] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10707. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amdt. No. 1882; Docket No. 29294] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10708. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tioga, ND [Airspace Docket No. 98–AGL–34] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10709. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines [Docket No. 97–ANE–51–AD; Amendment 39–10703; AD 98–17–01] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10710. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; St. Johns River, Jacksonville, Florida [CGD07–98–033] (RIN: 2115–AE46) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10711. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80A3 Series Turbofan Engines [Docket No. 98–ANE–85–AD; Amendment 39–10668; AD 98–15–17] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10712. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–415 Variant) Series Airplanes [Docket No. 98–NM–03–AD; Amendment 39–10487] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10713. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 97–NM–340–AD; Amendment 39–10355; AD 98–04–44] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10714. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Forest City, IA [Airspace Docket No. 98–ACE–30] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10715. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Spencer, IA [Airspace Docket No. 98–ACE–31] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10716. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–54–AD; Amendment 39–10584; AD 98–12–31] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10717. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Denison, IA [Airspace Docket No. 98–ACE–29] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10718. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 98–CE–60–AD; Amendment 39–10634; AD 98–13–41] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10719. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series Reciprocating Engines [Docket No. 98–ANE–26–AD; Amendment 39–10667; AD 98–15–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; West Palm Beach, Florida [CGD07–98–049] (RIN: 2115–AE46) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regualtions; Grassy Sound Channel, Middle Township, New Jersey [CGD05–98–015] (RIN: 2115–AE47) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model B.121 Series 1,2, and 3 Airplanes [Docket No. 98–CE–03–AD; Amendment 39–10691; AD 98–16–15] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 98–CE–30–AD; Amendment 39–10692; AD 98–16–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes [Docket No. 97–CE–112–AD; Amendment 39–10690; AD 98–16–14] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10725. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 60 Airplanes [Docket No. 98–NM–227–AD; Amendment 39–10694; AD 98–16–18] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10726. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–180–AD; Amendment 39–10695; AD 98–16–19] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–151–AD; Amendment 39–10699; AD 98–16–22] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 98–NM–160–AD; Amendment 39–10700; AD 98–16–23] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–213–AD; Amendment 39–10696; AD 98–16–20] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Airplanes [Docket No. 97–NM–116–AD; Amendment 39–10702; AD 98–16–25] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 98–NM–70–AD; Amendment 39–10697; AD 97–20–10 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airways; WA [Airspace Docket No. 97–ANM–23] received August 21, 2998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kearney, NE [Airspace Docket No. 98–ACE–34] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Beatrice, NE [Airspace Docket No. 98–ACE–32] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottumwa, IA [Airspace Docket No. 98–ACE–27] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Davenport, IA [Airspace Docket No. 97–ACE–21] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes [Docket No. 97–NM–128–AD; Amendment 39–10701; AD 98–16–24] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 98–NM–146–AD; Amendment 39–10698; AD 98–16–21] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dunkirk, NY [Airspace Docket No. 98–AEA–10] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amendment No. 1881; Docket No. 29293] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO [Airspace Docket No. 98–ANM–07] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Barrow, AK [Airspace Docket No. 98–AAL–7] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization of Miscellaneous Rotocraft Regulations [Docket No. 28929; Amendment Nos. 27–35 & 29–42] (RIN: 2120–AG23) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 97–NM–279–AD; Amendment 39–10555; AD 98–11–30] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes [Docket No. 98–NM–05–AD; Amendment 39–10458] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–3,-3B,-3C,-5,-5B, and -5C Series Turbofan Engines [Docket No. 97–ANE–54–AD; Amendment 39–10523, AD 98–10–11] (RIN: 2120–AA64) received

August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10608; AD 98–11–01 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 750 Citation X Series Airplanes [Docket No. 98–NM–208–AD; Amendment 39–10693; AD 98–16–17] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29300; Amdt. No. 1885] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29299; Amdt. No. 1884] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 97–NM–287–AD; Amendment 39–10710; AD 98–17–08] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97–NM–248–AD; Amendment 39–10709; AD 98–17–07] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–20–AD; Amendment 39–10708; AD 98–17–06] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Akron, CO [Airspace Docket No. 98–ANM–10] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Pueblo, CO. [Airspace Docket No. 98–ANM–01] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Superior, WI [Airspace Docket No. 98–AGL–38] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moorhead, MN [Airspace Docket No. 98–AGL–40] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Glenwood, MN [Airspace Docket No. 98–AGL–39] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Slayton, MN [Airspace Docket No. 98–AGL–35] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace and Class E Airspace; Willoughby, OH [Airspace Docket No. 98–AGL–36] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10761. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Streamlining the State Sewage Sludge Management Regulations [FRL–6145–8] (RIN: 2040–AC87) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10762. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Election of Education Benefits (RIN: 2900–AH88) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10763. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services (RIN: 2900–AJ04) received August 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10764. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) (RIN: 2900–AE64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10765. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Nonrecourse Financing Under Section 465(b)(6) [TD–8777] (RIN: 1545–AV17) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10766. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [RP–112856–98] received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10767. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 98–44) received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10768. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Standards of Conduct for Claimant Representatives [Regulations Nos. 4 and 16] (RIN: 0960–AD73) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triasulfuron; Pesticide Tolerance [OPP–300700; FRL 6023–8] (RIN: 2070–AB78) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10770. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Farm Credit Administration 1997 Report on the Financial Condition and Performance of the Farm Credit System, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

10771. A letter from the Principal Deputy, Acquisition and Technology, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending June 30, 1998, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

10772. A letter from the Secretary of Defense, transmitting the retirement of Lieutenant General Joseph W. Kinzer, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on National Security.

10773. A letter from the Vice Chair, Export-Import Bank of the United States, transmitting a report involving U.S. exports to People's Republic of China (China), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10774. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the triennial assessment of the needs of minority and diverse audiences and the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunication entities, pursuant to Public Law 100—626, section 9(a) (102 Stat. 3211); to the Committee on Commerce.

10775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment [Docket No. NHTSA–98–4268] (RIN: 2127–AG84) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10719. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series Reciprocating Engines [Docket No. 98–ANE–26–AD; Amendment 39–10667; AD 98–15–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; West Palm Beach, Florida [CGD07–98–049] (RIN: 2115–AE46) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regualtions; Grassy Sound Channel, Middle Township, New Jersey [CGD05–98–015] (RIN: 2115–AE47) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model B.121 Series 1,2, and 3 Airplanes [Docket No. 98–CE–03–AD; Amendment 39–10691; AD 98–16–15] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 98–CE–30–AD; Amendment 39–10692; AD 98–16–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes [Docket No. 97–CE–112–AD; Amendment 39–10690; AD 98–16–14] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10725. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 60 Airplanes [Docket No. 98–NM–227–AD; Amendment 39–10694; AD 98–16–18] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10726. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–180–AD; Amendment 39–10695; AD 98–16–19] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–151–AD; Amendment 39–10699; AD 98–16–22] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 98–NM–160–AD; Amendment 39–10700; AD 98–16–23] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–213–AD; Amendment 39–10696; AD 98–16–20] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Airplanes [Docket No. 97–NM–116–AD; Amendment 39–10702; AD 98–16–25] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 98–NM–70–AD; Amendment 39–10697; AD 97–20–10 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airways; WA [Airspace Docket No. 97–ANM–23] received August 21, 2998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kearney, NE [Airspace Docket No. 98–ACE–34] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Beatrice, NE [Airspace Docket No. 98–ACE–32] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottumwa, IA [Airspace Docket No. 98–ACE–27] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Davenport, IA [Airspace Docket No. 97–ACE–21] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes [Docket No. 97–NM–128–AD; Amendment 39–10701; AD 98–16–24] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 98–NM–146–AD; Amendment 39–10698; AD 98–16–21] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dunkirk, NY [Airspace Docket No. 98–AEA–10] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amendment No. 1881; Docket No. 29293] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO [Airspace Docket No. 98–ANM–07] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Barrow, AK [Airspace Docket No. 98–AAL–7] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization of Miscellaneous Rotocraft Regulations [Docket No. 28929; Amendment Nos. 27–35 & 29–42] (RIN: 2120–AG23) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 97–NM–279–AD; Amendment 39–10555; AD 98–11–30] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes [Docket No. 98–NM–05–AD; Amendment 39–10458] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–3,-3B,-3C,-5,-5B, and -5C Series Turbofan Engines [Docket No. 97–ANE–54–AD; Amendment 39–10523, AD 98–10–11] (RIN: 2120–AA64) received

August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10608; AD 98–11–01 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 750 Citation X Series Airplanes [Docket No. 98–NM–208–AD; Amendment 39–10693; AD 98–16–17] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29300; Amdt. No. 1885] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29299; Amdt. No. 1884] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 97–NM–287–AD; Amendment 39–10710; AD 98–17–08] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97–NM–248–AD; Amendment 39–10709; AD 98–17–07] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–20–AD; Amendment 39–10708; AD 98–17–06] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Akron, CO [Airspace Docket No. 98–ANM–10] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Pueblo, CO. [Airspace Docket No. 98–ANM–01] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Superior, WI [Airspace Docket No. 98–AGL–38] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moorhead, MN [Airspace Docket No. 98–AGL–40] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Glenwood, MN [Airspace Docket No. 98–AGL–39] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Slayton, MN [Airspace Docket No. 98–AGL–35] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace and Class E Airspace; Willoughby, OH [Airspace Docket No. 98–AGL–36] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10761. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Streamlining the State Sewage Sludge Management Regulations [FRL–6145–8] (RIN: 2040–AC87) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10762. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Election of Education Benefits (RIN: 2900–AH88) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10763. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services (RIN: 2900–AJ04) received August 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10764. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) (RIN: 2900–AE64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10765. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Nonrecourse Financing Under Section 465(b)(6) [TD–8777] (RIN: 1545–AV17) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10766. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [RP–112856–98] received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10767. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 98–44) received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10768. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Standards of Conduct for Claimant Representatives [Regulations Nos. 4 and 16] (RIN: 0960–AD73) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triasulfuron; Pesticide Tolerance [OPP–300700; FRL 6023–8] (RIN: 2070–AB78) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10770. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Farm Credit Administration 1997 Report on the Financial Condition and Performance of the Farm Credit System, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

10771. A letter from the Principal Deputy, Acquisition and Technology, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending June 30, 1998, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

10772. A letter from the Secretary of Defense, transmitting the retirement of Lieutenant General Joseph W. Kinzer, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on National Security.

10773. A letter from the Vice Chair, Export-Import Bank of the United States, transmitting a report involving U.S. exports to People's Republic of China (China), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10774. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the triennial assessment of the needs of minority and diverse audiences and the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunication entities, pursuant to Public Law 100—626, section 9(a) (102 Stat. 3211); to the Committee on Commerce.

10775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment [Docket No. NHTSA–98–4268] (RIN: 2127–AG84) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

10777. A communication from the President of the United States, transmitting a report on developments since his last report of February 3, 1998, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—300); to the Committee on International Relations and ordered to be printed.

10778. A communication from the President of the United States, transmitting a report on additional steps taken with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA), pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—301); to the Committee on International Relations and ordered to be printed.

10779. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 17–98 which constitutes a Request for Final Approval for the Memorandum of Understanding with Canada and the United Kingdom for trilateral technology research and development projects (TTRDP), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10780. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 19–98 which constitutes a Request for Final Approval to conclude Amendment 1 to the U.S.-United Kingdom Antiship Countermeasures Missile Memorandum of Understanding (MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10781. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 18–98 which constitutes a Request for Final Approval of a Supplement for Accession of Spain to the NATO E–3A Cooperative Program Multilateral Memorandum of Understanding (MMOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10782. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 14–98 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and the United Kingdom concerning activities in Air Command, Control and Communication, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10783. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98–55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Manufacturing License Agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC 94–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 90–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the Czech Republic's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b—1; to the Committee on International Relations.

10787. A letter from the Assistant Secretary for Legislative Affairs, Department of States, transmitting a report to Congress on Ukraine's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b—1; to the Committee on International Relations.

10788. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus problem covering the period April 1 to May 31, 1998, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

10789. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10790. A letter from the Director, Defense Security Assistance Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on International Relations.

10791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Poland's status as adherent to the Missile Technology Control Regime, pursuant to section 73A of the Arms Export Control Act; to the Committee on International Relations.

10792. A letter from the Secretary of Commerce, transmitting a report to Congress that the Secretary of Commerce is imposing on the Federal Republic of Yugoslavia (Serbia and Montenegro) certain foreign policy-based export controls; to the Committee on International Relations.

10793. A letter from the Director, Office of Personnel Management, transmitting a report entitled, "Physicians Comparability Allowances," pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform and Oversight.

10794. A letter from the Manager, Employee Benefits/Payroll, AgriBank, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan for the Employees of the Seventh Farm Credit District as required by Public Law 95–595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10795. A letter from the Chairman, Merit Systems Protection Board, transmitting the U.S. Merit Systems Protection Board report, "Civil Service Evaluation: The Evolving Role of the U.S. Office of Personnel Management," pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

10796. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

10797. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of the Special Counsel (OSC) for Fiscal Year (FY) 1997, pursuant to Public Law 101—12, section 3(a)(11) (103 Stat. 29); to the Committee on Government Reform and Oversight.

10798. A letter from the Secretary of the Treasury, transmitting the enclosed United States Mint (Mint) 1997 Annual Report including financial statements, audit reports, and other information related to the Public Enterprise Fund (PEF) activity for the fiscal year ended September 30, 1997; to the Committee on Government Reform and Oversight.

10799. A letter from the Director, Financial Services, Library of Congress, transmitting a report on the activity of the Capitol Preservation Fund for the first six-months of fiscal year 1998 which ended on March 31, 1998; to the Committee on House Oversight.

10800. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting Proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

10801. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. HC-E4A-3(A,I,J) Series Propellers [Docket No. 98–ANE–53–AD; Amendment 39–10706; AD 98–17–04] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10802. A letter from the Secretary of Transportation, transmitting the issues and benefits of completing the highway between Panama and Columbia known as the Darien Gap; to the Committee on Transportation and Infrastructure.

10803. A letter from the Secretary of Health and Human Services, transmitting the twenty-first annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

10804. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— General Statement Regarding Revenue Procedure 98–44—received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10805. A letter from the Secretary of Health and Human Services, transmitting the first annual report on the operation of the Temporary Assistance for Needy Families (TANF) Contingency Fund; to the Committee on Ways and Means.

10806. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the annual report of cross-servicing and acquisition actions undertaken pursuant to Acquisition and Cross-Servicing Agreements with countries that are not part of the North Atlantic Treaty Organization (NATO) or its subsidiary bodies, pursuant to 10 U.S.C. 2349; jointly to the Committees on National Security and International Relations.

10807. A letter from the Secretary of Health and Human Services, transmitting a report to Congress that the Department of Health and Human Services is allotting emergency funds to eleven States; jointly to the Committees on Commerce and Education and the Workforce.

10808. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the notification of our intent to obligate funds for additional program proposals for purposes of Nonproliferation and Disarmament Fund (NDF) activities; jointly to the Committees on International Relations and Appropriations.

10809. A letter from the Secretary of Transportation, transmitting a report to Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports; jointly to the Committees on International Relations and Transportation and Infrastructure.

10810. A letter from the Acting Comptroller General, Comptroller General, transmitting the report on General Accounting Office employees detailed to congressional committees as of July 17, 1998; jointly to the Committees on Government Reform and Oversight and Appropriations.

10811. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Certification that shrimp harvested with technology that may adversely affect certain species of sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress annually by May 1, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

10812. A letter from the Secretary of Health and Human Services, transmitting a report to Congress on the effectiveness and appropriateness of current mechanisms for surveying and certifying skilled nursing facilities; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of August 7, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 219. A bill to establish a Federal program to provide reinsurance for State disaster insurance programs; with an amendment (Rept. 105–687). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on August 6, 1998, the following report was filed on August 21, 1998]

Mr. LEACH. Committee on Banking and Financial Services. H.R. 4393. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes (Rept. 105–688, Pt. 1). Ordered to be printed.

[Submitted September 9, 1998]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1110. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. 105–691). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1983. A bill to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes (Rept. 105–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2223. A bill to amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes; with amendments (Rept. 105–693). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2776. A bill to amend the Act entitled "An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the Warren property (Rept. 105–694). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3109. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; with amendments (Rept. 105–695). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3797. A bill to compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes (Rept. 105–696). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes (Rept. 105–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 521. Resolution providing for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes (Rept. 105–698). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 522. Resolution providing for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty (Rept. 105–699). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 4259. A bill to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes (Rept 105–700, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

[The following action occurred on August 21, 1998]

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration of H.R. 4393.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1794. A bill for the relief of Mai Hoa "Jasmine" Salehi (Rept. 105–689). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1834. A bill for the relief of Mercedes Del Carmen Quiroz Martinez Cruz (Rept. 105–690). Referred to the Committee of the Whole House.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on August 6, 1998 the following report was filed on August 21, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4321. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses, with an amendment; referred to the Committee on the Judiciary for a period ending not later than September 25, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X. (Rept. 105–701, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on August 21, 1998]

H.R. 4393. Referral to the Committee on the Judiciary extended for a period ending not later than September 25, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS (for himself, Mr. BONILLA, Mr. GIBBONS, Mr. FRANKS of New Jersey, Mr. BOEHNER, and Mr. JONES):

H.R. 4522. A bill to clarify the income and gift tax consequences of catching and returning record home run baseballs; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 4523. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight.

By Mr. BARR of Georgia:

H.R. 4524. A bill to prevent the expenditure of Federal funds to investigate circumstances relating to the death of Martin Luther King, Jr.; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Ms. FURSE, and Ms. HOOLEY of Oregon):

H.R. 4525. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 4526. A bill to amend section 334 of the Uruguay Round Agreements Act to clarify the rules of origin with respect to certain textile products; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 4527. A bill to provide for the extension of the New Jersey Coastal Heritage Trail into the Township of Woodbridge, New Jersey; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.R. 4528. A bill to direct the Secretary of Transportation to not require that the State of New Jersey repay Federal-aid highway funds expended on certain high occupancy vehicle lanes; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4529. A bill to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code; to the Committee on the Judiciary.

By Mr. LAHOOD;

H.R. 4530. A bill to direct the Administrator of the Federal Aviation Administration to implement reforms to the Liaison and Familiarization Training program; to the Committee on Transportation and Infrastructure.

By Mr. LAMPSON (for himself, Mr. SANDLIN, and Mr. CRAMER):

H.R. 4531. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Education and the Workforce.

By Mr. SOLOMON:

H.R. 4532. A bill to amend the Crime Control Act of 1990 to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing children less than 21 years of age; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4533. A bill to amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4534. A bill to amend title XVIII of the Social Security Act to implement a budget-neutral payment system for rehabilitation services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS:

H.R. 4535. A bill to provide relief for agricultural producers devastated by low commodity prices and adverse weather conditions; to the Committee on Agriculture.

By Mr. WOLF (for himself, Mr. SAXTON, Mrs. MYRICK, Mr. FROST, Mr. BOB SCHAFFER, Ms. KILPATRICK, Mr. HORN, Mr. McCOLLUM, and Mr. GILMAN):

H.R. 4536. A bill to establish a National Commission on Terrorism; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H. Res. 520. A resolution congratulating Mark McGwire of the St. Louis Cardinals for breaking the Major League Baseball single-season home run record; to the Committee on Government Reform and Oversight.

By Mr. HASTINGS of Florida:

H. Res. 523. A resolution expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H. Res. 524. A resolution congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

392. The SPEAKER presented a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–67 endorsing and supporting the extraordinary service of Congressman Dan Burton to his country; to the Committee on Resources.

393. Also, a memorial of the Legislature of the State of Alaska, relative to transmitting a copy of SCS HJR 52 (RES), Relating to opposition to the designation of any river in Alaska as an American Heritage River under the American Heritage Rivers initiative; to the Committee on Resources.

ADDITIONAL SPONSORS

Under Clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. TRAFICANT and Mrs. CAPPS.

H.R. 218: Mr. BLUNT and Ms. PRYCE of Ohio.

H.R. 326: Mr. FOSSELLA.

H.R. 457: Mr. McHUGH.

H.R. 594: Mr. GILMAN and Mr. MALONEY of Connecticut.

H.R. 678: Ms. LEE.

H.R. 815: Mr. CASTLE.

H.R. 859: Mr. BACHUS and Mr. ENGLISH of Pennsylvania.

H.R. 1032: Mr. ADAM SMITH of Washington.

H.R. 1061: Ms. SLAUGHTER, Mr. ADERHOLT, and Mr. BOEHLERT.

H.R. 1126: Mr. BOB SCHAFFER, Mr. MEEHAN, Mr. ADERHOLT, Mr. STOKES, Mr. HEFLEY, and Mr. Dreier.

H.R. 1356: Mr. HINCHEY and Mr. TURNER.

H.R. 1371: Mr. HERGER.

H.R. 1401: Mr. TORRES, Mr. BEREUTER, Mr. GANSKE, and Mr. KENNEDY of Rhode Island.

H.R. 1450: Mr. COYNE.

H.R. 1560: Ms. DeGETTE.

H.R. 1738: Mr. BILBRAY.

H.R. 1891: Mr. HYDE and Mrs. ROUKEMA.

H.R. 1895: Mr. FILNER, Mr. MATSUI, Mrs. MINK of Hawaii, and Ms. LOFGREN.

H.R. 2020: Mr. COSTELLO, Mrs. LOWEY, and Mr. THOMPSON.

H.R. 2133: Mr. PORTER.

H.R. 2321: Ms. PRYCE of Ohio.

H.R. 2409: Mr. UNDERWOOD, Mr. ROGAN, Mr. DIXON, and Mr. RANGEL.

H.R. 2499: Mr. TOWNS, Mr. LEACH, Ms. PELOSI, Ms. FURSE, and Mr. MICA.

H.R. 2509: Mr. BILIRAKIS.

H.R. 2549: Mr. ROMERO-BARCELO, Ms. LEE, Mr. FOX of Pennsylvania, and Ms. HOOLEY of Oregon.

H.R. 2639: Mr. McCOLLUM and Mr. HILLEARY.

H.R. 2693: Mr. McDADE.

H.R. 2699: Mr. McDADE.

H.R. 2704: Mr. McHALE.

H.R. 2708: Mr. SNOWBARGER, Mr. FOX of Pennsylvania, Mr. FALEOMAVAEGA, and Mr. STENHOLM.

H.R. 2723: Mr. EVERETT.

H.R. 2817: Mr. RAMSTAD and Mr. BROWN of Ohio.

H.R. 2828: Mr. KENNEDY of Massachusetts, and Mr. KING of New York.

H.R. 2884: Mr. McINTOSH.

H.R. 2900: Mr. WAXMAN.

H.R. 2908: Mr. CRAMER, Mrs. ROUKEMA, Mr. McHALE, Mr. BLUNT, Mr. MEEHAN, and Mr. MINGE.

H.R. 2914: Mr. RAMSTAD and Mr. BOYD.

H.R. 2923: Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. BAESLER, and Mr. RILEY.

H.R. 2938: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PARKER.

H.R. 2953: Mr. SERRANO.

H.R. 3008: Mr. TRAFICANT, Mr. BISHOP, Ms. DANNER, Mrs. LOWEY, Mr. CAMPBELL, Mr. ADERHOLT, Mrs. BONO, Mr. TURNER, and Mr. ORTIZ.

H.R. 3011: Ms. LOFGREN.

H.R. 3014: Mr. MARTINEZ.

H.R. 3048: Mr. FOX of Pennsylvania.

H.R. 3207: Mr. CUMMINGS.

H.R. 3248: Mr. HUNTER, Mr. TAYLOR of North Carolina, Mr. HORN, Mrs. BONO, and Mr. METCALF.

H.R. 3304: Mr. HYDE and Ms. DUNN of Washington.

H.R. 3320: Mr. MORAN of Virginia, Ms. WOOLSEY, Ms. HOOLEY of Oregon, and Mr. DIXON.

H.R. 3500: Mr. JEFFERSON, Mrs. THURMAN, and Mr. BENTSEN.

H.R. 3531: Mr. SHAYS, Mr. ENGEL, Ms. BROWN of Florida, Mr. DELAHUNT, Mr. LEWIS of Georgia, and Mrs. MORELLA.

H.R. 3553: Mr. VENTO, Mr. SMITH of New Jersey, Mr. WEYGAND, Mr. EDWARDS, AND Mr. OLVER.

H.R. 3567: Ms. BROWN of Florida and Mr. VISCLOSKY.

H.R. 3570: Mrs. KENNELLY of Connecticut, Mr. WYNN, and Mr. MALONEY of Connecticut.

H.R. 3624: Ms. CHRISTIAN-GREEN.

H.R. 3688: Mr. HORN, Mr. THOMAS, and Mr. BRADY of Texas.

H.R. 3690: Mr. INGLIS of South Carolina.

H.R. 3764: Mrs. EMERSON.

H.R. 3779: Mr. ENSIGN, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. PALLONE, and Mr. YATES.

H.R. 3782: Mr. VENTO.

H.R. 3855: Mr. DAN SCHAEFER of Colorado, Ms. SÁNCHEZ, Mr. STARK, and Mr. SISISKY.

H.R. 3881: Mr. POMEROY.

H.R. 3895: Mr. MARKEY and Mr. BLUMENAUER.

H.R. 3962: Mr. TAUZIN.

H.R. 3992: Mr. BECERRA.

H.R. 4006: Mr. EVERETT.

H.R. 4007: Mr. SHADEGG, Mr. SHUSTER, and Mr. LAMPSON.

H.R. 4019: Mr. HANSEN, Mr. WEXLER, Mr. SHAYS, Mr. PETERSON of Minnesota, Mr. WICKER, Mr. ETHERIDGE, Mr. ROTHMAN, and Ms. SÁNCHEZ.

H.R. 4031: Mr. BROWN of Ohio and Mr. MARKEY.

H.R. 4070: Ms. HOOLEY of Oregon and Mr. FARR of California.

H.R. 4080: Mr. SERRANO.

H.R. 4115: Mr. McDERMOTT and Mr. KENNEDY of Rhode Island.

H.R. 4118: Mr. ACKERMAN.

H.R. 4121: Mr. MURTHA and Mr. RAHALL.

H.R. 4127: Ms. FURSE.

H.R. 4132: Mr. DOOLITTLE and Mr. SHAYS.

H.R. 4155: Mr. VENTO.

H.R. 4181: Mr. FRANKS of New Jersey.

H.R. 4196: Mr. CRAPO and Mr. TAYLOR of North Carolina.

H.R. 4197: Mr. Barton of Texas, Mr. Taylor of North Carolina, Mr. Moran of Kansas, Mr. Gibbons, and Mr. Herger.

H.R. 4206: Mr. Obey and Ms. Christian-Green.

H.R. 4213: Mr. Boehlert, Mr. Goode, Mr. Boucher, and Mr. Cox of California.

H.R. 4214: Mr. Manton.

H.R. 4217: Mr. Moran of Kansas and Mr. LaTourette.

H.R. 4220: Ms. Hooley of Oregon, Mr. Redmond, Mrs. Emerson, and Mr. Ortiz.

H.R. 4224: Mrs. Thurman, Ms. Carson, Ms. Christian-Green Mr. Thompson, and Mr. Evans.

H.R. 4232: Mr. Sanford.

H.R. 4258: Mr. Aderholt, Mrs. Bono, Mr. Calvert, Mr. Diaz-Balart, Mr. Frost, Mr. Hall of Texas, Mr. Kasich, Mr. Lazio of New York, Ms. Pryce of Ohio, Mrs. Linda Smith of Washington, and Mr. Solomon.

H.R. 4281: Mr. Sanford and Mr. Doolittle.

H.R. 4285: Mr. Collins, Mr. Nussle, Mr. Blunt, and Mr. Lewis of Georgia.

H.R. 4300: Mr. Brady of Pennsylvania, Mr. Sherman, Mr. Oxley, and Mr. Cunningham.

H.R. 4308: Mr. Berman and Mr. Sanders.

H.R. 4309: Mr. Berman and Mr. Sanders.

H.R. 4330: Ms. Dunn of Washington.

H.R. 4344: Mr. Faleomavaega, Mr. Etheridge, Mr. Tierney, Mr. Ney, Mr. Pastor, Ms. Roybal-Allard, Ms. Slaughter, Mr. Torres, Mr. Livingston, Mr. Stump, Mr. Snyder, Mr. Rangel, Mr. Leach, Mr. Kolbe, Mr. Kleczka, Mr. Hall of Texas, Mr. Menendez, Ms. McCarthy of Missouri, Ms. Velázquez, Mr. Vento, Mr. Ortiz, Mr. Becerra, and Mr. Dickey.

H.R. 4350: Mr. Gillmor.

H.R. 4362: Ms. Carson, Ms. Lofgren, Mr. Olver, Mrs. Mink of Hawaii, Mr. Waxman, Mr. Borski, Ms. Brown of Florida, and Mr. Gutierrez.

H.R. 4368: Mr. Redmond.

H.R. 4395: Mr. McHugh.

H.R. 4398: Mr. Frank of Massachusetts, Ms. Jackson-Lee of Texas, Mr. Waxman, Mr. Filner, Ms. Stabenow, and Mr. Frost.

H.R. 4399: Mr. Frost, Mr. Bereuter, and Mr. Evans.

H.R. 4402: Mr. Jones, Mr. Hilleary, Mr. Blunt, Mr. Fossella, and Mr. Knollenberg.

H.R. 4403: Mr. Filner.

H.R. 4404: Mr. Murtha, Mr. Rodriguez, Mr. Riley, Mr. Poshard, Mr. DeFazio, Mr. Andrews, Mr. Frost, Mr. Duncan, Mr. Doyle, Ms. Carson, Mr. Romero-Barcelo, Mr. Pomeroy, Mrs. Tauscher, and Mr. Istook.

H.R. 4433: Mr. Brown of Ohio and Mr. Underwood.

H.R. 4449: Mr. Whitfield, Mr. Norwood, Mr. Sessions, Mr. Metcalf, Mr. Taylor of North Carolina, Mr. Etheridge, Mr. Jones, Mr. Sandlin, Mr. Gutknecht, and Mr. Hutchinson.

H.R. 4450: Ms. Norton, Mr. Sanders, Mr. Brown of Ohio, Mr. Manton, Mr. Frank of Massachusetts, and Mr. Frost.

H.R. 4478: Mr. Hinchey.

H.R. 4479: Mr. Hinchey.

H.R. 4480: Mr. Frost, Mr. Filner, and Mr. Kildee.

H.R. 4489: Mr. Gejdenson and Mr. Price of North Carolina.

H.R. 4492: Mr. Bereuter, Mrs. Thurman, and Mr. Minge.

H.R. 4506: Mr. Evans and Mr. Porter.

H.J. Res. 98: Mr. Solomon.

H.J. Res. 123: Mrs. Johnson of Connecticut, Mr. Baker, Mrs. Wilson, Mr. Holden, and Mr. Ortiz.

H. Con. Res. 127: Mr. Shays.

H. Con. Res. 158: Mr. Radanovich.

H. Con. Res. 184: Mrs. McCarthy of New York.

H. Con. Res. 188: Mr. Talent.

H. Con. Res. 239: Mr. Talent.

H. Con. Res. 292: Mr. Frank of Massachusetts and Ms. Slaughter.

H. Con. Res. 295: Mr. Oxley, Mr. Moran of Virginia, Mr. Manton, Mr. Crane, Mrs. Morella, Mr. Radanovich, Mr. Dingell, Mr. Ehlers, Mrs. Kelly, Mr. Moakley, Mrs. Clayton, Mr. Hobson, Mrs. Myrick, Mr. Pascrell, Mr. Thompson, and Mr. Traficant.

H. Con. Res. 304: Mr. Menendez, Mr. Moran of Virginia, Mr. Serrano, Mr. Traficant, Mr. Levin, Ms. Pelosi, Ms. Kilpatrick, and Mr. Hefley.

H. Con. Res. 307: Mrs. Maloney of New York, Mr. Filner, Mrs. Lowey, Mr. Pallone, and Mr. McGovern.

H. Con. Res. 313: Mr. Hefley, Mrs. McCarthy of New York, Mr. Frost, and Mr. Towns.

H. Res. 96: Mrs. Clayton, Mr. Serrano, and Ms. Norton.

H. Res. 304: Mr. Riggs, Mr. Salmon, Mr. Pombo, Mr. Combest, Mr. Stearns, Mr. Bob Schaffer, and Mr. Royce.

H. Res. 475: Ms. Woolsey, Mr. Payne, and Ms. DeGette.

H. Res. 519: Mr. Ackerman and Mr. Miller of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

73. The SPEAKER presented a petition of Citizens of Washington, D.C., relative to petitioning the United States Congress to take prompt action by enacting legislation to provide the citizens of the District with full voting representation; to the Committee on the Judiciary.

74. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 305 of 1998 expressing its support for the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, including evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs; jointly to the Committees on Commerce and Transportation and Infrastructure.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4274

Offered By: Mr. Peterson of Pennsylvania

Amendment No. 4: Page 11, line 18 (decreased by $10,000,000) after $310,409,000).

Page 53, line 17 (decreased by $90,000,000) after $861,500,000.

Page 58, line 26, insert (increased by $100,000,000) after each dollar amount.

H.R. 4274

Offered By: Mr. Peterson of Pennsylvania

Amendment No. 5: Page 53, line 17 (decreased by $100,000,000) after $861,500,000.

Page 58, line 26, insert (increased by $100,000,000) after each dollar amount.

EXTENSIONS OF REMARKS

NATIONAL COMMISSION ON TERRORISM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WOLF. Mr. Speaker, today, I am introducing legislation which will establish a national commission on terrorism. This will be a bipartisan, national panel of experts with diverse skills and outlooks—highly respected people from across the political spectrum. The commission would be accountable to the President, to Congress, and to the American people.

The purpose of the commission would be to take a close look at the problem of terrorism, including Middle Eastern-related terrorism, to study its origins and develop effective countermeasures and make recommendations to reshape our traditional policy on combating terrorism. A number of person could be considered as possible commissioners, and I've listed a few suggestions for starters on the enclosed list.

The proposed bipartisan national commission will consist of 15 distinguished members, five each appointed by the President, and by the Speaker of the House and the Majority Leader of the Senate in consultation with the Minority Leaders of the House and Senate. I believe that President George H.W. Bush, who is not only a former president and vice president, but also a former director of the CIA, would be an ideal chairman for the commission. The commissioners will include three Members of Congress and three Senators. The commission will have a duration of six months and will be given every means to deal quickly with this national problem, including access to classified information, travel funds to engage in on-the-spot investigations, and accompanying congressional hearings.

A few weeks ago, 267 people lost their lives and more than 5,000 people were injured in the bombings of two U.S. embassies in East Africa. Twelve of those who died were Americans.

On August 20, President Clinton announced that the U.S. had determined a multimillionaire militant and terrorist kingpin, Osama Bin Ladin, was responsible for the attack. American forces bombed secret compounds and facilities linked to Bin Ladin in Afghanistan and Sudan that same day. While this response was proper and necessary, I believe we need to take another look at our nation's overall policy on terrorism. Bin Ladin is certainly not our only worry. Unfortunately, there are other groups are also known to be active in the area of terrorism.

As the world's leader, America and its people are natural terrorist targets. Our military, industrial and commercial presence around the globe attracts frustration from many terrorist groups.

But the problem is not limited to America alone. In Israel, Algeria, Egypt, and many other countries, terrorism has become an awful fact of life. A recent study in the Journal of Counterterrorism and Security International of all fatalities in international terrorist incidents in 1993–96 showed that three-quarters of the deaths from those attacks could be laid at the feet of the militant, fundamentalist groups.

In my travels to many of these countries, I have seen firsthand the destruction that terrorism has inflicted on many innocent people. I visited Sudan on three different occasions, and saw the great instability that terrorist elements bring to a country when they are allowed to flourish. Over the July 1998 congressional recess, I visited Algeria, where 70,000 people have been killed by terrorists. I saw the fear and the sorrow that grips the people there as they have lost countless friends and loved ones in the violence in that nation. When I visited Lebanon after the horrible bombing in Beirut in 1983, I saw the Marine barracks that had been destroyed. On October 23, 1983, massive vehicle bombs devastated the headquarters of the U.S. Marine contingent, killing 241 U.S. Marines.

After my recent trip to Algeria and with this latest attack on the embassies in East Africa, I am convinced that it is time to reevaluate American counterterrorist strategy. I say this not to be critical of what has already been done or of current efforts. Much is being accomplished by the intelligence community in this regard. They are doing a great job and are to be complimented. Still, terrorism is growing.

Until now, we have been fortunate not to experience the full brunt of many terrorist attacks on our home soil. According to a recent article in the Economist, investigators of the 1993 World Trade Center bombing concluded that those plotting the incident intended to cause one tower to topple onto the other and to kill up to 250,000 people. Fortunately, the attack was not as successful as planned.

Some regions of the world are much more dangerous than others. Since 1983, more Americans have been killed by attacks perpetrated by terrorists either based in or connected to the Middle East than any other region of the world. In fact, the largest number of American lives lost to politically motivated violence since the end of the Vietnam War has been connected to Middle Eastern terrorism.

A number of incidents have not yet been fully resolved. In some cases, the perpetrators remain unknown. In other cases, the perpetrators are known but have not yet been held accountable for their actions, or have taken refuge in other countries.

Outstanding incidents are many. One of the most deadly years for terrorist violence was 1983, with bombing of the Beirut embassy in April and the Marine barracks in October. Five years later, Pan Am Flight 103 was destroyed in flight over Scotland by a bomb, killing 259 persons on board, including 189 Americans, and 11 others on the ground. Experts say that although the culprits have been pinpointed, they are currently hiding in Libya and that nation is refusing to hand them over to authorities.

More recently came the car bomb explosion in the parking lot of the Office of Program Manager/Saudi Arabian National Guard in Riyadh, Saudi Arabia, in November 1995, which killed seven people and wounded 42 others. Seven months later in that country, a fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dharan, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel.

Unidentified gunmen shot to death four U.S. auditors from Union Texas Petroleum and their Pakistani driver in Karachi, Pakistan, in November 1997. Now we are facing the latest terrorist incident of the bombing of two American embassies in East Africa. But over these last 15 years, there have been many other terrorist attacks and American blood has been shed both at home and abroad.

U.S. government agencies and private organizations have done valuable work to unearth the perpetrators of these crimes. Unfortunately, the potential for both an increased number of terrorist acts and for acts that can result in massive numbers of casualties is great and is growing.

America, and the world, must be prepared for new and more deadly kinds of terrorism—nuclear, chemical, or biological weapons of mass destruction. The danger is growing as weapons of mass destruction become more accessible.

The world watched in horror in March 1995, when the news came that members of a small religious sect had set off a nerve gas called sarin in the Tokyo subway. The incident killed 12 people and injured several thousand, but it was actually, like the World Trade Center, a botched job. When they investigated later, police found enough sarin in the sect's possession to kill millions of people.

It is imperative that the United States assess the most effective ways of combating terrorism and that policymakers have the full spectrum of options at their disposal. This is what the National Commission on Terrorism will do. And it must do so quickly. The American people deserve to be fully informed on this issue in the face of a powerful and vicious adversary.

ADDENDUM

NATIONAL COMMISSION ON TERRORISM

Robert Abrams, former attorney general, New York State; Fouad Ajami, professor at the School of Advanced International Studies Johns Hopkins University; Ed Badaloto, chairman of the International Association of Counterterrorism Professionals; Lawrence

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Barcella, former federal prosecutor; Paul Bremer, former head of counter-terrorism, Department of State; John Deutch, former director of the CIA; David Gavigan, assistant adjutant general, Massachusetts Army National Guard; Robin Higgins, Marine colonel; David Kay, Director of SAIC's Center of Counter-terrorism; and Jeane Kirkpatrick, former ambassador to the United Nations.

Andrew McCarthy, former chief prosecutor, World Trade Center bombing; Riad Nachef, head of the Association of Islamic Charitable Projects; Raphael Perl, Congressional Research Service; Richard Perle, former assistant secretary of defense; Daniel Pipes, director of the Middle East Forum; Steven Pomerantz, former assistant director of the FBI for counter-terrorism; George Shultz, former secretary of state; Glenn Schweizer, National Science Foundation; William Webster, former director of the FBI and CIA; Phil Wilcox, former coordinator for counterterrorism at the State Department; and Jim Woosley, former director of the CIA.

(Note: This addendum is provided to illustrate the types of people who could serve on the commission and is by no means all-inclusive. There are many more individuals who are fully qualified to be on this commission.)

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT AND COMPOSITION OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(b) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(1) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(2) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(3) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(4) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(c) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(d) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

SEC. 2. DUTIES.

(a) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(1) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(2) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(A) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(B) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(C) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(3) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(b) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

SEC. 3. ADMINISTRATIVE MATTERS.

(a) MEETINGS.—

(1) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(2) After the first meeting, the commission shall meet upon the call of the chairman.

(3) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(b) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this Act.

(c) POWERS.—

(1) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(2) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(3) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(1) Each member of the commission who is not an employee of the government shall be paid at a rate equal for the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(2) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(3) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(4)(A) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(B) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(e) STAFF AND ADMINISTRATIVE SUPPORT.—

(1) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS–15 under the General Schedule.

(2) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

SEC. 4. TERMINATION OF COMMISSION.

The commission shall terminate 30 days after the date on which the commission submits a final report.

SEC. 5. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TRIBUTE TO MAJOR GENERAL WILLIAM F. "FRANK" MOORE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SPENCE. Mr. Speaker, I rise today to honor Major General William F. "Frank" Moore, United States Air Force, who recently completed a three year assignment as the Director of Special Programs in the Office of the Under Secretary of Defense for Acquisition and Technology. The Office of Special Programs deals with the most sensitive and highly classified programs within the Department of Defense (DOD). Throughout his tenure, General Moore has provided steady leadership and has served as a faithful guardian of the

Department of Defense's most sensitive programs.

During the 1970s and 1980s, Congress' growing concern with the Department of Defense's management of classified programs resulted in legislation that directed DOD to implement a new structure for overseeing these programs within the Department and an improved process for coordinating with appropriate Congressional committees of oversight. As the Director of the Office of Special Programs, General Moore has worked diligently to ensure an effective working relationship with the House National Security Committee and with the Congress. On behalf of the entire National Security Committee, I would like to thank General Moore for his service and wish him the best in his new and important assignment as Deputy Director of the Defense Threat Reduction Agency—an agency that will become the Department of Defense's focal point for addressing the many serious threats associated with weapons of mass destruction.

Mr. Speaker, General Moore has served the nation and the Air Force admirably for over 31 years. Throughout his career, the nation has asked a lot of General Moore and his family—his wife, Carol, and their two daughters, Rachel and Laurel. I want to congratulate General Moore on his new assignment, thank him for the job he has done during the past three years as Director of Special Programs, and wish him, and his family, health, happiness and prosperity in the future.

TRIBUTE TO COL. LAWRENCE W. STYS, WISCONSIN WING COMMANDER OF THE CIVIL AIR PATROL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor a skilled pilot and dedicated public servant, Col. Larry Stys, Wisconsin Wing Commander of the Civil Air Patrol. After 33 years with the CAP, Col. Stys will step down as the Wisconsin Wing Commander October 17.

His lasting legacy is a record unparalleled in the history of the Civil Air Patrol in Wisconsin. He achieved this by hiring the best individuals for duty assignments and inspiring them to the highest principles. Mr. Speaker, perhaps the philosophy of Col. Stys can best be expressed in his own words written to all Wisconsin Unit Commanders:

"I realized that the most important thing in one's life was principles. If one's life was ordered to and grounded in a set of principles, the arrangement of things will fall into line automatically. Principles are more than character traits. Traits can sometimes be worn without truly believing in them. This fundamental basis of character is called integrity. People can look at you and believe you. You can persuade without recourse to cajole."

This philosophy enjoyed obvious success, Mr. Speaker. In 1995, Wisconsin Wing was named best in the region in Search and Rescue proficiency.

And in 1997 during the Air Force Quality Inspection, Wisconsin Wing earned the distinction as best in the nation, excelling in all categories, including an unprecedented 13 benchmarks, which other wings will be rated against. Despite these laudable achievements, Col. Stys repeatedly deflected praise from himself to his staff.

Mr. Speaker, volunteer service is held in such high regard because of the dedication and professionalism of men like Col. Stys. As he leaves his command, we commend his invaluable service, we celebrate his contributions to air safety, and we salute his high regard for standards and principles.

TRIBUTE TO STATE SENATOR RALPH DILLS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I ask the House to join me in recognizing the retirement of the senior member of the California State Senate, Sen. Ralph Dills. Sen. Dills will leave office at the end of the year, and in August completed his last session in a career that began 60 years ago.

I had the pleasure to know Sen. Dills when I worked as an intern and a staff person in the state Senate in the 1960s and 1970s. A colleague of my father, who was himself a senator then, Sen. Dills was even in those days an institution in Sacramento, and he certainly remains one today.

We all honor his devotion to public service and to the people of the state of California. I would like to submit an editorial from the Sacramento Bee that pays tribute to this distinguished legislator and Californian, and I know all members of this Congress join me in honoring his career.

[From the Sacramento Bee, Sept. 2, 1998]

RALPH DILLS BOWS OUT: SENATOR WAS THE STATE'S LONGEST-SERVING LAWMAKER

Franklin Roosevelt was serving his second term as president when Ralph Dills was first elected to the California Legislature in 1938. President Clinton wasn't yet born, nor were most lawmakers with whom Dills now serves.

Dills arrived in Sacramento from Long Beach, a liberal New Deal Democrat and staunch friend of labor, and he departs 60 years later much the same way. In 1949, he left the Assembly to accept a judgeship, but 17 years later he was elected to the Senate, where he has been ever since, often presiding over sessions, a chore he relished.

One of Dills' proudest achievements was authoring the law that created Long Beach State University; another was the 1977 measure that gave collective bargaining rights to state workers. In speeches lauding him last week, fellow lawmakers remembered that Dills was among a small minority of legislators who opposed the internment of Japanese Americans during World War II.

As a senator, Dills presided over the influential Governmental Organization Committee. The panel handles liquor, horse racing and gambling legislation and has traditionally been a channel for large campaign contributions that Dills used to help keep himself and his fellow Democrats in power.

In his later years, Dills was known less for his legislative prowess than for his colorful attire, purple-tinted hair and saxophone playing. Reapportionment had pushed his district westward, from a gritty inland neighborhood to a more upscale coastal area, forcing him to acquire an environmental sensitivity he'd never shown before. He was 88, ailing and in a wheelchair when he cast his last votes in the Legislature late Monday. However he is ultimately rated, term limits ensure that Ralph Dills' durable presence in Sacramento is unlikely to be repeated.

WHY PATIENT COST-SHARING SAVES LITTLE: THE HEALTH LESSONS FROM EUROPE

HON. PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, various Members of Congress frequently say that one of the ways to save Medicare is to require the patient to pay a higher share of the cost—thus making the patient a more careful consumer and reducing the demand for care.

Following is a portion of a 1997 study published by the World Health Organization entitled, "European Health Care Reform," which shows why such an approach will save little, but of course will greatly increase the burden on the poorest and sickest in our society. This portion of the study is also interesting in that it shows that in most foreign countries, patients have much more time with their doctor and have much longer hospital length of stays than Americans—yet those foreign societies spend about 30 to 40% less than we do on health care.

Before Americans push more of the burden of Medicare onto the poor and sick, we should look to the lessons from abroad.

THE EFFECTS OF COST SHARING

TOTAL HEALTH EXPENDITURE

Evidence suggests that cost sharing reduces utilization but does not contain costs. Overall costs are not contained because cost sharing is a set of demand-side policies, and costs are primarily driven by supply-side factors. Intercountry comparisons indicate that the United States has lower rates of contact with physicians and beddays per head of population than many other countries, including Canada, France, Germany, Japan and the United Kingdom, but costs in the United States are much higher relative to GDP than in these other countries. This strongly suggests that it is the intensity of care provided per contact in the United States that is responsible for this apparent paradox *(198)*. The United States has the highest out-of-pocket expenses, mostly to meet cost-sharing obligations; it also has the highest overall costs. Other countries have lower cost-sharing and higher utilization rates, but lower costs. This does not mean that cost sharing causes higher costs; it means that measures other than cost sharing (supply-side measures such as budgetary controls) are much more effective mechanisms for cost-containment.

The Rand Study *(199,200)* suggests that cost sharing is associated with a decrease in total health spending, but the design of the experiment does not really permit strong conclusions to be drawn about the consequences for total expenditure of the broad implementation of cost sharing within a retrospective reimbursement system. The reason is that providers may compensate for a reduction in consumer-initiated demand by inducing increases in service volume or intensity. Table 9, which shows intercountry data *(198)* on contacts with physicians, hospital days and health expenditure as a percentage of GDP, suggests that consumer-initiated demand is not the major factor driving health care costs. Rather, it appears to be the intensity of services provided. Since intensity is largely provider initiated, there is little scope for cost sharing to make much of an impact on the overall level of spending. . . .

TABLE 9. HEALTH CARE UTILIZATION AND EXPENDITURE IN SELECTED COUNTRIES, AROUND 1990

Country	Contacts with physicians per head	Bed-days per head	Expenditure as a percentage of GDP
Canada	6.9	1.5	9.5
France	7.2	1.5	8.8
Germany	11.5	2.3	8.3
Japan	12.9	—	6.7
United Kingdom	5.7	0.9	6.2
United States	5.5	0.9	12.2

EQUITY IN FINANCING

Has cost sharing led to a relatively greater burden of health care financing falling on lower-income households? Based on data from the 1980s, Switzerland and the United States were found to have the most regressive health financing systems out of ten OECD countries studied *(201)*. This finding was attributed to their heavy reliance on both private health insurance and private out-of-pocket payments. The latter were found to be very regressive in these two countries because, in most instances, cost-sharing obligations apply irrespective of the patient's income.

The equity consequences of cost sharing in France are unclear, because there is no direct relationship between income and complementary insurance coverage. Employees in small firms and young people, as well as the unemployed, are less likely to have complementary insurance. This suggests that voluntary complementary insurance that cover the cost-sharing obligations of a national insurance system can lead to a disproportionate financial burden (and probably inequitable access as well) for those unable to purchase that coverage.

Evidence from Kyrgyzstan suggests that the mix of formal and informal charges to users of health services increased inequities in financing. The out-of-pocket costs of a single episode of illness could impose a substantial financial burden on many households. In 20% of cases, the total costs of an episode for an individual exceeded the monthly income of his or her entire household. Almost 50% of inpatients reported severe difficulties in finding the money to pay for their stay, and one third of them borrowed money to pay for their hospital charges. Capital items were often sold (farm animals in rural areas, consumer goods in urban areas) to raise the necessary money. Overall, there is evidence that the incidence of out-of-pocket payments for health is inequitable, i.e. it creates more of a burden for poorer households and individuals *(197)*.

CONCLUSION

Cost sharing does not provide a very powerful policy tool, either for improving efficiency or for containing health sector costs. Because of the importance of providers in influencing the main drivers of health sector costs, policies that address the supply side of the market are likely to be much more powerful than those that act solely on the demand side. Cost sharing will reduce consumer initiated utilization, but such reductions will not be effective for cost-containment. This is because the main influence on health care costs is service intensity, which is provider driven.

The appropriateness and likely effects of cost sharing depend on the services to which it is applied, and on the broader context of the provider payment system. The use of cost sharing as a tool to limit demand is relevant only when applied to first-contact services. For (provider-initiated) referral services, cost sharing has little impact on utilization and is thus of little relevance in terms of efficiency. In systems in which providers are reimbursed retrospectively, reductions in consumer-initiated utilization caused by cost sharing will encourage providers to increase the volume of services per patient contact (i.e. service intensity) in order to maintain their incomes. In such systems, therefore, cost sharing does little to restrain cost growth because the available evidence suggests that providers can—and do— respond to a drop in consumer-initiated utilization by stimulating an increase in the use of diagnostic and therapeutical services. In systems where providers are prepaid, there are no obvious incentives for this response, but the effects of cost sharing are still likely to be marginal because supply-side incentives are enough to restrain growth in expenditure.

Without compensatory administrative procedures, cost sharing causes inequity in the financing and receipt of health services. Unless cost sharing is related to income, co-payments and co-insurance will impose a greater burden on the budgets of low-income households. Without specific measures to exempt low-income groups from out-of-pocket charges, access to care will depend on income levels. Evidence consistently shows that direct charges deter poorer people from using services to a greater degree than they deter the better-off. These limitations on access may result in adverse health effects for poorer and sicker groups of the population. To protect equity, therefore, measures are needed to compensate for the consequences of cost sharing on poorer members of society.

As a means of mobilizing revenue for the health services, direct charges to patients are not likely to generate substantial amounts without causing adverse consequences in terms of equity.

LITERACY IN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 5, 1998 into the CONGRESSIONAL RECORD.

LITERACY IN AMERICA

In the course of a recent conversation I had with an older Hoosier woman, she acknowledged to me, with tears in her eyes, that she could not read. She told me she was unable to read the local newspaper, compute the numbers in the supermarket, write to her children, or read the Bible. I could scarcely imagine how a person could function in today's world without being literate. Yet many people do. More than one out of every five Americans cannot read or do simple math. That is a shocking figure with huge ramifications for the quality of life for many of our fellow citizens and for the country's economic and political well-being.

Defining literacy: In years past, literacy was simply defined as a person's ability to read and use printed materials at a very basic level. But the increasing complexity and change in today's society, along with the skills demanded of individuals, has led to a more comprehensive definition.

Today, the definition of literacy most widely used in the U.S. actually is not a single definition, but involves five different levels of proficiency. The lowest level of literacy, or Level 1, is marked by a difficulty in locating an intersection on a map, completing background information on a Social Security card application, or other rudimentary tasks. The highest level, or Level 5, involves college-level reading and writing skills.

Literacy and employment: Over time, even as definitions and measures of literacy have changed, each was largely based on what is needed for gainful employment. As the workplace changes, what it means to be literate also changes. Today's workplace requires higher levels of critical reading, problem solving, and computer skills to ensure success. Our economy has become increasingly high-tech and demands higher literacy and technical skills for jobs like data processing, communications, and finance. A two-tiered workforce has evolved, one with the literacy skills needed for the old economy, and a second with advanced skills for the high-tech workplace. Such a two-tiered economy would leave a significant portion of workers behind, and present formidable challenges to the nation.

Literacy levels have real implications on salary levels. On average those in the highest level are paid over $400 more per week than those in Level 1.

Trends in literacy: Since at least the 1980s, the literacy levels of Americans have continued to slump. Ten years ago one out of every five American adults age 16 and over could not read and write at the most basic levels. Today, the best estimate is that 23%, or 44 million adults, are at Level 1 literacy. In Indiana, an estimated 16% of adults are at Level 1, with the percentage slightly lower—about 14%—in the 21 counties of the Ninth District.

Low literacy levels contribute to many other problems. Of adults in the Level 1 category, 43% live in poverty. Some 75% of those on food stamps placed in the lowest two levels of literacy skills. People at Level 1 averaged 19 weeks of work per year compared to 44 weeks for Level 5. Also, seven out of ten people in correctional facilities performed in the lowest two levels.

Literacy programs: Help is available today for those with literacy needs, but often it is not received because many persons with low literacy levels feel they either do not have a problem or do not admit to such a problem. One successful way of breaking the cycle of poor literacy skills has been through local family literacy programs, which include four elements: adult education and employment skills, early childhood education, parent support groups, and opportunities for educational parent-child interaction. Studies show that these family programs enable children to read much better. These programs also are helpful for the whole family as 23% of families on public assistance become self-sufficient after successfully completing the program. These family programs increase motivation and self-esteem in adults, give people a chance to discuss and share concerns with their peers, and allow parents and children to develop skills in a positive and structured environment. Other literacy and education programs in workplaces and libraries, and for non-English speakers have been effective as well. Also, particularly effective are programs for the incarcerated. Re-arrest rates for prisoners are significantly lower if they participate in an education program while in prison. Unfortunately, the participation rate for such programs is low.

Congressional involvement: Although the majority of literacy initiatives are state and local, the federal government plays an important supporting role. Last year, Congress provided $361 million for federal adult education and literacy programs. Most of these funds provide grants to states, support prison literacy programs, and underwrite literacy study and research initiatives. Last year, Indiana received over $7 million in federal funding for literacy programs.

Conclusion: Currently much good work is being done to address literacy in America, but the challenges are formidable. The effort to improve the literacy of Americans should not be limited to formal government programs. In the home, parents must promote literacy skills for their children at an early age. In the schools, educators must promote the highest reading skills from students. In the workplace, employers should provide useful opportunities for workers to continually improve their basic skills.

Clearly, too many Americans are undereducated for our times. Education for all people must be a top priority in our nation. The more literate a person is the less likely he or she will depend on welfare or be in prison, and the more likely he or she will vote and have a decent income. Access to basic education is—or at least should be—a basic human right. Opportunities for literacy education should be available to all Americans to ensure not only improvement in our economy, society, and families, but an overall better quality of life. A literate nation means a better America.

A TRIBUTE TO GILBERTO WONG, NICARAGUAN PATRIOT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to Mr. Gilberto Wong, a leader in the Nicaraguan exile community in south Florida who returned to Nicaragua to help his native country develop economically and consolidate its hard-fought democracy.

Educated in both Nicaragua and the United States, Mr. Wong earned degrees from the Instituto Pedagogico de Managua and Saint Edward's University in Austin, TX. Once he arrived to exile in Florida in 1979, Mr. Wong made a name for himself and quickly rose in the ranks of the financial community, becoming vice-president of a prestigious financial institution as well as president of the Nicaraguan American Bankers and Businessmen Association. The Wong family has deep roots in the south Florida community, and Gilberto's brother, Juan, is co-owner of Los Ranchos, an extremely popular chain of Nicaraguan steak houses in Miami-Dade County.

In the early 1990s, Mr. Gilberto Wong returned to his homeland to become general manager of the newly-founded Banco de la Exportacion, headquartered in Managua. This bank opened in 1992, specializing in trade finance services, including letters of credit and collections. That same year, Mr. Wong was awarded the great honor of being named Nicaraguan-American banker of the year.

Based on his extensive experience in both the financial and trade arenas, in 1997 Mr. Wong was appointed executive secretary of the state-owned Corporation of Free Trade Zones of Nicaragua. These export-processing zones are among the major employers in Nicaragua, and they provide over 12,000 jobs, with close to three-fourths of the positions being filled by women.

Now that Mr. Wong's term has expired as general manager of the Corporation of Free Trade Zones, he has been named director of communications for Nicaragua's President, His Excellency the Honorable Arnoldo Aleman. Mr. Wong is active in numerous associations, including the China-Nicaraguan Association, which he serves as president, the American Chamber of Commerce of Nicaragua, the Nicaraguan-American College and the Association of Friends of the National Police.

I have been honored to know the Wong family for almost twenty years and my friendship with Gilberto runs very deep, Mr. Speaker. It is with a great sense of privilege that I rise today to honor this great patriot, Gilberto Wong, and to congratulate him for the numerous and extraordinary accomplishments that he has already achieved despite his youth.

TRIBUTE TO ANGELO R. MUSTO, JR.

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to one of East Boston's most beloved and dedicated public servants. Angelo R. Musto, Jr., who died on July 4, 1998, left an inspiring legacy of bettering the lives of all he knew throughout the Commonwealth of Massachusetts.

In more than eight decades on earth, there was no arena of community life neglected by Angelo Musto. Politics, social services, business development, youth programs—wherever there was a need, Angelo filled it. In his professional career, Angelo demonstrated the same spirit of selfless service, particularly in steering troubled youngsters towards a brighter future.

He began his career in the depths of the Great Depression with the National Youth Administration. He later became a counselor with the East Boston Camps and joined the Goodwill House in Jeffries Point, eventually rising to executive director in charge of a wide array of social, educational, and recreational services.

In recognition of his expertise, the late Governor John A. Volpe made Angelo a special assistant in the Boston Municipal Court in 1957 and later appointed him to the Massachusetts Advisory Committee on Corrections to help the criminal justice system mend broken lives more effectively. He was later appointed to the Suffolk County Courthouse Commission. In 1965, Angelo was appointed Deputy Commissioner of Probations and 13 years later rose to become First Deputy Commissioner.

Angelo actively worked with the East Boston Chamber of Commerce for over 40 years and received its Man of the Year Award in 1973. He also served on the boards of the United Fund, the Kiwanis, the Mental Health Area Board, the East Boston Savings Bank and the East Boston Social Centers. Among his many accomplishments, perhaps the most notable was the creation of the Goodwill House Day Program in Jeffries Point, which to this day serves as a national model for urban day camps.

Throughout his years of service, Angelo remained firmly committed to improving the lives of our youth. His work as the general director of the East Boston Camps and as a member of the East Boston Athletic Board helped give city kids a reprieve from the streets and taught them the values he embraced—discipline, compassion and strength of body and mind. By the time I launched my first campaign for Congress in 1986, Angelo Musto had already cultivated the talents of three generations of East Boston's youth and drew on those far-reaching ties to create a formidable political presence in East Boston.

During that first campaign, he drew extensively on his detailed knowledge of the history of the community, reaching back to the arrival of the Kennedys in East Boston. Angelo knew the history, but most importantly he knew the people and the issues they cared about—quality health care, good schools, decent housing, access to college, and protection from outside forces that have long sought to sacrifice East Boston's quality of life to the airline industry.

The eager volunteers that fanned out across East Boston in 1986 quickly learned the rules of politics as taught by Angelo. I recall one incident in which one of the higher-profile members of my campaign team upbraided a volunteer in our East Boston headquarters. Angelo stepped in, and with the persuasive skill he had acquired through years of politicking, calmed the rising tension, gently rebuked the bigwig and at the same time made it clear that the Kennedy team in East Boston would never be a house divided.

Throughout the years that followed, Angelo Musto remained an invaluable member of my Congressional team. As my East Boston District Representative and 8th District Coordinator for Seniors from 1987 until his retirement in 1992, he served as a vital link to the community—attending meetings, fielding constituent calls, and working to fund worthy projects. His dedication to the comfort of East Boston's senior citizens resulted in such accomplishments as securing federal support to renovate the Don Orione Nursing Home.

With Angelo's passing, my heart goes out to his daughter Faith, his brothers Louis and Vincent, his sisters Lucille, Emma, and Theresa, and to his grandchildren George and Lisa.

The truth is, we were all a part of Angelo Musto's extended family, which reached across lines of age and party and profession to include the great sweep of those whose lives he touched and served.

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD this statement by a high school student from my home state of Vermont, who was speaking at my recent town meeting on issues facing young people today. I am asking that you please insert this statement in the CONGRESSIONAL RECORD as I believe that the views of this young person will benefit my colleagues.

STATEMENT BY ABIGAIL NESSEN REGARDING GUN CONTROL

Ms. NESSEN. I believe that our forefathers had the right idea. Their wish was to create a safe and free nation for all of us to live in, and they wrote this to prove it: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These are beautiful words. But more than beautiful, they can be used and enforced to create a more perfect union. But our country is at a time in its history when the words "domestic tranquility" and "general welfare" seem to signify things of the past.

I am here today to talk to you about guns. The widespread availability of these weapons is frightening and wrong. Thousand are killed every year in our country by guns bought legally, guns made not to hunt animals but to hunt humans. Many have killed or have been killed by the time they reach my age, if they ever do.

I am a strict constructionist when it comes to the preamble and the Second Amendment, meaning I believe that our forefathers wrote just what they meant. They meant for the Constitution to create domestic tranquility and general welfare and, especially, common defense. I believe—I know—that the guns that are available today do none of these things. I believe and I know that our forefathers would agree, because I refuse to think that the intentions of the ones who wrote the Constitution was to put lethal weapons in the hands of every person who wanted one. That is not "a well regulated militia." No, their intention was to ensure the safety and freedom of us, their posterity.

I proposed that we follow the words of the preamble and of our constitution. I proposed that we take a step to make our nation safe again, for me and for the children I want to have some day. I propose we remove the guns from our streets, our homes and our hands.

Congressman SANDERS. Thank you very much.

MERGERS, ACQUISITIONS AND CONVERSIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, attached are two important articles that spotlight a significant problem with the rampant mergers, acquisitions, and conversions going on throughout our health care system today.

Recently, the two Blue Cross plans in Washington and Maryland combined into one plan. There was, at the time, and continues to be, great concern within the consumer community—lead by A.G. Newmyer of the Fair Care Foundation—with this merger. He makes a strong case that the eventual goal of this merger was not to provide better quality health care to the plans' members—as both health plans proclaim. Instead, it was to line the pockets of health plan executives and pave the way to convert the bigger, stronger plan into a for-profit entity. Under both of these scenarios the community loses.

The attached articles outline Mr. Newmyer's perspective on this merger quite well and I encourage everyone to read them.

[From the Daily Record, Aug. 10, 1998]

DID BLUES EXECS PAD THEIR POCKETS?

(By Bob Keaveney)

On May 23, 1997 at 12:30 p.m., over lunch at a Washington-area restaurant, A.G. Newmyer III says his friend, at the time a director of Blue Cross Blue Shield of the National Capital Area, made a shocking admission.

Newmyer says the director, whom he will not name, told him that Larry Glasscock, then-president of the D.C. Blues, would leave the company after its combination with Maryland's Blue Cross plan was complete.

Newmyer said he was complaining to his friend about the way the D.C. Blues treats its members generally, and about Glasscock specifically, when the director "smiled and said, 'After the merger, he'll be gone.'"

Last March, two months after the deal was complete, Glasscock did leave for a job in Indianapolis, taking with him nearly $3 million in severance. Several other members of the D.C. Blues' senior management team left, too, taking with them another $3.7 million combined.

Newmyer's story, if corroborated, would supply the smoking gun he said he needs to prove his contention that the Blues' yearlong effort to gain regulatory approval for its merger was a sham from the beginning.

That's because Glasscock told regulators that he had no immediate plans to leave, even though Glasscock's employment contract permitted him to do so—taking the severance pay with him—should the merger be consummated.

The insurance commissioners of Maryland and the District each have said they would not have approved the merger had it appeared to be a deal designed to allow executives to profit personally.

The story also would support Newmyer's view of the merger as a cynical power grab, orchestrated by a handful of top executives harboring a quiet agenda to one day convert the new, combined Blues into a for-profit health insurance powerhouse.

But there is no evidence that the meeting ever took place, much less any proof that the anonymous director ever made such a foolhardy utterance.

And Newmyer is an admitted mortal enemy of Blue Cross plans locally and nationally.

A loud and frequent critic of what he views as shabby treatment of policy holders, he is chairman of the Fair Care Foundation, a Washington-based Blues' watchdog group correctly suing the Blues in the District of Columbia in a long-shot bid to force them to unmerge.

Newmyer says he won't reveal his lunch companion's identity because Fair Care has sued him for breach of fiduciary responsibility, "and I don't want to torment him further, personally."

Still, Newmyer, a Northern Virginia businessman, isn't the only one who finds the circumstances surrounding the Blues deal curious.

Some eight months after its closing, consumer groups and Blue Cross-watchers in other parts of the country are eying the deal here with skepticism.

And there are several peculiarities to the deal, which may lend credence to their view.

THE DEAL

All sorts of level-headed business reasons exist that a merger made sense between Owings Mills-based Blue Cross Blue Shield of Maryland and Washington-based Blue Cross Blue Shield of the National Capital Area.

At the time of the deal's closing, the D.C. Blues had 760,000 members in the District and its highly mobile suburbs in Maryland and Northern Virginia. The Maryland Blues had 1.5 million members in and around Baltimore.

The companies figured that by combining, each would expand its network of providers, allowing members living in Montgomery County (D.C. Blues'-territory) but working in the Maryland Blues' Howard County, to see a doctor in either place.

And by getting bigger—the combined Blues would have more than 2.2 million members and $3 billion in revenue—officials said the company could compete better against its heavily muscled for-profit peers, offer more products and enhance its customer service.

"Affiliating our two contiguous Blue Cross Blue Shield plans is a logical business decision that will allow us to offer our members the most comprehensive health care services available and operate more efficiently over time," said William Jews, president of the Maryland Blues, in a statement in January.

Under terms of the deal, a new holding company would be formed, called CareFirst, based in Owings Mills. CareFirst would operate both Blues' plans as subsidiary companies.

Jews would become president and CEO of CareFirst, as well as CEO of both Blues. Glasscock would be chief operating officer of CareFirst and both Blues, as well as president of both Blues.

But as it turned out, that organizational structure lasted only a few weeks.

QUIET EXIT

On March 27, Indianapolis-based Anthem Inc., an owner of for-profit Blue Cross plans in four states, said that Glasscock would join the company in a new position, senior executive vice president and COO.

Anthem, however, did not make that announcement to the Baltimore or Washington press, and it wasn't known here until May 19, when several newspapers, including The Daily Record, discovered the departure and reported it.

Then and now, Blues officials have insisted that the $6.5 million in severance payments made to Glasscock and 25 other departing executives was proper, legal and in line with what high-ranking executives at other, similarly sized Blues plans have received upon departure.

Glasscock repeatedly has refused to speak to the Baltimore media since his departure and declined, again, to comment for this story.

"He only wants to talk about his future with this company," said Patty Coyle, an Anthem spokeswoman.

Others have criticized his golden parachute as a typical example of what happens when state regulators don't monitor the assets of Blues plans—assets built up, in part, by tax breaks granted the Blues because of nonprofit status.

Indeed, the circumstances surrounding Glasscock's departure are at the root of one of the fundamental charges levied against the Maryland and D.C. Blues by Fair Care.

GOLDEN PARACHUTE

The organization claims that officials not only knew Glasscock would leave after the merger, but that the merger was contingent upon his agreement to go.

After Glasscock's departure, Jews took over his former jobs, becoming president and CEO of CareFirst and both Blue Cross plans.

"Bill Jews gave Larry Glasscock a $3 million 'tip' to get out of town," Newmyer said.

There is no hard evidence of that, and the Blues deny it vehemently.

Dwane House, a director of the D.C. Blues until the merger was completed and a high-ranking executive at Anthem until retiring in recent months, said Newmyer's assertion is false.

"To the best of my knowledge, he hadn't made a decision to leave" until after the merger was final, House said from his South Carolina home.

But in support of their contention, merger opponents point to changes that were made to Glasscock's contract with the D.C. Blues in the days leading up to the merger—changes that ensured Glasscock's golden parachute would safely open after the deal closed.

The golden parachute clause in Glasscock's contract allowed him to collect the severance payment should he ever find himself in a job lower than the top position at the D.C. Blues, or any company controlling the D.C. Blues.

The so-called change-in-control clause was altered slightly—but critically—in 1997, while the D.C. and Maryland Blues were seeking regulatory approval for their merger.

To exercise the clause, two things had to happen: The change in control needed to take place leaving Glasscock as the less-than-senior official, and he needed to be terminated, according to a consultant's analysis of the contract prior to the merger.

Although the Blues have maintained that Glasscock resigned his position—and was not fired—Blues spokeswoman Linda Wilfong said he was able to satisfy the latter requirement, because his contract allowed him to terminate himself.

QUESTION OF SELF-DEALING

For merger opponents, the objectionable contract change made it clear that accepting a position as the less-than-senior official in the new merged Blues was not a forfeiture of Glasscock's right to exercise the change-in-control clause.

The provision was added last year, as the companies were jockeying for regulatory approval of the merger.

Many executive compensation packages include change-of-control provisions not unlike Glasscock's—and this one, in fact, did not alarm Sibson & Co., the New Jersey-based analyst hired to review the contract.

Maryland Insurance Commissioner Steven Larsen said he asked for the independent analysis, because he wanted to be sure that the changes made to Glassocck's contract in 1997 would not entitle him to additional severance pay.

He said he was satisfied with the Sibson report's conclusion.

But the Glasscock change took the unusual step of making it clear that he could exercise his change-in-control clause, even though he was helping to engineer the change in control.

In other words, by allowing Glasscock to demote himself through his work in brokering the merger, the change gave him cause to effectively fire himself after the merger was complete, allowing him to collect a $2.8 million severance.

"When you say, 'What did they do? What happened?' They caused that to happen," Newmyer said. "He [Jews] had to get his hand on the [Blues'] assets, and to do that, he had to get Larry Glasscock out of the way."

NO COMMENT

Both Jews and John Piccioto, the Blues' in-house counsel, declined interview requests to explain why the Blues thought it necessary to alter Glasscock's change-in-control clause, when they say they saw no reason to believe he would be leaving after the merger.

"I think what you're trying to get at is a little too close to the litigation," said Wilfong.

At least one regulatory who reviewed the proposed merger, Dana Sheppard of the District's Office of Corporation Counsel, raised objections to Glasscock's golden parachute on Nov. 24, 1997, two months before the merger closed.

"Mr. Glasscock, as the senior official at [the D.C. Blues], deserves the closest scrutiny, because he entered into the proposed business combination agreement with [the Maryland Blues] knowing that he would not retain his current position in the controlling organization," Sheppard wrote in his proposed conditions to the merger's approval.

"Accordingly, he has positioned himself, intentionally or unintentionally, to leave [the D.C. Blues] with substantial charitable assets."

Given that, Sheppard recommended that the District's insurance commissioner, Patrick Kelly, block the merger unless Glasscock and other executives with change-of-control provisions in their contracts "take appropriate action to immediately render the provision null and void."

On Dec. 23, Kelly approved the merger with a series of conditions—but none required Glasscock to give up the golden parachute.

OVERDRIVE

What happened in the 29 days between Nov. 24 and Dec. 23 to cause Kelly to reject the suggestion of one of the District's own lawyers advising him on the matter?

Newmyer thinks he knows exactly what happened.

"I am 99.9 percent convinced that because Dana Sheppard had raised an issue that truly went at the heart of this matter . . . the lobbyists from Blue Cross went into overdrive," he said.

He believes Blues' lawyers met with Kelly in the days prior to his approval of the merger to convince him to drop Sheppard's suggestion to cut Glasscock's golden parachute.

Kelly did not return a call seeking comment. Sheppard declined to speak for the record, citing Fair Care's pending litigation.

Bob Hunter, director of insurance for the Consumer Federation of America (CFA) and the former Texas insurance commissioner, said he believes there was an inappropriate meeting.

"Blue Cross got to look at the proposed order and propose changes [when others did not]," Hunter said. "A public process shouldn't happen that way. . . . The District of Columbia should have reorganized the hearing, and as parties, we should have been invited."

The CFA is supporting Fair Care's suit.

SECRET MEETINGS?

Tim Law, an attorney with the Philadelphia law firm handling Fair Care's case, said the group did not know that Sheppard's proposed conditions existed until after the merger was complete. They never received them.

"That's one of the weird things," Law said. "It gets put in the record, but it doesn't get served to everyone. So sometimes, we didn't know about things. Important things, like that."

Wilfong refused to answer any questions related to allegations of secret ex-parte meetings between regulators and Blues' officials, which are at the heart of Fair Care's lawsuit.

The case now is awaiting a decision on an appeal of a District of Columbia judge's ruling that the group does not have standing to sue.

In addition to the alleged meeting between Kelly and Blues' lawyers Nov. 24 and Dec. 23, Fair Care contends that Kelly and Maryland Insurance Commissioner Larsen, in separate Jan. 16 letters, changed their own approvals of the merger after having private meetings with Blues' lawyers.

Kelly and Larsen approved the merger on Dec. 23.

Among other things, the group is angry that both commissioners agreed to make it clear that portions of executive contracts dealing with severance payments negotiated prior to 1997 were not subject to their approval, as both orders had required.

Larsen acknowledges there was a meeting with Blues lawyers prior to the Jan. 16 letter, and that he issued the letter at the Blues' request.

But he insists that there was nothing inappropriate about the meeting or the letter. The purpose of both, he said, was to clarify his order—not to change it.

"That meeting was about as routine as you could have in the context of a very significant order being issued," he said.

"I don't know what else to say, other than to not be able to have that meeting is absolutely absurd. I have a responsibility to the entities I regulate to explain the meanings of the orders I issue," he added.

CHARITABLE?

Along with questions about Glasscock's contract, an ongoing debate questions whether Blue Cross plans, both locally and in other parts of the country, are, in fact, charitable organizations.

Certainly, at first glance, it would appear that they are not. Although nonprofit, they act as insurance companies. They charge premiums like any insurer and expect to be in the black at year's end.

The local Blues long has insisted that it is not a charity, and made that position clear last year to the insurance commissioners.

"I know what the criteria for a charity are," Larsen said. "Blue Cross is not a charity in my view. . . . Blue Cross is" an insurance company."

Maryland Attorney General J. Joseph Curran disagrees. His office long has held that Blue Cross of Maryland is indeed a charitable organization and always has been.

This is not just an academic debate among lawyers, however.

Nationwide, as nonprofit Blues plans have converted themselves into for-profit companies, the answer to the charity question has been crucial to deciding whether the Blues must set aside a portion of assets in public trust, to be used for charitable health purposes.

Just last month, a group of small charities in Georgia settled a lawsuit with that state's Blues in which the now for-profit company agreed to set aside $64 million in trust.

In California in 1994, California's Blues was forced by the state attorney general to set aside $3.2 billion in two trusts, said Frank McLoughlin, staff attorney for Community Catalyst, a Boston-based consumer group that monitors nonprofit to for-profit conversions.

"There's a difference between a charity—like a soup kitchen. . . . and a charitable organization," said McLoughlin.

"A lot of Blue Cross officials think that because they look like a regular health insurance company and because they act like a regular health insurance company, they're no longer bound by legal doctrine."

CHANGE IN IDENTITY

The Maryland Blues has tried twice—in 1994 and 1995—to convert to for-profit status, but has been thwarted both times. it has made no secret that it may try again.

Locally, the Blues has suffered two setbacks in its attempt to distance itself from that doctrine in the last year.

Last fall, the D.C. Blues tried unsuccessfully to drop its federal charter—which established the company in 1934 as a "charitable and benevolent organization"—in favor of a charter with the District, where the law is vague on the question.

Under a D.C. charter, the Washington Blues would no longer have been identified as a "charitable and benevolent" organization.

Consumer groups that lobbied Congress to block the charter switch, said the language defines its tax-exempt, nonprofit status, as well as its obligation to serve the public.

"To change their identity in the context of what's going on around the country is a harbinger of things to come in the for-profit sector," said Julie Silas, staff attorney with Consumer's Union, which first drew attention to the issue.

And during the 1998 General Assembly session, lobbyists from the Maryland Blues tried to attach an amendment to a bill making it harder for nonprofit health care entities to convert to for-profit.

Curran said the amendment would have made it easier for the Blues to convert without a public set-aside.

The rider seemed innocuous enough. It merely stated that the Blues exist to serve policy holders, not the general public.

But when lawmakers sponsoring the bill learned that such arguments have been made in other states to attempt to establish Blues' plans as non-charitable, they were furious.

"It's sad and embarrassing," said Del. Dan Morhaim, D-Balto. City, one of the sponsors for the legislation, at the time. "Its a slap in the face of Maryland taxpayers."

[From the Washington Post, Aug. 18, 1998]

$2.9 MILLION HELPS TO LEAVE THE BLUES BEHIND

(By David S. Hilzenrath)

For occupants of the executive suite, parting may be sweet sorrow, or it may be just plain sweet.

When Larry C. Glasscock left Blue Cross and Blue Shield of the National Capital Area in April to take a job at another health insurer, the former chief executive took with him severance benefits of $2.9 million.

That was more than six times the salary provided in Glasscock's February 1997 employment contract at the nonprofit company.

A.G. Newmyer III, chairman of Fair Care, a patient advocacy group that has battled Blue Cross, called the package "a disgraceful diversion of charitable assets. . .to the pockets of one executive."

Glasscock didn't return telephone calls seeking a comment, but a spokesman for his new employer, Anthem Inc., quoted him as saying: "I don't want to talk about that—that's ancient history, it's in the past."

Maryland Insurance Commissioner Steven B. Larsen said the package is consistent with industry norms. "There's no question that $3 million is a significant amount of money, but. . .that must be understood in the context of a situation where you have a CEO who is running a billion-dollar operation, and. . .this is the type of benefit package that people of that caliber receive."

Glasscock's deal reflects the perquisites of executive power, even in the nonprofit sector. His employment contract at the D.C. company permitted him to collect his severance benefits if he left voluntarily after a "change in control," such as the merger he negotiated with Blue Cross and Blue Shield of Maryland.

When the two Blues combined in January to form CareFirst Inc., the top job went to William L. Jews, who had run the Maryland company, and Glasscock became chief operating officer. A few months later Glasscock moved to a comparable job at Anthem Inc., a Blue Cross insurer in Indiana.

Early last year, even as the two companies were preparing to merge their operations, Glasscock signed a new contract that improved his severance benefits, at least modestly. For example, it provided coverage for travel expenses that Glasscock might incur while looking for a new job, according to a description filed with the Maryland Insurance Administration.

The 1995 version of the contract restricted Glasscock's ability to join a competing company. The Febraury 1997 version of the contract, signed several weeks after the companies announced their intent to combine, relaxed that restriction somewhat, according to an analysis filed with Maryland regulators.

The 1997 version also provided coverage for travel expenses that Glasscock might incur while looking for a new job.

In addition, the updated contract restructured Glasscock's severance package in a way that could have helped him avoid a deep excise tax on golden parachutes. The tax would have applied only if the the company issued stock to the public before Glasscock left.

According to an analysis prepared in January by consultants to the D.C. company, Glasscock's 1997 contract entitled him to severance benefits of $2,874,357 plus any bonuses coming to him under an incentive plan. The total included $125,000 for serving as a consultant to the company for a year after leaving and $1,677, 638 for promising not to compete with it directly.

That set off alarm bells last year in the D.C. Corporation Counsel's Office, which recommended that the "change of control" benefits be eliminated before the merger received approval. Glasscock "has positioned himself, intentionally or unintentionally, to leave . . . with substantial charitable assets," possibly in violation of law, Corporation Counsel John M. Ferren wrote.

But insurance regulators in the District and Maryland decided that the benefits should not stop the deal because they were part of Glasscock's employment contract before the merger was negotiated. The overall cost of the package to Blue Cross remained unchanged from 1995, according to Sibson & Co., a consultant to Blue Cross that prepared a report for D.C. and Maryland regulators.

The actual payment totaled $2,890,561, Blue cross informed Larsen.

A CLOSER LOOK AT GLOBALIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 2, 1998, into the CONGRESSIONAL RECORD.

A CLOSER LOOK AT GLOBALIZATION

Hoosiers are becoming more aware of the globalization of the economy—the way that the U.S. economy is increasingly linked to those of other countries through trade and technology. They recognize some of the benefits of this globalization—lower prices for consumer goods and expanded markets for Indiana exports—but they are also concerned when they see jobs eliminated in Indiana and created in Mexico and see the Asian and Russian economic crises hurt our stock market. All of us must more fully understand what effects in our economy can and cannot be attributed to globalization, so we can properly respond to these changes.

MAIN FACTORS

The principal factors involved in globalization are:

Increased telecommunications and transportation networks. Technological changes are the driving force of globalization. These can be seen through telecommunications satellites, fax machines, the internet and other electronic linkages, as well as through expanded and improved land, sea, and air transportation among countries. To take one example, in 1968 only 80 simultaneous phone calls could be made between the U.S. and Europe. Today, satellites and undersea cables can accommodate one million calls at a time.

Increased trade. The volume of world merchandise trade today is 16 times what it was in 1950. Increased trade allows countries to specialize in what they make best, increasing global economic efficiency. The World Bank expects consumers to gain between $100 billion and $200 billion every year in additional purchasing power as a result of reduced tariffs and increased trade.

Increased investment. International investment is perhaps the most significant, but least understood, effect of globalization.

Since the 1980s, investment across national borders has increased four times faster than international trade. International investment helps a country use its advantages and makes it more competitive.

BENEFITS AND COSTS

While globalization can have major benefits, it can also be disruptive.

Greater efficiency and falling prices. The development of world markets means that the goods Americans produce the most efficiently will become more profitable, as we are able to sell them to wider markets. And that creates more jobs in America. Consumer prices will also fall on items that we can buy from cheaper producers overseas.

Increased competition. At the same time, globalization means that our less efficient industries will face increasingly tough competition and some jobs could be lost. Increased competition is a two-sided coin, with both winners and losers. But most American firms are able to move into and compete in foreign markets. Because the U.S. economy is already so competitive, many do this exceptionally well.

International investment. Americans can benefit from investments made abroad. Many workers' pension plans are enriched by overseas investments. In addition, America attracts more foreign investment than any other country. When foreign firms build plants in the U.S., jobs are created. Americans also benefit from the innovations that foreign firms bring to the U.S., which have included new technologies and leaner production techniques, such as the "just in time" delivery systems.

The big risk of increased international investment is that it can lead to instability in financial markets. As we have seen in the Asian financial crisis, money that can move into a country very quickly can move out just as fast.

CRITICISMS

Many people have fears about globalization. The most common concerns are three:

First, globalization produces a "race to the bottom" on labor standards. As the news stories on working conditions abroad indicate, there can certainly be problems as good jobs in this country are replaced by jobs in developing countries in which workers have few labor protections. Yet a global economy strengthens jobs in the most dynamic, highest paying sectors of our economy, like exports. Within the U.S., jobs in export-related industries pay, on average, 15% more than other jobs.

The experience of Latin America over the last forty years is instructive: those countries that built tariff barriers to protect local industries and workers began to suffer low growth and falling wages. By contrast, countries elsewhere that opened themselves up more are considered success stories today in terms of labor standards.

Second, globalization weakens environmental standards When nations become wealthier, they begin to pay more attention to environmental issues. As with labor standards, several decades of experience demonstrate that those countries which have been most open to the world economy have grown the most and have improved their environments the most.

In the short-term, however, there may be some truth to this criticism. Globalization often shifts dirty industries from wealthy nations to poorer ones. The maquiladora industries on the U.S.-Mexican border are an example of this, having attracted U.S. firms seeking weaker environmental standards.

Third, globalization exposes American workers to unfair competition from cheap wages overseas. Many people complain about competition from countries which have poor labor protections and low wages. However, most of the experts agree that roughly 80% of the difference in wages between U.S. and developing country workers can be attributed to differences in productivity. Thus, while Guatemalan workers may have wages that are one fifth what American workers earn, our well-trained workers are typically more than five times as productive, so there is less incentive to move production to Guatemala than initially appears.

CONCLUSION

The evidence on globalization is mixed, and it is difficult to sort it all out. Yet one thing is clear—there is no turning back on globalization. As President Clinton has said, "The technology revolution and globalization are not policy choices, they are facts." Communications satellites, cell phones, the internet, and global financial transactions are here to stay. Succeeding in the 21st Century will mean that Americans must learn to master the global economy. But we will need to make policy changes to cushion the disruptions of these new economic forces and find new ways to manage them.

Next week: Responding to Globalization.

TRIBUTE TO JOHN F. SEIBERLING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I would like to advise my colleagues that yesterday marked the eightieth birthday of our former colleague, John F. Seiberling of Ohio, and to take note of his many accomplishments during his tenure in this body.

A native of Akron and grandson of the founder of the Goodyear Tire and Seiberling Rubber companies, John Seiberling decided in 1970, at age 52, after 3 years of distinguished World War II military service, 5 years of private law practice and 17 years at Goodyear, to run for the U.S. House of Representatives, primarily because of his deep concern over continuation of the U.S. involvement in the Viet Nam War. He quickly established himself as a leader in the ultimately successful effort to end the U.S. involvement, and was elected Chairman of Members of Congress for Peace Through Law, later known as the Arms Control and Foreign Policy Caucus.

In 1973 he joined the Committee on Interior and Insular Affairs, where I had the pleasure of serving with him for a number of years. As a member of that committee he played a leading role in the 6-year battle to enact federal legislation to restore damage caused by surface coal mining and prevent further environmental degradation, which culminated with enactment of the Surface Mining Control and Reclamation Act of 1977. As Chairman of the committee's Public Lands Subcommittee, he also became a leader on land conservation and historic preservation and managed legislation that doubled the size of the national park system and quadrupled the size of the wilderness system, including the addition of more than 100 million acres of Alaska's most spectacular land. He also spearheaded the enactment of the Cuyahoga Valley National Recreation Area Act, creating Ohio's first and only national park.

In 1986, he decided not to seek re-election, but he had crowded a lifetime of accomplishments into his 16 years of service to this House, to his constituents and to the American Public.

After his retirement, he resumed the practice of law in Akron and also assumed an endowed chair at The University of Akron School of Law. But he has also found time to continue working on the causes he held dear as a member of this body through his service on the Board of Directors of the Environmental and Energy Study Institute, a non-profit organization he and other Members founded to provide timely and credible information to Congress on environmental, energy and natural resource issued.

Mr. Speaker, I invite my colleagues to join me in saluting John F. Seiberling, a Congressional giant, and wishing him many happy returns of the day.

"BILL OF NO RIGHTS"

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DUNCAN. Mr. Speaker, one of my constituents, Mr. Robert Koehl, brought to my attention the following article, "Bill of No Rights," by Jon Jenson.

This column expresses in a very plain, down-to-earth, articulate way the feelings of millions of American citizens.

I would like to call it to the attention of my colleagues and other readers of the RECORD.

BILL OF NO RIGHTS

Note: Submitted by a reader, the following document deserves consideration in these victim-oriented times.

We the people of the United States, in an attempt to help everyone get along, restore justice, preserve domestic tranquility, promote positive behavior and secure the blessings of debt-free liberty to ourselves and our grandchildren, hereby try one more time to ordain and establish some common-sense guidelines for the terminally whiny, guilt-ridden, delusional, victim-wanna-bes and grievance gurus.

We hold these truths to be self-evident: That a whole lot of people are dreadfully confused by the Bill of Rights, and could benefit from a "Bill of No Rights."

ARTICLE I: You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.

ARTICLE II: You do not have the right to never be offended. This country is based on freedom for everyone—not just you! You may leave the room, turn the channel, express a different opinion, etc., but always remember the world is full of offensive idiots.

ARTICLE III: You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.

ARTICLE IV: You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help those in need, but many are growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.

ARTICLE V: You do not have the right to free health care. That would be nice, but from the looks of public housing, health care is not a high priority.

ARTICLE VI: You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim or kill someone, don't be surprised if others want to see you fry in the electric chair.

ARTICLE VII: You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of your neighbors, don't be surprised if others get together and lock you away.

ARTICLE VIII: You don't have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments. However, Americans do not enjoy parenting the entire world and do not want to spend so much of their time and resources squabbling with each and every little tyrant with a military uniform and a funny hat.

ARTICLE IX: You don't have the right to a job. Everyone wants you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training available to you, and to make yourself useful and productive.

ARTICLE X: You do not have the right to happiness. Being an American means that you have the right to pursue happiness, which—by the way—is a lot easier if you are not encumbered by an overabundance of idiotic laws created by those who are confused by the original Bill of Rights.

TRIBUTE TO MR. LEE LOCHMANN

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to pay tribute to Leroy Lochmann, President and CEO of ConAgra's Refrigerated Foods Companies, on the occasion of his retirement. Lee's life story is a Horatio Alger story: Lee is a self-made man from humble origins, whose hard work, perseverance and integrity enabled him to climb to the heights of the corporate ladder in our nation's food industry.

Lee entered the food business at the age of 18, beginning on the first rung of the ladder—the slaughtering floor of a Swift and Company meat packing plant. Lee rose from the assembly line to numerous management positions, ultimately becoming President of Swift and Company.

Throughout the remainder of his forty-five year career, Lee would become president of many other leading food companies, including Beatrice Meats; Armour Swift-Eckrich; and ConAgra Refrigerated Foods Companies.

While pursuing a very successful business career, Lee acquired academic degrees from Southern Illinois University and from the University of Virginia. He also served his country in the U.S. Army, having been stationed in Germany for three years.

His ability to develop strategic visions for the many companies he ran, also benefited the meat and poultry industry as a whole, during Lee's five-year term as an officer of the American Meat Institute. A long-time AMI director, Lee was selected by his industry colleagues and competitors to help lead the industry's national trade association and was elected AMI's Chairman of the Board in 1992.

Mr. Speaker, it is my great pleasure to pay tribute to Lee Lochmann. His leadership has undergirded his successful career and made him a widely respected and admired leader in the food industry. I only hope that Lee and his family derive as much satisfaction from his retirement years, as he has given to the food industry during his forty-five year career.

STATEMENT ON H.R. 4090—PUBLIC SAFETY OFFICER MEDAL OF VALOR

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WELDON of Pennsylvania. Mr. Speaker, in October of 1996, Captain Brian Alkire of the Sheffield Township, Indiana Fire Department ran into a raging structure fire to warn seven other firefighters of a fire burning in the attic above them. Before he was able to escape with the last firefighter, the roof collapsed, trapping him and Firefighter Louis Lawson in the burning building. Even though he lost his protective headgear in the collapse, Captain Alkire continued to search the toxic, superheated, and smokey room for his colleague before emerging from the structure completely on fire. He saved the lives of those seven firefighters, but as a result of his efforts he received several weeks in the Wishard Burn Unit, numerous skin-grafting surgeries, and months of occupational therapy.

In May of 1998, Baltimore Police Officer Marc Camarote rushed into a working structure fire protected only by his service uniform to rescue two people from a blaze that demolished the entire house. February 1, 1997 found Firefighter Martin Gotte in a burning building across the street form his firehouse, his arms around a little girl whom he rushed from certain death to the skilled hands of first responders who resuscitated her back to life. Lieutenant Walter E. Webb from Washington, D.C.; Lieutenant Earnest B. Copeland from Dallas, Texas; Firefighter Anthony Glover, Nashville, Tennessee; the list goes on and on.

In fact, Mr. Speaker, I could fill the RECORD today with names and stories about first responders who have showed such great valor that it might rival the volume of the federal tax code. Every day across America the story is the same, public safety officers, be they firefighters, emergency services personnel, or law enforcement officials, leave their families to join the thin red and blue line that protects us from harm. They put their lives on the line as a shield between death and the precious gift of life.

It is proper then, if not perhaps a bit late, that we should commemorate their dedication and sacrifice with a Medal of Valor that carries the full weight of the Congress and the President of the United States. Mr. Speaker, I strongly support our military and our dedicated soldiers, sailors, and marines, but I think we must constantly be reminded that we have a corps of domestic defenders who are deserving of the same level of support and attention. As our military defenders are honored for gallantry above and beyond the call of duty, so too should we honor our corps of domestic defenders.

Of course, any of you who are familiar with the first responder community will remark that they are probably the last group of people to stand on formality and decoration. Most of them would, on their day off, put their lives at risk to save even a cat in a tree, and they would do so without hesitation. Earlier this year, Mr. Speaker, our District of Columbia Fire Department lost a firefighter, Sergeant John Carter. It is both tragic and typical of the first responder community that Sergeant Carter came in to work before his shift started to respond to that fire. Mr. Speaker, this kind of dedication is beyond our power to adequately commemorate even on the House Floor.

In my own Congressional District in October, Mr. Speaker, the Malvern Fire Company will dedicate a monument to their fallen first responders. Across the country, communities will recognize the 94 fire and emergency services personnel who have lost their lives in connection with their duties as a public safety officers this year. This number I'm sure, is supplemented half-again by fallen law enforcement officers. I am pleased then, Mr. Speaker, to give my full support to H.R. 4090, the Public Safety Officer Medal of Valor. While we cannot, in the words of Abraham Lincoln, with our poor power add or detract from the gallantry of their work with our actions, we can honor first responders with a Medal that will identify them as heroes to all Americans.

While it would be impossible to name every first responder deserving of this award let me, Mr. Speaker, conclude my remarks by offering the names of fourteen first-responders, in addition to those already mentioned, who would be a good place for the newly formed committee to start: Louis Giancursio—Rochester, NY; Mark E. Gardner—Baltimore, MD; Anthony W. Rivera—San Francisco, CA; Robert Crabtree—Carboro, NC; Jeffery A. Barkley—Phoenix, NY; John Barrett—Bronx, NY; William Benevelli—Boston, MA; Eric Britton—James Island, SC; Myles Burke—Philadelphia, PA; William Callahan—Bronx, NY; Robert Foster—Fort Worth, TX; Landon West—Fort Worth, TX; Mike Lachman—Fort Worth, TX; and Cody Stilwell—Fort Worth, TX.

TRIBUTE TO THE LITTLE LEAGUE WORLD SERIES CHAMPIONS, THE TOMS RIVER EAST LITTLE LEAGUE TEAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SAXTON. Mr. Speaker, I rise today to salute the Little League World Series Champions, Toms River East Little League team.

The 11 and 12 year olds from Toms River, New Jersey sailed through the Little League tournament at Williamsport, Pennsylvania undefeated and won its first Little League World Series championship. Additionally, Toms River East became the first New Jersey team to win the championship since 1975 and the first U.S. team to win since 1993.

Toms River East secured the championship from the team from Japan by a score of 12–9. Chris Cardone, who was 1 for 10 coming into the final game, slugged home runs in consecutive at bats to propel Toms River East to the title.

Also starring in the game was Todd Frazier who had four hits in four at bats including a home run and earned a save in the championship game.

This past weekend, 40,000 fans, friends and family members gathered to welcome the champions home at a parade in their honor. After the speeches were concluded, a question was posed to team manager Mike Gaynor on his feelings about the magical run to the championship. Coach Gaynor summed up the experience "as the time of his life."

Mr. Speaker, I salute the Toms River East Little League team in winning the Little League World Series and to all Little Leaguers around the world who participated and upholding the Little League Pledge of "win or lose, I will always do my best."

THE MEDICARE REHABILITATION BENEFIT EQUITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare Rehabilitation Benefit Equity Act of 1998. This bill will ameliorate the impacts on seniors needing outpatient rehabilitation services of coverage limits on those services imposed by the Balanced Budget Act of 1997 (BBA). Dollar limitations on services will be replaced by a patient classification system effective July 1, 2000.

Between 1990 and 1996 Medicare expenditures for outpatient rehabilitation therapy rose 18 percent annually, totaling $962 million in 1996. During that time, outpatient rehabilitation spending shifted substantially away from hospitals and toward rehabilitation agencies and comprehensive outpatient rehabilitation facilities (CORFs). Payments to agencies and CORFs rose at an average annual rate of 23 percent and 35 percent, respectively.

The BBA enacted substantial changes in Medicare's payment policies for outpatient rehabilitation services. Two limits are imposed on outpatient rehabilitation services—coverage for physical and speech therapy is capped at $1,500 per beneficiary per year; coverage for occupational therapy is subject to a separate cap of $1,500. The limits will become effective for services rendered after January 1, 1999. Rehabilitation services furnished in hospital outpatient departments are excluded from the caps.

Unfortunately, these dollar limits do not take into account patient characteristics such as diagnosis or prior use of inpatient and outpatient services. Implementation of the limits will have a disproportionate effect on the most vulnerable Medicare beneficiaries and may place a financial burden on some beneficiaries.

The Medicare Payment Advisory Commission recently examined the potential impact of the coverage limits and found that some patients were more likely to exceed the dollar limits than others. The Commission found that hip fracture patients had the highest median payments and stroke patients incurred the next highest payments. While Medicare spent, on average, about $700 per outpatient rehabilitation patient in 1996, half of all stroke patients exceeded the $1,500 physical and speech therapy limit. In contrast, less than 20 percent of patients with back disorders exceeded the physical and speech therapy limit. In 1996 about one-third of patients treated in non-hospital settings (rehabilitation agencies and CORFs) incurred payments in excess of $1,500 for outpatient physical and speech therapy or $1,500 for occupational therapy. Half of the patients affected by the limits exceeded them by $1,000 or more.

The Medicare Rehabilitation Benefit Equity Act will minimize the inequity and disruption of the BBA limits without affecting the program savings. It requires the Department of Health and Human Services to develop and implement an alternative coverage policy of outpatient physical therapy services and outpatient occupational therapy services. Instead of uniform, but arbitrary, dollar limitations, the alternative policy would be based on classification of individuals by diagnostic category and prior use of services, in both inpatient and outpatient settings.

The Medicare Rehabilitation Benefit Equity Act also requires that the revised coverage policy of setting durational limits on outpatient physical therapy and occupational therapy services by diagnostic category be implemented in a budget-neutral manner. The payment methodology will be designed so as to result in neither an increase nor decrease in fiscal year expenditures for these services. Current law provisions to adjust the annual coverage limits on outpatient rehabilitation therapy services by the medical economic index (MEI), beginning in 2002, are retained.

The Medicare Rehabilitation Benefit Equity Act recognizes that the Department of Health and Human Services' Health Care Financing Administration currently lacks the data necessary to implement a coverage policy based on a patient classification system on January 1, 1999. It further recognizes that assuring services for Medicare beneficiaries in the year 2000 is HCFA's number one priority. For these reasons, a phased transition to a patient classification coverage policy is necessary.

I urge my fellow Members of Congress to join me in support of the Medicare Rehabilitation Benefit Act of 1998. Together we can ensure that implementation of the BBA dollar limits on outpatient rehabilitation services will not disproportionately affect our most vulnerable Medicare beneficiaries.

TRIBUTE TO JAMES O. WRIGHT, CHAIRMAN OF GOODWILL INDUSTRIES OF SOUTHEASTERN WISCONSIN, INC.

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor James O. Wright, chairman of Goodwill Industries of Southeastern Wisconsin, Incorporated, who is marking 50 years of service with the organization.

Words are a poor measure of Mr. Wright's devotion and commitment to the Goodwill movement and his generous contributions to the community at large. His record is replete with accomplishments that underscore his belief in the power of work and the American Dream.

In 1948, Mr. Wright joined the board of directors of Goodwill Industries of Southeastern Wisconsin at the age 27. As a result of his unfailing dedication to helping others, he was named chairman of the organization in 1959.

Under Mr. Wright's stewardship, Goodwill Industries of Southeastern Wisconsin has expanded its mission by administering Employment Solutions of Milwaukee, Inc, a Wisconsin Works (W–2) welfare program that places welfare recipients into jobs. As a component part of W–2 Goodwill also administers the Team Parenting pilot program that supports and strengthens the emotional and financial ties of families.

In 1994, goodwill Industries of Southeastern Wisconsin placed 2,222 individuals in the workforce. This achievement earned the organization the 1994 Goodwill Industries International Outstanding Job Placement Services Award.

A Milwaukee native and WWII veteran who served on three navy vessels, Mr. Wright holds that individuals achieve the American Dream by empowering themselves through work, which reveals the individual's potential. In keeping with this creed, Goodwill of Southeastern Wisconsin established the James O. Wright Award to recognize employers, volunteers, and organizations who assist the disabled in seeking their right to work.

Mr. Wright's benevolence also extends beyond his good works for Goodwill and his position as chairman of Badger Meter Inc., one of Milwaukee's top industries. He has championed Urban Day School, a small independent school in Milwaukee's central city. Struck by the school's innovations in educating disadvantaged youth, Mr. Wright led a fund drive to raise $1.5 million for school scholarships, repairs and teacher salaries. When the fund drive faced a $5,400 shortfall, Mr. Wright tapped the foundation at Badger Meter to make up the difference. The school has now established the (W)right Stuff program which brings Mr. Wright together with 9- to 12-year-old African Americans for tours of his company and discussions centering on jobs and the professional world.

Notwithstanding these notable accomplishments, Mr. Wright also has generously contributed his time to the community by serving on the Mequon-Thiensville School Board for 18 years.

Mr. Speaker, it is with a great sense of honor that I bring before you a commendation for Mr. James O. Wright, who marks with Goodwill a half century of leadership, commitment and service.

RESPONDING TO GLOBALIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 9, 1998 into the CONGRESSIONAL RECORD.

Responding to Globalization

Globalization is the way that the economies of various countries around the world are becoming increasingly linked through improved telecommunications and transportation networks. Over the past decade, world trade has grown twice as fast as the world economy. Numerous companies around the globe are spending several trillion dollars annually on factories and other facilities in countries other than their own. And financial market reforms combined with new information technologies enable traders around the world to exchange hundreds of billions of dollars worth of stocks, bonds, and currencies every day.

The increased trade and foreign investment from globalization can enrich America by increasing our economic efficiency, increasing returns on investments, and creating higher paying export jobs. However, while globalization holds the promise of many benefits for American workers, it is also a disruptive force as U.S. workers in various industries face tough competition from countries where pay and labor standards are much lower. Policy changes will be needed to soften the negative impact of globalization on communities and individuals.

RESPONDING TO THESE CHANGES

Although some of the reactions to globalization may overstate the threat, there are some very valid concerns about its impact. These are some of the concerns and possible ways to respond:

Equity

One concern about globalization is equity. The benefits of globalization are often derived from increased specialization in an economy. In advanced industrial economies such as ours, this means that lower-skill jobs may be lost to imports from developing countries while higher-skilled sectors prosper. Although globalization should have an overall positive effect on our economy, it will tend to drive down the wages of lower skilled workers in the U.S.

Response: We can and should strengthen and improve the social safety nets that have served American society well for decades. These include worker protections such as unemployment insurance, job retraining programs for workers who lose their jobs due to trade, and support for education and training programs that will build a smarter, more productive workforce.

Environmental and Labor Standards

In developing countries, globalization can lead to worsening labor and environmental standards, at least in the short term. The increased mobility of investment makes it easier for industries to move to poorer countries, where they may take advantage of lax worker protections or environmental regulation.

Response: Over time, globalization actually helps address these problems on its own. By generating wealth and raising employment in those countries, more affluent citizens become more willing and able to demand higher labor and environmental protections. But we should also continue to implement and enforce international labor and environmental agreements, such as the labor standards promoted by the International Labor Organization and the Kyoto Convention on greenhouse gases.

Volatility

The current Asian economic crisis has its roots in globalization. Over the last thirty years, investment has poured into developing countries. This led to spectacular growth in East Asia. Now the world has learned that capital that flows in quickly can flow out just as quickly. Global economic instability of this nature affects the U.S. economy too, hurting our exports and damaging investments.

Response: Many economists have proposed restrictions on short-term investment to address this problem, such as a very small tax on international financial transactions, which would make investors more reluctant to move their money from place to place quickly. Overall, we need to take steps to manage the global economy more carefully. This can be done, though not easily, through institutions such as the International Monetary Fund and new cooperative agreements on regulating global economic activity.

Revenue concerns

When money can be moved easily across borders, it becomes very tempting for corporations to place their assets in "tax havens," that is, countries with very low corporate tax rates. This in turn can lead governments to compete to reduce corporate taxes, which means they must rely more heavily on income taxes on individuals. And, with lower tax revenue, this reduces the ability of countries to respond to the other disruptions of globalization.

Response: New international agreements and standards on tax policies and regulating investment can help minimize this effect. Eventually, governments are likely to find that agreements on harmonizing financial regulations will make it easier to eliminate tax evaders.

AN INEXORABLE PROCESS

There is a parallel between the economic forces which shook the United States early this century and those we are confronting today. For most of the 19th century, the economies of our various states were isolated and independent. However, rapid technology changes, driven by railroads and telegraphs, resulted in a nationalization of the economy. Suddenly, workers became concerned about conditions and competition from neighboring states. Unregulated capital went streaming into frontier ventures, leading to a series of banking panics. The answer, clearly, was not that the railroads could be torn up or that telegraph lines be pulled down. Instead, Americans found new ways to regulate production and manage the national economy. And the result was the creation of the most efficient wealth-producing economy the world has ever seen.

The challenge today is to find new ways of cooperating in the global economy. That includes reinvigorating and improving the tools of international cooperation that have served as well over the last 50 years. Instruments such as the International Monetary Fund, the World Trade Organization, and new international environmental and labor agreements will have to be strengthened to cushion us from the inevitable shocks.

CONCLUSION

Our number one concern in this increasingly globalized economy is jobs—good and secure jobs for Americans. We must pursue policies that continue to promote economic growth and improve living standards. Just as Americans in the last century successfully found ways to master the economic forces of that day, so Americans now must find ways to master, and not resist, the forces of today's global economy.

SALUTE TO 10 BAY AREA ENVIRONMENTAL LEADERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute to ten outstanding environmental leaders in the San Francisco Bay Area who recently were rightly named by the Contra Costa Times as "Ten Natural Treasures."

These men and women—some of them my constituents, some activists with whom I have had the honor to work—have fought tenaciously to protect and preserve not only the resources and the environment of the Bay Area, but also the health and safety of the millions of people who call this very special region our home. Their vision and their dedication establish how determined individuals can change our society for the better, and preserve its treasures for generations to come.

I would like to submit the August 31, 1998 editorial from the Contra Costa Times, and ask all my colleagues to join in recognizing these outstanding environmental leaders.

Ten Natural Treasures

Last week Times staff writer James Bruggers profiled 10 Bay Area environmentalists—citizen activists—who have left an indelible mark on this glorious area. They are residents who made a tremendous difference in the landscape—literally and figuratively.

Their efforts have changed how we think about open space, clean water and the ecology of our home.

Some of them—such as David Brower—are national stars of the movement. Others have made just as significant contributions but at a more local level.

For the record, they are:

David Brower, 86. He's considered the patriarch of the American environmental movement. Once a leader of the Sierra Club, he parted ways with the group in 1969 and formed Friends of the Earth and Earth Island Institute.

Margaret Tracy, 75. She cofounded the Preserve Area Ridgelines Committee, envisioning a network of trails connecting East Bay open spaces.

Dwight Steele, 84. He was a successful lawyer who chucked it all to devote his legal mind to environmental laws through probono work. He fought to keep San Francisco Bay waters open and Lake Tahoe free of pollution.

Silvia McGlaughlin, 81. She helped found the Save San Francisco Bay Association, essentially protecting it from infill and development.

Robert Stebbins, 83. His scientific work was the basis for the California Desert Protection Act, passed Congress in 1994.

Mary Bowerman, 90ish. A co-founder of Save Mount Diablo, she is a botanist who worked to expand the Mt. Diablo State Park's lands.

Will and Jean Siri, late 70s. They fought for environmental justice in poor East Bay communities. The Siris helped give residents living near refineries a political voice.

Manfred Lindner, 78. He pressed for Morgan Territory and Las Trampas regional parks.

Edgar Wayburn, 91. He tenaciously pushed for establishing Point Reyes National Seashore in Marin County and the Golden Gate National Recreation Area in Marin and San Francisco.

These 10 individuals left their footprints on the West. They fought, argued, lobbied and persuaded residents and their legislators that the Bay Area is full of natural treasures worth preserving.

It was our responsibility—and to our benefit—to treat them and their deeds with respect.

They saw where disregard of the environment would lead. They grabbed the wheel and insisted we change course. They resolved to preserve the integrity of the Bay Area so that it would still be noted for its uniqueness and its beauty for generations.

We thank these people, these visionaries, for their efforts. Indeed their sweat equity has paid off.

Yet despite their youthful energy, these trailblazers won't be leading the charge much longer. Their ages attest to that. Looking beyond the next few years, we wonder whether the next generation is up to the task. Will leaders come forward to carry the banner into the next millennium?

The answer, of course, must be yes. Otherwise, all of the work of these environmental pioneers will have been in vain.

Environmental issues of tomorrow include safe and sufficient water supply, suburban sprawl, the competing needs of endangered species and private property rights, old growth forests, our oceans, and the biggie, overpopulation.

The challenges are plenty and the opportunities grand for those with the courage, tenacity, devotion and vision to accept them.

We salute these men and women and suggest that they are in and of themselves, treasures.

CENTERS OF EXCELLENCE: A WAY TO SAVE LIVES AND DOLLARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, Congress should enact legislation to allow Medicare to concentrate certain difficult surgical procedures in hospitals of special excellence in those procedures. If we did this, we would certainly save lives because the data is overwhelming that some hospitals do difficult procedures better than other hospitals. Better patient outcomes also means savings to Medicare by the avoidance of complications and repeat surgery. It also offers the chance for Medicare to negotiate a bundled, lower payment: Medicare will guarantee a higher volume of patients in exchange for volume price discounts.

I've introduced legislation to establish a Centers of Excellence program, H.R. 2726, which I hope can be enacted in the next Congress.

The Annals of Surgery's July 1998 issue contains an article which proves, once-again, what a life-saver this type of program can be. Following is the abstract of the article, describing using centers of excellence for pancreaticoduodenectomy—a "complex, high-risk general surgical procedure usually performed for malignancies of the pancreas" and duodenum area:

STATEWIDE REGIONALIZATION OF PANCREATICODUODENECTOMY AND ITS EFFECT ON IN-HOSPITAL MORTALITY

OBJECTIVE

This study examined a statewide trend in Maryland toward regionalization of pancreaticoduodenectomy over a 12-year period and its effect on statewide in-hospital mortality rates for this procedure.

SUMMARY BACKGROUND DATA

Previous studies have demonstrated that the best outcomes are achieved in centers performing large numbers of pancreaticoduodenectomies, which suggests that regionalization could lower the overall in-hospital mortality rate for this procedure.

METHODS

Maryland state hospital discharge data were used to select records of patients undergoing a pancreaticoduodenectomy between 1984 and 1995. Hospital is were classified into high-volume and low-volume provider groups. Trends in surgical volume and mortality rates were examined by provider groups and for the entire state. Regression analyses were used to examine whether hospital share of pancreaticoduodenectomies was a significant predictor of the in-hospital mortality rate, adjusting for study year and patient characteristics. The portion of the decline in the statewide in-hospital mortality rate for this procedure attributable to the high-volume provider's increasing share was determined.

RESULTS

A total of 795 pancreaticoduodenectomies were performed in Maryland at 43 hospitals from 1984 to 1995 (Maryland residents only). During this period, one institution increased its yearly share of pancreaticoduodenectomies from 20.7% to 58.5%, and the statewide in-hospital mortality rate for the procedure decreased from 17.2% to 4.9%. After adjustment for patient characteristics and study year, hospital share remained a significant predictor of mortality. An estimated 61% of the decline in the statewide in-hospital mortality rate for the procedure was attributable to the increase in share of discharges at the high-volume provider.

CONCLUSIONS

A trend toward regionalization of pancreaticoduodenectomy over a 12-year period in Maryland was associated with significant decrease in the statewide in-hospital mortality rate for this procedure, demonstrating the effectiveness of regionalization for high-risk surgery.

HONORING GUAM'S ARTIST, ERIKA KRISTINE DAVID, DURING THE CHILDART USA EXHIBITION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. UNDERWOOD. Mr. Speaker, on July 24, 1998, the International Child Art Foundation (ICAF) announced that young Erika Kristine David's artwork has been selected for the ChildArt USA Exhibition. This exhibition was on display from September 5–8 in the Atrium Hall of the Ronald Reagan Building and International Trade Center in Washington, DC. Young Erika is one of the fifty talented child artists whose work has been selected for this exhibition.

The artwork was selected from an outreach program to elementary and middle schools of nearly every school district in the country. The participants are young students ranging from ages 8 to 12 years old, who submitted their artwork based on the theme: My World in the Year 2000. Fifty child artists, representing 30 states, the District of Columbia, Puerto Rico, and Guam, were invited by ICAF to attend the ChildArt USA Festival and Exhibition opening on the Labor Day weekend.

Erika Kristine David is the youngest daughter of Enrico and Tess David of Mangilao, Guam. She is a fourth grade student at the Price Elementary School on Guam. Her art teacher Vicky Loughran and her father Enrico traveled to Washington, DC, to attend the ChildArt USA Exhibition. Her favorite subject is art and music and when she grows up she wants to be an artist or a singer. Her other hobbies are spending time with her family and pets, reading, traveling, practicing art, listening to music and snorkeling. The theme of her artwork, My World in the Year 2000, depicts people of the world enjoying a healthy and good life. People feeling safe outdoors, exercising, barbecuing, picnicking and having fun in the sun and in the water.

It is with great pride that today I honor Erika Kristine David from Guam, whose artwork has not only exposed the talent and artistry of the people of Guam, but also whose art has been brought here in the Nation's Capital for all people to enjoy. Erika, along with other young artists collaborated with professional adult artists to create a unique 16 ft. x 24 ft. mural on the National Mall. The theme of the mural is America 2000.

Because of organizations such as "The International Child Art Foundation (ICAF)," a nonprofit group, dedicated to the promotion of children's art and visual global learning, that young artists like Erika Kristine David have been provided an outlet for their work. These young students' talent and artistry will be acknowledged by all who enjoy the arts and praised by those organizations whose mission is to promote arts for the people.

Finally, I would like to take this opportunity to honor Erika Kristine David's artwork and to highlight the artistic talents of the young students of Guam.

REMEMBERING PETER "JERRY" MIKACICH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MATSUI. Mr. Speaker, I am honored to rise in tribute to the late Gerald Peter "Jerry" Mikacich of Sacramento, California. As a beloved husband, father, and friend to many, Jerry Mikacich will be remembered as one of our community's must active and giving citizens.

Today, Jerry will be eulogized at a memorial Mass in his hometown. I ask all of my colleagues to join with me in paying tribute to this incredibly caring man whose goodwill will indeed be his lasting legacy.

A native of Northern California, Jerry Mikacich was born in Sacramento on May 10, 1930. He was an active student, athlete and Eagle Scout before he graduated from Christian Brothers High School in 1948. Then, he enrolled at Sacramento Junior College which is Sacramento City College today, and eventually San Jose State.

Since the 1940s, Jerry had a reputation as an avid skier, beginning in childhood and blossoming into a long-term career as a ski shop proprietor. Throughout college, Jerry was known to be a great fan of skiing and an exceptional athlete. In fact, Jerry first came to know his future wife Georgia on the ski slopes.

After college, Jerry soon established a reputation as an expert in the field of winter sporting equipment. Skiers in our area came to rely on Jerry's professional assistance and wisdom. He made this sport available to many who otherwise would never have experienced its thrills, including amputees for whom he adapted ski equipment.

The strength of Jerry's personal character was forever a part of his life. He and Georgia were married on June 19, 1961 and their union remained strong until his passing. As a caring entrepreneur and devoted family man, he served as an outstanding role model for many.

On a personal note, Jerry Mikacich was one of my most valued friends since the early days of my career in public service. He was always there for me and his assistance was tireless and very much appreciated. My thoughts and prayers are with Jerry's wife Georgia, his mother Lottie Munizich Mikacich, his four children, and all the rest of his family during this most difficult of times.

Mr. Speaker, I ask all of my colleagues to join with me today in remembering a gracious and generous man, as well as a very dear friend, Jerry Mikacich.

IN RECOGNITION OF ST. LOUIS CARDINAL MARK McGWIRE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GEPHARDT. Mr. Speaker, I rise to salute Mark McGwire and his awesome feat in setting a new, single-season home run record.

Throughout this season, Americans have been treated to one of the most incredible sporting achievements of our lifetime. The single-season home run mark of 61 stood as perhaps the most awesome feat in baseball history. I feel privileged to have been able to witness Mark McGwire in action this year—every baseball fan in America knows that they have seen something special in 1998.

Roger Maris set that record 37 years ago, topping perhaps the most impressive achievement of Babe Ruth, the best all-around player ever to take the field in professional baseball. Watching McGwire's pursuit of 62 home runs, placing him among icons like Ruth and Maris, has been a pure joy to witness.

Mark McGwire is not only an outstanding athlete, he is also a man whose conduct epitomizes good sportsmanship. He has remained focused on his goal in the face of a media frenzy and a sea of exploding in flash bulbs. And he did it with amazing grace and real class.

The chase showed something special about Mark McGwire. But it also showed me something special about the people of St. Louis. The fact that seven very lucky fans gave up progressively larger amounts of money, returning their souvenir home runs balls to Number 25, showed that Cardinals fans truly are, as Baseball America called them, the Best Baseball Fans in America. These fans showed their true spirit when they stood and cheered not only for St. Louis' own Mark McGwire, but also for that great athlete, the Cub's, Sammy Sosa.

Mr. Speaker, I could not be more proud to say I am from St. Louis, and I could not be more proud to say I am a Cardinals fan. Thank you and congratulations Mark McGwire.

FIXING THE YEAR 2000 COMPUTER PROBLEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 26, 1998 into the CONGRESSIONAL RECORD.

FIXING THE YEAR 2000 COMPUTER PROBLEM

Much has been written in recent months about the so-called Year 2000 computer problem. The difficulty arises because the computer software coded to mark the years uses only two digits. If the appropriate adjustments are not made when New Years 2000 rolls around, many of these systems will jump back to the year 1900, causing disruptions in government and private sector operations, here and abroad.

Not many people talk to me about their fears of chaos in the world's computer systems in the year 2000. I suspect that most people don't take those fears too seriously and simply believe that the technicians can solve it. But with the year 2000 now only about five hundred days away, it has become clear that the United States needs to move more quickly to address the problem. Federal and state governments as well as businesses are making progress, but more needs to be done if we are to avoid significant disruptions in our economy.

THE PROBLEM

The Year 2000 problem, also known as Y2K or the Millennium bug, has become an important issue in the past few years. The cause of the concern is that many computers store dates using two-digit numbers rather than four: 98 for 1998 and 00 for 2000. This makes 2000 indistinguishable from 1900, causing date sensitive systems to malfunction or stop working completely. Government agencies, private sector businesses, and individuals all face significant problems if their computer systems are not Y2K compliant. The breakdowns could be minor, but they could also disable air traffic control systems, financial networks, power grids, hospitals, home appliances and many other computer systems.

The Year 2000 problem can be fixed by the time-consuming and costly process of checking each program for potential errors. Millions of lines of software code must be renovated for every computer system. In addition, billions of embedded chips currently in use must be inspected for Y2K compliance, and an estimated 1–5% of those chips will probably have to be replaced. No universal solution can be created to fix each system, and nobody knows how much it will cost to solve the problem. One estimate is that U.S. businesses will spend $50–300 billion and that the U.S. government will have to spend $5–30 billion to fix its computers. The worldwide bill for this massive repair effort may come between $300–600 billion. Correcting the problem will be further complicated by the fact that computer systems are increasingly interconnected—so that even if, for example, a major business fixes its computers, those very systems could break down as they interact with customers, clients and suppliers whose systems have not been fixed.

GOVERNMENTAL RESPONSE

The federal government has taken an active role in Y2K repairs for its own systems. Federal agencies maintain many computer systems that manage large databases, conduct electronic monetary transactions, and control numerous interactions with other computer systems. The primary focus is to fix all of the 7,300 "mission-critical" systems necessary to continue these activities. A recent report concluded that 55% of the repair work is complete, but progress varies greatly by agency. The Social Security Administration expects to be ready for the year 2000 by January 1999 to ensure that Social Security checks continue to go out on time. Other agencies are expected to be on a tight schedule to meet the year 2000 deadline, and still others will probably not make it.

State and local governments are generally acting more slowly in response to the Y2K problem. Some states have begun planning Y2K conversions, but last year only 19 were beginning to implement the plans. Many localities are not emphasizing Y2K repairs, either for a lack of resources or awareness. Experts warn that state and local computer systems, even if repaired, may not be compatible with federal systems or may contaminate Y2K compliant systems with non-

Y2K compliant data. In 1997, state and federal officials met to develop a set of standard practices to minimize risks involved in intergovernmental data exchanges. Several local government associations have also launched an awareness campaign to aid lagging localities.

PRIVATE SECTOR RESPONSE

Businesses will also have to become Y2K compliant if they are to avoid disruptions in their operations and transactions with governments and other private entities. The federal government is working actively with certain critical industries, including transportation, communications, health care, and financial institutions, to meet government standards in Y2K compliance. The Federal Reserve Board is preparing for the worst case scenario but is expecting most major banks to be Y2K compliant by the new millennium.

Current estimates suggest that 85% of industrial software will be fixed or replaced by the year 2000, at a total cost of at least $300 billion. Congress is considering several measures to help the private sector address the Y2K problem. One bill seeks to promote open sharing of information about Y2K solutions by protecting those businesses that share information in good faith from lawsuits. Another measure would seek to limit the liability that a company can face if its products are not year 2000 compliant.

EFFECT ON PRIVATE CITIZENS

The Y2K problem also may present difficulties for the average citizen. Many electronic devices, including automobiles, cameras, televisions, and cellular phones, are not expected to cause problems. There may, however, be problems, with fax machines, pagers, telephones, video recorders, and especially personal computers. The Y2K compatibility of personal computer software varies by the program, so consumers are advised to call the manufacturer to find out about specific programs and insist on in-store tests when purchasing new software. Experts also suggest that consumers keep accurate records of finances and investments in the event that a computer error occurs at your bank or the IRS.

CONCLUSION

The federal government has been slow to recognize the seriousness of the problem. Initial warnings came in 1989 that the world was headed for a computer crisis, but it was not until the mid-1990s, after much prompting from Congress, that many federal agencies began to move, first from an awareness of the problem, then to an assessment of it, and now to the correction of it. The federal government will not be able to guarantee that every computer can be fixed on time, but it is beginning to manage the risks. The government and industry have many improvements to make before the year 2000. While the task is large and tedious, our computers must be Y2K compliant for the electronics aspects of life to continue as normal.

WHY WE SHOULD QUESTION HOSPITAL HOME HEALTH REFERRALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, on August 6, the Ways and Means Health Subcommittee held a hearing on the problems facing home health agencies because of payment changes made in the Balanced Budget Act of 1997.

In theory, for good and honest agencies, the BBA should not have created problems. It simply asks home health agencies (HHAs) to practice the type of care they practiced in 1994, before many HHAs greatly increased their number of visits per patient and their costs per visit. The theory assumed, of course, that HHAs are serving the same kind of patients they received in 1994.

But between 1990 and 1996, the number of HHAs owned by hospitals nearly doubled, and today, about half the nation's hospitals own HHAs.

So what, you say? At the August 6 hearing, one independent HHA testified, saying what several HHAs have told me privately:

> As a freestanding agency, Great Rivers Home Care receives few referrals from hospitals since most have their own home health agencies. Our experience is that the hospitals refer the short term, less complex cases to their own agencies and the sicker, more costly, long term patients are then cared for by agencies like ours.

I do not know the quality of care provided by Great Rivers, but I do know they dared say what others are only saying privately. Before we casually throw more money at the home health sector, we should ask whether there is a self-referral abuse that is causing serious distortions in this part of Medicare.

TRIBUTE TO THE WOODLAKE GOT-A-JOB SUMMER YOUTH PROGRAM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Woodlake Got-A-Job Summer Youth Employment Program for its commitment and dedication to the lives of youth throughout Southeastern Tulare County. The Got-A-Job Summer Youth Employment Program provides a valuable learning experience for youth in developing job skills for their future.

The Got-A-Job Summer Youth Employment Program is funded and directed by Community Services and Employment Training Incorporated. Woodlake Got-A-Job has taken a leading role in shaping positive values in young people's lives. Many large and small businesses of Southeastern Tulare County have met a vital community need by offering to employ Woodlake Got-A-Job youth in a variety of work opportunity programs. The community of Woodlake participates by donating supplies and money to the Got-A-Job Program in support of their youth.

The Woodlake Got-A-Job Summer Youth Employment Program offers job skills training and confidence building exercises to teenagers. The guidance and teachings offered by this organization improves the economic health of the community and fosters a positive work ethic in tomorrow's leaders.

Mr. Speaker, it is with great honor that I pay tribute to the Woodlake Got-A-Job Summer Youth Employment Program. The Got-A-Job Summer Youth Program's commitment and dedication to the youth of Southeastern Tulare County is commendable. I ask my colleagues to join me in wishing the Woodlake Got-A-Job Program many more years of success.

TRIBUTE TO JAMES J. MANCINI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a great community leader and close friend, James J. Mancini of Long Beach Township. On Friday, September 11, 1998, some of us will "roast" Jim by poking fun at some of his more colorful characteristics. But, make no mistake, when it comes down to representing the people of Ocean County, Jim Mancini is very serious, very sincere, and very successful.

First elected to the Ocean County Board of Freeholders in 1982, Jim has proved to be a strong advocate of senior citizens, veterans and the disabled, and has improved transportation programs and library services.

With the largest senior population in the State, Freeholder Mancini, who also is the long-time Mayor of Long Beach Township, serves as the Chairman of the Ocean County Office of Senior Services. A veteran of World War II, Freeholder Mancini's work with the Ocean County Veterans Service Bureau has resulted in an increase in services to the more than 50,000 veterans living in the County. He has received numerous accolades from veterans service organizations for his work, and is a recipient of the Military Order of the Purple Heart.

Jim became Mayor of the seaside community of Long Beach Township in 1964, and continues in that capacity today. He served as a State Assemblyman in the 1970s, and was Ocean County's Freeholder-Director in 1985, 1991 and 1994.

He is the Chairman of the Board of Southern Ocean County Hospital in Stafford Township, and is the Vice President of the Long Beach Island St. Francis Community Center Corporation.

Jim and his wife, Madeline, have nine adult children: Susan, Joseph, Nancy, Annmarie, Jane, Joan, James, Jr., Madeline and Henry, and 12 grandchildren.

Mr. Speaker, On September 11, I will share a few laughs with my good friend, Jim Mancini. But, all jokes aside, Jim Mancini is a leader for whom I have the utmost respect and admiration. Our communities thank him for his commitment to improving our quality of life.

CONGRATULATIONS TO THE BAKERSFIELD SOUTHWEST BASEBALL TEAM

HON. BILL THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. THOMAS. Mr. Speaker, I rise to acknowledge the achievement of a group of young people in my District. On the weekend of August 22, 1998 in Purcellville, Virginia, the Bakersfield Southwest baseball team completed a remarkable season and captured the 16-year-old Babe Ruth World Series championship.

We are thrilled with the great feats accomplished by this Bakersfield Southwest team. In the past four years, the Southwest team posted an amazing 55–4 record in the Babe Ruth league. In this year's World Series, Bakersfield was undefeated in winning the championship, which included a pair of two-hitters and a masterful shutout in the finale. Bakersfield Southwest also became the first team to win back-to-back World Series championships in their age group! All of this was done in a particularly special year for Babe Ruth baseball since 1998 is the 50th anniversary of the Babe's death.

But amidst all of these accomplishments, I am most proud of this team for the dedication and effort that they put into winning this second title. After winning the first, day in and day out, this team worked to correct mistakes and enhance skills. When I think of the way this team worked together, I remember the words of the immortal Babe Ruth: "The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don't play together, the club won't be worth a dime." Bakersfield Southwest had its collection of individual stars, but the team worked together, maximizing its many strengths. In all their effort and hard work, they epitomized the great American pastime we call baseball; they worked together, played together, and had fun together. I am sure that the skill and determination exhibited by this team will carry over to make them winners in life as well.

I would like to express my appreciation to Manager Dave Hillis for guiding this team, as well as Coaches Bob Soto, Ben Bradford, Mark Parker, and Ken Miller for all their fine work. Most importantly, I would also like to congratulate Spencer Bailey, Brian Bock, Clint Bradford, Tommy Brast, Travis Hamlin, Tony Hillis, Shaine Jensen, Darrin Levinson, Derick Martin, Ryan Mask, Soctt Mawson, Todd Sachs, Sean Sorrow, Ty Soto, Brent Warren, and Josh Wyrick for an outstanding season and a string of masterful years in the Babe Ruth League. Although I did not dye my hair blonde as was the team's trademark, I, like many others from my District, salute Bakersfield Southwest and thank the team for representing Bakersfield with extreme honor, dignity, and sportsmanship.

IN HONOR OF THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT URBAN SEARCH AND RESCUE TEAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to 62 distinguished citizens of the Eleventh District of Virginia, the members of the Fairfax County Fire and Rescue Department's Urban Search and Rescue Team. Called Virginia Task Force One, this brave team of men and women has served as our humanitarian diplomats to cities in crisis.

On August 7, 1998, the world was rocked by twin explosions. The American Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania were destroyed in tragic, unconscionably cruel bombings that took the lives of innocent East Africans and Americans. As we stared in numb disbelief at news reports that overflowed with heart-wrenching images and constantly rising death counts, Virginia Task Force One was already alerted and preparing for their daunting mission.

Within 12 hours of the bombings, Virginia Task Force One was fully mobilized for deployment to Africa. Less than 24 hours after the explosions, as many of us were still grasping to understand this tragedy, the team was en route from Andrews Air Force Base to Nairobi. Search and rescue technicians, cave-in experts, physicians, paramedics, logisticians, and command and control personnel comprised the 62-member Task Force, led by Battalion Chief Michael Tamillow and retired Deputy Chief James Strickland.

Virginia Task Force One worked tirelessly with search and rescue teams from Kenya and Israel, transforming the chaos of Friday into an orderly and systematic search for any survivors, and for key evidence to piece together the cause of the event. For the first several days of the rescue effort, team members ran two twelve-hour shifts to provide round-the-clock operations. The work was especially dangerous during the night, due to the poor light and danger of shifting debris. After they had gone through the entire debris pile, well ahead of schedule, and it was clear that they would find no more survivors, they ceased nighttime operations. Despite the grueling labor, dangerous conditions, and long hours, the members of the Task Force consistently reported that they were "in good spirits and . . . happy to be contributing to the effort."

Chief Strickland, co-commander of the mission, reported feeling a sense of dêjà vû as he surveyed the wreckage in Nairobi. He compared it to the devastation he had observed when the Virginia Task Force assisted rescue efforts in Oklahoma City, after the bombing of the Alfred P. Murrah Building. Nairobi was not the first or even the second scene of mass destruction heroically attended by the Fairfax County Team. As one of only two search and rescue task forces in the U.S. trained and authorized for overseas disaster deployment, Virginia Task Force One has been deployed to Armenia and the Philippines, as well as Oklahoma City and Kenya.

The men and women of the Fairfax County Fire and Rescue Department's Urban Search and Rescue Team answered their nation's call for help. Their work as not glamorous; they quite literally dug in, lifting away thousands of pounds of concrete and steel in the searing African sun. They labored in the face of danger, even switching hotels to evade the bombers, who were still at large. They labored in the face of horrific tragedy, but they never lost faith in their purpose.

Mr. Speaker, I know my colleagues join me in honoring the Urban Search and Rescue Team of the Fairfax County Fire and Rescue Department. The men and women of Virginia Task Force One left their homes and families, traveling thousands of miles to represent the United States in a purely humanitarian mission. Their nobility of purpose and action was an honor to witness. I am proud to represent such heroic citizens.

STOPPING ABUSE OF MEDICARE LONG TERM CARE HOSPITAL PAYMENT SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, I am introducing legislation today to close a loophole in the way Medicare pays long-term care hospitals—hospitals which treat people with severe problems and which have an average length of stay (ALOS) of more than 25 days.

Some so-called TEFRA hospitals establish extremely high patient costs in the first year or two of operation, which establishes the rate at which they will be paid under Medicare in future years. Once that rate is established, they immediately go to a much lower cost mix of patients, but get paid as if they still had a very sick, expensive patient caseload. The bill I am introducing would help curb this gaming of the system.

THE WORK OF CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 19, 1998 into the CONGRESSIONAL RECORD.

THE WORK OF CONGRESS

The work of Congress often seems laborious and painfully slow. We hear complaints about legislative stalemate, excessive partisanship, and the "do-nothing" Congress. Sometimes it is hard to discern good reasons for the inefficiencies and delays that occur. But often the difficulty of passing legislation stems from the very nature of our representative democracy and from our changing country and changing political climate. The work of Congress has become much more difficult over the past several years.

The job of Congress: Although the job of a Congressman involves several different roles, the main ones are as representative and legislator. As a representative, a Member serves as an agent for his constituents, ensuring that their views are heard in Congress and that they are treated fairly by federal bureaucrats and other public officials. As a legislator, a Member participates in the lawmaking process by drafting bills and amendments, engaging in debate, and attempting to build the consensus necessary to address our nation's problems. Fulfilling these roles may sound easy, but can be enormously difficult.

Some things, it must be said, have helped to make the work more manageable in recent years. Congress has moved into the information age, as computers, faxes, and

Internet access help Members communicate with citizens. Large numbers of congressional staff help Members respond to constituent mail and research legislation. The expansion of think tanks and public policy research helps provide lawmakers with detailed analysis of policy options.

Increased difficulty: However, the elaborate constitutional system of separated powers and checks and balances created by our founding fathers still requires that compromise and consensus occur for legislation to pass. This protects people from the tyranny of the majority, but also makes it difficult for Congress to act. Since I have been in Congress the job of a Congressman has become increasingly difficult, for several reasons:

First, the country has grown larger and more diverse. The population of the country has more than doubled since I was in high school. Each Member of the House now represents almost 600,000 constituents; almost 50% more than in the 1960s. Americans also vary more now in terms of occupation, race, religion, and national origin. The increasingly diverse background of constituents expands the range of interests and differences that must be reconciled to produce consensus on major issues.

Second, the issues have grown more numerous and more complex. Today's Congress tackles a host of topics that simply were not around a few decades ago, from campaign "soft money" and HMO's to cloning and cyberspace. Also, the issues we consider have become more technical and complicated. A recent environmental bill before Congress reminded me of my college chemistry textbook.

Third, the issues have also become more partisan. The policy agenda always has included divisive items, but in past years these divisions typically were not partisan. An individual you disagreed with on one issue likely would support your view on many other items, making it easier to strike bargains and achieve consensus. With the intensity of American politics today, issues often have a sharper, partisan flavor. Policy debates frequently split constituents and their elected representatives by party, making the two major parties resemble warring camps more than potential partners in compromise.

Fourth, there are more policy players in the legislative process. For instance, in the 1960s just a handful of major groups were actively involved in foreign policy making. Now there are literally hundreds, including the business and agriculture communities, nonprofits and public interest groups, labor unions, ethnic groups, and international organizations. The cast of important players has similarly expanded in the numerous other policy areas.

Fifth, although the workload of Congress has expanded, the number of hours in session in recent years has actually dropped. The leadership has chosen to have the House now work basically only 2½ day weeks, with many Members arriving in Washington on Tuesday afternoon and leaving for their districts on Thursday evening. As a result, Members have less time to know each other well and to work out their differences, thus making consensus-building even harder.

Sixth, the cost of campaigns has skyrocketed, driven largely by the cost of television advertising. Members today must spend a disproportionate amount of time fundraising, which means less time with constituents discussing the issues and less time with colleagues forging legislation and monitoring federal bureaucrats. Also, special interest support may drive some Members to lock in their views earlier, reducing their flexibility and making compromise harder.

Seventh, the tone in Congress has changed dramatically over the past several years, with more partisan bickering and personal attacks, and less civility. That takes a significant toll. It poisons the atmosphere and complicates the efforts of Members to come together and pass legislation for the good of the country. In the end, Congress works through a process of give and take, which is far more difficult with strained relationships across the aisle.

Eighth, the media tend to favor the extreme views on any given issue, emphasizing the differences and downplaying the areas of agreement. That can polarize the issue and make agreement more difficult to reach.

Finally, public suspicion of politicians is greater today than it was in past decades. Americans have always had a healthy skepticism about government, but problems arise when they become cynical and have little trust in what their leaders say or do. It is difficult for Members of Congress to even discuss the issues with constituents when their character, values and motives are always suspect.

Conclusion: It is easy to criticize Congress. As Members are clearly aware, many criticisms of the institution are justified. But we need to get beyond that and recognize that certain perceived shortcomings of Congress are actually inherent features of any legislature in a large, diverse, and complicated country. Members of Congress need a certain degree of trust from their constituents if they are to fulfill their roles as representative and legislator—not unconditional trust, but support meshed with constructive skepticism and a reasonable understanding of the difficulties the institution confronts.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DELAHUNT. Mr. Chairman, I rise in strong support of the amendment, which would restore funding for the Legal Services Corporation to current levels.

The Legal Services Corporation is a lifeline for thousands of people with no other means of access to the legal system. Last year, LSC resolved 1.5 million civil cases, benefiting over four million indigent citizens from every country in America.

Who are these people? Over two-thirds are women, and most are mothers with children. Women seeking protection against abusive spouses. Children living in poverty and neglect. Elderly people threatened by eviction or victimized by consumer fraud. Veterans denied benefits, and small farmers facing foreclosure.

These are the people who will be hurt if this amendment is not adopted today. If LSC is forced to absorb the huge cuts made in committee, half of the 1,100 neighborhood legal services offices will have to be closed. This will leave a single lawyer to serve every 23,600 poor Americans. Over 700,000 people in need of legal services will have to be turned away.

We cannot—we must not—allow this to happen. I urge my colleagues to vote for this amendment. It's the decent thing to do.

REMARKS OF ERIC W. BENKEN, CHIEF MASTER SERGEANT OF THE AIR FORCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to Chief Master Sergeant Eric W. Benken, who recently made some very insightful remarks regarding national security on August 22, 1998, at the Noncommissioned Officers Association 1998 Annual Awards Banquet, that I believe would be of interest to all the members of the House of Representatives:

CHALLENGING TIMES—BRIGHT FUTURE—STRENGTH IN UNITY

It's always tough to follow the Air Force Honor Guard Drill Team—outstanding individuals—anytime someone says there is something wrong with America's young people—I point to them as an example of what's right with America. And the Air Force Singing Sergeants—a magnificent group and I might add, the product of successful gender integrated training—they are no longer an all male chorus group like they were in the beginning!

Congressman Montgomery, sir, its great to have you with us here tonight—a recipient of the Air Force Order of the Sword—the highest tribute that can be bestowed upon anyone by the enlisted force—a great patriot and ardent supporter of our military.

President and Mrs. Putnam, my service counterparts, members of the foreign joints, Vanguard Award Recipients and distinguished members of the Noncommissioned Officers Association. It's a tremendous pleasure for my wife Johnne and I to be here tonight as I address this distinguished audience of patriots and great Americans.

Tonight I want to talk to you a little bit about the challenges we face—and a little bit about our future.

First of all, it's important to recognize that this snapshot in history in which we live is like no other. There has never been another decade like the '90s. And the reason is simple—the cold war is over. For about 45 years it was NATO and the Warsaw Pact going toe to toe. We had the Berlin Wall that represented a visual distinction between democracy and communism—the separation of good and evil, if you will. Our tanks and artillery faced off in the Fulda Gap. We had large numbers of forward based installations with a policy of containment.

We lived under the umbrella of nuclear annihilation. Remember the drills we had in high school? An alarm would sound indicating a nuclear missile was inbound from the Soviet Union—and we would dive under our desk. Like that would do any good! And we always had that fanatic next door who was building an underground fallout shelter. You remember vividly the Cuban Missile Crisis—when President Kennedy and Premier Kruschev did political battle over the placement of missiles in Cuba.

In the early 1980s, President Reagan responded to the hollow force of the late '70s and the continuing cold war threat and began to rebuild our armed forces to take on the "Evil Empire." We had plenty of money for defense and plenty of people to do the mission. The '80s presented few problems for us in terms of manpower and resources, and deployments were few. Life was bliss.

In November of 1989, one of the most dynamic events of this century took place in Berlin. We watched on CNN as the wall was torn down. I was assigned to the Supreme Headquarters Allied Powers Europe in Mons, Belgium. We were knee deep in containment war plans. We couldn't believe our eyes at what was happening. What were we going to do next? As the wall fell and Germany was reunited, we got a sneak peek behind the iron curtain and found that communism had collapsed and the cold war was over—and we were the winners.

It was like going forward in your car for 45 years and suddenly throwing it into reverse. The world stage changed drastically. Many thought that NATO should be disbanded. Nations demanded money spent for defense be returned to the people for domestic programs. The world wanted a "peace dividend." And the United States was no different. And we began to reduce our military establishment—both in terms of personnel and installations.

New terms showed up in our vocabulary. Terms like BRAC (Base Realignment and Closure). Our overseas presence was tremendously reduced and we brought forces and equipment home.

And while many thought our job might be over, our missions actually began to increase. We found ourselves embroiled in "hot spots." We began doing humanitarian and disaster relief missions. Rawanda, Somolia, Liberia, Haiti and Bosnia came up on the scope. Bare base operations like Prince Sultan, El Jabber, Ali Asalem, Doha, Qutar, Baharain; Rhijad, San Vito and others. Places where Americans in uniform must deploy, live and fight. And we continue to deal with Saddam—a millstone around our neck. Our Air Force people alone began to deploy at 4 times the rate they did in the "blissful" '80s.

The '90s present a whole new set of challenges. More new terms like Op Tempo and Pers Tempo. We didn't get enough relief from the first round of BRAC—and we are spread too thin across too much real estate. That is why you hear us persistently ask Congress for more BRAC.

The drawdown meant the loss of skill levels in the ranks as we carved out the middle of the force. We have training shortfalls. We had to find a new way to deliver health care to 9 million eligibles—and Tricare popped up on the scope. We have aging weapons systems—we cannibalize parts from two weapon systems to get one functioning. We have a monotonous desert rotation—slipping readiness posture—outsourcing and privatization are being thrust upon us.

We deal with all of this against the backdrop of the Balanced Budget Amendment and a flatlined defense budget. It forces us to make tough decisions on whether to modernize, sustain readiness or improve quality of life.

For the Army and the Air Force—we must make the transformation to become more expeditionary. Lighter and leaner—not reliant on forward based locations and assets. This presents a cultural change for our people who must change how they do business—and old habits die hard.

Add into all of this retention challenges presented by an overheating economy and low unemployment across the country. The private sector competes for our highly trained and highly disciplined technicians and lure them away with more pay and in many cases better compensation. There is plenty of money for young people to go to college and the propensity to serve has diminished. Recruiters are having a very difficult time making quotas while maintaining quality. There are frustrations with op tempo and pers tempo—the changed retirement system is seen as a breach of faith and Tricare has had some tough times with implementation.

For myself and my service counterparts, we have increased congressional contact on a variety of subjects like gender integrated training—trying to convince them each service knows how to train their people the right way. We've discussed fraternization rules, readiness and quality of life and their impact on our troops.

As General Mike Ryan, Air Force Chief of Staff says, "This is not my father's Air Force." And I would submit that this saying applies to all of our armed forces as they relate to the decade of the '90s.

This scenario has certainly produced its share of "prophets of doom and gloom." Newspapers have editorials from naysayers attacking senior leadership and publicly displaying their disgruntlement over current situations. Some among our own ranks would counsel our troops against making the military a career because "it isn't as good as it used to be" Whatever that means!

The reality is this—the armed forces still offer a great way of life for young Americans. We still offer tremendous opportunity—skills training—and we do it in an environment of equal opportunity. We still offer an exciting way of life. And this nation still needs patriotic Americans who are willing to sacrifice for their nation and win her wars.

As Sgt. Major of the Marine Corps Lee said in a meeting today, "it's time to accentuate the positive things about our armed forces and our special way of life—and stop listening to the negative.

The fact is, we have inherited a new world order. The world stage has changed—it's more complicated and our roles and missions have been modified. We must make adjustments—and we will—we will attack these challenges like we have always done in the past—with hard work and innovation!

I believe our future is extremely bright. Despite all our challenges, we still have a tremendous corps of young people who are nothing short of fantastic—they exceed all expectations. Their technical skills are something to marvel. When I entered the Air Force back in 1970, our top of the line equipment in the orderly room was the Underwood Five manual typewriter. Today, that same recruit is involved in LAN administration—with advanced computer skills—some even work in the Information Superiority Battle Lab at the Air Intelligence Agency in San Antonio. And as our troops become more and more technically qualified in a variety of skills—we'll have to be competitive if we want to secure their skills for the long run—that's just a fact of life.

And we need to help our young troops keep focus on the vision of our armed forces of the future. We must instill in them enthusiasm and optimism. As General Colin Powell said, "Never take counsel of our fears or naysayers." He also said, "Optimism is a force multiplier."

We need to remind our troops that the military gave them all they ever needed to know to be successful during their indoctrination into the service at basic training. We taught them how to salute, dress for success, customs and courtesies. We taught them how to follow instructions and to be on time. We taught them how to work as a team through drill and ceremonies. We taught them to have dignity and respect for each other. We also taught them to have high personal standards and to demand high standards for their units. We also taught them followership.

As we become more expeditionary our roles and missions in joint operations will become increasingly intertwined. We must teach our troops the importance of "Strength in Unity" as it relates to the armed "armed forces" team.

We must make them aware of the importance of the legislative process and its impact on the military way of life—we aren't doing a very good job of that right now. As the congress shifts and becomes less attuned to the military and the mood of the country becomes more and more complacent about defense—we will continue to rely on the superb representation of organizations like the Noncommissioned Officers Association. They help preserve entitlements and benefits and work issues on our behalf. And they do a superb job at it.

We have so very much to be proud of. We wear the uniforms of the greatest armed forces in the world. We are members of an honorable profession—the profession of arms. We walk in the shadows of heroes—men and women who have made the ultimate sacrifice for our great nation. We need to remind ourselves of that once in awhile.

So, I would say to you here tonight—yes, we have challenges—but we will overcome them and return to level flight and steady seas.

And, we rely on "Strength in Unity"—a super motto for the NCOA because it captures the essence of who we are.

Thank you for having me here tonight—and a special congratulations to our Vanguard Award recipients—who represent the best of the best—and represent the thousands in uniform who serve our great nation around the globe. Good night and God Bless America.

BIOGRAPHY

Chief Master Sergeant Eric W. Benken entered the Air Force in March 1970. He became the 12th Chief Master Sergeant of the Air Force in November 1996. His background is in information management, and he has served for more than 25 years in operational, maintenance and support units at every level of command from squadron through major air command. He served in maintenance administration in Taiwan and Vietnam, and served as executive noncommissioned officer to the commander in Korea. His stateside assignments include Bergstrom AFB, Texas, Eglin AFB, Florida, Ellington AFB, Texas, and Davis-Monthan AFB, Arizona. He also served in a joint service/NATO assignment at the Supreme Headquarters Allied Powers Europe. Before becoming Chief Master Sergeant of the Air Force, he serviced as the senior enlisted advisor for the U.S. Air Force in Europe (USAFE) at Ramstein Air Base in Germany, a position he assumed in October 1994. While at USAFE, the command was involved in operations such as Provide Promise, Provide Comfort, Deliberate Force and Joint Endeavor in Bosnia. Chief Master Sergeant Benken is committed to transitioning the enlisted corps into an Air Expeditionary Force and, in the process, helps shape what the Air Force will look like in the next century and beyond.

TRIBUTE TO JOHNNY LONDON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Johnny London as he marks his Thirtieth Anniversary as the morning host on WICH in Norwich, Connecticut. Over the past three decades, Johnny has become an "institution" in Norwich through his show and, more importantly, his work on behalf of the community.

Johnny came to Norwich from Maine thirty years ago to take a job as the "morning man" at WICH. WICH is the major AM station serving Norwich and surrounding communities. Over the years, Johnny has developed a format which combines news, political commentary, history lessons, sports and discussion about community events. When it comes to politics, Johnny calls it like he sees it. He doesn't mince words and he isn't afraid to criticize someone in office or a proposal if he believes issues need to be raised. His show gives him an opportunity to highlight issues and question actions. However, in the very best tradition of American broadcasting, Johnny has never done so for personal aggrandizement. He has always acted in the public interest and been motivated by doing what is best for the community.

Mr. Speaker, Johnny London is much, much more than the host of a morning radio show. He is a tireless friend to countless organizations, charities and special events to whom he lends his time and support. Johnny's show has perhaps the most extensive "community calendar" of any in Connecticut. Moreover, he has supported hundreds of charitable functions over the years. To generate awareness about issues and raise funds to assist those in need, Johnny has gone into the boxing ring with Willie Pep and played basketball with teams from across the country and around the world.

To some, these actions might not sound uncommon—every radio personality does publicity stunts. But this is where Johnny is different. He is our there every day, every week and year after year working on behalf of the community. He is there when it's ninety-five degrees and in the blowing snow. He puts just as much into supporting events that attract ten people as those that draw thousands from across southeastern Connecticut. His remarkable generosity is more extraordinary than even the longest tenure on the airwaves.

Mr. Speaker, as Johnny marks his thirtieth anniversary with WICH, he has much to be proud of. His show is among the highest rated in Connecticut. Currently, he holds the record as the longest-serving, active morning radio broadcaster in our state. He is recognized as one of the foremost historians of Norwich. More importantly, he is loved and respected by residents across eastern Connecticut for his tireless efforts on behalf of their communities over three decades. I join them in saying thank you. We look forward to tuning in for many years to come.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DICKEY. Mr. Chairman, I want to show my concern about a provision in the chairman's bill that allows an increase of $18.5 million, for the Equal Opportunity Employment Commission, or EEOC. I want to do so by drawing attention to a circumstance in Miami, Florida, that I think is worthy of the gentleman's attention and the attention of my colleagues. It has to do with Joe's Stone Crab in Miami Beach.

This is a well-known, world-renowned restaurant. It has been owned for 85 years by the same Jewish family. It has had diversity in its hiring practices long before it was required by law. However, it has been targeted and victimized by the EEOC, not because there are too few female employees. The owner is a female and 22 percent of the employees are female. The heads of the departments of the restaurant, Mr. Chairman, are females, but there are too few female servers, according to the EEOC.

This is in contrast to what is happening with Hooters restaurants. Hooters has only female servers. They are a chain. The EEOC has targeted this one restaurant.

The reign of terror of the EEOC against Joe's Stone Crab began on April 27, 1992. The charge was a failure to actively recruit female servers. This was done without a female filing a complaint, and it was done without complying with the law that 300 days prior to such a ruling, there had to be a complaint filed. There was no compliant filed. The EEOC started an investigation on its own.

On July 3, 1997, there was a ruling by Judge Daniel T. Hurley. In his findings, he said that Joe's Stone Crab was guilty; those were his words, even though it is a civil action, that they were guilty of hiring discrimination.

There was no finding of any intended discrimination, Mr. Chairman. Yet, the Court took it on itself at that point to take over the hiring practices of Joe's Stone Crab. They required that announcement of the roll call, which had been word of mouth, be publicized, and required Joe's to spend $125,000 in ads in newspapers that the Court specified.

As a result, a fewer percentage of applicants of women was brought in. They hired more than the percentage of female applicants that came in, and again, no female complained at any time.

When confronted with the 22 percent female hiring that had occurred between 1991 and 1995, the Court then just changed the statistical reference. They took the total of the female food servers in Dade County, and that was 32 percent, so they just moved the target so the Court could do what it wanted to do.

The bottom line is that this restaurant has spent 6 years, over $1 million; they have had bad publicity; they have had lower morale; they have had the Court come in and take over their operations and examine it from every angle. Then we are giving EEOC $18.5 million in increase. I think EEOC must not have enough to do. If they claim there is a backlog, it is because they are spending time on such frivolous litigation. They should be examined very carefully.

Small businesses all across the country are being victimized by the EEOC. They are at the point where they cannot complain because they think retaliation will come. Joe's Stone Crab is a story of one owner saying, I will take on the government for the sake of small businesses. This restaurant is fighting the battle for small business all across the country.

My last comment, Mr. Chairman, is that I urge, as this bill moves forward and in the years to come, that the chairman address the issue of frivolous litigation and damages that the EEOC brings upon the small businesses in America.

JOHN SEIBERLING—ENVIRONMENTAL HERO

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. VENTO. Mr. Speaker, I would like to call to the attention of my colleagues that yesterday, September 8, was the 80th birthday of our former colleague and a good friend, John F. Seiberling.

John Seiberling was first elected to Congress in 1970, having already spent 25 years as a member of the military serving in World War II and as an attorney in private practice with the Goodyear Tire and Rubber Co., which his grandfather founded. After 16 years of Congressional Service, John retired voluntarily in 1986 with a lifetime of outstanding accomplishments.

Originally inspired to run for Congress by his opposition to the U.S. involvement in Viet Nam, John Seiberling quickly rose as a leader in the House efforts to end the war. Concerned about our defense and foreign policies, John was also a leader in the Congressional organization, Members of Congress for Peace through Law, known later as the Arms Control and Foreign Policy Caucus.

In the House, John Seiberling served on the Committee on the Judiciary. An active member, John participated in the Watergate hearings and was the floor manager for the historic House passage of the antitrust law rewrite, the Scott-Hart-Rodino Antitrust Act.

However, John was best known for his commitment to the environment and for his many accomplishments as a member of the House Committee on Interior and Insular Affairs. Today, this Committee is the House Resources Committee. As a member of that Committee, John was a very special Member who stood very tall. I had the privilege to serve with John for ten years and to learn from him. John played a major role in securing the passage of the Surface Mining Control and Reclamation Act of 1977. This important law has reversed the damage caused by surface coal mining. John was also largely responsible for the enactment of the Cuyahoga Valley National Recreation Area Act. This law created Ohio's first national park.

Alaska and the preservation of the unique national treasures of that state were at once a passion and an inspiration for John Seiberling. As Chairman of the Subcommittee on General Oversight and Alaska Lands in 1977, John Seiberling was a leader in speaking out, fighting and shaping the comprehensive law and policy that finally preserved this last bit of wilderness for all America. While the fight took six long years and much of John's time, it was a labor of love. John Seiberling and Mo Udall were eventually successful in passing Alaska lands legislation which doubled the size of our National Park System and quadrupled our national wilderness system.

John's commitment to the environment continues today in his role as the Director of the Environmental and Energy Study Institute, of which he was a founder.

I am certain that my colleagues will join me in saluting John Seiberling's accomplishments and wishing him a very happy birthday—a well deserved 80th year. John has shaped our landscape and environmental policies well into the future. Our best wishes for many more years of life and celebration of his work, the legacy and American heritage for generations yet unborn. Happy Birthday to the environment's best friend, John Seiberling.

THE AGING OF AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 12, 1998 into the CONGRESSIONAL RECORD.

THE AGING OF AMERICA

America is getting older. As Americans are living longer than ever before and as the Baby Boomers ease into their senior years, fundamental shifts will occur in our society. In areas such as health care, housing, and recreation, the impact of an aging population will be felt. The costs of providing these services will put a strain on the financial resources of governments and families alike.

The importance of Social Security and other federal programs for older Americans is emphasized by the fact that financial prospects for many Americans approaching retirement are grim. According to a recent comprehensive study: 40% have no pension income other than Social Security. One in five households has no assets and one in seven persons has no health insurance. 20% are disabled.

The cost of supporting older persons will be a heavy burden on the living standards of younger workers. By the year 2030 one in five Americans is projected to be 65 or older, up from one in eight today. And the proportion of the oldest Americans, those over 75, whose health care costs are especially high, will nearly double from present levels. This too will have a huge impact on government budgets and workers' incomes.

An aging America raises major social and political questions. Is it fair to place huge tax burdens on workers to pay for the retirees? Will the projected heavy spending on programs for older people crowd out other important government spending like national defense or law enforcement? Will high taxes be necessary and, if they are, will they depress economic growth?

Given these facts many of the pundits are predicting warfare between the generations, between the young and the old. Yet I am doubtful of that. In my experience young people are just as concerned about protecting Medicare and Social Security as their parents are. My own view is that the bond between the generations is strong, and that should not surprise us given the strong family ties that still exist for the most part in this country. I think young people want older people to be secure and to have quality health care, and they don't want them to be dependent on them.

CHALLENGES OF AN AGING AMERICA

Everybody acknowledges the difficulty of ensuring the long-term stability of Social Security and Medicare. We simply cannot afford the contract we now have on the table as the Baby Boom generation approaches retirement. We will have a smaller number of workers supporting a much larger number of retirees, and something will have to give. So it represents a formidable challenge to our system of government to carry Americans—young and old—through the major changes needed in these programs.

The trend in America has been to retire earlier and earlier, and that has placed an extra burden on federal programs. In the last century more than 75% of men 65 years and over worked. In 1997 only 17% did. But things are beginning to change. Retirement ages are creeping back up and the whole concept of retirement is changing. Among other things, older people are increasingly leaving the work force gradually, taking temporary and part-time jobs.

Older people require more expensive social services—particularly health care—and they depend upon government programs like Social Security for much of their income. The importance of Social Security to older Americans cannot be over-estimated. Almost 92% of those 65 and older receive Social Security benefits and many would live in poverty if it did not exist. Moreover, as the number of the oldest Americans grows, the use of medical and long term care services such as hospitals, home care, nursing homes, and elder day care will increase sharply. The effect on Medicare and Medicaid will be significant. Today these programs provide insurance for health and long-term care for 97% of the elderly.

POLITICAL CHALLENGES

One has to wonder whether a democratic government is going to be able to deal with these challenges, particularly if it involves reducing benefits for an increasingly large and powerful group. Most analysts view bringing future benefits under control as necessary, yet older persons do not want their benefits cut. One alternative is raising taxes but that means that the current Social Security tax rate would have to be boosted sharply to provide the benefits that have been promised. Others suggest that we should adopt policies directing benefits to low-income elderly persons, and that would reduce costs and improve economic efficiency by getting the money to those who need it most. But to shift in the direction of either a tax increase or a benefit reduction causes a loss of popular support of many people. The challenge to the country may be to make the long-term investments in education, infrastructure, and basic research that lead to growth in the economy and new business opportunities, which in turn makes it easier for the economy to absorb the costs of programs for older Americans. The problem is how that long-term investment, much of which is directed toward younger people, is going to happen when the largest and most powerful group will be older people.

I think it will be necessary for public officials to talk a lot more about how the satisfaction of building a better tomorrow outweighs the immediate appeal of greater and richer benefits. My personal experience is that older people are very receptive to that argument. The conventional view is that older people, as they wield ever greater power within our system of government, will lend their support to policies that serve their interests: higher spending on health, social services, and law and order, with spending on education taking a back seat. If this is the approach then that could spell trouble between generations. But I do not buy the view that we are headed in this country for intergenerational warfare. Most older people have children and they want the very best for those children, and that causes them to pursue their own interests less selfishly. Younger people want their parents to be adequately supported and everyone knows full well that they themselves will get older. They expect the next generation to help look after them in turn.

CONCLUSION

The aging of America will have a profound effect on our country. Rather than focus on the potential for intergenerational conflict, we need to see what can be done now to address the crunch we all know is coming. Steps should be taken soon to shore up both the Medicare/Medicaid and Social Security systems. In addition, each American needs to plan financially for their own later years. Proper planning and thought, on the part of the individual and of the government, will go a long way in helping the nation deal with these issues of an aging America.

CONGRATULATING THE HOUSTON COMETS, WNBA CHAMPIONS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SANDLIN. Mr. Speaker, I rise today to congratulate the Houston Comets of the WNBA on their second consecutive WNBA championship. The women of the Houston Comets and the WNBA have brought a new respectability to professional sports—something that has at times been lacking in some of the male-dominated professional sports in recent years. These women, many of them working moms, are truly role models to young women across the United States.

At a time when our young people desperately need role models, these women have stepped up to the plate. The teams have dedicated themselves to community service and feel a real responsibility to their community and to their fans. Team members have done public service announcements to promote breast cancer awareness; they have volunteered their time to work with homeless children; and they have volunteered in soup kitchens to feed the homeless. In short they have given as much to their communities as they have received.

Another important result of the remarkable success of the WNBA has been its impact on women's sports in our high schools and colleges. It is a realization of the importance of Title IX programs. Today, a record 2.5 million girls compete on high school teams, compared with 300,000 in the early 1970s. The success of professional women's sports should help continue this trend as our daughters are able to watch role models like Cynthia Cooper, Sheryl Swoopes, and Tina Thompson.

So again, Mr. Speaker, my congratulations to WNBA Coach of the Year Van Chancellor, League MVP and first team All-WNBA Cynthia Cooper, first team All-WNBA players Sheryl Swoopes and Tina Thompson, and the rest of the Houston Comets on their outstanding season and my thanks to them for providing our communities with such a positive image of professional athletes.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes:

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Oklahoma.

Some who oppose this amendment will express their concern about the unwarranted intrusion this amendment represents into the lives of children and their families in the District of Columbia.

Others will address the impact of this amendment on the principle of local control, and wonder what in the world the Congress of the United States is doing meddling with local adoption rules.

I share both of those concerns, Mr. Chairman. But tonight I wish to speak as an adoptive parent, who is concerned first and foremost about the well-being of unwanted children.

Mr. Chairman, it is a sad fact that not all parents are fit parents. Child abuse and neglect occurs in all kinds of families. Among "birth families" no less than adoptive families. Among so-called "traditional two-parent families" no less than families of less conventional description.

Most of us do our best to love and nurture our children, but no parent is perfect. And we all make mistakes.

But I also know that good parents and families come in all shapes and sizes, too. Some of the most loving, nurturing and supportive families would fail Mr. LARGENT's litmus test.

And that would be a tremendous loss for the half a million children now in foster care who would be deprived of the chance to grow up in that kind of environment.

There are too many kids out there who need decent homes for us to start deciding which characteristics to require of adoptive parents. Some who value a religious upbringing might want to disqualify prospective parents who are not religious. Others might want to disqualify people who are. Some might feel that only people with a certain level of income, or education, are entitled to adopt. And so forth.

But such considerations are really beside the point when it comes to adoption. The only test we ought to apply is the test the law already uses to determine whether a child belongs in a particular family situation or not. That test is whether the situation is in the "best interests" of the child.

The application of that test is a complex matter. It requires the careful weighing of a multitude of factors by those with the requisite experience and expertise. One thing we can be sure of is that the Congress of the United States is not the agency that is best equipped to do that evaluation.

Another thing I'm sure of, Mr. Chairman, is that it is not in the best interests of a child to be in an institution or on the street when he or she could grow up in a stable, loving household.

We should ask whether the parents have the means to feed and clothe the child and see to its education. We should ask whether they maintain a home that will offer the child a harmonious, stable and nurturing environment. We should ask whether they have the skills and the commitment it takes to be a good parent.

When we find a family that offers all this to a child in need, what kind of society would reject that family because the parents are "not related by blood or marriage?"

I believe we should embrace that family, Mr. Chairman, and be thankful that a lost child has been given a new home and a second chance in life.

CLIFFORD MELBERGER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Mr. Clifford Melberger of my District in Pennsylvania. Cliff has been named "Community Leader of the Year" by the Eastern Pennsylvania Chapter of the Arthritis Foundation. I am pleased to have been asked to participate in honoring him.

Deborah D. Hannon, Chairperson of the Foundation's Board of Directors, describes this prestigious award as "an award that is given throughout each chapter area to a person who epitomizes the word 'leader'in both his personal and professional life." Cliff Melberger is certainly a fine example of this criteria. He is the founder and CEO of Diversified Information Technologies, Inc., a national information management and document imaging company. Cliff has been an innovator in the use of computer systems to service the information management industry. He received two research grants from Pennsylvania's Ben Franklin Partnership to develop electronic vaulting, which is the transmission of computerized media via satellite or Telecommunications.

For the last 16 years, Clifford Melberger has defined Diversifed's migration from a traditional records storage and retrieval company to a state-of-the-art information management company, providing Fortune 500 companies with access to their corporate records via multiple media platforms.

Mr. Speaker, Cliff Melberger began his career in banking after receiving his undergraduate and graduate degrees from Bucknell University. He served as president of the University's Alumni Association. He currently serves on the Board of Directors for the JPM Corporation, the Greater Scranton Chamber of Commerce, as well as the Board of Trustees of Wilkes University. He is an Elder in his church. He and his wife Ruth are parents of two grown children and have two grandchildren.

It is with great pleasure that I join with the Arthritis Foundation in honoring this distinguished businessman and community leader, Mr. Clifford Melberger. I send him and his family my sincere congratulations on this honor and best wishes for continued success and prosperity.

CONTRIBUTIONS OF WILLIAM A. TUCKER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SCOTT. Mr. Speaker, I rise today to pay tribute to William A. Tucker, my good friend and long-term community leader in the Third Congressional District of Virginia.

Mr. Tucker was born on September 15, 1928 in Greenville, North Carolina and moved to the Hampton Roads area in 1962. Since that time, he has amassed a commendable record of community leadership based on a practice of leading by example. It began with the example he set as a dedicated family man, who, along with his wife Helen Hembly Tucker, raised five children who have given them three grandchildren.

Mr. Tucker served in the U.S. Air Force from 1948 to 1974. After leaving active duty in the military, he became involved in a number of community activities. He began work as a

Longshoreman and was ultimately elected President of Newport News Local 846 of the International Longshoreman's Association. While in his position with Local 846, he also became involved in other community and civic organizations. He became a life member of the Veterans of Foreign Wars and the National Association for the Advancement of Colored People.

Mr. Tucker went on to hold membership in and serve on the Executive Board of the Hampton Democratic Party, the Virginia State Board of Corrections Education Subcommittee, the City of Hampton Charter Review Commission, the City of Hampton Citizen's Unity Commission, the Committee for the Beautification of the City of Hampton, and the Board of Hampton Roads Boys and Girls Club.

So, it is with honor that I call attention to the contributions of William A. Tucker before the Congress and the nation and I ask that these remarks be made a part of the permanent records of this body.

IN OPPOSITION TO HATE RALLIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, we are all well aware from media reports of the unfortunate incident in New York City this past Saturday, in which fifteen police officers and one civilian were injured at the conclusion of what Mayor Rudolph Giuliani accurately predicted would be a hate rally. I wish to remind our colleagues that this untoward incident underscores the hard lesson which the world learned in the 1930s and 1940s: hatred and incitement to riot against any people, if unchallenged, will lead to greater and greater tragedy.

Khallid Abdul Muhammad first rose to prominence in 1993 when, at a well publicized speech at Kean College, at which he hurled racial insults at Jews, Roman Catholics, and mainstream Afro-American civil rights leaders. In subsequent orations, he attacked His Holiness Pope John Paul II and even South African President Nelson Mandela.

In 1994, after a speech in which he referred to Jews as "bloodsuckers", condemned gays, and again attacked His Holiness the Pope, who he called "a no-good cracker," the Rev. Louis Farrakhan demanded, and received, Khallid Muhammad's resignation from the Nation of Islam.

It is no wonder that Mayor Giuliani, contending that the proposed "million youth march" would be what he called a "hate march," initially refused to allow a permit to be granted to the organizers. That decision was overturned by a higher court decision.

It is no wonder then that the New York City Police Department, fearing in incitement to riot, arranged for 3,000 uniformed police to be on hand to keep order. The 50,000 attendance which Muhammad and his followers had predicted turned out to be only 6,000, thus underscoring the limited appeal that the racist sentiments expressed by Muhammad have in the community.

The rally itself proved to be an incitement to riot. Malik Zulu Shabazz, a rally organizer and one of its attorneys, characterized opponents of the march as "Uncle Tom, boot-licking, buck-dancing politicians" who must be voted out of office. Other speakers lashed out at Jews, whites, and Afro-American opponents of the march. According to reports from Mayor Giuliani's office, others called for death to Jews and to police officers.

Muhammad himself withheld his own speech until near 4 o'clock, the time the court had imposed for the end of the rally. In his remarks, Muhammad urged the crowd to defend themselves by taking the police guns away from the officers. "And if you don't have a gun, every one of them [police] has one gun, two guns, maybe three guns. If they attack you take their goddamn guns and use them," he cried. He urged youths to take apart police barricades and "beat the hell out of [police] with the railings. You take their night sticks and ram them up their behinds."

Despite this blatant invitation to riot, and despite the police being assaulted by having chairs and debris hurled at them, the police acted with notable restraint. In the resultant melee, only one civilian was injured—as opposed to 15 police officers.

New York State Senator David Paterson, a highly-regarded Afro-American legislator, stated that Muhammad should be arrested for exhorting young people to violence.

Yvonne Scruggs-Leftwich, head of the Black Leadership Forum, which includes most of our nation's leading civil rights groups, stated: "I think Muhammad is a lunatic and has a mental problem. I don't know anybody who has been left out of his vitriolic sweep."

Mr. Speaker, no one in America denies the First Amendment or our Bill of rights guaranteeing free speech. But we must never forget the admonition of Supreme Court Justice Oliver Wendell Holmes who stated that the right of free speech does not allow any individual to cry "fire!" in a crowded theater.

We especially must not forget the horrible fruits which resulted when the hateful, racist propaganda of Adolf Hitler and his Nazi goons went unchallenged for too many years not too long ago.

The brand of racist hatred spewed by Khallid Abdul Muhammad and his followers not only incite violence, causing harm to countless innocent persons, it also proves to be divisive, counterproductive, playing into the hands of the racists of the other side who seek to thwart those who work towards a true reconciliation of the races.

Mr. Speaker, I invite my colleagues to join me in condemning this vicious manifestation of hate and prejudice and to pledge to work towards the eradication of all such manifestations of injustice in our nation and throughout the world.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DELAHUNT. Mr. Chairman, one of the greatest powers wielded by every American today is the power to choose how we spend our money. In the American marketplace—the strongest economy in the world—the manner in which we make our purchasing decisions is a vote. It's a vote of confidence in a product and a vote of support for the way a company treats its employees, services its customers, or protects the environment.

That's not a power to be taken lightly. It reminds corporations that we, as consumers, have a choice. We can reward them for good conduct, or punish them by purchasing from their competitors.

The problem is that so-called "free trade" agreements take away that choice. Not only do they take it away from you and me, but they take it away from our states, counties, and cities. And although the opponents of this amendment claim that it challenges the balance of power established by the Constitution, all that the amendment strives to do is re-establish the power to choose how we spend our money.

In 1996, the Massachusetts state legislature overwhelmingly endorsed a law prohibiting the state from doing any procurement business with companies that invest in Burma, whose abominable human rights record we are all familiar with. The taxpayers of Massachusetts made it clear that they wanted their elected representatives to use taxpayer dollars to support corporations for whom human dignity meant more than an extra tenth of a percent on this quarter's earnings.

In doing so, Massachusetts became the first state to enact such a law, joining dozens of counties, towns and cities nationwide where doing business with repressive governments is simply not acceptable. As a result, major firms—including Apple Computer, Hewlett-Packard, and Motorola—have severed their ties to Burma.

While the people of Massachusetts broadly support the action taken by their state, the European Union and Japan have filed a World Trade Organization challenge against Massachusetts. The Administration—which promised us, and continues to promise us, that trade agreements do not undermine states' rights—has been quietly pressuring Massachusetts legislators to repeal the law.

A coalition of 600 of the largest multinational corporations, for whom profits mean far more than human rights, has filed suit against Massachusetts. These are the same corporations who have fought all efforts to keep consumers informed about the effects of their purchases by opposing even the simplest requirements to label fresh produce with its country of origin, or to establish labels ensuring customers that products were made without child or sweatshop labor. The claim that the Massachusetts law, and others like it, are unconstitutional.

Since when is the right of consumers to choose how to spend their money unconstitutional? Since NAFTA? Since GATT?

Like many of my colleagues, I would prefer to act on these issues by repealing and renegotiating trade agreements to ensure that human rights, workers, and the environment are protected to the same extent as intellectual property rights and corporate profits. I would prefer to see the impacts of these agreements on states' rights and consumer's rights clearly defined before we commit ourselves. But we all know that's not going to happen. This amendment is a very small step in that direction.

We owe it to the people of Massachusetts, San Francisco, New York City, Ann Arbor, Palo Alto, Chapel Hill, and dozens of other American towns with similar laws, to uphold their rights as consumers and their belief in "what is good" over "what is profitable." I urge my colleagues to support the amendment.

H.R. 4523, THE LORTON TECHNICAL CORRECTIONS ACT OF 1998

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce the 'Lorton Technical Corrections Act of 1998.' This important legislation, cosponsored by Congressman JIM MORAN and Congressman FRANK WOLF, will serve to put a mechanism in place to deal with the future of the lands associated with the Lorton Correctional Complex in Lorton, Virginia.

In early 1997, the Congress and the Administration agreed to work cooperatively, in good faith, to restructure the Federal relationship with the District of Columbia. The municipal affairs of the Nation's Capital, for Constitutional and historic reasons reflecting fundamental national policy, are part of the most complex local governmental structure in the United States. In this Congress, I introduced the 'National Capital Revitalization and Self-Government Improvement Act of 1997' which was passed with overwhelming bipartisan support as a part of 'The Balanced Budget Act of 1997.' With the support and hard work of Congresswoman ELEANOR HOLMES NORTON and the delegation from the Commonwealth of Virginia, this legislation included the mandated closure of the Lorton Prison by the end of the year 2001. Under the law, DC correctional functions will be assumed by the Federal Bureau of Prisons and DC inmates will be housed at other facilities outside of northern Virginia.

Current law would also transfer control of the Lorton parcel to the U.S. Department of Interior after 2001. At the time of enactment of this law, after considering various options, my colleague JIM MORAN and I concluded that the Interior Department was the best Federal agency to maintain the integrity of the parcel and to meet my intention that the area be preserved as open space to the maximum extent possible. While recognizing the importance of reserving the authority of members of the community to assist in the ultimate determination of future uses of the property, I have always been concerned about maintaining significant open space in the parcel and avoiding damage to ecologically sensitive areas. I also believe that we must ensure that the I–96 corridor is not burdened by further traffic congestion in the Lorton area.

However, subsequent to the enactment of the closing of Lorton Prison it has become clear that the Department of the Interior is not the agency best suited to handle the future disposition of the Lorton parcel. Therefore, it has become incumbent upon the Virginia delegation to once again work to establish a Federal mechanism that will properly address the future of the land.

This bill introduced today will create such a mechanism. This legislation is the result of many hours of hard work and negotiation between Congressman MORAN, Congressman, WOLF, Senators WARNER and ROBB, the General Services Administration (GSA), the Departments of Interior and Justice, the Office of Management and Budget, and myself. Under the bill 1) the GSA will assume control of the land; 2) the County of Fairfax will submit an official reuse plan to the GSA delineating preferred permissible or required uses of the land; and 3) the Department of Interior will have the ability to reserve a portion of the land if desired to enhance U.S. Fish and Wildlife Service properties within the Commonwealth of Virginia.

Most importantly, this legislation will allow for the continuance and expansion of park and recreation uses on the parcel. The County of Fairfax, working with GSA, will have the utmost flexibility to preserve the rural character of the land; expand parkland and recreational amenities to better serve the region, and guarantee that all projects on the land do not further burden the I–95 corridor and do serve to enhance the quality of life of Virginia residents.

I look forward to working with Congressman MORAN, Congressman WOLF, Congresswoman NORTON and Senators WARNER and ROBB to achieve quick consideration and passage of this important legislation.

"LORTON TECHNICAL CORRECTIONS ACT OF 1998"

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MORAN of Virginia. Mr. Speaker, today I join my colleagues Mr. DAVIS and Mr. WOLF to introduce the "Lorton Technical Corrections Act of 1998."

As the title implies, this legislation is necessary to correct a few technical issues that have arisen since Congress enacted the "National Capital Revitalization and Self-Government Improvement Act of 1997." One provision in the 1997 law of great interest to the residents of south Fairfax was the closing of Lorton Prison and the transfer of the federal reservation to the Department of the Interior.

I believe the General Services Administration is in a better position to fulfill the 1997 Act's expressed intent of transferring much of the property back to the Commonwealth of Virginia. The General Services Administration retains both the legal authority to administer a transfer and the expertise to coordinate with Fairfax County, other federal agencies and local governments the property's ultimate disposition and use. The General Services Administration also has the capability to see that the property is properly cleaned of any environmental hazards.

The legislation I am introducing today transfers ownership of the property from the Department of the Interior to the General Services Administration. To ensure that future land use is consistent with the wishes of the local residents and the local government, the legislation requires Fairfax County to develop and submit a reuse plan within one year of enactment. The Department of the Interior may, through the Fish and Wildlife Service, exchange surplus land for property that benefits the Fish and Wildlife Service and the Commonwealth of Virginia. The Fish and Wildlife Service, for example, has expressed interest in acquiring some portion of the Meadowood property that would be exchanged for land adjacent the Mason Neck Wildlife Refuge that is now held by the Northern Virginia Regional Park Authority.

While much of the Lorton Property would be reserved for green space and parkland, some portions, particularly those tracks adjacent to the I–95 corridor, could be developed, if such development is called for under Fairfax County's reuse plan. The legislation also establishes a special fund. Proceeds from any land sale for development would be used to cover the cost incurred by the General Services Administration to administer and dispose of the property and finance any environmental cleanup at the Lorton Correctional Complex.

With the enactment of the "National Capital Revitalization and Self-Government Improvement Act of 1997," several competing visions have arisen on the appropriate reuse of this property. By granting the General Services Administration the lead federal role, but ultimately relying on Fairfax County, through the public hearing process, to determine its appropriate reuse, the "Lorton Technical Corrections Act of 1998" should help bring the successful resolution and closure to the Lorton property.

AUTHORIZING THE GSA TO DISPOSE OF THE LORTON CORRECTIONAL COMPLEX IN VIRGINIA, H.R. 4523

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WOLF. Mr. Speaker, today I rise to join my Virginia colleagues TOM DAVIS and JIM

MORAN in sponsoring important legislation which will allow the General Services Administration (GSA) to dispose of the Lorton Correctional Complex in Virginia.

Last month Virginia Governor Jim Gilmore announced that the Commonwealth of Virginia and the District of Columbia had agreed to finally close Lorton and relocate the remaining prisoners to privately run facilities around the state. This, Mr. Speaker, is good news for Virginia and the remaining occupants of the prison.

Mr. Speaker, over the years conditions at Lorton have gone from bad to worse. With chronic overcrowding, inmate idleness, widespread drug use, inadequate education and training programs and increasing violence, Lorton has become a "finishing school" for criminals. The situation has grown so bad, Mr. Speaker, that the Federal Bureau of Investigation has agents inside the prison to investigate only the crimes taking place within the prison.

With the closure of Lorton, inmates will be distributed to sites around the state that offer more opportunities such as training and education. An inmate who gains a skill or learns a trade is better prepared to live a life without crime upon his or her release. Recidivism, a major problem at Lorton, will hopefully drop.

At the same time, Mr. Speaker, the neighbors of Lorton will no longer have to sit up nights worrying about escapes. Instead, the Fairfax County Board of Supervisors has unanimously agreed upon a plan that provides for a recreational use on most of the property. This bill establishes the framework by which the process will be undertaken. I lend it my support and urge the House's approval.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. TORRES. Mr. Chairman, I rise in support of the amendment by Congresswoman JACKSON-LEE to increase funding for the Community Relations Service (CRS).

At a time when our nation continues to see the damaging effects of racial tensions, gang violence and hate crimes, the demand for skilled professionals trained in conflict mediation has reached a new height. We must acknowledge the services this division of the Department of Justice has brought to mayors, chiefs of police, school superintendents and concerned citizens of the community. In my home City of Los Angeles, the Community Relations Service played a vital role in resolving the week-long turmoil of the LA riots in the Spring of 1992. The recent events in Jasper, Texas proved another opportunity to employ these trained professionals to resolve conflict and prevent further tensions from rising. Without their interventions, the unresolved tensions of these conflicts will fester and could continue indefinitely, breeding further hate and violence.

I believe all of my colleagues here can agree that our efforts to alleviate violence in schools and communities is not something we should choose to ignore. This is not an example of a duplicated Federally funded program. This is the only Federal agency working to provide this type of assistance in times of need and attempt to prevent further outbreaks of violence and hate crimes. The demand for these services is growing and the Community Relations Service has proven itself successful in what has been deemed the most efficient and desirable approach to conflict resolution. Yet, at the current funding level CRS is unable to meet the demand for such services. Last year, the CRS was forced to decline 40 percent of all the requests for assistance that they received.

We hear members on the other side of the aisle speaking of a more efficient government. The CRS is an example of not only an efficient agency, but one that is cost effective. We can choose to help resolve conflict or we can pay the price of the crimes and convictions that will inevitably follow. I say we must meet the need for this demand and fully fund the CRS.

Mr. Chairman, I urge my colleagues to vote in favor of the Jackson-Lee amendment.

IN CELEBRATION OF THE 150TH ANNIVERSARY OF THE GRACE EPISCOPAL CHURCH OF MIDDLETOWN, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the 150th anniversary of the Grace Episcopal Church of Middletown, NY.

For one hundred and fifty years the Wardens, Vestry and Parishioners of Grace Episcopal Church have served the community of Middletown, bringing neighbors, friends and the community as a whole together. The church has been instrumental in the development of Middletown, helping to educate and fill the spiritual needs of residents and families throughout the region.

The Grace Episcopal Church is a truly remarkable organization, built in 1847 and consecrated in 1848 by Bishop William Heathcote DeLancey of Western New York. However, it was Elisha Wheeler, who came to Middletown as a result of the Erie Railroad, who was largely responsible for creating Grace Episcopal Church. He was a signer of the Act of Incorporation, the first Junior Warden, then Senior Warden for the rest of his life.

In 1845, after much deliberation, land was purchased to erect a church on North Street, its current location. It is now the second oldest church building still in use in Middletown. The first church service was held on Christmas Eve, 1847.

Grace Church strives to be involved in the life of the community and social outreach, as well as trying to increase and strengthen its inreach to the members of the parish. The diversity of the members of this parish is a source of pride to its members and is one of the reasons that people of varying backgrounds can feel welcome there.

Beyond its normal parish duties, the church provides a soup kitchen, a RENT (Relief from Eviction for Needy Tenants) program, and A Place of Grace, Inc., which was formed to help those living with HIV/AIDS. These are only a few of the programs which has made the Grace Episcopal Church an active part of Middletown's community.

Mr. Speaker, I join our community in extending my congratulations to the church councils, and its congregation for the 150th anniversary of their reputable and noteworthy church. I would also like to take this opportunity to invite my colleagues to join with me in recognizing the great contributions of the Grace Episcopal Church in Middletown, NY.

RETIREMENT OF JUDGE FRANK ARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Judge Frank Arnold. Judge Arnold has served as county judge in Sharp County, Arkansas and will retire this year after two decades.

Judge Arnold is a unique individual who I have had the opportunity to get to know over the last 10 years. He is a wonderful man who would give you the shirt off his back if you asked him to. Judge Arnold is one of those pillars of the community that works hard every day, plays by the rules and does whatever is necessary to make the community successful. He has been a loyal friend and support of me and is a true politician's politician. Judge Arnold has also been a tireless advocate of seniors, education, children, and industrial development in Arkansas. When you come to the Sharp County line, the roads are wider and smoother, the people are happier and life is better because of Frank Arnold.

Judge Arnold is one of those people who never goes back on his word. He has many loyal followers in Sharp County and I know he will be missed as a wonderful public servant. On September 19, Judge Arnold will be joined by family, friends, and community members in honoring him and thanking him for the many contributions he has made to the community and I am sure will continue to make. Judge Arnold, I wish you the best. I am proud to call you my friend.

TRIBUTE TO MOM'S HOUSE IN JOHNSTOWN, PENNSYLVANIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MURTHA. Mr. Speaker, I'm pleased to be able to take this opportunity before my Colleagues in the House of Representatives to pay tribute to a very special organization in the district I represent. Mom's House, located in Johnstown, Pennsylvania, is celebrating its 15th anniversary. I'd like to tell you about this extraordinary organization, founded by an exceptional person who is a longtime friend as well, Peg Luksik.

Mom's House was founded in 1983 to offer young women with unplanned pregnancies an alternative to abortion and welfare. The program was the first of its kind in the Nation and has served as a national model of private and public sector cooperation in assisting young, single parents.

It is a non-denominational, non-profit, licensed day care center that provides quality care and educational programs to preschool children as well as supportive services to their parents, allowing them to complete their education.

The way the program works is the parents sign a contract to be full-time students, keep up their grades, attend parenting classes and volunteer three hours a week at the center.

In addition, the Mom's House Memorial Scholarship Fund was established in 1987 to help single parents pay for the increasing costs of tuition while pursuing their education. Two scholarship awards were given in the first year of the program, and twelve awards were given in 1998.

The program has since expanded to other locations in Pennsylvania as well as three other states, with the Johnstown facility serving as the national headquarters.

Staffing needs are met through cooperation with community agencies such as the Foster Grandparent Program, Retired Senior Volunteers, United Way and local colleges, universities and churches. In May of 1992, Mom's House was awarded the 768th "Daily Point of Light" by President George Bush for its "generosity and willingness to serve others."

To date, Mom's House has helped over 2,500 single parents and cared for their children, enabling these families to have a brighter and happier future.

This is the kind of caring, community-based effort that our country needs many more of. I applaud all the people at Mom's House and congratulate them on 15 years of outstanding community service and thank them for the priceless gift they give to these families.

CODIFICATION OF RECENT LAWS TO BE INCLUDED IN TITLE 36, UNITED STATES CODE, PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HYDE. Mr. Speaker, today, I am introducing a bill to codify in title 36, United States Code, recent laws related to patriotic and national observances, ceremonies, and organizations not included in title 36 and to make other technical and conforming amendments to the Code. This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives under its statutory mandate (2 U.S.C. 285b) to prepare and submit periodically revisions of positive law titles of the code to keep those titles current.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a section-by-section summary—containing reviser's notes—of the bill should contact John R. Miller, Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20515–6711. The telephone number is (202) 226–2411.

HONORING MR. OSCAR D. CANAS FOR HIS CONTRIBUTIONS TO THE LOUISVILLE, KENTUCKY COMMUNITY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mrs. NORTHUP. Mr. Speaker, I rise today with respect and admiration for a man of great fortitude and commitment to his community. As a resident of Louisville, Kentucky, Oscar Canas has blessed the city and the surrounding area with his good will and determination to provide health services to those who need it most—those who are unable to afford health services. Oscar has made the Family Health Centers in Louisville, and the 40,000 patients which have been served, his second family.

Starting from humble beginnings, Oscar and his wife Hilda came to the United States in 1962 shortly after Cuba was consumed by Castro and his militants. Leaving their country with no money and only the clothes on their backs, Mr. Canas and his wife came to Louisville to make a new home—and we are so glad that they did. Five years later, Oscar and his wife became proud citizens of the United States. At the same time he was trying to master the English language, Oscar Canas attended school and held full time employment. In 1972 he received a Master's Degree from the University of Louisville and four years later established the Family Health Centers, a network of community health centers to meet the needs of the underserved.

Family Health Centers has five locations to meet the needs of residents in Louisville. I believe Oscar's hard work and dedication to providing health care to underserved is a constant reminder to the local community and to Congress that these services are truly essential. Since I have come to know him, Mr. Canas has been forthright with his concerns about health care policy and he has been an asset to me in providing pertinent local information relevant to federal decision-making. I consider him a colleague and a friend.

Louisville is sad to see a member of our community move away, and I share the sorrow as Oscar make plans for retirement. Always thinking of family, Oscar is leaving his Family Health Centers family to be with his own in Florida. While he may not stay in Louisville forever, his legacy will. I wish him the very best and hope he will always think of Louisville as his home.

TRIBUTE TO K&L ENTERPRISES, INC.

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STUPAK. Mr. Speaker, there is a unique restaurant story in my 1st Congressional District of Michigan. At the heart of the story is the great American fast food, the hamburger. What makes this story unique, however, are the side orders and the condiments: family and faith, enterprise and a determination to overcome economic adversity, the rewards of hard work, and a 30-year history of partnership and cooperaton that have made friendships firm and fast.

Now that's a meal we'd like to serve up billions of times all over the world.

On Saturday, Sept. 12, K&L Enterprises Inc. celebrates this special combo with a gala gathering in Marquette. The guests will have an opportunity to study the menu for success that has spawned eight Hardee's Restaurants and 14 Subway Restaurants in Michigan's Upper Peninsula and northern Wisconsin.

These businesses generate a total annual payroll of $3.5 million and provide work for 500 employees, 50 of them full time.

The K of K&L is Harry Krebs, who 30 years ago sold his car and, as he says, whatever else he could sell that made sense, to get the funds to buy his first Burger Chef in Escanaba.

The L of K&L is Bill LaVallie, who drove up from Milwaukee, Wis., to see how his sister and her husband Harry were doing with their business.

"It was crazy from the start," Bill recalls. "They were working 15 hours a day, seven days a week, not worrying about inventory, just pumping out those burgers."

When Harry told Bill there was an opportunity to open a Burger Chef in Marquette, Bill didn't hesitate. Despite a snowstorm that seemed to continue from December 1968 through the 1st of March, 1969, the Marquette restaurant continued in business, and the partnership of Krebs and LaVallie was born.

Bill's brother Terry was in charge of the opening of the Ironwood Burger Chef in 1975, working his way toward ownership and a role as part of the corporate triumvirate.

The company weathered the sometimes painful but ultimately positive conversion of Burger Chef Systems to Hardee's Food Systems. With the inclusion of the Subway franchise, the company's growth in 1989 was a remarkable five new restaurants.

Mr. Speaker, the story of K&L is mirrored across the nation in the growth of food franchises. What is remarkable is the way these partners and extended family members have expressed their esteem for one another and their appreciation for their success.

Listen to the partners on the occasion of their 25th anniversary.

"Uncle Harry" Krebs says, "The Lord gave Sandy and I this business—we thank Him for that and for the trust and confidence in K&L."

"Burger Bill" LaVallie says, "I have partners whose honesty, integrity and dedication has never been questioned."

People are also the key ingredient for Terry LaVallie. "K&L has been blessed with terrific employees over the years, and that in large part is the reason for our success," he says.

From the kitchens of Sandy and Harry Krebs, Bill and Carol LaVallie, and Terry and Jeanine LaVallie, those are recipes for success that everyone can appreciate.

FIFTH ANNUAL GOLD KEY AWARDS DINNER OF THE LOS ANGELES OPPORTUNITIES INDUSTRIALIZATION CENTER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DIXON. Mr. Speaker, I rise to commemorate the Fifth Annual Gold Key Awards Dinner of the Los Angeles Opportunities Industrialization Center (LAOIC) and pay tribute to this year's honorees. We often hear people talk about the need to provide job training for those who are unskilled or whose skills have become obsolete. For the past five years, the LAOIC has been doing just that.

Under the progressive leadership of Board Chairman Wally Fassler and President/CEO Bishop Leon Ralph, LAOIC prepares its students to be competitive in job markets with a future—automotive, computer and sales. LAOIC has been on a mission, and it has succeeded over and over. Since 1993, it has graduated nearly 600 students and boasts an outstanding job placement rate.

Job training is only part of the story. LAOIC also includes life skills lessons. It helps its students become stakeholders in their communities with a positive outlook for the future.

On October 7, 1998, LAOIC will host its Fifth Annual Gold Key Awards Dinner at the Hyatt Regency Hotel in downtown Los Angeles. In addition to raising much needed funds for its programs, LAOIC will honor several remarkable individuals who have blazed trails and made outstanding contributions to improving the plight of disadvantaged and disenfranchised people. The 1998 special honorees include: The Honorable Tom Bradley, the former Mayor of Los Angeles; Monsignor Gregory A. Cox, the Executive Director of Catholic Charities; and Dr. Clyde W. Oden, President and Chief Executive Officer of UHP HealthCare.

The dinner chairmen are Kenneth T. Derr, Chairman of the Chevron Corporation, and Rev. Leon Sullivan, Chairman of OIC of America. The keynote speaker is Eli Segal, President of the Welfare to Work Partnership. The Partnership, which is comprised of 3,000 private sector employers, was formed to answer President Clinton's challenge to the business community to open employment opportunities for welfare recipients.

I ask my colleagues to join me in commending the LAOIC for its tenacity, determination and spirit. LAOIC deserves our encouragement, applause and support.

IN HONOR OF ROBERT "WORT" REED

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to honor the memory of my good friend and neighbor, Robert "Wort" Reed, who passed away recently. Wort lived in my hometown of Gillett and was the perfect example of a good neighbor and friend. He was a hard worker who never failed to pitch in when a friend or neighbor needed him. Wort was always ready to do his part for the community, school, church, or profession. He had a great sense of fairness and honesty. He was one of those rare people who took care of his own business and only wanted enough. He came from a family that lived the values we talk about every day on the House floor. If the measure of a great man is the children he leaves behind, then he is by all measures great.

Let us today pay tribute to a friend, role model, community leader, and Christian whose standard we should all follow. Wort will be remembered and missed by all of his friends and family in Gillett, AR.

CRIME CONTROL ACT SHOULD INCLUDE ALL YOUTH UNDER 21

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SOLOMON. Mr. Speaker, I would like to offer my sincerest thoughts and prayers to everyone who has had to endure the extraordinary dreadful experience of having a loved one abruptly disappear. In particular, my deepest sympathy is extended to the family of Suzanne Lyall. Suzanne, a resident of Ballston Spa, NY, vanished from her life as a student at SUNY Albany in March of this year. Campus security, local police, and the FBI have all investigated the matter with no success. In this case, the authorities did not hesitate to report the disappearance to the National Crime Information Center and the State Missing and Exploited Children Clearinghouse. Notification to these agencies automatically alerts and links crucial information to the appropriate authorities nationwide. However, this immediate and vital action is not required by law, and I believe it should be!

Currently, the Crime Control Act of 1990 requires that all state and local law enforcement agencies impose a 24 hour waiting period before accepting reports of missing persons over the age of 17. Mr. Speaker, I have introduced legislation that amends the Crime Control Act to include persons up to 21 years of age. I feel that this legislation is necessary to ensure that all cases dealing with missing youths under the age of 21 are handled without hesitation. When investigating any disappearance, time is of the essence. My bill would allow law enforcement agencies to contact the National Crime Information Center and the State Missing and Exploited Children Clearinghouse immediately. This slight change in the law might make the difference in a missing persons case, and help to reunite a family. I urge all of my colleagues to consider this important bill.

BIPARTISAN EFFORT ON ISSUES RELATING TO THE STARR REPORT EMERGES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. CONYERS. Mr. Speaker, earlier today, I met with Speaker GINGRICH, Minority Leader GEPHARDT, Majority Leader ARMEY, and Judiciary Committee Chairman HYDE to talk about issues relating to the report from Independent Counsel Kenneth Starr.

In the past, I have had concerns about the partisan approach taken by the majority on procedural issues relating to how the Judiciary Committee will handle the Starr report. In particular, I was concerned about the prominent role played by the House Rules Committee in drafting the procedures we will use, and about why Democrats were excluded from the process of drafting those procedures.

While I have learned over the years to be cautious about promises made to me, I must say that I was pleasantly surprised by our meeting. Of course, we did not have time during our meeting to get into the specifics of the procedures that will govern our work, but we were able to agree that our approach must be bipartisan, and that these issues are so serious to the Congress, the President, and the citizens of our country that each of us has a duty to rise above party politics and do what is best for our nation.

During our meeting today, we agreed on a number of things. First, the majority agreed to increase the minority's staffing allowance from 4 investigative slots to 6 investigative slots. This increase means that there will be 12 majority investigators and 6 minority investigators. This increase in the minority staff will allow both parties to consider and analyze the report and its accompanying materials more carefully than would have been possible under the prior allocation.

Second, the report, at some point, is likely to be made available to the public. We still hope that the President's counsel will have an opportunity to review the report before it is made public and submit any additional views that he feels are necessary to a complete understanding of the events. Such a submission is extremely important because, as you already know, the grand jury witnesses were not subject to cross examination and did not have their attorneys present while testifying. As such, the witnesses' testimony was not subject to the rigorous, adversarial process that our legal system mandates for the purpose of eliciting the truth. If the President's counsel were given the chance to review the report and submit his views on the evidence before the report is made public, Congress would have the advantage of hearing both sides of the story and determining the facts based upon all of the evidence.

Third, during our meeting this morning, we decided that the grand jury materials accompanying the report, including all testimony and any physical evidence would, for the foreseeable future, remain sealed and available only to Congress. We agreed that this would be the best course of action because the materials may include information revealing the private lives of private citizens, people who are involved in this matter only as innocent bystanders.

A number of areas of disagreement remain, but I am pleased that we were able to talk this morning in a bipartisan manner. We look forward to working with our colleagues across the aisle, and I fully intend to hold them to the promises that they have made to us.

ELIMINATE THE FAA'S LIAISON AND FAMILIARIZATION TRAINING PROGRAM

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. LAHOOD. Mr. Speaker, I rise today to bring attention to the frequent flyer program that is currently being run down at the Federal Aviation Administration. But unlike other frequent flyer programs, you don't have to earn your free flight in this program—all you have to do is sign up. What I am referring to, of course, is the FAA's Liaison and Familiarization Training Program (FAM), a program that was originally created to give air traffic controllers an awareness of, and familiarization with, cockpit and pilot procedures by allowing them to ride in the cockpit's jump seat. This program, while laudable in purpose, has unfortunately turned into a "popular perk" for FAA employees who are more interested in getting free air travel for vacations and personal reasons than they are in observing and learning about cockpit and safety procedures. The abuses of this program were so bad, in fact, that the Inspector General of the Department of Transportation recently recommended a number of reforms be made to the program. It is, in the words of one airline's slogan, becoming obvious that FAA employees love to fly, and it shows. Today, I am introducing a bill that will implement the Inspector General's reforms in order to curb the rampant and widespread abuse of the FAM program by FAA employees.

In an August, 3, 1998 memo to Jane Garvey, the FAA Administrator, Kenneth Mead, the DOT's Inspector General (IG), reiterated his concern over the "serious continuing, and widespread lapse of ethics in the Liaison and Familiarization program (FAM)." This program, which dates back to the 1940's, was originally created in order to allow FAA employees, particularly air traffic controllers, to ride in an airline cockpit's jump seat in order to become familiar with the environment in which pilots operate. However, over the past two decades this program has been increasingly misused by employees. And, I don't think I need to remind you, Mr. Speaker, that accepting gifts of free travel is in direct contravention to a host of laws, regulations, and executive orders.

Among the rampant abuses that were detailed in a February 20, 1996 IG report were the following: an employee that took 12 weekend trips in a 15-month period to visit his family in Tampa, Florida; an employee that took 10 weekend trips in a 9-month period to visit the city where he ultimately retired; an employee that took 7 trips to Fort Myers or Tampa, Florida, and 2 trips to Las Vegas, Nevada, utilizing weekends and regular days off to travel; travel by an employee that utilized annual leave or regular days off to take 7 trips to Los Angeles, California, and 1 trip to Munich, Germany; and employee that took 17 trips to his military reserve duty stations; and 7 couples that took 21 flights for extended weekends and vacations. And, according to an article published in the Washington Post, 247,840 authorizations for travel under the auspices of this program were issued by the FAA between January 1993 and April 1994. Unfortunately, the FAA failed to act on this 1996 report, and that is why I am introducing legislation that will reform this program so that these abuses and ethical violations will not occur in the future.

The Inspector General's August 3 memo makes several recommendations for reform. I believe these recommendations are valid, reasonable, and absolutely necessary in order to curb the ethical lapses that have occurred, while still preserving the program's valuable training and safety benefits. My bill simply adopts the recommendations of the Inspector General and requires the FAA to transmit a report to Congress on the implementation of these reforms. Specifically, the IG's report makes the following recommendations precluding FAM travel that "(1) involve travel on leave days or days off; (2) involve scheduled leave of days off between the outgoing flight and the return flight when management makes an affirmative documented determination that such is for legitimate purposes and will not create an appearance of impropriety; or (3) involve foreign overseas travel for an employee in a facility that does not work oceanic airspace." In addition, the IG report makes the further recommendation that "appropriate controls must require preapproval of FAM flights by supervisory personnel and only then when the supervisor determines that the specific flight meets official training needs of the FAA."

It is time that we reform this program. The abuses have gone on for too long, so long, in fact, that the program is considered an entitlement by air traffic controllers in their contract negotiations with the FAA. This program has, according to the IG, become "what is widely understood to be a popular 'perk' for many FAA employees"—a perk that I believe needs to end.

TRIBUTE TO BUD WILSON OF CHULA VISTA, CALIFORNIA FOR THE COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BILBRAY. Mr. Speaker, I rise today to commend a fellow Californian and good friend, Bud Wilson of Chula Vista, who last month completed his one-year term as president of the Independent Insurance Agents of America (IIAA), the nation's largest insurance association. Bud's term as president of the IIAA is the crowning accomplishment of his many years of tireless effort and dedication to IIAA, the Insurance Brokers and Agents of the West (IBA West), his 300,000 colleagues across the country, his clients, and his community.

Bud's many years of hard work and leadership as an independent insurance agent have resulted in a distinguished career marked by outstanding service to his colleagues and his profession. On the state level, Bud served IBA West on various committees and as president in 1981. From 1983–1986 he served as the IBA West representative on IIAA's Board of State National Directors. In 1987, Bud received the P.S.W. Ramsden Memorial Award, the highest honor conferred by the California state association.

Later, when elected chairman of IIAA's Government Affairs Committee, Bud's passion for the legislative process resulted in four highly successful years for the organization. In recognition of his exceptional work, Bud was honored with the IIAA's Sydney O. Smith Legislative Award in 1994.

Bud was subsequently elected to IIAA's Executive Committee in 1994 and was selected as IIAA President last year during the Association's 102nd annual convention held in Hawaii. Throughout his time as one of IIAA's top elected officials, he became known for his effectiveness and devotion to the independent agents around the country and for millions of American insurance consumers.

In addition to serving his colleagues and clients, Bud has also been extensively involved in his community. He is past-president of the Chula Vista Rotary Club, the Chula Vista Jaycees, the Chula Vista Community Hospital Board of Trustees, and the Chula Vista Salvation Army. He has also helped with numerous other Chula Vista community projects.

On an interesting aside my colleagues will appreciate, Bud also has the honor of being the nephew of our former colleague the Honorable Bob Wilson of California.

I congratulate my friend and activist citizen for a job extremely well done. Although he is stepping down as IIAA president, I am confident his service to IIAA, his colleagues, and his fellow citizens of Chula Vista will continue for years to come.

THE 75TH ANNIVERSARY OF TEMPLE BETH-EL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, I rise today to note that the Temple Beth-El, in the Town of Bethel, New York, is celebrating its 75th anniversary. From its beginnings in a simple barn, this congregation has grown through many tribulations into a thriving, highly accepted community.

The Beth-El congregation was formed near the turn of the century by a small group of summer residents who vacationed at the shores of North White Lake, which is now called Kauneonga Lake. The congregation was comprised of Jews from New York City whose faith inspired them to organize religious services during their summer vacations. The congregation, then called the Congregation Anchai of North White Lake, met in a hotel owned by Charles Kroner. Because the congregation was Orthodox, and allowed no travel on the Sabbath or holidays, the Kroner family went so far as to donate both meals and lodging to worshipers.

The congregation grew quickly and needed a larger, more permanent space to worship. A small house and barn built the previous century was purchased in 1923. Congregation members took down the house and rebuilt the barn into a more suitable place of worship. Services began the following year and the congregation changed its name to Temple Beth-El. This change symbolized both the beginning of a more permanent congregation, as well as pride in their Town: Bethel, New York. ye their tale goes deeper than the story of how a barn became temple. The story of the Sisterhood of Temple Beth-El is equally inspiring. They began in the 1940's as a small group of women who organized to provide economic support to their temple. Due to the Orthodox nature of the congregation, women and men were not allowed to sit together during worship. The women endured balcony seats during summer services and were subjected to poor ventilation and buzzing hornets for their faith. In the 1970's the congregation turned conservative, and the women were allowed to join the men on the main floor of the temple. They continued to host pancake breakfasts and barbeques to raise money for both their temple and community. They opened a second hand store to both assist the poor and their congregation.

From these humble beginnings in a barn behind a home, this congregation has grown and thrived. It has hosted more than ten rabbis, endured threats from the Ku Klux Klan, and yet perserved and remained true to the Hebrew meaning of its name, House of God.

I am especially moved by the fond memories members had not only of the services themselves. but the card parties and penny socials hosted by those involved with the temple. It is the tales of Bar Mitzvah's and weddings, births and deaths, which touch me the most. They show the extent to which the temple nourished both the spiritual and social needs of the community.

Praise is best expressed by my constituent Edward Brender in his poem, "The Barn That Became a House of Worship", which reads as follows:

The temple once a farmer's barn; part of America's rural farm
Furnished with a century-old church's pews, yet filled with devout and dedicated Jews.
At Temple Beth-El, we like to stay with American uplifted heart's we pray.
For 75 years, the temple filled our spiritual needs, while rabbis planted righteous seeds.
The halls resounded with Chief Justice Lawrence H. Cook's praise, reminding us of Hebrew sacrifices during America's revolutionary phase.
During the time of our country's greatest need, recounting tables of Jewish patriots' deeds.
High on a majestic verdant hill stands stately Temple Beth-El; For 75 years a beacon of freedom's faith, spreading boundless love and tales to tell.

I believe that Congregation Temple Beth-El serves as an example to all Americans in our nation hoping for the simple joys of faith and family.

Mr. Speaker, I invite our colleagues to join with me in applauding this congregation for its dedication to both its faith and its community as a whole and extending our best wishes on the occasion of their 75th anniversary and may Temple Beth-Al, enjoy many more years of growth and community service.

PUBLIC EDUCATION FOR THE 21ST CENTURY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DEUTSCH. Mr. Speaker, today President Clinton visited my home state of Florida to promote the Administration's education initiatives as education policy moves into the 21st Century. While we have made significant progress in recent years, there is a lot of work yet to be done. I rise today to wholeheartedly support the strengthening of public education through these initiatives. In order to meet the high education standards that we are setting for our children today, we need to provide public schools with the tools for preparing our children for the challenges of the next millennium.

Class sizes must be reduced, new teachers must be hired, and new schools must be built. Schools must also be made safer and, therefore, more conducive to learning. I believe that the expansion of charter school programs is a positive trend which will benefit children throughout the United States. Lastly, federal tax credits will be a crucial to support the renovation and modernization of our schools, many of which have become plagued by structural and age-related problems.

Mr. Speaker, I urge my colleagues to support the Administration's program for public education. In so doing, Congress will fulfill its commitment to America's future.

TRIBUTE TO CADMAN TOWERS AT 101 CLARK STREET IN BROOKLYN HEIGHTS BROOKLYN ON THEIR 25TH ANNIVERSARY CELEBRATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay special tribute to the residents of Cadman Towers at 101 Clark Street in Brooklyn Heights, Brooklyn on their 25th Anniversary Celebration of the founding of the Towers.

For twenty-five years, families have grown and prospered in this supportive and unique community in Brooklyn Heights. Cadman Towers is the eastern border of Brooklyn's historic Brooklyn Heights neighborhood and its residents have added diversity and vitality to this already thriving area.

I ask that my colleagues join me in congratulating Cadman Towers and its three hundred residents on this milestone and wish you many happy anniversaries to come!

PUNJAB GOVERNMENT TRIES TO SHUT DOWN PEOPLE'S COMMISSION FOR EXPOSING GENOCIDE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. TOWNS. Mr. Speaker, I was disturbed to learn recently that the Chief Minister of Punjab, Parkash Singh Badal, and many political leaders there are trying to outlaw the Punjab People's Commission, which is exposing the genocide against the Sikhs by the police and security forces.

The Punjab government tried to prevent the commission's first meeting by canceling the meeting space that the commission had reserved. However, one of the local Gurdwaras in Chandiagarh offered its meeting space and the meeting was held anyway.

During that meeting the People's Commission issued citations in more than 90 cases against police officers who have committed atrocities against the Sikhs of Punjab, Khalistan. It took up more than 3,000 other cases. This shows the pattern of repression, terror, and genocide against the Sikhs in Punjab, Khalistan. That is why the Badal government and the political leaders there want the commission closed down.

We cannot sit idly by while this vital commission is destroyed. It is the only group within Punjab, Khalistan that is exposing the genocide. The Council of Khalistan has issued an excellent Open Letter on this issue. I urge my colleagues, especially those who are always lecturing us about how wonderful Indian democracy is, to read it carefully.

In light of the facts presented in this letter, I call on my colleagues to maintain sanctions against India and to support an internationally-supervised plebiscite in Punjab, Khalistan so that the Sikhs of that troubled state can vote on whether they should chart their own course separately from Indian tyranny.

I would like to insert that Open Letter into the RECORD.

OPEN LETTER TO THE SIKH NATION

(From Dr. Gurmit Singh Aulakh)

SUPPORT THE PEOPLE'S COMMISSION—ATTACKS ON COMMISSION BY BJP, CONGRESS, AND CPI SHOW WHO IS BEHIND SIKH GENOCIDE AND DEEPEN THE SIKH NATION'S WOUNDS

To the Khalsa Panth:

The BJP, Congress, and CPI have finally exposed themselves. They have revealed their own involvement in the genocide against the Sikh Nation. They don't want the truth to come out because it will show their immoral deeds. That is why they want to shut down the Peoples' Commission. Even the Badal government seems to agree. It made every effort to prevent the commission's first meeting from occurring. It is no wonder. The commission issued 90 citations against police officers and received 3,000 more cases. Evidently it is making the political leaders of all stripes nervous. They are now shivering with fear that their part in supporting the genocide against the Sikh Nation will be exposed.

Do not let these corrupt leaders succeed in their effort to shut down the Peoples' Commission. The work that it is doing is too important to the Sikh Nation and all of humanity. The Armenians will not let the genocide against them 80 years ago be forgotten; the Jews will not let the world forget the Holocaust 50 years after it happened. How can the genocide against the Sikh Nation, which occurred during the last 15 years, be forgotten, even by so many Sikh leaders? On March 20, the BJP promised a "transparent" government. That is not what they have delivered. As Ram Narayan Kumar of the Coordination Committee on Disappearance in Punjab asked, "How can the Government ignore the necessity to determine the facts?" The truth will come out; the government's effort to suppress it is futile.

When Badal was running the Punjab state election, he promised to appoint a commission of inquiry into the genocide. He has broken that promise. Not only has he not appointed the commission, he has boasted that his government has taken no action against the police officials who were responsible for the genocide. He has sat idly by while plainclothes police continue to patrol the Golden Temple and thousands of Sikh youth are still sitting in jail. It is no surprise that such a corrupt leader would oppose the Peoples' Commission.

The human-rights community in Punjab, Khalistan tried to give Badal time. They wrote him a letter asking him to keep his promise. When de did not, the Coordination Committee on Disappearance in Punjab, comprised of all the human-rights groups and the World Sikh Council, appointed the People's Commission.

The effort to shut down the Peoples' Commission show that there is no place for Sikhs in Indian democracy. As U.S. Congressman Edolphus Towns (D-N.Y.) has said, "The mere fact that Sikhs can choose their oppressors does not mean that they live in a democracy." Whether the government is run by Congress or by the BJP, Sikhs and other minorities continue to be abducted, tortured, raped, and murdered. How can our Sikh leaders turn a blind eye to the genocide.

We recite every day the words "Raj Kare Ga Khalsa," the Khalsa shall rule. Yet our Sikh leaders join Hindustan in its effort to stop the exposure of the genocide. Yet the Sikh Nation can never forget the genocide that Hindustan has inflicted upon us. It is time for the Sikh Nation to reclaim its freedom.

It is only when Khalistan is free will the Sikh Nation be free of India's genocide and tyranny. The effort to suppress the People's Commission shows that it is time to begin a *Shantmai Morcha* to liberate Khalistan by peaceful, democratic, nonviolent means.

India is destined to break up; their genocide and tyranny will not keep their corrupt, tyrannical empire together. The Sikh leaders who collaborate with their effort to escape the consequences of their actions will be remembered by the Sikh Nation as traitors to the Panth.

The Sikh Nation is disgusted by the continual betrayals of the Khalsa Panth by Indian *chimchas* Badal, Tohra, and their allies. In 1984 Tohra and Badal told us that anyone who attacked the Golden Temple would have to walk over their dead bodies. Yet we saw Tohra with his hands in the air surrendering to the Indian troops. We know whose side these people are on. Even Tohra is now supporting the People's Commission. I hope he realized that the Guru will not forgive him for his betrayal of the Khalsa Panth.

South Africa's Truth Commission exposed the evils of apartheid to the world. We must support the People's Commission to expose the genocide against the Sikh Nation.

The work of the People's Commission must continue so that those who have collaborated with the genocide can be brought to justice. It must continue so that India's genocide against the Sikhs can come to light. It must continue so that our Sikh brothers and sisters can finally live in freedom. The Sikh leaders and grassroots Sikhs must speak and work in support of the commission and its efforts.

The leadership must speak out forthrightly for a free Khalistan. It must commit itself to achieving this most important goal through peaceful resistance to India's brutal tyranny and by means of an internationally-supervised plebiscite so that our future can be determined democratically. That is the only way that the dignity of the Sikh Nation will be restored.

Only in a free Khalistan will the Sikh Nation finally live in peace, freedom, prosperity and dignity. Only when Khalistan is free will the rights of all people be ensured.

In Service to the Panth,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 10, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

1:00 p.m.

Special on Aging

To hold hearings to examine criminal background checks for nursing home employees.

SD–628

SEPTEMBER 15

9:30 a.m.

Small Business

Business meeting, to consider pending calendar business.

SR–428A

10:00 a.m.

Armed Services

To hold hearings on the nominations of Bernard D. Rostker, of Virginia, to be Under Secretary of the Army, James M. Bodner, of Virginia, to be Deputy Under Secretary of Defense for Policy, and Vice Adm. Dennis C. Blair, USN, for appointment to the grade of Admiral, and to be Commander-in- Chief of United States Pacific Command.

SR–222

Commerce, Science, and Transportation

To hold hearings on the nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Eugene A. Conti, Jr., of Maryland, to be Assistant Secretary of Transportation for Transportation Policy, and Peter J. Basso, Jr., of Maryland, to be Assistant Secretary of Transportation for Budget and Programs.

SR–253

Foreign Relations

To hold hearings on certain extradition and mutual legal assistance treaties.

SD–419

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine consolidation issues within the telecommunications industry.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 2390, to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

SR–253

SEPTEMBER 16

9:00 a.m.

Environment and Public Works

To hold hearings on S. 1576, to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, focusing on the use of methyl tertiary-butyl ether in gasoline.

SD–406

9:30 a.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine anti-drug interdiction efforts.
SH-216

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the National Cancer Institute's management of radiation studies.
SD-342

United States Senate Caucus on International Narcotics Control
To hold joint hearings with the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism to examine anti-drug interdiction efforts.
SH-216

10:00 a.m.
Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SR-485

2:00 p.m.
Judiciary
Immigration Subcommittee
To hold oversight hearings on the implementation of the Immigration and Naturalization Service and proposed reform issues.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.
SR-253

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Department of Commerce involvement in the transfer of satellite technology to China.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Gregory H. Friedman, of Colorado, to be Inspector General, Department of Energy, Charles G. Groat, of Texas, to be Director of the United States Geological Survey, Department of the Interior, and other pending nominations.
SD-366

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on miscellaneous bills, including S. 1175, S. 1641, S. 1960, S. 2086, S. 2133, S. 2239, S. 2240, S. 2241, S. 2246, S. 2247, S. 2248, S. 2285, S. 2297, S. 2309, S. 2401, and H.R. 2411.
SD-366

SEPTEMBER 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).
SR-253

10:00 a.m.
Veterans' Affairs
To hold hearings
To examine the quality of care in the VA health care system.
SR-418

SEPTEMBER 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine public and private forestry issues.
SR-328A

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on H.R. 1833, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SD-562

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 24

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to examine recent Midwest electricity price spikes.
SD-366

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD-366

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

SEPTEMBER 30

9:00 a.m.
Indian Affairs
To hold hearings on H.R. 1805, to amend the Auburn Indian Resoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.
SR-485

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

SENATE—*Thursday, September 10, 1998*

The Senate met at 9:28 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, offered the following prayer:

Oh God of hope, who inspires in us authentic hope, we thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions to help us gives us stability and serenity. It makes us bold and courageous, fearless and free. We agree with the psalmist, "Happy is he whose hope is in the Lord his God."—Psalm 146:5.

You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear Your assurance, "Be not afraid, I am with you." We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

Father, the Senators and all who work with them face a busy day filled with challenges and opportunities. And in it all, we have a vibrant hope that You will inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. Give us hope for a truly great day of progress. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BROWNBACK. Mr. President, this morning there will be a period for morning business until 10 a.m. Following morning business, the Senate will resume consideration of the pending McCain amendment to the Interior appropriations bill for debate only until noon. At noon, under a previous order, Senator FEINGOLD will be recognized to offer a motion to table the McCain amendment. If the amendment is not tabled, debate only will resume until 1:45 p.m., at which time the Senate will vote on the motion to invoke cloture on the McCain amendment. Following that vote, Senator GRAHAM of Florida will be recognized for up to 1 hour of morning business. Following the remarks of Senator GRAHAM, and assuming cloture was not invoked on the McCain amendment, the Senate will resume consideration of the Interior bill with amendments being offered and debated. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at approximately 12 noon.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business, with the Senator from Kansas, Mr. BROWNBACK, recognized to speak until 10 a.m.

CALLING FOR THE RESIGNATION OF PRESIDENT CLINTON

Mr. BROWNBACK. Mr. President, I rise today to address a subject that is both extraordinarily difficult and painful. In times of international turmoil, the Nation should rally behind our leaders, and we are in the midst of such times. But President Clinton's abdication of the duties of leadership has made this impossible. The report of the independent counsel is now under seal. When its contents are released to the Members of Congress, questions of criminal wrongdoing will unavoidably dominate this branch of government.

The Congress must determine whether the President will be impeached. I will not prejudge that question. As a Member of the body that will deliberate on this issue, I believe it is important to have access to all the evidence before reaching a conclusion on the issue of impeachment. Rather, I rise today to respectfully ask President Clinton to do the right thing for our country and resign from his office voluntarily.

There are three reasons why I believe this has become necessary at this point in time.

First, the President's conduct has all but destroyed his ability to lead as head of state and Commander in Chief.

Second, the President's actions have been corrosive to our national character and have debased the Office of the Presidency.

Third, President Clinton should spare our Nation the debilitating spectacle of impeachment hearings.

Over the last several weeks, we have witnessed the disastrous consequences abroad of diminished American leadership. There are some who have said that the President's conduct is purely a private matter. They are wrong. Private actions have public consequences. They do for all of us, but especially the President of the United States. In all of governance, but with foreign policy in particular, credibility is everything. Weakness is provocative; deceit can be deadly. When American foreign policy is unpredictable, our allies are unreliable, and tyrants are emboldened. These hypothetical dangers have become tragic realities.

Yesterday afternoon, I chaired a hearing on U.S. foreign policy in Iraq, for instance, and we heard from Jeane Kirkpatrick, former U.N. Special Representative; James Woolsey, former CIA Director; and Lawrence Eagleburger, former Secretary of State. What we heard was deeply distressing. It appears that the President's policy toward Iraq consists of paying lipservice to the importance of comprehensive and unrestricted weapons inspections and then preventing the arms inspectors from carrying out their mission.

Such abdication of leadership leaves Saddam Hussein free to build weapons of mass destruction, thus jeopardizing the security of our troops, our allies in the region, and ultimately the United States itself. Nor is Iraq the only nation that has thumbed its nose at a weakened United States.

Around the world, rogue nations are violating fundamental human rights, waging wars of aggression, and flouting international treaties. Our ability to deter these acts has been sadly compromised by an absence of leadership, a total lack of credibility. Enemies of our values and interests have judged the President's ability to lead the United States and have found it wanting. As a result, the world is a much more dangerous place.

Second, the President's actions have squandered his moral authority to lead at home. The problems of family breakdown and moral decay are the most significant that we face. Just one comes glaringly out into mind: that nearly 30 percent of our children born in this country are born to single moms, many of whom are teenagers having children.

Can the President, with the problems he has today, lead our fight in that area? The President cannot address these problems when he himself has contributed to the decay. One of the privileges and obligations of high office is to act as a role model for children. We need our President to set an example to be admired, not to be avoided. The President's ongoing adultery with an intern of barely legal age, misuse of the Oval Office, and repeated lies from he and his staff have done enormous damage to the body politic. Unfortunately, at the very time when most need strength, focused resolve, and moral leadership from our President, he has been unable to supply it. We live

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in a volatile world with very real dangers and very difficult problems. We cannot afford to let these dangers go unnoticed and problems unresolved by a President unable to lead.

I say all of this with great respect and with deep regret. President Clinton is a talented man who believes in America and has spent his life serving others.

Yet his immoral indiscretion, and months of lies to the Nation have tarnished his leadership ability beyond repair. None of us are without sin. But the high call of leadership demands a certain moral authority that by the President's own actions is now lost.

There is a final point to be made. Very soon the contents of the independent counsel's report will be made known publicly. The contents of this report will result in impeachment proceedings. Such hearings will surely take a heavy toll on the function of our government, on the trust invested in our civic institutions, and on the American people themselves. President Clinton could spare us this ordeal. He could quickly and decisively enable our Nation to put this sorry chapter in our history behind us and to move on. But at this point there is only one way for him to do that. Sadly and reluctantly, I have concluded that the only way for us to move forward as a Nation is for the President to resign.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that I be allowed to speak on the issue of campaign finance reform, and that I be allowed to complete my statement even if it runs into the period designated for the campaign finance reform discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. BINGAMAN. Mr. President, this debate about the campaign finance bill is really about a single question, and that is what should determine the outcome of our Federal elections? Should money determine the outcome of our Federal elections or should instead we have those elections determined by a balanced discussion, a complete and a balanced discussion about the differences between the candidates and the different positions they are taking? Should it be money or should it be helpful information for voters? Should it be money or should it be a robust debate on issues?

The question that I just posed has been obscured because opponents of campaign finance reform are hiding behind what I believe are mistaken Supreme Court decisions, and in doing so they have tried to equate money and speech. They argue that money is speech, and therefore to limit money is to limit speech. They say that money means more robust debate. They say that more money means more helpful information for voters. They say that even more money means more complete and balanced discussion about the differences between the candidates.

In my view, this argument does not pass the laugh test. Any reasoned observer of our Federal campaigns knows that the argument is without merit. Ask any challenger to an incumbent Senator the following question: Have not the millions more in dollars that the incumbent has been spending on his or her reelection meant more robust debate? Have not the millions of dollars that the incumbent has been spending meant more helpful information to the voters and more complete and balanced discussion about the differences between the candidates? The challenger, I am sure, would laugh out loud at that notion.

Ask any voter who has been deluged with negative television advertisements funded by very large campaign war chests whether those TV ads have produced more robust debate and more helpful information for the voters and more complete and balanced discussion of the differences between the candidates. Again, those voters will think that you are crazy to even suggest that idea. The vast increase in money spent on political campaigns has not produced more robust debate. It has not produced more helpful information for voters and more complete and balanced discussion about the differences between candidates.

More money has produced just exactly the opposite. Voters themselves will tell you that money does not equal speech. In fact, they will tell you that money is not speech and that money too often results in an undermining of our ability to meaningfully discuss issues in a campaign. They are very specific about this. Voters were surveyed by Princeton Survey Associates recently and those voters said that campaign money leads elected officials to spend too much time fundraising—63 percent of the public believes that; that money not speech determines the outcome of elections under the current system—52 percent of voters believe that.

Even more importantly, voters believe that campaign money gives one group more influence by keeping other groups from having their say in policy outcomes. They believe that campaign money keeps important legislation from being passed. They think campaign money leads elected officials to support policies that even those elected officials do not think are in the best interests of the country. And finally, the public believes that campaign money leads elected officials to vote against the interests of their own constituents, the people who have sent them to Congress to represent them.

Let me add parenthetically that in this very Senate session the killing of the tobacco bill in June, Congress' refusal now to even consider serious HMO reform in the Senate, these are recent vindications of the people's beliefs about the effects of money on our policymaking efforts.

So the argument by opponents of campaign finance reform that money is speech and that it should in no way be limited simply does not pass the laugh test with the American people. People are right that we desperately need to reform our campaign finance system. We need to reduce the amount of money raised and spent in our campaigns. We need to increase the amount of robust debate and helpful information that we provide to voters. We need to increase the discussion, the complete discussion about differences between candidates on issues of importance to the people.

The modified McCain-Feingold campaign reform bill offered to the Senate today is a big step in that direction. It does at least two very important things. First, it will reduce the amount of big, unregulated donations from corporations and unions and wealthy individuals in our campaigns. Second, it will regulate the huge amounts of money spent by so-called "independent" special interest groups on advertising, which is disguised as "issue ads" but in fact is designed to advocate the defeat of a particular candidate.

The original McCain-Feingold bill did even more, but the bill had to be scaled back to reduce the objections from some of the opponents to campaign finance reform. I stand ready to support the motion to allow a vote on the modified version of McCain-Feingold. I hope today that minority of Senators who have repeatedly denied the people an up-or-down vote on this bill will change their minds. I hope that with the historic passage of the bill by the House—representing a majority of the voters of the United States—this minority of Senators will see that they should not again thwart the clearly expressed will of the people.

I hope this minority of Senators will not want to be the single force responsible for continuing the undermining of our national political system that is accomplished each day by the millions and millions of dollars of unregulated campaign money when today they have a unique and historic opportunity to change all of that.

So, I hope those who have, in recent months, opposed the will of the people on this vote, on this issue, will vote for cloture, will give the people the up-or-down vote they very much want and very much deserve.

ANGELA RAISH

Mr. BINGAMAN. Mr. President, as most of know, Angela Raish retired at the end of July from her position as Personal Secretary to our colleague, Senator PETE DOMENICI. This is an event viewed with mixed emotions by all of us New Mexicans who have had the pleasure of working with Angela over the years. On the one hand, we are glad that she and her husband Bob are taking some much-deserved time for themselves. On the other hand, and there's always another hand, all of us who have come to know and admire her will miss our day to day dealings with her.

Twenty-one years of service to one Senator, one Senate office and one state—our own New Mexico—represent a remarkable career of attention and devotion. Ever gracious and thoughtful, she has been a wonderful friend to my staff and me. I am pleased to be a co-sponsor of Senate Resolution 272 which Senator DOMENICI introduced on Tuesday of this week. It expresses what we all feel for this lovely person and the work she has done for the Senate. We are fortunate to know her.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237 which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> McCain/Feingold amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The time between 10 a.m. and noon is to be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from Washington, Mr. GORTON, on amendment No. 3554.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to be allowed to control the time of Senator GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I yield to the distinguished Senator from Alaska such time as he may need.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Kentucky, who has labored in the area of campaign finance for an extended period of time, whose expertise many of us depend upon because once again this Senate is being called upon to reform our campaign finance laws.

As with many issues, the issue of so-called reforming the laws is somewhat in the eyes of the beholder. As a consequence, I ask my colleagues to consider this legislation in perhaps a different context. The issue before this body, in my opinion, is simply: To what extent, if any, should the Federal Government regulate political free speech in America? The campaign finance debate is not just about politicians and their campaigns. At the core of this debate are the values and freedoms guaranteed by the first amendment. As a consequence, I suggest when Government attempts to place limitations on speech, it has an overwhelming burden to demonstrate why such restrictions to our fundamental freedoms are necessary. Surely the Government can no more dictate how many words a newspaper can print than it can limit a political candidate's ability to communicate with his or her constituents, yet that is precisely what the sponsors of this legislation are proposing for candidates for office.

The McCain-Feingold legislation bristles with over a dozen different restrictions on speech, provisions that I believe flagrantly violate the first amendment as interpreted by the Supreme Court. I cannot overemphasize the point that was made by George F. Will in a Washington Post editorial. He stated, commenting on the McCain-Feingold bill:

> Nothing in American history—not the left's recent "campus speech codes," nor the right's depredations during the 1950s McCarthyism or the 1920 "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

One of the most serious problems with this bill is that it contains restrictions on "express advocacy" within 60 days of an election by independent groups. And what is "express advocacy"?

Mr. President, if this proposal ever becomes law, we can change the name of the Federal Election Commission to the Federal Campaign Speech Police. Every single issue advertisement would be taped, reviewed, analyzed, and perhaps litigated. The speech police will set up their offices in all of the 50 States to ensure the integrity of political advertising. Is that what we in this Chamber really want? I don't think so. But that is what will eventually happen if we adopt McCain-Feingold.

I assure my colleagues, and hope they understand, that this wholesale encroachment on the first amendment would be immediately struck down by the courts as unconstitutional.

Moreover, if a group of citizens decide to pool their money and advocate their political position in newspaper advertisements and television ads, what right does the Federal Government have to restrict their right of speech? Indeed, do we want to turn over the debate on political issues to the owners of the broadcast stations, the owners of the newspapers, and the editorialists during the 60-day period leading up to an election? Would my colleagues who are supporting this bill be ready to stand up and vote to ban election editorials in newspapers and on television in the last 60 days of a campaign?

Many members of the public think we need fundamental changes to our election financial laws because in the 1996 Presidential election they witnessed the most abusive campaign finance strategy ever conceived in this country.

There is an answer to those who abuse power. And the answer does not mean you have to shred the first amendment. The answer is a very simple one. It is that our current election finance laws must be strictly enforced, something that this administration has been extremely reluctant to do for obvious reasons.

Mr. President, as grand jury indictments amass with regard to Democratic fundraising violations in the 1996 Presidential election, we learn more and more about President Clinton's use of the prerequisite of the Presidency as a fundraising tool. It is important to recall some of those abuses as we consider this debate.

You recall, Mr. President, the Lincoln bedroom. During the 5 years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom and generated at least $6 million for the Democratic National Committee.

Presidential historian Richard Norton Smith stated there has "never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House."

The Presidential coffees: President Clinton hosted 103 "Presidential coffees." Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms trading company, donated $27 million to the Democratic National Committee.

President Clinton's Chief of Staff, Harold Ickes, gave the President weekly memorandums which included projected moneys he expected at each of the "Clinton coffees" and what they would raise. He projected each would raise no less than $400,000.

In the area of foreign contributions, investigations by both the Senate Governmental Affairs Committee and the Department of Justice into campaign abuses into the 1996 Presidential campaign have revealed that the Democrats recklessly accepted illegal foreign donations in exchange for Presidential access and other favors.

A few examples: We recall John Huang. John Huang raised millions of dollars in illegal foreign contributions for the Democratic National Committee which the DNC has already returned.

John Huang, despite being wholly unqualified according to his immediate boss, received an appointment to the Department of Commerce where he improperly accessed numerous classified documents pertaining to China.

John Huang made at least 67 visits to the White House, often meeting with senior officials on U.S. trade policy. The committee had deemed that this was unusual because Huang's position in Commerce was at a very low level.

Senator SPECTER stated that the activities of Mr. Huang at the Commerce Department had "all the earmarks of * * * espionage."

Charlie Trie, a long-time friend of President Clinton, raised and contributed at least $640,000 in contributions to the Clinton, Gore Campaign and for the Democratic National Committee.

Shortly thereafter, President Clinton signed an Executive Order that increased the size of the U.S. Commission on Pacific Trade and then appointed Mr. Trie to the Commission.

On January 29th of this year, the Department of Justice indicted Trie on charges that he funneled illegal foreign contributions to the 1996 Clinton-Gore reelection campaign in order to buy access to top Democratic Party and Clinton administration officials.

Vice President GORE was present at an event in a Buddhist temple where $80,000 in contributions to the Democratic National Committee were laundered through penniless nuns and monks.

Vice President GORE offered differing characterizations of the Buddhist temple event. First, the Vice President described the event as a "community outreach." He later characterized it as a "donor-maintenance" event where "no money was offered or collected or raised at the event."

However, the Department of Justice determined otherwise. So on February 18, veteran Democratic fundraiser Maria Hsia was charged in a six-count indictment by the Department of Justice for her part in raising the illegal contributions for the Democratic National Committee at the Buddhist temple event.

Mr. President, just the day before yesterday, our Attorney General ordered a 90-day inquiry into whether President Clinton circumvented Federal election laws in 1996. This investigation could lead to yet another independent counsel investigation. This 90-day inquiry is in addition to an inquiry focusing on Vice President GORE's statements about his 1996 telephone fundraising calls in the White House.

Mr. President, our current campaign finance system has many flaws, but the point I want to make to my colleagues is that these flaws do not justify shredding the first amendment, especially because the current occupant of the White House pushed the envelope of legality in his search to finance his reelection campaign.

Mr. President, as Floyd Abrams, a noted first amendment lawyer, has stated:

> First amendment principles should guide whatever legislative solution we choose. The first principle is that it is not for Congress to decide that political speech is some sort of disease that we must quarantine.

Mr. President, I urge my colleagues to reject this unconstitutional infringement on free speech.

I yield the floor.

Mr. McCONNELL. I thank the Senator from Alaska for his outstanding speech and his contributions over the years to this important first amendment discussion.

Mr. MURKOWSKI. Thank you very much.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. There was some discussion yesterday on the floor with regard to the issue of advocacy about a case called Furgatch. And the supporters of McCain-Feingold spent a lot of time trying to interpret the Furgatch decision as allowing the kind of suppression of issue advocacy by citizens that I think clearly is a misreading of the case.

Those who advocate McCain-Feingold and, for that matter, the Snowe-Jeffords substitute regulatory regimes, have precious few court cases on which to base their arguments. Most prominent among these is the ninth circuit's Furgatch decision, dating back to 1987. It is mighty slim, Mr. President, the Furgatch limb upon which their issue advocacy regulation case rests.

While Furgatch is not my favorite decision, it is certainly not the blank check for reformers who seek to shut down issue advocacy, either.

Furgatch was an express advocacy case, nothing short. It was about a different subject. It was an express advocacy case, not an issue advocacy case. It hinged on the content of the communication at issue—words, explicit terms—just as the Supreme Court required in Buckley and reiterated in Massachusetts Citizens for Life.

The words in Furgatch were not those contained in Buckley's footnote 52. Indeed, no one, least of all the Supreme Court, ever intended that the list—also known as "footnote 52"—was exhaustive. That would defy common sense.

Desperate for even the thinnest constitutional gruel upon which to base their regulatory zeal to extend their reach to everyone who dares to utter a political word in this country, the FEC leapt at Furgatch and won't let go. FEC lawyers misread it, they also misrepresent it, and are rewarded with loss after loss in the courts.

In last year's fourth circuit decision ordering the FEC to pay one of its victims, the Christian Action Network's attorneys' fees, the Furgatch-as-blank-check-for-issue-advocacy-regulation fantasy was thoroughly dissected, debunked and dispensed with.

The court in the Christian Action Network case puts Furgatch in the proper perspective. Let me just read a couple of parts of the Christian Action Network case.

The court says:

> . . . less than a month following the Court's decision in [Massachusetts Citizens for Life], the Ninth Circuit in FEC v. Furgatch . . . could not have been clearer that it, too, shared this understanding of the Court's decision in Buckley. Although the court declined to "strictly limit" express advocacy to the "magic words" of Buckley's footnote 52 because that footnote's list does "not exhaust the capacity of the English language to expressly advocate election or defeat of a candidate . . .
>
> Curiously, the Ninth Circuit never cited or discussed the Supreme Court's opinion in [Massachusetts Citizens for Life], notwithstanding that [Massachusetts Citizens for Life] was argued in the Supreme Court three months prior to the decision in Furgatch and decided by the Court almost a month prior to the Court of Appeals' decision. The Ninth Circuit does discuss the First Circuit's opinion in [Massachusetts Citizens for Life], but without noting that certiorari had been granted to review the case. . . . Thus, the Furgatch court relied upon Buckley alone, without the reaffirmation provided by the Court in [Massachusetts Citizens for Life], for its conclusion that explicit "words" or "language" of advocacy are required if the Federal Election Campaign Act is to be constitutionally enforced.
>
> . . . the entire premise of the court's analysis was that words of advocacy such as those recited in footnote 52 were required to support Commission jurisdiction over a given corporate expenditure.

The point here is that in case after case after case the FEC has lost in court seeking to restrict the rights of individual citizens to engage in issue advocacy. There is no basis for this effort. And the courts have been turning them down and turning them down and turning them down. In fact, there have been three cases in the last few months: North Carolina Right to Life versus Bartlett, April 30, 1998, an issue advocacy case decided consistent with the observations the Senator from Kentucky has made; Right to Life of Duchess County versus FEC, June 1, 1998 of this year, another decision consistent with the points the Senator from Kentucky has made; and Virginia Society of Human Life versus Caldwell, June 5 of this year.

In short, there is no constitutional way—and importantly, we are not going to do that by passing this unfortunate legislation—but there is no constitutional way that the government can shut these people up at any point, up to and including the election. There is no legal basis, no constitutional basis for the assumption that there are any restrictions that can be placed upon the ability of citizens to criticize elected officials, or anyone else for that matter, up to and including the day before the election.

Finally, let me say, as I mentioned yesterday, the institutions in America pushing the hardest for these restrictions on groups are the newspapers who engage in issue advocacy every day, both in their news stories and on their editorial pages, up to and including the election. Their issue advocacy would be totally untouched, and I am not arguing that we should touch it. I think they are free to speak. What bothers me about the newspapers, particularly the New York Times, the Washington Post and USA Today, they want to shut everybody else up. They want to have a free ride when it comes to criticizing political figures in proximity to an election. Fortunately, the courts would not allow that.

This measure is not going to pass so we won't have to worry about it, but it is a flawed concept, and I think it is important for our colleagues to understand that.

How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 39 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to control the time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I want to just take a moment of the time to point out that once again a case that the Senator from Kentucky has been discussing is a case that is appropriate in some situations but is not really applicable to the current provision of the McCain-Feingold bill that is before the body. The Senator can stand up and cite all kinds of cases about a lot of provisions, but the provisions are not in the bill at this time. So I hope those who are listening don't get confused about case law that has nothing to do with our actual amendment.

Previous versions of the McCain-Feingold bill included a codification of the Furgatch decision, but with the passage of the Snowe-Jeffords amendment in February, the provision that we have before the Senate now simply doesn't include that approach. It takes a different approach to the issue advocacy problem. A number of constitutional scholars, including Dan Ortiz of Virginia Law School, believe this approach is constitutional.

I understand the strategy—keep bringing up aspects of the bill that were concerns in the past, make people think those are still there and get people to be uncomfortable with the bill. I understand the strategy because we have 52 votes already for this amendment as it actually is being presented. So that everyone understands, these are arguments against a bill that is not before the Senate. I assume that is because they don't have very strong arguments against the bill that is, in fact, before the Senate.

This afternoon we will vote once again on the McCain-Feingold campaign finance reform bill. Twice before we have debated this issue and twice we have been blocked by filibusters—I might add, not just by filibusters conducted after an amending process has occurred, but filibusters used to prevent the legitimate and normal process of allowing Members of the Senate to amend a bill.

Some may ask, Why do you keep bringing us back to vote on it? The reason, quite simply put, is that this is a crucial issue. It is a defining issue for the 105th Congress. After all, we spent an entire year investigating the campaign finance abuses of the 1996 elections. That investigation, as the distinguished Senator from Tennessee who led the investigation I am sure will tell us when he speaks today, showed beyond a shadow of doubt that reform is needed. Of course, in response to that, the House has passed a strong campaign finance reform bill, very similar to the amendment we have offered here.

We owe it to the American people to finish the job. The American people elected us to be legislators, Mr. President, not just investigators. Investigations are fine and appropriate, but we will have failed in our duties as legislators if we do not enact laws to address the problems that our investigations uncover. With the House vote early last month, meaningful campaign finance reform is in sight. This Senate has an obligation to address the campaign finance issue, and the public expects us to act. We know that a majority here understands that obligation. The question is whether we can get closer now to the supermajority of 60 votes that we apparently will still need in order to end debate on this amendment and get to a vote on the merits.

I hope that in the short time we have to debate this issue today we will actually debate our amendment, what is before the Senate. Again, yesterday we heard a number of opponents of the bill speak at length about cases that have nothing to do with the provisions that are actually in this bill. We heard a lengthy discussion of the history of campaign spending, with interesting, but really not very relevant, expositions about donors to an unsuccessful Presidential campaign 30 years ago.

I really hope we hear an actual justification from those on the other side today, an actual justification for voting against a ban on the unlimited corporate and labor contribution to political parties known as soft money. I hope that when they wax eloquent again about the first amendment rights of citizens, they will actually direct their criticism to our bill, to the Snowe-Jeffords amendment on electioneering communications, rather than severely exaggerating the effect and intent of those provisions.

To no one's surprise, the headlines this morning in the newspapers are not about campaign finance reform. The scandal that has occupied the Nation's attention for the past 8 months has reached a new and critical phase with the delivery of the Starr report to the House of Representatives. Many Senators are understandably very much concerned about how the impeachment process will play out. But for now, the report is on the other side of the Capitol. We still have a job to do here. We have many things to do here. But first on the list has got to be to somehow address the scandals that occupied our attention for much of 1997. Of course, the matters of 1998 have to be addressed, but are we just going to leave the scandals of 1996 behind, let them be washed away as if nothing wrong was done?

The biggest threat to our democracy still comes from this out-of-control campaign finance system, notwithstanding the very serious news of the day. Let us not be distracted from our duty to address that threat.

There are many Senators who support reform who would like to speak today, and our time is limited. So let me conclude by putting my colleagues on notice. The vote this afternoon on cloture will not be the end of the effort to pass campaign finance reform this year. I am sorry if this is an issue that is inconvenient or uncomfortable for some Senators to deal with. The American people didn't send us here for our convenience or for our comfort. They sent us to do a job, and we are going to do it.

This amendment that is pending will continue to be pending. I hope it will become the subject of a legitimate legislative process. What I mean by that is, when there is an amendment that has a majority of support in this body, at the bare minimum Senators should be allowed to offer amendments, offer their ideas and their concepts about how to make it better. I understand the argument that you need 60 votes to pass it anyway. That has a lot of truth to it. But this process has repeatedly and cynically denied us the chance to simply amend the bill. That is how they passed it in the House. Everybody didn't love the bill right away. They adopted a number of amendments. They were allowed to offer their ideas and vote on them.

We have been prohibited from improving this bill beyond the Snowe-Jeffords amendment. Of course, we know why. When we did Snowe-Jeffords, lo and behold, we got three more votes and we had a majority. Then the game was declared over. That is not a legitimate legislative process. That is not a fair process. That is the intentional denying of the majority of both Houses their right to fashion a bill that they can send on to the President. So I am not denying the right to filibuster. But denying the right to amend this amendment is well beyond the norm in this body, especially when we have demonstrated that 52 Senators are already committed to this amendment as it currently stands. So they continue to deny the majority even the right to make a reasonable change, to ask each other, "What change would you like in order to make this bill acceptable to you?" I think that is highly inappropriate.

So the only way to avoid this discomfort is for Members to vote for cloture and let the majority do its will on this issue.

Mr. President, if the Senator from Maine is interested, I will yield to her. How much time does the Senator need?

Ms. SNOWE. I need 15 minutes.

Mr. FEINGOLD. I yield 15 minutes to the distinguished senior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise today in support of the McCain-Feingold campaign finance amendment before us. It is often said that when it comes to the important things in life, we don't get a second chance. Well, today, we are presented with such a second chance this year to pass comprehensive, meaningful campaign finance reform. We have a third chance this Congress, for which I thank Senators McCAIN and FEINGOLD for their unflagging determination. I also want to thank the majority leader for allowing us an opportunity to have another vote on this issue on the Interior appropriations bill.

Indeed, it seems, to paraphrase Mark Twain, that reports of campaign finance reform's demise have been greatly exaggerated. I hail authors of the House bill for their tenacity and the Members of the House who defied conventional wisdom and passed a comprehensive reform bill along the lines of McCain-Feingold.

We are back here to attach this legislation to this appropriations bill because the House of Representatives courageously chose to do their part to dispel the cynicism that hung over the Capitol like a cloud. They have brought this issue out into the light of day, and it is long past time that we here in the Senate do likewise.

When you consider the veritable mountain, indeed, the sheer cliff wall of legislative obstacles the Shays-Meehan bill had to overcome, it is unthinkable that we cannot overcome our hurdles in this Chamber. It was truly a "long and winding road" for the Shays-Meehan bill which, at first, wasn't even going to be considered. Finally, when the drumbeat for the Shays-Meehan bill would not die, a process was devised that would allow for the consideration of 11 different plans and more than 250 amendments.

The so-called "Queen of the Hill" contest played itself out from May 21 through August 6. But in the end, when the smoke finally cleared, the Shays-Meehan bill remained standing in what has to be one of the most remarkable legislative victories in recent memory.

By a vote of 252–179—including 61 Republicans—Shays-Meehan was passed in the House in the face of overwhelming odds and, thus, our mandate was handed to us here in the Senate.

Like the House, we, too, have a majority who are already on record in favor of reform—52 Senators—thanks to the leadership of Senators McCAIN and FEINGOLD in bringing this legislation to the floor earlier this year. Unlike the House, we have twice failed to pass a bill. We have twice failed to reach the 60 votes necessary to defeat a filibuster. But for the very first time, as a result of the McCain-Feingold vote we had earlier this year, we received a majority in support of that legislation—the very first campaign finance reform bill to receive a majority vote here in the U.S. Senate.

Mr. President, I cannot believe there aren't eight other Senators in this body who understand the fundamental issue we are faced with: the very integrity of this institution, as well as the process that brings us here. When the House of Representatives can get a bipartisan majority of 252 Members to understand the implications, people might wonder why it is so hard to find eight more Senators to do the same. I have asked the same question myself.

Last week, Senator LIEBERMAN, during a widely and deservedly praised speech, stood in this Chamber and appealed to a higher principle than partisanship or the politics of self-preservation. He wasn't speaking of election reform, but his appeal to our more noble instincts is relevant to this debate. In fact, it is integral.

Reforming our broken campaign system is not a Republican thing, not a Democrat thing, but the right thing. It is something we owe to ourselves as leaders, it is something we owe to this institution, and it is something we owe to the American people as participants in the world's greatest democracy.

I know that some have said that the American people actually aren't very concerned about this issue. They point to studies, such as a poll conducted this year by the Pew Research Center, which ranked campaign reform 13th on a list of 14 major issues. But let's look at the reason: The report also said that public confidence in Congress to write an effective and fair campaign law had declined. In other words, the American people have given up on us. They are betting we won't do it. That is a sad commentary. I say, let's surprise them and do the right thing. I say, we have a solemn obligation not to justify their cynicism.

And to those who argue that now is not the time to take up this issue, my response is: What better time than now? This is the most optimum time to change the political dynamic today.

After an election in which the most corruptive elements were brought to bear, after we learn of illegal donations from the Chinese in an attempt to gain influence, after we learn of more than 45 fundraising calls from the White House, after we learn that the President may have controlled advertising paid for by the DNC but aimed at reelecting the President, after the Attorney General launched three separate preliminary investigations in the last 2 weeks into these allegations, after we learn of the explosion of soft money and electioneering ads—after all of these things, now is the time to clean up the system.

Mr. President, I come to this debate as a veteran supporter of campaign finance reform. As someone who has served on Capitol Hill for almost 20 years, I understand the realities and I know there are concerns on both sides of the aisle that whatever measure we may ultimately pass, it must be fair, it must treat everyone as equitably as possible.

In fact, I agree with those concerns. That is the challenge that brought Senator JEFFORDS and me to the table last October when we first attempted to consider this issue. It is what brought us back in February, and it is the reason I am here again today.

I said last year that we should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions. Senator JEFFORDS and I attempted to bridge the gulf between two sides and expand support for McCain-Feingold by making sensible incremental changes.

We were joined in this bipartisan effort by both Senators McCAIN and FEINGOLD, as well as Senators LEVIN, CHAFEE, LIEBERMAN, THOMPSON, COLLINS, BREAUX, and SPECTER.

I thank them again for their tremendous help and support.

Together we not only won adoption of the amendment, but we helped bring this body to the first real vote on campaign finance reform and moved the debate forward by actually having the debate, and we solidified majority support for McCain-Feingold.

I would like to take a few moments to speak about the provisions of the Snowe-Jeffords measure and why I think this measure is now considered worthy of the support of my Republican colleagues.

The McCain-Feingold measure we are now considering takes a tremendous step forward by putting an end to soft money, tightening coordination definitions, and working to level the playing field for candidates facing opponents with vast personal wealth spent on their own campaigns. It also addresses the issues concerning the use of unregulated and undisclosed advertising that affects Federal elections, and the concerns that the original bill's attempt at addressing this issue would not withstand court scrutiny. This is important because if the courts had ruled the bill's efforts to address the distinction between true advocacy ads that influence Federal elections to be unconstitutional, then essentially all that would remain would be a ban on soft money. If that were to happen, we would be left with only one-half of the equation, and I share the concerns of those who want to see balanced reform—and a level playing field, not throw it even further off kilter.

The Snowe-Jeffords approach would be much more likely to pass court muster. It was developed in consultation with noted constitutional scholars and reformers such as Norm Ornstein of the American Enterprise Institute and Josh Rosenkrantz, Director of the Brennan Center for Justice at NYU, as well as others. And it goes to the heart of the "stealth advocacy ads" which purport to be only about issues but are really designed to influence the outcome of federal elections.

Mr. President, I ask unanimous consent that the document from the Brennan Center for Justice be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Ms. SNOWE. Mr. President, the approach in this amendment is a straightforward, two tiered one that only applies to advertisements that constitute the most blatant form of electioneering. It only applies to ads run on radio or television, 30 days before a primary and 60 days before a general election, that identify a federal candidate. And only if over $10,000 is spent on such ads in a year. What is required is disclosure of the ads' sponsor and major donors, and a prohibition on the use of union dues or corporate treasury funds to finance the ads.

We called this new category "electioneering ads". They are the only communications addressed, and we define them very narrowly and carefully.

If the ad is not run on television or radio; if the ad is not aired within 30 days of a primary or 60 days of a general election, if the ad doesn't mention a candidate's name or otherwise identify him clearly, if it isn't targeted at the candidate's electorate, or if a group hasn't spent more than $10,000 in that year on these ads, then it is not an electioneering ad.

If is an item appearing in a news story, commentary, voter guides or editorial distributed through a broadcast station, it is also not an electioneering ad. Plain and simple.

If one does run an electioneering ad, two things happen. First, the sponsor must disclose the amount spent and the identity of contributors who donated more than $500 to the group since January 1st of the previous year. Right now, candidates have to disclose campaign contributions over $200—so the threshold contained in McCain-Feingold is much higher. Second, the ad cannot be paid for by funds from a business corporation or labor union—only voluntary contributions.

The clear, narrow wording of the amendment is important because it passes two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley versus Valeo decision: vagueness and overbreadth. The rules of this provision are clear. And the requirements are strictly limited to ads run near an election that identify a candidate—ads plainly intended to convince voters to vote for or against a particular candidate.

Nothing in this provision restricts the right of any group to engage in issue advocacy. Nothing prohibits groups from running electioneering ads, either. Let me be clear on this: if this bill becomes law, any group running issues ads today can still run issue ads in the future, with no restrictions on content. And any group running electioneering ads can still run those ads in the future, again with absolutely zero restrictions on content.

So to those who will argue, as they did in February, that this measure runs afoul of the first amendment, I say that that is simply a red herring, Mr. President. And you don't have to take my word for it. Constitutional scholars from Stanford Law to Georgia Law to Loyola Law to Vanderbilt Law have endorsed the approach that is now part of this legislation.

If anything, Mr. President, this provision underscores first amendment rights for union members and shareholders by protecting them from having their money used for electioneering ads they may not agree with, while maintaining the right of labor and corporate management to speak through PACs.

This is a sensible, reasonable approach to addressing a burgeoning segment of electioneering that is making a mockery of our campaign finance system. How can anyone not be for disclosure? How can anyone say that less information for the public leads to better elections? Don't the American people have the right to know who is paying for these stealth advocacy ads, and how much?

This problem is not going to go away, Mr. President. The year 1996 marked a turning point in American elections—make no mistake about it.

The Annenberg Public Policy Center at the University of Pennsylvania published a report this year on so-called issue advertising during the 1996 elections, and if any member of the Senate hasn't read it I recommend you get hold of a copy.

As this first chart demonstrates, the report finds that, during the 1996 elections, anywhere from $135 million to $150 million was spent by third-party organizations in the 1996 election on radio and TV ads. This totals almost one-third of the amount of money that was spent in the election; $400 million was spent by all candidates for President, U.S. Senate, and the House, but other organizations spent a third of all of the money that was spent in the last election.

Then chart two, if there is any doubt about the intent of these ads, indicates, according to the Annenberg Report, that in a study of 109 ads that were supported by 29 different organizations, almost 87 percent of those so-called issue ads referred to a candidate, and 41 percent of those issue ads were identified by the public as being "attack ads"—41 percent. Almost 87 percent of these so-called issue ads identified a candidate. That is the highest percentage recorded among a group that also included Presidential ads, debates, free-time segments, and news program organizations.

Clearly, these ads were overtly aimed at electing or defeating targeted candidates, but under current law they aren't even subject to disclosure requirements. We are only talking about those individuals who provide $500 or more to an organization that runs ads identifying a candidate 30 days before a primary and 60 days before a general election.

But let's look at the ads that I am talking about. Again, we are talking about stealth advocacy ads. First, you get the "True Issue Ad," according to the Annenberg Public Policy Center, which says that "McCain-Feingold would have no impact on True Issue Ads." It says here that it is "A True Issue Ad." It says:

> This election year, America's children need your vote. Our public schools are our children's ticket to the future. But education has become just another target for attack by politicians who want huge cuts in education programs. They're making the wrong choices. Our children deserve leaders who will strengthen public education, not attack it. They deserve the best education we can give them. So this year, vote as if your children's future depends on it. It does.

That is a true issue ad.

Look at chart four. This is what I call a "Stealth Advocacy Ad." This is what McCain-Feingold would define as "Electioneering Communications."

That is totally permissible under any of the rulings that have been made and rendered by the Supreme Court, because those distinctions can be made between electioneering and between constitutionally permitted freedom of speech.

This is a stealth advocacy ad:

> Mr. X promised he'd be different. But he's just another Washington politician. Why, during the last year alone he has taken over $260,000 from corporate special interest groups. . . . But is he listening to us anymore?

That identifies a candidate.

I defy anyone to tell me with a straight face that the intent of this stealth advocacy ad is anything other than to advocate for the defeat of candidate X. That is the kind of ad that is covered by the McCain-Feingold measure.

Let me tell you something. This ad could still run. Any group in America can run any ad that they want before the election identifying a candidate. But the fact is it would require disclosure of those donors who provide more than $500 to that organization, if these ads run 30 days before a primary or 60 days before a general election. And the money could not be funded by unions or corporations through their treasuries. If they want to finance these ads, by unions or corporations, they will have to do so by a PAC, if these ads run 30 days before a primary and 60 days before a general election.

So what are we talking about? Disclosure. That is what we are talking about. And 87 percent of these issue ads, these so-called issue ads, are what I would call stealth advocacy ads, because they identify a candidate but we don't know who finances these ads. This, on the other hand, is a true issue ad. It doesn't identify a candidate. Groups can run ads saying: "Call your Senator. Call your Member of Congress." They don't have to identify the candidate. But if they do, it requires disclosure of their major donors.

Mr. President, we are accountable to the people. We are required as candidates for office to file disclosure forms as candidates. PACs are required to disclose. But hundreds of millions of dollars are spent on these ads without one dime being reported—not one dime. And I remind you that one-third of the money that was spent in the last election, in 1996, was spent by organizations that did not have to disclose one dime. And there is no reason to think it will not get worse.

You do not need a crystal ball. Just look at some of the special elections this year. For example, it has been widely reported that just one group spent $200,000 on special election TV commercials. We don't have the total of exactly how much was spent overall, because there is currently no accountability, no disclosure. That is what the McCain-Feingold legislation is addressing.

And think about this. Overall, national party committees raised over $115 million in soft money during the first 18 months of the 1997–1998 election cycle, the most money ever on a non-presidential election cycle. Total soft money contributions to both Democrats and Republicans have more than doubled during the past 4 years. In fact, soft money contributions to national party committees have grown by 131 percent from the first 18 months of the 1993–1994 election cycle compared to the same period in this 1997–1998 election cycle—grown 131 percent.

Enough is enough. I have said before that it is the duty of leaders to lead, and that means making some difficult choices. I know this is not an easy vote. It requires looking at ourselves and asking what is important, protecting the status quo, or is it protecting the integrity of our system of elections?

How we choose our elected officials goes to the heart of who we are as a nation. It defines us as a country and it defines whether or not we will continue to maintain the integrity of this process. But there is a very great danger that if we do nothing, if we shroud ourselves in the rhetoric of absolutism, if we turn our backs on a monumental opportunity that we now have, then our mantle of greatness will decay from the inside, because if the American people lose faith in the system that elects our public officials, they have lost faith in the integrity of Government itself, and we cannot allow this to happen. We cannot preside over this disintegration of public trust.

Eight votes stand between us and a reform bill. Eight votes stand between us and the passage of the McCain-Feingold legislation. After two tries in the Senate, the labyrinthian parliamentary procedure, hundreds of amendments, and a "Queen of the Hill" contest in the House, all that is holding back a reform bill this year is eight Senators. This is our chance, my friends, and I implore my colleagues to seize this historic opportunity. After this vote, there will be no doubt who stands four square behind fair, sensible, meaningful reform and who does not.

Mr. President, I thank the Senator from Wisconsin for yielding me the time and for his leadership and his commitment.

I yield the floor.

EXHIBIT 1

BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW,
New York, NY, February 20, 1998.

Re NRLC objections to the Snowe-Jeffords amendment.

DEAR SENATOR: We write to rebut letters from the National Right to Life Committee (NRLC), dated February 17 and February 20, 1998, in opposition to the Snowe-Jeffords Amendment to the McCain-Feingold Bill. NRLC mischaracterizes what the Snowe-Jeffords Amendment would achieve and misrepresents constitutional doctrine. The Amendment would not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering. But it would prevent them from (1) hiding from the public the amounts they spend on the most blatant form of electioneering; (2) keeping secret the identities of those who bankroll their electioneering messages with large contributions; and (3) funneling funds from business corporations and labor unions into electioneering. These goals, and the means used to achieve them, are constitutionally permissible.

WHAT THE SNOWE-JEFFORDS AMENDMENT WOULD DO

The Snowe-Jeffords Amendment applies only to advertisements that constitute the most blatant form of electioneering. If an ad does not satisfy every one of the following criteria, none of the restrictions or disclosure rules of the Snowe-Jeffords Amendment would be triggered: Medium: The ad must be broadcast on radio or television. Timing: The ad must be aired shortly before an election—within 60 days before a general election (or special election) or 30 days before a primary. Candidate-Specific: The ad must mention a candidate's name or identify the candidate clearly. Targeting: The ad must be targeted at voters in the candidate's state. Threshold: The sponsor of the ad must spend more than $10,000 on such electioneering ads in the calendar year.

If, and only if, an electioneering ad meets all of the foregoing criteria, do the following rules apply:

Restriction: The electioneering ad cannot be paid for directly or indirectly by funds from a business corporation or labor union. Individuals, PACs, and most nonprofits can engage in unlimited advocacy or the sort covered by the Snowe-Jeffords Amendment. The Amendment would prohibit these advocacy groups from financing their electioneering ads with funds from business corporations or labor unions. Since it is already illegal for business corporations and labor unions to engage in electioneering, these limitations are intended to prevent evasion of otherwise valid federal restrictions.

Disclosure: The sponsor of an electioneering ad must disclose the amount spent and the identity of contributors who donated more than $500 toward the ad. This requirement is necessary to prevent contributors from evading federal reporting requirements by funneling contributions intended to influence the outcome of an election through advocacy groups.

THE NRLC'S MISREPRESENTATIONS ABOUT THE SNOWE-JEFFORDS AMENDMENT

The NRLC has so completely distorted the effect of the Snowe-Jeffords Amendment with false and misleading allegations that it is important at the outset to set the record straight.

The Amendment would not prohibit groups such as NRLC from disseminating electioneering communications. Instead, it would merely require the NRLC to disclose how much it is spending on electioneering broadcasts and who is bankrolling them.

The Amendment would not prohibit NRLC and others from accepting corporate or labor funds. If it wished to accept corporate or labor funds, it would simply have to take steps to ensure that those funds could not be spent on blatant electioneering messages.

NRLC and similar organizations would not have to create a PAC or other separate entity in order to engage in the types of electioneering covered by the Amendment. Rather, they would simply have to deposit the money they receive from corporations and unions (or other restricted sources) into separate bank accounts.

The Amendment would not bar or require disclosure of communications by print media, direct mail, or other non-broadcast modes of communication. NRLC and similar advocacy groups would be able to organize their members or communicate with the public at large through mass communications such as newspaper advertisements, mass mailings, voter guides, or billboards, to the same extent currently permitted by law. There is no provision in the current version of the Snowe-Jeffords Amendment that changes any of the rules regarding those non-broadcast forms of communication.

The Amendment would not affect the ability of any organization to "urge grassroots contacts with lawmakers regarding an upcoming vote in Congress." The Amendment has no effect on a broadcast directing the public, for example, to "Urge your congressman and senator to vote against ['or in favor of'] the McCain-Feingold bill." The sponsor could even give the telephone number for the audience to call. And the ad would be free fom all the Amendment's new disclosure rules and source rules—even if the ad is run the day before the election. By simply declining to name "Congressman X" or "Senator Y," whose election is imminent and the outcome of which NRLC presumably does not intend to affect, NRLC could run its issue ad free from both the minimal disclosure rules and the prohibition on use of business and union funds.

The Amendment's disclosure rules do not require invasive disclosure of all donors. They require disclosure only of those donors who pay more than $500 to the account that funds the ad.

The Amendment would not require advance disclosure of the contents of an ad. It would require disclosure only of the amount spent, the sources of the money, and the identity of the candidate whose election is targeted.

BASIC CONSTITUTIONAL PRINCIPLES

NRLC is simply mistaken in suggesting that the minimal disclosure rules and the restrictions on corporate and union electioneering contained in the Snowe-Jeffords Amendment are unconstitutional. The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. See FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways, even though spending on other forms of political speech is entitled to absolute First Amendment protection. See generally Buckley v. Valeo, 424 U.S. 1 (1976). Congress is permitted to demand that the sponsor of an electioneering message disclose the amount spent on the message and the sources of the funds. And Congress may prohibit corporations and labor unions from spending money on electioneering. This is black letter constitutional law about which there can be no serious dispute.

There are, of course, limits to Congress's power to regulate election-related spending. But there are two contexts in which the Supreme Court has granted Congress freer reign to regulate. First, Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. See Buckley, 424 U.S. at 67–68. In Buckley, the Court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending. Disclosure rules, the Court opined, in contrast to spending restrictions or contribution limits, enhance the information available to the voting public. Plus, the burdens on free speech rights are far less significant when Congress requires disclosure of a particular type of spending than when it prohibits the spending outright or limits the funds that support the speech. Disclosure rules, according to the Court, are "the least restrictive means of curbing the evils of campaign ignorance and corruption." Thus, even if certain political advertisement cannot be prohibited or otherwise regulated, the speaker might still be required to disclose the funding sources for those ads if the governmental justification is sufficiently strong.

Second, Congress has a long record, which has been sustained by the Supreme Court, of imposing more onerous spending restrictions on corporations and labor unions than on individuals, political action committees, and associations. Since 1907, federal law has banned corporations from engaging in electioneering. See 2 U.S.C. §441b(a). In 1947, that ban was extended to prohibit unions from electioneering as well. Id. As the Supreme Court has pointed out, Congress banned corporate and union contributions in order "to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital." United States v. UAW, 352 U.S. 567, 585 (1957). As recently as 1990, the Court reaffirmed this rationale. See Austin v. Michigan Chamber of Commerce, 491 U.S. 652 (1990); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). The Court emphasized that it is perfectly constitutional for the state to limit the electoral participation of corporations because "[s]tate law grants [them] special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation of and distribution of assets," Austin, 491 U.S. at 658–59. Having provided these advantages to corporations, particularly business corporations, the state has no obligation to "permit them to use 'resources amassed in the economic marketplace' to obtain 'an unfair advantage in the political marketplace." (quoting, MCFL, 479 U.S. at 257).

The Snowe-Jeffords Amendment builds upon these bedrock principles, extending current regulation cautiously and only in the areas in which the First Amendment protection is at its lowest ebb.

CONGRESS IS NOT STUCK WITH "MAGIC WORDS"

The Supreme Court has never held that there is only a single constitutionally permissible route a legislature may take when it defines "electioneering" to be regulated or reported. The Court has not prescribed certain "magic words" that are regulable and placed all other electioneering beyond the reach of any campaign finance regulation. NRLC's argument to the contrary is based on a fundamental misreading of the Supreme Court's opinion in Buckley v. Valeo.

In Buckley, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act (FECA). One section of FECA imposed a $1,000 limit on expenditures "relative to a clearly identified candidate," and another section imposed reporting requirements for independent expenditures of over $100 "for the purpose of influencing" a federal election. The Court concluded that these regulations ran afoul of two constitutional doctrines—vagueness and overbreadth—that pervade First Amendment jurisprudence.

The vagueness doctrine demands precise definitions. Before the government punishes someone—especially for speech—it must articulate with sufficient precision what conduct is legal and what is illegal. A vague or imprecise definition of electioneering might "chill" some political speakers who, although they desire to engage in discussions of political issues, may fear that their speech could be punished.

Even if a regulation is articulated with great clarity, it may still be struck as overbroad. A restriction that covers regulable speech (and does so clearly) can be struck if it sweeps too broadly and covers a substantial amount of constitutionally protected speech as well. But under the overbreadth doctrine, the provision will be upheld unless its overbreadth is substantial. A challenger cannot topple a statute simply by conjuring up a handful of applications that would yield unconstitutional results.

Given these two doctrines, it is plain why FECA's clumsy provisions troubled the Court. Any communication that so much as mentions a candidate—any time and in any context—could be said to be "relative to" the candidate. And it is difficult to predict what might "influence" a federal election.

The Supreme Court could have simply struck FECA, leaving it to Congress to develop a narrower and more precise definition of electioneering. Instead, the Court intervened by essentially rewriting Congress's handiwork itself. In order to avoid the vagueness and overbreadth problems, the Court interpreted FECA to reach only funds used for communications that "expressly advocate" the election or defeat of a clearly identified candidate. In an important footnote, the Court provided some guidance on how to decide whether a communication meets that description. The Court stated that its revision of FECA would limit the reach of the statute "to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley, 424 U.S. at 44 n.52.

But the Court emphatically did not declare that all legislatures were stuck with these magic words, or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

Any more restrictive reading of the Supreme Court's opinion would be fundamentally at odds with the rest of the Supreme Court's First Amendment jurisprudence. Countless other contexts—including libel, obscenity, fighting words, and labor elections—call for delicate line drawing between protected speech and speech that may be regulated. In none of these cases has the Court adopted a simplistic bright-line approach. For example, in libel cases, an area of core First Amendment concern, the Court has rejected the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead the Court has prescribed an analysis that examines, among other things, whether the speaker acted with reckless disregard for the truth of falsity of the statement and whether a reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole. See, e.g., Milkovich v. Lorain Journal Co., 497 U.S. 1, 14–17 (1990). Similarly, in the context of union representation elections, employers are permitted to make "predictions" about the consequences of unionizing but they may not issue "threats." The courts have developed an extensive jurisprudence to distinguish between the two categories, yet the fact remains that an employer could harbor considerable uncertainty as to whether or not the words he is about to utter are sanctionable. The courts are comfortable with the uncertainty of these tests because they have provided certain concrete guidelines.

In no area of First Amendment jurisprudence has the Court mandated a mechanical test that ignores either the context of the speech at issue or the purpose underlying the regulatory scheme. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court in Buckley intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

THE SNOWE-JEFFORDS AMENDMENT'S PROHIBITION IS PRECISE AND NARROW

The Snowe-Jeffords Amendment presents a definition of electioneering carefully crafted to address the Supreme Court's dual concerns regarding vagueness and overbreadth. Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor of a broadcast will know, with absolute certainty, whether the ad depicts or names a candidate, how many days before an election it is being broadcast, and what audience is targeted. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.

The prohibition is also so narrow that it easily satisfies the Supreme Court's overbreadth concerns. Any speech encompassed by the prohibition is plainly intended to convince voters to vote for or against a particular candidate. A sponsor who wishes simply to inform the public at large about an issue immediately before an election could readily do so without mentioning a specific candidate and without targeting the message to the specific voters who happen to be eligible to vote for that candidate. It is virtually impossible to imagine an example of a broadcast that satisfies this definition even though it was not intended to influence the election in a direct and substantial way. Though a fertile image might conjure up a few counter-examples, the would not make the law substantially overbroad.

The careful crafting of the Snowe-Jeffords Amendment stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted in FECA. Unlike the FECA definition of electioneering, the Snowe-Jeffords Amendment would withstand constitutional challenge without having to resort to the device of narrowing the statute with magic words. Congress could, if it wished, apply the basic rules that currently govern electioneering to all spending that falls within this more realistic definition of electioneering. Congress could, for example, declare that only individuals and PACs (and the most grassroots of nonprofit corporations) could engage in electioneering that falls within this broadened definition. It could impose fundraising restrictions, prohibiting individuals from pooling large contributions toward such electioneering.

But, of course, the Snowe-Jeffords Amendment does not go that far. The flat prohibition applies not to advocacy groups like NRLC, but only to business corporations and labor unions—and to the sorts of nonprofits that are already severely limited in their ability to lobby. The expansion in the definition of electioneering will not constrain NRLC from engaging in grassroots advocacy or spending the money it raises from its members for electioneering purposes. An individual, any other group of individuals, an association, and most nonprofit corporations can spend unlimited funds on electioneering that falls within the expanded definition and can raise funds in unlimited amounts, so long as they take care to insulate the funds they use on electioneering from funds they collect from business corporations, labor unions, or business activities. Since all corporations and labor unions receive reduced First Amendment protection in the electioneering context—remember, they can be flatly barred from electioneering at all—the application of the new prohibition only to labor unions and certain types of corporation is certainly constitutional.

THE EXTENDED DISCLOSURE REQUIREMENT

NRLC incorrectly argues that the Snowe-Jeffords Amendment's disclosure requirements infringe on the public's First Amendment right to engage in secret electioneering. In short, there is not such right. In McIntyre v. Ohio Elections Commission, 115 S. Ct. 1511 (1995), the Court was careful to distinguish the anonymous pamphleteering against a referendum at issue in that case from the disclosure rules governing electioneering for or against a particular candidate for office that were permitted in Buckley. Similarly, NRLC improperly relies on NAACP v. Alabama, 357 U.S. 449 (1958), which recognizes a limited right of anonymity for groups that have a legitimate fear of reprisal if their membership lists or donors are publicly disclosed. NRLC, like any other group, may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject its members to threats, harassment, or reprisals. See McIntyre, 112 S. Ct. at 1524 n.21. But the need for these kinds of limited exceptions certainly do not make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

Since the new prohibition in the Snowe-Jeffords Amendment does not apply to the funds of individuals, associations, or most nonprofit corporations, the First Amendment implications for them are diminished. They will simply be required to report their spending on speech that falls within the broadened definition of electioneering, just as they currently must report the sources and amounts of their independent expenditures. They would be required to disclose the cost of the advertisement, a description of how the money was spent, and the names of individuals who contributed more than $500 towards the ad. Contrary to the NRLC's claim, they will never be required to disclose in advance any ad copy that they intend to air.

The overbreadth and vagueness rules are particularly strict when applied to rules that restrict speech—such as the aspect of the Snowe-Jeffords Amendment that bars business corporations and labor unions from spending any funds on electioneering. But, as the Supreme Court has observed, disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. See Buckley, 424 U.S. at 68. There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputably designed to influence their vote.

CONCLUSION

The Snowe-Jeffords Amendment is a sensitive and sensible approach to regulating spending that has made a mockery of federal campaign finance laws. It regulates in the two contexts—corporate and union spending and disclosure rules—in which the Supreme Court has been most tolerant of regulation. The provisions are sufficiently clear to oversome claims of unconstitutional vagueness and sufficiently narrow to allay overbreadth concerns. The Amendment will not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering, but it will subject their electioneering spending to federal disclosure requirements, which is constitutionally permissible.

Respectfully submitted,

BURT NEUBORNE,
John Norton Pomeroy Professor of Law, NYU School of Law.
NORMAN ORNSTEIN,
Resident Scholar, American Enterprise Institute.
DANIEL R. ORTIZ,
John Allan Love Professor of Law, University of Virginia School of Law.
E. JOSHUA ROSENKRANZ,
Executive Director, Brennan Center for Justice at NYU School of Law.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator MCCONNELL, and I thank all Members of the body for this excellent debate on a very important issue. I suggest that there are different views about what is noble and fair and of the highest order. A jurist at one time said that to talk of justice is the equivalent of pounding on the table; everybody seems to say that their view is just and fair and wonderful. But I think there are a lot of competing principles here, and I would just like to share a few comments on this subject.

I ran in a Republican primary, had seven opponents, two of whom spent over $1 million of their own money, and the total that those seven opponents spent was some $5 million. My opponent in the general election spent about $3 million, the Democratic nominee. But when you figure it on 4 million people in Alabama, that is about $2 per voter.

A number of the expenditures—and it irritated me at the time—were these stealth advocacy ads that have been referred to. Groups ran ads that tried to claim they were advocacy ads but in fact were aimed at me and trying to drive my numbers down and to help their candidate get elected. It irritated me, and when I got here I was irritated with some of the campaign laws. It struck me as somewhat unfair that a man could spend $1 million but I could not ask anybody for more than $1,000. So I was pretty open to reviewing that.

Since I have been here and had the time to do a little thinking about it, talking with Senator MCCONNELL and others, I have become pretty well convinced that we do not need to deregulate the institutional media, allow them to run free doing whatever they want to, and just tell groups of people, even if I don't agree with them, they can't come together, peaceably assemble and raise money and petition their Government.

That is a fundamental first amendment principle. The right to assemble peaceably and petition your Government for grievances is a right that is protected by our Constitution. In no way can we abridge freedom of speech. We have a number of cases dealing with that.

The particular Snowe-Jeffords amendment that we talked about has been touched upon in a famous case from Alabama. NAACP v. Alabama, in 1958, clearly established that groups have a right to assemble and they do not have to reveal the names of individuals who have contributed to them.

They said: Well, we don't want to demand that of everybody, just if you run a campaign ad 60 days in front of a general election. Only then do we want to know who gave you money; only then do we abridge your right to free speech, because we are abridging it by saying you can't express yourself unless you tell who gave money to your organization only within 60 days of the election. That is the only time we want to do it.

So, Mr. President, I would ask, when do you want to speak out? When do people become concerned and energized about issues? I believe in my State, for example, that we had abuse of the laws of Alabama, and we had too many lawsuits and uncontrolled verdicts, and we needed tort reform. The trial lawyers of Alabama are a very aggressive group. A small group of them contribute huge sums of money. I saw recently where about seven plaintiff law firms, relatively small law firms, had given some $4 million to political campaigns in the last cycle. They spent $1 million—some of these were stealth advocacy ads aimed at me. They ran one ad against a Supreme Court Justice, the skunk ad that was voted the dirtiest ad in America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCONNELL. Mr. President, I yield to the Senator 2 more minutes.

Mr. SESSIONS. I thank the Senator. We have a robust democracy. People have their say. I am inclined to think this obsession with eliminating the ability of people to speak out freely in an election cycle is unwise. It does threaten the robust nature of this democracy.

I recall last year we had 30 Members here who voted to amend the first amendment to the Constitution so they could pass this kind of legislation.

I think at least they were honest enough to propose a constitutional amendment to amend the first amendment, which I thought was stunning.

But at any rate, my time has expired. I just wanted to share those comments. I thank the Senator from Kentucky.

Several Senators addressed the Chair.

Mr. McCONNELL. If I could just thank the Senator from Alabama for his important contribution to this debate, he is a distinguished lawyer, well versed in the first amendment. I think his points were very, very well made, and I just wanted to thank him for his contribution to this debate.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield up to 5 minutes to another of our tremendous cosponsors and supporters of this legislation, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as a cosponsor of the amendment being offered by Senators JOHN MCCAIN and RUSS FEINGOLD to motivate the Senate and conclude action on campaign finance reform legislation.

Before I proceed, I would like to point something out about the decision the Senator from Alabama referenced to defend nondisclosure. The Supreme Court in that case said if the people were threatened with bodily injury or death, they did not have to disclose their names. That is hardly, I hope, the case that we have here. I hope people would not rely upon that Alabama decision to say that the present procedure that we have here, allowing people to hide themselves behind their ads, is legitimized by that decision.

I also thank the Senator from Maine, who worked very strenuously on this amendment with respect to disclosure. To me, it is incredible to think anybody can object to what we are suggesting, which is that if people put something on the air obviously aimed at candidates, we ought to know who they are. I just cannot understand how anybody can take the position that is a violation of the freedom of speech.

Also, let me congratulate the House of Representatives for passing campaign finance reform legislation shortly before the August break. This was a first step toward achieving our mutual goal of having a campaign finance system that is fair and equitable. Such a system should ensure that the electorate is fully informed and that the pool of potential candidates is not limited by financial barriers.

Earlier this year we fell eight votes short of passing the McCain/Feingold campaign finance reform legislation. During consideration of this bill an important amendment offered by Senator SNOWE and I was adopted, and I am pleased that Senators MCCAIN and FEINGOLD have included this language in the amendment we are considering today. I think it is a critical amendment. The willingness of my colleagues to include this language and the leadership of the Vermont legislature on this issue last year has convinced me that it is time to move forward and pass this amendment.

The McCain-Feingold amendment with the JEFFORDS-SNOWE language boosts disclosure requirements and tightens expenditures of certain funds in the weeks preceding a primary and general election. The last few election cycles have shown that spending has grown astronomically in two areas that cause me great concern. First, issue ads that have turned into blatant electioneering. Second, the unfettered spending by corporations and unions to influence the outcome of an election. This amendment with the Jeffords-Snowe language addresses these areas in a reasonable, equitable and last but not least, constitutional way.

Mr. President, reform of the campaign finance system is long overdue. The litany of problems and short comings of our current system is long and well known, but the full Congress has so far been reluctant to act.

Since my election to the House in the wake of the Watergate scandal, I have worked with my colleagues to craft campaign finance reform legislation that could endure the legislative process and survive a constitutional challenge. We came close in 1994, and I believe circumstances still remain right for enactment of meaningful campaign finance reform during this Congress. This belief has only been strengthened by the recent actions taken by the House.

The Senate is known for its ability to have full and complete debates on any issue, and campaign finance should be no different, but debate on this important topic should eventually reach an end. We may not agree on the solution, but we must move forward, debate the issue and ultimately reach a conclusion. Let the process run its course, let Senators offer their amendments and get their votes. But, in the end let the Senate complete consideration of this issue.

Mr. President, if Mark McGwire can hit 62 home-runs, Congress can surely pass this important legislation and hit one home-run for cleaner campaign financing. I remain hopeful that my colleagues will join me in allowing the Senate to conclude debate on this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield the floor.

Mr. DOMENICI. Mr. President, the First Amendment to the Constitution mandates that Congress shall make no laws which abridge the freedom of speech. The freedom to engage in political speech is the bedrock of our democracy. We may not like what people say when they exercise their First Amendment rights, but this Senator acknowledges that everyone has the right to engage in political speech.

This bill places unconstitutional limits on the First Amendment rights of individuals, groups and even unions. The bill creates a rule which virtually prohibits any political ads by individuals, groups and unions which mention specific candidates within 60 days of an election.

That would serve to muzzle political speech at the most critical time during a campaign. Not only is this unconstitutional, it is bad policy, because it will only serve to make the media more powerful.

I have examined the provisions in this bill very carefully, and even on the slightest chance the Supreme Court would find these provisions constitutional, I ask my fellow Senators: is this good policy?

The reason I ask this question is that, in my view, when you muzzle the political speech of individuals and groups, whose voice will then carry the day?

In our zeal on both sides of the aisle to address the role of certain entities in our elections, we need to ask ourselves: what will be the consequence of restricting the free speech rights of unions, corporations and wealthy individuals to engage in campaign-related speech? In my mind, by restricting freedom of speech for these groups, we will make the media an even more powerful player in the political process.

During the 60 days prior to the election when the so called bright line rule is in effect, the only one who will be able to speak directly about the candidates will be the news media.

We all know the saying around Washington: "you shouldn't pick a fight with someone who buys paper by the ton and ink by the barrel." Because it enjoys the full protection of the First Amendment, we call the media the Fourth Estate, or the Unofficial Fourth Branch of government. The media are the "Big Opinion Makers"—they write the editorials, present the news and decide which issues deserve the attention of the American people on a daily basis.

We also know that members of the media are only human—and by that I mean that they are opinionated. Their opinion tends to lean in favor of a liberal, Democrat agenda. Recent surveys have shown that close to 90 percent of the media votes for liberal Democrat candidates. What of their independence? What about their role in the election of federal officials?

Thomas Jefferson once wrote: There are rights which it is useless to surrender to the government, but which rights governments always have sought to invade. Among these are the rights of speaking and publishing our thoughts.

This bill is a giant step toward Congress invading the rights of many to engage in political discourse and surrendering those rights to the media. In my view, you can choose McCain/Feingold or you can choose the First Amendment. I choose the First Amendment. Thank you, Mr. President.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator from Kentucky for the time, and particularly for the effort and information that he has participated in giving during this debate.

I am interested in the fact that our fellow Senators talk about having a discussion. How long are we going to discuss this? It seems like we have been through this every year. We have been through it three times last year; we have been through it the second time this year. I can hardly imagine that anyone can make a case that we have not had a chance to talk about this issue.

As a matter of fact, frankly, I just think we have a lot of things to do in the next 3 weeks. I hope we focus on doing those things and not continue to repeat and discuss the same things that we have done before. This subject had three failed cloture votes in 1997. This is the second cloture vote in 1998. We had the opportunity to talk about this, and under the system in the Senate which we all use, this issue has failed to be approved. Frankly, I think it will be one more time. I heard earlier that this is something that everybody in the country is clinging to and wanting to have resolved. I have not seen that. Where people are asked to list the things that are most important to them, where do you see this on the list? If at all, on the bottom.

I think the fact is times have changed. The fact is we do spend more money, perhaps too much money, but we want people to vote. We believe they should be educated, and if you do that, you do that through the public media, which is expensive. So we are changing those things a great deal.

What puzzles me a great deal—and I am not here to talk about the details; others are much more familiar with them than am I—but we find ourselves with the dilemma of having a campaign finance law in place now that we seem to be unable or unwilling to enforce, and in fact what do we want to do? We want to have more laws put on top of the ones that we are not willing to enforce now. That seems to be a real difficult thing for me to understand.

I think it would be a mistake to pile more bureaucracy, more new laws on top of the ones that we have, and then say to ourselves, "Look at all the things that were illegally done in 1997 or 1996." We haven't enforced the laws that we have. It is strange to me there is a pitch for making more laws until we do that.

I will not take much time. I do think there ought to be some changes. I certainly support the idea of strengthening and enforcing disclosure. I think disclosure ought to be there prior to the election, and I am for that. I would even probably support the amount of soft money that can be contributed. But I am also quick to understand that there are lots of ways to do it, and laws simply do not have the effect that sometimes we think they should.

So, I think most everything has been said here, but I did want to rise to say that the notion if you are not for this somehow you don't care about elections, somehow you don't care about voting, that is not true. That is not at all true. All of us want to have an open declaration of spending. We want to have disclosure. We also want to have people have the opportunity to participate as fully as they choose under the first amendment, and there are some restrictions in here.

So, we will continue to talk about this, I presume. But McCain-Feingold is not the answer, in my opinion. That doesn't mean that I don't care about elections, because I do care about them, and so do all of us. That allegation is simply not true.

Mr. President, I thank the Senator from Kentucky for the time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the senior Senator from Wyoming for coming over and participating in the debate and for his insightful observations.

Seeing no speakers on the other side, I yield 5 minutes to the distinguished junior Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Kentucky, and I rise in opposition to the McCain-Feingold amendment to the Interior appropriations bill. Rather than "reform" the way campaigns are financed, this amendment would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office, and one of our primary obligations here is to preserve the Constitution of the United States.

While the McCain-Feingold amendment claims to "clean up" elections, it does so by placing unconstitutional restrictions on citizens' ability to participate in the political process. We have heard several Members of the Senate bemoan the fact that various citizen groups and individuals have taken out ads criticizing them during their elections.

I must admit that I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. In fact, during my last campaign, some ads were aired against me that were downright false. I do support truth in advertising. Even that, I am told, is an infringement on freedom of speech, and the Washington Supreme Court just ruled that it is OK to lie in campaign advertising.

How do you counter that? During my campaign, my opponent ran a series of ads that said I put a tax on Girl Scout cookies. Fortunately, Girl Scout cookies were delivered during the campaign, and those poor little girls had to say, "No, he didn't put a sales tax on Girl Scout cookies." Had it not been for the delivery of those cookies, I would have had to find a lot of money to counter the false advertising done against me. If we can't get truth in advertising, we don't have campaign reform, and that is an infringement on freedom of speech.

At the same time, I believe in a free society it is essential that citizens have a right to articulate their positions on issues and candidates in a public forum. The first amendment to our Constitution was drafted to ensure that future generations will have the right to engage in public political discourse that is vigorous and unfettered. Throughout even the darkest chapters of our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny.

The Supreme Court has consistently interpreted the first amendment to protect the right of individual citizens and organizations to express their views through issue advocacy. The Court has maintained for over two decades that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not "in express terms advocate the election or defeat of a clearly identified candidate." As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his or her views. While these holdings may not always be welcome to those of us running in campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech.

Mr. President, this amendment, which parades under the disguise of "reform," would violate these clear first amendment protections. The amendment impermissibly expands the definition of "express advocacy" to cover a whole host of communications by independent organizations. The McCain-Feingold amendment attempts to expand bright-line tests for issue advocacy to include communications which, "in context," advocate election or defeat of a given candidate.

Are we comfortable with giving a Federal regulatory agency the power to determine what constitutes acceptable political speech—a Federal regulatory agency the power to determine what constitutes acceptable political speech?

This amendment gives expansive new powers to the Federal Election Commission. This is one Federal agency which has abused the power it already has to regulate Federal elections. Just last year, the Fourth Circuit Court of Appeals strongly criticized the Federal Election Commission for its "unsupportable" enforcement action against the Christian Action Network. The network's only crime was engaging in protected political speech. The Court of Appeals required the Federal Election Commission to pay the network's attorney fees and court costs since the FEC's prosecution had been unjustified. Congress should not condone flagrant administrative abuses by giving the FEC expanded new powers and responsibilities.

The McCain-Feingold substitute also includes within its new definition of "express advocacy" any communication that refers to one or more clearly identified candidates within 60 calendar days preceding an election. These provisions would allow the speech police to regulate core political speech during the most crucial part of an election cycle. They would also place an economic burden on thousands of small radio and television stations which carry those ads. I don't think we in Washington should be placing any more restrictions on America's small businesses. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit free citizens from entering into public discourse on issues that greatly affect them.

I cannot support legislation that stifles the free speech of American citizens and gives expanded new powers to a Federal bureaucracy. For these reasons, I must oppose the McCain-Feingold amendment. I ask my colleagues to join me in paying tribute to the first amendment and opposing the McCain-Feingold substitute and any other amendment that would unconstitutionally restrict the rights of citizens to participate in the democratic process.

I thank the Chair and yield the floor.

Mr. McCONNELL. Mr. President, I thank my friend from Wyoming for his participation, once again, in what seems to be an endless debate. We have this periodically, and I thank my colleague from Wyoming for always coming over and making an important contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-one minutes, 25 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Wisconsin. I commend him and Senator MCCAIN and the bipartisan group that has worked so hard to pass campaign finance reform.

A couple of nights ago, Mark McGwire hit his 62nd home run. In doing so, he defied the odds. He warmed the hearts of Americans everywhere with his grit, his determination, and his dedication. It was a shining moment for American baseball and for America. Today, we should hold him up as our example. We need to show equal grit and equal determination. We need to hit a home run for the American people by passing campaign finance reform.

To do that, we are going to have to defy the odds. The House did it; they defied the odds. They passed campaign finance reform, and now the question that we are going to face in the days ahead is whether we can. Can the Senate rise to the occasion? Or will we go with the status quo, continuing the demoralizing and debilitating money chase that now funds our election campaigns and undermines public confidence in our democracy?

Seventy-five percent of the American people want campaign finance reform. They want limits restored on contributions, real limits. They want the end of the loophole called the soft money loophole.

The House passed a strong bipartisan bill. The President is ready to sign it. A majority of the Senate supports similar legislation which is before us now. We are ready to vote to enact this legislation into law.

But instead of going to a vote on the bill, the majority leader has instead filed a cloture motion. And what is surreal about this cloture motion is that while a cloture motion is usually intended to be a device to close debate on an issue, and to move to a vote, the Senators who signed the cloture motion in this instance do not want to end debate or go to a vote. They oppose their own petition. They hope that the pending legislation and this issue will go away. They hope the supporters of campaign finance reform will withdraw the bill because it is being filibustered.

This is an inside-out filibuster. The opponents of reform want to filibuster the reform bill without actually filibustering it. They are hoping that if supporters do not have the 60 votes to close debate, that the supporters will agree to withdraw their own amendment. I believe it would be wrong to withdraw this bill because opponents are filibustering the bill. Opponents have the right to filibuster under our rules. They have the right to filibuster. But the supporters have no obligation to help them succeed by agreeing to change the subject or by agreeing to withdraw the amendment.

This is an issue of transcendent importance. Huge contributions that come through that soft money loophole have sapped public confidence in the electoral process. The House has acted. They did what conventional wisdom said could not be done. They passed a bill with meaningful campaign finance reform to close the soft money loophole. Our colleague from Kentucky said that when the House passed reform and sent it over here, that the bill and reform was dead on arrival, DOA. Well, it was not. The struggle for life for campaign finance reform will be determined by a test of wills between a bipartisan majority who support campaign finance reform and the minority that is filibustering in opposition to campaign finance reform.

But campaign finance reform is not dead on arrival. It is struggling for life here on the Senate floor in a kind of a titanic struggle which has existed with prior legislation of this importance, legislation which has such meaning to the country that both its supporters and its opponents are willing to test their strength. Opponents filibustering, as is their right, but supporters not yielding to that filibuster, as is our right.

So just as the House defied the odds by passing a bill, just like Mark McGwire defied the odds by hitting home run No. 62, now it is our turn at bat. The American public is waiting for us to step up to the plate and to fight for campaign finance reform. And that is what our intention is. Again, I commend the bipartisan group that has led this effort. It is a vital effort for the well-being of democracy in this country. It is worth fighting for.

I thank the Chair and I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will not submit for the record the 400 campaign finance reform editorials from 196 newspapers across America that have been published just since March 30, 1998.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those newspapers that published editorials, 196 newspapers. It is about a four-page document. I will not ask that the editorials be put in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Attached are more than 400 campaign finance reform editorials from 196 newspapers. These editorials have been published since March 30, 1998:

Aiken Standard, Aiken, SC
Akron Beacon Journal, Akron, OH (3)
Times Union, Albany, NY
Albuquerque Journal, Albuquerque, NM
The Morning Call, Allentown, PA (3)
The Ann Arbor News, Ann Arbor, MI
USA Today, Arlington, VA (5)
The Atlanta Constitution, Atlanta, GA (3)
The Atlanta Journal, Atlanta, GA (2)
Kennebec Journal, Augusta ME
Beacon-News, Aurora, IL
Austin American-Statesman, Austin, TX (4)
The Sun, Baltimore, MD
The Bango Daily News, Bango, ME
The Times Argus, Barre, VT
The Herald-Palladium, Benton Harbor-St. Joe, MI
The Birmingham News, Birmingham, AL (2)
the Birmingham News-Post Herald, Birmingham, AL
The Boston Globe, Boston, MA (10)
Boston Herald, Boston, MA (4)
The Christian Science Monitor, Boston, MA (3)
Connecticut Post, Bridgeport, CT (4)
Bridgeton Evening News, Bridgeton, NJ
The Courier-News, Bridgewater, NJ
The Times Record, Brunswick, ME
The Buffalo News, Buffalo, NY (3)
Cadillac News, Cadillac, MI (4)
The Repository, Canton, OH (2)
The Charleston Gazette, Charleston, WV
The Charlotte Observer, Charlotte, NC (2)
Chattanooga Free Press, Chattanooga, TN
The Chattanooga Times, Chattanooga, TN
Press Register, Clarksdale, MS
The Leaf-Chronicle, Clarksville, TN
The Bolivar Commercial, Cleveland, MS
The Brazosport Facts, Clute, TX
The State, Columbia, SC (2)
Columbus Ledger-Enquirer, Columbus, GA
Concord Monitor, Concord, NH
The Dallas Morning News, Dallas, TX
The News-Times, Danbury, CT (5)
Dayton Daily News, Dayton, OH
Daytona Beach News Journal, Daytona, FL
The Denver Post, Denver, CO (3)
Detroit Free Press, Detroit, MI (4)
The Dubuque Telegraph Herald, Dubuque, IA
The Duncan Banner, Duncan, OK
The Home News & Tribune, East Brunswick, NJ (3)
The Express-Times, Easton, PA
The Courier News, Elgin, IL
Star-Gazette, Elmira, NY
The Evansville Press, Evansville, IN (3)
The Journal Gazette, Fort Wayne, IN (2)
Fort Worth Star-Telegram, Fort Worth, TX (6)
The Middlesex News, Framingham, MA (2)
The Gainesville Sun, Gainesville, FL (5)
Great Falls Tribune, Great Falls, MT
Greenville Herald-Banner, Greenville, TX
Greenwich Time, Greenwich, CT
The Greenwood Commonwealth, Greenwood, MS
The Record, Hackensack, NJ (4)
The Patriot-News, Harrisburg, PA
The Hartford Courant, Hartford, CT (10)
The Daily Review, Hayward, CA
The Times-News, Hendersonville, NC (2)
Hood River News, Hood River, OR
Houston Chronicle, Houston, TX (2)
Register-Star, Hudson, NY
The Post Register, Idaho Falls, ID
Jackson Citizen Patriot, Jackson, MI
The Clarion-Ledger, Jackson, MS (2)
The Jackson Sun, Jackson, TN (2)
The Jopin Globe, Joplin, MO
The Kansas City Star, Kansas City, MO (5)
Lake City Reporter, Lake City, FL (2)
The Ledger, Lakeland, FL (5)
The Lakeville Journal, Lakeville, CT
Las Cruces Sun-News, Las Cruces, NM
Bucks County Courier Times, Levitttown, PA
Lexington Herald Leader, Lexington, KY (5)
The Express, Lock Haven, PA
Lodi News-Sentinel, Lodi, CA
Newsday, Long Island, NY (2)
Los Angeles Times, Los Angeles, CA (8)
The Courier-Journal, Louisville, KY (3)
Lubbock Avalanche-Journal, Lubbock, TX (2)
The Lufkin Daily News, Lufkin, TX
The News & Advance, Lynchburg, VA
The Capital Times, Madison, WI (3)
Journal Inquirer, Manchester, CT
The Marietta Times, Marietta, OH (2)
Chronicle-Tribune, Marion, IN
The Times Leader, Martins Ferry, OH
Enterprise-Journal, McComb, MS
The Daily News, McKeesport, PA (3)
Florida Today, Melbourne, FL (2)
The Commercial Appeal, Memphis, TN
Milford Daily News, Milford, MA
Millville News, Millville, NJ
Milwaukee Journal Sentinel, Milwaukee, WI
Star-Tribune, Minneapolis, MN (4)
The Macomb Daily, Mount Clemens, MI
The Muskogee Daily Phoenix & Times-Democrat, Muskogee, OK
The Sun News, Myrtle Beach, SC
The Napa Valley Register, Napa, CA
The Broadcaster, Nashua, NH
The Tennessean, Nashville, TN
The Day, New London, CT
New York Daily News, New York, NY (2)
The New York Times, New York, NY (33)
The Star-Ledger, Newark, NJ (4)
The New Jersey Herald, Newton, NJ (2)
The Virginian-Pilot, Norfolk, VA
The Hour, Norwalk, CT
The Oakland Tribune, Oakland, CA
Ocala Star-Banner, Ocala, FL (2)
The Olympian, Olympia, WA
The Orlando Sentinel, Orlando, FL
The Paris Post-Intelligencer, Paris, TN
The Parkersburg Sentinel, Parkersburg, WV
North Jersey Herald & News, Passaic, NJ (5)
Journal Star, Peoria, IL
The Philadelphia Inquirer, Philadelphia, PA (6)
Post-Gazette, Pittsburgh, PA (2)
The Berkshire Eagle, Pittsfield, MA
Mountain Democrat, Placerville, CA
Tri-Valley Herald, Pleasanton, CA
Port Arthur News, Port Arthur, TX (3)
Maine Sunday Telegram, Portland, ME
Portland Press Herald, Portland, ME (2)
The Oregonian, Portland, OR (4)
The News & Observer, Raleigh, NC (5)
The Press-Enterprise, Riverside, CA
Roanoke Times & World-News, Roanoke, VA

Rochester Democrat & Chronicle, Rochester, NY
Rocky Mount Telegram, Rocky Mount, NC
Roswell Daily Record, Roswell, NM
The Daily Tribune, Royal Oak, MI
Today's Sunbeam, Salem, NJ
The San Antonio Express-News, San Antonio, TX (6)
The San Diego Union-Tribune, San Diego, CA (4)
San Francisco Chronicle, San Francisco, CA (3)
San Gabriel Valley Tribune, San Gabriel, CA
The San Jose Mercury News, San Jose, CA
The Telegram-Tribune, San Luis Obispo, CA
The County Times, San Mateo, CA
The Sentinel, Santa Cruz, CA (3)
The Press Democrat, Santa Rosa, CA (2)
The Tribune, Scranton, PA
The Sheboygan Press, Sheboygan, WI
The Times, Shreveport, LA
The Sioux City Journal, Sioux City, IA (3)
South Bend Tribune, South Bend, IN (2)
The Springfield State Journal-Register, Springfield, IL (3)
Union-News, Springfield, MA
Springfield News-Sun, Springfield, OH (3)
St. Louis Post-Dispatch, St. Louis, MO (2)
The Stamford Advocate, Stamford, CT
Northern Virginia Daily, Strasburg, VA
Pocono Record, Stroudsburg, PA
Sturgis Journal, Sturgis, MI
The Daily News-Sun, Sun City, AZ
The Post-Standard, Syracuse, NY (2)
Tarrentum Valley News Dispatch, Tarentum, PA (2)
Temple Daily Telegram, Temple, TX
The Terrell Tribune, Terrell, TX
The Blade, Toledo, OH
Daily Breeze, Torrance, CA
The Register-Citizen, Torrington, CT
The Times, Trenton, NJ (3)
The Arizona Daily Star, Tucson, AZ (4)
The Tullahoma News & Guardian, Tullahoma, TN (2)
Tulsa World, Tulsa, OK
Utica Observer-Dispatch, Utica, NY (2)
The Columbian, Vancouver, WA
Vincennes Sun-Commercial, Vincennes, IN
Waco Tribune-Herald, Waco, TX (3)
The Tribune Chronicle, Warren, OH
The Washington Post, Washington, DC (14)
The Waterloo Courier, Waterloo, IA (2)
Central Maine Morning Sentinel, Waterville, ME (2)
The News Sun, Waukegan, IL
Westfield News, Westfield, MA
The Palm Beach Post, West Palm Beach, FL (9)
The Reporter Dispatch, White Plains, NY (4)
Valley News, White River Junction, VT
The Wichita Eagle, Wichita, KS (2)
The Citizens' Voice, Wilkes Barre, PA
The Times Leader, Wilkes Barre, PA
The News Journal, Wilmington, DE
The Winchester Star, Winchester, VA
Winston Salem-Journal, Winston Salem, NC
The Gloucester County Times, Woodbury, NJ
The Telegram & Gazette, Worcester, MA (4)
The York Dispatch, York, PA
The York Sunday News, York, PA

Mr. McCAIN. Mr. President, I do think it is of interest that newspapers from the Aiken Standard all the way to the York Sunday News, 196 newspapers—some of them more than once; some of them as many as five or six times—have editorialized in favor of campaign finance reform.

Mr. President, one of the people that I admired and revered in many ways, and in many ways was a mentor to me when I was in a different avocation, was Senator John Tower. On March 28, 1974, Senator Tower rose to speak in favor of campaign finance reform. At that time, it was S. 3261, a bill to reform the conduct and financing of Federal election campaigns, and for other purposes.

Senator Tower gave a speech at that time, and I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, March 28, 1974]

Mr. TOWER. Mr. President, today I am introducing the Federal Campaign Reform Act of 1974. The bill generally encompasses President Nixon's election campaign reform proposals as outlined in his message delivered to the Nation on March 8. As one package, it represents the most comprehensive set of reform proposals yet to be offered. It does not subject the political process to the abuses that would naturally flow from public financing of Federal elections as envisioned by S. 3044.

I need not dwell on the necessity for campaign reform that works. What I do wish to emphasize now are the specific ways in which this bill is in the Nation's best interest.

First, this bill requires each candidate to designate a single political committee, which would ultimately receive all contributions made in his behalf. That committee would make all expenditures by check from a designated federally chartered bank. These provisions would substantially ease the administrative burden of enforcing compliance with campaign laws.

Second, a candidate's political committee would be prohibited from accepting more than $3,000 from an individual donor in any Senate or House election, and not more than $15,000 in any Presidential election. All contributions from any kind of organization would be prohibited, except those made by national committees or political action groups.

Third, comprehensive and timely reporting and disclosure requirements are imposed upon political committees and political action groups. For example, political action groups would be required to disclose the ties their principal officers have to political parties.

Fourth, an independent Federal Election Commission is established with the independence necessary to effectuate the provisions of the bill.

Fifth, the bill provides real safeguards against express or implied intimidation or coercion used against corporate employees and union members in soliciting campaign contributions.

Sixth, specific prohibitions against so-called "dirty tricks" are provided. Such activities have no proper role to play in any campaign, and this bill successfully draws the line between constitutionally protected campaign activity, and activity which is universally recognized as intolerable.

Seventh, a shortening of Presidential campaigns, and a corresponding reduction in the costs of campaigning, are provided for by prohibiting the holding, before May 1 of an election year, of Presidential primaries or conventions at which delegates to the national nominating convention are selected.

A central theme of the bill is the restoration of the dignity and power of the individual donor to a proper role in political campaigns. For too long, big organizations have run roughshod over the wishes of their individual members. Implicit intimidation or coercion has often been used to compel contributions which cannot fairly be characterized as voluntary. Individual contributors have often been misled as to the true nature of the political action groups to whom they gave. Individuals have also felt of insignificant value in campaigns because of the enormous contributions made by many organizations.

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

I must admit that I have philosophical reservations about placing limitations on an individual's privilege to determine the amount of his personal contribution. There even might well be constitutional problems with such a congressional mandate. However, as I have previously stated, excesses can and have occurred. Thus, absent judicial reversal of the concept, such limitations are inevitable and represent a significant part of this reform package.

Mr. President, I shall consider offering this bill as a substitute amendment for S. 3044 in substantially the same form as I am introducing it today. Therefore, I urge my colleagues to review it carefully.

Mr. McCAIN. In the body of his remarks, Senator Tower said:

> The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

The bill he is referring to is the campaign reform bill that was then being considered by the Senate.

> This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

Mr. President, Senator Tower described the situation pretty much as it is today. Each voter does not believe that his or her contribution counts as much as others. We have seen manifestations of that in virtually every primary this season. Every voter does not believe that there is fair and representative influence on the part of the many. In fact, the voters, in recent polls that have been taken, believe that there is undue influence on the part of special interests. And I, having witnessed it myself, am convinced of it.

In 1974, on August 8, Representative Anderson said:

> Under our representative system of government, the people elect fellow citizens to speak for, vote on behalf of, and represent their interests in the legislative bodies—the House and Senate—and they elect a President to administer the laws, conduct foreign affairs, and established priorities. And, I believe this to be the best system of government devised by man.
>
> If some people, however, are given preferential treatment because of their ability and willingness to contribute large sums toward the election of an individual, then the system breaks down. If some are "more equal" than others, then our representative system fails and the interests of all the people are aborted.
>
> And this is a very serious threat to our democracy. It is a very serious threat if the interests of the rich and powerful are placed above the interests of the weak and the poor.
>
> Our country was founded on the principle of equality—all are equal in the eyes of the law. But, if the rich and the powerful have a greater influence on writing and administering the laws, is not equality a sham, a farce?

Mr. President, yesterday I noted a document that was put out by the Democratic National Committee in the 1996 election where a broad variety of privileges would be extended to those who contributed $100,000. One of the most egregious were seats on trade missions. These things have consequences, Mr. President. One of the ongoing controversies—in fact, we will have a hearing in the Commerce Committee next week on the transfer of technology to China being directly related to the issue of these "trade missions."

Mr. President, both parties do this. Both parties do this as far as many of these are concerned. This is a memo from the Democratic National Committee. If you want to give a contribution of $100,000 annually:

> Two annual Managing Trustee Events with the President . . .
>
> Two annual Managing Trustee Events with the Vice President.
>
> One annual Managing Trustee Dinner with senior Administration officials.
>
> * * * * * *
>
> Two Annual Retreats/Issue Conferences. . . .
>
> Invitations to Home Town Briefings
>
> As senior Administration officials travel throughout the country, Managing Trustees are invited to join them in private, impromptu meetings.
>
> Monthly Policy Briefings
>
> Administration officials discuss topics ranging from telecommunications policy to welfare reform at regular Washington policy briefings to which Managing Trustees are invited.
>
> Personal DNC Staff Contact
>
> Each Managing Trustee is specifically assigned a DNC staff member to assist them in their personal requests. [et cetera.]

But of course the one that strikes me is:

> Annual Economic Trade Missions
>
> Managing Trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad.

Is that equal opportunity? Could any American citizen go on these trade missions? I think it is pretty clear that if you are willing to give $100,000 annually, then indeed you can take those trade missions.

A memorandum from whoever Ann Cahill is:

> To: Ann Cahill
>
> From: Martha Phipps
>
> RE: WHITE HOUSE ACTIVITIES
>
> Two reserved seats on Air Force I and II trips.

Is that the way you ride on Air Force One and Two, Mr. President?—"In order to reach a very aggressive goal of $40 million this year . . . very helpful if we could coordinate the following activities between the White House and the Democratic National Committee."

Let me repeat that memorandum: ". . . coordinate the following activities between the White House and the Democratic National Committee."

> Two reserved seats on Air Force I and II trips . . .
>
> Six seats at all White House private dinners . . .
>
> Six to eight spots at all White House events (i.e. Jazz Fest, Rose Garden ceremonies, official visits).

And in this memorandum it says who the contact is. Ann Stock seems to be a person to contact; and Alexis Herman, now Secretary of Labor.

> Invitations to participate in official delegation trips abroad.
>
> Contact: Alexis Herman . . .
>
> Better coordination on appointments to Boards & Commissions . . .
>
> White House mess privileges.

Patsy Thomason was the contact for that.

> White House residence visit and overnight stays.

Ann Stock was the person on that.

> Guaranteed Kennedy Center Tickets (at least one month in advance) . . .
>
> Six radio address spots
>
> Contact: David Levy . . .
>
> Photo opportunities with the principles . . .
>
> Phone time from the Vice President.

That was Jack Quinn's job, Mr. President, general counsel. He was responsible, he is the contact, for phone time from the Vice President. That would be the subject of some ongoing inquiry.

> Ten places per month at White House film showings . . .
>
> One lunch with Mack McLarty per month.

Boy, it makes me better understand why Mr. Mack McLarty decided to go into private life.

> One lunch with Ira Magaziner . . .

I think that might be a penalty rather than a benefit.

> One lunch with the First Lady per month.

I will leave that unremarked.

> Use of the President's Box at the Warner Theater and at Wolf Trap . . .
>
> Ability to reserve time on the White House tennis courts . . .
>
> Meeting time with Vice President Gore.

Again, Jack Quinn was the contact person.

To be very clear, this is a memorandum of May 5, 1994, to Ann Cahill from Martha Phipps, and it is titled "White House Activities." Again, it reads:

> In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.

I have stated several times that every institution of government was debased in the 1996 campaign. I think that this document certainly indicates that was the case.

We will have a vote on a tabling motion by my dear friend from Wisconsin here in a few minutes and then we will have a cloture vote later this afternoon. I will have a lot more to say before we finish this debate.

How do we go home and tell our constituents that we are all equal when this kind of thing has become commonplace? And the same kinds of things are done by the Republican Party. Obviously, they didn't have the White House boxes and those other conveniences or perks. How can we tell the American people that they are equal when these kinds of things go on?

The reason I bring this up, this all has to do with the most egregious aspect of the present system, and that is soft money. When you look at the dramatic increase in soft money over the last couple, three cycles, it is dramatic. So there will be more memorandums like the one I just cited and there will be more soft money and there will be more requests for large contributors.

I see a couple of my colleagues who are waiting to speak. I believe—and I will say this again before the final vote—this issue will be resolved over time and we will prevail because the American people won't stand for this. They won't stand for it, and I believe they will demand we clean up this system either sooner or later.

I will talk again later on. I yield the floor.

Mr. FEINGOLD. Mr. President, I inform my colleagues I will not be offering a motion to table at 12:00 noon. Instead, as I understand it, we will continue to debate until the cloture vote at 1:45. We will have the opportunity to vote on this issue again in the days to come, so I don't see a need for another vote before our cloture vote.

May I inquire of the Chair, am I correct that the time after 12:00 noon but prior to 1:45 will be equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I ask unanimous consent I control the time on our side.

Mr. McCONNELL. Reserving the right to object, I didn't hear the earlier unanimous consent.

Mr. FEINGOLD. I did not propose a prior unanimous consent; the only unanimous consent I propose is I control the time after 12 noon and prior to 1:45 on our side.

Mr. MCCONNELL. So the suggestion was, we will continue to divide the time until 1:45?

Mr. FEINGOLD. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. How much time do we have remaining on our side prior to 1:45?

The PRESIDING OFFICER. The Senator from Wisconsin has 54 minutes.

Mr. FEINGOLD. Prior to 1:45?

The PRESIDING OFFICER. That is correct, and the Senator from Kentucky has 63 minutes.

Mr. FEINGOLD. Mr. President, I yield 5 minute to the distinguished Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I thank Senator FEINGOLD for yielding the time, and I both thank and commend Senator FEINGOLD and Senator MCCAIN for their leadership on this very critical issue. They have been fighting a very lonely—at times lonely—but a very extraordinary battle for not only the reforming of our campaign system but, many suspect, the continued viability of our political system.

We have a campaign finance system in place, but that system has literally collapsed. The exceptions, the loopholes, the ingenious ways around, have in fact devoured the rules and we no longer really have a system of campaign finance. What we have is an all-out race for dollars, constantly, incessantly, and then an all-out escalation of spending and political campaigns which has left our constituents amazed and at times disgusted. We have a responsibility and an obligation to change this system today, with the opportunity to vote for very modest reform which will begin to, once again, make elections about ideas and policies, and not auctions to the highest bidder.

The McCain-Feingold compromise seeks to accomplish two basic goals: First, to ban the unlimited, unregulated gifts by corporations, wealthy individuals and labor unions to political organizations, the so-called soft money; second, to regulate the so-called issue advertisements which impact on campaigns and which are growing in frequency and in their emphasis impact on campaigns. By ending soft money contributions, we will do what we persistently have said we want to do, and that is to prevent corporations from participating directly in elections.

This is not radical reform, this is commonsense consistent reform that we thought we accomplished back in 1973 and 1974 with the original campaign finance reform system.

Second, this legislation would attempt to provide a modicum of control over the new phenomenon of the issue ads. They would require the disclosure of the contributions by these individuals and also indicate who is sponsoring these advertisements, or where they are getting their money. We have seen, over the last several years, an amazing phenomenon—candidates are in a race and they are discussing the issues and, suddenly, out of nowhere, comes a mysterious advertisement on television attacking one or praising another. And they both claim that they had nothing to do with it. It is no longer their campaign. They are, in a sense, bystanders on issue advertisements and issue campaigns of which they themselves, many times, disclaim having any knowledge. All of this takes out of the hands of the candidates and, ultimately, the hands of the electorate, what should be at the heart of every election—a vigorous debate between individual candidates about their vision of the future of this country.

So we have to do these things. We have to ensure that our campaigns are not tainted by soft money and not overwhelmed by these issue advertisements. This is a problem that plagues both of our Houses. As Senator MCCAIN pointed out, it is not just a situation with the Democrats or just with the Republicans; both sides are locked into this inexorable, it seems, race for dollars. In doing that, we have created a situation where the American people, in many cases, are increasingly disenchanted; they are voting less and less and are getting to the point of being contemptuous of the best political system the world has created to date.

We have to do this modest reform today. Frankly, this is just modest reform. There are many things that we could and should do that we are not even talking about today on the floor of the Senate. The States—the so-called laboratories of reform—are doing things today that we should be at least contemplating. In my own State of Rhode Island, we implemented voluntary spending limits with limited public financing. The States of Maine and New Jersey have done the same thing. The State of Vermont has implemented strict limits on candidate spending—legislation which directly challenges the Court's decision in Buckley v. Valeo, which I believe incorrectly equates money with speech.

In fact, I have introduced similar legislation in this body which would legislatively put limits on and legislatively force the Court to reevaluate Buckley v. Valeo. These are very aggressive steps that we should take. These are things we should do to ensure that our system is entirely resistant to the ravages of money that is affecting it today. But at least today we can stand up with Senators MCCAIN and FEINGOLD and say that we must stop the influence of soft money. We must at least have the disclosure rule behind these issue advertisements. This is the first step toward long-term campaign finance reform that will not only make races about ideas, but will, in fact, I believe, restore the faith of the American people in their system of government and what we do for them.

I yield back my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

Very properly, Senator MCCAIN made reference to the bipartisan nature of the problem and the bipartisan nature of the effort. I commend Senator MCCAIN for doing that, for his strong leadership, which is essential if this is going to succeed.

I want to put in the RECORD some documents, for the sake of completeness, showing how bipartisan this problem is. Senator MCCAIN, very appropriately, put in a document relative to what the benefits of major contributors to the Democrats are going to be offered. I don't know if that was actually implemented under that document or not, but plenty was implemented.

I ask unanimous consent that these two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1997 RNC ANNUAL GALA, MAY 13, 1997, WASHINGTON HILTON, WASHINGTON, DC

GALA LEADERSHIP COMMITTEE

Cochairman—$250,000 fundraising goal

Sell or purchase Team 100 memberships. Republican Eagles memberships or Dinner Tables.

Dais Seating at the Gala.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Vice Chairman—$100,000 fundraising goal

Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Deputy Chairman—$45,000 fundraising goal

Sell or purchase three (3) Dinner Tables or three (3) Republican Eagles memberships.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Dinner Committee—$15,000 fundraising goal

Sell or purchase one (1) Dinner Table.

Preferential Seating at the Gala Dinner with the VIP of your choice.

VIP Reception at the Gala with the Republican members of the Senate and House Leadership.

(Note.—Benefits pending final confirmation of the Members of Congress schedules.)

1992 REPUBLICAN PRESIDENT'S DINNER

BENEFITS FOR TABLEBUYERS AND FUNDRAISERS

Tablebuyers/tablehosts	Fundraisers (two tables)	Fundraisers ($92,000 and above)	Top fundraisers
Private reception hosted by President and Mrs. Bush at the White House; 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole and Congressman Bob Michel, 2 people. Option to request a Member of the House of Representatives to complete the table of ten. With purchase of a second table, option to request one Senator or one Senior Administration Official.	Private reception hosted by President and Mrs. Bush at the White House, 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Reception with Senator Bob Dole at U.S. Capitol, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole, and Congressman Bob Michel, 2 people.	Photo Opportunity with President Bush; 1 person. All Fundraiser Benefits listed above.	Opportunity to be seated at a head table with the President or Vice President based on ticket sales. All Fundraiser Benefits listed above.

Note.—Attendance at all events is limited. Benefits based on receipts.

Mr. LEVIN. One of these documents is an invitation to the Republican National Committee Annual Gala 1997, in which for $250,000, the contributors to the Republican National Committee get to attend a luncheon with Senate and House leadership and the Republican Senate and House committee chairmen of your choice. That is $250,000. You get a luncheon with the committee chairmen.

Next is a 1992 Republican President's Dinner. Major contributors got a private reception, among other things, hosted by President and Mrs. Bush at the White House. And the Republican Eagles promised major contributors who became members of the Republican Eagles' contributor group "foreign economic and trade missions," in which the Eagles have been welcomed enthusiastically by heads of state, such as Premier Li Peng of the People's Republic of China.

Again, Mr. President, I think the point Senator McCAIN very properly made is that we have a major, massive, bipartisan problem that is undermining public confidence in elections in this country. It is a bipartisan problem. It requires a bipartisan solution, and hopefully this coalition will stand together in the face of a filibuster and say, yes, you have a right to filibuster; that is your right, but we need not withdraw in the face of a filibuster.

This problem is so huge that it requires action, and we cannot simply defer it year after year. There has never been a better time for action than when the House has acted on reform, against the odds, just as we have to act against the odds if we are going to succeed. I thank Senators McCAIN and FEINGOLD, the leaders on both sides of the aisle, who can succeed if we hang tough here and not withdraw in the face of a filibuster.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, let me first strongly concur with the remarks of the Senator from Michigan. We have to proceed on this issue. We will proceed on this issue this year until we get the job done. I am grateful for his strength and leadership on this.

I am pleased now to be able to yield some time to the distinguished junior Senator from Maine, who brings many important qualities to this issue, but the two that I will list at the top are her extremely genuine commitment to this issue and her courage. It is a difficult thing to be a part of this bipartisan issue. I see her involvement as being absolutely central to the fact that we are even here today still discussing it.

With that, I yield 12 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to start by commending the Senator from Wisconsin for his leadership and thanking him for his kind comments.

It is with a renewed sense of enthusiasm that I rise today to urge this body to pass much-needed reforms to our campaign finance laws. I am buoyed by the courage shown by my Republican colleagues in the House who were willing to put their commitment to good government ahead of their parochial interests.

Mr. President, this amendment is needed because the twin loopholes of soft money and bogus issue ads have virtually obliterated our campaign finance laws, leaving us with little more than a pile of legal rubble. We supposedly have restrictions on how much individuals can contribute to political parties; yet, at last year's hearings before the Senate Governmental Affairs Committee, we heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another mockingly testified that the next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House.

We supposedly prohibit corporations and unions from financing political campaigns; yet, the AFL–CIO reportedly spent $800,000 in Maine on so-called issue ads which anyone with an ounce of common sense recognized were designed to defeat a candidate for Congress. And as reported in Sunday's Washington Post, when the class action lawyers collect their tens of billions in fees from the tobacco lawsuits, the resulting flood of cash to the Democratic Party will make past contributions look like pocket change.

We in this body decry legal loopholes, but we have reserved the largest ones for ourselves. Indeed, these are more like black holes, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations rushing into party coffers.

Why should this matter, we are asked by those all too eager to equate freedom of speech with freedom to spend? It should matter because political equality is the essence of democracy, and an electoral system fueled by money is one lacking in political equality.

Mr. President, the hope of Maine support campaign finance reform. If my colleagues will indulge me a bit of home state pride, I think the Maine perspective results from old fashion, Down East common sense. Maine people are able to see through the complexities of this debate and focus on what is at heart a very simple, yet very profound, problem. As long as we allow unlimited contributions—whether in the form of hard or soft money—and as long as we allow unlimited expenditures, we will not have political equality in this country. It is not just that there will not be a level playing field for those seeking public office, but more important, there will not be a level playing field for those seeking access to their government.

The Maine attitude may well be shaped by the fact that many people in my state live in communities where town meetings are still held each year. I am not talking about the staged, televised town meeting that has become so fashionable of late. I am talking about a rough and tumble meeting held in the high school gym or in the grange hall. Attend one of these meetings and you will observe an element of true democracy; people with more money do not get to speak longer or louder than people with less money. Unfortunately, what is true at Maine town meetings is not true in Washington.

Mr. President, the amendment pending before this body is dramatically different from the original McCain-Feingold bill. It does not seek to radically alter how we finance our campaigns. Indeed, it does not alter at all the basic framework that Congress established more than two decades ago in the 1970s.

Before us today is legislation designed simply to close election law loopholes that undermine the protections the American people were promised in the aftermath of Watergate. Put differently, this amendment does not create new reforms, but merely restores reforms adopted two decades ago.

Let me be more specific. Gone from this version of the legislation are the voluntary limits on how much a campaign can spend. Gone is the free TV time, as well as the reduced TV time. Gone is the reduction in PAC limits. Gone are the restrictions on certain types of so-called issue ads run by nonprofit organizations, replaced instead by a requirement that they disclose their sources of funding.

Most of these continue to be very important reforms to which I remain personally committed. But in the interest of securing action on the major abuses in the current system, we who support the McCain-Feingold proposal have agreed to significant compromises. This is now a modest bill but nevertheless, a critical first step in the journey toward reform.

Mr. President, history demonstrates that the current uses of soft money and issue ads were not intended by the framers of our election laws. Go back to the early 1980s when soft money was used only for party overhead and organizational expenses, and you will find that the contributions totaled a few million dollars. By contrast, in the last election cycle when soft money took on its current role, these contributions exceeded $250 million.

Bogus issue ads were such a small element in the past that it is impossible to find reliable estimates of the amounts expended on them. Unfortunately, that is no longer the case, and these expenditures have now become worthy of studies, the most prominent of which estimates that as much as $150 million dollars was spent on these ads in 1995–96.

When I ran for a seat in this body, I advocated major changes to our campaign finance laws, but I recognize that goal must wait for another time. The challenge before us today is far more modest. Are we prepared to address loopholes that subvert the intent of the election laws that we enacted more than two decades ago? Are we willing to restore to the American people the campaign finance system that rightfully belongs to them?

Those are the questions before this body. Mr. President, a strong majority of the Members of the House of Representatives support reform as do a majority of the Members of the Senate. I would hope that the Senate this week will finally vote to reform a loophole-ridden system. The American people deserve no less.

Mr. President, it remains to be seen whether campaign finance reform is an idea whose time has come. But I can assure my colleagues of one thing—it is an idea that will not die.

Thank you, Mr. President. I urge my colleagues to support the McCain-Feingold amendment, and I am proud to be a cosponsor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I again am grateful for the comments of the Senator from Maine and for her support.

I am also delighted to be able to yield time to someone who has been deeply involved in this issue, both as a supporter of our legislation and one of the original supporters of the legislation, but who also of course is intimately familiar with the problems that have occurred because of the campaign finance scandal—the chairman of the Governmental Affairs Committee. At this point I would like to yield 20 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator from Wisconsin very much.

Mr. President, I rise to support this amendment. I do so not only because of what I believe to be the inherent merits of the amendment but because I think it has broader implications for us today in the times that we live in.

We have had good times in this country for some time now—economically, we have low unemployment, we have low inflation, and we have prosperity. When we look abroad, we have had peace. We are the lone remaining superpower in the world.

It seems that during times like this, Washington becomes irrelevant to a lot of people, and in some ways perhaps that is good. But we are not very mindful of the need for leadership in times of trial and times of trouble. But the fact of the matter is that in more recent times we have seen the beginnings of such times of peril and trouble. Many people think that we have some serious chickens coming home to roost and that both peace and prosperity are at issue now.

As we look at what is going on in this country and the fact that we cannot forever remain the only buying nation in a world of sellers—that we cannot be immune to what is going on in the Pacific rim, the Soviet Union, perhaps Japan and South America, and the troubling economic conditions there—we cannot forever be immune, and our economy cannot be immune, from what is going on in the rest of the world.

We see, as we broaden our perspective, a foreign policy that is in shambles in many respects. We see that we are losing the respect in many ways that the United States has had around the world. It is evidenced by our troubled coalition with regard to Iraq. It is evidenced by a very, very troubling policy with regard to Iraq where the credibility of the Nation's leading figures is at issue.

It is at issue when you look at a country such as North Korea, with whom we are supposed to have a nuclear understanding and agreement, as they send missiles across our ally in Japan. We are told by the Rumsfeld Commission that rogue outlaw nations are going to have the capability within just a few years of launching a missile containing biological or nuclear or chemical weapons to hit the continental United States.

So all of this is before us now, and the American people, I think, are going through somewhat of a period of readjustment in their thinking because we have not only that, but we have very much of a troubled Presidency. We have seen for some time now that while nobody has been paying much attention to a lot of these things, the level of cynicism continues to go up in this country.

We see the Pew report, for example, which shows that our confidence in the leadership in this country is low. We see that this lack of confidence is even greater among our young people. A lot of people used to attribute the growing cynicism and lack of confidence in many respects—and it is somewhat affected by the economy as it goes up and down—but fundamentally the cynicism grows and lot of people say because of Watergate, because of Iran Contra, because of various other things, the assassinations of one generation that we saw, Dr. King and the President, and so forth, but what we are seeing now in these reports is that the cynicism and the concern is the greatest among our young people who have never witnessed or had to experience many of these things. So it makes it even more troubling.

So all of this goes to the point of now that we see the need for strong leadership, after we have done so much to destroy the confidence that the American people ought to be having in the leadership of this country, who is going to listen to our leaders? I have been saying for well over a year now that with peace and prosperity we can go on autopilot for a little bit. But if our people continue to be distrustful of their own Government and the cynicism levels rise, especially among our young people, when that pendulum swings back, as it invariably does, and we no longer have peace and we no longer have prosperity, where is the leadership going to be, and who is going to follow the leadership of those of us in Washington who stand up and say here is the way; here is what we need to do; this is the way out of this problem. We have been in problems before, and we can get out of this one if you follow us. Who is going to follow us?

That is the question yet to be answered. We do not know what we have done to our institutions, in many cases by our own actions, in many cases for other reasons, but we don't know the answer to that. And when the tough times come, as they invariably will in the short term or the long term, I only hope that we are strong enough in our institutions, in the Presidency, in the Congress, and the respect for our court system to be able to lead the American people.

Mr. President, that is why this issue that we are discussing today is doubly important. It has to do with the very fundamentals of our Government. It has to do with the way we finance campaigns in this country, the way we elect the elected leaders who in turn are supposed to lead us when we need that leadership. I must say, in my opinion, we now have the worst campaign finance system that we have ever had in this country. In fact, you cannot call it a campaign finance system at all. It is a situation that is an open invitation to abuse. It is an open invitation to corruption. It is an open invitation to cynicism. And after the scandal of the 1996 campaign, if we do not do something about it, the level of cynicism that I talked about earlier, I think, is going to be even higher.

If people think that we have gotten over the hump and everyone loves Congress now, you wait until that economy dips just a little bit; it will come back to the trend it has been following for a long, long time. It is a scandal waiting to happen. It is a system that after all this time has come to the point where there is no limitation on big corporate contributions or big labor contributions, and we are spending more and more and more time going after more and more money from fewer and fewer people who have the millions of dollars that is fueling our system, the same people who come back before us wanting us to either pass or defeat legislation.

Mr. President, I have said ever since I have been in the Senate, I say here again today, that is a system that cannot last. That is an inherently defective system that cannot last over any period of time. So now because of that system, everybody is onto it and the race is on, and we are seeing the millions go to tens of millions and the tens of millions go to the hundreds of millions being put in by the large corporations and the large labor unions and the large vested interests that have those kinds of dollars.

It makes me wonder how the small donor, which has been the bedrock of my party, perceives himself in all this. We are not getting enough checkoff on the tax returns in the Presidential system right now, and that is probably going to fail. Voter turnout is getting down there now with some of the banana Republics, and I think part of that has to be due to the fact that in a system that I have just described the average person does not see that it has a whole lot to do with him or with her.

The ironic part about it is that this is not even a system that we created in Congress. We could not. No one would ever come in here and offer a piece of legislation that would create the system that we have today. We can discuss that a little bit further in a moment.

We have had a lot of good discussion about the details of the amendment and the details of the legislation and some discussion about the broader principles involved, but the crux of it all has to do with whether or not we think it is a good idea to have unlimited corporate, labor, and individual contributions to political candidates and to incumbents and to have those contributors come in and try to get legislation passed after they have given us all that money. I think asking the question answers it. When you put it out like that, I think it answers itself. I think the answer is, no, we do not want that even though that is what we have.

Why do I say that I think we do not want that when people seem to be so afraid of reform? Well, it is because throughout our entire history we have indicated that we do not want that because we ourselves learn some things sometimes from history, and we look around the world and we see that almost 2,000 years ago scholars were saying that this is the sort of thing that brought down the Roman Empire. The Venetians imposed strict limitations on contributions and money that would go to public officials. In their system, if donors had favors to ask, they were not allowed to give anything.

We have seen that political influence money brought down entire political systems in times past in Japan and Italy. We have seen corruption in South Korea and Mexico. It is all around us—at the end of the last century, influence buying scandals; the Watergate; campaign finance scandal—time and time again.

So, we have seen that. And we also understand that it is a potential problem from our real world experience. People are sometimes surprised that a conservative Republican like myself would feel strongly about campaign finance reform, and they say: Why would that be? I say for the same reason Barry Goldwater was for campaign finance reform. We will talk about that in a minute, too.

But I think it has more to do with the fact that up until 3 or 4 years ago I was not involved in the political system, I was not running for office or holding office. But I did prosecute cases. I did defend cases. And I am very familiar with the idea that if you have people making decisions, you have to be very careful about how those decisions are influenced. If you are a purchasing agent, for example, you cannot take favors from someone from whom you are considering to buy something. If you are a loan officer at a bank, you cannot take favors from people whom you are considering for a loan. People get prosecuted for things like that all day, whether or not it was the real reason that the loan was made. The point being—the analogy is not perfect—but the point being, we have always been very concerned about that. We have gratuity laws in this country where, regardless of whether or not it bought anything, there are some people under some circumstances that you cannot give gifts to, because we are very mindful of the appearances of that.

We even do that with regard to our own activities. We passed gratuity laws that pertain to the Congress so now a friend cannot buy you dinner. He can go out here and raise $100,000 for a committee and, in turn, it will go to your benefit, he can bundle a few hundred thousand dollars for you, but he cannot buy you dinner. So at least we are paying some lip service to the idea that we have to be somewhat mindful of money going to those who are in positions of decisionmaking power.

We recognized that in 1907 when, as a Congress, as a nation, we prohibited corporate contributions. We recognized it again in 1943 when, in the same manner, we prohibited labor contributions and set up political action committees. We recognized it further as a Congress when we set up the current system of $1,000 limitations and $5,000 limitations on PACs, and so on and so forth.

You can argue over the amounts. I certainly think those amounts now are ridiculously low. They ought to be raised. The hard money limits ought to be raised. That is a debate for another time. But the fact of the matter is, we have been mindful of that. We addressed that. We always said, in this country, it is a bad idea to have wealthy individuals being able to give large amounts of money, unlimited amounts of money, to politicians. It is a bad idea to have big corporations who are usually involved in government contracts giving unlimited amounts to politicians or big labor unions. Yet that is what we have.

By the same token, we are mindful of that, especially with regard to our Presidential campaigns and our Presidential elections. That is why we set up a public finance system for our Presidential elections. It is in shambles now because we have an Attorney General who is not doing her job and has a singular, a unique way of interpreting laws. But the fact of the matter is, we set up a system to take our candidates for President out of the money grubbing system. If you agree to take public financing, then you get public money, and the public, the taxpayers, were willing to run those campaigns on their own money, on their dime, in order to keep their candidates above and separate and apart from having to raise large amounts of money from these large contributors.

We have always been mindful that large amounts of money and the decisionmaking of government are things that we have to be very, very careful about. We do allow some contributions. We do have a system—it takes money to run campaigns and all of that. We can argue over the amounts and so forth. But hardly ever has anybody, really, in this country, carried on a serious debate espousing the idea that all bets ought to be off, that any big corporation or any big labor union could give any amount that they wanted to regardless of whether or not they had legislation pending.

So, if that is the case, how in the world did we get to where we are today, where, I say, there are no limitations anymore? You have to jump through a few hoops and you have to be hypocritical—which is no big hurdle to overcome—and you have to run it through the right kind of committee and so forth, and you have to word the ad a little bit correctly, and a few other things that 100 years from now we will look back on—somebody will look back on, and laugh at, as to how we ever had a deal like this.

But essentially, whether you are running for President now—under the Attorney General's current interpretation, running for President now or to be a Member of Congress or a Member of the U.S. Senate, you can basically take any amount of money or get the benefit from any amount of money from anywhere, including the other side of the world. That has not been fully pushed yet, but I assure you, unless things change, that will be the next shoe to drop. There are people arguing in courts in this country right now that there is no limitation, under current law, on foreign contributions—foreign soft money contributions to our political parties. So that is the next step.

So, how did we get here? If Congress, if we as a people, have always been mindful of this problem and Congress has legislatively set up a restrictive framework, then how did we get to where we are? It is really pretty simple when you distill it all down. It happened over a period of time, but essentially the FEC, Federal Election Commission, decided to open up a little soft money crack and said parties can use a little soft money in their party-building activities. Then they went a little bit further and said parties can use some soft money, a certain percentage of soft money, in their TV issue ads.

And what happened then? The Clinton-Gore campaign took that crack and ran a Sherman tank through it and basically said, not only are we going to do that, but we are going to totally coordinate that entire activity so it will not be independent at all, and that we will sign the certification that we will take public financing and raise no more money, but we will really pretend like this is not money for our campaign.

The PRESIDING OFFICER (Mr. GRAMS). The Senator's 20 minutes have expired.

Mr. THOMPSON. I ask unanimous consent for an additional 10 minutes.

Mr. FEINGOLD. I just want to inform my colleague, we only have a total additional 16 minutes for other Senators, and that will bring some difficulty here unless I ask unanimous consent that an additional 10 minutes be added to our time.

The PRESIDING OFFICER. We reserve the right to object until we have a——

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. FEINGOLD. Yes, I will.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. What was the consent agreement?

The PRESIDING OFFICER. The request was for Mr. FEINGOLD to add 10 additional minutes to his side for the debate.

Mr. McCONNELL. Thereby making the vote later?

The PRESIDING OFFICER. That will be the effect, yes.

Mr. McCONNELL. Reserving the right to object——

Mr. FEINGOLD. Mr. President, in light of something I was informed of after I put in my request, I withdraw my unanimous consent request and I simply yield an additional 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for another 2 minutes.

Mr. THOMPSON. All right. I was not aware that there was a time agreement. So I apologize for the necessarily abbreviated nature of the rest of my remarks, which basically have to do with the fact that we have an interpretation now by the Attorney General which permits that.

Therein lies part of the problem of those who advocate for campaign finance reform, because those who advocate it in many cases have lost the high ground. The President certainly lost the high ground because of his behavior, and I must say that after our congressional hearings on this subject where we saw foreign money coming in, people taking the fifth amendment, unlimited access to the White House, shakedowns with regard to American Indians and Buddhist nuns, use of the White House, setting people up in positions with classified information, and then raising money and all of the coverups attendant to that, while we need to address that from a campaign finance standpoint for the future, we have not adequately addressed what has gone on in the past.

When we look around for blame to assess with regard to the fact we can't move this legislation, we have to come to terms with the fact that those who want to reform cannot be content with saying all we need is reform and forget about the past. We have not adequately addressed the past. Those who have let those things go by without blowing the whistle on them, without seeing anything wrong, without saying that is wrong conduct, as we saw for the last year in this country in our hearings, have lost the moral high ground with regard to this legislation.

I am hoping we can do better in the future. I think those of us who want reform have to understand, yes, we need to clean up the past, but we cannot let this hold us hostage for what we need to do in the future. Those of us who promote campaign finance reform need to understand that before we can really have it, we have to have justice for the past. I thank the President and yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in August passed a strong reform measure. I'm pleased that their action has prompted a renewed effort here in the Senate to pass a comprehensive campaign finance reform measure.

I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the process. I want them to know that their efforts matter. I want people to have an opportunity to participate in their communities and in our political process. I want to restore each American's faith and trust in government. The McCain-Feingold amendment is an important part of that effort.

I have consistently supported campaign finance reform, so I will gladly vote to close debate on the McCain-Feingold amendment. I hope we will invoke cloture, and move quickly to a vote on final passage of this amendment. Vote after vote this year has shown that a majority of the Senate supports McCain-Feingold.

Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope we will be successful today in at last ending the filibuster on this issue.

During my time in the United States Senate, I have voted 19 times to end filibusters on campaign finance reform. So I know we have a fight on our hands. But it is time for action, and it is time for reform. The American people are counting on us.

I believe we need campaign finance reform for a number of reasons. First and most important, we need to restore people's faith in the integrity of government, the integrity of their elected officials, and the integrity of our political process.

Many Americans are fed up with a political system that ignores our Nation's problems and places the concerns of working families behind those of big interests. Our campaign finance system contributes to a culture of cynicism that hurts our institutions, our government and our country.

When Congress fails to enact legislation to save our kids from the public health menace of smoking because of the undue influence of Big Tobacco, it adds to that culture of cynicism. When powerful health care industry interests are able to block measures to provide basic patient protections for consumers who belong to HMOs, that adds to the culture of cynicism. Is it any wonder that Americans do not trust their elected leaders to act in the public interest?

Today we have a chance to help break that culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this amendment do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules. It will end the sham of "issue ads" that are really designed to support or oppose federal candidates.

This amendment will improve the disclosure of contributions, and expand the Federal Election Commission's enforcement capabilities. It will codify the Beck decision, by allowing nonunion members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. It will make it less likely for wealthy candidates to try to buy elections, by barring political parties from making coordinated expenditures for candidates who do not agree to limit their personal spending.

These are all reasonable reforms. They will get the big money and the secret money out of campaigns. They will help to strengthen democracy and strengthen the people's faith in their elected officials.

Mr. President, we can improve our political process, making it more fair and more inclusive, without compromising our rights under the Constitution.

By limiting the influence of those with big dollars, and increasing the influence of those with big hearts, we can bring government back to where it belongs—with the people.

The McCain-Feingold amendment will help us to do that. I am proud to support it with my voice and my vote.

Mr. CHAFEE. Mr. President, twice during this Congress, the Senate has debated reforming the manner in which campaign funds are raised and spent. A majority of Senators clearly believes that the current system is in need of reform. Progress has been made during this Congress in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

It would be a shame to sully this bipartisan progress by resorting to political tactics, as too often has occurred in past debates. In 1992, both the House and the Senate approved a campaign reform bill that had no hope of becoming law. It was wholly unacceptable to President Bush, and he had no recourse but to veto it. In 1993 some of us worked hard with Members from the other side to craft serious legislation. But the Senate bill was not agreeable to House Democrats, and it languished in the House for months before any action occurred. As the election year adjournment neared, the Democratic leadership reached an agreement on what would be included in a conference report before the conferees had ever met, and that agreement was far from the reform that I had hoped for and supported. In 1996, another election year, a far less acceptable version of the McCain-Feingold bill was debated and defeated.

This year, supporters of reform find themselves in a slightly more hopeful position. The bill before us has been greatly improved; it has bipartisan support; and the House has already approved very similar legislation.

The paramount goal of any true effort to reform the system of financing elections for federal office must be to reduce the influence of special interest money on elected officials. Although the proposal before us may not be the final resolution to the problems that afflict the current system of campaign fundraising, it provides a better starting point than we have had in previous years.

I urge my colleagues on this side of the aisle to take another look at the modified version of McCain-Feingold that is before us today. This is a solid proposal that addresses the soft money abuses that have effectively obliterated federal election law. It addresses the problem of unregulated, unrestricted, and unreported spending by anonymous donors. It addresses blatant electioneering disguised as issue advocacy. And it eliminates enormous soft money contributions from corporations and big donors. In other words, it goes a long way to reducing the influence of special interests.

And I urge my colleagues on the other side not to let this debate degenerate into political gamesmanship.

Mr. SARBANES. Mr. President, last fall, the Majority Leader and the other Republican opponents of campaign finance reform denied the will of a majority of the Senate—and a majority of the American people—by denying an up or down vote on the McCain-Feingold bill. This past February, we witnessed again successful efforts to block consideration of this proposal. At that point, I stated that such maneuvers violate the Senate's well-earned reputation for thoughtfulness and deliberation, in which it rightly takes such pride, and I noted that full consideration of the campaign finance issue by the Senate is crucial to maintaining the public's confidence in its government.

Mr. President, the McCain-Feingold bill is before us again, but under changed circumstances which make the need for Senate consideration of campaign finance reform all the more vital. We must now consider this most important issue in the context of House passage of its own campaign finance legislation—passage which occurred only after determined members of both parties successfully navigated a minefield of amendments erected by the House Republican leadership with the goal of killing campaign finance reform there. Despite these efforts, a majority of the House held together and enacted legislation that gives voice to the belief of the American public that our system of campaign financing needs fixing.

I hope that this time the Senate leadership will give us the same opportunity to express our support for campaign finance legislation that the members of the House earned this summer. I am a cosponsor of the McCain-Feingold bill, and will therefore vote in its favor when—if—the issue comes before the Senate. Others oppose this legislation. What the American public deserves at least, however, is an up or down Senate vote that gives effect to the will of the majority and that makes the American public confident that the issue has received thorough review by its elected representatives. Based on prior votes, I suspect that such review will in fact yield a decision by a majority of the Senate that campaign finance reform is appropriate and necessary. But even if I am mistaken and a majority of Senators now oppose such legislation, a fair Senate process demands that an up or down vote take place as soon as possible and that the will of the majority be allowed to carry the day.

In February I noted that the Senate's failure to consider the McCain-Feingold bill on an up or down vote merely increases the public cynicism that makes campaign finance reform necessary. Now that the House has acted, my prior statements are even more true. I therefore once again urge the Majority Leader to observe a process consistent with the Nation's desires and needs.

Mr. HATCH. Mr. President, my colleague from Kentucky has, as usual, made a persuasive case why the McCain amendment is, as it has been for several years, flawed beyond salvage. I commend him for his leadership on this issue.

Like most of my colleagues, I do not oppose reform of our campaign finance laws if it is done in a constitutionally sound manner. But, I do not think passing campaign finance reform—this McCain-Feingold amendment, for example—just to say we've enacted reform gives us any sort of bragging rights. There is no virtue in passing a bad bill.

I would like to spend just a few minutes addressing what, in my mind, is a much greater issue: the investigation of the fundraising abuses during the 1996 election cycle. At a time when the supporters of McCain-Feingold are urging adoption of an unprecedented increase in federal regulation of campaigns and public discourse, which would be enforced by this administration, that same administration has made almost no progress in finding out whether the laws already on the books were trampled by the Clinton/Gore campaign, the White House, and the Democratic National Committee. Unfortunately, the Attorney General of the United States, Janet Reno, has continued to refuse to do what the law compels her: appoint an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. And her own investigation, mired in obvious conflict of interest, has been a dismal failure.

Last week I met for almost three hours with Attorney General Reno and top officials and staff of the Justice Department, including Deputy Attorney General Holder and Former Task Force head Charles LaBella, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, the handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds finds information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law.

More than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentleman have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint a independent counsel if she has information that a crime may have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. By setting up this legal standard, she basically has required that a smoking gun walk in the doors of Justice Department before she appoints an independent counsel.

As has been widely reported, numerous individual investigations are being handled by the task force. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising.

Now some may attempt to defend the Attorney General by noting that she has gone through the process of legal reviews of many aspects of the campaign finance scandal. These actions are good, although clearly incomplete, steps. Each month that goes by sees the Attorney General lurch towards a real investigation of the campaign finance scandal. We now have action on several peripheral fronts, including the independent counsel investigating Bruce Babbitt, the reviews of potential false statements by the Vice President concerning his fundraising calls and by Harold Ickes regarding his involvement with unions, and now the review of the President's control of DNC advertising.

My primary focus, however, has been and remains the infusion of foreign money and influence on our campaigns. Until we have a broad-based independent counsel investigation, we will only be looking at the loose threads of the scandal and not the most serious alleged violations.

In addition, I hope that the Attorney General will not take the entire three months to make decisions on these latest matters. The campaign finance violations we are discussing happened two and three years ago and every day that passes means leads are drying up, evidence is lost, and statutes of limitations are running.

While Lead Investigator LaBella and FBI Director Freeh recommended that the Attorney General appoint an independent counsel to look into the coordination issue, it is clear that they both think an independent counsel should be appointed to handle the whole scandal, not just these peripheral issues. Any independent counsel must be given authority to delve into the most important questions of the scandal. As the New York Times concluded, a limited appointment would be a "scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts."

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: "Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest."

The inability of the Justice Department to investigate and prosecute the violations of existing laws is the real scandal here. That is what we should be talking about, rather than legislation which would represent an unconstitutional, unwise, and partisan trampling of our electoral system and First Amendment rights.

One final note, Mr. President. I believe that the American people want accountability in the electoral market place—not more restrictions on what they can and cannot do to participate in it. Accountability is a desirable thing in campaigning. I have always favored disclosure, and I believe we can take steps to enhance the information available to the press and to the public. But, accountability is not the same as regulating, which is what we are debating here today.

This measure imposes new restrictions without necessarily increasing accountability, and it does so at a time when there has been little effort to effectively enforce the campaign laws we already have on the books. I join the Senator from Kentucky in urging defeat of this amendment.

Mr. GLENN. Mr. President, in the next few weeks I will be casting my final votes and concluding my four terms in the Senate. During this last term, a significant amount of my time has been devoted to investigating abuses of our current campaign finance system. What I have learned is that this is a problem which cannot wait. I am pleased that one of my remaining votes can be cast in support of important reform, however, I am disappointed that the Senate will likely not pass this much needed legislation.

Although I have always been a supporter of campaign finance reform—and indeed I personally believe that a system of campaigns fairly and equally underwritten by all Americans through some form of publicly supported financing is the only way to ensure public officials are not unduly influenced—but this last session has been a lesson for me on just how urgently we need to fix the campaign finance laws.

When we originally passed the current campaign finance laws it was in the wake of allegations that the presidential campaigns of the early 1970s had accepted hundreds of thousands, even millions, of dollars from secret contributors not known to the voters. The goals of that law were right and for many years it served us well. But there are few things that change as quickly as campaigns and politics. By 1996 our law had been eroded to the point that it was barely recognizable.

In 1996, we again faced a system totally out of control—filled with soft money and thinly disguised political advertisements masquerading as "issue" advertising funded by secret sources. We faced an election in which even the Members of this body—the people governed by the campaign finance laws—did not know what was legal and what was not.

The amendment that is before us today and the bill that passed the House are a direct product of the chaos of the 1996 election. They are good legislation that address the two key problems of our campaign finance system—the proliferation of soft money and the use of thinly disguised "issue" advertisements. In addition, the legislation takes important steps to strengthen the Federal Election Commission. The goals of the bill before us today are the same as those of the original law: to deter corruption, to inform voters and to prevent wealthy private interests from exercising disproportionate influence over the government.

There is no question that most problems we saw in the 1996 election stemmed from legal activity. There is also no question that both political parties and groups supporting candidates on both sides of the aisle in 1996 took advantage of these loopholes in their quest to win. The problems of soft money being used to purchase access and of secret contributors funding their own attack advertising campaigns without disclosing their identity can not be solved by any other means than by passing a new law.

The proposals in this bill are carefully drafted to protect the First Amendment right of voters to engage in political speech. The legislation simply requires public disclosure and compliance with contribution limits. To those who see no problem with soft money advertising campaigns by parties and issue advertising by unknown and undisclosed contributors I can only wonder what they will say after the next time they run for re-election and discover they no longer have any control over the course of their own campaigns?

No one can seriously argue that the system of soft money and secret issue ads is consistent with the spirit of the campaign finance laws. Together, the soft-money and issue-advocacy loopholes have eviscerated the contribution limits and disclosure requirements in federal election laws and caused a loss of public confidence in the integrity of our campaign finance system. By inviting corruption of the electoral process, they threaten our democracy. For parties to accept contributions of hundreds of thousands—even millions—of dollars, from corporations, unions and others to air candidate attack ads without meeting any of the federal election law requirements for contribution limits and public disclosure is a fundamental step backwards.

Twice in the past year we have voted on the amendment before us today. Each time, although a majority of the Members of this body have voted in support of the bill—a minority opposed to reform has blocked its passage.

Today we again take up this measure—but this time with a difference—this time the House of Representatives has worked together in a bi-partisan manner, recognized the critical need for reform, and passed a bill. By coming together and passing this reform legislation we in the Senate can take advantage of a narrow window of opportunity and turn these bills into a new and vital campaign finance law. This is a rare chance to fix a major problem. If we fail, it will plague us in many elections to come.

Over the course of my Senate career, I have watched as public cynicism about government increases, and trust in government declines. In 1996, for the first time, less than half the people in this country eligible to vote cast a ballot. We must assure the integrity of our campaigns if we are to have any hope that young Americans will continue to have the faith in our government and in its public servants.

If we do not act we here in the Senate will be responsible when the abuses witnessed by the American people in 1996 are repeated. All that will change is that amounts of money will continue to increase and public faith will continue to decline. In less than two months we will see the loopholes ripped open in 1996 resulting in an even greater flood of money into the system as each party tries to elect their chosen candidates, and the candidates battle to be heard against the flood of issue advertising.

There is nothing I should like to be able to say so much as that I left the Senate having helped to pass into law the amendment before us today. I would ask that my colleagues join with me to cast a vote to enact into law these sensible reforms that we know we need. Only then can I depart with the confidence that we have acted to protect our electoral process from the apathy and cynicism that are a danger to democracy.

Mr. KENNEDY. Mr. President, with this amendment the United States Senate has an excellent opportunity to restore public faith in the political system by enacting long overdue campaign finance reform. After cynically withdrawing the McCain-Feingold campaign finance reform bill last winter, the Senate followed the lead of the House and passed a needed new law to limit the role of money in election campaigns.

The current system is a scandal, and I commend Senator MCCAIN and Senator FEINGOLD for their leadership in demanding that the Senate act on reform. The vast sums of special interest money pouring into campaigns are a cancer on our democracy. The voice of the average citizen today is scarcely heard over the din of lobbyists and big corporations contributing millions of dollars to political campaigns and buying hundreds of TV ads to promote the causes of their special interests.

Every Democrat supports the proposal before us. If enough Republicans join us, this reform will pass.

It is time to end special interest gimmickry in campaign advertising. Currently, special interests can run as many so-called issue ads as they wish as long as they do not specifically advocate a candidate's election. The American people aren't being fooled—they know that these are campaign ads in disguise and should be regulated accordingly.

Democrats also want to close the gaping loophole on soft money, which allows special interests to bypass legal limits on giving money directly to candidates. Big corporations and other special interests use this loophole to funnel money to candidates through the back door, by making so-called "soft-money" contributions to political parties and other political organizations that are spent to benefit candidates.

More than $250 million in soft money contributions played a part in the 1996 elections. McCain-Feingold proposal will ban this practice.

The fact is that phony issue ads and soft money contributions have created a climate in which our elections and our legislative agenda are determined more and more by how much money candidates can raise and less and less by issues of concern to families and communities across America. The public doesn't have to look any further than the Senate floor to see the effect big money has on the Republican legislative agenda.

For example, Republicans are determined to pass a bankruptcy bill bought and paid for by the consumer credit industry, despite the pleas of bankruptcy judges, scholars, and consumer groups. Why is Congress moving so quickly to pass legislation that raises such grave concerns? Who benefits from the bill? Is it working families, the elderly, women and children? The answer is a resounding "no." If you want to know who benefits from this legislation, just look at the corporate interests making soft money contributions—the consumer credit industry gave $5.5 million in soft money during the 1995–1996 election cycle. Common Cause reports that since 1995, Republicans in the House of Representatives have received more than twice the PAC and soft money contributions from consumer creditors as Democrats, and—not surprisingly—Republicans voted wholesale for the bankrtupcy bill. In the House of Representatives, the bill had the support of every Republican.

The tobacco industry's total PAC and soft money contributions are less than half of what the credit industry gave during the same period—but, it was enough for the Republican leadership to reject needed anti-tobacco legislation and prevent it from being enacted.

The Campaign for Tobacco-Free Kids reports that Senators who voted consistently against the tobacco reform legislation took far more money from the industry—four times more—than those who supported the bill. In the past ten years, Senators supporting the tobacco industry's position have accepted an average of $34,000, while those who support reform measures accepted about $8,000 in contributions.

The challenge of managed care reform is another example of the power that big corporations can wield against the interests of individuals and families in the political process. In the halls of Congress, big money from campaign contributors is drowning the voices of our constituents.

A year ago, in a private strategy meeting called to defeat the Patients' Bill of Rights, staff from the Senate Republican leadership exhorted insurance industry lobbyists to "Get off your butts, get off your wallets." And lo and behold, the industry ingloriously responded.

In fact, Blue Cross/Blue Shield and its state affiliates have made $1 million in political contributions during the 1997–1998 cycle, with four out of every five dollars going to Republicans. They are also the number one PAC donors to leadership committees. They more than doubled their contributions during the 1995–1996 election cycle and 98 percent of the contributions were directed to Republicans.

According to the Center on Responsive Politics, managed care PACs—including the American Association of Health Plans, the Health Insurance Association of America, and Blue Cross/Blue Shield—gave $77,250 to leadership political action committees. All but $1,500 went to the Republican majority. As of July 1, these industry PACs have made $1.8 million in political contributions during this election cycle, and 70 percent of the money is directed to Republicans.

These same corporations have also funded a multi-million dollar advertising campaign of disinformation and distortion on managed case reform. The same corporations profit by denying care to patients who have faithfully paid their premiums. These same corporations, with their crocodile tears, claim that patient protections will bankrupt them or force them to raise premiums by hundreds of dollars.

These same corporations are spending millions of dollars—taken from premiums paid by patients—on political campaign contributions and advertising to defeat the very legislation that patients need and deserve.

What did this significant investment buy? Just what they wanted. Inaction by Congress. Stonewalling. A "just say no" strategy. At the behest of their big donors and special interest friends, the Senate Republican leadership has delayed and denied consideration of the Patients' Bill of Rights for nearly a year and a half.

The choice is clear. Will the Senate stand with patients, families, and physicians, or with the well-heeled special interests that put profits ahead of patients?

It is clear that the majority of Senator Republicans are standing with the special interests. There is no mystery about what is going on. The Republican Leadership's position is to protect the insurance industry instead of protecting the patients. They know they can't do that in the light of day. So their strategy has been to work behind closed doors to kill the bill. Keep it bottled up in Committee. No markup. No floor debate or vote.

Bill Gradison, the head of the Health Insurance Association of America, was asked in a interview published in the Rocky Mountain News to sum up the coalition's strategy. According to the article, Mr. Gradison replied "[t]here's a lot to be said for 'Just say no.'" The author of the article goes on to report that:

> [a]t a strategy session . . . called by a top aide to Senator Don Nickles, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both chambers to keep managed care legislation bottled up in committee.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

That is why the Republican leadership is trying to hide its tactics of delay and denial behind a smokescreen of parliamentary maneuvers and phony procedural justifications. They say we don't have time to debate managed care. They reject offer after offer from the Democratic leader, thereby continuing the stall of this critically important legislation. I say, the American people aren't interested in excuses. They want action. They want reforms. They want clean elections. This legislation will give it to them and it deserves to pass by an overwhelming majority of the Senate.

Mrs. MURRAY. Mr. President, this is the sixth year I have been a Member of the U.S. Senate. And this is the sixth year I can recall debating campaign finance reform. I have voted to pass campaign reform legislation in 1993, 1994, 1996, 1997, and now 1998. We actually passed a good bill in the Senate in 1993. Each time it has been killed off by filibuster.

Each time I thought, this is it. This is our chance to make some changes that the people of this country will notice and respect. This is our chance to restore a measure of faith in American democracy. While I've had my share of disappointments, today we are here again with a rare and valuable opportunity to actually get a bill signed into law.

Mr. President, it is critically important that we pass campaign reform legislation. The health of our democracy is not good. Yes, the economy is strong, crime is down, and people are generally feeling good about their lives. But there is an undercurrent that I find deeply troubling, and it's been building for the past two decades.

People simply do not like government. They do not trust government, and they do not feel like they are part of the process. They are losing faith and I think it would be terrible if we did not do something to re-invigorate peoples' interest in American democracy.

If any of my colleagues doubt this, just look at voter turnout rates and voter registration rates. People just are not participating any more, and it gets worse each year.

What exactly is the problem? Money, plain and simple. Too much money, having too much influence over our democratic process.

The campaign system is so clogged with money, there is hardly room left for the average voter. Political campaigning has become an industry in this country. In the last election, over a billion dollars were spent on federal elections alone. To what end?

That money—much of it undisclosed, from dubious sources—flowed into the political arena and dictated the terms of our elections to the people. Like water, it flowed downhill into campaigns all across the country. Some of it came out in the form of national party ads attacking candidates in the abstract; some came out in the form of issue-ads by interest groups trying to influence the outcomes. Some of it came out in the candidates' own TV ads.

It reaches the point where you almost cannot hear the voices of the candidates or the people anymore, only the voices of the dueling special interests. We do not know who pays for these ads, where they get their money, or what they stand to gain if their candidate wins. Yet they have found ways to have a huge influence over the election process.

Opponents of reform argue against the McCain-Feingold bill on free speech grounds. They argue politicians and political parties should be able to take money in any amount from anyone in order to make the case for their reelection. They believe that having more money entitles one to a greater influence over our campaigns and elections. I find this argument shocking, Mr. President. I find it profoundly undemocratic, and un-American.

The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of fifteen dollars. With her check she enclosed a note that said, "please make sure my voice means as much as those who give thousands." With all due respect, Mr. President, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

I have tried to live by my word on this issue. My first Senate campaign was a shoe-string affair. I was out spent nearly three-to-one by a congressional incumbent. But because I had a strong, grassroots, people-based effort, I was able to win.

Since then, I have worked hard to keep to that standard. I have over 35,000 individual donors. The average contribution to my campaign is 69 dollars. Nearly 75 percent of my contributions come from within Washington state. I firmly believe that's the way campaigns should be run: by the people.

We need more disclosure, not less. We need more restrictions on special interest money, not fewer. We need less money in the system, not more. We need to amplify the voices of regular people, instead of allowing them to be shouted down by special interests.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The Haves are not entitled to a greater voice in politics than the Have-nots. In America, everyone has an equal say in our government. That is why our Declaration of Independence starts with, "We, the people."

When this Congress started, I thought this might really be our chance to pass a bill. The public was paying more attention. The excesses of the last campaign season, brought to light through the good work of the Government Affairs Committee, made campaign reform a front-burner issue in every kitchen in America. More than one million signatures were delivered to the Capitol from people all over America who joined a nationwide call for reform.

A bipartisan group of Senators committed to reform worked overtime to craft a reasonable reform measure that makes sense for America. I think we all owe a debt of gratitude to Senators McCAIN and FEINGOLD for their work. They generated public support, made their case to the media, and pushed for the last few votes necessary to pass a bill. Well, the time has come to see if this is our chance to do the right thing.

Our like-minded colleagues in the other body did find the votes, and they did pass a good strong bill. The Senate has more than enough votes to pass the same bill on an up-or-down vote. All we need are eight more votes from the majority party to do the right thing for America. Mr. President, who will it be? Who will be the heroes on this vote? And who will let down the millions of American citizens who have grown sick, tired, and alienated from our democratic system?

Mr. President, I believe we have made this debate way too complicated. After all the maneuvering, the cloture petitions, the technicalities, the procedural votes, this issue boils down to one basic question: are senators willing to make some modest reforms to reduce the influence of big money in politics and encourage greater voter participation? Or are they more interested in protecting the current system, and the ability of parties and politicians to turn financial advantage into political advantage?

Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mr. CAMPBELL. Mr. President, today I add my voice to the on-going debate on the campaign finance reform bill that is before us once again. Let me say right up front, so that there is no confusion, I support, and I have always supported enforceable, reasonable, common-sense reform. Unfortunately, I don't believe the amendment offered by Senators McCAIN and FEINGOLD before the Senate meets those standards, nor do I believe it would stand a Constitutional challenge. As I stated with my friend and fellow Coloradan, Senator ALLARD, in a joint editorial printed in the Denver Post back in October, "real campaign finance reform protects the right to free speech under the First Amendment while guaranteeing the public's right to know through full disclosure." This amendment does not contain that kind of reform. The Constitution guarantees all Americans the right to freedom of speech and association in the First Amendment.

The Supreme Court applied those words to campaign spending in the landmark case Buckley v. Valeo to mean that money spent in favor or against a candidate is a form of speech, and therefore entitled to this protection. That decision has been reinforced over and over again. Given this ruling, I cannot believe that the Court, or the Founding Fathers, intended to impose a sixty- or thirty-day moratorium prior to elections on this right, as this amendment would do. I believe the Founders wanted Americans to have the unabridged right to speak their minds and show their support for candidates by using a collective voice, including showing support by making contributions to one candidate or another.

In order to have an educated electorate, money must be spent on spreading candidates' messages. In our free market system, advertising rates are determined by the industry. I would note that these days, there is hardly such a thing as a "free exchange of ideas," as nearly all forms of communication cost money. The exchange of ideas and opinions is what allows the public to become informed about the candidates that are seeking office. But limiting the amount candidates can raise and spend severely limits the ability to spread information about their backgrounds and opinions, and only harms citizens. I cannot understand why this amendment targets some forms of spreading these messages while allowing others to continue unchecked. Doesn't that signal to the American people that the First Amendment only applies to speech that is printed, and not speech that is broadcast?

I would note that my colleagues and I have been under tremendous pressure this session to pass this particular legislation. But until we have found a solution that answers all the Constitutional concerns that have been raised, I am reluctant to act on this particular measure. As was stated in an editorial that appeared in my state's Rocky Mountain News, this "particular piece of legislation would have betrayed several of the nation's most important principles, not the least of all is its guarantee of free political speech." I wholeheartedly agree with this sentiment.

Thank you, Mr. President. I yield the floor and ask unanimous consent that the text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE McCAIN-FEINGOLD FRAUD

As those of you with the radio on last week probably know, Sen. Ben Nighthorse Campbell has been the target of an ad campaign by a coalition that supports something known as the McCain-Feingold bill, a campaign finance reform that died last Thursday in the U.S. Senate.

Various local journalists also joined the crusade, in one instance publishing Campbell's office phone number as a service to readers who wished to complain about his failure to support the bill.

But, in fact, that particular piece of legislation would have betrayed several of the nation's most important principles, not least of all its guarantee of free political speech. Under one of its provisions, for instance, groups focused on particular issues would be prohibited from mentioning the names of candidates in advertisements as elections drew near.

Can anyone with any understanding of the First Amendment honestly believe that Congress can constitutionally prohibit any organization of Americans from saying any politician at nay time it chooses?

The American Civil Liberties Union has correctly identified one probable result of McCain-Feingold: "to shut down citizen criticism of incumbent officeholders standing for re-election at the very time when the public's attention is especially focused on such issues."

The truth is, McCain-Feingold would probably have fixed very little on its way to hampering democratic discussion. It would not have become easier—and might well have become harder—to challenge an incumbent, especially if you happened to be a third-party candidate. For that matter, the most publicized campaign spending scandals of the past year involved activity that was already illegal. If the bill had been enacted, politicians probably would have figured out ways to circumvent it—and the Supreme Court probably would have declared it unconstitutional.

Sure, the present system is not pretty to look at. Politicians work constantly to raise money for their campaigns, and special interest groups are forever trying to influence legislation with their donations, usually by helping those who have helped them in the past. One possible reform is full, instant disclosure of contributions so that voters can themselves determine whether candidates are in danger of being bought.

Give people liberty, and their political system is going to be messy. Taking away some significant portion of that liberty is too high a price for cleaning things up.

Mrs. BOXER. Mr. President, I strongly support the McCain-Feingold amendment to reform the federal campaign finance system.

It is clear that a majority of the United States Senate supports the McCain-Feingold amendment. I urge senators to stop filibustering this extremely important matter, and let us pass the plan and send a bill to the president.

I want to explain what the amendment does and the kinds of abuses of the system that it would prevent.

First, it bans unlimited "soft money" contributions, which are contributions to national political committees like the Republican and Democratic National Committees.

Under current law, "soft money" contributions are unlimited and virtually unregulated. This means that a corporation with an interest in legislation pending in Congress—such as an oil company—can give hundreds of thousands of dollars to the national political parties in an attempt to influence the outcome of the legislation.

The McCain-Feingold amendment would shut down the special interest money machine by imposing limits on contributions to the national political parties.

Second, the McCain-Feingold amendment bans attack advertising disguised as "issue ads" by corporations and unions within 60 days of an election. The amendment also requires others—individuals and nonprofit organizations—to disclose their contributors and expenditures for these ads.

Current law allows anyone to launch vicious attacks against candidates and not disclose their true identity or the sources of their contributions, as long as the ad doesn't say "vote for" or "vote against" the candidate.

For example, a group of tobacco companies can get together, form a phony organization called "Citizens for Good Government", and have that "organization" spend millions of dollars for television ads attacking a congressional candidate who supports tougher tobacco laws. And those companies never have to disclose what they did.

This isn't just a hypothetical: In my own state, outside special interest groups regularly spend millions of dollars attacking California congressional candidates, often leaving those candidates mere spectators in their own election campaigns.

The amendment prohibits corporations and unions from buying these stealth attack ads, and anyone else—individuals and nonprofit organizations—has to disclose what they are doing.

Third, the amendment fixes a major problem in the law governing "independent expenditures", which are efforts on behalf of a candidate by someone not affiliated with that candidate's campaign.

Under current law, a political party can make "independent expenditures" on behalf of a candidate at the same time it is making expenditures that are coordinated with the candidate's campaign. Mr. President, this is an absurd situation! Clearly, a political party can't—at the same time, with the same political operatives, from the same office—be both "independent of" and "coordinate with" a political campaign!

The McCain-Feingold amendment allows a political party to do only one or the other: If the party makes "independent expenditures", it can't also make "coordinated" expenditures for the campaign.

Finally, the amendment requires faster and more complete disclosure of contributions to campaigns.

Mr. President, for these reasons, I urge my colleagues to vote for cloture on this amendment and move to passage so that we can send a bill to the president and make these changes in our campaign finance system.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. In light of the fact we have limited time, I ask that any time that is open here, a quorum call time, be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I confess, I was not particularly attentive. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent request was that any quorum calls be charged exclusively to the time under the control of the Senator from Kentucky.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask that the time be equally divided with regard to the quorum call.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask my colleague from Wisconsin whether I can speak for 10 minutes.

Mr. FEINGOLD. I inform the Senator from Minnesota, we only have a total of 16 minutes remaining. Mr. MCCAIN would like some time. If the Senator would like to speak for 3 minutes.

Mr. WELLSTONE. That is fine.

The PRESIDING OFFICER. The Senator from Wisconsin is to be advised that he has 11 minutes, 45 seconds remaining. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday for about half an hour, so let me summarize this way:

First of all, I thank Senator FEINGOLD who I think has just emerged, really, as a leading reformer before the U.S. Senate for his work, along with Senator MCCAIN. This is a bipartisan effort, and I, frankly, think it speaks to the core issue.

What I tried to say yesterday on the floor of the Senate is that as I think about a whole range of questions, over and over and over again, I come back to the fact that too few people have way too much wealth, power, and say, and too many people are just locked out. The polls show people want to have faith in our political process, people want to believe in what we are doing, but the conclusion that many people have reached is that if you pay, you play, and if you don't pay, you don't play, and that, basically, the same investors pretty much control both political parties; they control the political process.

So many people in Minnesota and across the country have reached the conclusion that when it comes to their concerns about themselves and about their families and about their neighbors and about their communities, that their concerns are of little concern here in the corridors of power.

I can't think of a better thing for us to do than to pass this piece of legislation. The Shays-Meehan bill passed in the House of Representatives. That was a very important victory. We now have an important vote on the floor of the Senate. There is an effort on the part of those who are opposed to reform to block this. That is what this is all about. We have a majority support on the floor of the U.S. Senate. I hope that other Senators will step forward and support this important piece of legislation, this important amendment offered by Senator MCCAIN and Senator FEINGOLD.

As a Senator from Minnesota, a good government State, a progressive State, a State that cares about clean money and clean elections, a State that believes integrity in the political process is the most important thing that we can focus on, this piece of legislation, this amendment is the most important amendment that we will be voting on during this Senate.

I hope my colleagues will vote to end this filibuster and support this legislation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. Mr. President, in light of the fact that we have very limited time remaining, I ask that any time under subsequent quorum calls not be charged against our time.

The PRESIDING OFFICER. Is there objection? As a Senator from the State of Minnesota, I lodge an objection.

Mr. FEINGOLD. Mr. President, I am about to put in a quorum call. I am going to ask unanimous consent that we be able to use our remaining time near the conclusion of this debate. We have how much time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has control of 8 minutes, 40 seconds.

Mr. FEINGOLD. I ask unanimous consent that we be permitted to use that time just prior to the end of the debate.

The PRESIDING OFFICER. Again, as a Senator from the State of Minnesota, I have to object. I can equally divide—objection is heard.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sean O'Brien, who is an intern in my office, be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who requests time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have control of the time. Who seeks time? The Senator has control of time on the floor.

Mr. FEINGOLD. I suggest the absence of a quorum and ask that it be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I wonder if the distinguished proponent of this bill from Wisconsin, Senator FEINGOLD, would be willing to yield some time. Does the Senator have any additional time?

Mr. FEINGOLD. Precious little. I can yield the Senator 2 minutes of our remaining 8 minutes.

Mr. BUMPERS. My speech will be much better than sitting in a quorum call. I thought I might get more time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, I came over to express my very strong support for campaign finance reform. From the time I ran for Governor in 1970 until 28 years later—this very moment—I have abhorred the system of financing campaigns in this country.

One of the reasons—not the main reason, but certainly one of the reasons I decided not to seek reelection this year was because I detested going out and raising money.

Let me also say that it is reaching the point in this country where the cost of campaigning goes up every single year—and there is no end in sight.

Right now the Attorney General is conducting a 90-day interim period investigation on whether or not the DNC coordinated a 1996 campaign with the President of the United States. The same thing is going on with the Vice President. And the same thing will go on forever until we change it, and change it dramatically—soft money, hard money, issue ads, attack ads.

I close, Mr. President, by saying I consider not only the method of financing campaigns in this country ominous, quite frankly, I consider it rotten to the core.

I also want to say to the American people——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Thirty seconds?

Mr. FEINGOLD. I yield the Senator 30 additional seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. Anybody who believes that a democracy can survive when the people you elect and the laws you pass depend on how much money is given for the cause are daydreaming. It is dangerous to our system. It is dangerous to our democracy. I plead with my colleagues to vote for cloture on this matter.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, under the unanimous consent agreement, the vote is scheduled for the hour of 1:45?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. This side has used all but 8 minutes of its time, and the other side has not used a significant amount of its time because there is an hour and 15 minutes approximately between now and when the vote is scheduled.

What we are trying to achieve here is, one, allow the debate to continue, and, two, allow the proponents of the legislation the opportunity to continue the debate.

I thought that this whole debate was being conducted in an atmosphere of comity. When I have been in other debates here on the floor of the Senate and there has been no one to speak in opposition or in favor of a particular amendment, then those who wanted to speak were allowed to speak.

If we are going to depart from that, Mr. President, OK. But I am asking unanimous consent, one, that the last 20 minutes be equally divided, 10 minutes on each side, but also I am asking unanimous consent that if there are no speakers in opposition to the legislation, that speakers in favor of the amendment be allowed to speak rather than just throw the Senate into a quorum call.

The PRESIDING OFFICER. Is there objection?

In the Chair's capacity as a Senator from Minnesota——

Mr. McCAIN. Could I make one addition? I ask unanimous consent to add one addition to that. That is, when Senator McCONNELL returns, and if he or any of the opponents wish to use their time, they clearly would be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank the President, and I thank my colleagues for their cooperation.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Under the unanimous consent agreement, I understand, as long as there are not opposition speakers present, that we can go forward without that being charged against our remaining time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Thank you, Mr. President.

In light of that, I wonder if the Senator from Minnesota has any additional remarks. I am prepared go forward, if he does not.

Mr. President, we have heard a lot of criticism of our bill during this debate on constitutional grounds. The Senator from Kentucky said once again yesterday something that he has said many times. He expressed his opinion that there is "absolutely no way" that our bill will be held constitutional by the U.S. Supreme Court. And obviously I disagree with that analysis.

Our bill has been carefully crafted to be consistent with the Court's decision in Buckley v. Valeo. The only way to find out who is right, of course—because you cannot call up the Chief Justice and ask him for advice or his opinion—the only way is by passing this bill, and allowing a court challenge to take place. I and other supporters of the McCain-Feingold bill are ready to defend this bill in court, and I sincerely hope that we will have a chance to do so.

The Senator from Kentucky does have one group on his side that does specialize in the first amendment, the American Civil Liberties Union. And he is fond of reminding us that the ACLU, "America's expert on the first amendment," as he likes to say, opposes our bill. Let me say, I have a great deal of respect for the ACLU in many areas. In fact, I may have agreed with them on more issues over the years than the Senator from Kentucky. But I think it is worth pointing out two things with respect to the ACLU's position on campaign finance reform.

First, the ACLU is on record many times as opposing the Court's decision in Buckley that limitations on campaign contributions are constitutional. In other words, the ACLU disagrees with the Court's ruling in Buckley. The ACLU believes, for example, that limitations on soft money donations to political parties would be unconstitutional. But that is an opinion that is by no means in the mainstream of constitutional thought.

In fact, as we have noted many times over the last year, we have a letter signed by 127 law professors who wrote to Senator McCAIN and to me and gave their opinion that a soft money ban would be fully consistent with the first amendment and the Buckley decision and therefore would be constitutional.

Senator McCONNELL once said it would be easy to find 127 law professors of his own to say that soft money cannot be banned, but so far no such letter has ever materialized. Senator McCONNELL has been completely unable to come up with a list of constitutional scholars that would suggest that we cannot ban soft money, and I doubt that he ever could.

Second, there is a serious split within the ACLU itself. One of the most interesting and significant developments in this whole debate occurred just this past June during the House debate on campaign finance reform when a group of former leaders of the ACLU released a statement on their opinion of the constitutionality of the House version of the McCain-Feingold bill.

Mr. President, this isn't just one, if you will, disgruntled former leader of the ACLU. This statement was released by nine former leaders of the organization. They include every living person who has served as president, executive director, legal director, or legislative director of the ACLU for the past 30 years, except for one person who is currently in Government service and is not free to express his opinion.

That is quite a thing—all of those former ACLU officials indicating they do believe that this bill is constitutional. Let me just read from the letter of June 19, the statement of persons who have served in the American Civil Liberties Union in leadership positions supporting the constitutionally of efforts to enact reasonable campaign finance reform. They say:

> We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and we continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

> We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

Later in the letter the same individuals said,

> . . . even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the "soft money" loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.
>
> We also support regulation to the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words "vote for" or "vote against". We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called "issue advertisements" that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

These individuals conclude by saying:

> We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents of reform should no longer be permitted to hide behind an unjustified constitutional spokescreen.

I ask unanimous consent that the full statement of these nine former members of the ACLU be printed in the RECORD.

There being no objection, the letter ordered to be printed in the RECORD, as follows:

JUNE 19, 1998.

STATEMENT OF PERSONS WHO HAVE SERVED THE AMERICAN CIVIL LIBERTIES UNION IN LEADERSHIP POSITIONS SUPPORTING THE CONSTITUTIONALITY OF EFFORTS TO ENACT REASONABLE CAMPAIGN FINANCE REFORM

We have served the American Civil Liberties Union in leadership positions over several decades. Norman Dorsen served as ACLU General Counsel from 1969–1976 and as President of the ACLU from 1976–1991. Jack Pemberton and Aryeh Neier served as Executive Directors of the ACLU from 1962–1978. Melvin Wulf, Bruce Ennis, Burt Neuborne, and John Powell served as National Legal Directors of the ACLU from 1962–1992. Charles Morgan, Jr., and Morton Halperin served as National Legislative Directors of the ACLU from 1972–1976, and 1984–1992, respectively. Indeed, except for one person currently in government service, and, therefore, not free to express a personal opinion, we constitute every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director during the past 30 years, with the exception of the current leadership.

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

We believe that Buckley v. Valeo, the 1976 Supreme Court case that makes it extremely difficult to reform the current, disastrous campaign financing system, should be overruled for three reasons. First, the Buckley opinion inappropriately treats the spending of money as though it were pure speech, no matter how high the spending limits may be. But such an approach ignores the long-established Supreme Court rule that when speech is inextricably intertwined with conduct, the conduct may be regulated if it threatens to cause serious harm. While we agree that unreasonably low spending limits would unconstitutionally impinge on free speech, the Buckley Court failed to recognize that there is a compelling interest in defending democracy that justifies reasonable spending limits. Reasonable spending limits would free candidates and officials to concentrate on substantive questions of public policy, instead of spending excessive time raising campaign funds. Reasonable spending limits would also free candidates from becoming trapped in an arms race mentality, where each candidate is forced to continue raising money, not because they wish to, but to prevent being outspent by an opponent.

Second, the Buckley opinion makes an untenable distinction between campaign contributions, which may be subjected to stringent government regulation, and campaign expenditures, which are virtually immune from regulation. The bright-line distinction between contributions and expenditures is neither analytically nor pragmatically defensible. By upholding limits on the size and source of campaign contributions, while preventing any effort to limit the demand for campaign funds by capping spending, the Buckley Court inadvertently created a system that tempts politicians to break the law governing campaign contributions in order to satisfy an uncontrollable need for campaign cash.

Third, the Buckley Court erred in refusing to permit the establishment of reasonable spending limits designed to avoid unfair domination of the electoral process by a small group of extremely wealthy persons. Instead of "one person-one vote", the Buckley decision has resulted in a regime of "one dollar-one vote" that magnifies the political influence of extremely wealthy individuals and distorts the fundamental principle of political equality underlying the First Amendment itself, causing great harm to the democratic principles that underlie the Constitution.

It is our hope that the current Supreme Court, confronted with the unfortunate practical implications of the Buckley decision, and the serious flaws in its constitutional analysis, will reconsider the decision, and permit reasonable legislative efforts to reform our campaign financing system.

Moreover, even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the "soft money" loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation of the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words "vote for" or "vote against". We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called "issue advertisements" that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents or reform should no longer be permitted to hide behind an unjustified constitutional smokescreen.

Norman Dorsen, Jack Pemberton, Aryeh Neier, Melvin Wulf, Bruce Ennis, Burt Neuborne, John Powell, Charles Morgan, Jr., Morton Halperin.

Mr. FEINGOLD. Mr. President, I think this is a very significant letter that undercuts this, frankly, false notion that the soft money ban and some of the other key provisions in our bill are unconstitutional.

I am delighted now we have worked out the logjam on time and that the distinguished Senator from Arkansas is here to continue his remarks on this issue.

Mr. BUMPERS. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to lead off with one of Mo Udall's great statements: Everything that needs to be said has been said but everybody hasn't said it. So I want to get my two cents in before we vote on this measure this afternoon.

A moment ago, I said everything about this issue I feel strongly about, except for one thing: While I strongly support this legislation, I also believe that the ultimate solution to this problem is public financing. Unhappily, I will no longer be a member of this distinguished body when this Country and Congress finally comes to its senses and realizes that until we go to public financing, our democracy is simply not going to work. I am reluctant to make an admission today, but I have always prided myself on standing up for things that oftentimes were unpopular but I felt strongly were right.

I say to my colleagues, that I believe that one of the things that has sustained me is the reputation of having taken a tough stance from time to time. But since I announced that I would not seek reelection last June, and as I have walked on the Senate floor to vote, I have pondered how much the freedom of not running for reelection has influenced my vote. Now, that being said, I have cast many unpopular votes that have irritated the people of my State, on such subjects as the Panama Canal Treaty, and partial-birth abortion. However, after I announced I wouldn't run again, I have asked myself, How would I vote on this if I were up for reelection and knew I had to raise $3 or $4 million?

I believe there isn't a person in this body who can truthfully and frequently say they are willing to take on interest groups. After all, we are supposed to be servants of our constituents. But oftentimes there are interest groups back home we are trying to satisfy because they have a block of votes. We might vote their way. Even if we vote our conscious, the public can never be sure our votes were untainted.

The second thing that influences our vote is how our support or opposition will affect our money supply. I saw a comparison in the paper this morning of two PACs, of House and Senate leaders and the amount of money that certain individual groups gave those leaders for their PACs. Staggering amounts of money. I don't care how altruistic it is for "Mr. Smith Goes to Washington," it is foolish in the extreme to argue that this is a free speech debate. Mr. President, 94 percent of the people who run for office in this country win if they have more money than their opponents. A lot of good men and women are defeated every year in this country because they are not incumbents and they can't raise money. The people who give the big bucks don't like to give their money to challengers because they start out behind and usually stay behind. Of the 33 Senate races this year, I daresay there will be very, very few changes, in any, of those seats. In almost every instance, the candidate who has the most money and spends the most money will win the election.

Sometimes I think about debates. I have the first amendment that we will consider on the Interior bill when we go back to it this afternoon. It is mine, and it is one that the mining industry of this country doesn't like. It is an environmental issue. I will make all of the arguments that I have made on this floor time and again, not only on that amendment but the whole issue of the 1872 mining law, which has been out of date for over 100 years now. God gave us one planet, only one. We don't get a second chance. Incidentally, I have always argued that the No. 1 problem in the world, of course, is population, but you can't argue that here because the first thing you hear is that somebody has converted it into an abortion argument. So we continue to neglect the No. 1 problem in the world; namely, the growing population of the planet. I saw a bumper sticker the other day that said, "Help save the planet, kill yourself." Clearly, that is a pretty draconian way to save the planet. We ought to be talking sensibly about population growth, as we have been regarding campaign finance reform.

I can go on and on about this, and will continue to do so until the taxpayers of this country understand that this is not an issue of free speech. If the American people buy this argument, they are essentially saying, "I'm willing for somebody else to have more free speech than I do because they have more money." As we all know, about 90 percent of the people in this country can't afford to contribute and don't contribute.

I had a few more remarks, but I understand the Senator from Georgia is pressed for time. I now yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the suggestion by the Senator from Arkansas. I have to depart in a few minutes, so he may choose to continue his remarks at that point.

Let me say that I respectfully disagree with the comments we just heard from the Senator from Arkansas, as does the Supreme Court of the United States. I am comfortable that if every member of the Founding Fathers were here today, they would rise up in a loud chorus. The first amendment to the Constitution, in the Bill of Rights, makes it absolutely and abundantly and succinctly clear that there shall be freedom of speech. It doesn't define that somebody has this big a bucket and somebody has something else. It doesn't say a newspaper has the right to say anything it chooses, but some other kind of company will be constrained and managed by the Government.

Of all the things that I believe the forefathers were most concerned about, it was the management of expression, the management of speech. They were very careful. They were going to protect the American citizens' right to assemble. Until the late 1700s, in Great Britain two people could not get together in a club or in an association. Why? Because the government was afraid of people coming together. They might think up ideas; they might want to talk about them. So they said there will be freedom of speech, there will be freedom of the press, there will be a right to assemble, and there will be a right to petition the government—they didn't say it, but without fear. These four things are in the first amendment of the Bill of Rights. They are probably, to this day, the core of the American Constitution.

This has been tested over and over, and the Supreme Court has said that expression costs money. If you are going to have a town hall meeting, you have to rent the town hall. If you want to covey a message to a large audience, you can't go door to door; you are going to have to do it in a television ad or a newspaper ad. By the way, what is the difference between a corporation that publishes a newspaper or runs a television station and a corporation that makes tractors? Does one have a higher standing? Not under the Constitution. The outfit that makes tractors can spend money and express themselves just like a newspaper. Heaven help us if we ever come to the point where the only institution in our country that has freedom of speech is the media. If everything a political person does or a Government official does is only interpreted by the media, heaven help us. I used to say, if you are for the Government managing what people say, you better know the manager. You better know the manager.

This whole issue is dominated by the subject of freedom of speech. I heard the distinguished Senator from Kentucky say many times that if this ever became law, it won't last. The Supreme Court will strike it down, which is probably the case, but it ought not to become law. It ought not to become law. Anybody reading the rulings of the Supreme Court understands very clearly that expression and financing expression are one and the same and cannot be separated.

The last institution in the world that the forefathers would have ever wanted to manage speech is the Government. In fact, if you look at the Constitution from top to bottom, it is designed to protect us from Government—our own Government. They fought a revolution over this. They knew well what was happening in Europe. They looked over and saw what was happening in Ireland and said that is not going to happen in America. Of all the language in the Constitution, the most carefully crafted language for which there can be no question about its interpretation is the first amendment of the Bill of Rights. Freedom of speech shall not be abridged.

This legislation does that. It abridges and begins to manage who can say what, when they can say it, and how much of it they can say. And any Government official ought to be very wary of a situation where one group of Americans can say anything they choose, at any time, with any intensity, and another group of Americans can only say what somebody else decided they should say, when they should say it, and how much.

Mr. President, I could never support anything like that, as frustrated as we all get. Every American, at some point, has been affronted by freedom of speech. It has been frustrating to them to hear what somebody says or how they express themselves. I have been and everybody else has been. But better to suffer the frustration than to give that liberty to somebody to manage speech. America would never be the same.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just conclude my remarks by reiterating something I said earlier about the issue of free speech. We all know that the difficulty is a constitutional one because the courts have ruled that this is a free speech issue. But it can be overcome. It can be overcome with the McCain-Feingold bill. It can be overcome with public financing. There are all kinds of ways to amend the way we finance campaigns in this country without violating free speech. But let me just ask my constituents—no, let me ask my colleagues—no, my colleagues have already made up their minds. Let me ask the American people: Do you think we have a nice, democratic, fair system of electing Members of the House and Senate when some fat cat can give a candidate $4,000; he and his wife can give a candidate $4,000—$2,000 for the primary, $2,000 for the general. I ask you, how much can a working man making $10 an hour on an assembly line give? The question answers itself. If he has a wife and two kids, he can't give anything. I don't care how much he may love a candidate; he is not in a position, at $10 an hour, to be making political contributions.

The second question: When a candidate gets $4,000 from a fat cat—when legislation is being considered in the U.S. Congress, who will get the candidate's attention? The poor stiff with a wife and two children to feed, educate and clothe and who is trying to make a living? How much attention is he going to get compared to the guy who gave $4,000? Now, that is an illustration that is palpably clear to everybody.

Herman Talmadge, one of the great Senators who served here, had a lot of sayings in making speeches. He said, "If you want your audience to pay attention, you've got to throw the corn where the hogs can get to it." You have to say it so people can understand it. What I just said is understandable. It is essentially as much a one-line description of what this debate is about as anything I can conjure up.

The guy that gave $4,000 gets a lot of free speech, and a lot of the free speech he gets goes right into the ear of the Senator or the Congressman that got the $4,000. And when the phone call comes into the office from the poor guy making $10 an hour, with a wife and kids, because he wants a passport or because he knows a friend from Bolivia that is being mistreated under the immigration laws, do you know where his phone call goes if it is answered at all? It goes back to the staff. Where does the call go from the guy who gave $4,000? You and I both know where it goes. It goes directly into the office of the Senator. Do you call that free speech? Do you call that a democracy?

It is impossible to keep up with the campaign finance laws as they are written today. One of the things AL GORE is charged with is making a phone call from his office to solicit money.

I am not going to say anymore about that because everybody here understands that. The President is under investigation now under a 90-day sort of determination by the Attorney General as to whether or not in 1996 his campaign coordinated some ads with the Democratic National Committee.

Today my side is going to lose. The way we finance campaigns is going to continue exactly as it has been since the memory of mind runneth not, and investigations of either Democrats, or Republicans, or both will continue. It is impossible to level the laws of this country, and in this very hostile partisan environment.

Sometimes I think about offering a resolution in the Senate saying it is the sense of the Senate that there are some Democrats who have not yet been investigated and we want to know why.

We will continue to lose this debate until the American people wake up not only to the corruption of the financing laws of the country, but to the fact that their democracy is disappearing right under their nose.

It is so difficult at times to get people to focus on something that is a little bit complicated. They don't understand. Since it doesn't really relate to them, they just do not want to be bothered.

Republicans—I will hand it to them. They are zealots. Rain or shine, they go vote. My party—we have to ride in the sunshine. In all fairness, I have to say that we represent a lot of people who do not own automobiles. They oftentimes don't have ways to get to the polls, unless some of that campaign money is given to drivers to go out and get them and bring them in.

I saw a poll that showed that 71 percent of all Republicans say they are going to vote, and about 60 percent of the Democrats say they are not going to vote. Unless that figure changes, I can tell you what this election is going to do. I assume the President has to take some responsibility for that. I just do not know. He is my friend, and that is a separate subject. We will deal with that later.

But even absent the Starr report, absent Monica Lewinsky, we had a plateful for the American people to ingest. Part of that plateful is corruption, which is, in my opinion, as threatening to the Nation as the Kenneth Starr report is.

I suspect this country is in a bit of a funk today. I haven't looked at the market yet. It started off down this morning. I think that is all the result of people being upset and depressed—and, is the country leaderless? How is this all going to come out? Is it going to take 5 or 6 months to get this resolved? All of those things.

Tonight, when you listen to the news, that is all you will hear. Tomorrow night, when you listen to the news, that is all you will hear.

And here is something that goes right to the heart of whether we survive as a democracy, or not. Frankly—I hate to condemn the public—they are not paying attention. Every poll shows it. What is the most important thing to you? Campaign finance is about tenth on the list. Democrats keep trying to make it a big issue, trying to get people to pay attention to it, and in all fairness, seven or eight Republicans. But how can you expect them to when they hear absolutely nothing on the evening news but Monica Lewinsky and Kenneth Starr's report. As I say, I am not condemning the American people. That is just the way we are made. That salacious stuff is a lot more exciting than talking about campaign finance reform, which is complex.

Mr. President, I have said all that I want to say, and all that I need to say. But I especially wanted to put in the part about free speech.

It is so tragic that everybody here knows who is getting the free speech, and everybody knows whose voice is not heard because of the way we finance campaigns. I say that we ought to go to public financing. That way every person in this country who is a taxpayer would know that his vote was as important as anybody else's. His voice would be as important as anybody else's. As long as it is the richest and the wealthiest people who determine the outcome of elections in this country, where do you think we are headed? I will leave that question with you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I am pleased to rise today to express my concerns about the pending McCain-Feingold amendment.

Since the beginning of the 105th Congress, I have heard from Minnesotans on a variety of important issues such as high taxes and the future of social security. Despite the public outcry by my constituents to address these issues important to America's working families, I am very concerned that the Senate is again debating a proposal to regulate political speech.

I commend Senators McCAIN and FEINGOLD for their deeply held views that the only way to restore the public's trust in their government is to reform the system for financing our federal campaigns. As someone who has heard first-hand of the public's growing mistrust of their government, I strongly agree with their belief that the people's trust in their government should be restored and their participation in our democracy encouraged.

However, I respectfully disagree with their approach to the passage of new campaign finance laws.

By the way, these new laws become even more restrictive on who can be involved, what they can say, and how they can be a participant in the public policies of this country.

The people's faith in the Government can be restored, I believe, by encouraging greater enforcement of our existing campaign finance laws, rather than going out and trying to ignore the laws that were broken, and passing new laws that again would only silence those Americans who wish to have their voices heard.

Each time the Senate has considered a version of the McCain-Feingold proposal, Minnesotans have contacted me in large numbers not in support of its passage but out of great concern for its potential impact upon their first amendment right of free speech guaranteed by the U.S. Constitution. Moreover, they have demanded that Congress focus more on the allegations of campaign finance irregularities during the 1996 campaign cycle rather than passing new campaign finance laws. In other words, not to brush over those laws that were broken or those who broke those laws and try to camouflage this by saying all we have to do is pass new campaign finance laws and everything will be fixed. That is like trying to pass new laws every day to take care of old problems. We need to get to the source of the problem.

In this regard, I am encouraged by Attorney General Reno's recent decision to initiate a 90-day investigation of whether President Clinton's involvement in Democratic National Committee campaign advertisements in 1996 circumvented election laws. And the Attorney General should also be commended for continuing the Justice Department's investigation of whether Vice President GORE unlawfully raised campaign contributions from the White House, and the activities of former White House Deputy Chief of Staff, Harold Ickes, during the 1996 campaign cycle.

Current law works if we enforce it. Despite the modifications that proponents of McCain-Feingold have made to improve support for this initiative, my views on its basic premise have not changed. Similar to the previous versions of this bill, this proposal will discourage rather than promote greater participation in the democratic process. They always talk about big money and how that controls the process and how we should be encouraging and what we should be doing to encourage more people, those $10-an-hour workers who we have heard about in the Chamber today, to become a voice no matter how small, and to participate in the political process. The way they can do that is through PACs, political action committees, and that is where a lot of people with little incomes can put their money together to have a stronger voice in how their government works and how it operates, and we should encourage that, not discourage it.

Most fundamentally, the McCain-Feingold proposal continues to be based upon the belief that there is too much money spent on American elections—too much money. About $3.50 per person per year is spent on campaigns, totally, in this country. That is less money than we spend on a Value Meal at McDonald's.

I remember talking to somebody about the United Nations. We spend about $3.81 per person per year supporting the United Nations, and everybody thinks we get a great deal out of that. But yet we spend less money per person to support our way of government in this country, and somehow they say that is spending too much money. So the whole political process in this country is worth less to the supporters of the McCain-Feingold bill than our support perhaps, say, for the United Nations. I think we need to support this form of government and encourage more people to participate, not to close the door and say that this is how you can participate or we are going to manage what you say, how you say it, when you can say it, and who can afford to say it.

If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and suppress the rights of many Americans to have their voices heard.

As my colleagues know, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley v. Valeo. The importance of conveying the ideas of those who seek office to the electorate is critical and was upheld by the U.S. Supreme Court in Buckley. And in Buckley the Court declared that "a restriction on the amount of money a person or groups can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money."

That is from the Buckley v. Valeo Court decision. They label this bill as an effort to protect and preserve democracy. They say that democracy is disappearing because of this. But this bill would not protect free speech. It would only limit free speech. I would like to ask those watching today that if you can restrict the speech of one American today, whose speech can you restrict tomorrow? Are you going to give the government this much control and say, well, let's do it today to protect this process, but in doing this we are going to have to take away some of your freedoms? We are going to have to impose restrictions. We are going to manage those who want to participate in the political process. And if we can do that today, who is going to come tomorrow and say, well, let's squeeze these restrictions a little more? And then who is going to come the next day and say, well, let's squeeze these restrictions a little more? And pretty soon we are going to take the ability of free speech, to participate in our political process, away from Americans. And then who is going to have a voice? Is it going to be the media, the newspapers, television? Are they going to be the ones that define my campaign or Senator McCAIN's campaign or maybe Senator FEINGOLD's campaign? I think we need to have that freedom.

For these reasons, I remain concerned about the core provision of the McCain-Feingold bill which continues to place, again, questionable new restrictions upon the ability of national parties to support State and local party activities as well. We should not pursue a suspect expansion of government control of national parties; rather, recognize that political parties enjoy the same rights as individuals to participate in the democratic process.

For nearly two decades, political parties have been allowed to raise money for party building and similar activities without limits on the size of contributions. Additionally, the Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, in which the Court found that Congress may not limit independent expenditures by political parties, makes it questionable whether these restrictions would be constitutional.

We have a responsibility to the American people to help restore their faith in government. However, this cannot be accomplished by placing new and expansive restrictions on the communication of ideas or the issue of free speech. And above all else, we should not use violations of existing laws that have raised a lot of this concern and ire of Americans over campaign financing—those violations of existing laws should not be used as an argument today to suppress our right of free speech.

I thank the Chair. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, no one has been more active in the vineyards of the first amendment than the Senator from Minnesota. I thank him for his important contribution to this debate and his astute observation that to the extent the parties and groups are quieted, the voices are enhanced on the other side, or that is anybody's voice that is not quieted is necessarily enhanced by that action, and in particular the fourth estate, our friends in the press, who love this issue, would have a dramatic increase in political clout as a result of the quieting of the voices of so many other Americans.

So I thank my friend from Minnesota for his observations.

Mr. GRAMS. I thank the Senator.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the fundamental notion underlying the McCain-Feingold bill is that politicians should be allowed to control all of the political speech in proximity to an election except for that by the press. The press would be free and unfettered in engaging in issue advocacy, in endorsing candidates, and doing anything it wanted to under the first amendment at any time, up to and including the last 60 days before an election. I do not dispute that. I think they should have that right. But I find it disingenuous at best—absurd, the more you think about it—that the press would like to quiet the voices of others.

First, they would like to quiet the voices of the parties by eliminating so-called soft money. Mr. President, "soft money" is a pejorative term for non-Federal money. This is a Federal system. There are State elections, there are local elections; the two great national parties frequently care who gets elected Governor of Arizona or who gets elected to the city council in Phoenix. The notion that the Federal Government should federalize the two great national parties is absurd, inappropriate, and unwise.

In addition to that, it would provide for the Federal Election Commission the power to supervise every election in America. In other words, we would federalize the entire American political system. This kind of notion of Federal power grabs and the quieting of voices also applies to what the McCain-Feingold bill seeks to do to individuals and groups.

Under this bill, it would be very difficult if not impossible for individuals to express themselves, or groups to express themselves, within 60 days of an election. "Quiet those voices, too," the politicians say. So we will quiet the parties by making it impossible for them to involve themselves in State and local elections, and make it impossible for them to engage in issue advocacy, constitutionally protected speech, and we will also reach over to the issue advocacy of everybody else and we will make it impossible for them to criticize any of us within 60 days of an election.

This is a great idea for incumbents. We all would like to control our elections, and this would sure give us a way to do it. We would not have to worry any longer about those nasty interest groups that don't like our voting records going out there in the last 2 months before an election and saying bad things about us; we would shut them up. We wouldn't have our political party coming in to defend us or, for that matter, the other political party coming in to attack us; we would shut them up.

In short, we would just sort of hermetically seal the environment for 60 days before an election, with the exception of the New York Times, the Washington Post, USA Today, and all the other folks who would still be free—as they should be free—under the first amendment to have their say at any point in the course of a year, including the last 60 days before an election.

Mr. President, this is terrible public policy—terrible public policy—disguised as some kind of positive reform. The good news is, we are not going to pass this bill, but if we had passed it, the issue advocacy restrictions on outside groups would certainly not survive the first Federal district court in which it landed, and I guarantee you, it would land there very, very quickly. When something is so clearly and obviously unconstitutional, it seems to me that the Senate ought not to pass it.

With regard to the political parties, why in the world, Mr. President, should we prevent the political parties from engaging in issue advocacy? Everybody else in America will be able to do it, because I guarantee you, the restrictions on independent groups in this bill would be struck down. There is not a serious constitutional lawyer in the country who doubts that.

Everybody would be free to have their say in the last 60 days before an election: Outside groups, because the restrictions on them would certainly fall as unconstitutional; the newspapers, because no one really wants to shut them up. We don't frequently like what they have to say, but they have a right to say it. But the political parties are conceivably taken off the playing field—the one entity in American politics that, for example, is willing to support challengers, those trying to come from nowhere to get elected. It is not easy to be a challenger. The one entity out there willing to support challengers is the political parties. We ought not to be making them weaker, we ought to be encouraging them to be strengthened.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 50 seconds remaining.

Mr. McCONNELL. I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator for yielding.

Sometimes the wrong debate happens at the wrong time, and the debate that we have heard on this floor for the last several days, in my opinion, is the wrong debate for a lot of reasons. We shouldn't be talking about changing laws, but enforcing the very laws we have.

I think all of us watched as the Congress decided to change campaign laws a good number of years ago to make them much tougher and tighter, to create reporting thresholds, and to make sure that the public was well aware what went on in the campaign business of our country and in the fundraising business of our country.

Several of our colleagues have already spoken today about the ongoing investigations into campaign finance abuses. Those abuses didn't happen because the laws were inadequate. It doesn't mean that you are going to get character change all of a sudden because of a myriad of new laws that this Congress might pass.

Now the spin machines are using the issue of campaign finance reform to suggest that the entire system is crooked and corrupt. Mr. President, and American citizens, that just "ain't" so. There are some people in the system who have chosen to corrupt it, but the campaign system we have today is alive and well, as it should be. Most of us play by the rules, and the rules are tough, and they are exacting. The reason they ought to be is to assure the right of all political candidates to speak out and to make sure that the American public can have, as they should have, the proper access to the political process.

The votes that are going to occur on this floor in the next few moments are absolutely critical. I am frustrated by many of my colleagues who stand up and suggest that the political system that we have today is a corrupt system. It has been corrupted by some, and those who are corrupting it are under investigation today. But clearly it is a system that works—it works very well—reporting to the public, as we should, what is the right and responsible thing to do, particularly at a time in our history when confidence has been shaken in some of our institutions.

It is absolutely imperative that we do not put new restrictions into the ability of the politician, the public person, to communicate with his or her constituents in an open and frank manner. Existing law allows that. I don't think we need to be tampering with our first amendment or suggesting in some way that we can make it a lot better. We just simply need those few who corrupt the system to abide by the laws as they are currently written and currently administered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has 30 seconds remaining.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Idaho for his contribution to this debate and the other Senators who spoke on our behalf during this discussion. This is a very important issue affecting the first amendment and the rights of all Americans to speak in the political process. I am confident that the motion to invoke cloture will not succeed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin controls the time.

Mr. FEINGOLD. Mr. President, I yield such time as the Senator from Arizona requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, first, let me begin by thanking all those who have fought so very hard to pass campaign finance reform, both within this body and without. I specifically mention by name the measure's cosponsors: Senator THOMPSON, Senator SNOWE, Senator COLLINS, Senator LEVIN, Senator LIEBERMAN, and Senator JEFFORDS. All have expended great energy to keep this issue before the Senate.

Also, I again thank my colleagues in the House, Congressman SHAYS and Congressman MEEHAN. We would not be doing what we are doing today if it had not been for their signal and unpredicted victory.

Most importantly, I thank my partner on this 4-year journey, the Senator from Wisconsin, RUSS FEINGOLD. His work on this issue has been outdone by none. His efforts are tireless, and he deserves great praise for bringing us to this point today. Together we have worked to do the bidding of the majority of the American people. We worked to pass legislation that is supported by majorities in both Houses, although a minority has continued to thwart our efforts. But time is on our side.

Yesterday and today, I have quoted previous debates on this subject. One fact that is clear in every one of these debates is that, with persistence, we will prevail. I hope we prevail today. If we do not, I will be back to offer campaign finance reform legislation again and again and again. Neither I nor the Senator from Wisconsin will relent. The will of the American people, their desire to see what they perceive as a corrupt election system cleaned up, cannot be perpetually ignored. The public wants us to act.

Low voter turnout—and we will perhaps see the lowest voter turnout this century, this November—is ample proof of the growing cynicism of the electorate. That cynicism, if left unchecked, will grow to contempt and shake the foundations of this great Nation. Let us not procrastinate further. Let us confound public cynicism and accede to the country's wishes today.

The Senate was conceived by our Founding Fathers as an institution that acts deliberatively. Certainly we have seen this occur on this matter. But it was not conceived to block indefinitely the will of the people. Many significant matters have been slowed or stalled in this body. Many have taken years to pass. Campaign finance is undoubtedly one of those subjects. But to repeat myself yet again, this body will act and pass campaign finance reform. If not today, then soon. It will happen. Delay is not resolution, merely postponement of the inevitable and thus pointless.

Until we recognize the futility of procrastination, the money chase in this hallowed Capitol, the debasement of the White House, the selling of trade missions, the never-ending series of fundraising scandals that leads the public more and more to believe that elected officials only represent monied special interests will not end.

Congress can and must and will change this system. If we do not act, there will be more scandals, both parties will be further tainted by this system, no one will be left unscathed, and that fact will force this body to do what is right.

When do we as a body come to realize that something must be done? And to my Republican colleagues: When will we realize it was our ideas, not our fundraising prowess, that got us to power? The American public granted us the majorities in both Houses because, I would argue, our ideas were superior to those of the opposition. Our ideas represented what a majority of Americans felt and believed. We do not need to fear a new campaign finance regime so long as we continue to best represent the public interests. And because I so strongly believe that fact, I appeal to my Republican colleagues to support cloture and allow us to move forward on this matter.

Finally, Mr. President, let me close by again putting my colleagues on notice. If we cannot move forward today, we will soon. To those who will proclaim the issue dead, nothing—I repeat, nothing—is further from the truth. As long as I am privileged to serve in this great institution, we will revisit campaign finance reform again and again. We will revisit the subject until it becomes the law of the land. We will revisit it because the will of the majority over time always prevails. And we will revisit it because it is the right thing to do.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

Let me take this opportunity to thank all of the cosponsors and all the supporters of this bill, especially the senior Senator from Arizona who came here with the idea for this legislation I guess it is now 4 years ago.

I thank everyone for their efforts in the past but, more importantly, for their continued efforts in the future, including this year, on trying to finish the job. So I have a feeling of gratitude, not only for what we have done but for what we will accomplish before we are done.

Let me take the very brief time I have just to refer to a statement by the Senator from Idaho which I think really sums up this whole issue. He just got done saying on the floor that the current campaign system is "a system that works very well." He said, "The campaign finance system is alive and well, as it should be." That is what the Senator from Idaho said.

Well, if you agree with that statement, I guess you will want to vote against cloture. But that is not what the American people believe. They think this system is broken. And it is not just a few people who are corrupting the system, it is the system that is corrupt, and we have to do something about it now.

So, Mr. President, I urge my colleagues to vote for cloture. The time has come for the additional eight Senators to allow the majority of both Houses of the Congress to send this bill on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator has 1 minute remaining. Does he wish to yield the time?

Mr. FEINGOLD. I reserve the time.

I yield the remaining time I have to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the struggle for life for campaign finance reform is going to be determined by a test of wills between the bipartisan majority that believes in it, reflecting the will of the American people, and the minority that will attempt to filibuster this bill to death.

The supporters of campaign finance reform need not withdraw, should not withdraw, and I believe and hope will not withdraw the bill if the filibuster survives this cloture vote. It will then be up to the filibusterers to continue the filibuster. Hopefully, over time they will see that the American people are determined to change a system which is not only corrupt but has a corruption which permeates and undermines public confidence in our democratic electoral process.

I thank the Chair and yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

Cloture Motion

> We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending campaign finance reform amendment:
>
> Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard G. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3554 to S. 2237, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

The PRESIDING OFFICER (Mr. ROBERTS). On this vote, the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized in morning business for 1 hour.

The Senator from Florida is recognized.

Mr. FEINGOLD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FEINGOLD. Mr. President, upon the conclusion of the time of the Senator from Florida, what is the regular order?

The PRESIDING OFFICER. The pending business will be the Interior appropriations bill.

Mr. FEINGOLD. Will the current amendment, the Feingold amendment, be the pending business?

The PRESIDING OFFICER. That will be the pending question.

Mr. FEINGOLD. Thank you, Mr. President.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Thank you, Mr. President. Mr. President, I ask unanimous consent that Delia Lasanta, a congressional fellow, Mary Jo Catalano, and Luis Rivera, interns in my office, be allowed floor privileges for the duration of this 1 hour of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HISPANIC HERITAGE MONTH

Mr. GRAHAM. Mr. President, today I rise to honor Hispanic Americans.

National Hispanic Heritage Month is celebrated every year from September 15 to October 15.

This month-long observation, established in 1968, is now a celebration of the history and achievements of Hispanic Americans.

During the August recess, among the many visits I made throughout my state, I had the opportunity to once again visit the historic city of St. Augustine.

A visit to St. Augustine is always very special but this time it was more so because accompanying me on this trip were my triplet granddaughters. I took advantage of this occasion to teach my granddaughters about the rich and wonderful history of St. Augustine, of Florida and of our Nation. And they taught me something about the thrill of seeing castles and historic sites for the first time through the fresh eyes of a 3-year old.

Hispanic presence in what is now the United States began long before our Nation existed.

In 1513, Juan Ponce de Leon sailed from Puerto Rico to the east coast of Florida.

A Spanish explorer, Ponce de Leon is best remembered as the discoverer of Florida and for his early attempts to colonize in 1521.

He was also the first Governor of Puerto Rico which today is home to 3.8 million U.S. citizens.

In 1565, Pedro Menendez de Aviles, another Spanish explorer, established St. Augustine, the first permanent European settlement in what is now the United States. This settlement predated the Jamestown colony in Virginia by more than 40 years.

When he reached the shores of La Florida, Menendez de Aviles and his crew celebrated with a feast with the Native American Indians of the region, by bringing red wine, roast pig and garbanzo beans. Thus began another part of our rich Hispanic heritage.

Nearly 300 years later, the United States was rapidly developing and experiencing its first 50 years of democracy. Hispanic Americans played their role in that development.

The first Hispanic American to serve in the Congress was Joseph Marion Hernandez, who was elected in 1822 as a Delegate to the U.S. Congress from the territory of Florida. Today there are 5,170 Hispanic elected officials nationwide, 81 of them proudly serving in my State of Florida.

Of the 18 Hispanic Members of the 105th Congress, two are from Florida, Congresswoman ILEANA ROS-LEHTINEN, who in 1989 became the first Hispanic woman Member of Congress and her fellow Cuban-American Congressman LINCOLN DIAZ-BALART.

Today Florida is an example of the rich diversity of this country, as we have residents from all the Spanish speaking countries of the world.

Sadly, many of these residents came to this country from countries such as Cuba and Nicaragua seeking refuge from persecution and denial of basic human rights which they were denied in their homeland.

These residents hold a strong patriotic fervor for their new land in the United States equally with their hopes of restoring liberty and democracy to their former home in Cuba. They will return to a Democratic Cuba with their experience in the United States being a significant contribution, whether they are there on a permanent or a temporary basis, to the restoration of that island nation, which has suffered so long under autocratic rule.

The latest Census Bureau figures now estimate that the U.S. Hispanic population nears 30 million, representing 11 percent of the total population of the United States.

The Bureau also estimates that by the year 2005 Hispanics will be the single largest minority group in this country.

Hispanic Americans have achieved notable success in every aspect of our society.

It is important to highlight the level of entrepreneurial spirit that Hispanic Americans bring to the work force, leading to economic growth for all Americans. According to the Small Business Administration, the largest growing sector of small businesses are owned by Hispanic women.

Hispanic owned businesses have grown three times faster than the average of all business growth in the United States.

Hispanic Americans have played, and will continue to play, a key role in our country's future.

The commitment of Hispanic Americans to this country's ideal of freedom and democracy have never faltered.

Hispanic Americans have volunteered and served this country with distinction in every branch of our nation's armed services and their sacrifices on the field of combat are ample evidence of their patriotic commitment.

The fact that there are forty-two Hispanic Congressional Medal of Honor winners is a most eloquent testimony of this commitment to freedom and democracy.

In March 1997 Senator LARRY CRAIG and I, along with a bi-partisan colaition of our colleagues introduced S. 472 to provide the nearly 4 million U.S. citizens of Puerto Rico with a congressionally sanctioned plebescite to democratically vote on their future political status.

On more than one occasion I have spoken of our moral commitment to answer the legitimate request for self-determination by our fellow citizens who are residents of Puerto Rico.

On July 25 of this year, Puerto Rico commemorated the 100th anniversary of the arrival of U.S. Major General Nelson Miles and his troops on Puerto Rico's shores. On that historic occasion 100 years ago, General Miles declared that the United States came, to use his words, "bearing the banner of freedom * * * the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold."

One hundred years after those valiant actions and eloquent words, the U.S. citizens of Puerto Rico continue to wait for the fulfillment of that promise of justice and humanity. For the last century, they have been denied the most fundamental right of a free people, the right to choose their own political destiny.

One of the most fundamental principles of our nationhood was expressed in the Declaration of Independence when our forefathers wrote:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

That, Mr. President, is what our Founding Fathers wrote over 200 years ago. Now the challenge we face in 1998 is whether we are prepared to live by those principles of consent of the governed.

Today I am here to ask, what better way to honor all Hispanic Americans, to commemorate their sacrifices and contributions to our great Nation, than to provide the U.S. citizens of Puerto Rico with their long frustrated dream of political self-determination?

Earlier this year, our colleagues in the House passed a bill authorizing a plebiscite, a plebiscite to initiate self-determination. The Senate has closely examined this issue through a series of hearings and workshops conducted by Energy Committee Chairman MURKOWSKI. After careful and exhaustive deliberations, Senator MURKOWSKI has drafted a bill which simply authorizes a self-determination process for Puerto Rico. Senator MURKOWSKI's bill is straightforward; it is fair; it recognizes and respects Puerto Rico's local political dynamics and delivers the much-needed congressional endorsement of this process.

We have before us a rare opportunity, an opportunity to support democracy in action. Senator MURKOWSKI's bill should be given full consideration before the adjournment of this Congress. This is an issue that will not go away. The historic significance of the U.S. Congress acting to give the people of Puerto Rico the reality of what General Miles spoke in his eloquent words of justice and humanity 100 years ago is an opportunity that we should not let pass. It is our historic opportunity and responsibility to our fellow citizens to honor Hispanic-Americans by providing self-determination to the U.S. citizens of Puerto Rico. Let us make 1998 memorable not because it is the 100th anniversary of U.S. troops landing in Puerto Rico but, rather, because this is the year and this is the Congress which commemorated Hispanic Heritage Month and honored all Hispanic-Americans by keeping its promise of democracy to the U.S. citizens of Puerto Rico.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of newspaper editorials in support of self-determination for the U.S. citizens who are residents of Puerto Rico.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IT'S UNDEMOCRATIC TO DENY AMERICAN CITIZENS A VOICE

One hundred years ago, during the Spanish-American war, the U.S. troops who took over the Spanish colony of Puerto Rico were enthusiastically greeted by most of the islanders. After all, the United States of America represented liberty and democracy to the world; the future of Puerto Rico looked bright, indeed.

A century later, Puerto Rico are American citizens, but they are not allowed to vote in presidential elections or to elect voting representatives to Congress.

Puerto Ricans have fought and died under the American flag in every war since 1917 and are eligible for the military draft, yet they have no voice in selecting the president or the Congress that could send them to war.

Under a government of the people, by the people and for the people, it seems unfitting that the United States has never formally consulted the 3.8 million American citizens of Puerto Rico on their future. Oh, a few elections have been held within the commonwealth, but the voting process, the wording of the ballots and the results have never been recognized by Congress.

For years, Puerto Rico has requested that Congress at least sanction a vote to officially gauge the opinion of the people: Do they wish to remain a commonwealth, become a state, or achieve separate sovereignty? For years Congress has given no answer.

This year, such legislation has been approved in the House of Representatives, and its life or death resides in the Senate, specifically in the hands of Senate Majority Leader Trent Lott.

If the majority of Puerto Ricans wish to continue their island's status as a commonwealth, with limited rights and limited responsibilities, so be it.

But, if a majority selects statehood as a goal—after weighing the positives against the negatives of federal income taxes and stiffer industrial regulation and taxation—then Congress should also weigh the positives and negatives and make a decision. Only Congress can decide; a territory cannot make itself a state.

Under the bill, if most Puerto Ricans favor statehood, a lengthy period of negotiations—spanning a period of up to 10 years—on possible statehood would begin. Only after all terms are agreed upon could Congress even consider legislation to admit Puerto Rico as a state.

Lott has shown little interest in bringing the bill to the Senate floor. He seems to think that Americans have little interest in it. But 3.8 million American citizens are vitally interested. After 100 years, they deserve to have their voices heard.

LITERACY UNLOCKS THE WORLD OF WORDS

Tucked inside The Sun Herald today is a Newspaper in Education publication celebrating International Literacy Day. To that end, the special section contains tips for teachers and parents.

Among the tips for teachers, we would like to stress the second one: Teach children where they can find readily available reading materials. That goes hand-in-hand with the second tip for parents: Get a library card and use it with your child.

For a child to think that reading is worth the effort—and in the beginning, reading can be an effort—that child should have something he or she thinks is worth reading. Since preferences will vary from child to child, a library is the best place to take a child to unlock the world of words.

When a child picks out what he or she wants to read, the odds are considerably greater that it will get read.

Certainly a parent can and should build on a child's selections by reading to the child. But if a child isn't curling up with a book, it may be because he or she doesn't have a book of his or her own choosing.

[From the Clarion-Ledger, Sept. 7, 1998]

Puerto Rico Should Be Allowed Self-Determination

Proposals to allow Puerto Rico to pursue statehood may not be a high priority with most Americans, but it should be.

There is no more American an issue than that of allowing a group of American citizens—yes, Puerto Ricans are U.S. citizens—the right of self-determination to pursue statehood or whatever they may wish.

Bills soon will be before Congress to do just that. The bills are "process" bills, not statehood bills. The bills would provide a process to ask Puerto Rican voters their preferences. They could choose to be a commonwealth, a process that would lead to statehood or independence.

If statehood is selected, there would be lengthy period of negotiations, up to 10 years, when terms and conditions would be decided.

There are many reasons why it would be good for Puerto Rico to enter the union. As for economics, Puerto Rico's economy is about $42 billion, slightly ahead of New Mexico. The U.S. spends some $10 billion a year in economic subsidies there. That would be reduced some $3 billion. But the potential growth is there, too.

If admitted, there would be no reason for other states to lose representation. Seats in Congress could be expanded.

But the reasons transcend economies and politics.

Puerto Ricans have fought in every U.S. war this century, and have died in greater percentage according to population. The "blood tax" has been paid.

As many as 80 percent participate in elections there (compare that to American's lazy attitude about their ballot rights), but cannot vote for the commander and chief who may send their sons and daughters to war.

Americans should cheer at the prospect of a new state because it reminds everyone of the importance of the American ideals of freedom and self-determination.

Puerto Rico has earned that precious right.

[From the New York Times, Mar. 9, 1998]

A Choice for Puerto Rico

In a historic move, the House narrowly passed a bill last week to give 3.8 million Puerto Ricans the right to vote on whether the island should retain its current commonwealth status, seek statehood or become independent. The United States-Puerto Rico Political Status Act, sponsored by Representative Don Young of Alaska, requires that a vote be held on the three options by the end of this year. If either statehood or independence receives a majority, the President and Congress would be asked to develop a transition plan, and give final approval to a status change within 10 years. If none of the options receive a majority vote, the current status would be unchanged and another referendum would be held within 10 years.

Both the Republican and Democratic platforms have long supported Puerto Rican self-determination. Yet Congress has repeatedly failed to give islanders a say on their political status. With House passage of the bill, its future now depends on Trent Lott, the Senate majority leader, who has been unenthusiastic about the issue. The Senate would dishonor democratic values by shelving this bill.

Puerto Rico was acquired by the United States 100 years ago as part of the spoils from the Spanish-American War. Its residents are American citizens who have been subject to the draft and Federal laws. But they do not pay Federal income taxes, do not elect members of Congress and cannot vote for President. This diminished status does have support among islanders who worry that statehood would jeopardize the island's distinctive heritage.

But language issues and other important questions can be addressed when Puerto Ricans debate their choices. The proposed bill would allow them to decide their future with the assurance that Congress would not ignore the result. In a 1993 nonbinding plebiscite, 48 percent of Puerto Ricans voted for commonwealth status, 46 percent for statehood and 4 percent for independence. A majority may still prefer commonwealth status, and even if islanders vote for statehood or independence, Congress would be able to manage the transition. In any case, the Senate would be wrong to prevent political self-determination for American citizens when it supports that right for people elsewhere in the world.

[From the Washington Post, Feb. 23, 1998]

Americans Without Full Rights

Congress is getting serious about Puerto Rico's political future for the first time since the United States picked up the island territory in an imperial war with Spain 100 years ago. By a carefully launched bill that may reach the floor early in March, the House would set up a process to let Puerto Ricans choose their future status from among the current "commonwealth" statehood and independence options. This would not be no straw poll. The bill would define the details—financial, political, linguistic—of the statehood option favored in Puerto Rico. It would lock the United States into a 10-year transition to put statehood, or another choice, into effect.

The bill, sponsored by House Resources Chairman Don Young (R–Alaska), cleared his committee 44 to 1. He anticipates serious debate and substantial approval. It could be a great day for democracy. But it also could be a difficult day. There is concern over the polticial lineup of the two senators and six congressmen who would go to a new state and over which states would have to forfeit six seats in the House. There is argument over whether new tax revenues would, as sponsors claim, wash out new social-program costs.

But the hot issue is language. There is support among Puerto Ricans to retain their Spanish-language heritage. Some in Congress, however, would make Puerto Rico the battleground for an attempt to legislate English as the official language of the United States. The Young bill undertakes to deal with this question chiefly by providing for use of English in the courts and other official venues, while increasing and improving English-language training in the schools. This seems sensible. A strict official-English policy ignores that Washington never asked Puerto Rico to embrace English when it took over the island and when it sent its sons to fight in American wars. Such a policy also ignores the extent to which the United States by practice and culture is already a considerably bilingual nation. Alarms of creating an "American Quebec" are a spillover from the official English debate.

Puerto Ricans always could get the language of their preference by independence. But that option has never risen above a few percentage points. This makes Congress's definition of statehood crucial. To put statehood on the three successive referendums the bill calls for but then to burden the option with a provocative English requirement is unfair. It thrusts upon the island's 3.8 million residents a choice between political empowerment and cultural identity. For decades American political leaders have held out Puerto Rican statehood as an option. It would be a mockery to load it up with unneeded political accessories the first time it began to look real.

A commitment to common rights, responsibilities and ideals—not a dominant language—bonds Americans. A commitment to democracy should drive Americans to ensure Puerto Ricans full and equal rights as American citizens. It has been, after all, 100 years.

[From the Orlando Sentinel, July 19, 1998]

Clarify Puerto Rico's Status; Citizens of The Island Deserve The Opportunity to Make a Choice, Whether They Decide To Remain a Commonwealth, Embrace Statehood Or Seek Independence.

U.S. Senate Majority Leader Trent Lott says there's not enough time to consider the issue of Puerto Rico's status before senators head home in October.

That's not persuasive. After all, the U.S. House of Representatives managed to do that in a matter of days, approving it in March.

But even more important would be the symbolism of giving Puerto Ricans a voice in determining their own form of government. One hundred years ago this month, the United States occupied that island during the Spanish-American War.

Puerto Rico now holds U.S. commonwealth status, which allows it self-government but with obligations to the United States. That means, for instance, that Puerto Ricans pay taxes to their government but not to the U.S. Treasury. At the same time, they hold U.S. citizenship.

It's time that Puerto Rico's status is clarified definitively, whether the choice is to remain a commonwealth, embrace statehood or seek independence.

Thus the Clinton administration was right last week to push for swift action in the Senate.

Self-determination stands as one of this nation's most important ideals, stemming from the America people's struggle to chart their own political course more than 200 years ago.

Puerto Ricans also deserve that right.

A plebiscite in Puerto Rico five years ago merely whetted the appetite of people for a substantive vote. The plebiscite—a glorfied opinion poll—underscored the intensity of the debate over Puerto Rico's future. Voters mostly sided with two options—commonwealth and statehood—with commonwealth receiving slightly more support.

The House bill would allow an official plebiscite, presenting Puerto Ricans with the three choices mentioned above.

If the option of commonwealth were chose, of course, it would be automatic because it would mean keeping things as they are now.

> Much more work would be required if voters were to choose independence or statehood. Statehood would be the most complicated, with the United States having the final say.
>
> The job of working out the details of transition plan would fall to President Bill Clinton and the Congress. That plan then would be presented to Puerto Rican voters. The series of negotiations and votes could take years to unfold.
>
> The process will take even longer, though, if the Senate doesn't get off the dime. Florida Sen. Bob Graham, who supports the plebiscite, argues that the votes are there, that it's just a matter of getting the Senate to vote.
>
> But that means overcoming a big obstacle—Mr. Lott. He appears not terribly interested in Puerto Rico, which is probably the real reason it is being crowded off the Senate's agenda.
>
> Mr. Lott should reconsider. His position, which places him between Puerto Ricans and self-determination, creates ill will and delays an overdue decision.

Mr. GRAHAM. Mr. President, I yield such time as is to be utilized by the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank my colleague and friend, the Senator from Florida, Senator GRAHAM.

I, too, rise in observance of Hispanic Heritage Month, noting that there could be no better way to note the importance of our Hispanic heritage and this month of observance than to deal with the reality of the political status of Puerto Rico.

In 1841, President Harrison said, "The only legitimate right to govern is an express grant of power from the governed."

Those words were deemed so important to our Republic, so basic to our system of government, they became a part of the architecture of the Capitol itself. The history of our country is about the expansion of democracy and the enfranchisement of people. The very purpose for founding this Nation was to ensure that our people would have control over their own destiny and choose their own Government. Through the generations, this maturation process has included the enfranchisement of women, African-Americans, and eventually to all people over the age of 18.

The democratic process was probably never better exercised or no firmer commitment made than when this Congress established an orderly procedure to admit new States. That process committed to the people of our country that the process of enfranchisement and of self-government was not simply for themselves but other people who share our ideals, culture, and our geography.

Ever since 1898, the end of the Spanish-American War, we have shared a culture, a history, and a geography with the people of Puerto Rico. The people of the island of Puerto Rico have been subject to our laws and regulations, but they have been unable to vote for the very legislators who would govern them through their actions.

Puerto Rico is the unfinished business of American democracy. Having long since enfranchised all of our population, having extended our sovereignty into the Pacific Ocean and the Northwest, all that remains is the people of these few islands including Puerto Rico, the first and most important case that remains to be dealt with.

This is important not only to the 29 million Hispanic-Americans, it is important to all of our people, because it involves justice and fairness.

Earlier this year, Senators CRAIG and GRAHAM introduced the Puerto Rican Political Status Act. I was very proud to follow their leadership and be part of its drafting and its introduction. That legislation in similar form passed the House of Representatives in March. It would fully and clearly allow the people of Puerto Rico to follow the path of full democracy if they so chose. Unfortunately, the legislation remains in the Energy and Natural Resources Committee. While we are all grateful that the chairman has scheduled consideration of the legislation, in truth it is very late in the life of the 105th Congress. Each day that passes, every week that goes by, we increase the chance that the people of Puerto Rico will not have an expression from this Congress about the chance they may possess to enfranchise themselves and be heard through a recognized plebiscite this year.

Regardless of individual opinion of Members of this body as to what the judgment of the people of Puerto Rico might or should be, whether Members of the Senate support statehood or commonwealth or independence, the one thing I believe upon which we can all agree is that we have a responsibility, consistent with our own ideas, our ideals, our culture—a mandate of history to ensure that the people of Puerto Rico are heard.

What decision the people of Puerto Rico might make is their choice. Whether or not they have a choice is our obligation. There are 3.8 million people on Puerto Rico, with too long an association with our country to pretend this is not a historic problem. They are too many in number to conclude that it does not really matter. I urge the leadership of this Senate to ensure that this legislation dealing with the political status of Puerto Rico and its opportunity for a plebiscite come before this Senate before it expires.

I urge the people of Puerto Rico to proceed with their plebiscite and make a final and lasting judgment about their political status. The United States cannot allow itself to enter the 21st century in a great irony of history—that the product of the world's most important democratic revolution, the first people on the face of this Earth to rise up against colonialism and demand the right of the governed to express themselves, be a party to what is by any measure a postcolonialist political arrangement.

It is not simply that it is unfair to the people of Puerto Rico, it is wrong for the people of the United States. It is inconsistent with our history and it cannot endure.

I compliment Senator CRAIG and Senator GRAHAM for their leadership, and say how grateful I am to be a part of this truly historic effort.

I thank the Senator from Florida for yielding time.

Mr. GRAHAM. I thank Senator TORRICELLI. The Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me join my distinguished colleague from New Jersey in thanking our distinguished colleague from Florida, Senator GRAHAM, for bringing this issue to the floor today for comments. In addition, let me thank Senator CRAIG and Senator GRAHAM for their sponsorship of this bill. I wanted to add a few words, because this has been said so eloquently by these two Senators before me, but I would only add just a few thoughts.

We celebrate many things in America. We have many special days to commemorate many special individuals and events. We have many months that we set aside to celebrate all sorts of things that are important. This particular 30-day period from September 15 to October 15 is important because it recognizes the Hispanic community and allows us to celebrate together the great contributions that Hispanic-Americans have made to our country as a group and as individuals. They have made valuable contributions decade after decade and century after century, from explorers to pioneers to inventors to entrepreneurs to statesmen and stateswomen who have served our country so admirably. It would take me all day—all year—to stand up and enumerate all the many contributions. But that is what this month is about, to take a moment to recognize the great strengths that the Hispanic community brings to America. It's also to recognize that is in fact what makes our country so different, what makes it uniquely admirable, what makes it the strongest country in the world. It is our diversity and our respect for diversity that makes us so different.

In that light, we could give many emotional and moving speeches about these individuals and communities. But I frankly think, as one Senator, that actions speak louder than words.

One thing that we could do to take specific action that could express in no uncertain terms our acknowledgment of these contributions, our gratitude toward the Hispanic community, our acknowledgment that we all share responsibilities, obligations and duties equally to make this country strong and also to equally enjoy the protections of our Constitution and what our flag represents than to let Puerto Rico decide it's own political future. There would be no greater, or better, or more appropriate action than to pass the Craig-Graham bill for the status of Puerto Rico, to allow the people to make a choice between either commonwealth or statehood or independence; but, Mr. President, to allow them, when they make that choice, to know the details of what each of those choices will actually mean, to not be unclear.

So this is something we have to do together. The people of Puerto Rico have to vote. But this Congress—and the House has already recognized this by a vote of only one, but still a decisive victory, a victory in the House—must recognize that only those efforts are not enough for the people of Puerto Rico, but we have to act to have a bill with the definitions of commonwealth and statehood and independence, so the consequences of their choices would be clear to them and to us and to all the people that we represent. That is why it is important for this bill to pass, regardless of individual Members' feelings about what the outcome should be. Passing this bill would be the best action we could take.

I know my constituents are well aware that the 4 million citizens in Puerto Rico do not enjoy the right to vote in Presidential elections, although they do share the obligation of military service and the draft. They do not pay income tax, but they do pay other obligations. The situation needs to be clarified. We can do that by passing this bill and giving them a chance to vote so their responsibilities and duties and protections can become more equal in their alignment.

Finally, I reiterate that this group of patriots from Puerto Rico have fought and died for the United States in wars beginning, not just a few years ago, but since the Revolutionary War. For Louisiana it is especially significant, for our first Governor, Bernardo de Galvez, led soldiers that included men from Puerto Rico in an effort to thwart the British in the territory of Florida, which extended from the State of my distinguished colleague, Senator GRAHAM of Florida, all the way to what is now Louisiana and the territory and State which we know in present day as Louisiana. So for our State there is a particular, emotional, long-standing attachment to this issue.

With all of what my colleagues have said—and I reiterate, we can give all the great speeches we want, but actions speak louder than words—in light of that, the truth of that, in the light of fairness and what is appropriate, I urge my colleagues to take this month to do something meaningful and real, something more than words, that could have a lasting effect on millions of Puerto Ricans and Americans, and the strength of our country.

Mrs. MURRAY. Mr. President, I am pleased to join my colleagues in calling attention to the celebration of National Hispanic Heritage Month.

The Hispanic community in my home state of Washington is the youngest and fastest growing of any ethnic minority group, yet its history is a long one. Indeed, Washington was a part of Mexico until 1819. The many Spanish place names that dot the landscape are only part of the legacy of the early Hispanic explorers and settlers. Early Hispanic pioneers helped lay the economic infrastructure of the region, bringing commodities such as wheat and apples and livestock.

Today Hispanic Americans continue to play a pivotal role in our state's economy. The contributions of Mexican immigrants has been vital in the growth and continued success of our state's agricultural industry. Hispanic-owned businesses range from the mom-and-pop small business to large corporate concerns. Hispanic citizens, taking advantage of their many ties to Mexico and other Latin American nations, have helped to expand trade, our state's economic lifeblood.

The contributions of Hispanic Americans are not limited to economic ones. Hispanic Americans have risen to positions of leadership throughout the state. They occupy elected offices at all levels of government, including our state legislature and judiciary. Hispanic community activists have led the fight for social equality. The Hispanic community has also enhanced our state's cultural life. Spanish language newspaper and radio, Latin American cuisine and Hispanic customs and ceremonies are an integral part of our state's landscape.

The Hispanic community has mobilized to meet the challenges facing it. Community-based · organizations throughout the state are working to create educational and economic opportunities and meet the need for housing, health and social services. Their efforts benefit not only the Hispanic community but the state as a whole.

Washington State's Hispanic community is a dynamic and vibrant one. I salute their many accomplishments and contributions. I encourage my colleagues to join me in celebrating the diversity that makes our country so rich by commemorating National Hispanic Heritage Month.

Mr. DASCHLE. Mr. President, Hispanic Heritage Month presents a unique opportunity to celebrate the history and achievements of nearly 30 million people of Hispanic descent living in the United States and Puerto Rico. Today, as we stand on the threshold of a new century, we look to the outstanding contributions of Hispanic Americans for inspiration and leadership.

We should also acknowledge Puerto Rico's 100 years of Social, Political and Economic Union with the United States. I strongly support the right of self-determination for U.S. citizens living in Puerto Rico. Citizens in Puerto Rico should have the opportunity to decide their political future, and have a right to political, social and economic equality.

America has always drawn strength from the extraordinary diversity of its people. Throughout our nation's history, immigrants from around the world have been drawn to America's promise of hope, freedom, and opportunity. These newcomers have shared their cultural traditions and values, contributed to our nation's economy, strengthened our shared belief in democracy and helped create a more fair and just society.

Earlier this year, the House of Representatives passed the "United States-Puerto Rico Political Status Act," H.R. 856. The Senate version, S. 472, provides a congressionally recognized framework for U.S. citizens living in Puerto Rico to freely decide statehood, independence, or the continuance of the commonwealth under U.S. jurisdiction.

Hispanic Heritage Month provides us with a unique opportunity to again raise the debate of the Puerto Rico plebiscite. I cannot think of a better time to push this issue forward.

That is why I am joining today as a cosponsor of S. 472. This year, the Senate has an opportunity to grant the 3.8 million American citizens of Puerto Rico an opportunity to decide their own future. Such an election would be the first step in allowing these U.S. citizens an opportunity to exercise one of the most fundamental principles of a democracy—a government chosen by the people.

In recognition of this historic opportunity, I am hopeful that my colleagues will join with me as cosponsors of S. 472, and that the Committee on Energy and Natural Resources will mark up the bill quickly.

Mr. GRAHAM. Mr. President, I thank the Senator.

There are others of my colleagues who have indicated a desire to speak during this period for morning business. Unfortunately, none of them are here at this time. Therefore, I ask unanimous consent that the remainder of the time for these presentations on "Hispanic Heritage Month" be reserved until our colleagues who wish to speak are present.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend from Kentucky, it is just for a unanimous consent request.

Mr. McCONNELL. Mr. President, reserving the right to object.

Mr. REID. I will even tell the Senator what it is. I want to ask that during the pendency of the Interior appropriations bill that a congressional fellow in my office have the privilege of the floor.

Mr. McCONNELL. I do not object, Mr. President.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of the Interior appropriations bill, Scott Conroy be extended the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT N. 3554

Mr. McCAIN. I say to my friend from Wisconsin, I am not going to make any motion at this time. I just want to assure my friend from Wisconsin and others that we will not give up on this fight. We will continue this fight. But I also think it is important to point out that we got 52 votes, which was the same as the last time. I intend to work with friends on both sides of the aisle to try to get additional votes so we can make progress on this issue. Since that is not the case, it is my understanding that the majority leader will move off of this bill probably at this time.

I want to make sure that again we are not giving up this fight. We will continue. And sooner or later I am convinced that we will have the opportunity to prevail.

Mr. President, I yield——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. McCAIN. Mr. President, I have not yielded the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I express my appreciation to the Senator from Arizona for his willingness to continue this important fight. I understand that we may well be moving now to another piece of legislation, but I want to indicate that we will continue to move this amendment, to try to adopt this amendment. As I understand it, it will be the pending business on the Interior bill when it comes back, and we will certainly proceed accordingly.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I have not been involved in the debate over the last 2 days, but I want to say that we have had this debate and we have had this vote again because Senator McCAIN felt it was important that it be considered further, especially in view of the House vote. But we have had that debate and we have had the vote, and the vote is the same. Nothing has changed. There is no consensus.

I still maintain that before we start changing the laws we ought to try to find out who broke the laws, how did they break the laws, why did they break the laws. We now have not one, not two, but three 90-day preliminary investigations of whether or not to go forward with the independent counsel on whether the President, the Vice President, and a Deputy Chief of Staff were involved in 1996 campaign violations.

It seems to me it would be wise to see what is going to happen there, find out what happened. I still don't understand why, if people broke the law, there are those who say, "Oh, geez, what we need to do is change the law."

Do we have some areas where we are going to have to take a look at the campaign laws as far as contributions, and where money can be raised, or how, what kind of money on Federal property? Yes, we are going to have to take a look at that, and I am going to work with Senators on both sides of the aisle who really want to have something done that is balanced and fair.

This is not the solution. This is not the time. Here we are 60 days before an election, 30 days before the end of the session. We are trying to do the Interior appropriations bill. We spent 2 days on campaign finance reform, and now we have threats that it is going to continue. I have been patient. I have tried to be cooperative. I appreciate the cooperation I have received. I do think now the time is right for us to move on to Interior, bankruptcy reform, and child custody, very important issues that need to be addressed.

I yield the floor.

Mr. McCAIN addressed the Chair.

Mr. McCAIN. Mr. President, I ask unanimous consent that before I make a motion to withdraw my amendment, the Senator from Wisconsin be recognized for 2 minutes and then I regain the floor.

Mr. LOTT. For debate only.

Mr. McCAIN. Debate only.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. FEINGOLD, Mr. President, I do understand that Senator McCAIN intends to withdraw the amendment momentarily which he has been courteous enough to indicate to me. I just want to reiterate that we are going to continue with this effort, that the amendment will be offered again on this bill and, if necessary, other bills until the job is done.

The fact is we have not really had a real process in the last 2 days that we would expect on a bill like this. We have had talk intermittently, but each time this has come up, in September, October of 1997, in February and March of this year, and on this occasion, we have never been allowed the right to have the normal amending process that allows a consensus to be achieved. That is what was allowed in the House, and that is what lead to the passing of the Shays-Meehan bill. Until that kind of process, rather than the mere permission to speak, is granted, this is not the kind of process that we are entitled on an issue of this importance, so this will continue. It must continue. And our effort has bipartisan support of the majority of both Houses of the Congress.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Let me just make a couple of comments before I withdraw my amendment. As I said, we will not give up the fight. We need to have progress. We need to pick up a couple of additional votes, and it is important we make every effort to do so.

There would at least have been a vote at noon today on this issue, because a tabling motion was in order by the Senator from Wisconsin. The Senator from Wisconsin, for very legitimate reasons, chose not to have that vote. So we could have had everybody on record at least on the tabling motion.

I insisted the night before last that we have 2 full days of debate. I had rather harsh words exchanged between myself and the majority leader—which is very uncustomary for me to have, except on approximately a daily basis. But the fact is the majority leader agreed that we would have 2 full days of debate. Then I came in today to find that, for the convenience of a Senator or Senators on that side of the aisle, we had to have a vote at 1:45. There were many on both sides who wanted to debate this particular amendment, but we had to curtail it. Last night there were Members on this side as well as the other side who wanted to speak on this issue. Instead, the Senator from Massachusetts had to speak for 2 or 3 hours on minimum wage.

So, if we are really serious about this, I want to tell my colleagues on both sides of the aisle, then we ought to go ahead and debate it, and debate it fully. We reached the point before the vote at 1:45 that, even on this side, the seven Republicans who wanted to debate did not have sufficient time to do so, because rather than go late into this evening as I had envisioned, for the convenience of Senators on that side of the aisle we had to curtail the debate and have a vote at 1:45 today.

So I think it is important to point out that I do not believe the issue was debated as fully as it should have been, even though it has been done several times in the past. I urge, again, my colleagues to recognize there is one way we are going to get true, meaningful campaign finance reform, and that is on a bipartisan basis. My opening statement yesterday articulated three principles as to what brings about meaningful campaign finance reform, and one is bipartisanship. So I am reluctant—I am reluctant, without progress on this issue, to engage in a debate which could divert the Senate from other important issues of the day.

I want to point out one other reality, much to the sadness of almost everyone I know. Tomorrow's newspapers will probably not highlight the fact that we failed again on campaign finance reform. They will highlight the issue which has consumed all the oxygen throughout this town, and that is the firestorm concerning the scandal that is affecting the Presidency of the United States and the institution of the Presidency today.

So I hope we can move forward. I will never give up on this fight as long as I am a Member of this body. And I hope that we can make progress together. But let's do it in a meaningful way and in a bipartisan way so we can make genuine progress.

Finally, I thank all the people who worked so hard to get this back up before this body. I thank Senator FEINGOLD. I thank all our friends on the outside. I thank everybody who has worked so hard in this effort. And we will prevail over time. But we will prevail, I believe, in a bipartisan fashion and not in one that exacerbates emotions on the floor of the Senate rather than working towards a common goal of bettering the electoral progress.

Mr. President, I withdraw my amendment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. LOTT. Mr. President, I call for the regular order with respect to the bankruptcy bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

The Senate resumed consideration of the bill.

Mr. LOTT. Mr. President, I wish to speak on the subject of the bankruptcy bill. The managers of the legislation will be here momentarily.

I should note that we did call this issue up last Thursday, I believe it was, but we had difficulty in getting to the substance because the Senator from Massachusetts did not want us to get to the substance. He had an amendment he wanted to talk about.

But Senator GRASSLEY and Senator DURBIN did make some small statements at the end of the day on Thursday. I thought it was appropriate that we go back to the bankruptcy bill and that they be able to come to the floor and lay out the outline of this legislation and begin to get Members' attention focused on the bankruptcy bill itself.

Before I go to my own discussion about the importance of this bill, I want to report to the Senate that we did just have a bicameral majority leadership meeting, House and Senate leaders sitting down, talking about the people's business. We met for an hour. And while there are many in this city who are talking about the Starr report and how it is to be dealt with and how can it be done in a fair and bipartisan way, we met for an hour and we talked only about those issues that we need to address in the Congress this year.

We talked about the appropriations bills, and it is important that we get them through the process. We have now had 11 appropriations bills pass the House, 10 pass the Senate. We are trying desperately to get the 11th appropriations bill to begin to move here in the Senate; that is the Interior appropriations bill. So we will only have left in the Senate after Interior, the D.C. appropriations bill, and the Labor, HHS, Education, and other agencies and departments' appropriations bills—only two. I have urged the appropriators on both sides of the aisle, both sides of the Capitol, to work expeditiously. If we have issues that we just cannot agree on between the two bodies or between the Congress and the White House, set them aside. The important thing is to get the job done.

We also then talked about the importance of preserving Social Security, but allowing the people to get some of their hard-earned taxes back. Absolutely, before we leave this year, we should pass legislation to eliminate the marriage penalty tax. We should allow for the self-employed deduction. The American people don't really realize it, although I am sure they feel the pinch, the American people are being taxed now at the highest levels in years and years and years. They need some relief. Some of the money that is coming up here now, going into the surplus, certainly should go back to the people.

The administration cannot come up here and say: We want all this extra spending for what we consider emergencies, and that will not count against Social Security, but, by the way, if you allow for some tax cuts for the people who earned it in the first place, oh, by the way, you are taking that out of Social Security. That kind of argument, I don't believe, in this atmosphere, is going to sell this year.

But we talked about the fair way to do tax cuts. We talked about what we might want to do next year in terms of more tax cuts, across-the-board rate cuts next year, and how we can begin to make progress in preserving Social Security.

We also talked about the importance of keeping our commitment on the balanced budget last year, sticking to the caps. Yes, there may be some real emergencies we will have to address, but other than that, we need to stick to the caps we agreed to. We gave our word 1 year ago, and we ought to stick to it.

Then we talked about other issues. Higher education—we have a conference committee meeting this week. Hopefully, they will complete agreement on the conference report on higher education this week—certainly within the next few days—so that our children will have access to the colleges—community colleges and universities all across this country. We will get that done.

Mr. President, we talked about the importance of this bankruptcy reform. That brings me to this particular issue. This legislation is long overdue. We have a system now in America which encourages people to take bankruptcy and get out of their debts. We have a system that does not take into consideration that small businessman or woman, that furniture store that is run by the husband and the wife. They are trying to make ends meet. They are selling furniture on credit, and people who are supposedly buying that furniture are declaring bankruptcy or just walking away from what they owe and getting out of their debts. We need reform. This is bipartisan. It came out of the committee of jurisdiction by a wide margin.

I know Senator DURBIN, Senator DASCHLE, Senator GRASSLEY on this side, Senator HATCH—a number of Senators have worked on this legislation. We need to get it done. We are this close to having it go down because Senator KENNEDY wants to offer the minimum wage increase to bankruptcy reform. It is not related to bankruptcy reform, but he insists on it being added to this bill.

It is curious to me, why this bill? It could be to any other bill. Oh, no; he wants this one. I suspect it is because he knows that this is a bill that the leadership on both sides would really like to have. But he is willing to take down this very important legislation to be able to offer his minimum wage increase, even though we have had minimum wage increases the last 2 years in a row and I have had store owners, restaurant owners, self-employed individuals who have little small businesses who have come to me and said:

> OK, we made it the last time, but we are at the limit. We have had to let people go so we can make a living. We are working more hours. But if we have to go through two more, or three more, minimum wage increases, we are going to go out of business. At a minimum, we are going to have to lay people off.

But here is my attitude. If Senator KENNEDY will be reasonable and will agree to a time limit, he can offer his amendment and we will have a vote. But then I think we ought to be able to go on to the bankruptcy bill itself and complete the work with a reasonable time limit and amendments on that.

Some folks say you always want to limit amendments. If you limit a bill to 15 amendments, that is not what I would call a big limit. And I am not saying 15, but something reasonable so we can get bankruptcy done, so we can come back to Interior appropriations, let the Senator from Wisconsin come back again, you know, have something to say, have another vote on Interior appropriations involving campaign finance reform. But at what point are we going to say, "OK, we played our games"? You have had your votes. We have had our votes on campaign finance reform. We have had votes on bankruptcy reform. We have had votes on national missile defense. We have had all these other votes. But at some point we have to say, "OK, we have dealt with it, we made our point, and we are going to move on the people's business," whether it is the Interior appropriations bill or the next appropriations bill. I understand the plan on the D.C. appropriations bill is to offer a whole series of nonrelevant amendments on that bill.

When does it end? If we can come to some reasonable agreement on time—Senator DASCHLE and I talked last night; Senator DURBIN and I talked this morning, Senator GRASSLEY. I said, let's work out something on bankruptcy so that everybody gets a fair shot but we can get this bill done.

I will yield to the Senator if he has a question or comment.

Mr. FEINGOLD. I appreciate the comment. Let me indicate, as I indicated before, if the process of debating campaign finance reform would ever be permitted to involve the normal amending process, without even insisting on giving up the right to filibuster, that that is the critical element, because without that, we are not in a position here to do what was done in the House where there was a lot of debate over many months, but they were able to offer amendments. Here, as soon as we won on the Snowe-Jeffords amendment, it was over, there were no more amendments. This has happened three times now.

Mr. LOTT. I had an amendment on paycheck equity. If we add paycheck equity to the bill——

Mr. FEINGOLD. Which we debated.

Mr. LOTT. I would be much more inclined to favorably consider this legislation. For labor union members to have their dues taken from them and used for political purposes without their permission, I think that is a very, very critical point. That is part of what I am talking about. This bill is not balanced. It tilts the scale very definitely to your side of the aisle. Where is the fairness?

Mr. FEINGOLD. I say to the leader, that is what the amendment process is for. Your amendment came up and, quite frankly, didn't prevail. Our amendment came up and did prevail, and there were many other amendments and we just stopped. I recognize there may be another version of the Paycheck Protection Act that may prevail. My problem is that it stopped at that point, and that is not the normal procedure. That is what I am asking for, that everybody do their amendments, and at the end of the day, I know, unless you change your mind—and I recognize you don't need to—that we still need 60 votes, but to have the amendments, to have everybody's ideas presented and voted on, is what we are asking for here.

Mr. LOTT. Mr. President, I might say, the Senator from Wisconsin said, "Well, we realize in the end we may not have 60 votes." In fact, some of the amendments that I would offer you would likely wind up being filibustered. You would. I have a long list of really interesting amendments that I don't think you would particularly like, but I like them a whole lot. So here is my point.

Mr. FEINGOLD. Mr. President, I say to the leader, I would be happy to try that process. We tried the poison pill, and it didn't work.

Mr. LOTT. Poison pill. These are not poison pills. They are very legitimate amendments. But here is the point: You acknowledge that at some point you have to have 60 votes. We went through this last year. It derailed the highway bill. We didn't get 60 votes. It came back this year, in an effort to be fair, to see if something had changed. We had votes. It got 52 votes. Then the argument was made, "Well, gee, the House voted on a different bill, by the way, and things maybe have changed." We voted again. Things haven't changed.

How many times do we have to go through that exercise? The day will come when maybe really we can work in a bipartisan way on a bill that is fair to all concerned and we will maybe be able to bring it to a conclusion. I won't say that day won't come. I think it will, actually. The question is, When will that be and what will it be? And I am going to work on that.

Mr. FEINGOLD. I say to the leader, you have been enormously courteous. I want to make one more remark.

Mr. LOTT. I yield for one more comment.

Mr. FEINGOLD. I think it is essential for the country that this process—and I realize it is a difficult one—be completed this year because of the danger of what will happen in the year 2000 election. We cannot let another 2-year cycle begin with the corruption that already existed in the 1996 elections and the problems with this year's elections to not finish the job in whatever form it is, however we can reach a consensus. You and I know we reached a consensus on the gift ban. We sat down in a room, and we worked it out.

Mr. LOTT. If the Senator will recall, you were in the room, Senator LEVIN and I were in the room, and we made it work.

Mr. FEINGOLD. That is what I just indicated. When we sat down, we made it work. I suggest and make my plea to you: Let's sit down and try to work out something so that we can accomplish something in this regard to make the year 2000 elections look something better and different than the mess in 1996. That is my plea.

Mr. LOTT. Mr. President, I say to the Senator from Wisconsin, I appreciate your courtesy. You have always been courteous. You have always been very reasonable in the way you have approached everything around here. Maybe the day will come when we will be able to sit down and agree on something. I don't see it at this point. I think the timing is wrong. After all, 2000 is still 2 years off. You have 1999. We will see where we can wind up.

For now, I want to focus our attention on the bankruptcy bill itself. I see that Senator DASCHLE is here. I noted in his absence that we have Senators on both sides now trying to work out an agreement. I hope we can make some progress on that this afternoon or tonight and that we will go forward with the substance. I understand Senator GRASSLEY and Senator DURBIN will be coming over to, in effect, do their opening statements which they didn't really get to do last Thursday night. We will let them begin the bankruptcy bill while we see if we can work something out.

For Senators who may not be aware of it, I said last night while we filed cloture, it is my hope that we can work out an agreement, and we can vitiate that cloture vote tomorrow. But we do need to get something worked out so we won't have to go to cloture, because I think if we do have another cloture vote and it doesn't prevail, we really have to go on. I can't stand up here and say we need to go to Interior appropriations and then stay on bankruptcy beyond a reasonable period of time. But I think it is possible, because I know there is a lot of support on both sides of the aisle.

With that, Mr. President, I just want to say I will be working with Senator DASCHLE to see if we can work this out, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. Will the Senator withhold that for one moment so I can add one comment?

Mr. LOTT. I ask the quorum call be withheld, and I yield to the Senator from Michigan for a question.

Mr. LEVIN. Well, just for one brief comment, if I might, to the majority leader. I thank him for his comments. When the proponents of civil rights legislation were faced with a filibuster, they didn't succeed the first time to get the necessary votes, which I think then was two-thirds. They didn't withdraw the civil rights bill. Because they felt it was so important to the Nation that we pass that legislation, they decided that the filibuster, which is their right under the rules—it is not required that people who offer a bill or an amendment withdraw their amendment or their bill just because they are being filibustered.

The situation here is that there is a bipartisan group, a majority, who feel very, very strongly that this is a transcendent issue, that this is an issue which cuts across so many other issues, that the soft money loophole has undermined public confidence in a significant way in our elections.

I think it is important that everybody be straight with each other, and I think you have been straight with us and we have been straight with you. Senator MCCAIN and Senator FEINGOLD have worked on a bipartisan basis in a way which is really important for the Nation.

It is important that everybody understand that this amendment will be reoffered on the next appropriations bill because of the seriousness with which it is held on a bipartisan basis, and then folks who want to filibuster have that right, but folks who don't want to help that filibuster succeed also have rights to reoffer it. Those are the rights which will clash. That is why we are here to do this in a civil way. The majority leader has always been civil in his dealings on this issue, as on all other issues.

I want to add both the statement that I have made and also to be very clear and be very straight with the leadership as to what the intent is, which is to reoffer this amendment on the next appropriations bill.

Mr. LOTT. Mr. President, if I might just respond briefly, obviously, Senators are entitled to offer amendments, and then other Senators are entitled to offer second-degree amendments. The Senator knows very well that cloture votes and filibusters are an important part of this institution. You may not like it, depending on which end you are on on that subject, whether you are on the receiving end, but it is there and it is an honored and a time-preserved process we use around here.

Also, the Senate sometimes works on an issue for years—years—before you get a consensus. I worked on telecommunications for 10 years. This year, and we got very little credit for it, but this year we passed the Workplace Development Act, a consolidation of job training programs. We worked on it for 3 years. We failed at the end of the last Congress to pull it out. We finally got it done, sent it over to the President, and because everything else was going on, it didn't even receive any notice. Sometimes consensus takes time.

Also, I have watched the Senate over a period of years on a number of issues, sometimes when Republicans were pushing them; sometimes when Democrats were pushing them. You reach a point where you say, "I made my point for now; I'll be back, but now we are going to go on and do our business."

We have 19 days left, assuming we are going to try to go out October 9, 19 days left in this session.

We still have important work to do, including a lot of bills on the issues that we agree on in a bipartisan way, and with only 19 days to accomplish them.

The Senator has his rights, but as majority leader and in the leadership we have to try to find a way to have those votes, but then to move on. So I am sure you understand. I understand where you might have to come from, and I hope you will understand what I would have to do under those conditions to try to keep the focus.

But the next 19 days are not going to be easy under the best of conditions. The Senate is expected to show decorum and restraint and dignity, and I know we are going to do that. We also have to reach out across the aisle and say, "Can we find a way to work through these bills?"

I think the people will be watching us. We have to do a little preening. You have to make your positions clear, we have to make our positions clear, and then at some point we have to come together. We will not necessarily agree at the beginning on what the solution is to agriculture in America. But it is very important in South Dakota and in Ohio and Mississippi and all over this country. But at some point we are going to come together because this is a problem, a real problem, and we can find a solution.

So I hope that is the way that we will proceed. Make your points, on both sides of the issue—on both sides of the aisle—and then let us sit down and see if we can find a way to come to an agreement to do the best we can. It may not be all we want to do, or it may be too much in some cases, but I am prepared to work in that vein. And I am hoping, again, in spite of all the other distractions, that we can keep our attention focused. And I will try to help to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed with debate only on the bill before us, the bankruptcy bill, until 5 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I think that we need to consider once again the very important issue of bankruptcy. Senator DURBIN has cooperated very well in the subcommittee's work and the committee's work to bring the bill this far.

Why are we introducing a bankruptcy bill? Why do we need major bankruptcy reform? I think it is pretty simple that under the current system an individual can avoid paying the debts that he has incurred with few, if any, questions asked even if that individual has some ability to repay all or a portion of those debts.

This much too easy bankruptcy system encourages irresponsible behavior and costs businesses and ultimately consumers they serve millions of dollars a year, adding up to $40 billion a year in added cost to product and service.

They have to raise their prices to cover this. You, as a consumer, pay this. That is $400 for the average family—a hidden tax. You can see this being possible because individuals can declare bankruptcy under chapter 7 where debts are rarely repaid. Or there is the choice of chapter 13 which requires debtors to repay a discounted portion of their debts. And obviously—and this bill does that—Congress should encourage the use of chapter 13 where creditors will at least receive something, whereas under chapter 7 rarely anything.

Our bill imposes a means test for people who declare bankruptcy. If a person can repay all or some of their debts now, or even over an extended period of time, they will either have to file under chapter 13 or stay out of the bankruptcy system entirely. This will mean that the businesses which extended credit in good faith will not be left with absolutely nothing.

Our bankruptcy reform bill imposes a means test by letting creditors file motions under section 707(b) of the Bankruptcy Code. These motions would raise evidence concerning a debtor's ability to repay debt.

Under current law, creditors—the people with the most to gain or lose—are expressly forbidden from doing this. By opening the doors to creditor involvement, businesses can become masters of their own destiny.

Of course, in order to prevent abusive court filings—we don't deny that there can be some abuse of this privilege, but we have included penalties if a court dismisses a creditor's motion and determines that the motion was not substantially justified.

Our bankruptcy reform bill contains a unique feature which will provide important assistance to small businesses which may not be able to afford to press their case in bankruptcy court. The chapter 7 public trustees—these are the private individuals who administer bankruptcy cases and who are in the best position to know whether debtors can repay their debts—are allowed to bring evidence and motions to the bankruptcy judge. If the judge grants a motion to dismiss a bankruptcy petition or to transfer the case to chapter 13, the attorney for the debtor will be fined and the fine will be paid to the chapter 7 trustee as a reward, as an incentive for detecting an abuse of the bankruptcy system by a debtor and by the counsel for that person that owes money.

Thus, a well-informed cadre of bankruptcy trustees with a meaningful financial incentive will be empowered under this legislation to find debtors who could repay and get them into chapter 13 or out of the bankruptcy system entirely.

A recent survey of chapter 7 trustees indicated that over 80 percent of the trustees would use this power if it were given to them. Empowering chapter 7 trustees will help small businesses since the effect of transferring or dismissing a case will be that creditors will collect more and bills will be paid. There will be less of an incentive to go into chapter 7 willy-nilly if there is somebody looking over the shoulder to see that it has been done right. We then avoid those people who might be shady, those people who might be using bankruptcy as part of personal financial planning. Under this procedure, small businesses would need only to sit back and let the trustee seek his reward and would not have to spend a dime to litigate the case.

This is important legislation. It will help all consumers because it will help businesses collect debts that will otherwise remain unpaid and be passed on to the people who pay their debts and never declare bankruptcy. This bill is about basic fairness. It is about time that Congress provides fairness for all consumers.

Madam President, I think it is very important that we consider on this latter point that I made about the trustees being able to review these bankruptcy cases, that we make very clear that this ought to encourage the bankruptcy bar, to some extent, to be very careful, whereas we feel some are not so careful now in its present environment of the last 20 years of counseling people into bankruptcy in the first place or into chapter 7 as opposed to chapter 13. I don't think a lawyer is going to want to take a chance on being penalized for putting somebody in chapter 7 that should have been in chapter 13; or even putting somebody in bankruptcy that shouldn't have been there in the first place. We feel that we need to get the bankruptcy bar back to the point where they are advising people; that in every instance a person might feel that they want to go into bankruptcy, that it might not be justified.

I yield the floor. I want to give my good friend, the Senator from Illinois, an opportunity to speak on this subject.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Madam President.

During the course of this debate on the bankruptcy bill, we will be talking about a number of aspects of this procedure. When you consider a nation of 260 million Americans, and I guess about 1.3 or 1.4 million each year file bankruptcy, the vast majority of people who may be watching this debate have no personal knowledge of the subject. Of course, some lawyers and people who are involved in credit counseling do, but, unfortunately for a lot of unsuspecting people, bankruptcy becomes a critical part of their lives. Senator GRASSLEY and I are attempting to change the bankruptcy code in a way that is fair, that will reduce abusive bankruptcies, but still allow the procedure to be available to those who truly need it.

Let me give an example of one of the amendments which I have offered, or will offer if given the opportunity, which I think tells an important story about bankruptcy; that is, the whole question about retirement funds. Creditors want those who file for bankruptcy to pay their creditors every penny they have, often including retirement savings. If you are 54 years old and you have some IRAs, some 401(k) plans that you are putting aside for your own retirement and then lose your job after 30 years due to a merger or downsizing, or if someone in your family—a spouse or a child—incurs major medical bills and you find yourself facing literally tens of thousands, maybe hundreds of thousands of dollars in debt and find you can't pay your bills, you may be forced into bankruptcy. What may be at stake is not only the money you have on hand, but the money you have saved for your retirement.

Under current law, if you filed for bankruptcy, they go after everything except the 401(k) plan. So if you put aside these individual retirement accounts or Roth IRAs thinking, "Someday I will need this to supplement Social Security," you will be shocked to learn that the creditors—the hospitals and doctors or whoever it might be—are going to say, "I'm sorry, but that IRA is now something that I can take away from you to pay off your bills."

That is why I think this amendment which I am going to introduce is so necessary. Current law puts Americans with financial problems in a Catch 22 situation: Either declare bankruptcy and go into poverty in old age, or don't declare bankruptcy and live in poverty now with creditors harassing you because your current bills and health care costs sap your entire income.

This amendment that I want to offer to the bill, one of several, ensures that retirement savings survive a bankruptcy proceeding intact. The funds will be preserved to provide for your care and expenses in old age, rather than being paid to creditors who are unwilling to compromise when meeting this financial setback. It also provides that if you took a loan from your retirement savings, for example, to fund a downpayment on your house, you will have to pay yourself back by payroll deduction, uninterrupted by the bankruptcy.

I think there are reasons to support this amendment. It is a good indication of why some amendments are needed on this bill. Think about the gravity of this situation and challenge. The retirement savings of hundreds of thousands of elderly Americans are at risk in bankruptcy proceedings. In 1997, an estimated 280,000 older Americans—that is, age 50 and older; and I am included in that group—filed bankruptcy; though I didn't file bankruptcy. Almost one in five bankruptcy cases, 18.5 percent, involve one or both petitioners coming to court who are 50 years of age or older.

What are the top three reasons Americans give for filing for bankruptcy? Job loss, overwhelming medical expenses, and a creditor's refusal to work out repayment plans. Nearly 50 percent of older Americans declare bankruptcy because they lost their job at or about the age of 50. At this age, it is a tough situation to find another job that pays as well. It can be catastrophic to an entire family.

Parents may have kids in college, elderly parents to care for, a house that may need a new roof, and a family that may have overwhelming medical expenses. About 30 percent of older Americans filing bankruptcy due to family medical bills that are completely beyond their capacity to pay. You should not have to choose between your family's health and your financial security in your old age. One in ten older Americans files bankruptcy because their creditors have refused to work with them to pay their bills. One in fifteen older Americans files bankruptcy to save a home they are about to lose.

Young people really are protected by this amendment, as well, when retirement funds are set aside over a person's working career to provide them with privately funded care in their old age. My mother lived to the age of 87, and she always said time and time again, for years and years, "I just don't want to be a burden on you and your brothers." She never was, but she was always worried about it. She saved carefully, so that there was money set aside, so that if something happened, she would be able to take care of herself and would not have to turn to us.

I think that is the feeling of many senior citizens who put aside savings in IRAs and 401(k) plans, so they can be independent and live a life that doesn't take away from their children.

But think about it. If something comes along, like a catastrophic illness, you have reached the limit on your health insurance policy, and all of a sudden debts are cascading around you and bankruptcy is the only option, you lose everything you saved—and independence is important to all of us, and particularly to those in their senior years.

Security in retirement can only be achieved through the accumulation of assets over a working lifetime. Retirement funds should not be at risk simply because of an unexpected layoff or medical problems, sending a debt-strapped family over the financial edge. I don't think this amendment is subject to abuse, because debtors can't really sock away money in a retirement account just before filing for bankruptcy. Retirement plan contributions are heavily regulated and limited by law and not subject to bankruptcy planning abuse. Debtors have been criticized for poor management skills, but they should be rewarded, not penalized, for making rational economic decisions, like preparing for retirement.

Who supports this amendment? The AARP, American Association for Retired Persons, National Council of Senior Citizens, the Profit Sharing 401(k) Council of America, the National Council on Teacher Retirement, and the New York State Teachers Retirement System, just to name a few.

My reason for explaining this amendment is that there is debate underway here as to whether we will allow amendments to the bankruptcy bill. This is an illustration of the type of amendment that I think is important, so that we make certain that this reform of the bankruptcy code recognizes the reality of life in America. We want to protect the retirement funds of those who have been careful enough to save, who could never even have anticipated an economic calamity such as I have described. We want to make certain that they are given a chance to come through bankruptcy not only with dignity but with a chance to lead a good life.

There are other elements to be considered as well. I would like to address one or two of them before giving the floor back to Senator GRASSLEY of Iowa.

We have talked a lot about those who file for bankruptcy. I think it is important that this be a balanced discussion, so that we talk about those who, frankly, are using the credit system in this country to make a great deal of money. Credit cards are one of the most profitable areas of financial endeavor in America. Those who have taken a close look at the interest rates they pay on credit cards understand why. If you happen to be late in making a monthly payment and the balance is held over another month, sometimes the interest rates can be dramatic in comparison to what we pay for mortgages and other loans, like automobile loans. The interest rates, many times, on unsecured debt, like credit card debt, can be substantial.

Unfortunately, I don't believe many credit card companies or other financial institutions are as honest as they should be with American consumers. I will bet most of the people who are listening to this debate will open their mailboxes up today and find a preapproved application for a credit card. We know we are going to find them whenever we go home. If you look at it, you will understand that nobody has analyzed your credit situation. They have basically said: Here is another $100,000 in debt that you can run up if you like, at an interest rate that you may be able to pick out in the fine print on the back of the solicitation.

I visited a football game in Illinois last year where they were passing out free T-shirts to any student at the University of Illinois, Champaign-Urbana, who would take an official University of Illinois credit card. They ran out of T-shirts because the students could not wait to get them. Most of these students ended up with credits cards, most without much income. We don't want to limit opportunities, but we do want honest disclosure. At that particular football game, the credit card company offering this credit card had posted on a banner behind the little booth, "Permanent introductory rate, 5.9 percent." Think about that for a minute. "Permanent introductory rate"? How does that work? Clearly, at some point in time you are through the introductory period and into a new rate.

I think it is important that there be an honest disclosure of the interest rate people will be charged on credit cards, so that on the myriad—perhaps dozens—of credit card solicitations you receive, you can make the right choice, not just the come-on rate, the attractive 6 percent or something on the envelope. What are you really going to be charged as an interest rate?

I think the credit card companies owe it to us as well to send us, along with the credit card application, a worksheet so that people can say: Let me see, exactly where am I? How many debts do I owe? How much income do I have? Does this worksheet give me an indication as to whether I should go further in debt? I don't think that is unreasonable.

I also think the monthly billings we receive from many of the credit card companies are a mystery to try to figure out, what they mean and what it means if we make certain payments. For example, there will be an amendment offered here, I believe, by the Senator from Rhode Island, Senator REED, which will say that you cannot have your credit card canceled if you pay off the entire balance each month. Many people are surprised to learn that. They make the payment and say, "I am a good customer." Obviously, they got their bill and paid it. But then the company says: "We are not interested in your business anymore. If you are not going to carry a debt and pay us interest from time to time, or regularly, then we don't want you as a customer." They don't disclose that when you get the card. But you may find that out later on.

Also, if you look at the monthly statement, it says "minimum monthly payment." Well, I think there are some obvious questions that should be answered when they say "minimum monthly payment." If I make that minimum monthly payment, how many months will it take me to pay off the balance if I don't add another penny of debt? How much will I be paying in interest? Those are not unreasonable questions. I think the average consumer should have the answer right there on the monthly statement.

I looked at my own credit card recently just to see what the minimum monthly payment might result in. It resulted in my paying off the balance in a mere 60 months—5 years. That is paying off the current balance with a minimum monthly payment.

The time may come when an individual can't pay off the credit card on a regular basis. They may have a problem and fall behind. That is understandable where the minimum monthly payment may be the only thing they can come up with. I think we have to educate consumers so they don't fall into this trap.

There is another element here that I have learned during the course of this debate. Some people are surprised to know that once they have the credit card in hand and make a purchase, if you have a debt that they are trying to pursue in bankruptcy, the credit card company not only has recourse against you personally but has recourse against whatever items you purchased with the credit card. Surprise, surprise. You turned around and bought a television or a stereo with the credit card, thinking that that was the way you were going to own it, and you get into bankruptcy court and they say that the fine print in the contract says, "We now own the television." I think that should be disclosed. People ought to know that going in. That is another example, in my mind, of the kind of activity that would lead to a more level playing field.

Those critical of the increases in filings for bankruptcy, I think, have some good cause for alarm. There are too many. If we can reduce abusive filings, we should. The average person filing for bankruptcy in America has an income of less than $18,000 a year and average debts of $28,000. So the people we find in bankruptcy court are not the wheelers and dealers and high rollers; they are folks in lower- to middle-income situations who have run into a mountain of debt that they can't cope with. I don't want to see this bill penalize those people. I want to make certain that we are careful that whatever we do does not stop them from coming to court and trying to finally discharge their debts and start again.

There is another element in this bill which I think deserves some consideration and discussion. It is called the homestead exemption.

Under a curiosity in the law, each State can determine how much we can have in a homestead exemption, which means if I go into bankruptcy court in my home State of Illinois and file for bankruptcy, they have decided by statute in that State that the maximum amount which I can claim as the value of my home—I can't recall the exact figure in Illinois, but it is relatively modest. Some States have gone off the charts. That is why we had a couple of instances where noteworthy figures—one a former commissioner of baseball, another a former Governor of one of our States—before filing for bankruptcy, moved to, in this case Florida, and in the other case Texas, and bought million-dollar homes which were exempt under State law. They took everything that they had and plowed it into the home and filed for bankruptcy. The creditors ended up with little or nothing. Thank goodness this bill, because of the amendment offered by Senator FEINGOLD of Wisconsin, is going to eliminate what I consider to be a clever loophole and an abuse in the law.

Should this bill that Senator GRASSLEY and I are working on pass the Senate, we will face a battle in conference because the House of Representatives eliminated that provision and allows each State to set whatever standard they want. I don't think that is fair. I think we ought to have a national standard. We shouldn't have people racing off to establish residency in some State to take advantage of a very generous homestead exemption. That is not fair to creditors. I hope that as a part of this debate we will preserve that important element in the law.

At this time, I reserve the remainder of my time. I yield the floor.

Mr. KYL. Madam President, about a month ago, the Administrative Office of the U.S. Courts released figures on nationwide bankruptcy filings for the 12-month period ending June 30. The figures clearly illustrate what has so many of us concerned—that is, that bankruptcy filings are becoming epidemic.

Filings for the 12-month period ending on June 30 totaled 1,429,451—an all-time high. Personal bankruptcy filings increased 9.2 percent from the same period in 1997.

Unlike other kinds of epidemics, this is one that can be avoided in many instances if credit is used wisely and people do not overextend themselves in the first place.

Certainly, extraordinary circumstances can strike any family, which is why it is important to preserve access to bankruptcy relief. No one disputes that there should be an opportunity to seek relief and a fresh start when truly extraordinary circumstances strike—for example, when families are torn apart by divorce or ill health. I suspect that creditors are more than willing to work with someone when such tragedy strikes to help them through tough times.

But there is growing evidence, Madam President, that more and more people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. It is cases like that, where bankruptcy is becoming the option of first resort, rather than last resort, that led to the drafting of the bill before us today.

The Consumer Bankruptcy Reform Act, S. 1301, is the product of a number of hearings and months of deliberations. I would note that it enjoys broad bipartisan support, having been approved overwhelmingly by the Senate Judiciary Committee on a vote of 15 to 2. Similar bipartisan legislation in the House passed on June 10 by the lopsided vote of 306 to 118.

So what does this legislation do? Those with low incomes would continue to choose between Chapter 13 payment plans and Chapter 7 discharges, just as they do today. But to ensure that some people are not abusing the system, the bill requires bankruptcy courts to consider whether people who have higher incomes and the ability to pay a portion of their debt should be required to repay what they can under Chapter 13.

As it stands today, people with more modest incomes who live within their means are forced to subsidize wealthier individuals who abuse the bankruptcy laws. That is just not fair.

When people run up debts they have no intention of paying, they shift a greater financial burden onto honest, hard-working families in America. Estimates are that bankruptcy costs every American family an extra $400 a year.

Madam President, I want to stop at this point and single out three provisions of the bill for comment—provisions that were added in committee as a result of the adoption of amendments I offered. They represent what, in my view, are very modest, common-sense reforms of the bankruptcy system.

The first appears in Section 314 of the bill and provides that debts that are fraudulently incurred could no longer be discharged in Chapter 13, the same as in Chapter 7. Currently, at the conclusion of a Chapter 13 plan, the debtor is eligible for a broader discharge than is available in Chapter 7, and this superdischarge can result in several types of debts, including those for fraud and intentional torts, being discharged whereas they could not be discharged in Chapter 7. My amendment would simply add fraudulent debts to the list of debts that are nondischargeable under Chapter 13. It is as simple as that.

Let me take a few moments to share some of the comments that others have made on the subject. Here is what the Deputy Associate Attorney General, Francis M. Allegra, said about the dischargeability of fraudulent debts in a letter dated June 19, 1997: "We are unconvinced that providing a (fresh start) under Chapter 13 superdischarge to those who commit fraud or whose debts result from other forms of misconduct is desirable as a policy matter."

Here is what Judge Edith Jones of Fifth Circuit Court of Appeals said in a dissenting opinion to the report of the Bankruptcy Review Commission: "The superdischarge satisfies no justifiable social policy and only encourages the use of Chapter 13 by embezzlers, felons, and tax dodgers."

Judith Starr, the Assistant Chief of the Litigation Counsel Division of Enforcement of the Securities and Exchange Commission, testified before the House Judiciary Committee on March 18, 1998. Speaking about the fraud issue, she said: "We believe that, in enacting the Bankruptcy Code, Congress never intended to extend the privilege of the 'fresh start' to those who lie, cheat, and steal from the public." She goes on to say:

> A fair consumer bankruptcy system should help honest but unfortunate debtors get their financial affairs back in order by providing benefits and protections that will help the honest to the exclusion of the dishonest, and not vice versa. It is an anomaly of the current system that bankruptcy is often more attractive to persons who commit fraud than to their innocent victims. Bankruptcy should not be a refuge for those who have committed intentional wrongs, nor should it encourage gamesmanship by failing to provide real consequences for abuse of its protections.

And she concludes:

> We support [the provision of the House bill] which makes fraud debts nondischargeable in Chapter 13 cases. Inducements to file under Chapter 13 rather than Chapter 7 should be aimed at honest debtors, not at those who have committed fraud.

A final quotation: The Honorable Heidi Heitkamp, the Attorney General of North Dakota, testified to the following before the House Committee on March 10:

> When a true "bad actor" is in the picture—a scam artist, a fraudulent telemarketer, a polluter who stubbornly refuses to clean up the mess he has created there is a real potential for bankruptcy to become a serious impediment to protecting our citizenry.

Furthermore, she says:

> We must all be concerned because bankruptcy is, in many ways, a challenge to the normal structure of a civilized society. The economy functions based on the assumption that debts will be paid, that laws will be obeyed, that order to incur costs to comply with statutory obligations will be complied with, and that monetary penalties for failure to comply will apply and will "sting." If those norms can be ignored with impunity, and with little or no future consequences for the debtor, this bodes poorly for the ability of society to continue to enforce those requirements.

Madam President, I hope there will be no dissent to these anti-fraud provisions. Certainly, there should not be. Bankruptcy relief should be available to people who work hard and play by rules, yet fall unexpectedly upon hard times. Perpetrators of fraud should not be allowed to find safe haven in the bankruptcy law.

The second amendment I offered, and which has been incorporated into this bill, is found in Section 315. It, too, is simple and straight-forward. It says that debts that are incurred to pay non-dischargeable debts are themselves non-dischargeable. In other words, if someone borrows money to pay a debt that cannot be erased in bankruptcy, that new debt could not be erased either. The idea is to prevent unscrupulous individuals from gaming the system and obtaining a discharge of debt that would otherwise be non-dischargeable.

I want to emphasize that we have taken special care to ensure that debts incurred to pay non-dischargeable debts will not compete with non-dischargeable child- or family-support in a post-bankruptcy environment.

The third amendment of mine adopted in committee is reflected in Section 316 of the bill, and it is intended to discourage people from running up large debts on the eve of bankruptcy, particularly when they have no ability or intention of making good on their obligations.

Current law effectively gives unscrupulous individuals a green light to run their credit cards just before filing for bankruptcy, knowing they will never be liable for the charges they are incurring. That is wrong, and it has got to stop.

The provision would establish a presumption that consumer debt run up on the eve of bankruptcy would be non-dischargeable. The provision is not self-executing. In other words, it would still require that a lawsuit be brought by the creditor against the debtor. Many valid claims for nondischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs. But if this provision achieves the intended purpose, debtors will not only minimize the run-up of additional debt, they will have more money available after bankruptcy to pay priority obligations, including alimony and child support.

Again, special care has been taken to ensure that we are only talking about debts incurred within 90 days of bankruptcy for goods or services that are not necessary for the maintenance or support of the debtor or dependent child. We want to be sure that family obligations are met.

Madam President, I want to discuss one other aspect of the bill before closing, and that relates to the many provisions that Senators HATCH, GRASSLEY, and I crafted to protect the interests of women and children.

Nothing in the original version of the bill changed the priority of, or any of the other protections that are accorded to, child-support and alimony under current law. If members of the Senate have not seen the relevant analysis done by Judge Edith Jones of the Fifth Circuit Court of Appeals, I will submit it for the RECORD now. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS,
FIFTH CIRCUIT,
Houston, TX, April 30, 1998.

Senator ORRIN G. HATCH,
Senator CHARLES E. GRASSLEY,
Congressman HENRY J. HYDE,
Congressman GEORGE W. GEKAS.

DEAR SIRS: To say that I am disappointed by recent public statements criticizing the Gekas and Grassley bankruptcy reform bills is not strong enough. The quotations attributed to Professors Elizabeth Warren and Ken Klee in U.S.A. Today, April 30, 1998, p. 1, are a blatant misrepresentation of the bills and current bankruptcy law. I think we all have a right to expect more expertise and candor from tenured professors at two of our nation's outstanding law schools than are displayed in these statements.

Let me explain the obvious errors and inconsistencies in their remarks.

First, neither of the pending reform bills would weaken current bankruptcy law's attempts to protect the interests of ex-wives and children of divorce. Current law protects them in the following ways. Section 507(a)(7) of the Bankruptcy Code, U.S.C. Title 11, denominates alimony and child support payments as priority debts, payable before ordinary debts of the debtor. Sections 553(c)(1) and 522(f)(1)(A) prohibit the use of exemptions or lien-stripping otherwise permitted by section 522(f) to 523(a)(5), (15), and (18) make alimony, child support, some property settlement payments, and some debts owed to public entities for those payments non-dischargeable in Chapter 7. Section 1328(a)(2) renders alimony and child support payment non-dischargeable in Chapter 13. Thus, current bankruptcy law affords special protection for marriage-dissolution claims.

Second, the Gekas/Moran Bill, H.R. 3150, would actually enhance these protections. One would think that Professors Warren and Klee would endorse these proposals if they are seriously concerned about ex-spouses and children. H.R. 3150 amends section 523(a)(5) to more broadly exempt from discharge divorce-related property settlements and attorney's fees. The bill also eliminates section 523(c), a provision which costs ex-wives a great deal of money by requiring them to litigate in bankruptcy court as well as family court over support and alimony payments. Finally, the needs-based requirement of H.R. 3150 does not kick in until priority debts, which as previously stated include those for alimony and child support payments, have been excluded from the debtor's income.[1]

Third, under current bankruptcy law, debts owed for purchases of "luxury goods" or certain cash advances obtained within 60 days of bankruptcy are presumed non-dischargeable if a creditor contends the debts were fraudulently incurred. Section 523(a)(2)(c). The House and Senate bankruptcy reform bills modestly extend the non-dischargeability presumption—and it is no more than that—to consumer purchases within 90 days of bankruptcy. The bills hope to discourage debtors from running up large debts while knowing that they are on the verge of bankruptcy. If the debtors take the hint from these bills, they will not run up their debts and will have more money available after bankruptcy to pay alimony and support obligations. Indeed, any ethical attorney rendering bankruptcy advice after the passage of this section would counsel his clients not to run up extraordinary consumer debts within 90 days of bankruptcy. Professors Warren and Klee must either think that this provision would not influence the conduct of ethical attorneys and debtors or that many or most debtors routinely run up debt just before they file bankruptcy.

---

[1] These descriptions of H.R. 3150 are based on the most recent version I have.

Fourth, after this provision is enacted, consumer debts incurred within ninety days of bankruptcy will become non-dischargeable only if (a) debtors don't take the hint from the statute, (b) debtors run up consumer debts within 90 days pre-bankruptcy under circumstances that are fraudulent, (c) the amount thus run up on a particular creditor is large enough to make it worthwhile for that creditor to sue in bankruptcy court under §523(c)(1), and (d) a final judgment of non-dischargeability is actually entered. Professors Warren and Klee know very well that this non-dischargeability provision is not self-executing and requires a lawsuit by the creditor against the debtor. They are also aware that many valid claims for non-dischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs.

Fifth, Professor Warren's criticism of the family-friendliness of these reform bills puzzles me. As a member of the National Bankruptcy Review Commission, I proposed to strengthen section 523(a)(5) to enhance the protections of former spouses and children in relation to property settlements, and Professor Warren offered no assistance or encouragement whatsoever. As Reporter to the Commission, moreover, Professor Warren set the agenda for the five Commission members who rejected my proposal.

Sixth, Professors Warren and Klee are apparently harping on one provision of comprehensive bankruptcy bills in hopes of defeating the entire reform effort. Surely, while that approach might be effective politics, it is not intellectually defensible for bankruptcy specialists who are members of the academic community. This complex, multi-faceted and much-needed bankruptcy legislation clarifies the bankruptcy law, makes it more uniform nationally, and will streamline the process. But Professors Klee and Warren are not attempting to be precise, only to be obstructionist.

I hope that the important debate over bankruptcy reform will proceed on an intellectual, not an emotional level.

Very truly yours,

EDITH H. JONES.

Mr. KYL. Even though current law is clear—and even though the original version of the bill made no change in the protections that it provides—concerns were expressed that provisions of the legislation might indirectly or even inadvertently affect ex-spouses and children of divorce. Assuming that critics were operating in good faith—and because our intent was always to ensure that family obligations were met first—Senators HATCH, GRASSLEY, and I crafted an amendment to remove any doubt whatsoever about whether women and children come first.

The Hatch-Grassley-Kyl amendment elevates the priority of child-support from its current number seven on the priority list for purposes of payment to number one—ahead of six other items, including lawyer's fees that are now afforded higher priority. Our amendment mandates—mandates—that all child support and alimony be paid before all other obligations in a Chapter 13 plan. It conditions both confirmation and discharge of a Chapter 13 plan upon complete payment of all child support and alimony that is due before and after the bankruptcy petition is filed. It helps women and children reach exempt property and collect support payments notwithstanding contrary federal or state law. It exempts state child-support collection authority from the automatic stay under bankruptcy law to ensure prompt collection of child-support payments. And it extends the protection accorded an ex-spouse by making almost all obligations one ex-spouse owes to the other non-dischargeable.

Despite the various protections we have laid out, I know that some will still contend that child-support and alimony could be placed in competition with other debts that are made non-dischargeable by other provisions of the bill. But if placing more debt into the non-dischargeable category were really harmful to the interests of women and children, critics would also object to an amendment that Senator TORRICELLI offered in the Judiciary Committee—an amendment that added tort judgments for intentional torts causing personal injury or death to the list of non-dischargeable debts. But the Torricelli amendment passed without objection in committee. As a society, we have decided that people who do harm to others should be held accountable for their actions. Senator TORRICELLI's amendment will do that, and I support it.

Let us keep several points in mind about the debts that are made non-dischargeable by the bill. First, even though they are made non-dischargeable, they are given a lower priority for payment than child support and alimony. The Hatch-Grassley-Kyl amendment makes that crystal clear.

Second, the debts made newly non-dischargeable by the bill include debts incurred by fraud, debts run up on the eve of bankruptcy by those with no intention or no ability of paying, and debts that are incurred to pay otherwise non-dischargeable debts. We are talking about abusive use of credit. Are those who still contend we have not gone far enough really suggesting that individuals who engage in fraud and other abusive credit practices should be allowed to have those debts erased or otherwise sanctioned by the bankruptcy code? I hope not.

When people run up debts they have no intention of paying—when people are allowed to walk away from fraud and other harm caused to others—they shift a greater financial burden onto honest, hard-working families in America, including those that depend on child support to make ends meet. As I indicated at the beginning of my remarks, estimates are that bankruptcy costs every American family an extra $400 a year. Bankruptcy reform can reduce that burden.

Former Senator Lloyd Bentsen, who served as President Clinton's original Treasury Secretary, wrote an excellent column about abuse of the bankruptcy code, and ask it be printed in the RECORD at the conclusion of my remarks.

Madam President, failure to pass bankruptcy reform this year would be unfair to the millions of Americans who play by the rules, work hard every day, and struggle to pay their bills.

This bill does not go as far as I would like, but in the interest of moving it to final passage in the relatively short amount of time before adjournment, I will support the bill in its current form. I hope my colleagues will join me in voting in favor of the legislation.

I ask unanimous consent that the article by former Senator Bentsen be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GET TOUGH ON BANKRUPTCY LAWS

(By Lloyd Bentsen)

One of the most troubling financial contradictions of this decade of solid economic expansion is that while inflation has been low, unemployment down and personal income up, personal bankruptcies have been skyrocketing. Real per capita disposable income grew by 13 percent from 1986 to 1996, while personal bankruptcies more than doubled, hitting a record high of 1.2 million last year. This divergence between a healthy economy and rapidly rising bankruptcy filings is due to a relatively new phenomenon—the "bankruptcy of convenience."

This dramatic increase in personal bankruptcies has come with no corresponding growth in the traditional factors that correlate with bankruptcy—divorce, catastrophic health crises and job loss: The increase is driven largely by a federal bankruptcy system that discourages personal responsibility by encouraging people who can afford to pay down their debts to simply walk away from them through bankruptcy.

With growing frequency, bankruptcy is being treated as a first choice rather than a last resort, a matter of convenience rather than necessity. According to a Purdue University study, nearly half of the people who file for bankruptcy could repay a significant amount of their outstanding obligations, but instead choose to renege. Bankruptcies of convenience now constitute a significant and rising percentage of personal bankruptcy filings, and the cost to consumers from this trend is enormous.

When irresponsible spenders who can afford to pay all or part of their debt declare bankruptcy, consumers and other borrowers get stuck with the tab. It has been conservatively estimated that personal bankruptcies amount to a hidden tax of $408 per household personally, and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The ease with which a bankruptcy can currently be obtained irrespective of need is captured in a recent advertisement: "Financial problems? Get instant relief. You may be able to keep everything—Payback nothing!" The brazenness of this advertisement is indicative of how far bankruptcy laws have traveled from their original intent.

My former colleague Sen. Daniel Patrick Moynihan, Democrat of New York, coined an apt phrase for describing this and other similar lapses in societal responsibility. He called it "defining deviancy down." To a growing number of middle class and fairly wealthy Americans, it is perfectly acceptable to treat bankruptcy as a financial planning tool, and to expect others to pay the price for debts that they choose not to honor—even if these obligations can reasonably be repaid over time. While, there is nothing wrong in legitimately admitting financial defeat by filing bankruptcy when one cannot repay debts, many people seem to be losing the justifiable sense of embarrassment Americans once felt in asking others to shoulder their burden.

Congress and the administration should act to stem the expensive and corrosive spread of bankruptcy abuse, while taking care to protect the ability of people with legitimate financial problems to enter into bankruptcy. The first step toward reversing this trend is a bill that Reps. Bill McCollum, Florida Republican, and Rick Boucher, Virginia Democrat, introduced Wednesday that would shield consumers and responsible borrowers from the costs forced on them by bankruptcy abusers in the form of higher costs or tighter credit.

The aim of the McCollum-Boucher bill is simple. It would reestablish the link between bankruptcy and the ability to pay one's debts. This is simply a matter of equity and responsibility, and this bipartisan bill should enjoy broad support. Over the course of the past two decades, the connection between financial means and bankruptcy has been severed by federal legislation, and by a change in social mores removing the stigma from filing bankruptcy. In 1978, Congress loosened bankruptcy standards to such an extent that one's financial condition is hardly a consideration anymore. At the same time, our society "defined down" the personal responsibility of borrowers to make good on their debts.

Now, it is the responsibility of the Congress to act to rectify this problem, it inadvertently helped to create two decades ago. In the Senate and as secretary of the Treasury, I worked with legislators from both parties to pass legislation that promotes habits that lead to financial self-sufficiency. Failure to legislatively stem the rising tide of bankruptcies of convenience, however, could endanger the progress made through these incentives for saving and investment. In addition to raising questions of fairness, imprudent use of bankruptcy laws could also produce an undesirable market response.

Both Democratic and Republican members of Congress, and the administration, have a duty to safeguard our growing economy. As an article in the August 4 issue of Fortune magazine noted: "Eventually, a rising bankruptcy rate leads to tighter credit. Today's default rate is beginning to eat into some national lenders' profits, and some of them are already starting to pull back....Some restraint may be beneficial, but too much could mean a major credit squeeze." Our current level of economic growth cannot continue without sufficient investment and available credit. A rising tide of bankruptcies will sink all ships—and most hurt those who need credit most.

I am optimistic that Congress will address this burgeoning problem and firmly believe that the public supports change. Public opinion is running strongly in favor of tighter bankruptcy laws. Seventy-six percent of respondents to a poll conducted for the National Consumers League said that individuals should not be allowed to erase all their debts in bankruptcy if they are able to repay a portion of what they owe, and 71 percent said it is too easy to declare personal bankruptcy.

In the United States, we believe that through hard work anyone can become a success. America's bankruptcy laws reflect a fundamental element of our nation's entrepreneurial spirit. Their intent is to ensure a fresh start for those who try and fail, and they form an important thread in our social safety net. But when some people systematically abuse a system at great expense to the rest of the population, twisting the fresh start into a free ride, Congress must step in and tighten up the law to protect those who unfairly bear the cost. When it comes to bankruptcies of convenience, that time has come.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent—I have the impression that this is all right with the majority and minority—that I be able to proceed as in morning business to speak on the situation in Russia for up to 30 minutes, or shorter if anyone comes to the floor and wishes to resume the business of the Senate?

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

CRISIS IN RUSSIA

Mr. BIDEN. Madam President, I rise today to discuss the political and economic crisis in Russia, which poses, to state the obvious, a grave threat to the security of the United States and the entire international order. The situation in Moscow is rapidly changing, so by the time I finish these statements today, Lord only knows, something may have happened in the meantime. Things are that fluid.

Although the situation is rapidly changing, in the wake of last week's summit, five basic trends seem to be clear. First, the Yeltsin era is about to end. Second, because of structural problems in Russia's political and economic system, there is no short-term fix to Russia's economic crisis. Third, an even greater danger than an economic meltdown is the total collapse of the Russian political system, which would have catastrophic ramifications for the international security system. Fourth, in order to forestall such a collapse, the Yeltsin administration—or perhaps even a transition regime—will almost certainly take some immediate economic measures that will, at least temporarily, set back Russia's progress toward a free market economy. And, fifth, there is very little that the United States can do to affect this grim situation. It is fundamentally a Russian problem with deep cultural roots.

Madam President, President Clinton, in my view, was correct in going through with last week's Moscow summit. If he had canceled or postponed the meeting, I think it would have sent signals to the world that the United States had written off the reform effort in Russia which, despite the very serious recent setbacks, has nonetheless achieved a great deal over the past 6½ years. I might note, parenthetically, that it may have achieved enough to prevent a total reversion to despotism in Russia. But that remains to be seen.

Moreover, for all its built-in problems, the summit did produce a few modest agreements. Most important among them, as mentioned by others, was the agreement whereby the United States and Russia will each convert approximately 50 tons of plutonium withdrawn in stages from nuclear military programs into forms unusable for nuclear weapons.

The plutonium management and disposition effort will require several billion dollars, but I can think of no joint effort between our two countries that is more worthy of support.

As you know, Madam President, because you are well schooled in international relations and have spent a career in the House and the Senate dealing with these issues, the reason that an economy only the size of Holland is having such a profound impact on the rest of the world is because of the military danger that its collapse would cause. If the Russian economy collapses and causes societal and political instability, there are 15,000 nuclear weapons there that could fall into the hands of unreliable and perhaps unstable leaders in a fractured country. So the effort to deal with, for example, taking 50 tons of nuclear-grade material and rendering it incapable of being used in a military context seems to me to be well worth the buy, well worth the effort along the lines of the Nunn-Lugar bill in the destruction of nuclear capacity.

Despite this and a few other achievements, though, the summit could not, I regret to say, conceal the terminal condition of the Yeltsin Presidency. Watching film of the summit press conference was a painful exercise, for the Russian President clearly showed his infirmity. This medical condition, together with the nearly total absence of popular support for President Yeltsin and his government, makes a change in the near future seem inevitable.

Boris Berezovsky, the most prominent leader of Russia's new industrial tycoons—the power behind the throne—has already indicated in an interview that President Yeltsin's days in office may be numbered.

The structural problems in Russia's economy are simply too serious to lend themselves to an easy solution. Many factors have contributed to the sorry state in which the economy now finds itself.

The Asian financial crisis forced a general reappraisal of international lending in emerging economies. As investors retreated to safety, doubts about Russia's ability to protect the ruble became a self-fulfilling prophecy.

The 50-percent drop in worldwide crude oil prices within the last 18 months severely harmed Russia's hard currency earning capacity, weakening an important support for its currency and its ability to pay international debts.

But more fundamentally, Russia has been hamstrung by an inability to create the necessary preconditions for being a player in the international economic system. President Clinton outlined them in his usual lucid way in a speech to students in Moscow.

Russia must create a full-fledged rule of law with fair enforcement mechanisms. It must put into place modern taxation and banking systems. Investors, domestic and foreign, must have confidence that they will not have the rules changed in the middle of the game.

In return, Russians, especially the large Russian corporations, must pay their taxes so that the Government can get its fiscal house in order and will not have to resort to the printing press to cover its deficits. The Russian "kleptocracy" must end.

Madam President, I was speaking by telephone with one of the more prominent businessmen in my State about an hour before I came over to the floor. He is in the poultry business. He called to ask me what I thought about the current situation in Russia. He has several million dollars' worth of product in Kaliningrad. They have a rule there that if, in fact, it is not purchased within 90 days, it can be confiscated. So he has to decide whether to keep it there and run the risk of confiscation or get it out of there and try to market it someplace else. In his factory in Delaware he has an equal amount of product with Russian labels, which is poultry to be sent to Russia. He wanted to know what I thought was likely to happen, and so on and so forth.

As I talked to him—he is a very bright guy who has been doing business in Russia in earnest now for the last 4 or 5 years—I asked, "What do they need most?"

He replied, "I never thought I would say this as a conservative businessman. What they need most is the IRS over there."

I said, "Say that again?"

He repeated, "What they need is the IRS over there."

The truth of the matter is, one of the reasons their economy is in such horrible shape is that no one is paying their taxes. These are precisely the measures the International Monetary Fund has been urging on the Yeltsin government, but they remain largely unfulfilled.

The only thing worse than the Yeltsin government paralyzed by an economic meltdown would be a coup d'etat that installed an authoritarian government. It takes little imagination to contemplate the horrible dangers of a resentful, extremist regime that still possesses thousands of missiles armed with nuclear warheads.

Such a scenario, while still unlikely, is not beyond the realm of possibility, especially if Yeltsin's new candidate for Prime Minister, Yevgenii Primakov—who is almost certain to be confirmed by the Duma—is unable to rapidly stabilize the situation.

By tomorrow afternoon, I think Primakov will be confirmed by the Duma. In order to forestall a political catastrophe, I believe the Russian Government in the coming days will take economic steps that may, in the short run, avoid a revolutionary situation but in the long run will make it a heck of a lot harder for them to ever get their economic house in order.

These steps will probably include putting an infusion of currency into the economy through a large-scale increase in Government spending to pay the back wages of state employees, including the military, a process which, in fact, seems already to have begun.

Moreover, there will likely be some form of wage and price controls, foreign currency restrictions, and renationalization of some industries—all the wrong things to do. But in fairness to the Russians, I wonder if any of us were taking over that Government at this point, we would do anything short of that to avert a civil catastrophe. Such moves, we must realize, would likely doom Russia's chances of receiving the next payment of the $22 billion of the international support package negotiated just a month ago.

I believe in the long run Russia's march toward a free-market economy is inevitable, notwithstanding what I said, but some emergency measures may be a necessary short-term detour to avoid the kind of complete calamity that a coup d'etat or popular uprising would bring. I am not predicting either a coup or an uprising, but I believe that the Russian leadership will conclude that is a risk they wish not to take.

Unfortunately, there is very little the United States can do right now to influence events in Russia.

Despite the deteriorating international economic enviroment and the inevitable mistakes that have occurred as part of well-intentioned assistance efforts, I do not believe that the United States or the West in general should feel that they are responsible for the Russian collapse.

As I said on the floor last spring in the course of the Senate debate on NATO enlargement, we have wisely not repeated the mistakes made after World War I with respect to Germany. There is no parallel with Weimar.

Rather than imposing staggering reparations on a defeated enemy, the capitalist world has pumped $100 billion in aid, loans, and investments into Russia.

Rather than isolating Russia internationally as the victorious allies did with Germany well into the 1920s, we encouraged Moscow and welcomed her into a variety of international organizations.

We must confront the inescapable fact that the root causes of Russia's stunning descent into chaos lie in her own history and culture.

Centuries of serfdom and submission to foreign conquerors and autocratic tsars hampered the development of political democracy and a civic culture in Russia.

Then at the beginning of the 20th century, just when both—that is, a civic culture and a political democracy—were nonetheless beginning to emerge Russia was hit first by World War I and then by the Bolshevik Revolution and civil war.

I believe the 7 decades of communism that followed offer the best explanation of the current disarray in Russia.

The tangible devastating legacies of communism are well known: millions killed by Stalin's mad collectivization and purges, environmental degradation, and a massive deterioration in public health and life expectancy.

There is also a philosophical legacy that bears directly upon today's impasse. Marxism's basic tenet, the class struggle. Some scholars may disagree with me, and I am sure I will hear from them when I say this.

The entire political class now vying for power in Russia was taught to believe that economic class determines one's interest, that life is, in essence, a zero-sum game. If you, my opponent, win, that must mean that I lose.

Such a mindset stifles mutual trust and makes compromise in the political arena extremely difficult. The result is that democratic Russia has developed relatively few individuals who in the West would be called or could be called a "loyal opposition."

Last year on a visit to Moscow, I held lengthy discussions with several of the leaders who have been in the forefront of the opposition to Chernomyrdin.

The Communist Party leader Gennadii Zyuganov and the nationalist leader, former general Aleksandr Lebed, both struck me as intelligent, thoughtful men, but distrustful and conniving ones who put self before country.

Only Grigorii Yavlinsky, the leader of the Yabloko Party, seemed to be one who might fit into our category of the "loyal opposition." I am told that he may be named First Deputy Prime Minister if Primakov is confirmed as Prime Minister by the Duma. That would be an encouraging sign. We will know by tomorrow or the next day whether that is true.

One can argue endlessly about what the United States might or might not have done to avert the current catastrophe.

But before we indulge in "who lost Russia?" finger-pointing, it is well to look at Poland, where western-style economic shock-therapy was applied, the population suffered but endured, and the country emerged immeasurably strengthened.

Lest one thinks this is a communist-era comparison of a giant and a midget, I would point out that Poland's nearly 40 million population is now in the same general league as Russia's, which is down to 147 million from the Soviet Union's 270 million.

More importantly, Poland's gross domestic product is approximately one-third of Russia's, so a fair contrast, I believe, can be drawn.

Poland's political culture and sense of nationhood were solid enough to support the wrenching, but necessary, economic reforms. Neither was present in Russia.

Perhaps the shorter period of communist rule in Poland than in Russia and the sense that communism had been an alien creed imposed upon the country were factors that mitigated the corrosive ideological effects of Marxism.

Whatever the ultimate explanation, the sad fact is that Russia's political culture, unlike Poland's, proved unable to provide the underpinning for successful economic reform thus far.

The fundamental problem, is not that Russia carried out too many democratic and capitalistic reforms too soon, but rather that it did not carry them out fully.

The Russians now bear the principal responsibility for sorting out their colossal problems. The United States should continue to offer encouragement and support.

Most importantly, we must keep our eye on the first priority of preventing the collapse of Russian democracy along with their economy.

(Mr. COATS assumed the Chair.)

Mr. President, you come from an agricultural State, larger but not unlike mine. I suspect in the coming days and weeks, there are going to be people who will agree with me, and maybe others already do, that one of the ways in which we can deal with Russia's problems in a positive way in the near term is by providing significant food aid, because shortly we may see significant shortages of food in Russia on the shelves.

The EU is already considering a significant food aid program. Maybe that is one of the things we can do in the short term to help stem the erosion of civic support for democracy in Russia. The point that has to be kept in mind is that we have a clear interest in Russian democracy, along with the emerging prospect of a Russian market economy. But it ultimately rests with the Russians, and they have some very, very tough decisions to make.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. If the Senator from Massachusetts would withhold just a moment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, asks unanimous consent that the debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a short while ago I was informed that the majority leader was looking for amendments to the bankruptcy legislation and also mentioned my name during that discussion. I am quite prepared to call up our amendment at the present time, Amendment Number 3540, and move for consideration of that amendment.

The majority leader indicated—I am getting the transcript—that he was prepared to enter in a time agreement on this amendment, and that he was inviting amendments to the bankruptcy bill. I am here on the floor now prepared to move ahead, and I am also willing to enter into a reasonable time limit. Therefore I am constrained to object given what the majority leader has stated.

The PRESIDING OFFICER. Objection is heard.

The Chair, in its capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, objects and announces that very shortly someone from the leadership of the Republican side will be appearing on the floor to discuss this issue with the Senators.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I hope to have an opportunity to talk about the economy and agriculture and what is happening in my State.

I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, reluctantly objects to the Senator's request and asks the clerk to call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

I ask unanimous consent that debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me say, Mr. President, I indicated to the Senator from Massachusetts that I think we have an agreement worked out in a fair way to handle his amendment with regard to minimum wage, but we are still having to work to see if we can get something agreed to on the bankruptcy reform bill. I understand that may take some considerable time yet, but Senator GRASSLEY is working on it, as well as Senator DURBIN and others who have been in contact with the White House.

I think a good-faith effort is underway. If it can be worked out in 3 hours, that would be magnificent. We would have the vote on Senator KENNEDY's amendment and we could go to the bankruptcy issue and have votes and get this issue completed. If we can't get the agreement worked out on bankruptcy reform, then we would have a cloture vote tomorrow as is scheduled, and we would go on to other issues. I am sure Senator KENNEDY will then offer his amendment on something else. That is where we are now. Everybody is working in good faith. We will hope for the best.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MINIMUM WAGE AMENDMENT

Mr. KENNEDY. Mr. President, I thank the leader for his explanation. As I mentioned earlier, I am prepared to enter into a reasonable time agreement for this amendment. But I do want to give the Senate the opportunity to express itself on this amendment because it is of such vital importance for so many millions of Americans who depend upon the minimum wage for their survival, and who have seen, over the past several years, a decline in the purchasing power of the minimum wage.

I will just take a few moments now to continue some of the thoughts that I expressed last evening. I see that Senator WELLSTONE wants to address some of the needs of his own State. I will not take much of the Senate's time now. But I will either take additional time this evening when the Senate concludes its business, or at other opportunities, because this is an issue of great importance.

Mr. President, I pointed out last night what has happened to the purchasing power of those who earn the minimum wage. Even with the increase I propose, which is 50 cents in January of next year and 50 cents the following year—even if we are successful, the purchasing power of those at the lower economic levels will still be substantially lower than it was during the 1960s. 1970s, and the early 1980s.

This is at a time of extraordinary economic prosperity—the greatest prosperity we have had in this country, with great economic growth, and low inflation, a budget that is balanced, and an increasing surplus. The real issue is: Are we going to reward work? Are we going to say to men and women who work 40 hours a week, 52 weeks a year, that they are going to be out of poverty in the most powerful Nation in the world, with the strongest economy in the world? That is something that I believe is very basic, very fundamental. It is an issue of fairness, and an issue that will not go away. That is why those of us who support it are going to be persistent in insisting that we are going to have a vote on the issue in these next several days. Because we are not permitted to have a freestanding bill, we have to use an amendment strategy so the Senate can address this issue. But address it the Senate will..

Last evening, Mr. President, I pointed out and responded to 2 of the arguments that are constantly made in opposition to an increase in the minimum wage. The first argument is that it adds to the rate of inflation. I also pointed out last night that we have the lowest rate of inflation of any time when the Senate has considered an increase in the minimum wage since the end of World War II.

The second argument is that raising the minimum wage increases unemployment. Last night I pointed out that we have the lowest unemployment rate of any time we have considered an increase in the minimum wage since the end of World War II.

These two claims are continually offered by opponents of an increase in the minimum wage. But they do not hold water. The facts belie those claims.

Other issues have been raised, Mr. President. One was, what will be the impact on small businesses? A recent survey by the Jerome Levy Institute for Economics shows that 90 percent of small businesses said the last increase in the minimum wage had no impact on their hiring or employment decisions. Only one-third of 1 percent said they laid off workers. If the minimum wage were increased to $6 an hour, fewer than 3 percent said they would hire fewer employees or lay off existing workers. Over 90 percent said they anticipated no ill effects from such increases.

That data has been substantiated by the Small Business Administration, which pointed out that, in 1997 alone, industries dominated by small business created 60 percent more jobs than did industries dominated by the large firms. Last year, over 1.2 million new jobs were created in the sectors dominated by small businesses, which often are those that pay minimum wage to their workers.

This data contrasts starkly with the rhetoric from the National Restaurant Association, the National Federation of Independent Business, and other naysayers. Those groups continue to cry "wolf" about the impact of raising the minimum wage. They should ask their members what really happened after the last increase, before they try to feed Senators the same empty arguments.

These interest groups do not speak for all small businesses in the country. 115 small businesses from across the country have joined the Campaign for a Fair Minimum Wage. They come from 16 States and the District of Columbia, and they include restaurants, retail stores, banks, investment firms, publishers and communications companies.

These firms understand that raising the minimum wage is good for employers as well as employees. Fair pay for workers improves productivity and reduces turnover. That is extremely important.

Another point I want to mention, Mr. President, is what is happening to living standards for low-income Americans, including minimum wage workers. Many low wage workers are desperate for this kind of assistance. Nationwide, soup kitchens, food pantries and homeless shelters are increasingly serving the working poor—not just the unemployed. According to a U.S. Conference of Mayors study in 1997, requests for emergency food aid increased in 86 percent of the cities surveyed, and 67 percent of cities cited low-paying jobs as one of the main causes for hunger.

Here we have individuals who are making the minimum wage and don't earn enough to keep themselves and their children out of soup kitchens. This is powerful evidence about what is happening to the working poor. The purchasing power of these workers has declined, as I discussed last night. This is more dramatic evidence about the significant increase in working poor families who are forced to rely on soup kitchens and charities. This is something that the mayors understand. This is something the mayors have indicated is of increasing concern to all of them. We have an opportunity to do something about that for families who are making the minimum wage, and that is an additional reason for this increase.

Mr. President, we can also look at the effect of the increase that I am proposing—the two 50-cent increases that will bring the minimum wage to $6.15 in the year 2000. But that amount translates to just $5.74 in purchasing power in the year 2000, even if we go ahead.

Now, what else is happening to wages in our country? Salaries and bonuses paid to executives have never been higher, Mr. President. In April, the Wall Street Journal surveyed executive pay at 350 of the country's largest firms. The median CEO salary and bonus in 1997 was $1.6 million, or $770 an hour. The CEO takes less than 2 days to earn what a minimum wage worker earns in a full year.

The same groups that complain about an increase in the minimum wage are the ones that have made dramatic increases in the payment of their officials, Mr. President. On the one hand, they say, "We can't afford to pay a 50 cent or $1 increase in the minimum wage"; yet, they are able to afford millions more in salaries and stock options to their executives.

Over 170 groups have joined the Campaign for a Fair Minimum Wage. They include religious groups, such as the American Friends Service Committee, the Union of American Hebrew Congregations, the United Methodist Board of Church and Society, the United States Catholic Conference—and dozens more.

Women's organizations are also represented: the American Association of University Women, the National Committee on Pay Equity, the National Partnership for Women & Families, the National Women's Political Caucus, the Older Women's League, and many others.

Civil rights groups also support the Campaign. These groups and others understand that the minimum wage is a civil rights issue—a partial list includes the American-Arab Anti-discrimination Committee, the Asian American Legal Defense Fund, the NAACP, the National Council of La Raza, the Rainbow Coalition, the Southern Christian Leadership Conference, and many more.

Trade unions have joined the Campaign, too. Virtually every union member earns more than the minimum wage, thanks to union representation at the bargaining table. But that hasn't stopped the AFL–CIO, AFSCME, the Communications Workers, the Steel Workers, the Service Employees and other unions from strongly supporting this increase. They believe that every working American deserves a decent wage, and they are working hard to achieve that result.

Mr. President, we will continue to consider the issues that have been raised in past debates on the minimum wage. We are eager to debate these issues on the floor of the U.S. Senate and give the membership an opportunity to vote on this issue.

As I have mentioned, and will continue to say time in and time out, this is an issue of fundamental fairness and decency. It is a real reflection of the kind of values which this institution has.

This is a women's issue because the majority of minimum wage workers are women. It is a children's issue because many of those women have children.

It basically is a fairness issue. And we are very hopeful that we will have the opportunity to debate this and have a decision on this issue in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER FOR MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that at 6 p.m. there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

THE MINIMUM WAGE

Mr. WELLSTONE. Mr. President, let me, first of all, say that as we go into this debate—and I am pleased to be joined with Senator KENNEDY; I have spoken about the importance of raising the minimum wage—I look forward to having the opportunity to debate this with colleagues.

I guess I have reached the conclusion—I think this is sort of the common ground with the Chair—that the best single thing we can do in the Congress, in the House and the Senate, is to do everything we can to enable parents to do the best by their kids, or a single parent to do her or his best by children. I really do believe that this means many different kinds of things. But one of them certainly is to try to make sure that people have a living wage. I think it is terribly important.

I think it is a value question. I look forward to the debate. I will be out on the floor with my colleague, Senator KENNEDY, and others as well.

CRISIS IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I want to talk for a moment, or for a little while here, about what is happening in the Midwest. I had thought that perhaps this afternoon I would have an opportunity as a Senator from Minnesota to join my colleagues from other Midwestern States with an amendment that would speak to the crisis in agriculture. That didn't happen this afternoon.

For those who are watching this debate, now that there is an attempt to work out an agreement on this bankruptcy bill with a potential cloture vote tomorrow, it doesn't look like we will be able to introduce this amendment, at least today. But I do want to just say to colleagues—I know that a number of us will be on the floor tomorrow—that my top priority as a Senator from Minnesota is to bring to the floor of the Senate, with other colleagues, an amendment that would really make a difference in the lives of family farmers in my State.

Mr. President, we have an economic convulsion in agriculture. There is tremendous economic pain in our rural communities.

Many farmers and their families are just leaving their farms now. They are doing it quietly. It is not so much like the mid-1980s where you really saw a lot of farm rallies and marches and whatnot. That may happen. That may not happen. I don't know.

I know that when I go to farm gatherings—whether it be in Fulda, MN, or in Granite Falls, MN, or Crookston, MN, it is quite unbelievable with the number of people that come.

The fact of the matter is that with farmers now receiving somewhere like $1.42 for a bushel of corn, there is just simply no way—or $2.15 for a bushel of wheat—they can't cash-flow.

My friend, the Presiding Officer, is from the State of Indiana. And he knows something about this issue.

You can be the best manager in the world. You can't make it. If you are not a huge conglomerate, then you have more of a family farm operation, which really ranges in terms of numbers of acres of land. But the important part of it is that it is entrepreneurship. The people that work the land live there. These are the people that are in the most trouble.

For those of us who are from the Midwest—in a way, I approach this debate with a sense of history, because I think in many ways this is sort of one of the last regions of the country where you have a family farm structure in agriculture.

Mr. President, what I want to say to colleagues, understanding full well that we will not be able to do this on the bankruptcy bill, though I must say to my colleague from Iowa, a very good friend, that there is unfortunately a very direct correlation between what is happening, as he well knows, to family farms in our State and bankruptcy.

If we can't do this amendment that will speak to the farm crisis on the bankruptcy bill, then the very next vehicle that comes to the floor—the very next bill—we absolutely have to have an amendment out here.

We may have some different views about what needs to happen. But I will tell you that the amendment that I see which must be brought to the floor first and foremost is we are going to have to remove the caps on the market assistance loans. We can do other things as well and allow a 6-month loan extension. Corn right now is capped at $1.89 a bushel. This would get it up to $2.00, $2.20, $2.25. Wheat is capped at $2.58. This would get it up to $3.20. This would be the single most important thing we can do, along with providing indemnity payments that we have all been talking about.

We passed this before we went on recess. It is going to have to be more by way of financial assistance, given what is happening to a lot of farmers in the South as well, because of weather conditions. And in our State, in northwest Minnesota, it is also scab disease. But we have to do those two things.

Mr. President, I want to say to colleagues that I don't feel like time is neutral. In many ways, I feel like as a Senator from Minnesota that I am confronted with the urgency of now. I am trying to say to myself, "You are here as a Senator. What is the best thing you can do?"

We have a bankruptcy bill. We can't put this amendment on the bankruptcy bill. But the next bill that comes to the floor next week, or the end of this week, we are going to be out here with an amendment that speaks directly to this farm crisis. We have to. It would be like not being a Senator from your State not to do this. I think every Senator on this floor, Democrat and Republican, understands this. I hope that we will have this amendment in the Chamber no later than the beginning of next week, if not tomorrow, although I am not quite sure how we are going to proceed on this bankruptcy bill. And if not that, there will come a point in time where probably the best thing I can do, if we are completely shut out—and I hope this won't happen—will be to come to the floor and filibuster, just basically stop everything.

I don't think that will happen, but there is no way, there is no possible way, that I can go back home to the State of Minnesota and look in the eyes of a lot of people I really love and believe in without having made an all-out fight. We have only, what, 3 weeks left.

So my appeal to colleagues is, look, it is getting hard to find the time to do some of what we think are our priorities. I wanted to see us out on the floor with this amendment today. That is not going to be possible as we try to work out something on the bankruptcy bill.

It is a bitter irony for me to see "bankruptcy bill." My gosh, that is what is happening in my State. That is what is happening all across greater Minnesota right now. People cannot make it. We cannot do the amendment on the bankruptcy bill. But whatever the next bill is, I guess at the beginning of next week we will have this amendment out here. I know how strongly Senator DASCHLE from South Dakota feels about this. This is his State, agriculture. There are other Senators from the Midwest who believe just as strongly, Democrats and Republicans.

But I just want to say to Minnesota and to my colleagues, there is no way in the world that I can see us adjourning without taking action. There is just no way. It would be just impossible to go back into greater Minnesota to meet with people in communities and say, "Well, we had too busy a schedule. It was too difficult to find a 'vehicle'." No one knows what you are talking about—vehicles. I said it 5 minutes ago: "We are looking for a vehicle." No one knows what that means. But just to try to say to people in Minnesota, "We only had a few weeks, and there was too busy a schedule; there were many important appropriation bills that we had to pass; there was no way to find the time," people would say, "Aren't we a priority?" They would say, "Paul, aren't we a priority?—$1.40 for a bushel of corn, $2.50, $2.60 for a bushel of wheat. What about us? What about our children? What about our families? What about our communities?"

So, again, move the caps on the market assisted loans and allow a 6-month extension. You have to get the price up. It is price, price, price. There is no substitute for getting the price up. If we can debate this, I don't even want to have an acrimonious debate. Those who thought that the Freedom to Farm—which I always called the "Freedom to Fail"—bill was an important piece of legislation, call it a modification, just a modification. We still have a loan rate. We just cap it at a very low level. Call it part of what we do by way of disaster relief, by way of emergency assistance, because this is an emergency. This is a disaster. The record low prices are a disaster. It is an emergency because people are not going to be able to continue to stay on their farms.

What people are asking for in Minnesota, in my State, is not anything more than a fair shake. They are just saying give us an opportunity to have a decent price in the marketplace.

Let me tell you, the grain companies will do just fine, but these family farmers will not. This "Freedom to Fail" bill has been a disaster in and of itself. We have to at least come back and have some kind of modification, some kind of safety net, some kind of way that farmers can get a better price. We also have to make sure that we get these indemnity payments out to people. People need the cash assistance so they can keep going.

Mr. President, those are the two major provisions. There will be other provisions as well in an amendment we will bring to the floor, but I cannot see any way to postpone action on an agriculture farm crisis relief amendment any longer.

We have been talking about this. Everybody is trying to figure out what are going to be the electoral connections, how is this going to fit into the elections, and so on and so forth. I will tell you, I think those of us from these States don't feel that way; we have to get something done. I do not think any proposal is credible unless you can get the price up. It all starts with getting the price up for family farmers.

There is a whole lot going on in Washington right now, I guess. None of it should make anybody here, regardless of party, all that happy or all that pleased. But I can say without any exaggeration whatsoever, believe it or not, that in Fulda, MN, or Granite Falls, MN, or Crookston, MN, or in all sorts of communities in Minnesota where a lot of wonderful people who work so hard live, for them the focus is on being able to stay on their farm.

The focus is whether or not the Senate and the House of Representatives are going to respond to their pain, whether or not we are going to provide them with some relief, whether or not we are going to do anything about this crisis. It cannot be done in Indiana or Minnesota at the State level. You cannot affect price at the State level. You could put together at the State level some different credit relief packages and all the rest, but you cannot affect the price. You have to remove the cap on the loan rate. You have to get the price up. You have to give these people a chance to get a decent price in the marketplace. You have to do that. First and foremost, you have to do that. We cannot wait any longer.

So I don't know whether my words tonight are so much sort of talking about substantively what any number of us are going to bring out as an amendment—there are a lot of my colleagues in the Midwest I know who are going to be out here with this amendment led by Senator DASCHLE—or whether what I am trying to say is, look, I don't want to have people angry at me next week or the week afterwards, but I tell you, if we don't get an opportunity to put this amendment on a piece of legislation, then I am just going to come out here and talk for hours and hours and hours. I will just start talking about families, and I will start translating this into terms. I have done it before on the floor of the Senate.

There is no issue I feel more strongly about. I don't really care how much is swirling around Washington, DC, and all the other stuff that people are going to be talking about, all of which I know has to be discussed and talked about, I guess, up to a point, although I think it ought to be proved. I think ultimately we are all going to have to make some decision about this, so we ought to wait and see what the facts are.

But I tell you, right now, for me, this is the issue. This is the issue for a lot of people all across Minnesota. And I am not just saying it to give a speech. It is just true. They do not have any future for themselves and their families unless we take some action. We are going to have to do that. I feel stymied that we cannot do it on the bankruptcy bill. It seems that there is a very logical connection to record low farm prices and bankruptcy. But if not this bill, if not tonight, if not Friday, then next week we will bring this amendment to the floor and we will have a debate and we are going to pass a farm crisis relief amendment. And then we are going to get it through the House. And the House and the Senate are going to agree, and there is going to be credible, substantive farm crisis relief legislation that will make a difference.

If we keep getting shut out and there is just no way to do it by way of bills, then I am just going to come out and filibuster.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. Mr. President, we have reached the time set aside for morning business. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. The Senate is in morning business. The Senator has that right. Without objection, the Senator will be recognized to speak as in morning business for 20 minutes.

THE CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, at present, it is our expectation tomorrow morning to be voting on cloture on a motion to proceed forward on S. 1645, the Child Custody Protection Act. It is my hope that tomorrow we will find 60 votes so we might proceed to debate that issue. The fact is, we have not had an opportunity here on the floor to have much debate about this motion to proceed, or about the issue itself, so I would like to take the time today to begin to acquaint our colleagues with this very vital piece of legislation.

Mr. President, the Child Custody Protection Act would protect State laws requiring parental involvement in a minor's important decision whether or not to undergo an abortion.

If the minor's home State has a parental involvement law this legislation would make it a Federal offense to transport that minor across State lines to obtain an abortion, unless the parents have been involved as that law requires, or the requirement has been waived by a court.

By protecting existing State laws this legislation would help protect parents' rights and the health and well-being of teen-age girls facing unexpected pregnancy.

I know, Mr. President, that the abortion issue has been strongly debated in this Chamber and, indeed, throughout our country. But I believe we all should be able to agree on the need for this legislation. Whatever one's position on the underlying issue of abortion, the protection of parental rights, of valid State laws, and of our daughters' health and emotional well-being demand that we prevent non-parents and non-guardians from circumventing State parental involvement laws.

The rationale behind this legislation is simple, Mr. President: States that choose to institute parental involvement requirements deserve to have those requirements respected.

Mr. President, 85 percent of Americans surveyed in a 1996 Gallup poll favored requiring minors to get parental consent for an abortion. Americans quite reasonably believe that no teen should be left to face an unexpected pregnancy alone. As the Supreme Court noted in H.L. versus Matheson, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature."

I believe the American people share this realization, and also realize that parents are almost always the ones most willing and able to provide their daughters with the guidance and support they need in making the life-changing decision whether or not to undergo an abortion.

Thus it is not surprising that more than 20 States have instituted parental involvement requirements.

These laws are on the books. They have been held constitutional, and they have the support of a strong majority of the American people.

Unfortunately, parental involvement laws are being circumvented and undermined by non-parents and non-guardians taking pregnant, minor teens across State lines for secret abortions.

This is a significant problem. The abortion rights Center for Reproductive Law & Policy reports that thousands of pregnant girls are taken across State lines by adults to obtain secret abortions.

Indeed, a veritable interstate abortion industry seems to have grown up.

Abortion clinics in States without parental involvement laws are advertising in States that do have these requirements. The advertisements inform anyone who cares to know that the clinics will perform abortions on minors without parental notification or consent.

Many people are attracted by these advertisements, and the results can be tragic.

During the hearing on this bill, the Judiciary Committee heard from Joyce Farley. Mrs. Farley told us how her 12-year-old daughter was given alcohol, raped, then taken across the State lines, by the rapist's mother, for a secret abortion. Understandably, Mrs. Farley was of the view that the abortion was undertaken to destroy evidence of her daughter's rape by a 17-year-old neighbor, who committed the act.

Mrs. Farley's daughter was understandably frightened and embarrassed. She did not immediately tell her mother of either her rape or her pregnancy.

Her rapist's mother took advantage of this situation. Without telling Mrs. Farley, she drove the girl from her home in Pennsylvania, which has a parental notification law, to New York, which does not. She took the girl to an abortion clinic, lied on the forms, claiming to be the girl's mother, and waited while the girl underwent an abortion. The rapist's mother then dropped Mrs. Farley's daughter off 30 miles from her home.

This poor girl was bleeding and in pain. When she got home, Mrs. Farley asked her what was wrong and eventually was told about the abortion. She then called the New York abortion clinic and was told that the pain and bleeding were normal—to be expected. She was told to increase her daughter's medication.

Luckily for her daughter, Mrs. Farley is a nurse, so she knew that this advice was dangerously wrong. As it turned out, the abortion was incomplete and this young girl, now just 13, had to undergo another procedure to complete the abortion.

Mrs. Farley was understandably very upset at what had happened to her daughter. She also was upset at what had, and what had not, been done about it.

The man who had gotten her daughter pregnant eventually pleaded guilty to statutory rape. But the rapist's mother, who claimed she was just "helping out" by taking a by-then-13-year-old rape victim across State lines for a secret abortion, may receive no punishment at all.

The Pennsylvania Supreme Court has just accepted for review her challenge of Pennsylvania's prosecution of her under State law. She charges that Pennsylvania exceeded its constitutional authority. Moreover, courts, legislators and prosecutors face great difficulty in situations like this because it is unclear which State's laws should apply.

The actions of the rapist's mother were arguably legal in New York, even though Pennsylvania has made them illegal within that State. It is this classic conflict of laws problem that the Child Custody Protection Act would address.

Mr. President, Mrs. Farley deserves better protection than she currently receives. Her daughter certainly deserves better protection, and parents and teens all across America deserve better protection against this kind of interference in the most important and most private decisions people can make.

Any parent with minor daughters—and I have two of my own—should be concerned about what happened to Mrs. Farley, and especially what happened to her daughter.

State parental notification and consent laws exist to protect girls from predators. They also exist to protect families.

Today, any child is at significantly increased risk of drug abuse, crime, poverty and even suicide. That is why it is crucial that we help States that want to protect the rights of American parents to be involved in important decisions affecting their children. Only by being a part of their lives can parents provide their children with the guidance they need and maintain the mutual trust necessary to teach them how to lead good, productive lives.

Parents also are almost always the people best able to support their daughters in facing an unexpected pregnancy. Bruce Lucero, a physician who has performed over 45,000 abortions and who also supports this legislation, explains the situation this way:

> Parents are usually the ones who can best help their teen-ager consider her options. And whatever the girls' decision, parents can

> provide the necessary emotional support and financial assistance.

What is more, Lucero argues, a girl who avoids telling her parents about her pregnancy too often will wait too long, then have to:

> Turn to her parents to help to pay for a . . . riskier second-trimester abortion. Also, patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications. And a teen-ager who has an abortion across state lines without her parents' knowledge is even more unlikely to tell them that she is having complications.

This is why we must help States that want to protect families from the consequences of secret abortions. Children must receive parental consent for even minor surgical procedures. Indeed, Mr. President, many schools now require parental permission before they will dispense aspirin to a child.

The profound, lasting physical and psychological effects of abortion demand that we protect States that guarantee parental involvement in the abortion decision, and that means seeing to it that outside parties cannot circumvent State parental notification and consent laws with impunity.

Our families deserve this protection, our State laws deserve this protection, and most especially our daughters deserve the protection provided by the Child Custody Protection Act.

I would like at this point to simply outline the provisions of the bill.

To begin with, the legislation adopts each relevant State's definition of a minor. It would deem transportation of a minor across State lines in order for that minor to obtain an abortion, in abridgement of parental rights under a State's parental involvement law, to be a misdemeanor Federal offense.

The legislation defines this abridgement of parental rights as the performance of an abortion on the minor without the parental involvement that would have been required if that minor had stayed in State.

The Federal offense applies only to the non-parental, non-guardian adult who so transported the minor. The minor who obtained the abortion and her parents are specifically exempted from civil and criminal liabilities.

Further, in this legislation "parent or legal guardian" includes an individual standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides. In this way the bill addresses the situation of children living in the care of their relatives and other unique situations.

The legislation also includes as an affirmative defense to the misdemeanor prosecution or civil action, that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that the minor had obtained appropriate consent or notification.

Anyone convicted under this legislation would be subject to a fine or imprisonment not to exceed one year, or both.

As I have said, Mr. President, this is a narrowly crafted law, intended specifically to aid in the enforcement of already existing, constitutionally valid State laws requiring parental involvement, or judicial waiver of that requirement, in any minor's decision whether or not to undergo an abortion. It is a modest law that does not seek to change States' underlying laws regarding abortion. It simply seeks to see to it that existing State parental involvement laws are protected from improper evasion and circumvention.

I am aware, however, that there are a number of arguments floating around this Chamber and elsewhere against this legislation. It is to these arguments, each and every one of which I believe is clearly inaccurate or irrelevant that I would like to turn.

First, some people have argued that this legislation is not constitutional on the grounds that it puts an improper, undue burden on the constitutional right to abortion.

This is simply not true. The Supreme Court has long upheld most State laws requiring parental involvement in minors' abortions against challenges of this type. The Child Custody Protection Act would only apply where the State has in place such a constitutional State law. A Federal law that simply helps enforce State laws that themselves do not violate the right to an abortion cannot itself violate that right.

Continuing on the issue of constitutionality, it has been argued that the Child Custody Protection Act violates the constitutional right to travel.

But this argument misconstrues this legislation, the Constitution, and the constitutional right to travel. The courts have never held that the right to travel limits Congress's power to regulate interstate commerce.

The right to travel limits States' powers to discriminate against newcomers and out-of-State residents.

It does not limit Congress' power to protect State laws by prohibiting people who would circumvent them from using the channels of interstate commerce or travel.

Presumably that is why nobody has doubted the constitutionality of the recently enacted Deadbeat Parents Punishment Act, which makes it a felony for anyone to travel in interstate or foreign commerce with intent to evade a support obligation to a child or spouse. Like the Child Custody Protection Act, it is constitutional because Congress is free to withdraw the channels of interstate travel from those seeking to evade valid State laws.

Next, at a level only one step removed from constitutional issues, some have put forward the argument that this legislation would undermine the ability of States to serve as "laboratories of democracy" in our Federal system.

What this argument overlooks is that in a Federal system there will always be conflicts between the laws of different States.

And Congress has a responsibility to help resolve these conflicts in the interests of interstate commerce, and in the interest of maintaining fair and full application of the laws.

What is more, it makes sense to handle the problem in this way because these conflicts are frequently resolved in favor of application of the law of the State of residence over the law of the State where some part of the conduct at issue has occurred.

In particular, it has long been an accepted tenet of our Federal system that the State with primary policy making authority with respect to parent-child relations is the State where the parent and child reside. The Child Custody Protection Act essentially simply reinforces this well-established rule.

Finally, I have heard from a number of sources the complaint that this legislation is unfair because it would not allow grandparents or other close relatives to stand-in for absent or abusive parents.

Frankly, I find this complaint somewhat puzzling because there is nothing in the Child Custody Protection Act that in any way interferes with the proper role of grandparents and other close relatives in any child's upbringing.

Parents, close relatives and, I might add, close friends, can and should play a role in helping minor girls face an event as important as an unexpected pregnancy.

If the pregnant girl for some reason, including abuse, cannot talk to her parents on her own, her other relative or friend should help her go through her State's procedure for bypassing parental notification, or, if it is possible, intervene on her behalf with the parents.

In this way, caring relatives can make a positive difference in a girl's life.

Like most Americans, I firmly believe that most children would be lucky to have grandparents and other close relatives involved in their lives. But I do not believe that most parents would want other relatives to unilaterally take over their primary role in raising their children.

In my view, States with parental involvement laws were wise to have enacted them, for the sake of parental rights, and especially for the sake of our daughters' health. The legislation before us fulfills the Federal Government's duty to protect these State laws from widespread circumvention through interstate travel. Far from undermining our Federal system, it upholds it in a manner fully consistent with the constitutional rights of everyone involved.

A number of politicians, including President Clinton, have promised the American people that they would work to make abortions "safe, legal and rare."

The Child Custody Protection Act addresses an important question of legality. It will protect State laws from those who would break them. It would uphold the rule of law and the important role States and State laws play in our Federal system.

But an abortion conducted in violation of parental notification laws is not legal, even if performed in another State.

Earlier I quoted Bruce Lucero, a doctor who once owned an abortion clinic, in which he performed some 45,000 abortions over the course of 15 years.

Dr. Lucero remains, in his words "staunchly pro-choice." Dr. Lucero also supports this legislation.

I hope my colleagues on the other side of the abortion issue will heed the warning he gave recently when he said:

> Too often, pro-choice advocates oppose laws that make common sense simply because the opposition supports or promotes them. The only way we can and should keep abortions legal is to keep them safe. To fight laws that would achieve this end does no one any good—not the pregnant teen-agers, the parents or the pro-choice movement.

Mr. President, this laws does make common sense. It will protect the health of pregnant teen-agers, and it should have the full support of the Members of this body, whatever their views on the underlying issue of abortion. It was passed in the other Chamber by an overwhelming margin. It passed the Senate Judiciary Committee and, in my view, it deserves to pass by a similar margin in the full Senate.

I urge my colleagues to vote tomorrow in support of cloture on the motion to proceed to debate this issue.

In closing, let me just say this, Mr. President. As I looked through the CONGRESSIONAL RECORD at the summation and discussion between the majority leader and Democratic leader yesterday, I was a little bit confused. I at least read the Democratic leader's statement to suggest he is of the opinion that the vote tomorrow might in some way shut off consideration of amendments and debate on this issue, but that is not the case, and I want to make sure our colleagues are aware that tomorrow's vote is simply on the motion to proceed, to permit us to begin discussing this legislation.

It is not a motion for cloture on the substantive underlying bill and, indeed, virtually all of the amendments to this legislation that were brought in committee will still survive a motion for cloture on the underlying bill because they were germane amendments at that time and would, according to the Parliamentarian, remain germane, even if we were to have cloture invoked on the substantive legislation.

For that reason, I hope our colleagues will think this issue—the question of whether or not we will allow strangers to circumvent State parental notification and consent laws and take children across State lines for the purpose of secretive abortions—that we should at least allow this issue to be debated here in the Senate.

For that reason, I hope we will be able to invoke cloture on the legislation. And once we do that, we can have a good and thorough debate and discussion, and then pass this legislation so that families like the Farley family can be protected in the future and so that the children of America can be protected in the future and so that the families who live in States that have taken the action of passing parental involvement laws can be confident that those laws do mean something and that we in Washington are willing to support those laws and make sure that those laws are in fact enforceable.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

STATUS OF OPERATIONAL READINESS OF U.S. MILITARY FORCES

Mr. MCCAIN. Mr. President, only 8 years ago we went to war in the Persian Gulf as the most combat-ready force in the world. The value of that preparedness was clear. We won a massive victory in a few weeks over one of the largest armies in the world and we did so with remarkably few American and allied casualties. We were able to end aggression with minimum losses of civilian life and were even able to greatly reduce the casualties of our enemy. Today, our enormous preparedness, impressive military force, is beginning to evaporate.

In spite of the efforts of our services, armed services, we are having significant problems again that remind me of the very difficult period during the 1970s when the Chief of Staff of the U.S. Army came before the Congress and said we had a "hollow army." We are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

It is true that we have heard many reassuring words to the contrary from the administration. The fact is, however, that we are "going hollow." We are losing our ability to get there "fastest with the mostest," and the indicators are all too clear the moment we look beyond superficial indicators and the normal rhetoric of budget testimony.

Mr. President, I have heard firsthand accounts from commanders in the field and in the fleet on the deteriorating status of the operational readiness of the U.S. military forces, including the availability of resources and training opportunities necessary to meet our national security requirements. Although the upcoming year's budget makes some strides to reverse 5 straight years of underfunding for both short-term and long-term modernization, I have serious concerns about the future state of preparedness of our units and our men and women in the military.

The tangible evidence of this trend is contained in the words of nearly all the military witnesses who have testified this past year before the Senate Committee on Armed Services as well as before our House counterparts. Their statements do not reveal a single reason why we are going hollow or a single set of answers as to how these problems can be solved.

Each service has a unique mix of readiness problems and has made different tradeoffs. At its core, however, is an alarming lack of concern on the part of the administration that repeatedly acts without regard for the most basic requirements for maintaining Armed Forces essential for our national security and promoting our national interests. The repeated and deliberate failure to match requirements, as set forth by the National Command Authority, with resources adequate to the task, compounded by the White House's unwillingness to budget for ongoing contingency peacekeeping and humanitarian operations, has over time clearly degraded military preparedness.

Not to be ignored is the role of Congress in exacerbating this situation through its exceedingly damaging practice of wasting scarce financial resources on programs for strictly parochial reasons. That practice was harmful when we were adding to the administration's budget request in the context of the 1997 balanced budget agreement. And that harm is magnified manyfold.

Mr. President, I have spoken many times of the wasteful spending practices embodied in the defense appropriations bill, and I will not go through the details again now. But the fact is that a lack of a Base Closing Commission commitment, the lack of a commitment to a balanced force, the continued unnecessary and unneeded funding for especially our Guard resources, and our inability to somehow make the transition to the post-cold-war requirements of a military that is ready to move anyplace in the world on short notice, is absolutely deplorable. And as I indict the administration, Mr. President, the Congress also bears enormous responsibility for our failure as well.

In spite of the highest readiness funding in our history, we are having preparedness and readiness difficulties. Some recent examples noted by experts are—and I quote a memorandum dated

August 20, 1998, from General Bramlett, Commander-in-Chief of Forces Command, to Army Chief of Staff General Reimer. General Bramlett wrote:

> . . . we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the quality of life programs critical to long term readiness of the force . . . we cannot operate within current funding levels and have the viable fighting force we want to project into the next century. Operation and maintenance funding levels are no longer sufficient to "make it happen" and avoid serious long-term negative impacts to the force. Commanders of Fort Lewis, Stewart, and Bragg [all installations home to major contingency "first-to-deploy" units] report units will drop below authorized training levels in the fourth quarter of fiscal year 1999. This threatens our ability to mobilize, deploy, fight, and win. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

Mr. President, let me repeat: "Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk." Mr. President, I want to remind you, these are not my words but the words of General Bramlett who is the Commander-in-Chief of Forces Command and contained in a memorandum to the Chief of Staff of the Army.

> Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.
>
> We must have additional funding for FY 99 and beyond.

Mr. President, I ask unanimous consent that the entire memorandum from General Bramlett to General Reimer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, HEADQUARTERS UNITED STATES ARMY FORCES COMMAND,
Fort McPherson, GA, August 20, 1998.

MEMORANDUM FOR CHIEF OF STAFF, UNITED STATES ARMY, 200 ARMY PENTAGON, WASHINGTON, DC

SUBJECT: FY 99 FUNDING ASSESSMENT

1. The FORSCOM commanders have recently completed their review of resource requirements against their FY 99 funding distribution. My guidance was to maintain training (go-to-war) readiness at the expense of infrastructure and Quality of Life (QOL) if they could not balance the requirements of all three. They have done their best to implement this guidance, but we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the QOL programs critical to long term readiness of the force. Commanders remain fully committed to supporting force readiness, but we cannot operate within current funding levels and have the viable fighting force we want to project into the next century.

2. We can provide trained and ready units in FY 99, but we anticipate some drop in reported readiness levels as the year progresses. Our BASOPS accounts have only marginal funding levels, and Real Property Maintenance (RPM) accounts are nearly depleted at many of our installations. The OMA funding levels are no longer sufficient to "make it happen" and avoid serious long-term negative impacts to the force. These insufficient funding levels are further degraded by refined TRM cost factors, by the inability to achieve the programmed efficiencies, and by the increased funding for contracting support. Our flexibility is further hampered by stovepipe funding for specific programs that have become a larger percentage or our total budget.

3. Despite considerable efforts to conserve scarce training resources at the expense of QOL and infrastructure, unit readiness will be degraded. Commanders at Forts Lewis, Stewart, and Bragg report units will drop below ALO in the fourth quarter of FY 99. This threatens our ability to mobilize, deploy, fight, and win.

4. In FY 98, we mortgaged infrastructure and QOL to maintain training readiness. BASOPS and RPM were underfunded again, but with little migration ($18M) as we needed every dollar for training. Infrastructure maintenance and repair are now funded below survival levels. FY 99 marks the second consecutive year in which FORSCOM could not fund installation infrastructure repair beyond "break and fix." The most critical unfunded repairs totaling $215M are: sewer and utility systems—$49M; barracks roofing/heading/and air conditioning repair—$59M; roofs on maintenance and ammo facilities—$10M; bridges and roads—$29M; training and operations facilities repairs—$7M; and other general facility repair projects—$60M. Of immediate concern is our inability to resource food service contracts which drives us to the associated alternative of possibly returning our soldiers to perform kitchen and dining facility attendant duties. Base Information management operations, the DOIMs, were hit especially hard. This account is down more than 30 percent from FY 98, severely affecting base automation, printing, and automation equipment accounts. Commanders state that shortfalls will "render infrastructure, QOL, and BASOPS(–) non-mission capable."

5. We fully understand that many of our unfunded requirements can only be realized with an increase in the overall funding level for the Department, and we continue to advocate that goal. As part of our assessment, we have identified those UFRs requiring funding by way of Funding Letter inserts as well as other critical UFRs to be worked through the year of execution. Those items requiring additional funds within our funding letter include: Food Services and Dining Facility Operations—$10.1M; AC/RC Support—$15.6M; AC/ARNG Integrated Divisions—$4.1M; Digital Training—$18.5M; Force Modernization—$18.6M; and Commercial Activities Studies—$3.2M.

6. Our Executive Agent role in the DCSC4 areas demands intense management as we act on the Army's behalf. To resource the requirements of these missions in FY 99 will require: an additional $26.3M in funding letter inserts for Long Haul Commo; $14.1M for sustainment of the new Command and Control Protect mission; and $1.7M for support of the Defense Red Switch Network. In addition, we request that Europe's portion be provided to them as was done in the POM.

7. AC/RC Support (Training Support XXI) continues to be significantly underfunded as we transition into the new Support to Operational Training Functional Area Assessment (SOT–AA) Integrated alternative structure. This structure will be fully staffed in FY 99 after a ramp-up year in FY 98. The funding requirement is inherently heavy in TDY, as observer/controllers/evaluators and other training assistance personnel must travel to the associated RC units and training sites. We are concerned about our ability to fully perform this growing mission. In addition, the new AC/ARNG Integrated Divisions that will begin to stand up provisionally on 1 October 1998 are unfunded in FY99. These shortages are particularly acute in the context of our stated commitment to the Total Army.

8. As we move toward fielding a digitized force, we need resources for robust digital training events and associated training infrastructure upgrades. Funding tails become major cost drivers as the Army moves from Advanced Warfighting Experiments (AWE) and applique to equipping and training the digitized force. Insufficient funding continues to delay modernization of many training support facilities. The TRM process needs to better resource training support infrastructure such as ranges, simulation facilities, transportation networks to/from/in and around ranges, targetry, and maneuver boxes.

9. My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they can not meet the daily challenges of the three imperatives of readiness: training, QOL, and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk. We must have additional funding for FY 99 and beyond.

DAVID A. BRAMLETT,
General, USA,
Commanding.

Mr. MCCAIN. He ends up by saying:

> My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they cannot meet the daily challenges of the three imperatives of readiness: Training, QOL [meaning quality of life], and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

It is a very, very strong statement, Mr. President. I have been associated with the military all my life, and I have not seen quite that strong a statement or a stronger statement than that from one of our commanders in the field.

The Air Force's 1st Fighter Wing, with primary responsibility for the Middle East, has experienced a prolonged period of declining preparedness, as squadrons are forced to deploy at physically and mentally exhausting rates while spare parts shortages result in the cannibalization of fighters from one squadron to ensure another can deploy on schedule.

Naval aviators have stated to Armed Services Committee members and staff that the frequency of deployments has placed excessive stress on their personal lives, with the result that many are leaving the service for higher paying, less stressful jobs with the commercial airlines. That operational tempo is a direct result of the convergence of shrinking force structure and increased deployments to overseas contingencies.

The commander of the 3rd Fleet, Vice Adm. Herbert Browne, testified before the Readiness Subcommittee that the shortage of skilled personnel has resulted in crossdecking, which places enormous additional stress on those personnel remaining in the service. "Crossdecking," Mr. President, means when a ship comes back from a deployment, the personnel of that ship, rather than being allowed to come home, then move to another ship that is headed out on another deployment—an absolutely unacceptable practice.

During the same hearing, the commander of an Air Force fighter wing operations group testified that his unit's full mission capable rates have consistently dropped from 90 percent in 1993, to 80 percent in the 1995 time frame, down to 70 percent for the present.

Radar and jet engine mechanics told ABC News reporters of their growing frustration with shortages of spare parts to repair aircraft and of the exodus from the service of skilled mid-level maintenance people, with the result that aircraft sit idle and less skilled personnel are assigned vital maintenance and repair work. On the same broadcast, the commander of Air Combat Command stated that his command has "suffered about a 10 percent to 12 percent decline in the average readiness of our fleet from day-to-day."

In a June 1998 letter from Admiral M.G. Mullen, Director of Surface Warfare Division on the Chief of Naval Operations staff wrote to every surface warfare commanding officer soliciting ideas to turn around retention amongst surface warfare junior officers. In his letter he wrote, "I can also tell you we are only retaining about 1 in 4 and we must keep 1 in 3 to develop the leaders our Navy needs."

In a San Diego Union-Tribune article on September 2, 1998 during an interview with Admiral Clemins, Commander-in-Chief of the Pacific Fleet, it was reported that the Navy is short 18,000 sailors, forcing the Navy to send many warships including carriers to the Persian Gulf at a reduced level of readiness, specifically a C–2 rating, only the second highest level of readiness.

According to a 1998 article in the Army Times, the mission of the Army has increased by 300 percent since 1989, yet its active duty force has declined by 36 percent and its budget by 40 percent. These facts have resulted in a severe decrease in the level of operational readiness for the service and led former Assistant Vice-Army Chief of Staff of the Army Lieutenant General Jay Garner to describe divisions as "hollow."

Colonel Stephen E. Bozarth, Commander of the 388th Operations Group, testified before the Readiness Subcommittee that although the current experience level of the pilots of the Wing is 77 percent, it is expected to degrade over the next 18 months to approximately 50 percent. Such a loss in experience results in not only untrained personnel fulfilling necessary pilot positions but also an inadequate number of people to train these individuals. Moreover these losses necessitate that pilots who choose to remain in the service work longer and harder hours, thus creating a serious strain on morale.

Vice Admiral Browne also testified this year that inadequate fuel supplies are depriving pilots of strike fighter jets the flight hour training necessary for familiarization of the aircraft. Lack of such training will result in the substandard performance of these men and women in the multi-threat environment in which they currently operate.

The commander of the Air Warfare Center (AWFC), Major General Marvin Esmond, testified before the Readiness Subcommittee that those under his command have experienced a six month slip in skill improvement due to delays in specialized training. Such delays are a direct consequence of a lack of manpower. This loss in personnel has also required that the servicemen and women work 60–65 hours per week as well as 12 hour duty shifts.

Major General Ronald Richard, Commanding General of the Marine Corps Air Ground Combat Center, voiced concerns over equipment readiness to the Readiness Subcommittee. According to the general, a majority of his equipment is "getting exceedingly old," a fact which has led to increased maintenance as well as excessive expenditure.

In order to understand the issues involved, it is necessary to understand just how difficult it is to achieve the level of military preparedness we enjoyed during Desert Storm. Military preparedness is the product of readiness and sustainability, the former referring to the ability of forces to go to war on short notice, the latter the ability to support them in the field. Preparedness is not just a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel. It is not simply a matter of funding superior weapons and munitions, strategic mobility and prepositioning, high operating tempos, realistic levels of training at every level of combat, or logistics and support capabilities.

Military preparedness is all these things and more. A force begins to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technological edge in Desert Storm would have been meaningless if we did not have properly trained men and women. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The preparedness problem within the military is compounded by both the "can do" attitude of the military and the history of military readiness reporting. On the one hand, our men and women in uniform have a history of making do, of adjusting to civilian decisions, and working out potential solutions even at the cost of assuming higher risks. An example of this is the continued practice of the Marine Corps to retread the tires of the humvees (HMMVV's) and five-ton trucks of the First and Second Marine Expeditionary Forces.

On the other, we have been very slow to modernize and integrate our various measures of effectiveness, to independently audit command reporting, and to adopt modern management information systems. Time and again, we have learned that our readiness measures are unrealistic or fail to anticipate real-world demands on readiness funds and budget cuts. Time and again, we have seen peacetime claims of "can do" turn into wartime realities of "can't fight."

Mr. President, in mid-July I sent letters to each of the Service Chiefs expressing my concern about the military's overall state of readiness. In order that I might gain a better understanding of current readiness and readiness trends in the military, I asked each Service Chief to provide detailed answers to questions by September 30, 1998, from all levels within the military and not just the typical Pentagon talk that we have become used to during the multitude of hearings that surround the defense budget cycle. In addition, I requested that the responses to the questions also include an assessment of National Guard and Reserve readiness. Mr. President, I intend to share these answers with my colleagues and make them widely available to the public. It is critical that not only Members of Congress, but all Americans should be fully informed on the state of our military so that they can participate in any discussions in the near future to add money to the defense budget and reprioritize critical resources within the military.

Very often, those who question the Administration's commitment to maintaining proper levels of military preparedness are accused of exaggerating the scale of the problem through the random marshaling of anecdotal information. These criticms, to say the least, are without merit. If a pattern of evidence cannot be seen as leading to a logical conclusion, then the basis for rational, objective intellectual discourse is thoroughly discredited. This "anecdotal evidence" increases every year, is discovered through visits to the field to meet with military personnel of all ranks, through congressional hearings, media reports and scholarly studies, and is beyond dispute.

My President, this will be as true in the future as it was during Desert Storm, and it has been true throughout the history of warfare. As Sun Tzu pointed out over 2,000 years ago, "It is a doctrine of war not to assume the enemy will not come, but rather to rely on one's readiness to meet him. It is a doctrine of war not to presume that he will not attack, but rather to make one's self invincible."

I make those statements concerning military readiness in the context of what is happening in the world today. When you glance around the globe you find that there is a potential trouble spot in literally every continent of the world with the exception of the two poles and perhaps Australia. We find this situation in Kosovo with ethnic cleansing where our Secretary of State, several months ago said, and I believe the quote is accurate, "We will not allow the Serbs to do in Kosovo what we prevented them from doing in Bosnia." The last time I checked, Mr. President, they were doing quite a bit of ethnic cleansing in Kosovo, and the situation continues to worsen.

In Iraq, we have gone from a position where our Secretary of State said we would respond with military force if Saddam Hussein refused to allow our U.N. inspectors access to any installation that they desired—would be met with military force. Now, according to Scott Ritter and other reports, the administration has been encouraging UNSCOM not to inspect.

The situation in Asia is serious. Riots are taking place in Indonesia as we speak. The nation that the World Bank a year and a half ago did a study on as a model nation for economic development, now had the privilege of seeing its President go on nationwide television in Indonesia and recommended that the Indonesian people not eat 2 days a week because of food shortages.

We have seen the administration surprised by the nuclear tests conducted by both India and Pakistan.

We have now apparently circumstantial evidence that technology was transferred to China, which either marginally or substantially, depending on which expert you talk to, increased the precision targeting capability of Russian ICBMs until recently, 12 of which were targeted on the United States of America—now are not—but in a matter of seconds could be retargeted.

Mr. President, I could go on. But the fact is that the world is a very tough neighborhood and requires a tough cop. The cop is now not on the beat and bad things are happening all over the world, which makes it even more likely that we may have to call upon the United States of America to again expend its blood and treasure somewhere in the world. The very least we can do is make sure that those men and women who we have to send somewhere are the best equipped and trained as we possibly can make them. What I greatly fear is that we may have to send them less than well prepared, less than ready, and less than well equipped, which then leads to the inevitable consequence of casualties that are unnecessary and tragic.

Mr. President, I intend to talk more on this issue. I think it is an important one. I also remind my colleagues that we—the traditional protectors of the military—have an obligation to address this issue as well as the administration. Mr. President, I thank the Chair for his patience and for presiding at this late hour.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY READINESS

Mr. SESSIONS. Mr. President, I appreciate the remarks of Senator McCAIN from Arizona. He is a true American patriot, an academy graduate, a former fighter pilot, a prisoner of war, a person who has been a leader in this body in matters of defense. A few days ago, a Senator from the other side, Senator LIEBERMAN, made a seminal address on the need for morality, integrity and honesty in public leadership, and by the President in particular.

Senator McCAIN's remarks, in my opinion, are equally as important. He has said some things, as a conscience of this body, on defense matters that we ought to listen to, and I am hearing it repeatedly from people I know in the military services who are concerned about the erosion of our national defense. I join with him in those concerns. I appreciate him sharing it with us, and I hope he will continue to speak out in this body as eloquently as he does on these important issues.

CHILD CUSTODY PROTECTION ACT

Mr. SESSIONS. Mr. President, I rise today in support of the Child Custody Protection Act. Senator Spencer ABRAHAM of Michigan has previously spoken on this matter, just a few minutes ago. I have been honored to be a cosponsor of that legislation with him from the beginning and to participate in a number of different activities that he has led to try to call this legislation to the attention of the people of America, and to do what we can to see that it is brought up for a vote in this body, and to pass this legislation.

It appears to me that this legislation would be difficult for most anybody to oppose. The issue of abortion has divided our country for many years now. But the issue we are considering today is not whether abortion should be legal or not. The Supreme Court, in my opinion, erroneously took that issue away from the people, ripped it out as a matter for the democratic process, and decided and declared that the Constitution prohibits the limiting of abortions, except in certain circumstances.

But even the Supreme Court has made it clear that it is proper for a State to declare that an abortion should not be performed on a minor child unless the parents are consulted. Certainly, they have to be consulted about minor surgery—and they are consulted by their school principals and teachers if they are even given Tylenol. To perform an abortion without parental consent is a very dramatic interference in family and parental relationships that many States have decided to protect. Even our Supreme Court, which has ruled erroneously, in my opinion, in a number of different ways on this issue, has approved that.

We have now discovered that there is a problem. We have discovered that people are taking children across State lines, from one State where parents have to be notified—third parties are intervening in the family relationship and are taking children across to another State that doesn't have that law, for the purpose of having an abortion performed on them.

In my view, the right of parents to be involved in these major decisions affecting their minor children is a fundamental thing and ought not to be lightly transgressed. State parental consent and notification statutes are an important protection for fundamental parental rights. Let me say that the issue before us today is not whether States should have such laws—some do, some don't—the issue before us today is whether we will allow these important and clearly constitutional State laws to be circumvented.

The purpose of this bill is simply to preclude some third party from trampling on the rights of parents by advising a minor child to have an abortion, and then assisting them by taking them across a State line to a State where they can have one.

This legislation before us today would forbid a third party from transporting a minor child across the State line for the purpose of an abortion, without the parent's knowledge or consent, in order to evade compliance with the law of the State where the parent and child reside. This is hardly a radical or extreme proposal, and the bill is necessary. It is constitutional and it is carefully and narrowly drawn.

Senator ABRAHAM has done a superb job in drafting this legislation. He has listened to those who have expressed concerns about it, and he has constantly revised and improved it. It is an exceptionally fine piece of legislation, in my opinion.

Mr. President, let me say that I believe this bill is necessary. In the Judiciary Committee hearing we had, we heard horrible stories. One involved Joyce Farley's 13-year-old daughter and one involved Eileen Roberts' 14-year-old daughter. In both cases, these young girls were secretly transported across the State line by adults seeking to hide the fact of the pregnancy from the children's parents. In both of these cases, these young girls were taken from a State that had a parental consent statute to one that did not. In both of these cases, the young girls suffered serious complications from these legal, but botched, abortions.

Parenthetically, Mr. President, let me state that recently in the New York Times there was an op-ed piece by a former abortion doctor who, according to the first paragraph in the article, had performed 45,000 abortions. He said that, for a number of reasons, parents ought to be involved in these decisions, and that parental notification laws are correct, and that the pro-abortion forces undermine their own efforts and their credibility when they oppose them. He pointed out that children should be consulting with their families for these kinds of situations.

And from a medical point of view, he pointed out that when a child is transported a long distance to a medical center to have an abortion, perhaps she has not had good adult advice as to whether or not that is a good doctor or clinic. When she goes there, she is then returned at a long distance to the home of her parents. Many times, he noted, there are complications. Parents need to be aware and to be watching the child to help her if complications occur. And he said return visits to the abortion clinic for checkups are little done when a child has a long distance to go back to the clinic. So for health and medical reasons, he believes that children ought to consult with and have the approval of their parents before they obtain abortions. Of course the laws of each of those States—and the Supreme Court rulings—require that there be an option for a child who is pregnant to go to court and get an order for an abortion without notifying a parent. So there is an option, required by the Supreme Court decisions.

Mrs. Farley testified that her daughter was taken out of state for an abortion by one Rosa Marie Hartford. Ms. Hartford was actually the mother of the 18-year-old young man whose statutory rape of the then-12-year-old girl is what caused the pregnancy. In other words, the woman was trying to cover up the criminal activity of her son. The son later pled guilty to statutory rape.

The attorney general for the Commonwealth of Pennsylvania testified concerning his efforts to prosecute Mrs. Hartford under state law for interfering with the custody of a minor. Those efforts may or may not ultimately prove successful. Attorney General Fischer testified concerning the difficulties of pursuing such a case under state law, and strongly recommended passage of this bill.

This issue does not involve a few isolated cases. An attorney for the Center for Reproductive Law and Policy, has acknowledged this. Attorney Kathryn Kolbert stated, and I quote: "There are thousands of minors who cross state liens for an abortion every year and who need assistance from adults to do that." We have seen several examples of abortion clinics which openly place advertisements in the yellow pages in nearby states that have parental consent statutes. These advertisements proudly proclaim: "No parental consent."

Thus, these clinics are openly encouraging the evasion of state laws, and something needs to be done about it. Because of the interstate nature of this problem, a Federal solution is required.

This bill is constitutional. As I have stated earlier, the Supreme Court has upheld the types of state parental notification and consent laws that this bill would help to bolster. It is specious to suggest that this bill would unduly burden the right to an abortion. The bill does nothing more than prohibit the evasion of constitutional state statutes.

This bill is a valid and appropriate exercise of Congress's authority under the Commerce Clause.

I was a Federal prosecutor, Mr. President, for nearly 15 years. A long-term Federal statute is the Mann Act. It has for many years—many years back, I think, since 1913—prohibited the interstate transportation of women or girls across State lines for prostitution or other immoral purposes. That is a Federal law. The constitutionality of the Mann Act has been upheld by the Supreme Court since the early 1900s. It is a very close analogy to the Child Custody Protection Act, which would preclude the transporting of minor girls across State lines to evade State parental involvement laws. Any constitutional objections to this bill, in my opinion, would be without merit and would certainly fail.

Also, this bill is very narrow in its scope. It does not prohibit interstate abortions. It does not invalidate any state laws. It does not establish a right to parental consent for residents of any state that does not already have a parental consent law. It doesn't even attempt to regulate the activities of the pregnant minor herself. It only reaches the conduct of outside parties who wrongfully usurp the rights of parents that are guaranteed by state law.

Some suggest that the bill should be narrowed further, to exempt the interference with parental rights, if the adult is a relative of the child, they could interfere with the parents' rights. I would disagree with that.

This bill would not prevent the minor from seeking counsel from an aunt or grandmother or anyone else. It would prohibit aunts and grandmothers from violating the rights of the child's parents by secretly driving the youngster to another state for an abortion without telling the parents. I personally wonder whether it might be worse to have a grandmother or an aunt interjecting themselves in between the parent and the child, than to have some stranger do it. The result is the same. It is the same. It is the parent who has the responsibility, who brought the child into the world, and who has raised the child. The destructive impact on the family could be greater in that case.

In any event, the grandmother isn't the parent, and the aunt isn't the parent; and neither relative nor stranger should have the right to circumvent parental involvement statutes.

If a well-meaning grandmother wants to be helpful, in most situations she should encourage the child to confide in her parents. In the rare circumstances where that would not be appropriate, and the child is intent on obtaining an abortion, the judicial bypass procedure could be used.

That is, a child could go to a court, and the abortion could be authorized by the judge. The child could go to court in those circumstances.

In summary, this bill is narrowly crated, it is well written, it is necessary, and it is constitutional. The House of Representatives passed this bill with a strong bipartisan majority of 276 to 150. I urge my colleagues to do likewise.

We need to ensure this bill receives a vote on the merits. We are apparently going to have to invoke cloture to even get it up for a vote. There is a strong determination—I consider it an extreme commitment—to support anything that favors abortion by too many Members of this body.

This is a reasonable bill. This is a fair bill. It is an appropriate action by the Congress of the United States involving interstate commerce. As a Federal prosecutor, I prosecuted those who transported stolen motor vehicles—ITSMV, Interstate Transportation of Stolen Motor Vehicles, stolen property, lots of those kinds of cases. This is one type of case that is quite appropriate for us to legislate on.

I hope that every Member of this body will vote for it. It ought to pass overwhelmingly. It is good public policy.

I, again, congratulate Senator Abraham for his determined and skilled legislative leadership in crafting and presenting this outstanding piece of legislation.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 9, 1998, the federal debt stood at $5,548,476,705,773.12 (Five trillion, five hundred forty-eight billion, four hundred seventy-six million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents).

One year ago, September 9, 1997, the federal debt stood at $5,408,443,000,000 (Five trillion, four hundred eight billion, four hundred forty-three million).

Five years ago, September 9, 1993, the federal debt stood at $4,389,196,000,000 (Four trillion, three hundred eighty-nine billion, one hundred ninety-six million).

Ten years ago, September 9, 1988, the federal debt stood at $2,600,050,000,000 (Two trillion, six hundred billion, fifty million).

Fifteen years ago, September 9, 1983, the federal debt stood at $1,354,932,000,000 (One trillion, three hundred fifty-four billion, nine hundred thirty-two million) which reflects a debt increase of more than $4 trillion—$4,193,544,705,773.12 (Four trillion, one hundred ninety-three billion, five hundred forty-four million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents) during the past 15 years.

DOING THE SENATE'S BUSINESS—THE NEED FOR A TWO-TRACK SYSTEM

Mr. KENNEDY. Mr. President, the Majority Leader has told us that there is no time left in this session to work on legislation which can improve the quality of life for most Americans. But there is time. As the Minority Leader has noted several times, there is time every evening after the day's work is completed when we can work a second shift.

The so-called "two-track" system has not been an uncommon practice in the Senate. More than a dozen times in the last 13 years, this body has worked well into the evening on legislation separate from that which it worked on during the day in an effort to get the job done. I ask unanimous consent that the 14 excerpts from floor speeches which refer to this practice be printed in the Record. These are examples initiated by Republicans and Democrats, majority and minority.

We have the opportunity to pass legislation which will make a positive impact on the lives of millions of Americans. We should not let this chance pass us by.

There being no objection, the material was ordered to be printed in the Record, as follows:

[144 Cong Rec S 5400, *S5400; May 22, 1998]

Mr. Lott. I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

[141 Cong Rec S 12676, *S12677; Sept. 6, 1995 (Legislative day of Sept. 5, 1995)]

Mr. Dole. I think we have now completed action on seven appropriations bills. There are no other appropriations bills now ready for consideration. We may try a two-track system—I will discuss that with the Democratic leader—so we can keep abreast of the House on appropriations bills and have all appropriations bills in the President's hands by October 1.

So it may mean some late, late, late evenings. But we will try to accommodate major concerns that many Senators have from time to time.

[141 Cong Rec S 5303, *S5303; April 6, 1995 (Legislative day of April 5)]

Mr. Daschle. What I hope we might be able to do, perhaps, is to maybe run two tracks, get some debate and offer some of these amendments. We could maybe work out some short time agreements and have a good debate, rather than just putting the Senate in a quorum call, and then work simultaneously to see if [*S5304] we might not be able to address some of these concerns.

[135 Cong Rec S 13040, *S13040; October 12, 1989 (Legislative day of Sept. 18)]

Mr. Mitchell. That is precisely my intention; that if we reach 2 p.m. Wednesday without having completed action on the flag amendment, we will return to that following the presentation of arguments by the impeachment managers and Judge Hastings and his counsel on Wednesday, back to it on Thursday and continue on a double track, so to speak, until such time as we do complete action on that.

[134 Cong Rec S 5258, *S5258; April 29, 1988 (Legislative day of April 28)]

Mr. Byrd. So, at least until next Wednesday, I will say that the Senate will be on other very important business, the DOD authorization bill. If that bill is not finished by the conclusion of business on Tuesday, and by that time it appears that the Senate is ready to go forward on the treaty, then Senator Nunn has indicated a willingness to either set the DOD authorization bill aside and take it up following the action on the treaty or, as I suggested to Senator Dole, Senator Nunn, Senator Boren, and Senator Pell, perhaps for a day or two we could proceed on a two-track basis, get work started on the treaty, and finish the work on the DOD authorization bill. We can make that decision as of next Wednesday.

[134 Cong Rec S 2818, *S2833; March 23, 1988 (Legislative day of March 21)]

Mr. Simpson. Mr. President, there has been discussion in the past, and it was certainly the majority leader's duty to move legislation, when it was felt several times that there would be a filibuster unless the majority leader felt it necessary to file a motion for cloture on the first day that the bill came up. This is not a criticism. That happened several times. We did our business. When that came up, we had a double track. We handled the immigration bill and we handled the oversight legislation on intelligence. We did our business. There was nothing inappropriate about that. But finally there were those who said we are unable to put in nongermane amendments.

[134 Cong Rec S 1678, *S1679; March 2, 1988]

Mr. Simpson. Mr. President, I would inform the majority leader that I think the aspect of the cloture vote does impel us to do our work, and we are going to do that. I think it would be good if the majority leader and I visited about what we visited about last night. I think perhaps we might be in a position to utilize the services of the new committee, the ad hoc committee, for the referral of a sense-of-the-Senate resolution which could be discussed today, and I would like to visit with the majority leader about that. We have been asked to appoint one new member. I am ready to do that. That group would then deal with the rules issues that we discussed. Then we could go on a double track for the intelligence authorization and then get to Price-Anderson and be dealing with it and have it as the pending item of business when we return, because it is a very important piece of legislation.

[133 Cong Rec S 8426; June 23, 1987]

Mr. Byrd. Mr. President, later this afternoon I hope to offer the omnibus trade bill. I would like to get it before the Senate later today for opening statements. On tomorrow, then, following the conference report on the budget action, the Senate would return, probably, to the trade legislation. I remind all Senators that I indicated last week that we will be operating on at least a two-track system here for the next few days. The campaign finance reform bill will still be around. The trade legislation will be up. We will have to take action on the conference report on the budget.

[133 Cong Rec S 8493; June 23, 1987]

Mr. Byrd. The Senate will operate on a two-track system, under the consent order that was entered. It gives the majority leader at any time the consent to go to the trade legislation—the omnibus bill, or the bill that was reported out of the Finance Committee. I have chosen to proceed with the omnibus approach. That was the approach that was discussed for months, and committee chairmen have acted accordingly. They have been dutiful in reporting out the legislation.

So, beginning on tomorrow, there will be longer days and shorter nights, in contrast to the natural seasons of the year.

[133 Cong Rec S 8363; June 19, 1987]

Mr. Byrd. So by the middle of next week, certainly, I expect us to be on the trade legislation. We will have a two-track system. We will work on trade during the early part of the day up into the midafternoon or a little later than midafternoon. Then we will go to campaign financing reform. I would like to retain the flexibility to switch that mode, but that is my present plan, to go with trade first, then campaign financing reform. We can shift that, of course.

[131 Cong Rec S 14042; October 24, 1985 (Legislative day of October 24, 1985)]

Mr. Heflin. Mr. President, if the majority leader will yield, is it the majority leader's intention to stay with the farm bill until it is disposed of or to lay it aside, double track it with other measures? I do not mean to ask for a hard and fast answer. But is it the overall intention to dispose of the farm bill on a priority basis over other pending legislation which we have half done or partially done.

Mr. DOLE. The Senator is correct. It might be, if we can reach an agreement on reconciliation, we might have to interrupt discussion of the farm bill, say, Wednesday or Thursday of next week, and it could result if we cannot get an agreement, we could have 100 and some votes under the reconciliation process, but I do believe that with that one caveat, and again there is always a possibility that the textile amendment should come off reconciliation, there might be some agreement to offer it to some other bill, but the general intention is to finish the farm bill, and I know it is very important to farmers just as it was in July when we tried to bring it up.

[131 Cong Rec S 13169; October 10, 1985
(Legislative day of Sept. 30, 1985)]

Mr. DOLE. Mr. President, as I have indicated, we will have a pro forma session tomorrow, convening at 9:30 a.m.

On Tuesday, October 15, 1985, the Senate will convene at 10 a.m. Under the standing order, the two leaders will be recognized for 10 minutes each. There is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for 15 minutes. That will be followed by morning business, not to extend beyond the hour of 11 a.m.

Mr. President, following morning business, the Senate will turn to any appropriations bills which have been cleared. No votes will occur during the Tuesday session.

Mr. President, if we can work it out between the majority leader and the minority leader, I hope we can double track with appropriations bills in the morning and reconciliation in the afternoon. We have gotten behind, not just because of the debt limit but other internal controversies over appropriations bills.

[131 Cong Rec S 9060; July 8, 1985]

Mr. DOLE. We will double track, if necessary, to complete the farm bill that week. We will consider the immigration bill, if it is ready for floor consideration, and if we can work out some agreement, that will not take the entire week. In fact, I hope none of these will take the entire week. In addition to that, hopefully the budget resolution will have been resolved. We have a number of nominations that we hope to dispose of by agreement. If not, we hope to move on some of those nominations because there are a number of very important nominations. It is my understanding that the administration is quite concerned, and hopes that we can approve all of the nominations quickly. But as you can see, July is not too heavy of a schedule. [Laughter.] I hope we can work out some other things in the interim. That ought to be a piece of cake.

[131 Cong Rec S 8201; June 17, 1985
(Legislative day of June 3, 1985)]

Mr. DOLE. . . . but if that should come up, hopefully we could double-track there for Wednesday, Thursday, and Friday. I would guess that on Friday we would not be in extremely late that afternoon, but I will attempt to advise the distinguished minority leader prior to the 12 o'clock policy meeting that we have tomorrow.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse."

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building."

H.R. 3109. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building."

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office."

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the "Edgar C. Campbell, Sr. Post Office Building."

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr. Post Office Building."

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H.Con.Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes.

The message further announced that pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Speaker reappoints the following member on the part of the House to the National Skill Standards Board for four-year terms: Mr. William E. Weisgerber of Iona, Michigan.

The message also announced that pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), as amended by section 2 (d) of Public Law 102–586, the Speaker appoints the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. Gordon A. Martin of Roxbury, Massachusetts, to a two-year term.

The message further announced that the House has passed the following bills, without amendment:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, September 10, 1998, by the President pro tempore (Mr. THURMOND):

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES REFERRED

The following concurrent resolutions were read and referred as indicated:

H.Con.Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes; to the Committee on Foreign Relations.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1560. An act requiring the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office"; to the Committee on Governmental Affairs.

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the "Edgar C. Campbell, Sr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2454. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

The following bill was read the first and second times and placed on the calendar:

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6778. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Department of Veterans Affairs" (RIN2900–AE64) received on September 2, 1998; to the Committee on Veterans' Affairs.

EC–6779. A communication from the Secretary of Defense, transmitting, notice of a routine military retirement; to the Committee on Armed Services.

EC–6780. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on an event based decision made for the F–22 aircraft program; to the Committee on Armed Services.

EC–6781. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on United States contributions to international organizations for the fiscal year 1997; to the Committee on Foreign Relations.

EC–6782. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–116–98–130); to the Committee on Foreign Relations.

EC–6783. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Trademark Trial and Appeal Board Rules" (RIN0651–AA87) received on September 2, 1998; to the Committee on the Judiciary.

EC–6784. A communication from the Information Officer of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's report under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–6785. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision to the Definition of an Unemployed Parent" (RIN0938–AH79) received on September 2, 1998; to the Committee on Finance.

EC–6786. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering Regulations for the United States Savings Bonds, Series I" (Code 4810–39P) received on September 2, 1998; to the Committee on Finance.

EC–6787. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due, Legally Enforceable Nontax Debt" (RIN1510–AA62) received on September 2, 1998; to the Committee on Finance.

EC–6788. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Offset—Collection of Past-Due Support" (RIN1510–AA58) received on September 2, 1998; to the Committee on Finance.

EC–6789. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 98–43) received on August 28, 1998; to the Committee on Finance.

EC–6790. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 98–45) received on August 28, 1998; to the Committee on Finance.

EC–6791. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expensing of Environmental Remediation Costs" (Rev. Proc. 98–47) received on August 28, 1998; to the Committee on Finance.

EC–6792. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Income of Participants in Common Trust Fund" (Rev. Rul. 98–41) received on September 2, 1998; to the Committee on Finance.

EC–6793. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner" (Docket 18464–92) received on September 2, 1998; to the Committee on Finance.

EC–6794. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Barry I. Fredricks v. Commissioner" (Docket 16442–92) received on September 2, 1998; to the Committee on Finance.

EC–6795. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: McCormick v. Peterson" received on September 2, 1998; to the Committee on Finance.

EC–6796. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution of Stock and Securities of a Controlled Corporation" (Rev. Rul. 98–44) received on September 2, 1998; to the Committee on Finance.

EC–6797. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Designated Private Delivery Services" (Rev. Rul. 98–47) received on September 2, 1998; to the Committee on Finance.

EC–6798. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Forms and Instructions" (Rev. Proc. 98–49) received on September 2, 1998; to the Committee on Finance.

EC–6799. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollover of Gain From Qualified Small Business Stock to Another Qualified Small Business Stock" (Rev. Proc. 98–48) received on September 7, 1998; to the Committee on Finance.

EC–6800. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits" (RIN1545–AV95) received on September 7, 1998; to the Committee on Finance.

EC–6801. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities" received on September 2, 1998; to the Committee on Finance.

EC-6802. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dollar-Value LIFO Bargain Purchase Inventory" received on September 2, 1998; to the Committee on Finance.

EC-6803. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Covenants Not to Compete" received on September 2, 1998; to the Committee on Finance.

EC-6804. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dollar-Value LIFO Segment of Inventory Excluded From The Computation of the LIFO Index" received on September 2, 1998; to the Committee on Finance.

EC-6805. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities" received on September 2, 1998; to the Committee on Finance.

EC-6806. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's report on the processing of continuing disability reviews for fiscal year 1997; to the Committee on Finance.

EC-6807. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Harvest Information Program; Participating States for the 1998-99 Season" (RIN1018-AE96) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6808. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "1998-99 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AE68) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6809. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Captive-Bred Wildlife Registration—Final Rule" (RIN1018-AB10) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6810. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Illinois Cave Amphoid as Endangered" (RIN1018-AE31) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6811. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding guidelines for using probabilistic risk assessment in risk-informed decisions on plant-specific changes to the licensing basis of nuclear power plants (Guide 1.174) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6812. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nuclear Criticality Safety Standards for Fuels and Material Facilities" (Guide 3.71) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6813. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Applications for Sealed Source and Device Evaluation and Registration" (NUREG-1556) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6814. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Reports of Building Project Survey for Springfield, MA, Biloxi-Gulfport, MS, Eugene, OR, and Wheeling, WV; to the Committee on Environment and Public Works.

EC-6815. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate" (FRL6154-5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6816. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors" (FRL6017-8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6817. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation; Administrative Amendments" (FRL6155-5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6818. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District" (FRL6138-8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6819. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Illinois" (FRL6152-5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6820. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana: Reasonable Available Control Technology for Emissions of Volatile Organic Compounds from Batch Processes" (FRL6156-3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6821. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills" (FRL6155-9) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6822. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Characteristic Slags Generated from Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Effective Date" (FRL6155-7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6823. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the Air Quality for PM-10 in the Liberty Borough, Pennsylvania Area" (FRL6149-3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6824. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY1999" received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6825. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of New Jersey; Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program" (FRL6155-8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6826. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acrylic Acid Terpolymer, Partial Sodium Salts; Tolerance Exemption" (FRL6024-1) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6827. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL6156-7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6828. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Chemical Substances; Removal of Significant New Use Rules" (FRL6020-7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC-6829. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Herbicide Safener HOE–107892; Pesticide Tolerances for Emergency Exemptions" (FRL6024–7) received on September 2, 1998; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes (Rept. No. 105–325).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH, from the Committee on Finance:

Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2456. A bill to convert a temporary Federal judgeship in the district of Hawaii to a permanent judgeship, extend statutory authority for magistrate positions in Guam and the Northern Mariana Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property"; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. CRAIG, Mr. CAMPBELL, and Mr. BURNS):

S. Res. 275. A resolution expressing the sense the Senate that October 11, 1998, should be designated as "National Children's Day"; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Con. Res. 116. A concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT AMENDMENT ACT OF 1998''

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of Valoris Carlson of Aberdeen, SD, and the handful of others like her whose lives have been terribly disrupted. This legislation will right a wrong that was not due to any error or deception on Valoris' part, but due to an administrative error by the Railroad Retirement Board [RRB]. In addition, the majority of the Board supports the amendment.

In 1984 Valoris, as the divorced spouse of a deceased railroad employee, applied for a tier I survivor's annuity. The RRB failed to check if a lump sum withdrawal had previously been made on the account at the time of her former spouse's death—even though Valoris clearly stated on her application that there was a surviving widow. In fact, a lump sum payment had been made, but not identified. The RRB began paying Valoris $587 per month in 1984 and continued to pay her benefits for 11 years. In 1994 the RRB discovered that an error had been made over a decade ago.

Subsequently, Valoris was told she was not eligible for the pension she was awarded in 1984. Had the RRB thoroughly reviewed their records, they would have seen that a lump-sum payment had been made on that account. Valoris, who was married for 26 years, lost her eligibility to the widow of the railroad worker who had been married to him for only 3 years. Valoris made an honest application for benefits. The RRB made an error, resulting in 11 years of "overpayments" to Valoris.

These payments affected Valoris' planning for the future. Valoris planned her retirement on that modest sum of $587. Had she been told she was not eligible for benefits, she would have worked longer to build up her own Social Security benefits. Her railroad divorced widow's benefit has been her only steady income. She has picked up a few dollars here and there by renting out rooms in her home, but without her monthly benefit income, Valoris has had a terrible time struggling to make ends meet.

The bill I am introducing today will address the errors made by the RRB that have disrupted the life of Valoris Carlson and others like her. The RRB advises that 15 other widows are similarly situated, and their pensions would also be restored by this bill.

The bill, which was developed with technical assistance from the RRB, would allow the 16 women impacted by the RRB's administrative error to begin receiving their monthly benefits again. It requires them to repay the lump sum, but they are allowed to do so through a modest withholding from their monthly benefit. The RRB could waive the monthly withholding if it would cause excessive hardship for a widow.

According to the RRB, the costs of this legislation would be negligible for scoring purposes.

Mr. President, I will work to enact this legislation as quickly as possible to restore the benefits to those women who are now suffering as a result of the Government's mistakes. It has been four years since these women have lost their retirement income. There is no excuse for further delay in providing these Americans with benefits they were led to expect by the RRB.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Retirement Amendment Act of 1998".

SEC. 2. PROTECTION OF DIVORCED SPOUSES.

(a) IN GENERAL.—Section 6(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(c)) is amended—

(1) in the last sentence of paragraph (1), by inserting "(other than to a survivor in the circumstances described in paragraph (3))" after "no further benefits shall be paid"; and

(2) by adding at the end the following:

"(3) Notwithstanding the last sentence of paragraph (1), benefits shall be paid to a survivor who—

"(A) is a divorced wife; and

"(B) through administrative error received benefits otherwise precluded by the making of a lump sum payment under this section to a widow;

if that divorced wife makes an election to repay to the Board the lump sum payment. The Board may withhold up to 10 percent of each benefit amount paid after the date of the enactment of this paragraph toward such reimbursement. The Board may waive such repayment to the extent the Board determines it would cause an unjust financial hardship for the beneficiary.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to any benefits paid before the date of enactment of this Act as well as to benefits payable on or after the date of the enactment of this Act.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

COLUMBIA RIVER GORGE BOUNDARY ADJUSTMENT ACT

• Mr. GORTON. Mr. President, it gives me great pleasure today to introduce legislation which will correct a long-standing technical error to the Columbia Gorge National Scenic Area Act of 1986.

As those who were around this body over a decade ago remember, the Columbia Gorge Act was a highly complicated and contentious piece of legislation. A great number of impacted citizens made substantial sacrifices to see that this Act which was intended to protect one of the most pristine and magnificent natural resources anywhere in America could become law. Because of the detailed nature and the sometimes convoluted process established under this Act, it is not surprising that a mistake along the lines of what my bill today intends to correct could happen. My legislation simply makes a technical correction to the Gorge Act by excluding approximately 29 acres of land owned by the Port of Camas-Washougal. This area was inadvertently included within the southwestern boundary of the Columbia River Gorge National Scenic Area 12 years ago.

Mr. President, ever since the establishment of the National Scenic Area, the Port of Camas-Washougal has been diligent in its efforts to prove that a small portion of its property was unintentionally included in the Scenic Area. In fact, even before the Gorge Act became law, the Port was successful in getting legislation passed that established the Steigerwald Lake National Wildlife Refuge and reserved 80 acres of this area for its own purposes.

Unfortunately, two years later, Congress in its infinite wisdom located the southwest boundary of the Columbia Gorge National Scenic Area so that approximately 19 of the 80 reserved acres and 10 acres of Port-owned land were included in the National Scenic Area. The legislation I am offering today would exclude these 29 acres under question as Congress had originally intended.

I touched earlier on the Port's diligence in seeing this process through to its completion. Whether it be working with the Washington State Congressional delegation, getting approval from the Columbia Gorge Commission, or convincing originally skeptical segments of the local community, the Port's efforts are proof positive that persistence pays off when it comes to resolving complicated and contentious problems. It also helps to have the facts on your side. And clearly that is what the Port has been demonstrating over the past 12 years.

One concern that was raised in discussions with representatives of a number of interested parties throughout the local southwestern Washington community was the possibility that legislation making a technical boundary change might set a dangerous precedent in which other less deserving boundary change proposals are cavalierly enacted into law. Because of these concerns, I have included a provision in my bill stating in no uncertain terms that is not the intent of this legislation to set a precedent regarding adjustment or amendment of any boundaries of the National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

While the Gorge Act remains controversial within some sectors of my state and is by no means perfect, this legislation represents a special case where it has been clearly proven that the intent of Congress was not being carried out and the enabling statute needed correction. Any further proposals to change boundaries or revisions to the '86 Act will have to stand on their own merits and pass a similar test.

In addition to the Port of Camas-Washougal, I also want to commend representatives of the Columbia Gorge Commission and the Friends of the Gorge for working together with the Port to develop a reasonable solution to this mistake. I also want to thank my two colleagues, Senator MURRAY and Congresswomen SMITH, both of whom also have the pleasure of representing this beautiful area, for their support in this effort. While my legislation is not intended to set any legislative precedents, I do hope the positive process by which it was developed will foster further consensus building efforts throughout the local community.•

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property"; to the Committee on Energy and Natural Resources.

MORRISTOWN NATIONAL HISTORICAL PARK LEGISLATION

Mr. TORRICELLI. Mr. President, today with Senator LAUTENBERG I introduce legislation to preserve land on which our nation was forged. During the harsh winter of 1779–1780 the Continental Army, and its leader, General George Washington camped at Morristown, New Jersey.

Washington chose Morristown for its logistical, geographical, and topographical advantages and also because of its close proximity to British-occupied New York City. Washington and his men encountered great hardships here, as the winter of 1779 was the worst winter here in over 100 years.

When soldiers first arrived at Morristown, they had no choice but to sleep out in the open snow as it took most about two to three weeks to build wooden huts to hold groups of a dozen men. The last of the Continental Army, however, did not move into the huts until the middle of February, and conditions were so bad that many soldiers stole regularly to eat, deserted, or mutinied. Only the leadership of General Washington held the Continental Army intact, enabling him to plot the strategy for the coming spring that would turn the tide of the war.

Through the preservation of this site, we honor the men who served at Morristown and fought for our independence. And more than that, we preserve the best classroom imaginable to understand how our nation was born.

Recognizing the importance of this site, Congress created the Morristown National Historical Park in 1933, the first historical national park in the National Park System.

In the years since the establishment of the park, however, New Jersey has undergone a revolution of another sort: from Garden State to Suburban State. In 1959, there were 15,000 farms in New Jersey covering 1.4 million acres. Today, there are 9,000 farms on 847,000 acres, a 40% decrease. In New Jersey, as much as 10,000 acres of rural land is being developed every year.

North-central New Jersey and the area around the park has not been spared from this development. Much of the private land adjacent to the park has been subdivided and developed for residential use. Many of these residences are visible from park areas, altering the rural character of the park and diminishing the visitor's experience of the park's historic landscape.

The legislation we are introducing today will help preserve the natural environment of the Park by authorizing the Park Service to expand the boundary of the park to include the 15-acre

Warren property on Mt. Kemble Ridge. Specifically, our legislation authorizes the Secretary of the Interior to acquire through purchase, purchase with appropriated funds, or donation, the Warren Property. This acquisition will prevent this land, where patriots made their camp during the winter of 1779–1780, from being re-zoned and subdivided for residential development.

The National Park Service strongly supports this legislation. NPS Deputy Director, Denis Galvin, recently testified in support of legislation to acquire the Warren Property before a House National Parks and Public Lands Subcommittee hearing on March 26, 1998. This important parcel of land has been classified as "desirable for acquisition" by the National Park Service since 1976.

In addition, the property's owner, Jim Warren, is a willing seller and interested in seeing the property preserved as part of Morristown National Historical Park. Acquisition of the Warren Property for inclusion in the park would ensure that the character of the park's historic landscape is not further degraded.

Unfortunately, there are historic sites in my home state of New Jersey and across our country that need to be preserved. It is my hope that through this effort, the Morristown National Historical Park and sites like it across the country will be preserved for generations to come so that the history of our country and its guiding principles will remain alive in the hearts of all Americans.

• Mr. LAUTENBERG. Mr. President, today I wanted to announce that I am cosponsoring legislation authorizing the National Park Service to acquire and add lands to the Morristown National Historical Park. The Morristown National Historical Park is an important Revolutionary War site and this bill would authorize the Park Service to acquire lands from a willing seller to prevent the encroachment of modern residential and commercial development in an effort to preserve the visitor's experience of the park's historic landscape and enable the park to retain its rural character.

The Morristown National Historical Park was established in 1933 and hosts approximately 550,000 visitors a year. The park preserves the sites that were occupied by General George Washington and the Continental Army during this critical period where he held together, during desperate times, the small, ragged army that represented the country's main hope for independence. General Washington chose the area for its logistical, geographical, and topographical military advantages, in addition to its proximity to New York City, which was occupied by the British in 1779. The site proposed for acquisition would be a 15 acre parcel near the Jockey Hollow Encampment Area of the park and prevent further degradation of the parks vistas.

I invite my colleagues to join me in support of this legislation which will ensure that an important historical site for New Jersey and the nation is protected.•

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

PRIVATE RELIEF LEGISLATION

• Mr. SPECTER. Mr. President, although it is late in the session, I am introducing legislation to rectify a problem facing one of my constituents, Mr. Paul Finnerty of Scranton, and his wife concerning his federal retirement benefits. It is necessary for Congress to become involved in this case because Mr. Finnerty has exhausted administrative relief and lost an estoppel claim in the 3rd Circuit Federal Court of Appeals, which ruled that "regardless of the possibility of agency error in this case, we have no authority over the disbursement of funds that has been assigned by the Constitution to Congress alone."

I am advised that Mr. Finnerty and his wife are entitled to employee and spousal annuities based on his more than 30 years in the railroad industry. They were misinformed by federal employees as to the actual retirement benefits they would receive and relied to their detriment on the higher figure in deciding that Mr. Finnerty should retire in 1993. Specifically, there is documentation which reflects the failure of the Scranton Field Office of the Railroad Retirement Board to advise Mr. Finnerty appropriately regarding the impact of a statutory maximum of $1200/month in retirement benefits if he remained in the federal CSRS pension system instead of switching into the FERS system. I have enclosed an example of such documentation for the RECORD.

While the private relief legislation is a last resort used sparingly by the Congress, the Finnertys have provided enough documentation to suggest that their request merits careful review by the Labor Committee, which has jurisdiction over such bills. Accordingly, I am introducing this bill today to begin that review process.

Mr. President, I ask unanimous consent that a Railroad Retirement Board letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
RAILROAD RETIREMENT BOARD,
Chicago, IL, September 26, 1994.

Hon. JOSEPH M. MCDADE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDADE: Your letter on behalf of Mr. Paul G. Finnerty has been forwarded to me for reply.

Upon investigation of the circumstances described by Mr. Finnerty in his letter dated August 20, 1994, to you, I have determined that our Scranton field office repeatedly overestimated the amount of railroad retirement benefits that Mr. Finnerty could expect to receive upon his retirement. I regret this mistake.

The Scranton field office failed to consider the effect of the railroad retirement maximum provision of the Railroad Retirement Act of 1974 each time they furnished an estimate to Mr. Finnerty.

The railroad retirement maximum provision limits the total amount of railroad retirement benefits payable to an employee and spouse at the time the employee's annuity begins to a maximum based on the highest 2 years of creditable railroad retirement or social security covered earnings in the 10-year period ending with the year the employee's annuity begins. Since Mr. Finnerty's Federal employment for the previous 10 years was covered under the Civil Service Retirement System, his railroad retirement maximum amount could not be based on the highest 2 years of creditable railroad retirement or social security covered earnings. Therefore, Mr. Finnerty's railroad retirement maximum amount is set at the statutory limit of $1,200 in accordance with section 4(c) of the Railroad Retirement Act.

Unfortunately, the effect of the railroad retirement maximum in Mr. Finnerty's case is the reduction of the tier II component to zero in both the employee and spouse annuity. Since the Scranton field office included a tier II amount in the employee and spouse annuity computation, an overestimate of benefits resulted.

I sincerely regret any problems we have caused Mr. Finnerty. We strive to furnish the best service possible to our beneficiaries. When seeking our assistance during the important time of planning for retirement, our beneficiaries certainly have a right to expect that accurate annuity estimates are provided. Although we have failed Mr. Finnerty in that regard, the Scranton field manager has counseled his staff to consider the effect of the railroad retirement maximum provision when calculating estimates in the future. We will continue to stress the importance of accurate service to the public and, in an effort to prevent future mistakes, will issue a reminder to all field employees on this issue.

I am sorry a more favorable response cannot be made in regard to your constituent as we are required to pay benefits according to the law. If you need further information, please do not hesitate to contact us.

Sincerely,

KENNETH P. BOEHNE,
Director of Administration and Operations.•

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

THE DECEPTIVE MAILING ELIMINATION ACT OF 1998

• Mr. LEVIN. Mr. President, today I am introducing a bill that, if enacted, will go a long way toward eliminating deceptive practices in mailings that use games of chance like sweepstakes to induce consumers to purchase a product or waste their money by paying to play a game they will not win. The use of gimmicks in these contests, such as a large notice declaring the recipient a winner—oftentimes a "guaranteed" winner or one of two final competitors for a large cash prize—has proliferated to the point that American consumers are being duped into purchasing products they don't want or need because they think they have won or will win a big prize if they do so. Complaints about these mailings are one of the top ten consumer complaints in the nation. I have received numerous complaints from my constituents in Michigan asking that something be done to provide relief from these mailings.

Earlier this month we held a hearing in our Governmental Affairs Committee federal services subcommittee on the problem of deceptive sweepstakes and other mailings involving games of chance. We learned from three of our witnesses, the Florida Attorney General, the Michigan Assistant Attorney General and the Postal Inspection Service, that senior citizens are particular targets of these deceptive solicitations, because they are the most vulnerable. State Attorneys General have taken action against many of the companies that use deceptive mailings. The states have entered into agreements to stop the most egregious practices, but the agreements apply only to the states that enter into the agreements. This allows companies to continue their deceptive practices in other states. That's why federal legislation in this area is needed. The bill I'm introducing today will eliminate deceptive practices by prohibiting misleading statements, requiring more disclosure, imposing a $10,000 civil penalty for each deceptive mailing and providing the Postal Service with additional tools to pursue deceptive and fraudulent offenders.

Sweepstakes solicitations are put together by teams of clever marketers who package their sweepstakes offers in such a way so as to get people to purchase a product by implying that the chances of winning are enhanced if the product being offered is purchased. Rules and important disclaimers are written in fine print and hidden away in obscure sections of the solicitation or on the back of the envelope that is frequently tossed away. Even when one reads the rules, it frequently takes a law degree to understand them.

The bill I am introducing will protect consumers from deceptive practices by directing the Postal Service to develop and issue regulations that restrict the use of language and symbols on direct mail game of chance solicitations, including sweepstakes, that mislead the receiver into believing they have won, or will win a prize. The bill also requires additional disclosure about chances of winning and the statement that no purchase is necessary. Any mail that is designated by the Postal Service as being deceptive will not be delivered. This will significantly reduce if not eliminate the deceptive practices being used in the direct mail industry to dupe unsuspecting consumers into thinking they are grand prize winners. The direct mail industry should benefit as a result. The adverse publicity recently aimed at the industry because of "You Have Won a Prize" campaigns has malign the industry as a whole. Cleaning up deceptive advertising will certainly improve the industry's image.

For those entities that continue to use deceptive mailings, my bill imposes a civil penalty of $10,000 for each offense that violates Postal Service regulations. Currently the Postal Service can impose a $10,000 daily fine for evading or not complying with a Postal Service order. My bill imposes a fine concurrent with issuing an order. This has the effect of applying the penalty to the deceptive offense, not for noncompliance of the order.

My bill allows the Postal Service to quickly respond to changes in deceptive marketing practices by tasking them to draft regulations and language that will be effective against the "scheme du jour." A deceptive practice used today, may not be used tomorrow. As soon as authorities learn about one scheme, it's changes. If legislation is passed that requires a specific notice, it won't be too long before another deceptive practice will pop up to by-pass the legislation. The Postal Service, who is in the business of knowing what is going on with the mails, will be able to evaluate what regulatory changes will be required to keep pace with deceptive practices. This will ensure that deceptive practices are weeded out in a timely manner by keeping regulations current.

The bill also gives the Postal Service administrative subpoena power to respond more quickly to deceptive and fraudulent mail schemes. Currently the Postal Service must go through a lengthy administrative procedure before it can get evidence to shut down illegal operations. By the time they get through all the administrative hoops, the crook has folded up operations and disappeared, or has destroyed all the evidence. By granting the Postal Service limited subpoena authority to obtain relevant or material records for an investigation, the Postal Service will be able to act more efficiently against illegal activities. Subpoena authority will make the Postal Service more effective and efficient in its pursuit of justice.

The Deceptive Sweepstakes Mailings Elimination Act of 1998 takes a tough approach to dealing with sweepstakes solicitations and other games of chance offerings that are sent through the mail. If you use sweepstakes or a game of chance to promote the sale of a product and provide adequate disclosure and abide with Postal Service regulations, then the Postal Service will deliver that solicitation. If deceptive practices are used in a sweepstakes or a game of chance solicitation, then the Postal Service will be able to stop the solicitation, and impose a significant penalty.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECEPTIVE GAMES OF CHANCE MAILINGS ELIMINATION.

(a) SHORT TITLE.—This Act may be cited as the "Deceptive Games of Chance Mailings Elimination Act of 1998".

(b) NONMAILABLE MATTER.—

(1) IN GENERAL.—Section 3001 of title 39, United States Code, is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following:

"(j)(1) Matter otherwise legally acceptable in the mails that constitutes a solicitation or offer in connection with the sales promotion for a product or service or the promotion of a game of skill that includes the chance or opportunity to win anything of value and that contains words or symbols that suggest the recipient will, or is likely to, receive anything of value, shall conform with requirements prescribed in regulations issued by the Postmaster General.

"(2) Matter not in conformance with the regulations prescribed under paragraph (1) shall not be carried or delivered by mail and shall be disposed of as the Postal Service directs.

"(3) Regulations prescribed under paragraph (1) shall require, at a minimum, that—

"(A) promotion of games of chance mailings contain notification or disclosure statements, with sufficiently large and noticeable type to be effective notice to recipients that—

"(i) any recipient is not obligated to purchase a product in order to win;

"(ii) sets out the chances of winning accurately; and

"(iii) advises that purchases do not enhance the recipient's chances of winning;

"(B) games of chance mailings shall be clearly labeled to—

"(i) identify such mailings as games of chance mailings; and

"(ii) prohibit misleading statements representing that recipients are guaranteed winners; and

"(C) solicitations in games of chance mailings may not represent that the recipient is a member of a selected group whose chances of winning are enhanced as a member of that group.".

(2) FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended—

(A) in the first sentence by striking "section 3001 (d), (h), or (i)" and inserting "section 3001 (d), (h), (i), or (j)"; and

(B) in the second sentence by striking "section 3001 (d), (h), or (i)" and inserting "section 3001 (d), (h), (i), or (j)".

(c) ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"§ 3016. Administrative subpoenas

"(a) AUTHORIZATION OF USE OF SUBPOENAS BY POSTMASTER GENERAL.—In any investigation conducted under this chapter, the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General finds relevant or material to the investigation.

"(b) SERVICE.—(1) A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

"(2) Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(3) Service of any such subpoena may be made by a Postal Inspector upon a partnership, corporation, association, or other legal entity by—

"(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(4) Service of any subpoena may be made upon any natural person by—

"(A) delivering a duly executed copy to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

"(5) A verified return by the individual serving any such subpoena setting forth the matter of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

"(c) ENFORCEMENT.—(1) Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as contempt.

"(d) DISCLOSURE.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5.".

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement this subsection.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"3016. Administrative subpoenas.".

(d) ADMINISTRATIVE CIVIL PENALTIES FOR NONMAILABLE MATTER VIOLATIONS.—Section 3012 of title 39, United States Code, is amended by adding at the end the following:

"(e)(1) In any proceeding in which the Postal Service issues an order under section 3005(a), the Postal Service may assess civil penalties in an amount of $10,000 per violation for each mailing of nonmailable matter as defined under any provision of this chapter.

"(2) The Postal Service shall prescribe regulations to carry out the subsection.".•

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 472

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under the medicare program, and for other purposes.

S. 2017

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2145

At the request of Mr. SHELBY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. FORD), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2165

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2165, a bill to amend title 31 of the United States Code to improve methods for preventing financial crimes, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. FRIST), the Senator from Tennessee (Mr. THOMPSON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2263

At the request of Mr. GORTON, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. MACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2323

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

S. 2454

At the request of Mr. MCCONNELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2454, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 264

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Resolution 264, a resolution to designate October 8, 1998 as the Day of Concern About Young People and Gun Violence.

SENATE CONCURRENT RESOLUTION 116—CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 116

Whereas Mark Rich, David Mankins, and Rick Tenenoff of the Sanford, Florida, based New Tribes Mission were abducted on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama;

Whereas the wives and children of these American citizens, Tania Rich (daughters—Tamra and Jessica), Nancy Mankins (son—Chad, daughter—Sarah), and Patti Tenenoff (son—Richard Lee III, daughters—Dora and Connie), have lived the past 5 years without knowledge of the safety of these 3 men;

Whereas Mark Rich, David Mankins, and Rick Tenenoff presently are believed to be the longest held United States hostages;

Whereas this kidnapping represents a gross violation of the 3 missionaries' human rights and is not an isolated incident in Colombia where, since 1980, 83 innocent Americans have been held hostage by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the FARC and the ELN guerrilla groups in Colombia have both been designated terrorist organizations by the Department of State;

Whereas Colombia is engaged in a high-level conflict with these guerrilla insurgency groups, a number of whom are protectorates of the deadly drug trade;

Whereas the FARC has recently threatened officials of the United States Government and kidnapped additional United States citizens in Colombia;

Whereas the region of Colombia where the 3 American missionaries are believed to be held is controlled not by the Colombian Government, but rather by the FARC;

Whereas on December 9, 1997, the President of Colombia stated on an internationally televised episode of Larry King Live that the FARC "in some ways have admitted indirectly that they have the missionaries";

Whereas Human Rights Watch has stated that "The FARC has an obligation to unconditionally free the 3 missionaries, with all necessary guarantees" and Amnesty International has declared their "request that the FARC respect international humanitarian norms, guarantee the life and physical safety of the missionaries and unconditionally free them and all other hostages";

Whereas congressional inquiries regarding the 3 missionaries have been made to United States Government entities, including, the White House, the Department of State, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation;

Whereas congressional inquiries regarding the 3 missionaries have been made to Amnesty International, Pax Christi, His Holiness the Pope John Paul II, and the International Committee of the Red Cross, which has provided assurances that their Colombian delegation "is still actively working in favor of the missing members of the New Tribes Mission";

Whereas 58 Members of Congress and Senators signed letters to 8 different heads of state, including Costa Rica, Mexico, Panama, Spain, Venezuela, Guatemala, Colombia, and Portugal, in attendance at the Iberian-American Conference in Venezuela in November of 1997, requesting any and all assistance in order to bring about a favorable outcome to this unfortunate event;

Whereas no official confirmation of life or death has been made by any United States Government entity, nongovernmental organization, foreign government, or religious institution;

Whereas the distinction between a "terrorist activity" and a "criminal activity" perpetrated on an American citizen traveling abroad should not be a limiting factor in terms of United States governmental investigation; and

Whereas every consideration to safety and prudence regarding action by the United States Government, foreign governments, nongovernmental organizations, international institutions, and other groups in this matter should be of the highest priority: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the President of the United States and his emissaries should raise the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, nongovernmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved;

(2) the President of the United States and the Secretary of State should offer reward money for information leading to the release of the named hostages;

(3) the President of the United States and his emissaries should urge the cooperation of the new President of Colombia to assist in the publication of the reward information;

(4) the international community should encourage any and all groups believed to have information on this case to come forward to help the families of the kidnapped missionaries;

(5) all appropriate information obtained by the United States Government, foreign governments, international institutions, nongovernmental organizations, and religious institutions should be turned over in a timely basis to the New Tribes Mission crisis response team;

(6) a copy of this resolution shall be transmitted to the President, the Secretary of State, the National Security Advisor, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the President of the Republic of Costa Rica, the President of the United Mexican States, the President of the Republic of Panama, the King of Spain, the President of the Republic of Venezuela, the President of the Republic of Guatemala, the President of the Republic of Colombia, the President of the Republic of Portugal, and His Holiness Pope John Paul II; and

(7) a copy of this resolution shall be transmitted to the New Tribes Mission, Amnesty International, Pax Christi, and the International Committee of the Red Cross.

• Mr. SPECTER. Mr. President, I have sought recognition today to submit a Resolution that seeks the President's assistance in recovering three Americans—Mark Rich, David Mankins, and Rick Tenenoff—who were abducted by the Colombian terrorists known as the Revolutionary Armed Forces of Colombia (FARC) on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama.

I first became aware of this situation at a Lancaster County open house town meeting at the Lancaster City Council Chambers on February 9, 1998. At the meeting, Ms. Peggie Miller urged me to get involved in the situation. Also present at the meeting were Chester and Mary Bitterman. Mr. Bitterman stood and spoke passionately about his son, Chet Bitterman, III, who was a missionary translator with Wycliffe Bible. Chet Bitterman, III, was kidnapped in Bogota, Colombia, in January, 1981, held hostage for 48 days and then found brutally murdered by Colombian terrorists on march 7, 1981. Not only did Mr. and Mrs. Bitterman lose a son, but Chet left a wife and two very young daughters. A book entitled "Called to Die" written by Steve Estes describes the horrible situation. Upon the urging of these constituents, I met with New Tribes Mission, the State Department, the Federal Bureau of Investigation and the Central Intelligence Agency to see what we could do about recovering these kidnapped men.

This resolution expresses the sense of the Congress that the President and his representatives should raise the issue of the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, non-governmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved. The international community should encourage groups believed to have information on this case to come forward. The legislation urges that all the appropriate information obtained should be turned over in a timely basis to the New Tribes Mission crisis response team.

Most importantly, the resolution proposes that the President of the United States and the Secretary of State offer reward money for information leading to the release of Mark, David and Rick. President Clinton should also encourage the cooperation of newly-elected Colombian President Pastrana to assist in the publication of the reward information. Without cooperation between our two governments, we may never see the return of these men to their families in the United States.

There are indications that Mr. Rich, Mr. Mankins, and Mr. Tenenoff have been held in Colombia for over five years; therefore, they would be the longest held American hostages in Colombia. The United States government should do all it can to protect its citizens against terrorist acts; I therefore urge my colleagues to join me in supporting adoption of this resolution.•

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 11, 1998, SHOULD BE DESIGNATED AS "NATIONAL CHILDREN'S DAY"

Mr. GRAHAM (for himself, Mr. Craig, Mr. Campbell, and Mr. Burns) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 275

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe "National Children's Day" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

D'AMATO AMENDMENT NO. 3560

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC.   . PROHIBITION OF CERTAIN ATM FEES.

(a) Definition.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) Certain Fees Prohibited.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) Limitation on Fees.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

ABRAHAM AMENDMENT NO. 3561

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On p. 68, line 17, strike ".")" and insert the following: "unless the court, on request of the Debtor or Trustee and after notice and hearing, finds upon a showing supported by the preponderance of the evidence that: (A) the consideration paid by the Debtor in the transaction that supports the allowed claim was so disproportionate to the consideration received by the Debtor so as to render the transaction rescindable by the Debtor under applicable non-bankruptcy law, or (B) the transaction is rescindable by the Debtor under applicable non-bankruptcy law based on fraud or misrepresentation."."

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

GLENN AMENDMENT NO. 3562

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 2337) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 11, line 1, strike "$624,019,000" and insert "$625,019,000".

On page 11, line 2, after "herein," insert the following: "of which at least $3,192,000 of the amounts made available for fish and wildlife management within the fisheries account shall be made available for aquatic nuisance control,".

On page 77, line 5, strike "$353,840,000" and insert "$352,840,000".

On page 77, line 10, before the colon, insert the following: ", of which $124,887,000 shall be made available for road reconstruction and construction activities".

THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

McCAIN AMENDMENT NO. 3563

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (S. 2119) to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Olympic and Amateur Sports Act Amendments of 1998".

SEC. 2. AMENDMENT. OF TITLE 36, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 36, United States Code.

SEC. 3. DEFINITIONS.

Section 220501 is amended by—

(1) inserting "or paralympic sports organization" after "national governing body" in paragraph (1);

(2) redesignating paragraph (7) as paragraph (8); and

(3) inserting after paragraph (6) the following:

"(7) 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title.".

SEC. 4. PURPOSES.

Section 220503 is amended by—

(1) striking "Olympic Games" each place it appears in paragraphs (3) and (4) and inserting "Olympic Games, the Paralympic Games,"; and

(2) striking paragraph (13) and inserting the following:

"(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and".

SEC. 5. MEMBERSHIP.

Section 220504(b) is amended by—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

"(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;"; and

(2) inserting a comma and "the Paralympic Games," after "Olympic Games" in paragraph (3).

SEC. 6. POWERS.

(a) GENERAL CORPORATE POWERS.—Section 220505(b)(9) is amended by striking "sued; and" and inserting "sued, except that any civil action brought in a State court against the corporation shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and".

(b) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—Section 220505(c) is amended by—

(1) striking "Organization;" in paragraph (2) and inserting "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;";

(2) striking "Games and of" in paragraph (3) and inserting "Games, the Paralympic Games, and";

(3) striking "Games;" in paragraph (4) and inserting "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;"; and

(4) striking "Games," in paragraph (5) and inserting "Games, the Pan-American Games, the Pan-American world championship competition,".

SEC. 7. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

Section 220506 is amended by—

(1) striking "rings;" in subsection (a)(2) and inserting "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings";

(2) inserting "'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite,'" before "or any combination" in subsection (a)(4);

(3) inserting a comma and "International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (b);

(4) inserting "the Paralympic team," before "or Pan-American team" in subsection (b);

(5) inserting a comma and "Paralympic, or Pan-American Games" after "any Olympic" in subsection (c)(3);

(6) inserting a comma and "the International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (c)(4);

(7) inserting "AND GEOGRAPHIC REFERENCE" after "PRE-EXISTING" in subsection (d); and

(8) adding at the end of subsection (d) the following:

"(3) Use of the word 'Olympic' to identify a business or goods or services is not prohibited by this section where it is evident from the circumstances that the use of the word 'Olympic' refers to the geographical features or a region of the same name, and not a connection with the corporation or any Olympic activity.";

SEC. 8. RESOLUTION OF DISPUTES.

Section 220509 is amended by—

(1) inserting "(a) GENERAL.—" before "The corporation";

(2) inserting "the Paralympic Games," before "the Pan-American Games";

(3) inserting after "the corporation." the following: "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the

resolution of such dispute prior to the beginning of such games."; and

(4) adding at the end thereof the following:

"(b) OMBUDSMAN.—

"(1) The corporation shall hire and provide salary benefits and administrative expenses for an ombudsman for athletes, who shall—

"(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

"(B) assist in mediating any such disputes; and

"(C) report to the Athletes' Advisory Council on a regular basis.

"(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

"(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

"(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

"(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

"(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

"(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

"(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

"(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.".

SEC. 9. AGENT FOR SERVICE OF PROCESS.

The text of section 220510 is amended to read as follows:

"As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.".

SEC. 10. REPORT.

(a) Section 220511(a) is amended to read as follows:

"(a) SUBMISSION TO PRESIDENT AND CONGRESS.—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

"(1) a complete statement of its receipts and expenditures;

"(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

"(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

"(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.".

(b) The chapter analysis for chapter 2205 is amended by striking the item relating to section 220511 and inserting the following:

"220511. Report.".

SEC. 11. COMPLETE TEAMS.

(a) GENERAL.—Subchapter I of chapter 2205 is amended by adding at the end thereof the following:

"§ 220512. Complete teams

"In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of at least one of the national governing body, the corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event.".

(b) The chapter analysis for chapter 2205 is amended by inserting after the item relating to section 220511 the following:

"220512. Complete teams.".

Section 220521 is amended by—

(1) striking the first sentence of subsection (a) and inserting the following: "For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under subsection (e)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (b) or (e) of this section.";

(2) striking "approved." in subsection (a) and inserting "approved, except as provided in subsection (e) with respect to a paralympic sports organization.";

(3) striking "hold a public hearing" in subsection (b) and inserting "hold at least 2 public hearings";

(4) striking "hearing." each place it appears in subsection (b) and inserting "hearings."; and

(5) adding at the end of subsection (b) and following: "The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.".

SEC. 13. ELIGIBILITY REQUIREMENTS.

Section 220522 is amended by—

(1) inserting "(a) GENERAL.—" before "An amateur";

(2) striking paragraph (4) and inserting the following:

"(4) agrees to submit to binding arbitration in any controversy involving—

"(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

"(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official,

If the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;";

(3) striking paragraph (10) and inserting the following:

"(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—

"(A) its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years; and

"(B) any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;"; and

(4) inserting "or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games" after "amateur status" in paragraph (14); and

(5) adding at the end thereof the following:

"(b) RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

"(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

"(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.".

SEC. 14. AUTHORITY OF NATIONAL GOVERNING BODIES.

Section 220523 is amended by—

(1) striking "Games and" in paragraph (6) and inserting "Games, the Paralympic Games, and"; and

(2) striking "Games and" in paragraph (7) and inserting "Games, the Paralympic Games, and".

SEC. 15. DUTIES OF NATIONAL GOVERNING BODIES.

Section 220524 is amended by—

(1) redesignating paragraphs (4) through (8) as paragraphs (5) through (9); and

(2) inserting after paragraph (3) the following:

"(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;".

SEC. 15. REPLACEMENT OF NATIONAL GOVERNING BODY.

Section 220528 is amended by—

(1) striking "Olympic Games or both" in subsection (c)(1)(A) and inserting "Olympic Games or the Paralympic Games, or in both";

(2) striking "registered" in subsection (c)(2) and inserting "certified";

(3) striking "body." in subsection (c)(2) and inserting "body and with any other organization that has filed an application.';

(4) inserting "open to the public" in subsection (d) after "formal hearing" in the first sentence;

(5) inserting after the second sentence in subsection (d) the following: "The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport."; and

(6) striking "title." in subsection (f)(4) and inserting "title and notify such national governing body of such probation and of the actions needed to comply with such requirements.".

SEC. 16. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 10, 1998. The purpose of this meeting will be to consider the nomination of Michael Reyna to be a member of the Farm Credit Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 10, 1998, at 9:30 a.m. on international satellite reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to conduct a meeting to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah during the session of the Senate on Thursday, September 10, 1998, at 2 p.m. in Room SD–366.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 10, 1998 beginning at 10 a.m. in room SD–215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 10, 1998 at 10 a.m. and 2 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, to be immediately following the 12 o'clock vote, off the floor, in room S216, the Presidents room of the United States Capitol Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be granted permission to conduct a meeting to mark up S. 2288, the Wendell H. Ford Government Publications Act of 1998 during the session of the Senate on Thursday, September 10, 1998 at 9:30 a.m. in room SR–301.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 10, 1998 at 9 a.m. to 4 p.m. in Dirksen 628 for the purpose of conducting a hearing and forum.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, September 10, 1998, at 9:30 a.m. for a hearing on the topic of "The Safety of Food Imports: Fraud and Deception In the Food Import Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO HANNIBAL-LaGRANGE COLLEGE

• Mr. BOND. Mr. President, I rise today to pay tribute to Hannibal-LaGrange College in Hannibal, Missouri. On September 15, 1998, the Hannibal-LaGrange College will celebrate its 140th anniversary. This is especially significant considering the college's first seventy years were spent in LaGrange and the second seventy have been spent in Hannibal.

Hannibal-LaGrange College offers an excellent liberal arts education and throughout the years has grown, not only in number, but in opportunities available for students. Today the college offers more than thirty areas of study, night programs for working adults, eight intercollegiate sports teams and four traveling performance groups.

I commend Hannibal-LaGrange College staff and students for their dedication and perseverance throughout the college's many years of existence and hope they continue to enrich the Hannibal community for years to come.•

THE SECOND ANNUAL CHICAGO FOOTBALL CLASSIC

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a few minutes today to bring to the attention of the Senate an event that will take place this weekend in my hometown of Chicago. That event, the Second Annual Chicago Football Classic, celebrates the rich academic, cultural and athletic tradition of historically Black colleges and universities.

The Chicago Football Classic will take place this year at Chicago's Soldier Field on Saturday, September 12, 1998. This year's competition pits Alcorn State University against Virginia State University in what promises to be an exciting and hard-fought gridiron battle.

Although the football game is the centerpiece of the event, the Chicago Football Classic is about so much more. Begun last year, the Chicago Football Classic was created by Chicago area businessmen to spread the word within the African-American community about the tremendous opportunities available at historically Black colleges and universities. Aside from the game, the Classic features a spectacular halftime battle of the bands; a luncheon honoring Dr. Clinton Bristow, Jr. and Dr. Eddie N. Moore, presidents of Alcorn State University and Virginia State University, respectively; and a parade in historic Grant Park featuring the Virginia State Marching Marauders and the Alcorn State Sounds of Dynomite.

Mr. President, I am sure that the members of this body are well aware of the proud legacy and stunning achievements of our nation's historically Black colleges. Nonetheless, I would be remiss if in talking about the Chicago Football Classic, I failed to mention that our nation's historically Black colleges and universities have promoted academic excellence for over 130 years. Although they represent only 3 percent of all U.S. institutions of higher learning, historically Black colleges and universities graduate fully 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

As so eloquently stated in Fisk University's original charter, historically Black colleges and universities have measured themselves "by the highest standards, not of Negro education, but of American education at its best."

Throughout their history, historically Black colleges and universities have produced some of our nation's most distinguished leaders, including the late Dr. Martin Luther King, Jr., the late Supreme Court Justice Thurgood Marshall, and several current U.S Representatives. These institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans, including tens of thousands of African-Americans.

In Virginia State University and Alcorn State University, the Chicago Football has chosen two exceptional universities to participate in this years festivities. Alcorn State, located in Loman, Mississippi, arose from the ashes of the Civil War in 1871 with eight faculty members and 179 mostly male local students. Today, Alcorn State has grown to a population of 3,000 students from all over the world and 500 faculty and staff members. Virginia State University was founded in 1882 in Petersburg, Virginia with 126 students and seven faculty members. One hundred years later in 1982, the University was fully integrated, with a student body of nearly 5,000 and a full-time faculty of about 250.

Mr. President, both of these schools have a historical connection to the United States Congress. The first president of Virginia State, John Mercer Langston, was the only African-American ever elected to the United States Congress from Virginia until the election of Congressman Robert Scott in 1992. Former Senator Hiram Revels of Mississippi, the first African-American elected to the United States Senate, resigned his seat in this body to become the first president of Alcorn State.

Certainly, in mentioning these few facts about Alcorn State and Virginia State Universities, I have only scratched the surface of the proud history, academic excellence, and abundant opportunities that historically Black colleges and universities have to offer.

I salute the organizers, participants, and fans of the Chicago Football Classic for coming together to celebrate historically Black colleges and universities. In the words of Tim Rand, the Executive Director of the Chicago Football Classic: "It offers young people an opportunity to witness the rich cultural heritage of Black colleges and universities." I am proud that Chicago has been chosen as the venue for this important and exciting event.

In closing, I would like to welcome the students, athletes, fans and alumni of Virginia State and Alcorn State to Illinois, and wish both teams good luck in Saturday's game. I know my colleagues here in the Senate join me in my praise of the Chicago Football Classic and in my gratitude and respect for our nation's historically Black colleges and universities.•

TRIBUTE TO LEROY "LEE" LOCHMANN

• Mr. LUGAR. Mr. President, I rise today to pay tribute to Leroy "Lee" Lochmann, the recently retired President and CEO of ConAgra's Refrigerated Foods Companies. Over a forty-five-year career in the meat and poultry industry, Lee's leadership skills have made him a pioneer in the food business.

In 1953, Lee joined Swift and Company directly out of high school, working on the line in an East St. Louis meat packing plant. From these early years, Lee moved through numerous management positions, finally ascending to key executive ranks. He ultimately became President of Swift and Company, the first of many—and increasingly large—meat and poultry companies that Lee would eventually run.

In addition, along the way, Lee accumulated two university degrees and served his country in the military for three years.

Lee's hardworking beginnings have given him a unique perspective as a food industry leader and have allowed him to effectively manage his employees, from the most junior line worker to the most senior corporate manager.

At ConAgra, one of the world's largest food companies, Lee used his experience to expand its diversified Refrigerated Foods Companies. As president, CEO and member of the Office of the Chairman, Lee oversaw multibillion dollar businesses, provided a secure place of employment for thousands of hard-working employees and wonderful food products for American consumers. While consumers would not recognize the name of Lochmann, the products that he produced are an integral part of our daily diets: Armour hot dogs, Healthy Choice luncheon meats, Butterball turkeys, Swift Premium bacon and Eckrich sausages.

Mr. President, many ConAgra employees are constituents of mine in Indiana, and we know first-hand the significant role the company plays in my state's economy and our country's agricultural industries.

Lee was not only a leader at ConAgra, he was an industry trader, as well. A long term Director of the American Meat Institute, Lee's peers paid this fine gentleman a well-deserved tribute by electing him Chairman of the industry's National Trade Association in 1992.

Mr. President, it is my great pleasure to pay tribute to Lee Lochmann, and I wish him, his wife Agnes and their family the best in all of their future endeavors.•

CONGRATULATIONS TO SEARCHLIGHT'S WOMAN OF THE DECADE, MRS. VERLIE DOING

• Mr. REID. Mr. President, I rise today to pay tribute to Mrs. Verlie Doing, an outstanding woman who will receive a distinguished honor when she is named Searchlight, Nevada's, Woman of the Decade in October. This particular tribute is one I hold especially dear, as it is being given to a woman who has helped make my hometown the unique community it is today.

Founded by those in search of gold, Searchlight began as a mining town. It is a strangely quiet place, not really mentioned in the tales of Nevada history. However, this is my home, and Verlie Doing has helped to establish it as a beating heart in the once silent land found south of Las Vegas.

Mrs. Doing relocated to Searchlight with her husband, Warren, in 1967.

Since that time, she has been active in organizing community activities as well as providing employment for the majority of families living in the area. Upon settling in Searchlight, Mrs. Doing assumed a position on the Searchlight Town Advisory Board and began her legacy of work. She is an original member of the town's Emergency Medical Treatment team, as well as the Searchlight Museum Guild. She has served on the Clark County Parks and Recreation Board since 1970, establishing areas for children and adults alike to not only enjoy the many splendors of Nevada's scenery, but to partake of beneficial recreation programs.

As a member of the Parks and Recreation Board, Verlie has seen first hand the need for centers where people can participate in community activities. For this reason, she and her husband donated to the city the land for the Searchlight Senior Citizen Center. Currently, this center offers seniors an opportunity to socialize and continue their education through arts and crafts and exercise. Day care and food programs are among the most important offered at the center and provide assistance to those seniors who may otherwise be institutionalized.

Not only has Mrs. Doing been energetically involved in community activities, she has also helped to foster Searchlight's business community. Currently, Mrs. Doing is serving as the sole owner of the Searchlight Nugget Casino, the largest employer in the city. Established in 1979, the Nugget has increased not only employment, but has aided in boosting the economy. She has employed hundreds of Searchlight residents, providing many families with incomes where, without the casino, there would be none. It is this entrepreneurial spirit that has brought vitality into both the business community and the entire town.

Most of all, my family and I have been friends of Verlie, her late husband, Warren, and their son, Riley, for more than thirty years. The Doings have made not only Searchlight a better place, but Nevada and our great country as well.

I commend Verlie on her significant contributions to my hometown. Without her enthusiasm, energy and love for her home, Searchlight would be much less. It is for these reasons that I proudly support the decision of the Searchlight Celebration Committee in their selection of Mrs. Verlie Doing as Searchlight's Woman of the Decade.●

GREAT MINDS, SMART GIVING

● Mr. ABRAHAM. Mr. President, I rise today to call my colleagues' attention to an article by Dr. Samuel J. LeFrak, entitled "Great Minds, Smart Giving" from the May/June 1998 issue of Philanthropy magazine. LeFrak is chairman of the Lefrak Organization and has been honored for his many years of philanthropic giving.

Recently, through the LeFrak Foundation, Dr. LeFrak has done something incredible for the state of Michigan. Concerned that an emphasis on traditional liberal education at America's colleges and universities is diminishing, LeFrak chose to endow the LeFrak Forum at Michigan State University. This program focuses on political philosophy and public policy, helping professors to teach with an emphasis on traditional Western ideas. The Forum will accomplish this through lectures, conferences, research, publications and fellowships. The students of Michigan State University are very fortunate to have such a wonderful program and will undoubtedly benefit from it.

As we continue our efforts as a nation to raise our children to be truly educated adults, imbued with the values of our traditions and the bases of well-ordered liberty, I feel we can look to the LeFrak Forum as an excellent model. I ask that the text of "Great Minds, Smart Giving" be printed in the RECORD.

The text follows:

GREAT MINDS, SMART GIVING—A NOTED PHILANTHROPIST ON RECLAIMING ACADEME

(By Samuel LeFrak

When my wife Ethel and I began discussing a major gift to an academic institution, we wanted to do something new and off the beaten track of bricks-and-mortar, scholarships, and endowed chairs. We also talked at length about the problems of higher education and how we might help to solve them. Our grandsons, Harrison and James, were just finishing college and from them we had a pretty clear idea of the dismal state of today's campus landscape. Both reported that the news about political correctness and multiculturalism is largely true. While it is surely an exaggeration to say that the traditional liberal arts curriculum is gone, it is true that an entire generation of graduate and undergraduate students is being trained to a drumbeat critical of the Western tradition as racist, sexist, homophobic, hegemonic, Euro-centric, and rationalistic (a vice, it now seems!). The path to academic success is definitely smoother for those who adhere to this fashionable view. The graduate students are, of course, the professorate of the future and the teachers of the coming generation of leaders in politics and business. What happens in the seminar room, no matter how bizarre or arcane, eventually makes its way to the boardroom.

Now, Ethel and I have the deepest respect for the great books and ideas of the Western tradition. If that tradition is so bad, how is it that we have from it—and only from it—democracy, capitalism, the ideals of freedom, equality of opportunity, and the dignity of the individual? To us it would be nothing short of a catastrophe for this great tradition to disappear as the focal point of a liberal education. Yet the traditional curriculum definitely is on the defensive these days: we hear of English departments where Shakespeare is no longer required and history departments that teach nothing about America. The faculty at Yale could not bring itself to live up to the terms of a generous gift intended for new courses on the Western tradition, and had to return the money—with interest. So it seemed appropriate that we use a LeFrak Foundation gift to help assure the survival and vitality of traditional liberal education.

Ethel and I had been to Michigan State University a few years earlier, when I had been awarded an honorary degree. While there, we met a group of scholars of political philosophy in the political science department. These professors are very accomplished: they have fine graduate degrees, are good and popular teachers, and have impressive records of research and publication. But they are also steeped in and respectful of the Western tradition and, unlike many professors in the social sciences and humanities, respectful of entrepreneurial capitalism and free-market solutions to social problems. After prolonged discussions involving these professors, Ethel and me, and my grandson, Harrison, we decided to endow a program: the LeFrak Forum at Michigan State University. Endowing a program—rather than a building or a chair—met the criterion of establishing a new and vital entity. The aims and activities of the Forum met the criterion of doing something to help traditional scholars hold their own against the current academic tides.

The LeFrak Forum's theme is political philosophy and public policy. The word "philosophy" often signifies airy abstraction unconnected with the real world. But at the LeFrak Forum, the idea is that much of what people think about practical affairs is determined ultimately by deeply embedded and barely conscious beliefs about what is good and bad, just and unjust. The LeFrak Forum will approach pressing and concrete issues by exposing the underlying and philosophical foundations of conflict. The Forum will always remind us that these foundations are not just derived out of nowhere, even though most people—and increasingly more scholars and students—don't know where they come from. We get them—and hence the very terms of our debates and differences—from the historical tradition of Western thought. The Forum will not insist on agreement. Rather, it will strive to expose the real grounds upon which we disagree about such practical matters as how big government should be, whether a person is first an individual or a member of a group, and whether America should mind its own business or police the world.

The Forum pursues its mission by sponsoring an array of activities: lecture series and international conferences, research and publication, post-doctoral research fellowships, and enriched graduate and undergraduate education. The aim is to enliven, deepen, and diversify debate on campus and to provide fresh views on public policy to those who lead in politics and society and to those who form or influence public opinion. But most important, the LeFrak Forum ensures that at Michigan State the Western tradition will always be studied and that free-market points of view toward the solutions to social problems will always get a fair hearing. But what about this "always"? It is one thing to help scholars or a curriculum one knows. In fact, it's important to know the people involved so the gift gets used for the purpose you intend. But it's quite another thing to have confidence that the program one endows will continue long after the people one knows are gone. This has to be a serious concern for any donor who gives a permanent endowment to a program or particular curriculum. Buildings and endowed chairs are pretty stable. But programs can easily change over time and even become the opposite of what they were at the outset. Solving this problem was very important to us. The solution was unique and, we hope, a model for what others can and should do. The terms of the endowment agreement were tailored to ensure that the purposes and spirit of the LeFrak Forum would always be maintained. There were two crucial issues.

First, it was important to spell out the meaning of the LeFrak Forum's goals in concrete detail. To this end the agreement stipulates that free-market points of view must always get a fair hearing in LeFrak Forum activities. The agreement says that the Forum must always provide a venue for arguments in favor of "liberty and free enterprise capitalism and the study of the Western philosophic and intellectual tradition, especially as it establishes the moral and conceptual basis for constitutional democracy, limited government, the American Founding, individualism, freedom of expression and economic enterprise, and entrepreneurial and market based approaches to national and global political and social problems." And lest there be any uncertainty about what the "Western tradition" really is, the agreement actually lists the specific authors on whose works LeFrak Forum teaching and research must focus. They are: "such thinkers as Plato, Aristotle, Aquinas, Machiavelli, Bacon, Hobbes, Locke, Rousseau, Hume, Kant, Adam Smith, Burke, the American Founders (Jefferson, Hamilton, Madison, Jay, Adams), de Tocqueville, Hegel, Mill, Nietzsche, Weber, Heidegger, and Strauss." This list is of course not exhaustive; but no one could mistake who must always matter the most at the LeFrak Forum.

Second, it was essential to assure full academic freedom and autonomy as those values are understood by the relevant university officials. Donors to programs must understand this concern. It does no good to exert positive influence on the university curriculum by threatening academic freedom. Such attempts will not and should not succeed. Furthermore, it does no good to one's own cause to set up programs in which the converted speak only to their respective choirs. That's the very problem on campus these days: not enough real intellectual diversity, not enough respect for all points of view, too much lemming-like adherence to fads. The agreement therefore specifies explicitly that "all points of view can and will be presented at the LeFrak Forum." Critics of the Western tradition and capitalism will have their say. They just won't go unchallenged. And finally, it should be noted that while the agreement provides for our advice, it makes absolutely clear that appointment and review of LeFrak Forum personnel is determined by appropriate academic officers of the University. Donors must never try to appoint professors to their programs. That would violate institutional autonomy.

Ethel and I are proud of the Forum, which is now in business and off to a wonderful start. We're sure that it will prosper and grow, make a real contribution to education at Michigan State, and be a significant voice in national and international policy debates. We hope that other philanthropists will follow our lead and the model of the LeFrak Forum. We hope they will endow programs that support education in our precious Western tradition.●

HONORING MONSIGNOR HENRY J. DZIADOSZ

● Mr. DODD. Mr. President, it is with great pleasure that I come to the Senate floor to pay tribute to a man of uncommon character and faith, whom I am fortunate to call a friend: Monsignor Henry J. Dziadosz. For almost three decades, Monsignor Dziadosz has served as the Pastor at St. Bridget's of Kildare Church in Moodus, Connecticut, of which I am a member. And for half a century, he has inspired countless people through his works as a Catholic Priest in Connecticut. After his many years of service and guidance, Monsignor Dziadosz is retiring, and I wish to offer my praise for the Monsignor on this special occasion.

Monsignor Dziadosz is a spiritual father for the parishioners of St. Bridget's, and he has overseen the transformation of the church—both physically and spiritually.

On Easter Sunday, 1971, two years after being named the Pastor, he announced the proposed restoration and renovation of the congregation's original church: Old St. Bridget's on North Moodus Road. The church had been the home of Catholic worshipers from 1867 to 1958, and Monsignor believed that its preservation would serve as a monument to the perseverance of its parishioners. With the help of many volunteers, the old church was dedicated on Memorial Day 1971, and the renovation was known as the "Miracle of Moodus."

He also oversaw the construction of an outdoor pavilion at the church in 1976. And in a show of the Monsignor's dedication to the improvement of religious education, the church opened its Religious Education Center in 1983.

But the true impact that Monsignor Dziadosz had on St. Bridget's parish is not measured in mortar and brick, it is measured in the spirit of the congregation.

Monsignor has always said that one of his goals at the church was to create a spirit of community where no member of the parish would ever feel alone, either in times of despair or happiness. He knows that we all face challenges in our life, and when we support one another we can work through our difficulties and overcome them. Through his hard work and dedication, he was able to create such a spirit of togetherness at St. Bridget's, and for that, I and many others are thankful.

He brought an energetic approach to the church, and he was not afraid to challenge convention in order to do what he felt was best for the congregation. He always taught the virtues of tolerance and worked to break down barriers and bring people together. He also challenged people to ask more from themselves and to show more concern and compassion for those persons in the community and the world who are less fortunate.

He also felt that St. Bridget's should not only serve the parish, but the community at large. He opened the doors of the church for members of local protestant delegations to hold their worship services. He also allowed senior groups and other organizations to use church facilities. He even had a generator installed on the church premises so that the church may serve as a haven in case of emergencies or natural disasters. In addition, he singlehandedly raised $50,000 for the construction of a chapel and convent for the cloistered Carmelite sisters of Roxas City, the Philippines, proving that his compassion and concern for others extends far beyond any physical borders.

On the occasion of his retirement, I think it is appropriate to look back at some of the words that Monsignor Dziadosz spoke at the time that the parish celebrated his 25th year at St. Bridget's. He said, "We can never say we've done it, we've reached our goal."

In certain respects he's right, because life is an ongoing process, and our goals are constantly changing. But, in the end, I think that anyone who knows Monsignor Dziadosz would say that he's wrong. Monsignor Dziadosz not only reached his goals, he exceeded them.

His retirement is a time of great loss for the parish, but more important, it is a time for celebration. His words and actions have been a source of inspiration and strength for countless individuals through the years, and his guidance will be dearly missed. On behalf of the people of St. Bridget's and the people of Connecticut, I say thank you Monsignor, and may God bless you.●

TRIBUTE TO KIRK O'DONNELL

● Mr. KERRY. Mr. President, this morning I joined Senator KENNEDY and hundreds of mourners from Massachusetts and around the country, to pay our last respects to our friend Kirk O'Donnell and to offer our sincere condolences to Kirk's wife, Kathy, and their two children, Holly and Brendan. For all of us who knew and admired Kirk, this was a difficult morning at the Holy Name Church in West Roxbury, difficult to say goodbye to a special friend who left us too soon. But Mr. President, I believe everyone in attendance this morning at the funeral services took some comfort in the way that friends and family alike—and Kirk had both many friends and a tight-knit family—came together to share our personal recollections of Kirk. It was striking to see just how deeply everyone respected Kirk O'Donnell, the many ways in which he touched so many lives.

Kirk O'Donnell made a deep impact on those who knew him, certainly, but he also made a difference for millions of people in this country who never met him, but whose lives are better because of his life of committed service.

Three articles in today's newspapers, one by Al Hunt of the Wall Street Journal, another by Tom Oliphant of the Boston Globe and yet another by Susan Estrich of the Boston Herald, stood out in my mind as testimony to the legacy Kirk O'Donnell left behind in this country. Al Hunt, Tom Oliphant, and Susan Estrich knew Kirk O'Donnell as a friend and they performed a great service in capturing Kirk's essence, the depth of a man who never stopped fighting for those causes in which he believed. I know that, as we all say goodbye to Kirk O'Donnell this week, those articles provide both comfort for those who knew Kirk, and inspiration for those who, even in these troubled political times in the United States, still believe in the dignity of public service.

Mr. President, I would ask that these articles be printed in the RECORD.

The articles follow:

[From the Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND HONORABLE MAN

(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate contemporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

"He was a big oak tree of a friend," notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an "oxymoron."

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Ari Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Through it may seem strange in today's Congress, he commanded real respect across the aisle. "Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment," recalls Billy Pitts, who was Mr. O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. "But he always was a delight to be around and his word was gold."

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to refight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

For operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. "Kirk put the whole Irish thing together," the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need or equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20's. Family values to Kirk O'Donnell wasn't a political buzzword or cliche, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but "spinning"—as in situational truths—was foreign to him. When working for the speaker of Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantively, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for $2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White Hose meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

There were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the Boston Globe, Sept. 10, 1998]

HE STOOD FOR POLITICS AT ITS BEST

(By Thomas Oliphant)

He was arguably the best mayor Boston never had, among a handful of people who mattered most to the turbulent city of the 1970's.

No one did more for the House of Representatives over the last generation who was never elected to it, no history of national affairs in the 1980s is complete without his large thumbprint.

The last four presidents have known all about his special gifts and felt their impact; the two Democrats (the completely different Jimmy Carter and Bill Clinton) had more than one occasion to depend on them big time.

On an average day he could get your brother a fair shot at the police force, help repair Social Security, broker the biggest tax bill of modern times, keep the Big Dig's cash coming, and still make it home for supper.

All across the intersections where politics and government meet in the interests of real people, the shock and pain at Kirk O'Donnell's death over the Labor Day weekend is the only recent event to unite Republicans, congressional Democrats, and Clintonities in this season of shame and ugliness.

You'd think all this emotion concerned a senior statesman passing on after a long lifetime of service, the occasion for a proud-sad moment to celebrate a life lived magnificently.

But the shock and pain arrived like a rusty blade in the gut because O'Donnell was only 52; he did things in his 30s and 40s that big shots in their 60s never accomplished. But the best was still ahead of him, and the sky was the limit; if the Democrats ever elect another president, a Cabinet post or chief of the White House staff would have been lateral movements for him.

This is the kind of death that shakes your faith, making it all the more important to reaffirm it. And the fact is this blend of Dorchester and D.C., of Boston Latin and Brown was a walking reaffirmation of faith in the potential of public service, a shining example of the silent majority who don't broker votes for cash, check their principles at the front desk, ignore their families, welsh on their commitments, indulge their whims and their urges, lie, and shirk. His life demonstrates that at the end only two things matter—whether your word's any good and how you treat others.

Two stories: Kevin Hagen White gets the credit for discovering him in the early years of decentralized innovation and leadership and hope for the racially polarized town. By 1975, the young political junkie who could explain Boston by precinct or by parish was entrusted with White's third-term reelection campaign.

It was the roughest, ugliest, closest fight in modern Boston times. The people involved, despite all they've done since, still get together to tell the old stories and refight the old shouting matches. The one reputation that was enhanced by the bruising experience was O'Donnell's, for focusing like a laser beam on organizing the White vote and focusing on Joe Timilty's lack of a clear alternative.

After it was over and he was down in Washington with Tip O'Neill, it was increasingly clear that his former boss had lost his fastball. Again and again, from the shadows of the speaker's rooms in the Capitol, O'Donnell saw to Boston's interests. He would happily recount to me the stories of program formulas rejiggered to benefit the cities, of special items in appropriations bills (worth billions of dollars over time) as long as I understood that if I used his name in public he would rip my lungs out.

Just for the record, O'Donnell was more than enough of a city lover and urban scholar to know about subway analogies in politics. But he was the guy, in 1981, who called Social Security the third rail of American politics; few lines have been ripped off more. But he did it to make a point—that Ronald Reagan had touched it by reaching beyond his mandate to try to slash future benefits in a partisan initiative. With the help of the worst recession in 50 years, he and Speaker O'Neill pounced on that goof to effectively end the Reagan Revolution.

But that same skill was then put to use on the speaker's behalf to help broker a bipartisan repair job that has lasted 15 years and made the next stage of generational common sense possible. He was to Congress in the 1980s what Jim Baker was to the Reagan White House.

He was a big guy, with a big voice he rarely used except to laugh. Everyone trusted him. There are tears being shed today in saloons and salons, in boardrooms and in back rooms. Kirk O'Donnell's life demonstrates the power of the haunting challenge made famous by the Kennedys, that all of us can make a difference and that each of us should try.

[From the Boston Herald, Sept. 10, 1998]

O'DONNELL, BEST OF THE BREED

(By Susan Estrich)

A good man died on Saturday. He had a big smile, a big laugh and a great deal of power over the years. He used it well.

Ask people what they think of politics today, and the answer is generally not suitable for children to hear. The only things worse than politicians are the handlers and hacks who try to tell them what to do and us what to think, and then turn around and make money trashing their boss and the business they were in.

Kirk O'Donnell wasn't like that. He gave politics a good name.

Kirk was 52 when he died, jogging near his summer home in Scituate. He lived in Washington for most of his adult life and advised some of its most powerful men, but he was definitely a boy of Boston, and its politics—the way it should be.

He made his name working for Mayor Kevin White, who had promised to bring government to the people, which he did by creating "little city halls" in Boston's neighborhoods. Kirk's was a trailer in Fields Corner, where he helped working people who had no contacts or connections to be treated as if they did. He negotiated the system for them; he was their powerful friend and you didn't need a PAC to get his attention.

Later, working for Speaker of the House Tip O'Neill (a Cambridge resident), he said he had learned what he needed to know about Congress working at Fields Corner. I'm certain that he didn't just mean the business of politics—of phone calls and favors and chits to be spent—although given Congress, that is the most obvious meaning. For Kirk, the more important part of the lesson had to be about what politics is for.

Most people in politics work on either issues or politics, but not both. In this world, issues people tend to be viewed as nerds and wonks, a clear step beneath the gunslingers who do the politics and tell the speechwriters what to write. Kirk played both parts with equal ease; he was as good at one as the other, a rare combination that he used to bring legitimacy to the world of substance and substance to the world of politics. After his stint in the speaker's office, when he could have had any political job in town, he decided to help build a think-tank instead, giving the Center for National Policy a legitimacy that came from the fact that Kirk was heading it.

In 1988, I literally begged him to come to Boston to help me in the presidential campaign of Gov. Michael Dukakis. We were still doing well in the polls, but our communications problems were internal as well as external. He could see it when he came to talk to Dukakis and me. I was honest. To some, at the time, it certainly must have looked like a dream position: join the campaign of the nominee, who is heading for the convention and telling you that you are to be his chief political adviser. But Kirk knew better, and so did I. We needed him; he didn't need us.

It turned out worse than we anticipated. Kirk could have spent a good deal of time explaining to the press, on background to be sure, how the campaign's biggest gaffes were contrary to his advice, how he had argued for this or that, written the lines himself or never even had the opportunity to—as the president's aides do regularly these days. But he never did. He never would. He grew up in Boston, where loyalty means standing by people when they're wrong and working for someone means being loyal to him.

Kirk leaves two children behind. Losing a father is terrible at any age, but when he is young and you need him, and he is a man like Kirk, it is an especially acute pain. I lost my father when he was 54, and I know all the trite sayings about how some people live a lifetime in a few years, and they inspire others and live on through their friends and family.

It is all true, but it is still not enough. Time does heal; deaths become part of our history. But the sad truth is that a good man died on Saturday, and he will be much missed, as he was much loved and respected.●

PROSTATE CANCER RESEARCH

● Mrs. MURRAY. Mr. President, I stand before the Senate today to fight for the men of our country. I am referring to the cancer that has been most frequently diagnosed, in the last decade, in American men—prostate cancer. This cancer kills 40,000 American men every year and I am shocked we are even hesitating to appropriate the necessary funding to enable the Department of Defense to win this battle and find a cure.

I realize that I often find myself in this same place, fighting for women's health. As a member of the Appropriations Committee, I have consistently fought to provide the necessary funding for breast cancer research. Just this year, I offered an amendment to the DoD authorization bill that appropriated $175 million for the Breast Cancer Research Program. However, this is a critical time to invest in medical research, all medical research, including prostate cancer.

Mr. President, we need to fight for the lives of our husbands, brothers, sons, fathers, and grandfathers of America, as well as their families. Death from cancer is tragic yet even more so knowing that we are on the verge of finding a cure. I have been very pleased with the results of breast cancer research and I know that if we gave the DoD adequate funding, it would produce equally impressive results saving thousands of men who would have otherwise not survived this ravaging disease. I believe we have the science and technology to put an end to unnecessary prostate cancer fatalities.

I am fully confident that our medical community can step up and find a cure for prostate cancer. However, it is the duty of my colleagues and I to provide medical researchers the resources they need to do so. Now is the time to have faith in our scientific community and stand behind the DoD. President Clinton got the ball rolling when he funded the first cycle of prostate cancer research grants. However, this is not enough. If the DoD is to maintain its program at its current level, it requires an appropriation in FY99 of $80 million. There is no question in my mind what we need to do.

It is a stark reality that one in every six American men will be diagnosed with prostate cancer during their lifetime. Most victims of this disease are over the age of 65. Upon entering the Senate, I requested to be put on the Veterans Committee to ensure the veterans of Washington state were getting the recognition and benefits to which they are entitled. Many of the men suffering from prostate cancer are veterans. They fought for our country and our freedom. It is time we returned the favor and find the cure to a disease that threatens them all.

Now is the time to tackle prostate cancer with equal vigor as breast cancer. This is not about decreasing statistics, but is about preventing American families from having to deal with this fatal disease. We must act now. To postpone this essential decision is unacceptable. We must have faith in our medical community and allow them to find the cure.●

TRUTH IN EMPLOYMENT ACT—MOTION TO PROCEED

Mr. SESSIONS. I ask unanimous consent that the Senate now turn to S. 1981, the so-called salting bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, I now move to proceed to S. 1981, the salting bill, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 344, S. 1981, the salting legislation:

Trent Lott, Tim Hutchinson, Don Nickles, Lauch Faircloth, Paul Coverdell, John Ashcroft, Jim Inhofe, Susan Collins, Chuck Hagel, John Warner, Jeff Sessions, Connie Mack, Sam Brownback, Jesse Helms, Wayne Allard, and Kit Bond.

Mr. SESSIONS. Mr. President, for the information of all Senators, this cloture vote will occur on Monday, September 14, 1998.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

VITIATION OF PASSAGE—SENATE CONCURRENT RESOLUTIONS 110 AND 111

Mr. SESSIONS. Mr. President, I have a number of housekeeping matters.

On behalf of Senator LOTT, I ask unanimous consent that passage of S. Con. Res. 110 and S. Con. Res. 111 be vitiated and the resolutions be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. SESSIONS. I further ask unanimous consent that the following calendar numbers be indefinitely postponed: 46, 84, 155, 226, 277, 279, 413, and 432.

The PRESIDING OFFICER. Without objection, it is so ordered.

(S. 717, S. 924, S. 1156, S.J. Res. 37, S. 845, S. 1287, S. 2038, and S. 627 were indefinitely postponed.)

SECRETARY OF COMMERCE FINANCIAL REPORT EXTENSION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 458, S. 2071.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2071) to extend a quarterly financial report program administered by the Secretary of Commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2071) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 13 U.S.C. 91 note), is amended by striking "September 30, 1998" and inserting "September 30, 2005".

MEASURE PLACED ON CALENDAR—S. 2454

Mr. SESSIONS. Mr. President, I understand that there is a bill that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2454) to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Mr. SESSIONS. I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

ORDERS FOR FRIDAY, SEPTEMBER 11, 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 11. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the time between 9:30 a.m. and 10 a.m. be equally divided between Senators ABRAHAM and LEAHY or their designees. I further ask that at 10 a.m. the Senate proceed to the cloture vote on the motion to proceed to the child custody bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask that if an agreement cannot be reached on the bankruptcy bill, there be 30 minutes for closing remarks to be followed by a cloture vote on the Grassley substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that Senators have until 10 a.m. to file second-degree amendments to the Grassley amendment to the bankruptcy bill if the cloture vote occurs.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, and on behalf of the majority leader, Senator LOTT, when the Senate reconvenes on Friday at 9:30 a.m., there will be 30 minutes for debate on the cloture motion on the motion to proceed to the child custody protection bill. At 10 a.m., a cloture vote will occur on the child custody bill. If an agreement can be reached with respect to the bankruptcy bill, then the second cloture vote with respect to the bankruptcy bill will be vitiated. If an agreement cannot be reached, a second cloture vote would occur at approximately 11 a.m. At the conclusion of the two votes, the Senate can be expected to resume the Interior appropriations bill. Therefore, additional votes can be expected during Friday's session of the Senate.

The Senate could also consider any other legislative or executive items cleared for action. As a reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the Senator from Nebraska, Senator KERREY.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The request for the Senate adjournment is granted, without objection. The Senate is in quorum call. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

SITUATION IN RUSSIA

Mr. KERREY. Mr. President, 7 years ago last month, hard-line and aging Communist bosses in the Soviet Union made a clumsy attempt at a coup d'etat against then President Gorbachev. The coup accelerated the slow-motion implosion of the Soviet empire. By December of that year, our old nemesis had collapsed in an overwhelming, decisive and total victory for the United States. This ended 50 years of cold war that had exacted a tremendous toll in blood, sweat and treasure from our Nation. Our emotions ran the gamut from pride to relief—relief especially that the dark cloud of nuclear annihilation seemed to have passed and, in a more subtle way, relief that the heavy burden of leading the world in a battle for freedom against communism had been lifted from our shoulders. We clamored for a peace dividend. We reveled in our newfound ability to focus the Nation's energy on domestic affairs.

But the last few weeks of events in Russia have been a rude wake-up call, a convincing demonstration that neither the danger nor the burden have been lifted. If anything, Mr. President, they are greater. Russia's economy and currency have been stressed to the point of breaking. President Yeltsin's government is in grave crisis. The men and women who tend Russia's nuclear arsenal—the one remaining threat on this planet to the instantaneous extinction of the United States—have not been paid, by some reports, inasmuch as a year.

The danger is still great, Mr. President, but so is the burden, and it is that burden I want to discuss this evening.

We may react to these developments with a tinge of surprise. It is an axiom of the American tradition—an axiom, incidentally, in which I firmly believe—that democracies do not behave this way. When last most of us tuned in to the Russian saga, they had held democratic elections. They had abandoned central planning and other tenets of Communist ideology and embraced basic precepts of capitalism. They had agreed to swallow the magic elixir that we all assumed would cure the disease and now—just when we thought it might be safe to retreat from our global responsibilities—they are sick again. And once again, the burden of global leadership is thrust upon us.

What happened?

Let me stipulate, first of all, that I don't believe capitalism and democracy are magic elixirs that cure all diseases in a single dose. But I do believe that, taken as a rigorous regimen of treatment, they are about as good a cure for a whole variety of ills as we will ever find.

What we are learning, Mr. President, isn't that democracy and free markets are bad medicine, but that it is tough medicine that works as part of a sustained regimen. We are learning that democracy does not exist simply because the first election was called, and that capitalism does not exist the moment after the central planners are fired. Infrastructure must be built to sustain and manage these systems in a lawful manner. I believe the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

The first institution that must undergird capitalism and democracy is the rule of law. The importance of that institution is illustrated by one of this century's great inventions, the airplane. Five years passed from the first successful flight at Kitty Hawk to the first public demonstration of the "Wright Model A" in France. The reason is that the Wright brothers were busy litigating a patent. It was that protection—the protection of law for their invention—that unleashed the ingenuity of the air age. Without the knowledge that the law protected their right to earn a living off their own ingenuity, the air age might never have been born.

It is exactly this sort of simple institution of law that makes capitalism possible. Such institutions do not yet exist in Russia.

There is a joke that in America, when two businessmen agree on something, put their agreement down on a piece of paper and sign their names to it, they have a contract. In Russia, all they have is a piece of paper. Without the rule of law, the simple act of opening a business, marketing a new idea or so much as buying a house becomes foolish and risky.

What we have learned, and what the Russian people are learning, is that democracy is also hard work, and our challenge now is to help the Russian people build the institutions that enable freedom to succeed. That Russia is still struggling to make democracy work should come as no surprise to us. For 222 years, we have been struggling with the same questions. On this day we are debating a bill whose goal is to fine-tune our own democracy. We helped the Russian people become free; now we must help them do the much harder work of being free. Mr. President, the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

Despite these tall hurdles, the Russian people deserve credit for the long distance they have traveled.

They have created a democratic environment with the guarantee of essential freedoms like speech and press.

They have a functioning democratic electoral system. Boris Yeltsin is the democratically elected President of Russia. In turn, there is a democratically elected Duma controlled by an opposition party. As a result, Russia has learned the lesson that we in this body know all too well—democratic politics sometimes means gridlock.

Here as I see them are the areas in which Russia has fallen short:

Simply put, they have not done enough to establish the rule of law.

Because the style of capitalism they have implemented does not rest on the solid base of the rule of law, economic interactions have become distorted and unstable.

The government has not lived up to its responsibilities, and by failing to collect taxes and pay pensions, back wages and so forth, the government has lost the faith of the people. Corrupt privatization of state-owned enterprises and the failure to implement reforms, such as the protection of private property, have given the people a distorted vision of capitalism.

Take just the collection of taxes. We all know in this body that we just reformed the laws governing our Internal Revenue Service and reformed them because a significant percentage of Americans no longer trusted the tax collector.

But what we failed to acknowledge is, as bad as our system is, and as much as it can be improved—and I hope this legislation will improve it—a well functioning tax collector is a critical part, and a trusted tax collector is a critical part, of a functioning free market democratic form of Government.

As a result, the Russian people have become discouraged by "cowboy capitalism" and do not realize a true market economy should have the checks and balances of the rule of law.

Mr. President, we cannot be content to treat these simply as Russia's problems. And I submit there are three reasons why we cannot.

First, Russia's problems are our problems. Our own economy is not closely entwined with theirs, but it is not insulated either. Furthermore, the potential consequence of allowing this economic crisis to spread throughout the world poses too great a threat to our own economic security to stand idly by and watch the total collapse of the Russian political and economic system. Much more ominously, political instability and nuclear weapons are a dangerous mix.

Second, the Russian people are human beings who are suffering. Our hearts and hands of assistance should go out to them.

Third, and most important, the United States of America is the first-born child of democracy in the modern age. We are the oldest and most successful, and when democracy is being born, history has called us to the duty of being its midwife, not a disinterested observer in the waiting room. We may wish this burden had been not cast on us, but it has. This is our duty.

Mr. President, what can we do?

First of all, I believe we must look at Russian democracy in terms of decades, not just years. The future is still very bright for them. It is a great nation blessed with vast resources and talented people. I remain confident that the transition to democracy will be successful. Nothing will cool their ardor for democratic reforms more than if we become pessimistic about the possibility of their democracy surviving.

We know it is tough. We know it is difficult. All of us have faced difficult moments in a democracy where we have wondered whether or not our system itself could work, but we always rise to the task. We always manage to rise to the challenge, to do that little more that is necessary to make our system work. We simply have to say to the Russian people over and over: "Do not be discouraged. It's far better than what you had before. The rule of law and the opportunity to govern yourself will be frustrating, it will produce disappointments, but do not stop persevering. Your children and your grandchildren will reward you with praise if you do."

Secondly, Mr. President, we have to continue to engage Russia as a partner. Not only is it desirable for us to do so as a consequence of their need, but it is desirable for us to do so as a consequence of ours. They are a permanent member of the Security Council. They are actively involved in many of the most important world issues that we face. And it is imperative that we continue to treat them as a full partner.

Third, we must continue to support the International Monetary Fund. While imperfect, and certainly demanding reform itself to become more open to our observation to know what they are doing and the decisions that they are making, it is still the only institution that pools the world's resources to address large-scale financial crises. I am pleased that the Senate has once again passed legislation to provide $18 billion to replenish the IMF's capital base.

Next, we must continue to work with the Russians on arms control and security issues. Instability in Russia is still the greatest foreign threat to our safety. Working to reduce nuclear and conventional arms will help Russia financially and improve the safety of the American people.

I do not mean to imply by that that arms control all by itself will solve this problem. We have lived through the tragedy of disarmament from the Second World War. We watched what happened when this Nation said in the 1920s: There are no threats out there, and therefore we are going to disarm. We have an obligation, based upon that memory, to keep our military and Armed Forces as strong as necessary, not just to meet today's threats but to meet tomorrow's threats. Still, it is true that the great amount of effort to reduce the stockpile of nuclear weapons will produce tremendous benefits not just to the people of the United States but to the people of all of this world.

Our most important long-term challenge, though, is working with Russia to develop the rule of law. This has to be a hands-on process of teaching. I believe the most important effort is likely to be the least expensive, and that is just long-term exchange programs, giving their people a chance to come here to see how democracy works, to understand the importance of having that law there to protect you not only so you can speak but so that you can start your business and enjoy the benefits that come as a consequence of the reward that we provide people in the market system—and it simply isn't there—to show them that we have also faced in the past problems with Government officials who are corrupted, but again the rule of law is there to protect the people, that they cannot tolerate corruption and they need not tolerate corruption in order to have a market system, and that they should not be discouraged as a consequence of the failures and the problems that they experience in the birthing years of their democracy and their market system.

We need to tell them, Mr. President, as we no doubt can, that we experience similar problems, that it is a long voyage, that we on the Fourth of July, we on Memorial Day, and we on Veterans Day, and we in great moments in our history stand and pay tribute not to ourselves but to our forefathers for the sacrifice of blood, for the sacrifice of treasury, for putting themselves on the line for our freedom.

We need to say that the burden on freedom is a great burden, that freedom is not free, that in wartime we must do as John Miller in "Saving Private Ryan" did—put down our chalk and give up our careers as teachers and put our lives on the line at the beaches of Normandy.

But in peacetime the burden is, we have to put our own selves on the line to fight to make our laws give people the protection and the freedom that they deserve, to come together and argue, to come together with our ideas, as we do here, day after day after day.

We have, I think, an opportunity, through exchange programs, through very small hands-on efforts, an opportunity to show the people of Russia that their great character that enabled them to turn back Napoleon, that enabled them to turn back Adolph Hitler, that enabled them to survive so much that it is almost unimaginable that they were able to get the job done, that a people that can do that can make democracy and free markets work not just for them but for their futures.

Mr. President, I hope and believe indeed there is reason to have optimism, that this Congress will not, on behalf of the American people, shirk our responsibilities and our duties to work with the people of Russia to make this experiment in democracy in their country as big a success as it has been for us.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Friday, September 11, 1998.

Thereupon, the Senate, at 7:37 p.m., adjourned until Friday, September 11, 1998, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate September 10, 1998:

DEPARTMENT OF ENERGY

T. J. GLAUTHIER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE ELIZABETH ANNE MOLER.

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE ASSISTANT OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE JOHN SHATTUCK.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

DEPARTMENT OF DEFENSE

HERBERT LEE BUCHANAN III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE JOHN WADE DOUGLASS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS R. CASE, 2013

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARREL W. MCDANIEL, 4512

DEPARTMENT OF STATE

R. RAND BEERS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT S. GELBARD, RESIGNED.

PETER F. ROMERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JEFFREY DAVIDOW.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE, VICE PRINCETON NATHAN LYMAN.

DEPARTMENT OF DEFENSE

JEH CHARLES JOHNSON, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE SHEILA CHESTON.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD J. HART, 0821

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN M. ADAMS, 6084
MARY L. ALBER, 8401
CATHERINE D. ALEXANDER, 9144
PHILLIP R. ALLISON, 7856
ROBERT A. ALONSO, 9061
ALDEN D. ARMSTRONG, 2732
KEVIN M. ARNWINE, 4607
CHARLENE M. AULD, 4842
LINNEA M. AXMAN, 9665
TOBIAS J. BACANER, 5671
DAVID L. BAILEY, 4859
BRENDA C. BAKER, 2061
JOHN T. BAKER, 3282
THOMAS M. BALESTRIERI, [redacted]
ALICA K. BARTLETT, 9082
BRENDA G. BARTLEY, 9539
KEITH F. BATTS, 9713
BRITT C. BAYLES, 9998
ANNETTE BEADLE, 7848
MATTHEW R. BEEBE, 4175
KRIS M. BELLAND, 3696
JOSE C. BELTRANO, 2062
RICHARD M. BERGER, 6692
WAYNE J. BERGERON, 1528
JOHN L. BERLOT, 1877
STEVEN G. BERTOLACCINI, 5174
JAMES A. BLACK, 9877
RENAE L. BLACK, 1977
GREGORY BLACKMAN, 3170
JODY K. BLONIEN, 4580
ANN BOBECK, 3470
CHARLES D. BOND, 0568
ALLEN D. BOOKER, 8002
DOUGLAS H. BOOTHE, 2389
MARK E. BOWER, 2111
MICHAEL S. BOWERS, 9922
ELLA F. BRADSHAW, 4163
THOMAS E. BRAITHWAITE, [redacted]
TROY E. BRANNON, 5593
KRISTI B. BRENNAN, 8431
MARILYN M. BROOKS, 8900
PAUL A. BROOKS, 1327
LEROY A. J. BROUGHTON, [redacted]
LEWIS E. BROWN, 6680
THOMAS P. BROWN, 0439
LINDA M. BROWNVIDAL, [redacted]
MARK D. BRYSON, 6189
PATRICK A. BUDIN, 7938
MARK D. BUFFKIN, 9031
JACQUELYN L. CALBERT, [redacted]
DANNY W. CAMPBELL, 1966
MORRIS A. CAPLAN, 1759
MARGARET M. CARLSON, 5973
SUSAN R. CARNEY, 1174
MICHAEL C. CAVALLARO, 3727
MARTIN J. CAVINS, 7496
ARDEN CHAN, 5763
CYRIL CHAVIS, 2784
THOMAS J. CHOHANY, 3482
ALBERT M. CHURILLA, 4084
DANIEL G. CLAGUE, 1573
MARK V. COLAIANNI, 5805
SCOTT W. COLBURN, 2588
JIMMIE N. COLLINS, 4711
EDWIN R. CONNELLY, 1373
RALPH W. COREY III, 1892
ANTHONY J. COX, 4142
ROBERT L. CRALL, 4000
ROBERTA C. CRANN, 3091
FLORENCE M. CROSBY, 8185
ROBERT D. CROSSAN, 0623
STANLEY K. CROZIER, 6676
CHRISTOPHER CULP, 0774
GARY M. CUMMINGS, 1276
THOMAS W. CUNNINGHAM, [redacted]
ROBERT G. CURIA, 4574
NANCY L. CURLL, 2329
PETER E. DAHL, 9255
LOUIS A. DAMIANO, 8040
WILLIAM E. DANDO, 8184
SHERMAN A. DANIELSON, [redacted]
STEVEN S. DANNA, 7854
RONALD A. DEIKE, 3725
NANETTE M. DERENZI, 4648
JEROME V. DILLON, 2094
CHRISTINE R. DIMARCO, 1111
JAMES R. DOLAN, 2169
DANIEL G. DOMINGUEZ, 2096
JONATHAN E. DOMINGUEZ, 7440
JAMES F. DORAN, 7900
FLOYD A. DOUGHTY, 4696
ROBERT C. DOUGLASS, 6133
MAUREEN E. DUCKWORTH, 6957
STEVEN R. DUPES, 6264
MARION A. EGGENBERGER, 0795
STEVEN B. ELLIS, 5506
ANGELIA D. ELUMONEAL, 1297
ANTHONY V. ERMOVICK, 6660
GEORGE J. EULER, 2645
MICHAEL A. EVERINGHAM, 4915
ROBERT S. FEINBERG, 2717
JAMES P. FERGUSON, 0315
EUGENIO FERNANDEZ, 7042
BRETT R. FINK, 2983
JAMES R. FISHER, JR, 2748
RAYNARD K. S. FONG, 9561
WALTER M. FREDERICK, 0064
JONATHAN M. FRUSTI, 7772
ALAN P. GEGENHEIMER, 9505
ARTHUR J. GIGUERE, 0590
ROBERT J. A. GILBEAU, 7550
ANN L. GILMORE, 3182
PAMELA G. GIZA, 5599
JOSEPH I. GLIKSMAN, 8258
PAZ B. GOMEZ, 3925
STEPHEN T. GRAGG, 7111
PAUL R. GRASSO, 7316
KRISTE J. M. GRAU, 2088
JAY A. GRAVEN, 9867
TIMOTHY M. GREENE, 5238
PHILLIP E. GWALTNEY, 7327
ROBERT L. GWOZDZ, 4751
MARJORIE B. GWYNN, 4177
WILLIAM M. HALL, 4516
SHAWN K. HAMILTON, 1995
MARTHA J. HANSEN, 7954
JANICE M. HARRELLPARKER, 7565
CHARLES R. HARRIS, 9093
GREGORY A. HARRIS, 5046
BRETT HART, 1649
ANNETTE N. HASSELBECK, 8515
CARL R. HATHCOCK, 9666
DOUGLAS G. HATTER, 5370
JOSEPH D. HEDGES, 8987
PHILLIP C. HEINEMANN, 8992
WILLIAM M. HENDERSON, [redacted]
EDWARD W. HESSEL, 8121
NANCY G. HIGHT, 7180
JERRY J. HODGE III, 5058
HOWARD F. HOLLEY, 7532
PHILIP M. HOLMES, 0635
CHRISTOPHER J. HONKOMP, 7252
WILLIAM C. HORRIGAN, 1543
CAROYLN S. HOWARD, 8593
CHRISTOPHER L. HUNT, 9315
ROBERT M. INABA, 7093
JULIAN B. IRBY, 9066
LINDA A. IRELAND, 4182
WARREN W. JEDERBERG, 5605
RICHARD A. JENSEN, 8212
PAULA M. JONAK, 8269
MELVIN G. JONES, 5333
NORMA G. JONES, 4723
SCOTT M. JONES, 5815
JOSEPH W. KARITIS, 4820
ROBERT J. KASTNER, 6417
MARY D. KEENAN, 5145
DAVID F. KELLEY, 0084
JOHN S. KELLOGG, 3592
GUTSHALL M. K. KENNEY, 0334
CHARLES R. KESSLER, 9217
CYNTHIA L. KILLMEYEREBERT, 5288
RANDOLPH J. KIRKLAND, 6001
LEONARD R. KLEIN, 6679
CHARLES I. KNAPP, 3136
DANIEL V. KNOERL, 1275
CATHERINE S. KNOWLES, 2240
CHRISTOPHER KOENIG, 4487
GORDON D. KORTHALS, 6079
CYNTHIA KOVACH, 0046
JAMES J. KRNC, 8418
DAVID A. LANE, 2182
MICHAEL LEE, 3902
GARY L. LEFFELMAN, 6730
RUTH A. LONGENECKER, 2135
LOUIS LOUK, JR., 4024
KATHERINE M. LOVELESS, 8632
PAUL G. LUEPKE, 4651
RONALD D. LUKA, 6827
JAIME A. LUKE, 5899
JEFFREY A. MACDONALD, 5033
KEVIN L. MAGNUSSON, 9494
VIRGINIA J. MAKALE, 4651
EDWIN C. MALIXI, 6656
JOHN C. MARINUCCI, 6317
KAREN R. MARKERT, 5280
KEVIN T. MARKS, 3734
JAMES E. MARLER, JR., 5547
KEVIN J. MARTY, 2250
CRUZ MATA, 7093
NICHOLAS K. K. MATO, 1057
SHAWNO E. MAY, 0896
DENNIS E. MAYER, 7395
PATRICK O. MCCABE, 8893
ROBERT P. MCCLANAHAN, JR., 9373
WILLIAM B. MCCREA, 5411
CHARLES P. MCGATHY, 1014
GEORGE J. MCKENNA, 8205
TERESA A. MCPALMER, 9646
JEROME MCSWAIN, JR., 9626
PETER B. MELIN, 3433
KENNETH L. MENDELSON, 3264
JERRY J. MICHO, 6940
ROBERT F. MIEDZINSKI, 3543
STEPHEN J. MIGLIORE, 6126
MARK J. MILANO, 8249
SYLVIA R. MILLER, 1100
WILLIAM J. MILLS, 9087
JAMES W. MITCHELL, 9915
THERESA K. MITCHELL, 6323
CARRIE A. MOCK, 3485
HELEN L. MONNENS, 0634
ROSA R. MOORE, 8065
EDUARDO MORALES, 8999
ROBERT C. MORASH, JR., 1193
TODD J. MORRIS, 1729
JOHN R. MORRISON, 7238
MARYALICE MORRO, 4317
DOUGLAS G. MORTON, 8009
BRIAN P. S. MURPHY, 6510
PETER M. MURPHY, 7586
TYRONE D. NAQUIN, 2471
TODD W. NEILS, 5119
ANDREW A. NELSON, 8868
DEBORAH E. NELSON, 7354
DUANE NELSON, 1480
JON E. NELSON, 5719
TIMOTHY J. NEUMANN, 9166
THOMAS C. NICHOLAS, 5195
WILLIAM N. NORMAN, 6619
JAMES P. NORTON, 5102
GREGORY J. O'BRIEN, 7354
FRANCIS O'CONNOR, 9839
MARK A. OHL, 8843
CARL E. OPSAHL, 5703
MELISSA R. P. OTTENBACHER, 0647
GREGORY F. PAINE, 5493
DANIEL A. PALKO, 1469
FREDERICK R. PATTERSON, 1315
ELIZABETH A. PEAKE, 2549
GINAMARIE PEARCE, 2242
MICHAEL A. PELINI, 4938
JOSEPH E. PELLEGRINI, 8357
MARY K. PERDUE, 0159
LORING I. PERRY, 5486
ROBERT J. PETERS, 8470
DAVID C. PHILLIPS, 4420
JAMES C. PILE, 0429
JOHN C. PIRMANN, 3948
DONALD R. PLOMBON, 3640
JOHNNY W. P. POOLE, 3293
MICHAEL L. POTTER, 4176
JEFFREY W. PRITCHARD, [redacted]
CORLEY E. PUCKETT, 6767
SONJA M. PYLE, 1400
MICHAEL M. QUIGLEY, 7615
HERSCHEL H. RECTOR, JR., [redacted]
TERRANCE R. REEVES, 3746
GEORGE F. REILLY, 0063
CAROL L. REMEY, 8961
DAVID P. REMY, 1214
TOMMY L. RICHARDSON, 9910
GEORGE A. RIDGEWAY, 8869
ANNA R. RIEGLE, 4685
PHILIP J. RINAUDO, 0073
GERALD A. RIVAS, 6722
RICHARD K. ROACH, 2899
GLENN C. ROBILLARD, 7451
PAUL V. ROCERETO, 2918
RICHARD G. ROCKFORD, 6012
THOMAS J. RODINA, 2789
RAYMOND J. RODRIGUEZ, 1472
JOHN A. ROTHACKER, III, 1055
GUY J. RUDIN, 4797
JOHN R. RUMBAUGH, 9129
DAVID T. RUPERT, 2107
ALAN J. RUPRECHT, JR., 7744
KAREN L. SALOMON, 0676
EDUARDO M. SALVADOR, 3569
ROBERT N. SAWYER, 5565
CHARLES E. SCHAFF, 7331
MARY B. SCHALL, 9305
KELLY J. SCHMADER, 0541
SUSAN M. SCOTT, 6892
VANESSA M. SCOTT, 2017
PAULA J. SEXTON, 0349
JOHN B. SHAPIRA, 5750
JOHN K. SHEA, JR., 2173
BRIAN D. SHEPPARD, 3458
STEVEN J. SHERIS, 2259
JAMES L. SHIELDS III, 5701
RUTH C. SHU, 0889
ROBERT W. SIEGFRIED, 2597
GREGORY L. SIMPKINS, 3031
ARNO J. SIST, 4812
JOSEPH B. SLAKEY, 5509
JANET D. SLATTEN, 9050
MARTHA M. SLAUGHTER, 6527
PEGGY M. SLEICHTER, 9234
SCOTT M. SMITH, 2533
STEVEN D. SMITH, 0334
STEVEN L. SMITH, 6040
PAUL A. SOARES, 9494
PAMELA M. SOWELL, 8842
JOSEPH L. SPRUILL, 3088
JAMES F. STADER, 4703
JAMES T. STASIAK, 4499
DAVID B. STRATTON, 9843
MARK C. TAYLOR, 7278
MICHAEL R. TORRICELLI, 4427
EDWARD TULENKO, 6320
MARK D. TURNER, 1517
PATRICK W. TYSOR, 4063
ROBERT VALE, 2581
JAMES R. VANDEVOORDE, 2552
SALLY E. VEASEY, 2272
MICHAEL VERNERE, 5336
LISA A. Y. VICKERS, 3680
JEFFREY D. VOLTZ, 4358
JOHN D. WAEGERLE, 7666
JOHN K. WAITS, 2507
LAWRENCE E. WALTER, 1237
CARL D. WAMBLE, 1193
DANA S. WEINER, 9035
DERRIC T. WHITE, 2720
EDWARD S. WHITE, 8727
PAMELA A. WHITE, 4116
DEBRA M. WILBERT, 7520
MARY K. WILCOX, 8754
OLRIC R. WILKINS, 3789
WAYNE J. WILLIAMSON, 2957
SONIA E. WILSON, 1692
DOUGLAS E. WINESETT, 5371
STEVEN M. WIRSCHING, 2120
JAMES A. WORCESTER, 1089
MICHAEL M. WRAY, 2410
ROBERT S. WRIGHT, 1985
DENNIS F. YEATMAN, 9566
MAUREEN J. ZELLER, 0445

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER L. ABBOTT, 8683
GEORGE P. ABITANTE, 9390
ALAN J. ABRAMSON, 7483
MARK R. ACHENBACH, 2223
CHRISTOPHER E. AGAN, 7118
KENT R. AITCHESON, 6948
AL A. O. ALABATA, 1680
ROBERT W. ALCALA, 5916
STEVEN L. ALKOV, 9470
JOHN M. ALVERSON, 8469
JOHN V. AMY, JR., 7485
KEVIN R. ANDERSEN, 0254
CHARLES S. ANDERSON, 2099
JOHN S. ANDREWS, 8996
BRIAN K. ANTONIO, 6000
CARLOS E. APONTE, 3157
JOHN C. AQUILINO, 4901
JEFFREY H. ARMSTRONG, 0090
JOHN D. ASHE, 0232
DUANE R. ASHTON, 8011
TIMOTHY ATKINSON, 4765
KENNETH W. AUTEN, 7204
THOMAS W. BAILEY, 3323
FRANK W. BAKER, JR., 1366
JONATHAN A. BAKER, 8793
MARK A. BAKER, 9120
FRANK W. BALANTIC, 4674
STEVEN W. BALDREE, 5772
DANIEL J. BALL, 1026
TERESA S. BANDURDUVALL, 3618
KATHY A. BARAN, 2252
KENNETH J. BARRETT, JR., 2324
DAVID J. BARTHOLOMEW, JR., 0966
VERNON D. BASHAW, 2515
CRAIG D. BATCHELDER, 9780
STEVEN E. BATES, 0157
STEVEN BAXTER, 3271
JAMES C. BEATTY, 9601
PAUL B. BECKER, 5541
DAVID R. BECKETT, 7745
STEPHEN W. BECKVONPECCOZ, 5994
ROBIN C. BEDINGFIELD, 0048
MARK G. BEEDENBENDER, 7468
ROBIN L. BELEN, 1141
BARBARA A. BELL, 1633
GOODMAN E. BELLAMY, 6965
PAUL N. BELLANTONI, 3573
WARREN C. BELT, 8656
JEAN E. BENFER, 1341
THEODORE J. BERGER, JR., 7851
DENNIS G. BEVINGTON, 1039
KRISTIAN P. BIGGS, 8735
LAWRENCE P. BITTNER, 1105
BRUCE R. BJORKLUND, 8285
RANDAL D. BLACK, 9355
HOMER G. BLALOCK III, 0875
FREDERICK T. BLANCHARD, 7641
TIMOTHY J. BLOCK, 3254
KEITH A. BLUESTEIN, 7189
DAVID S. BOGDAN, 4710
KEVIN D. BOHNSTEDT, 8701
STEVEN G. BOIS, 3221
GEORGE BONSALL, 2478
STEVEN A. BORDEN, 1907
TODD W. BOSTOCK, 3282
BRENT L. BOSTON, 5875
GEORGE B. BOUDREAU III, 1461
SAMUEL R. BOVINGTON, 1633
JOHN B. BOWIE, 2425
RODERIC C. BRAGG, 0236
BRIAN J. BRAKKE, 1968
DANIEL E. BRASWELL, 5107
THERESA M. BRAYMER, 0474
KEVIN R. BRENTON, 8128
ROBERT F. BRESE, 7088
CLAUDIA S. BROADWATER, 6612
BRIAN J. BROENE, 1625
CHRISTOPHER V. BROSE, 4460
CHRISTOPHER E. BROWN, 5994
DOUGLAS J. BROWN, 2165
JAMES R. BROWN, 0781
LLOYD P. BROWN, JR., 7191
MATTHEW S. BROWN, 1747
MICHAEL W. BROWN, 4567
ROGER W. BROWN, 5731
DAVID D. BRUHN, 1466
CLIFFORD A. BRUNGER, 8367
JOHN L. BRYANT, JR., 9380
SEAN S. BUCK, 5163
PATRICK E. BUCKLEY, 9302
KENDALL A. BURDICK, 9915
JAMES D. BURNS, 0344
TERRY M. BURT, 4378
CLAUDIA S. BUTLER, 1977
JOHN C. BUTLER, 2701
OTIS E. BUTLER III, 0830
ERIC B. BYRNE, 7061
JOHN D. CACCIVIO, JR., 1353
DAVID A. CACHO, 9029
THOMAS M. CALABRESE, 8978
DAVID M. CALDWELL, 8036
SHAWN M. CALI, 1595
ROBERT J. CAMERON, JR., 9734
KEVIN P. CAMPBELL, 5445
SCOTT R. CAMPBELL, 9974
KENNETH R. CAMPITELLI, 7712
KERRY B. CANADY, 6471
JEFFREY L. CANFIELD, 4306
FREDERICK J. CAPRIA, 4367
BRYAN T. CARAVEO, 3479
LEE S. CARDWELL, 1727
ALBERT G. CAREY, 3288
JESSIE C. CARMAN, 1684
NANCY J. CARTER, 5190
FRANK J. CARUSO, JR., 5394
ALEXANDER T. CASIMES, 2611
DOUGLAS P. CASSIDY, 3740
WILLIAM G. CASTANEDA, 1495
EUSTAQUIO CASTROMENDOZA, 8268
MICHAEL J. CAVANO, 2979
JON M. CECCHETTI, 7028
MARK E. CEDRUN, 9777
STEPHEN D. CHACHULA, 4916
COLIN B. CHAFFEE, 7636
THOMAS J. CHASSEE, 6965
MARK A. CHAVES, 0227
DONALD W. CHEWNING, 0304
JOHN S. CHISHOLM, 1073
JAMES F. CHURBUCK, JR., 7444
MATTHEW B. CISSEL, 2985
MICHAEL S. CLARK, 5515
ROBERT E. CLARK II, 0708
RODNEY A. CLARK, 0524
WILLIAM I. CLARK, 6015
CLARENCE C. CLOSE, 5222
BARRY W. COCEANO, 9367
WARREN A. COLEMAN III, 7508
DONALD E. COLLINS, 3615
WILLIAM J. COLLINS, 7565
WILLIAM M. CONDON, 2174
DOUGLAS P. CONKEY, 3608
TIMOTHY M. CONROY, 2815
DARRELL C. COOK, 4438
CHRISTOPHER R. COOPER, 7081
JOHN P. CORDLE, 9452
DIEGO R. CORRAL, 1981
RAYMOND B. CORRIGAN, 8511
BRIAN T. COSTELLO, 9689
JAMES M. COUMES, 1728
RAYMOND L. COUTLEY, 2645
AMRY S. COX, 8222
TIMOTHY W. CRAWFORD, 5825
MARK E. CREP, 6760
LOWELL D. CROW, 6171
RICHARD T. CROWERS, JR., 9177
TERRENCE E. CULTON, 7266
STEPHEN G. CUNDARI, 8852
STANLEY CUNNINGHAM, 8312
BRYAN L. CUNY, 5721
ROBERT L. CURBEAM, JR., 6495
ADAM J. CURTIS, 9573
JEFFREY S. DALE, 0095
PETER K. DALLMAN, 7548
JOHN M. DALY, 0850
ALBERT C. DANIEL, JR., 4879
TIMOTHY N. DASELER, 2413
GERRAL K. DAVID, 3322
STUART W. DAVIDSON, 7865
MARK E. DAVIS, 8548
TERRY K. DAVIS, 0122
TODD C. DAVIS, 9906
ERIC L. DAWSON, 3897
PETER M. DAWSON, 2828
ANDREW S. DEAN, 2343
MARK J. DEARDURFF, 7890
ROBERT C. DEES, 6598
ROBERT A. DEGENNARO, 8631
THOMAS D. DEITZ, 1791
JOSEPH F. DEMARCO, 1832
DOUGLAS J. DENNENY, 6646
LYNN L. DENNIS, JR., 1373
DAVID M. DEPMAN, 6232
DAVID R. DESIMONE, 4183
NANCY R. DILLARD, 2586
PAUL S. DILLMAN, 8283
WILLIAM E. DINE, 2952
PATRICK DISPENZIERI, 2121
THOMAS A. DITRI, 7998
DENNIS L. DIUNIZIO, 9193
MICHAEL J. DOBBS, 5073
DAVID M. DOBER, 5306
NORBERT H. DOERRY, 0750
KATHERINE M. DONOVAN, 0759
RICHARD J. DORN, 7738
DANIEL G. DOSTER, 3249
CHARLES J. DOTY, 5389
ANTHONY H. DROPP, 8455
CHARLES F. DRUMMOND, 8864
TITO P. DUA, 3959
MARY D. DUBAY, 3412
RICHARD A. DUMAS, 3658

SUSAN L. DUNLAP, 4320
ARCHIBALD S. DUNN, 0662
JIMMY DURAN, 6152
DAVID M. DURYEA, 8768
JENNIFER E. DYER, 0809
JOEL B. DYKES, 5200
RICHARD J. EASON, 0145
JAMES P. EASTERBROOKS, 7402
MICHAEL J. EATON, 8629
CATHERINE R. EBERHART, 0478
JOSEPH G. EBERT, 4254
JIM B. EDENS III, 6242
JEFFRY L. EDGAR, 1280
THOMAS L. EGBERT, 4725
DAVID A. EKKER, 2190
CAROL P. ELLIOTT, 6558
COLLEEN L. ELLIS, 4943
LANTZ C. ELLIS, 4858
PATRICK E. ELLIS, 7920
DONALD F. EMERSON, 5305
GARY E. ENGLISH, 1182
KENNETH A. ENRIQUEZ, 6098
ROBERT W. ERNST, 6289
MYLES ESMELE, JR., 4656
WILLIAM R. ESTRADA, 5775
ERIC D. EXNER, 3392
JERI D. EZELL, 1411
JOHN R. FAHEY, 6222
EDWARD J. FAIRBAIRN, 0934
JAMES R. FALLIN, JR., 6805
PETER J. FANTA, 4106
STUART T .FARNHAM, 2390
RICHARD E. FARRELL, 0202
WILLIAM A. FIELDS, 2270
SEAN R. FILIPOWSKI, 6388
DANIEL H. FILLION, 9756
ROBERT D. FINK, 3657
RICHARD J. FINNEGAN, 3128
ROBERT L. FIREHAMMER, JR., [redacted]
JAMES H. FLATLEY IV, 1873
BRIAN N. FLETCHER, 3998
THOMAS A. FLISK, JR. 8459
EDWARD A. FLORES, 1804
KAREN P. FONDREN, 8040
ROBERT J. FORD, 8895
CARL B. FORKNER, 7948
DANIEL P. FORNEY, 9925
DAVID M. FOX, 8829
WILLIAM J. FRAKE IV, 6448
JEFFREY A. FRANKLIN, 0499
CHRISTOPHER L. FRASSE, 4748
MITCHELL A. FREE, 1008
WILLIAM F. FREITAG, 5583
GERALD FRIEDMAN, 7471
RAYMOND T. FULLER, JR. 9436
WILLIAM J. FULTON, 1554
JOHN W. FUNK, 8379
SCOTT M. GALBREAITH, 6285
DAVID J. GALE, 9428
NORMAN W. GALER, 9379
WILLIAM J. GALINIS, 4912
CHRISTOPHER P. GALLAGHER, 2533
ARTHUR F. GALPIN III, 3373
CARL J. GARBELOTTI, 6303
JOSEPH H. GATES, 2012
EDWARD J. GAWLIK, JR. 8798
ROY J. GEBERTH, 4402
JOHN P. GELINNE, 5001
DAVID J. GELLENE, 7983
MARK D. GENUNG, 0682
RANDALL L. GETMAN, 2845
LEOPOLDO D. GIL, JR. 6121
MICHAEL M. GILDAY, 5806
JEREMY W. GILLESPIE, 3241
WILLIAM T. GILLIGAN, 7002
BRIAN J. GLACKIN, 8352
JERRY L. GODDING, 7381
JEFFREY D. GORDON, 2596
SCOTT S. GORDON, 1075
DAVID P. GORMAN, 8800
MARK J. GOUGH, 3366
ROBERT S. GRADEL, 3555
CHRISTOPHER W. GRADY, 8461
JEFFREY R. GRAHAM, 8514
MICHAEL G. GRAHAM, 7748
LARRY A. GRANT, 2336
KENNETH L. GRAY, 2982
PETER A. GRIFFITHS, 5599
MICHAEL E. GROODY, 9748
ROBERT L. GROSS, JR. 5443
WILLIAM A. GUERRERO, 6646
STANLEY L. GUNTER, 1614
JACK A. GUSTAFSON, 7236
DAVID J.W. GWILLIAM, 5819
MARY E. GWIN, 9519
MICHAEL T. HABERTHUR, 0583
SUSAN M. HAEG, 6770
ROBERT G. HAHN, 2806
SCOTT W. HALE, 0181
MICHAEL P. HALLAL, JR. 1257
NORTHMORE W. HAMILL, 1005
LEONARD J. HAMILTON, 6896
STEPHANIE W. HAMILTON, 3442
WILLIAM C. HAMILTON, 5932
JON C. HARDING, 2081
EDWARD J. HARRINGTON, [redacted]
CHARLES K. HARRIS, 0883
SCOTT D. HARRIS, 8165
FRANCIS L. HARRISON, JR. [redacted]
WILLIAM J. HART, 0920
MARK D. HARVEY, 6185
WILLIAM D. HATCH II, 1872
CHRISTIAN N. HAUGEN, 2338
STEVEN D. HAYES, 9066
DEBORAH A. HEADRICK, 6463
PETER J. HEIMBACH, 1155
AUGUST H. HEIN, 2250
JOHN C. HEISS, 8035
BRIAN W. HELMER, 8590
RANDALL M. HENDRICKSON, 5026
CHRISTOPHER M. HENSON, 1648
ROGER G. HERBERT, JR., 4196
JOHN B. HERRINGTON, 6049
JAMES A. HERTLEIN, 5058
CHARLES R. HILL, 4240
GREGORY J. HILSCHER, 1537
JAMES J. HIRST III, 6639
TIMOTHY L. HOBBS, 5556
JANE E. HOFFMAN, 3018
PAUL J. HOFFMAN, 6120
RAYMOND F. HOFFMANN, 2965
DONALD A. HOLCOMB, 5269
TIMOTHY A. HOLLAND, 4040
GUY V. HOLSTEN, 6140
MICHAEL A. HOMSCHEK, 9298
OWEN P. HONORS, JR., 1361
ROBERT R. HOOKS, 4971
KEVIN R. HOOLEY, 5589
JAMES B. HOPKINS II, 6951
ROBERT S. HOSPODAR, 9016
JOHN R. HOUFEK, 4127
PAUL S. HOUGHTON, 2151
SAMUEL C.H. HOWARD, 0816
PHILIP G. HOWE, 8436
WILLIAM R.N. HOWELL, 1484
RANDALL S. HOWES, 8289
MARK R. HOYLE, 4641
BRIAN D. HUGHES, 5273
PAUL D. HULLINGER, 4994
JAMES R. HUNT, 8083
PETER P. HUNT, 7994
PHILLIP R. HURNI, 5510
RICHARD IMPELLIZZERI, 2720
ROBERT P. IRELAN, 7849
STEPHEN M. JACKSON, 8574
DOROTHY M. JANSON, 6750
JAMES V. JARVIS, 1772
KAREN D. JEFFRIES, 1659
CHRISTOPHER F. JEWETT, 3334
DONALD C. JOHNSON, JR., 1358
THOMAS P. JONES, JR., 4524
JOHN M. JORGENSEN, 4084
JOHN E. JOSEPH, 2784
PAUL A. JUDICE, 1766
CJ KALB, 2401
HEIDI W. KALLIO, 5549
DAVID M. KAPAUN, 3524
FRANK R. KARA, 4535
ANTHONY C. KARKAINEN, 6493
CRAIG A. KAUBER, 3077
THOMAS J. KEARNEY, 5350
MICHAEL J. KEATING, 8364
PATRICK J. KEENAN, JR., [redacted]
CHRISTOPHER J. KELLY, 9052
KEVIN F. KELLY, 2065
SHAUN M. KELLY, 7721
BEVERLY J. KELSEY, 7279
JOHN M. KENNEDY, 3627
JOSEPH C. KENNEDY, 5778
SIDNEY D. KENNEDY, 0186
MATTHEW R. KERCHER, 0075
JOHN M. KERSH, JR., 2523
PHILLIP R. KESSLER, 4193
RICHARD D. KEYS, 3096
JOHN F. KIEFFER, 6037
DAVID L. KIEHL, 0169
DAVID H. KIEL, 4877
CHARLES D. KILBURN II, 2586
ANDREW A. KING, 9556
JEFFREY D. KING, 5317
JERI S. KING, 2338
NANCY KINGWILLIAMS, 2694
JOHN G. KINNEY, 0199
THOMAS K. KISIEL, 6036
RICHARD W. KITCHENS, 6465
STEVEN G. KOCHMAN, 3266
FEZA S. KOPRUCU, 6687
THEODORE R.I. KRAMER, 9519
GERALD P. KREFT, 9344
DAVID M. KRIETE, 8992
JOHN M. KROFT, 6213
DIETRICH H. KUHLMANN III, 6745
JEFFERY S. KUHN, 2454
JEFFREY A. KULP, 6504
BRUCE N. KUYATT, 8040
JAMES M. KUZMA, 2510
GREGORY J. LAFAVE, 3958
LEIF E. LAGERGREN, 2768
CHARLES W. LAINGEN, 7663
THOMAS P. LALOR, 0442
REINER W. LAMBERT, 1372
GEORGE M. LANCASTER, 9414
DAVID J. LANDESS, 2648
JOHN D. LAPE, 0372
SCOTT G. LARSEN, 4366
DONALD M. LEINGANG, 9868
JAMES M. LELAND III, 4702
PETER N. LENGYEL, 5785
EDWARD J. LESTER, 8308
DAVID L. LEU, 2928
KENNETH C. LEVINS, 4152
STEPHEN D. LEWIA, 9004
GERARD M. LEWIS, 4694
JAY S. LEWIS, 7014
ROBERT R. LIEPELT, 7085
ROBERT E. LILLGE, JR., 9162
PAUL F. LINNELL, 5794
PAUL A. LLUY, 6693
MICHAEL C. LOEBER, 6774
JEFFREY C. LONG, 3605
GREGORY L. LOONEY, 2931
BRIAN L. LOSEY, 7379
STEVEN A. LOTT, 5014
TIMOTHY S. LUFFY, 0205
THOMAS B. LUKASZEWICZ, [redacted]
FRANCIS C. LUKENBILL, 8740
BRIAN E. LUTHER, 0311
RANDOLPH L. MAHR, 0491
JAMES R. MALLETTE, JR., 0882
WINFRED A. MALONE, 3775
OCTAVIO E. MANDULEY, 5540
PAUL A. MARCONI, 0741
DAVID P. MARKERT, 9377
ERNEST B. MARKHAM, 9973
MELANIE A. MARR, 2618
LAWRENCE E. MARSHALL, 3377
ROBERT P. MARSTON, 6007
BRADLEY A. MARTIN, 1566
FRANCIS X. MARTIN, 0830
MARSHALL W. MARTIN, JR., 2307
CAROLE S. MARTONOSI, 8728
GEORGE M. MATAIS, 8628
TIMOTHY S. MATTHEWS, 5518
DAVID N. MAYNARD, 2017
TIMOTHY J. MAYNARD, 9081
ROBERT W. MAZZONE, 3891
JEFFREY F. MC ALOON, 0093
STUART A. MC CORMICK, 9541
ANGELO A. MC COY, 9546
PETER H. MC DEVITT, 2027
CHRISTOPHER J. MC DONALD, 6154
BARRY R. MC DONOUGH, JR., 0337
JOHN K. MC DOWELL, 6135
ROGER D. MC GINNIS, 9594
SALLY E. MC GINTY, 6912
BRIAN MC ILVAINE, 2841
THOMAS P. MC KAVITT, JR., 6455
JEFFREY L. MC KENZIE, 5966
SCOTT J. MC KERNAN, 8393
MARTIN G. MC MAHON, 7521
WILLIAM C. MC MASTERS, 8757
RICK M. MC QUEEN, 4730
WILLIAM C. MC QUILKIN, 2135
CHARLES D. MC WHORTER, 1047
THOMAS A. MEADOWS, 5609
CHARLES P. MELCHER, 1940
DAVID W. MELIN, 2572
RONALD C. MERRITT, 0409
KENNETH E. MILEY, 6539
JAMES A. MILLER, JR., 0249
STEPHEN T. MILLER, 6082
SAM M. MILLS, 1792
JOHN S. MITCHELL III, 7701
JOEL D. MODISETTE, 8318
MARK C. MOHR, 0898
MICHAEL S. MOLKENBUHR, 1344
MARK C. MONTGOMERY, 3302
ROBIN A. MOORE, 2129
SCOTT P. MOORE, 2764
MICHAEL T. MORAN, 1607
PAUL S. MORGAN, 0634
FRANK A. MORNEAU, 5172
KENNETH V. MORRILL, 2797
JOHN A. MORRISON, 5554
MARK E. MORRISON, 7775
EDWARD M. MORTON, 3757
TERRY D. MOSHER, 4325
DONALD C. MUELLER, 1163
THOMAS E. MUELLER, 7297
KEVIN P. MULCAHY, 3699
ANTHONY J. MULLARKY, 1091
THOMAS M. MUNNS, 6965
STUART B. MUNSCH, 7275
HAL C. MURDOCK, 8838
BRADLEY T. MURPHY, 6893
MICHAEL J. MURPHY, 5359
THOMAS A. MURPHY, 6080
THOMAS J. MURPHY, 9030
DAVID A. MURRAY, 3616
MARY K. MURRAY, 7434
WAYNE R. MUSOLF, 2754
ROSS A. MYERS, 3373
STEVEN J. MYERS, 0679
WILLIAM R. MYSINGER, 9948
JUAN A. NAVARRETE, 9648
JOHN P. NEAGLEY, 8044
RANDALL A. NEAL, 0921
THOMAS C. NEAL, 5688
MICHAEL J. NEIBERT, 0144
MARK D. NEIGHBORS, 9444
DAVID A. NELSON, 1435
SCOTT M. NELSON, 6200
DUANE E. NESTOR, 0158
BRIAN D. NEUENFELDT, 5652
KEVIN P. NEWMEYER, 8810
NATHAN C. NICKERSON, JR., 5173
RICHARD J. NISSEN, JR., 8656
CHARLES E. NORBERG, JR., 1478
JOHN B. NOWELL, JR., 6530
MARK C. NYE, 9613
JOHN C. NYGAARD, 9222
WILLIAM M. O'CONNELL, 4677
PAUL G. O'CONNOR, 4619
JEFFREY A. OGUREK, 2669
JOANNE T. OHERN, 4786
MARK J. OLECHOWSKI, 0810
CLIFFORD I. OLSEN, 8812
GERALDINE L. OLSON, 2636
JAMES M. OLSON, 2763
LEE A. OLSON, 6483
ANTHONY B. ONORATI, 8820
WILLIAM P. ORR, 1477
SCOTT C. ORREN, 7816
WILLIAM D. ORTON, 2413
JOHN P. O'SULLIVAN, 8802
PETER G. OSWALD, 1970
JAMES E. OTIS, 0083
JOHN P. OTTERY, 9328
DONALD R. OWENS, 9419
JONATHAN M. PADFIELD, 2160
MICHAEL J. PAGLIARULO, 1419
STEVEN A. PARKS, 1547
AMADO M. PARRA, 1888
GARY R. PARRIOTT, 1705
NEIL R. PARROTT, 2436
JAMES R. PASCH, 9203
JEFFERY L. PATRICK, 9282
JAMES PAULSEN, 8479
TYRONE PAYTON, 6752
DAVID T. PEARSON, 2608
MICHAEL R. PEASE, 4918
JAMES A. PELKOFSKI, 1250
WILLIAM L. PETERSON, 0207
ERNEST P. PETZRICK, 5157
FREDERICK W. PFIRRMANN, 0290
SCOTT J. PHILLPOTT, 1905
JONATHAN D. PICKER, 9026
THEODORE O. PICKERILL II, 8280
DAVID D. PIERCE, 3082
CHRISTOPHER R. PIETRAS, 9301
MARK W. PIVERAL, 3875
ALLEN V. POLLARD, 0385
SCOTT D. POLLPETER, 2826
JOHN W. R. POPE II, 5781
PAUL A. POVLOCK, 6389
MARK E. POWELL, 4025
MATTHEW J. PRINGLE, 2824
JOSEPH L. QUIMBY, 3565
THOMAS J. QUINN, 5620
PATRICK C. RABUN, 5463
ROBERT B. RABUSE, 7734
ROY M. RADCLIFFE, 5072
WILLIAM R. RADOMSKI, 2443
VIVAN L. RAGUSA II, 0534
PHILIP B. RAIMONDO, 0842
ROBERT G. RAMSEY, JR., 0040
THOMAS S. RANSOM, 8411
PETER C. RASNICK, 3468
TODD G. RATNER, 8498
DAVID S. RATTE, 2996
WILLIAM P. REAVEY, JR., [redacted]
STEPHEN P. RECCA, 7929
DANIEL J. REDGATE, 5241
WILLIAM R. REDMOND, 1968
GERARD J. REINA, 4043
FREDERICK C. RESSEL, JR., [redacted]
KEVIN D. REYNOLDS, 6905
MARK M. RHOADES, 7623
ALLEN S. RICE, 1793
CHRISTOPHER W. RICE, 7757
RONALD G. RICE, 5562
PAUL R. RICHARDS, 3873
DEAN A. RICHTER, 3598
MICHAEL J. RIMMINGTON, 7485
BRIAN L. RINALDI, 0288
STEVEN C. RITCHIE, 0912
MICHAEL D. RIVENBARK, 0699
JOSEPH W. RIXEY, 0771
JEFFREY L. ROBERTS, 2243
SUE F. ROBERTSONTRUXAL, 3384
RAYMOND M. ROBICHAUD, JR., 7358
ROBERT G. ROBINSON, 3407
RONALD B. ROBINSON, 2941
ANTHONY C. RODGERS, 7419
PATRIC K. ROESCH, 0907
MICHAEL P. ROGERS, 8059
PAUL E. ROWE, 2846
DAVID H. RUEDI, 4583
ENRIQUE L. SADSAD, 4116
SUSAN B. SALE, 2908
GEORGE J. SALITSKY, 2859
MICHAEL J. SALTERS, 5146
MICHAEL J. SALVATO, 2266
WILLIAM D. SANDERS, 3559
MICHAEL S. SASSCER, 4389
KENNETH R. SAULT, 0323
DEAN R. SAWYER, 8575
THOMAS J. SCHAUDER, 9777
CRAIG W. SCHMIDT, 3833
DONALD A. SCHMIELEY, JR., 9795
DAVID A. SCHNELL, 1025
LEE W. SCHONENBERG, 2497
CHRISTOPHER G. SCHREIBER, 2016
STEVEN R. SCHREIBER, 4130
DOUGLAS S. SCHROEDER, 8901
JOHN T. SEGURA, 5551
CRAIG M. SELBREDE, 3170
DOUGLAS W. SELLERS, 6840
DAVID M. SENDEK, 7963
DONNA M. SENGELAUB, 9470
PAUL D. SHANKLAND, 0663
ALEXANDER V. SHARP, 7195
CLIFFORD S. SHARPE, 9397
JOSEPH M. SHAW, 4235
DWIGHT D. SHEPHERD, 6413
SUSAN L. SHERMAN, 3396
CHARLES E. SHIRLEY, 2376
GARY SHOMAN, 9332
GREGORY A. SILVERNAGEL, 6527
DAMON I. SINGLETON, 2078
CHARLES J. SITARSKI, 2961
JOHN M. SLAUGHTER, 4844
STEVEN E. SLOAN, 9653
DIXON R. SMITH, 5901
LYNN E. SMITH, 4484
RICHARD D. SMITH, 5189
TIMOTHY T. SMITH, 3127
CLAY J. SNAZA, 3798
THOMAS P. SNYDER, 8018
WILLIAM S. SPANN, 1529
JAMES B. SPERRY, 7153
GORDY A. SPIRES, 6734
ANTHONY L. STAINBROOK, 6395
JOHN P. STAMOS, 0501
MICHAEL B. STANTON, 7068
JAMES F. STASCAVAGE, 8796
LEE A. STEELE, 6928
GARLAND STEPHENS, 2425
ROBERT STEPHENS, 7456
CHARLES A. STERNBERG, 7783
PAUL T. STEVENS, 9747
JANET D. STEWART, 0236
JOHN A. STEWART, 3713
ROBERT B. STEWART, 2793
PETER L. STITT, 1280
JAMES F. STONE, 4365
JOANN M.T. STONE, 5991
MARINUS STORM, 4619
MICHAEL A. STRANO, 1261
SCOTT C. STUART, 7464
THOMAS D. STUART, 2325
ROBERT A.J. STUBBLEFIELD, 3171
PATRICK T. SULLIVAN, 4327
RAYMOND E. SULLIVAN, JR., 7322
SEAN C. SULLIVAN, 9017
TIMOTHY W. SUMMERS, 5516
SCOTT M. SUNDT, 8985
ROBERT T. SUSBILLA, 1982
JOEL T. SWANSON, 4229
CHARLES D. SYKORA, 8628
WILLIAM G.A. SYMPSON, 2777
NORBERT E. SZARLETA, JR., 1402
EDWARD L. TAKESUYE, 4533
JOHN W. TAMMEN, JR., 5426
MARGARET A. TAYLOR, 4203
THOMAS J. TAYLOR, 9346
DARIO E. TEICHER, 8276
TUSHAR R. TEMBE, 7814
CHRISTOPHER B. THOMAS, 7293
GREG A. THOMAS, 0570
GREGORY R. THOMAS, 1641
STEPHEN N. THOMPSON, 3139
ERIC J. TIBBETS, 5887
DAVID C. TILLER, 8613
MARK T. TIMME, 5314
KEVIN J. TOKARICK, 3289
MATTHEW A. TOOMBS, 3446
WALTER L. TOWNS, 3031
IAN R.S. TOWNSEND, 7533
JAMES E. TRANORIS, 5001
MICHAEL S. TRENCH, 4726
THOMAS R. TWOMEY, 3382
DEBORAH S. VALLEZ, 2826
BRIAN T. VANCE, 5227
CHRISTOPHER L. VANCE, 0968
GERARD M. VANDENBERG, [redacted]
VINCENTIUS J. VANJOOLEN, 2294
THOMAS L. VANPETTEN 6168
JEFFREY C. VIELOCK, 6804
MICHAEL S. VILAND, 3180
KEVIN L. VISSCHER, 5347
MICHAEL J. VORMBROCKE, 8983
PHILIP L. WADDINGHAM, 7351
KEITH L. WAGONER, 0091
MICHAEL G WALDHAUSER, 0432
FLOYD K. WALKER, JR., 6789
JOHN G. WALKER, 9337
GEORGE J. WALTER, JR., 2259
RICHARD W WALTER, II, 0516
CURT R. WALTHER, 7901
GARY K. WARING, 6749
RICHARD J. WATKINS, JR., 4865
GARY H. WATSON, JR., 0959
NANCY H. WATSON, 4358
CHRISTOPHER J. WATT, 5401
THOMAS G. WEARS, 5366
CHARLES D. WEBB, 5221
PETER K. WEBB, 1853
DIANE E. H. WEBBER, 0434
MARY K. WESSLEN, 9114
HUGH D. WETHERALD, 0160
EDWARD A. WHALEN, 0383
KENT D. WHALEN, 4221
EDUARDO E. WHEELER, 5775
JAMES B. WHITE II, 7142
MICHAEL S. WHITE, 4900
ANDREW S. WHITSON, 1859
CYNTHIA L. WIDICK, 3521
ROBERT N. WIEGERT, 4968
KEITH J. WILDONGER, 3395
NEIL R. WILEY, 5897
BRUCE R. WILLHITE, 6213
GARY H. WILLIAMS, 1749
MARK H. WILLIAMS, 2466
MICHELE L. WILLIAMS, 5376
RICHARD L. WILLIAMS, JR., 9224
DONALD E. WILLIAMSON, 4888
WILLIAM C. WILLISTON, 6209
CARLENE D. WILSON, 8587
MICHAEL M. WILSON, 8398
MICHAEL C. WISNIEWSKI, 2770
BRIAN D. WITTICK, 7621
FRANK A. WONDER, 1228
JOHN R. WOOD, 1701
ROBERT B. WOODS, 1006
KENNETH A. WOS, 0832
STEVEN R. WRIGHT, 7348
JAMES L. WYANT, 8782
JANICE M. WYNN, 4480
ROLAND J. YARDLEY, 9854
JOSEPH A. YETTER, JR., 9510
DONG J. YI, 4077
MARSHALL S. YOUNG, 5426
MAUDE E. YOUNG, 0806
RICHARD S. YOUNG, 3962
MICHAEL T. ZANSKI, 2705
JOHN E. ZARBOCK, 5960
ROBERT K. ZARING, JR., 5148
DANIEL P. ZELESNIKAR, 7832
KURT W. ZIEBARTH, 2478
KEVIN S. ZUMBAR, 7468

HOUSE OF REPRESENTATIVES—*Thursday, September, 10, 1998*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Director of Lutheran Social Services of Northern Virginia, Fairfax, Virginia, offered the following prayer:

Almighty God, we acknowledge Your presence this day in our own personal lives and in our corporate soul as a Nation.

Your steadfast love has been extended to all people for all time, especially those most in need of it.

Your gracious mercy has been meted out evenly and fairly throughout all generations.

Your nature of being righteous towards all is matched only by the demand from Your children for justice.

The clarion call by the prophets of old "to return to the Lord" is always apropos.

O God, may we be as free to give as we are desirous to receive the blessings of Your steadfast love and gracious mercy.

May we all seek to do right, be just, and always walk humbly before Your all-encompassing righteousness.

And, may we never turn a deaf ear to the trumpet call for an introspective look at who we are as persons and as a Nation.

Bless, O God, the efforts of all Your people this day, in this room and in the workplaces of our land.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement. With the concurrence of the Minority Leader, the Chair would take this occasion to make an announcement regarding proper decorum during debate in the House, including one-minute and special-order speeches, specifically with regard to references to the President of the United States.

As indicated in section 17 of Jefferson's Manual, which under rule XLII is incorporated as a part of the Rules of the House, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

Rulings in this Congress, which will be annotated in the accompanying section 370 of the House Rules and Manual, include references to alleged criminal conduct. This documented restriction extends to referencing extraneous material personally abusive of the President that would be improper if spoken as the Member's own words.

Occupants of the Chair in this Congress and in prior Congresses have consistently adhered to this principle regarding the present and past Presidents.

While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

> The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.
>
> The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.
>
> It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, "in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated."

This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on either side.

IN SUPPORT OF PAUL McHALE

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Madam Speaker, I rise today as a Republican in strong support of my Democrat colleague, my fellow veteran and my friend, the gentleman from Pennsylvania (Mr. McHALE). I rise to defend the gentleman because as an individual who admires the virtues of honor, courage and commitment wherever they are found, in Congressman PAUL McHALE they are found in abundance.

Last month, the gentleman from Pennsylvania (Mr. McHALE) called for the President's resignation stating that, "perjury is not excused by an apology compelled by overwhelming evidence and delivered under pressure."

The gentleman from Pennsylvania (Mr. McHALE) has served this country in uniform as a Marine and as public servant. He is a man of honor, courage and commitment who has stood fast to his convictions.

These convictions have led the gentleman from Pennsylvania to examine the course of conduct by the President and to reach a somber conclusion. As a member of the Committee on the Judiciary, I, like others in this body perhaps are still examining, soul searching and analyzing the case, and that is also appropriate. However, what is reprehensible is the vilification to which Congressman McHALE has been subject for exercising his First Amendment rights and voicing the views of his constituents.

The gentleman from Pennsylvania (Mr. McHALE) has had his military record slandered. Rumors and innuendos have been whispered about his reputation. All of this White House mudslinging, because Congressman McHALE has put honor above party loyalty.

These are times when every ounce of wisdom and courage will be required by all. It is not a time for smears on character when voices of conscience are raised.

I admire the honor, courage and commitment of Congressman McHALE. To the President, order and stop these character assassinations by your staff and the defense team.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would remind the Member not to refer to the words of others which refer to the personal conduct of the President.

NEW MORAL STANDARD TO REPLACE TRUTH AND JUSTICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, from the military to the Oval Office, America now has a new moral standard: Do not ask, do not tell. Do not ask, do not tell. What is next, Madam Speaker? Cannot ask, will not tell? Beam me up.

The First Amendment was never intended to hide truth. The First Amendment was intended to promote and preserve truth and justice.

□ 1015

No wonder that values and morals in America have gone to hell. Just think about it. Congress aided and abetted this whole process when they removed God from our schools. Now we face the test, the test of morals and values.

ELIMINATE THE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, let me ask a basic question of fairness: Is it right, is it fair, that the average married working couple with two incomes pays higher taxes, just because they are married, than an identical couple living together outside of marriage? Is it right that 21 million married working couples pay on the average $1,400 more in taxes just because they are married? $1,400 in the south suburbs in Chicago, that is one year's tuition at Joliet Junior College, three months' worth of day care at a local day care center in Joliet.

In the remaining weeks of this session let us go about doing the people's business. Let us ask the President to work with us. Let us help the middle class with the Marriage Tax Penalty Elimination Act. Let us eliminate the marriage tax penalty. Let us do it now, and make it our top priority in the next few weeks.

URGING MEMBERS TO JOIN THE CONGRESSIONAL MINING CAUCUS, PRESERVE JOBS, AND BRIDGE THE KNOWEDGE GAP ON MINING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, whether it is just the pocket change in our purses or pockets, or our Nation's highways and bridges, or our personal computers, minerals are paving our Nation's way into the 21st century. Without the minerals and materials supplied by the mining industry, Americans could not have that small change in their pocket, bridges, roads, or that personal computer.

However, the mining industry yields more than just small change. In addition to acquiring metals for coinage, Uncle Sam reaps more than $57 million in annual receipts from the mining industry. This does not include the $27 million in State and local government collections from mining industry revenues.

Mining contributions to our Nation do not stop there. Mining in all forms pumps $524 billion into the American economy. That is equivalent, Madam Speaker, to $60 million an hour from mining.

Mining matters. It matters to each Member, it matters to Congress, and it matters to every American. I ask my congressional colleagues to join the Mining Caucus.

TIME TO PASS FURTHER TAX RELIEF AND HOLD THE LINE ON SPENDING

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, last summer Congress passed the Taxpayer Relief Act. This legislation cuts taxes on every stage of life, providing for a $500 per child tax credit, a reduction on the family farm and family businesses at the same time of death, and a reduction in the tax on capital gains.

But Congress should go further. America is overtaxed. Not only is America overtaxed, but middle class families in particular are overtaxed. The economy is projected to produce a significant surplus over the next 5 to 10 years, and Congress should use some of that money for tax cuts.

There are many politicians in Washington who cannot wait to get their hands on that surplus so they can do what they always do with taxpayers' money, spend it. Washington is not careful with the taxpayers' money. It wastes too much, and it never seems to be held accountable for its failures.

It is time to change direction. We need to pass further tax relief, and we need to hold the line on spending. I urge my colleagues to support the Republican package of middle-class tax cuts.

CALLING FOR FURTHER TAX RELIEF FOR AMERICANS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, we recently marked the first year anniversary of the Taxpayer Relief Act, the first major tax reduction since the Reagan tax cuts of the 1980s. Let us face it, there would have been no tax cut at all were it not for a Republican Congress.

In fact, the last time the Democrats controlled Congress they did what Democrats can be expected to do, raise taxes. The Republican Party is the party of tax cuts, the Democrat party is the party of bigger government and higher taxes; two different directions, two different visions of what the people's representatives in Washington should do with other people's money.

Last year tax cuts were only a first step. The Taxpayer Relief Act reduced the tax on capital gains, cut the estate tax, expanded IRAs for middle class savers, provided a $500 per child tax cut, and passed into law a host of other tax reductions. But this Congress would like to go further. We should eliminate the marriage tax penalty and pass more tax relief for middle class taxpayers.

THE "SCARE ME AL" DOLL

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, it seems each holiday season a hot new toy or doll takes the Nation by storm. Parents and kids line up and pay hefty prices for the item of the season, If it is not beany babies, it is a doll called Tickle Me Elmo.

If the Vice President has his way, this year's sensation will be a new doll called Scare Me Al. Scare Me Al is a carved wooden doll with one of those pull strings connected to prerecorded messages for our kiddies. It says things like, "Today was the hottest day in the history of the world." Pull the string again and Scare Me Al will tell your kids that unless you get rid of that sport utility vehicle that mom uses to drive them to soccer practice, the ice caps will melt and raise the sea levels until we all drown.

Scare Me Al is the perfect companion for all of the EPA taxpayer-printed coloring books and other literature which relate the same frightening global warming scare stories to the children K through 12. As for me, Madam Speaker, I would rather take my chances with the Clinton Justice Department, and buy my grandkids a new game of monopoly.

URGING INDONESIAN GOVERNMENT TO INVESTIGATE CRIMES AGAINST MINORITIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to express concern for the victims of the rapes and riots in Indonesia, and to stand with those victims, the Chinese ethnic community, the Christian, and the other religious minority communities.

Yesterday I was briefed by Indonesians themselves on what is happening in their country. In the last 3 months, 15 churches have been destroyed or burned since Habibie has been in power. I want to join with those Indonesians and the Chinese people worldwide in condemning these gross violations of human rights, in particular, the raping of ethnic Chinese women.

Reliable reports suggest that the attacks on ethnic and religious minorities were orchestrated. Unfortunately, individuals and organizations which are assisting these victims have been harassed, threatened with phone calls, explosives, and even death should they continue to help the victims.

Madam Speaker, I urge the Indonesian government immediately to proceed with a thorough investigation to promptly bring to justice all individuals who are associated with or who are perpetrators of these crimes against minorities.

REGARDING TAX REFORM AND SOCIAL SECURITY

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Madam Speaker, now that both Houses of Congress are back in session, I believe one of the primary goals that we should set our sights on is providing an across-the-board tax cut for all Americans. The Clinton administration has said that they do not support any tax cuts until Congress has made sure that Social Security is solvent for the so-called baby boomer generation, of which I am one.

Madam Speaker, I believe we can achieve both of these goals. With an anticipated budget surplus of $1.6 trillion over the next 10 years, there is no doubt in my mind that we can continue to have a balanced budget, begin paying down the national debt, provide tax relief for hard-working Americans, and maintain the solvency of our Social Security program.

Simply by paying off our $5 trillion national debt, which probably is not all that simple, and maintaining budgetary balance, the future of Social Security will be secure for Americans into the next century.

There is a plan being offered by the gentleman from Texas (Mr. SAM JOHNSON) and the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) which will achieve these worthy goals. While their proposal is not everything I would envision in the way of tax reform, it is a good step in the right direction.

THE JONES ACT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, I rise today to talk about an act known as the Jones Act. The Jones Act is an act passed by Senator Jones of Washington as a floor amendment in the Senate in 1920. It is a protectionist act that requires that any transportation of goods by ship between any two U.S. ports has to be on a ship made in the U.S.A., manned by U.S. sailors, paying U.S. taxes, et cetera.

I have legislation that is going to tremendously make a difference in helping farmers this fall and next year that says, let us allow these vessels to be built anyplace in the world to transport these agricultural commodities, still require that they be manned by U.S. crews, that they be American-owned, American-flagged, pay all American taxes, and comply with environmental laws.

Agriculture is going through a tremendously depressed time. We cannot afford to further depress those commodity prices by limiting the transportation to move these goods between U.S. ports.

MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, House Resolution 521 is an open rule providing for the consideration of H.R. 2863, the Migratory Bird Reform Act of 1998. The purpose of the bill is to codify a uniform standard to determine when someone is guilty of hunting migratory birds on a baited field.

The rule provides the customary 1 hour of debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources. The rule makes in order for the purposes of amendment the substitute recommended by the Committee on Resources now printed in the bill which shall be considered as read.

In addition, the rule permits the Chair to grant priority in recognition to members who have preprinted their amendments, and considers them as read. Further, as has become standard practice for open rules, the Chair is allowed to postpone recorded votes and reduce the time for electronic voting on postponed votes. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, I am pleased that the House is able to consider legislation today that enjoys wide bipartisan support. H.R. 2863 is needed to clarify baiting restrictions under the 1918 Migratory Bird Treaty Act, which is the United States law which implemented the convention for the protection of migratory birds signed in 1916 by the United States, and on behalf of Canada, by Great Britain.

□ 1030

A curious provision which has caused some controversy in the 80 years since Congress passed the Migratory Bird Act involves the hunting of birds over fields that have been illegally baited to attract these migratory birds.

I am not a hunter, but hunters are well aware that hunting migratory birds over bait is considered unsportsmanlike and is illegal. This is not in dispute and will remain illegal under this bill. The problem, however, arises when a hunter was truly unaware of the nearby bait. The current Fish and Wildlife regulations provide no possible defense for a hunter who may have been legitimately and completely unaware that someone else may have scattered corn, for example, in a nearby field. Simply possessing a loaded firearm in a nearby field is enough to convict a hunter of a crime in most States.

H.R. 2863 seeks to bring some common sense and uniformity to baiting regulations. The bill applies a single standard that make it unlawful for a person to hunt over a baited field if that person knows or reasonably should know that the area is baited, and also makes it unlawful for someone to place that bait in the field for the purpose of attracting migratory birds for hunters.

Madam Speaker, I urge my colleagues to support this rule. I guess it could be referred to as the House version of the Byrd rule.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Madam Speaker, this resolution is an open rule. It will allow for full and fair debate on H.R. 2863. As the gentleman from Florida has described, this rule will provide 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

As my colleague said, this bill amends and clarifies a provision of the Migratory Bird Treaty Act which restricts the hunting of birds over fields that have been baited with food to attract them. The U.S. Fish and Wildlife Service has concerns about this bill because it will preempt the service's ability to issue regulations. Also some animal welfare advocates believe the bill would harm waterfowl populations.

Because the bill will be considered under an open rule, Members will have the opportunity, they will be able to offer improving amendments. This is an open rule, as I said before. It was adopted by the Committee on Rules by voice vote. I urge its adoption.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DIAZ-BALART. Madam Speaker, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Pursuant to House Resolution 521 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2863.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 2863, a bill introduced by the gentleman from Alaska (Chairman YOUNG) to reform the Migratory Bird Treaty Act. He has been joined in this effort by a number of colleagues, including the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. STEARNS), the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Minnesota (Mr. PETERSON).

Madam Chairman, it has been 80 years since Congress enacted this law to conserve migratory birds. It is a good law and it has worked. During this time, the U.S. Fish and Wildlife

Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community, and as such, they have worked.

The Federal courts, however, impose a rule which is referred to as the rule of strict liability on those accused of hunting migratory birds over bait. It is this rule of strict liability that this reform act seeks to change. I would like to say at this point that the basic bill, the law itself and the provisions it imposes, are not changed at all.

For example, the term "baiting" is defined in the current law and the definition remains the same. And just for the purpose of clarification, I would like to state what that rule is. Baiting is defined and it says, "No person shall take migratory bird by the aid of baiting, which means the placement or scattering of corn, wheat, or other feeds so as to constitute a lure, attraction or enticement to any areas where hunters are attempting to take them," "them" referring of course to migratory waterfowl. That provision remains intact as it is and as it has been and as it has worked well.

However, the Federal court's imposition of a rule of strict liability of those accused of hunting migratory birds under bait as defined by the words I just read has not worked well, at least in the opinion of those of us who support this bill.

What this means is that if a hunter is there in a location and bait is there, the hunter is guilty. There is little opportunity for defense. The court rules the bait was there, the hunter was there. Whether or not the hunter knew the bait was there is irrelevant, and the guilty verdict applies.

Further, conviction under this act is a Federal criminal offense and penalties may include a fine of up to $5,000 and 6 months in jail. This is strict liability interpretation. "If you are there, you are guilty" is fundamentally wrong under our American system of laws, law enforcements, and jurisprudence. It violates one of our most basic constitutional protections, that a person is innocent until proven guilty. Strict liability has a chilling effect, therefore, on thousands and thousands of law-abiding citizens.

Let me just put forth a couple of examples about how unfair this rule is. Baiting is illegal. It will continue to be illegal. And unfortunately, there will be those who take part in the practice of baiting, I suppose thinking they will never be caught. So let us just assume for a moment that someone in the Midwestern part of the country decides they want to hunt for Canadian geese. As we know, Canadian geese love to eat corn. And if a flock of Canadian geese, Canada geese, become accustomed to feeding in a field every morning at 6:30 a.m., because somebody goes out and spreads corn around every afternoon at 6 p.m., the flock comes back again and again and again. And those who bait and who are illegally hunting there, I suppose, benefit from the fact that they are getting away with this baiting.

Now, let us just suppose for a moment that on their way home from school some 16- or 17-year-old boys who love to hunt notice that this is a prime spot for hunting. It is so because every morning on the way to school they see this hunting activity taking place and they say to themselves, tomorrow morning, on Friday, let us go to that field because it must be a wonderful place to hunt. So the teenagers show up, they get in a blind, and along come the snow geese followed by a game warden.

The teenagers are there doing their hunting which they think is totally legitimate because they had no idea that the baiting has taken place. The warden shows up, arrests the teenagers, and they go to court and they are found guilty with no reference whatsoever to whether or not they knew the baiting had occurred. They were there, the bait was there, and therefore they were guilty. There are many other examples like this that could be used, but I think that example makes the point.

At the full Committee on Resources markup, the gentleman from Alaska (Chairman YOUNG) offered an amendment that limited the scope of the bill to the two issues that can be resolved through this legislative process. The first is to replace this strict liability, if the hunter was there and the bait was there, the hunter is guilty, to replace this liability with the phrase that the person knew or should have known that the baiting had taken place.

The second provision improves the current law by making it unlawful to place or direct the placement of bait. This will allow the service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Madam Chairman, I believe that every American is innocent until proven guilty and that people should be entitled to offer evidence in their defense. I hope that others will agree with this provision. It is the right thing to do and the "knows" or "reasonably should know" standard will be effectively applied throughout this Nation. There is no justification for the strict liability doctrine in this case when it refers to these migratory birds, and I hope that my colleagues on both sides of the aisle will agree and vote "yes" on this measure.

Madam Chairman, I submit the following for the RECORD:

CALIFORNIA WATERFOWL ASSOCIATION,
Sacramento, CA, July 10, 1998.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: The California Waterfowl Association (CWA) is pleased to support HR 2863, your effort to obtain changes in federal migratory bird baiting regulations to provide hunters, wildlife managers, farmers, law enforcement officials, and the courts with enhanced clarity and guidance as to the restrictions on the taking of migratory birds.

CWA supports the intent of regulations aimed at preventing baiting for the purpose of increasing the vulnerability of waterfowl to the gun. However, our Association has long recognized that current regulations, if actively enforced, would likely result in negative impacts to California's critical remaining managed wetland base, as well as unwarranted prosecution of law abiding sportsmen and women. Of primary concern are ambiguities in the current regulations which conflict with traditional "moist-soil" wetland management practices which are intended to augment habitat values for waterfowl and other wetland-dependent wildlife. Because California has lost nearly 95% of its historic waterfowl habitat, it is critical that the wetland values and functions of the habitat base which remains be maximized. Currently, however, confusion over the meaning and enforcement of these regulations is compromising the willingness of many landowners to employ preferred waterfowl habitat management practices on their lands.

In an effort to address these concerns, for nearly three years, CWA and others have actively urged the U.S. Fish and Wildlife Service (Service) to consider changes in federal baiting regulations. As you are aware, this past March, the Service responded by offering for comment a variety of amendments to the existing rules. Our Association applauds the Service for this proposal which addresses many of our concerns regarding conflicts with preferred wetland management practices. Although the Service proposal needs further clarification, we believe our remaining concerns in this area can be addressed administratively during the proposal's public comment process.

The Service's proposal does not, however, address another area of concern to our Association—the issue of strict liability. Existing regulations are written in a "guilty until proven innocent" fashion which has, at times, resulted in law abiding hunters being unreasonably prosecuted for baiting. By proposing to amend the rule to install the "knows or reasonably should know" standard, your HR 2863 effectively addresses this concern by allowing those who believe they were unfairly cited to present their case in court.

Our Association appreciates your willingness to carefully address the outstanding issue of strict liability without weakening the important intent of current restrictions, or the protection they offer the waterfowl resource. As such, we are pleased to offer this legislation our support, and we look forward to working closely with you to secure its passage.

Sincerely,

BILL GAINES,
Director, Government Affairs.

THE GRAND NATIONAL
WATERFOWL ASSOCIATION,
Cambridge, MD, May 13, 1998.

Hon. DON YOUNG,
Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN YOUNG: The Grand National Waterfowl Association was chartered in 1983 as a private, non-profit organization. The organization's purpose is to promote the conservation and wise use of our wildlife and natural resources and to promote a better understanding of our responsibilities to the land. Grand National has members both from the local community as well as across the United States and several from foreign countries.

We understand that the Resources Committee is reporting out H.R. 2863 amending the Migratory Bird Treaty Act, and that this legislation will provide some much needed clarification on the "baiting" issue. Over the past 50 or so years this has been one of the most vexing problems for the sportsman due to inconsistencies in enforcement and in court decisions.

Let me assure you we have no quarrel with the intent of the Migratory Bird Treaty Act, but the implementation has caused unnecessary confusion and resulting injustices for many sportsmen. We hope the "strict liability" and "zone of influence" issues are clarified in the legislation and that the legislation is acted upon before another waterfowl season of uncertainty.

Sincerely,

ROBERT GORMLEY,
President.

INTERNATIONAL ASSOCIATION OF
FISH AND WILDLIFE AGENCIES,
Washington, DC, April 29, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I recently discussed with Harry Burroughs of your staff the recommendations of the International Association of Fish and Wildlife Agencies on the issue of baiting as it relates to waterfowl hunting. As you know, our concern with this matter goes back several years and eventually led to the Association's establishment in 1996 of an ad hoc Committee on Baiting. This committee completed its work with the submission of a final report on April 29, 1997 that presented recommended changes in federal waterfowl hunting regulations. The recommendations in this report were adopted by the Association's Executive Committee as the official position of the Association. On May 15, 1997, Brent Manning, Chairman of our ad hoc Committee and Director of the Illinois Department of Natural Resources, testified before your Committee on H.R. 741 and presented the recommendations of the Association's committee on baiting. I am enclosing a copy of this report for your ready reference.

I believe it is significant that the ad hoc committee recommended that consistency be brought to the application of hunter's liability by adoption of the Delahoussaye language from the federal Fifth Circuit. The Association's recommendations contained in the ad hoc committee's report are generally contained in your amendment in the nature of a substitute for H.R. 2863, which you recently introduced and which is consistent with the Association's position regarding liability.

We appreciate your leaving the detailed recommendations regarding agricultural crops and management of natural vegetation to the regulatory process. As Mr. Manning indicated in his testimony, it is likely that these will need to be modified and fine tuned to reflect changing agricultural practices.

As you are aware, the Fish and Wildlife Service recently published proposed regulations on baiting and baiting areas in the Federal Register. Those proposed regulations reflect a number of the recommendations of our ad hoc Committee regarding agricultural crops and management of natural vegetation. Unfortunately, the proposed regulations do not reflect changes recommended by the Committee regarding liability. Our Association has officially requested that the 60-day comment period be extended until October 1, 1998, so that we can have time to conduct and coordinate an adequate review. We were disappointed that the Service did not address the liability issue in their draft regulations, even though we had requested earlier that they do so. We will comment on the draft regulations based on our ad hoc Committee report. In the meantime, the report of the ad hoc Committee as adopted by the Association constitutes the official position of the Association.

I hope that the information I have provided is useful and look forward to working with you on this and other important issues that we face.

Sincerely,

R. MAX PETERSON,
Executive Vice President.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES,
Springfield, IL, April 29, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As the Chief Law Enforcement Officer for the Illinois Department of Natural Resources, I wish to go on record in support of H.R. 2863 (as amended). As a career Conservation Law Enforcement Officer, I know first hand the strengths and weaknesses of our current federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied.

Some opponents of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly, and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

I thank you for your support of waterfowl and wetland management and the hunting opportunities they provide.

Sincerely,

LARRY D. CLOSSON,
Chief, Office of Law Enforcement.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES,
Springfield, IL, April 27, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As Director of the Illinois Department of Natural Resources, I am writing to express my support specifically for the component of H.R. 2863 addressing the issue of strict liability for waterfowl hunting. I am a wildlife biologist, chairman of a committee reviewing federal baiting regulations, and an avid waterfowl hunter. In these capacities I have been exposed to a considerable amount of information regarding the application of strict liability in the enforcement of federal baiting regulations. It is my opinion that the so-called Delahoussaye standard should be adopted in place of the current strict liability regulation. This change will not put the waterfowl resource at risk, as some allege. I applaud your attempt to bring common sense and fairness to this aspect of waterfowl hunting. Please be assured of my support in this regard.

Sincerely,

BRENT MANNING,
Director.

MIGRATORY WATERFOWL
HUNTERS, INC.,
Alton, IL, June 18, 1998.

Hon. JOHN SHIMKUS,
State Representative, Springfield, IL.

DEAR REPRESENTATIVE SHIMKUS: HB 2863 removes the "strict liability" clause from the migratory bird hunting regulations as proposed by the U.S. Fish and Wildlife Service in the Federal Register. Migratory Waterfowl Hunters, Inc. strongly urges you to vote in favor of this bill.

Far too many duck and goose hunters have been arrested and wrongly convicted of baiting waterfowl because the "strict liability" clause renders a sportsman guilty before proven innocent. H.R. 2863 will take the guess work out of this law enforcement issue and cause conservation police officers to focus on the real criminals.

Once again, please support H.R. 2863, Congressman Don Young's bill to remove the "strict liability" clause from migratory bird hunting regulations.

Sincerely,

GREG FRANKE,
Corresponding Secretary.

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Fairfax, VA, May 5, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the National Rifle Association of America (NRA), I would like to convey our appreciation to you for the commitment you have made to reforming the baiting rules governing the hunting of migratory birds.

We wish to congratulate you on the passage of your bill, HR2863, as amended, from the Resources Committee on April 29. The NRA has long been an active and enthusiastic supporter of legislative reform in this area. It has been our pleasure to work with your staff to meet your stated objective of providing clarity, simplicity and uniformity to the enforcement of the baiting rules.

While we anticipated having the legislation reported from your Committee last year, we supported your decision to give the US Fish and Wildlife Service one last opportunity to reform the baiting rules through the regulatory process. We were very disappointed to find that the publication of the proposed rule on March 25 gave truth to our suspicions that the Service will never step in where reform is most needed.

All of us, including the Service, have known from the beginning that the core of the issues surrounding enforcement of the baiting rules has been the application of the doctrine of strict liability. It is regrettable that the Service buckled under pressure from its law enforcement agents and refused to propose the *Delahoussaye* standard for public review and comment. As we stated in our comments to the Service on the proposed rule, "the NRA can only surmise that the Service fully intends to have the Congress resolve the issue by codifying the *Delahoussaye* standard through the legislative process."

HR 2863, as amended, not only acknowledges the work left uncompleted by the Service, but also acknowledges the fact that many of the reforms in the parent bill were adopted in the proposed rule. While the NRA has already stated that is supports HR 2863 as introduced, we are also supportive of the narrower version that now awaits House Floor action.

Again, on behalf of the NRA, I extend the appreciation of our 2.8 million members for your efforts on behalf of the hunting community.

Sincerely,

SUSAN R. LAMSON,
Director, Conservation, Wildlife and Natural Resources.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, April 28, 1998.

Chairman DON YOUNG,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN YOUNG: Safari Club International urges you to pass without delay The Migratory Bird Treaty Reform Act.

Several recent incidents indicate that the "strict liability" language of the existing regulations has led to prosecution of sportsmen that are unfair and that do not aid the conservation of the migratory birds.

The Service had promised to administratively correct the situation, but to date they have failed to do so. As late as the end of March, the Chairman of the Resources Committee had urged the Service to provide Congress with a solution that would correct the unfiar components of the regulations. Despite repeated promises from the Service to address the inequities of the current regulations, their recent proposed amendment does not address the issue. It is evident that Congress must act.

Sportsmen and hunters are only asking that they be treated as fairly as all other Americans and that they only be found guilty if they knew or should have known that bait had been placed. The language of The Migratory Bird Treaty Reform Act assures that hunters will remain innocent until proven guilty.

Safari Club International requests that you change this unfair and punitive law.

Sincerely,

ALFRED S. DONAU, III,
President-elect.
HON. RON MARLENEE,
Consular.

THE WILDLIFE LEGISLATIVE FUND OF AMERICA,
Columbus, OH, May 8, 1998.

Hon DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: The Wildlife Legislative Fund of America strongly endorses H.R. 2863 to eliminate strict liability as it relates to the baiting proscriptions of the Migratory Bird Treaty Act. Strict liability, which enables convictions against unknowing and innocent hunters, is wholly inconsistent with principles of American law. The need for this reform has long been recognized, but neither the U.S. Fish and Wildlife Service nor other Members of Congress have been willing to provide the requisite leadership. We applaud your effort and the leadership you have demonstrated.

We are committed to working with you and the Committee to assure favorable House action on this important measure.

Sincerely,

WILLIAM P. HORN,
Director, National Affairs and Washington Counsel.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation, H.R. 2863. This bill changes a 60-year-old standard of strict liability for hunting migratory birds over bait, a standard that has provided effective protection of migratory birds from the overkill that can result from baiting. The law places the burden of guarding against unsportsmanlike hunting practices where it properly lies, with the hunter.

This bill is a product of a few anecdotes, and we will likely hear some of them as we already have this morning. The real issue here is much broader. The important issue is whether or not in changing this law, as this bill proposes, will allow us to maintain the enforcement of the law against harming migratory birds. That is the purpose of this law. It is for the protection of the migratory birds, a protection that runs to the Nation generally, not just to the question of the activities of hunters.

Notwithstanding these few anecdotal pieces of evidence, the supporters of this bill have not made a convincing case that there is a crisis that needs addressing. The paramount public interest in protecting migratory birds for all the American public, not just hunters, has traditionally warranted a high standard of protection embodied in strict liability and, with one exception, the courts have upheld this standard.

In fact, when the Congress had an opportunity to review this in previous Congresses, they inserted the "knowing" standard with respect to felony activities under the Migratory Bird Treaty, but they did not do that with respect to the misdemeanor portions, which indicates clearly that Congress understood the importance of this provision of the law.

The bill before the House today is an improvement over the bill as it was introduced, which would have substantially weakened the protection of migratory birds. The amendment makes it a violation to place bait for migratory birds if one knows it will be hunted over. This will make it easier to prosecute the real bad actors, that small number of property owners guides, and hunt club personnel who unlawfully try to improve hunting through baiting.

However, a number of law enforcement personnel charged with protecting migratory waterfowl tell me that they think this bill is ill-advised and will seriously complicate their job of battling illegal hunting. I am very concerned that this bill ignores the views of the hard-working law enforcement people and makes sweeping changes in the law based on a few isolated cases.

The Fish and Wildlife Service is in the process of revising its baiting regulations to address legitimate concerns that have been raised by the hunting community. It strikes me that it would be appropriate to withhold action on this legislation to allow the service to promulgate those regulatory changes.

□ 1045

For these reasons, and others, Madam Chairman, I oppose this legislation. I voted for this legislation as it has come out of the committee as it is presented here. I think it is an improved bill. But from discussions with those which are charged with enforcing this legislation, I think it has also become clear that there can be serious jeopardy attached to the passage of this legislation and the future of migratory birds. And that is certainly our first charge and our first concern.

Let me also say that, as suggested very often, that this is all about innocent, innocent people. If you look in the back of even some of the anecdotal evidence that was submitted to the Congress and one of the cases about individuals that were arrested and prosecuted under this law, these were not exactly innocent individuals. Many of them knew full well and it was so incredibly obvious what had taken place in this field for the purposes of these hunts.

I have hunted for many years, and let me say that people in the hunting community know very well those clubs that bait, those clubs that boast about it. Those clubs that have tried to increase their take by being responsible hunters do not go to those clubs. They do not participate in that activity.

One of the reasons they do not is because of this law. But if they can go there and claim that they are ignorant of everything the land owner did, the club owner did, or the guide did, then they are free to continue that practice and claim ignorance under the law.

Strict liability is not unconstitutional. It is not foreign to the Constitution. It has been upheld. In fact, it is a doctrine that we use very often. We use it with respect to this treaty. We use it with respect to governmental officials.

That is how the Kesterson Reservoir was shutdown when unsafe practices were there with respect to water pollution because people knew that people would be put in jeopardy if they continued those practices to harm migratory birds.

So I think, while this is a better piece of legislation than it was originally introduced, I think it interrupts a process that I think is more thoughtful and deliberative that the Fish and Wildlife Service is undertaking.

I expect the desire to undertake that has been prompted by the introducing of this legislation by the chairman of our committee having these hearings and reporting this bill, and I think that they will, in fact, be responsive to that effort.

At a minimum, I would think that this is the kind of legislation if we were to pass it we would want to provide for some kind of sunset so we had an ability to review the impact of this legislation.

For those reasons and others, Madam Chairman, I will be opposing this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. SAXTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would just like to say to the gentleman, through the Chairman of course, that I think that a matter of fairness applies here and that it is crucial that the strict liability provision be replaced. I am not alone in feeling that way. As a matter of fact, I have here a letter from the Illinois Department of Natural Resources from their chief officer of law enforcement. I would just like to read a few lines from it.

The letter is addressed to the gentleman from Alaska (Mr. YOUNG). The letter reads, "As the chief law enforcement officer of the Illinois Department of Natural Resources," and I point out and emphasize here that this is the chief law enforcement officer, and of course I am speaking to the objections that the gentleman from California raised relative to law enforcement. He says, "I wish to go on record in support of the bill H.R. 2863. As a career conservation law enforcement officer, I know firsthand the strengths and weaknesses of our Federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied."

"Some opponents," he said, "of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost."

So this is, I think, stated very succinctly. I believe that it goes a long way to answer the gentleman's questions or objections.

Secondly, the bill makes a major improvement, I believe, in terms of law enforcement, because under the current law, if one baits and is not there when the game warden shows up, he can only be brought into the case through a conspiracy theory. Under the new law, the baiter actually will assume direct responsibility for the baiting. Those provisions are written very clearly in section 3 on page 2, lines 6 through 20.

So we have tried very hard to provide for the continuation of a strong antibaiting law but to put a degree of fairness in the reform bill that simply does not exist in the current statutes.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I too want to put a letter into the RECORD from the head of the Maryland Department of Natural Resources, which indicates his enforcement staff, unlike that from the gentleman from Illinois, in our dueling letters here, his enforcement staff tells him that this would have a detrimental impact in Maryland's and the Nation's migratory bird resources.

Finally, let me say, under current law, the baiter, if you will, can be prosecuted and, in fact, is prosecuted. But I do agree with the gentleman that that is an improvement, that is an improvement in the law.

If the gentleman is going to add more letters, I am going to have to add more letters. We can submit these for the record, and we can all go on our merry way. This should not delay us from coming to a vote on this matter.

Mr. MILLER of California. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would just conclude once again by saying as directly and as forthrightly as I can that we in no way change the provisions of the basic law, the antibaiting provisions remain in effect, and that no person shall take migratory birds by the aid of baiting in any way, but that we do replace the strict liability provision with the known or should have known provision.

I ask all Members on both sides of the aisle, with the exemption perhaps of my friend, the gentleman from California (Mr. MILLER), to support the bill.

Mr. STEARNS. Madam Chairman, I am pleased to join my good friend and colleague, Chairman YOUNG, in support of the Migratory Bird Treaty Reform Act.

I became involved in issue because I found it outrageous that almost ninety sportsmen were cited for violating the Migratory Bird Treaty Act during a charity dove hunt in Dixie County, Florida back in 1995. I had the privilege of representing that area when I first came to Congress and I take personal umbrage with how unfairly these individuals were treated.

It is not my intention to give you a blow by blow description about this incident, but I will tell you that many hunters were cited and fined almost $40,000 for "allegedly" hunting on a baited field.

The fact is that nearly all the hunting took place in an area which had never been inspected for baiting. What is even more perplexing is that the citations were delivered without any regard to the guilt or innocence of the hunters.

The purpose of this legislation is to clarify what we mean when we use the term "baited field." Since Congress has never passed a law defining what qualifies as "baiting" a field, there is much confusion which results in federal courts acting inconsistently on such cases.

While this activity is justifiably illegal, there are various legal interpretations that should be clarified. Under current standards, a person is held liable for hunting on a baited field even though that person did not realize the field was baited. This is unfair, as many of my constituents found out the hard way.

Under current law, it is not illegal to bait a field or to feel migratory birds. However, it is strictly prohibited to hunt in such an area. This bill amends the Migratory Bird Treaty Reform Act of 1918 by eliminating strict liability for baiting by adding the following provision:

"It is unlawful for any person to take any migratory game bird by aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area."

Mr. Chairman, I believe this definition spells out precisely what we mean when we use term "baiting" a field, and will eliminate any possible future misinterpretation.

The sole purpose of this legislation is to clarify baiting restrictions to ensure that migratory birds and their habitats are preserved while protecting law-abiding citizens from unfair prosecution.

Unfortunately, passage of this legislation did not occur in time to assist the hunters in Dixie County, Florida, but it will prevent others from facing unfair repercussions for being at the wrong place at the wrong time.

Last year, I testified before Chairman YOUNG's committee on the problems associated with the need to define what we mean when we use the term "baiting" a field, I believe H.R. 2863 will achieve that goal and prevent the problems that many law-abiding hunter have experienced from occuring in the future.

Mr. YOUNG of Alaska. Madam Chairman, I rise in strong support of H.R. 2863, a bill I introduced to reform the Migratory Bird Treaty Act (MBTA). I have been joined in this effort by a number of our colleagues including JOHN DINGELL, JOHN TANNER, CLIFF STEARNS, CURT WELDON, and COLLIN PETERSON.

It has been 80 years since Congress enacted this law to conserve migratory birds. During this time, the U.S. Fish and Wildlife Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community. The only exception has been the regulations dealing with hunting in a field that is "baited" to unfairly attract migratory game birds.

Congress has never passed a law that says—this is baiting and this practice is illegal. In fact, it is not illegal to "bait" a field or to feed migratory birds. It is strictly prohibited, however, to hunt in such an area.

Over the years, the Fish and Wildlife Service has modified its baiting regulations 17 times. In addition, the Service and many Federal courts impose strict liability on those accused of hunting migratory birds over bait. What this means is that if a hunter is there and the bait is there, they are guilty.

Regrettably, whether to cite someone for violating the MBTA is a subjective decision. Conviction under this act is a Federal criminal offense, and penalties may include up to a $5,000 fine and six months imprisonment.

Under strict liability, if you are hunting in a field that an agent determines is baited, whether you know it or not, you are guilty. There is no defense and any evidence you may have to support your position is irrelevant. It does not matter whether there was a ton of grain or three kernels, whether this feed served as an attraction to migratory birds, or even how far the "bait" is from the hunting site.

This interpretation—if you were there, you are guilty—is fundamentally wrong. It violates one of our most basic constitutional protections that a person is innocent until proven guilty. As a result of strict liability, thousands of law-abiding citizens have stopped hunting migratory game birds because they do not want to risk being convicted of a Federal crime for shooting a snow goose or a duck over a pond that may contain a handful of corn. Sadly, there are Fish and Wildlife Service agents who believe that all hunters are criminals and that it is their duty to cite them, even when they know the hunter is unaware of any baiting problem.

In fact, we had testimony before my committee where a former agent of the U.S. Fish and Wildlife Service stated that, and I quote: "Have I ever charged someone for hunting over bait that I truly believed they did not know the area was baited? And I would say yes. I have in my career. I have probably charged people for hunting over bait that truly did not know."

I had hoped that the Fish and Wildlife Service would administratively fix its baiting regulations. I was anxious to see them try and on March 25th, for the first time in 25 years, the Service did issue a proposed rule containing some modifications. While the Service deserves credit for redefining certain terms and allowing greater State input into what constitutes a normal agricultural activity, I am deeply disappointed that they have chosen to retain the strict liability standard. This is a terrible mistake and a complete reversal of their earlier support for this change.

At our full committee markup, I offered an amendment that limited the scope of the bill to the two issues that can only be resolved through the legislative process. The first is to replace strict liability with the "knows or reasonably should know" legal standard. This is not a new or radical idea.

In fact, this standard was first articulated for migratory birds in 1978 in the Federal 5th Circuit Court's decision known as *United States* v. *Delahoussaye*. In this case, the Court found that:

> At a minimum, the bait must have been so situated that its presence could have been reasonably ascertained by a hunter wishing to check the area of his activity.

For the past 20 years, this standards has worked effectively in the States of Louisiana, Mississippi, and Texas where migratory birds are hunted in great numbers.

In fact, between 1984 and 1997, the U.S. Fish and Wildlife Service issued 2,318 citations in these three States using the "known or should have known" legal standard. The Service obtained guilty pleas or payments of fines in 2,042 cases, which is a conviction rate of over 88 percent.

As these statistics clearly show, the *Delahoussaye* decision has been effectively used to protect migratory birds. No migratory bird population has been put at risk, there have been numerous convictions and it is, therefore, not surprising that the Service has never attempted to overturn or challenge the *Delahoussaye* decision.

While this legislation will allow a person to offer a defense in their baiting case, if the preponderance of evidence so demonstrates, a defendant will be found guilty. This standard is far less stringent than the "beyond a reasonable doubt" which is used in all other criminal cases.

I received a letter from the Chief Law Enforcement Officer for the Illinois Department of Natural Resources that states:

> Some opponents of your bill object on the basis that law enforcement officers will have to work harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

The elimination of strict liability under the Migratory Bird Treaty Act is strongly supported by a diverse group of conservation organizations including the California Waterfowl Association, the Grant National Waterfowl Association, the International Association of Fish and Wildlife Agencies, the National Rifle Association, Safari Club International, and the Wildlife Legislative Fund of America. In addition, it was supported by the Fish and Wildlife Service's Ad Hoc Committee on Baiting that included representatives from each of the Flyway Councils, Ducks Unlimited, National Wildlife Federation, and the Wildlife Management Institute.

My bill also improves current law by making it unlawful to place or direct the placement of bait. This will allow the Service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Madam Chairman, if you believe that every American is innocent until proven guilty and that a person should be entitled to offer evidence in their defense, then you should vote for this legislation. It is the right thing to do and the "knows or reasonably should know" legal standard will be effectively applied throughout this nation.

There is no rationale, justification or defense for the strict liability doctrine for migratory birds. I urge an "aye" vote on H.R. 2863.

Mr. TANNER. Madam Chairman, H.R. 2863 is about common sense and basic fairness.

It would replace the "strict liability" standard with the "knew or should have known" standard that is being enforced in the Fifth Circuit, which includes Mississippi, Louisiana, and Texas.

What it means is that anyone cited for an alleged baiting violation can put on a defense and present evidence to a judge in their case of alleged baiting violations. Both the Fifth Circuit and Fourth Circuit have both agreed this is not presently an option under the "strict liability" requirement.

Further, the bill clearly makes it unlawful for anyone who places or directs the placement of bait on or adjacent to an area where hunting for migratory game birds takes place.

That's just plain common sense to ensure that those involved in these cases have the same rights that are available throughout our system of justice. It also continues to recognize the stewardship responsibilities hunters share relative to the conservation of migratory game bird species.

Indeed, enforcement over the past decade in those states with the "knew or should have known" standard has been at least as successful as in those states where "strict liability" is the threshold. Nearly 90 percent of baiting cases prosecuted in Mississippi, Texas, and Louisiana during the 11-year period ending in 1996–97 resulted in convictions and fines.

This legislative solution is needed because while the Service has proposed other regulatory changes to existing baiting regulations and recognized as we have that some of those regulations need to be examined particularly in light of recommendations made by the International Association of Fish and Wildlife Agencies' Ad Hoc Committee on Baiting, it expressly omitted the "strict liability" issue saying in the Federal Register that "no changes are proposed in the application of the strict liability to migratory game bird baiting regulations.

No one here today is advocating with this bill that season lengths and bag limits should be changed except by those in the Office of Migratory Bird Management working with their counterparts in state fish and wildlife agencies and input from the public. If someone illegally baited a field they should be punished, but they should also have the opportunity to present a defense when they go before a judge.

Indeed, the Law Enforcement Advisory Commission created by the Service in 1990 described the rules governing baiting as both "confusing" and "too complex."

This common sense change has been recommended by the International's Ad Hoc Committee on Baiting, whose members include:

Representatives of all four Flyway Councils, the Illinois Department of Natural Resources, the Tennessee Wildlife Resources Agency, the Alabama Game and Fish Division, the North American Wildlife Enforcement Officers Association, Ducks Unlimited, the National Wildlife Federation, the Wildlife Legislative Fund of America, and the Wildlife Management Institute.

The goal of this bill coupled with issues raised by the Service's regulatory proposal are aimed at addressing the very real concerns about fairness and confusion that many have raised over the past 10 to 15 years.

My colleague Representative GEORGE MILLER, who has done a little hunting himself, spoke articulately in support of the bill when it was marked-up and unanimously approved by the Resources Committee by voice vote. I was disappointed that he saw fit to change his mind, but that is certainly his prerogative.

You know, hunters provide more money for wildlife conservation than virtually any other single group and they deserve the same fairness we all expect as citizens when it comes to alleged violations of the law. It should be noted that hunters were and are among the strongest advocates of the implementation of these rules to prohibit baiting to attract migratory game bird species.

With that Madam Chairman, I want to encourage my colleagues to support this common sense appeal to basic fairness. Vote for H.R. 2863.

MR. SAXTON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DIAZ-BALART) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, pursuant to House Resolution 521, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAXTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 90, not voting 22, as follows:

[Roll No. 420]

YEAS—322

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—90

Abercrombie
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Clay
Clayton
Clyburn
Davis (IL)
DeGette
Delahunt
DeLauro
Dixon
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (RI)
Kildee
Kucinich
LaFalce
Lantos
Lee

Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Rivers
Rothman
Roybal-Allard
Sabo
Serrano
Shays
Sherman
Slaughter
Stark
Tauscher
Tierney
Torres
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—22

Barcia
Berry
Dunn
Engel
Furse
Gonzalez
Hefner
Kennedy (MA)
Kennelly
McDade
Moakley
Morella
Paxon
Poshard
Pryce (OH)
Rush
Schumer
Shadegg
Stokes
Tauzin
Towns
Young (AK)

□ 1117

Messrs. PASCRELL, SERRANO, ANDREWS, HASTINGS of Florida, SHAYS, MEEHAN, MATSUI, and Ms. DeGETTE changed their vote from "yea" to "nay."

Mr. SCOTT and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, on rollcall No. 420, I am unable to be present for voting as I will be attending to official business in my congressional district.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today on rollcall vote 420, I voted "yes." I intended to vote "no."

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2863.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 522, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

Madam Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H. Res. 522 is an open rule providing 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974. The rule makes in order as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considered as read.

The rule further permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

In addition, the rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 5 minutes.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, H.R. 2538 establishes the Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims in New Mexico arising from the Treaty of Guadalupe-Hidalgo of 1848.

In order to be eligible for consideration under this act, petitions by eligible descendants must be filed within 5 years of the bill's enactment.

This legislation was reported by the Committee on Resources by voice vote on May 20, 1998. The Congressional Budget Office estimates that implementing the bill will cost approximately $1 million per year over the fiscal year 1999–2003 period. The bill may affect direct spending, so pay-as-you-go procedures will apply. However, CBO estimates that any such effects will total less than $500,000 per year.

Madam Speaker, this legislation is sponsored by our colleague the gentleman from New Mexico (Mr. REDMOND) representative and was originally introduced by our former colleague, the Honorable Bill Richardson. It is strongly supported by the New Mexico delegation and, accordingly, I encourage my colleagues to support both the rule and H.R. 2538.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule and urge my colleagues to support it so that all potential improvements to this legislation may be considered.

The underlying bill establishes a presidential commission to make recommendations to resolve land claims in New Mexico by descendants of people who were Mexican citizens when the treaty ending the Mexican-American War was signed in 1848.

The bill also authorizes the establishment of a research center to assist the commission and authorizes $1 million annually in fiscal year 1999 through fiscal year 2007 for the purpose of carrying out the activities of the commission and the center.

Opponents of the bill argue that it contains numerous flaws and fails to deal with the substantive questions raised by the land claims and opens the door to numerous future land claims. The bill fails to specify exactly which lands in New Mexico are eligible for consideration, since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo.

Furthermore, the treaty covered all or parts of several other Western States. Thus, the bill also opens the door to numerous potential land claims down the road in all of these other States.

The bill contains no legal standards or rules of evidence by which the commission is to judge any claim that is brought forth. As a quasi-judicial body, there are potential conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions.

Finally, the bill neglects existing legal precedent. Since the ratification of the Treaty of Guadalupe-Hidalgo in 1848, more than 200 Federal, State, and district court decisions have interpreted the treaty, with the Supreme Court deciding almost half the major cases. Several laws also were enacted in the 19th century to address such claims.

In addition, there have been subsequent agreements with Mexico that have addressed treaty claims. This bill ignores this body of law and legal decisions and reopens land grants to commission review.

Nevertheless, Madam Speaker, I will support this open rule to allow the full debate of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding.

Madam Speaker, I rise in support of the rule and in support of the Guadalupe-Hidalgo Treaty Land Claims Act. I want to commend my colleague the gentleman from New Mexico (Mr. REDMOND) for bringing this important matter to the attention of Congress. It is a remarkable accomplishment on his part, especially as a freshman Member of this body.

This bill rights a wrong, Madam Speaker. After annexing New Mexico from Mexico, our government failed to honor the commitments it made in the Treaty of 1848 to respect the property rights of landowners. Many Mexicans who became American citizens as a result of the treaty lost all right and title to much of their lands.

This bill takes the first step to right this wrong that was committed by the Government. It restores land the Federal Government had taken from individuals. This is a property rights issue in its most pure and simple form. Citizens should be compensated for property that is wrongfully taken from them.

The bill also protects the property rights of current landowners in New Mexico. Any compensation to affected parties will come from Federal lands.

This bill has been carefully crafted and will not allow for Federal land to be handed to any person who simply asks for it. The bill sets up a commission and any claims have to be presented to the commission and the legal claim must be proven. Then the commission will make recommendations to Congress for final consideration. The bill lays out a fair process for all claims to be heard.

This legislation represents what is best about America: fairness, equality, and opportunity. It seeks to right the wrongs of the past. It says the rule of law will prevail and prevail over us all equally.

I cannot count the number of times I have stood before my colleagues on the House floor and argued for property rights of landowners across this country. I stand here again in support of property rights and encourage my colleagues to do the same and support this important piece of legislation.

Once again, I want to commend my friend the gentleman from New Mexico (Mr. REDMOND) for working so diligently to ensure this bill is considered by Congress. He has worked every day since he has been elected to support this issue that is supported strongly by people in his congressional district and from areas that are outside his congressional district as well. It is very important to New Mexicans that we pass this rule and this bill, and I hope that the rest of my colleagues see fit to vote for the rule and for the bill.

□ 1130

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Madam Speaker, I rise in support of the open rule, but I rise in reluctant opposition to the legislation. I appreciate the hard work that my colleague from New Mexico has done on this bill, but I believe the bill creates a larger problem than it solves.

The Treaty of Guadalupe-Hidalgo between the United States and the Republic of Mexico was signed in 1848. Since then, over 150 years ago, more than 200 Federal and state decisions have interpreted the treaty. Even the highest court in the land, the U.S. Supreme Court, has had the opportunity to review multiple land claims related to the treaty. In fact, the large number of claims in new Mexico arising from the treaty led to the establishment of a court of private land claims in 1891. This bill disregards 150 years of case law history and empowers a quasi-judicial commission to revisit all land claims arising from the treaty, even if our own judicial system has thoroughly reviewed and adjudicated the claim.

What sort of precedent would this be setting? Maybe we should expand the commission's scope so that all land claims arising out of any treaty can be reopened by the commission. Should we, for example, provide an avenue for disgruntled Americans who feel the Louisiana Purchase violated their ancestors' rights? Where is the logical stopping point?

For Congress to best serve the potential claimants, we must demand those empowered to determine the merit of land claims utilize the tools already developed within the judicial branch.

For these reasons, I urge my colleagues to oppose this legislation.

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I think that we have got to remember that the United States signed a treaty with the people of Mexico. This treaty specifically required that Mexican nationals who are in the territory to be annexed by the United States make a decision, a decision to either pack up and go to Mexico and retain their Mexican citizenship and to abandon their property in the U.S., or to stay in the United States and, as the treaty states, take on the embodiment of the people of the United States, take on the obligations of the culture and the citizenship of the United States.

With that responsibility, to take on the obligations of citizens of United States, came the rights that were vested by all American citizens, either born or nationalized or converted through the Treaty of Guadalupe-Hidalgo.

We are talking about the fact that we need to address the fact that with the responsibilities that the Treaty of Guadalupe-Hidalgo required these Mexican nationals to take on came the rights of American citizens, the right to be able to have property rights, to be able to have due process.

Let us be very frank about that: It was a very, very tough time to try to figure out how a nation could absorb such a huge area as the Mexican cessation. And let us be frank about that; justice and property rights were violated again and again, as it does in any country.

We are not immune from those problems. I would just ask that we support the gentleman from New Mexico's bill, but let us support this rule, let us address it and debate it, but also talk about the fact that with the responsibilities of citizenship comes the rights of property protection. Those rights were not always guaranteed, and need to be addressed.

This is a chance for this Congress to revisit this issue, to address it, and then to be able to say is it or is it not appropriate that we move on from now on. I think, Madam Speaker, this is an issue of property rights, but it is also an issue of human rights. If we expect those nationals and their ancestors to bear the responsibilities of citizenship, they should have the rights.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 522 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2538.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

Mr. HANSEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 2538, introduced by the gentleman from New Mexico (Mr. REDMOND), would establish a commission to examine the validity of certain land grants in New Mexico arising under the Treaty of Guadalupe-Hidalgo.

H.R. 2538 is a very important piece of legislation. We have ample evidence that the United States has failed in its obligation to defend the property rights of a group of people in the State of New Mexico, yet the U.S. Government has ignored this grave injustice for over 150 years.

Hispanic descendants have been fighting for over 150 years to get the Federal Government to look into that matter, to get someone to bring this matter before Congress. Well, it has finally happened. Since he was elected last year, the gentleman from New Mexico (Mr. REDMOND) has worked tirelessly to restore the property rights to these people from New Mexico and to bring this matter to everyone's attention. So before I explain H.R. 2538, I would just like to commend the gentleman from New Mexico (Mr. REDMOND) for working so hard to finally bring this important matter to the floor of the United States Congress.

Madam Chairman, in 1848 the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, Mexico sold the United States the lands that now compromise California, Nevada, Utah, Arizona, New Mexico and parts of Colorado and Wyoming. At that time there were several communities of Mexican citizens living in what is now the State of New Mexico who were living on community land grants given to them by the King of Spain. The Treaty of Guadalupe-Hidalgo contained a provision that guaranteed that the United States would respect these people's property rights. Yet, over the next few years, this section of the treaty was totally ignored. Ultimately, most of these lands ended up in the hands of the Federal Government, the same government that signed the treaty and guaranteed the protection of these property rights.

H.R. 2538 would establish a five member commission to examine the validity of petition community land grant claims filed by eligible descendants. Once the commission finishes its research, it will submit its finding to the President and to Congress. Congress will then decide how to proceed.

I want to emphasize, this is only a commission. The only power this commission would have would be to look into the validity of these community land grant claims and then to make recommendations to the Congress. These recommendations would be nonbinding and would have no legal effect, unless Congress decides to act on them in subsequent legislation.

Madam Chairman, as I have said, H.R. 2538 is very important. There is substantial evidence that these people have been deprived of property rights that are by treaty rightfully theirs. We have an obligation to look into that matter. I think the provisions of this legislation are the best way to do this. I urge my colleagues to support H.R. 2538.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong opposition to H.R. 2538. This poorly-drafted piece of legislation does a disservice to the important issues involved here. This bill is also a very controversial measure which the administration strongly opposes.

No one can tell us how many potential land grants or claims there may be or what Federal, state or private lands would be affected by this bill. The Treaty of Guadalupe-Hidalgo covered all parts of present day California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming and Utah. We are creating here a new standard for the consideration of treaty claims in every one of those states. Although this legislation is limited to New Mexico, clearly the standard here has potential to be exercised with respect to those states, and it is a very poor standard and could proliferate and affect current land ownership in every one of those states.

H.R. 2538 contains no legal standard or rules of evidence for the commission to apply. We have no idea as to the quality or the amount of evidence available in support of or to disprove these claims. This Congress certainly should be sensitive to the very real concerns about the conflict of interest involving who would serve on the commission charged with reviewing the claims. Should this quasi-judicial body include eligible descendants who might have issues before the commission? Should a commission charged with considering such sensitive and potentially inflammatory issues be allowed to receive gifts, especially from those who may benefit from the commission's decisions?

While the rule for H.R. 2538 includes a self-executing amendment to strike the provision on the taxability of gifts to the commission, this correction fails to address the underlying problems of such gifts and potential conflicts of interest and the beneficiaries of the rulings of the commission that those gifts raise.

Members should be aware that this bill deals not only with claims involving the Federal Government, but also claims involving actions of private parties and claims involving actions of a private party and a local government. This opens up the Federal Government to potentially hundreds of millions of dollars in liability for actions that we were never a part of. We were never a party to these actions, and yet this legislation is asking us to open up the Federal Treasury to those actions.

Why does this bill permit claims against Federal forest and other Federal assets to compensate for actions taken by state and local government or private parties? If state and local governments took actions which prejudice these individuals, which put these people at a disadvantage, then state and local governments ought to compensate these people, not the Federal Government. If private parties did this, then private parties ought to compensate these people, not the Federal Government.

We are Uncle Sam, we are not Uncle Sucker, and this legislation suggests that we are the latter.

This bill represents a very serious challenge to private property rights, which I find surprising coming from those who frequently assert the primacy of such rights when dealing with other legislation. In committee we attempted to limit the applicability of this act to public lands, but the majority defeated that amendment. So, under this bill, claims can be made against lands that are in private ownership, that have been in private ownership for generations. If claims against privately-held lands is upheld, once again the Federal Government is called upon to parcel out public resources to compensate the claimant, even though the Federal Government does not own the disputed land and may not have been involved in all of the actions that deprived the claimants' ancestors of the land.

So, once again, in a dispute between two private individuals, the remedy here is to reach your hand into the Federal treasury, into the taxpayers' pocket, and suggest that we compensate those individuals, even though we were not involved in those proceedings.

For those who do not think this bill will affect private property, I suggest you look again. Allowing land claim petitions to include private lands will cloud the title of those private properties. What will be the response of a title insurance company or a lending institution to private land that the commission has under review?

□ 1145

Who suggests for a moment that that property right is going to be insured or the transfer of that land can take place or that money can be borrowed on that, given whatever the needs are of the owners of those lands?

Title insurance, lending institutions, insist upon clear title. Once the commission has made a determination that there is potentially a valid claim, that claim can languish for many years and that property owner can be prejudiced during that entire process awaiting the determination of Congress.

Let me say this, that these treaty claims are not new. There have been more than 200 court decisions involving the treaty, with the U.S. Supreme Court having decided almost half of the major cases. Nor has the Congress ignored the issue. In fact, Congress has dealt with these claims on several occasions, including passage of the 1891 Act that established the Court of Private Land Claims to deal specifically with land claims in New Mexico. As a result of these laws, 504 claims were confirmed by the Congress while hundreds of spurious, forged, antedated claims were dismissed.

H.R. 2538 ignores this body of law, ignores these legal decisions, ignores the determinations of the Congress and reopens hundreds of these claims, hundreds of these claims, to new review by this commission.

Madam Chairman, the interest of the public and many private parties, including any potential claimants, have been poorly served by this legislation. This is a politically inspired piece of legislation that is far from expediting the judicious review of legitimate claims. It will provoke a division and bias because the bill is so poorly drafted.

H.R. 2538 represents a threat to private property, contains unwarranted conflicts of interest provisions, will cost the Federal taxpayers potentially hundreds of millions, if not billions, of dollars for actions that were taken by others, including State and local officials.

Lastly, let me remind every Member that this legislation initially was written not to cover just New Mexico but also California, Texas, Arizona, Colorado, Nevada, Wyoming and Utah. If this flawed legislation is enacted, you can bet that the House will be called upon to pass similar legislation in these other States affecting millions of our constituents and raising justifiable concerns about their property rights and holdings.

So this is not a free vote. It is a precedent that will come back to haunt us and to haunt our constituents and to haunt the Federal Treasury. So I urge that the House reject this piece of legislation.

Finally, let me say this, that there is nothing that prevents people from filing these claims, from filing these claims against properties, and then simply waiting around for a financial settlement, because what you have done is you have impeded a person's ability to freely transfer their private property, to freely mortgage their private property, to pass it on to their heirs, to use it how they will, and then you simply wait for a financial settlement.

There is no shortage of people, as we have seen in every one of these efforts, there is no shortage of people that make that decision that this is just a matter of raising enough obstructions, filing enough lawsuits, and the minute there is success here, if in fact there is success, then we will move on to these other States and we will be called upon to set up similar commissions and make the Federal taxpayers and the Federal Treasury a party to proceedings, to perhaps injustices, that they were never a part to.

This is a Federal remedy for an action that the Federal Government was not involved in. I think we are about to repeat a very sad history and we are about to do a serious injustice to Federal taxpayers and a serious injustice to many private landowners that have believed, and properly so, that the title to their land was settled many, many generations ago. They once again now are all going to be exposed to this legal problem.

You will not be able to answer this by walking in and just putting down your claim and saying, this is my property, it was my father's property, my grandmother's property and so forth. You will have to go out, get yourself an attorney, start that process, and a lot of people are going to find themselves in a position of jeopardy through no fault of their own, through no fault of the Federal Government, through no fault of their ancestors, but they will simply have to remove that cloud from their property. I do not think that is an action that this Federal Government ought to sanction.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Chairman, I thank the gentleman for yielding time.

Madam Chairman, I have been very impressed, since the gentleman from New Mexico (Mr. REDMOND) arrived in this chamber, with his extraordinary perseverance and leadership on the issue of redress for what is, yes, a historic injustice but it is nevertheless an injustice.

One of the characteristics that I think speak very highly of the people of the United States of America is that Americans redress and rectify injustice, even when it is historic, and even when it is an injustice of generations ago. It is without doubt, it can be without doubt, that at the end of the war between the United States and Mexico, many of the rights that were given by the Treaty of Guadalupe-Hidalgo to the citizens who were previously Mexican citizens and then became American citizens, many of the rights that were given to them under that treaty were not complied with.

What the gentleman from New Mexico (Mr. REDMOND) is seeking to do in this historic legislation is not to give the Commission that this legislation is creating any judicial powers, but it is authorizing this commission to review and make recommendations to Congress with regard to precisely any historic injustices that have not been redressed and have not been remedied.

So I think we owe a debt of gratitude to this representative, the gentleman from New Mexico (Mr. REDMOND), who so courageously and with great leadership is bringing this matter to the floor. I commend him again.

This is an extremely important matter, Madam Chairman. The reality of the matter is that these citizens, these citizens who became Americans virtually overnight, many of them at the time, nearly 80,000, their rights were not always protected. And it is many of the descendents of those citizens who have long maintained that the United States did not fulfill the obligations under the treaty and that the Mexicans who became American citizens lost their rights and their titles to much of their property.

That is why an analysis of this situation, a thorough study has to be done. That is why this commission is an important idea, and that is why the gentleman from New Mexico (Mr. REDMOND) has to be congratulated and supported for his leadership, and we must all support this legislation today.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I rise in opposition to this measure. It was stated on the floor that this issue has gone unresolved for 150 years, and in fact, of course, I think most of us recognize in the Mexican-American War that occurred in the middle of the last century that there was an issue here of equity and land claims that did persist after that conflict. But the fact is that in a letter from the Department of State, they point out, and did point out to the committee, that there had been a 1941 settlement between Mexico and the United States, and I would just quote from it:

> The United States of America and the United Mexican States reciprocally cancel, renounce and hereby declare satisfied all claims of whatever nature of nationals of each country against the government of the other which arose prior to the date of the signing of this convention, whether or not filed, or formally or informally presented to either of the two governments.

So the implication that this has not been addressed is not taking into consideration the fact that there has been this settlement based on the initial treaty.

There have been numerous questions raised with regard to this. Some of these claims would be as much as 150 years old. The fact is that this legislation before us that charges this responsibility to I believe a 5-member commission has no legal standards that they need follow, rules of evidence for the commission to apply to the decisionmaking, rights to be afforded to third parties whose property rights might be affected, and finally, no judicial review of the court's decisions.

Now, some have suggested that this is only a study. The Commission is not only doing a study. We are giving them various types of subpoena power, various authorities and status. It does not take much of an understanding of law to recognize that once these findings are made, that they are going to establish legal clouded title over many lands in New Mexico. I think that once we do that, we set that up as a legal point, a point of argument that will be made and indeed will cloud title of public and private property in New Mexico and the other seven States.

I can speak of that particular problem, because it has occurred with regards to Native American lands in my own State of Minnesota. We had to pass legislation to try and rectify that after it occurred. That is exactly what this legislation does.

Now, of course, this legislation and the treaty apply to California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming, and Utah. The legislation before us suggests only that it applies to New Mexico. Well, is there any doubt that what we are establishing here as standards will become precedent once this commission makes its findings? Are we going to deny the same sort of treatment to land claims that might arise in Texas or in other States? I mean we are setting and establishing standards.

The fact is that this is a flawed, a very flawed measure in terms of resolving this issue. If Congress has this interest and want to resolve this matter, then rather than delegating this to a commission, we ought to bring these matters to the Congress in terms of oversight and find greater substance to these matters before we send such long-term problem to a commission.

In terms of a sense of a solution, this is flawed and should not be acted on. Obviously the State Department has voiced concerns about it. There should be concerns because of the clouded titles that this would create, the precedent that it sets up, and a variety of other problems that arise with regards to this legislation. That there are feelings and concerns about what happened to various land claims that grew out of the Mexican-American War, there can be no doubt. But there has been an effort, an effort 57 years ago, to resolve that problem which is being resurrected in 1998 without any clear policy path that is established as to how this will be resolved in the end, as to what the obligation is and whose obligation.

This could expose the United States, at the very least, to exchanging lands, to greater uncertainty, and certainly to hundreds of millions, if not billions of dollars of liability that would grow out of a flawed system, a commission-type of system with judicial-types of significant powers to use the mail to do a variety of things that can, in fact, and would, in fact, be presented to Congress as a predicate for action.

I just think that this is the wrong way to go at this point. I think this needs a lot more study and review by the committee rather than the brief hearings that they have had, and then the perfunctory consideration on the floor here today when it has been put ahead of another bill which most of us thought was going to be considered first.

I think the bill deserves to be rejected. I will not offer the amendments on property rights and other amendments that were offered in committee today. I just do not think it is possible to improve this bill. The predicate for it is wrong. This is not the way to go. The Members ought to reject this. It will expose, and many in these States apparently have little regard for the Federal lands that might be in those States that would be used. I just think it is a very disruptive process. I think it could invite the same sort of precedent with regards to Native American issues, and certainly with regards to these other States that are excluded from this, and that we should really think twice before we vote on this.

Madam Chairman, this deserves to be defeated and brought back up and considered in a more deliberate manner.

□ 1200

Mr. HANSEN. Madam Chairman, I am proud to yield 2 minutes to my friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, the Treaty of Guadalupe-Hidalgo was not just a treaty between two nations, it was a treaty between the United States and individuals that we required to make a choice within a year either to be Mexican citizens or U.S. citizens.

In that contract that we signed called the Treaty of Guadalupe-Hidalgo, we said there were going to be certain rights that the Federal Government would uphold. One of those rights was the right to be able to retain their property based on appropriate deed evidence.

The trouble is, Madam Chairman, the fact is that there were a whole lot of false documents written up. Deeding was made right and left by the Mexican Governors while the U.S. occupational forces were coming on. Sadly about this, those who had a paper in their hand to be able to claim rights were usually those who had just gotten a deed from their buddy who happened to be the Governor, but those who were families like the family who owned Rancho at the Point had been there, the oldest ranch in one part of this territory, that had totally been forgotten because they did not have a deed because their father and grandfather had owned this property. They did not hold the deed, to have a piece of paper.

The fact is, as so often, in the process those who had been the scallywags, they had deeds given to them, technically illegally by a Governor in the last minutes of the retention of the Mexican government; they were given deeds, while those who had been long-term owners did not have that piece of paper that the American courts recognize. So those deeds and that evidence was not in hand by the descendants at that time.

Let me remind Members, this contract is not just those who owned property at that time. It states, "* * * and with their heirs." And with their heirs, it is the fact that at that time they did not have a piece of paper. Today we have the ability to go into Seville, to go into Madrid, and find the original documents of deed that were not available historically in many ways. In fact, there are many historical documents we are just discovering now in the Mexican archives, or in the Spanish archives.

The fact is, there was another negative, Madam Chair. Many grants were not recognized strictly because they were along the frontier with Mexico, and there was a concern about what was perceived as a Mexican threat, that deeds were not granted Mexican or ex-Mexican citizens because of the proximity to the border. We need to rectify that. I support the bill.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, if the gentleman would continue to yield, I would just point out that if this is such an important bill that needs to be rectified, why are seven of the eight States that are affected being excluded from this particular bill?

This commission is going to be set up for 10 years, it is going to get $1 million a year and then it is going to make the recommendations to Congress. I think the idea is that we intend to place some credence in what it is doing. Yet, the procedures that are followed are flawed. The concept only addresses itself to one State.

The gentleman from California (Mr. BILBRAY) rose to talk about the injustices that are occurring here, but apparently they are only important as they apply to the treaty areas in New Mexico, not to Arizona, not to California, not to Texas, not to the other five states.

I understand there is some concern about it, but if we set up a procedure that is flawed, if we set up a commission with all sorts of dollars and with no procedure, well, can we trust, and it is it really a leap of faith in terms of saying this commission is going to provide the answer? There is no provision for conflict of interest for the members that belong to the commission, or would be appointed to it. That could very well be the case. I just think we have a bill that needs a lot more work.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, it is interesting, because we set up a commission that is going to make these judgments. It is no skin off their tail, because all they are doing is handing out public lands and Federal assets to solve what they perceive to be a problem.

So whether or not the claim is valid or just or what have you, it really does not matter to them because it is not coming out of their pocket. They are just coming, and if private parties injured one another or local governments injured one another, if the commission finds that to be the case, they just hand out a Federal remedy. They hand out Federal assets. It is an incredible process. This is like if the gentleman from Utah (Mr. HANSEN) and I get into a fight, and whichever one of us loses, we pay them by dipping into your pocket. It does not make any sense. You were not a party to the fight.

I can understand if people want to limit this to where the Federal Government was a party to the situation here, but that is not what this bill does. This bill makes the Federal Government liable for the actions of a lot of other people and entities that the Federal Government was not a party to.

It is just incredible that we would allow people to go around and make a raid on the Treasury of the United States based upon actions that the Federal Government was not a party to. I thank the gentleman for raising that.

Mr. VENTO. Madam Chairman, we are giving this commission the dollars and I do not think the proper guidance. It is actually seven out of eight States that are not included in this, only the State of New Mexico is the focus. This is a 10-year commission we are setting up.

Fundamentally, this is $10 million in new spending. There are no additional dollars here being recognized that this is going to cost the State Department, this is going to cost the land management agencies, in order to try and deal with this. This is just the tip of the iceberg, the $10 million that is placed in this bill that is authorized by this bill. We can double or triple that particular amount, and we are basing it on a flawed supposition in terms of the charge we are giving to this particular commission.

Also, we are only dealing with one State, so we can probably multiply that number by eight or ten times in terms of the commissions that are going to have to be established based on this bill. We are looking at a bill that is going to cost hundreds of millions of dollars, just in terms of the judicial process, no doubt about that and that will just be for attorneys and legal redtape.

One of the ways to cut through this is by dealing with the clouded titles, but we do not have that solution. I think that proposition ought to be before the committee, before the Committee on Resources, before other committees of this body, not delegated to a commission that Congress will have little or no control over in the final analysis. These may be appointed by Clinton, they may be appointed by subsequent executives. We have little control over this type of commission in terms of what happens and what they might report. We do not even deal with the conflict of interest issues with regard to these individual Members that may have such conflicts of interest in some of these lands that affect themselves.

This is an invitation to problems. This bill, if it is such a wonderful bill, would apply to all eight of the States. They will not do that because they cannot, because the issue is the costs of this, the costs would be too wide, and the scope of the problem is too great. Why would this commission only be limited to New Mexico? I cannot understand that other than as a means of damage control.

Mr. MILLER of California. I reserve the balance of my time, Mr. Chairman.

Mr. HANSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Ms. HEATHER WILSON).

Ms. WILSON. Mr. Chairman, I think I can answer some of the questions put by my colleagues from California and Minnesota. The fact is that the reason that this applies to New Mexico is because the bulk, the vast bulk of these land grants are in New Mexico. That is where, for 150 years, there has been a simmering dispute and bad feeling among the citizens of the State of New Mexico about the taking of lands.

We are now celebrating this year the 400th anniversary of the settlement of the Southwest by Spain. It was only 250 years later that that part of what is now the United States became part of the United States. I believe that this bill is about justice, it is about saying to the people of the State of New Mexico that America keeps its promises, that we provide ways to redress grievances, and that we will consider the facts and the claims on the merits, and do what is right and what is just. It requires congressional action for any land to be transferred.

All this commission does is look at the facts, take the evidence, evidence which people from New Mexico, from my district and from my colleagues' districts, have been asking people to look at for over 100 years. That is fair and just, and I want to commend my colleague from northern New Mexico (Mr. REDMOND) for his persistence and diligence and determination to bring this bill to the floor of the House of Representatives.

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to H.R. 2583, a bill which establishes a presidential commission to make recommendations to resolve land claims in New Mexico, and quite possibly other States, by descendents of people who were Mexican citizens when the treaty ended the Mexican war. It was signed in 1848.

Mr. Chairman, H.R. 2538 sets up a presidential commission out of this Treaty of Guadalupe-Hidalgo, and obviously for the claimants and their supporters this is a matter of considerable interest. However, I believe we saw from our hearing that we held in the subcommittee this bill needs anything but a simple answer. There are many questions that need answering.

As we learned from the hearings that were held previously in the subcommittee, we do not know how many potential land grants or claims there may be. Since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, and the Treaty of Guadalupe-Hidalgo, we do not know exactly what parts of the State are affected by this legislation.

Since, also, this bill deals solely with New Mexico, we do not know if there are claims in other States covered by the treaty. Further, the lands in question may include numerous tracts in private as well as public ownership, and may even include parts of some Indian pueblos or reservations.

Mr. Chairman, I have the greatest respect for the gentleman from New Mexico as the chief sponsor of this legislation, but given the fact that the administration does not support this legislation, the questions still abound concerning this piece of legislation. If we establish a commission for New Mexico, let us establish a commission for Texas, for Colorado, or other States that were formerly part of Mexico after this treaty was signed.

I believe there are still problems with this legislation, and we ought not to support it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this settlement of the treaty that is 57 years old I would just point out has never been successfully legally challenged in court. I am talking about the clouded titles that occurred with Native American lands, because there was a clouded title issue with regard to Native American lands. The courts found that. The courts did that. We came back.

The reason we did that, and I want the chairman of the subcommittee to listen to me, and others, is because we found that after the early 1900s, not 150 years back, just about 80 years back, we found all the money was going to be spent on attorneys in terms of subdividing these lands and the types of claims and processes that we have to go through. That is what the gentleman is funding here, they are funding that type of analysis.

I am sure there are inequities that have occurred, none that have successfully challenged the treaty. What the gentleman is setting in motion here is a situation where the attorneys and the various land management agencies are going to have to spend an extraordinary amount of money with regard to resolving this.

Instead of spending the money in terms of resolving the problem, if we discover there is a problem, it is going to be spending $1 million on this commission, and I would say an extraordinary amount of money just in establishing these, because the descendents from 150 years ago are going to be into the thousands today. They are going to be into the thousands of individuals that are going to be making claims in New Mexico and some of these other States. That is literally where we are spending the money.

As I said, there has never been a successful legal challenge for this, so what is the predicate for why we are doing this? There is none. There have been court cases after court cases that have tried to challenge this for the last 60 years and have not, but only the Congress can step in and screw things up this badly. That is why this bill ought to be defeated.

Mr. FALEOMAVAEGA. Mr. Chairman, the essence of my strongest reservation in opposition to this legislation is that given the fact that New Mexico is not the only State affected, and if we are going to set up a presidential commission for New Mexico, let us do it for other States that were part of Mexico when this treaty was signed in 1848.

The another concern I have is that the bill fails to specify which lands are eligible for consideration. There are no legal standards or rules of evidence by which the commission is to judge any claims presented. The members of the commission are not prohibited from accepting gifts, and the United States government could end up being involved in land claims between private parties.

While I am concerned also with any wrongs which may have been perpetuated by the United States government, these problems have been addressed many times in the past. I am not satisfied that this legislation could provide any new worthwhile information. At this time, Mr. Speaker, this bill would create expectations which I do not believe Congress has any intention of honestly considering.

Mr. VENTO. If the gentleman will yield further, I said there were a number of cases. Since 1948, more than 200 Federal, State, and district court cases occurred. There have been more than 200 Federal, State, and district court decisions that have interpreted the treaty. The U.S. Supreme Court has decided almost half of the major cases involving the treaty.

Several laws were enacted in the 19th century to address this, and of course we have talked about the treaty that was adopted some 57 years ago in the 1940s, so there have been 200.

I will place in the RECORD, Mr. Chairman, the letter from the State Department and this list of U.S. court cases interpreting the treaty. I would just point out, 200 court cases, and none of them have established this particular precedent that this Congress is apparently hellbent on establishing.

The material referred to is as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 4, 1998.

Hon. ENI F.H. FALEOMAVAEGA,
Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives.

DEAR MR. FALEOMAVAEGA: I am writing in response to a letter of March 16, 1998 from Subcommittee Chairman James Hansen inviting a representative of the Department to testify at a hearing on H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act of 1997. We appreciate the Subcommittee's invitation and regret that Department officials were unable to attend the hearing. This letter provides the Department's views on H.R. 2538.

H.R. 2538 would create a Presidential commission to determine the validity of certain land claims of descendants of Mexican citizens. The claims in question assert that U.S. federal and/or state officials confiscated land from Mexican nationals or their descendants in violation of the 1848 Treaty of Guadalupe-Hidalgo.

The Department opposes H.R. 2538.

First, some or all of the claims at issue may already have been fully and finally settled as part of a 1941 Claims Settlement Agreement between the United States and Mexico. That agreement provides, with exceptions not relevant here, that

"The United States of America and the United Mexican States . . . reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments . . ."

This agreement discharged the United States of any liability it may have had with respect to any claims which arose prior to November 19, 1941 alleging infringement of the property of Mexican nationals referred to in the Treaty of Guadalupe-Hidalgo. To the extent that the claims at issue in H.R. 2538 were covered by the Claims Settlement Agreement, the United States has no further obligations to the claimants in question and further consideration of the claims by a commission is unnecessary.

Second, the age of the claims in question, some of which are as many as 150 years old, makes it unlikely that the amount and quality of available evidence will be sufficient to permit the commission rationally to determine the validity of individual claims. In particular, the bill does not specifically address legal standards or rules of evidence for the commission to apply to its decision making, rights to be afforded third parties whose property rights might be affected, or judicial review of the commission's decisions. Enactment, therefore, could exacerbate and renew land title disputes which have previously been adjudicated or which are barred by statutes of limitations. Such statutes of limitations are informed by important public policy concerns regarding finality and resource conservation.

Moreover, the Department is concerned that the creation of such a commission could result in a flood of requests from potential claimants seeking assistance in reconstructing claims over a century after they arose. The bill make no provision for the additional resources necessary to allow the Department of State and other affected agencies to meet the burden of responding to such inquiries.

In addition to the concerns stated above, federal land management agencies advise that H.R. 2538 could pose significant legal and practical problems, disrupt their land management activities, and profoundly affect public and private uses of federal lands, particularly environmentally sensitive and valuable resources. We defer to these agencies for their views on the bill.

I hope this information is of assistance to the Committee. Should you or other members of the Committee have questions about the Department's views on H.R. 2538, please feel free to contact us.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Committee.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act

(Rep. Redmond (R) NM and 79 others)

H.R. 2538 would create a commission to address the validity of claims asserted by the descendants of Mexican citizens to land in New Mexico based on 19th century Spanish and Mexican community land grants. The Administration is sympathetic to those individuals who believe their land claims have been inappropriately or unfairly handled. However, the Administration opposes the bill because its approach is flawed and unworkable.

In summary, this bill would renew land title disputes that already have been resolved by an international agreement or operation of law, in many cases over 50 years ago. It would create a process that provides no legal standards or rules of evidence, no means for final resolution of these reopened claims, and no judicial review. In addition, this bill could disrupt Federal land managers' abilities to carry out their duties, including protection of natural resources and of existing uses and rights on Federal land including grazing, hunting, fishing, and mineral and water rights. A fuller explanation of these issues is presented below.

Consideration of these claims would renew land title disputes that have already been fully and finally resolved either by the 1941 Claims Settlement Agreement between the United States and Mexico, or through adjudication. Any claims not previously adjudicated are barred by relevant statutes of limitations, which are based on fundamental policy concerns of fairness, finality, and resource conservation.

In addition, the bill envisions that public lands, would be removed from Federal ownership to satisfy these claims, thus disrupting Federal land management activities. These activities include the conservation and preservation of national forests, monuments, parks, wilderness areas, wild and scenic rivers, and cultural and prehistoric sites. Further, recreation, hunting, and fishing on Federal lands would be adversely affected, and valid existing rights to, or interests in, water, timber, grazing, and mineral on Federal lands may be disturbed.

Further, H.R. 2538 would institute a flawed process. Although it is claimed that H.R. 2538 is modeled on the Indian Claims Commission Act (ICCA), the ICCA provided for monetary compensation, not the reconstitution of land grants. Moreover, the ICCA provided for judicial determination of claims, according to certain legal standards and subject to the appellate process. H.R. 2538 does not appear to provide any legal standards or rules of evidence and does not allow for judicial review of the commission's recommendations before they are submitted to Congress.

Finally, H.R. 2538 could have several other problematic results for both land claimants and private landowners. The existence of the Commission will raise unrealistic expectations that land claims now closed will be addressed. Furthermore, although private land cannot be transferred under H.R. 2538, the commission's recommendations pertaining to claims to private lands could cloud private land titles. Although H.R. 2538 would affect only lands in New Mexico, 19th century land claims in many other states were resolved in a manner similar to those in New Mexico. This bill's passage would logically prompt calls for the creation of similar commissions in other States with the attendant problems outlined above.

Pay-As-You-Go Scoring: H.R. 2538 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero. Final scoring of this legislation may deviate from these estimates. If H.R. 2538 were enacted, final OMB scoring estimates would be published within seven working days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

APPENDIX 3

U.S. COURT CASES INTERPRETING THE TREATY OF GUADALUPE HIDALGO

(This is a list of selected cases. It does not include all the court cases)

Amaya et al. v. *Stanoline Oil and Gas Co. et al.* 158 F.2d 554 (1947).

Anisa v. *New Mexico and Arizona Rail Road* 175 U.S. 76 (1899).

Apapos et al. v. *United States* 233 U.S. 587 (1914).

Application of Robert Galvan for Writ of Habeus Corpus 127 F. Supp. 392 (1954).

Asociación de Reclamantes v. *The United Mexican States* 735 F.2d 1517 (1984).

Astiazaran et al. v. *Santo Rita Land and Mining Co. et al.* 148 U.S. 80 (1984).

Baker et al. v. *Harvey* 181 U.S. 481 (1901).

Baldwin v. *Goldrank* 88 Tex. 249 (1896).

Basse v. *Brownsville* 154 U.S. 168 (1875).

Borax Consolidated Ltd. et al. v. *City of Los Angeles* 296 U.S. 10 (1935).

Botiller et al. v. *Dominguez* 130 U.S. 238 (1889).

California Power Works v. *Davis* 151 U.S. 389 (1894).

Carpentier v. *Montgomery et al.* 80 U.S. 360 (1891).

Cartwright v. *Public Service of New Mexico* 66 N.M. 64 (1858).

Cessna v. *United States et al.* 169 U.S. 165 (1898).

Chadwick v. *Campbell* 115 F.2d 401 (1940).

City and County of San Francisco v. *Scott* 111 U.S. 768 (1884).

City of Los Angeles v. *Venice Peninsula Properties et al.* 31 Cal. 3d 288 (1913).

City of San Diego v. *Cuyamaca Water Co.* 209 Cal. 105 (1930).

Grant v. *Jaramillo* 6 N.M. 313 (1892).

Horner v. *United States* 143 U.S. 570 (1892).

Interstate Land Co. v. *Maxwell Land Co.* 139 U.S. 569 (1891).

Lockhart v. *Johnson* 18 U.S. 481 (1901).

Lockhart v. *Wills et al.* 54 S.W. 336 (1898).

Lopez Tijerina v. *Henry* 48 F.R.D. 274 (1969).

Lopez Tijerina et al. v. *United States* 396 U.S. 990 (1969).

McKinney v. *Saviego* 59 U.S. 365 (1856).

Merrion v. *Jicarilla Apache Tribe* 617 F.2d 537 (1980).

Minturn v. *Brower et al.* 24 Cal. 644 (1864).

Northwestern Bands of Shoshone Indians v. *United States* 324 U.S. 335 (1945).

Palmer v. *United States* 65 U.S. 125 (1857).

Phillips et al. v. *Mound City* 124 U.S. 605 (1888).

Pitt River Tribe v. *United States* 485 F.2d 660 (1973).

Pueblo of Zia v. *United States et al.* 168 U.S. 198 (1897).

Reynolds v. *West* 1 Cal. 322 (1850).

State of Texas v. *Balli et al.* 144 Tex. 195 (1945).

State of Texas v. *Gallardo* 135 S.W. 644 (1911).

Summa Corporation v. *State of California* 80 L.Ed. 2d 237 (1984).

Tameling v. *United States Freehold Land and Emigration Co.* 2 Colo. 411 (1874).

Tee-Hit-Ton Indians v. *United States* 348 U.S. 272 (1955).

Tenorio v. *Tenorio* 44 N.M. 89 (1940).

Texas Mexican Railroad v. *Locke* 74 Tex. 340 (1889).

Townsend et al. v. *Greenley* 72 U.S. 326 (1866).

United States v. *Abeyta* 632 F.Supp. 1301 (1986).

United States v. *Aguisola* 68 U.S. 352 (1863).

United States ex rel. Chunie v. *Ringrose* 788 F.2d 638 (1986).

United States v. *Green et al.* 185 U.S. 256 256 (1901).

United States v. *Lucero* 1 N.M. 422 (1869).

United States v. *Moreno* 68 U.S. 400 (1863).

United States v. *Naglee* 1 Cal. 232 (1850).

United States v. *O'Donnell* 303 U.S. 501 (1938).

United States v. *Reading* 59 U.S. 1 (1855).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 175 U.S. 690 (1899).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 184 U.S. 416 (1901).

United States v. *Sandoval et al.* 167 U.S. 278 (1897).

United States v. *Sandoval et al.* 231 U.S. 28 (1913).

United States v. *Santistevan* 1 N.M. 583 (1874).

United States v. *State of Louisiana et al.* 363 U.S. 1 (1960).

United States v. *Title Insurance and Trust Co. et al.* 265 U.S. 172 (1924).

United States v. *Utah* 238 U.S. 64 (1931).
Ward v. *Broadwell* 1 N.M. 75 (1854).

□ 1215

Mr. HANSEN. Mr. Chairman, may I inquire how much time each side has?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 20 minutes remaining, and the gentleman from California (Mr. MILLER) has 4½ minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PAXON).

Mr. PAXON. Mr. Chairman, I rise in strong support of H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act. This legislation before us today is truly the culmination of the hard work and tenacious, never-say-die attitude of the gentleman from New Mexico (Mr. REDMOND), our good friend.

I believe it is an unbelievable accomplishment that Mr. REDMOND, as a freshman Member of Congress, is able to bring this bill to the floor today after so many years of discussing this legislation. Having this before this body today I think is a real tribute to the gentleman's tireless efforts. It is also, I believe, a tribute to the leadership of the gentleman from Utah (Mr. HANSEN) and the Committee on Resources who has worked so hard moving this legislation forward.

Mr. Chairman, Congress is finally taking a step in the right direction to help the U.S. keep its word that resulted from the signed Treaty of Guadalupe-Hidalgo in 1848.

Let us be clear, this legislation will not settle any claims directly. Further action will be required for settlement. What this legislation does is do the right thing. It sets up a presidentially appointed commission to review claims. Numerous safeguards are provided in the legislation, such as the fact that claims must be filed within 5 years from date of enactment of the bill, and also by three or more descendants.

The establishment of this commission, the Guadalupe-Hidalgo Treaty Lands Claims Commission, is the right way to go in reviewing these claims of private property rights that were guaranteed by the treaty when it was signed well over 150 years ago.

Mr. Chairman, I want to make it very clear. This is a matter of civil rights. This is a matter of racial justice, and it is a matter of private property rights. I cannot think of one reason in the world why this legislation should not enjoy unanimous bipartisan support today as it moves forward to the President's desk for signature and moves this commission forward.

Mr. Chairman, I am pleased and proud to support the efforts of the gentleman from New Mexico (Mr. REDMOND) and the Committee on Resources.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, let me say that it was suggested here that the claims are in New Mexico. The claims are in New Mexico because of this legislation. The fact is, there are over 14 million acres of land in California that are subject to the same kind of contest. And my colleagues should not believe for a minute, if this commission starts going around and handing out valid land claims that are not paid by the people who theoretically stole the land, which are not paid by the local government to prove the stealing of the land, if that is the case, but are going to be paid by the Federal Government that uses the public lands of this country as a piggy bank for people who want to establish claims on these lands.

Do not think for a second that people are not going to ask that this be done in California, Arizona, Utah and elsewhere where millions of acres of lands and generations of historical ownership have been established.

To suggest that this has been ignored up to this very moment, it has not been ignored. The fact of the matter is that the Supreme Court has addressed it. The Congress has addressed it. These claims have been settled.

The suggestion is that also somehow this is about a lot of people who are Mexican, Mexican-American, Hispanics who have been thrown off of the land and this is a minority issue. Many of the people in these lands are Hispanic families that have been on these lands for many, many generations. That is true in the Central Valley of California and Southern California and elsewhere. But the notion that somehow we can come along and decide that we are going to reopen all of these claims and if this commission decides that it is going to be valid, that we are going to reach into the public land base of the United States of America, the public lands that belong to all the citizens of America, and the notion of justice is that they have to pay, even though they were not party to the injustice. That is not justice.

Justice is when people who are party to the injustice pay. But if the State of California created the injustice and the State of New Mexico created the injustice, and private landowners created the injustice by running people off of the land, why is that a Federal taxpayer problem? Why is the notion of justice over here the notion that we go into the Federal taxpayers' pocket and solve this problem? We just go into the national forests and the public lands and the BLM lands of this Nation and go in there to get justice. Why is that justice?

No, Mr. Chairman, claimants ought to go to the people who harmed them. Let the State of California or the State of New Mexico dig into their treasury and their land base to solve these claims that they created. Let the private landowners let their heirs solve these problems, if that is what they did.

Somehow now justice is being equated with the ability to get to the Federal land base or the Federal tax base. This commission, once they start handing out clouds on titles and making these determinations, when the Congress ever acts on them, there will be a host of people asking for commissions on California and the other western States that are affected by this and a whole host of attorneys that see it is pretty clear that it is no skin off of anybody's nose here because the way to settle this is to give the attorney 50 acres of public lands. Give them some forest lands. Make whatever settlement they want, because there are no rules of evidence here. No burden of proof. No established burden of proof.

That is why the administration has sent up its statement of administration policy today which is in strong opposition to this legislation.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from New Mexico (Mr. REDMOND), the sponsor of this bill.

Mr. REDMOND. Mr. Chairman, the Treaty of Guadalupe-Hidalgo begins with these words:

> In the name of Almighty God, the United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence wherein the two peoples should live as good neighbors, there shall be firm and universal peace between the United States of America and the Mexican Republic, between their respective countries, territories, cities, towns, and people without exceptions of places or persons.

Mr. Chairman, those are the opening words to the Treaty of Guadalupe-Hidalgo, which is the treaty that settled the hostilities between the American Government in 1848 and the Government of Mexico. In America, as we study history, all too often we read history from East to West, as opposed to reading our history from West to East.

To my left here is a commemorative stamp that is now issued by the Post Office of the United States. Many people, when they see this stamp, they will be reminded that the first Europeans in North America, which is now a part of the United States of America, were not the British. They were not the Dutch. They were the Hispanics that first came with the Conquistadores and with the settlers.

This year in New Mexico we are celebrating what is called the "Cuatro Centenario," the 400th anniversary of European settlement at a pueblo now called Santo Domingo, but it was once called Ohkay Owingeh, and the first seat of European government that is now in the United States is here in this Congressional district in the State of New Mexico on a land grant.

For 250 years, both the Spanish Government and the Mexican Government practiced what was the same practice as the Anglos had as they came across the frontier. We have President Martin Van Buren, President Andrew Jackson and many, many other presidents that granted homesteads or granted parcels of land for the purpose of settlement of the North American continent.

Nobody would think for one moment that anybody would dare introduce into this body a piece of legislation that would make it possible for the Federal Government to take away land that had been farmed by a family for more than 150, and in some cases 250 years, and claim it as eminent domain for the American people. This land was legally owned and we had agreed to in the Treaty of Guadalupe-Hidalgo that these people could keep their land.

When they settled the land, there were two kinds of land grants. One was individual land grants, which are not a part of this bill, which have been made reference to by the opposition, and then there were the community land grants. The community land grants of necessity required 10 families or more coming together to settle an area. If they stayed on the land, if they cleared the forest, if they built a home, if they built a barn, they built a corral, they could stay there and the land was theirs.

It is the same under Spanish law as what it was under American law, and that is the why the United States Senate, when they ratified this treaty, they were willing to honor the community land grants that had been so long a part of Spanish culture in New Mexico.

But very rapidly after the treaty was signed, there were people that came to New Mexico and, one by one, the community land grants were wrested from the people because they did not speak the language. And the community land grants were not only for Hispanic people, but they were the Pueblo land grants that the Pueblo people lost as well.

So when we read our history from West to East, we see the merging of three cultures in New Mexico: the Native American culture, the Hispanic culture, and the Anglo culture. And for 400 years, two cultures have lived in peace, and for 150 years, three cultures have lived in peace in spite of the fact that land was taken.

Now, in response to some of the questions that were raised, I appreciate the comments from the gentleman from Minnesota (Mr. VENTO), my good friend. He refers to a letter that came from the State Department that deals with a 57-year agreement between the Government of Mexico and the Government of the United States. I am very happy to say that I am glad that we are talking about who the parties are in this agreement. The parties that settled that particular agreement 57 years ago were the Government of the United States and the Government of Mexico.

The citizens of the United States who were the heirs of these land grants were never part of that discussion. That agreement dealt with something other than the community land grants. Many people might ask why are we interested in the heirs of the land grants? Article 8 is very, very clear. Article 8 says without a doubt that this treaty is not only for the original landowners, but it is also for their heirs.

Over to my left we have a copy of the final page of the treaty and the very first signature on this treaty is from Nicholas Trist. Nicholas Trist is the one who wrote the treaty. And then also we have those signing from the Government of Mexico. When the people in the area which was to become the Territory of New Mexico and, later, the State of New Mexico, they were there for many years and it was the agreement between those people and the American Government that the right to the land would not be violated.

In response to the question that the Treasury of the United States, or as my colleague from California said, "Uncle Sucker" would be doling out money, there is no money to be doled out. The people of New Mexico do not want favors. They want the land that was theirs to be returned.

The treaty is very specific because it says that they not only have the right to private property in the treaty, the treaty also says that they have full rights as American citizens. That includes the Fifth Amendment right and that includes the 14th Amendment right.

So when individuals say this is not a civil rights issue, if we remember correctly, the first 10 amendments are the Bill of Rights. Those are the civil rights for all Americans.

□ 1230

So not only was the treaty violated, but also their 14th Amendment and their Fifth Amendment rights were violated.

To my left is a photograph, and these are the men and women and the children who are the heirs of what is known as the Chilili land grant in New Mexico. Much of their land was lost. They have only a very small portion of it remaining. Those are the people that my colleagues says are coming to "Uncle Sucker", these young boys, these young girls, this grandmother, this grandfather.

The treaty said that this was their land, but the government took their land away. If the land were held by the State of New Mexico, this debate would be held in the capital of Santa Fe; but because 95 percent of this land is now held by the Federal Government, this discussion must be held here.

Also, in response to one of the individuals from the opposition, the amendment that made this specific to New Mexico was offered and passed. It was offered by the gentleman from Minnesota (Mr. VENTO) in committee. He specifically asked that this be applied only to New Mexico, which was in concurrence with the desires of the people from the land grant.

This piece of legislation is important not only for the people of New Mexico but for the people across America. The gentleman is correct that this is not an issue unique only to New Mexico because if the Federal Government can come into my State of New Mexico and take away farms and ranches that had been a part of a family for 250 years, we can bet our bottom dollar that they can come into Illinois and Indiana and Missouri and Oklahoma and any other State where the farmers received a homestead grant from, not only the Spanish government, but also the American government.

I would like to thank my colleagues for their support, for the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG). I would like to thank Speaker NEWT GINGRICH who personally traveled to New Mexico to hear the pleas of the land grant heirs.

I would like to thank my staff Michael Quintana and Jennifer Hamann. But most of all, I would like to thank those members of the Land Grant Forum, State historian Robert Torres, Richard Nieto, Richard Ponse, Estephen Arellano for their tireless effort in working on this bill, former Lieutenant Governor Roberto Mondragon, and most of all the people of New Mexico who so long waited on justice.

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 7 minutes remaining. The gentleman from California (Mr. MILLER) has 1½ minutes remaining.

Mr. HANSEN. Mr. Chairman, who has the right to close on general debate?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) has the right to close.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO)

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the gentleman from New Mexico (Mr. REDMOND) for pointing out my efforts in committee to limiting this to New Mexico. Of course I do not favor it for New Mexico. I think it does have applications for the other States. In spite of the fact that we offered the amendment, we cannot prevent the standards and precedent. I think it would be a bigger problem if all of the eight States were involved as opposed to New Mexico with this five-member commission.

But I would point out also, he suggests what about the private individuals that, in good faith, bought the property in New Mexico or the Federal Government that has established a forest. I remember the controversy over the issue with regards to the Hopi-Navaho Conflict when, in fact, Secretary Lujan recommended a couple hundred thousand acres of forest be given to the Navaho in Arizona. That is the sort of issue that we are setting up here over the next 10 years.

Furthermore, if one has title to the property and one bought it in good faith, this legislation says that that property will go back to the individuals we recommended and that the Federal Government will do the compensation. That is dollars and cents.

So the suggestion that you can just simply avoid this by virtue of returning the land, that there is no money involved is, of course, not what the legislation proposes. It provides that the Federal Government will do the compensation.

Even though, as the gentleman from California pointed out, we may not have been the result of it, the good intentions of the treaty, the good intentions of the settlement act. What is to say that we are going to have perfect justice here, that no resolution or claim will go unresolved. This is an ongoing problem. We fight it in court, 200 cases, and we are establishing it again here.

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we have had regarding this piece of legislation. I want to commend the gentleman from New Mexico (Mr. REDMOND) for coming up with something that probably should have been done for a long time.

It was interesting to hear the opponents of this bill talk about the various lawsuits that have come up. Of course they have come up. Why would they not come up. These people have been seeking redress and remedy for years and years and years. When one cannot get it through lawsuits and one cannot get it through other means, where do people normally come? They normally come to Congress to take care of it.

What do we do in an event like this? We just say, hey, let us ignore this. It happened in 1848. It did not turn out the way it was supposed to by the treaty and the provisions of the treaty that Mr. Redmond put in front of us at this time. It turned out a little differently. The Federal Government came in, and people came in and took that land.

There are a lot of treaties we have made: It is very interesting. Those of us who are interested in the west and come from the west like to read the treaties that happened with the Native Americans. For a while, that happened.

They had a group of smart attorneys who got together, and one lawsuit after another, it cost the American government big bucks. They were resolved. They are still doing that. They are still being litigated. Every year, we come up with something from the Bureau of Indian Affairs regarding these areas.

What do we want to do in this area, ignore it or to somewhat bring it to a conclusion? I am kind of shocked in a way that my good friends keep bringing up the idea that the money and land is going to change. It is not. It says this is a commission.

If you read the bill, the commission will give their recommendation to this body, to the United States Congress. Congress will determine what money is going to change hands. Congress will determine what to do with it. We are waiting for a recommendation from the commission. That is all this is.

It is a rather simple piece of legislation saying let us wait for the commission to do their work to go back and live up to something that this United States Government said they would do in 1848. They said, we will give it to these people who had a valid claim to that property from the King of Spain.

Can we negate that? Can we just throw it out, repudiate it because we feel that we are stronger and better than they are and we speak English and we have got more guns? I hope that is not the case. I hope somebody looks at it.

I think many of the arguments were very good brought up by our opponents. Those are the kinds of arguments that will come up when the commission brings it to us. This piece of legislation only does that.

I find it very interesting and love to hear my good friends from the other side talk about private property. That to me just made my whole day, probably my whole month, that I can go home and say people have been willing to walk right over private property regarding the Endangered Species Act, regarding the Wetlands Act, regarding the Wilderness Act, regarding the Wild Horse and Burro Act, regarding the Scenic River Act, regarding the Mormon Trail Act are now sticking up for private property. This should be a red letter day to this Congress that we all feel so good to see that happen. I hope we keep that trend going.

Mr. Chairman, I am very grateful for my good friend the gentleman from New Mexico.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SUNUNU). All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill, modified by striking the last two sentences of subsection (C) of section 6, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the original question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Guadalupe-Hidalgo Treaty Land Claims Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. Examination of land claims.
Sec. 5. Community Land Grant Study Center.
Sec. 6. Miscellaneous powers of Commission.
Sec. 7. Report.
Sec. 8. Termination.
Sec. 9. Authorization of appropriations.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. HANSEN. Mr. Chairman, I ask for unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there an objection to the request of the gentleman from Utah?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified pursuant to House Resolution 522 is as follows:

SEC. 2. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purposes of this Act:

(1) COMMISSION.—The term "Commission" means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term "Treaty of Guadalupe-Hidalgo" means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term "eligible descendant" means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term "community land grant" means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term "reconstituted", with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Guadalupe-Hidalgo Treaty Land Claims Commission".

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 7. REPORT.

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 8. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 7.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

The CHAIRMAN pro tempore. Are there any amendment?

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in a situation where I will be voting against the bill that I have cosponsored. At this moment, I am not allowed to ask unanimous consent to have my name removed, but I do think it is important that I explain my actions.

When I was first asked to cosponsor this, it was to call for a commission. I now see this commission will cost the taxpayer $1 million for up to 7 years, which is up to $7 million.

When we look a little bit further into this, originally it was a few families that had been wronged, but as we heard in the debate, the entire States of California, Nevada, and Utah, were basically seized from the Government of Mexico, as well as portions of Arizona, Texas, and New Mexico, portions of Colorado and Wyoming. So we would be basically seeing a situation where just a few people would be compensated.

The second part that I think is important to state is, yes, we have to look at this historically. Yes, these people probably had claims given to them by the Government of Mexico, a government that, in effect, took the land from Spain. But who did the King of Spain take it from? He took it from the folks who lived there when the Conquistadors came over.

We are basically opening a can of worms and I do not think anyone has any idea where it ends. I think, at the end of 7 years, we will have spent $7 million of the American taxpayers' money and find ourselves in exactly the same situation we have right now.

If you want to go a little bit further, why do we not give Panama back to Colombia, because our Nation stole it fair and square from them in the first part of this century so we could build the Panama Canal.

Our Nation lately has been pretty good. As recently as Bosnia, we sent some troops over there, not to take their land, not to rape their people, not to take their wealth, but just to keep people from killing each other. It might be the most honorable thing this Nation has ever done.

But some years ago, when we had our manifest destiny and decided that we were going to have a Nation that ran from ocean to ocean, we did so, and we did not particularly care who got in our way. In this instance, the Mexican Government got in our way.

I do not think we serve the American people by going back and reopening this, causing no telling how many people in all of the States that I have mentioned to have the title to their property called into question in each of these States, including some huge States like California.

I think we are best letting the courts make these decisions and not a congressionally appointed commission at the cost of $1 million a year.

For those reasons, although I understand the gentleman is trying to redress what he perceives is a wrong, I think the greatest good is served by the defeat of this measure.

Mr. Chairman, I ask at this point that my name be removed.

Mr. REDMOND. Mr. Chairman, will the gentleman yield to me?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to respond to the idea that almost all of the Southwest is somehow under a community land grant. Just to put this into perspective, in the State of New Mexico—

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, the point that I made was that most of the Southwest was seized from Mexico and, as the gentleman pointed out, under duress. We were occupying their capital at the time.

We did it for what we thought was the best interest. Quite frankly, all of the people in all of those States are better off because we did it. But we seized the whole Southwest, not just this portion of the Southwest.

If we start looking back into each of these claims, I think we cause more harm than good. Again, we had make a gentleman's request to look into it. At the time, it seemed to make sense. But the more I have looked into the total repercussions of creating this commission at the cost of $7 million, I have decided to oppose it.

Mr. Chairman, I ask unanimous consent that my name be withdrawn as a cosponsor.

The CHAIRMAN pro tempore. While that permission is normally sought in the full House, the gentleman cannot have his name removed from a bill that has already been reported out of committee.

Mr. TAYLOR of Mississippi. Very good.

The CHAIRMAN pro tempore. Are there any amendments?

Mr. BECERRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is time that we finally have Congress addressing this issue involving the Treaty of Guadalupe-Hidalgo because, for more than 150 years, we have allowed an injustice to continue in this country. This country, while it has made mistakes, has always been strong enough to come up and stand up and say when it has been wrong; and that is one of the things that makes me very proud to be able to serve in this legislative body for this country.

It is time to address the injustice caused by the theft that occurred years ago of property held by thousands of people in the Southwest that was taken from them as a result of our government's representations to these people.

□ 1245

Good faith representations to these people, through a treaty that these people would have rights and they would be treated in ways that accorded to law. And those folks depended on that contract, that treaty that was signed with the U.S. Government, and they did so in good faith.

But I look at H.R. 2538, and I ask myself, is this the right vehicle to try to redress those injustices? And I look within H.R. 2538 for something that tells me there are teeth in this bill that will allow us to actually redress the wrongs committed against many people and their offspring, and I see no teeth. What I do find is a procedural nightmare. I find a system that allows a commission to be created.

And by the way, we often know what happens with commissions. We can talk about all the commissions we have now that have nothing but vacancies and are doing no work. And we have a commission, if it should happen to get impaneled, that has no teeth to do anything. It could recommend to Congress that certain people be compensated, that redress be provided, but there is nothing in the bill that would require Congress to do anything with that commission report.

So what does that do? It leaves those who were affected and left without redress in a position of hope, and it leaves those, many of whom today are innocent purchasers and holders of property in these affected areas, with now clouded title over that property. Because, see, that property that they purchased, and I am talking about those who are innocent purchasers, those who purchased that property not knowing that there was any problem with how it was acquired by a predecessor owner, now will say I have a deed to this land but there is a commission that says I really do not have a right to it. So what the heck do I get to do with this land? Can I sell it? Who will want to purchase property that may be taken away by a commission?

But yet those who seek the redress, who had the property through their forefathers taken from them, have no way to get redress, anything back, whether it is the land or some compensation because Congress is not required to do anything in this bill. So we leave not only those who for generations faced an injustice in limbo, but we leave also innocent purchasers of property in these areas without redress. There is no requirement for Congress to act on any claim, and that is perhaps the most egregious portion of this bill.

And by the way, I think the gentleman from Utah sort of made that point for me earlier in his remarks because he made it clear we do not have to worry about taking land from private landholders because we do not have anything in this bill that would require that that happen. So it proves the point that this bill does not have the teeth we need to truly provide the redress we need. I am here to fight for that redress. I think people who had things stolen from them deserve to have compensation if our Federal Government signed a document saying I promise I will treat you according to the law and we did not fulfill that. But that is not what this bill says.

Moreover, I do not believe that the Federal taxpayer should have to carry the burden for what local elected officials and State elected officials did in years gone by. Those injustices by State and local officials should be redressed by States and local governments. And if they are not willing to, then let us have a bill that says they must. Let us not make the Federal taxpayer in New York, in Alabama, in Maine, in Wisconsin pay for the misdeeds of local elected officials in New Mexico, Arizona, Colorado or anywhere else.

Another point. This bill deals only with New Mexico. What about the folks in California, Utah, Colorado, Arizona, Oklahoma? They also need redress. They are not there. There are many ways to handle this. Senator BINGAMAN in the Senate has a bill. But this, I do not believe, is a real meaningful effort to do this, and I would ask my colleagues to vote against it.

Mr. REDMOND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that it is important that the bill be read in its entirety. I want to make one thing very, very clear; that this action was by the United States Government upon United States citizens who had formerly been citizens of the country of Mexico. This is not Nation to Nation. This is an act performed on the citizens of the United States who resided in the territory of New Mexico, performed on them by the Federal Government.

Secondly, this particular bill, in its original form, was written by former Congressman Bill Richardson. The bill was taken to the people of New Mexico, The Land Grant Forum, who have the entire history of the happenings in New Mexico. The people rewrote the bill themselves, with the understanding of settlement between the land grant heirs and the Federal Government. They took all the parties into consideration. This is a people's bill written by the people, though it was originally framed by the former congressman.

The other thing we need to point out very, very clearly is that it is the responsibility of the Federal Government, because at the time that this took place, New Mexico was a territory under Federal law, not local jurisdiction.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. REDMOND. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I appreciate the effort of the gentleman, because I think there is a need, as I said before, to redress this issue for the people that were denied their rights and property, had those property rights stolen. But answer the question regarding the person who finds that a commission under this bill determines that property claimed by that individual is in fact property that fell under the land grants and, therefore, should revert back to the heirs of those owners of the land grant. What do we do if Congress takes no action on that claim, and what does that mean for the current holder of that property?

I do not want to affect the rights of current owners who innocently purchased at the same time I am trying to redress an injustice. I think we have to fight to redress that injustice, but let us not also embroil people who are innocent in this fight for justice, because then we do nothing more than cause a harm while we are trying to correct one.

Mr. REDMOND. Mr. Chairman, reclaiming my time, the people of New Mexico already thought about that before the gentleman thought about it, because they are very concerned about their neighbors. And if the gentleman will read the bill very carefully, the land that is now private land will be completely exempt from this.

So my colleagues need to remember that those who are current owners, that currently hold title, if they purchased that from the Federal Government, they are exempt. But if there is a claim on that land, the Federal Government will compensate the original heirs and the title will not be clouded.

Mr. BECERRA. If the gentleman will further yield on that point, my understanding is that they will be compensated by taking Federal land, which may be a way to resolve this, but my concern would then be what Federal land?

Mr. REDMOND. I am glad the gentleman raised the point. The first thing we need to understand is the context of the State of New Mexico. We can basically break New Mexico into three portions: One-third of the State is owned by the people, one-third of the State is owned by the State of New Mexico, and one-third of the State is owned by the Federal Government. The Federal Government owns 28 million acres of land in the State of New Mexico. If every single one of these was adjudicated in favor of the claimants, that would only total to somewhere between a million, to a million and a half acres, which would then leave the Federal Government with a total of 26½ million acres still in the State of New Mexico. So there is plenty of land there.

The thing we need to remember is that this was private land taken from American citizens who were of Mexican descent, Hispanic descent. They themselves were American citizens and their land was taken by the Federal Government.

Mr. BECERRA. If the gentleman will further yield, I appreciate that point, because he is right, the folks trying to make these claims are people who, in many cases, have not had access to our courts of justice nor our elected representatives. But my understanding is that it does not resolve the problem of now it appears that we are taking from Peter to give to Paul, and the last thing I want to do is start creating a difficulty with another American. We are all Americans, and I want these Americans to be redressed, but I do not want to do it at the expense of an innocent American.

The gentleman may say that the land that would be taken is Federal land, but I would like to know which Federal land? Is it land that is currently used by Americans?

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

Mr. VENTO. Mr. Chairman, I move to strike the last word.

And to continue the thoughts our colleague from California has raised, the point was, and of course we went right by that, that somehow the Congress is going to come back and give away one of the national forests, apparently, or some portion of it in New Mexico or one of the other areas. But the fact is that we may very well not do that. I think there would be quite a debate here. And the issue is that we have created a cloud over the title of a Private Property. We have created a cloud over the title, and generally what happens when there is an imperfect title is the value of the land is depreciated. So the answer to the gentleman's question is quite clear.

Now, some concern was raised about my views on property rights and takings. I would just point out that I do believe, and have advocated, regulation of lands with regards to wetlands and with regards to the Endangered Species Act, and with regard to its impact in terms of zoning and some of the Federal Government's effort, the national government's effort to deal with that.

The real issue here has been the debate over what constitutes an actual taking and the suggestion that they could not find redress in the courts with regards to takings. And that has been the case most often and there has been efforts in this Congress to change the definition of takings and define zoning as takings. But what we have here, of course, is a pretty well-established precedent in terms of how to cloud up a title. That is exactly what is going to happen here until this is resolved.

The fact of the matter is, and I misspoke, because they changed the amount of money in this bill, it is actually a bill that will be 10 years for this commission, with a million dollars a year rather than $1.5 or $10 million, so I wanted to clarify that for the record for this five-member commission. But in fact what we are creating here is, literally, whether we translate it into property that is transferred or land that is transferred, we are really setting up hundreds of millions of dollars of value of various claims that are going to be made. That is what this sets in motion, this commission will set in motion. In New Mexico I think it will amount to that type of dollar figure.

Now, we can transfer lands and suggest that has no value because it is national lands or State lands. But all of these property rights are related to what happened in the States, whether or not they be territories at the time. It is not necessarily the territorial authority that made these decisions. It could and most often was private interests. I know in the case, for instance, of the Native American lands, that very often Native Americans lost their lands. They did not understand the language; did not understand how to read or write. They lost their lands on an unfair basis.

My concern here is not with addressing it, it is that the system that is set up, the template in this bill, is deeply flawed. It is seriously flawed in terms of what is going to be produced. I would try to limit damage control by limiting it to New Mexico, but I can assure all of my colleagues who represent the other seven States are going to have the same problem. So if we want to base this on a flawed foundation, we can proceed.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentleman for yielding to me. I am trying to make sure I have read this bill correctly, and I am reading now on page 11 under section 7, which deals with the report that is to be submitted to the Congress and to the President.

It reads, "As soon as practicable, after reaching its last decision under section 4, the commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the commission regarding whether certain community land grants should be reconstituted so that the Congress may act upon the recommendations."

My concern again is this is all "may", "might". It is not a "shall". We know in this body if we want to do something we have to say "you shall do it". That commands. "You must do it". "May" says you decide what you want to do. There are a lot of things in law that say "may" that we never work on.

So to lead people to believe in New Mexico or any other State that this bill will give them redress is, I think, raising hopes to a higher expectation. And it is unfortunate because they will find themselves falling flat on the ground, and it will all be done while we are clouding the opportunity of those innocent purchasers of property to know whether or not they really can hold on to their land or even sell it in the future.

I think that is the worst mistake, to embroil innocent folks in a fight that involves the government, which did wrong, with the successors of those who were wrong. That we need to change. And I wish this were a bill that really did have the teeth, because I would love to be able to support something so we could finally close this ugly chapter in American history where we caused pain and we stole from people at the expense of our reputation as a government.

☐ 1300

Mr. VENTO. Mr. Chairman, I mean, legally I think there is no substance and basis, and morally I think we do have a responsibility. But this is an open invitation, and if something is presented to Congress that is going to cost hundreds of millions of dollars transferring vast areas of land in New Mexico to compensate, it is going to hit this Congress and it is going to go nowhere.

We ought to be facing up to that at this time, at least anticipating. And I think that is the job of the Committee on Resources and the other committees of this Congress, not something to be sent to a commission.

Mr. HANSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California talks about the idea of it not having any teeth in it. Well, when this thing came about, what procedure do we follow on something that happened in 1848? We are somehow establishing a procedure. If it was that way, we would not get any votes on this thing.

This is a procedure so we can come to the final position of having some teeth in it. And I agree with him. But at this point no one could figure out the hoops we go through, the paths we go down, the road map that is laid out because there are no road maps to go down. No one has given us one.

So I commend the gentleman from New Mexico (Mr. REDMOND) for giving us a road map to resolve this particular question.

Mr. REDMOND. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to point out in the bill, in section 4, part (g) concerning protection of non-Federal property. "The decision of the commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition."

And then in response to the idea that it does not have any teeth, the opposition cannot have it both ways. We have one view that we are raiding the Treasury for billions of dollars from one member of the opposition, and then another member of the opposition says that it is a pussy cat and it has absolutely no teeth at all. We cannot have it both ways. It either has teeth or it does not have teeth.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified.

The committee amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLUNT) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 187, not voting 25, as follows:

[Roll No. 421]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle

Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rangel
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Shadegg
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Upton
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—25

Barcia
Berry
Brown (CA)
Cannon
Dingell
Dooley
Furse
Gephardt
Gonzalez
Hefner
Kasich
Kennedy (MA)
Kennelly
LaHood
McDade
Moakley
Poshard
Pryce (OH)
Rush
Schumer
Sisisky
Tauzin
Towns
Wise
Young (AK)

☐ 1323

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Berry against.

Ms. WOOLSEY, Ms. DELAURO, Ms. CARSON, Mr. MINGE, Ms. RIVERS, Ms. VELÁZQUEZ and Mr. OBERSTAR changed their vote from "yea" to "nay."

Mr. DIXON changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2538, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours and, thereafter, as provided in section 2 of this resolution. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee. That amendment shall be considered as read, be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. After disposition of the amendment numbered 1, it shall be in order to consider the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee, which shall be considered as read. That amendment and all amendments thereto shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment under the five minute rule for three hours pursuant to the first section of this resolution, no further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Each further amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Each further amendment and all amendments thereto shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

☐ 1330

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. GOSS) is recognized for one hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. All time yielded is for the purposes of debate on this issue only.

Mr. Speaker, this is a fair and appropriate modified open rule. The rule provides 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Education and the Workforce. The rule also provides a 3-hour time period for amendments, after which amendments preprinted in the CONGRESSIONAL RECORD may also be offered and debated for a period not to exceed 10 minutes.

The rule provides for consideration of a manager's amendment if offered by the gentleman from California (Mr. RIGGS), the chairman of the subcommittee.

Finally, the rule provides for a motion to recommit with or without instructions.

This rule provides ample opportunity for debate and amendment on this very important issue. There were no minority amendments, I am told, offered during committee consideration. The ranking member, the gentleman from California (Mr. MARTINEZ), testified to our Rules Committee that he had no intention of offering any amendments to the bill. In fact, the Rules Committee received only two amendments, both offered by the chairman of the subcommittee, the aforementioned gentleman from California (Mr. RIGGS).

Despite these clear considerations that interest in amending this bill is limited, the rule provides for 3 hours for amendments and even allows amendments preprinted in the CONGRESSIONAL RECORD to be offered after that time period of 3 hours has expired.

Given the very real time constraints we encounter in this body as we approach sine die adjournment, I think this is a very reasonable, appropriate and fair rule, and those who wish to take advantage of this subject certainly have ample opportunity.

Mr. Speaker, in some situations, bilingual education in our public schools has served its purpose very well. However, many of the current bilingual programs have not worked as well as we had hoped, both in teaching students our common language and in providing quality academic instructions, and this is a fact.

H.R. 3892, the English Language Fluency Act, block grants funds to States with the assurance that all local districts needing bilingual education programs will receive adequate funding.

This is an extremely important breakthrough. It then gives districts the flexibility to choose programs that work. As the chairman, the gentleman from Pennsylvania (Mr. GOODLING), correctly noted in his Rules testimony, and I quote, flexibility is the name of the game.

H.R. 3892 requires that parents consent to their children being placed in a bilingual program and allows parents to choose the type of instructional method their child will use, if more than one method is in fact available.

A weakness of the current system is that too often parents are simply ignored during this process. H.R. 3892 addresses that problem head on by putting parents in the driver's seat once again. I think it is something that will be welcome news to parents.

Another very real problem in my district and throughout the Nation is that bilingual programs are becoming a way of life rather than a swift and certain transition process.

Mr. Speaker, in order to ensure that students are making a quick transition into society, including the mastery of the English language, H.R. 3892 would require that federally funded bilingual programs aim to achieve English fluency within 2 years and would end Federal funding after 3.

Finally, H.R. 3892 recognizes that the money should follow the children. Under a new funding formula, States like Florida and California with a disproportionate number of children with bilingual needs would receive a larger share of the pie. That is where the problem is; that is where the money should go.

Mr. Speaker, the answers to our education problems do not reside in Washington, D.C. Instead of further empowering the D.C. education bureaucracy, we ought to be giving localities and parents the ability to choose successful bilingual programs. Our goal should be a smoother transition into American society for all children, and I think this legislation makes great strides in that direction.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Florida for yielding the customary 30 minutes.

Mr. Speaker, the House is scheduled to adjourn in less than a month and in that time we have important business to conduct, business that will require the cooperation of both parties. At the very least, we must finish appropriations bills, bills which are themselves complicated and contentious. Yet, today, the majority has chosen to bring before the House divisive legislation that will do nothing to advance the agenda that the Congress must address before we adjourn next month.

What this legislation does advance, however, is a misguided political agenda. This is an agenda that attempts to get rid of the Department of Education. The so-called English Language Fluency Act tramples on the rights of school children and their rights to an education that will allow them to become productive citizens of this country.

I should point out to my colleagues that the Republican governor of Texas, George W. Bush, recently addressed the National Convention of the League of United Latin American Citizens in advocating reviewing and repairing the bilingual education programs, rather than ending them, as this bill would do.

Mr. Speaker, this bill guts bilingual programs that have been designed to meet the needs and the rights of students. Let me read from the minority views in the report to accompany H.R. 3892. Those views state, and I quote: "The language in H.R. 3892 which voids all the voluntary Compliance Agreements entered into by the Department of Education, the Office of Civil Rights and local school districts . . . is an unprecedented and shameful effort to gut enforcement of the Civil Rights Act of 1964 as it applies to the education of language to minority students."

Those compliance agreements do not dictate how school districts design their bilingual education. Rather, Mr. Speaker, they are voluntary agreements reached with the Office of Civil Rights that ensure that school districts implement bilingual education instruction which results in the academic success of students with limited English. Compliance agreements and the programs implemented under them seek to ensure that children can learn not just English, but that they can learn in English. That is an important distinction that I fear many of my colleagues might have missed.

By missing that distinction in the writing of this legislation, the effect of H.R. 3892 is to deny access to the best education that we can offer school children who are not yet English-language proficient. To do so is to deny over 3 million children access to the kind of education that they need in order to achieve social and economic success in America.

Mr. Speaker, the Supreme Court has established that it is a civil right for language-minority children to receive meaningful instruction that will allow them to fully participate in school. Much of that assurance has come since the decision in Lau v. Nichols, in the voluntary, yes, voluntary, Mr. Speaker, agreements that the school districts have reached with the Office of Civil Rights. Summarily dismantling those agreements may serve a political interest, but it is not in the interest of a single child.

Consequently, Mr. Speaker, I rise in strong opposition to this bill and rise in opposition to this rule simply because it provides for the consideration of this ill-considered and discriminatory legislation. In addition, Mr. Speaker, there are many groups who oppose this bill. Among them are the American Association of University Women, the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Parent-Teachers Association, the National School Boards Association, the Mexican-American Legal Defense Fund, the National Council of La Raza, and the Leadership Conference on Civil Rights; and I might add, Mr. Speaker, countless thousands of parents who want only the best, perhaps a part of the American dream, for their children.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, one of America's enduring strengths has always been its ability to embrace new people, new cultures, and new ideas. Part of our success in this has been the readiness of public schools to tackle the challenge of teaching children from all over the world.

Let me be very clear. We all want and we expect every new American to learn English and to learn it quickly. The question is, how do we best accomplish that.

Bilingual education is a vital teaching tool in this process, a means of communicating with students so that they can learn as much as they can as quickly as they can and integrate themselves into American society. Bilingual education is just that: bilingual. It does not mean that students do not learn English. Rather, they learn English while keeping up on all of their other subjects as well.

Now, this proven method of instruction has made an immeasurable difference, made a big difference in the lives of thousands and thousands of students, many of whom have gone on to become doctors and lawyers and teachers and members of the legislature and even the Congress.

So, in short, it works. But this Republican bill seeks to end bilingual education. It undermines established standards, and it actually, it actually imposes Federal mandates on local school districts, overriding local school education.

This Republican bill is a one-size-fits-all approach to a complicated problem. It strips the local school districts of autonomy and the flexibility that has always been theirs. In short, it is a bad idea. It is bad for education. It sends the wrong message to the diverse and talented school children that go to school every day in this country eager to learn.

So I rise, Mr. Speaker, to encourage my colleagues to oppose H.R. 3892. It is a bad bill.

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding, just so I can clarify a point he just made, because I am very astounded to hear the gentleman say that our proposed reforms constitute a one-size-fits-all mandate imposed on State and local education agencies.

My question to the gentleman, whom I thank for yielding, is does he realize that under current Federal law, 75 percent of all Federal taxpayer funding for bilingual education instruction must go for native language instruction and does not that constitute a one-size-fits-all mandate with respect to 75 percent of the funding?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ), my friend, to help answer that question.

Mr. RODRIGUEZ. Mr. Speaker, I would suggest that that is not the case. In fact, there are some beautiful programs that are labeled bilingual. One of them is dual-language instruction that allows non-English speaking youngsters to be able to participate and be able to enhance their language and learn other languages also.

Mr. GOSS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me. I thought he did an outstanding job in describing the rule under which this bill is brought to the House floor today.

Let me agree with the gentleman from Florida when he describes the rule as being somewhat complex, but fair. My colleagues will note that members of the Democratic minority have an opportunity to offer, I think, all of the substantive policy amendments that they requested be made in order through the Committee on Rules, number 1; and number 2, there is equal balance in amendments that are made in order under the rule. So let me turn my attention to the actual underlying legislation for just a moment.

Let me say that my friend from Texas, who was recognized a moment ago by the minority whip, is right when he says that a number and a variety of programs can be funded with Federal taxpayer funding under current law. But he ignored the fundamental point that I was making, which is that the mandate in current law that requires that 75 percent of Federal taxpayer funding go for native language instruction.

Mr. RODRIGUEZ. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. Mr. Speaker, perhaps when I have more time, although I would be happy to truly have a bipartisan debate across the center aisle, or the partisan aisle.

That mandate is embedded in current law, and what we are trying to do now by proposing reforms to the Federal Bilingual and Immigration Education Acts is to give local school districts more say, more flexibility, more discretion, more control in determining the bilingual instruction program, the bilingual instruction method that they feel is appropriate for children in that local community.

Mr. RODRIGUEZ. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Texas on that point.

□ 1345

Mr. RODRIGUEZ. Mr. Speaker, I would ask the gentleman, by doing that, in restricting it to 2 years, how is he allowing that to occur when he is actually telling the individuals in the districts they can only offer it for 2 years, when there is no pedagogical basis, educational rationale? And we all recognize that the research says that you have to have a minimum of 7 years before you even grasp a language. In fact, all educators would disagree with the gentleman, that there is no reason whatsoever for limiting it for 2 years.

Mr. RIGGS. Reclaiming my time, Mr. Speaker, I would respond to the gentleman's very legitimate and I think sincere question by saying, first of all, it is the goal of the legislation to move all limited or non-English-speaking children, what we call under the bill "English language learners," to English proficiency in 2 years. That is the overarching goal.

We really do believe that a child who enters the public schools should be able to read and write well in English, the official and commercial language of our country. That is the goal. However, the funding limitation in the bill is 3 years.

Furthermore, I would be happy, and I think the chairman of the full committee would be happy, to consider allowing a case-by-case exception to that, so that under exigent circumstances that 3-year funding limitation could be extended.

Let me make one other point, which is, despite the fact we have a 3-year funding limitation under our bill with respect to the Federal programs, there is nothing, of course, in our bill that prevents State and local school districts from using State and local taxpayer funding to continue the education of a non- or limited-English speaking student beyond the 3-year limitation contained in our bill. It only applies with respect to Federal taxpayer funding.

Mr. RODRIGUEZ. If the gentleman will continue to yield, Mr. Speaker, what rationale did the gentleman use to limit it to 2 and 3? Because it was not educational at all.

Mr. RIGGS. Reclaiming my time, yes, it in fact was. We heard expert testimony. I realize that people can differ. My response to this is we heard from many people who are concerned about the fact that our limited or non-English speaking students languish too long in native language instruction programs, in native language instruction classrooms, and that that may be a contributing factor to the unacceptably high dropout rate on the part of Hispanic American students. That is why we are attempting to address this concern with this legislation here and now.

I will further discuss later today a poll that just came out within the last few days, and this is a newspaper article dated August 26, that found that 88 percent, and I want to get the exact number here, 88 percent of immigrant children questioned preferred speaking English, and they are eager to embrace English and eager to make the transition to English proficiency and English fluency at the earliest possible date. I would argue that is the real key to their future academic and professional success in their adult lives.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from New York, and let me acknowledge that I would like to listen to those 88 percent that my colleague has just announced to America; absolutely, who would say less? Americans, people who come to America, desire to be like Americans and they desire to speak English. What a ludicrous citation. But what this legislation does, it does not enhance that little one's opportunity to speak English, it detracts and denies. This legislation and the rule I oppose and the bill I oppose is accusatory, it is slanted, it is stigmatizing, and it undermines the premise of local control for school districts to educate our children.

We would not go anywhere in America and find people disagreeing with understanding and speaking and reading English, but in fact, there is something else to do. It is educating our children.

This bill jeopardizes our mission, number one, for all providers of primary education to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in math and science, so someone can read but they cannot balance their checkbook.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will learn English in the exact same way. If we still want this Nation to maintain the goal of giving every child an opportunity, we must have an individualized approach.

My school district in Houston has a predominantly Hispanic population. We have been cited throughout the State for having the highest performance in reading. That is because we understand, as educators and community, to leave education to educators who will help those children learn English, and my God, can Members believe it, be bilingual.

That is the insult of this bill, it denigrates what we have done in our own States. I would say that this is a bad rule, this is a bad bill, and it stigmatizes Americans, which we should not do.

Mr. Speaker, I rise to speak against the adoption of this bill, which changes the way that English is taught in schools throughout this country.

I oppose this bill because I fear that it will do substantially more harm than good. H.R. 3892 does nothing to improve education, and in fact, potentially hurts those people that it is supposed to help, children.

This bill places in jeopardy what should be "mission–1" for all providers of primary education—to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in other important areas of development, such as math and science.

Currently, bilingual education programs are geared to teach immigrant children English, while at the same time making sure that they continue to improve in other academic areas. If this bill succeeds, we are potentially creating a substantial population of adults who may speak English well, but cannot balance their checkbooks. We must remember, language is but one of the skills necessary for people to survive in this world.

I am also opposed to this bill because it voids all of the "consent decrees" entered into by local schools, parents, and the Department of Education without adequate deliberation. These consent decrees have been carefully crafted by the proper authorities, with exacting and careful scrutiny, to meet the needs of these children, and to force compliance with our federal Civil Rights laws. We should not void them with the haste with which we are moving.

This bill is also deficient because it imposes a national standard where regional ones would be preferable. Language patterns in this country differ from region to region, and some languages have more in common with English than others. It is fundamentally impossible to paint a portrait of language in America, which requires delicate and careful strokes, with the clumsy and broad brush utilized by H.R. 3892.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will be able to learn English in the same, limited amount of time. If we still want to maintain the goal of giving every child in this nation the individualized attention that they require to succeed in this world, then we ought to move away from hardline standards. We should instead allow our state and local governments to determine the most suitable language education policy for their needs.

Furthermore, not only must we reject this bill because it takes decision-making authority from local and state governments, but also because it takes discretion and choice away from the parents who send their children to school. If this bill is passed, parents no longer can select the manner in which their children will learn English. It is wholly inappropriate for the federal government to interject itself into the midst of what is essentially a family decision, and usurp parental authority, in order to control the manner in which a child should learn English.

Parents should be able to choose to enroll their children in some of the new, innovative language programs that are being conducted across the United States. For instance, in both California and Texas, some school districts have instituted voluntary "two-way language immersion" programs, which aim to teach children, regardless of their background, both Spanish and English as they make their way through school. These programs produce young children, fully fluent in two languages by the time they leave elementary school. We should not endanger these special programs, especially in light of the successes that they have already managed to achieve.

I strongly urge all of you to vote no on this bill, and protect our states, our parents, and most importantly, our children, from this terrible government intrusion.

Mr. GOSS. Mr. Speaker, it is my honor to yield 2 minutes to the gentleman from the Commonwealth of Pennsylvania (Mr. GOODLING), the distinguished chairman.

Mr. GOODLING. Mr. Speaker, I think I understood the gentlewoman correctly, and if I did, it was a total misinterpretation of the language that is in this bill. I thought she said that this legislation undermines the local school district's ability to teach our children.

This legislation does positively just the opposite. This legislation gives that local school district the opportunity to determine how they transition a student. Instead of Washington, D.C. saying for all these years that there is only one way to do it, it took us 10 years to ever get the 25 percent. The gentleman from Texas was able to move that legislation. He is no longer a member of the Congress, he later became a mayor. But nevertheless, it took us all that time just to get people to understand that there is more than one way, there is more than one way in order to transition students.

Our whole goal is to make sure there is a quality education for every child. I want to make one other statement. We are not talking about Hispanic legislation today. Let us get that in our minds and keep it there. We are talking about 100-and-some languages in the city of Chicago, we are talking about 100-and-some languages in Virginia, right across the river. That is what we are talking about. So let us try to think about what is in the best interests of getting a quality education to every child. And who knows better than anybody? The local school district.

There are so few people that participate in this program now, we want to make sure, first of all, that more may participate if they wish; but secondly, we want to make sure that they have the flexibility to do it so they can accomplish a quality education for every child.

One size does not fit all, coming from Washington, D.C. I could not believe it when I heard what the whip, the minority whip, said, that we were trying to give a one-size from Washington. That is what we are trying to get away from once and for all.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Do not be fooled by the arguments of the proponents of this legislation, I say to the Members. This legislation does everything but provide an opportunity to learn. It begins to provide some restrictions to the local districts. They have those options to provide those opportunities.

Yes, my colleague is correct in saying that the bilingual programs that are out there are a variety of different types of programs. There are some beautiful programs that are there. I mentioned earlier the dual program approach, where it takes a mono-English child, and be able to participate with the mono-English speaking child in the same way, and they will be able to learn together and go forward.

This particular proposal, the only thing it does, it cuts and does not allow them to go beyond the 2-year period. That is restrictive. I do not know what they call it, but that is a government law that they want to pass that will restrict the local option for them to be able to go forward and be able to do the things that they are doing now.

I also would mention that the Governor of Texas has recognized the beauty of the bilingual program. At a time when we have the global economy, at a time when we are asking our youngsters in high school to have three to four different years so they will be able to learn a different language, we are now saying no, we are going to limit it to 2?

Let me ask the public, if they want to learn a language, do they think they can learn it in 2 years? No. Even the people, the educators, tell us that a minimum of 7 years is required to be able to grasp the language and be able to understand it. So that opportunity needs to be there for all Americans to be able to pick up, especially those youngsters as they move on in our particular schools.

This particular legislation, all it is is to restrict, and what I see, there is no logic to it. It is based on ignorance and apparently it is based on political motivations; also, in terms of racist attitudes, because it hits this, applying it just because of the elections that are coming up in November. That is the reality. It is not based on any kind of educational soundness.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me the time.

I merely wanted to ask the previous speaker, when he was saying, as I have heard him say on several occasions, that bilingual education is a beautiful program, I agree with that, but is the gentleman saying that the only beautiful bilingual program is transitional bilingual education? Is that the only beautiful one?

Mr. RODRIGUEZ. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. No. I am not saying that. In fact, if the gentleman heard me well, I am talking about the dual language instruction program that is a beautiful bilingual approach, where it also brings in the monolingual English-speaking child. That is part of that program. It is a beautiful program.

Mr. GOODLING. That is exactly what we are saying here. Taking back my time, what we are saying here is that they can design those programs locally. All we are saying here is do not say that we have to use a transitional bilingual education or we do not get help, because they have better programs.

I agree with the gentleman, there are beautiful bilingual programs out there. Let us give the local school district the opportunity to choose those that they want to use.

Mr. RODRIGUEZ. If the gentleman will yield further, Mr. Speaker, I ask Members to vote no.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank my colleague on the Committee on Rules for yielding time to me.

Mr. Speaker, I rise not only in opposition to the bill, but also I am concerned a little bit about the rule, even though it is fairly flexible. I rise in opposition to the English Language Fluency Act because the bill makes bilingual education a political issue.

It seems to me that my colleagues on the Republican side have forgotten children should not be a political issue. The English Language Fluency Act is not only an assault on bilingual education, but it is an attack on the very openness and broadness that we have come to value in our country.

We have all come from somewhere. I am proud of my heritage, just like everyone is proud of theirs. We all come from somewhere. Bilingual education was designed on a national basis but enhanced by our local and State governments to provide for that diversity. It is our duty as Americans to make sure our children are educated, and our educational systems must be designed to provide for America's diverse population. This bill would make successful education impossible without destroying bilingual education. It is something our country simply cannot afford.

Let me talk from a Texas perspective, because the State of Texas has provided, since 1973, more money for bilingual education on the State level. We would like to be able to set our own standards, not 2 years or maybe an extra third year. Why should Washington know what the State of Texas or the city of Houston is already doing in our school districts? That is what is wrong with this bill.

The concern I have is that it is a political issue set up for this November 3 election. This bill will not see the light of day in the U.S. Senate after the vote of today.

Let me give some background. I grew up in the city of Houston, went to a majority Hispanic high school in the sixties, before we had a Federal bilingual program or a State program. I watched when students would come in to my high school when I was 16 and 17 years old and try to immerse. Those students did not stay more than a day or two. They dropped out, and that is why bilingual education is needed. It is a transition program, and it is important.

I strongly support bilingual education because it is an essential, transitional tool that allows students to become fluent in English while they progress in subjects like math and science. Eliminating bilingual education would create a society with no mechanism to integrate new citizens into reading and writing English.

Mr. Speaker, I urge a no vote on the bill.

□ 1400

Mr. GOSS. Mr. Speaker, may I inquire how much time remains on either side?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Florida (Mr. GOSS) has 17 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 16½ minutes remaining.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, for some reason everybody is afraid to speak what they really feel. I am not opposed to all of the languages and the different ethnic heritages in our Nation, but I support the English language as our official language.

We are all immigrants. Some came with knapsacks on their backs. Some came in the belly of slave ships. Black, white, Christian, Jew, we all have one thing in common. We are all Americans. And the glue that binds us together is our Constitution, our Bill of

Rights, and our language. The English language.

Mr. Speaker, it seems every time we have this debate, it is muddied with the politics of fear. The politics of separation. The politics of division. The politics of hate. The politics of ethnicity. One Nation under God. One Nation, not separate communities. Congress should ensure that America is a nation of one people, not separate communities, and we do that by fortifying our language.

Mr. Speaker, I support English as the official language. So be it. And I advise the Congress to look at it in that vein and remove the politics.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it is unfortunate at this late date in the year when we have not yet had one of the 13 appropriations bills that must be passed in order for this government to function go through the process and when we still have not been able to deal with all of the significant national legislation that is before us, to find ourselves debating a bill that never got an appropriate amount of time to be heard, were never given an opportunity to bring on those who are experts in the area of bilingual education to testify, and never, never gave the minority in the House of Representatives the opportunity to participate in the drafting of this legislation.

This is a bill which affects Title 7 of the Elementary and Secondary Education Act. The Elementary and Secondary Education Act in 4 months is going to go through a total reauthorization, a revamping. Why, when that is 4 months from now, are we plucking out only one of the titles in that most important of bills that deals with education at the Federal level? We could only guess why. But to do it at a time when we are only 8 weeks away from an election, to do it at a time when there was an election in California in June that dealt with, in part, this issue of bilingual education leads a lot of us to be suspicious.

Mr. Speaker, why not have a full and fair opportunity to really air the issue of bilingual education? If my Republican colleagues really believe that we can make some changes that are meaningful, then let us discuss them. There is no reason why we cannot make changes, but let us do them in a way that will not impact negatively the 3.2 million children in America that are limited-English proficient and are yearning to learn English.

Mr. Speaker, as the poll we cited a moment ago showed, 88 percent of immigrant persons are who not yet proficient in English would love to learn it. Of course they would. Who would not want to be able to go to the playground and play with his or her peers? That is not the point. The point is to make those resources available to teach these kids. This bill does none of that.

Mr. Speaker, this bill does none of that. If we were truly trying to address the issues of educating our kids, and in this case the millions of our children who are yearning to learn English, we would not do this in a rushed way and we would not do it in a way that takes away the control that local districts have right now in how they educate their kids.

Certainly, if there was a sincere effort to do this, we certainly would not undo the 288 different consent decrees that we have across the Nation where school districts have come together with the Office of Civil Rights and the Department of Education and said, "You are right. There is evidence that we were not properly educating children who are not English proficient. And you are right, we should do something and we agree voluntarily to do something."

Mr. Speaker, they entered into consent decrees, written and now enforceable, that say that these districts will do certain things. Now, for this legislation to say all of those consent decrees voluntarily entered into by all of those school districts are null and void is shameful. Because what is to say that those of us here in Washington, D.C., know better than the folks that are in those 288 school districts, or any of the school districts in our Nation that have decided how best to educate their kids? It is unfortunate that my Republican colleagues have decided to completely take away that local control from those school districts to make those important decisions.

There is every opportunity for us to have meaningful debates on bilingual education, the merits, demerits, the same as we should have debates on public education, private education. But to say that because we have one single hearing in this body here in Washington, D.C., where only one of the witnesses, except for the two Members of Congress, one Member of Congress opposed to bilingual education, one Member supporting bilingual education, but all the other so-called expert witnesses, 11 witnesses, only one could speak on behalf of bilingual education, that is not meaningful. That is why procedurally we should defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today to express my strong opposition to H.R. 3892, the English Language Fluency Act. Pure and simple, this bill is riddled with problems and does little in the way of promoting English fluency.

In my home State of Texas, there are almost half a million limited-English proficient children. Across the country, there are close to 3.5 million LEP students. What H.R. 3892 will do is severely hurt these millions of children who are well on their way to learning English. Let me tell my colleagues why.

Under the pretext of parental choice and flexibility, the gentleman from California (Mr. RIGGS) introduced H.R. 3892 on April 1, 1998 and scheduled a hearing on the bill 1 month later. Oddly enough, and I am a member of that committee, the panel of invited witnesses included only one individual who opposed the Riggs bill; a school superintendent from my own home State of Texas. The other eight witnesses the gentleman invited to testify included English-only proponents such as English First and the Center for Equal Opportunity.

After the hearing, the gentleman from California, my friend, substituted his initial bill for another H.R. 3892 which contains numerous flaws. Let me count them for my colleagues.

Problem number one: H.R. 3892 effectively eliminates Federal support to prepare, recruit and train qualified teachers to teach language-minority students.

Problem number two: This bill lowers standards and expectations for our limited-English proficient students. H.R. 3892 emphasizes mastering English as quickly as possible at the expense of academic and analytical skills. Under the gentleman's bill, schools would be required to focus solely on teaching LEP students to learn English. What about the essentials of the art of learning?

Problem number 3: H.R. 3892 repeals the Immigrant Education Act and replaces it with a loosely structured block grant to States based on the number of LEP immigrant children in their State. Under this proposal, needy school districts will receive even less money, as the bill does not require States to distribute funds in accordance with need nor merit.

Problem number 4: The bill violates the civil rights of language-minority children. Under this bill, Congress would void all past and current voluntary compliance agreements regarding bilingual education entered into by local schools, parents, children, and the Department of Education without even contacting the parties involved or reviewing individual agreements.

Problem number 5: This bill infringes on the ability of local schools to make critical decisions on appropriate curriculum and assessments.

Mr. Speaker, there are many more problems with this bill. For purposes of time, I will not elaborate.

In conclusion, I strongly urge all my colleagues to vote against this hastily drafted bill. Let us wait until next year when we do the reauthorization of K-12, and let us do it through the due process so we can bring in experts from throughout the country, that we can have field hearings and really do what is best for children. Because children can learn the art of learning in any language, be it English, German, Polish, Italian, whatever the language. But they need to hear it in a language that they can understand the teacher. We want the process to be followed and that the reauthorization be given this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise to state my strong opposition to H.R. 3892. This bill is simply shortsighted. It is politically motivated. It is a form of legislation to outlaw any form of bilingual education.

I am sure that the gentleman from California (Mr. RIGGS) hopes to restrict funding that would assist students as they transition to English fluency while simultaneously developing their learning skills. This anti-bilingual education legislation follows a misguided, poorly developed trend in my own home State of California.

Currently, a barrage of lawsuits and appeals have been filed in California to challenge the civil rights violations of the recently passed Proposition 227. This is not a wise direction for Congress to take until the courts and the States sort out who has emerged as a very serious violation of rights.

There is no doubt about it. There appears to be an anti-immigrant movement in this body, and the English-only movement appears to be the primary vehicle. This sentiment is not only un-American, it strikes at the core of cultural diversity that enriches our society. And I firmly stand opposed to any attempts to legislate English as our official language or to eliminate bilingual education programs.

English, my colleagues, is already the official language of the United States. There is no other language other than English. But bilingualism is a resource in our global economy. And I, as a person, have traveled and lived in the world and my experiences have been enriched by my ability to communicate in other languages.

Just like other educational programs, bilingual education works only if it is properly implemented. A quote from the New York Times on April 30 regarding the California proposition states that, "replacing bad programs with a plan to destroy good programs makes no sense. (And the plan to eliminate bilingual education) . . . will not help bilingual students enter the mainstream any quicker."

Education must be the number one domestic policy to prepare America's children for the 21st century. Bilingual education must be available to meet the demands of the fastest growing ethnic group in the country.

One of the greatest problems for our children is the shortage of skilled bilingual education teachers. The opportunity to improve bilingual education must focus on teacher recruitment and professional development. That is a goal that I and my colleagues will pursue. I urge my colleagues to vote against this terrible legislation.

Mr. GOSS. Mr. Speaker, I would like to advise the gentlewoman from New York (Ms. SLAUGHTER) that since my last statement on this fact we have had a speaker come forward and ask to speak for a minute. I wanted, in the interest of fair play, to advise her.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Chairman GOODLING).

□ 1415

Mr. GOODLING. Mr. Speaker, as I tried to point out earlier, we are not talking about a language, we are talking about more than 100 languages.

I would like to also point out at this particular time we are talking in this language about 583 grants. There are 16,000 school districts in this country, public school districts. There are 110,000 schools. We are talking about 583 grants, many of which do not even go to school systems. They go to other organizations.

So let us keep all of this in perspective. Most of the help that goes to LEP children comes from Title I, not from this program, from Title I.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong opposition to this legislation because I feel that it undermines the efforts that have been made in the past to provide this special service to LEP children. The chair of the subcommittee says that a great deal of assistance is already provided under Title I for limited-English proficient children. That is probably true.

But this is a special program which really stemmed from a lawsuit, the Lau v. Nichols lawsuit, which said that children cannot be expected to be able to have equal educational opportunity unless they understood the message that was being transmitted to them in a classroom; and if that language that was being used in the classroom was something they could not understand, then how could they be educated?

The thing that offends me the most about this legislation is the nullification of all of the consent decrees which have been put in place from hundreds of school districts in order to make sure that these children from limited-English backgrounds do, in fact, have in place these special programs.

It seems to me that this Congress is being asked in this bill absolutely extraordinary intervention, not only in a judicial decision, but in the ability of the local school districts to implement the requirements in those consent decrees. I do not believe that that is our business, nor should we be exercising any jurisdiction or authority in this regard.

The second thing that I find very offensive is the idea that "one size fits all" in that we have the wisdom to make a determination that a 2-year time limit is all that the program is to have. I do not think that takes into account some of the very, very difficult language situations that are confronted by many of our school districts.

I have a very large number of children that need this special assistance. So I urge this House to vote down this bill as not being one which properly subscribes to the idea of equal educational opportunity.

Mr. Speaker, I rise today in strong opposition to H.R. 1892, the English Language Fluency Act, which will undermine current efforts to provide bilingual education services to limited English proficient children.

The bill imposes an arbitrary time-limit for federal bilingual education assistance of two years. Proponents of this legislation clearly do not understand the nature of learning. Children learn at different speeds. To expect a child whose first language is not English to be able to understand scientific and mathematical terms after only one or two years of English is not realistic.

This arbitrary time limit will force local programs to utilize one particular instructional method—English Immersion. This takes away control from the local school system, administrators and teachers to decide what form of English instruction is best for a particular school system or a particular child.

The Majority has constantly preached the idea of local control of education, yet we have a bill before us that takes away local control and imposes strict federal requirements for bilingual education. There is no evidence that the English Immersion method is any better than other bilingual education methods. What is best may differ from community to community or from student to student. That is why we have always stood for local control over curriculum and teaching methods.

The bill does further damage to the current bilingual system, by eliminating the professional development program. One of the greatest needs in our schools are qualified, trained bilingual teachers. Many school systems have to deal with a myriad of languages. Having qualified teachers who can teach children who speak Spanish, Chinese, Vietnamese, Hmong, Filipino, Thai, Malaysian is essential to the future academic success of children who speak these languages. Teachers with knowledge of a student's native language can help that student make significant progress in learning English and in other academic areas. The professional development program helps to train speakers of foreign languages and others to teach bilingual education. But under this bill federal support for this important purpose will be eliminated.

Mr. Speaker, I also oppose this legislation because it makes a significant change in the way programs are funded. The block grant structure of the bill ignores the fact that children who need bilingual education services are concentrated in certain areas of this country. Under current law, school districts in areas with high concentrations of bilingual students are able to apply directly to the U.S. Department of Education for bilingual education funds under a competitive grant program. Under the Riggs bill the funds will be distributed to each state based on the number of LEP children in each state. This structure diffuses the impact of limited federal dollars for this purpose.

Furthermore, the U.S. Department of Education states that there is currently no reliable data which would assure an equitable distribution of funds under the formula. Hawaii will lose $464,000 or 43% or our bilingual education funds under the funding formula in H.R. 3892, because Hawaii is estimated to have only 12,611 LEP students.

Finally, Mr. Speaker, the enactment of H.R. 3892 would jeopardize the civil rights of students of limited English proficiency by voiding all of the voluntary Compliance Agreements entered into by the Department of Education, Office of Civil Rights with school districts that were out of compliance with Title VI of the Civil Rights Act.

Schools with limited English proficient (LEP) children are required to assure equal educational opportunities for LEP children. This is required under a 1974 Supreme Court ruling which states that in order to provide equal educational opportunities to LEP children, school districts must take affirmative steps to rectify language deficiencies.

These Compliance Agreements help school districts comply with the Supreme Court ruling and Title VI of the Civil Rights Act to provide equal educational opportunities to LEP children. The unilateral nullification of these Compliance Agreements is an unprecedented effort to gut the enforcement of the Civil Rights Act.

Mr. Speaker, H.R. 3892 will take us back to a time when we did not protect the rights of limited English proficient children to receive equal educational opportunities. We must defeat this bill and look toward improvements in our bilingual education system that will allow us to reach more children, train more bilingual education teachers, and improve the academic achievement of limited English proficient children.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining. The gentleman from Florida (Mr. GOSS) has 16 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise on behalf of the student I spoke to on Tuesday in Branceforte Middle School in Santa Cruz, Lisa Morelas. She said one thing. She said, kids are dropping out because they cannot get access to the transition of bilingual education.

It seems to me that our commitment here as Members of Congress is to keep that hope alive, not just political promises alive. We have got to measure student performance, not political performance. The student performance says, let them learn English through the bilingual program. Do not cut the program. Do not cut the safety net. Oppose this amendment.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I just want to clarify a couple of points because I want to believe that my colleagues on the other side of the aisle are being sincere and not disingenuous in the arguments that they make against the legislation.

For purposes of having an informed debate when we move to general debate and debate on the amendments, let me again refer my colleagues to page 5 of the bill, the 3-year, not 2-year funding limitation in the bill. Just take a moment to glance at it, if you would.

Secondly, let me say to the gentlewoman from Hawaii (Mrs. MINK) and others who just spoke of court-ordered consent decrees, the bill does nothing with respect to court-ordered consent decrees. It only addresses administrative compliance agreements between the Federal Department of Education, Office of Civil Rights and local school districts. We do not in any way encroach on the prerogatives of the judicial branch of government.

Lastly, with respect to local control, my good friend, the gentleman from California (Mr. MARTINEZ), put out a "Dear Colleague" saying this somehow guts local control. This bill is all about local control, allowing local school district to select the bilingual instruction method that they deem most appropriate and then requiring them to get the formal written consent of parents before the child can be placed in the program.

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from California (Mr. MARTINEZ).

The SPEAKER pro tempore. The gentleman from California (Mr. MARTINEZ) is recognized for 2 minutes.

Mr. MARTINEZ. Mr. Speaker, regardless of what we do here today, we as a nation are going to survive, and certainly English as a language is going to survive. But if we want to look at the motivation behind this by a lot of people on that side, and we talk about sincerity and believe it, we are sincere over here when we believe that this is going to do more harm than it does good, especially for those limited-English-proficient students.

My friend, the gentleman from Pennsylvania (Mr. GOODLING), whom I respect very much, states the idea that there are so many different languages spoken in different school districts. This is throughout the country. Nothing in the current law indicates to school districts how they will, unlike this law, will teach their children bilingual education. They just say that those children need to get a full and meaningful education and that language is a part of that education and that understanding that language is a part of that education.

My friend, the gentleman from Ohio (Mr. TRAFICANT), gives us a solid motivation why this bill is before us now when he says I believe in English. We all believe in English. I should have started this out by saying—(the gentleman from California, Mr. MARTINEZ, spoke in Spanish)—and I will bet my colleagues, almost every person in the United States understands what that is.

There is nothing wrong with knowing and speaking other languages. But more importantly, there is a very, very central issue here, that children need to learn English well enough to learn other subject matters in English. They cannot do that under this bill.

Two years is a time limit, the first yardstick by which these people are going to be measured. Then they are going to be tested not in Spanish so that you can determine adequately how well they learned English, but only in English where they may not have learned. If somebody deems that they are worthy of another year's extension, they will get another year's extension. But remember, the first measure, the first yardstick is 2 years.

I want to ask my colleague, how much language and what language could he learn in 2 years? I doubt if there is any language that he can become proficient in. The idea of this is LEP, limited English proficiency; that is the key.

Mr. GOSS. Mr. Speaker, I yield myself such time a I may consume. I will not use all of my remaining time. There are a couple of points that I would like to make.

First of all, I would like to start out and say this is actually a debate about the rule. We have not heard much about this rule, which I think is good, because I think it is a fair and appropriate rule for the matter at hand.

As sometimes happens when you have a reasonably good rule or a good rule, in the debate on the rule, the time allotted, the debate spills over into the merit of the issue; and that has clearly happened in this place. So I take it we have got a pretty good rule, and I will not talk anymore about that, and I hope everyone will support it.

But before I yield back all of my time and move the previous question, I would like to point out that I do not think there is anything in this bill, in fact I have been assured by the gentleman from California (Mr. RIGGS) and the gentleman from Pennsylvania (Mr. GOODLING) that there is nothing in here, that this is an English-only bill. I don't know where that came from. The gentleman from California mentioned it as part of some kind of anti-immigrant plot. Not so. There is none of that in here.

What is in here is a good-faith effort to try and improve the fluency of people who do not speak English and allow them to transition into an English-speaking society, which we are in the United States of America; and I think it is a genuine and good effort.

We may disagree whether we have got the right way or the wrong way, but we have certainly provided ample time for debate to deal with that.

I note that several of our colleagues from the other side of the aisle are a little scared of the 3 years that this program enrollment period goes for, and it is 3 years, not 2. They are worried about meeting some kind of a standard or a merit or having any kind of a measure of performance applied.

I can tell my colleagues that I have youngsters in my district who have been in these programs for 4 or 5 years, and they are not learning English. They are stuck in their own community, not taking advantage of becoming English speakers, even though their parents wish them to be fluent and proficient in English because they understand how important that is for the future. Yet, these programs are not working.

I think it is fair to say that we do not have a complete success story or anything like it in the status quo. We are trying to find a way to move forward from the status quo.

I notice my colleagues on the other side have suggested that the status quo is better than what we are presenting, in their view; and in some cases, they have offered some gutting amendments or will offer some gutting amendments, I am told. But I have not heard about any great new programs or any great new ideas.

We have now carved out 3 hours of amendment time. This is a good time to bring forth some brave new ideas, if you have not been able to do it yet. I challenge my colleagues to do that.

I would suggest that my colleague, the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from California (Mr. RIGGS), who is the author of much of this, have done a pretty good job of bringing forth some new ideas. I think it is extremely important that we debate these ideas in a fair way, and that is why we have so much time scheduled for the amendments and any thoughts that anybody has.

In fact, as we have seen, we have used a good part of our rule discussion dealing with trying to understand what the issue is here right now. We have heard all kinds of statements made several times, and it seems like it is getting to be a mantra that somehow or another we are taking away local control. On the contrary, this bill provides for more local control.

Everybody knows that that is one of the planks of the GOP policy is to go to local control for our education people back in the community. This is very consistent with that; otherwise, I do not think this legislation would have gotten this far.

So I think to try and mischaracterize this as any way taking away local control is not straightforward. The idea that perhaps we are trampling on some children's rights by trying to help them learn language and become proficient in the language of our country, which is primarily English, seems to me to be a little bizarre. I think trying to help out our youngsters is a very important thing.

I do note that one of the speakers on the other side mentioned that children are not a political issue. I quite agree that children should not become a partisan political issue. But I do believe children are very much part of our process, and I believe it is very important to legislate and look out for your youngsters.

That is why most of the people who have reached my age in life get out of bed in the morning and go to work, to make sure that what our kids have is a little better than what we started with if there is a way to do that.

So I think that we are trying to do something honorable and something useful and something beneficial for our Nation's children. I think we are trying to do it in a very, very reasonable way. I say that because I hate to see these debates hijacked and scare tactics.

I remember very well some years ago I went home to town meetings and was informed by people there that we were not going to have any longer a school lunch program, and mean-spirited people were going to take away children's school lunch program. That was bologna. That was hogwash. It was not true. It never was true. But it was a great story. It was partisan politics at election time.

This bill deserves better than that. This is a good bill, and it should be discussed for what it says, not what some people keep characterizing that it might say.

So I would urge my colleagues very much to pay attention to this debate, that we go forward now with this rule, that we get into this debate. I hope people will agree that this is a very honorable effort to improve the process of bringing those who do not speak English into the society that does speak English and in this place we call the United States of America.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and Senate amendment, and modifications committed to conference:

Mr. SPENCE, Mr. STUMP and Ms. SANCHEZ.

There was no objection.

□ 1430

ENGLISH LANGUAGE FLUENCY ACT

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 516 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3892.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make a couple of preliminary statements that I made during the rules debate. First of all, I want to make sure that everybody understands we are talking about 16,000 public school districts, 110,000 public schools. That is just a small portion that may participate. And we are talking about 583 grants. That is what this whole debate is about, 583 grants, and we are talking about 16,000 school districts and 110,000 schools.

Second thing I want to make sure everybody understands is when we are talking about LEP students, the financial aid LEP students is in title I. That is where most of the money comes from in order to deal with the issue of making sure every child has an equal opportunity for a quality education.

As a former educator, I know how important it is for each and every child to receive a high quality education. And that is what the gentleman from California (Mr. RIGGS) is doing in this legislation, trying to make sure that every child has that opportunity.

The most frustrating experience I have had in 24 years in the Congress of the United States is this business of we will never admit that some programs do not work very well. We will never admit that there might be something we can do to make them better. It is always if we just have more money somehow or other poor programs will become better.

I have argued this on Head Start for years and years and years. And it was not until this secretary came when she finally closed 50 Head Start programs. Well, we had a lot more than 50 over the years that were not doing well, were not providing the kind of preschool education that children needed, were not putting quality people in those rooms in order to make sure that they would have a quality education.

And so here we are again. Even though the dropout rate does not change, does not go down, goes up, if anything, we are still going to say, but there is only one way to do this. And that is what the argument is all about. The argument is not about is bilingual beautiful, is bilingual education necessary. That is not the argument at all. The argument is are there other ways to do it. Should the Federal Government say that 75 percent of all this money must go to only one method in trying to improve the quality of education for LEP students. That is what the whole argument is about. And I say that, no, we have not done very well, so let us give local and State people a little more flexibility to see if they cannot design programs that will do something about reducing that dropout rate rather than increasing that dropout rate.

Then we get into the parent notification business. It is unbelievable to me that anyone could question whether the reason for identifying a child as being in need of English language instruction is not the responsibility of the school to the parent, or whomever put them in that particular program. Does the parent not have the right to know why their child was identified and placed in that program? Does the parent not have the right to know the child's level of English proficiency, how they assessed it, how they determined that? Do they not have the right to know the status of their child's academic achievement? Do they not have the right to know how the program will assist their child to learn English and meet appropriate standards for grade promotion and graduation?

That is what we say in this legislation; that, yes, a parent does have that right. The parent should have that right. Any other parent of a child who is not LEP certainly would want that right and certainly has that right. And so we say the parent has to be notified. The parent has to be told all of these things. The parent then makes a choice whether they believe this is the best program for their child. And if they do not believe their child is doing well in the program, and there are other programs available, they have the choice of saying, I want my child to try a different program.

So, again, let us get beyond this business of somehow or other we, in this language, are telling people exactly what they have to do as far as bilingual education is concerned. The opposite is true. Let us get beyond the idea that somehow or other this legislation will eliminate bilingual education. As a matter of fact, it will do the opposite. It will give locals an opportunity to say that, well, perhaps we have a better approach for these three children than what they say from the Federal level, and a different approach for these ten children rather than there is only one approach: Transitional bilingual education.

So I would hope that this debate will continue only upon the merit of how do we provide quality education for all children and admit that we have not done very well in many programs in the past. And that we are here in a bipartisan fashion to make sure that every child has an opportunity for a quality education.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this bill because it attempts to destroy local bilingual education programs and it jeopardizes the civil rights of limited English proficient students.

This bill voids voluntary compliance agreements entered into by the Department of Education and local school districts that are out of compliance with title VI of the Civil Rights Act. This provision is an unprecedented and shameful effort to gut the enforcement of the Civil Rights Act of 1964 as it applies to students with limited English proficiency. The majority has never provided any justification for this assault on civil rights.

This bill also repeals the current requirement that LEP students meet strong academic and performance standards. While mastery of academic English is essential to future employment success, so is the mastery of math and science and the other disciplines, and this bill has no accountability or requirement to LEP students to meet challenging standards in the core curriculum. We should never allow bilingual education students to become second class citizens and second class students.

The bill also sets artificial and arbitrary time limits for completing bilingual education that would prevent teachers from doing what is best for that student. These time limits do not recognize that some children learn faster than others. I find it kind of strange that the majority would want those of us inside the beltway to dictate the duration of a school's bilingual education program rather than letting the local schools and teachers and parents decide.

This legislation, Mr. Chairman, also repeals the Emergency Immigrant Education program, which provides assistance to those localities which have large numbers of recently arrived immigrants. This program is essential in cities such as Miami and Los Angeles, New York and others. So I urge my colleagues to vote against this anti-education measure.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume, and before yielding to the subcommittee chairman, who was the workhorse on the legislation, I do want to point out, since it was mentioned, that the Equal Educational Opportunity and Nondiscrimination for Students with Limited Proficiency, Federal enforcement of title VI, and Lau versus Nichols, they stated in a report in 1997, "The bilingual Education Act has placed restrictions on the types of programs that could be funded under the Act, and these restrictions have, in turn, limited school districts' options."

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. RIGGS), the subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I thank the chairman of the full committee for his support of this legislation and his very active role in helping to bring it to the floor in a very timely manner. I think it is very important, for reasons that we will discuss during the course of debate today, that this legislation be considered by this Congress, not deferred sometime into the future.

I say that, in part, because of, but only in part, because of the strong mandate for reform of bilingual education in my home State of California. As I think most people know, voters there in the June primary election, California has its primary election in June, passed a ballot initiative, a popular referendum, called Proposition 227 by a 61–39 margin.

In fact, most of the, I guess what we would call trending polls leading up to the election indicated that a majority, or slightly less, of Hispanic American surname parents in California, Hispanic American voters in California, supported Proposition 227. And the exit polls showed that, I believe, somewhere in the neighborhood of 40 percent of Hispanic American voters had supported Proposition 227. However, as I will point out as we get into the debate, our legislation coming out of the committee is much more reasonable, much more moderate and flexible than the voter approved mandate of Proposition 227 in California.

I just want to parenthetically make a quick point, which I think the chairman made earlier, that we should not limit this debate or focus this debate solely on Spanish language or traditional English-Spanish bilingual education. Because, in fact, if we are going to meet the needs of immigrant American children, bilingual education, by definition, has to encompass many, many more languages than just Spanish.

In fact, going back to California for just a moment, sitting there on the Pacific Rim, with California businesses and industries doing more and more business in the Orient, one could argue that as a second language it is probably as important, if not more important, that our children learn an Asian language, or Asian dialect, as it might be for them to learn Spanish. But that, again, is not really what this debate is about.

This debate, in my mind, while as the chairman says deals with a relatively small or limited amount of money, has larger overtones in part because of the tremendous dropout rate of nonEnglish speaking or limited English speaking students in our schools. In 1996, 55.2 percent of Hispanic students graduated from high school, and that was up just slightly from the 54.4 percent graduation rate in 1988. Considering that almost three-fourths of limited English or nonEnglish speaking students speak Spanish, our committee has a real concern that those children are being failed by the status quo; by current programs. They are being left behind.

If we are concerned about discrimination, my colleagues, this is causing them to effectively be segregated from their peers and, all too often, segregated from the rest of society, when our goal should be to hasten, to expedite their assimilation into the American society so that they can realize all of their God given potential as human beings and the opportunity to achieve the American dream.

So if we think that a dropout rate in the 50th percentile, 54, 55 percent for Hispanic American students, is acceptable, then by all means oppose this effort at reform, and any other effort at reform in this Congress or in the future.

□ 1445

Now, we talked a little bit about process. We have had an extensive debate in the last Congress on English as the official language. But this bill has nothing to do with English as the official language. It just again is focused on bilingual education.

We had hearings, a field hearing in San Diego, a committee hearing here in Washington, on the legislation. We had a very extensive debate during consideration of this bill in the full committee. We have aired out these issues. We have had ample opportunity to discuss them.

And in terms of process, let me assure my colleagues, particularly my friend the gentleman from California (Mr. BECERRA), that I made every effort to reach across the center aisle, the partisan aisle, to the gentleman from California (Mr. MARTINEZ), my very good friend and the ranking member of the subcommittee. And we have, wherever possible, worked together in a mutually cooperative, professional and, I think, bipartisan fashion.

We just had to, on this particular issue, agree early on to disagree. It was apparent to both of us I think that despite our best efforts, we were not going to be able to collaborate on this particular bill. That should not signal to my colleagues, and I think the gentleman from California (Mr. MARTINEZ) would attest to this, that should not signal to my colleagues that we did not have a debate or that I approached this issue with a closed mind. I am still open at this date to positive and constructive suggestions, and I will listen very carefully to the arguments that are made on behalf of the Democratic amendments during consideration of this bill today.

But I keep coming back to the concerns and the rights of parents. I think back to a gentleman by the name of George Louie who testified before our subcommittee at the field hearing in San Diego about his experiences with his son Travell, who was born and raised in the United States yet placed in a Chinese, actually a Cantonese, bilingual education program in his Oakland, California, school, which is under a court order consent decree.

Mr. Louie was horrified to find that his son had been placed in that class and made repeated attempts to try to get the permission and the cooperation of school authorities in transferring his son out of that class to another class.

He testified that he made over 75 contacts with the school district but was told, because of the court ordered consent decree, that his son, a native American, English-proficient, English-fluent son, could not be transferred into another classroom.

Now, what do we say to Mr. Louie under those circumstances? Would we not stand with Mr. Louie and say, we support your right to make sure that your child gets a good education? And the way that we can safeguard against the same thing happening to any other American child as happened to your son is to require local school districts driving that control, driving that decision-making right down to the local levels closest to the parents in that community, who are, after all, the consumers of public education, and make sure that parents have the right to decide whether their child will be placed in a native language, that is to say a non-English-speaking classroom, particularly again a young man such as Travell Louie, who is English speaking.

So what we have done here in this legislation is a couple of things. One is, we are saying to local school districts they can select the method of bilingual instruction that they deem most appropriate for their children in their community.

And let me tell my colleagues, show me in the legislation where we have inserted any language that would prevent that local school district if they so chose, if a majority of the governing board, the duly elected school board members from that community, if they chose to offer bilingual education through native language immersion, show me a provision in the bill that would prevent a local school district and local school board from doing that; and they will not be able to.

But I will acknowledge that the converse of that is true, that that local school district could decide, particularly in California, under the mandate of Prop 227, to offer bilingual education instruction in an English immersion program. But the flip side is true and any combination thereof.

What we are trying to do is take out the mandate in current law that again requires that 75 percent of Federal taxpayer funding go for traditional, transitional, bilingual education instruction, a mandate that a majority of the instruction time actually be in the native language.

We want more flexibility, and that again is in keeping with the longstanding American tradition of decentralized decision-making, local control in public education. And we are trying to improve on current law by requiring that local school and that local school district to go one step further and obtain, not just notify the parent that their child will be placed in a bilingual education class, a native language instruction class, but to actually get the formal, written permission or consent of the parent before the child can be placed in the class. That seems to me to be a very reasonable reform to address in part the concerns of parents like Mr. Louie.

Mr. Chairman, I will finish my remarks and then I will defer to the chairman and floor manager.

So, as the gentleman from Ohio (Mr. TRAFICANT) and others pointed out, English is the language of this Nation and the mastery of the English language is the key to success. It is the key to success in school, and it is the key to success later on in life.

We are consigning whole generations of young people to failure by passing them through 12 years, or in the case of kindergarten, 13 years of public education without giving them the proper understanding and the proper foundation in English, the official common and commercial language of our country.

With this bill, I would hope we would send a message to school districts across the country that this practice of consigning kids to an inadequate public education that fails to prepare them for later in life and professional success in adult life, that all that stops with this legislation.

Now, some of the critics of this legislation have already and will in the next few hours, as we debate this bill, claim that this legislation is discriminatory. But I can think of nothing that discriminates against people who come to America with dreams of success more than making them permanent outsiders in American society, in American life, leaving them on the outside looking in at the American dream. That is what graduating the children of immigrants from public schools without a good, fundamental grasp of English guarantees.

Depriving immigrant children of the best, quickest method of learning to speak, write, read and genuinely understand English is discrimination at its worst. I hope my colleagues will just contemplate that when we get into the debate here.

Now, the chairman and the gentleman from Florida (Mr. GOSS) mentioned the whole debate on school lunch in the first session of the last Congress, the 104th Congress. And we all remember the more recent debate regarding reform of the Federal Welfare Act.

My colleagues will remember, certainly many of our constituents listening and watching this debate will remember that when we insisted on reforming America's failing welfare system, our political opponents and many of our media critics predicted that the sky would fall, the world would end, and we would be throwing millions of people out into the streets to be destitute.

Well, today one million former welfare recipients have made that transition from welfare to work, they are working at jobs, they are achieving financial independence and the self-respect and self-esteem that comes with financial independence. The taxpayers have saved $5 billion, which States and local communities are now using to meet other very legitimate human and social needs in those communities. And we have successfully reformed a Federal program that trapped millions of poor people in a cycle of poverty and failure. We took bold action and we have seen a sweeping turnaround, and that has been attested to by many, many articles in the mainstream media.

This is what we are going to do for bilingual education. This is what we should do for public education in general. And the critics are again saying, and we will hear one after another stand down here in this well or take the microphone on the other side of the aisle, and they will say that the sky will fall. But millions of students destined for failure in federally funded bilingual education programs will have a real chance to speak and master English under this bill.

So I strongly support the legislation. I urge my colleagues to take a bold stand, support this vitally needed legislation. Because I truly believe, as I have said all along, that reform of Federal bilingual education programs is overdue and inevitable.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Mr. Chairman, I am going to, as I said earlier, defer to the chairman of the full committee, who manages the time, to yield.

Mr. CLAY. Mr. Chairman, it is apparent that Chicken Little would have yielded. I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise in strong opposition to this bill. It is called the English Language Fluency Act. More appropriately, it should be called the anti-children civil rights bill.

This bill, in my estimation, would dismantle the civil rights protection that is now afforded to the language-minority children all over this country. The Supreme Court decision in Lau v. Nichols established that limited-English-proficient children have the constitutional right to meaningful access to education.

In enforcing this mandate, the Department of Education's Office of Civil Rights has worked with school districts to fashion voluntary compliance agreements to provide limited-English-proficient students with access to high, high-quality education.

This bill would unilaterally void all 276 current voluntary, voluntary compliance agreements with no consideration given to the protection of the civil rights of those children covered by them.

Tragically, the justification for this action has been based on ill-conceived notions based on biased and mythical information. In addition, this legislation would alter the nature of the Federal bilingual education program to one solely focused on English language acquisition, not on the fact that children need to learn more than just English.

That is why current law provides assistance to local school districts to help them teach English to LEP students, but it also fosters efforts to educate these children to high standards in other subjects in a language that they can understand. In other words, the object is not just to help children learn English, but to help them learn in English.

Mr. Chairman, in undermining the essential purpose of the current bilingual education program, this bill flies in the face of the Lau decision, which mandates that children be guaranteed access to complete education, not one that teaches them English at the expense of learning math, science, history, or the rest of the basics.

This bill would also prohibit States from administering assessments of educational achievement in LEP students in languages other than English. The only evaluations called for under this bill are those that would assess a child's acquisition of the English language, thus severing all ties in current law that work to ensure that LEP students are educated with the same high standards as their classmates. This is just plain wrong.

The legislation further constrains the educational quality afforded to language minority students by mandating that local programs be designed to push LEP students into the mainstream classrooms in 2 years. And if my colleagues would care, I would read the law to them that where the first two measure of standards are 2 years and the third year is only given in consideration that it is obvious to someone that they have not learned well enough.

And the crux of that is that this is under the penalty of termination of Federal assistance. And I want to know, what happens to the slower students? Do they just fall by the wayside?

Mr. Chairman, this bill also undermines the quality of education provided to LEP students by changing the entire structure of the bilingual education program from a competitive grant which awards funds directly to school districts based on the quality of local programs to a formula grant which sends funds to all States regardless of need or merit of their service.

Considering that there are limited Federal education dollars available and that there have been calls to ensure that we fund initiatives that work, I question the elimination of all targeting of Federal bilingual education spending.

This legislation even repeals the Emergency Immigration Education Act, which provides support to States with the greatest influx of immigrants to help them provide education to newly arrived immigrant children. It is amazing that this program would be completely eliminated, given the fact that appropriators have demonstrated their strong support by providing substantial increases. In fact, funding has tripled in recent years.

□ 1500

In addition, Members should be aware that presently nearly all states receive some allotment of immigration education funding. Under this bill, only a handful of states would receive those dollars.

Let me just set one thing clear in closing. Sixty-one percent voted for this bill, but 63 percent of the Latinos voted against it. As far as I am concerned, the debate is not about 583 grants, it is about 900,000 children being served with this Federal bilingual education dollar.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume to merely point out that testimony would indicate that the word "coerced" would be a much better word to use than "voluntary," since the heavy hand and arm of the Office of Civil Rights coerced many of those agreements, rather than voluntarily orchestrated them.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, do opponents of the English language instruction want a Nation divided by our inability to speak a common language? I think not. I know not. But as the gentleman from Pennsylvania (Chairman GOODLING) has already stated, followed by the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), this bill simply lets communities and parents decide what form of English language instruction is best for the community and best for the child; not some Federal mandate that may not fit their needs.

Let us take a quick look at my hometown as an example. During the farm crisis in the mid-eighties, our major employer closed down because of the farm economy. A few years later another major employer, a meat packing company, came in and brought in thousands of new workers, many of whom were immigrants from dozens of different countries.

Almost overnight our school system became overloaded, both in terms of numbers of students, but also in terms of new challenges, particularly English language instruction. There is no possible way my small town can hire scores of bilingual teachers to teach a variety of subjects. We have to use English language immersion.

I have been told of the success they have had in teaching parents and students in English, but under the Bilingual Education Act, their hands are tied. They cannot use an instruction method they know works, as much as they might like to use such a method.

We have been told that sometimes English language immersion may not help in all cases. Guess what? This bill lets my hometown and your hometown up for air, to have the liberty to provide that extra help, without being hamstrung by inflexible Federal mandates.

Mr. Chairman, the English Language Fluency Act is about helping children enjoy the American dream, and not relegating them to becoming second class citizens. The bill is about letting communities whose front line experience with immigrants make them the experts in knowing what does or does not work and helping children acquire English fluency. I encourage my colleagues to support H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to this anti-English education bill, and I urge my colleagues to defeat this misguided piece of legislation.

As most know, prior to my election to this body two years ago I served for eight years as the elected state superintendent of the schools of North Carolina. North Carolina has experienced tremendous growth in our Spanish-speaking population, and our professional educators, in my opinion, have done an outstanding job in providing these students with special attention to their educational needs, and this includes other students who have deficiencies in English.

This bill would destroy that progress and replace it with a one-size-fits-all Washington-knows-best approach. Do not forget that. You cannot impose an arbitrary time limit and expect children to learn. Anyone who knows anything about education knows children learn at different speeds, and it just does not work that way if you want to set an arbitrary limit.

This Congress should leave that decision to the professionals, the teachers. H.R. 3892 would jeopardize the progress that we have made and many other students have made with educational help by violating the agreement between the Department of Education and local school districts in their instruction of English.

When I first was elected superintendent of North Carolina in 1988, we had 3,000 students not proficient in English in our state. Last year that number was 25,000, and growth has been close to 30 percent in the last five years.

My state's English-as-a-second-language classes are taught in English. Students do not spend their entire day in these classes, but these classes provide them with the specialized attention they need to overcome the barriers to their learning, and they cannot do it in just two years and be cut off. Can North Carolina improve its education of limited English proficient students? Of course they can, and so can other states. But this bill does nothing to improve English education, and it deserves to be defeated. I urge a "no" vote.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me try to clarify a couple of points. Some of the speakers on the other side of the aisle have said that this bill will not void current consent agreements, compliance agreements we have with about 288 different school districts, voluntarily agreed to. You may want to say they were coerced, but they still took a vote and voluntarily agreed to do this.

Section 7404 reads

> Any compliance agreement entered into between a state, locality or local education agency and the Department of Education is void.

"Is void." It does void our compliance agreements that try to help these districts make sure that we are educating all of our children properly.

It is a cookie cutter, one-size-fits-all, because it tells those local districts how they must do things. It is an effort to undermine the ability of children to learn English because it does not take the best practices that we have seen from all the research and say this is the way that you can do it, but you do it how you see fit.

In San Francisco and San Jose they just finished taking, along with every other school district in the State of California, a standardized test to find out where California's kids are. The kids in San Jose and San Francisco who were graduates of bilingual education programs in those districts, guess what, scored higher than native English speaking children; higher.

When Governor Pete Wilson, who is an adamant opponent of bilingual education, when his spokesman was asked how do you react to this, the reaction by Mr. Shawn Walsh was, "It is remarkable." While the Governor was never totally against different types of programs to help kids transition, it was too late by then, because by then he had been behind and spent hundreds of thousands of dollars to help pass Proposition 227.

All we are saying here is if we are real serious about trying to reform whatever it is, in this case bilingual education, let us do it in a meaningful way. Let us not do it in a rush way, that does not give everyone an opportunity to really provide input. Let us do it the way we would reauthorize any legislation.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong opposition to H.R. 3892. The English Language Fluency Act is really a drastic misnomer. In the wake of Proposition 227 in California, this issue is vital to my district. In the Oakland Unified School District, for example, 18,000 students, or one-third of our students, are in Limited English Proficient Programs, a 61 percent increase over the past 10 years. Since school districts across the country are experiencing similar trends, we logically need to support increased resources for bilingual education.

This bill does just the opposite. Mandating all students to master the English language in just two years is a dangerous and restrictive policy. Although some exceptional children can survive in this sink or swim program, these artificial deadlines only set up the majority to fail. After two years in a foreign land, with a foreign language and culture, if we were required to pass a test to get a job, to enter an education class or access other necessary opportunities, we would not be able to pass. I do not believe most Members of Congress could learn Greek or Russian in two years.

By turning existing bilingual programs into block grants, this bill does not require states to distribute funds to the most needy students. Without this protection, the students most in need become even more vulnerable to fail. By eliminating the emergency immigrant education program, this bill leaves no support or assistance for new immigrants, those who are most likely to have limited English language skills and require extensive programs to learn English.

Finally, in order to promote effective English education programs, we obviously need to increase resources for new teachers and teacher training, not eliminate them. This bill cuts bilingual teacher training programs. For these reasons, I urge a no vote on H.R. 3892. It is a disastrous anti-education bill.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding me time.

Mr. Chairman, we want our children to learn English. Immigrant communities know that without English proficiency, there is no upward mobility, no chance to succeed in our society. We want our students to be able to comprehend and learn the language thoroughly so they will not be left behind academically. But, at the same time, with increased international commerce and global competition, we need our students to master multiple languages so they can provide a cutting edge advantage for America in Asia, in Europe, in Latin America.

Those who have advocated for greater trade on this floor will agree with me that we not only need to be ahead in product and technology development, but also in our capacity to have a work force that has the ability to effectively communicate worldwide. Ask Chevrolet, when they tried to sell the Chevy Nova in Latin America. "Nova" means "does not move, won't go." I do not care what type of marketing program you have, language in that context made a big dent in Chevrolet's success.

This bill is not designed to empower or limit English proficient students to succeed. It does not provide more resources or more language teachers to deal with the growing number of today's students who require extra help to learn English. Rather, it in effect stunts our students' growth academically while they learn English as quickly as possible.

In today's global economy, the ability to be bilingual or multilingual is a precious commodity. Let us not destroy our country's bilingual education policy, one that is locally controlled and federally enforced, a policy that promotes civil rights and fights discrimination. Let us not undermine what is in our Nation's academic and economic interests. We should be voting against H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from Puerto Rico (Mr. RÓMERO-BARCELÓ).

Mr. RÓMERO-BARCELÓ. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to express my strong opposition to H.R. 3892, the so-called English Language Fluency Act. This bill attempts to destroy the Bilingual Education Act, a law that has benefitted countless members of limited English proficiency, students, since its enactment in 1969. This bill is an unwise and ill-timed effort to dismantle this program, and will have an adverse effect on the students it is supposed to assist.

As the Member of Congress who represents the largest population of bilingual speakers, I am acutely aware of the importance of bilingual education programs and the positive effect they have had on students with limited language proficiency. In Puerto Rico we have not benefitted from this program until this year. We have a very small amount for this year. But, yet the teaching of both languages in Puerto Rico is necessary.

I was born speaking Spanish. My first language was Spanish, and I am bilingual. My wife is bilingual. Our four children are bilingual. We taught them to speak both languages at an early age, and at an early age you can learn, within six months, a different language.

☐ 1515

The older you get, the longer it takes to learn another language, and to try to impose an amount of time on anyone, it is unwise. It goes against everything that we know about the way to learn a language.

I think that discrimination for racial reasons, discrimination for ethnic reasons is intolerable. So is discrimination for cultural and language reasons, and this attacks and affects the Hispanic speakers in a personal way because to say that you cannot speak English and be an American citizen, you cannot speak Spanish and be an American citizen, together with English, and to be able to teach Spanish and also to be able to learn Spanish, and be proficient in Spanish, as well as English, that is important not only to the individual, not only important to his community but also to the Nation, because we live in a continent from Alaska to Tierra del Fuego. The two most important languages are English and Spanish. To say that we should only speak one language, it goes against all of the national interests, the community interests and the personal interests.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. I would point out that in Minnesota, I represent the St. Paul School District. Actually, I taught in Minneapolis many years ago. Today, the student population of those communities has changed. In St. Paul, I have nearly 9,000 students in St. Paul schools that are English-as-a-second-language recipients that need assistance that makes sense not political points for those who are so full of anti-immigrant slogans and panaceas. They are mostly Hmong, Southeast Asian students. In fact, 30 percent of the elementary classes in St. Paul are Southeast Asian students.

The fact is, what they are reporting to me is that these kids speaking in their first language and taking tests in their first language are 2 or 3 years ahead of where they would be taking tests in English. In other words, if the student is in the fourth grade, if you only teach him in English he will be learning at the first or second grade level. That is what he is capable of or she is capable of in the English instruction requirement mandated by this bill. In other words, they need this, they need this type of experience of learning in their native language for a period of time.

This measure, H.R. 3892, is a punitive, arrogant, top-down, Washington-knows-best approach, which tries to force-feed a diet of English language to a new and diverse U.S. student population that is already immersed and struggling in our culture.

In a sink-or-swim situation, this proposal chooses to throw a limited-English-speaking student an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity that defines America?

Mr. Chairman, I think it was said best by my friend Jim Morelli, from St. Paul, when he said that I would hope that today we would extend the same kindness, the same consideration, the same thoughtfulness and help that was extended to our grandparents when they came from Italy in the early part of this century.

Are we so limited and unwilling to extend that type of help to people that are culturally, ethnically, religiously different than us who need it now more than ever in the 1990's? These are Southeast Asian students that I represent, the others that I taught in Minneapolis, and half the black population in Minneapolis schools are Africans, from Africa that indeed speak and read English as their second language.

Mr. Chairman, I would urge the defeat of this ill-considered bill.

Mr. Chairman, I rise today in opposition to the English Language Fluency Act, H.R. 3892. This legislation will hinder, not help, America's language-minority children learn both English as well as the myriad of topics that are taught in our schools today. Our nation is comprised of people from many diverse backgrounds. Providing opportunities for non-English speakers to learn the language is a prerequisite for ensuring that all citizens are able to fully participate in and become productive members of our society. While the current bilingual education efforts may not be the absolute perfect venue for accomplishing this goal, implementing H.R. 3892 would substantially undermine the program.

It makes good educational sense to teach a student in his or her native language while, at the same time, developing that student's English language capacity. There is no magical number of years for this transition; children come into the program with varied levels of proficiency. Setting an arbitrary limit to the amount of time a child may remain in a bilingual program is doing them a great disservice. While students are learning English, they should also be able to keep up with their peers in other subjects. In fact, students who spend a limited time in bilingual programs tend not to be as successful in their subsequent school years, because pushing them to master the language in such a short amount of time comes at the expense of mastering other academic and analytical skills.

This is indeed an inflexible mandated methodology that is being foisted upon non-English speaking students—one size does not fit all children. Where is the evidence that bilingual education isn't effective, and the evidence that mandated English-only education is the best approach? In fact, studies raise important questions regarding the proposed method, questions which have gone unaddressed by the emotional arguments of the proponents of this legislation.

Additionally, the proposed funding of this legislation is flawed. Block granting money to states is a method which has proven ineffective in delivering and targeting help to America's neediest students. H.R.3892 also eliminates financial support for preparing teachers to instruct language-minority students. This plan is unacceptable in light of the shortage of qualified teachers we face. Essentially, this appears to be yet another scheme which will undermine public education and short change America's children, by dictating to local schools the manner in which they should deal with students who have special needs. Our schools need to be user friendly and welcoming places, where a diverse group of Americans from different cultures, incomes and backgrounds are not threatened. What has happened to our national policy where we help, not intimidate, those who come to learn under such rigid circumstances? H.R. 3892 promotes a sink or swim philosophy, and I fear we will surely drown many fragile young minority students with an English only curriculum.

The opportunity to gain an education is a fundamental right and a value which should be shared by all Americans. Clearly, it is important for all of our citizens to be able to communicate in a common language in order to promote unity and understanding within our society. Again I would point out that, H.R. 3892 is a punitive, arrogant, top down Washington-knows-best approach which tries to force feed a diet of English language to a new and diverse U.S. student population who are already immersed and struggling in our culture. In a sink or swim situation, this proposal chooses to throw minority English speaking students an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity which defines America? I don't think so. I oppose the English Language Fluency Act, which actually does little to help and hurts those with limited English proficiency to learn the language, and I urge my colleagues to do the same.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, contention between people who speak different languages is as old as the story of Babel. The ancient Greeks referred to those who spoke in other tongues as the babblers. Ancient Slavs called the Germans across their border the mute or unspeaking people.

Today, United States residents whose primary language is other than English, especially Spanish speakers, are being regarded as un-American. The English Language Fluency Act plans to un-Americanize people who so desperately want to be American. I am concerned that this bill would hinder those who by the bill's definition it should help.

The English Language Fluency Act has in it provisions that move language minority children out of specialized classes, cuts bilingual education funding to States with large immigrant populations and voids all voluntary compliance agreements made by State and local school districts to provide bilingual education.

This bill, as written, will reduce Federal funds used for teachers and learning materials while at the same time demand students to learn in an environment that does not promote or assist them in learning. In essence, this bill implies that America wants you to learn as long as you do not learn too much.

Mr. Chairman, I believe it is imperative that we make access to learning as easy as possible for people who must already overcome the language barrier. We will get the best results in education if we leave its management to people whose motives are to educate. I urge all Members to join me in opposing this bill because it will hinder, not help, the education of America's children.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in support of this bill and I do so representing the third most diverse city in the Nation, Albuquerque, New Mexico. It was a couple of years ago that there was an article in the newspaper that said, only New York and Los Angeles are more diverse than Albuquerque, New Mexico.

It is our culture, our rich and diverse culture, which makes New Mexico unique. Our art, our architecture, our cuisine, our literature, our dance, makes us what we are and, yes, our language, whether that be Tewa or English or Navajo or Spanish.

Something else I believe all of us can agree on is that all of our children must learn English in order to be given the tools to succeed in America and to achieve their dreams. That does not mean that we do not respect their culture, that they should not be proud of who they are and that they should not be multilingual, because let us face it, folks, being able to speak more than one language is a strength, not a weakness. So we should be talking about English plus and not English only.

This bill does not affect funding levels. There is a hold-harmless clause for all States, and I am very pleased to say that I am working with the Committee on Appropriations to expand multilingual education funds for the elementary school level.

What this bill is about is local control. It is about taking power from Washington and giving it back to local school boards to decide what is the best way to educate our children. It is about parental choice and parental consent, that no child should be in a program that their parents do not approve of just because somebody else says it is best for them.

It is about making sure that there are no dead ends for our children who do not arrive at school able to speak English. There is no separate but equal, there are no side tracks, and there is no second class. That is what this bill is about, and that is why I am supporting it.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, it is amazing to me that a party that claims to be trying to win Hispanic votes attacks us time and time again. Worse yet, today they are attacking our children.

I hope that every Latino in this country hears this message loud and clear. We do not count with the Republicans, our children do not count, and our future does not count.

Why else would bilingual education come under attack year after year? Already, Republicans tried to slash $75 million for bilingual and immigrant education, 22 percent for fiscal year 1998 funding, and this is in a bill that provides disaster aid to flood victims. Today's move makes perfect sense for a party that plays politics with virtually every issue.

Well, I have news for my colleagues across the aisle. Your English Language Fluency Act will have the opposite effect. It will force children into illiteracy. It will ruin their futures. It will hold back their families, and it will hurt our country.

According to supporters of H.R. 3892, bilingual education does not work, it is a waste of money, and so on. The fact is, bilingual education does work. By teaching core classes like math and science in a child's native language, while effectively teaching English, we can make sure that children do not fall behind in basic skills. But Republicans will slash funding, eliminate training, weaken programs, and then say that the programs do not work.

Opponents of bilingual education are correct on one count: Without real support and commitment, children with limited English proficiency will not get the skills they need to succeed.

My colleagues, is this how a nation with over 3 million limited-English-proficient students, should treat those children? Just think of the message that we are sending these children. We are telling them that they are second-rate citizens. They do not even deserve to receive a decent education or the tools they need to have a bright future.

I urge all of my colleagues to stand up for our children and their future and vote no.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I understand the gentleman only has a closing statement, so I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the chairman of the subcommittee, the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of my colleague's English Language Fluency Act, and I believe in this age of communications it is extremely important and vital that English be the dominant language here in the United States. We in Congress should support any bill, any bill, that supports accelerating students' acquisition of English.

Studies in California have shown that only about 5 percent of English learning students a year can be classified as English proficient, so this bilingual education program is not doing the job it should be doing. Mastering the English language is the best formula for personal and professional success in America.

The late Senator Hayakawa said:

> America is an open society, more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English. English, our shared, common language.

It is imperative that we help our immigrant students to learn their new language as quickly as possible. We must help them to enter the mainstream and not ostracize them and limit them.

So, Mr. Chairman, I rise in support of this bill.

Mr. RIGGS. Mr. Chairman, reclaiming my time, let me say as we close general debate on this bill that if one of my colleagues on the other side of the aisle can point to language in this bill that mandates a particular form of bilingual education, I will ask unanimous consent to withdraw the bill, because the bill does exactly the opposite.

The bill removes the existing mandate in Federal law that 75 percent of Federal taxpayer funding for bilingual education must be used for innovative language instruction. So I have to believe that given the insistence, when talking about a 2-year time limit, when the funding limitation is 3 years, talking about mandates, I at this point in the debate now have to believe that the opponents of this bill have to rely on demagoguery and mischaracterization of the bill because they cannot win the debate based on the merits of the particular legislation.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Mr. Chairman, not as I close debate. The gentleman will have time, and I am not going to yield, in part because the last time we got into this discussion, the ranking minority member saw fit to refer to me as Chicken Little, which is a reference I do not appreciate and which is inappropriate for someone with his years of service in the House.

Mr. BECERRA. Mr. Chairman, if the gentleman would yield.

Mr. RIGGS. Mr. Chairman, I will not yield. I request regular order.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has the time and may proceed.

Mr. CLAY. Mr. Chairman, the gentleman is saying I referred to him as Chicken Little, and I did not refer to him as Chicken Little.

Mr. RIGGS. I request regular order, Mr. Chairman.

The CHAIRMAN. The Chair would ask the gentleman from California to proceed.

Mr. RIGGS. I thank the Chair.

Mr. Chairman, earlier I talked about a study, and I quote from the August 26 Santa Rosa Press Democrat in my congressional district, a study which says that most young immigrants prefer to speak English over their native language. In fact, the survey which focused on recent immigrant families says that the older children get, the more eager they are to embrace English. The study was produced by Michigan State University's Children of Immigrant Longitudinal study, and it says that 88 percent of immigrant children questioned prefer speaking English. Six years ago, the percentage was 73 percent.

□ 1530

I do not believe that the opponents of this legislation, who represent largely ethnic American constituencies, are really speaking for those constituencies. I really question whether they have at heart the best interests of those constituencies.

I want to, at the appropriate time, also include in the RECORD a commentary from the Wednesday, July 1, Wall Street Journal by one of our former colleagues, a man by the name of Herman Badillo, who says, "By the time I arrived in New York from Puerto Rico at age 11, I was brought up Democratic. And when I went into politics—as a U.S. Congressman, Bronx borough President, and deputy mayor—I did so as a Democrat. Last week, after more than 30 years in Democratic politics, I joined the Republican Party.

"In recent years I have found myself questioning inflexible Democratic policies. I have seen a disturbing lack of vision among local Democratic leaders. . .. Democratic leaders doggedly fought to preserve failed, anachronistic policies.

"This inertia has been most evident in their approach to schools, where students not even fluent in English have been awarded degrees. And when I challenge the practice of social promotion in elementary and secondary schools and call for academic standards, prominent Democrats attack me.

"This defense of low standards reflects a fundamental Democratic problem. Many Democrats believe that some ethnic groups, such as Hispanics, should not be held to the same standards as others. This is a repellent and destructive concept, a self-fulfilling prophecy of failure. Fortunately, the ethnic groups hurt by these patronizing policies are beginning to understand that low standards mean low results, a realization that will move people in these groups to the GOP."

So do not be misled, colleagues. Members on the other side of the aisle speaking for, let us be honest about it, special interest groups and ethnic constituencies, purporting to represent all people with those viewpoints, are in fact expressing a monolithic viewpoint. There are other people such as our former colleague, Mr. Badillo, who agree with this legislation.

I urge passage of these amendments offered on this side of the aisle, and passage of the bill as amended.

Ms. HARMAN. Mr. Chairman, parents across America are rightly concerned about the continued viability of our system of public elementary and secondary education. Public schools are great equalizers, the entities we've created to help socialize all children and give them the skills necessary to take advantage of the social and economic opportunities our country affords them.

When schools fail to do their job, it's our children who suffer. To fix them we certainly need more resources, particularly textbooks, for children and teachers. But we also need standards and merit pay for teachers, the end of social promotion, the setting of goals for children, and most importantly, holding parents, teachers and administrators accountable for the performance of our school system. And until we begin looking seriously at these and other reforms, proposals like vouchers will continue to look attractive though, in my view, they are panaceas, if not anathema to public education itself.

While each of us who have had children in public schools can measure success in our children's development, one category of children who have been particularly hurt are those for whom English is not a primary language—children from non-English speaking families or who otherwise have limited English proficiency.

As I traveled across the State of California earlier this year, many parents told me of their dissatisfaction with California's bilingual education system. Indeed, the debate and vote for our state's Proposition 227, which required school districts to use immersion as the means of teaching English, demonstrated that many non-English speaking parents wanted change.

But, Mr. Chairman, I did not support Proposition 227 because it represented a "one-size-fits-all" approach to a complex problem—and as such it took away control over the education of our kids from our local school districts, where it belongs.

Similarly, I must oppose the English Language Fluency Act. While I believe this legislation is well intentioned, it will have the same unfortunate result across the country as Proposition 227 did in California: it will restrict the flexibility of our local districts to impart the best education possible on all our kids—the education that will prepare them to perform and succeed in our economy. Mainstreaming kids is the right goal, but the means should be left to the level of government with primary responsibility for education: local government.

Mr. Chairman, I oppose this legislation and urge my colleagues to do the same.

Mr. FARR of California. Mr. Chairman, I rise today on behalf of Lisa Gonzales. I met Lisa when I visited Branciforte Junior High School in Santa Cruz, California earlier this week.

Lisa told me that kids are dropping out, that they're losing hope. The students who are most at risk are the ones who need special help learning English. I want our schools to be able to help them.

Our children are our Nation's best hope for the future. They all bring special needs to our classrooms, and that includes language training for those who don't speak, read or write English. We are morally and constitutionally obligated to use the best methods possible to teach them the language of their new country. Parents, teachers and administrators all over the country know that our children need bilingual education in our schools.

This bill doesn't fix bilingual education. Its goal is divisiveness and rhetoric. We need to focus on student performance, not political controversy.

These programs keep hope alive for the children who need it most. Reject this legislation.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the so-called "English Language Fluency Act" (H.R. 3892). I find it deplorable that the Republican Majority has yet again mobilized their attack on the Department of Education, legal immigrants, and multiculturalism in general. However, what disturbs me about this particular piece of legislation is that it would ultimately harm our nation's most vulnerable, the children. They have been snared in a tangled web of political opportunism and grandstanding. H.R. 3892 takes a "sledgehammer" approach to reforming bilingual education without retaining the essence of this vital educational program. This bill loses sight of the purpose of bilingual education which is to help students master not only language skills but a plethora of subjects ranging from history to math.

This legislation is part of a larger misguided plot to strip America of her cultural richness. It is my sincere belief that this bill represents an attempt by extremists in the Republican party to revive the "English Only" debate. Proponents of this backwards movement wish to destroy and handicap the very thing that makes America wonderful, her diversity. I do not dispute that the mastery of the English language is an important component of attaining success in America. However, I can testify to that fact that most non-English speaking immigrants desperately want to learn English. As a matter of fact, the non-English speaking constituents of my district work tirelessly by day and night in schools and community centers trying to learn English.

And to the merits of this bill, I am sad to report that I have found few. All through the Committee process Republicans continued their pitiful legacy of stacking hearings with witnesses that I found to be misinformed. They either produced reports that had been statistically manipulated or reports that had been politically manipulated. H.R. 3892 would scale back limited-English-proficient (LEP) student's access to education services. Moreover, the two year predetermined time frame mandated by this bill is unreasonably short and would effectively kill proven bilingual programs. The bill will also overturn existing compliance agreements between the Office of Civil Rights of the Department of Education and local school districts that had not been providing LEP students with equal educational opportunities. The result may be massive civil rights violations. And this sad list goes on and on.

This preoccupation of the Republican Party with the destruction of bilingualism is also harmful to this nation's economic interests. In our present global economy diversity and the capacity to speak more than one language is a clear asset. Instead of harassing bilingual education programs we should be increasing their funding.

Mr. Chairman, let us turn back the clock to a time when immigrants were openly discouraged from embracing their heritage. Let us not turn our backs on America's children. We must not rob any of our youth of the opportunity to receive a decent education regardless of their diverse background. A "no" vote on H.R. 3892 is an affirmation of the right of every child in America to an equal and comprehensive education.

Mr. TOWNS. Mr. Chairman, I rise today in opposition to H.R. 3892, "The English Language Fluency Act". This legislation "block grants" Federal bilingual education programs and eliminates numerous protections contained in current law. I view this bill as a significant setback on bilingual education. Several educational agencies and organizations also believe this bill would harm current Federally-funded bilingual education programs. For example, the Council of the Great City Schools, the New York Board of Regents, and the New York State Board of Education all oppose this measure.

Let's examine just what kind of negative impact this legislation would really have on bilingual education programs. H.R. 3892 removes existing enforcement and compliance standards. For example, current bilingual education agreements between the Education Department's Civil Rights office and local school districts would be eliminated. The bill also would limit the ability of these agencies to negotiate future agreements. Additionally, the bill eliminates Civil Rights Act protections that ensure that students who are learning English continue to achieve high academic standards. In fact, it would force students to leave transitional education programs after two years, regardless of their proficiency in English. Moreover, the bill's total lack of attention to core subject matter, with all emphasis on English development only, is not sound education practice.

In the case of New York State, the bill would reduce overall funding as well as funding for planning, administration, and interagency cooperation within the State due to a change in the allocation formula. At the same time, New York State would be required to taken on added responsibility for the management of the funds with sufficient monies to do so.

Perhaps most significantly, this legislation overrides the tradition of local control on public education matters. Local school districts and states with a large percentage of students who are learning to speak English should be able to make their own decisions on how best to educate their students. H.R. 3892 is a "one-size-fits-all" approach to a complicated problem that requires autonomy and flexibility for local jurisdictions.

Finally, we should not lose sight of the fact that this bill repeals the Emergency Immigrant Education program and undermines Title VII funds, from the Elementary and Secondary Education Act, that have already been awarded to local school districts. This legislation is will hinder the advances made in bilingual education and I would urge my colleagues to oppose H.R. 3892.

Mr. DOOLITTLE. Mr. Chairman, we must end federal support for disastrous bilingual education programs. Federal complicity in stifling English learning in the name of politically correct multiculturalism is just one more example of elitist bureaucrats thinking they know what's best for local schools and parents. Bilingual education has been a grave injustice to people who immigrate to America and to their children.

The vast majority of immigrants who chose to leave their ancestral homelands did so in hopes of providing a better future for their children. Absolutely essential to realizing their dreams of success in America is for their children to learn, and master, the English language. Otherwise, they will be doomed to menial, unrewarding, and low-paying jobs for life. Additionally, they will be unable to fully enjoy mainstream American culture, including interaction with people of other ethnic groups through our common language—English.

These multiculturalists who would keep immigrant children in a linguistic ghetto are preventing them from enjoying the ethnic diversity the multiculturalists pretend to value so highly. A child who speaks only Spanish and a child who speaks only Vietnamese cannot communicate and learn about each other.

It is unrealistic to assume immigrant children can succeed in America if they only know the language of their parents. And, as people get older their ability to learn another language declines. Therefore, the highest priority for educating non-English speaking children must be to learn English. Of course, I don't feel it's up to the U.S. Congress to set priorities in what is properly a decision of local schools and parents, but the federal government most certainly shouldn't be encouraging counterproductive measures.

Advocacy of bilingual education on the part of the teachers unions unfortunately fits the historical pattern of labor union disregard for the well-being of immigrants in the financial interest of the union's members and leadership. Just as unions in the past worked to restrict immigrants from the labor pool in order to artifically maintain their own wages, the teachers unions want to protect the salary bonuses given to bilingual-certified teachers. Never mind how effective bilingual education programs actually are in teaching these children English, say the teachers union bosses, we want to maintain the salaries they provide the instructors.

Enough with the corrupt labor unions and centralized bureaucratic power and feel-good multiculturalism that threatens to balkanize this country. Let's give power to parents and local schools and give opportunity to these immigrant children. Support the Riggs English Language Fluency Act.

Mr. ENGEL. Mr. Chairman, I rise today to state my strong opposition to H.R. 3892. I am a strong supporter of bilingual education, however, instead of bolstering federal efforts to help immigrant children, this bill penalizes them.

This bill also does not advance our national education policy. H.R. 3892 does not attempt to establish criteria for teachers and school districts, nor does it set realistic goals for our children. This bill instead restricts local school districts and jeopardizes successful bilingual education programs by cutting federal support for teacher training and virtually eliminating successful programs that currently help immigrant children.

In fact, this bill even lowers academic standards and expectations for immigrant children by focusing exclusively on English language proficiency rather than math, science and history. H.R. 3892 jeopardizes these children's futures by setting an arbitrary and unrealistic punitive two-year federal mandate on their ability to master English. This in effect becomes a two-year "impediment" to their educational future.

I urge my colleagues to vote against H.R. 3892 and join me in opposing this destructive and politically motivated bill.

Mr. PAYNE. Mr. Chairman, I rise in opposition to H.R. 3892, "The English Language Fluency Act." While the supporters of this bill have argued that it will improve bilingual education for our Nation's children, all the evidence points in a different direction. In fact, this bill will make a number of changes to bilingual education that will harm children who need assistance the most. Language in the bill will require that all children have only two years of bilingual education regardless of their ability to master English. The bill will also violate the Civil Rights Act by voiding the current voluntary compliance agreements between schools, parents and the Department of Education, Office of Civil Rights. Finally, this bill will block grant bilingual competitive grants to the States therefore eliminating the structure this program currently has. In Newark, NJ, a city I represent here in Congress, close to 40 percent of all students come from homes where English is not the primary language spoken. In the city of Elizabeth, portions of which I also represent, the immigrant population is thriving and the schools need a structured bilingual education program to keep students in school. I recognize that many bilingual programs need improvement. However, there are many effective bilingual programs in place across the country that really do improve the language skills of children who are not yet English proficient. A new program at the Benjamin Franklin School in my district was just awarded funds from the Department of Education. This program called "Project Two-Way" will engage both English proficient students and limited English proficient (LEP) students in classes that will be taught in Spanish and English enabling both types of students to be bilingual by the time they are in the fourth grade. The need is to not pare down these programs but instead take the ones that work and educate school districts on how to replicate them. However, like many other issues on the majority's education agenda, this bill is not a remedy to the real problems that children face. It is for that reason that I will vote against passage of this bill.

Mr. PAUL. Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 3892, the English Language Fluency Act. Although I supported the bill when it was marked-up before the Education and Workforce Committee, after having an opportunity to study the Congressional Budget Office (CBO)'s scoring of H.R. 3892, I realized that I must oppose this bill because it increases expenditures for bilingual education. Thus, this bill actually increases the Federal Government's role in education.

I originally supported this bill primarily because of the provisions voiding compliance agreements between the Department of Education and local school districts. Contrary to what the name implies, compliance agreements are the means by which the Federal Government has forced 288 schools to adapt the model of bilingual education favored by the Federal bureaucrats in complete disregard of the wishes of the people in those communities.

The English Language Fluency Act also improves current law by changing the formula by which schools receive Federal bilingual funds from a competitive to a formula grant. Competitive grants are a fancy term for forcing States and localities to conform to Federal dictates before the Federal Government returns to them some of the moneys unjustly taken from the American people. Formula grants allow States and localities greater flexibility in designing their own education programs and thus are preferable to competitive grants.

Although H.R. 3892 takes some small steps forward toward restoring local control of education, it takes a giant step backward by extending bilingual education programs for three years beyond the current authorization and according to CBO this will increase Federal spending by $719 million! Mr. Chairman, it is time that Congress realized that increasing Federal funding is utterly incompatible with increasing local control. The primary reason State and local governments submit to Federal dictates in areas such as bilingual education is because the Federal Government bribes States with moneys illegitimately taken from the American people to confer to Federal dictates. Since he who pays the piper calls the tune, any measures to take more moneys from the American people and give it to Federal educrats reduces parental control by enhancing the Federal stranglehold on education. Only by defunding the Federal bureaucracy can State, local and parental control be restored.

In order to restore parental control of education I have introduced the Family Education Freedom Act (H.R. 1816), which provides parents with a $3,000 per child tax credit to pay for elementary and secondary education expenses. This bill places parents back in charge and is thus the most effective education reform bill introduced in this Congress.

Mr. Chairman, despite having some commendable features, such as eliminating consent decrees, the English Language Fluency Act, H.R. 3892, is not worthy of support because it authorizes increasing the Federal Government's control over education dollars. I therefore call on my colleagues to reject this legislation and instead work for constitutional education reform by returning money and control over education to America's parents through legislation such as the Family Education Freedom Act.

Mr. THOMAS. Mr. Chairman, I rise to address an issue of paramount and long-term importance to California and the nation—Official English legislation.

Nothing unites a people as effectively as a common language; it is especially important when members of society, often immigrants, do not necessarily share a common heritage. The common ground which language provides has led many nations to declare an official language. The fact that America does not have an official language makes us unique among the world's leading nations. At the same time, the United States does have a common language, English. This dichotomy results in today's Americans being subjected to a barrage of language issues.

For California, bilingual education is immensely important. There are 1½ million California school children whose primary language is not English. These children need to be equipped with the absolutely essential skill of English fluency while they are at a young age and are more naturally able to learn language. It is important that the education program functions efficiently and successfully to fully integrate non-English speaking children into an English-speaking society as quickly as possible. Without this basic skill, these children will most likely remain outside mainstream society, politics, and the economy.

The bilingual education policy began in the 1970's with good intentions but has become a failure. Only 6.7% of limited English students going to school in California have been mainstreamed into English Only classrooms. California voters passed Proposition 227 last June by an overwhelming ⅔ of the vote. Proposition 227 replaces the current system that allows a slow phasing in of English into one where the curriculum supports a faster one-year English immersion program. Such a program is designed to teach children English as quickly as possible in order to help them open doors of opportunity and reach their full potential in an English speaking society.

Besides failing students, the bilingual education program is also costly. The California Department of Education reports that limited English proficiency programs received nearly $3 million in special funding, over and above the base funding amount of $5,000 per student in 1997. The same amount of public funds could have paid a year's tuition at UCLA for almost one thousand students!

With similar goals to fundamentally reform bilingual education programs on a federal level, H.R. 3892 is expected to be considered by the House this fall. This bill, known as the English Language Fluency Act, would give parents the authority to refuse enrollment or remove their child from a bilingual education program; give states, municipalities, and schools the power to create individualized English language instruction programs specific to community needs; and create accountability measures to ensure federal funding is given only to programs which are effective in teaching English to children. By these measures, H.R. 3892 hopes to reform a failing bilingual education program.

Bilingual Education has failed those it was intended to help. It has been costly to taxpayers, has hurt those children who want to be fully prepared to take part in America's economy, and has forced us to lower our standards in education. Official English legislation would provide a means to deal with these and other English issues. More importantly, establishing English as the official language of the United States sends a powerful message to all Americans and those wishing to become American citizens. Designating English as the nation's language makes it clear that proficiency in this common language is absolutely critical for those who wish to fully participate in America's unlimited economic and social opportunities. I believe this legislation may go a long way in helping us achieve these goals.

Mrs. McCARTHY of New York. Mr. Chairman, I don't think there is any doubt that we, as a nation, must make sure that all children learn English. English is our common language, and if we want young people to succeed, then they must be fluent in English.

Most people would agree that our federal bilingual education program can be improved. In fact, New York is working to improve its own program, as are many states. However, I am deeply concerned that H.R. 3892 will hurt many of the young people we want to help.

In particular, I believe that this legislation will place inflexible mandates on states and school districts. It will not allow children with limited English skills to excel in their other course work. And it will not guarantee that federal funds go to where they are most needed.

According to the New York State Board of Regents, this bill would directly contradict our state's laws on bilingual education. They say—and I quote:

> Enactment of H.R. 3892 would effectively remove limited-English proficient students from the overall reform effort underway nationwide and in New York State—where our reforms focus on improving education and achievement for all students.

In addition, this bill would severely limit funds needed to prepare bilingual teachers. As the sponsor of the America's Teacher Preparation Improvement Act, I do not believe we should reduce support for our students, including those with limited English skills. All young people deserve a qualified teacher.

Congress will have an excellent chance to reform the bilingual education programs when we re-authorize the ESEA next year. I am strongly committed to working with my colleagues on both sides of the aisle to draft a common-sense bilingual education bill that will ensure that no child is left behind.

We should not let that opportunity slip away, but we also should not rush through a bill this year that may end up denying many children the best education possible.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the English Language Fluency Act. In many ways this bill typifies what it means to be an American. Traditionally, our language unites us and defines our citizenship.

This bill would allow localities to decide how to teach English to their immigrants. It would stress the goal of transitioning within two years, and leave it up to the locality to decide which method is most effective.

Further, the school would lose federal funding for their bilingual education program after 3 years. This does not prevent localities from using their own funds to continue such a program—it just means that federal funds cannot be used.

English proficiency is essential to immigrant success.

English proficiency helps one's family, which in turn would help their neighborhood, which in turn would help their communmity.

English proficiency is good for the overall well-being of our society. For more than 100 years it was the core of America as the melting pot, the melting pot that was the uniting hope and ideal of our nation.

My support for this legislation stems from the experience of my family. My husband is the first member of his Dutch large family to be born in the United States. My grandparents emigrated from Italy.

Our families made the conscious decision to assimilate into American society as quickly as possible. Assimilation and being Americanized was the goal and the principle of being an American. They knew instinctively that English proficiency was absolutely essential to their success.

It is true that this is a nation of immigrants. But this is not a nation of nations. We are one country, not just an endless set of ethnic enclaves. We have one language that unites us and defines citizenship. And that language is English! This bill will underscore that goal.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support H.R. 3892, the English Language Fluency Act.

Every child in the United States deserves a change to learn the English language so they may take advantage of the extraordinary opportunities this nation has to offer.

Our schools are now overwhelmed by the high number of immigrant enrollments.

The current Federal Bilingual Education Act is too restrictive and extremely ineffective.

The current law's lack of proper tracking and accountability has led to some perverse incentives.

Rather than developing programs that teach English effectively so that students are quickly able to move into mainstream classes, schools have an incentive to keep as many students in bilingual education for as long as possible, in order to receive extra funding.

H.R. 3892 is committed to the goal of English fluency.

H.R. 3892 is a responsible and sound piece of legislation which will correct the problems the current Federal Bilingual Education Act has caused.

Unfortunately, the federal government currently earmarks 75 percent of its bilingual education funding for programs that teach children in their native language. This simply perpetuates dependency and effectively guarantees many children will not learn English for a long period of time; and perhaps not at all.

It is time for legislation which will enhance and provide opportunity for success. This Congress must send funds back to our local school communities so they may choose a program that will suit their area best, for they are ones that know the best.

Instead of making it easier for people to avoid learning English, we should be empowering them economically and socially by forging a common language.

Mr. Chairman, I ask my colleagues to support the English Language Fluency Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours and thereafter as provided in section 2 of House Resolution 516.

The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENGLISH LANGUAGE EDUCATION.

Part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Fluency Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) Findings.—The Congress finds as follows:

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential.

"(2) States and local school districts need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to immigrant children and youth and children and youth who need special assistance because English is not their dominant language.

"(b) Purposes.—The purposes of this part are—

"(1) to help ensure that children and youth who are English language learners master English and develop high levels of academic attainment in English; and

"(2) to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to help immigrant children and youth with their transition into society, including mastery of the English language.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO PARTICIPATE.

"(a) In General.—A parent or the parents of a child participating in an English language instruction program for English language learners assisted under this Act shall be informed of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation.

"(b) Parental Consent.—

"(1) In general.—A parent or the parents of a child who is an English language learner and is identified for participation in an English language instruction program assisted under this Act—

"(A) shall sign a form consenting to their child's placement in such a program prior to such time as their child is enrolled in the program;

"(B) shall select among methods of instruction, if more than one method is offered in the program; and

"(C) shall have their child removed from the program upon their request.

"(2) Effect of Lau decision.—A local educational agency shall not be relieved of any of its obligations under the holding in the Supreme Court case of Lau v. Nichols, 414 U.S. 563 (1974), because any parent chooses not to enroll their child in an English language instruction program using their native language in instruction.

"(c) Receipt of Information.—A parent or the parents of a child identified for participation in an English language instruction program for English language learners assisted under this Act shall receive, in a manner and form understandable to the parent or parents, the information required by this section. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for English language learners assisted under this Act; and

"(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(d) Special Rule.—An individual may not be admitted to, or excluded from, any federally assisted education program solely on the basis of a surname, language-minority status, or national origin.

"Subpart 1—Grants for English Language Acquisition

"CHAPTER 1—GENERAL PROVISIONS

"SEC. 7111. FUNDING.

"(a) Authorization of Appropriations.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

"(b) Reservation for Entities Serving Native Americans and Alaska Natives.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7112(a).

"SEC. 7112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) Eligible Entities.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children and youth, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) Submission of Applications for Assistance.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"CHAPTER 2—GRANTS FOR ENGLISH LANGUAGE ACQUISITION

"SEC. 7121. FORMULA GRANTS TO STATES.

"(a) In General.—In the case of each State that in accordance with section 7122 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7124.

"(b) Purposes of Grants.—

"(1) Required expenditures.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123.

"(2) Authorized expenditures.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 10 percent of the amount of the funds provided under the grant for one or more of the following purposes:

"(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

"(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

"(C) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate children and youth who are English language learners and immigrant children and youth; and

"(ii) are not receiving a subgrant from a State under this chapter.

"(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children and youth enrolled in the subgrantee's programs and activities attain English language proficiency.

"(3) Limitation on administrative costs.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend

not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7122. APPLICATIONS BY STATES.

"For purposes of section 7121, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making subgrants to eligible entities under this chapter;

"(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

"(3) contains an agreement that the State will give special consideration to applications for a subgrant under section 7123 from eligible entities that describe a program that—

"(A)(i) enrolls a large percentage or large number of children and youth who are English language learners and immigrant children and youth; and

"(ii) addresses a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children and youth who are English language learners in a school or school district, including schools and school districts in areas with low concentrations of such children and youth; or

"(B) on the day preceding the date of the enactment of this section, was receiving funding under a grant—

"(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

"(ii) that was not due to expire before a period of one year or more had elapsed;

"(4) contains an agreement that, in carrying out this chapter, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

"(5) contains an agreement that the State will coordinate its programs and activities under this chapter with its other programs and activities under this Act and other Acts, as appropriate; and

"(6) contains an agreement that the State will monitor the progress of students enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs and activities in cases where—

"(A) students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and

"(B) other students are not mastering the English language after 2 academic years of enrollment.

"SEC. 7123. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this chapter only if the entity agrees to expend the funds for one of the following purposes:

"(1) Developing and implementing new English language instructional programs for children and youth who are English language learners, including programs of early childhood education and kindergarten through 12th grade education.

"(2) Carrying out locally designed projects to expand or enhance existing English language instruction programs for children and youth who are English language learners.

"(3) Assisting a local educational agency in providing enhanced instructional opportunities for immigrant children and youth.

"(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this chapter in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

"(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

"(B) Providing training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children and youth who are English language learners, immigrant children and youth, or both.

"(C) Improving the program for children and youth who are English language learners, immigrant children and youth, or both.

"(D) Providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(E) Such other activities, related to the purpose of the subgrant, as the State may approve.

"(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this chapter shall be designed to assist students enrolled in the program or activity to move into a classroom where instruction is not tailored for English language learners or immigrant children and youth—

"(A) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(B) by the end of their second academic year of enrollment, in the case of other students.

"(3) MAXIMUM ENROLLMENT PERIOD.—An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.

"(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this chapter, an eligible entity shall select one or more methods or forms of English language instruction to be used in the programs and activities undertaken by the entity to assist English language learners and immigrant children and youth to achieve English fluency. Such selection shall be consistent with the State's law, including State constitutional law.

"(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To receive a subgrant from a State under this chapter, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

"(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this chapter only if the State determines that—

"(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children and youth who are English language learners and immigrant children and youth;

"(B) in designing the programs and activities proposed in the application, the needs of children enrolled in private elementary and secondary schools have been taken into account through consultation with appropriate private school officials;

"(C) the eligible entity has provided for the participation of children enrolled in private elementary and secondary schools in the programs and activities proposed in the application on a basis comparable to that provided for children enrolled in public school;

"(D) the eligible entity has based its proposal on sound research and theory; and

"(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be taught English—

"(i) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(ii) by the end of their second academic year of enrollment, in the case of other students.

"(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application.

"(f) EVALUATION.—

"(1) IN GENERAL.—Each eligible entity that receives a subgrant from a State under this chapter shall provide the State, at the conclusion of every second fiscal year during which the grant is received, with an evaluation, in a form prescribed by the State, of—

"(A) the programs and activities conducted by the entity with funds received under this chapter during the two immediately preceding fiscal years; and

"(B) the progress made by students in learning the English language.

"(2) USE OF EVALUATION.—An evaluation provided by an eligible entity under paragraph (1) shall be used by the entity and the State—

"(A) for improvement of programs and activities;

"(B) to determine the effectiveness of programs and activities in assisting children and youth who are English language learners to master the English language; and

"(C) in determining whether or not to continue funding for specific programs or projects.

"(3) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under paragraph (1) shall include—

"(A) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under this chapter—

"(i) are mastering the English language—

"(I) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(II) by the end of their second academic year of enrollment, in the case of other students; and

"(ii) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, regular classroom work; and

"(B) such other information as the State may require.

"SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), from the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all States (excluding the Commonwealth

of Puerto Rico and the outlying areas) that, in accordance with section 7122, submit to the Secretary an application for the year.

"(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7111(a).

"(c) OUTLYING AREAS.—

"(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7111(a).

"(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the outlying area bears to the total number of such children and youth residing in all outlying areas that, in accordance with section 7122, submit to the Secretary an application for the year.

"(d) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children and youth who are English language learners and reside in a State shall be made using the most recent English language learner school enrollment data available to, and reported to the Secretary by, the State. For purposes of such subsections, any determination of the number of immigrant children and youth who reside in a State shall made using the most recent data available to, and reported to the Secretary by, the State.

"(e) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children and youth who are English language learners or immigrant children and youth.

"SEC. 7125. CONSTRUCTION.

"Nothing in this chapter shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"Subpart 2—Research and Dissemination

"SEC. 7141. AUTHORITY.

"The Secretary may conduct, through the Office of Educational Research and Improvement, research for the purpose of improving English language instruction for children and youth who are English language learners and immigrant children and youth. Activities under this section shall be limited to research to identify successful models for teaching children English and distribution of research results to States for dissemination to schools with populations of students who are English language learners. Research conducted under this section may not focus solely on any one method of instruction.".

SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541 et seq.) is repealed.

SEC. 3. ADMINISTRATION.

Part D of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignated as part C of such title and amended to read as follows:

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

"(a) STATES.—Based upon the evaluations provided to a State under section 7123(f), each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"SEC. 7302. COMMINGLING OF FUNDS.

"(a) ESEA FUNDS.—A person who receives Federal funds under subpart 1 of part A may commingle such funds with other funds the person receives under this Act so long as the person satisfies the requirements of this Act.

"(b) STATE AND LOCAL FUNDS.—Except as provided in section 14503, a person who receives Federal funds under subpart 1 of part A may commingle such funds with funds the person receives under State or local law for the purpose of teaching English to children and youth who are English language learners and immigrant children and youth, to the extent permitted under such State or local law, so long as the person satisfies the requirements of this title and such law.".

SEC. 4. GENERAL PROVISIONS.

Part E of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesignated as part D of such title and amended to read as follows:

"PART D—GENERAL PROVISIONS

"SEC. 7401. DEFINITIONS.

"For purposes of this title:

"(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) one or more local educational agencies;

"(B) one or more local educational agencies in collaboration with—

"(i) an institution of higher education;

"(ii) a community-based organization;

"(iii) a local educational agency; or

"(iv) a State; or

"(C) a community-based organization or an institution of higher education which has an application approved by a local educational agency to enhance an early childhood education program or a family education program.

"(4) ENGLISH LANGUAGE LEARNER.—The term 'English language learner', when used with reference to an individual, means an individual—

"(A) aged 3 through 21;

"(B) who—

"(i) was not born in the United States; or

"(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English; and

"(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

"(i) to learn successfully in a classroom where the language of instruction is English; or

"(ii) to participate fully in society.

"(5) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not attended school in any State for more than three full academic years.

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

"(8) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization—

"(A) a majority of whose governing board, and a majority of whose employees, are fluent speakers of the traditional Native American languages used in the organization's educational programs; and

"(B) that has not less than five years of successful experience in providing educational services in traditional Native American languages.

"(9) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is an English language learner, means the language normally used by such individual.

"(10) OUTLYING AREA.—The term 'outlying area' means any of the following:

"(A) The Virgin Islands of the United States.

"(B) Guam.

"(C) American Samoa.

"(D) The Commonwealth of the Northern Mariana Islands.

"(11) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

"(12) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate a school described in section 7112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

"(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7112(a).

"SEC. 7402. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7403. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under

State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"SEC. 7404. RELEASE FROM COMPLIANCE AGREEMENTS.

"Notwithstanding section 7403, any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education, is void.

"SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

"(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

"(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

"(2) shall undertake a rulemaking pursuant to such notice; and

"(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

"(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

"SEC. 7406. REQUIREMENT FOR STATE STANDARDIZED TESTING IN ENGLISH.

"(a) REQUIREMENT.—In the case of a State receiving a grant under this title that administers a State standardized test to elementary or secondary school children in the State, the State shall not exempt a child from the requirement that the test be administered in English, on the ground that the child is an English language learner, if the child—

"(1) has resided, throughout the 3-year period ending on the date the test is administered, in a geographic area that is under the jurisdiction of only one local educational agency; and

"(2) has received educational services from such local educational agency throughout such 3-year period (excluding any period in which such services are not provided in the ordinary course).

"(b) IN GENERAL.—Notwithstanding any other provision of this title, if a State fails to fulfill the requirement of subsection (a), the Secretary shall withhold, in accordance with section 455 of the General Education Provisions Act, all funds otherwise made available to the State under this title, until the State remedies such failure.".

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking "Bilingual Education Programs under part A of title VII." and inserting "English language education programs under part A of title VII."; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking "Subpart 1 of part A of title VII (bilingual education)." and inserting "Chapter 2 of subpart 1 of part A of title VII (English language education).".

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of English Language Acquisition".

(2) CLERICAL AMENDMENTS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF ENGLISH LANGUAGE ACQUISITION".

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF ENGLISH LANGUAGE ACQUISITION.".

(C) TABLE OF CONTENTS.—

(i) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of English Language Acquisition.".

(ii) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of English Language Acquisition.".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The CHAIRMAN. Under the rule, before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 1 if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

After disposition of amendment No. 1, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 2, if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read. That amendment and all amendments thereto shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chair understands that amendment No. 1 will not be offered by the gentleman from California.

Pursuant to House Resolution 516, it is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RIGGS:

Page 16, line 16, strike "and".

Page 17, line 3, strike "students." and insert "students; and".

Page 17, after line 3, insert the following:

"(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners."

The CHAIRMAN. Pursuant to House Resolution 516, the gentleman from California (Mr. RIGGS) and a Member opposed each will control 15 minutes of debate on the amendment and all amendments thereto.

The Chair recognizes the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would explain this very, very straightforward amendment. As we completed consideration of this bill in committee, we realized that additional language would be necessary to make sure that there was no conflict or inconsistency between this legislation, new Federal law, and existing State law with respect to bilingual educational, so I am offering an amendment here which will permit States to approve applications from eligible entities, that is to say, from local school districts, only if that local school district is not in violation of any provision in State law with respect to bilingual education, including State constitutional law.

Again, I am doing that to make sure that we attempt to anticipate any potential problem or conflict between new provisions in Federal law and existing State law. We want to make sure that both State and Federal law are compatible with respect to the education of limited or non-English-speaking proficient students and immigrant children and youth.

The amendment still respects a State's right to determine how to educate limited English proficient students, and it penalizes eligible entities, local school districts by withholding Federal funding only if that local school district, again, is not in compliance or refuses to comply with State law.

We strongly believe that Federal funding should not be used to support local school districts that refuse to comply with State laws governing the education of children, and again, particularly with respect to limited English proficient students and bilingual programs for immigrant children and youth.

So it is a very straightforward, commonsense amendment. It is one that I hope the minority will accept. Just before yielding the floor, I want to go back to one point, so that Members are not confused or further confused as debate proceeds here, because we have used, up until this point, the terms "consent decree" and "compliance agreement" interchangeably.

I want to again make very, very clear that in part because of what I felt was the legitimate, constructive criticism of the draft legislation offered by my Democratic colleagues, and specifically the ranking member of our subcommittee, the gentleman from California (Mr. MARTINEZ), we dropped the provision, the earlier provision in the bill, that would have, by passage of this legislation and enactment into law of this legislation, effectively terminated or vacated court-ordered consent decrees.

I thought the gentleman from California (Mr. MARTINEZ), the gentleman from Virginia (Mr. SCOTT), and others made very legitimate arguments that if we attempted to, if you will, impose such a mandate on the courts, we would very definitely be encroaching upon the prerogative of the judicial branch of government, so we deleted those provisions from the bill.

The bill is now completely silent on court-ordered consent decrees with respect to the civil rights of non-English or limited English speaking students to get a quality public education.

It does still, and this would be legitimate, valid criticism with which I would respectfully disagree, it does effectively void or, again, terminate the administratively-issued, by the Federal Department of Education Office of Civil Rights, compliance agreements between the Federal Government and a particular school district at the local level.

It vacates those because in the bill we require the Office of Civil Rights to publish new guidelines for compliance agreements, and then we allow for a review period when interested members of the public, certainly interested members of the education profession, the education community, and the respective committees of the Congress with authorizing and oversight responsibilities can comment on those guidelines before they would then go into effect.

Again, I want to make sure that our colleagues are very clear, here, that we are in no way attempting to infringe on the legitimate prerogative and authority of the judicial branch of government, and we in no way tamper, modify, or undo the existing court-ordered consent decrees that are in place in many local school districts around the country.

With that, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) opposed to the amendment?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) is recognized for 15 minutes.

Mr. CLAY. Mr. Chairman, I yield the time to the gentleman from California (Mr. MARTINEZ).

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) yielding 15 minutes to the gentleman from California (Mr. MARTINEZ)?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) is recognized.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. MARTINEZ. Mr. Chairman, I offer an amendment to amendment No. 2.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ to amendment No. 2 offered by Mr. RIGGS:

In the matter proposed to be inserted by the amendment on page 17, after line 3, of the bill, strike "learners." and insert "learners, except if necessary for the eligible entity to comply with Federal law (including a Federal court order).".

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment on behalf of the gentlewoman from California (Ms. PELOSI).

As I said earlier, the bill today is based more on myth than exceptions to the rule, and polling numbers rather than sound policy. The Riggs amendment that he was just addressing requires adherence to State laws above all else, and it further creates a problem by singling out school districts that have expressed their commitment to the comprehensive education of LEP children.

San Francisco in particular has operated its bilingual program education under a court order since the Lau decision. In addition, Chicago, Denver, New York, and others are operating under similar court-ordered arrangements.

The school districts in these cities continue to take the steps necessary to ensure that the language minority children in their communities are provided with meaningful access to the general education curriculum. In San Francisco's case, this includes not implementing California's Proposition 227, which would compel them to cease instruction in any language but English, a practice that landed them in court over two decades ago.

The subcommittee chairman has argued that no one approach to bilingual education is mandated in H.R. 3892. His amendment that we are currently considering would clearly mandate immersion in all California schools as a condition of maintaining Federal aid.

This amendment would reaffirm that Federal law and the U.S. Constitution are primary concerns. As such, schools should not be forced to deny services to students and deprive them of full access to the general curriculum in direct conflict with the civil rights of those children.

In the case of San Francisco, they should not be forced to give up over $1 million in Federal aid because they work to ensure the civil rights of their students. To make it clear that the constitutional guarantee of equal access to education supersedes all other educational mandates, I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on first blush, I think we would have to oppose the amendment offered by the gentleman from California (Mr. MARTINEZ) as overly broad. Let me say to the gentleman that I think I understand his intent, and that we might be able to accept a modification of his amendment that would add the end of my amendment.

I would propose this now, and I quote, ". . . learners, except if necessary for the eligible entity to comply with a Federal court order." In other words, we would be deleting, "to comply with Federal law." That is overly broad, but I think it would still go to his concern and the concern of the gentlewoman from California (Ms. PELOSI), which is that if a Federal court issued a court order, if you will, stymying or delaying the implementation of Proposition 227, that would be a court order. So I would have no problem narrowing the scope of his amendment along those lines, but would have to oppose the amendment as it is currently drafted as, again, overly broad.

I would ask the gentleman, would not that modification, as I just proposed, address his concern or the concern of the gentlewoman from California (Ms. PELOSI) and still satisfy the intent of his proposed amendment?

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Not really, because of the gentleman's restriction on the ability of them to get Federal dollars simply because they are actually complying with a Federal law, they are complying with a Federal law under the language the gentleman suggests. I do not think the bill as it was drafted by the gentlewoman from California (Ms. PELOSI) is that broad.

□ 1545

It is very definite in stating that what we are trying to do here is prevent people from being punished who are complying with a court order.

Mr. RIGGS. Mr. Chairman, reclaiming my time, as I just said to the gentleman, that would be fine as he describes it with a court order.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, but also Federal law. There are two things, first the court order and then Federal law.

Mr. RIGGS. Mr. Chairman, reclaiming my time with the purpose of yielding to the gentleman again, what specific Federal law or laws does the gentleman have in mind?

Mr. MARTINEZ. The Civil Rights Act.

Mr. RIGGS. I see. I think we might have some potential to work something out here, but I need to give it a little bit further thought and reflection and would propose that our staffs have a chance to perhaps huddle on this particular amendment.

Mr. Chairman, let me also, while I still control the time, just point out our concern. Our concern is that we do not want Federal law to necessarily override State law with respect to the day-to-day administration of bilingual education programs. I think the gentleman from California (Mr. MARTINEZ) would acknowledge that bilingual education is first and foremost a responsibility of State and local government, and that is the concern that we have on this side.

I am very open to the suggestion that we make sure that a Federal court order would have the highest priority and would override State and local law. I think that is consistent with what I said earlier about the reason for our deleting the language in the bill dealing with court ordered consent decrees. I will leave that with the gentleman.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would again yield, in the gentleman's revision of the bill, he did go to some degree to doing that. But in his published bill now, he has reverted back to the same position that he had before.

Now, I think our staffs are willing to work with the gentleman's staffs in trying to work something out so that we might come to a mutual agreement where we can thereby protect especially the County of San Francisco who must comply both with the court order and the Federal law.

Mr. RIGGS. Mr. Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

Mr. Chairman, this is a perfect example of why this legislation is premature. We are trying to craft legislation on the floor of the House. That is why we have committee processes and that is why we take deliberative time and witnesses' testimony to know where we go with this legislation.

We are not there yet. That has been the complaint of a number of us. Not that we do not want to see changes, but let us do them right. We are about to enact law. We do not have time to say we just passed the law, can we just tweak it a little bit more? You cannot do that. That is not the way a deliberative body works.

Secondly, this amendment offered by the gentleman from California (Mr. RIGGS) actually tries to impose upon the local school districts, usurp local control by telling a local school district, which went to court and found that the court agreed with it, that it must continue its current programs. This amendment would say to that local school district: "You cannot do that. We high and mighty up here in Washington, D.C. have decided you cannot do that."

That is not in the current bill, but the gentleman from California (Mr. RIGGS) wants to put it in the bill to take that local guidance, that local opportunity to decide what to do, away from that local school district after a court has agreed with it. That does not to me seem like local control.

Mr. Chairman, I would hope that we would take a look at what the gentleman from California (Mr. RIGGS) is trying to do. He is trying to say that because a court found that a school district should be entitled to continue its program to try to educate its kids, he wants to enact an amendment that would stop that school district that has been found by a court to be correct in its administration of its educational programs.

Mr. Chairman, if Members want to talk about usurping local control, this amendment is it because it is telling one or two local school districts, of the several thousand that the chairman and the committee noted that we have in this country, that because they have a court order, they should not go forward. That is how egregious we have gotten in these amendments and that is why this bill is such a denial of local opportunities to make decisions for the education of our kids.

Somehow the Members of this House of Representatives know better than all the elected school officials on the school boards of our Nation; all the principals of our schools and all the administrators. And by the way, that is probably why the National PTA, the School Administrators Association, the school board associations nationally, all of those organizations oppose this legislation, because it truly does strip away local control and it tells them: This is the way to do. If they do not like the shape of this cookie, too bad, because that is the way all of the cookies will be shaped.

We should reject this amendment offered by the gentleman from California (Mr. RIGGS), certainly accept the second degree amendment offered by the gentleman from California (Mr. MARTINEZ). But still we are talking about trying to improve a monster. A monster is still a monster. No matter how much you comb its hair, it is still a monster.

Mr. Chairman, I would hope we would oppose this legislation at the end of the day. I urge my colleagues to pass the Martinez second degree amendment, defeat the Riggs amendment, and ultimately defeat the bill.

Mr. MARTINEZ. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 6 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 10 minutes remaining. The gentleman from California (Mr. MARTINEZ) has the right to close.

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is simply this, that under the bill's present language, school districts who did not comply with State law will lose Federal dollars. And the County and City of San Francisco would lose over a million dollars, which is hardly something it can afford, simply because, simply because they are required by a court order to provide this education for these children.

I think that is a terrible thing to do for an entity as large as San Francisco with as many children as they serve. I think it is inappropriate. I would insist on my amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield before he closes debate?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, again, I just wanted to make the point one more time. It does not sound like we are going to be able to work something out on this, but I want to say one more time that I am very comfortable with language that would say that a court order, Federal court order would take precedence over State and local law with respect to bilingual education or State local policy.

But, Mr. Chairman, I cannot support an amendment that appears to be intended to create an escape hatch, an "out clause" for local school districts in California that do not want to comply with a voter-approved ballot initiative that passed by a margin of 61 to 39 percent.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, if I understand the gentleman right, what it is is that the language in there, "complying with Federal law," is what the gentleman considers too broad and covers too many bases. In other words, what the gentleman thinks is that gives school districts all over the country an escape hatch of not having to comply with Federal law. That would only occur if they were under a court order.

Mr. RIGGS. Mr. Chairman, if the gentleman would continue to yield, I think then we are moving in the same direction again. It seems if we take the San Francisco Unified School District, or any school district, if they want to go to a Federal court for relief from Proposition 227, and they are successful in obtaining a court order that says that they do not need to comply with Proposition 227, I can live with that. That is why I am suggesting that the gentleman change his amendment.

Mr. MARTINEZ. Mr. Chairman, again reclaiming my time, I cannot see that a school district of its own volition would go to the court to get relief in order to put themselves under a court order. As it has been in most cases, those court orders that were issued were because the school districts fought, fought to have to comply with a Federal law. The voluntary ones were when they were approached about violation of the Federal law, they then complied voluntarily, and the gentleman has already eliminated those.

So in this instance I cannot see, I cannot envision a school district who does not want to comply or who automatically would want to comply would then put themselves in the Federal court process in order to be able to get out of the laws as the gentleman has written it in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I understand, we are winding down debate on the Martinez amendment to my amendment No. 2. I want to make this point again. Again, I do not sense that we are that far apart and this may just be a matter of semantics. But as I understand what the gentleman is saying, if there is a legitimate legal or policy dispute in the eyes of a local school district and ultimately its governing board and its top administrators, and if that dispute is between Federal and State law, it seems to me by definition that is an issue that has to be adjudicated in the courts.

That is why I am saying to the gentleman that if the court does adjudicate that matter, and if the court does issue an order that says for all intents and purposes Federal law supersedes State law, takes precedence over any provisions in the State law or the State Constitution, I could live with that decision and I would be happy to reflect that in the bill.

Mr. Chairman, I cannot go along with a provision that is so broad as to say "Federal law generally." Again, it seems to me that the very purpose of the judicial branch, the third branch of government, is to adjudicate a dispute between Federal and State law. That is why I am suggesting to the gentleman that he narrow his amendment so that it would say except as necessary for the general entity, in other words the local school district, to comply with a Federal court order. Because I still think that accomplishes the same purpose, but would not be so broad as to create confusion in the minds of local school districts, should this legislation become law.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, in the scenario the gentleman just laid out, what he is envisioning is if there were a conflict between let us say the PTA or the citizens who have children in the school would be in conflict with their board, that they would go to court to get a court order that they teach bilingual education? Is that what the fear is?

Mr. RIGGS. Mr. Chairman, reclaiming my time, I do not know that it is a fear. I want to go back to the gentleman's position.

Mr. MARTINEZ. Maybe fear is the wrong word, but is that the concept, that that would be a possibility?

Mr. RIGGS. Mr. Chairman, yes, and my opinion is that that local school district should have to go to court to adjudicate an unclear or conflicting provision between Federal and State law. And then if a Federal court order results, then obviously that local school district should have to comply with the ultimate decision and interpretation or decision and ruling of the Federal court.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, if it were members of the community who were in disagreement with the school board, they elect that school board so they are their bosses. And if they want that school board to teach bilingual education, who are we to tell them that they cannot go to court to get that court order in order that they be able to get that program there?

I would think that the gentleman would want that, because he has repeatedly, coming from a school board himself, being elected by the local constituencies, that he would understand that the constituent is the controller of what our actions are and what we do. They elect us to represent them. Why would the gentleman be in conflict with that?

Mr. RIGGS. Mr. Chairman, I would say to the gentleman, I am not sure I am. I would reverse the gentleman's argument and ask him if he is suggesting, going back to our home State of California, that in every community where a majority of the electorate supported Proposition 227, that that decision should be binding on the local school district?

As the gentleman knows, my legislation does not go that far. It allows the local school district to determine the bilingual instructional method most appropriate for that school, whether it is English language immersion, native language immersion, or dual immersion. So, it does not go nearly as far as Proposition 227.

Again, Mr. Chairman, think the gentleman is on the right track. I think he makes a valid point that there could be a potential for conflict between Federal and State law. That should be, by definition, adjudicated and decided by the judicial branch of government and than that court order should be binding. That is why I am suggesting that his amendment should apply only to Federal court orders and not so broadly as to apply to Federal law.

☐ 1600

Mr. MARTINEZ. Mr. Chairman, the whole thing is that you ought to be able to give constituencies in different areas the right to select what they want for their school district. You have said that repeatedly.

Mr. RIGGS. I think we do that.

Mr. MARTINEZ. If there is a school constituency that wants bilingual programs, and their school board will not give it to them, and they do not want to wait until the next election to vote these people out and vote people in that will give it to them, then they ought to be able to go to court and get a court order.

That is where I cannot see where my colleague is in conflict with that terminology that says that it comply with Federal law. Federal law does supersede State law, and they ought to be able to take advantage of that.

Mr. RIGGS. Mr. Chairman, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 6½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 6½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, let me see if I can try to capture what the gentleman from California (Mr. RIGGS) was trying to do. It seems to me that the gentleman from California is encountering resistance on our part to accept his offer on the amendment to accept language that limits the provisions of the amendment of the gentleman from California (Mr. MARTINEZ) to court order, because if we limit the application of this amendment to a Federal court order, in essence, we are saying all Federal laws and all Federal constitutional laws would not be grounds to allow these school districts to maintain their programs.

Ultimately, we cannot deny someone a constitutional right. But my colleagues are trying to almost explicitly exclude other Federal protections, like our civil rights laws, 1964 Civil Rights Act. By not including that, my colleagues have implicitly excluded them from consideration.

That is the reason the gentleman from California (Mr. MARTINEZ) and those of us here would be resistant to that amendment that my colleague has to the amendment of the gentleman from California (Mr. MARTINEZ) because it would overly limit the application of the amendment of the gentleman from California (Mr. MARTINEZ).

So I would hope that we would not want to try to exclude a local school district, that school board members, its principals, its teachers from saying we believe that the constitutional rights of the children in our schools or of the parents or of the educational body in San Francisco, in this case, is being violated by current State law, and we would like to test that in Federal court. They apparently tested it, and they have a Federal court order. They are allowed to continue teaching.

I would like to, I think, end with this: The school district we are talking about, which is in jeopardy of losing more than $1 million under the Riggs amendment is also the school I cited about an hour ago as having had very remarkable results when its children took the standardized testing and reporting exam offered by the State of California, the State's standardized test.

Third graders from a San Francisco school district who had graduated from a bilingual education program scored 40 percentage points higher than their native English speaking counterparts on math.

On language, bilingual fourth graders, or fourth graders who had graduated from bilingual programs, I should say, scored 25 percentage points higher than native English speakers.

A program which is showing success, and I suspect that you can point to some programs which are not doing so well, some of these kids, but a program that is demonstrating ample success for kids that are limited English proficient to, not only score well, but score better than their native English speaking peers is now placed in jeopardy by the amendment of the gentleman from California (Mr. RIGGS) because the amendment of the gentleman from California (Mr. RIGGS) would prohibit that school district from continuing to operate a program which has shown such dramatic success, so much success that Governor Wilson's spokesperson even said it is remarkable. That alone would be enough reason to oppose this amendment.

But because it also would limit the application of other Federal laws, I think there is good reason to say we should go with the secondary amendment of the gentleman from California (Mr. MARTINEZ) and, ultimately, as I said before, put this to bed, put this to rest, and let us move on to those things that we need to do this year and move next year to try to, all in a bipartisan fashion, work on bilingual education.

Ms. PELOSI. Mr. Chairman, I rise in support of the Martinez Amendment to the Riggs Amendment. I appreciate Rep. MARTINEZ offering the Amendment in my absence. I was unable to leave the Appropriations Committee mark up.

The Riggs Amendment denies funding to school districts because they are out of compliance with State Law or State Constitutional Law, even if compliance is not possible given federal court mandates. This amendment will punish school districts, and the students they are responsible for, merely because these districts are caught in a bind between conflicting laws.

The San Francisco Unified School District is currently under a federal court decree to provide access to English as a Second Language classes and bilingual education. Though the District has pledged to comply with state law to the greatest extent possible, the District is acting appropriately and legally by obeying a federal court decree.

The Martinez amendment to the Riggs amendment simply provides an exception for school districts, like San Francisco, which are caught between state and federal legal mandates. The Martinez amendment states that funding will not be denied if violation of state law is "necessary for the eligible entity to comply with Federal law (including a Federal court order)."

If the Riggs Amendment passes without the Martinez amendment, the San Francisco Unified School District stands to lose over $1 million in fideral funds used to provide services to over 21,000 children. At least five other school districts—including Chicago, Denver, New York City, San Jose, and St. Paul—are under court-ordered consent decree regarding bilingual education.

The Congress should not force school officials in these districts to choose between resources for children and compliance with a federal court order. The Martinez Amendments to the Riggs Amendment protects school districts that are simply trying to comply with the law.

I urge my colleagues to vote for this amendment to the amendment.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to the amendment of Mr. RIGGS and in equally strong support of the amendment offered by Mr. MARTINEZ to the Riggs Amendment. The amendment being offered by Mr. MARTINEZ is the result of thoughtful hard legislative work by my distinguished colleague Congresswoman PELOSI, who together with me represents the City of San Francisco. I thank her for her important efforts in this regard.

Under the Riggs Amendment, school districts—such as the San Francisco Unified School District—would lose Federal funding if they do not comply with State Law, even if those school districts were adhering to a Federal court order that conflicts with state law.

The Riggs Amendment puts responsible, functioning school districts in an untenable situation. If the Riggs Amendment passes, school districts would be asked to choose between compliance with Federal law as mandated by United States courts and with receiving Federal funding. Is this the message we in the Federal Government wish to send the American people? Should we penalize American school-children simply because their school district has acted properly to observe the laws of the United States as interpreted by Federal courts? Our Constitution provides that federal law takes precedence over state law, and clearly school districts acting in accordance with Federal law should not loose Federal funding because there is a conflicting state law.

Mr. Chairman, the Riggs Amendment specifically attacks school districts in cities such as Chicago, Denver, New York City, San Jose, and St. Paul—each of which is following a court-ordered mandate regarding bilingual education. The San Francisco Unified School District could lose nearly $1 million in federal funding if the Riggs Amendment is adopted.

Mr. Chairman, it is an outrage that Mr. RIGGS' Amendment would enact legislation that would harm school districts in this manner. The Riggs Amendment will hurt rather than help our school children. The Riggs Amendment will subordinate the quality of our children's education to politics. This amendment is a poison whose only antidote is the Martinez Amendment.

Mr. Speaker, I urge my colleagues to oppose the Riggs Amendment and support the Martinez Amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. MARTINEZ) to amendment No. 2 offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from California (Mr. MARTINEZ) will be postponed and the subsequent vote on the amendment No. 2 offered by the gentleman from California (Mr. RIGGS) will also be postponed.

Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry. Under the rule, is this the appropriate juncture where I am to offer another preprinted amendment, or can I yield to the gentleman from Texas (Mr. BONILLA) who also has an amendment?

The CHAIRMAN. Any Member may offer an amendment.

Mr. RIGGS. Mr. Chairman, I will defer to the gentleman from Texas (Mr. BONILLA).

AMENDMENT NO. 3 OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BONILLA:

Page 30, line 10, strike "(a)(3)." and insert "(a)(3).'.".

Beginning on page 30, strike line 11 through page 31, line 8.

Mr. BONILLA. Mr. Chairman, I grew up in a neighborhood where over 90 percent of the people growing up in my neighborhood and in my school district spoke Spanish as their first language. I thank my lucky stars every day that my mother had the wisdom at the time to teach me and my two brothers and two sisters English when we were very young so that we would be better prepared for school and better prepared to achieve other goals in our lives.

Back then, there was no bilingual education. I understand that, over the years, bilingual education has helped many students in this country. But somehow the situation that we have now has gotten out of control in some areas with too much Federal control.

That is why I applaud the gentleman from California (Mr. RIGGS) for his effort today in trying to return more power to the people in neighborhoods across this country where it belongs so that parents and administrators and teachers can decide for themselves what is right for the curriculum in their own neighborhoods.

My amendment specifically addresses a portion of the bill of the gentleman from California (Mr. RIGGS) that addresses any national testing. My amendment would eliminate any effort of national testing undertaken as part of this reform.

In my view, after this amendment is passed, if it is passed, the bill would be an excellent bill to move forward on because it would go even one step further in taking Federal control away from local school districts. The requirement for Federally mandated testing is now part of this bill.

My understanding is the gentleman from California (Mr. RIGGS) is accepting my amendment to give States, and not Washington bureaucrats, content with the status quo and know-how, and let the locals decide how to administer tests.

This bill is about moving from the status quo in bilingual education toward real opportunity for students. This bill does not abolish bilingual education. I hope that we do not get sidetracked in rhetoric among some Members here that somehow this is an attack on bilingual education.

Bilingual education can still serve a purpose in this country, but, again, it should be administered by the people in communities to serve their children as they see fit. This bill gives American students the chance they deserve to achieve the American dream.

Again, I looked at the students that I grew up with in the south side of San Antonio and notice that those who were given the choice of learning English as quickly as possible tended to be those who achieved faster.

We have had revolutions in some parts of the country, some in California and other parts in the west from parents who want to have that local control and would like to have a say in whether or not their kids are part of a bilingual education program. That is what this bill tries to do, to give them a helping hand in establishing that parental decision and choice about their own children's education.

Again, my amendment simply deals with any effort to impose any kind of national testing related to bilingual education, and I would hope that my colleagues on both sides of the aisle would support my amendment.

Mr. CLAY. Mr. Chairman, will the gentleman yield to me?

Mr. BONILLA. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we, of course, do not intend to oppose the amendment. We will accept it. But I think we ought to point out that this shows the deficiency in this bill when we try to correct it piecemeal, in a piecemeal fashion.

So that is why we are opposed to the bill. There are too many deficiencies in this bill that my colleagues are not correcting on that side in the piecemeal fashion. But we will accept this. We have no objection to this amendment.

Mr. BONILLA. I appreciate the support of the gentleman from Missouri (Mr. CLAY), my friend, of my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer Amendments No. 5, 7, 8 and 9, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 5, 7, 8, and 9 offered by Mr. RIGGS:

AMENDMENT NO. 5: Page 24, line 21, strike "or".

Page 25, line 2, strike "program." and insert "program; or".

Page 25 after line 2, insert the following:

"(D) a State educational agency, in the case of a state educational agency that also serves as a local educational agency.

AMENDMENT NO. 7: Page 13, after line 18, insert the following:

"(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike "(E)" and insert "(F)".

AMENDMENT NO. 8: Page 17, line 17, strike "and"

Page 17, line 19, strike the period at the end and insert "; and".

Page 17, after line 19, insert the following:

"(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

"(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

"(A) oral language proficiency in kindergarten;

"(B) oral language proficiency, including speaking and listening skills, in first grade; and

"(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

AMENDMENT NO. 9: Page 19, line 5, strike "(b) and (c)," and insert "(b), (c), and (d),".

Page 20, after line 13, insert the following:

"(d) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, an amount that is less than 100 percent of the baseline amount for the State.

"(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

"(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

Page 20, line 14, strike "(d)" and insert "(e)".

Page 20, line 24, strike "(e)" and insert "(f)".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Chairman, let me very quickly do something I do not normally do or like to do, and that is just respond to the amendment of the gentleman from Texas (Mr. BONILLA), which has already passed, just to make sure that Members are clear, because I know the gentleman from Missouri (Mr. CLAY) just cited the amendment of the gentleman from Texas (Mr. BONILLA) as evidence that the bill was hastily crafted.

I just wanted to make it clear that on this side of the aisle that what we were trying to do in the original bill is ensure that, again, Federal and State law, to the extent possible, are consistent and making sure that the Federal taxpayer funding and Federal bilingual education programs do not create a loophole in States where the State and local elected decision makers have decided that State standardized tests and assessments will be administered only in English. We were just trying to make that consistent.

But the gentleman from Texas (Mr. BONILLA) had concerns. He had concerns that the bill was even addressing State testing in any fashion. I understood those concerns, understood his desire that our bill be silent with respect to State testing and agree with him that, in the end run, by the bill being silent, State and local decision makers can still make a decision that they will administer State and local standardized tests only in English for all students, and that would include those students who are limited-English proficient.

I now turn my attention to the en bloc amendments. It is again very simple, straightforward. First of all, a provision providing a 100 percent hold harmless so the States do not experience any dramatic decrease in funding as a result of changing or transitioning these two programs, the Federal bilingual education and the Federal immigrant education programs into a single block grant.

The new formula would obviously, as a result of the 100 percent hold harmless, only apply to new funding, that is to say, annual appropriations over and above the current spending levels for these two programs.

Secondly, we add to the list of approved local activities, tutoring programs for limited-English proficient and immigrant children and youth, that would provide early intervention services to help prevent these children from dropping out of school.

I have already spoken earlier about the alarmingly high dropout rate for Hispanic American students hovering in the 54 to 55 percent range. What we are trying to do is focus more services earlier on helping these young people provide the kind of intensive educational services through tutoring so that, hopefully, they will remain in school and at least obtain a high school degree.

I think every Member of this body would agree particularly, you know, as an extension, if you will, of our committee hearings over the last 2 years, that all the evidence suggests that a young person today has to have some degree or some amount of postsecondary education, college education, hopefully a college degree if they want to go out and successfully compete in the adult work force.

□ 1615

So it is just critically important that we do a better job at all levels of government, by the way, Federal, State and local, in helping limited or non-English speaking students. And that is what we are attempting to do here by expanding the list and the scope of allowable local activities.

We also make two changes to the evaluation section to clarify that academic progress be determined by both the number and percentage of children having attained mastery in English at the end of the school year, and we outline the suggested design for measures to evaluate the English language skills of students based on the grade of the child.

I think there was a suggestion earlier in the debate that we were somehow lowering or removing standards all together for the Federal bilingual education program. And, in fact, I think that is one of the main arguments or criticisms that the gentleman from California (Mr. MARTINEZ) made of the bill, judging from his "Dear Colleague". And, again, nothing could be further from the truth.

We do have, I think, a very sound methodology incorporated into the bill for evaluating the academic progress and, hopefully, the academic success of English language learners.

The CHAIRMAN. Does any Member wish to debate the amendments?

The question is on the amendments offered by the gentleman from California (Mr. RIGGS).

The amendments were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, pursuant to the rule, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HAYWORTH:

Page 30, after line 10, insert the following (and redesignate any subsequent sections accordingly):

"SEC. 7406. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.".

Mr. HAYWORTH. Mr. Chairman, my amendment simply clarifies that nothing in this bill will limit the preservation or the use of Native American or Native Alaskan languages.

As many Members of this body know, nearly one in four of my constituents are Native American. I represent eight tribes, including the largest sovereign tribe, the great Navajo Nation. Through constitutional and treaty obligations, Native Americans are guaranteed certain rights and protections, and I can think of no more important protection than the preservation of the languages and cultures of the first Americans.

While it is important that every American learn English to succeed, it is also important that we ensure that native languages and cultures continue to thrive. Indeed, these unique cultures provide a deeper understanding of our country's history. It is also important that we preserve these languages because, unlike immigrants who came to our country by choice or circumstance, Native Americans have always inhabited the land we now call the United States of America.

Mr. Chairman, my point is simple: Native American languages are an important part of our country's heritage and must be protected and preserved. My amendment ensures that these indigenous languages will not be affected by this legislation.

Mr. Chairman, I would like to thank the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce, my friend, the gentleman from California (Mr. RIGGS), for his support of my amendment. As vice chair of the Native American Caucus, I know he is deeply concerned about Native American issues.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman. I thank the gentleman for yielding. I have a very great concern about the whole area of native languages, and I commend the gentleman for offering this amendment.

We have immersion programs where young children are encouraged to use the Native American language, which in our case is Native Hawaiians. We have special provisions in this legislation that have an acceptance of our unique situation, both Native Hawaiian and Native Alaskans. But I am also advised by counsel that that notwithstanding these special provisions that have been included for Native Hawaiians and Native Alaskans, that we are bound under the 2-year limit, which would completely nullify the whole idea which we are starting in Hawaii, which is to have an immersion program which permits, or encourages the revitalization of our native culture through language.

So I have a question to ask the chairman of the subcommittee as to whether the interpretation of the amendment offered by the gentleman from Arizona would mean that the 2-year limit would not apply to the Native American concerns that the offeror of the amendment has just suggested. Because that would be key to the continuance of our program and extremely vital to the survival of this whole idea of a Native American language preservation concept which we have adopted.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Arizona for yielding and also rise in support of his amendment.

With respect to the gentlewoman's inquiry, first of all, the funding limitation again is 3 years, not 2 years; 2 years is the goal, 3 years is the funding level.

Mrs. MINK of Hawaii. The length of time a child could be in a program is a 2-year limit under the gentleman's bill.

Mr. RIGGS. No, it is actually 3 years, the funding limitation. And I attempted to clarify that earlier and will be happy to refer the gentlewoman to that provision of the bill.

That said, I think the gentleman's amendment is extremely straightforward. It is very short: "Nothing in this act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or the Alaskan Native Languages," which I understand may also address the concern of our colleague, the gentleman from Alaska (Mr. YOUNG).

And it was never the intent of this legislation to prevent the preservation or use of the Alaska Native or Native American languages. It is the intent of the legislation to ensure individuals living in the United States have a fluid command of the English language so that they may do well in school and in later adult life. And I know the gentlewoman supports that goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, pursuant to the rule, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 13, after line 18, insert the following:

"(E) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

Page 13, line 19, strike "(E)" and insert "(F)".

Page 25, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(4) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services."

Mr. SMITH of Michigan. Mr. Chairman, the amendment I am offering today would allow funds under this act to be used for family literacy services. The objective is to provide more cooperation and partnership between parent and child.

In other programs, such as the Bilingual Education Act, funds are permitted to be used for both the children and their parents. I believe H.R. 3892 will be even more effective in helping our Nation's English language learners if we allow local communities to use these funds for family literacy services. Oftentimes, both English language learners and their parents are in need of assistance in obtaining the English language skills they need for success. Family literacy programs have already provided successful results with immigrant populations and their families of limited English proficiency.

While in Michigan, in the Michigan Senate in the 1980's, I started a program called Home Instruction Program for Preschool Youth. That program worked with parents and helped them work with their children for at-risk families. The results of that program were exceptionally encouraging because not only were the youth, when they went to school, much more successful compared to a test group of those students that had not had those services, but the parents themselves increased their reading proficiency by 200 and 300 percent and went on to finish school.

Over the years, we have accumulated a great deal of evidence that working with children and their parents at the same time is a highly successful method of helping families improve their skills. Now, at the same time, these programs provide parents with the assistance they need to make sure that their child's success is going to be most successful because they are that child's most important teachers. These programs do empower parents.

In addition, family literacy programs provide parents and children with time to interact for the purpose of enhancing the child's learning and developing a relationship of reciprocal learning and teaching.

Mr. Chairman, my amendment also includes a definition of family literacy that is consistent with the recently passed Adult Education and Family Literacy Act, which was part of the Workforce Investment Act of 1998. If my colleagues will allow me to define the way I have defined family literacy in this act, (a) consistent with the Workforce Investment Act, it is that parents and children work together; (b) equipping parents to partner with their children in learning; (c) parent literacy training, including training that contributes to economic self-sufficiency; and (d) appropriate instruction for children of parents receiving parent literacy services.

Mr. Chairman, family literacy programs provide valuable literacy service to our Nation's families, and I encourage my colleagues to adopt this amendment and allow funds under this act to be used for these effective programs.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. CLAY. I thank the gentleman for yielding, and I would like to inform him that we have no objections to the amendment on this side.

I would like to point out that, once again, here we are amending a bill that was hastily drafted, with no input, no bipartisan input whatsoever. Because all of this could have been corrected had we had an opportunity to give out views. We had a hearing on the bill, but the witnesses were eight-to-one picked by the gentleman's side, only one by our side, and then there was even no cooperation at the staff level.

So I think that we support what the gentleman is doing because it is present law. It was taken out by this bill.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I appreciate the comments from the gentleman from Missouri, and if I can be a surrogate in helping him improve the bill, I am glad to do that.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I support the gentleman's amendment. I think it is a good one. But I want to clear something up, because several times it has been debated here, or one side suggested it is a 2-year limit and the other side suggested there is a 3-year. Let me say that it is a very confusing thing in the bill because in a State plan it is required for a grant.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by Mr. SMITH. As the father of the Even Start Family Literacy Program, I know the power of family literacy programs.

It has been demonstrated over and over again that efforts to assist families with literacy problems are more successful when they work with children and their parents at the same time. Parents participate longer than they would in normal adult education classes and children receive the extra assistance they need to make sure they are ready to enter school or to overcome any difficulties they may currently be experiencing in school.

These programs have been proven to be effective in families where children and their parents are of limited English proficiency. In fact, many Even Start programs successfully work with immigrant families, migrant families, and other families of limited English proficiency.

I want to thank Congressman SMITH for his strong support of family literacy programs. His efforts to improve the quality of such programs in meeting the literacy needs of families should not go unnoticed.

I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to H.R. 3892. This bill represents bad education policy because it hurts limited-English-proficient students by placing an arbitrary time limit on services without regard to the individual needs of the student.

In addition to our discussions about the education policy involved, we should also discuss the bill's impact on fundamental civil rights protections for LEP students. This bill seeks to void all voluntary compliance agreements between the Federal Office for Civil Rights and the school districts that protect the meaningful access to effective education programs.

Now, let us remember that the Office for Civil Rights in the Department of Education is charged with the responsibility of ensuring that school districts provide LEP students with an equal educational opportunity in compliance with Title VI of the Civil Rights Act of 1964 and the U.S. Supreme Court's 1974 ruling in Lau v. Nichols.

Often, when a district is found to be in violation of the law, school districts and the Office of Civil Rights enter into compliance agreements. Those agreements reduce litigation expenses needed to ensure compliance with the law, and in addition, they ensure the schools will be protected from other lawsuits by parents, students and the Department of Justice.

☐ 1630

They even protect the schools from additional administrative enforcement provisions by the Office of Civil Rights. But by seeking to void all 276 compliance agreements, we will leave school districts vulnerable to a barrage of lawsuits by private individuals and the Department of Justice and subject them to other means of enforcement actions by the Office of Civil Rights.

Perhaps what is most egregious about voiding the existing agreements is that we will be doing nothing, absolutely nothing, to address the underlying violations of the school districts affected.

Now, let us not pretend that those violations will simply disappear because we have eliminated the compliance agreement. OCR will still have the responsibility to ensure that those school districts are taking appropriate steps to be in compliance with the law.

Mr. Chairman, let me close by citing the bipartisan U.S. Civil Rights Commission in 1997, when they said that "The OCR's current policy does not disturb the traditional State and local autonomy and flexibility in fashioning education programs to assist students with limited English proficiency in addressing their language barriers. Schools remain free to choose between a wide variety of instructional methodologies and approaches, including bilingual education, English as a second language, and an array of other language assistance programs.

Overall, OCR has shown exemplary restraint in respecting State and local prerogatives in that it has not sought to place limits on State and local discretion by proposing requirements that in any way limit that discretion."

So, Mr. Chairman, this legislation represents not only poor education policy but also poor policy from a legal process perspective; and, therefore, I urge my colleagues to vote no on this legislation.

Mr. RIGGS. Mr. Chairman, I move to strike the last word. I will try to be as brief as possible.

I just, first of all, want to thank the gentleman from Virginia (Mr. SCOTT) for what I think is a good-faith decision on his part to raise this issue for debate but perhaps not to pursue an amendment.

We disagree on, if you will, the origin and the mechanism by which so many of these compliance agreements have come into being. We have heard testimony from a variety of people, including local school board members. We had a particular witness who was galvanized by the clash between the Federal Department of Education Office of Civil Rights in the Denver school district to ultimately run successfully for the local school board. She testified at our hearing.

But we heard from other witnesses as well, a long-time employee of the Office of Civil Rights, that they felt the Office of Civil Rights used coercive tactics to force local school districts into entering into these compliance agreements or else face the alternative of very costly, extensive, and time-consuming litigation.

As we have heard earlier today, during the period between 1975 and 1980, some 500-plus agreements were initiated by the Office of Civil Rights, and today there are 228 in force.

One of the main areas of contention here is that the internal guidelines that the Office of Civil Rights has used in extracting these agreements were developed internally by the Office of Civil Rights staff and have never been open to public comment or scrutiny. And we are proposing to do that now by requiring the department and the office to publish for comment new compliance agreement guidelines, or guidelines for compliance agreements.

There also is confusion because the Office of Civil Rights is currently using at least three internal enforcement memoranda that have never really been subject to proper public scrutiny or congressional oversight.

We feel that there is no basis for OCR's policy of pushing bilingual education as opposed to English as a second language or English immersion as a preferable method of bilingual instruction. The Lau v. Nichols decision in 1974, which the gentleman from Virginia (Mr. SCOTT) as a constitutional lawyer, an expert in this area, is very conversant with, is the basis of OCR's activities in this area.

But while that decision did require school systems enrolling native-language students or native-origin students who were deficient in English to take affirmative steps to open their instructional programs, it did not specify which instructional programs schools should use.

Instead, the Supreme Court deliberately left that up to State and local authorities, again consistent with the whole idea of State and local control in decision-making in public education.

The Lau remedies, as developed by the Office of Civil Rights, required schools to implement transitional bilingual education; and that has become the de facto compliance standard that is still in effect today.

Schools wanting to implement alternatives such as English language immersion are told that they are not acceptable unless they are equally effective as bilingual education. And, again, we think this is a form of coercing schools to accept transitional bilingual education unless they can prove that their preferred method is superior.

The Denver public schools I alluded to earlier refused to accept all of OCR's demands. And as a result, they have been referred to the Federal Department of Justice for litigation. The Department of Justice, on the referral from the Office of Civil Rights, is still pursuing litigation against the San Juan, Utah School District, primarily again because the department does not feel that that district offers the appropriate type of bilingual education.

So we think the OCR staff that negotiated these agreements lacked the proper educational expertise. This is a timely juncture to review these agreements. We need to start over. That is why we are suggesting with this legislation that we vacate the existing agreements and, as a result, we release schools from these compliance agreements and we empower them and provide them with true local control over the type of English language instruction program that they deem is the best and most appropriate for their students.

And I submit to my colleagues, because that is what this legislation all boils down to, we trust local schools and we trust locally elected decisionmakers to do what is right for the children of that community and to act in the best interest of those particular children.

So I appreciate, again, the gentleman from Virginia (Mr. SCOTT) deciding to hold off on his amendment. I hope we have now concluded just about all debate on this.

Mr. Chairman, bilingual education is hurting minority children, keeping them from learning English at an early age, and ultimately slowing their ability to assimilate into mainstream America.

The "English Language Fluency Act" proposes a number of innovative steps to help students with limited English skills attain early fluency. Its cornerstones, parental choice and flexibility for state and local policymakers, are designed so that children are taught English as soon as possible once they enter school. The act allows them to participate in English language instruction programs funded with federal dollars for three years.

As we end our debate on this important issue, I wanted to bring to your attention an important article from the Washington Times on bilingual education by Don Soifer of the Lexington Institute. The essay follows:

[From the Washington Times, July 1, 1998]

AN OBSTACLE TO LEARNING

(By Don Soifer)

Earlier this month, California voters soundly rejected bilingual education. Proposition 227, the "English for the Children Initiative," won widespread support among white and Hispanic voters despite being opposed by President Clinton, all four major candidates for governor, the state's large and powerful teachers' unions and the education bureaucracy. As a result, the state with 1.3 million students classified as "Limited English Proficient" will be teaching them almost entirely in English when the new school year starts this fall.

What impact does the California proposition's stunning victory hold for the rest of the country? California's massive and largely ineffectual bilingual establishment, born of a social experiment 30 years ago, is being dismantled virtually overnight, barring intervention from the courts. But what about the rest of the nation? Bilingual education programs can be found in all 50 states. It would be wrong to assume that the problems of such a widespread approach are limited to California, or the costs.

The Clinton administration sought $387 million in federal spending for bilingual education in its 1999 budget request, a drop in the bucket compared with the estimated $8 billion spent annually by state and local governments prior to the recent vote, according to Linda Chavez of the Center for Equal Opportunity.

But as vastly rooted as bilingual education has become in the nation's schools and with such a troubled record, its real costs are even greater. Children in bilingual programs generally learn English slower, later, and less effectively than their peers. The bilingual approach delays for years the time when students can graduate to "mainstream" classrooms. Many children are in bilingual programs for five to seven years and do not even learn to write English until the fourth or fifth grade.

Furthermore, an article in Education Week pointed out that a number of New York City students in bilingual classrooms actually scored lower on English-proficiency tests at the end of the school year than at the beginning.

Prominent economists Richard Vedder and Lowell Galloway of Ohio University recently studied the costs to the American economy resulting from poor English fluency among immigrants and estimated the costs of lost productivity to be approximately $80 billion annually. How could bilingual education have become so vast and yet so ineffective in the 30 years since its inception? The answer may reside in large part with the fact that those responsible for its administration have lost sight of its initial goals.

Rep. Claude Pepper, a sponsor of the 1967 Bilingual Education Opportunity Act, explained during the discussion on the bill that, "By about third grade, when concepts of reading and language have been firmly established, they (children) will begin the shift to broadened English usage."

The only reason children are segregated out of mainstream classrooms in the first place is because they lack the English skills they need. But much of the bilingual establishment has lost sight of this, often inventing their own goals. A 1995 report by the Office of Bilingual Education of the U.S. Department of Education advises teachers that "maintaining primary language proficiency is a key long-term goal."

The report adds, "To help students overcome the obstacles presented by an English-dominated educational system without losing the resource of fluency in a second language . . . Teachers must be able to recognize the cultural origins of their own behavior and to respond reflectively to students who might be acting under the influence of an alternative, culturally based expectation."

The current movement to end bilingual education began when Hispanic parents in Los Angeles began keeping their children at home in protest because they weren't learning English at school. Those parents and others are far less concerned about an "English-dominated educational system" than they are with simply having their children learn English. Spanish can often be maintained and spoken at home, making intensive English instruction in school that much more important.

Now California has shown the way to removing the obstacles of bilingual education. But for the rest of the country, as long as the diffuse and obscure goals of the education bureaucrats continue to take precedence over parents who just want their children to learn English in school, bilingual education will continue to stand in the way of progress.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

I will not take the 5 minutes. I know we want to wrap this up. But I do want to make a couple of things clear. I wish that we would trust the locals enough to let them determine how long it would take for a young person to be able to master language sufficiently so that they could be academically qualified and learn the rest of their subjects while they are doing it.

But we are not trusting them to do that. We are saying that we know best, that they have got to do it within 2 years. That has been the question here that has come up time after time is whether it is 2 years or not.

But in section 7121, and that is what I want to clarify, in section 7121, the Formula Grants to States, where it outlines the authority for the grants, then subsequently in 1722, the Application by States, the applications they must make for the grants, it starts out and says, "For purposes of section 7121, an application submitted by a State for a grant under such subsection for a fiscal year is in accordance with this section, if the application," understand, "'if the application' contains all these things." And it goes down to (A) and (B) of paragraph 6, and here is what it says.

"Students enrolling in," understand this, that is in the application for the grant that the grant proposal must have this information, "students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students are not mastering the English language after 2 academic years of enrollment." They would not receive funds. Because right before that, in section 6, it says the grant must contain an agreement that the State must "monitor the progress of the student enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs."

In other words, the State would withdraw funding from those programs, and those local school districts in those local communities would withdraw funding from such programs and activities where the students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students not mastering the English language after the second academic year of enrollment.

Now, there becomes a conflict in the bill itself, because in the next section, in the Subgrants to Eligible Entities, it goes on to say, that, yes, in fact, they may. Down in the last paragraph on page (3) it says Maximum Enrollment Period. "An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section."

Well, how do they get to the 3 years if they cut them off at 2 years prior to that by the previous section? And that is where the bone of contention comes in.

My contention is, if they were really interested in kids and how they benefit to the highest degree, they would say, we keep them in these programs as long as is necessary and do what it takes to get these kids up to speed with the rest of their classmates. We are not doing that.

Now, it earlier was said, the other side does not want reform, we want status quo. I have for years wanted reform of the bilingual education program. And in the beginning, where the gentleman from California (Mr. RIGGS) did offer to talk about this and we agreed to disagree on this particular section, it was because it would be fruitless because of the notion that these should be grant programs to the State when right now the programs are receiving the monies directly from the Federal Government.

When the State gets the money, even with this hold-harmless act, we do not know if the same programs that are existing now are going to receive funds because that is up to the State, and the State, not the locals, but the State will determine whether or not those programs get those grants. Therein lies another fallacy in the bill, and that is why I oppose the bill and I urge my colleagues to vote against it.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

The CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MARTINEZ) to the amendment No. 2 offered by the gentleman from California (Mr. RIGGS), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, will be taken on the Riggs amendment, as amended or not by the Martinez amendment.

The vote was taken by electronic device, and there were—ayes 205, noes 208, not voting 21, as follows:

[Roll No. 422]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—208

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—21

Archer
Barcia
Berry
Burr
Ehrlich
Furse
Gephardt
Gonzalez
Hunter
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1705

The Clerk announced the following pair:

On this vote:

Mr. Berry for, with Mr. Scarborough against.

Messrs. BACHUS, KIM, BEREUTER, DAVIS of Virginia and Mrs. KELLY changed their vote from "aye" to "no."

Mrs. McCARTHY of New York and Ms. McKINNEY changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 20, as follows:

[Roll No. 423]

AYES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis.
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes

Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—20

Barcia
Berry
Burr
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1712

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

There being no other amendments, under the rule, the Committee rises.

□ 1715

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 189, not voting 24, as follows:

[Roll No. 424]

AYES—221

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)

Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—24

Barcia
Berry
Burr
Davis (VA)
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E.B.
Kaptur
Kennelly
McCrery
McGovern
Nussle
Poshard
Pryce (OH)
Scarborough
Schumer
Smith (TX)
Tauzin
Towns
Wise
Young (AK)

□ 1731

The Clerk announced the following pairs:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

Mr. Ehrlich for, with Mr. McGovern against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on H.R. 3892, the English Language Fluency Act. Had I been present, I would have voted "nay" on final passage on this measure. In addition, I would have voted "nay" on both the Martinez and Riggs Amendments to H.R. 3892.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, during today's proceedings, I was inadvertently absent from the Chamber during two votes. Had I been present, I would have voted "No" on both Rollcall votes 423 and 424.

COMMUNICATION FROM THE HONORABLE TED STRICKLAND, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable TED STRICKLAND, Member of Congress:

AUGUST 6, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Shannon Jones, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania* v. *Barger*.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SHANNON JONES.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 3892, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF HON. JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Susan Gurekovich, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of Commonwealth of Pennsylvania v. Barger.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SUSAN GUREKOVICH.

COMMUNICATION FROM STAFF MEMBER OF HON. FRANK D. RIGGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Rhonnda Pellegrini, staff member of the Honorable FRANK D. RIGGS, Member of Congress:

AUGUST 17, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the United States

District Court for the Northern District of California in the case of Headwaters v. County of Humboldt, No. C-97-3989-VRW.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House and, therefore, that I should comply with the subpoena.

Sincerely,

RHONNDA PELLEGRINI.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MINGE. Mr. Speaker, I ask unanimous consent that I be allowed to speak in the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WHERE IS THE BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, it is now September 10, and we still do not have a budget resolution which is available to guide this body or Congress in the allocation of our Nation's resources. That budget resolution was due April 15. We are now approaching 5 months, 5 months overdue, and the question is how can we responsibly make decisions in the appropriations process? How can we plan to use what might possibly be a surplus, even if we back out what we are borrowing from the Social Security trust fund here in this 1997–1998 fiscal year and the next fiscal year? How can we responsibly determine what our Nation's priorities are when we are proceeding on an ad hoc basis?

Mr. Speaker, we have proceeded under the Budget Act for many years, and to the best of my knowledge this is the first time. Mr. Speaker, the question is how can we responsibly proceed when we are almost 5 months past the due date for a budget resolution?

I think that this is a tragic situation. It is a situation that cries out for action. It cries out for leadership.

Several of us have been active in what is known as the Blue Dog Coalition. We introduced a budget. We attempted to have that budget made in order so that it could be debated on this floor so that we could vote on this budget. We were denied that opportunity.

We were told that there was a good budget that was coming to the floor. Vote for the good budget. Where is the good budget? It is like where is the beef?

We do not have a conference committee that is appointed that is proceeding to reconcile House and Senate budgets. Instead, we are just sort of free-lancing. The House does a budget resolution, the Senate does a budget resolution, but never the twain shall meet.

Mr. Speaker, I urge that the leadership, both in this body and the body at the other end of the building, promptly act to have a conference committee empaneled and direct that conference committee to reconcile the differences between the House and the Senate budget resolutions so that we indeed do have a road map, so that we are acting responsibly.

Mr. Speaker, I urge at the same time that we recognize that we have a number one duty and obligation to not just the seniors in this country, but to children, to grandchildren, to plan for how we responsibly adjust the Social Security program so it is financially secure for the indefinite future.

We cannot do that unless we have a responsible budget resolution that is in place that recognizes the primacy of our obligation to make this Social Security trust fund one that is both inviolate and one that is secure and financially stable.

We are being tempted weekly, if not daily, with appropriations bills that can do all types of wonderful things for many important causes, individuals, communities across our country. We are deeming that the 1997 budget levels and 1998 budget levels are appropriate for 1999. This may be a way to finesse the question of how we deal with the budget, but it is not a responsible way to deal with the budget.

I know that if this were 5 years ago and my friends on the other side of the aisle were faced with this condition where the leadership on this side of the aisle had not brought a budget resolution home, they would rightfully criticize us for being irresponsible in that respect. I think that we should have a parallel recognition of the responsibility of our leadership in this body to forthrightly make sure that we have a budget resolution and, hopefully, if we do that we can avoid some of the turmoil that could well occur at the end of this month without the guidance of a budget resolution and the prospect of continuing resolutions, vetoes of appropriations bills, and worst of all, a shutdown of the Federal Government.

We cannot afford that. I urge that a budget resolution be forthwith considered on the floor of this House that has been approved by a conference committee.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 218

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WORLDWIDE FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the largest of all bubbles is now bursting. This is a worldwide phenomenon starting originally in Japan 9 years ago, spreading to East Asia last year, and now significantly affecting U.S. markets.

All financial bubbles are currency driven. When central banks generously create credit out of thin air speculation, debt, and malinvestment result. Early on the stimulative effect is welcomed and applauded as the boom part of the cycle progresses. But illusions of wealth brought about by artificial wealth creation end when the predictable correction arrives. Then we see the panic and disappointment as wealth is wiped off the books.

These events only occur when governments and central banks are given arbitrary authority to create money and credit out of thin air. Paper money systems are notoriously unstable; and the longer they last, the more vulnerable they are to sudden and sharp downturns.

All countries of the world have participated in this massive inflationary bubble with the dollar leading the way. Being a political and economic powerhouse, U.S. policy and the dollar has had a major influence throughout the world and, in many ways, has been the engine of inflation driving world financial markets for years.

But economic law dictates that adjustments will be made for all the bad investment decisions based on erroneous information about interest rates, the money supply, and savings.

The current system eventually promotes overcapacity and debt that cannot be sustained. The result is a slump, a recession, or even a depression. When the government makes an effort to prevent a swift, sharp correction, the agony of liquidation is prolonged and deepened. This is what is happening in Japan and other Asian countries today. We made the same mistake in the 1930s.

A crisis brought on by monetary inflation cannot be aborted by more monetary inflation or the IMF bailouts favored by the American taxpayer. It may at times delay the inevitable, but eventually, the market will demand liquidation of the malinvestment, excessive debt, and correction of speculative high prices as we have seen in the financial markets.

All this could have been prevented by a sound monetary system, one without a central bank that has monopoly power over money and credit and pursues central economic planning. My concern is profound. The retirement and savings of millions of Americans are jeopardized. Economic growth could be reversed sharply and quickly as it already has in the Asian countries. Budget numbers will need to be sharply revised.

The Federal Reserve hints at lower interest rates which means more easy credit. This may be construed as a positive for the market, but it only perpetuates a flawed monetary system.

Protecting the dollar is our job here in the Congress, and we are not paying much attention. Although turmoil elsewhere in the world has given a recent boost to the dollar, signs are appearing that the dollar, unbacked by anything of real value, is vulnerable. Setting a standard for the dollar with real value behind it can restore trust to the system and will become crucial in solving our problems, soon to become more apparent.

The sooner we understand the nature of the problem and start serious discussions on how to restore soundness to our money the sooner we can secure the savings, investments, and retirements of all Americans.

FARM CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, in the next several weeks, we in this body will consider the fate of our Nation's President. This undertaking will be balanced with our continued efforts to do the people's business on this floor. It is imperative that we do not lose site of this as we enter the waning days of the 105th Congress.

I have come to the floor this evening, not to discuss the White House crisis, but to discuss the agricultural crisis plaguing rural America. Today will be the first of a series of floor appearances that I plan on making to try and educate my colleagues on the severity of the crisis now facing our Nation's producers.

As a cow/calf operator from western Oklahoma, I can tell you firsthand that the crisis in the country is real. Our producers are plagued by weak grain prices, drought, bugs, wildfire, and dwindling forage and hay supplies. Good farmers, good farmers are losing equity and millions of dollars are being lost to our economy.

The 1996 Farm Bill was a bold step. In farmer's terms, it can be likened to the purchase of a new farm truck. We expect it to be reliable and dependable. It should have all of the tools to get us through the harvest, and it must be flexible enough to allow us to use our ingenuity to conquer unexpected tasks.

In these trying times, I believe it is time to assess whether the farm bill is running right. There are those who would advocate trading the whole thing in for an older model that did not run all that well in the years gone by. I do not think this is the proper route to take. We must diagnose the problem and fine tune the farm bill to make it better.

In mid July, the presidents of Oklahoma's major farm groups came to Washington to ask our delegation to come up with short-term and long-term steps to help producers.

I asked this group what the number one need was for Oklahoma producers. The number one answer was a quick infusion of cash in producers' hands to help them put in a crop this fall.

In response, we passed legislation to speed up the disbursement of $5.5 billion in 1999 market transition payments. This is a good but limited step that must be built upon.

Mr. Speaker, the farmers of this country have been hit by what could be likened to the 7 plagues of Egypt: drought, bugs, fire disease, the Asian financial crisis, and low prices. Any one of these is bad, and right now we are being hit by all seven.

Over the next several weeks, it is imperative that we in Congress work with the USDA to develop a package of relief for our Nation's producers.

This is a must pass issue. We cannot close this session of Congress without responding in some fashion.

AMERICAN PEOPLE ON THE SIDE OF FREEDOM AND DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the crisis that we are now facing here in the Nation's Capital is unfortunately obstructing the view of a historic struggle that is now going on in southeast Asia and China.

So I believed tonight to be the night that I should, instead of getting up and talking about some of the problems and some of the crises and challenges we face here, point to this historic event that is taking place in Southeast Asia so people will understand that, yes, the forces of democracy are on the move, and there are positive things happening around the world as well as some things that may cause us great concern.

Asia is at a turning point. Asia will have tyranny and deprivation in the long run, or it will have democracy and free markets. The people in various countries in Southeast Asia and also in China understand that they are at this turning point, and the choices that are being made today will impact on their countries and on this planet for decades to come.

We can be grateful here in the United States that what we believe in, a democratic government, free enterprise, individual rights, are the type of ideals that are inspiring young people and are inspiring those folks who would change their systems in Southeast Asia.

Although those folks are up against some incredible odds, people in various countries are showing admirable courage as we speak and as we meet. They are confronting dictatorship and cronyism in their countries and putting their lives on the line by doing it.

In Indonesia, for example, young people are still in the streets, still facing off with the power structure. And Soeharto himself, the dictator, at long last may be gone, a man whose family looted that country of tens of billions of dollars, he may be gone, but his power structure remains, and the young people of that country are trying to eliminate cronyism and establish democracy for that country.

In Cambodia, ordinary people, street vendors, taxi cab drivers, Buddhist monks, people of every stripe and from every walk of life are joining together to sit in front of the American embassy and also in the town square, reminiscent of what happened in the Philippines under Marcos, and telling the dictator Hun Sen, a man who was a trigger man for Pol Pot that he will not rob them of their free elections.

This confrontation in Cambodia should have the attention of every freedom-loving person in the world, especially here in the United States. The United States stands with the people who are struggling for democracy in Cambodia, and they should understand that we are on the side of the people, democracy, and free enterprise, and we are opposed to Hun Sen and crooked elections and the use of force and violence.

These young people in Cambodia are admirable. These Buddhist monks are people who deserve our admiration and deserve our applause.

Similarly, in Burma, Aung San Suu Kyi and her democratic movement is at long last standing up to the SLORC dictatorship.

Both in Cambodia and in Burma, those ruthless gangsters who run those countries who are tied in with drug lords and have made international deals with the Communist Chinese should understand that, if they commit murders in order to maintain their power, if Aung San Suu Kyi is hurt or hundreds of people are murdered in Cambodia, those individuals in those governments, like Mr. Hun Sen and the military leaders in Burma, will be held accountable, and they will be treated as war criminals in the United States and the other democracies.

Because the struggle for freedom in Southeast Asia is reaching a crescendo, the Burmese people could free themselves. The people of Cambodia, if they remain courageous, could free themselves from Hun Sen and his dictatorship and his iron-fisted rule.

The United States, those of us in Congress, while we are going through our own crisis at home, have not lost site of our ideals. And as we speak, we should send a message to the people in Southeast Asia struggling for freedom and the people in China struggling for freedom we are on their side. Have courage. The American people will not let you down. We are on the side of freedom and democracy and opposed to dictatorship just like you.

QUALIFICATIONS FOR SITTING IN JUDGMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take the floor tonight because I think it is very important that a Member of this body speak out with respect to some of the inferences or suggestions that have been made that are in a way somewhat related, although I would suggest very immaterial and extraneous, to the allegations that have been made against the President.

I do not think that any Member of Congress could possibly relish the tremendous responsibility of potentially sitting in judgment on the President of the United States, but it appears in the coming days, the coming weeks, the coming months that will be the case with this Congress and potentially the next Congress.

As each of us struggles to uphold our constitutional responsibility to define what constitutes a high crime and misdemeanor and to decide whether or not the material, the evidence amassed in the independent counsel's report to the House which presumably will be made public tomorrow, constitutes impeachable offenses.

□ 1800

But the reason I wanted to stand up and speak tonight on this particular issue is because I noticed, I have noticed in recent days, and with increasing concern, that there are Members of this body that would endeavor to lower the very solemn and dignified tone that I think is necessary to have a debate on these momentous issues by inferring that "everyone does it".

Everyone does not do it. I am here tonight to flatly say that most Members of Congress take very seriously the responsibilities of their office, and are honorable, decent men and women who also take very seriously their marital vows.

What caught my eye was a remark made by Tim Russert, the Washington Bureau Chief for the NBC News Network, when he said, a lot of Congress people I have talked to over the last few days are talking about the MAD doctrine, M-A-D doctrine, mutual assured destruction, and they do not want any part of this.

Now, Mr. Russert goes on to quote the gentleman from Michigan (Mr. JOHN CONYERS), the ranking member of the Committee on the Judiciary and the principal member of the minority party who will be involved in the deliberations at the committee level over the independent counsel's report. Tim Russert quotes the gentleman from Michigan as saying, in effect, that if every Member who has lied about his or her sex life had to recuse themselves from voting on the President, they would not have a quorum.

Well, I think that completely misses the point. This is not just about sex or a sexual relationship, it is all about potential, and I underscore potential, perjury and obstruction of justice. It is about 7 months of concealing the truth from prosecutors and the American people.

But I take real offense at the suggestion implicit in the statement of the gentleman from Michigan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise the gentleman from California (Mr. RIGGS) that he should not allude to charges against the President.

Mr. RIGGS. I will do that.

As I was saying, though, I think someone has to challenge the statement of the gentleman from Michigan (Mr. CONYERS). Everyone does not do it. And for him to suggest that, I believe, is degrading and insulting.

And the point, again, that I wanted to make here on the floor tonight is that most of us recognize that we have to be exemplary in our personal lives; that our personal lives are, to a very large extent, simply an extension of our public lives and the public offices that we hold. We realize that we are in the public eye, that we are highly visible, and that we have to, to the extent humanly possible, by our every word and action, try to uphold the trust that has been placed in us. We realize that the office that we hold carries with it a very special responsibility to be a role model and to be a moral exemplar for the people of our country, our constituents, and especially our children.

So, again, I simply wanted to take the floor tonight to encourage my colleagues not to make suggestions that "everyone does it," and to remind Members, as well as our constituents, that most Members of Congress, again, take very seriously the responsibilities of their office and seek at all times to honor their marital vows as well.

JOB CORPS: ONE OF THE MOST WASTEFUL, LEAST EFFECTIVE PROGRAMS IN FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in a few days we will be asked to vote for the annual Labor-HHS appropriations bill. I have voted for this bill every year because it contains some very good programs. However, one of its programs has become one of the most wasteful and inefficient in the entire Federal Government and should either do much, much better or be abolished. Yet this agency, because on the surface it appears to be one for young people, seems to believe it should be immune from criticism and simply get one increase after another.

I am speaking of the Job Corps. Today, it costs over $26,000 per year per Job Corps student, according to the GAO. We could give each Job Corps student an allowance of $1,000 a month, send them to some expensive private school and still save money. If we did, these young people would probably think they had gone to heaven or hit some type of lottery. These Job Corps students would probably be shocked if we told them we were spending $26,000 per year on them, because the people who get the big bucks out of this are the fat cat contractors and the bureaucrats who run the program.

Programs like the Job Corps are really, in the end, harmful to young people, because they just take more money from parents and children and give it instead to bureaucrats and contractors. And we are not talking about small change here. This year's proposed appropriation is $1.246 billion, an increase of $61 million over last year, $1.246 billion for one of the most wasteful, least effective programs in the entire Federal Government.

According to a 1995 GAO report, the Job Corps is the most expensive program that the Labor Department administers, spending on average four times as much per student as the JTPA. In fact, the Workforce and Career Development Act of 1996, which passed the House by a vote of 345 to 79, included report language calling for five Job Corps centers to be closed by September 30, 1997, and five more to be closed by September of 2000.

Yet the number of Job Corps centers has actually gone up since 1996 from 112 to 118. This is because the Federal bureaucracy really tries in every way possible to do what it wants regardless of what the majority of the Congress votes for. This might be all right if the Federal bureaucracy did not waste so much money, but the taxpayers are really being ripped off by many Federal programs and especially this wasteful Job Corps program.

The GAO reported in testimony before the Committee on Government Reform and Oversight this past July 29 that only 14 percent of program participants completed the requirements of their vocational training. An earlier report found that only 4 percent end up in jobs for which they were trained, unless one does, as the Job Corps has at times done, and grossly distorts and exaggerates the figures and counts as a success about any former student who has gotten any type of job.

The GAO found that the Department of Labor considered a student to have obtained a job which matched their training if a student was trained as a heavy equipment operator, but got a job as a ticket seller. The Department of Labor also considered it a match if a student was trained as an auto mechanic and obtained a job attaching wristbands to watches.

Mr. Speaker, the Job Corps itself admits that the average length of stay of a Job Corps student is only 6 months. Mark Wilson of the Heritage Foundation has pointed out that it costs more to send someone to the Job Corps for 1 year than to a regular public school for 4 years. It now costs more for a student to go to the Job Corps for 1 year than to go to Yale, Vanderbilt, Emory, and many other of the most expensive and finest colleges and universities in the Nation.

So I repeat, Mr. Speaker, $26,000 per year per Job Corps student is simply too much, especially since it is producing such extremely poor results. As I said a moment ago, we could give each Job Corps student a $1,000 a month allowance, send them to some expensive private school, and still save money, and these students would just not believe it. And yet we are giving this money to fat cat government contractors and bureaucrats, who are the real beneficiaries of this program.

We should really do something good for the students and the young people of this country by doing away with the Job Corps program or cutting back drastically on it. And yet, because there are 118 Job Corps centers around the country, I know that that cannot be done unless we start the education process and let people know how poor and wasteful this program really is. I hope we can at least start the process of doing that tonight.

LOW PRICES ARE WRECKING AGRICULTURAL ECONOMY IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this evening I would like to just very briefly discuss with fellow Members some of the things I discovered while traveling in my State of South Dakota over the August recess. It seemed like every place I went in the State, whether it was in the southeastern corner, where we grow corn and soybeans; or whether it was in the wheat producing section, the middle of our State; or whether it was in the ranching area, in western South Dakota, from which I come, the message was the same over and over and over: Low prices are wrecking the agricultural economy in our State and across this country.

It did not matter where I went or what the subject was. We had meetings on Social Security, we had meetings on other subjects through the August recess, but the focus shifted back to the same subject, and that is that low prices are strangling our agricultural producers in South Dakota.

We do have an economic disaster in our State. When we look at where prices are today versus where they have been, the prices are at the lowest levels that we have seen, historically low levels both when it comes to grains and livestock. Fat cattle trading below $60 a head, or a hundredweight, and hogs trading down in the quarter range per pound.

So we have got just a tremendous problem out there, and it has been complicated this year by a number of factors. And, frankly, I do not think anybody knows that there is a silver bullet that will be one solution that will solve this problem. There are a number of things. We have had a collapse in Asia, the economy there. We have economic problems around the world, from South Korea, to Indonesia, to Thailand, to Malaysia, and that continues to dampen the demand for our agricultural products. And those are some of our biggest trading partners.

Those are things we do not have a lot of control over. To the degree we do, we need to address it by bringing on additional funding for the International Monetary Fund so that we can help stabilize those parts of the world that serve as the biggest customers, the biggest markets for agricultural products.

The other thing we heard over and over and over again is that our people are frustrated. They are disgusted by the fact that we are seeing these trade agreements trampled on that we have agreed to, the issue with Canada in particular and the dumping of wheat. We have seen the laundering of cattle coming in from Australia through Mexico and into our country, and producers are frustrated that the trade agreements that are there, the sanctions that are there, the remedies that are there are not being utilized by our government. I think we have a responsibility to address this.

As a matter of fact, there is a group that has been formed out there called the R-CALF group, which is a group of ranchers who have decided to take matters into their own hands, and they are going to bring legal action against the International Trade Commission because they do not believe it is doing their job. And I happen to agree with them.

I read in the Wall Street Journal the other day a story about how we are imposing penalties, sanctions, in effect, on Italy because they are dumping wire rods in America. And we have something that is fundamental to the existence of our country, and that is the food that we produce, and we have Canadian cattle coming in across the border and also coming in through Mexico that are being transshipped or laundered across the border, and it is not being addressed. And they are saying that the frustration they are experiencing is causing them to take matters into their own hands.

I think we have a responsibility as a government to sit down in an honest way and challenge and engage these countries in border-to-border discussions to figure out what to do. Our governor, starting Monday, is going to start stopping Canadian trucks at the border of South Dakota to inspect them. That is what we have had to do. We have forced the States to take matters into their own hands.

So I believe this Congress, before we go home this year, as we look at how we can address the problems of agriculture, needs to get its arms around this issue, needs to address some of the concentration issues, the vertical integration that we are seeing in agriculture that really is taking the lifeblood right out of our small producers.

I also believe that our producers, in visiting with them, are hard-working people. They are people who have a history, a tradition, of the family farm. They have been close to the ground. They have a great work ethic. And they can compete with anybody in the world. We have the best technology. We have the finest farming techniques. But what they cannot compete with is the German taxpayer, the French taxpayer or the British taxpayer. We have countries that continue to subsidize their farm economies, and we do not have a level playing field.

This Congress and our government have a responsibility, I believe, to ensure that our producers, those people who are producing food and fiber for this country, can continue to make a living until we do what we need to do, and that is tear down those barriers around the world that are causing our producers to be on an unlevel playing field and putting them at a distinct disadvantage, on a level they will never be able to compete.

This is a crisis. It is a very, very serious crisis. And we do not have to go far in agricultural country around the various States, and it is not just my State of South Dakota, we are hearing it all over, in Kansas and Oklahoma and others have been on the floor today discussing that. But if our producers are going to be able to make a living and to do what they do best, and that is produce the food that feeds our country, that feeds the world, we have to allow them to do it on a level playing field.

We are going to have a meeting tomorrow in the House Committee on Agriculture to discuss what we can do to respond, but one thing is clear, and that is before we adjourn this Congress, we need to respond to the crisis that is out there in a way that will allow our farmers and ranchers to get their legs under them and get back on their feet and make it through this year and on to a better year. And we need to do the job that we have to do, and that is to continue to expand exports and improve trade so they can compete on a level playing field.

□ 1815

VETERANS OF FOREIGN WARS NATIONAL YOUTH ESSAY COMPETITION

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from New Mexico (Mr. REDMOND) is recognized for 5 minutes.

Mr. REDMOND. Mr. Speaker, I would like to take this time to read the winning essay in the Veterans of Foreign Wars National Youth Essay Competition. It was written by Heather Hull of Los Alamos, New Mexico.

Heather writes about patriotism, and she says:

> Patriotism, to me, is the spirit and soul of a country. It is what keeps a country together not only through war and hardships, but also through victory and triumph. What else could keep a soldier from losing hope in battle, a disheartened country from losing the burning desire to rebuild itself, a nation of divided citizens from dueling each other?
>
> It is patriotism that keeps our love of freedom alive. It is not money or wealth; it is not social acceptance. It is the pure goodwill of every true American that keeps our Nation's dream alive.
>
> Every day we show our patriotism in large and small ways: by proudly saluting the flag, by saying the Pledge of Allegiance, by celebrating the Fourth of July with its bursts of fireworks. Americans show their patriotism when soldiers give their lives serving our country and when citizens cast a vote in support of a candidate whose ideals represent their own.
>
> Behind our many freedoms, including the freedoms of speech and religion, stand all the men and women who, through dedication to their dreams and perseverance, through their struggles, have made so many opportunities ours. Although we may only recognize their sacrifices and suffering on certain holidays such as Memorial Day and Veterans Day, their legacy is all around us every day. In every military cemetery, the gravestones there represent hundreds of other patriots who have served our country and who continue to do so.
>
> To me, patriotism is a kind of heroism. When I saw my face reflected in the shiny granite of the Vietnam Veterans Memorial, The Wall, in Washington D.C., I was reminded of the valor of those whose names are etched there and of the courage of their loved ones.
>
> We Americans have always shown patriotism by honoring our values and by envisioning freedoms for all. To me, patriotism is the optimistic spirit and the deep-rooted soul of our country, the United States of America.

I would like to thank Heather Hull of Los Alamos, New Mexico, for allowing me the honor of reading her essay on patriotism in this time of need for our Nation. Thank you, Heather.

SEEKING SOLUTIONS ON BEHALF OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am pleased to join the gentleman from South Dakota and the gentleman from Oklahoma to talk about what we heard in the farm belt during our August recess.

I used the 4 weeks of August and early September to travel the 66 counties of the First District of Kansas, holding 66 town hall meetings; and at every stop, the primary concern of the folks who came to see their Congressman was the price of farm commodities, the price of oil and gas. Everything that we produce and raise in our State has depressed prices; it has significant impact upon the people of our State, the people of this region, and now the people of the country.

The stories were sad. I can remember the past president of the State Future Farmers of America who has had every intention of returning to the family farm, but now cannot see how that can be done with the current state of agricultural economics. We need that next generation to be able to afford the ability to return to the family farm and to provide food and fiber to this country.

I can envision at the other end the senior citizen, the senior farmer, the wife, the spouse who comes with tears and a choked voice to say, "Congressman, what can my husband and I do to keep our family farm? We have fought this fight for over 30 years and we cannot afford to do so any longer."

And I think it is accurate to say that many farmers who have fought the fight in the past will decide that they no longer can afford to do so, and as a result, we will see more farms on the market, we will see larger farms, we will see fewer family farms, and we will see great difficulties in rural communities across the State of Kansas and across the country.

This has significant impact on not just farmers and ranchers, but on all Kansans and upon all Americans. In my State alone, revenue from the wheat crop and the tremendous harvest we have had 2 years in a row, this is not because of lack of production but this is because of a dramatic decline in the price of foreign commodities. In Kansas alone we see $750 million less in revenue to farmers as a result of the price of wheat, $190 million less in revenue to farmers in Kansas because of the reduction in the price of corn, a $290 million reduction in the State of Kansas to family farmers because of reduction in the grain sorghum price.

Soybeans reduce farm income another $250 million in the State of Kansas. And cattle revenues are down over $400 million this year alone.

And when we add that to the oil and gas economy of my State, another reduction of $260 million, we are talking about a reduction in farm and rural income of more than $2 billion in 1 year alone.

Mr. Speaker, these issues matter to the survival of not only the farmer but the small towns of the State of Kansas. It is a story to be told by the grocery store clerk, by the car dealer, by the implement dealer. All of us are impacted, and ultimately we pay a tremendous price as Americans in our food supplies.

So tonight I rise to ask for assistance from my urban colleagues, from my colleagues from other rural States, from Republicans and Democrats, to see if in the remaining days of the 1998 session of Congress, if we cannot come together to seek solutions, to preserve a way of life and to fight on behalf of the cattleman and the farmer across the United States.

Mr. Speaker, I appreciate the opportunity of raising this issue and joining my colleagues in seeking solutions on behalf of American agriculture.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FARM CRISIS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I want to speak also on this farm crisis.

I represent coastal Georgia, 18 southeast Georgia counties. But to the entire State of Georgia, the farm crisis has been devastating. The coastal area that I represent, Savannah, Brunswick, and Hinesville, often get hit by hurricanes. And when they get hit by hurricanes, it is easy to get FEMA, the Federal Emergency Management Association, to come in, or GEMA, the Georgia

Emergency Management Association, people to come in; because we have visual images, trees that have crashed through the roofs of houses, people who have lost their homes, businesses that are wiped out and then have power shortages for days at a time or refrigeration equipment that closes down and a product that goes rotten. They have boats that have been washed ashore and landed on Main Street.

We have that kind of visual image when a hurricane hits, and so it is a little bit easier to get help. People come in. They send ice. They send chain saws. They send bulldozers. They write checks. The Red Cross comes in, the Salvation Army.

We have been hit by such a crisis, but it is not quite as visible, and it is the farm crisis. We have lost $700 million in crop damage to the State of Georgia alone.

I believe, listening to colleagues from all over the country, Democrats and Republicans alike, that the damage nationally may be as high as $3-, $4-, $5-, potentially $6 billion. It is tremendous. What our farmers in southeast Georgia have told me in a series of farm meetings that I had over the last couple of weeks is that they need, right now, a lifeline. And they do not really want to see Congress get in a big debate about how the lifeline gets to them.

If they are a drowning man and somebody throws them an inner tube, a life preserver, a floating piece of log, anything to cling to is sufficient; and that is what they are. If the relief comes in crop insurance liberalization, if the relief comes in disaster loans, that is fine. Low-interest, no-interest loans, loans with little or flexible collateral; they need it and they need it now.

They need market relief of prices. Prices are lower now than they were 2 years ago. They are cyclical by nature, but they are worse than ever. It seems like their foreign counterparts are heavily subsidized, and they do not have to comply with the EPA standards that we make our farmers comply with in terms of fertilizer and pesticides and herbicides and so forth. And that is fine.

Our farmers are not bellyaching about complying with our environmental and regulatory and labor laws. But what they are saying is, their foreign competitors are not; and then on top of that, they are subsidized. It is very difficult for a Georgia farmer to produce oats to compete against imported oats. And we heard this message over and over again.

We on the Committee on Agriculture on the appropriations side and on the authorizing side, we are trying to work for solutions. We need the Secretary of Agriculture to submit his disaster plan so that we can immediately start working with the Senate and the House Members to try to do something for them.

Putting this in perspective, Mr. Speaker, imagine being a young farmer named Roy Collins. Roy is 35 years old. His farm was started by his grandfather, handed down to him from his mother and dad, and he has been a farmer now for 12 years. And at this point, if we cannot do something, he is wiped out. A third-generation family farmer will be gone forever. He will move off to Atlanta. He will sell real estate. He will go to work for a bank or something. We will lose his talent. We will lose his generation of farmers.

The average age of a farmer in Georgia right now is 56. We cannot afford to skip a generation of farming. It becomes at that point an issue of national security, not just making a good vocation for people. But America does not and should not be dependent on foreign producers for our food.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I just wanted to indicate to the gentleman from Georgia (Mr. KINGSTON) that I have been listening to the very eloquent, I think "plea" is a fair word to say. In other words, that we are trying to get across what the difficulties are not only for the family farmer but for farming in general.

I simply want to say that I believe another speaker had said that there was an appeal being made to individuals who may represent urban areas to understand what the implications are.

AMERICAN FAMILY FARMERS

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, I merely want to indicate that coming, as I do, from a State in which rural and urban constituencies meld into one another in ways that may not always be fully appreciated by the public at large, and representing the urban part of the State of Hawaii, I want to indicate that I am in full sympathy with that and want to express not only to the gentleman from Georgia (Mr. KINGSTON), but to all others who are finding themselves in this circumstance, that those of us who are working with sugar producers in the State of Hawaii fully understand what the implications are from foreign workers who are exploited and being utilized against American workers and against American growers, coming into the picture under adverse circumstances such as the gentleman has just outlined.

And I want to assure my colleague that those of us from urban areas who understand that this is a necessity for an integrated approach on behalf of Americans, both rural and urban, it being necessary not just for their survival, but for the prosperity of the country are in full sympathy with him and want to work with him on it.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to say, from Georgia to Hawaii, we are happy to work for the American family farmer; and at this point, if we do not help them, we will not have a family farmer left.

□ 1830

So we are unified in party and geography on this.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 15 minutes as the designee of the minority leader.

PARLIAMENTARY INQUIRY

Mr. PALLONE. Mr. Speaker, can I just clarify again, is that because it is understood that the other 45 minutes of the hour will be dedicated to the gentleman from Iowa (Mr. GANSKE)?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the prospects of passing a managed care reform bill in the time Congress has left before it adjourns for the year in October. Last evening, I mentioned how over the August break I had many town meetings and outreach programs throughout my district and continually the issue of managed care reform was the number one concern that my constituents had.

I know, having talked to many of my colleagues since we returned this week, that many of them say the same thing; that this is the issue that the average American or that most Americans want this Congress to address before we adjourn in October. Although there is not much time left, I am hopeful that we can reach an agreement with our Republican colleagues and send the President a managed care reform bill that he can sign.

Now, we know that the full House took up the issue of managed care reform before the August recess and the Republican leadership's bill narrowly passed and the bipartisan Patients' Bill of Rights, which I support, unfortunately was narrowly defeated.

I want to stress again how important it is to pass the bipartisan Patients' Bill of Rights or at least something very much like it because of the valuable patient protections that are included therein, such as the return of medical decision-making to patients and health care professionals, not insurance company bureaucrats; access to specialists, including access to pediatrics specialists for children; coverage for emergency room care; the right to talk freely with doctors and nurses about every medical option; an appeals process and real legal accountability for insurance company decisions and, finally, an end to financial incentives for doctors and nurses to limit the care that they provide.

If Congress is going to get a bill to the President that is like the Patients' Bill of Rights, then the Senate must act very swiftly. We passed the Republican leadership bill, which I think was a bad bill, in the House but now it is up to the Senate to pass a strong bill so that we can go to conference and get something to the President's desk that both Houses agree on. The House Republican bill, I would point out, is considerably different from the Senate Republican bill, for one thing, but more importantly both Republican bills fail to address a number of provisions that the President and congressional Democrats believe must be part of any managed care reform legislation.

Just as an example, both the House and Senate Republican bills let HMOs, not health professionals, define medical necessity. They both fail to guarantee access to specialists. They both fail to assure continuity of care and they both weaken the standards for emergency care which needs to be strengthened. Both Republican bills allow financial incentives to jeopardize patient care. They both fail to hold HMOs accountable when the decisions harm patients, and they both are loaded with poison pills. Issues such as medical malpractice reform, expanding medical savings accounts, expanding health insurance pools, whether or not we agree or disagree on these issues, they are just issues that are very controversial that are going to kill the legislation because they take away from the issue of managed care reform.

I just wanted to say this evening, because I want to yield some time to my colleague, the gentleman from Ohio (Mr. STRICKLAND), that the President has already said that he would veto the House bill if it was sent to him in its current form.

In a letter which I have here, and I would like to introduce into the RECORD dated September 1, that the President sent to Senate Majority Leader TRENT LOTT, he reiterates that he would veto a bill that does not address the serious flaws that I have just mentioned in these Republican bills.

The text of the letter is as follows:

[Transmitted from Moscow.]

THE WHITE HOUSE,
WASHINGTON, DC,
September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, Senate,
Washington, DC.

DEAR SENATOR LOTT: Thank you for your letter regarding the patients' bill of rights. I am pleased to reiterate my commitment to working with you—and all Republicans and Democrats in the Congress—to pass long overdue legislation this year.

Since last November, I have called on the Congress to pass a strong, enforceable, and bipartisan patients' bill of rights. During this time, I signed an Executive Memorandum to ensure that the 85 million Americans in federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the nation's call for us to improve the quality of health care American are receiving.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes "poison pill" provisions that have nothing to do with a patient's bill of rights. More specifically, the bill;

Does not cover all health plans and leaves more than 100 million Americans completely unprotected. The provisions in the Senate Republican Leadership bill apply only to self-insured plans. As a consequence, the bill leaves out more than 100 million Americans, including millions of workers in small businesses. This approach contrasts with the bipartisan Kassebaum-Kennedy insurance reform law, which provided a set of basic protections for all Americans.

Let HMOs, not health professionals, define medical necessity. The External appeals process provision in the Senate Republican Leadership bill makes the appeals process meaningless by allowing the HMOs themselves, rather than informed health professionals, to define what services are medically necessary. This loophole will make it very difficult for patients to prevail on appeals to get the treatment doctors believe they need.

Fails to guarantee direct access to specialists. The Senate Republican Leadership proposal fails to ensure that patients with serious health problems have direct access to the specialists they need. We believe that patients with conditions like cancer or heart disease should not be denied access to the doctors they need to treat their conditions.

Fails to protect patients from abrupt changes in care in the middle of treatment. The Senate Republican Leadership bill fails to assure continuity-of-care protections when an employer changes health plans. This deficiency means that, for example, pregnant women or individuals undergoing care for a chronic illness may have their care suddenly altered mid course, potentially causing serious health consequences.

Reverses course on emergency room protections. The Senate Republican Leadership bill backs away from the emergency room protections that Congress implemented in a bipartisan manner for Medicare and Medicaid beneficiaries in the Balanced Budget Act of 1997. The bill includes a watered-down provision that does not require health plans to cover patients who go to an emergency room outside their network and does not ensure coverage for any treatment beyond an initial screening. These provisions put patients at risk for the huge costs associated with critical emergency treatment.

Allows financial incentives to threaten critical patient care. The Senate Republican Leadership bill fails to prohibit secret financial incentives to providers. This would leave patients vulnerable to financial incentives that limit patient care.

Fails to hold health plans accountable when their actions cause patients serious harm. The proposed per-day penalties in the Senate Republican Leadership bill fail to hold health plans accountable when patients suffer serious harm or even death because of a plan's wrongful action. For example, if a health plan improperly denies a lifesaving cancer treatment to a child, it will incur a penalty only for the number of days it takes to reverse its decision; it will not have to pay the family for all the damages the family will suffer as the result of having a child with a now untreatable disease. And because the plan will not pay for all the harm it causes, it will have insufficient incentive to change its health care practices in the future.

Includes a "poison pill" provisions that have nothing to do with a patients' bill of rights. For example, expanding Medical Savings Accounts (MSAs) before studying the current demonstration is premature, at best, and could undermine an already unstable insurance market.

As I have said before, I would veto a bill that does not address these serious flaws. I could not sanction presenting a bill to the American people that is nothing more than an empty promise.

At the same time, as I have repeatedly made clear, I remain fully committed to working with you, as well as the Democratic Leadership, to pass a meaningful patients' bill of rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much needed confidence in their health care system.

Producing a patients' bill of rights that can attract bipartisan support and receive my signature will require a full and open debate on the Senate floor. There must be adequate time and a sufficient number of amendments to ensure that the bill gives patients the basic protections they need and deserve. I am confident that you and Senator Daschle can work out a process that accommodates the scheduling needs of the Senate and allows you to address fully the health care needs of the American public.

Last year, we worked together in a bipartisan manner to pass a balanced budget including historic Medicare reforms and the largest investment in children's health care since the enactment of Medicaid. This year, we have another opportunity to work together to improve health care for millions of Americans.

I urge you to make the patients' bill of rights the first order of business for the Senate. Further delay threatens the ability of the Congress to pass a bill that I can sign into law this year. I stand ready to work with you and Senator Daschle to ensure that patients—not politics—are our first priority.

Sincerely,

BILL CLINTON,
President.

He goes on to say, however, that as he has repeatedly made clear, he remains fully committed to working with the Republicans, as well as the democratic leadership, to pass a meaningful

Patients' Bill of Rights before Congress adjourns. What the President is saying, and I will say again, is that this issue should not be viewed as a partisan issue. That is why I was, and the President states that he was, disappointed by the partisan manner in which the Senate Republican and the House Republican leadership were developed.

We need to have bipartisan support. We cannot have that if the President and the House Democrats are not involved, if you will, in the final bill that goes to the President's desk.

I just want to say that probably the best way that we can illustrate why the flaws that the President and the Democrats have identified in the House and Senate Republican bills need to be addressed is through real life examples. One of the things that we have done many times on the floor of this House, over the last 6 months, is the Democrats and some of our Republican colleagues, like the gentleman from Iowa (Mr. GANSKE), who is going to speak after me tonight, we are yielding the time to him that the Democrats have because we know that he supports this bipartisan Patients' Bill of Rights. In fact, he is the chief sponsor of the bipartisan Patients' Bill of Rights.

The best way that we can illustrate the problems that we have now and how we can correct them with a good bill, like the Patients' Bill of Rights, is by giving some real life examples.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND), who would like to give us some examples of the problems that we face. After that, we are going to have the gentleman from Iowa (Mr. GANSKE) go on and explain why we need real form.

Mr. STRICKLAND. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, it is true that patients in this country are being deprived of essential and necessary health care, oftentimes resulting in their death, because managed care companies are placing profits above the needs of patients. I would like to share with my colleagues two stories, two real-life stories from my district. One involved a long-time friend of mine, and I will use his name, because before his death he gave me permission to talk about his situation on the floor of this House. His name was Jim Bartee.

He was a person younger than I am, someone that I had known for many, many years. Jim grew up in Portsmouth, Ohio. He went to Florida and became a publisher of a small newspaper. He developed leukemia, and he came back home for treatments. While he was in the hospital, getting chemotherapy, he called his managed care case manager and he was talking about his situation.

She said to him, "How are you doing, Jim?"

He said to her, "Well, I am feeling a little sick now because of the chemotherapy."

She said, "Well, if you need a couple of more days in the hospital, I can approve that for you."

He said, "Well, what I really needed to talk with you about was a conversation I had with my doctor this morning." He said, "My doctor came in and told me that I have perhaps as little as 3 weeks to live, and that my only hope for survival may be a bone marrow transplant."

She responded, this managed care case manager responded, by saying, "Oh, we could never get it approved that quickly."

He said to her, "How much would it cost?"

She said, "Probably somewhere in the vicinity of $120,000." She said, "Jim, we just could not get it approved that quickly."

So, my friend, who had been a newspaper publisher, called his newspaper in Florida and told them what his managed care case manager had said to him. They said to him, "Jim, whatever you need, medically, do not worry about the cost. We will make sure it is paid for."

As it turned out, a bone marrow transplant was not indicated, according to his doctor, eventually, and so Jim passed away. I spoke at his funeral. He was one of the bravest, one of the kindest people I have ever known in my life.

I would say to my colleague, the gentleman from New Jersey, my reason for sharing this story is this: No one facing a death threatening medical set of circumstances should be told by an insurance bureaucrat, we cannot approve this treatment in time. That is a decision that ought to be made by a physician and the patient.

I share this story because before Jim Bartee died, he told me that he would like for me to share with others what his experience had been.

Then a second circumstance that occurred in my district was a young man who grew up in one of my counties and went to California to go to college, and he affiliated with a managed care organization out there. He came back home for a visit and went hiking and fell some 80-some feet and damaged his brain, and he has been in a coma ever since.

After the fall, he was immediately taken to surgery in Cincinnati, Ohio, and a few days after surgery the managed care company informed his parents that they would no longer provide medical coverage unless he was in one of their facilities. So the patients allowed this young man to be air transported to California. The mother took a leave of absence. She is a schoolteacher. She took a leave of absence to go to California to be near her son.

The week before Christmas, they contacted my office and they told me the care that he had received there: Lack of physical therapy, his teeth rarely being brushed, his body not being turned every two hours as it needed to be turned in order to keep him from getting bed sores. When they contacted me, they told me that the managed care company told them that his coverage would expire on January 1, and that thereafter they would be responsible for his medical costs.

At that point, they asked if he would be returned to Ohio. They said it is against our company policy. It was not until my office got involved and we literally threatened to make this the Christmas story of 1997 that on Christmas Eve day they finally relinquished and told his parents that they would fly him back to Ohio.

He is now in Ohio in a nursing home and he remains in a coma.

I talked to the father recently, and he said while his son was in California, a large swollen area developed on his skull and that they tried to get the managed care company to have him seen by a specialist, and it was put off and put off and put off until his coverage expired. Once he got back to Ohio and the physician saw him in Ohio, they said, this needs immediate attention.

They discovered that he had an existing serious infection that had been neglected for a long, long time. The father believes that that managed care company refused to evaluate his condition simply because they did not want to bear the cost of the necessary treatment.

These are the things that are happening to my constituents and to real Americans, and every Member of this House, Republican and Democrat alike, should stand together to say, we are no longer going to tolerate American citizens being abused in these kinds of ways. That is why I am really proud of the gentleman from Iowa (Mr. GANSKE).

Many people may not know that the gentleman from Iowa (Mr. GANSKE) is himself a physician. He has joined with some of the rest of us to fight this fight to make sure that patients come first, and that profits, while essential and necessary for any corporation or any business, should not be put first and patient needs put second or third or fourth.

So I am pleased that you have given me the time to talk about my constituents and the problems they have had. I encourage you, my colleague, the gentleman from New Jersey, to continue your fight for all of us.

Mr. PALLONE. Mr. Speaker, we have very little time left, but I want to thank the gentleman from Ohio (Mr. STRICKLAND) for giving us those two examples. All I can say again, and I am sure that the gentleman from Iowa (Mr. GANSKE) will say the same, is that this is happening on a regular basis. These are not isolated instances. We are getting these kinds of problems on a daily basis in our districts, and that is why it is so important that we pass the Patients' Bill of Rights.

□ 1845

MAJOR DIFFERENCES EXIST IN HEALTH CARE LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized for 45 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am glad to join my colleagues this evening to discuss managed care legislation. Yesterday the House returned from the August district work period when Members were scattered across the Nation for the past month, and yesterday Judge Starr delivered his report to Congress. I would hope that we will be able to get some work done in this Congress besides just dealing with the Starr report before we leave for the year.

When Members were back in their districts, they had the opportunity to speak with constituents at countless county and state fairs, town hall meetings and other gatherings, both formal and informal. It was an opportunity for us to communicate what we have done and for the voters to tell us what they would like Congress to do.

I suspect that my colleagues had experiences similar to mine. It was almost impossible to pick up a newspaper or hold a town meeting without hearing another story about how a managed care plan had denied someone lifesaving treatment. No public opinion poll can convey the depth of emotion about this issue as well as movie audiences around the country, who spontaneously clapped and cheered Helen Hunt's obscenity-laced description of her HMO.

Mr. Speaker, I rise today to offer some thoughts on what sorts of meaningful managed care reforms Congress must pass before adjourning for the year. At the end of July, the House approved a Republican bill which was advertised as addressing consumer complaints about HMOs. But, Mr. Speaker, I think an examination of the fine print is in order, particularly when we compare it to the Patients' Bill of Rights, a bipartisan proposal that I and the gentleman from New Jersey (Mr. PALLONE) support, which has been endorsed by close to 200 national groups of patients and providers, including now the Patient Access to Responsible Care Act Coalition, the PARCA coalition, as well.

A year ago, Congress and the President were able to reach agreement on a plan to save Medicare from bankruptcy. Included in that package were several provisions to protect seniors enrolled in Medicare HMOs. One of the most important parts was language to ensure that health plans pay for visits to emergency rooms.

We had heard frequent complaints that health plans were denying payment if the individual was found after the evaluation not to have a serious condition. The best example is a man who experiences crushing chest pain. The American Heart Association says that is a sign of a possible heart attack and urges immediate medical attention. Fortunately, there are other causes of crushing chest pain besides a heart attack. But seniors, whose EKG tests were normal, were then being stuck with a bill for the emergency care, since in retrospect the HMO said, "See, the EKG was normal. You did not need the treatment after all."

Well, the Medicare law that we passed last year took care of that problem by ensuring that plans paid for emergency room services if a "prudent layperson" would have thought a visit to the ER was needed. This prevented the sort of 20-20 hindsight coverage denials that consumers had complained about from their HMOs.

The Patients' Bill of Rights that I support would have extended the same protections to consumers in all HMO's that we passed for senior citizens. Instead, the Republican bill passed by the House contains a watered-down version of the prudent layperson rule.

Last month, the New York Times published an excellent article by their noted health reporter, Robert Pear. In it Mr. Pear outlined just how different the protections in the Republican bill are from those we passed last year for Medicare and Medicaid. A key difference is exactly how much patients will have to pay for emergency care.

The Patients' Bill of Rights, which I and my colleague, the gentleman from New Jersey supported, provides that patients could not be charged more money if they seek care in a non-network emergency room. By contrast, the Republican bill allows the health plan to impose higher costs on those who are so careless as to allow emergencies to befall them in places not close to a network hospital.

Mr. Speaker, consider what this means: HMOs require enrollees to use certain hospitals because the plan has a financial arrangement with those hospitals. But when a young child splits open his head by falling down a flight of stairs, I fail to see that any good is served by requiring that little child to delay timely care until his parents can get him to one of the HMO's emergency rooms.

Consider the case of James Adams, age six months. At 3:30 in the morning his mother, Lamona, found James hot, panting and moaning. His temperature was 104 degrees. Lamona phoned her HMO and was told to take James to the Scottish Rite Medical Center. "That is the only hospital I can send you to," said the HMO nurse.

"How do I get there," Lamona asked? "I don't know," the nurse said. "I am not good at directions." Well, about 20 miles into their ride they passed the Emory Hospital, a renowned pediatric center. They passed two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial, but they did not have permission to stop there.

So they drove on. They had 22 more miles to travel to get to the Scottish Rite Hospital. And while searching for Scottish Rite, James's heart stopped.

When James and Lamona finally got to Scottish Rite, it looked like the little boy would die. But he was a tough little guy, and, despite his cardiac arrest due to the delay in treatment by his HMO, he survived. However, the doctors had to amputate both of his hands and both of his feet because of resulting gangrene. All of this is documented in this book, "Health Against Wealth." As the details of baby James' HMO's methods emerged, the case suggests that the margins of safety in HMOs can be razor thin. In James' case, they were almost fatal, leaving him without hands and without feet for the rest of his life.

Think of the dilemma that places on a mother struggling to make ends meet. In Lamona's situation, under the Republican bill if she rushes her child to the nearest emergency room, she could be at risk for charges that average 50 percent more than what the plan would pay for for in-network care; or she could hope that her child's condition will not worsen as they drive past other hospitals, an additional 20 miles, to get to the nearest ER affiliated with their plan. And woe to any family's fragile financial condition if this emergency occurs while they are visiting relatives in another state.

Mr. Speaker, the other bill, the Patients' Bill of Rights, would ensure that consumers would not have to make that potentially disastrous choice.

A second key difference between the Republican bill and the protections already enacted for Medicare is that the Republican bill does not require any payment for services other than an initial screening. After that, payment must be made only for additional emergency services if "a prudent emergency medical professional" would deem them necessary. Moreover, the GOP bill added a new burden on emergency room doctors, requiring them to certify in writing that such services are needed.

Talk about bureaucracy. Robert Pear's New York Times article quoted John Scott of the American College of Emergency Physicians. Mr. Scott's comments bear repeating, because I think they illuminate the weakness in the Republican bill. "We have more than a century of common law and court decisions interpreting the standard of a prudent layperson, or reasonable man, as it used to be called. But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for HMOs to second-guess the treating physician and to deny payment for emergency services."

Mr. Pear's article also takes a hard look at the difficult issue of medical records privacy and concludes that, "On this issue too, the details have provoked a furor" in the Republican bill. He noted that privacy advocates were amazed to learn that the Republican task force bill authorizes the disclosure of information without an individual's consent for a broad range of purposes, including risk management, quality assessment, disease management, underwriting and more.

The Republican bill considers disclosure for "health care operations" as permissible. This is a term so broad that many critics say it would allow the transfer of patient information to companies marketing new drugs.

Commenting on these flaws in the Republican bill, noted privacy act expert Robert Gellman said the Republican bill "gives the appearance of providing privacy rights, but it may actually take away rights that people have today under state law or common practice."

Mr. Speaker, I will include the entire text of the Robert Pear article for the RECORD at this point.

[From the New York Times, Aug. 4, 1998]

COMMON GROUND ON PATIENT RIGHTS HIDES A CHASM

(By Robert Pear)

WASHINGTON, AUG. 3.—It has been clear that there are major differences to be worked out between the Democratic and Republican bills on patient rights.

But a look at the details of the House Republican plan shows that there are also major differences in important areas on which the two sides had seemed to agree.

The disagreements are illustrated in two areas: emergency medical services and the privacy of patients' medical records.

At first, it appeared that members of Congress agreed that health maintenance organizations should be required to pay for emergency medical care. And they seemed to agree on a standard, promising ready access to emergency care whenever "a prudent lay person" would consider it necessary. After all, that was the standard set by Congress last year for Medicare, the Federal health program for 38 million people who are elderly or disabled.

But the consensus dissolved when emergency physicians read the fine print of the House Republicans' bill, the Patient Protection Act, which was introduced on July 16 by Speaker Newt Gingrich and passed eight days later by a vote of 216 to 210.

Since 1986, the Government has required hospitals to provide emergency care for anyone who needs and requests it. But the question of who should pay for such care has provoked many disputes among insurers, hospitals and patients.

The Democratic bill would require H.M.O.'s and insurance companies to cover emergency services for subscribers, "without the need for any prior authorization," regardless of whether the doctor or hospital was affiliated with the patient's health plan. Emergency services, as defined in the bill, include a medical screening examination to evaluate the patient and any further treatment that may be required to stabilize the patient's condition.

The H.M.O. would have to cover these services if "a prudent lay person, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention" to cause serious harm.

By contrast, the House and Senate Republicans bills would establish a two-step test. An H.M.O. or an insurance company would have to cover the initial screening examination if a prudent lay person would consider it necessary. But the health plan would have to pay for additional emergency services only if "a prudent emergency medical professional" would judge them necessary. And under the House Republican bill, the need for such services must be certified in writing by "an appropriate physician."

Mr. Gingrich said the Republicans' bill would guarantee coverage for "anybody who has a practical layman's feeling that they need emergency care."

But Representative Benjamin L. Cardin, Democrat of Maryland, said the bill "is not going to do what they are advertising."

One reason, Mr. Cardin said, is that the bill was rushed through the House. "There have been no hearings on the Republican bill," he said. "It did not go through any of the committees of jurisdiction for the purpose of markup or to try to get the drafting done correctly."

Under the Democratic bill, H.M.O. patients who receive emergency care outside their health plan—whether in a different city or close to home—may be charged no more than they would have to pay for using a hospital affiliated with the H.M.O. There is no such guarantee in the Republican bills. And the cost to patients could be substantial.

The Congressional Budget Office estimates that the Democratic bill would require H.M.O.'s to pay for emergency room visits in half the cases where they now deny payment. And it says that the charge for emergency care outside the H.M.O. is typically 50 percent higher than at hospitals in the H.M.O. network.

John H. Scott, director of the Washington office of the American College of Emergency Physicians, said the protections for patients were much weaker under the Republican bills than under the Democratic bill or the 1997 Medicare law.

"We have more than a century of common law and court decisions interpreting the standard of a prudent lay person, or reasonable man, as it used to be called," Mr. Scott said. "But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for H.M.O.'s to second-guess the treating physician and to deny payment for emergency services. It would introduce a whole new level of dispute."

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center in Boston, said, "The Republicans performed some unnecessary surgery on the 'prudent lay person' standard, to the point that it's hardly recognizable as the consumer protection we envisioned."

The Senate adjourned on Friday for its summer vacation without debating the legislation, but leaders of both parties said they hoped to take it up in September. Senate Republicans intend to take their bill directly to the floor, bypassing committees, which normally scrutinize the details of legislation.

There was, and still is, plenty of common ground if Republicans and Democrats want to compromise. Both parties' bills would, for example, require H.M.O.'s to establish safeguards to protect the confidentiality of medical records.

But on this issue too, the details have provoked a furor. When privacy advocates read the fine print of the House Republican bill, they were surprised to find a provision that explicitly authorizes the disclosure of information from a person's medical records for the purpose of "health care operations." In the bill, that phrase is broadly defined to include risk assessment, quality assessment, disease management, underwriting, auditing and "coordinating health care."

Moreover, the House Republican bill would override state laws that limit the use or disclosure of medical records for those purposes.

The House Republican bill says patients may inspect and copy their records. But it stipulates that the patients must ordinarily go to the original source—a laboratory, X-ray clinic or pharmacy, for example—rather than to their health plan for such information.

Representative Bill Thomas, the California Republican who is chairman of the Ways and Means Subcommittee on Health, said the bill "prohibits health care providers and health plans from selling individually identifiable patient medical records."

Still, privacy advocates say the bill would allow many uses of personal health care data without the patients' consent.

Robert M. Gellman, an expert on privacy and information policy said: "The House-passed bill gives the appearance of providing privacy rights. But it may actually take away rights that people have today under state law or common practice."

Mr. Speaker, these are but two examples of flaws that may not be apparent on a quick read of the Republican bill, but which become apparent on closer examination. I wish I could say that those are the only two provisions in the House-passed Republican managed care reform bill, which, to borrow from an old TV ad, may taste great, but it is certainly less filling.

I think every Member would agree that the best health care bill is one that allows people to get the services they need, when they need them. Remedies such as internal and external appeals and access to the courts are needed backdrops, but our first goal should be to require that HMOs provide needed care. On that count, there is no comparison between the two bills.

Here is a partial list of protections contained in the Patients' Bill of Rights which are not included in the Republican bill. First and foremost, the Republican bill could actually make the situation worse by creating what are called association health plans, which would be beyond the reach of state regulation.

For years, states have shown themselves able to craft workable consumer protections for health insurance, but thanks to a 25-year-old Federal law known as ERISA, millions of Americans are in health plans that are beyond the reach of state consumer protections.

Instead of giving consumers more control over health care, the Republican bill actually places more people into ERISA regulated health plans. Does this solve our health care problems? Certainly not. Does it add to them by denying people the protections of state law? Definitely.

Instead of improving access to insurance, these proposals would have the exact opposite effect. By exempting multiple employer welfare arrangements, otherwise known as MEWAS, from a range of state insurance regulations, the Republican bill makes it more difficult for states to fund high risk pools and other programs that actually help keep health insurance more affordable.

The National Association of Insurance Commissioners and the National Conference of State Legislatures are concerned that these GOP provisions could "undermine recent efforts undertaken by states to ensure that their small business communities have access to affordable health insurance."

Take a look at this little boy, born with a cleft lip. In many states, HMOs are required to pay for coverage to give this little boy a normal face. But, Mr. Speaker, I would guess that many of my Republican colleagues would be very surprised to learn that because a cleft lip is considered a condition, rather than a disease, plans serving these HealthMarts in the Republican bill would not be required to cover needed treatments for this deformity.

This is not just my interpretation of the Republican bill. The Committee on Commerce staffer who helped draft this provision confirmed to me that HealthMarts would not be bound by state laws to require coverage of cleft lips and pallets and similar birth defects. If the Republican bill becomes law, I think it will be very difficult for Members to explain to parents of a child like this why Congress exempted HealthMarts from that state law protection.

Second, the Republican bill does not help doctors and nurses to serve as advocates for their patients. Both bills ban what are known as gag rules for some health plans that some health plans have used to limit discussions between patients and their health care providers. But the Patients' Bill of Rights recognizes that doctors and nurses need to be advocates for their patients as well. It prevents health plans from taking action against those doctors and nurses for speaking up for their patients at internal and external reviews or for alerting public health authorities to safety concerns.

□ 1900

These protections are not present in the Republican bill, and they should be.

A third key difference between the Republican bill and the bipartisan Patients' Bill of Rights relates to the way in which they deal with drug formularies. For reasons which may have more to do with financial discounts than quality medical care, many health plans have limited their coverage of prescription drugs to those on a formulary. For many conditions and diseases, patients can be given different formulations of a drug, whether brand names or generic, without harm. But that is not always the case. A patient may need a particular formulation of a drug. That is especially true for drugs for which there is a very narrow window between that which works and that which harms, and switching patients from brand name to generic drugs or vice versa can have serious health consequences.

The bill I support, the Patients' Bill of Rights, recognizes that by ensuring that physicians and pharmacists have input into the creation of that plan's, that HMO's formulary. Moreover, the bill ensures that there is a way for patients to get a drug that is not on the formulary if their physician determines that it is medically indicated.

By contrast, the Republican bill merely provides enrollees with information of the extent to which a drug formulary is used, and a description of how the formulary is developed. More specific information as to whether a particular drug is on the formulary is available only to those who ask.

A fourth key difference is that the Patients' Bill of Rights guarantees access to clinical trials, something that the Republican bill does not do. For patients with some diseases, the only hope for a cure lies in cutting edge clinical trials. The Patients' Bill of Rights would allow individuals with serious or life-threatening illnesses for which no standard treatment is effective to participate in clinical trials if participation offers a meaningful potential for significant benefit. This does not require the health plan to pay all of the costs of those clinical trials. In fact, all that the Patients' Bill of Rights requires is that a plan cover the routine costs they would otherwise be required to pay. They are not forced to assume any of the added costs of participation in a clinical trial.

The Republican managed care bill, by contrast, contains no similar protections. That can be a major difference for somebody with a life-threatening illness who would rather use his strength to battle his cancer, not to battle the insurance company for coverage of the clinical trial that might save his life.

A fifth important distinction between the competing proposals is that the Republican proposal does not provide for ongoing access to specialists for chronic conditions. Many chronic conditions, such as multiple sclerosis or arthritis, require routine care from specially trained physicians like neurologists or rheumatologists. It is one thing to ask an enrollee to get a referral for an isolated visit to a specialist, but those with chronic conditions need a standing referral to those specialists, or to be able to designate the specialist as their primary care provider. This protection is not in the Republican bill.

A sixth distinction between the 2 is that the Patients' Bill of Rights does more to ensure that individuals are able to see the doctor of their own choice. Both bills have a point-of-service provision that allows individuals to see health care providers not in their plan's closed panel. But the Republican bill contains a loophole that renders that protection a hollow one for millions of Americans.

Under the Republican bill, a health plan would not have to offer employees a point-of-service option if they could demonstrate that the separate coverage would be more than 1 percent higher than the premium for a closed panel, and this needs only to be a theoretical increase. The bill allows HMOs to provide only actuarial speculation that the costs would increase, and then they are relieved of having to offer employees the option. Perhaps even more amazing is the fact that that exemption is triggered even if employees selecting a point of service option would pay all of the costs of the improved coverage themselves.

Under the Republican bill, employees who are willing to pay the entire added cost for the ability to obtain out-of-network care can be denied access to this benefit if the employer is able to speculate that the costs might be higher. That is the ultimate in paternalism. The bipartisan bill I support, the Patients' Bill of Rights, lets the employees decide for themselves if they want to purchase that enhanced coverage.

A seventh key difference between the 2 bills is that the Patients' Bill of Rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. Medicare regulations very explicitly limit the type of financial arrangements that HMOs can have with providers and protect seniors from providers who may get a financial windfall by delivering less care. That was in the bill that we passed for Medicare. The Patients' Bill of Rights would extend that protection to other HMOs and other health plans, because patients should never have to wonder if their doctor might lose money by giving additional medical services. The Republican bill is silent on that point. It does not even extend that Medicare protection to other Americans.

An eighth key difference exists in the external appeals process. Virtually everyone who has looked at the problems in managed care recognizes the need to ensure a nonbiased, external review of decisions to deny care, and both bills have external appeals provisions, but they differ on key details. The Republican bill does not make external appeals decisions binding on the plan. If an outside body agrees that the plan should pay for care, it is not binding on the HMO. The bill I support, the Patients' Bill of Rights, has a binding external appeal.

An additional and more troubling difference is the scope and conduct of the external review. The Republican bill does not have any provision for the enrollee to participate or to have experts testify on their behalf. The better bill, the Patients' Bill of Rights, ensures that the enrollee has an opportunity to testify and to have witnesses appear on his behalf if he appeals a denial. And this dovetails with an issue that I raised earlier about gag rules and disclosing safety issues to appropriate authorities.

The Patients' Bill of Rights prevents health plans from taking action against providers who advocate for their patients in the grievance and appeals process. There is no similar protection under the Republican bill. But I guess since they are not even guaranteed an opportunity to testify, I suppose they do not need that protection in the first place.

Another distinction in the appeals process is that the Patients' Bill of Rights guarantees a review on the merits by outside experts as to whether a service or treatment is medically necessary. Under the Republican bill, the outside review is limited to determining whether the plan followed its own definition of medical necessity. That is an enormously important point.

During testimony before the Committee on Commerce 2 years ago, a former medical reviewer for an HMO described how health plans can monkey with the definition of "medical necessity" in order to exclude virtually any expensive treatment. She called that medical necessity issue the "smart bomb" of care denials. I think it is exceedingly troubling that the Republican bill would prevent the external appeal from being a real review on the merits. In fact, that limited review could actually preempt more protective State laws.

Finally on the issue of external reviews, the Republican bill actually throws up a hurdle to working families. Under the Republican bill, HMOs can require that enrollees pony up as much as $100 just to obtain the limited external appeal. That could pose an unreasonable burden on many Americans most in need of care and should not be in the legislation.

A ninth key difference in the bills is timing. The Patients' Bill of Rights would have to be considered superior to the Republican bill because its protections are effective immediately. By contrast, the Republican bill delays the effective date until at least January 1, the year 2000, and if the bill is not signed into law until early next year, the protections are not effective until the year 2001.

Finally, the bill I support, the Patients' Bill of Rights, establishes State ombudsmen to help consumers better understand and obtain care from their health plans. They can help prospective enrollees make meaningful comparisons of their options and they can help patients navigate through the plan's utilization review system as well as internal and external appeals.

How important is it to have someone knowledgeable on your side? Well, ask this young woman, Jackie Lee. She fell off a 40-foot cliff while hiking in the Shenandoah mountains. She fractured her pelvis, her skull, her arm; she was airlifted to a nearby hospital for care. After getting first class medical care, she also got a first class runaround from her health plan, from her HMO, who refused to pay her hospital bills. They said she had not phoned ahead for prior authorization. I mean, what was she supposed to do after she fell off this 40-foot cliff, wake up from her coma, pull her cellular phone out of her pocket with her nonbroken arm, phone the HMO on a 1-800 number and say hey, guess what, I just fell off a cliff? I mean, come on. At wit's end, she contacted the Maryland State Insurance Commissioner, and that office was able to help Jackie get the coverage to which she was entitled.

Today this young woman is in an ERISA regulated plan. If the same accident would befall her today, the HMO would be beyond the reach of State insurance commissioners, and that is why the Patients' Bill of Rights creates a health insurance ombudsman. The Republican bill, sadly, has no comparable provision.

In summary, Mr. Speaker, the GOP bill is not even half a step forward. In fact, it may be a full step backwards in that it would negate many States' efforts to fix HMO problems.

So I am going to make a few suggestions to make the Republican bill live up to its claims, and here they are. The bill should be amended to include the emergency room protections that we have already enacted for Medicare and Medicaid. The privacy protection should be tightened to prevent inappropriate disclosures of medical records and to leave intact stronger State laws. The provisions on association health plans, which expand the pool of people in ERISA health plans, should be removed. The same is true of health marts which would deny people the protections of some State benefit laws. The bill should prevent health plans from punishing providers who speak up for patients in the appeals process, or who raise safety concerns to appropriate regulatory authorities.

□ 1915

The bill should give providers input into the plan's drug formulary and ensure that drugs not on the list can be prescribed when medically necessary. The bill should be amended to allow patients access to clinical trials when it offers them the best hope for a cure.

The Republican bill should not allow those with chronic conditions like cancer or arthritis to not have a standing referral to a specialist. It should allow them to have a standing referral to a specialist who can treat that chronic condition.

The point-of-service provision should be strengthened, particularly by deleting the ability of plans to cancel coverage if they speculate that the premium to employees might increase by more than 1 percent.

The bill should have language, like in Medicare, to ensure providers are not given inappropriate financial incentives by HMOs to deny medical care.

The appeals process should be strengthened to allow a new review on the merits, not on whether the plan followed its own definition of medical necessity. Patients and providers should be able to testify without fear of retribution. The outcome of the external review should be binding on the plan, and employees should not have to pay up to $100 for that review.

The bill should include an ombudsman program to help consumers understand their rights. These protections should be made available as soon as possible, and group health plans must be made more accountable for the consequences of their negligence. This is an important point.

Because of a Federal law known as ERISA, patients injured because their HMO delayed or denied treatment have very limited remedies. The Patient Bill of Rights would permit States to set their own rules for such actions.

The Republican bill passed by the House tinkers with but does not really fix this problem. The desperate need for legislation to fix ERISA was outlined in the decision of Federal District Court Judge for the Southern District of Mississippi, Judge Charles Pickering, Senior, in the 1994 case Suggs v. Pan American Life Insurance Company.

Judge Pickering's opinion contained an exhaustive review of the history and interpretation of the ERISA statute: "Despite this clearly stated objective of ERISA to protect employees from abuse, with so many State laws and/or remedies having been preempted, employees obviously have less protection in the field of health insurance today than they had before ERISA was passed in 1974. It cannot be said that congressional intent has been followed when the results are so clearly to the contrary."

Judge Pickering went on to observe that ERISA "has preempted from application to most group health insurance policies a volume of State laws and remedies developed over many years of experience that protected insureds. ERISA has not been interpreted to replace preempted State remedies."

In a section of the opinion entitled "Part VII. Frustration," Judge Pickering lamented, "Something is wrong when the law designed to protect employees leaves victims of fraud without a remedy. Either Congress is incapable of writing legislation to accomplish what they plainly say is their intent, or the courts lack the ability to interpret the statute to do what Congress plainly says it intended to do, or both, or a mixture. In any event, the system fails."

Judge Pickering went on to remark that, "There is no way of knowing how many Americans today are without health insurance, or have had to take bankruptcy, or how many have simply given up trying to enforce their health insurance policy because they do not want to or cannot afford to come to Federal court to litigate claims that involve so little, and that, by all reason, should be resolved in the lowest State forum available, where costs and expenses and time do not equal that of the Federal judiciary."

Summing up his consternation over the operation of the ERISA statute, Judge Pickering noted that the history of cases before his court shows that ERISA has not protected employees, but has, instead, denied them a remedy for valid grievances.

"There has not been a single case that has been filed before this court by an employee coming into Federal court saying, 'I want to protect my pension or my benefits under the broad terms of ERISA.' Every single case brought before this court has involved insurance companies using ERISA as a shield to prevent employees from having the legal redress and remedies they would have had under longstanding State laws existing before the adoption of ERISA. It is indeed an anomaly that an act passed for the security of employees should be used almost exclusively to defeat their security and leave them without remedies for fraud and overreaching conduct."

Judge Pickering's thoroughly researched and well-reasoned opinion demonstrates the compelling need for Congress to fix the problems created by ERISA. I was disappointed that this was not included in the rule, and hope this will be addressed in a positive way in whatever managed care reform bill finally gets passed by the House and Senate and sent to the President.

If these changes are eventually made to the Republican bill, then it will begin to deserve its name: The Patient Protection Act. If not, then the bill is a fig leaf. I look forward to working with my colleagues to help make the final bill one which gives all Americans the protections they need.

Mr. Speaker, a large number of Republicans want to pass meaningful legislation. Ninety Republicans were cosponsors of a much stronger patient protection bill than that that passed the House in July. Most of these Republicans did not have sufficient time to examine the GOP bill before voting on it because it was rushed to the floor to provide political cover.

But Mr. Speaker, those Republicans who want to see signed into law a bill that is really a step forward should demand of our leadership the type of changes I have outlined. If there is a will, there is still plenty of time to get a bipartisan agreement on HMO reform.

However, Mr. Speaker, opponents of strong patient protection legislation may succeed in preventing reform legislation from passing this year. But I guarantee Members, Mr. Speaker, this issue will only get hotter in coming years if Congress does not act to truly curb the abuses of some HMOs.

Mr. Speaker, as Abe Lincoln said, "You can't fool all of the people all of the time."

SOCIAL SECURITY, TAXES, AND WHERE WE ARE GOING AS A NATION

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

HEALTH CARE IN AMERICA

Mr. NEUMANN. Mr. Speaker, I rise tonight to first address just briefly what my colleagues have been talking to me about, or have been talking about here on the floor in advance of me, and that is health care in America.

We hear so much about HMOs that are not doing their job for their patients, and we think about what kind of solutions we could come up with. There is a very naturally tendency in Washington, D.C. to say Washington needs to solve the problems. One thing Washington might consider doing is empowering the people in this country to have a choice of which HMO they go to and which health care coverage they would like.

Today that is not possible, because if you work at the General Motors plant in Janesville, Wisconsin, General Motors offers you as an employee one of several health care plans. But if you choose not to take the one offered by General Motors in Janesville, Wisconsin, and you instead go and buy some other health care plan, you first lose the benefit through your place of employment, and second, you have to take after tax dollars and go and purchase that other coverage.

One thing I think we should be thinking about as it relates to health care coverage is empowering all Americans to have the option of choosing the health care coverage that they want.

If General Motors could simply say to the employees in Janesville, Wisconsin, where I am from, "Here is the money that is available for your health care package, now you choose which health care coverage you would like," what would happen is the HMOs that are no good, some of those we have been hearing about here from my colleagues as I sat and listened here tonight, those HMOs that are no good and that are treating their patients wrongly and poorly, they would go out of business, because people would choose not to go to those HMOs because of the poor quality of the health care and their coverage.

At the same time, some of the good health care plans, some of the good HMOs, or maybe people do not want HMOs, maybe they want a policy like some of the medical savings accounts, where they take a large deductible and save some of that extra money for themselves, but at any rate, it would be their choice because they would have the choice of where they are going to go for their health care, and we would certainly expect the good health care plans to thrive and provide good coverage. Just like when I was in the homebuilding business, service to our customers was our top priority, because I knew my customers were going to talk to other people about the homes we built for them.

Similarly, if people have choices in health care programs, if people can go anywhere they want for those health care programs, service to the customer becomes the top priority, because if they do not do a decent job people are going elsewhere for their health care coverage.

When we think about that as a solution, as opposed to here in Washington somehow knowing what is best for everybody all across America, I sure like the idea of empowering the people as opposed to making us more in control of more parts of the people's lives.

That is not really what I rose to talk about tonight, but I listened to the gentleman before me and I thought we should throw out another suggestion as to how to move America forward as it relates to health care.

I want to say tonight that it is a very solemn mood here in Washington, D.C., to the folks that are watching from all around the country, Mr. Speaker. They should know that the mood here in Washington, D.C. is a very solemn situation. We here in the House take our responsibility that we have been given very, very, very seriously. It is not about Republicans or Democrats at all out here. We understand that we are at an important time in America's history.

What happens over the next few months as it relates to the matter that is currently before us is certainly going to take up the news, but there is something else that is real important here. As the Starr report is being discussed, and as the potential impeachment proceedings go forward and all that stuff dominates the news out there, the normal business of Congress is still going on behind the scenes.

There are some very, very significant things happening right here in Washington right now behind the scenes and below the level of the news because of the Starr report and what is happening there that are going to affect things that are as important to Americans as Social Security and taxes, and whether or not we stay in balance and pay down our debt. Things that are extremely important to the future of this country are still going on over the next 4 or 5 months in addition to the other very serious responsibility that we, as all Americans, have.

For that reason I rise tonight to talk about, in particular, Social Security and taxes and where we are going as a Nation, a little bit about how far we have come, but where we are at right now.

If we look at numbers today, for the first 11 months of our fiscal year we are running a surplus that is very, very substantial for the first time since 1969. It is not a little, tiny surplus, it is almost $100 billion a year. We have been projecting between $80 and $106 in my office for quite some time. It appears now that the numbers will come in someplace in between there.

Let me put that in perspective so it makes more sense, because out here in Washington we talk about these billions all the time. It does not always make sense to all my colleagues and all the people all across America.

A $100 billion surplus means that the United States government has collected $400 for every man, woman, and child in the United States of America more than what it needed in taxes. Let me say that again. A $100 billion surplus is approximately $400 for every man, woman, and child in the United States of America. We are talking about a huge amount of money.

I want to just talk about how that surplus relates back to debt, to deficit, to Social Security, and to tax cuts as we move forward, because there is a very significant debate going on right now as to how that surplus should be used. It relates specifically to the Social Security issue.

First, let me start by pointing out that we still have a very serious problem facing this country. This debt chart, and I notice tonight it is actually worn out, because I think I start most every presentation by showing this debt chart. It shows the growing debt facing America.

If we start down here, we can see from 1960 to 1980 there was very little growth in the debt, but from 1980 forward, this thing has just grown right off the wall. When I am out in public and I point out 1980 as where it really started growing, or 1978, 1979, I can see all the Democrats in the audience nodding their heads, going, "That was Ronald Reagan," and I can see all the Republicans nodding their heads and saying, "That was that Democrat Congress." The point is, whether we were Democrat or Republican, it did change in 1980 or thereabouts. We are about up here in this chart right now. It is a very, very serious problem facing our country.

Since 1969, every year our government has borrowed and added to this debt. It was in 1980 they started borrowing lots and adding to that debt. For the folks who have not seen this number and how big it is, we are currently $5.5 trillion in debt.

Again, let me translate that into something that makes a little more sense. If we divide the debt by the number of people in the United States of America, our government has borrowed $20,400 on behalf of every man, woman, and child in the United States of America. Put into perspective for a family of five like mine, our government has literally borrowed $102,000, basically, over the last 15 years.

□ 1930

The real kicker in this thing is down here. A lot of people think, well, that is kind of Washington jargon. That is Washington talk. And $5.5 trillion, what does that really mean?

Let me translate it into what it actually means to an average family of five in the United States of America. We are paying, an average family of five pays $580 a month every month to do absolutely nothing but interest on this Federal debt. See, even though the number is too big and it is Washington jargon, the facts are it is real debt. And since it is real debt, we are paying interest on it. That interest for an average family of five, or any group of five people in America, is 580 bucks a month.

Mr. Speaker, for anyone who thinks they are not paying $580 a month, I suggest they think about walking into a store and doing something as simple as buying a pair of shoes. The store owner makes a profit on selling that pair of shoes and part of that profit gets paid to the United States Government in the form of taxes. When the government gets it, one dollar out of every six that this government spends does absolutely nothing but is used to pay interest on the Federal debt. I think it is reasonable to ask how in the world did we get to this point?

I see my good friend, the gentleman from Michigan (Mr. HOEKSTRA) has joined me. I am sure he has seen this portion before, but trust me, I have some additional charts that are a little bit new out here tonight.

Mr. Speaker, how did we get to this point? I think it is important that we remember Gramm-Rudman-Hollings. If my colleagues are like me, in 1985, Gramm-Rudman-Hollings came out and our government told us that they were going to balance the budget and stop spending our kids' money, and I cheered and I said, yes, our government is going to do the right thing at last and quit spending our kids' money.

Well, 2 years went by and it was 1987. They said, that promise we made back in 1985, we cannot really keep that promise, but here is a new promise. They gave us Gramm-Rudman-Hollings of 1987. Three years went by, and they said we cannot keep that 1987 promise, but here is a new one; and in 1990 they raised our taxes. And then it got to 1993, and of course we all remember the huge tax increase of 1993.

Mr. Speaker, I brought just one of those along. I brought Gramm-Rudman-Hollings of 1987, but all four of those broken promises are really the same. This blue line shows how we were supposed to get to a balanced budget and how the deficit was supposed to get to zero and they were supposed to quit spending our kids' money by 1993. The red line shows what actually happened out here. The deficit exploded instead of going to zero.

Well, things have changed. I am happy to say that. We got to 1993, this year, and the deficit was still very, very large. The people that were in Washington at that point made a very bad decision. This needs to be said. It passed without a single, solitary Republican vote, but in 1993 what they did is they decided that the only answer to this problem, this debt and deficit problem——

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield?

Mr. NEUMANN. Mr. Speaker, I would be happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I believe the gentleman said it passed by a single solitary Republican vote.

Mr. NEUMANN. I apologize. It passed without a single, solitary Republican vote. Thank you. I stand corrected, if that slipped. It passed without a single, solitary Republican vote.

I am sure the gentleman from Michigan remembers what I am talking about here. It is the biggest tax increase in American history. The gentleman might want to explain parts of it.

Mr. HOEKSTRA. Mr. Speaker, I think the gentleman is absolutely correct. I came here in 1993, and getting to the chart that the gentleman is going to be talking about next is the one that we were shooting for. We wanted to get to a balance, or more appropriately a surplus budget, and we wanted to get there as soon as possible.

In 1993, and we face these choices each and every year and we have been facing them every year since then, are we going to get to a surplus budget? Are we going to match revenues with expenses by increasing revenues with higher taxes or by reducing or actually just slowing down the growth of spending? In 1993, we made the very serious mistake, because we said we are not taking in enough money from the American people. We have some things that we would like to do here. And Congress passed a huge tax increase.

At the same time, it was looking at significant new spending programs. We were going to nationalize health care. Government was going to stimulate the economy. We were going to go on a $15 billion stimulus package. So in 1993, the framework was very clearly set that we are going to increase revenues by increasing taxes, and at the same time we are going to increase spending and we are going to promise the American people that we are going to balance the budget.

We tried that formula in the past and it did not work. In 1995, the gentleman from Wisconsin (Mr. NEUMANN) came with, I think, 72 other new freshmen on the Republican side of the aisle, and we broke the old mold and we created a new mold.

Mr. NEUMANN. Mr. Speaker, I think it is real important to understand that the tax increase of 1993 did not lead to a balanced budget. In fact, higher taxes simply means more Washington spending.

I brought a chart with me to help show that tonight. In 1993, they had gotten down to a growth rate of government spending of 2 percent. What is a growth rate of government spending? If we spend $100 one year and spend $102 the next year, that is a 2 percent growth rate of government spending. They had gotten it down in 1993 to a 2 percent growth rate of government spending.

When they raised taxes in 1993, what happened immediately is, government spending went up. We can see that so clearly in this chart. We had a 2 percent growth rate of government spending in 1993. They raised taxes and what happened is immediately higher spending in 1994. That is really what led to the new elections in 1994, the new people that came out here in 1994, because in 1993 they got the wrong answer. They just did not get it. The American people did not want higher taxes.

Mr. Speaker, the American people wanted less wasteful Washington spending. They expected us to get this job done, but not by raising taxes and raising government spending. They expected us to get this job done by controlling wasteful government spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I believe this is one of the gentleman's new charts.

Mr. NEUMANN. This is one of my new charts, yes.

Mr. HOEKSTRA. Mr. Speaker, the gentleman from Wisconsin has been working during our recess. But the gentleman is exactly right. Some of us came in 1993 and really believed that we had to control the growth in spending. Actually, the gentleman has other charts, probably back in the office, but they show that if we would have just for a number of years controlled the growth of Federal spending, kept it down to the 2 percent level, grown it at the rate of inflation, we probably would have reached a surplus budget a long time ago. But the people in Washington just could not control their desire to spend. So we went back up to 3.5, 4 percent and there we go.

We are working off a big number. When we are talking about increasing spending by 3.5 to 4 percent we are talking not about $100; we are talking about increasing a number that is $1.6 trillion. So the difference between a 2 percent growth rate and a 4 percent growth rate is real money.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I just had town hall meetings all over the State of Wisconsin, and one question I asked in Wisconsin was how many in this room think government spending should increase faster than the rate of inflation? We didn't get anybody who thought that. But look at what was going on out here, government spending going up at twice the rate of inflation.

When we came in 1995, and we became the majority at that point, we had one idea. The idea was that instead of raising taxes on people we were going to get government spending under control. We were going to go after wasteful programs. Just one example my colleague from Michigan, I know, is very familiar with. We were spending $35 million of the taxpayers' money to Russia to launch monkeys into space to do research on the monkeys. We get here and find these sorts of programs, hundreds and hundreds of these sorts of programs, that were going on out here.

We understood that if we could get to that waste and get government spending under control that we would both be able to balance the budget and lower taxes. That was the theory we came with. We came with the understanding that the 1993 solution of higher taxes was the wrong idea. We understood that the people did not want higher taxes; they wanted less wasteful government spending.

Now we are 3 years into this, and my colleague can see from this chart that the growth rate of government spending since we took over in 1995–1996 is the first fiscal year budget we worked with, the growth rate of government spending is on the way down.

I think it is reasonable to ask what has happened over these 3 years and what has that led to in our budgetary process? When we got here, just like they had a blue line what they were supposed to do, we got here in 1995 and laid out a plan to get to a balanced budget. This blue line shows how the deficit was supposed to go to zero by the year 2002. And virtually all Americans will remember the promise we are going to balance the budget by 2002. I remember it because when I said that groups that we were going to balance the budget by 2002, they all snickered. After all, the promise had been broken in 1985 and in 1987 and in 1990 and in 1993, so they were looking at us like, "Why would we believe that you are any different than the last group?"

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I actually had an interesting case in my district last year. I visited a number of plants in my district, and I remember the date because it was the date we started the Teamsters investigation. Talk about waste. That is $20 million that the taxpayers paid to run the Teamsters election in the U.S. and in Canada. The taxpayers paid for it.

I was at a plant the day that that election got thrown out, and I was taking them through some of the numbers and explaining to them that by 2002 we were going to reach balance or surplus. It was a small plant and one of the guys just started laughing and said, "Sure."

Well, I went back. I went back the first week of September of this year and told them that by the end of the month, by September 30 when we close our fiscal year, he was right. He should have laughed in 1997, because we did not balance it in 2002; we are actually going to get there in 20 days. In 20 days, we will reach that point where we cross the line, and we are probably past that point already.

Mr. NEUMANN. We are actually well past it. The facts are here is our plan and here has what actually happened. We are not only on track; we are significantly ahead of schedule. For the first time since 1969 for the last 12 months running, this government spent less money than they had in their checkbook. That is just a monumental change in the way things have been done. I should say it again because it is that significant. For the first time since 1969, this government spent less money than they had in their checkbook for the last 12 months running.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I do not think we can lose sight of how important that is. I mean, we hear, and I was just reading one of the newspapers, it is kind of like it is a do-nothing Congress. Have not gotten anything done. If we would have told people 2, 3, 4 years ago that by 1998 we were going to reach surplus, they laughed, they said no way. And this Congress has already will have done something that no Congress has done for 30 years.

Not only that, and the gentleman may have some other charts that will get to that later on, but I believe we are at the threshold of creating a generation of surpluses that actually enable us to move, that this will not be a blip. But if we keep on track and go after wasteful spending, restructure and work on Social Security and other entitlement programs, we will have a generation of surpluses that will enable us to pay down the debt and reduce taxes and get a government that actually works better and more effectively and is more efficient at serving our constituents.

So we have fundamentally changed the debate here in Washington in the last 24 months. We have moved from a debate about how we are going to get to balance to a debate about how we are going to pay down the debt, how we are going to lower taxes, how we are going to free up more money for investments in jobs for our generation and the next generation.

We have fundamentally changed the debate and the outlook for America. Huge strides. But they are saying, it is like "What have you done for me lately?" What we have done for them lately is we have balanced the budget.

Mr. NEUMANN. Mr. Speaker, I would like to translate this into what it means for an average American out there. When I look at this chart and I see the spending growth rate going down, this distance from here to here not only means a balanced budget. It means something in families all across America. Because since we did not spend this money in the government, we were able to take that extra money and lower taxes with it.

For a family out there in America today if they are a middle-income family with kids under the age of 17, next year when they do their tax return they are going to get a $400 tax refund for each child under the age of 17. If they have a college student, they are going to get up to $1,500 in a tax refund.

This is not a tax deduction. This is not fiction. This is not a political promise. This has been passed into law. They are going to get $400 per child in a tax refund in a check back from the United States Government and up to 1,500 to help pay for college tuition.

It does not stop there. Stocks and bonds. If Americans bought investments, and the stock market has gone up dramatically. Even with the recent decline, we are still significantly ahead are where we were 3 years ago. If they sell some of that stock and make a profit, they used to pay 28 cents on the dollar to the government. Now they pay 20; that reduction of capital gains is very significant for all kinds of folks.

A lot of times I talk to groups, and seniors in the group go, "What did you do for us?" I go, well, stop and think about this. Most seniors own a home. In Wisconsin, at least it is in the 70 percent range.

□ 1945

We eliminated all tax on the sale of all homes in America for all intents and purposes. Unless your home is a very, very large mansion type, worth $500,000 or more, there is no tax when you sell your house anymore. What a significant change.

A senior citizen who took the onetime age 55 deduction or exclusion bought another house and now sells that other house, there is no taxes on it anymore. That is what this is about.

This chart, it is a nice chart to show the red to the blue and then down, but it really needs to be translated into what that really means for Americans all across this country.

I want to jump from there into another very important discussion and that is Social Security.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I am happy to yield to the gentleman.

Mr. HOEKSTRA. Mr. Speaker, if you take a look at spending growth, I just want to point out we are still, I think, growing faster than what you and I might think is necessary.

Mr. NEUMANN. And faster than the rate of inflation.

Mr. HOEKSTRA. Still faster than the rate of inflation. Let me give you just a couple of examples. We are going to vote on a bill tomorrow, I believe, on dollars to the classroom, our colleague from Pennsylvania. And for the last 18 months, we have been taking a look at Federal education, our role and the impact that we in Washington are having on K through 12 education.

We are taking a look at what happens when a dollar comes from the local level, goes to Washington, and since it is about educating kids, the kids are back at the local level, we have got to get the money back there. We are taking a look and saying, when we get a dollar from the local level, what actually happens to it.

We find out that it goes through 39 different agencies, hundreds of different programs, and we find out that we lose about 30 to 40 cents of every dollar. We lose it because of the bureaucracy here in Washington. We lose it because we get the money, so then we have to communicate back to a school district that we have got these programs available. They then have to apply for it. We then have to review the applications and decide who gets the money and who does not.

Mr. NEUMANN. Mr. Speaker, reclaiming my time for just a minute on this discussion, help me understand why it is that, as a taxpayer sends their money to Washington, and Washington decides how to best provide education for those kids back home, what exactly is it in the water out here or what is out here that makes us smarter than the local parents and teachers and community? Why would we think that anybody in Washington knows better how to educate our kids in our home communities than the people in those communities do? Is it something out here that makes people brighter or able to better provide the education? Why would parents not be best prepared and best able to make decisions for the education for their own children? Why are we taking those dollars in the first place is the question?

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, you know the process that we have gone through. We have held hearings here in Washington to outline, figure out this process.

The other thing we did was we went to the local level. We have held hearings in 16 different States. We asked that basic question. We asked them, what value is Washington adding to your educating your kids locally? The answer came back, we like your money, but other than that, you are not doing much for us. As a matter of fact, in some cases, you are hurting us because what is happening is you are sending us some money that we need, and we are spending it the way you are telling us to.

But if we really looked at the kids in our classroom, if we looked at the kids in our community and identified what we really wanted to do with that money, we might spend it on something else.

So what we are going to do tomorrow with dollars in the classroom is two things. We are going to not increase Washington spending, but what we are proposing is saying, instead of 60 to 70 cents of every dollar getting back to the classroom, let us get that to 95 cents of every dollar getting back to the classroom. That is a 25 percent increase in Federal spending without us spending anymore because we are just being more effective and more efficient in how we get that money down there.

Mr. NEUMANN. Reclaiming my time, I just want to bring out one story on this because it is so important. I was in Augusta, Wisconsin, and the superintendent of schools came to one of the meetings we were at there. Obviously the person was extremely interested in education and working very hard to provide a good quality education for the people and for their kids there.

He said to me, MARK, how can I get Washington to free up this money that is supposed to get to our school system? And immediately a light bulb went on inside my head. I am thinking here is a person who is genuinely interested in the education of his kids in his community, and he is at this meeting talking to me about how he can get Washington out of his hair so he can just do his job.

Why should this superintendent in schools be worried about a fight in Washington as opposed to being able to dedicate himself full time to the education of those kids. If we can get 95 cents of every dollar back to the classroom, and, by the way, I would prefer dollar for dollar, but if we even get 95 that means a dramatic reduction in the bureaucracy.

It means almost $9,000 per school is going out there in the form of a check, and instead of a superintendent like this one having to fight with Washington for the money, since we have no longer the bureaucracy to tell them exactly what to do with the money and fill out the papers and so on, they are going to have to make the decisions themselves in their own local community as to how to best spend their money.

It is $9,000 more per school, every school on average just by eliminating this bureaucracy on the bill we are going to pass tomorrow. I think it is a tremendous bill.

Mr. HOEKSTRA. If the gentleman will yield, because the other destructive thing, you have touched on it, the other destructive thing that happens when we send this money to the local school district, we send it with all the strings attached. We now get school boards, superintendants, and school administrators who serve two masters. They serve the master in Washington who tells them what to do, who does not know where Augusta, Wisconsin does not know whether it is near Green Bay or near Madison or whatever.

Mr. NEUMANN. Eau Claire, near Eau Claire.

Mr. HOEKSTRA. So they are serving two masters. Really the school administrators should be not serving a master but should be working with the parents and the community leaders and their community designing school programs that are most appropriate for the specific needs and the special challenges and the special opportunities for kids in their community.

They do not need to be looking to Washington or trying to figure out, you know, this is what Washington wants me to do, but I know this is what we want to do in this community. How do I reconcile these things. They ought to be solely focused on building their schools with their local community leaders and their local parents.

Mr. NEUMANN. Reclaiming my time again, I would like to ask my friend from Michigan that all important question, have you seen anything in your years here in Washington that would lead you to believe that somehow because we are here in Washington we know better for that school system out in Wisconsin what is best for their kids and how to best education their kids?

Is there any good reason that we should ask these people to spend their time filling out requests for money and grant proposals as opposed to just simply sending it to them and saying, okay, gang, it is your kids, it is your community, it is your parents, why do you not all make the decision in what is best for your kids.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, that is the reason we have went around the country. We have been in L.A. We have been in Phoenix. We have been in Chicago. We had the hearing in Milwaukee. We have been in Cleveland. We have been in Milledgeville, Georgia, a small, little town. We have just been in Tennessee.

What you find, we do not know anything about what needs to happen in those schools compared to the parents and the teachers and the administrators who have come in and have testified. And they are passionate about their kids.

We have seen success stories. All of the success stories, all the great things that are happening in these kinds of schools are where the focus is on the kids. And the focus effort is between the school administrators and the parents and other people in that community and the business leaders all taking a look at their community and understanding what is going on in their community and putting together a program for their community.

They kind of scratch their heads, and they ask the same question that you asked, why are you in Washington trying to tell us what to do in our community? We know our kids. We know our population. We know the special needs that we have. We know the opportunities that we have. Why do we have to try to fit, you know, our peg into your round hole when there is a disconnect. Because in Washington what do we try to do, I will give us credit. It is not good credit. But I mean we recognize that there are different means out there. So we have created 760 different programs.

Mr. NEUMANN. With 760 different bureaucracies to run the 760 programs.

Mr. HOEKSTRA. That is right.

Mr. NEUMANN. All of them getting money that should be in the classroom helping the kids.

Mr. HOEKSTRA. That is right. That is why there is a tremendous opportunity to increase spending or to increase the effectiveness of our current spending without spending any more money.

The issue here for so many of our programs, I want to give you one example, you will love this one. Today we had a hearing on the labor department, a program called trend setters. Remember that word. This is trend setters. This was where the labor department was trying to identify apparel companies that were meeting certain criteria and these types of things.

We questioned whether the labor department actually had the authority to put together this type of trend setter list. Well, to be a trend setter or to make sure that the labor department was a trend setter in how they communicated this information to the public, they created a web page. All right. So they are on the net.

They stopped the program, they said, because of some criticism. They stopped the program in March of 1997. The program went dormant 1997. We had a copy of their web page from March of 1998, and we ran off their web page this morning. This is a program that was dormant. So supposedly they had done no work from March of 1997 until today. They had done nothing to update or modify this list.

Now, I was looking at the list. There was the web page from March of 1998, a year after they stopped the program, to September, and the list of trend setting companies had changed. I asked the question, I said, can you explain to me, if you have done nothing to this program, how the list of companies has changed from March of this year to September of this year.

They said, well, you know, maybe it took us that long to update our list. And it is kind of like, excuse me, you are on the net. You are in the information age. You have a trend setter list. You have trend setting companies. The last time you updated your list was March of 1997, and it took you at least 12, and it maybe took you 15 months to update your web page.

Mr. NEUMANN. With all due respect.

Mr. HOEKSTRA. And we are paying for this.

Mr. NEUMANN. With all due respect, it only took 15 months? Is that a new accomplishment?

Mr. HOEKSTRA. It only took them 15 months to update the web page of trend setter companies. I just want to know how much money we are spending on a program like that. The gentleman and I both know there are tremendous opportunities here in Washington to find additional savings to build up a surplus, increase efficiency, and move on to what you want to talk about, which is saving Social Security.

Mr. NEUMANN. Right. Again, I think we have to go back to this understanding that, when people out here talk about cutting spending, they do not actually mean they are cutting spending. They mean, instead of letting the growth rate be double the rate of inflation, they are cutting it back to just the rate of inflation. Again, when I talk to folks out there in America, I cannot find people that think government should grow faster than the rate of inflation.

Mr. Speaker, I do want to move on to Social Security.

Mr. HOEKSTRA. Mr. Speaker, one minute. The reason they do not believe that government should grow at the rate of inflation is that, when they get their paycheck at the end of every week, they find that 40 percent of it is going to government at one level or another, and if we are growing it faster than inflation, it means that that number is going to keep going up. They want that number to go down.

Mr. NEUMANN. Right.

Mr. HOEKSTRA. They want it to go down significantly. We can make it happen just by making government more efficient.

Mr. NEUMANN. Let me jump from there into Social Security. You mention their paychecks. At the end of each week, people do get a paycheck. Part of that money goes into Social Security. I would like to just talk through what is happening in Social Security so we understand how this relates to that overall picture we start talking about, which is surpluses and a balanced budget.

Social Security this year is going to collect $480 billion out of the paychecks of workers all across America. It is paying back out to senior citizens and benefits $382 billion.

If you think about this for a minute and think about your own checkbook, forget about the billions for just a minute, if you have got 480 bucks in your own checkbook, and you write out a check for 382 bucks, your checkbook is fine. If you have $480, and you write out a $382 check, as a matter of fact, you have got $98 billion left over.

That is exactly what is happening in Social Security right now. It is collecting $480 billion. It is paying $382 billion back out to seniors in benefits, and that in fact leaves a Social Security surplus of $98 billion.

It is funny, when I am out of town in meetings, I say, does anybody want to take a shot in the dark of what our government has seen fit to do with that $98 billion? They all just start laughing around the room, and then somebody will say it. They spent it.

The reality is that we have been, the government, before we got here, had been collecting this extra money for years. In fact they have been spending it on other government programs and putting IOUs, technically they are called nonnegotiable Treasury bonds, into that trust fund instead of real money.

Let me be very specific on how this works. That $98 billion extra that is collected for Social Security, they put it into, and think of this middle circle as the big government checkbook. So take the $98 billion and put it into the big government checkbook.

Now, remember, since 1969, they have been overdrawing that big government checkbook every year. So $98 billion goes into the checkbook. At the end of the year, there is no money left in the checkbook. So since there is no money left in the checkbook, they cannot really put real money in Social Security, so, instead, they simply write an IOU down here to the Social Security Trust Fund. It is technically called a nonnegotiable Treasury bond. Nonnegotiable means cannot be marketed, cannot be sold.

Now the problem with this occurs, of course, if we look back at that other chart with those numbers on it, today we have got more money coming in than what we have going back out to seniors in benefits. But people like my friends from Michigan and I, the baby boom generation, we are getting old fast, and there are lots of us. As we age, what happens is there is not enough money coming in and too much money going out.

□ 2000

When we get to that point where there is not enough money coming in and too much money going out, and we look down here to our trust fund, that is the savings account, and if we think about our own checkbooks again, if we have been saving money in the savings account for a period of years, then all of a sudden we get to this point where we are writing more checks than what we have coming in, that is we overdraw our checkbook, when we get to that point, we might go to our savings account and get our money.

The problem with having IOUs down in the Social Security trust fund is when we get to the point where there is not enough money coming in and too much money going out, where is the government going to get the money to pay back those IOUs? That is a question we need to be asking. Because this turnaround in the income, that is the time when there is more money going out and not enough coming in, that is going to occur in the next 15-year period of time. And it will affect young people, because one choice to solve that problem is to raise taxes. It is going to affect senior citizens, because another choice will be to lower benefits so the IOUs do not come due.

The bottom line is it is a problem we need to be addressing now. So in our office we wrote a bill called the Social Security Preservation Act. This may not seem like a genius bill to most people watching and most of my colleagues out there tonight, but the Social Security Preservation Act simply says that the $98 billion coming in from Social Security ought to go into the Social Security trust fund in real money.

Now, how do we do that? We put it down there in something called a negotiable treasury bond, something any person in America can go to their local bank and buy. I did this myself personally because I wanted to be able to stand in front of groups and say here is how we are going to make this thing work. So I went to the bank, and they took a thousand bucks out of my checkbook and gave me a treasury bond. Now, when I overdraw my checkbook, I will give them back the treasury bond, they will give me back the thousand dollars, and I will put it in my checkbook and everything is going to work. That is how we want Social Security to work, and that is exactly how we wrote the Social Security Preservation Act.

We wrote the Social Security Preservation Act that we put real money, negotiable, marketable, salable treasury bonds, so when the numbers turn around and there is not enough money coming in and too much going out, we go down here to our savings account and we get the money. We cash in those bonds, or sell those bonds, we get the money and we make good on Social Security. That is how the Social Security Preservation Act would work. It is bill number H.R. 851.

Now, I brought something extra along here tonight to help understand the difference between surpluses in Social Security and other general fund government surpluses.

I would be happy to yield to my friend from Michigan.

Mr. HOEKSTRA. Before I leave, I would just like to thank the gentleman for leading this discussion tonight. We really now are at the threshold of putting in place a real plan to ensure that future generations will not have to increase taxes to maintain the Social Security benefit levels, and we will not have to reduce benefits for seniors.

As we are getting the surplus and getting to balance, we really have the opportunity to start addressing this, and I think this Congress has laid the framework for it and we are going to move forward on this debate and I think come up with some real positive solutions.

The gentleman has been instrumental in doing two things: Instrumental in getting us a surplus and instrumental in getting us and keeping us focused on what we need to do to ensure the long-term life of Social Security. I thank the gentleman for the time that he has shared with me tonight.

Mr. NEUMANN. I thank the gentleman for joining us.

As we return to this chart we had up here before, when we talked about the Social Security money actually going into the Social Security trust fund, I have added a line in this chart, a black line. And what that does is wall off this Social Security money and forces it to go into Social Security instead of into the general fund.

So, now, let us talk through these surpluses one more time that everybody keeps hearing about in America today. Part of those surpluses is this Social Security surplus, but there is another fund, it is called the general fund. Think about it again as the big government checkbook. This general fund is now going into surplus as well. So when we get done writing checks at the end of the year, if we have money left over in that general fund, we need to start asking the question what gets done with that portion of the surplus.

First, the Social Security surplus actually goes into Social Security. That should not be touched. There are proposals out here, right now, today, as I speak, and this is why I said it is so important to understand that even as the rest of this is going on in Washington, the Starr report and the potential impeachment of a President, those are very, very significant issues for the United States of America, but there are also other things happening simultaneously with that and it is important that we do not so focus on one that we forget something else that has happened and, in fact, wind up getting Social Security money spent on new government spending.

Today I had a proposal laid in my hands that was going to spend $16 billion of this Social Security money on new spending. And they have a very unique method of getting around the spending caps to spend this new money. And I had another proposal laid in my hands that effectively went into the Social Security money and said, okay, we are going to use the Social Security surpluses to cut taxes. Neither one of those are okay. The Social Security money belongs in the Social Security trust fund, period.

But when we get to a surplus in the general fund, this other account, we should be asking ourselves, what are we going to do when we are in surplus in the general fund. I have two suggestions: First, I think it is important that we make payments on the Federal debt. After all, our generation has run this debt up primarily over the last 15 years, and it seems reasonable to me that we should make payments on the Federal debt and pay it off, much like we would pay off a home mortgage, so that we can give America to our children debt free.

Just think about this as a goal for a generation. Would it not be nice if we could pay off the debt so we could give our Nation to our children absolutely debt free? There is a significant benefit of paying off that debt. As that debt is paid off, this money that is left over from the big government checkbook, some of it goes down here to Social Security, because part of that debt is the Social Security IOUs. So as we make payments from the surplus, from the general fund, part of the money goes directly back into Social Security.

I want to say that again, because that is so important. Social Security money is set aside. When we reach surplus in the general fund, part of the surplus should be used to repay the Federal debt. Part of the Federal debt is the Social Security IOUs. So as we start paying down the debt, those IOUs in the Social Security trust fund get traded in for real money and Social Security becomes solvent at least to the year 2030.

What about the rest of that surplus over there? Well, I think it is clear to most Americans that the tax rate is still too high. I think we should be talking seriously about significant real tax cuts. We have laid a proposal on the table that assumes revenue keeps going at approximately the rate it has been growing, maybe a little slower, and assumes we hold spending in line. If we do that, we can be looking at repaying all of the IOUs in the Social Security trust fund over the next 10 years and reducing taxes by as much as $1.5 trillion. That is $1,500 billion. It is a huge sum of money available for tax cuts.

Now, as we talk about these tax cuts, again funded out of surpluses from the general fund that accumulate because we have spending under control, let us just talk about some things we might do. Let me start for seniors.

I think we should be looking at eliminating the earnings limit. What happens under the earnings limit is, if a senior citizen voluntarily decides to stay working, after they have earned $15,500 the government starts decreasing their Social Security by $1 for every $3 that they earn over $15,500. I think we should immediately raise that earnings limit that seniors are not penalized for voluntarily staying in the work force.

Secondly, and again for seniors, as most people know, in 1993 the taxes on Social Security benefits were raised from paying taxes on 50 percent to 85 percent. I would like to go a couple of steps here. First, I would like to roll back the 1993 tax increase on seniors, and then I would like to get rid of paying taxes on Social Security benefits all together. After all, people have paid into this account for all of these years. Why, now that they are getting this money back out, should they be paying taxes on the amount they get back out?

If this does not seem reasonable, think about the Roth IRA. The Roth IRA is set up exactly that way, that we put our money in now, and when we take that money back out later on, we pay no taxes on it. So why can we not provide that same benefit for senior citizens today? And as we start looking at these surpluses materialize because we have controlled government spending, roll back that tax on Social Security all together.

Let us talk about another one that I think is extremely important. This one is not as much for seniors as it is for some of our younger folks. In America today, if four people work at exactly the same job and earn exactly the same money, and two of them are married to each other and two of them are living together, and without passing any social judgments, which we might do, but without doing that it seems totally unfair that the two that are married to each other pay more taxes than the two that are living together. It almost seems backwards in the society we live in today.

So I think we should end the marriage tax penalty. It does not seem reasonable in our society today that we should penalize people for being married. Instead, we should maybe think about doing just the opposite. But certainly we should eliminate the marriage tax penalty.

Let us talk about another one. We have a hard working friend. They have worked hard all their life, they have saved money and, as a matter of fact, they have made investments and the investments have done well. This is America. And by the way, there are lots of folks out there like that, and I sincerely hope that those opportunities remain available in this country. I hope that is what our service to this country is all about, that those sorts of opportunities remain available.

So they have gone all through their life, they have saved money, and they have this nice estate. Today, when they pass away, that estate is passed on, a significant portion is passed on to the United States Government. Why exactly should people work hard all their lives, save up money, and pass a good portion of their estate on to the United States Government instead of to their children? That does not make any sense.

So as we start looking at additional tax reductions as we go forward, let us roll back that estate tax so that if somebody does work hard all their life and accumulate assets, that they can pass those assets on to their children or heirs instead of giving them to the United States Government.

Let us talk about one more, and I think this is perhaps the most important of all. Why do we not look at across-the-board lowering the overall tax rate on American people. The government is collecting more money today than what it is actually spending out of its checkbook, so why can we not roll back the excessive tax burden that is out there?

About a generation ago, when I was just born, or a year or two old, the tax rate on Americans was about 25 cents out of every dollar they earned. This included State, Federal, local, the whole shooting match. It was about 25 cents. Today, that number is in the range of 37 cents, maybe as high as 40 cents. So what exactly is it that government is doing today that they did not do a generation ago? Just think about this for a second.

We had defense a generation ago. We had education a generation ago. We were concerned about our environment a generation ago. We had many of these programs. We had Social Security a generation ago. What exactly is it that government is doing today that we want government taking an extra 12 cents out of every dollar that we earn for what government does? Why can we not roll back that tax burden and at least get it back to where it was a generation ago so our government does not collect more than 25 cents out of anyone's pocket for taxes? Why can we not get these sorts of things to happen as we keep this government spending under control?

It comes back to that one central theme. When we were first elected in 1995, and we looked at that 1993 tax increase, we all understood that raising taxes was the wrong answer. We understood the American people did not want a bigger government that spent more and more of their money and took more and more out of their pockets. We understood that the American people wanted us to get that government spending under control, go after wasteful government spending and get rid of it and get this government back to a point where it allowed the American people to keep more of their own money in their own homes to decide how they are going to spend it on their families. And that is what has really been going on here.

That is probably a good way to sum up my hour this evening. It is so important, as we look forward to the next generation, first, that we make sure Social Security is safe and secure for our senior citizens. Every senior should be allowed to get up in the morning knowing that their Social Security is safe.

Second, as we look for another goal for a generation, pay off this debt so we get to a point where our children could inherit a debt-free America instead of being saddled with the burden of a $5.5 trillion debt and $580 a month interest payments on that debt. So as we look at this goal, let us pay down the Federal debt much like we would pay off a home mortgage and give America to our children debt free.

And, third, on the economic side here of our goals as we look forward, let us do everything we can to get the waste out of government so that we do not need the money from the pockets, the hard-earned money from our workers out there across America. Let us get that tax burden back down to where it was a generation ago.

That is really what I think we should be working on and where we should be going, even in the face of what we are dealing with right now. We need to keep in mind these central goals: Social Security, pay down the debt, lower the tax burden on Americans, and at the same time as that, we will, in a very solemn way, do what is the responsible thing to do, do what is right for the future of this country as we take great pains to do it properly, as we review the Starr report over the next few days. But we cannot let that dominate us to a point where we lose track of all of these other things that are so important to so many Americans over the course of the next few days and the next few months.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I just wanted to commend the gentleman for the leadership he has provided in the House ever since we came to Washington together. We were elected in 1994, a part of that freshman class that turned the majority over to the Republican Party. And as a member of our class, I think the gentleman has been one of the most articulate and outspoken Members on the critical issues of cutting wasteful spending, restoring honest budgeting to our government and, most importantly, protecting and preserving Social Security.

□ 2015

And the reason why that last issue is an issue that is of tremendous interest to me is, I represent a district in Florida, it is the east central coast of Florida, and I have a lot of senior citizens in my district, many of whom are dependent on their Social Security check; and I think it is critical as we approach the close of this fiscal year that we look at the proposals that my colleague has on the table. And I am a cosponsor of the Social Security Preservation Act that my colleague have introduced.

And I just wanted to ask the gentleman from Wisconsin (Mr. NEUMANN) a couple of questions if time allows. This process of taking the money that is in the surplus and how that is borrowed out as a non-negotiable Treasury note, was that the way the original Social Security Act was written under FDR back in the 1930s?

Mr. NEUMANN. Mr. Speaker, reclaiming my time, the laws changed in 1983. In 1983 they increased the amount of money that was withheld from workers' paychecks because they knew the baby-boom generation was going to get to retirement. And the idea was, by increasing the amount withheld in 1983, they would start accumulating these things.

But in answer to the question of how they do this, they were doing it the same way since the beginning, or since 1983 at least, but it was not until the early 1990s that the surpluses started to get very large. And see, that is where the real problem has come in is that the surpluses are now in the range of $100 billion a year. We are now in that part of the bubble, so to speak, where we are supposed to be putting lots of money aside into the savings account so that when we get to 2012 or 2014 and there is not enough money coming in, that we can go and get that money out of our savings account.

So what kind of bonds they put in before 1983, I cannot tell my colleague. I can tell him that since 1983 they have been putting in these non-negotiable Treasury bonds. And had they not taken the money, had they put real money in there instead of IOUs, there would be about $750 or $800 billion in Social Security right now today.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman would yield again, in addition to speaking out in support of preserving the Social Security program and establishing honest budgeting and I think taking the Social Security Trust Fund off budget and stopping the process of borrowing the money out each year is part of what I consider honest budgeting, I think my colleague's speaking out in support of reducing the tax burden on working families and middle-class families is very important.

And one of the items that my colleague mentioned I think is a particularly important issue, and that is getting rid of the death tax, the so-called death tax or inheritance tax.

And another issue in my district is, I represent the east central coast of Florida, and I have a lot of suburban communities along the coast, but I have a lot of ranchlands, and I have a lot of these orange groves and citrus planters and cattle ranchers; and they are having a terrible time when they want to pass essentially the family farm, in Florida we call it the family grove or the family ranch on to the kids, the tax burden sometimes is so prohibitively bad that they literally have to sell the farm in order to be able to pay the tax bill because it frequently gobbles up a third of the land or a third of the valuation of the land.

And this is just wrong. This is not the way our American tax code is supposed to work, where we are forcing family businesses to have to sell to pay a tax bill, a family ranch to have to be sold off or farm or orange grove or grapefruit grove.

And I thoroughly support, and I was very pleased to hear my colleague bring up this issue of getting rid of the death tax, along with some of the other things he mentioned, the marriage penalty. And again, I just want to commend him.

I was sitting in my office doing some paperwork, and I was listening to what my colleague was saying about Social Security, and I wanted to come down and personally commend him for the leadership and the direction that he has provided not only our class, the class of 1994 but, as well, the whole Republican Conference.

My colleague has had an impact on these issues, in my opinion, far above any of the other Members, and I congratulate him for that.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I want to make sure this is clear. This is not about me and it is not me that did this. We did this. A lot of new Members that came in in 1994 feel very strongly about this and we have done this together.

But it is not even us that is doing it. It is the American people that understood in 1993 the idea of raising taxes was wrong. They understood that the problem here was not that government was not getting enough money out of their pockets. They understood that government spending was growing out of control on all sorts of wasteful programs.

It was really the American people that made a decision to make that change that led to people like my colleague and I being here that has resulted in these changes that are now just starting to take hold and really brought about this change for America. So I do not think it is us. I think it is the American people that deserve the credit for this.

STATUS OF CONDITIONS IN RUSSIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to take some time to discuss a major crisis that this country is going to have to deal with. And I know the topic of discussion all across America tonight is the delivery of the report by Kenneth Starr involving potential allegations against the President of the United States. But I am not here to discuss that, Mr. Speaker. Actually, I am here to discuss another issue that is simmering and potentially could cause not just problems internationally, but severe problems here in America as well, and that is the status of conditions in Russia and actions that this body is going to have to take involving the Russian people and the Government of Russia before the end of this month, before we adjourn.

Mr. Speaker, this past Tuesday evening I returned from what I believe is my sixteenth visit to Russia during the course of my lifetime of interest in Russia, the country and its people. This trip was one that was requested of me by my counterparts in the Russian State Duma, the equivalent to our Congress.

They had asked me to come a week earlier to discuss ways that perhaps we could assist in further understanding the problem that Russia is experiencing now in terms of their economic instability, the political instability, and my own personal interest, the potential military instability within the boundaries of Russia. I went there with those three ideas in mind.

As the chairman and founder of the Duma-Congress Initiative, which for 2 years has been the formal relationship between the Congress of our country and the State Duma and the Federation Council of Russia.

In arriving in Moscow, Mr. Speaker, I was amazed to see the lines of Russian people who were gathering at banks all over the city attempting to go in and receive and remove their savings, in many cases their life savings; and the frustration of those people was that they could not take their own money out because in the banks in Russia today their accounts have been frozen.

And at the same time their assets have been frozen all over Russia and they cannot remove the rubles they need, the costs of just living in Russia are increasing dramatically as the ruble has been devalued and the cost of goods and services in Russia has increased dramatically.

In fact, during the 6 days I was in Moscow, when I checked my hotel bill on checking out, I saw that the cost of my room went up each evening because of the problems with the ruble. In fact, in one comparison, I had eaten breakfast in the hotel, which was a buffet breakfast, a standard fee charged to everyone who went into the hotel, and on one day it was 500 rubles; the next day the exact same breakfast was 750 rubles.

Now, I was able to absorb the increased cost for the short period of time that I was there. But, Mr. Speaker, you could imagine what is happening all across Russia as literally thousands and millions of Russian people today are very much concerned about whether or not they are going to be able to buy the goods and the services to allow them to maintain their quality of life.

And then when they add to that the impact this current economic crisis is having on the Russian military, it presents real problems not just for Russia, but for America and people around the world. Because the people in the military who have seen significant cutbacks in their funding base have particular problems because they do not have decent housing, many of the senior leaders of the former Soviet military feel betrayed because they have not been given their pensions and, therefore, the situation has led to a real morale problem, problems which jeopardize in some cases the security of Russian nuclear materials, nuclear arms, and conventional weapons.

In fact, just in the past several months and years, we have seen increasing incidences of Russians illegally transferring technology to other nations. Over the past several years, we have seen very sophisticated guidance systems for long-range missiles being transferred from Russia to Iraq.

We just this past summer saw evidence of Russian cooperation with Iran to build a new medium-range missile, which now threatens all of Israel. And we have seen continued cooperation in some cases with rogue states to allow technology involving chemical or biological weapons to leave Russia because the right price has been paid. So the problems of Russia economically are problems we have to face up to and problems that we have to deal with.

Now, because of the current crisis and instability within the banking system and the instability of the ruble, there have basically been aggressive efforts by the central government and Moscow to put some temporary holds on the slide the ruble has taken over the past several months. And that has not really worked. In fact, at this very moment, the ruble continues to be devalued in terms of the international community.

The problem is that this country has basically supported over the past several years $22 billion in IMF funding that has gone into Russia that was supposed to help stabilize the ruble, that was supposed to stabilize the economy of Russia, that was supposed to provide jobs for Russian people, that was supposed to help the Russian people improve their quality of life.

But as we have just learned during the past summer and even more tragically by the accounts of the comments of Anatoly Chubais in today's newspapers, Russia has largely squandered that money. $400 million that was supposed to go to the Russian coal industry to help stabilize the jobs of coal miners and stabilize that industry largely went into a hole, ended up in Swiss bank accounts, large properties being bought along the Riviera, in some cases U.S. investments.

In fact, Mr. Speaker, what we are learning more and more each day is that much of the significant dollars that the IMF and the World Bank have put into Russia have not accomplished their intended purpose. And, in fact, in many cases there has been outright corruption, there has been theft by international financial dealers, by the oligarchs who run the seven major banks in Russia, to the point that this help that we and other nations have provided has not been beneficial to the Russian people and there is currently a state of severe frustration.

Now, our problem in the Congress, Mr. Speaker, is that the President is asking us this month to approve replenishment of IMF funds that have gone into Russia. That replenishment amounts to approximately $6 billion.

The Congress has not acted on this replenishment for almost a year because of the concerns of many of us, including myself, that the IMF money going into Russia has not been used for the right purpose, that in fact many of the institutions supported by the Yeltsin administration, and in fact supported by the Clinton administration because of its support for the Yeltsin administration, have ended up having that money being ripped off and not benefiting stability in Russia's economy.

And so, with that in mind, and wanting to see Russia succeed, as someone who spends a great deal of time working proactively to assist Russia in stabilizing itself, but who is also probably Russia's toughest critic when it comes to proliferation and when it comes to our military relationship and lack of control of arms that are being shipped out of Russia, I decided that it was time to look at a new way of engaging Russia.

So during the month of August, I sat down and laid out a series of eight principles, principles that this body could pass as a part of any IMF funding replenishment to send a new signal to the IMF, the International Monetary Fund, and the World Bank, as well as to the administration of this government that we are not going to tolerate business as usual, that while we want to see Russia succeed and stabilize for obvious reasons, we are not going to continue to support IMF dollars which in the end are American taxpayer dollars because we replenished the IMF to go down a virtual black hole, to allow those oligarchs in Russia and those wealthy individuals to rip off more money to be used for their own private purposes at the expense of stability in this very huge nation, which still has, by the way, over 6,000 nuclear weapons which could very easily be pointed at America at any time and a whole host of additional, probably in excess of 10,000, tactical nuclear weapons, which also could be made available on the marketplace if in fact the right price would be paid.

□ 2030

These 8 principles were simple, Mr. Speaker. They were designed to lay out a strategy that would allow this body to support the President and his request for additional IMF replenishment, but it would say to the President that we are going to provide this funding support but we are going to do it in a new way, a new direction. We are no longer going to tolerate the way that President Clinton and President Yeltsin have allowed dollars in Russia to flow that should have been used for stability in the Russian economy.

The interesting premise, as I get into this, in August was that I knew all along that the leadership in the Russian Duma also opposes IMF funding. Now, one might say why in the world would elected leaders in Russia oppose more IMF funding for their nation, especially with the economic crisis? Well, there are two simple reasons. The first is the same reason that many of us have been very concerned about IMF funding for Russia, and that is the Russian Duma officials and the members of the Federation Council have sat along the sidelines and watched the Yeltsin government allow IMF dollars and World Bank dollars and in some cases U.S. dollars to go into corrupt institutions, to not be used for the proper purpose that those dollars were allocated, and have watched those monies not benefit the Russian people but, rather, a few very, very wealthy individuals, who have unfortunately taken money that should have gone for economic stability in Russia.

The Duma deputies have said why should we support a continued effort for a western bailout of these failed banks and institutions that we, as a nation, are going to have to pay back sometime, because these are, in fact, loans? So the Duma has been opposed and continues to oppose the IMF funding just as many of our colleagues in this body oppose it.

There is a second reason why the Duma opposes IMF funding, and that is because they understand that there are some very difficult and tough decisions and reforms that they have to make. The World Bank, in talking about the release of this most recent tranche of money for Russia, said that Russia has to impose some very tough reforms. They have to stabilize their tax system so it is coherent and so that it is consistent, one that everyone can understand, that will encourage and promote additional business investment.

They have to control the growth of the central government and the regional governments so that inflation is kept under control. They have to provide mechanisms that allow for private property and for land use reform, so that investors can come in to Russia as a free market system and be able to invest their money and enjoy the benefits of free and open markets. These are reforms that in some cases the Duma has been reluctant to support.

Now, back in July, when the first crisis occurred this year, the Duma, in fact, did pass some of the recommendations that were put forth by the Yeltsin government by then Prime Minister Kiriyenko and by the IMF, and those reforms were a partial solution to a problem that continued to grow out of control, but the Duma has been reluctant to support additional IMF dollars because they don't want to make the changes necessary in terms of reforms.

Mr. Speaker, I can understand to some extent why the Duma is reluctant. They see the Yeltsin government not controlling the extent of where these IMF dollars are going and how they are being used, and so, therefore, they are reluctant to come in and make the tough decisions of reform that are so necessary for Russia's economy to stabilize.

Yet, the Duma also wants to see investment come into Russia to encourage the kinds of reforms that have been taking place in the regions. Russia is a very large country. In fact, it has about 89 krais and oblasts and independent republics that are a part of the Russian territory. So in effect you have 89 separate, smaller governments and in many of those smaller governments they are making significant reforms. They are providing for private property. They are controlling their budgets. They are making the tough decisions involving tax policy, and yet they are not being recognized by the international financial community and by this government in the form of support financially.

In fact, over the past year, Mr. Speaker, the gentleman from North Carolina (Mr. TAYLOR), a very successful banker, and I have traveled to Russia four times to work with them on what we think will be one of Russia's key points of success out of these current doldrums they are in, and that is a mortgage financing system.

In fact, Mr. Speaker, this document is the culmination of the meetings, extensive meetings, we have had with the leadership of the Russia Duma and in some cases portions of the Yeltsin government, talking to them about establishing a mortgage financing system similar to our Freddie Mac and Fannie Mae in America.

The idea here is that the Russian people don't want hand-outs. They don't want to be always on the end of the receiving line. In fact, there are many Russians who want to be able to buy a home, buy an apartment or buy a flat, but to do that they have got to be able to borrow the money at realistic interest rates, for terms of up to 20 or 30 years, as we do in this country.

Now, the problem in Russia has been that the 7 oligarchs who run the 7 largest banks in Russia who determine the bulk of economic activity in that nation have been ripping off the Russian people. Now, that's a strong word but I have no other word for it. It is ripping off the Russian people.

The interest rates they have been charging over the past 4 and 5 years have averaged between 15, 25, 50, in some cases 75, percent, and they have not been willing to loan money for housing for more than 2 to 3 to 4 years. No family can afford to buy a property under those conditions.

What we have proposed is a program initially controlled by the U.S., with Russian involvement, that would set parameters that are very similar to the mortgage financing mechanisms in this country.

Mr. Speaker, in the meetings we have had with the Russian Duma and the regional governors who are members of the Federation Council, without exception, they have accepted our ideas. The problem has been an interesting one. The battle has not been with the Russian leaders to agree to this program. It has been with the Clinton administration that hasn't been willing to support this initiative and it has been with the Yeltsin administration that hasn't been willing to put forth support for the initiative as well.

So here we have the two parliaments working together on some novel ideas to help the Russian people and yet because we have this Clinton-Yeltsin relationship focusing on failed, corrupt Moscow-based institutions, the Russian people have not been able to benefit.

So in going to Russia last week, I took 8 principles with me, 8 principles that I told my Russian counterparts and all the factions of the state Duma, if you enact, following your enactment perhaps we can change directions in terms of the way that we relate to Russia and its economy.

I am here tonight to announce, Mr. Speaker, that my key counterpart in the Russian Duma, Deputy Valentin Tsoy, who is a leader in the regional fraction, and a key ally of Duma Speaker Seleznyov came back with a Russian version, which I have just had translated, that, in fact, has Russia agreeing to 8 major principles, 8 major principles that they have now told me they will pass in the state Duma that we, in fact, can pass in this body to chart a new course in our relationship with Russia.

The concept of this administration dealing with Russia over the past 7 years has been heavily relying on Clinton to Yeltsin and that worked when both presidents were strong and both presidents had the commanding support of their populous. That doesn't exist in Russia today. In fact, most of the polls I have seen show that Boris Yeltsin would be lucky to get 20 percent of the vote if he were up for reelection. He is a very unpopular president.

This President, likewise, has some problems with the Congress, not just because of the current situation involving Ken Starr. We can, in fact, Mr. Speaker, move in a new direction under the leadership of the two parliaments.

Let me go through the 8 principles that the Russian state Duma, in an official document presented to me, have proposed as their response to my initiative, to reform the way international money goes into Russia. Number one, it will be the policy of both this Congress and the Russian state Duma that any additional western monies coming from the U.S., the World Bank or the IMF, should be used on programs such as mortgage credits, such as the one that we have worked on for the past year, and housing construction which will enable the development of a middle class in Russia.

The reason why this is so important is the same reason why what FDR did after the great depression was so important. By establishing financial institutions like Freddie Mac and Fannie Mae, he gave the American people the chance to buy homes at low interest rates over long periods of time, and by creating funds that allow Russian people under very strict guidelines, where reforms have been made in the regions and nationally, reforms involving eviction, and the ability to have mortgages and our real estate industry, we can help Russia create that middle class that has been the key component of a strong America.

Mr. Speaker, as we know, in this country, the middle class is what drives our economy. It is what makes America strong. Russia, largely, has no middle class today.

So the first principle says that any money going into Russia should be aimed at those institutional programs that ultimately benefit the middle class, such as mortgage financing programs.

The second principle deals with the regions, and it simply says that money going into Russia should not just go to central institutions in Moscow. Russia is a huge nation, 89 smaller subordinate governments. Where those governments are making reforms, international monetary funds should be used to encourage continued success in those reforms. That's not been the case under the current administration, under the current IMF policies.

In fact, the second principle deals specifically with that issue and it says that where these real economic reforms are taking place in the region, tax reform, privatization, and land reform, that, in fact, all the international monetary organizations should be looking to support that reform by helping create additional programs that will encourage more of that activity. That principle further goes on to state that the criteria for evaluating the effectiveness of regional economic reform programs should be clearly defined. This will allow the regions to be sure that they will be objectively evaluated and guarantee them the necessary incentives for the establishment of effective economic reform programs.

Now, Mr. Speaker, this comes to the Duma, that this administration and the Russian Yeltsin government have said doesn't want to work with them to help reform the Russian economy. The second principle clearly states a refutation of that fact.

The third principle is a very important one, because it says, and remember this is being proposed to me in response to my initiatives to the Russians, that after a complete auditing, the international financial community and the U.S. Government should stop any and all funding to those institutions ever again. So when we do audits and determine that corrupt banks in Moscow have abused the IMF and the World Bank, they should not be entitled to any additional funding support from any international or U.S. organization, but that principle goes on to further state that not only should those institutions not receive financial resources in the future, but we further state in this particular principle, and I quote, the return of allocated funds from unscrupulous partners needs to be achieved through joint efforts and these funds that are collected need to be redirected toward specific programs that are, in fact, covered by these principles.

So the Duma, in fact, wants to state with us that not only should we cut off funds to corrupt institutions in Russia, but we should go after those corrupt institutions and attempt to collect those dollars that have been misused and allocated in an improper manner.

The fourth principle, Mr. Speaker, is one that we should have done in the past. It calls for the creation of a joint Russian American oversight commission, to monitor all allocated expenditures by the U.S. Government and by the international financial organizations so that the IMF and the World Bank, so that the American funds going into Russia which average about $600 million a year through programs like cooperative threat reduction or Nunn-Lugar, so that every one of those dollars is monitored in a formal, structured way, by a joint interparliamentary commission, made up of the staffs of the Congress and the Russian Duma, the Federation Council and the U.S. Senate; not that we stop those funds because we can't stop IMF dollars, we are only one nation involved in the IMF, but so that we can tell our constituents that we are sure that every dime of money going into Russia in the end is going to the right purpose.

☐ 2045

It is going to help the intended problem for which that money was intended. Right now there is no such oversight responsibility, there is no capability for the Congress and the Duma and the Federation Council and the Senate to monitor the ultimate use of these dollars. And that is why the corruption in Russia has allowed hundreds of millions of dollars to disappear and end up in U.S. real estate investments or in other places that benefit those oligarchs and other wealthy individuals who have raped the Russian people and then raped the international financial institutions supporting it.

The fifth reform deals with the IMF, the fifth principle. This principle acknowledges that the IMF is not working right now, Mr. Speaker; something many of us in this body have talked about. But instead of abolishing the IMF, what we say in this joint statement of principles is that the IMF should, within one year, have completed an external study of the way the IMF operates.

An international blue ribbon task force should be convened, made up of some of the world's top financial scholars, so they look at the IMF and the way it operates, issues involving transparency and the way it sends money into countries and comes back and makes specific recommendations for reforming the IMF, and those recommendations then should be acted on by the IMF board.

The sixth principle, Mr. Speaker, is a very important one and one that we have heard over and over again in this body, and it is one that we have heard Boris Yeltsin complain about in Russia that the Duma would never enact, and that says that any case of investment in Russia must first of all be preceded by the passing of reform legislation; that both the Federal Government and the Regents must continue to enact reforms involving the kinds of issues raised by President Clinton when he was in Moscow last week and by Members of this body, so that we know that the dollars that are going into Russia are preceded by the reforms that are necessary to stabilize that country's economy and those reforms that are necessary to make sure that we have an accurate accounting for every dollar going into both the national and the regional governments.

The seventh principle says that within 180 days the Congress and the Duma will work together to bring in American business interests and leaders and international financial experts who will work with the industrial leaders in Russia who are having difficult problems. Companies in Russia that are bankrupt or that are uncompetitive will be looked at in a one-on-one relationship with specific recommendations being made to those entities about how they need to reform, so they then cán qualify for some of the kinds of programs that are available from the international financial community.

The final point, Mr. Speaker, or the final principle, is one that deals with the long-term success of the Russian economy and the free market system. We have to understand, America has been working with a free market system for over 200 years. While we are doing things fairly well, we still have not solved all of our problems. Russia has only been working at this for seven years. They have a long way to go. After having been controlled by a very autocratic, authoritarian central government, they are now being faced with trying to understand how free markets work, and that is not easy.

So our eighth principle is a simple one, and that is a principle that says that the state Duma in Russia and the U.S. Congress believe that a program needs to be established that would, within three years, bring 15,000 young Russian students to American business schools.

If every business school in this country took one Russian student as an undergraduate or graduate student and trained them in financial services, in economic activity, in planning and budgeting, in the business ways that we conduct our businesses, we would create a next generation of young people who would be forced under this program to go back to Russia and live, not stay in the U.S., and help develop a totally free market system.

Mr. Speaker, these principles are in writing. They have been sent to me by my friend and counterpart in the Russian Duma, Deputy Tsoy, and I now challenge this institution and our leaders to rise to the task and challenge Russia to work with us to really reform the Russian economic system. And I propose that we pass these reforms on the same day, what a historic day that would be, for the first time, to have the Russian parliament and the U.S. Congress pass very tough reform principles that would say to both administrations, you have had it all wrong. You have had six and seven years to help that country get its act together, and you failed miserably. Hundreds of millions and billions of dollars have gone down black holes and disappeared. And while we want to see Russia stabilize itself, you are now going to abide by our principles. You are now going to allow us to play a responsible role in determining the end result of those dollars that are intended to help Russia stabilize itself, to help the Russian economy grow, to help create more jobs, to help improve the quality of life for the Russian people. I think we have a historic opportunity.

I would be happy to yield to my friend and distinguished colleague, the gentleman from Florida, (Mr. WELDON), no relative, by the way.

Mr. WELDON of Florida. I thank the gentleman for yielding. I want to commend the gentleman for the work he has done on behalf of U.S.-Russian relations. I know that many of our colleagues are not fully aware that the gentleman speaks Russian and that he has gone over there, and in particular his interest in applying fundamental market principles and economic principles to the Russian system.

I would agree with the gentleman wholeheartedly that the Clinton administration's policies in this arena have been a failure, and that the administration's pursuit of economic reforms has been very, very misdirected and very, very poorly handled.

I was particularly interested in this issue because of the relationship between what goes on in Russia and the success of a program that is very important to the people in my district, and that is the International Space Station program. I know the gentleman sits on the Committee on Science with me and the gentleman has been a supporter of the Space Station program as well.

We are really at a very, very critical stage in this program. The U.S. elements are being completed and are ready to be launched. The Japanese elements are nearing completion. Our colleagues in Europe, the French and Italians and Germans, have spent billions of dollars on their element. And the Clinton Administration, as part of its overall policy towards Russia, put the Russians in what is referred to as the critical pathway, where the whole success of the program is dependent on the Russians delivering to space their elements.

Their performance to date on this program has been sorrowful indeed. It has actually been pathetic. They have repeatedly delayed their performance. They have not had the tax revenues to fund their elements for the Space Station, and it is driving the program into the red, it is causing the program to run behind, and these economic problems that the Russians are facing are seriously hampering the government's ability to collect taxes and to be able to afford to be a key player in this program.

It is just absolutely truly amazing. Here we are today in 1998, where what was formerly one of the world's leaders in space now looks like they are going to be out of the picture completely if they do not financially turn their problems around. And I agree with the gentleman wholeheartedly that the administration's policies on dealing with the Russian economic problems have been very poor indeed, very bad, and that there really is no thriving domestic policy.

I was wondering if the gentleman would just yield for a question, and that is what are the fundamental tax policies in the Soviet union or Russia now? As I understand it, they are suffering from the same problems in Russia that this country was facing in the late 1970's, before Ronald Reagan got elected, and that is the tax rates are very high. Indeed, it is actually much worse in their case, because the tax rates are so high that, whereas in the United States high tax rates in the late seventies played a role in dampening economic growth, in the case of Russia not only has it done that, but as well it has driven billions of dollars of the economy into the black market, and by some estimates more than 50 percent of the economic activity in Russia actually is occurring in the black market.

In your course of going over there, were tax rates discussed? What are the tax rates? Are they punishingly high? Is it playing a role? Would indeed the Russian government collect more money in taxes, as the United States government did when it lowered taxes in the early 1980's under Ronald Reagan, stimulating economic growth and, therefore, though the rate was down, the amount of money that came into the Treasury was much greater because the economy grew dramatically, and so it was a win-win situation, the government had more money.

Could that be applied? Could those principles be applied in Russia? Would the Russian government be well-served to try to lower rates substantially and get more of the economy out of the black market and into the taxable market?

Mr. WELDON of Pennsylvania. I understand the gentleman's question. Let me first all applaud him for his work on the Space Station and space research. He had been the leading advocate in the Congress on that issue, and I applaud your performance on the committee. It is second to none on that issue. I applaud you personally.

In terms of Russia and its tax policy, the problem has been they have not had a fair, coherent tax policy at all up until this year. They just in fact passed a new tax code this year which they are in the process of attempting to implement.

In Russia in the past, they have had a myriad of taxes. In fact, in some cases American businesses who are attempting to do joint ventures in Russia may have to pay as many as 15 or 20 different taxes to all kinds of different levels of government with no coordination. In some cases an American company would get involved in a joint venture, only to have the tax structure change while they are in the process of completing that venture, thereby causing companies to not want to invest in Russia.

In fact, we did a comparison between western investment in China and Russia over the past six years, and the difference is unbelievable: $350 billion of western investment in China, and during the same period of time, about $10 billion of western investment in Russia. A lot of that was due to an inconsistent, unfair tax code. That now is being changed and the tax code is now being implemented.

The problem Russia has is not necessarily the rate itself, it is the collection of taxes. Everyone in Russia does not pay taxes. There is not a uniform way of collecting taxes, and the wealthier few in Russia who have largely benefitted from the outside dollars coming in from international monetary organizations, in some cases have paid no taxes at all.

Gasprom, arguably the most successful corporation in Russia, which was a private state entity that has now been allowed to operate as a free market institution, was just recently hit by former Prime Minister Kiriyenko because they owe $2 billion in back taxes. Here you had one of the most successful companies in all of Russia, the leading energy company in Russia. They were not paying their taxes. So the Russian government has not done a good job in collecting taxes, especially from those people and companies who have the ability to pay taxes.

In the end, I think your point is well taken, and that is that lower taxes will eventually allow the economy to grow, but at this point in time it is a more fundamental notion. It is an established tax system that is fair, that is equally applied to everyone, that has tax rates that the wealthiest will pay similar to what the poorer people will pay.

Mr. WELDON of Florida. If the gentleman will yield for another question, as I understand it, another critical problem in Russia is the problem of corruption. I have been a student of this for years, and I have long been of the opinion that one of the things that has caused Latin America, Central and South America to lag behind the West in economic growth for decades is this very problem. In particular, it creates a problem for somebody who wants to go into business, whether it be a foreign investor or even a domestic entity. Not only do they have to deal with all these myriad levels of government and their various taxes, but, in addition to that, layered on top of that, is the unpredictable nature of demands for bribery and payoffs in order to be allowed to do business.

In the course of going over there, does that issue come up in discussions? I personally think that is a major impediment in many countries towards economic growth. For a business to succeed, they need stability. You were alluding to that in the tax code. They need to know what their taxes are going to be.

A key element of that stability is honest government. They cannot have government officials shaking them down and members of organized crime syndicates shaking them down in an unpredictable nature, because it obviously can have dramatic implications in terms of a business's profitability, their ability to reinvest profits into their business, to be able to grow their business, thus creating new jobs and prosperity.

□ 2100

Did this issue come up? Was it discussed in the course of the gentleman's trips to Russia? Does the gentleman think, from what he has seen going over there as many times as he has, does the gentleman think they are taking appropriate steps in terms of dealing with the problem?

Mr. WELDON of Pennsylvania. Mr. Speaker, corruption is a major problem. It comes up all the time in discussions with both elected officials and with our companies who are doing business in Russia and who want to do business there. It is a problem that has been caused by a country that was for decades very centrally controlled by a very well established Communist hierarchy. When that basically fell apart, unfortunately, there were some who took advantage of the situation and some who established criminal elements. Criminal activity does exist in Russia and in some cases it is a severe problem.

Now, what has happened, on a positive note, is that our law enforcement community, Louie Freeh from the FBI and others, have, in fact, taken a very proactive role to assist Russia in learning the kinds of techniques that we use in America to deal with the criminal element, both in the corporate setting as well as in the general populous. In fact, in one of my trips last year, Louie Freeh had a significant portion of his FBI establishment in Moscow for meetings with the senior law enforcement officials throughout Russia. So we are attempting, as well as are other western nations, to assist Russia in getting control of criminal activity. But I would be less than candid if I did not tell the gentleman that it still exists and it still is an impediment to future investment.

In the meeting I had with the State Duma and with the Federal Council members, I raised this issue; they are aware of it. They want to move forward. Part of the problem is until they get the economy solidified, people are going to go out and they are going to raise money any way they can to feed their families and take care of their personal needs, and if that means in some cases resorting to criminal activity, it is going to happen.

A case in point is a meeting I had last year with General Alexander Lebed. I had dinner with him this past week in Moscow, but I met with him 4 or 5 times prior to that. As the gentleman probably knows, General Lebed is now the governor of Krasnoyarsk. He and his brother now are the governors of 2 republics which represent one-third of the land mass of Russia. He was a very decorated military leader in the Russian army.

He told me a year ago in May, he said Curt, you have to understand one very important fact. He said, the most capable Russian admirals and generals from the Soviet military have, for the most part, left the service, because of the lack of pay and because of the cutbacks in the size of our military, and he said unfortunately, because of our economic problem, they have not been given their back pay. In some cases they have not been given their pensions. In other cases they have not been given any housing assistance.

So here we have senior military leaders who at one time commanded one of the top 2 militaries in the world when they were a superpower who had access to the most capable nuclear technology, which Russia has today, sophisticated weapons, chemical, biological, nuclear capability, and who now feel betrayed by their motherland. General Lebed said to me, what do you expect them to do. If they feel betrayed by their homeland, they are going to go and raise money any way they can in order to take care of their families. Which means in some cases, these foreign military leaders are the very ones selling off technology to raise money to take care of their own personal needs.

That is why those who say we should not worry about Russia have to understand. We have no choice. We have no choice unless we want to see Iraq and Iran and Libya and Syria continue to get chemical weapons, biological weapons, missiles like we just saw Iran test on July 22nd that have a medium range that can hit any place in Israel that eventually will be able to hit portions of the U.S.; unless we want to see continued development of nuclear programs by rogue nations because Russians will sell off that technology. The alternative to not helping Russia stabilize is to basically say we are going to turn our back and let them sell off whatever they need to sell that eventually is going to come back to haunt us. We have no choice but to be engaged with Russia.

But the point is, to be engaged with Russia does not mean we take the policy of this administration and basically work only with the President and basically not be willing to discuss the tough issues that confront our 2 countries, and that is a key, fundamental difference.

But the point the gentleman raises is a significant one. Crime is a continuing problem, but I would say that there are aggressive efforts underway to try to assist Russia in getting control of that situation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I again want to commend the gentleman for his efforts in this arena. It is an irony today to be in a situation as a Nation the United States is where our former Cold War adversary is essentially becoming an economic basket case, and I do believe that we as a body are going to have to wrestle with this issue, and the gentleman's comments at the onset of his Special Order tonight I thought were very, very well taken in that we are not going to be able to avoid trying to deal with this.

The Russians still have a huge amount of nuclear capability, and obviously it is a large Nation with a large number of people, and to have the resurgence of a totalitarian form of government like they previously had under the Marxist-Leninist dictatorship totalitarian type of state would be potentially very, very bad for not only U.S. interests, but as well global interests, because as we all know, that government funded all kinds of revolutions and terrorist activities all over the globe for a period of 70 years.

So there is a tremendous amount at stake for the United States to see to it that there is stability in Russia, and because of that, I think we as a Nation and we as a body, the United States Congress, the House and Senate, are going to have to deal with this issue.

Obviously, from my perspective, representing the east central coast of Florida which includes Kennedy Space Center and home to the shuttle program and where we have many people working on the space station program, this issue is very, very critical to what is going on. Russia now has the ability to affect jobs in my congressional district, and the failure of the Russians to perform on the space station could seriously set back the program, which in turn can affect people's lives in Cape Canaveral and Merritt Island and places like Titusville, all of those communities that are around the space center where literally hundreds and thousands of space center workers work and raise their kids and go to school, their kids go to school.

So I think it is very, very critical that we take leadership and to see the leadership role that the gentleman is taking on this issue, and I commend the gentleman for it and his willingness to try to make a difference.

Let me just close with one other question for the gentleman. The gentleman's assessment of the President's visit over there, the impact, I made some inquiries and discovered that the space station program really was not discussed very much. It came up at the last meeting, and the extent of the conversation was, well, we will leave this problem to the experts in that area. I was very disappointed to hear that that was the extent of the President's discussion with Mr. Yeltsin, considering that this is claimed to be a priority for the administration, claimed to be a program that the administration wants to see succeed, obviously, as a cornerstone of our manned space flight program in the United States, but nonetheless it gets an "also mentioned" at the end of a series of meetings and turned over to others to try to work through the problem, when it is obviously a critical problem and it is not being dealt with.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman raises another very valid point. I arrived in Moscow the same day the President was leaving Moscow, and while I did support the President's visit to Russia because we had made the announcement and I thought it would be very ill-timed for him not to go, it would send a very wrong signal that America was abandoning Russia at a time of economic chaos, I do not think much at all was discussed of substance. The agreements that were reached were certainly not earth-shattering agreements in the arms control arena, they were relatively minor additions to a regime that we already have in place, working with the Russians. The space station should have been a major topic because, as my colleague has pointed out, it is a very emotional issue in this body about whether or not we are going to have the ability to continue and complete that project.

I think part of our problem is, and this is something the Russian people may have to deal with, and that is the effectiveness of their President. They are eventually going to have to deal with that issue. I know that is being discussed by many Russians right now, and perhaps that was part of the problem with President Clinton. But I would agree that Russia needs to understand that our continued commitment to their involvement in the space station is very seriously in question right now. We understand the economic problems they are having, but the fact is that we are putting U.S. dollars on the mark, in some cases I think more than perhaps what we originally anticipated, and that Russia is going to have to live up to its part of the bargain, and that should have been a serious topic for discussion by the White House. Why the President did not make that a key issue I just do not understand. It was a very short trip. He was only there for 2 days.

But I thank my colleague for joining with me in this Special Order.

Mr. Speaker, just to sum up, I want to again reiterate that this document was the Russian response to my 8 principles that I took over. It is a solid document.

One point that I did not mention which is worth mentioning to our colleagues because it is significant, in the document and contained within principle 7 is that we should also, through the Commission between the U.S. Congress and the Duma, we also should, and I quote, "prohibit financing of military industrial complex enterprises from investment funds which have been attracted to accomplish social programs for the Russian population." It is another very important principle that we do not use U.S. money and IMF and World Bank money to build more offensive weapons systems, but rather, we use the money to create programs that help people: Housing, mortgages, roads, hospitals, schools. They are the primary intended uses for international assistance to help the Russian economy grow and prosper.

So while the situation in Russia, Mr. Speaker, today is gloomy, being portrayed as being very gloomy by the western media, I think we have an opportunity to chart a new direction. I think this Congress and the Senate and the Duma and the Federation Council can be the catalysts to chart a new beginning in our relationship with Russia.

But I would be remiss if I did not mention one other concern, an issue that I addressed on my trip to Moscow last week. In the 26 meetings that I had in 5 days, I met with over a dozen Duma deputies from all of the various factions; I met with Governor Lebed; with the mayor of Moscow, Mayor Luzhkov on 2 occasions; met with ministers of the Russian government, Minister Kokoshin, defense minister of housing; the minister of northern regions, and was actually in the Duma on the day that they voted down the nomination of Chernomyrdin.

But one other task that was somewhat troubling to me, and I have to mention again today, if for no other reason that this administration is not even talking about this issue. Our relationship with Russia again has been one that I feel has been too heavily dependent on the 2 Presidents personal feelings towards each other. While that is important, we must build stability beyond just the offices of the President.

In addition, it is my contention that in this country, the administration has been unwilling to confront Russia when problems occur that need to be addressed candidly and openly with a great deal of transparency. In the area of arms control, we have not been willing to confront Russia, and we have evidence of transfers taking place.

Something happened in July that is very troubling to me that this administration should be raising with the administration in Russia. It involved the assassination of one of the senior leaders in the Russian State Duma. I spoke about this issue on the floor of the House the second week of July when we returned from the July 4th break. I spoke about it because the individual who was assassinated had been a friend and a colleague of mine. Lev Rokhlin was the Chairman of the Duma Committee on National Security, the highest elected official in the Russian parliament working defense issues.

□ 2115

He was a very respected Russian, had served in the Russian military, had retired as a two-star general, and had been given the highest award Russia gives to its military personnel, the Hero of Russia award.

In fact, to demonstrate Rokhlin's integrity, he refused to accept the award because at that time the defense minister in Russia was Pavel Grachev, and Lev felt that Pavel Grachev was not an honest individual, was not someone of honor that he felt was appropriate to give him that award, so he actually refused to accept the Hero of Russia award because of who would have had to give it to him.

But Lev served his country well. He ran for the Duma as a member of Yeltsin's own party, Chernomyrdin's party, Naschdom, Our Home is Russia. He won on that ticket. And because the Naschdom party is the second largest faction in the Russian Duma, there are certain committee assignments that they are allowed to fill in terms of the chairmanships. One of those was the chairmanship of the Duma defense committee. Lev Rokhlin assumed that role as a member of Yeltsin's and Chernomyrdin's party.

But in my meetings with Lev Rokhlin, he would always raise the issue of his concern about instability in the Russian military, soldiers not being paid, not being fed. He would say to me, CURT, you have to understand, if they are not paid, these soldiers may do things that cause problems down the road for your country. They may sell off technology. They may get involved in illegal operations.

So he said, you have to understand, it is very important for us to downsize our military in a logical, constructive way. We must maintain the morale of our troops if we are going to continue to downgrade our military, downsize our military in a peaceful process.

Lev Rokhlin was the leading and most outspoken critic of Boris Yeltsin for not providing the adequate funding for that military. Lev Rokhlin a year ago this summer called for the public resignation of Boris Yeltsin. In the fall, he called for the impeachment of Boris Yeltsin, the first elected official in Russia to call for Boris Yeltsin's impeachment. That sent shock waves throughout Russia, because here was one of Yeltsin's own party leaders calling for his impeachment.

I met with Rokhlin in Moscow in November and again in February. I said, Lev, you are making some very provocative statements. Are you not fearful for your safety? He said, CURT, don't worry, they are not going to do anything to me. After all, I am a retired military leader. For 6 months they attempted to remove Lev Rokhlin from the chairmanship of the Duma defense committee. Finally, in June, they accomplished that.

As Lev was keeping his role as a Duma member, but no longer chairman of the defense committee, he was involved in investigating illegal arms sales to Armenia and to other nations from Russia, illegal activity. On July 3rd, three people entered Lev Rokhlin's home and shot him in the head.

When Lev Rokhlin's daughter was called by her mother on the night that he was assassinated, Lev Rokhlin's wife told his daughter that three people came into the house and assassinated her father. The mother further told Lev Rokhlin's daughter, Tamara, that the mother was told she had to accept the blame for the murder or they would murder her, her daughter, their son, and all the family members.

Tamara Rokhlin told her mother, don't worry, I will come over and I will comfort you, and we will find out who killed father. When she got to the home, Mrs. Rokhlin was not there. She was at the local police station. Tamara went to the police station and she saw her mother bruised all over her body, imprisoned. When she talked to her mother, her mother had changed her story. She said, Tamara, I killed your father. I shot him in the head with a pistol in our house.

Tamara said, mother, you didn't. You told me that three people came into our house. You didn't do this. The mother said, I did it. I was the one who killed your father. Tamara then went back and, with a lawyer, assessed the home, looked at the bullet holes, and realized through the evidence that there is no way that her mother could have killed her father, especially in light of the fact that there was a bodyguard in the home for Lev Rokhlin on that night who claimed he heard no shots.

In the ensuing days after the murder of Lev Rokhlin three bodies were found in the vicinity of the Rokhlin household, but before those bodies could be identified, they were cremated by the Moscow governmental authorities. When I went to Moscow this past week on Saturday I met for one and one-half hours with Tamara Rokhlin. I sat there and listened to her and her family tell the story of how her father, awarded the highest award in Russia for service to his country, had been murdered.

The Russian people do not believe the statements of the Russian government, the central government that maintains that Lev Rokhlin was killed by his wife. On the day of Lev Rokhlin's funeral, 10,000 Moscow residents came out in the streets to attend his funeral. The newspaper was filled with stories of people saying there was no way that Lev Rokhlin was killed by his wife.

So my final plea tonight, Mr. Speaker, is not just for these principles involving the IMF and world funding and U.S. funding in Russia, but it is a plea to this administration to live up to its rhetoric. When this administration talks about human rights abuses in China, when it talks about human rights abuses in third world nations, it should also talk about a human rights abuse in a democracy, where an elected leader in their parliament is shot down, I think because of statements he made about the need to impeach the leader of the Russian government. That is unacceptable for any democracy, and it is unacceptable for this country not to talk about this incident openly.

When I went to Moscow, I talked about Lev Rokhlin's murder to everyone that I met. Mr. Speaker, everyone that I met unofficially, off the record, told me the same thing: CURT, we have no doubts. Lev Rokhlin was not murdered by his wife. Lev Rokhlin was murdered by people who did not like what Lev Rokhlin was saying.

The message is simple, Mr. Speaker. If we are going to have a stable, lasting relationship with Russia, we cannot continue to follow the pattern of this administration. Candor and transparency have to be our cornerstone. These principles in our relationship with Russia are the future way to provide stability for that once great Nation.

FACTS AND PROCEDURES CONCERNING REPORT TO HOUSE OF REPRESENTATIVES OF INDEPENDENT COUNSEL KEN STARR

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, in a few minutes I will file a report with the House of Representatives dealing with information that was delivered to us by the independent counsel, Judge Starr, earlier.

The resolution before us tomorrow will enable the House, through the deliberations of the Committee on the Judiciary, to responsibly review the important materials and to discharge its duty, particularly with respect to the availability of the contents of this communication to Members of Congress, to the public, and to the media.

It is important that the American people learn the facts regarding this matter. As directed by the Speaker, no one, no Member or congressional staff, has seen the communications transmitted yesterday, and they will not until successfully passing this resolution tomorrow.

However, it is the understanding of the Committee on Rules, as outlined in the letter of transmittal from Judge Starr, that the communication contains the following: 445 pages of communications, which is divided into an introduction section, a narrative section, and a so-called "grounds" section; another 2,000 pages of supporting material is contained in the appendices, which may contain grand jury testimony, telephone records, videotaped testimony, and other sensitive material; and 17 other boxes of supporting material.

The method of dissemination and potential restrictions on access to this information is outlined in the resolution that will be before the House tomorrow.

The resolution provides the Committee on the Judiciary with the ability to review the communication to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced.

The resolution provides for an immediate release of the approximate 445 pages comprising the information I just mentioned before. This will be printed as a House document the minute that this resolution passes the House tomorrow, and will be available to the Members of Congress, the media, and to the public.

As to the receipt of the transcripts and other records protected by the rules of grand jury secrecy, committees of the House have received such information on at least five other occasions, all in the context of impeachment actions. This precedent dates all the way back to 1811, and as recently as the impeachment of two Federal judges in the late 1980s.

The resolution further provides that additional material compiled in the Committee on the Judiciary during the review will be deemed to have been received in executive session, unless it is received in an open session of the Committee on the Judiciary.

Also, access to that executive session material would be restricted to members of the Committee on the Judiciary and such employees of the committee as may be designated by the chairman, after consultation with the ranking minority member.

Finally, the resolution provides that each meeting, each hearing, or disposition of the Committee on the Judiciary will be in executive session unless otherwise determined by the committee. The executive sessions may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, again after consultation with the ranking minority member.

The resolution before us tomorrow attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material, and the need to protect innocent persons.

I might add, Mr. Speaker, that to show how times are changing, at the beginning of our hearing at 5 o'clock we posted this resolution and my opening statements on the website of the Committee on Rules. As of about half hour ago, there had been over 20,000 access requests to that website. That is amazing, and it shows how communications are changing throughout this country.

It is anticipated that the Committee on the Judiciary may require additional procedures or investigative authority to adequately review the communications in the future. It is anticipated that those authorities will be the subject of another resolution coming out of my Committee on Rules next week, midweek, and brought to the floor later on in the week.

It is very important to note that this resolution does not authorize or it does not direct an impeachment inquiry. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historically proper place to examine these matters, to review this communication and to make a recommendation to the House as to whether to commence an impeachment "inquiry."

If this communication from the Independent Counsel should form the basis for future proceedings, it is important for this Committee on Rules to be mindful that Members may need to cast public, recorded, and extremely profound votes in the coming weeks or months. It is our responsibility to ensure that Members have enough information about the contents of the communication to cast informed votes and explain their decision based on their conscience to their constituents.

In summation, let me just say that Democrats and Republicans disagree about many things in this institution, and that is probably the way it should be, but no one disagrees about the honor and the integrity of our friend, the gentleman from Illinois (Mr. HENRY HYDE). He is one of the most judicious members in this body in his role as the chairman of the Committee on the Judiciary, and I have said on many occasions that he would make an excellent Supreme Court Justice. As a matter of fact, I recommended that to former President Ronald Reagan and former President George Bush on a number of occasions.

We are fortunate, however, that he has not been elevated to that position as yet, as he is very much needed at this trying time for the House and for our country.

Likewise, the gentleman from Michigan (Mr. CONYERS) has many years of experience in the Committee on the Judiciary, including service there in the 1974. He is extremely knowledgeable and tenacious, and we look forward to his service and his leadership in this very important matter.

This is a very grave day for the House of Representatives. Indeed, it is a solemn time, I think, for our Nation.

□ 2130

Today we will do what we are compelled to do under the Constitution, not because we desire it but because it is our duty as Members of Congress.

In order to most judiciously fulfill these constitutional duties, I would urge all Members to approach this sensitive matter with the dignity and decorum which befits the most deliberative body in the entire world.

Mr. Speaker, I wanted to bring this to the attention of this body and to the American people. Hopefully, around 10:30 tomorrow morning this resolution will be on the floor. Once it passes, it then will be made available to Members and to the public and to the media as soon as technologically possible.

The chairman and the minority leader today wrote a letter to the independent counsel asking them to make available the computerization of the material which will allow us to immediately, upon passage of this resolution, to then be able to reproduce in both hard copies and over the Web sites the actual resolution that will be passed.

Mr. Speaker, I just might again point out that we have done everything in our power to make sure that this is a bipartisan resolution that is agreed to by an overwhelming number of the Members of this House. I think that it will be tomorrow, and we look forward to having this debate.

EXTENSION OF TIME FOR DEBATE ON HOUSE RESOLUTION 525, PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, with the concurrence of the gentleman from

Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, I ask unanimous consent that when we take up the preferential resolution tomorrow, which contains under the rules of the House only 1 hour of debate, that we extend that period for an additional hour so that the entire debate will be consecutive and will be covered in a 2-hour period.

Mr. Speaker, again, I do have the concurrence of the minority leader and the ranking minority member of the Committee on Rules.

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–703) on the resolution (H. Res. 525) providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERRY (at the request Mr. GEPHARDT), for today, on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), after 1:30 p.m. today and for the balance of the week, on account of business in the district.

Mr. MCGOVERN (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of attending a funeral.

Mr. SCARBOROUGH (at the request of Mr. ARMEY), after 1:30 p.m. today and for the balance of the week, on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HEFNER) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. PALLONE, for 60 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.
Mr. RAMSTAD, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.
Mr. LUCAS, for 5 minutes, today.
Mr. REDMOND, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, today.
Mr. ROHRABACHER, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, on September 11.
Mr. RIGGS, for 5 minutes each, today and September 11.
Mr. DUNCAN, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HEFNER) and to include extraneous matter:)

Mr. KIND.
Mrs. MALONEY of New York.
Mr. COYNE.
Mr. RAHALL.
Ms. JACKSON-LEE of Texas.
Mr. LEVIN.
Mr. ETHERIDGE.
Mr. LANTOS.
Mr. CUMMINGS.
Mr. BERRY.
Mrs. CAPPS.
Mr. LIPINSKI, in two instances.
Mr. BARCIA.
Mr. KUCINICH.
Mr. KILDEE.
Mr. WAXMAN.
Mr. OBERSTAR.

(The following Members (at the request of Mr. BILBRAY) and to include extraneous matter:)

Mr. PAPPAS.
Mr. HUNTER.
Mr. DOOLITTLE.
Mr. KING.
Mr. ARCHER.
Mr. PAUL.
Mrs. ROUKEMA.
Mr. TAYLOR of North Carolina.
Mr. SMITH of Oregon.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. SCHAFFER of Colorado.
Mr. BAESLER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, September 11, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10813. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Official/Unofficial Weighing Service (RIN: 0580–AA55) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky [KY–104–9818a; FRL–6152–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District [CA 102–0091a; FRL–6150–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements [MD003–3024a, MD025–3024a, MD066–3024a; FRL–6148–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production [EPA # F–96–P32F-FFFFF; FRL–6134–5] (RIN: 2050–ZA00) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities

Contractors [OPPTS–62158A;FRL–6017–8] (RIN: 2070–AD11) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Public Water System Program; Removal of Obsolete Rule [FRL–6121–7] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10820. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers [WT Docket No. 98–100] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10821. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Old Forge and Newport Village, New York) [MM Docket No. 97–179 RM–9064] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10822. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations (Redwood, Mississippi) [MM Docket No. 96–231 RM–8903] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10823. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations [MM Docket No. 97–138, RM–8855, RM–8856, RM–8857, RM–8858, RM–8872] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10824. A letter from the AMD—Performance Evaluation and Records Management, Federal Trade Commission, transmitting the Commission's final rule —Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia) [MM Docket No. 97–229, RM–9100, RM–9231] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Feather and Down Products Industry [16 CFR Part 253] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Policy and Regulations Specialist, Fish and Wildlife Service, transmitting the Service's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1998–1999 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018–AE12) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10827. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 971229312–7312–01; I.D. 072798A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10828. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank [Docket 971014245–8190–03] (RIN: 0648–AK45) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10829. A letter from the Assistant Administrator, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule— Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment [Docket No. 980716182–8182–01; I.D. 062298C] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10830. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Miscellaneous Changes to Trademark Trial and Appeal Board Rules [Docket No. 970428100–8199–03] (RIN: 0651–AA87) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10831. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice 98–41 received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10832. A letter from the Senior Attorney, Copyright Office, The Library of Congress, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with amendments (Rept. 105–661, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 3789. A bill to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions; with an amendment (Rept. 105–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 525. Resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes (Rep. 105–703). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY (for himself, Mr. BOEHNER, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. HOBSON, Mr. LaTOURETTE, Mr. CHABOT, Mr. GILLMOR, Mr. TRAFICANT, Mr. HALL of Ohio, and Mr. STRICKLAND):

H.R. 4537. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. MATSUI (for himself, Mrs. KENNELLY of Connecticut, Ms. McCARTHY of Missouri, Mrs. THURMAN, Mr. PALLONE, Mr. VENTO, Mr. NEAL of Massachusetts, Ms. DeLAURO, Mr. BERMAN, Mrs. LOWEY, Ms. FURSE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. HINCHEY, Mr. GUTIERREZ, Mr. BECERRA, and Mr. FARR of California):

H.R. 4538. A bill to amend the Internal Revenue Code of 1986 to provide incentives to reduce energy consumption; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4539. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations and cancellations; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ANDREWS, Mr. HILLEARY, Mr. GEKAS, Mr. BARR of Georgia, and Mr. HOBSON):

H.R. 4540. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. HOUGHTON:

H.R. 4541. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SAM JOHNSON of Texas, Mrs. CHENOWETH, Ms. GRANGER, Mr. HOSTETTLER, Mr. LEWIS of Kentucky, Mr. GIBBONS, Mr. HALL of Texas, Mrs. KELLY, Mr. UPTON, Mr. POMBO, Mr. KNOLLENBERG, Mr. COBLE, Mr. RIGGS, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. SHAW, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SKEEN, Mr. LEWIS of California, Mr. McKEON, Mr. SESSIONS, Mr. ROHRABACHER, Mr. PACKARD, Mrs. WILSON, Mr. MANZULLO, Mr. REDMOND, Mr. STEARNS, Mr. QUINN, Mr. GILMAN, Mr. HORN, Mr. CASTLE, Mr. LEACH, Mr. CAMP, Mr. BOEHLERT, Mr. LoBIONDO, Mr. SHAYS, Mr. KOLBE, Mr. FOSSELLA, and Mr. FOLEY):

H.R. 4542. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty, to encourage health coverage, to allow the nonrefundable personal credits against the alternative minimum tax, and to extend permanently certain expiring provisions, and to amend the Social Security Act to increase the earnings limitation; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 4543. A bill to amend section 16 of the United States Housing Act of 1937 to require owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing; to the Committee on Banking and Financial Services.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Stupak):

H.R. 4544. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Ms. McKINNEY (for herself, Mr. Rohrabacher, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Porter, Mrs. Lowey, Mr. Kennedy of Massachusetts, Mr. Wolf, Mr. Campbell, Mr. Leach, Mr. Lantos, Mr. Berman, Mr. Faleomavaega, Mr. Engel, Mr. Menendez, Mr. Payne, Mr. Brown of Ohio, Mr. Hastings of Florida, Mr. Hilliard, Mr. Luther, Mr. Rothman, Mrs. Morella, Mr. Riggs, Mr. LoBiondo, Mr. Moran of Virginia, Mr. DeFazio, Ms. Furse, Mr. Abercrombie, Mr. Allen, Mr. Andrews, Mr. Barrett of Wisconsin, Mr. Blumenauer, Mr. Blagojevich, Mr. Bonior, Mr. Brown of California, Mr. Cardin, Mr. Clay, Mr. Clement, Mr. Clyburn, Mr. Conyers, Mr. Delahunt, Mr. Dixon, Mr. Farr of California, Mr. Fattah, Mr. Filner, Mr. Hinchey, Ms. Norton, Ms. Hooley of Oregon, Mr. Lewis of Georgia, Mrs. Maloney of New York, Mr. Markey, Mr. Martinez, Mr. McDermott, Mr. McGovern, Mr. Meehan, Mrs. Meek of Florida, Mr. Miller of California, Mr. Minge, Mr. Nadler, Mr. Olver, Mr. Owens, Mr. Pascrell, Mr. Rangel, Ms. Rivers, Ms. Roybal-Allard, Mr. Serrano, Ms. Slaughter, Mr. Stark, Mr. Strickland, Mr. Stupak, Mrs. Tauscher, Mr. Tierney, Mr. Towns, Mr. Underwood, Mr. Vento, Ms. Waters, Mr. Watt of North Carolina, Ms. Woolsey, and Mr. Waxman):

H.R. 4545. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 4546. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. OBERSTAR:

H.R. 4547. A bill to amend title 49, United States Code, to limit sales of air carrier certificates; to the Committee on Transportation and Infrastructure.

By Mrs. LINDA SMITH of Washington:

H.R. 4548. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 525. A resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes; to the Committee on Rules.

By Mr. KIM:

H. Res. 526. A resolution condemning the launching by the Democratic People's Republic of Korea of a ballistic missile in violation of Japanese air space, and for other purposes; to the Committee on International Relations.

By Mr. BLAGOJEVICH:

H. Res. 527. A resolution honoring the centennial of the founding of DePaul University in Chicago, Illinois; to the Committee on Education and the Workforce.

By Mr. DEUTSCH (for himself, Mr. Peterson of Minnesota, Mr. Condit, and Ms. Eshoo):

H. Res. 528. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. NADLER (for himself and Mr. Solomon):

H. Res. 529. A resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. PAUL introduced A bill (H.R. 4549) for the relief of the family of H. W. Hawes; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Moran of Virginia.

H.R. 18: Mrs. McCarthy of New York, Mrs. Capps, Mr. Dixon, Mr. Fossella, Mr. Christensen, Mr. Bentsen, and Mr. Bob Schaffer.

H.R. 27: Mr. Spence.

H.R. 40: Mr. Pastor.

H.R. 44: Mrs. Mink of Hawaii and Mr. Sessions.

H.R. 59: Mr. Stokes.

H.R. 65: Mr. Adam Smith of Washington.

H.R. 76: Mrs. Capps.

H.R. 107: Mr. Kucinich.

H.R. 145: Mrs. Maloney of New York and Mr. Gutknecht.

H.R. 322: Mr. Hayworth.

H.R. 519: Mr. Davis of Florida.

H.R. 598: Mr. Bilbray.

H.R. 612: Mr. Tauzin.

H.R. 759: Mr. Sanders.

H.R. 836: Mr. Camp, Mr. Allen, Mr. Diaz-Balart, Ms. Granger, Mr. Greenwood, Mr. Walsh, Mr. Skaggs, and Mr. Cramer.

H.R. 979: Mr. Boehlert, Mr. Gilman, Mr. Bryant, Mr. Boyd, Mr. Forbes, and Mr. Nussle.

H.R. 1241: Mrs. Capps and Mrs. Bono.

H.R. 1289: Ms. Lofgren.

H.R. 1382: Mr. Sandlin.

H.R. 1608: Ms. Norton, Mr. Markey, Mr. Underwood, and Mr. Gibbons.

H.R. 1628: Mr. Maloney of Connecticut.

H.R. 1748: Mr. Gejdenson and Mr. Stokes.

H.R. 1995: Mr. Gonzalez.

H.R. 2397: Mrs. Thurman, Mr. Adam Smith of Washington, Ms. Pryce of Ohio, Mr. Stenholm, Mr. Weldon of Pennsylvania, Mr. Hansen, Mr. Cook, Mr. McCollum, Mr. Turner, Mr. McIntosh, Mr. Franks of New Jersey, Mr. Traficant, Mr. Pappas, Ms. Rivers, Mr. Kleczka, Mr. Sanders, Mr. Campbell, Mr. Barrett of Wisconsin, Mr. Sessions, Mr. Hall of Texas, Mr. Dixon, Mr. McHale, Mr. Hinchey, Mr. Ackerman, Mr. Cooksey, Ms. Carson, Mr. Redmond, Mrs. Lowey, Mr. Riley, and Mr. Rothman.

H.R. 2524: Ms. Pelosi, Ms. Sanchez, Mr. Sandlin, and Mr. Kennedy of Rhode Island.

H.R. 2715: Mr. Christensen.

H.R. 2721: Mr. Goode.

H.R. 2819: Mr. Delahunt and Mr. Campbell.

H.R. 2821: Mr. Matsui and Mrs. Morella.

H.R. 2912: Ms. Hooley of Oregon.

H.R. 2941: Mr. Barton of Texas.

H.R. 2951: Ms. Pelosi.

H.R. 2955: Mr. Sanford, Mr. Hinojosa, Mr. Stokes, Ms. Lee, and Mr. Thompson.

H.R. 2990: Mr. Hansen, Mr. Hastert, Mr. Rogan, Mrs. McCarthy of New York, Mr. Solomon, Mr. Chabot, Mr. McCollum, Mr. Smith of Michigan, Mr. Kingston, Mr. Minge, and Mr. McNulty.

H.R. 2995: Mr. Ramstad and Mr. Jefferson.

H.R. 3077: Mr. Bishop, Mr. Miller of California, Mr. DeFazio, and Mr. Stupak.

H.R. 3081: Mr. Dicks, Mr. Faleomavaega, Mr. Sherman, Mr. Allen, and Mr. Sawyer.

H.R. 3121: Mr. McNulty.

H.R. 3125: Mr. Hefley and Mr. Inglis of South Carolina.

H.R. 3126: Mr. Bishop.

H.R. 3160: Mr. Shays.

H.R. 3177: Mr. Oxley.

H.R. 3435: Mr. Minge.

H.R. 3503: Ms. Slaughter, Mr. Moran of Virginia, Mr. Frank of Massachusetts, Mr. Paul, Mr. Martinez, Mr. Matsui, and Ms. Danner.

H.R. 3514: Mr. Baesler, Mr. Tierney, Mr. Andrews, and Mr. Peterson of Minnesota.

H.R. 3572: Ms. Ros-Lehtinen and Mr. Traficant.

H.R. 3636: Mr. Ford.

H.R. 3641: Mr. Sam Johnson of Texas and Ms. Pryce of Ohio.

H.R. 3759: Mr. Brown of California, Mr. Frost, Mr. Oberstar, and Mr. Gutierrez.

H.R. 3774: Mr. Allen and Mr. Nethercutt.

H.R. 3783: Mr. Blunt and Mr. Sandlin.

H.R. 3792: Mr. Kasich.

H.R. 3795: Mr. Delahunt and Mr. Ackerman.

H.R. 3814: Mr. Condit and Mr. Serrano.

H.R. 3835: Mr. Gordon, Mr. Blunt, Mr. Hulshof, Mr. Manzullo, Mr. Ackerman, Mr. Rush, Mrs. Tauscher, Mr. Green, Mr. Burr of North Carolina, Mr. Engel, Mr. Delahunt, Mr. Hamilton, Mr. Ehrlich, Mr. Borski, Mr. Yates, Mr. Bishop, Mr. Boucher, Mrs. Emerson, Mr. Coyne, Mr. Canady of Florida, Mr. Turner, Mr. Kucinich, and Mr. Sanders.

H.R. 3844: Ms. Pryce of Ohio.

H.R. 3870: Ms. Lofgren and Mr. Canady of Florida.

H.R. 3879: Mrs. Fowler.

H.R. 3946: Mr. Clay, Mr. Wexler, Ms. Roybal-Allard, Mr. Maloney of Connecticut, Mr. Thompson, Ms. McCarthy of Missouri, and Ms. Norton.

H.R. 3949: Mr. McKeon.

H.R. 3962: Mr. Baker.

H.R. 3991: Mr. Hyde and Mr. Hilleary.

H.R. 4019: Mr. Smith of Texas.

H.R. 4028: Mr. English of Pennsylvania, Mr. Hall of Texas, Mr. Hulshof, Ms. DeGette, Mr. Snyder, Mr. Sherman, Mr. Horn, Mr. Sanders, Ms. Christian-Green, Mr. Sandlin, Mr. Turner, and Mr. LaFalce.

H.R. 4030: Mr. Skaggs.

H.R. 4035: Mr. Pastor, Mr. Turner, Mr. Brady of Pennsylvania, Mr. Foley, Mr. Delahunt, Ms. Christian-Green, Mr. Ensign, Mr. Maloney of Connecticut, Mr. Menendez, Mr. Livingston, Mr. Martinez, Mr. Payne, Mrs. Roukema, Mr. Kildee, Mr. Jefferson, Mr. Yates, Mr. Minge, Ms. Sanchez, Mr. Goodling, Mr. Dingell, Mr. Peterson of Minnesota, Mr. Dixon, Mr. Rahall, Mr. Sensenbrenner, Mr. Taylor of North Carolina, Mrs. Myrick, Mr. Olver, Mr. Coburn, Mr. Walsh, Ms. Lofgren, Mr. Watts of Oklahoma, Mr. Edwards, and Mr. Petri.

H.R. 4036: Mr. Pastor, Mr. Turner, Mr. Brady of Pennsylvania, Mr. Foley, Mr. Delahunt, Ms. Christian-Green, Mr. Ensign, Mr. Menendez, Mr. Martinez, Mr. Payne, Mrs. Roukema, Mr. Kildee, Mr. Jefferson, Mr. Yates, Mr. Minge, Ms. Sanchez, Mr. Dingell, Mr. Peterson of Minnesota, Mr. Dixon, Mr. Rahall, Mr. Sensenbrenner, Mr. Taylor of North Carolina, Mrs. Myrick, Mr. Olver, Mr. Coburn, Mr. Walsh, Ms. Lofgren, Mr. Edwards, and Mr. Petri.

H.R. 4039: Mr. Souder.

H.R. 4067: Mr. Ney.

H.R. 4093: Ms. Christian-Green and Mr. Serrano.

H.R. 4125: Mr. Burton of Indiana, Mr. Hyde, Mr. Jones, Mr. Bachus, Mr. Greenwood, and Mr. Paxon.

H.R. 4126: Mr. Dickey.

H.R. 4134: Mr. Sandlin.

H.R. 4141: Mr. Lewis of Georgia.

H.R. 4204: Mr. Nethercutt and Mr. Portman.

H.R. 4213: Mr. Crane and Mr. Barton of Texas.

H.R. 4219: Mr. Snyder and Ms. Stabenow.

H.R. 4220: Mr. Rothman.

H.R. 4224: Ms. Danner.

H.R. 4233: Mr. Cummings, Ms. DeLauro, Mr. Moran of Virginia, and Mr. Berman.

H.R. 4240: Mr. Rohrabacher.

H.R. 4257: Mr. Pickering, Mr. Aderholt, and Mr. Kind of Wisconsin.

H.R. 4275: Mr. Clay, Mr. Kind of Wisconsin, Ms. McKinney, Mr. Dickey, Mr. Evans, Mr. Pease, Ms. Eshoo, Mr. Norwood, Mr. Kanjorski, Mr. Gejdenson, Mr. Dingell, Mr. Fattah, and Mr. Murtha.

H.R. 4283: Mr. Franks of New Jersey, Mr. Fattah, Mr. Levin, Mr. Nadler, Mr. Wynn, Mr. Bishop, Mr. Ford, Mr. Clay, Ms. Lee, Mr. Hyde, and Mr. Stokes.

H.R. 4291: Mr. Delahunt, Mr. Dixon, Mr. Farr of California, Mr. Filner, Mr. Kennedy of Rhode Island, Mrs. Kennelly of Connecticut, Mr. King of New York, Mr. Oberstar, Mr. Pastor, Mr. Sawyer, Mr. Underwood, and Mr. Waxman.

H.R. 4321: Mrs. Roukema.

H.R. 4323: Mr. Faleomavaega, Ms. Pelosi, Mr. Becerra, Mr. Hinojosa, Ms. Roybal-Allard, Mr. Frank of Massachusetts, Mr. Gutierrez, and Mr. Serrano.

H.R. 4324: Mr. Skeen, Mr. Cannon, Mr. McInnis, Mr. Blunt, Mr. Fossella, Mr. Chabot, Mr. Bob Schaffer, Mr. Sam Johnson of Texas, Mr. Metcalf, Mr. Regula, Mr. Goodlatte, Mr. Ensign, and Mr. Christensen.

H.R. 4339: Mr. Conyers, Mr. Jenkins, Mr. Maloney of Connecticut, Mr. Ney, Mrs. Mink of Hawaii, Mr. Gejdenson, Ms. Norton, Mr. Sandlin, Mr. Poshard, Mr. Peterson of Minnesota, Mr. Brown of Ohio, Mr. Martinez, Ms. Pelosi, Mr. DeFazio, Mr. Baker, Mr. Duncan, Mr. Andrews, Mr. Romero-Barcelo, Ms. Carson, Ms. McCarthy of Missouri, Mr. Ortiz, Mr. Condit, and Mr. Callahan.

H.R. 4340: Ms. Carson, Mr. Hilliard, Ms. Millender-McDonald, and Mr. Olver.

H.R. 4352: Mr. DeFazio, Mr. Boucher, and Mr. McHugh.

H.R. 4353: Mr. Gillmor, Mr. Greenwood, Mr. White, Mr. Deutsch, and Mr. Sawyer.

H.R. 4358: Mr. Watkins, Mr. McDermott, Mr. Walsh, Ms. Dunn of Washington, Mr. Hinchey, Mr. Levin, Mr. English of Pennsylvania, Mr. Ensign, and Mr. Boehlert.

H.R. 4391: Mr. Norwood.

H.R. 4404: Mr. Cannon, Mr. Clyburn, Mr. Hilliard, Mr. Sisisky, and Mr. Spratt.

H.R. 4433: Mr. McGovern.

H.R. 4446: Mr. Inglis of South Carolina, Mr. Bateman, Mr. Bereuter, Mr. Tanner, Mr. Oxley, and Mrs. Linda Smith of Washington.

H.R. 4447: Mr. DeFazio.

H.R. 4455: Mr. Ehrlich, Mrs. Myrick, Mr. Campbell, Mr. Rogan, Mr. Rohrabacher, Mr. Blunt, Mr. Livingston, Mr. Wamp, and Mr. Oxley.

H.R. 4472: Mr. Houghton, Mrs. Kelly, and Mr. Tanner.

H.R. 4476: Mr. McGovern, Mr. Dooley of California, Mr. Kildee, Mrs. Maloney of New York, Mr. Cummings, Mr. Sandlin, Mr. Horn, Mr. LaFalce, and Ms. Stabenow.

H.R. 4480: Mr. Blumenauer.

H.R. 4522: Mr. Peterson of Pennsylvania, Mr. Bliley, Mr. Packard, Ms. Granger, Mrs. Kelly, Mr. Camp, Mr. Portman, and Mr. Stump.

H. Con. Res. 41: Mr. McInnis.

H. Con. Res. 52: Mr. Rodriguez, Mr. Filner, Mr. Nethercutt, Mr. Poshard, Mr. Murtha, Mr. Coyne, Mr. Ramstad, Ms. Lee, Mr. Waxman, Mr. Pallone, Mr. Boswell, and Mr. Evans.

H. Con. Res. 224: Mr. Gilman and Mr. Smith of New Jersey.

H. Con. Res. 229: Mr. Boehlert, Mr. Cardin, Mr. Hyde, Mr. McCollum, Mrs. Mink of Hawaii, Mrs. Morella, Mrs. Northup, Ms. Norton, Ms. Sanchez, and Mr. Wicker.

H. Con. Res. 267: Mr. Kennedy of Rhode Island and Mr. Talent.

H. Con. Res. 295: Mr. Walsh, Mr. English of Pennsylvania, Mr. Sherman, Mr. Rothman, Mr. Smith of New Jersey, Mr. Lantos, and Mr. Waxman.

H. Con. Res. 315: Mr. Frost, Mr. Traficant, and Mr. Frank of Massachusetts.

H. Con. Res. 317: Mr. Ackerman, Mr. Bachus, Mr. Baldacci, Mr. Boyd, Mr. Brady of Texas, Mr. Callahan, Mr. Clement, Ms. DeLauro, Mr. Farr of California, Mr. Frank of Massachusetts, Mr. Frost, Mr. Horn, Mr. Kennedy of Rhode Island, Ms. Lee, Mr. Lewis of California, Ms. Lofgren, Mr. Luther, Mr. McDermott, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Shimkus, Mr. Skelton, Mr. Spratt, Mr. Traficant, Mr. Walsh, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Wolf, Mr. McNulty, and Mr. Metcalf.

H. Res. 381: Mr. Martinez and Mr. Brady of Texas.

H. Res. 479: Ms. Kilpatrick, Mrs. Mink of Hawaii, Mr. Markey, and Mr. DeFazio.

H. Res. 494: Mr. Torres.

H. Res. 505: Mr. Underwood, Mr. Abercrombie, Mr. Matsui, Mrs. Mink of Hawaii, and Mr. Kim.

H. Res. 519: Mr. Diaz-Balart.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 218: Mr. Bilbray.

H.R. 3396: Mr. Nussle.

H.R. 4006: Mr. LaTourette.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4274

Offered By: Mr. Graham

Amendment No. 6: Page 53, lines 17 and 18, after the dollar amounts, insert the following: "(reduced by $100,000,000)".

Page 57, line 17, after each dollar amount, insert "(increased by $100,000,000)".

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN F. BRADY—NAVY MAN, MERCHANT MARINER, RECIPIENT OF THE PURPLE HEART

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. RAHALL. Mr. Speaker, on August 11, 1998, John F. Brady passed away. He was 69 years old, a father, a husband, grandfather much beloved by his family, as well as by his many friends.

John Brady went to sea at the tender age of 16 with the U.S. Army Transport Service, now the Military Sealift Command, for two years. He enlisted in the U.S. Navy in Seattle, WA, in December 1947, serving with distinction in China and Japan.

John Brady was decorated for service with the USMC in the Korean War, and was a member of the 'Chosen Few'. Wounded in action, he was awarded the Purple Heart for Service and Sacrifice to his country.

Upon his discharge from the service, he served for five years with the Merchant Marine, as a second engineer. He came ashore in order to serve as a representative for his union, then the Brotherhood of Marine Engineers, later becoming the American Maritime Officers. He held every union office (except as president) for the next 40 years.

John is survived by his loving wife Kitty, daughters Catherine and Cynthia, and sons Phillip, John F. II, and Scott, who is also with the Merchant Marine, and by six grandchildren and two sisters.

John's deep and abiding commitment to the happiness of his family is well known, and he was devoted to their well-being throughout his remarkable life.

John Brady's enormous personal and professional dedication to his fellow maritime officers was also well-known, and he seemed to think of them as members of his extended family. It was well understood by all who knew him that he took his responsibility as the Maritime Officers' Union Representative, very seriously, and he worked tirelessly to help assure their success and well-being for nearly four decades.

Mr. Speaker, John Brady will be sorely missed by his loving family, his fellow officers, and his community, but his memory will live on in their hearts and minds forever.

EDGAR C. CAMPBELL, SR., POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3939, which will designate the United States Postal Service building located at 658 63rd Street, Philadelphia as the "Edgar C. Campbell, Sr., Post Office Building." I echo the eloquent words of my colleague and friend CHAKA FATTAH, when he described the greatness of this pioneering statesman.

But, Mr. Speaker, Edgar Campbell was more than a great Philadelphian. He was more than a great leader. Edgar Campbell was a great man. He was a devoted family man and neighbor. He was active in his church and in the greater community. The measure of his success as a leader is that he was elected city wild at a time when it was difficult for an African American. The measure of his success as a politician is that he held key leadership positions in the Democratic Party and won those positions because of the respect his fellow leaders had for him. But most importantly, the measure of his success as a father is that his children entered his profession and continue to fulfill his legacy.

Mr. Speaker, I am proud to say that Edgar C. Campbell was my friend. Edgar's daughter, the great Carol Ann Campbell, is my friend too. And for all Edgar did and for all Carol Ann continues to do, I am proud to join my colleagues in supporting this bill.

A TRIBUTE HONORING RUTH HOBBS WOODS ON HER 100TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LIPINSKI. Mr. Speaker, today I rise to pay tribute to a remarkable woman who has recently celebrated her 100th birthday, on August 27, 1998.

Ruth Hobbs Woods, a resident of my district, married Mountford Woods on May 18, 1918 and was married for forty-two years. They took pride in parenting four children. Ruth has 11 grandchildren, 23 great-children, and one great-great grandchild.

Ruth Hobbs Woods resided in Chicago Ridge, Illinois for fifty-five years. During those years, Ruth Hobbs Woods was an active member of the community. Ruth Hobbs Woods was very involved in State, County, Township and Village politics and is a past member of the Worth Township Democratic Organization. Ruth Hobbs Woods was also an active member of the Chicago Ridge Homeowners Association and is currently a member of the Senior Citizens Friendship Club.

Mr. Speaker, I congratulate Ruth Hobbs Woods on reaching this milestone and commend her for her many contributions to her community. I extend Ruth Hobbs Woods my best wishes for many more birthdays to come.

RECOGNIZING THE SERVICE OF COMMAND SERGEANT MAJOR DOBSON

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAPPAS. Mr. Speaker, I would like to extend my thanks and congratulations to Command Sergeant Major M.M. Dobson, who is retiring after thirty years of service to his fellow countrymen. Since July of 1996, he has served as the Command Sergeant Major for the Communications-Electronics Command at Forth Monmouth, New Jersey. Together with his wife, Judy, he has raised three daughters: Jennie, Melissa, and Crystal.

Sergeant Major Dobson enlisted in June of 1968 as an avionics radio repairman. His first assignment was as a tropospheric scatter team chief with the 3rd Battalion, 84th Field Artillery. He has since served five tours of duty in Germany. Other assignments have included troposcatter team chief at Fort Sill, Oklahoma, where he was also a senior instructor and course noncommissioned officer in charge, as well as duty at Fort Benning, Georgia, as an instructor at the Noncommissioned Officer School of Infantry and First Sergeant of Company B, 34th Signal Battalion, Ludwigsburg, Germany. In 1985, Command Sergeant Major Dobson became the First Sergeant of the 209th Signal Company at Fort Huachuca, Arizona. By 1987, he was promoted to his current rank of Command Sergeant Major and served another tour in Germany with the 52nd Signal Battalion. After this tour, he returned to Fort Huachuca to serve as the U.S. Army Garrison Command Sergeant Major there. In 1990, Command Sergeant Major Dobson was chosen to serve as the 11th Signal Brigade CSM and was deployed to Saudi Arabia for Operations Desert Shield and Desert Storm, followed closely by an assignment to the 1st Signal Brigade in Korea.

Among Sergeant Majors many awards and decorations are: the Legion of Merit; first Oak Leaf Cluster, the Bronze Star Medal, Meritorious Service Medal; fifth Oak Leaf Cluster, the Army Achievement Medal; first Oak Leaf Cluster, and the Army Commendation Medal, as well as numerous other achievements.

I would again like to express my deep gratitude for the many years of service which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Command Sergeant Major Dobson has given to his country.

CALLING FOR AN END TO RECENT CONFLICT BETWEEN ERITREA AND ETHIOPIA

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 292, a concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia. I support this bill for several reasons. First, I am concerned that this conflict shows signs of worsening, ravaging a civilian population that has experienced severe hardship during the last half century. The threat to the civilian populations of Eritrea and Ethiopia is real, as both countries are among the largest recipients of international aid.

Thus, far hundreds of soldiers and civilians have died on both sides. Towns and villages have suffered aerial bombardment. Just one example of the horrors of this war, occurred as an Eritrean fighter plane strafed a schoolyard killing dozens of children. Both sides have begun gathering citizens of the other country for deportation which raises the specter of genocide.

Second, this conflict threatens to undermine United States efforts to increase investment and trade in the region. During the President's recent trip to the African continent, the President indicated a willingness to increase America's economic ties in the region. This conflict represents a major obstacle to America's efforts to continue to develop and foster an economic partnership on the continent.

Finally, the strategic importance of this region has long been viewed as vital to United States interests. The Horn of Africa has long been viewed as a strategic area of the globe because of its proximity to the sea lands linking the oil rich Persian Gulf region with the Red Sea, the Gulf of Aden and the Indian Ocean.

This Congress should pass House Concurrent Resolution 292 and support all efforts which will mediate an immediate end to the conflict between Eritrea and Ethiopia.

NINETIETH ANNIVERSARY OF THE RUSSIAN ORTHODOX CATHEDRAL OF THE HOLY TRANSFIGURATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the Russian Orthodox Cathedral of the Holy Transfiguration on the 90th anniversary of its founding. Throughout its history, the Cathedral of the Holy Transfiguration had dedicated itself to providing spiritual guidance to the growing immigrant population of Greenpoint, Brooklyn.

The Cathedral was founded in 1908, with construction beginning on the cathedral in 1916. In 1921 Archbishop Platon consecrated the church. This large, beautiful house of worship was listed in the National Registry of Historic Places in 1980.

The Cathedral of the Holy Transfiguration would not have grown and prospered without its dedicated parishioners and priests. The first Divine Liturgy was celebrated by Rev. Alexander Hotovitzky. The first assigned pastor was Rev. Theofan Buketoff. Since that time a number of distinguished theologians have had the privilege of serving the Greenpoint community through the Cathedral of the Holy Transfiguration.

The Cathedral has met the challenge presented by the diverse and growing immigrant population of the community by offering a variety of religious and spiritual services. Among these are Devine Liturgies, Vigil, panikhida and Vespers. The church encourages the active participation of its parishioners in its liturgical life.

Additionally, the church provides myriad services for the community via various clubs and associations. These church sponsored organizations also provide a sense of community and belonging for their members. These organizations include the Brotherhood of the Holy Trinity, the Transfiguration Russian Orthodox Club, the Church School, the Parents Association and a special organization for new immigrants. These groups provide services ranging from church maintenance to youth educational programs.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Russian Orthodox Cathedral of the Holy Transfiguration as it celebrates its 90th anniversary. I am honored to have such a distinguished and important parish in my district continuing in a long tradition of spiritual and community service.

DAVID P. RICHARDSON, JR., POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3999, which will designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building."

Mr. Speaker, Dave Richardson was a man like few others. I heard the many kind things my colleagues said about Ron Dellums today. I didn't serve with Mr. Dellums, but I worked for many years with Dave. And based on what I've heard about Ron, he and Dave were cut from the same cloth.

Dave Richardson was a fighter for justice. He never stopped working on behalf of the poor and working people of this country, especially those in his beloved Germantown. Mr. Speaker I am proud to share the representation of Dave's old district with this bill's sponsor, Mr. FATTAH. And every day, I can see the results of Dave's tireless work. Dave earned and kept the respect of everyone who knew him in Philadelphia, in the State House in Harrisburg and across this great nation through is work with other African American legislators. He was a leader. He was a warrior. And happily, Dave Richardson was my friend. I am proud to join my colleagues in supporting this bill.

A TRIBUTE TO HELEN FANNING ON HER 100TH BIRTHDAY

HON. WILLIAM. O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a woman who has seen a century, Mrs. Helen Fanning, on the event of her 100th birthday, September 21, 1998.

I am pleased to remark that the Village of Justice, Illinois, is proclaiming the week of September 20 through 26, 1998 "Helen Fanning Week" in honor of Mrs. Helen Fanning's 100th birthday. The family and friends of Mrs. Helen Fanning will be celebrating with a birthday party, where the proclamation will be presented.

Mr. Speaker, I congratulate Mrs. Helen Fanning on achieving this great milestone and extend to her my best wishes for many more birthdays to come.

RECOGNIZING THE SERVICE OF GENERAL GERARD BROHM

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to extend my heartfelt congratulations and thanks to Major General Gerard P. Brohm, who is retiring after thirty two years of dedicated service to his country in the United States Army. Born in New York City, General Brohm first enlisted in the Army in 1966, taking basic and advanced training as an infantryman. He and his wife, Ines, have four children: Maria Elena, Kathy, Jerry, and Michael.

In July of 1967, General Brohm received the commission of Second Lieutenant and then served in Vietnam as a platoon leader. During his career, he has served as commander of two companies at Fort Bragg, S–3 and Executive Officer for the 41st Signal Battalion in Korea, and as Battalion Commander for the 143rd Signal Battalion, 3rd Armored Division. He has also served as the Brigade Commander for the 93rd Signal Brigade, VII Corps, as well as Deputy Commanding General, U.S. Army Signal Center and Fort Gordon, Georgia.

General Brohm has also been a distinguished staff officer, whose assignments have included Executive Officer for the Deputy Chief of Staff of Operations and Plans for the U.S. Army Communications Command in Fort Huachuca, Arizona, Director of Combat Developments and Communications at Fort Gordon, Georgia, and finally as Chief of the Communications Systems Section, Supreme Headquarters Allied Powers Europe, Belgium.

Since January 10, 1995, Major General Brohm has served as Commanding General, U.S. Army Communications-Electronics Command (CECOM) and Fort Monmouth. He has overseen the expansion of the mission of CECOM and the consolidation of functions onto Fort Monmouth from other installations. He also has been an active advocate for the Army as it plans to digitize the battlefield. His tireless commitment to modernizing Army communications will serve this nation well for many decades to come.

General Brohm's achievements have earned him numerous decorations and awards, including the Bronze Star, the Army Achievement Medal, the Legion of Merit with Oak Leaf Cluster, and the Meritorious Service Medal with three Oak Leaf Clusters, as well as numerous others.

On a personal note, I have thoroughly enjoyed working with him on matters relating the Army and Fort Monmouth. His good humor and patience with me as I have adjusted to my new position as a new Congressman and a member of the House National Security Committee have been invaluable and I am very grateful for insight. I congratulate him and wish him, his wife Ines, and their four children Maria Elena, Kathy, Jerry, and Michael best wishes in his retirement.

FIFTIETH BIRTHDAY OF JOHN A. CATSIMATIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I submit the following:

NEW YORK, NY, September 3.—I rise today to pay tribute to John Catsimaridis, who today is celebrating his fiftieth birthday.

John Catsimatidis, an outstanding member of the community which I represent, was born in Greece in 1948. While still an infant, his parents brought him to the United States where he was raised in New York City. He attended high school in Brooklyn and then graduated from New York University.

Mr. Catsimatidis' contributions to the New York City community as a businessman and as a caring citizen are vast and varied.

He is the chairman and chief executive officer of the Red Apple Group, Inc., a privately held company that employs 10,000 people. The Red Apple Group is a diversified company with holdings in several areas, including: oil refining, supermarkets, real estate, aviation and publishing.

Red Apple Group operates United Refining of Warren, Pennsylvania, a midsized oil refinery that functions under the name "Kwik-Fill." The refinery operates 354 convenience stores and filling stations in Northwest New York and Western Pennsylvania.

Mr. Catsimatidis' company also operates the largest supermarket chain in Manhattan under the names "Sloan's" and "Gristede's." He founded this business in 1969 while still a college student; the company now operates 50 stores. An additional supermarket operating under the name "Grand Union," located in the Virgin Islands.

Mr. Catsimatidis, a pilot, also operates an aviation company under the names "Capitol Air Express" and "C&S Acquisition." This company is a worldwide commercial charter and aircraft leasing company with Boeing's 727's and personal jet aircraft.

Additionally, he is the owner and editor of the Hellenic Times newspaper, the largest English-language Greek-American newspaper in the United States.

The list of Mr. Catsimatidis' philanthropic activities is equally as extensive and impressive as his business initiatives. He is the former chairman of the Hellenic American Neighborhood Action Committee (HANAC), a nonprofit social services organization which operates low-income housing, medical services, and housing for the elderly and home meal delivery in the New York Metropolitan area.

He is the co-chairman and founder of the Brooklyn Tech Endowment Foundation; the $10,000,000 fund is the largest gift to a secondary school in the United States. He is the director of the New York Police Athletic League. He funds the John Catsimatidis Scholarship Fund at NYU School of Business, which awards two scholarships annually. He is a past president of the Manhattan Council of Boy Scouts of America.

He is also active in the National Kidney Foundation, Juvenile Diabetes Foundation, Young Men's Philanthropic League and the Alzheimer's Foundation. In 1991, he underwrote the construction of the library at Camp David Chapel, the Presidential Retreat.

John Catsimatidis and his wife, Margo, have two children, Andrea John, 9; and John Andreas, Jr., 5.

Mr. Speaker, I ask that my colleagues rise with me in tribute to John Catsimatidis on his fiftieth birthday. It is a privilege to have such an outstanding leader in my district.

CONGRESSMAN KILDEE HONORS REV. JAMES E. WALKER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Reverend James E. Walker, Jr., of Flint Michigan. On Saturday, September 12, the congregation of Flint's Faith Gospel Temple Church of God in Christ will honor Reverend Walker for the many contributions he has made over the last 25 years to both City and State in the name of the Lord.

It is difficult to imagine what the Flint community would be like today had Reverend Walker not been called to become Pastor of Faith Gospel Temple. Born in 1949, to the Minister James Walker, Sr. and Iola Walker, Pastor Walker's dedication to the Lord began at the young age of 4, as a mandolin player in his family's traveling Evangelist band. The years later found the elder James Walker founding the Faith Gospel Temple in Saginaw, Michigan, in 1971. It was only fitting that the first service of the new church was the wedding of his son to the former Tonya Etoile Blythe.

It was in May of 1972, following a severe automobile accident that left his father paralyzed from the neck down, James announced to his father his plans to enter the ministry. In September of 1972, Reverend James Walker, Jr. gave his first sermon at Faith Gospel Temple, and began a distinguished career of spiritual guidance, most notably his appointment as Superintendent of Peace for the District of Northeast Michigan. In this role, which he has maintained for more than 14 years, he oversees and provides advice and insight to four churches in the Flint and Saginaw area. Many have benefitted greatly from Pastor Walker's work in the community, as well as the state.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 105th Congress to join me in saluting Pastor James Walker, Jr. Self evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people I am grateful that there are people like that serve as examples of what Americans should strive to be.

HONORING DR. JUDITH CRAVEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of Honoring Dr. Judith Craven. This Resolution recognizes Dr. Judith Craven on her retirement as the President of The United Way of the Texas Gulf Coast.

Judith Craven is a Medical Doctor, a Master of Public Health, and has served as President of The United Way of the Texas Gulf Coast since the fall of 1992. Under Dr. Craven's leadership The United Way of the Texas Gulf Coast experienced financial stability and growth. As result of Dr. Craven's determined efforts the United Way of Texas Gulf Coast became the fourth largest campaign in the nation.

During her tenure, unprecedented growth in multi-cultural communities offered new challenges and opportunities, both in campaign and volunteer recruitment areas. This challenge was met by Dr. Craven's recommitment to the values of the United Way. Dr. Craven embraced the values of diversity in volunteer composition and in service to a multi-cultural community.

Dr. Craven maximized fund raising efforts, by conducting a community wide campaign that increased the opportunity for everyone to be able to give and which sought to ensure funding stability in the community. The hallmark of Dr. Craven's fiscal responsibility was a results oriented stewardship for every charitable dollar given.

Just one example of Dr. Craven's contribution to her community was the creation of the Community Table. This effort resulted in a place where diverse individuals and groups could meet together to collaboratively plan and respond to health and human service needs. Her efforts are responsible for better communication among service provides which serve those in need.

Dr. Craven used her influence and considerable powers of communication to effectively communicate with public policy partners at the city, county, state, and federal levels to affect health and human services. This considerable effort resulted in a more effective social service delivery system.

Thus, it is clear that under the leadership of Dr. Judith Craven, the United Way of the Texas Gulf Coast has become a recognized and respected leader of the nonprofit community. Dr. Craven's leadership and administration should be copied by all nonprofit organizations.

Thank you, Dr. Craven, for your commitment and dedicated leadership in service to Texas Gulf Coast community.

SENSE OF THE HOUSE DEPLORING TRAGIC AND SENSELESS MURDER OF BISHOP JUAN JOSE GERARDI

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Ms. PELOSI. Mr. Speaker, I rise in support of House Resolution 421, a resolution deploring the murder of Guatemala Bishop Juan Jose Gerardi.

In late July of this year, I joined my colleagues Representatives GEORGE MILLER and CIRO RODRIGUEZ on a three-day visit to Guatemala. The visit was organized by the Robert F. Kennedy Memorial Center for Human Rights. Our goals were to encourage the Guatemalan government to carry out a thorough investigation of the April 26, 1998 murder of Bishop Juan Jose Gerardi; to provide visible support to the Archbishop's Human Rights Office and other human rights organizations in Guatemala; to encourage the United States government to play a more active role in supporting efforts to improve respect for human rights in Guatemala; and to demonstrate full support for the implementation of the peace accords which have brought an end to 36 years of civil war.

Our delegation met with government officials, including Guatemala President Arzu, church leaders, and representatives of numerous community organizations. We paid special attention to the investigation of the tragic murder of Bishop Juan Gerardi. Because of Bishop Gerardi's invaluable work in defense of human rights and the fact that he was killed only days after the release of the report, "Guatemala: Never Again," this crime necessarily has political connotations. If it is not resolved, it would be a devastating blow to the peace process and to domestic and international confidence in the implementation of these goals.

We were encouraged to hear of the government's commitment to aggressively pursue all leads, motives and evidence related to the tragic murder of Bishop Gerardi. Since late July, we have learned that the prosecution has made an initial request for information about the military officers whose names were originally provided by the Archbishop's Human Rights Office. It is vitally important that the prosecution go forward with an exhaustive investigation of the leads suggesting military involvement, just as it has been fully exploring other possible leads. The expeditious and judicious resolution of the investigation into Bishop Gerardi's murder is critical for the continuation of support for the peace accords.

Therefore, I rise in support of House Resolution 421, which calls for the Government of Guatemala to take all steps necessary to resolve the heinous murder of Bishop Gerardi; to continue its efforts to establish effective civilian law enforcement and judicial institutions; to make a renewed commitment to successfully implement the peace accords, especially those accords concerning human rights; and that the United States government provide all necessary support to the investigation of Bishop Gerardi's murder and to continue to support the full implementation of the peace accords.

EXECUTION OF BAHA'I BELIEVER VIOLATES RECOGNIZED HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LANTOS. Mr. Speaker, human rights are universal by definition. Simply by being a member of the human race, every person has certain inviolable rights—those outlined in the Universal Declaration of Human Rights, which was created by the members of the United Nations fifty years ago.

Unfortunately, however, not every government in the world recognizes these rights. The Government of Iran recently gave the world a glaring example of the type of officially sanctioned depravity that can occur when rights of the individual are not protected—and in fact are actively violated by his or her own government.

On July 21st the Iranian government executed Ruhollah Rowhani in the town of Mashad. Mr. Rowhani, a married father of four, was not a criminal. He was a member of the Baha'i faith, and there is very credible reasons to believe that his death is a direct result of his faith. He was not accused of any crime that would be recognizable to us here in the United States or in most other places of the world. He was held incommunicado for nearly a year prior to his execution. He was not given access to lawyers. He was simply abducted by the government, held, subjected to a sham trial, judgment was passed, and then he was murdered.

The approximately 300,000 Baha'is who live in Iran are in an extremely precarious position that is highlighted by this extreme treatment of Mr. Rowhani. Although Baha'is are the largest religious minority in Iran, their faith is not recognized as a legitimate religion by the government. In fact, the theocracy in Teheran consider the Baha'i faith to be heresy and an anti-Muslim conspiracy.

Baha'is in Iran are labeled "unprotected infidels" and have no legal rights. Baha'is are prohibited from electing leaders, organizing schools or conducting other religious activities. All cemeteries, holy sites and Baha'i community property were seized after the Iranian Revolution in 1979. Baha'is are denied government jobs and pensions, and more than 10,000 have been dismissed from government and university posts since 1979. Baha'is of school age are also barred from both 4 year high schools and universities, severely limiting economic opportunities. Baha'i marriages are not recognized and the right of inheritance is not recognized for Baha'is. In short, the Baha'i community in Iran is slowly being strangled through a regime of official persecution.

It is important to note also, that the Baha'is in Iran have never engaged in any illegal or anti-government activity that would in any way justify this type of treatment. In fact, it is my understanding that obedience to the civil law of the land in which they live is a principal tenet of Baha'i teachings. The repression of the Baha'is in Iran is purely based on religion and intolerance.

The overall situation facing Baha'is in Iran and the recent execution of Mr. Rowhani raise grave concerns for the fifteen other Baha'is being held by Iranian authorities on religious charges. In particular, seven men have been sentenced to death and may be facing imminent execution.

I urge the Government of Iran to ensure the immediate safety of three Baha'is most imminently in danger of execution—Ata'ullah Hamid Nasirizdih, Sirus Dhabih-Musqaddam, and Hidayat-Kashifi—and to ensure that these men are afforded fair and public trials prior to any action being taken against them.

I also urge on the White House and State Department Administration to work through appropriate channels, including the United Nations, and to work with our allies and friends to make clear to the Government of Iran that the lives of all Baha'i prisoners must be protected and that this behavior is unacceptable and must stop. The rights of the Baha'is of Iran, and of all humans, are unambiguous. It is the responsibility of the Government of Iran to ensure these right for all their citizens.

BROTHER'S BROTHER FOUNDATION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. COYNE. Mr. Speaker, as Congress moves forward with consideration of the 1999 Foreign Operations bill, I'd like to call my colleagues' attention to the successful programs of the Brother's Brother Foundation (BBF), based in Pittsburgh, Pennsylvania. Using both federal and private funds, the BBF promotes international health and education through the efficient and effective distribution and provision of donated medical, educational, and agricultural resources.

An example of the international aid provided by the Brother's Brother Foundation is its public-private partnership to provide much-needed books to developing countries. BBF used U.S. government funding to ship half of the 40,000,000 privately donated books it received to 50 countries. The requested books are valued at $340 million, and range from children's picture books to medical school texts. In the Philippines, for example, the program has been in operation for ten years, providing more than 8 million books for use by 15 million students in 38,000 schools and libraries. BBF works with U.S. Philippine Rotary Clubs to coordinate the collection and distribution of the books.

Another example of the important work that the Brother's Brother Foundation does is provide agricultural assistance to developing countries. BBF shipped 7,000 tons of donated corn and vegetable seed to 20 needy countries, including many new states like Armenia. This seed planted 22,000 square miles of farm land. The seed and the volunteer farming technical assistance that was provided with it helped to improve agriculture efficiency and increase rural family incomes. In the Republic of Georgia, for example, U.S. Agency for International Development representatives reported that "Production yields expanded 2 to 3 times." U.S. government funding provided 75 percent of the cost of shipping this seed overseas.

The value of non-profit organizations like the Brother's Brother Foundation are immeasurable. Their efforts are essential for the success of public-private partnerships. I ask my colleagues to remember the Brother's Brother Foundation and organizations like it when voting on international development programs in the 1999 Foreign Operations bill.

COMMEMORATING THE HONORABLE FRANK K. RICHARDSON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. DOOLITTLE. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, former Justice Frank K. Richardson. Frank K. Richardson, Retired Associate Justice of the Supreme Court of California, has brought credit and distinction to himself through his illustrious record of public service, and it is appropriate at this time to commemorate the valuable leadership and dedicated service he has provided to his community and the people of the State of California.

Justice Frank Richardson was born in St. Helena, Napa County, California, and lived in various locations in Northern California, one of which was Sacramento, where he attended Marshall School. After he completed his freshman year in high school in San Jose, the Richardson family moved to Philadelphia, Pennsylvania, where Frank attended Germantown High School. Frank attended the University of Pennsylvania for his freshman year of college but then transferred to Stanford University, where he graduated with a Bachelor of Arts degree "with Distinction" in political science in 1935. Frank was elected to the Phi Beta Kappa Honors Society, and graduated from Stanford Law School with a Bachelor of Laws degree in 1938.

Frank became a member of the California State Bar in 1938, upon passing the bar exam, and began practicing law in Oroville in the law offices of retired Judge Hiram Walker. While practicing law, Frank immersed himself in the civic life of Oroville by serving as President of the Oroville Rotary Club, as a member of the Methodist Church, and as a Republican candidate for the State Assembly.

While residing in Oroville, Frank met Betty Kingdon, who he later married in 1943. They celebrated their 55th wedding anniversary on January 23, 1998. The Richardsons' household has grown to include four sons and five grandchildren. During World War II, Frank served as a First Lieutenant in the United States Army (Intelligence), participated in the European Theatre of Operations, and received two Battle Stars for his valor.

After the war, Frank and Betty Richardson decided to move to Sacramento, California a place they both love and which has been their home for the last 43 years. From 1946 to 1971, Frank practiced law, first as an associate to Sumner Mering, then as a sole practitioner for 23 years. During this time, Frank taught law classes at night in Evidence and Torts at McGeorge School of Law. In 1971, then-Governor Ronald Reagan appointed Frank Richardson as Presiding Justice of the Third District Court of Appeals in Sacramento. In 1974, Governor Reagan elevated Justice Richardson to the California Supreme Court, where he served for 9 years as an Associate Justice. In December 1983, Justice Richardson retired from the California Supreme Court.

Six months after his retirement from the California Supreme Court, and after a semester of teaching at Pepperdine University School of Law as its Distinguished Visiting Scholar, President Ronald Reagan appointed Justice Richardson as Solicitor to the United States Department of the Interior. In that capacity, Frank supervised the work of the legal staff of the Department of the Interior throughout the United States until his retirement from that position in July 1985.

In recognition of his skills as a lawyer and judge, and for his service to his community, state, and to the legal profession, Justice Frank Richardson has received honorary doctorates in law from Pepperdine University School of Law, Mid-Valley College of Law in Los Angeles, Western State University School of Law in San Diego, and the University of Southern California School of Law, which also made him an Honorary Member of its Order of the Coif Society. Justice Richardson served as a member of the Board of Visitors of Stanford Law School, McGeorge School of Law, Pepperdine University School of Law, Brigham Young University School of Law, and Whittier College of Law. Frank also was a member of the Board of Regents of the University of the Pacific and the Editorial Board for the University of San Francisco Law Review. In the years following his retirement from the California Supreme Court, Justice Richardson has served as Chairman of the Select Committee on Internal Procedures of the Supreme Court of California, as a member of both the Advisory Board of the National Institute of Justice and the California Commission on Campaign Financing, and as a member of the Board of Directors of FEDCO and the Board of Governors of the President Ronald Reagan Foundation.

In 1993, Justice Richardson was elected a Fellow of the American Bar Foundation, an honorary organization of attorneys, judges, and law teachers whose professional, public, and private careers have demonstrated outstanding dedication of the welfare of their communities and to the highest principles of the legal profession. Frank was active in numerous state and local bar activities, including his leadership as President of the Sacramento County Bar Association, as a member of the Executive Committee of the State Bar, the Conference of Delegates, the Committee for the Administration of Justice, and the Committee of Bar Examiners, as Counsel to the California Commission on Uniform State Laws, and as a Fellow of the American College of Probate Counsel.

His attention extended beyond his professional interests to the local community, where he distinguished himself as President of the Sacramento World Affairs Council, the Sacramento Community Welfare Council, the Sacramento YMCA, and the Sacramento Lions Club, as an active community member in the United Crusade and KVIE–Channel 6, Sacramento's public television station, and as the founder and first President and member of the Board of Directors of the Methodist Hospital of Sacramento.

Frank Richardson served on the Board of Directors of the Sacramento Chamber of Commerce, the Boy Scouts of America, the Goodwill Industries of Northern California, and the Sacramento State College Association, and years later, after his retirement from the court, he served as Chairman of Sacramento's Bicentennial Commission.

I take great pleasure in commending the Honorable Frank K. Richardson, Retired Justice of the Supreme Court of California, for his outstanding record of judicial leadership, his long and distinguished record of public service, and his outstanding display of civic leadership. He is indeed a man worth emulating and exemplifies the standards those in his chosen profession seek to uphold.

RIVES CARLBERG—HOUSTON'S TOP INDEPENDENT ADVERTISING AGENCY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ARCHER. Mr. Speaker, I rise today to recognize Rives Carlberg advertising and public relations of Houston for 50 outstanding years of dedication and creative service to the people of Houston and the national business community.

Rives Carlberg, Houston's top independent advertising agency, creates award winning advertising, public relations and promotional campaigns for national and regional accounts. With clients such as Compaq Computer Corporation, Houston Chronicle, Igloo Products, Jiffy Lube, KFC, Pilgrim Cleaners, Rheem Manufacturing and Uncle Ben's Rice, Rives Carlberg calls itself the agency of Number 1 brands.

Rives Carlberg also dedicates its time and hard work to various community service projects in Texas, including Park People, the Houston Olympic Committee, Junior Achievement, Juvenile Diabetes Foundation, Sheltering Arms and Washington-on-the-Brazos.

In 1948, Rives, Dyke & Company was formed, specializing in business-to-business advertising. And in 1971, Smith Smith Baldwin Carlberg began specializing in retail and consumer advertising. In order to gain a major presence in the Southwest, the Nation's largest advertising agency, Young & Rubicam, purchased Rives, Dyke & Company in 1975. In 1978, Y&R merged the two companies to form Rives Smith Baldwin Carlberg/Y&R. In 1986, Chuck Carlberg, agency employees and the Sterling group organized a successful leveraged buyout from Y&R to form Rives Carlberg.

Chuck Carlberg, the president and chief executive officer of Rives Carlberg, is a recent board member of the American Association of Advertising Agencies and past governor of the Southern Region of the 4As. During his 30 years in the advertising business, Carlberg has received many prestigious creative advertising awards, including Clios, Tellys, National Addys and a gold medal in the New York Art Director's Club. He has also been named best creative director in the Southwest by Adweek magazine.

I ask my colleagues to join me in commending Chuck Carlberg and the Rives Carlberg family of employees as they celebrate their 50-year history of outstanding creativity and commitment to the advertising industry.

CONGRATULATIONS TO EVELYN AND LESTER BURTON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LEVIN. Mr. Speaker, I rise to recognize Evelyn and Lester Burton, who are being honored at a Gala Celebration by the Michigan Region of the American Committee for the Weizmann Institute of Science on September 10, 1998.

The Weizmann Institute in Rehovot, Israel is one of the world's foremost centers of scientific research and graduate study. Indeed, humankind has benefited from the Institute's advances in methods of fighting disease and hunger, protecting the environment, harnessing alternative sources of energy, and developing advanced technologies for science and industry.

Evelyn and Lester's commitment and dedication to the ideals of the Weizmann Institute have been invaluable. Working behind the scenes, never seeking the limelight, they have been an important part of the Institute's progress. Together, they have hosted scientists in their home, organized science forums in the general community, and facilitated in fund-raising for the Institute.

I met Evelyn and Lester Burton more than forty years ago when we were active in establishing the Berkley Council for Better Schools, an organization founded to preserve and maintain the highest educational standards in the Berkley School District. In the following years, they have both gone on to serve in organizations, the National Multiple Sclerosis Society and others too numerous to mention, but always working to make this world a better place.

Mr. Speaker, I ask my colleagues to join me in congratulating Evelyn and Lester Burton, two private people who have untiringly promoted the public welfare. I wish them, their children and their grandchildren, good health and happiness as they continue to lead such exemplary lives.

IN HONOR OF THE SANTA BARBARA DIABETES PROJECT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to the Santa Barbara Diabetes Project, a world-wide collaborative effort to cure and prevent recurrent diabetes.

Since its establishment in 1997 by Director and Chief Scientific Officer of the Institute, Dr. Lois Jovanovic, world-renowned scientists from across the globe join in Santa Barbara, California to work together toward a cure. Over 16 million persons nationwide, including 14,000 in Santa Barbara County, are afflicted with diabetes. Diabetes costs Americans $91 billion in direct medical costs every year, including $28.6 million in Medicare fees. I commend the Santa Barbara Diabetes Project for their leadership and vision to fight this disease.

Scientists with expertise in islet transplants, immunology and gene therapy have traveled from across the country and the world for one goal, a cure for diabetes. I feel privileged to have such a fine example of medical genius, collaboration, and commitment in my backyard.

I also commend the Sansum Medical Research Institute for its leadership and devotion to providing the oversight, laboratory space, and other necessary resources to ensure this project is successful.

CONGRATULATIONS TO THE JOHN N. STURDIVANT NATIONAL PARTNERSHIP AWARD WINNERS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. CUMMINGS. Mr. Speaker, congratulations to all the winners of the 1998 John N. Sturdivant National Partnership Award. It is appropriate that this award has been renamed for John N. Sturdivant, the late national President of the American Federation of Government Employees, and a leader in forging labor-management relationships between his union and the Federal government.

I am proud to say that one of the recipients of the Sturdivant Award, the Social Security Administration (SSA), is located in Baltimore, MD. SSA and the American Federation of Government Employees (AFGE) have forged labor-management partnerships that have created an environment where unfair labor practices are becoming the exception rather than the rule.

The Social Security Administration is being recognized for promoting and nurturing labor-management relationships. As a result, SSA has seen a decline in unfair labor practice complaints filed by the union; saving the government in litigation costs and hundreds of hours of lost productivity. This is the same agency that has been criticized for abusing the use of "official time." However, the very use of official time by SSA employees enabled them to work with SSA management to produce innovative proposals that improve customer service.

The Democrats have fought many attempts by a Republican-led Congress to do away with official time. As Ranking Member of the Civil Service Subcommittee, I recently waged war against a Republican proposal to undermine the use of official because it was nothing more than a back door attempt to destroy federal employee unions.

SSA has responded to its critics by showing that when labor and management work together, not only do the employees benefit, but so do the American taxpayers.

THE LIFETIME OF ACHIEVEMENTS OF JOHN M. FISHER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. HUNTER. Mr. Speaker, many prominent members of the national security community gathered last week at the Heritage Foundation to recognize the lifetime achievements of John M. Fisher. Last week's luncheon was sponsored by the National Captive Nations Committee and it honored the man who organized the American Security Council in 1955 and has served as its Chairman for the last 43 years.

I have known John on a personal as well as a professional level for many years, and I have a great deal of respect for him. I am serving as one of the House Co-Chairmen of the bipartisan National Security Caucus (NSC). The NSC is now the largest Congressional Member Organization and it was established in 1978 primarily through John's efforts. John is also the Chairman of the non-profit National Security Caucus Foundation which works with the NSC on a wide range of public policy development, education and research programs.

Born in Fairhaven, Ohio, in 1922, he served as a youthful commissioned officer in the Army Air Corps during 1943–45, flying 28 combat missions for which he was decorated several times. He studied at Miami University of Ohio, and graduated with a bachelor of arts degree in 1947. Later he was a student at Brooklyn Law School (1950–51) and at Northwestern University.

For six years he was a F.B.I. Special Agent, and then in 1953 he became the National Director of Security with Sears, Roebuck and Company. While he was a Sears employee, he became the part-time director of the American Security Council, working with General Robert E. Wood, the then Sears Board Chairman. Since 1961, John has devoted all of his time to the operation of the American Security Council.

In the intervening 43 years, John Fisher has devoted himself to national security in the broad definition of the term. His concerns embrace not only military preparations and defense; but also democracy, and human rights. He has devoted countless hours to efforts to advance freedom and self-determination in former Soviet Union and in such diverse nations as Afghanistan, Angola, Cuba, Nicaragua and all of Eastern Europe.

In 1966, John Fisher led the board of the American Security Council in the purchase of Longlea Farm, the 933-acre estate of the late Alice Glass Marsh, located in Boston, Virginia. There he established the Congressional Conference Center, and with the support of generous donors, he built an additional housing facility for seminar participants and other guests.

The American Security Council facilities now include three major buildings on the Boston property. The magnificent manor house is today known as the Gustavis A. Buder Seminar Center. The residential quarters are known as Ogle Hall, and they are named after Arthur Ogle, who was a prominent Ft. Lauderdale, Florida businessman. The administrative building and library is known as the Sol M. Feinstein Research Library and contains an impressive collection of research material on defense and foreign policy issues.

Throughout the years John Fisher has worked hard to promote peace and freedom. He has worked closely with every president since Dwight Eisenhower, with leaders of both parties in Congress; with Secretary of State, Defense; with leaders of national organizations, and with state and local leaders across the nation.

A pioneer in direct mail and public relations, John Fisher has mounted many national campaigns to gather support for a host of worthy causes in the U.S. and abroad. His efforts in 1978 led to the creation of the National Security Caucus, a coalition of 275 Members of Congress, who focus attention on defense, foreign policy and international economic issues.

John has always been a practitioner of bipartisanship, and one of his guiding principles was best stated by the late Senator Henry "Scoop" Jackson: "In matters of national security, the best politics is no politics."

Having founded the American Security Council and directed its course since the early years of the Cold War, John Fisher has lived to see the collapse of Communism in the former Soviet Union and Eastern Europe, the withdrawal of Russian and Cuban forces from Afghanistan and Angola, the democratization of much of Central and South America, and the progress of democracy in parts of Africa and Southeast Asia.

Much credit must be given to the heroes of the Cold War. A due recognition must also be assigned to a truly remarkable American leader, who despite lacking governmental portfolio, has contributed mightily to the nation's well-being and security: John Morris Fisher, the Chairman of the American Security Council and the National Security Caucus Foundation.

TRIBUTE TO HELEN DOYLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has diligently served the community for the past 50 years. Helen Doyle was enrolled as an honorary Augustinian at a ceremony on September 5 at St. Matthew Roman Catholic Church in my hometown of Flint, Michigan. The Very Reverend David Brecht O.S.A., the Prior Provincial of the Midwest Augustinians, officiated at the ceremony at the direction of the Augustinian General in Rome.

Helen Doyle left her Irish home in 1948 seeking a new life in America. The life she found was not the one she had pictured when she stepped of the S.S. Marine Falcon in New York City 50 years ago. God had a vocation in mind for Helen, and once here, she discovered that vocation. She has devoted her entire adult life to making St. Matthew Parish a wonderful place of welcome and worship. Her cheerful demeanor brightened the lives of the priests, sisters, and brothers assigned to work at St. Matthew Parish. Helen assisted the new parishioners and was a familiar sight to the children attending St. Matthew School. She has enriched thousands of lives over the last 50 years.

As a Roman Catholic, my faith plays a vital role in my life everyday. As a member of the House of Representatives, I consider it my duty to work toward improving and enhancing the quality of life for all persons. Helen Doyle is a person of such faith and her selfless dedication to the Church, its members and all humanity makes her an inspiration to me. She has lived her life jubilant in her faith and the place she holds in God's plan.

On behalf of the citizens of the 9th Congressional District, I want to commend Helen for all she has done to promote and protect human dignity. I ask the House of Representatives to join with me today and pay tribute to an outstanding woman, Helen Doyle, as she is honored for 50 years of service to the Augustinians and the St. Matthew Parish community.

TRIBUTE TO RALPH G. CASO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KING. Mr. Speaker, I rise today to pay a special memorial tribute to Ralph G. Caso. My Congressional District, indeed all of Nassau County and Long Island, has suffered a tremendous loss with the death of Ralph Caso, one of the most distinguished public officials ever to serve the people of my town and county.

Ralph Caso, husband of Grace and father of Ralph and Jolisa, was born and raised in Manhattan and moved with his family to Long Island in his youth. He was a graduate of New York University Law School and a veteran of World War II. While practicing law in his home community of Merrick, Ralph Caso became involved in local politics and was elected a councilman of America's most populous town—the Town of Hempstead. He rose to the position of supervisor and then presiding supervisor, serving in that position from 1965 to 1970. In 1970 he was the overwhelming choice of the electorate to take the position of Nassau County Executive, the highest elective position in the county. County Executive Caso was re-elected in 1973 and was the Republican nominee for Lieutenant Governor in 1974.

While serving in the Town of Hempstead, Ralph Caso demonstrated outstanding leadership abilities. He moved immediately to improve and expand the town's park system, converting it into one of the finest in New York State. In addition, Mr. Caso demonstrated a quality for which he later became renowned—compassion. The father of a handicapped son, he founded Camp Anchor, a summer and after school camp at the seashore for handicapped youngsters. At the same time, Mr. Caso was credited with starting the building of thousands of units of low cost senior citizen housing units for elderly residents living on fixed incomes.

Ralph Caso continued his visionary policies when he was elected as County Executive. Among other things, the Nassau County Veterans Memorial Coliseum, home of the New York Islanders hockey team, was built during his administration. In addition, the new 19-story Nassau County Medical Center was completed during his tenure.

On a personal level, I wish to record my gratitude to Ralph Caso for agreeing to serve, during his retirement years, as my personal emissary to the senior citizen community where his good works will long be remembered.

Mr. Speaker, Nassau County has lost one of its greatest leaders, a man of courage and vision. Ralph Caso will be deeply missed.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ADAM SMITH OF Washington. Mr. Speaker, my flight from SeaTac airport was delayed yesterday evening, and I missed three votes. Had I been present, I would have voted "yes" on H. Res. 459, "yes" on H.R. 678, and "yes" on H.R. 1560.

CONGRATULATING FRANK AND TINA LEE UPON THE BIRTH OF WILLIAM FRANK LEE, JR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate my good friends Frank and Tina Lee of Smithfield, North Carolina. On August 17, 1998 at 3:33 p.m. they welcomed into the world their first son, William Frank Lee, Jr.

There is nothing more wonderful and joyous than watching a child grow and I know that they will treasure every new day with their son. Faye joins me in wishing the Lees great happiness during this very special time of their lives.

HONORING DR. JUDITH CRAVEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of honoring Dr. Judith Craven. This Resolution recognizes Dr. Judith Craven on her retirement as the President of The United Way of the Texas Gulf Coast.

Judith Craven is a Medical Doctor, a Master of Public Health, and has served as President of The United Way of the Texas Gulf Coast since the fall of 1992. Under Dr. Craven's leadership The United Way of the Texas Gulf Coast experienced financial stability and growth. As result of Dr. Craven's determined efforts the United Way of Texas Gulf Coast became the fourth largest campaign in the nation.

During her tenure, unprecedented growth in multicultural communities offered new challenges and opportunities, both in campaign and volunteer recruitment areas. This challenge was met by Dr. Craven's recommitment to the values to the United Way. Dr. Craven embraced the values of diversity in volunteer composition and in service to a multi-cultural community.

Dr. Craven maximized fund raising efforts, by conducting a community wide campaign that increased the opportunity for everyone to be able to give and which sought to ensure funding stability in the community. The hallmark of Dr. Craven's fiscal responsibility was a results oriented stewardship for every charitable dollar given.

Just one example of Dr. Craven's contribution to her community was the creation of the Community Table. This effort resulted in a place where diverse individuals and groups could meet together to collaboratively plan and respond to health and human service needs. Her efforts are responsible for better communication among service providers which serve those in need.

Dr. Craven used her influence and considerable powers of communication to effectively communicate with public policy partners at the city, county, state, and federal levels to affect health and human services. This considerable effort resulted in a more effective social service delivery system.

Thus, it is clear that under the leadership of Dr. Judith Craven, the United Way of the Texas Gulf Coast has become a recognized and respected leader of the nonprofit community. Dr. Craven's leadership and administration should be copied by all nonprofit organizations.

Thank you Dr. Craven for your commitment and dedicated leadership in service to Texas Gulf Coast community.

CONDEMNING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KIM. Mr. Speaker, today I introduce this House Resolution to condemn the Democratic People's Republic of Korea (DPRK) for its recent missile test over the air space of Japan. We cannot be silent on this reprehensible action. The North Korean government has proven time and time again its utter contempt for the established norms of international diplomacy and behavior.

While many of their actions in the past could be written off as incomprehensible, or even comical, this one is of much graver concern. The new-found ability of an irrational unpredictable, and undemocratic regime to deliver weapons of mass destructions with such swiftness must at the very least draw a harsh condemnation from this body. To stay silent on this matter would be equivalent to telling the DPRK to go right ahead and test again. And that would be foolhardy and dangerous.

I urge my colleagues to cosponsor and support this timely resolution.

RECOGNIZING THE INTERNATIONAL MEDICAL CORPS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. WAXMAN. Mr. Speaker, as Congress considers the 1999 Foreign Operations Appropriations Bill, I would like to take this opportunity to recognize the successful international humanitarian programs of an organization based in Los Angeles.

The International Medical Corps (IMC) was founded in 1984 by a group of volunteer physicians and nurses. Its mission is to save lives, relieve suffering and improve the quality of life through health interventions in areas where few organizations dare to serve. IMC offers medical assistance in areas at high risk, and offers medical training to rehabilitate devastated health care systems and help them become self-reliant. Since 1984, IMC has worked in Afghanistan and Pakistan, Angola, Bosnia-Herzegovina, Burundi, Somalia, and the Sudan. I would like to highlight the successes of IMC's programs in Bosnia and Sudan.

In 1994, IMC responded to dangerously low child immunization levels in Bosnia—a result of the constraints of the long civil conflict. Children were unprotected against measles, diphtheria, pertussis, tetanus, childhood tuberculosis and polio: illnesses which account for the highest mortality rate worldwide among unvaccinated children under five years old. IMC's accelerated immunization program has resulted in the application of over one million doses of vaccine in Bosnia since 1994, and has raised the vaccination rate from 30% coverage to over 90% coverage in the program areas. The program, funded by the Office of Foreign Disaster Assistance (OFDA), has reduced illness and saved the lives of thousands of children, and set a standard widely accepted for use in war torn areas where immunization rates need to be increased.

In a real example of helping others help themselves, IMC established an emergency medical technician training program and emergency medicine outreach projects in Bosnia. IMC helped establish the first Western-style emergency department in the country at Zenica Hospital, and provides training in emergency medicine to Bosnian physicians and nurses.

A partnership project in South Sudan between IMC and CARE is aimed at controlling and eradicating an epidemic of African trypanosomiasis, more commonly known as Sleeping Sickness, a disease which is 100% fatal unless treated. Approximately 60,000 people in Tambura and Yambio counties are at risk of infection, and as many as 9,000–12,000 are in need of immediate treatment. The project involves screening the entire populations of both counties for the parasite. 99% of the population of Ezo Payam, the village which is the epicenter of the epidemic, has already been screened, and the infected population has been treated. The project has also identified and trained 99 local health workers to perform essential services related to Sleeping Sickness, and will continue to screen and provide treatment to the remaining populations of Tambura and Yambio counties. The program is proving to be very successful in controlling the fatal disease, and its training of health professionals is rebuilding the area's indigenous health care system—giving the Sudanese the capability to respond to future outbreaks rapidly and successfully.

As this House considers funding for international humanitarian and development assistance in the foreign operations bill, remember the dedicated volunteers of the International Medical Corps, who work tirelessly to alleviate human suffering around the world.

POW/MIA RECOGNITION WEEK IN MATAGORDA COUNTY, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAUL. Mr. Speaker, on Sunday, September 13 I will have the distinct pleasure of being the keynote speaker at the opening ceremonies for POW/MIA Recognition week in Matagorda County, Texas.

This event will be sponsored by Matagorda County Veterans Services as a part of POW/MIA Recognition Week. Mr. Speaker, as a United States Air Force veteran I am well aware of the sacrifices which brave young men are required to make during times of war. Perhaps no better example of these sacrifices can be found than those endured by Prisoners of War and those Missing In Action. From "Hanoi Hilton" to "Saving Private Ryan" we have seen the dramatic horrors that war brings, but behind the stories, beyond the silver screen, there are real Private Ryan's who never do make it home. And there are families broken, lives affected and communities touched, by the real sacrifices of the real heroes who fight America's wars.

I believe that no young man or woman has ever entered the military hoping to face combat, but most answer the call because they believe in the liberties which our nation was founded upon, and they see our nation as a beacon of liberty. It is to these young people that I wish to bring honor and it is to those who have become Missing, or are held Prisoner, to whom I believe this nation must pledge ongoing fealty. Specifically, I would like to memorialize U.S. Army Sergeant Joe Parks, from Matagorda County, who died while in captivity in Vietnam.

Mr. Speaker, our nation has suffered a great burden as a result of the wars of this century, in some instances it has nearly been torn apart by these wars, but none have suffered more than those who are missing, and their families, many of whom still hope against hope that they will one day return, either to resume lives or to be granted a proper burial. Our nation still has some 93,000 individuals who are unaccounted for, some of whom are believed to be POW's even now during a time of relative peace. Mr. Speaker, I believe we owe it to these men, and to their families, to get a full accounting for every person which this nation has sent abroad. I believe we owe it to our nation to bring each and every one of them home.

With the opening of archives from the former Soviet Union we have seen evidence of how young American servicemen were allowed to become political chess pieces for a totalitarian regime. It is due to the efforts of groups such as Matagorda County Veterans Services that we can honestly say "You Are Not Forgotten" to those who have sacrificed so much. And it is critical that we keep these memories forever etched in our minds so that we might also recall the mantra "never again." Never again should Americans be forced to face the brutalities of war, such as those faced in Prisoner of War camps, and never again should we allow brave Americans to go missing in action.

SHRIVERS SALT WATER TAFFY 100 YEAR ANNIVERSARY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LoBIONDO. Mr. Speaker, Shriver's Salt Water Taffy in Ocean City recently celebrated its 100 year anniversary. Shrivers has been making children and adults smile with its salt water taffy, fudge and other treats for a century from its location on the historic Ocean City boardwalk. Shriver's was founded by Mr. William Shriver in 1898. Before then he sold candy and ice cream from a cart on the boardwalk. The Shrivers tradition is now maintained by owners Hank Glaser and Virginia Berwick.

Not long ago, Shrivers underwent a major renovation to restore its facility to resemble the original building. The restoration won local and statewide acclaim. Inside, Shrivers has retained many of its original fixtures and sports a candy museum featuring a collection of candy and ice cream molds, some over 100 years old.

While the methods have changed over the years, Shrivers' sweet success can be traced to its sticks of wax paper-wrapped salt water taffy. A box of Shrivers salt water taffy is still as coveted as a gift to friends and family as it was when Shrivers first started boxing their candies. Shrivers no longer pulls their taffy by hand but instead relys on automatic pulling machines. Pulling salt water taffy stretches and aerates the candy making it chewable. It is during the pulling process that flavoring and coloring are added. Seventeen flavors fill a box of Shrivers salt water taffy, but visitors to the "pick and mix" table can find additional special flavors such as creamsicle, rum or sour cherry. I have not tried every flavor, but the ones I have tasted have been delicious.

Shrivers has been a pillar in the community of Ocean City. I am proud of their century-old status and I hope their confections keep putting smiles on the faces of children at the Shore for generations to come.

TRIBUTE TO LARRY FOREMAN OF LAWSON, MISSOURI

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. DANNER. Mr. Speaker, today I am pleased to pay tribute to my constituent Larry Foreman of Lawson, Missouri. I would like to commend him on the occasion of his retirement in July 1998 after many dedicated years of service to Ford Motor Company and the UAW.

Larry was born in Shelby County, Missouri. He was raised in Novelty, Missouri and graduated from high school in 1960. After attending U.S. Trade School in Kansas City, he served in the Marine Corps from 1961–1965.

In February of 1965, Larry began work on the assembly line in the Passenger Trim Department of the Ford Motor-Company Kansas City Assembly Plant. In 1966 he continued his work as a fork-lift operator in the Stock Department. In 1967 he became a hi-lo mechanic in the Maintenance department.

Larry was elected district committeeperson of UAW-Local 249 on the day shift in the Stock Maintenance Department in 1973. He held this position for 11 years. He also served as Skilled Trades Representative and Delegate until 1984. He was then elected President of Local 249. He was appointed to the staff of the International Union-UAW as an International Representative in the National Ford Department. He worked in Detroit on UAW-Ford Joint Programs until he was transferred to the Region 5 staff in Kansas City in 1989 as a servicing representative for Locals 249, 710, 1070, and 2366. He served at this post until his retirement on July 1, 1998.

Mr. Speaker, please join me in congratulating Larry on all his years of dedicated service. I would like to take this opportunity to wish him the best as he begins a new life in his retirement years.

A TRIBUTE TO ONE OF OREGON'S OWN

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to pay tribute to an exemplary public servant whose roots lie in my home district in Oregon. For 30 years, Captain Richard E. Gross of Klamath Falls has served as a commissioned officer in the U.S. Public Health Service. Assigned to the Food and Drug Administration in Rockville, Maryland, Captain Gross has been a leader in a number of collaborative programs between the federal government and the states designed to reduce medical radiation exposure and ensure the safe use of various medical devices.

As with so many things in life that we take for granted and go unheralded, the job of keeping us safe is one that people like Captain Gross—"Dick" to his colleagues—thankfully are committed to. Whenever we or someone we know has an x-ray to detect a bone fracture or diagnose a medical condition, we rarely think about how much radiation is used, how well the equipment is operating, or how proficient the person taking the x-ray is. For three decades, Captain Gross has made it his business to ensure that we don't have to think about these things—in other words, it's been his job to help see to it that x-ray examinations are performed safely and optimally. Trained as a health physicist at Oregon State University, Captain Gross has distinguished himself as a scientist, a program manager, a national policy strategist, and a highly respected technical advisor to radiological health officials in state governments throughout this country.

In his tenure at the FDA, Captain Gross has spearheaded programs that have markedly reduced unnecessary radiation exposure from a wide range of commonly-performed x-ray procedures, including mammography, which we all know is a life saving diagnostic procedure that millions of American women undergo each year to pinpoint early-stage breast cancers or rule out the presence of the disease. He has been a driving force behind a host of federal-state programs designed to increase the safety and efficiency of x-ray producing equipment and the competency of those who conduct radiographic examinations. Captain Gross has also contributed significantly to the development of medical radiation safety regulations for use by state health agencies to ensure that x-ray facilities, regardless of their location, provide x-ray services that are uniformly safe and effective. It would be no exaggeration to say that every state and virtually all x-ray facilities in our nation have been positively affected by the career-long efforts of Captain Gross.

Captain Gross has applied these same skills to the field of medical devices. His knowledge of state health operation, coupled with his wide-ranging experience in modifying people's behavior through education, has had a profound effect on how safely and effectively medical diagnostic and therapeutic devices are used. In the area of renal dialysis, for example, Captain Gross showed remarkable leadership in helping forge a successful national strategy to upgrade the clinical practices of dialysis providers and the quality assurance controls designed to optimize the performance of dialysis treatment systems.

Although American consumers may not know of Captain Gross' contributions to public health, his colleagues and superiors surely do. Throughout his illustrious career, he has received numerous awards from FDA and the Public Health Service, including the PHS Outstanding Service Medal, a PHS Commendation Medal, two PHS Outstanding Unit Citations, and a PHS Unit Commendation. And when his long career comes to a close this fall, Captain Gross will be recognized by the Conference of Radiation Control Program Directors, an organization comprised of the heads of radiation protection agencies in all 50 states.

I want to add my congratulations to Captain Gross and wish him the very best in his retirement years in our beloved state of Oregon. Well done and welcome home!

SALUTING THE MEN AND WOMEN OF NORTH CAROLINA LAW ENFORCEMENT

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, on May 12, 1998, I spoke to the issue before the House regarding the sense of the House regarding law enforcement officers who have died in the line of duty. At that time, I noted that every day in America, police officers keep the peace in our communities. They stand as guardians of that line that too many thugs and hoodlums dare to cross. Tragically, in the line of that duty, some of these brave protectors are killed. Indeed, this very House has recently been the scene of such a tragedy.

In my remarks at that time, I added the names of North Carolina's fallen peace officers to the CONGRESSIONAL RECORD so that their sacrifice would always be remembered. Since then, my constituents brought one more name to my attention for inclusion in the CONGRESSIONAL RECORD, that of Officer Denny Quay Enevold of the Hendersonville Police Department, who died in the line of duty on November 23, 1982.

I am pleased and honored to do so at this time.

CONGRATULATING THE RIDGEWOOD PUBLIC LIBRARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Ridgewood Public Library on its just-completed renovation, a major project that has nearly doubled the size of my hometown library and will help this outstanding facility better serve Ridgewood residents well into the next century. Completion of this project comes as the library marks its 100th anniversary of service.

Libraries are more than just a repository of books and other media. They are centers of information and ideas, places to inspire thought and innovation. They serve the young and old alike, from pre-schoolers imagining the world ahead at story hour to seniors rereading the history of their youth. They are an essential, indispensable part of every community.

The Ridgewood Public Library has been a powerful influence on its citizenry for a full century. The library had its beginnings in 1898, when the Ridgewood Village Improvement Association opened the village's first circulating library of donated books in a rented room. The association's stated purpose in opening the library was to "further Ridgewood's social development."

The library quickly grew. By 1900, the expanding collection of more than 2,000 books prompted a move to larger rented accommodations. In 1916, Ridgewood resident Gertrude Pease Anderson, one of the founders of the Village Improvement Association, designated that $150,000 from her estate be used to construct and maintain a library building. In 1923, that building, the George L. Pease Memorial Library, opened on Garber Square.

By 1962, Ridgewood's population had more than tripled and a new library costing $367,000 was built on North Maple Avenue. More than 500 individuals contributed over $50,000 for new furnishings, continuing the tradition of the community's philanthropic support for library service.

In 1988, the Library Board of Trustees again recognized the need for larger, more flexible library space and began planning for expansion and renovation. Fundraising for the project began in 1993. In April 1997, a groundbreaking ceremony signaled the start of construction.

The library has now been fully renovated and expanded from 20,000 to 34,000 square feet. The new library offers more bookstacks, media, study space with parkland views, a new community auditorium, and full access for the disabled. Computers offer multimedia information through the Internet and library networks, and staff will provide ongoing technology training.

New features include: A sky-lit lobby for reading amid art displays. A children's Department with story tower, project studio and study carrels. Circulation Center offering high-demand books, periodicals and media. Young Adult Area featuring lounge seats, computers and paperbacks. Auditorium with stage, LCD projector, 160 seats for meetings and events. Reference level including rooms for silent study, local history, technology training, literacy tutoring, and health and career information centers.

The cost for construction, furnishings and equipment for the library will be close to $4 million, funded half through private donations gathered in a 5-year, town-wide fund-raising campaign and half through a Village of Ridgewood municipal appropriation.

Augustine Birrell said, "Libraries are not made; they grow." The Ridgewood Public Library has been growing for 100 years. It will continue to grow for many more years, and as it grows, so will grow the minds of those it touches. I offer the Ridgewood Public Library my full support in all its endeavors and ask my House colleagues to join me in offering our congratulations.

The Ridgewood Public Library reflects the forward-looking enlightenment that has always typified the residents of this community—one of the most outstanding communities in all of New Jersey.

HAPPY 50TH ANNIVERSARY, CLARE AND BETTY HERRIMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BARCIA. Mr. Speaker, tomorrow is a very special day for two very special people. Tomorrow two high school sweethearts, Clare Herriman and Betty Brown, will be celebrating their 50th wedding anniversary with friends and family who have had the privilege of sharing in their lives.

These two lucky individuals became a couple who are a model for so many young people who wonder whether or not two people can sustain a lifetime commitment to one another. They met when they were students at Tawas City High School, graduating a year apart. And one year after Betty's graduation in 1947, they were married.

Clare worked at the US Gypsum Company for 42 years, having retired on October 1, 1990. During that time, Betty raised four children, Harold, Sherry, Craig and Harvey. The stability of their relationship, the influence of a positive home life, and the example of two parents who are devoted to one another and to their children is truly something to be celebrated. I have had the specific privilege of knowing their son, Craig, who has taken those most valuable lessons he learned at home and has successfully applied them as the Sheriff of Iosco County.

Clare and Betty have also been very active in their community as members of the Masonic Lodge and the Shriners of Tawas. They have given to each other, to their family, and have still made time to give to their community.

Mr. Speaker, I am sure that all of us pray that we can be as fortunate to have a life as fulfilling and happy as Clare and Betty Herriman. I ask you and all of our colleagues to join me in wishing them the very best on their 50th anniversary, and many more anniversaries together to come.

INTRODUCTION OF "HELPERS" LEGISLATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. NORWOOD. Mr. Speaker, I rise today to offer legislation that will help create thousands of jobs for low skilled laborers across this country. This legislation will allow a class of construction workers called "helpers" to work on federal construction projects.

"Helpers" are construction workers with little or no previous training who perform lower skill tasks to assist higher skilled workers. These are good first jobs for young or inexperienced workers—just the kind of workers we are attempting to encourage to work with welfare reform.

Now you would think that the government would do what it could to encourage work for these folks. At the very least you would hope that the government would not put any obstacle in the way of these folks finding good work. Well as I have learned in my 4 years up here you and I might hope this but it is probably unwise to rely on the government to do this.

And sure enough the Department of Labor has put some obstacles in the way of "helpers" who would like to work on federal construction projects. The Department refuses to recognize these workers as a legitimate and "prevailing" job classification under the Davis-Bacon law. This prevents many "helpers" from obtaining jobs on federal construction projects.

Today I am introducing legislation which will recognize "helpers" under the Davis-Bacon law and thereby allow them to work on federal construction projects. I urge my colleagues to join me as cosponsors of this legislation. Let us remove this obstacle to jobs. Let us expand the Davis-Bacon Act in order to create jobs for our lower skilled workers.

ARTS EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the importance of arts education—music, dance, visual arts, and theatre—to learning and development. Art as an academic discipline has long been seen as an essential component of education. From the dawn of western culture, through the Middle Ages, to the education of our own forefathers and the great schools of today, the western tradition relies on the use of arts education to enhance the cognitive and cultural development of children.

Recent scientific studies confirm what teachers of old have always known—art and music stimulate higher brain function. Referred to now as the "Mozart Effect," researchers have demonstrated that classical music enhances spatial-temporal reasoning. Moreover, music education elevates test scores in other academic disciplines.

In light of this information, the arts education community under the leadership of the Consortium of National Arts Education Associations is working to shape education policy in a way that maximizes the benefits of the arts for all children. Recently, they produced a Statement of Principles which states seven basic concepts for successful arts education.

A STATEMENT OF PRINCIPLES

First, every student in the nation should have an education in the arts.

Second, to ensure a basic education in the arts for all students, the arts should be recognized as serious, core academic subjects.

Third, as education policy makers make decisions, they should incorporate the multiple lessons of recent research concerning the value and impact of arts education.

Fourth, qualified arts teachers and sequential curriculum must be recognized as the basis and core for substantive arts education for all students.

Fifth, arts education programs should be grounded in rigorous instruction, provide meaningful assessment of academic progress and performance, and take their place within a structure of direct accountability to school officials, parents, and the community.

Sixth, community resources that provide exposure to the arts, enrichment, and entertainment through the arts all offer valuable support and enhancement in an in-school arts education.

Seventh and finally, we offer our unified support to those programs, policies, and practitioners which reflect these principles.

These principles should serve to guide education policy by providing an approach to arts education which is practical and consistent with western traditions.

RETIREMENT OF CHIEF JUDGE PATRICK SHEEDY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, Judge Patrick Sheedy retired, last month, after eight years as Chief Judge of Wisconsin's First Judicial District and eighteen years on the bench. I appreciate this opportunity to tell my colleagues about Judge Sheedy and his remarkable service to the State of Wisconsin and Milwaukee County.

Attorney Patrick Sheedy began his practice fifty years ago, and he earned a distinguished reputation as a civil lawyer. He also made the advancement of the legal profession a personal priority and held several leadership positions in the Bar Association.

Patrick Sheedy was elected to the bench in 1979. Over the next decade, he served in the Circuit Court's children's, civil and family divisions, winning the admiration of his colleagues and Milwaukee's legal community, not only for sound decisions from the bench, but also for his determination to ensure that justice was served with expediency, as well as with prudence.

In 1990, Wisconsin's Supreme Court named Judge Patrick Sheedy Chief Judge of Wisconsin's First Judicial District, giving him responsibility for the administration of the county's entire judicial system. Today, that system includes over fifty circuit judges and court commissioners, and it receives over 100,000 filings a year.

Patrick Sheedy excelled as Chief Judge. He remained steadfastly committed to the ideal that cases should be heard and resolved as quickly as humanly possible. He always did it in good humor with a smile on his face, but he did not shy away from making the tough decisions and fighting the tough fights. He acted with creativity and determination, assigning reserve judges to handle the overload, limiting "judge shopping" by defendants, and cajoling funding out of legislators in Madison. And it paid off. On his last day of work, the Milwaukee County courts were acting on misdemeanor cases in less than 98 days and on drug cases in only 63 days, and his system ranked fifth in the country in handling felony cases. Another of his priorities as Chief Judge was making the judicial system more accessible and inviting to County residents. He secured grant funding for a study of the system's actual and perceived access barriers, and he involved ordinary people in the process of eliminating those barriers. When he retried, he left the residents of Milwaukee County a more effective, more responsive, judicial system than when he arrived.

Mr. Speaker, Chief Judge Patrick Sheedy has earned an honor to which those of us in public service aspire more than any other: he has earned the right to look back on his career and know that he has made a difference for his community. I ask that my colleagues join me in offering congratulations to Chief Judge Patrick Sheedy and thanks for a distinguished career in service to the people of Milwaukee County.

HONORING THE CARLOW COLLEGE WOMEN OF SPIRIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. COYNE. Mr. Speaker, I rise today to honor the Carlow College "Women of Spirit" for the past year.

Founded in 1929, Carlow College has dedicated itself to the spirit of involvement and making a difference. The Woman of Spirit award highlights the achievements of Pittsburgh area women who exemplify competence and compassion in their communities, professions and personal lives. The Woman of Spirit Award recipients can be found in almost every profession in the region. Both the Woman of Spirit Award recipients and Carlow College embody the values that we wish to foster in our children, and they provide admirable role models for young women in Allegheny County and around the world.

Each year, an annual gala is held to honor the award recipients of the previous year. This year's gala will be held on September 19, 1998. I wish to speak about each of these remarkable women today.

The October 1997 recipient of the "Woman of Spirit" award is Suzanne Broadhurst. After graduating from Penn State University, Ms. Broadhurst became a teacher in the Baldwin-Whitehall school district. After giving birth to three sons, Ms. Broadhurst decided to stay home to raise her children and devote time to volunteer activities. Much of her volunteering deals with education. One of her largest commitments is the Allegheny Policy Council, which is dedicated to bringing educational reform to the Pittsburgh metropolitan area. She is also a broad member of the Phipps Conservatory and a trustee of the University of Pittsburgh and the Carnegie Museums of Pittsburgh.

November's recipient of the "Woman of Spirit" award is Ruth Donnelly Egler. Though she is the mother of eleven children, Ms. Egler has served on the boards of a number of prestigious Pittsburgh institutions. These have ranged from the boards of the Oakland Catholic School and Duquesne University to the International Poetry Forum and the National Conference of Christians and Jews. Her numerous volunteer activities stem from her belief that one term is enough. She believes that others, especially the young, can offer new perspectives to such boards, and should be given the opportunity to serve.

The president and CEO of S. W. Jack Drilling company, Ms. Christine Toretti, is December 1997's winner of the "Woman of Spirit" Award. Ms. Toretti's business associations include a position as the director of the International Association of Drilling Contractors, among others. She has been named to the Pennsylvania Honor Roll of Women and Pennsylvania's Best 50 Women in Business. However, she also spends time out of the office. She is a strong force in the Republican party, having been named the Republican National Committeewoman for the Commonwealth of Pennsylvania. Ms. Toretti also dedicates her time to the Alice Paul House Domestic Violence Shelter.

Carlow College is honored to give the "Woman of Spirit" award for January to Sally Wiggin, a WTAE–TV anchorwoman. Ms. Wiggin spends much of her off-air time reading to children about things she believes are important, like tolerance, family, and conservation. She also volunteers at places that promote these beliefs. Ms. Wiggin is involved with the Pittsburgh Zoological Society, the Women's Center and Shelter, the Grieving Center for Children, the City Theater, and Animal Friends.

Marva Harris, February's winner of the "Woman of Spirit" award, uses her position as senior vice president and manager of community development for PNC Bank Corporation to help others who are less fortunate in Pittsburgh. Her work focuses on community reinvestment and the economic revitalization of low- and moderate-income housing. Her volunteer activities target these same goals. she helped to found the Pittsburgh Partnership for Neighborhood Development, and has served as the vice president and secretary of Pittsburgh Action Housing. She has received a number of awards for her dedication to the affordable housing cause, including the Cecile M. Springer Award for Womanpower 1997, a conference for African-American women. In recognition of her "Woman of Spirit" award, PNC Bank has created a scholarship to Hill College in Ms. Harris's honor.

Sister Mary Paul Hickey is the winner of the March, 1998 "Woman of Spirit" Award. Sister Hickey has made a life of educating both children and teachers. She has, in conjunction with Carlow College, created an innovative elementary school that benefits from being affiliated with a college campus. The college's resources enable students to realize their own potential, while creating a nurturing, compassionate environment. She has also served as an instructor of elementary curriculum and methods and has chaired the Department of Education at Carlow College.

The April, 1998, winner of the "Woman of Spirit" award is Dr. Joanne White. Dr. White helped to improve the education and health care of the world's nurses through the creation of the Center for International Nursing at Duquesne University in 1992. Her interests stem from a trip to Nicaragua, where she helped to develop a "sister school relationship" with the Polytechnic University School of Nursing. The Roberto Clemente Health Center, in Nicaragua, would not have opened without her help. Although much of her passion is devoted to Nicaragua, she has interests in all Latin American countries, which led to her receiving the "Pacem in Terris" (Peace on Earth) award from La Roche College.

Mary Kane Shatlock, the May recipient of the award, is a mother, a teacher, and a small businesswoman. She balances these three responsibilities very well, and still has time to contribute to her church's music program. She has raised four children. She has also been able to donate all of the proceeds from her business to charity. Ms. Shatlock has been able to teach and run her business even after her husband's passing. Her dedication to music and art has undoubtedly been passed on to her students, and her strength has been an inspiration to her children and grandchildren.

Even though Lorene Steffes has only lived in Pittsburgh for a year, she is certainly a worthy recipient of the June "Woman of Spirit" award. She is currently the president and CEO of Transarc Corporation, an IBM subsidiary. While still living in the Chicago area, Ms. Steffes was the executive sponsor of the Society of Women Engineers. Recently, she was appointed to the Pittsburgh High Technology Council Board of Directors. She also now serves on the Pittsburgh Disability Employment Demonstration Project for Freedom. This organization helps disabled individuals advance in technology positions. She and her husband are the proud parents of two children and have three grandchildren.

By tradition, there is usually only one recipient a month for the "Woman of Spirit" award. July's recipients are so interconnected, though, that it would be unfair to give the award to just one. The McGinnis Sisters—Bonnie, Sharon, and Noreen—are the owners of a small chain of specialty food stores that bear their name. The two branches have grown into one of the nation's top specialty food stores, with sales of more than 10 million dollars annually. The sisters began working in the stores when they were eight years old, and have since taken over the business from their parents. The sisters continue their parents' custom of giving, making substantial contributions to the Greater Pittsburgh Community Food Bank and over 250 other charities. Aside from running the family business, the sisters are dedicated mothers.

Lisa Pupo Lenihan has been honored as the August 1998 "Woman of Spirit." She is the managing director of the law firm of Burns, White, and Hickton. Here, she became the first woman to head a medium-to large-sized law firm in Pittsburgh. She also donated her time to helping many causes, along with being the mother of three. She chairs a fundraising event at the Zoar Home, a treatment center for young women who are pregnant or have young children and are addicted to drugs or alcohol. She has served as the chair of the Board of Directors for ARCH (Artists Raising the Conscience of Humanity) Productions, Inc., which helps at-risk youth. She also started the Pro-Bono Legal Committee for the Pittsburgh AIDS Task Force. She also donates time to promote women in her field. Along with all these volunteer efforts, she and her husband have three children to raise.

Carlow College gave Phyllis Moorman Goode the September, 1998, "Woman of Spirit" award. Ms. Goode has been a vibrant member of both the arts community and the African-American community, and has tried to relate these actions whenever possible. She has chaired the Pittsburgh Foundation/Howard Heinz Endowment Multi-Cultural Arts Initiative, and is a member of the Junior League of Pittsburgh, the YWCA Liz Prine Fund Distribution Committee, and the Pittsburgh Playback Theater, among other things. She has also volunteered her time for education and teen pregnancy issues. Her commitments have earned her many honors in the City of Pittsburgh. She and her husband are currently raising one son.

Mr. Speaker, the women that named her are all great role models. They contribute different qualities, each of which make Pittsburgh a great place to live. With the Woman of Spirit award, Carlow College has called much-deserved attention to these women. The women I have spoken of have energy, enthusiasm, intelligence, compassion, and competence that is unmatched. I salute this year's Woman of Spirit award recipients and wish them the best at this year's gala and beyond.

IN HONOR OF THE 100TH ANNIVERSARY OF THE SMITH & OBY COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KUCINICH. Mr. Speaker, I rise to celebrate the 100th anniversary of the Smith & Oby Company, a mechanical contractor in Cleveland, OH.

Smith & Oby Company is the oldest continuously operated mechanical and plumbing contractor in Ohio. For a century, Smith & Oby has unselfishly dedicated itself to improve conditions in the mechanical industry that have benefited all contractors and pipefitters.

In addition to improving conditions in the mechanical industry, Smith & Oby has diligently served as a civic minded company that has supported many community based organizations since its founding.

Smith & Oby Company has developed an indisputable reputation of quality, integrity and fairness which is recognized by the industry and the business community. For a century, their valued officers, staff and workforce have developed a respect by their peers that has allowed the Smith & Oby Company to prosper into the successful firm it is today.

My fellow colleagues, join the Mechanical Contractors' Association of Cleveland and myself in congratulating and honoring the 100th anniversary of the Smith & Oby Company.

INTERNATIONAL AIR ROUTE SALES

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1998

Mr. OBERSTAR. Mr. Speaker, airlines realize windfall profits, sometimes amounting to hundreds of millions of dollars, from the sale of international routes which they were granted, free of charge, by the Department of Transportation. This practice not only produces windfall profits; it also imposes substantial costs on the airline purchasing the route; these costs, in turn, must then be recaptured by higher fares. Moreover, the sale of international routes sometimes prevents DOT from awarding the route to the carrier which is best qualified and best able to serve the public.

Today, I am introducing legislation to prohibit this practice.

Under governing law, international routes are originally awarded on the basis of a public interest determination by the Department of Transportation, following an evidentiary proceeding in which all applicants for the route have the opportunity to present their operating proposals. However, once a route is awarded, DOT permits the incumbent airline to sell the route for substantial sums, sometimes amounting to hundreds of millions of dollars. DOT has been willing to approve these sales as long as a sale would not be seriously inconsistent with U.S. international policy.

The Department's approach has been to make this decision in a vacuum, without a comparative consideration of the proposals of other airlines which might be interested in the route. The effect of this policy has been that routes are frequently transferred to the largest U.S. airlines, which have the deepest pockets and are able to make the highest bid to the airline selling its routes.

This approach is bad public policy for several reasons. First, it takes an asset, which was originally given to the holder free of charge in the public interest, and allows it to be sold for the highest price. The American public is the loser because the new route holder will have to raise fares to recoup the cost of the route. Secondly, the sale is inconsistent with the original rationale under which the route authority was granted: that the carrier selected can best serve the interests of the American public. Relying on the highest bid means that, potentially, a better qualified applicant will be denied the ability to provide this service to the American public. The DOT policy of approving the sale of major routes, apart from mergers, began in 1986 when Pan American was allowed to sell its Pacific Division of United.

The policy of permitting routes to be sold has led to other disturbing results. Recently Northwest Airlines, pledged international route authorities as collateral to enable Northwest to draw down a $2.08 billion line of credit syndicated by Chase Manhattan. The purpose of the draw down was to provide Northwest with sufficient funds to survive a strike until its employees agreed to Northwest's terms. I find it unacceptable for a company to use its international routes—granted in the public interest—to support its ability to prolong a strike that denies many Americans basic air service. In addition, there have been rumors that Northwest threatened that if it did not get its way in labor negotiations, it would sell off the assets of the company, including the international routes. Again, I find it unacceptable that international routes be used for this purpose. It is way past time that we stop such activities.

My bill would end these abuses by prohibiting the sale of international routes. I recognize that this could be unfair if a carrier wanted to transfer a route it had previously purchased. In these cases, my bill would allow the carrier to recapture the price it originally paid.

Mr. Speaker, we need to restore the original public policy premise for granting international routes: to provide the best service in the public interest. I hope my colleagues will join me in supporting this common-sense legislation which will promote the economic interests of the American traveling public.

TRIBUTE TO LIEUTENANT GENERAL RICHARD A. BURPEE, USAF-RETIRED

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1998

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to an extraordinary individual, Lieutenant General Richard A. Burpee, USAF (Retired) on the eve of his retirement from the Retired Officers Association, which has its headquarters in my district in northern Virginia. As I reviewed General Burpee's career, in preparing this tribute, I see that in one way or another, Dick has spent virtually his entire adult life either in or working for the uniformed services.

Born in Delton, Michigan, he entered the Air Force and earned his pilot's wings in 1955. For the next six years, General Burpee was an instructor pilot at Bryan and Reese Air Force Bases in Texas. The next few years he served in various staff assignments until January 1967, when he entered the F–4 Program at MacDill Air Force Base Florida, where he served as an aircraft commander. He transferred to the Republic of Vietnam in August 1967 and served at Cam Rahn Bay Air Base until September 1968 as a flight commander in the 391st Tactical Fighter Squadron. During his tour in Vietnam, he flew 336 combat missions in the F–4 aircraft.

Following his combat tour, Dick had a succession of challenging assignments, each entailing greater responsibility. Among these were three assignments in Headquarters USAF, in the Pentagon, in operational test and evaluation, director of operations and the assistant director of plans and operations. General Burpee also served in a number of command assignments including, commander of the 509th Bombardment Wing, Strategic Air Command, 1974–75; commander of the 19th Air Division, Strategic Air Command, 1977–79; commander of Oklahoma City Air Logistics Center, 1983–85 and commander of 15th Air Force, Strategic Air Command, from 1988 until his retirement in 1990. In between these assignments, he found time to earn his masters degree in public administration from the George Washington University and to attend the National War College.

General Burpee is a command pilot who amassed an incredible 11,000 flying hours in various aircraft during his remarkable career. His military awards and decorations include the Defense Distinguished Service Medal, Distinguished Service Medal With Cluster, Silver Star, Legion of Merit, Distinguished Flying Cross With Oak Leaf Cluster, Bronze Star Medal, Meritorious Service Medal, Air Medal With 14 Oak Leaf Clusters and the Air Force Commendation Medal.

General Burpee is married to the former Sally Dreve Fisher of Fort Worth, Texas. They have two children, Richard A. and Brent A.

General Burpee was elected to the board of directors of the Retired Officers Association (TROA) in 1992, and as chairman of the board in 1996. Through his stewardship, the Retired Officers Association played a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed services—active, reserve, and retired, plus their families and survivors. I won't describe all of his accomplishments, but will briefly focus on a few to illustrate the breadth of his concern for service people. As chairman, he led the fight to honor the life time health care commitment to servicemembers, which ultimately resulted in legislative authority to reopen the doors of military treatment facilities to Medicare-eligible beneficiaries through an innovative program we have all come to know as Medicare subvention. More recently, he teamed with me and my distinguished colleagues, Messrs. J.C. WATTS (Okla.) and WILLIAM "MAC" THORNBERRY (Texas) to win approval of a demonstration to allow Medicare-eligible service beneficiaries to enroll in the Federal Employees Health Benefits Program. These programs, when expanded nationwide, will take critical steps toward honoring this Nation's commitment to those who served so valiantly. Also, under his direction, TROA worked tirelessly to provide survivor benefits to widows of retirees, who died before the survivor benefit program was enacted two decades ago, and to restore dependency and indemnity compensation to remarried widows of service-connected disabled veterans, whose second or subsequent marriages terminated due to death or divorce. Finally, he was ever mindful of the adverse effects on morale and retention caused by broken commitments and inadequate compensation and forcefully championed the causes of fairness and equity. His leadership efforts to defeat the imposition of user fees in military health care facilities, to preserve cost-of-living adjustments for retirees and to provide adequate pay raises for active and reserve members are especially worthy of note.

As a final thought, as I am sure you will all agree, the word leadership is often applied perfunctorily or to those who do not deserve it. In General Burpee's case, just the opposite is true. He has been, in every sense of the word, a leader in the military, TROA and the entire retired community. Our wishes go with him for a long life and continued success in service to his Nation and especially to those in uniform who he has so admirably led.

TRIBUTE TO HUMANITARIANS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. HALL of Ohio. Mr. Speaker, during the past month a series of deadly events has brutally thinned the ranks of those who are devoted to helping the world's poor and sick.

The bombing of our embassy in Nairobi was perhaps the most visible loss of Americans who worked to reach out to people in other countries. Twelve Americans perished there, alongside nearly 500 Kenyans.

Last week, four more Americans died while traveling on U.N. business aboard the plane that crashed near Halifax. Ingrid Acevedo, Pierce Gerety, Mary Lou Clements-Mann, and Jonathan Mann represented our country in key positions at the United Nations, and their deaths are keenly felt by their colleagues, as well as their families and friends.

I have said many times that many of the Americans I have met in the field of humanitarian work are remarkable. They are among the most selfless and dedicated of people, and their examples never fail to inspire me.

They also are dying in increasing numbers, as are the local people and other nations' representatives who serve as their colleagues. It is now more dangerous to feed and care for hurting people as a U.N. humanitarian worker than it is to serve in a war zone as one of its peacekeepers—for the first time in more than 50 years.

This increasing pace of deaths cannot be attributed to the toll that disease takes on humanitarian workers' health. Nor does it include those killed in plane crashes. It reflects only the growing number of attacks against aid workers employed by the United Nations and private charities alike.

I am encouraged to know that Secretary General Kofi Annan and the leaders of private charities are looking for ways to guard humanitarian workers' safety. The world can't afford to lose more of these dedicated individuals, but the courage their work demands, and the very nature of the dangers they regularly face, make protecting them enormously difficult.

What is within our power, though, is to remember their contributions, and to stay the humanitarian course for which they gave their lives, and I urge my colleagues in Congress to do that today and as we go about our own work in the days ahead.

It is only in the work of those we now mourn, and not the manner of their tragic deaths, that Ingrid Acevedo, Pierce Gerety, Mary Lou Clements-Mann, and Jonathan Mann represent an extraordinary corps of professionals.

Ingrid Acevedo, a young woman from New York, most recently has led efforts to spread the word about UNICEF's trick-or-treat effort on behalf of needy children. Acevedo began her career of service to the poor at Bread for the World, fighting hunger and poverty in the United States. She then moved to the U.S. Committee for UNICEF, where as its director of public relations, she brought needed attention to the life-saving work UNICEF does throughout the world.

Pierce Gerety was a Yale educated and Harvard-trained lawyer who, after receiving those institutions' highest honors, dedicated his life to helping refugees in some of the world's most desperate places. He most recently had been working for the U.N. High Commissioner of Refugees in Rwanda, and for the U.N.'s Operation Lifeline Sudan, which brings relief to 2.6 million people facing starvation there.

Mary Lou Clements-Mann and Jonathan Mann, were doctors whose fight against AIDS made them pioneers. Together, they led the push for a vaccine for the world's poor afflicted with AIDS. Clements-Mann was an epidemiologist at Johns Hopkins; Mann founded the World Health Organization's global AIDS program.

Today, along with those gathered in New York and elsewhere to mourn these remarkable Americans, we honor them and others in their fields who have gone before. Each died in the noble endeavor of serving those less fortunate among us. Each represented the best of our great country, and their deaths diminish us all.

HOUSE OF REPRESENTATIVES—*Friday, September 11, 1998*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With all the striving and energy that we use to make our mark, we pray, Almighty God, that we would also slow our pace and listen to Your still small voice that speaks to us in our hearts and in our minds. Just as we learn to speak, so may we learn to listen; just as we declare our ideas, so may we reflect on what others teach us; just as we hear the voices around us, so may Your gracious word speak to us in the depths of our souls, redeeming, forgiving, uniting us in faith and hope and love. May Your blessings, O God, become new to us each morning and be with us all the day long. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2071. An Act to extend a quarterly financial report program administered by the Secretary of Commerce.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. One minutes will be at the end of legislative business today.

PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 525, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 525

Resolved, That the Committee on the Judiciary shall review the communication received on September 9, 1998, from an independent counsel pursuant to section 595(c) of title 28, United States Code, transmitting a determination that substantial and credible information received by the independent counsel in carrying out his responsibilities under chapter 40 of title 28, United States Code, may constitute grounds for an impeachment of the President of the United States, and related matters, to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. Until otherwise ordered by the House, the review by the committee shall be governed by this resolution.

SEC. 2. The material transmitted to the House by the independent counsel shall be considered as referred to the committee. The portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds, shall be printed as a document of the House. The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee. Material so released shall immediately be submitted for printing as a document of the House.

SEC. 3. Additional material compiled by the committee during the review also shall be deemed to have been received in executive session unless it is received in an open session of the committee.

SEC. 4. Notwithstanding clause 2(e) of rule XI, access to executive-session material of the committee relating to the review shall be restricted to members of the committee, and to such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

SEC. 5. Notwithstanding clause 2(g) of rule XI, each meeting, hearing, or deposition of the committee relating to the review shall be conducted in executive session unless otherwise determined by an affirmative vote of the committee, a majority being present. Such an executive session may be attended only by members of the committee, and by such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

The SPEAKER. Pursuant to the order of the House of Thursday, September 10, 1998, the gentleman from New York (Mr. SOLOMON) is recognized for 2 hours.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, and pursuant to the order of the House of September 10, 1998, I yield 60 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, as we start off, I want to commend the Speaker for his statement yesterday from the chair asking that the House conduct itself in the highest decorum possible. It was eloquent on your part and was concurred in by the Minority Leader Mr. GEPHARDT. We would remind Members of that. We have a copy of that at the desk should Members want to refresh their memory.

Mr. Speaker, House Resolution 525 provides for a deliberative review of the House Judiciary Committee of the communication from the independent counsel and also provides for the appropriate release of that communication.

Mr. Speaker, I think I speak for many Members this morning in saying that this is a day which we hoped in our careers in public service would never come. I came here with you 20 years ago and I certainly, and I know you did, hoped such a day would never come.

There certainly is no joy in bringing forward this kind of a resolution. Only a sense of the gravity of our task ahead and our mindful and constitutional responsibilities make us do this.

Mr. Speaker, as the Members and the public are well aware by now, the independent counsel delivered a communication to the House of Representatives on Wednesday, September 9, and it was pursuant to the independent counsel law, which is the law of the land. That law requires, in pertinent part, that an independent counsel shall advise the House of Representatives, and this is quoting from the law, "of any substantial or credible information" which the independent counsel receives himself or herself, "which may constitute grounds for an impeachment," and that is the law of the land.

Of course, the Constitution vests the sole power of impeachment with this House of Representatives in Article I of section 3 of the Constitution and the "sole power to try all impeachments in the Senate."

Mr. Speaker, this communication from the independent counsel, it embarks this institution on a grave and a profound process in uncharted waters. In that spirit, the majority and the minority leadership have consulted on numerous occasions about this communication, and the chairman and ranking members of the Committee on the Judiciary and the Committee on Rules

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have discussed proposals for the sensitive handling and access to this material.

It has not been easy to come to an agreement. The resolution before us is the product of that bipartisan consultation, but more so, on a fair attempt to meet the concerns of all of the Members of this House; and we know that on both sides of the aisle we are divided on how to handle this issue, and that became very evident during the 4-hour hearing that we had last night in the Committee on Rules.

When this communication arrived at the Capitol, the Speaker immediately directed the material to be secured by the Sergeant at Arms, and no Members or staff have seen that document. Although there are press reports this morning asserting what might be in the communication, the House does not know what is contained in these documents at this moment, and that is the way that it should be. However, it is the understanding of the Committee on Rules that the communication does contain the following: 445 pages of a communication which is divided into three sections; an introduction, a narrative, and so-called "grounds"; and it is accompanied by another 2,600 pages of supporting material that is contained in the appendices which may contain telephone records, videotapes, testimony and other sensitive material, including the 17 boxes of other supporting information.

The method of the dissemination and potential restrictions on access to this information is set forth in this resolution. The resolution provides that the Committee on the Judiciary with the ability to review the communications to determine whether grounds exist to recommend to the House that an impeachment inquiry be commenced. The resolution provides for an immediate release of approximately 445 pages, again comprised of an introduction, a narrative, and a statement of so-called "grounds." This will be printed as a House document and available to the Internet and other Web sites today as soon as technologically possible, which will be hopefully about 2 hours after this resolution passes the House.

The balance of the material will be deemed to have been received in executive session of the Committee on the Judiciary, but will be released from that status by no later than September 28, 1998, and will be released piecemeal as the Committee on the Judiciary determines relevant. Material released will immediately be printed as a House document and available to Members and the public, obvious new information, between now and September 28th.

The resolution further provides that additional material compiled by the Committee on the Judiciary during the review period will be deemed to have been received in executive session unless, of course, it is received in an open session of the Committee on the Judiciary, although, Mr. Speaker, access to that executive session material will be restricted to Members of the Committee on the Judiciary and such employees of the committee as may be designated.

Finally, the resolution provides that each meeting, hearing or deposition of the Committee on the Judiciary will be in executive session unless otherwise determined by that committee. That is up to their discretion.

□ 0915

The executive session may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, and after consultation with the ranking minority member. The resolution before us attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material and the need to protect innocent people.

Mr. Speaker, the testimony before the Committee on Rules last night indicated that among Members, on the question of access to the material and release of it to the public, and this is important to note during this beginning part of the debate, that there were Members on the Democrat side who raised concerns about releasing the 445-page text today, and still other Democrats who raised a parliamentary inquiry on Wednesday when the communication was read to the House demanding full and complete access.

There was the senior member of this body, the Dean of this entire body, the gentleman from Michigan (Mr. JOHN DINGELL) who insisted on that. Other Members on our side of the aisle insisted on that. Still another Democratic member proposed a resolution last night in the Committee on Rules requiring full disclosure of the entire communication immediately. He at that time wanted us to substitute and make that amendment in order, which we did not do.

This resolution is an adequate middle ground. It recognizes the public's right to know, and hence, for Members and their constituents to engage in a dialogue about all of this material. It also acknowledges the Committee on the Judiciary's proper role of sifting through all the material, while placing the burden in favor of more release rather than less. It is anticipated that the Committee on the Judiciary will require additional procedural or investigative authorities to adequately review the communications in the future.

It is anticipated, therefore, that these authorities be the subject of another resolution which will be consulted with the Democrat minorities on the two committees over the next 4 or 5 days, and that that resolution will be before the House sometime midweek, and then on the floor of the House towards the end of the week, if necessary.

If this communication from Independent Counsel Starr should form the basis for future proceedings, it is important to note that Members will need to cast public, to cast recorded, and extremely profound votes in the coming weeks and months. Therefore, we should ensure that every Member of this House have enough information about the contents of the communication to cast informed votes and be equipped to explain those votes on this most mighty of constitutional obligations to their constituents.

Mr. Speaker, I want to point out, again, just to clarify, this resolution does not authorize or direct an impeachment inquiry. Sometimes the press gets this confused, and they are stating that it does. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historical proper place to examine these matters, to review this communication and make a recommendation to the House as to whether we should commence an impeachment inquiry. That is what this resolution before us today does.

Mr. Speaker, the constitutional process which may be initiated by this review is not about punishment nor is it about personalities. It is an effort to protect a constitutional office and to ensure it is not besmirched. The safety of constitutional government is too precious in this world. We are looked at all over this world as the exemplary democracy, and we must always keep it that way, so the Framers of our Constitution designed an inherently cumbersome process which would require cooperation among political parties, and that is what we are here today to do. It is in that spirit in which we bring forward this resolution today.

Again, I would just urge Members to observe the proper decorum as we debate this very profound issue over the next 2 hours.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a very, very solemn day for the House of Representatives. Mr. Speaker, the Constitution bestows several very important responsibilities on the House. All of them have great consequence. We have the power to raise taxes, we have the power to declare war, we have the sole power of impeachment. Today we find ourselves considering a resolution to release portions of the Independent Counsel's report.

Two days ago Independent Counsel Kenneth Starr delivered to this Capitol building a 445-page report, several thousands of pages of appendices, and 17 boxes of additional materials. No one has seen what is in the materials sent up by the Independent Counsel. It is most likely to contain Mr. Starr's opinions, transcripts from dozens of witnesses, tapes, telephone conversations, and other very, very important material.

Mr. Speaker, once these boxes are opened, innocent people could be hurt, reputations could be destroyed, ongoing criminal investigations could be jeopardized. Members of the House should begin this process of releasing the information and acting on it as soberly and as fairly as possible.

There is general agreement that the 445-page referral is to be made to the public as soon as this resolution is adopted. There is no problem there. The dispute revolves around what to do with the remainder of the supporting materials.

Let me say again, Mr. Speaker, as to the 445-page referral, including an introduction, a narrative, and the statement of grounds, there is widespread agreement to make that public today. The concern is on who will review the appendices of the 17 boxes of materials to make sure that no innocent people are unfairly jeopardized.

In his letter of transmittal, the Independent Counsel, Ken Starr, stated, "Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential."

Mr. Speaker, we were heartened, very heartened, when the Speaker reached an agreement with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Illinois (Chairman HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS), on how this material would be released.

According to this bipartisan leadership agreement, the supporting materials should be treated as if they had been received in executive session and released only to the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from Michigan (Mr. CONYERS), for their initial review. The purpose of this restriction was to expedite review while at the same time limiting the possibility of harmful leaks. Mr. Speaker, I think that was absolutely the right thing to do.

Another important part of the agreement was to limit the content of today's resolution to the subject of how the material should be released. No mention of authorities to be granted to the Committee on the Judiciary would be contained in this resolution.

That, Mr. Speaker, was the agreement, but last night my colleagues in the Committee on Rules changed that deal. They decided to release the supporting materials to all 35 Members of the Committee on the Judiciary, and to let the materials sit there not for 10 days, as had been agreed upon, but for 17 days. Mr. Speaker, I feel that this information will leak out drip by drip, day by day, day after day.

They also added the section directing the Committee on the Judiciary to examine matters beyond the scope of the Independent Counsel's report with new depositions and new hearings.

Mr. Speaker, what is important here is not the details of how we release the Independent Counsel report. The issue is that we reached an agreement with the Speaker, with the minority leader, with the chairman and the ranking member of the Committee on the Judiciary. We relied upon that agreement. That agreement has been unilaterally altered. Mr. Speaker, I would say to my colleagues that if we cannot rely on an agreement dealing with this kind of matter, how can we rely on other important matters that we are going to face?

Mr. Speaker, I sincerely hope that in the future, when agreements are reached, we can rely on all sides to honor those agreements.

Mr. Speaker, when each of us took office, we put up our right hand and we swore to uphold the Constitution. In Article 1, Section 2 of the Constitution states that the House of Representatives shall have the sole power of impeachment. With that power, Mr. Speaker, as we all know, comes a very, very grave responsibility to the American people, to the American President, and to the American electoral process. So let us fulfill our responsibilities soberly. Let us fulfill our responsibilities fairly.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me cite from the rules of the House, and my good friend, the gentleman from Boston, Massachusetts (Mr. JOHN JOSEPH MOAKLEY), my ranking member, is more aware of the rules than I am. Let me cite 2K(7) of Rule XI.

It says, "No evidence or testimony taken in the executive session may be released or used in public sessions without the consent of the committee," by recorded vote. Mr. Speaker, those are the rules of the House. Any violation of that rule is subject to ethical discipline.

Let me further just say that I have served on the steering committee of the Republican side of the aisle in appointing Members to committees for the last 17 years, as many of the Members there have, the minority leader, the gentleman from Massachusetts (Mr. JOE MOAKLEY) and others.

We choose people to serve on these committees because of their professional backgrounds, because of their demeanor and their knowledge of law. Every single member of the 35 members of the Committee on the Judiciary are entitled to the same information as any one member of that committee, and we should keep that in mind.

As to the dissemination of material, I want to read just briefly a section of the resolution before us. It says that, "Notwithstanding clause 2(e) of rule XI, access to executive session material of the committee relating to the review shall be restricted to Members of the committee and to such employees of the committee as may be designated by the chairman, after consultation with the ranking member."

That means, yes, under the rules of this House, every member of every committee is entitled to anything that is submitted to that committee. But in writing the rule the way we did, no one stops the committee and stops my good friend, the gentleman from Illinois (Mr. HYDE) or my good friend, the gentleman from Michigan (Mr. CONYERS) from appealing to the Members on their side of the aisle about letting the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) go through the material, sort through it, and then call in the other Members. I know our members are going to be more than cooperative, and I would assume that the members on the gentleman's side are, too.

So in effect, we are accomplishing exactly what the Speaker had in mind and the minority leader, and certainly this chairman of the Committee on Rules, who sat through every single one of those meetings where we negotiated what we were going to put in this resolution.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for yielding. I am not disputing the rules. All I am saying, an agreement was made and an agreement was broken. It is not a proper way to start out this hearing.

Mr. SOLOMON. I am not going to cite members on the gentleman's side of the aisle who were in those meetings. Whenever we left those meetings, we always had to go back and discuss with our colleagues, whether it be Democrat or the Republican leadership, and I do not like the word "deals", but there were no agreements made on anything.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HENRY HYDE), the chairman of the Committee on the Judiciary.

To Ronald Reagan, my great hero, and to George Bush, the former President, I recommended this Member to be appointed to the Supreme Court of the United States of America, and I am very proud today that they did not take my recommendation at that time, because we need him desperately in the position he is in today.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding time to me.

To my good friend, the gentleman from Massachusetts (Mr. JOE MOAKLEY), let me just add my spin on this situation, to use an unhappy word. This has been a moveable feast. The situation has changed from hour to hour, as everybody gets their input on how to do this.

What we are talking about is reserving from immediate distribution supporting materials which we have been advised by the Independent Counsel contain matters of a private, confidential nature, and there may be innocent people involved who do not have a central or even a peripheral relationship to the matter in chief. We are simply trying to do the decent, responsible thing by checking those over before they are released.

□ 0930

We will release them, but there may be some materials in there that we can agree on a bipartisan basis ought not to be released. We do not know. But whether the gentleman from Michigan (Mr. CONYERS) and I do it, or whether the entire Committee on the Judiciary does it, I could live with either operation.

Mr. Speaker, I just say it is terribly hard to tell a Member of the Committee on the Judiciary that they may not look at certain materials that were sent over by the independent counsel.

So I do not think it is a terribly serious dispute. I hope the gentleman does not talk about breaking agreements. As I say, these have been fluid all along until we finally got to the Committee on Rules. I just hope the gentleman does not feel that there was any violation of trust. I do not want to start out that way. The gentleman from Michigan (Mr. CONYERS) and I are not only doing this in a bipartisan way, but in a collegial way, and we are going to keep that serious effort going.

Mr. Speaker, 166 years ago when our country was in its robust childhood the great historian Thomas Macauley wrote, and I quote, "Laws exist in vain for those who do not have the courage and means to defend them."

We are here because circumstances and our Constitution have thrust upon us an onerous duty, one that requires us to summon the courage and the means to defend the rule of law. Do not forget, please, when all the distractions and diversions and definitions have been pronounced, at the end of it all, we are about one mighty task: to vindicate the rule of law.

We are also met to defend the sacred bond contained in our oath of office, the bond that links the Members of Congress, the officials of the executive branch and our Federal judges to the people of the United States, to those who have given their lives for this country and to the American people of the future.

In taking the solemn oath to defend the Constitution, we have pledged a trust that imposes a heavy responsibility. We have pledged a trust to those patriots who sleep across the river in Arlington Cemetery and in American cemeteries around the world. We have pledged that their defense of freedom and the rule of law will not have been in vain.

Mr. Speaker, may I presume to remind us all of the oath we swore when we became Members of Congress. We raised our right arms and we said:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Traditionally, an oath means a solemn calling on God to witness to the truth of what one is saying. We all well know the story of Sir Thomas Moore who was beheaded in the Tower of London for refusing to take the oath of supremacy that acknowledged Henry VIII as head of the Church of England. In the great drama of his life, "A Man for all Seasons," Sir Thomas tells his daughter, "When you take an oath, you hold your soul in your hands, and if you break that oath, you open your fingers and your soul runs through them and is lost."

Mr. Speaker, I believe with all my heart that each of us who took that oath of office took it seriously and we will conduct ourselves so that when this ordeal, and it is an ordeal, is over we will have vindicated the rule of law and brought credit to this institution in which we are privileged to serve.

We have also pledged a trust to the Americans of the 21st century. We have pledged to hand over to them intact and unsullied the rule of law in constitutionally ordered democracy. And we have pledged a trust to our fellow Americans, with whom we share this moment in our history, our neighbors who have sent us to this Congress, to serve the common good through the rule of law.

Ninty-four years ago in a message to Congress, President Theodore Roosevelt defined the principle that must guide our deliberations in the days and weeks and months ahead: "No man is above the law and no man is below it, nor do we ask any man's permission when we require him to obey it." That principle really defines the solemnity of this moment.

We are sometimes too cavalier in our attitude toward the rule of law. It is something that we take for granted. Yet we live in a century which, in blood and tears, in pain and sorrow, has vindicated the contention of the Founders of this Republic and the Framers of its Constitution that the rule of law is the only alternative to tyranny or to the anarchy that eventually leads to tyranny.

The long, hard march of humanity toward the promised land of freedom has been marked by the constant struggle to vindicate the rule of law against the tyranny of power. Whether our reference point is the Ten Commandments or the code of Hammurabi, Justinian's Code or the Magna Carta, the Constitutional Convention of 1787 or the United Nations Charter of 1945, in each case humanity has made progress on its journey through history when the rule of law has triumphed over privilege or power as the arbiter of human affairs and the method to resolve conflict.

The fact that the gradual expansion of the rule of law has invariably resulted in human progress is not an accident of history; it is a reflection of human nature. For the rule of law is an expression of the spiritual nature of the human person created with intelligence and free will, a moral agent capable of freedom and capable of ordering freedom to the pursuit of goodness, decency, and justice.

Every member of our committee, indeed every Member of this Congress, is a servant of the rule of law which in this instance means we are servants of the Constitution of the United States of America.

To paraphrase Theodore Roosevelt, none of us is above the Constitution, none of us is below the Constitution, and none of us is required to ask permission when we require ourselves and all those who have also sworn a solemn oath of fidelity to the Constitution to obey it.

Because we are servants of the Constitution, because we too are subject to the rule of law it enshrines. No partisanship in the matters before us will be worthy of us. Americans pride themselves on living under the oldest written constitution in the world continually in force. That historic accomplishment simply did not happen. In defense of the Constitution, American men and women have sacrificed their lives in every corner of the globe.

In defense of the Constitution, the American people have made enormous sacrifices in time and in treasure.

In defense of the Constitution, Americans have forgotten they were black, brown, yellow or white, that they were Catholic, Jewish, Muslim, Orthodox or Protestant, that they were Democrats or Republicans. They have remembered that they are Americans, inheritors of a precious tradition of the rule of law and trustees of that tradition before the eyes of the future.

The Constitution remains viable not only because the document itself is venerable and its provisions wise. The Constitution remains viable because the American people continue to affirm and defend the principle of the rule of law which animated the document and gave it its moral ballast and its moral compass. We, the servants of the people, their elected representatives, can do no less.

Thus, we too are under judgment in these proceedings: the judgment of the people, the judgment of history, the judgment of moral law. Let us conduct ourselves in this inquiry in such a way as to vindicate the rule of law.

Let us conduct ourselves and this inquiry in such a way as to vindicate the Constitution. Let us conduct ourselves and this inquiry in such a way as to vindicate the sacrifices of blood and treasure that have been made across the centuries to create and defend this last, best hope of humanity on Earth, the United States of America.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, this is the second time in the century that the question of impeachment has come before this House of Representatives. I had the honor of serving on the Committee on the Judiciary when the Watergate impeachment question was before the House some 25 years ago. The gentleman from Michigan (Mr. CONYERS) was on that committee, and we are fortunate to have his experience to bring us to the point where we can be fair in judging the conduct of the President of the United States.

Indeed, we are fortunate to have a person like the gentleman from Illinois (Mr. HYDE), who is respected on both sides of the aisle, who is not tempted by politics, but is moved by what is in the best interest of the people of the United States, and more importantly, the protection of this Constitution which is not just for us, but the legacy that we have to leave to our children.

Mr. Speaker, we now will be wrestling with some serious questions as to moral standards, and it is unfortunate that many times people have found that they have a lower standard for themselves than they have for the President of the United States. But it is abundantly clear that we are not here just to determine his personal habits, that is, the President of the United States, but we are to respect the fact that he has been elected by the people of the United States to serve for another 4 years.

So the question of fairness is what surrounded the Committee on the Judiciary under the leadership of Peter Rodino, and it will be that question of fairness that we will be judged by, if not day to day, then certainly by the November elections.

We should never forget that he has been the captain of our ship for 2 years and this journey is supposed to take legally 4 years. During this time, we have gone through some perilous economic times. We have gone through deficit spending into a balanced budget and indeed a surplus. We have gone through a period where more people are working, more people are saving, more people are living better.

So the American people want to make certain that when we judge the conduct of the President of the United States, we judge him not by a political standard, not by an individual standard, but a standard of fairness that takes into consideration that he was not appointed, he was not selected, he was elected as President of these United States.

As we get closer to the November elections, in recognizing just by being political animals, there will be a temptation for us to allow our politics to get involved with our constitutional responsibilities. It will be tragic if this happens. But remember, as we judge the President of the United States, the people of the United States will also be judging us.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, before a vote on the floor on a Committee recommendation to proceed with an impeachment resolution, or upon the Committee's failure so to recommend after a reasonable time, any Member of the House should be entitled personally to review all executive-session material. Otherwise, that member would be required to decide on the impeachment question, whether yea or nay, without having all the information the Independent Counsel deemed relevant to send to the House. Today's rule, strictly construed, might not permit that access if the Judiciary Committee votes not to permit such access. However, this rule will expire in its effect at the end of this session, and no one anticipates a vote on the impeachment question before we must pass a new rule to govern our proceedings in the next Congress. Until we are called upon to make a vote on that fundamental question, I have no problem with the Judiciary Committee's exercise of discretion in deciding what material, out of concern for innocent third parties, should be held in executive session.

When we pass the rule to govern our later proceedings, however, we should take care not to exclude from any Member access to material necessary to inform that member's judgment.

Mr. SOLOMON. Mr. Speaker, in order to equalize the time, we are going to reserve our time for a few minutes.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from New York (Mr. SOLOMON) whether he has any speakers remaining?

Mr. SOLOMON. Mr. Speaker, we have a lot of speakers, but we have only about 35 minutes or so remaining. I think the gentleman from Massachusetts has more than 50 minutes. We would like to equalize the time.

The SPEAKER. The gentleman from New York (Mr. SOLOMON) has 36½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 51½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

□ 0945

Mr. BONIOR. Mr. Speaker, we gather in this Chamber today with a solemn responsibility. At its core, that responsibility is to do what is right, right by the American people, right by our Constitution, right by our country, and right by justice.

What the President did was wrong. Now the Congress has a report on his actions from Prosecutor Starr. I believe the American people have a right to see this report. But we must remember these are allegations by a prosecutor. By its very nature, it is a one-sided report.

The American people have a right to see all the facts, and Congress has a responsibility to consider all the facts. We have an obligation to conduct this process in a manner that is fair, judicious, and upholds the principles of our Constitution.

What we are about to embark upon is a very difficult task. Only a few times in our Nation's history has this House had to walk this very difficult road. Where should we turn for guidance?

There have been times in the recent past when we have been asked to judge a leader. In the 1970s, Congress had to judge a President. The President's lawyers met with the Committee on the Judiciary and had access to the evidence for seven full weeks before the information was released to the public.

In the 1980s, Congress investigated the Iran-Contra affair. The independent counsel's report was kept under seal for 5 months as President Reagan's attorneys prepared his response.

In 1996, the Committee on Ethics and this House passed judgment on our own Speaker. In that case, the gentleman from Georgia (Mr. GINGRICH) was allowed 6 days to review the allegations and prepare a response, 6 days.

In each case, the accused was allowed an opportunity to review the allegations in preparing a response to the American people. That is only fair. It is common sense. It is what our sense of justice dictates. The American people understand that.

Just last year, this House revised its own ethics rules to give an accused Member 10 days to prepare a response before allegations are made public. Why should this House not allow the President a minimal time to review the allegations against him before they are posted on the Internet, printed in the papers, and put out over our airwaves?

Earlier this week, the Republican leadership expressed its commitment to move forward in a bipartisan fashion. Yet, today, we discover that those commitments that were made in the spirit of fairness and responsibility have been eroded one by one.

This resolution is not guided by precedent. It is not guided by a proper sense of fairness. The Republican leadership has reneged on its commitments. This is a troubling beginning to a process that should guide us as we take on the highest constitutional principles.

But I do believe the American people have a right, the American people have a right to see this report. I hope this beginning does not portend a widening partisan divide at a time when we must stand together and seek the truth and do what is right.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the Republican Party.

Mr. DELAY. Mr. Speaker, I rise in support of this legislation, and I really commend the leadership of the gentleman from New York (Mr. SOLOMON), chairman, for putting it together.

I was very much moved by the statements of the distinguished chairman of the Committee on the Judiciary, a gentleman that we all know will do an incredible job in keeping this from being a partisan process.

This resolution starts the process of examining the report of the independent counsel. We demean the job, the office and the law of the independent counsel when we call him a prosecutor. This counsel is charged to exculpate the President as well as to investigate the President, not to distort what he finds.

The President of the United States has had over 8 months knowing what is coming in this report. In fact, if he started back in January and told the American people the truth, we would not be here today. So he has had his spin-meisters and his attack dogs out for 8 months.

He knows what is in this report, because he probably debriefed everybody that appeared before the Grand Jury. The President's spin-meisters have tried to hold him above the law, the rule of law that the chairman was talking about.

Now he wants 48 hours to be informed before the American people. The President is no better than any other American, and every American will see this as soon as possible. But we cannot get there until we pass this resolution. We could not even give it to the President for 48 hours unless we passed a resolution saying so. We have to accept the report.

In order to fulfill our constitutional responsibilities and the only way to uphold the wisdom and the structure and the stability of the Constitution as so ably outlined by the chairman is to have the American people to have a moral foundation to support that Constitution.

This is a moral crisis, a moral debate that we are about to enter. If the President is going to force us to go through this trauma, every one of us here must accept that responsibility.

We must understand that there is an age-old remedy for wrongdoing that is exhibited actually by the Constitution. But philosophers, religious people as far back as we know man goes has exhibited that remedy, and that is contrition, confession, and cleansing. We are at the cleansing part.

Contrition is when you recognize that you have done wrong, humbled yourself by knowing that you have done wrong. Confession is when you tell the truth about what you have done. The cleansing part is accepting the consequences for your actions and being honorable enough to accept those consequences rather than the spin, the whole spin, and nothing but the spin.

We are forced to fulfill the cleansing part of the Constitution. I think every Member in this House, Democrat and Republican, will rise to the level that the oath of office that we took exhibits and honor that oath and fulfill our responsibilities to the Constitution of the United States.

This is a wonderful institution. It will rise above everything that is going on outside this chamber. It will exhibit what the Constitution gives us the responsibility to do.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the conduct of the President over the last 8 months and before will be judged in this proceeding. What is at issue here this morning is not his conduct but the fairness of the resolution before us, which is manifestly and grossly unfair.

It is manifestly unfair because it denies the President the privilege we have given to every other person accused, as the gentleman from Michigan stated, the ability to see the accusation before it is released publicly so he can prepare a response.

It is grossly unfair because, with respect to the 2,200 pages of evidence and the 17 boxes of other evidence, the entire Committee on the Judiciary is going to see it, to decide what must be kept confidential and protecting privacy of third parties.

That means 50 people are going to see it. It is going to leak out. Those privacy rights are going to be violated. That is ensured by this resolution.

It is grossly unfair because, during the 10 or 20 days that that is going to be done, while the world will see salacious details, the President will not be allowed to look at those documents. There is no reason why he should not. There is no delay entailed.

But this resolution is doing everything it can to make the President's defense as difficult as possible and to make it very likely that all the details that the special prosecutor himself says should be protected for privacy reasons will leak out, because 50 people in this town cannot keep a secret.

For a practical problem, if 50 people have to have time between now and September 28, how is anybody going to look through those 80,000 or 90,000 pages to decide what should be kept secret? They are not going to have time enough with two copies.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, the vote we take today to release the Starr report without the opportunity for the President to review and formulate his simultaneous response is fundamentally unfair.

The charges alleged in this report are very grave. The admitted actions of the President are both serious and sober. But no matter what charges are made, the President is entitled to a fundamental fairness at every step of the process. This first step, the wholesale release of one-sided allegations and evidence to the media and the Internet violates that fairness.

Every person in this chamber understands the ramifications of the instantaneous release of harmful information in both our political and justice system, the inability of any later considered response getting any type of equal attention.

Surely there can be no harm in giving the President an opportunity to review the material before a proper and full public disclosure of the Starr report.

The release of this information may very well be the first step in commencing the process of impeachment against an elected President of the United States of America. The fairness of that process should be preserved at every level. This rule fails to do so.

The public is clearly entitled to this information, but it is our obligation to provide for its responsible release.

The President must be held accountable both for his admissions of wrongdoing and for any proven charges of illegal behavior, but he must be accorded the rights and the fairness that this highest of constitutional responsibilities requires of each of us.

The Committee on Rules has failed the first test of our Constitution, the test of fundamental fairness.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume just to respond to the previous speaker.

Mr. Speaker, yesterday, Independent Counsel Lawrence Walsh, the Iran-Contra independent counsel stated in an in-depth interview that the President and his lawyers are, without question, aware, and I am quoting, of almost all of the material contained in the 445 pages that we will be releasing today.

He further said that the President's lawyers already have prepared their public relations response and have days in which to prepare any kind of legal response to any inquiry that the Committee on the Judiciary might make.

I mean, this is obvious to every Member. Every Member of this body has a right to this public document, as does the President. If the President wants the first hard copy to be printed this afternoon, I am sure that the Speaker would be glad to give it to him so he does have it in advance.

No one is going to know what is in here for the next several hours, and certainly they will certainly have time to go through it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I would inquire as to the remaining time for the gentleman from New York (Mr. SOLOMON) and myself.

The SPEAKER. The gentleman from Massachusetts (Mr. MOAKLEY) has 44½ minutes remaining. The gentleman from New York (Mr. SOLOMON) has 32 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I intend to support this resolution, but I am very disappointed by what will not be accomplished today by the adoption of this resolution.

Let me share with my colleagues some of my own observations from the 6-plus years that I served in this body's Committee on Ethics. There are two key ingredients to a successful discharge of our obligations that are missing today.

First, there must be true bipartisan efforts. One side cannot and should not dictate to the other. Mr. Speaker, a truly inclusive, bipartisan approach will require patience and good negotiating skills, for our caucuses are not monolithic. But we must work in a bipartisan way, and we are not doing that with this first resolution.

☐ 1000

Second, there must be basic fairness to the person who is accused. The person should have had access to the material that we have before it is made public. That is a matter of basic fairness. Sure, the President will have a response, but he should not have to speculate as to what we have. He should have had access to it first so that he is not blind-sided by information that may come out later. That is not being fair.

We have a grave responsibility to carry out, and we must develop a process that will allow each of us to reach the right conclusions. We can do better than how we have started today.

Mr. Speaker, I have talked to both my Democratic and Republican colleagues, and I know that we can successfully carry out our obligations. I urge us to do better in the days and weeks ahead.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, under our constitution, the House of Representatives has the sole power of impeachment. This is perhaps our single most serious responsibility short of a declaration of war. Given the gravity and magnitude of this undertaking, only a fair and bipartisan approach to this question will ensure that truth is discovered, honest judgments rendered, and the constitutional requirement observed.

Our best yardstick on whether we are meeting those standards, whether we are yielding fair results, is to look at the historical experience, to look at the precedents. Twenty-four years ago this House went through a gripping, grueling experience where a Democratic House investigated a Republican President. And I think that if we hold the procedures adopted at that time as our yardstick for fairness, we will be able to measure whether or not we are meeting the bipartisan necessity of these procedures.

I have heard wonderful rhetoric today and yesterday about the need for bipartisanship. Regretfully, the behavior embodied in the resolution before us falls short of the standard set 24 years ago. It is not as good, it is not as fair as what occurred 24 years ago. At that time my predecessor in office, and my then boss, Congressman Don Edwards, insisted that the President of the United States, Richard Nixon, have complete due process; that he have the ability to see all of the evidence; that his lawyers have the ability to cross-examine and to see everything way before it was revealed.

In this case we have a rush to put allegations that have been compiled over 4 years onto the internet without giving the President 24 hours to review it. I fear for our country if we cannot do better than this.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, 168 years ago a famous author, Alexis de Tocqueville wrote, and I quote, "America is great because America is good. And when America ceases to be good, America will cease to be great."

How true that is. Today's debate is not just about Bill Clinton. It is not just about the Presidency. Today's debate is about America's greatness. And the founders fully recognized that by setting a much loftier and higher standard on the chief executive. They did not write high crimes and other felonies. They wrote high crimes and misdemeanors. Misdemeanors. A matter of truth and trust.

The American people must be able to trust the President. From Wall Street to Social Security, from Main Street to Moscow, from the United Nations to China, the President must be trustworthy. America is great because America is good.

I would have liked to have seen the considerations of the great Member the gentleman from Massachusetts (Mr. MOAKLEY) taken into consideration, but it will not stop me from voting for this resolution.

I have been here for a number of years, and I want to give compliment, after watching the testimony of our great chairman, the gentleman from Illinois (Mr. HYDE), and our great ranking member, the gentleman from Michigan (Mr. CONYERS). I have faith in them and faith in the Congress.

America is great because America is good, and we must hold to those high standards. I support the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

As my colleagues know, I am soon to retire, and the Speaker has already committed to my replacement. The gentleman from California is an outstanding vice chairman of our committee who will do a wonderful job as my replacement.

Mr. DREIER. Mr. Speaker, I appreciate my friend for yielding me this time, and I thank him for his stellar leadership.

As has been said by most of my colleagues, this is a very solemn time and a very difficult time for Democrats and Republicans alike. Obviously, for the American people as well. It is very important that we be fair, and I am troubled by some of the statements that I have heard that are challenging this issue of fairness.

Mr. Speaker, let me say that in 1978 a Democratic Congress passed the independent counsel statute. That made major changes since the Watergate hearings of 1974. Three times since 1978 that independent counsel statute has been passed. Most recently it was reauthorized by a Democratic Congress, and it was done when President Clinton was in office.

I think it is important to note that we are complying with the rule of law under the independent counsel statute. It says, "An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives that may constitute grounds for an impeachment." That is exactly what is happening here. We are complying with the rule of law.

We very much want to deal with this in the most bipartisan way possible. Last night in the testimony the gentleman from Illinois (Mr. HYDE) said we want to have a bias for openness. And it is very clear, based on the number of hits that we had when the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), gave me the privilege of announcing the web site of the resolution that we are considering today and his opening statement from last night. The gentleman from New York has just informed me that we had over 25,000 hits on that.

We have had Democrats and Republicans say we want this information out now. I think many of us are having the phones, I know I am, ring and ring and ring saying get this information out now. But, at the same time, we are doing our darnedest to ensure that no one is hurt by this process. And that is why in executive session, in executive session, the full Committee on the Judiciary, based on the request by many Democrats and Republicans, will have the opportunity to go through the appendices and the supporting information.

Mr. Speaker, it is very apparent to me that while there is not total agreement, there is, in fact, strong bipartisan agreement for what it is that we are proceeding to do here during this very difficult and challenging time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, we enter a period of great importance for our people's House of Representatives and for our country. As has been said, next to declaring war, nothing we do here rises to the importance of this decision.

I will vote for this rule today, but I must report that I am disappointed in the way we arrived at this rule and in the result. And, more importantly, I am disappointed in our initial attempt, which I still have faith in, to try to reach bipartisan and nonpartisan agreements on how we go through this process.

The Speaker has said, and I believe his word, that he wants this to be nonpartisan. The gentleman from Illinois (Mr. HYDE) has said that he wants it to be fair and nonpartisan, and I believe his word. But at the end of the day yesterday we were told that there were some on the other side that could not go along with ideas that I believe many in the Republican leadership thought were reasonable ideas.

Let me say what I think should have been in this rule. First, I believe that the President deserved 24 or 48 hours to read these allegations and conclusions before it was made public and sent all across the Nation and the world. We give Members that courtesy when Members are charged with wrongdoing. We have given other Presidents that courtesy. And I believe, in all fairness, this President deserves that basic fairness. What could possibly be lost by another 24 or 48 hours before this were made public?

Secondly, the independent counsel himself told us that there is information in parts two and three in this evidence that could be highly sensitive and injurious to innocent individuals. Now, I know that in the rush to get all this out we can all forget the rights and the reputation of innocent individuals. I simply ask all of us to put ourselves in the shoes of the people that could be injured by the leaking of this information.

And I would also remind Members that already this morning material is being leaked in the media. Details have found their way already into the media that supposedly come from this information. Why do I not have faith and confidence that we can hold the material that we should hold?

I take the gentleman from New York (Mr. SOLOMON) at his word. I realize our rules say that we should not give this out if we have been charged to not give it out. I pray and hope that all of our Members, Democratic and Republican, will live with that admonition and will not leak this material out injuring the reputation of innocent people. Surely we can rise to this occasion.

Now, there are many tests ahead. This is the first step of what could be a long process. And I guess my lesson from today is that it takes all of us, not just some of us, in order to make this process work. This is a body of 435 human beings, and we are called on to be better than sometimes our natures allow us to be.

This is a sacred process. This goes to the heart of our democracy. This is not a second election. This is not politics. This is not spinning. This is not polling. This is not a lynch mob. This is not a witch-hunt. This is not trying to find facts to support our already-reached conclusions. This is a constitutional test.

Alexander Hamilton, in the Federalist Papers, said, when speaking of impeachment, "There will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence and guilt." We are all partisans. We are all in politics. We all believe strongly in our views and we all want our views to be realized by this House. But that is not what this is about.

I ask my Members to reach inside themselves in these days ahead, when we are tested, as we will be tested, to be nonpartisan, to be fair, to be objective.

□ 1015

And I ask my friend on the other side of the aisle to do the same. I will come and I ask our Members to come more than halfway to reach nonpartisan agreements, to make this a fair process. I pray that we can do this.

I am in awe of what we do here. I am so proud to be a Member of this body, because we stand for democracy and the rule of law that no one is above and no one is below. I am in awe of what we achieve here without violence. We must do this right. And I beg the Members, every one of you, to bring out the best in us to do this right. Our children and our grandchildren will know if we did.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not appropriate for you as the Speaker to address the House from the chair. But I am sure I speak for you and we speak for the leadership on this side of the aisle in concurring with the latter part of the statement by the very distinguished minority leader. And let me assure him that we implore of our Members on this side of the aisle that they will obey the rules of this House, both morally and ethically. And if any of them on this side, as well as that side, leak information that is in violation of this House, I will assure you that I will use every power I have as chairman of the Committee on Rules, and I know you will, as Speaker, to enforce that rule to the highest degree to discipline any Member that would leak any information on this subject out of executive session.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the very distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding.

Mr. Speaker, I just want to very briefly reply to some of the criticisms that have been made of this resolution.

The phrase "fundamental fairness," which of course has a ring to it, has been used and contentions are that we have violated fundamental fairness by not giving the President an advantage by having him get either days ahead of time or hours ahead of time the report. I do not think that is a breach of fundamental fairness.

The time has come for the American people, for the Members of this Congress, to get this report. The President will get copy number three. He will get it as soon as we get it and as soon as the American people get it. He is not caught by surprise. He is the party of the first part. He knows what is in the report better than anybody on the planet.

But to give the spin machine an opportunity to be the first impact on the American people before we, the Members, have seen this report is not bipartisanship, it is foolishness.

We are acting as a grand jury. The grand jury does not take the object of the grand jury and give them all the evidence in the proceedings and say, now you go ahead and make your case. That is not the way a grand jury operates. And we are operating as a grand jury.

Now, I pledge that the very same courtesy that Mr. Nixon had will be extended to this President and his staff, that he will have his people present during executive sessions that we have. We will, under controlled circumstances, want to hear from him and his submissions exactly, exactly as Mr. Nixon had, no less and no more. I pledge that to you, in the interest of fundamental fairness.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I did not serve here during the Watergate era. But in the 20 years I have been here, I have been greatly involved in ethics issues, serving on the Committee on Ethics for 8 years and leading on perhaps the most important bill of my career, the Ethics Reform Act of 1989.

I can only reflect on those years as an era in which partisanship increased exponentially, the bitterness that has occurred here, the take-no-prisoners mentality that has infected this place. Within the last week, two of our colleagues in the majority have been dragged into this, unfortunately to their detriment; their private lives spread before the public.

If we are going to succeed in the task that the Founding Fathers have given us, we are going to have to overcome this tendency, this propensity to make partisanship our watchword here; we are going to have to reverse this trend.

We have had the debate between openness and the rights of the individual. It is an age-old one. And we have come down on the side of openness, because I think we believe, frankly, that the process will not work any other way.

We are not where we were with President Nixon 25 years ago. The Washington Post, NBC, are telling us this morning what is in this report. With all due respect to the gentleman from Illinois (Mr. HYDE), and great respect is due, it is not the committee we fear. The information is in the public domain, and frankly, the public believes they know everything there is to know about this already.

So I believe we have perhaps a more difficult task than any Congress that ever proceeded us when we take up this issue. In an age of all-news radio, talk shows, and cable news television and the Internet, instant review of information is the norm. History is pronounced with 10 minutes' time, not even 10 years of reflection. So we, as an institution, have got to take up this more difficult task in a different way.

I urge my colleagues to go home this weekend, to take a deep breath, to insulate themselves from the whims of uninformed public opinion, to take seriously their responsibility to listen to both sides—including the President when he can get his side out—as well as the prosecutor, who obviously has an ax to grind.

There are people on both sides of the aisle who have already made up their minds, but I hope there are not many in this case. I reflect on the words of our good friend and former colleague, Peter Rodino, when he said, "We were, in effect, asked to substitute our judgment for the judgment of millions of people who had voted overwhelmingly in a previous election, and for me it was a really horrible thought to be in that position."

That was, of course, the man who was said to be inadequate to the task of judging President Nixon, who became a national hero as a result of the effective job he did as chairman of the Judiciary Committee. We have got to take the same approach. It is a horrible thought to be in this position. But we have got to show objectivity, to put partisanship and bitterness behind us, and not be affected by the whims of uninformed public opinion.

We must make this judgment here, keeping in mind that our political fate is not as important, individually or as parties, as the way history will judge how we take up that responsibility.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I will vote no on this, not because I do not want it released, but because I believe that the process is unfair from the very outset.

In this morning's paper, before the vote, already the report is out. Now, we saw 2 days ago the pomp and circumstance, a great truck rolled up here that came from the special prosecutor and was handed to the leadership of this House. There are only two places that leak could have come from, the first page of the Washington Post. I mean, give me some other explanation.

Secondly, it is unbelievable that after 6 years of investigation, the President of the United States cannot be given 1 hour by the Committee on Rules last night to review this before it goes public.

Now, we did not do that to any Member of the House in the Ethics Committee. Every Member saw the report before it went public. We did not do that to Mr. Nixon.

My colleagues heard the gentlewoman from California (Ms. LOFGREN) talk about what went on 24 years ago with the President of the United States. This day feels to me like we are taking a step down the road to becoming a political lynch mob. We are in so much hurry to get this done so it can be in the Saturday, Sunday news cycle and have our mint juleps at 5 o'clock, we are going to find a rope, find a tree, and ask a bunch of questions later. It will be too late for fairness.

We can go back and get another rule, a fair rule that would give the opportunity to the President and, secondly, to protect those people that even Mr. Starr says needs to be protected, for heaven's sake. He did not recommend we rush out here and do this at 100 miles an hour.

I think that this House is acting way too fast for any kind of fairness. Everyone here knows the public is going to get this. I urge my colleagues to vote no.

Mr. Speaker, I include for the RECORD the article on page 1 of today's Washington Post by Susan Schmidt and Peter Baker.

ALLEGED DECEIT IS OUTLINED

(By Susan Schmidt and Peter Baker)

Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for impeachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents.

The *report*, delivered to the Capitol on Wednesday and scheduled to be made public today, *asserts* that Clinton committed perjury during his January deposition in the Paula Jones lawsuit when he denied having sex with Lewinsky and then again during his grand jury testimony last month when he acknowledged a physical relationship wile insisting his previous statements were "legally accurate," the sources said.

The report, they said, recounts in sometimes lurid detail about a dozen sexual encounters with the former White House intern and outlines evidence of deceit by the president, including lying to aides, knowing they would then give false testimony to Starr's grand jury. The retrieval of presidential gifts from Lewinsky to avoid a subpoena and job assistance provided to her by Clinton associates are portrayed as elements of obstruction of justice, according to the sources.

Invoking Watergate-era language, Starr also makes the argument that Clinton abused the power of his high office, in part by waging court fights to impede the grand jury investigation, actions that might not be criminal but could be interpreted by Congress as impeachable offenses.

Details of the first president impeachment report in 24 years began to emerge yesterday while an edgy Washington awaited its formal release. As Clinton continued his contrition campaign by apologizing privately to Senate Democrats and Cabinet officers, a high-level presidential delegation to Capitol Hill failed to gain access to Starr's evidence before it becomes public. Congressional Democrats likewise lost a bid for a 48-hour delay of its release and Republican House leaders scheduled a floor vote for this morning on procedures allowing the report to be posted on the Internet by the afternoon.

The White House was left in the awkward position yesterday of trying to respond to a report it has not examined. Unable to discuss its specific elements, Clinton's personal attorney, David E. Kendall, dismissed the report as a one-sided presentation of events. "The referral by the prosecutors is simply a collection of their contentions, claims and allegations and we look forward for the chance to rebut them," Kendall told reporters.

Others in the Clinton camp were left uncertain how they would fight back once it is released. "People are just bracing for tomorrow and trying to line people up to at least hold [on] until Kendall and the others have a chance to respond," said a White House advisers.

Despite White House complaints of unfairness, Republican congressional leaders made clear they would proceed with their extraordinary plan of releasing a report that they themselves will not have read before it becomes public.

"The report is made to the Congress of the United States and it is the responsibility of the Congress in as even-handed a basis as possible to make it available to all interested parties . . . at the same time," said House Majority Leader Richard K. Armey (R-Tex.).

Although it remained under lock and key in a House office building, both sides assume the report will dramatically alter the political dynamics of the eight-month Lewinsky saga. Until now, Clinton has survived politically, aided by a strong economy and resilient poll numbers, but the White House fears that unseemly revelations about the president's sex life could prove especially damaging.

Partial descriptions emerging yesterday indicated that the report will include graphic accounts of Clinton's sexual activities with Lewinsky, detailing about a dozen encounters in the private study off the Oval Office as well as instances when they engaged in explicit telephone sex.

On one occasion, according to sources Lewinsky told prosecutors that she and Clinton used a cigar as a prop in a sex act. In another episode likely to capture attention on Capitol Hill, sources said Lewinsky asserted that she participated in a sex act with Clinton while he was on the telephone talking with a member of Congress.

While the sexual aspects seem likely to be the most sensational parts of the impeachment report, they are intended to rebut Clinton's argument that he did not consider their activities to be "sexual relations" as defined by Jones's lawyers during their deposition.

But seemingly wary of having his investigation be seen strictly as a sex case, Starr emphasized the larger issues of alleged criminal behavior and abuse of power, according to the sources. By stressing the use of the office of president, Starr appears to be trying to counter Clinton defenders who argue that the whole investigation arose out of private behavior in a private lawsuit that was eventually thrown out and had nothing to do with his conduct of the nation's business.

Even as Starr was sending the report to Congress on Wednesday, he also notified U.S. District Judge Norma Holloway Johnson, who is overseeing the grand jury investigating the Lewinsky matter, and U.S. District Judge Susan Webber Wright, the Little Rock judge who presided over the Jones sexual harassment case and ultimately dismissed the lawsuit. Wright said in a footnote to a ruling last week that she is considering whether the president should be held in contempt for his misleading testimony in the Jones case.

All told, Starr delivered two 18-box sets of evidence to the House, including raw grand jury transcripts, Linda R. Tripp's secret tapes of conversations with Lewinsky and Lewinsky's Feb. 1 proffer describing what her testimony would be if given immunity from prosecution, a deal that was not arranged until six months later.

Under the plan approved by the House Rules Committee last night, only the main report would be made public today, while the rest is reviewed by the Judiciary Committee between now and Sept. 28 to determine what is appropriate for release and what should remain secret.

The main report to be posted on four congressional Web sites today begins with an introduction that explains the relevance of Clinton's actions to the Jones lawsuit and the seriousness of the allegations. It then moves on to a narrative describing the history of the affair that began as Lewinsky, then 22 and an unpaid White House intern, became involved with the president in November 1995 during the federal government shutdown, and how the two tried to conceal it when the Jones lawyers sought their testimony. The final section outlines what Starr contends are possible grounds for impeachment.

Lawyers on all sides expect the report to fill in gaps in the story line that has emerged in fragments over the last eight months. Among other things likely to become public, according to sources, are a hard-edged exchange between prosecutors and Clinton during his grand jury appearance as they debated the meaning of sex and the heretofore largely unknown details of testimony by key witness Betty Currie, the president's personal secretary, as the investigation wore on.

The perjury allegations stem from Clinton's description of his relationship with Lewinsky when interviewed under oath on Jan 17. Clinton denied having an affair with her, denied having "sexual relations" with her as defined by Jones's lawyers and maintained he did not recall ever being alone with her anywhere in the White House.

During the same session, he also allowed his lawyer, Robert S. Bennett, to introduce Lewinsky's own Jan. 7 sworn affidavit denying a sexual relationship and Clinton did not correct Bennett when he told Judge Wright that the statement made clear "there is absolutely no sex of any kind, in any manner, shape or form, with President Clinton."

Seven months later to the day—after Lewinsky recanted and more than 75 other witnesses appeared before the grand jury—Clinton sat down with Starr and other prosecutors in the White House and changed his story. During this Aug. 17 session transmitted live to the grand jury at the courthouse, Clinton acknowledged having a physical relationship with Lewinsky but said he did not believe the definition of "sexual relations" included their activities, arguing that oral sex was not covered.

After that session and his subsequent televised statement that his previous testimony was "legally accurate" if not fully forthcoming, an upset Lewinsky met for two hours privately with Starr's prosecutors and gave them a deposition describing in detail their various sexual activities, including intimate fondling that would be covered by the Jones definition.

The obstruction-of-justice allegations arise in part from Currie's retrieval of gifts from Lewinsky that had been subpoenaed on the Jones case and from job help provided by Currie, Clinton confidant Vernon E. Jordan Jr. and other presidential associates.

A source familiar with Lewinsky's testimony said yesterday that Clinton gave her a total of 20 gifts, most of them relatively modest items such as a T-shirt and a book of poetry. Concerned about the subpoena, Lewinsky testified that she discussed it with Clinton and that Currie shortly afterward called her and came by her Watergate apartment to pick up the gifts, a sequence of events suggesting the president may have instructed his secretary to get them. But Clinton denied doing so and Currie told the grand jury that she believed Lewinsky called her about the gifts.

A few new details emerged about Clinton's role in Lewinsky's search for a new job beginning last summer. Clinton tried directly to find work for Lewinsky in summer 1997, asking aide Marsha Scott to find a way to move her back from the Pentagon to the White House, long before she was subpoenaed in the Jones case. But Starr presents that in the context of the Jones suit anyway, given that it occurred after the Supreme Court permitted the case to go forward in May 1997 and even as Jones's lawyers were seeking out women sexually linked to the president.

Jordan, a prominent Washington lawyer who arranged job interviews in New York for Lewinsky at Currie's request, is described in the report as an unwitting participant essentially used by Clinton in his larger effort to placate Lewinsky and thereby influence her Jones case testimony.

The president's defenders have rejected any illegal purpose in connection with the gifts or the jobs, saying there was no evidence of a direct link to Lewinsky's testimony and accusing Starr of twisting innocent actions involving two people who were close.

Perhaps the most controversial aspect of the report, however, may be Starr's claim that Clinton abused his office. The argument harkens back to the articles of impeachment drafted against President Richard M. Nixon, who was accused of misusing his power to cover up the Watergate burglary, among other things.

Under this interpretation, Clinton exploited the authority and resources of the White House by asserting what Starr considered frivolous claims of legal privilege to prevent his aides from appearing before the grand jury and by allowing the Secret Service to mount its own doomed court fight to keep its officers from testifying.

But Clinton advisers have ridiculed the contention, saying Starr essentially is trying to criminalize the president's attempts to assert his rights in the course of an investigation. While the administration lost battles over attorney-client and executive privileges, Judge Johnson determined that they were properly asserted even though prosecutors' need for evidence overcame the need for confidentiality.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. I will be very brief.

There are two concepts that are at play here: fundamental fairness and public relations. Fundamental fairness means they get an opportunity to answer the charges, they get a decent full opportunity to answer the charges. Public relations means they get a jump on the other side and they get the spin machine going.

They want a public relations advantage, and we are promising them fundamental fairness. The President and his people will have every opportunity to answer every charge, if there are any charges that require answering, in abundance. That is fundamental fairness.

We are unwilling to give them a public relations advantage any greater than the one they have had for the past many months, when Mr. Starr could not talk, whereas everyone identifying themselves with the White House could talk in abundance.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I would just like to point out again in my testimony that I said that when this communication arrived at the Capitol the Speaker immediately directed the material to be secured by the Sergeant at Arms and no

Member or staff has seen any part of this.

I do not think it behooves any Member to come to the floor, come to the well, and accuse someone of leaking information. He knows, we all know, that it is hearsay and that no one has seen one word, one page, of any of these documents.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, could I say to the gentleman from Illinois (Mr. HYDE), whom I plan to work as closely with for the next several months as I can, more closely than we have worked throughout our careers, you have stated twice, sir, that the President of the United States already knows what is in the report. I reject that. And I am trying not to resent it. Because, if he does, he has violated the law in that respect.

You have also said that fundamental fairness should be distinguished from public relations spin. Well, we were not spinning anything when the ethics rule got a week for the Speaker of the House to respond. We were not spinning anything on the committee that I recall you being a member of, when President Reagan got ample time to respond.

So I do not think we should confuse fundamental fairness and public relations spin when this President is requesting the very same thing.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

□ 1030

Mr. HOYER. Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable if they do not meet their constitutional responsibilities in carrying out their duties of office.

This proceeding, as we go forth from this day, will be about that responsibility. But today's proceedings are not about the President of the United States, but about the fairness that this House is going to accord in the carrying out of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, to giving citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

This week, I tell my friends, is not a harbinger of fairness to come. Without notice, quickly, and to some, surprisingly, with unique timing, theatrically, obviously designed for television exposure, a report was delivered to this House, creating, I suggest to you, more of a circus atmosphere than a judicial, considered atmosphere.

We have now failed to provide one of the parties with notice as to what was going to proceed. I tell my friend from Illinois, whose intellect and integrity I have no question of, that if we are in fact acting as a grand jury, we would not release information, as no grand jury does. We in fact would review that information, consider its import, and then, and only then, report our findings.

That is not to be the case, for we will release this document. Many believe that we ought to release it so at least it is seen in whole, not in part, through leaks, which surely would happen.

Mr. Speaker, you have called for nonpartisanship, but all of us know that this surely is one of the most partisan Congresses in history. We need more, my friends, than rhetorical recognition of fairness. We must have substantive adherence and the realization of fairness. Let us do our responsibility, as the citizens expect us to do that responsibility.

Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable it if they do not meet their constitutional responsibilities in carrying out their duties of office.

From this day forward, this proceeding will depend upon that responsibility. However, today's proceedings do not relate to the President of the United States, rather, they relate to the fairness that this House is going to accord in the execution of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, as it grants citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

Unfortunately, this week is not a harbinger of fairness to come. Surprisingly for some, theatrically for most, a report was delivered to this House. It's unique arrival created more of a circus atmosphere then one of judicious consideration.

We have already failed to inform one of the parties involved in this matter with proper notice as to what is yet to come. I tell my friend from Illinois, whose intellect and integrity I do not question, that we were in fact to act as a grand jury, then we would not release information. No grand jury does. We would, in fact, review the information, consider its import, and then, and only then, report our findings.

That will not be the case here. We will release this report. Many believe we ought to release it so at least it is seen in whole, not in part as a result of leaks, which surely would happen.

Mr. Speaker, you have called for non-partisanship. Yet all of us know that this surely is one of the most partisan Congresses in history. We need more than rhetorical recognition of fairness. We must have the substantive realization of fairness. Let us execute our responsibility as the American citizens expect and as we are solemnly pledged to do.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I always listen carefully to the gentleman from Maryland, and when he says this is the most partisan Congress ever to convene, I would have to differ with him. It may be the most philosophical. But when you look at the great accomplishments of the Contract with America, the welfare reform, those measures passed this House with an overwhelmingly majority vote from both political parties. Thank you for being so nonpartisan when it really counts.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Oversight, to clarify how we are going to be open and fair today.

Mr. THOMAS. Mr. Speaker, notwithstanding the innuendo, I believe it is completely factual to say that no Member of the House of Representatives has seen the documents. As a matter of fact, we are not going to open them until the House votes on this resolution.

My assumption, having heard the minority leader and others speak, is that the resolution will pass. When the resolution passes, the box that contains the overview will be opened. The two original copies will then be copied, and those two original copies will be presented to the chairman of the Committee on the Judiciary and the ranking member of the Committee on the Judiciary. They will be first to receive the copies.

Only after they have received the copies will it then become available, when it is electronically possible, on the web sites listed here. It is the House web site, the Library of Congress web site, the Government Printing Office web site and the Committee on the Judiciary through the House web site.

In addition to that, I would urge my colleagues to look for a "Dear Colleague" provided to them by the Clerk of the House, which provides an intranet capability for Members of Congress.

Mr. Speaker, let me also say that a request for an electronic version of the report was requested yesterday in a letter signed by the general counsel to the Office of the Speaker and the counsel of the Democratic Leader, and I include this letter for the record.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 10, 1998.

Mr. Robert J. Bittman
Deputy Independent Counsel, Washington, DC.

DEAR MR. BITTMAN: As you know, the Independent Counsel transmitted material to the House of Representatives on September 9, 1998, pursuant to section 595(c) of title 28, United States Code, involving a determination in accordance with his responsibilities under chapter 40 of title 28, United States Code.

We anticipate that the House will consider a resolution authorizing the printing and public dissemination of the portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds. In order to facilitate the expeditious, electronic dissemination of such material, we hereby request on behalf of the Speaker and Minority Leader that copies of such material be provided to the Clerk of the House in a suitable electronic format (i.e., computer diskette, CD-ROM, etc.).

We further request that such electronic copies be made available to the Clerk within the timeframe necessary to facilitate electronic dissemination by the Clerk immediately after the House approves the anticipated resolution.

Sincerely,

DANIEL F.C. CROWLEY,
General Counsel, Office of the Speaker.
BERNARD RAIMO,
Counsel, Office of the Democratic Leader.

I would also like to indicate that when the President's rebuttal through his private attorney or any other transmittal is made to the Committee on House Oversight, we will, as soon as possible, and if it is given to us in electronic form, virtually immediately post on all of these web sites on the same page the President's rebuttal.

Not only will it be fundamental fairness, but it will be an ability for those who wish to access this site to take a look at the Independent Counsel's report and then, when the President or his attorney's report is made available to us in electronic form, it will be made available as well.

I hope Members will appreciate and in fact all Americans appreciate that this will be the most widely disseminated, most rapidly available public document in the history of the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, for seven of the eleven years that I have served in Congress, I have served on the Committee on Standards of Official Conduct or the ethics task force. It is from that perspective that I have several questions to ask.

If indeed what we are talking about here today is the process under which the Starr report will be released, why then have the airwaves been filled with details of the Starr report for the last 36 hours? It has supposedly been under lock and key here. One can only assume the leaks are coming from the Independent Counsel's office.

My second question is to you, Mr. Speaker. Why would you not afford the President of the United States the same opportunity you were given by the Committee on Standards of Official Conduct of having almost a week's advance notice to review the charges against you, so that you could have your response be part of the report? Let me just say, the good news about the leaks is that this four-year investigation apparently vindicates President Clinton in the conduct of his public life, because we are only left with this personal stuff.

My third question relates to our Founding Fathers. I believe the last question is what would our Founding Fathers think of this course we are embarking on today? I think they would say it was not for the investigation of a President's personal life that we risked our lives, our liberty and our sacred honor. I know they would not want us to rush to judgment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just answer the last question of my good friend the gentlewoman from California (Ms. PELOSI) in saying there are only two bodies who have any idea what is in that report. One is the Independent Counsel's office, and the other is the White House. If there are leaks, I would assume it was one of those.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, is the gentleman contending that the details that the news media is putting out there about the Starr allegations, and I remind the gentleman that the Starr report is a list of allegations, it is not a statement of fact, and they will be unanalyzed, no witnesses cross-examined and the rest, is the Chairman of the Committee on Rules alleging that the White House is leaking the information that is in the Starr report, which the Speaker has not allowed the President any advance viewing of?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am saying it is impossible for any Member of Congress to have any idea what is in that report.

Mr. MOAKLEY. Mr. Speaker, I yield two minutes to the gentlewoman from Michigan, Ms. KILPATRICK.

Ms. KILPATRICK. Mr. Speaker, I rise today to preserve the sanctity of this institution, to preserve the sanctity of the Constitution, and for the rights of all American people, yes, including the President of the United States.

The resolution before us is unfair. Unfortunately, we give time for all criminals, and the President is not a criminal, has not been convicted, he has committed his error and I do not condone it. He was wrong. It is for this body, those 435 of us elected by the people of these United States, to determine whether we shall preserve the Constitution and the rights of all of its people.

It has been mentioned that we are now sitting as a grand jury, and, as my friend from Maryland said, no grand jury would leak any information publicly on any case, and we know that as we have watched our government work, and it has been a good government.

Why do we now sacrifice our government, when our President of these United States, elected by his people, who has done a good job for its people, and not allow him to view the report, as we release the report on the Internet? The rule does not allow that he, the President of these United States, would see that report. And I beg to differ with the Chair of the Committee on Rules, the White House has not seen this report. They have asked us to give them the opportunity, merely 24 hours, 48 hours, that they can see it, and, yes, release it to all the American people.

Mr. Speaker, I think it is a shame. We have done it before. We, the Members of this Congress, have ten days if we are charged before the public is released or the chamber is released the findings. I think it is despicable. We must not relegate our responsibility and our duty. Let us preserve the Constitution. Let us vote down this rule.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I am profoundly disappointed that this process will begin with a blatant disregard of fairness and bipartisanship. The information in this report has to be made public, and that is why I will vote for this resolution, but it violates fundamental fairness in two respects: First of all, in the refusal on the part of the majority to give the President even one hour of prior notice so that they can intelligently respond.

Mr. Speaker, as has been pointed out on numerous occasions, you yourself were given five days to respond when your matter was before the House. Why is this President not entitled to the same act of grace and fairness that you were provided with?

Secondly, this motion walks away from the agreement reached between the leaders of both parties that the backup material would be reviewed by the gentleman from Illinois (Chairman HYDE) and the ranking Democrat before it was released in order to protect third parties, as has been noted by Mr. Starr. This proposal walks away from that agreement and makes that information available to the entire membership of the committee. That increases the likelihood of selective partisan leaks by some of the most zealously partisan members of that committee.

Mr. Speaker, I was here during Watergate. I hated it, because it bittered up the politics of the entire country, not just toward Republicans, but toward all politicians, and we are still suffering from that. But the reason in the end that the Congressional process worked is because it was seen by the minority, then the Republicans, as being fundamentally fair to them procedurally and substantively, and that is why many of the Republicans joined in the final verdict in that process. This action does not meet that standard.

I urge the majority not to begin this process by taking unilateral actions before it begins. Our respect for our responsibility, our reverence for this institution, should have produced a fundamentally more fair beginning than this.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, early on you and myself and the gentleman from Illinois (Mr. HYDE), and especially the minority leader, had spoken about trying to stick to the decorum of the House. We all know it is not under House Rule XIV proper to discuss the ethics conduct of Members. I would hope that that would not continue.

Mr. Speaker, I yield three minutes to the gentleman from Florida (Mr. GOSS), a former member of the Committee on Standards of Official Conduct and a member of the Committee on Rules.

□ 1045

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. SOLOMON) and the distinguished chairman, for yielding.

Mr. Speaker, as we see from the remarks today, nobody is particularly happy to find themselves here under these circumstances, but we are taking our job seriously and doing our constitutional duty.

Today, we are not going to make a judgment on the merits of the independent counsel's report. Everybody needs to understand that. We all do here. Instead, we are charged with providing a procedure for release of that report that is workable, that is fair, and most importantly, that fulfills our obligation to the people we work for, the people of the United States of America, our constituents.

This resolution contains the requisite flexibility to achieve these goals, I think, while also providing the American people with the same information, and at the same time, as Members of Congress and the President. This is truly equal treatment. No one is above the law.

I do want to stress that this comes after much thoughtful deliberation, with no rush to judgment here. My friend, the gentleman from Florida (Mr. DEUTSCH), who sits on the other side of the aisle from me, and many other Members on both sides of the aisle, would have liked us to make everything available and requested to make it available immediately, including the sensitive grand jury material. Well, we did not do that on the Committee on Rules.

Still, other Members wanted nothing released. Well, we did not do that, either. I believe it is important that we err on the side of providing the American people with more rather than less, empowering them to reach their own conclusions as this goes along. In doing so, we truly reflect the best strengths of our representative democracy, I think, as envisioned by our Founding Fathers.

Government in the sunshine does work, as those of us who hold elective office in the State of Florida know, where we do have the "sunshine law."

Americans across the Nation are, in fact, calling for information about this matter, and this resolution will provide that information, I think, in an appropriate way.

Some comment has been made about the process in the Ethics Committee. As a former member and as a chairman of the task force of that committee, I would point out that the rules of the Ethics Committee do not necessarily fit the situation at hand. It says, in fact, that if there is going to be a report issued on a Member, the respondent has admitted to the charges and waives rights for trial proceedings, you have a very different circumstance than the type of report material we find we have from the independent counsel today.

We also point out that a respondent has a right to see a draft 10 days before a subcommittee is to vote, but not 10 days before being made public. Those are very important differences, and I think they have been somewhat misunderstood in the presentations.

As for the gentleman from Washington (Mr. MCDERMOTT), I agree totally with him. Leaks do frustrate the process, as the gentleman from Washington very well knows, and I seriously hope that there are no leaks; and I seriously hope, if there are any leaks, that this time the Ethics Committee can do its job fairly to deal with such leaks.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in opposition to the proposed rule we are considering. I am here as chair of the Congressional Black Caucus, a member of the Committee on the Judiciary, and a member of a coalition of Members of the House concerned about fairness in this process.

As policymakers, we find ourselves in the difficult position of having to formulate rules and procedures to receive a report from the Office of the Independent Counsel without statutory laws or rules that dictate procedure for carrying out this special work. It is up to the Members of this House to construct and implement a fair process.

The Congressional Black Caucus has made the decision to become the fairness cop. We have assigned to ourselves the role of being the best advocates we can for ensuring that this process recognizes the rights of everyone involved, as we go through the process.

I would say to the gentleman from Illinois (Mr. HYDE), Americans want fairness, fundamental fairness. Members of the Congressional Black Caucus understand this perhaps better than most. Our struggle for fairness, justice and equality, is a responsibility that we have accepted for the rest of our lives.

This resolution reported out of the Committee on Rules is not fair. It is one-sided. It is partisan. The Republican chair of that committee, the Speaker of the House, and other Republicans are saying, oh, we want to be bipartisan, we want a bipartisan operation, we want to cooperate with the Democrats.

In the words of my grandmother, "I cannot hear what you say. I am watching what you do."

You rolled over us yesterday, and you are rolling over us today. We say without qualification, the President of the United States of America deserves the right to review, prior to its release, a copy of the report written by the independent counsel, who has spent 4½ years investigating the President, and the last 8 months devoted to the Monica Lewinsky matter.

Our position is not one of unquestioned support for this President. We have, and I have, disagreed with him on many occasions. In a court of law, it is a basic right for a defendant to know what they have been accused of and to be given the opportunity for preparation and response.

To release this report is unconscionable. Do what you did for the Speaker, for President Nixon and Oliver North. Give the President 1 hour, 2 minutes, 1 minute, but be fair.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to say a couple of words about fairness and cooperation.

It is without question, from the calls that we have all had, in the communications with each other, that a small minority of Members would like to withhold all of the information. Likewise, it is true that a very small minority of this body would like to make all of the information available. But we will see, by the final vote on this resolution, fairness today, in that an overwhelming, vast majority believes that we should follow through with the resolution; we should make immediate publication of the 445 pages, and then use the good wisdom of the Committee on the Judiciary to go through the remainder. I think that speaks to cooperation and fairness.

Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, let us talk about fairness to the American taxpayer that paid for the independent counsel's investigation.

The American public, to be fair to them, ought to be able to see what the independent counsel has sent to Congress, pursuant to the independent counsel statute, free from spin doctors, free from talking heads, free from media hype. Let them see it in the form that it was sent by the independent counsel. I would point out that nobody is going to have a 1-minute advantage and a heads-up on this, because this will be released simultaneously to the American public, to the Congress, and to the President of the United States.

Now, the 35 of us who are members of the Committee on the Judiciary have an awesome constitutional responsibility in discharging our duties and evaluating this evidence to see whether or not the President has committed an impeachable offense or not. I am not asking for a leg-up to start working on this awesome responsibility. I am asking for fairness.

I am asking for an ability to be able to reach my own conclusions, free from the advice of people on the outside who have got axes to grind, and that is why I think that this resolution is fundamentally fair, because it strikes a balance between the openness that the American public expects this proceeding to be done, as well as the request that Independent Counsel Starr has made to protect certain individuals from undue conclusions, who are not involved in this process at all.

This report contains the most important information concerning a President that the American people will ever have to consider, and the American people ought to be put it into this equation so that they can see what the independent counsel has found and they can judge for themselves. It is imperative that the Congress conduct the public's business in as open a manner as possible.

The process laid out by the Committee on Rules is eminently fair. Congress, the citizens of this country, and President Clinton will begin their review process of Independent Counsel Starr's report at the same time. With the public dissemination of this material, the American people and Members of Congress can come to their individual conclusions regarding Mr. Starr's report.

The resolution charges the Committee on the Judiciary with the awesome responsibility of reviewing the full referral by Mr. Starr to determine if there are sufficient grounds to recommend to the House that an impeachment inquiry be commenced. We are committed to conducting an impartial and independent review of the independent counsel's investigation and his conclusions, and will reach our own conclusions based upon that review, and it will be done in a nonpartisan manner.

After evaluating Mr. Starr's evidence, the Committee on the Judiciary has two choices. Either it will find that there is no substantial evidence of impeachable activity by the President or it will recommend commencing a formal impeachment inquiry. This will be done not on a partisan basis, but on the evidence and on the law.

I support the resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former district attorney for 21 years in the Commonwealth of Massachusetts.

Mr. DELAHUNT. Mr. Speaker, by 3 o'clock today, millions of people around the world will be reading the Starr report, and it will be persuasive, for any prosecutor has the ability to shape the evidence presented to a grand jury. We can claim that these are only allegations, that nothing has been proven, but the reality is by tonight, minds will be made up and judgments will be rendered, and any presumption of innocence will be overwhelmed.

I agree that the report should be released. That is not the issue. The question is when and how.

After so many months, what possible harm could come from allowing counsel for the President to review the report for a day or 2 so that both sides of the story can be told at the same time? It is only fair.

This House went even further to ensure fairness 24 years ago. During 7 weeks of closed-door hearings, President Nixon's lawyers were even allowed to cross-examine witnesses before anything was made public. We should respect that precedent, and it is unfortunate that we have not, for if the American people are to accept our ultimate conclusion, they must have confidence in the fairness of the process. That confidence, far more than the fate of a President, is what is at stake here.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise to state that obedience to criminal law and fairness does not recognize special treatment as being requested.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Into this House come ordinary men and women, and we are often asked to do extraordinary things. We are also asked to put aside politics and the desire for self-indulgence. I hope over these weeks we will refer more often to our Bibles and the Constitution, the Bibles for redemption and fairness and the Constitution for the understanding of freedom and justice.

For the opening of the Constitution said, "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

□ 1100

No, the President is not above the law, the institution of the presidency is not above the law, but neither is either below the law. There is a presumption of innocence until proven guilty for all of us.

This House, during this somber process, must not be driven by politics. The delivery of 445 pages by the drama of trucks coming onto these grounds, without the opportunity of the respondent, which could be any American in this Nation, to review such materials to provide a simultaneous response, is a political act, it is not justice.

For any of our Members to suggest that the President already knows what a prosecutor, Ken Starr, has done for 4 years with $40 million in a document that includes 140 pages of charges, is at best being political. The Constitution was not written on the Internet, and this process should not be governed by the needs of those who travel the cyberspace, it should be governed by fundamental fairness.

In fact, in this House the Speaker himself, who presides today, was given at least 10 days to look at the allegations and charges against him. I ask the Speaker, can we be any less fair? Do we not remember what happened to the innocent Richard Jewell in the Atlanta bombings? This is what could happen if we do not allow the President to review as any American the charges brought against him and, as well, to keep the many many other documents unexposed until the evidentiary hearings are completed.

This process, Mr. Speaker, is one that will not preserve what the American people have created; that is, a perfect union with justice. This process could expose and hurt innocent people. This process will not preserve this Nation, this Constitution, or the people. We need fairness, Mr. Speaker. Let us begin today.

Mr. Speaker, here we are. Alexander Hamilton probably knew that someday we would be here at this point.

He said in the Federalist Papers that, the biggest fear in undergoing an impeachment proceeding would be that the "comparative differences of the party would override the real ideals of innocence and guilt."

It is important to acknowledge the sobering and somber tasks we are about to undertake. Alexander Bickel wrote in 1973, "In the presidency is embodied the continuity and indestructibility of the State. It is not possible for the government to function without a president, and the Constitution contemplates and provides for uninterrupted continuity in office." Fundamental fairness then is pivotal in any constitutional process seeking to remove the President.

During this time many issues will have to be resolved. One of them is whether or not the President should be allowed to formulate a response over the next 48 hours before the Starr report is released to the public. The answer of course should be yes. Unfortunately, the rules Committee decided not to allow the President to review the report before it was released to the American public. When the Founding Fathers wrote the Constitution, there was no Internet, no Information Superhighway. Even though Mr. Speaker the Congress is a political body, this process should not and can not be politicized.

The independent counsel's report while I am sure is presented with a high respect for the seriousness of this issue, it is still only one side of the story. The American public should have both sides of the story at once. Otherwise, the media will only have Starr's version to discuss for the next several days.

The Watergate impeachment inquiry followed the same precedent. The Judiciary Committee received evidence in closed-door hearings for seven weeks with the President's lawyer in the same room. This evidence included the material reported by the Watergate grand jury. The materials received by the Committee were not released to the public until the conclusion of the seven-week evidentiary presentation. By then, the White House had full knowledge of the material being considered by the Committee. Also in Watergate, subpoenas were issued jointly by the chairman and ranking member, and if either declined to act, by the other acting alone, he could refer the matter to the full committee for a vote. Most importantly, it was required that the President's lawyer be provided with copies of all materials presented to the committee, invited to attend presentations of evidence, and to submit additional suggestions for witnesses to be interviewed or materials to be reviewed, and to respond to evidentiary presentations. The rules further provided that the President and his counsel "shall be invited to attend all hearings, including any held in executive session." Twenty-four hours advance notice was required, and both the Chairman and the Ranking Minority Member were granted access "at all times" to committee materials.

I don't think the House should have denied President Clinton the same right our members receive when charges are filed against them by the House Ethics Committee. For example, Speaker GINGRICH was permitted to review the charges filed by the Committee before it issued its public report. The President should be afforded the same right.

Also, the Ethics rules require that the subject of any investigation to alleged violations will have "not less than 10 calendar days before a scheduled vote" to review the alleged violations. A copy of "the statement of alleged violations, together with all evidence, is also provided to the subject of any House Ethics violations." The President should not receive any less due process than any Member of Congress.

We want to do this in a fair and nonpartisan manner. It is true that no one is above the law, not even the President of the United States. However, he should not be below the law. This is not just President Clinton, but this is the institution of the Presidency. We must treat this process fairly and justly. Integrity must remain in the process. This is not a witch hunt, and an election by the American people should not be nullified without objective deliberation. It is unfortunate that the President will not be given a chance to review this report before the Press will on the Internet. Let's put fairness back in the process.

The American people understand the creation of this perfect union, they understand justice—and we must show that we will not let politics override justice and the blessings of liberty. The institution of the Presidency, Preservation of the rule of law, the survival of this nation depends on this.

Alexander Hamilton in 1775 said the sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power.

This process needs to be fair, it is a somber task. I fear political glee over one man's pending doom drives this House now to vote to deny the basic constitutional protections to the accused in a timely manner, in order that an informed response to the charges be made. I fear pre-judgment of the issues because this House fears for its survival. I however will not give up on fundamental fairness.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, time is so precious, I would just hope that the timekeeper would charge us for the time we are on our feet.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, the founders of this extraordinary constitutional republic created a system of government that is as resilient as it is intent upon being protective of the freedoms of the American people. I think we in this moment in history are seeing another manifestation of that resiliency and of that fundamental greatness of the system that was created by our Founding Fathers.

I have to respectfully but emphatically reject the accusation that we have heard this morning of unfairness that has been hurled at the Committee on Rules. The Committee on Rules has bent over backwards in satisfaction of the guidance that the Speaker and the minority leader and the distinguished member of the Committee on the Judiciary and the ranking member gave us to be precisely fair.

How ironic it is that it was from the other side of the aisle that the most emphatic and passionate requests were made to us last night to instantaneously make public everything in those many boxes that have been received and are under lock and key at this moment, and thus could not have been leaked and have not been leaked by this House. The other side of the aisle most emphatically asked that everything be made public today. There were other requests from both sides of the aisle that nothing be made public.

We have bent over backwards to be fair, and we have created a system, a rule that is fair, that protects the right of the American people to learn the facts, and the right of due and deliberative process for the President and all other citizens who may be affected by these proceedings that in effect we are authorizing today by this rule and by the rule next week that we will be bringing to the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I, too, want the allegations in the report by Mr. Starr to be made public, but the way that that would be done in this resolution is wrong. The burden of that wrong will haunt this process throughout.

This process is controlled by the leadership of this House. It is important that the outcome, which could be a grave and heavy outcome, be seen as completely and entirely fair and objective by the people of this country. This process is being begun in a way that belies all of that. It is wrong. It is unfair. There is a pretense to fairness, merely the suits and trappings of fairness and objectivity, but not the real meat of fairness and objectivity.

I am convinced that we are embarking on this process in the wrong way. This resolution is wrong, and therefore, I must vote in accordance with that conviction.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I believe it was Charles Dickens who, in his novel, A Tale of Two Cities, said, "It was the best of times, it was the worst of times." That is a fairly accurate assessment of where we are right now here in this Chamber.

Yes, I took the oath of office to defend our Constitution, and I will defend the rule of law and not the rule of man, which leads to tyranny. Later today we will be voting on the referral and release of the Starr report. As we proceed, I think all of us who are here will keep in mind how important it is to remain objective, and above all, fair.

The decisions we will make will have a far-reaching and long-lasting impact on our country and on every American, young and old.

Yes, let us release the report, but let us give our President the 2 days that he may be able to respond as requested. Let us be fair. There is nobody in this Chamber whom I believe can tell me that our President is not 100 percent committed to doing the best job he can for our Nation. His record on the job as President has proven that.

Mr. SOLOMON. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from North Carolina (Mr.

COBLE), a distinguished member of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, many have compared President Clinton's problems with Watergate. There are similarities as well as distinctions.

A probable similarity is this: If President Nixon and President Clinton had offered sincere apologies in timely fashions, their respective problems would likely have been resolved. If, when initially confronted, they had responded truthfully in a manner worthy of their high office, the severity of their problems likely would have diminished: "American people, I made a mistake. I disappointed you. I let you down. I ask your forgiveness."

If such requests had been timely extended, forgiveness would likely have been forthcoming, because Americans by nature are a forgiving people. I am applying hindsight, Mr. Speaker, which is nearly always 20/20. But the time for forgiveness may have passed, and now this demanding task of resolving the matter is upon this, the people's House.

The success of our Constitution is measured with the courage of those in whom it vests powers to carry them out in a just and appropriate manner. This resolution will assure that the Committee on the Judiciary is able to ascertain what we need to do to accomplish that task.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there are few instances in this Chamber where bipartisanship is required. There are almost no instances where fairness is required. Bipartisanship is not even required when we are declaring war. As we saw in the way the Gulf War was handled, there were divisions among us, and yet we came together.

But Mr. Speaker, bipartisanship and fairness are necessary in a procedure that could overturn a democratic election. We are failing the joint test of bipartisanship and fairness this morning on the easiest of the issues of this proceeding, access to an accusatory document by the accused.

Mr. Speaker, I have spent my life in the law arguing matters of due process, down to including first amendment matters, where I was defending the rights of racists to vindicate the right of free speech. I can say to the Members that I believe history will ask, what would have been lost if the President had been given a day or two to inspect documents that accused him? Ten days for Members accused, no day for the President of the United States when he is accused.

We could have regulated how the document would be inspected. We could have sequestered those who would inspect it. There are any number of conditions, but the notion of no inspection does violate fundamental fairness.

Impeachment is a matter of a process that we make up as we go along. Particularly because this Chamber is not controlled by the President's party, they should be at pains to bend over backwards on each and every element of fairness. They have failed to do so in this proceeding.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the outstanding Member from Atlanta, Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a terrible thing for the Nation to have to go through, and not one of us should feel anything but sadness and pain. But Congress has a solemn responsibility to undertake this review of the report of the independent counsel.

As the chairman of the Committee on the Judiciary stated earlier today, we took an oath on our first day in this Chamber, an oath to defend the Constitution of the United States. It is that Constitution that places this responsibility upon us. This is a sad day. When I came to Congress I would have never believed we would have to consider such a resolution during my service here. It is a solemn responsibility.

But we may not cede our oversight responsibility to watch over the government. Every Member of the House, in doing so, would be abdicating one of the most important obligations charged us by our Founding Fathers.

Ronald Reagan stated on the 250th anniversary of the birth of President George Washington that without President Washington stepping forward, our Nation might have failed. He said that George Washington, and I quote, "was a man of deep faith who believed the pillars of society were religion, morality, and bonds of brotherhood between citizens. He personified a people who knew it was not enough to depend on their own courage and goodness. They must also seek help from God, their father and preserver."

As we begin this process, we must put our trust in the courage and judgment of this sober body. We must put our faith in God to lead us during this very difficult time. I urge my colleagues to support this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the resolution. I asked myself three questions: Is the public's right to know paramount to the right of the accused to a fair hearing? My answer to that is no. That has always been the answer of our country.

Is there any precedent for what we are doing? My answer to that is no. We gave the defendant McVeigh and the defendant who shot police officers in this Chamber more due process than we are extending to the President of the United States. We fight to keep from having pretrial publicity and information out there, to assure fair trials, and we give it up today when we release this report.

Now, having dug ourselves this hole, can we provide a fair determination and fulfill our constitutional responsibility, with the public and the press second-guessing every single step and every single evaluation? It is like having the press and the public standing and saying to every single juror, "We have already made up our mind. Now you go provide a fair trial and a fair process."

□ 1115

On all three counts we have failed the system.

This is a sad day from two perspectives. It is a sad day that we are here in the first place, but it is an even sadder day for what we are doing to the Constitution and to our obligations under that Constitution.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I came here to this House at the same time as the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary. I heard the questions raised so far on this proceeding and I watched the Rules Committee last night. Just to show how dull things were on television, I watched the Committee on Rules on television last night.

Mr. Speaker, to me, I get the feeling that this is, "Give him a fair trial and then hang him." Now, what is the difference in the courtesy that we extended Richard Nixon and our distinguished Speaker, and that extended to the President of the United States? After all, he supposedly speaks for all of us. Fifty percent of the people did not vote for Republicans or Democrats. They were split up. Fifty percent of the people said, we do not want to vote for anybody.

This is, in my view, an unfair rule. I hope that I would never have to come to this body for defense of my civil rights and to get fairness from the Committee on the Judiciary if this rule goes into effect. And there are already members of this committee that have made up their minds that Clinton has to go.

Mr. Speaker, to me, this is a facade. It is absolutely ridiculous. It is a travesty. And right now I am going to vote against the rule, and I would just tell all Members of this House, if they vote against this rule, the press releases are already out that they are going to defend the President and stand with him and the message will go to their districts that they do not want the truth to be seen.

This is political, and I regret it; and it is one of the reasons that I am going to be so glad to be out of here.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to be out of here too, but I am not going to be glad about it. It is a great institution, and I am certainly going to miss it.

Mr. Speaker, I cannot help but listen to the last two speakers from North Carolina, and others. I wish they had stayed on the floor earlier on when the gentleman from Missouri (Mr. GEPHARDT), the minority leader, was here imploring the Members to have proper decorum and to cooperate in a bipartisan and nonpartisan basis.

Mr. Speaker, let me refer to the law. Section 595(c).

Mr. CONYERS. Regular order. Mr. Speaker, is the gentleman on his own time?

The SPEAKER. The time is counted around the gentleman from New York.

Mr. HEFNER. Will the gentleman yield? He mentioned my name.

Mr. SOLOMON. Mr. Speaker, I did not mention the gentleman's name.

Mr. HEFNER. I am from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. No, I will not yield.

Mr. WATT of North Carolina. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. A point of personal privilege is not in order at this time. The gentleman from New York (Mr. SOLOMON) controls the floor.

Mr. SOLOMON. Mr. Speaker, I am going to say it again. Some complain about the President not being given prior notice; I think the arguments are unfounded. The Democrats controlled this place in 1978 when this initial law was put into place. Nothing in the law, and it is only one paragraph here, speaks to giving anyone notice when a report is given to this Congress.

This law has been reauthorized three times, the latest in 1994 when this House was again controlled by Democrats. Nothing was in it. Let me read it to my colleagues.

"Schedule C: Information relating to impeachment. An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives." It goes on to say that they may constitute grounds for an impeachment.

Mr. Speaker, that is the law. We should have written it in the last five times. We did not for reasons.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from New York (Chairman SOLOMON) for yielding me this time.

Mr. Speaker, I rise in support of the rule. The American people paid for this report. They have a right to see it immediately without any spin.

With regard to this rule on the Starr report, we need to make the report public immediately for these reasons:

1. Immediate release on the internet will prevent the selective leak of information both favorable and unfavorable to the President.

2. The American people, as taxpayers, have a right to see the report, complete and unedited by the media or other sources. This method provides access to the report to everyone at the same time. They paid for this report. Let us give it to them.

3. Internet release is the least partisan method of releasing the information. No one has any advantage in spinning the information for their own purposes.

4. The report is now property of the House of Representatives, as the Constitutionally authorized body to determine whether impeachment is warranted. If anyone should be able to review the material, it should be the House, and then the President, not the reverse.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this is the first stage of what will be an incredibly difficult and delicate challenge to this body. I am saddened by the tone of antagonism and mistrust that is already starting to creep into the proceedings.

Perhaps the flaws in this resolution do not equal a violation of fundamental fairness. Due process, of course, is different from the fairness inherent in due courtesy and due comity. But let me ask my colleagues, would there have been any real cost to a better protection of the rights of innocent persons to their privacy? I think not.

Would there have been any real cost to a fuller courtesy to the President of the United States, regardless of statutory or precedential provisions? I think not.

Would there have been any real cost to greater comity to the requests of the minority in order to assure a fuller sense of nonpartisanship in this matter? I think not.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, this is a critical time in our country's history, and we must proceed with the utmost care in fulfilling our constitutional responsibility, wherever it might take us.

It is altogether fitting that the independent counsel's report be made available to the American people, Members of Congress, and the President simultaneously. From the outset, this process must be open and fair to all, with advantage to none.

As we go forward, we do so not as partisans, but as fact-finders and truth-seekers. And we go forward together, the American people and their representatives in Congress, united in our love of country and in our desire to seek a wise and just result.

There is a passage in the scriptures where King Solomon says, "Give therefore thy servant an understanding heart * * *" That is what is needed during this time of our national tribulation.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. SOLOMON) the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, there is a sign that hung over my wall when I served as U.S. Attorney, and I brought it with me to Washington and it now hangs in my office here. It is a quote by Theodore Roosevelt, a former President. "No man is above the law, no man is below the law, nor do we seek any man's permission when we seek to make him uphold the law."

That is very applicable here today as we discuss the law. I would remind my colleagues on the other side of the aisle, who now wail so loudly in favor of special dispensation for the President, what law it is that we are operating under here and what law we are not operating under here.

Mr. Speaker, we are operating here under the independent counsel statute, which provides very specifically for the treatment of different reports by an independent counsel. We are not proceeding here under the ethics rules. We are not proceeding here under the Federal Rules of Criminal Procedure.

The independent counsel statute, which was referred to just recently by the chairman of the Committee on Rules and which the minority, when they were in the majority, had every opportunity just 5 years ago to amend and they did not, provides very simply, very unequivocally, very clearly that the independent counsel report that we are talking about here, which is not a report to the court, is not a periodic report to the Congress; it is a report directly and solely to the Congress and not to any other party for purposes of the Congress to consider what the independent counsel believes is impeachable evidence, evidence of impeachable offenses.

If, in fact, the minority, which was then in the majority just a few years ago, was so concerned about the principle involved here, aside from the personalities that now prevail, if they were so concerned about providing special dispensation for the President to have advance access to that report from the independent counsel, so he could go to the American people and spin it and distort it, then they could have written it into the statute.

Mr. Speaker, it is too late now to do that. The statute speaks for itself, just as the evidence will speak for itself.

I support this resolution.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the very distinguished gentleman from Washington (Mr. HASTINGS) a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time.

Mr. Speaker, we have heard a lot of remarks today, some good and some maybe not so good. I would like to come at it from a different perspective.

When I was first elected to this body, I never contemplated the possibility that I would have to address the potential of impeachment, and I think that many of us feel exactly the same way. But here we are, and we all swore to uphold the Constitution. This is what I would like to address my remarks to.

Some have characterized what we may go through as a constitutional crisis. I would emphasize that this is not a constitutional crisis. The issue that brings us here today, the method of disseminating the information in the independent counsel's report, however, may result in a crisis. It may result in a crisis of governance. It may result in a crisis in the confidence of the people that elected us, but it is not a constitutional crisis.

Our Constitution clearly lays out a process in which we should discharge our duty. This is the start of that process.

Mr. Speaker, last week before I returned to Washington, D.C., I had dinner in my district with a group of Russian professionals. At that time, Russia was in the middle of a crisis where there was no prime minister and there was a very real threat that the government might be dissolved. There clearly was apprehension in this delegation. My colleagues should recall that until yesterday, this issue was unresolved. Now, that is what I would characterize as a constitutional crisis.

Mr. Speaker, as we go through this process, let us keep in mind that this issue is very serious, but it is not a crisis of that fact. I would just say that this really demonstrates to me that the Founding Fathers, what they wrote in our Constitution does indeed work. The burden now is on us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. HUTCHINSON), another member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Speaker, this resolution begins a journey in which the path will be treacherous and the conclusion is uncertain. The journey should be guided by the Constitution, the law, and our conscience.

This resolution is a step in the right direction on that journey. It follows the precedence of the House and it is fair. Would it be more fair to withhold the release of the report to Members of this body and to the public, in other words to allow the President a head start in reviewing the report? I think not.

Mr. Speaker, I believe that it is fair and the chairman of the committee has done an outstanding job in working with the minority ranking member in order to assure a fair process.

As a member of the Committee on the Judiciary, I have supreme confidence that the committee will provide the President an ample opportunity and a fair opportunity to respond. This process should not be a stampede to impeachment, but it should be a search for truth and justice with an allegiance to the Constitution. That is my commitment. That should be our commitment.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, first, they mentioned "the two gentlemen from North Carolina," and I am one of them. I do not know if I am a gentleman, but as far as the decorum of the House, I certainly, if I offended anybody, I apologize. I am so sorry if I hurt anybody's feelings, delicate feelings in the House.

But, Mr. Speaker, there is one question that has not been answered. By this weekend on all the talk shows, all the things that are in the report are going to be on "Meet the Press" and "Face the Nation." Somebody is leaking this.

I am not making accusations, but somebody is leaking this and I would like to have an explanation and an answer as to where these leaks are coming from, because it does not behoove us to just say, well, we have them under lock and key here.

☐ 1130

Mr. CONYERS. Mr. Speaker, reclaiming my time, the intention of this Member was to come here this morning, point out my reservations about this rule, this proceeding, and vote for it. But I have been exposed to the debate now, and I will not be able to justify my support.

I am announcing to those Members on my side that I have told I was going to support the report, I am not going to vote in the affirmative. And I regret it very much because it was important to me that we continue the comity that we have worked so hard on.

Here is why. The independent counsel whom I have lectured to almost daily from this well and for whom I have had certain reservations about his overzealousness has done the Congress one important service. In his only communication that I know of to the Speaker and to the minority leader, he said in two sentences something that I think we are not following, and I commend it to your attention.

It is this: "This referral," not report, "This Referral contains confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure." That is Starr talking to the Congress. Then he went on to say, "Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential."

It was with that understanding that, in the Office of the Speaker and with the leaders of this body we entered into an agreement that I regretfully have to tell you has been broken. It has been broken. My heart has been broken before. Agreements have been broken before.

But in this instance, we are violating the directions of the independent counsel who now, in his fifth year, and I love these reports about how the American people are waiting for this. The majority of the American people would accept a resolution saying we shall never mention this matter again for the rest of all of our honorable and distinguished careers. That is what the majority of the American people want. Twenty-five thousand people would like to see it if it is there.

But since we are worried about the contents: "Impeachment Report Contends Clinton Lied, Obstructed Justice; Alleged Deceit Is Outlined."

"Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for impeachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice, and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents."

That is in the paper. Yet my colleagues are now urging me to tell our Members to release everything, thousands and thousands of pages. Explain to me one procedural method. How can 35 Members with at least one staffer each go through thousands and thousands of pages of documents?

I ask in the comity that the gentleman from Illinois (Mr. HYDE) and I have pledged to work with, the friendship that the Speaker and I have enjoyed over these last 48 hours, that we please move away from this course of action. I urge that this resolution be defeated.

Mr. SOLOMON. Mr. Speaker, after that eloquent address, it is only appropriate that the closing for our side would be the chairman of the Committee on the Judiciary, not only because he is the Chairman, but because he has also, in 24 years, been the Member that has been held in, I would say, the highest esteem by all of us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) to close for our side.

Mr. HYDE. Mr. Speaker, I would not call for a vote on that last statement the gentleman from New York made, but I do thank him for his generous remarks.

Mr. Speaker, fundamental fairness is a phrase that has been bandied around here. I did not hear that much when one of the marvelous, articulate spokesmen for the administration declared war on Kenneth Starr; and that war is still going on, volley after volley on MSNBC, CNBC, on and on and on, not to mention other spokesmen for the administration, talented issuers of insults and vitriol. There was not much due process or fairness there.

We have congratulated ourselves on saying no man is above the law, but this is not a criminal proceeding. There is no legal requirement for an answer to a complaint from the White House. We on the Committee on the Judiciary are smart enough and of such goodwill that we are going to wait and we are going to hear what the President has to say. We are going to give it every possible consideration.

The only requirement for an early copy to the White House is a public relations one. We have had the public relations feel for as long as the independent counsel has been appointed. By the way, the spin is working well here in this room. My colleagues refer to him as the special prosecutor, not the independent counsel. He is not a prosecutor on the law my colleagues passed, which did not provide for advanced copies to objects of investigation, as my colleagues wrote it. So we have a public relations requirement that I hope my colleagues do not think we are fundamentally unfair in not wanting to give special treatment to the White House. Equality, not special treatment.

I do not have to tell my colleagues that these theaters of operations have shifted from the White House to the Grand Jury to this chamber. We are governed by what we all vote for.

I can assure my colleagues the only bipartisan thing in this whole resolution, after listening to this debate, is the bipartisan demand for immediate release of this report. I can tell my colleagues the vigor and rigor with which those demands have come from the other side is in no way less than the vigor and the rigor of the demands on our side.

We put this to a vote, we know what is going to happen, and we are the servants of this body. So there is no way we could change that.

Due process, fundamental fairness will be observed. I can assure my colleagues this whole proceeding will fail, it will fall on its face if it is not perceived by the American people to be fair.

I keenly regret what I have heard this morning, a debate that has been really partisan. Bipartisanship cuts two ways, folks. It does not mean surrender. It means thoughtful, sincere, honorable consideration of differing views and trying to reach an accommodation.

I pledge myself, even though the gentleman from Michigan (Mr. CONYERS) has changed his mind, I pledge myself to work with him as closely as humanly possible so we do have that bipartisan result from our efforts.

I hope my colleagues will vote for this resolution.

Mr. STARK. Mr. Speaker, I will not vote for this resolution because I have grave reservations about the process under this House resolution that provides no check for the relevance or veracity of the information contained in the Starr report, and which denies the President the fairness that the House has afforded its own Members.

This report is a prosecutor's version of a case, no more and no less. It evolves from a grand jury investigation that affords witnesses no opportunity for representation by counsel and no rebuttal for witnesses. If the accused were a House Member, He would have been afforded time to review the report and prepare a response. Our own Speaker GINGRICH was given five days to read and respond to the Ethics report detailing his wrong doing; the Speaker's response was included in the document made available to the public by the Ethics Committee. Speaker GINGRICH forgets that fairness he was afforded as he casts the first stone today at the President.

As we vote today, we do not know where the truth will take us. But we must not plunge into McCarthy era demagoguery in which salacious slander replaces responsible governing.

Mr. COSTELLO. Mr. Speaker, this House has under consideration the issue of how best to deal with the report submitted by Independent Counsel Kenneth W. Starr. Mr. Starr has spent almost four years investigating the president and more recently, the allegations surrounding President Clinton and his admitted extramarital relationship with Monica Lewinsky.

I have been extremely disappointed with the President's behavior. I do not believe it is appropriate conduct for the President of the United States. However, the issues contained in the Starr Report also deal with issues of alleged legal impropriety. Those are the issues which should be our focus as we consider our duty under the Constitution.

I will vote today to release portions of the Starr Report to the public. I regret that the Republican majority of this House is opposed to giving the President an opportunity to read the allegations contained in the report before we make them public, because I believe that is unfair. We gave House Speaker NEWT GINGRICH that opportunity when allegations against him were being considered by the Congress.

However, I believe it is important the public have access to certain information in the Starr Report. I remain reluctant to make every detail—secret grand jury information, classified national security documents, or unconfirmed information which may unnecessarily involve innocent individuals—available for everyone in the world to read. On this matter, the House Judiciary Committee will be responsible for further action and recommendations to Congress.

Before I make any further judgment, I want to read the Starr Report. Then, I want to hear the President's response to the allegations made in the report. At that time, I will consider the evidence presented to me as a Member of the U.S. House of Representatives and take any action I believe appropriate.

Mrs. CUBIN. Mr. Speaker, since Independent Counsel Kenneth Starr has delivered a report to Congress with evidence of possible impeachable offenses, the House of Representatives is required by the United States Constitution to review this information. Along with the power to declare war, the power to draft articles of impeachment is among the most solemn and serious powers given to the House by the Constitution.

The vote today to release the report is not an indictment against the president. The House has not voted to impeach the president, nor to proceed with an inquiry of impeachment. We have voted to make this report available to members of Congress, the President, and the American public. We have also voted to give the Judiciary Committee the authority to review all of the supporting documents to determine if there is evidence that the President has committed impeachable offenses.

Our decision today on how to handle the report is fair. The law requires Judge Starr to submit information to Congress if he has found credible evidence of impeachable offenses. The President, like the Congress, did not get an advance copy. Like any other American, he will not receive special treatment, he will receive fair treatment.

The public has a right to review the report, and innocent parties have a right to have their privacy preserved. The Judiciary Committee will be the only body with access to the supporting documentation. However, by making the report public, the American people will be able to decide for themselves what the report says rather than having the information filtered through media or government sources.

For the stability of the country and the preservation of our democracy, we must proceed with a spirit of bipartisanship that rises above politics and ideological differences. If the Judiciary Committee determines that there are impeachable offenses, and forwards its findings to the entire House, Members of the House will effectively serve as jurors. We must look at the facts in an objective and fair manner. We must leave our own personal and political predispositions at the door. Our decisions must be made on the evidence and the law.

Like every other member of the House, I plan to review the report in its entirety over the weekend. I urge every American to read the report and make their own judgements in a sober, serious manner.

To make the report more easily accessible to people in Wyoming, I want them to know that an electronic copy of the report will be posed on the Internet on the following official government sites:

Library of Congress—THOMAS—http://thomas.loc.gov/icreport.

Government Printing Office—http://access.gpo.gov/congress/icreport.

House Committee on Judiciary—http://www.house.gov/judiciary.

House of Representatives—http://www.house.gov/icreport.

Mr. BUYER. Mr. Speaker. I know that all of my colleagues recognize the gravity of the situation before us. We must bring to this matter every ounce of wisdom and thoughtfulness and nonpartisanship possible.

The statute authorizing the independent counsel requires that the House be notified of any substantial and credible information that may be grounds for impeachment. The independent counsel has fulfilled his statutory obligation. The House must now fulfill its constitutional responsibility to thoroughly review this material.

It is not the independent counsel who decides what is impeachable. That responsibility rests solely with the House. Included in this resolution is a requirement that three sections of the report be made public as soon as is physically possible. This is appropriate. The Democrats on behalf of the President's criminal defense lawyer seek to have access to the report prior to its dissemination to the public. Obedience to criminal law and fundamental fairness does not recognize special treatment as requested by the minority. The law authorizing the independent counsel does not authorize an advance copy to the subject of the investigation.

I support the resolution and urge its adoption.

Mr. SCARBOROUGH. Mr. Speaker, I want to express my support for the public disclosure of the Starr report, to end questions regarding the report's content. The gravity of this historical moment cannot be underestimated. Few responsibilities will ever rise to this responsibility Congress now confronts. Throughout this difficult process, the public will always retain the right to be fully informed. The Congress, as well as the President, has such a duty to so inform.

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to this resolution.

We all agree that we have a serious responsibility to fulfill our Constitutional duty as members of Congress in the matter before us. But, it is of utmost importance that we proceed in a spirit of fairness.

Sadly, it now appears at the very outset that the majority has rejected any semblance of fairness in favor of blatant partisanship. To refuse to give the President of the United States the basic courtesy of reviewing the charges made by the most far-reaching Independent Counsel in history is shameful. Is this the America we want for ourselves and our children, where individual rights are trampled on to such a degree that accusations against a person are posted on the internet before they are presented to the accused? I am afraid that this is only the beginning of more abuses to come. How can members of this body who have loudly insisted that the President resign possibly give him a fair hearing? I urge my colleagues to reject this resolution. Let us reject this cheap, partisan approach and instead chart a fair, objective and honorable course as we undertake this serious responsibility.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise to join my colleagues, who more eloquently than I, argue for fairness and decorum in the process we are about to embark on.

This investigation, Mr. Speaker, and therefore this report is a document born out of political machinations. It is the result of a more than 6 year relentless attack on the President of the United States, which many of us believe began because his policies and political philosophy favor people of color and the less fortunate in our country, as well as because of his economic policies and high favorability with the American people.

I personally do not feel that the full report should be made public. No public good would be served, only opposing political interests. Additionally, it would further demean the office of the President as well as the Congress and further demoralize a public that has said over and over again: "Enough is enough, lets get on with the important issues facing this country."

Mr. Speaker, it is only fair to grant the request of the President and his attorney's for some time to review the report before it is made public. Even if the Republican leadership does not think that Bill Clinton deserves two days to review the report, then I offer to you that the President of the United States—whomever he might be—is due at least that amount of respect and consideration.

Mr. Speaker, this is indeed a sad day for America. It is a sad day, not because of what the President has done, or the ensuing media feeding frenzy, but because of the willingness of some members of the Republican Party and its cohorts of the conservative, so called "Christian" Right, to sacrifice the presidency and the integrity of the Congress on the altar of political expediency.

Let us be decent people and the upstanding representatives the American people elected us to be. We must respect the Presidency and give the President the time he has requested. We must also do as Judge Starr has asked us and protect the confidentiality of the sensitive material the report includes. Let us be fair—vote against this unfair rule!

Mr. DELAHUNT. Mr. Speaker, two days ago, after months of speculation, leaks and revelations, the report of the Independent Counsel was delivered to the House of Representatives. If this resolution is approved this morning, the report will be in the hands of millions of people around the globe by three o'clock this afternoon.

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that observes the principles of fundamental fairness that are at the heart of that document.

Only then will the American people accept the results, whatever they may be. Only then will we begin to restore the shaken confidence of the Nation in its political institutions.

In that regard, Mr. Speaker, I consider the resolution before us today to be our first test. For in deciding the terms under which the highly sensitive material contained in the report should be released to the public, we must weigh carefully the benefits of immediate disclosure against the damage this might do to the fairness of the investigation.

If the resolution is agreed to, the entire 445 pages of the report will be posted on the Internet this very afternoon. Not a page of it will have been examined beforehand by any member of the Committee. Not one page will have been seen first by the President and his attorneys.

Some have argued that we should release the report because the essence of it has already been leaked to the press and appears in this morning's editions. If that is true, it is to be deplored, and the Independent Counsel should have to answer for it. But we should not endorse the unauthorized disclosure of pieces of the report by prematurely releasing the rest of it.

Some have argued that the President already knows what is in the report because he is the subject of it. This argument suggests, at best, a poor understanding of what goes into a prosecutor's report.

Some have argued that we should go ahead and release the report because there are still some 2,000 pages of supporting material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we treat certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not require such treatment. Yet Mr. Starr did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate that responsibility to the Independent Counsel.

Apart from whatever damage the abrupt disclosure of the report might cause to innocent third parties, it will clearly be prejudicial to the President's defense. If the Independent Counsel has done his job, the case he has constructed will be a persuasive one. Prosecutors have enormous power to shape the evidence presented to the grand jury. And—at least at the federal level—they have no obligation to apprise the jurors of exculpatory evidence. The case will seem airtight. Yet until the evidence has withstood cross-examination and the allegations have been proven, they remain nothing more than allegations.

Presidents, no less than ordinary citizens, are entitled to the presumption of innocence. They are entitled to confront the charges against them. Yet, if we adopt this resolution, by the time President Clinton is accorded that right, the charges against him will have circled the globe many times. They will be all the public reads and hears. They will take on a life of their own, and the case will be tried, not by Congress, but in the court of public opinion.

Given these risks, why rush to judgment, Mr. Speaker? After so many months, what possible harm can come from allowing the counsel for the President a few days to review the report so that they can tell his side of the story?

In the one historical precedent we have to look to, that is precisely what was done. Twenty-four years ago, a Republican president was under investigation by a Democratic

House. President Nixon's lawyers were permitted to participate in seven weeks of closed sessions, as the Judiciary Committee conducted a confidential review of Judge Sirica's grand jury materials prior to their release. The counsel to the President was even allowed to cross-examine witnesses before their testimony was made public.

Whatever the differences may be between the current controversy and the Watergate affair, President Clinton should receive the same due process protections accorded to President Nixon in the course of that investigation.

If the people of the United States are to accept our virdict—whatever it may be—they must have confidence in the fairness and integrity of our deliberations. That—far more than the fate of one particular president—is what is at stake.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this resolution.

I commend the Chairman of the Rules Committee, Mr. SOLOMON. Today the House embarks upon the first step of a Constitutional process that our commitment to the rule of law. Besides declaring war, this is the most important duty that the House could undertake. As Chairman HENRY HYDE has stated, we are about to embark on a judicial inquiry that will uphold our "Viable and Venerable Constitution."

CONSTITUTIONAL PROCESS

I must stress that this process is not and should not be about politics. Partisan sniping has no place in this process. The entire Nation, indeed, the world will be watching the House of Representatives and they will be seeing our Constitution on display. Indeed, it is that document—the Constitution—that must be our guide in this process, not politics.

IMMEDIATE DISCLOSURE

The immediate public release of the 445-page written report is essential to this process. Delayed release or partial release or incomplete release will lead first to a trickle and then a torrent of leaks, rumors and outright false information.

The American people deserve better than to learn the details of the charges against the President through a cynical cycle of spin and re-spin. Nothing could be more damaging to this process and—I might add—to the office of the Presidency. For these reasons, I am confident that the chairman and ranking member of the Judiciary Committee will release the supportive documents as soon as possible and no later than September 28, 1998, consistent with their legal obligations.

PRESIDENT'S RIGHT

Now let me touch upon the President's rights in this process. I am committed to maintaining a level of fundamental fairness as the House—and possibly the Senate—move forward with this constitutional process.

Does today's release of this 445 referral compromise the President's rights or place him at a legal disadvantage? The answer is a clear "no."

The President and his lawyers will have plenty of time to craft a full defense. (Indeed, if there is any person in this Nation who has the tools and the ability to defend himself—it is the President of the United States.) That is his right. That represents basic fairness.

It is important to realize that the process that this resolution creates will provide the Independent Counsel's Report to this House, the President, and the public at essentially the same time. How can this not be fair?

CONCLUSION

It is my sincere belief that this process will prove that our Constitution works. Today, that process begins and will only end in an impeachment if substantial and credible evidence exists for that impeachment. Today's action is NOT meant to prejudge the outcome. We must uphold the laws of our free society—our republic will be secure.

I urge my colleagues to support this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, in this Nation, and in this Congress, we are confronted with a serious constitutional crisis.

In everyone's interest, Judge Starr's report should be released to the public without delay. For months we have listened to rumors and leaks. In order for the credibility of this Congress to remain intact, we must be armed with truth and the facts. The American people must share this confidence, and the only way to accomplish this, is for the information contained in Judge Starr's report to be made public. After all this time and the related costs, full disclosure is absolutely necessary.

As a Member of Congress, I will fulfill my duty and obligation to review this matter in a tradition of bipartisan cooperation already reiterated by the Speaker and Mr. GEPHARDT. Congress will execute its duty under the Constitution, but more importantly, continue to work on a legislative agenda which assures Americans that our Nation's economy will remain strong by virtue of a Balanced Budget and tax cuts. We will also continue our work to increase educational opportunities for our children, preserve and protect Social Security and Medicare, and reform health care in America.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 63, not voting 9, as follows:

[Roll No. 425]

YEAS—363

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)

Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NAYS—63

Ackerman
Becerra
Brady (PA)
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Delahunt
Deutsch
Engel
Fattah
Filner
Ford
Frank (MA)
Hastings (FL)
Hefner
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lee
Lewis (GA)
Lofgren
Markey
Martinez
McDermott
Meehan
Meek (FL)
Meeks (NY)
Miller (CA)
Mollohan
Moran (VA)
Nadler
Neal
Owens
Payne
Pelosi
Roybal-Allard
Rush
Sabo
Scott
Serrano
Skaggs
Stark
Stokes
Thompson
Torres
Towns
Velázquez
Waters
Watt (NC)
Wexler
Woolsey
Yates

NOT VOTING—9

Barcia
Furse
Gonzalez
Jenkins
Johnson, E. B.
Poshard
Pryce (OH)
Scarborough
Young (AK)

□ 1200

Mr. FORD changed his vote from "yea" to "nay."

Mr. HINOJOSA and Mr. RODRIGUEZ changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise at this time because, like the other four Members who represent Americans in the offshore territories, I was not able to vote on the issue of the rule, H. Res. 525. But, Mr. Speaker, I believe in fairness and I believe that sensitive material should be kept confidential.

The people in the territories, just like those on the mainland, believe in fairness and we believe in respect for the Office of the President. And, so, if I had been able to vote, I would have cast my vote against the resolution; I would have voted no.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 525.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT PROCESS FOR DOLLARS TO CLASSROOM ACT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, we have a number of important issues coming before the House in the next 3 weeks.

The Committee on Rules is planning to meet the week of September 14 to grant a rule which may limit the amendment process on H.R. 3248, the Dollars to the Classroom Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Wednesday, September 16, to the Committee on Rules, at Room H-312 in the Capitol.

Amendments should be drafted to the text of the bill as reported by the Committee on Education and the Workforce. The report will be filed today.

ELECTION OF MEMBER TO COMMITTEE ON THE JUDICIARY

Mr. FAZIO of California. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 530) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 530

Resolved, That the following named Member be, and is hereby elected to the following standing committee of the House of Representatives:

To the Committee on the Judiciary, THOMAS M. BARRETT of Wisconsin.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Ms. ROYBAL-ALLARD. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4006.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I rise to inquire about next week's schedule from the leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce we have concluded the legislative business for the week. The House will next meet on Monday, September 14, at 10:30 a.m. for morning hour and at 12 o'clock noon for legislative business. We do not expect any recorded votes before 5 p.m. on next Monday.

On Monday, September 14, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Tuesday, September 15, and throughout the balance of the week, the House will consider the following legislation:

H.J. Res. 117, a resolution expressing the Sense of the House that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use;

H.R. 4006, the Lethal Drug Abuse Prevention Act;

The Drug Demand Reduction Act of 1998;

H.R. 4300, the Western Hemisphere Drug Elimination Act.

We will also consider H.R. 3736, the Workforce Improvement and Protection Act of 1998; and H.R. 3248, the Dollars to the Classroom Act.

Mr. Speaker, we are also hoping to go to conference on several appropriations bills and perhaps get a few conference reports completed next week. We hope to conclude legislative business for the week by 2 p.m. on Friday, September 18.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I yield to the gentleman from New York, who has some questions about their primary.

Mr. ENGEL. Mr. Speaker, on Tuesday, New York has a primary, and other States as well. There are probably seven or eight States that have a primary.

I happen to have a contested primary election, as some of my colleagues do as well. I know in the past we have avoided having votes on a day that States are having primaries, and I am wondering if the same consideration could be given to those of us in New York who have a primary. Because, obviously, if we are running for election, we cannot be here and we would miss votes. And again, it has been done for other States, and I am wondering if it could be done on Tuesday, as well.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. ENGEL) for his inquiry; and I certainly appreciate the concern the gentleman has.

Unfortunately, given the rush of work we have yet to complete this year and some lost time earlier this year because of tragic and unforeseen events and the efforts that we have made to make sure that we fully and completely accommodate the Jewish holiday, we did not feel that it would be possible this year to suspend votes on this important Tuesday.

I know that the gentleman from New York (Mr. ENGEL) will agree that is easier for me than for the gentleman. And let me just, if I may, express my regret and apologies to the gentleman for the inconvenience.

Mr. ENGEL. Mr. Speaker, if the gentleman would further yield, if I may ask the majority leader one further question.

Would it not be possible to perhaps hold votes on Tuesday, hold votes over until Wednesday, to do the debates on Tuesday, as we so very often do, but not have the votes actually held until Tuesday?

That would not slow down the procedures of the House or the ability of the House to do the kinds of work that we need to do, but it would be fairer to have the actual votes on Wednesday.

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman from New York (Mr. ENGEL) I do not believe that is possible, given the structure of the work that we have before us for that day.

But I will again, out of consideration for the gentleman from New York and others as well, I will see what and if some accommodation can be made, and I will get announcements to their offices as soon as I can determine so.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could ask further of the majority leader, could he give us some understanding as to which days the bills that he listed are expected to come to the floor?

Mr. ARMEY. If the gentleman would yield further, I would expect that we would do the work related to the work on drugs, H. Res. 117, H.R. 4006, the Drug Demand Act, and H.R. 4300; we would expect that we would occupy most of Tuesday with that work.

In addition to that, of course we have the Workforce Improvement and Protection Act and the Dollars to the Classroom Act. We would expect those two bills to be taken up later on in the week.

Let me again remind the gentleman, we will also be occupying a good deal of the floor time with respect to going to conference with some of the work related to the appropriations bills.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could ask the gentleman, are there any late nights anticipated in next week's schedule?

Mr. ARMEY. Mr. Speaker, I appreciate the inquiry of the gentleman, and I would say that at this point we do not anticipate there will be a need for any late nights. And, obviously, if we see something that changes, we will let the body know as soon as possible.

Mr. FAZIO of California. Mr. Speaker, one further, final question.

Could the gentleman give us any understandings as to which appropriations bills he expects to come before us next week with motions to go to conference with the potential of instruction for conferees and all that goes with it?

Mr. ARMEY. Mr. Speaker, I appreciate again the inquiry, and I am, unfortunately, unable to give him that. But if the gentleman would check with the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations, perhaps he could get a better read directly from him about what his plans are with respect to asking for time.

ADJOURNMENT TO MONDAY, SEPTEMBER 14, 1998

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRIBUTE TO CHARLES C. DIGGS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise to advise the House of the recent passing of our former colleague and friend, former Congressman Charles C. Diggs, Jr. Former Congressman Diggs passed on August 28, 1998.

Charlie Diggs was elected to the United States Congress from Michigan's 13th Congressional District in 1954. He was Michigan's first black Member of Congress.

During his Congressional career, he was one of the founding members of the Congressional Black Caucus and served as the first chairman of that group.

□ 1215

He is also credited with establishing home rule for the District of Columbia, as well as authoring legislation to create the University of the District of Columbia.

Mr. Speaker, at the funeral services for Charlie Diggs, I was honored to offer remarks on behalf of the Congressional Black Caucus. I want to share my remarks and a copy of Charlie's obituary with his friends across the Nation.

Charlie was a giant in the Black political history of America. We extend our deepest sympathy to his wife, Darlene, and members of the Diggs family. He will never be forgotten.

The materials referred to are as follows:

REMARKS OF THE HONORABLE LOUIS STOKES, MEMBER OF CONGRESS—A SPECIAL TRIBUTE TO THE HONORABLE CHARLES DIGGS

Ebenezer A.M.E. Church, Fort Washington, MD, September 1, 1998

Darlene and members of the Diggs family. I speak here today to pay tribute to a giant in the black political history of America. I speak on behalf of the 39 black Members of Congress who inherit his legacy. The entire Congressional Black Caucus, chaired by Congresswoman Maxine Waters, liken his passing to the falling of a giant oak in the forest. Present today are Ms. Waters, Congressman Clay of Missouri, Albert Wynn of Maryland, former Congresswoman Cardiss Collins, and myself.

Long before many of us came to Congress, Charlie Diggs was a legend to us. Both his father's and his own political career had made the Diggs name a prominent family name among blacks all over America. We, too, had taken pride in 1955 in seeing this young State senator, join William L. Dawson and Reverend Adam Clayton Powell, as Michigan's first black Congressman. He hit the ground running in Congress and quietly established his reputation as a fighter for civil and human rights.

In the same year he was sworn in to Congress, Charlie received national attention for monitoring the trial of two white Mississippians accused of murdering Emmett Till. Following the trial, he proposed that the representation in Congress from Mississippi be reduced. He also called upon President Eisenhower to call a special session of Congress to consider civil rights issues.

Charlie endured fire bombings at homes he was staying in in Selma and Mississippi while taking up the cause of tenants being evicted from a slum. He investigated racial disputes at a Job Corps camp and in the United States Army. In fact, Congressman William Clay, who would not come to Congress until 1969, was one who was affected by this. In his book entitled, "Just Permanent Interests," Clay first speaks of "Diggs' long and glorious career," and then tells that "In late 1954, when I was a member of the Army Chemical Corps, stationed at Fort McClellan, Alabama, I was prompted to call upon him for assistance even before he was sworn into Congress."

Between 1955 and 1968 John Conyers, Robert Nix and Augustus Hawkins had come to Congress. So, in 1969 when Bill Clay, Shirley Chisholm and I came to Congress, for the first time in history there were nine black Congresspersons. By 1971, we had been joined by Charlie Rangel, Ron Dellums, Parren Mitchell, George W. Collins and Ralph Metcalfe. This was the beginning of the Congressional Black Caucus and we elected Charlie Diggs as our first chairman.

Charlie's speech at our first Congressional Black Caucus dinner in 1971 established the creed under which the Congressional Black Caucus exists. He said, "We meet to assert the common bonds that unite men and women of all races, creeds and generations who share a fierce determination to liberate the legions of the oppressed. We come together to arm and equip ourselves to fight more effectively than ever before for those who are too seldom victors, too often victims."

Under Charlie's leadership, we became a formidable force in the United States Congress. One of our finest hours was the meeting with President Richard Nixon following our boycott of him for neglecting the legitimate needs and rights of black Americans. At this historic meeting, in his quiet, dignified manner, Charlie Diggs told President Nixon. "Our people are no longer asking for equality as a rhetorical promise. They are demanding from the national administration and from elected officials without regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of results."

President Nixon's failure to adhere to our demands forced Charlie to make a dramatic and brilliant move. He appointed the Diggs "shadow cabinet" which consisted of black professionals who were experts in government, and whom Charlie gave titles similar to that of each member of Nixon's Cabinet. Whenever a Nixon Cabinet member presented an administration policy or position, the Diggs "cabinet" counterpart would respond from the black perspective.

It was during this period of time that Vice President Spiro T. Agnew, while traveling in Africa, verbally attacked America's black leaders and the Congressional Black Caucus. Under Charlie's leadership, the caucus responded on the floor of the House. Charlie said, "Although his statements are very difficult to follow with any degree of logic, it is not hard to understand that times and the people have indeed passed him by—the matter of black leadership is not within his province to decide."

In two areas, Charlie's legislative accomplishments will remain etched in history. Under his chairmanship of the House District of Columbia Committee, home rule was established, giving the District of Columbia the right to elect their own mayor and city council for the first time in more than a century. He also authored the legislation creating the University of the District of Columbia. The other area was his tenure as chairman of the Subcommittee on African Affairs. He was acknowledged and respected by everyone as Capitol Hill's foremost elected official on Africa. He was loved all over Africa.

So, Charlie, we benefitted from your leadership, your friendship, your letters, your phone calls and your visits. You walked tall and quietly carried a big stick. Good night, Dean. We'll miss you.

OBITUARY

Charles C. Diggs, Jr., State Senator, Congressman and Mortician, was born December 2, 1922, and departed this life August 24, 1998. He was the only child of the late Mayme E. Jones Diggs and Charles C. Diggs, Sr. The Diggs Seniors were Morticians, pioneers in business, public service and community activists.

Charles C. Diggs, Jr. began his political career in 1951 when he was elected to the Michigan State Senate. The youngest member of the Senate, he served a total of two terms. During this tenure, he compiled a record that brought the admiration of leaders throughout the state. An advocate and firm supporter of social legislation, he did much to assist Governor G. Mennen Williams promote a constructive program of human relations for the state. He was instrumental in pushing legislation through the Senate that brought about good business and labor relations, compulsory school attendance, and a re-evaluation of restrictions to age limitations on voting.

In 1954, his popularity in his state as a leader led him on to defeat the favored incumbent, George O'Brien. He then became the Democratic candidate for Congress from the Thirteenth District. Arriving in Washington as a federal legislator, he found it relatively easy adjusting to what he described as "the way of life on Capitol Hill." He also found time to utilize his literary skills, serving as radio commentator on a program sponsored by the House of Diggs, Inc., and their insurance company. He was the owner and president of the House of Diggs, which was recognized as the state's largest funeral home.

As a Congressman, he identified himself with the problems of the Southern Blacks. This association resulted in his being described as the "Mississippi Congressman-at-large." In 1955, as a freshman Congressman, he was propelled across the international scene by his attendance at the Emmit Till murder trial in Mississippi, next to Issaquena County where his father was born and grandfather, Reverend James J. Diggs, founded the Woodland Baptist Church. Charles was a staunch supporter of the Civil Rights Movement and wrote legislation supporting the movement. During his first four years in Washington, he was assigned to the House Veterans Affairs Committee. He also served on the House Interior and Insular Affairs Committee promoting Statehood for Alaska and Hawaii. In 1959, he became the first Black Member of Congress to serve on the House Foreign Affairs Committee. One of the prime considerations at the time was to authorize establishment of the Peace Corps. Because of his strong support, he later became Chairman of the Subcommittee on Africa.

Congressman Diggs attended all the Democratic National Conventions beginning in Chicago in 1957. He traveled throughout the U.S.A. speaking on behalf of the Kennedy/Johnson ticket. In 1969–1970, he was the founding Member and first Chairman of the Congressional Black Caucus. In 1973, he became the Chairman of the House District Committee and in less than a year, he persuaded Congress to grant District citizens the right to elect their own Mayor and City Council for the first time in over a century. Home Rule, the establishment of the University of the District of Columbia, the Frederick Douglas Home designation as a National Historical Site are all chiefly the results from that Committee and his Chairmanship.

Congressman Diggs is a double life member of the NAACP, and a member of the Tuskegee Airmen, East Coast Chapter and, has received numerous awards and recognitions. His congressional papers were given to Howard University's Moorland-Spingarn Research Center. In Detroit, he was a member of Hartford Memorial Baptist Church. In 1986, he became a member of Ebenezer A.M.E. Church in Fort Washington, Maryland, where he accepted Christ as his personal Savior and maintained strong religious ties until his death.

Congressman Charles C. Diggs, Jr., is survived by his wife of 15 years, Darlene Expose Diggs; six children: Charles C. Diggs, III, Denise Diggs Taylor, Alexis Diggs Robinson, Douglass J. Diggs, Carla Diggs, and Cindy Carter Diggs; 13 grandchildren: Charles IV, Nicole, Diamond, Dorian, Dominic, Itta, Juanita, Marshall, Alexandria, Ryan, Evan, Jonathan, and Jacqueline; and a host of relatives and friends.

VIOLENCE IN CAMBODIA

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise today to strongly condemn the ongoing violence in Cambodia and to express my support for the brave Cambodian citizens opposing the tyranny and oppression of the Hun Sen government.

In the last week's violence in Cambodia, government forces have senselessly killed, maimed and harassed peaceful street demonstrators who are protesting allegations of election fraud. This has to stop. Hun Sen and his government must understand that his violent actions are not without consequence. The violence must stop, fundamental human rights must be restored, allegations of election fraud must be investigated and an equitable power sharing agreement must be found.

I call upon the Clinton Administration to provide leadership in the cause of democracy and human rights. The administration's absence on this issue has been felt.

To the forces of democracy in Cambodia, be assured that the world is watching. You do not stand alone in your quest for justice, for human rights and for freedom.

CONGRESS MUST RENEW FAST-TRACK

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, shortly the House may help bring around a better future for American agriculture when we vote to extend fast-track negotiating authority.

The best way to secure a better economic future for agriculture is to expand our export markets overseas. With just 4 percent of the world's population, U.S. agriculture must export in order to remain a viable industry. Nearly one-half of the wheat produce in this country is exported. Thirty percent of the feed grains and cotton is exported. There are estimates that 47 percent of our soybean crop will be exported. One out of every three acres we plant in this country is dedicated to exports.

That is why Congress must dedicate itself to step boldly into world trade negotiations next year. Congress must work with the administration to get lower foreign tariffs for agriculture goods; stop or limit the use of foreign trading enterprises used to block or underbid our U.S. exports; stopping the use of sanitary and phytosanitary measures to block U.S. exports; and to increase foreign tariff rate quotas.

Mr. Speaker, fast-track is a no-brainer for American agriculture. Pass fast-track.

AMERICAN FAMILIES NEED MEANINGFUL TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the strength of this country lies in its families, not in its bureaucracy back here in Washington, D.C., yet the current Federal Tax Code penalizes a husband and wife for jointly filing their tax return. It also penalizes seniors over 65 who earn more than $15,500 by withholding their Social Security benefits. Also, the self-employed can only deduct 45 percent of their health insurance premiums, instead of 100 percent, which is the same tax deduction for anyone who does not have employer-subsidized health insurance.

Unfortunately, many of our colleagues on this side of the aisle believe that enacting tax cuts would be equivalent to throwing money away.

Mr. Speaker, hard-working families are losing touch with their children because they must work two and three jobs just to pay the bills. Why should American families have to apologize to Washington bureaucrats for keeping some of their hard earned money? Most Americans would agree that buying groceries, paying the house mortgage payment, taking a family vacation or just saving for their family's future, is not throwing money away.

Let us give American families a meaningful tax break. Let us give them the opportunity to use their money on their family.

NATURAL DISASTER RELIEF NEEDED FOR SYRACUSE AND CENTRAL NEW YORK

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, Monday morning, Labor Day, about 1 a.m., my family and I awoke to a storm of such magnitude and destruction that I have not witnessed in my 50 years in my hometown of Syracuse. When it abated, two were killed, dozens were injured, with millions of millions of dollars of property damage to homes and businesses.

The next morning I toured the city with Governor Pataki, Mayor Bernardi and County Executive Pirro, and was absolutely amazed at the power and the breadth and the destruction of the storm. That morning also I spoke with James Lee Witt, the highly competent director of FEMA, who had been in discussions with our State Director, Mr. Jacobi, and I urged him, as I did President Clinton in a letter the following day, to please hurry as quickly as possible to make the determination necessary to declare Syracuse, central New York and nine other counties a Federal disaster area.

FULFILLING THE RESPONSIBILITIES OF THE CONSTITUTION

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, today we took the first vote in what may be a series of votes on how we deal with our constitutional responsibility. It was an important vote, because it was a vote to be fully inclusive, not only of every Member of the House, but to be as inclusive as possible of every American.

At this critical time for our country, being open with the American people, giving them a report that they paid the bill to produce, letting them reach their conclusions, as we reach our constitutionally required conclusion, is an incredibly important thing to do.

The job of the Congress is to do what the Constitution requires. The job of the Congress is to do what the Constitution requires and what is best for the country. As the American people enter into that job with us, I know we want to be prayerful, not only for Members of Congress, but we want to be prayerful for President Clinton and his family and for the United States as we do what the Constitution requires. We are a system of law.

OPPOSE PROPOSED REMOVAL OR BREACHING OF DAMS

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I want to again voice my opposition to the proposed removal or breaching of dams on the Snake and Columbia Rivers in Washington State. Some advocate that these dams be destroyed in an effort to restore wild salmon runs.

I am concerned about recovery of wild salmon runs, but I also believe that we must not destroy our multiple use river system that has been created over the past 40 years. I seek to implement a salmon recovery plan that is science-based, maintains a healthy environment for other fish and wildlife species, but balances the needs of our local economy and our rural way of life in the Northwest.

There are serious environmental effects of replacing hydroelectric power with fossil fueled generation. Dams are a clean and renewable energy resource. To replace this source of electricity with natural gas fired turbines would add thousands of tons of pollutants and chemicals into the atmosphere annually.

We must examine all sources of fish loss. Ocean conditions, predator populations and over-harvesting on the river have yet to be fully addressed. Salmon recovery can be accomplished using developing technology and sensible harvest limits. Damn removal will irreversibly remove jobs, harm the economy and the environment, while the benefits to the salmon would remain uncertain.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SOLEMN CONSTITUTIONAL RESPONSIBILITIES PLACED UPON CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. WISE) is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I believe that the greatest responsibility that a Member of Congress can face is the question of whether or not to go to war, to commit men and women of this country to armed conflict. The next greatest responsibility after that is the matter of impeachment of the President of the United States. With the delivery of the report by Kenneth Starr, the special prosecutor, to this body, that process of deliberation began, so a new set of rules, a new stage is set for the 435 Members of this House of Representatives, and it is every bit as solemn and every bit as important and every bit as somber as those deliberations that this body has had to make in matters of war. Remember, it has only been several times in our Nation's history that we have been to this stage.

Mr. Speaker, I do not know at this moment what are the allegations in the report that Mr. Starr delivered to the Congress. To my knowledge, perhaps just a few people know, and no one in this body knows. Soon the world will know via the Internet. We will all be reading and reviewing.

I do know that what the President has admitted to is wrong and distressing. I do know that the allegations in the report, which I have not seen, may be even more disturbing. There is no excuse for the already-admitted errors in the President's personal conduct, and that is something I think that all Americans, including the President of the United States by his very statements today, as well as in previous days, concur in.

That is not going to be the issue in front of this Congress and in front of this House of Representatives. The issue will be somewhat the President's personal conduct. The issue though, more significantly, is whether it is grounds for impeachment of the President.

So impeachment is the proceeding that this body goes about beginning today. It is not about polls, it is not about partisanship, it is not about personal opinion. It is about whether a standard has been crossed, a threshold has been reached, that requires this body, the House, to issue articles of impeachment, that then begin in effect a trial in the United States Senate.

With the resolution that passed today, and which I voted for, to receive the report, to make it public, I now and 434 other Members of this House become in effect grand jurors, because our responsibility is to determine whether there is probable cause to vote articles of impeachment that the Senate then takes up. That requires under the Constitution that we weigh all facts and we measure whether the offense is indeed grounds for impeachment.

I support making these documents public. The first report will be made public this afternoon, and then subsequent reports after review by the Committee on the Judiciary. I would have preferred, yes, that indeed the President had been granted an opportunity to review what is in the report, in the same manner that this body has permitted review by other officials that have been in similar situations in disciplinary actions.

□ 1230

If the choice is between making public and not making public, it should be made public. I just ask that all of us remember that this report is not a guaranteed statement of fact; it is allegations by the special counsel, and that the hearings that will be held will flesh that out further, the extent to which they are valid, the extent to which they can be challenged, and that no one should be rushing to snap judgment in a serious moment like this.

This is the second time this century that this process has taken place. This cannot be a rush to judgment via polls or talk shows or whatever the public whims are.

So we approach this carefully and seriously with due deliberation and reflection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair must remind Members to avoid personal references to the President. It is no longer permissible to debate the information addressed by House Resolution 525.

A TRIBUTE TO TWO OUTSTANDING CITIZENS FROM THE STATE OF ARIZONA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this afternoon in the wake of a momentous vote to discuss not what lies ahead but to remember two who have gone before, from my great State of Arizona. I first pay tribute this afternoon to Governor Jack Williams, a dedicated public servant who served as Governor of Arizona during challenging times from the mid-1960s on through the early 1970s, an effective leader, a true public servant, who reminded us all that public service is not always equated with public office.

Jack Williams, for many years before serving as Governor of Arizona, was a broadcaster. Mr. Speaker, his repeated broadcasts on KOY radio were a source of inspiration and amusement to his fellow Arizonans and every day he would conclude his broadcast commentary with a sign-off saying, "It is a beautiful day in Arizona. Let us all enjoy it."

Arizonans enjoyed unparalleled economic prosperity during the administration of Governor Jack Williams. He was a dedicated results-oriented leader, but more than that, he was one who listened to all Arizonans, one who never developed the trappings or the arrogance of office; instead, always dedicated himself to the ideals of true public service, whether as a broadcaster or later a mayor or finally as governor of the great State of Arizona.

Because of Governor Williams' efforts, we remember him today and we can honestly say, there is a great future for Arizona. Let us all enjoy it.

Mr. Speaker, despite the fact that those in the punditocracy in the light of current events and other procedures would say that the culture of Washington has somehow denigrated, has somehow deteriorated, until the politics of personality, I would make this observation, for I rise today also to remember another Arizonan, not a member of my party, not one who subscribed to the conservative philosophy to which I adhere, but one who I believe needs to be recognized. His name was John Cox. He aspired to service in this chamber and, Mr. Speaker, just last week, he passed away, even as he had made plans again to challenge my good friend and colleague, the gentleman from Arizona (Mr. SALMON) in the First Congressional District of Arizona.

John Cox was not a man with whom I agreed but, Mr. Speaker, he was a man whose company I enjoyed. Indeed, the last time we had a chance to get together was at one of the great programs that has been run nationally, where Americans got together to discuss the future of Social Security. That meeting was scheduled in the Valley of the Sun in the days immediately following the passing of Senator Barry Goldwater, and it was during an honest, open dialogue and discussion, listening to citizens of Arizona when John Cox leaned over to me and whispered in my ear, I have something for you that I would like you to have that I believe will mean far more to you. Even though it has great meaning for me, I know it will have far more of a meaning to you.

Mr. Speaker, what John Cox gave me are the little replica of glasses I wear on my lapel just above my Congressional pin, glasses that symbolize allegiance to Barry Goldwater in the 1964 campaign. John Cox's gesture bespeaks what is good about our political process because in this chamber, even in these challenging days ahead, there will be honest disagreements, sincerely held, passionately stated. Our Founders experienced the same, in what Catherine Drinker Bowen calls the Miracle at Philadelphia when they put together the document which we swear to uphold and defend and indeed whose very presence we are mindful of today at the outset of such momentous proceedings.

The examples of John Cox and Jack Williams suit all Americans. That is why I pay tribute to them today and that is why they will not be soon forgotten.

WE MUST BE FAIR AND NON-PARTISAN IN JUDGING OUR PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, twenty months ago, Members of the 105th Congress took our collective oaths of office. In that oath, we have sworn to uphold and defend the Constitution of the United States. As such, it is not our option, but our obligation to the American people to deliberate the issues and information that are presented before us in hearings, Committee mark-ups, or during floor debate, and weigh them in an unbiased and clear fashion before voting on the issue of the day. Our votes on items both mundane and vital must come in a context of what is best for our respective constituencies and our nation.

Today, Congress voted to release the Referral from the Office of the Independent Counsel. Like my colleagues, I soberly await its arrival to my office. I promise my constituents, the residents of the great State of Michigan, and the citizens of our country, that I will read, analyze, and review this report, like all of the bills and reports that come before me, with great care. While it would be sheer folly of me to arrive at any conclusion before I have had the opportunity to review the record from the Independent Counsel and its rebuttal by the Executive Branch, I would like to use this opportunity to make one thing clear: our Constitution demands that we provide a fair and non-partisan venue for the consideration of impeachment. Regrettably, the resolution that was voted on today did not provide that consideration. It is my sincere hope, wish and desire that from this point onward, Congress acts in a way in which the founding fathers not just desired, but decreed.

Our President has made a mistake; he has admitted as much himself. Our President has apologized to our country; the Congress, his family, and the other affected individuals and groups in this sad matter; he reiterated that just this morning. In the maelstrom of events of the past few days, it is sometimes difficult to remember or recall exactly what the President has done for our country. For example:

Our President has boosted the economy of our nation. During President Clinton's term in office, more jobs have been created, unemployment has hit all-time lows, the stock market has spiraled to unprecedented highs, and the budget has been balanced. In Detroit, President Clinton was key in ensuring the establishment of the Empowerment Zone, and in sending millions of federal funds that will provide for decent housing for senior citizens, better roads and safer bridges to drive on, and improved access to health care for all.

Our President has helped to make our streets safer. Under President Clinton, the City of Detroit has received a significant increase in police officers patrolling the beat and dedicated to community-based policing. Under President Clinton, the Brady Law has kept handguns out of over 20,000 potential felons. Under President Clinton, the stronger assault weapons ban has saved innumerable lives and made the City of Detroit and our nation a safer place to live.

Our President has begun to provide investment in Africa. President Clinton was the first President in a generation to visit the land of all of our birth, Africa. He stood in the dome of the site where perhaps my ancestors were taken in chains to the United States. President Clinton has fostered and used the strength of his office to ensure that Congress and private industry include Africa on its list of international development and investment.

In closing, let me repeat that I do not condone the actions to which the President has admitted. While we all strive for perfection and purity, there is not a single soul who is perfect, clean or untarnished. The President has apologized for the errors of his ways.

While I understand that impeachment is second only to declaring war in Constitutional importance, Congress still has work to do. We have not solved the problem of those senior citizens, unemployed persons or the poor who go to the hospital and cannot afford health insurance. We have not solved the problem of those persons who have mental illness and wander our nation's streets. We have not solved the problem of our crumbling and deteriorating elementary, secondary and high schools. We have not solved the problem of our frayed social safety net. It is important that Congress seriously weigh and analyze this referral, but not neglect the people's business. We have tough decisions to make; the consideration of this referral should not, and must not, push the concerns of our senior citizens, working families, and the poor aside.

FAREWELL TO SYDNEY SEAWARD

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in coming to this House, there are many times that we talk about issues of State, sometimes issues of war. But maybe it makes us more human to come and discuss friends that we will miss. So even after this day of vigorous debate, reaffirming the Democratic tenets of this Nation, I come this afternoon to pay tribute to a fallen personality, one respected and admired by her Houston community, and that is Sydney Seaward, one of the anchors of Channel 51, coming to that station in 1993.

Someone on the national level might not have heard of Ms. Seaward. One did not see her on the national 6 o'clock news. She did not reach CNN. She was a local anchor. But her cause and her personality deserve tribute in this body. She was an American in the true sense of the word, for she never said never. She died recently of cancer, but the cancer became a challenge to educate, to embrace life, to teach others, to not give up.

She touched me in a special way. Beyond her responsibilities as a news person, she always gave me the sense that she would, in fact, survive. A coworker said that everyone enjoyed Sydney, and of course, some would say that that word is used like "nice." But frankly, if it is said in earnestness, it means something. The coworker said, she was a nice part of the day. She made people's days. She took time to personally talk to people and hear them out. She was, in fact, a leader in her trade. Most of all, she was sensitive and she was willing to overcome her own doubts. When this disease was diagnosed her first response I imagine was disbelief and turning inward, until she realized that she could play a special role in educating women and the community about cancer, its devastation, but also one's ability to survive.

For that reason, Mr. Speaker, I come to salute Sydney Seaward for what she has done for our community, but, in fact, how she exemplifies what America is all about. It is, in fact, the can-do attitude. It is, in fact, the recognition that we live in the most wonderful Nation in the world. With all of its ills, with all of our disagreements, we can embrace the right that we live in freedom.

Sydney Seaward exemplified the fact that she was proud to be an American. She took her lumps along with her successes. She took her downs with her ups. She took her good days with her bad days. She took her sunny days with her rainy days. And she said to us, whatever comes your way, remember, we are all blessed to be living in freedom, we are all blessed to have the opportunity to fight whatever we can fight to survive, and we are all blessed to have been able to walk this way, to have touched someone, and Sydney Seaward clearly touched our lives.

Sydney, farewell. Thank you for all that you have done, and may you rest in peace.

SPECIAL COUNSEL INVESTIGATION BLATANTLY UNFAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I wanted to take a moment today to express my feeling for the whole process of the special counsel's investigation of the President for the past 4 years that got us where we are today, and that is that it is blatantly unfair.

Mr. Speaker, 4 years ago the independent counsel began investigating what is known as Whitewater. Well, some of us know what it is in the independent counsel's report. Indications are that after 4 years of investigations and $40 million of taxpayers' money, no crimes related to Whitewater were committed by the President.

So how did we get from there to where we are today? The independent counsel took it upon himself to expand his investigation to allegations presented to him that the President had an extramarital affair. With tapes in hand, he went to the Attorney General asking for authority to continue to expand his investigation, which she granted. Today we have a report within our jurisdiction, and I fail to see why we are in such a rush to release it without giving the President—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman must be reminded that there should be no references to the President or personal allegations in any debate or discussions on the floor of the House.

The gentleman may proceed.

Mr. FALEOMAVAEGA. Mr. Speaker, I believe I was saying it in the third person; I was not making it directly to any person in particular.

The SPEAKER pro tempore. If the gentleman will suspend, references or inferences are not to be made on the floor of the House and should be avoided. The gentleman may proceed.

Mr. FALEOMAVAEGA. Mr. Speaker, such an approach seems fair to me, and I regret that the rule being offered today does not offer that consideration to the President.

INDONESIA'S HUMAN RIGHTS VIOLATIONS AGAINST THE PEOPLE OF WEST PAPUA

Mr. Speaker, once again I would like to call the attention of my colleagues to an ongoing struggle presently being waged many miles away in the Pacific by the people of West Papua New Guinea, or Irian Jaya, as it is known by the Indonesian government. In July, the attention of the world was focused, however briefly, on the immense tragedy caused by the Tsunami which caused the devastation of the coastal villages of Papua New Guinea.

In the western half of the same island, some miles away, agonies of another sort were being experienced by the people of Papua New Guinea. It is not my intent, Mr. Speaker, to detract in any way from the horror and the misery inflicted on the people of Papua New Guinea by the disaster which wiped out their coastal villages. Rather, my concern is that we should not forget the devastation wrought by our own fellow human beings.

Mr. Speaker, I have spoken on previous occasions about the history of the people of West Papua and about their struggle for independence from Indonesia. On July 3, Indonesian armed forces fired on pro-independence demonstrators at a university in Jayapura, the Capital of West Papua. On July 6, more than 100 people were wounded and at least 3 people were killed when Indonesian armed forces fired on a crowd of pro-independence demonstrators on the Island of Biak.

Since 1962, Mr. Speaker, the people of West Papua have been under the occupying authority of Indonesia. Over the past 3 decades the use of excessive and lethal force has been a feature of the Indonesian armed forces' response to both peaceful and armed opposition by the people of West Papua.

□ 1245

The recent events in West Papua have only served to underscore the brutality with which the aspirations of the West Papuan people are being suppressed by the new regime which took power after the resignation of President Suharto.

Mr. Speaker, the recent violence of the Indonesian government against the people of West Papua is part and parcel of a long history of Jakarta's oppression. Papuan people are not Indonesians, they are Melanesians. Their country is not naturally a part of Indonesia, which is more than 2,300 miles away across the ocean, with many island nations in between. West Papuan languages, religions, history, identity, and customs are their own, and bear no relation whatsoever to the rest of Indonesia.

These two nations were cobbled together in 1969 to serve the foreign policy interests of our own Nation and its ally, Indonesia. Indonesia took over West Papua New Guinea in 1963, suppressing the West Papuan New Guinea dreams of freedom and self-determination. There was no natural reason for this union, so it should come as no surprise that it is unraveling.

Since Indonesia took over West Papua New Guinea, the native people have suffered under one of the most repressive and unjust systems of colonial occupation in the it 21st century. The Indonesian government has waged an ongoing war against the "Free Papua movement" and their supporters since the 1960s. The civilian populace that has objected to Indonesia's plans for development in West Papua has suffered similar oppression.

Mr. Speaker, incredible as it may seem, estimates are that between 100,000 to 300,000 indigenous Melanesians, West Papuan New Guineans, have been killed or have simply vanished from the face of the earth during the years of Indonesian occupation. I hope my colleagues will appreciate the suppression and the problems the West Papuan New Guineans are now going through with the Indonesian government.

Mr. Speaker, once again I would like to call the attention of my colleagues to an on-going struggle presently being waged many miles away in the Pacific by the people of West Papua, or Irian Jaya as it is known by the Indonesia Government. In July, the attention of the world was focused, however briefly, on the immense tragedy caused by the Tsunami which devastated the coastal villages of Papua New Guinea.

In the western half of the same island, some miles away, agonies of another sort were being experienced by the people of West Papua. It is not my intent, Mr. Speaker, to detract in any way from the horror and the misery inflicted on the people of Papua New Guinea by the disaster which wiped out their coastal villages. Rather, my concern is that in the midst of the devastation wrought by nature we should not forget the devastation wrought by our fellow human beings.

We can only respond after the fact to the devastation brought by a Tsunami. We have the opportunity to respond with more immediacy to the devastation which is caused by our fellow human beings.

Mr. Speaker, I have spoken on previous occasions about the history of the people of West Papua and about their struggle for independence from Indonesia. On July 3rd, Indonesian Armed Forces fired on pro-independence demonstrators at a university in Jayapura, the capital of West Papua. On July 6th, more than 1000 people were wounded and at least three people were killed when Indonesian Armed Forces fired on a crowd of pro-independence demonstrators on the island of Biak.

Both of these demonstrations were peaceful, Mr. Speaker. They expressed the desire of the people of West Papua for a just resolution to the matter of their political status. Human Rights Watch has called for a full investigation into the shootings in Biak, where 140 citizens have been detained by the government and where there are reports that wounded detainees are being denied medical care and that their families are not being allowed to visit them.

Since 1962, the people of West Papua have been under the occupying rule of Indonesia. Over the last three decades the use of excessive and lethal force has been a feature of the Indonesian Armed Forces' response to both peaceful and armed opposition. The recent events in West Papua have only served to underscore the brutality with which the aspirations of the West Papuan people are being suppressed by the new regime which took power after the resignation of President Suharto.

Mr. Speaker, the recent violence by the Indonesian Government against the people of West Papua is part and parcel of a long history of Jakarta's oppression. Papuan people are not Indonesian, they are Melanesian. Their country is not naturally a part of Indonesia, which is more than 2,300 miles away—across the ocean, with many island nations in between. West Papuan languages, religions, history, identity and customs are their own, and bear no relation to those of Indonesia.

These two nations were cobbled together in 1969 to serve the foreign policy interests of the United States and its ally Indonesia. Indonesia took West Papua in 1963, suppressing the West Papua people's dreams of freedom and self-determination. There was no natural reason for this union, and so it should come as no surprise that it is unravelling.

Since Indonesia took over West Papua, the native Melanesian people have suffered under one of the most repressive and unjust systems of colonial occupation in the twentieth century. The Indonesian military has waged an ongoing war against the "Free Papua Movement" (OPM) and their supporters since the 1960s. The civilian populace that has objected to Indonesia's plans for development in West Papua has suffered similar oppression. The thousands of killings associated with the expansion of the freeport copper and gold mines in West Papua are testimony to the brutality of the Jakarta central government.

Incredible as it may seem, Mr. Speaker, estimates are that between 100,000 to 300,000 indigenous West Papuans have been killed or have simply vanished from the face of the Earth during the years of Indonesian occupation. And this pattern of annihilation is being continued by the regime of Mr. Habibie, despite initial promises of reform.

The current Government of Indonesia continues to choose a policy of repression, a policy which disregards the rights of the indigenous people of West Papua. Mr. Speaker, the tragic situation in West Papua is of great concern to me. The recent shooting over the pro-independence demonstrations in Jayapura and on the island of Biak, the violent responses which we have seen to pro-independence demonstrations in towns and cities all across West Papua indicate that this new regime is prepared to continue the repression of the past.

One half of Papua New Guinea is still reeling from the worst natural disaster to hit the island in recent memory. Whole villages and the lives of the people in them have been completely obliterated, wiped off the face of the

Earth. In the other half of the same island, the people of West Papua are suffering another form of devastation. Their identity as a people is being obliterated by a brutal regime thousands of miles away.

I would hope that all my colleagues would join me in urging the Indonesian Government to cease these violations of human rights and instead take immediate steps to review the political status of West Papua. The new regime in Indonesia has an opportunity to correct the mistakes of the past, not repeat them. It seems to me that we have an obligation to lend our support to this effort, and I urge my colleagues to protest in the strongest possible terms these continuing violations of basic human rights by the new Government of Indonesia.

THE INTERNATIONAL MONETARY FUND AND RUSSIA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, this afternoon I come to the House floor to talk about the international money fund and Russia. I think many of us are very deeply concerned about what is happening in Russia, and there have been calls in the land to have Americans continue funding the international money fund, and the international money fund should help bail out Russia.

But I come here this afternoon to talk about what we really should do. Secretary of Treasury Robert Rubin was quoted recently as saying, "At this point, we don't have a Russian economic team. We don't have a Russian economic plan."

That is unbelievable. We had, in the subcommittee, a hearing on this. I did not serve on this, but the chairman invited me to listen, and I heard some of the witnesses. I think we all agree that the goal should be to find a way to help Russia, but more importantly, what has gone wrong with Russia's economy, and how has the IMF's policies affected the current economic state of Russia?

As I have mentioned numerous times in the past here on the floor, the economic dilemmas in Asia, in Russia, are not due necessarily to excess capitalism but to the lack of controls, the lack of policing in these nations, and truly, not putting in place a free market system.

There is a great book by Michael Novak called The Spirit of Democratic Capitalism. Mr. Novak talks about how the need for successful capitalism in countries depends upon a culture, a culture of honesty and a culture in which, if honesty is not in place, the government polices it and makes sure corruption does not exist. It also talks about democracy, the freedom of a Nation to elect its leaders, and it talks about ownership of property.

These three components make up every successful Nation that deals in the area of capitalism. But in this case, Russia does not have in place a policing system to stop corruption.

Let me quote from Jim Hoagland, who did an article entitled "Russia, a System that Prevailed and Failed." He said, "The fundamental problem in Russia, Indonesia, Malaysia, and elsewhere was not that they went too far in adopting American style capitalism, but these nations did not go far enough."

Then he went on later to talk about Russia, and he said, "Russia demonstrates the perils of trying to skim off the cream of a globalized economy without adopting the checks and controls needed to restrain human appetites and ambitions. Lacking in Russia and Asia was an appreciation of the open and fair competition needed to police capitalism and to make it work."

That is the key. "Since its 1991 revolution, Russia has not developed a risk-based entrepreneurial market economy, and its institutions, to allocate rewards and pain through the efficiency of the marketplace." That has not been in place.

Mr. Speaker, not only have Russia's leaders failed in developing a free market system, they have allowed pure, all-out corruption to guide Russia, and allowed the corrupters to steal billions of dollars to create their own criminal fiefdoms. Official Russian corruption is unmatched anywhere in the world.

Experts say Russia is being plundered through the sale of its natural resources. In a typical scheme, a seller, aided by corrupt officials, sells Russian commodities overseas for higher prices than he reports to the government, and pockets the difference.

A Russian scholar compared reports of such sales filed with the Russian government with known market prices of the same commodities. His findings are related on the chart that I have here on the floor, Mr. Speaker. The difference in the chart represents the amount believed to have been stolen.

When we talk about crude oil, petroleum products, natural gas, and aluminum, you can see the estimated illegal profits from commodity sales in Russia. For 1995 alone, the estimated illegal profits from the sale of crude oil were $828 million, $1.5 billion in petroleum products, $1.2 billion in natural gas, and $900 million in illegal profits from aluminum sales. All told, the Russian government lost $4.4 billion in revenue in 1995.

With these facts of how Russia has been plundered, how can the Clinton Administration and the IMF continue to justify propping up the failed Russian government by demanding more money from hard-working U.S. taxpayers. We have seen that the recent Russian bailout by the IMF amounting to $22.6 billion has been a failure.

The IMF should suspend any additional payments to Russia immediately and until there can be a consensus built whether any additional funding would actually do any good for Russia. Congress should continue withholding any additional funding to the IMF itself until Congress can determine if the IMF is increasing the "moral hazard" by continuing its bailouts.

Let me close, Mr. Speaker, by saying the IMF should suspend funding until we find out how to stop corruption, and in fact, Congress should not give funding to the IMF until it understands how the IMF works in Russia.

TRIBUTE TO ED BOHRER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. MORELLA. Mr. Speaker, on Labor Day the city of Gaithersburg, which is the second largest city in my congressional district, celebrated its traditional Labor Day parade, one of the biggest parades in the State, and I would venture, probably in the region. It was the 60th parade.

The parade was dedicated to the mayor, Ed Bohrer, who on August 27 at age 58 died suddenly. He was there in spirit. I pay tribute to Ed Bohrer.

Ed Bohrer was a man of Gaithersburg, born and bred. He lived and loved in the town that he knew so well, where everyone knew each other and everyone cared. He loved his native Gaithersburg, and he enthusiastically nurtured his town into a community which has become the second largest city in the State of Maryland.

He was first elected mayor in 1986, after he had already served 10 years on the Gaithersburg city council. He was a man who truly believed in the people of Gaithersburg. He was committed to his community, and he exhibited honor and integrity in all that he did. His leadership and achievements enhanced the quality of life for all of the citizens of Gaithersburg, and he made us very proud.

Ed was very proud that Gaithersburg was a very fiscally solvent city. He was a Republican, but he was a Republican who was bipartisan, in fact nonpartisan in working with businesses, elected officials, organizations to serve all the people.

His vision led to the establishment of the Wells Robertson house for transitional homeless, in response to a problem of homeless in Gaithersburg, giving them the opportunity to prepare for jobs and for transitioning into the city beyond the homeless shelter.

He established effective antidrug programs. He was very much involved with the revitalization of the Gaithersburg Old Town, and he established Gaithersburg as a "character counts" city, a model for the Nation. We will sorely miss the beloved mayor, whom I called endearingly "Mr. Gaithersburgermeister."

Most of all, we remember Ed Bohrer, the man. Each of us who knew him in some way has been touched in a very special, personal way by Ed Bohrer. We have called him a mentor, because he guided, helped, and cared. We recall his pride and involvement on the athletic fields, cheering the young people. We can almost see him now, wearing his hallmark outfit: loafers and no socks and chino pants. We were his classmates, his neighbors, his letter carriers, his school crossing guards, his community police. We all knew that we were part of his leadership, his commitment to community service.

Ed Bohrer was unpretentious with a sense of humor and a sense of values. He was loyal to his friends. He was a man of his word who believed passionately that public service meant helping others.

On August 30th, which was the eve of his funeral service, Ed lay in state in the hallowed sanctuary of his church, Epworth United Methodist Church in Gaithersburg, Maryland. Well over 1,400 people passed through to pay tribute to this man that they remembered so endearingly.

It was very appropriate because he truly lived the prayer of the founder of Methodism, John Wesley: "to do all the good you can, in all the places you can; in all the ways that you can; for as long as you can." Pastor Reverend Green in his homily celebrated the life and legacy of Ed Bohrer by citing examples of his faith in his actions.

Ed Bohrer was a family man. He knew the values of family. I remember his pride when his wife, Sharon, graduated from Columbia Union College, when the children were adults. She was getting a graduate degree, and in fact, I was the speaker.

He and Sharon gave their children, Paige and Patrick, a loving home. They have reflected in their lives that inspiration. He encouraged his son Pat's dedication to a law enforcement career. He was filled with joy for Paige and his four grandchildren, and he was devoted to his mother, Juanita.

We were very proud to be part of one of the many things that Ed and Sharon did in the community. They had a holiday tradition where he and Sharon would serve members of the community at their home at a breakfast, and they had the traditional pancakes prepared by his mother, Juanita.

Ed's loss leaves a void, particularly in the lives of his family. We offer our prayers for Sharon, Paige, Patrick, his mother, Juanita, his sisters, grandchildren, and all the family.

At the memorial service on August 31, reflections on the life of Ed Bohrer were offered by Sidney Katz, Gaithersburg city council member; Roy Green, his brother-in-law; his son, Patrick Bohrer; the Board Chairman of the Adventist Health Care, Ron Wisbey; Teresa Wright, a community representative. I also had the honor of offering some reflections.

□ 1300

What was so special was that the eulogy was given by his wife. And it was so filled with the warmth, enthusiasm, humor, and compassion that characterized Ed, we all felt that he was there. Everyone was deeply moved.

Sharon stated she was following Ed's request to deliver the eulogy.

I stress that Ed Bohrer personified the pillars of "Character Counts." In Congress we have a resolution encouraging States and localities to become "Character Counts" cities, States, and jurisdictions. Gaithersburg's commitment shows its effectiveness.

Those pillars of "Character Counts" are Respect, trustworthiness, fairness, citizenship, caring and responsibility. And, indeed, in this day when public servants are judged not only by accomplishments but by character, Ed Bohrer was truly a role model.

I talked with Ed on the phone at the hospital a few days before he passed away. His wife, Sharon, had just washed his hair. He was filled with hope. I told him that I loved him, and I said that for all of us who knew him.

Thornton Wilder wrote, "There is a land of the living and a land of the dead, and the bridge is love—the only survival and the only meaning."

Ed Bohrer will be missed, but he will certainly live on in love and is our inspiration. "We thank you, Ed."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Ms. KILPATRICK, for 5 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, on September 14.
Mr. HAYWORTH, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE) to revise and extend his remarks and include extraneous material:)

Mr. FALEOMAVAEGA for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MEEK of Florida) and to include extraneous matter:)

Mr. KIND.
Mr. ACKERMAN.
Mr. LEVIN.
Mr. HALL of Ohio.
Mr. GORDON.
Ms. PELOSI.
Mr. BENTSEN.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. CAMP.
Mr. THOMAS.
Mr. FRELINGHUYSEN.
Mrs. ROUKEMA.
Ms. PRYCE of Ohio.
Mr. GILMAN.
Mr. BOB SCHAFFER of Colorado.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BAESLER.
Ms. HARMAN.
Mr. GILLMOR.
Mr. KLECZKA.
Mr. HILLEARY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 1998, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10833. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order-Decrease in Importer Assessments [No. LS-98-004] received September 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10834. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule— Animal Welfare; Marine Mammals, Swim-with-the-Dolphin Programs [Docket No. 93-076-10] (RIN: 0579-AA59) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10835. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency Administrator of National Banks, transmitting the Office's final rule—Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks [Docket No. 98-11] (RIN: 1557-AB60) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10836. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule--Replacement Housing Factor in Modernization Funding [Docket No. FR-4125-F-02] (RIN: 2577-AB71) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10837. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Use Rules for Certain Substances [OPPTS-50631A, etc; FRL-6019-2] (RIN: 2070-AB27) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10838. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission [GC Docket No. 96-55] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10839. A letter from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 070698D] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10840. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule— Offset of Tax Refund Payments to Collect Past-due, Legally Enforceable Nontax Debt (RIN: 1510-AA62) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10841. A communication from the President of the United States, transmitting the approval of $50,000,000 in emergency funds to the Departments of Labor, Health and Human Services, Education, and Related Agencies, pursuant to Public Law 99—177; (H. Doc. No. 105—305); to the Committee on Appropriations and ordered to be printed.

10842. A communication from the President of the United States, transmitting a request to Congress to consider expeditiously the request for $3.25 billion in FY 1998 contingent emergency funding for year 2000 (Y2K) computer conversion activities; (H. Doc. No. 105—306); to the Committee on Appropriations and ordered to be printed.

10843. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—302); to the Committee on International Relations and ordered to be printed.

10844. A communication from the President of the United States, transmitting a continuation of the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—303); to the Committee on International Relations and ordered to be printed.

10845. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—304); to the Committee on International Relations and ordered to be printed.

10846. A communication from the President of the United States, transmitting notification to Congress that the security of the Albaina Embassy in Tirana has been enhanced; (H. Doc. No. 105—307); to the Committee on International Relations and ordered to be printed.

10847. A communication from the President of the United States, transmitting notification of the U.S. strikes in Afghanistan against a series of camps and installations used by the Usama bin Ladin organization, and in Sudan where the bin Ladin organization has facilities and extensive ties to the government; (H. Doc. No. 105—308); to the Committee on International Relations and ordered to be printed.

10848. A communication from the President of the United States, transmitting notification to Congress that a Joint Task Force of U.S. military personnel from U.S. Central Command deployed to Nairobi to coordinate the medical and disaster response assistance arriving in Kenya and Tanzania; (H. Doc. No. 105—309); to the Committee on International Relations and ordered to be printed.

10849. A letter from the the Kenneth W. Starr, the Independent Counsel, transmitting a Referral to the United States House of Representatives filed in conformity with the requirements of title 28, United States Code, section 595(c); (H. Doc. No. 105—310); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1659. A bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes; with an amendment (Rept. 105-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4166. A bill to amend the Idaho Admission Act regarding the sale or lease of school land (Rept. 105-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3903. A bill to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes; with an amendment (Rept. 105-706, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2314. A bill to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to clarify United States citizenship status of such members, to provide trust land for the benefit of the Tribe, and for other purposes (Rept. 105-706, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3055. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National park, and for other purposes; with an amendment (Rept. 105-708, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged from further consideration. H.R. 3654 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3903 referred to the committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Ways and Means discharged from further consideration. H.R. 4005 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Banking and Financial Services discharged from further consideration. H.R. 4275 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 4283 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2314. Referral to the Committee on the Judiciary extended for a period ending not later than September 18, 1998.

H.R. 3055. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 9, 1998.

H.R. 3903. Referral to the Committee on Commerce extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTMAN (for himself, Mr. BARRETT of Wisconsin, Mr. GINGRICH, Mr. Hastert, Mr. McCollum, Mr. Souder, Mr. Underwood, Mr. Ballenger, Ms. Granger, Mr. Hobson, Mr. Lewis of Kentucky, and Mr. Mica):

H.R. 4550. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, Small Business, Transportation and Infrastructure, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4551. A bill to amend section 16 of the United States Housing Act of 1937 to prohibit occupancy in public housing by, and rental assistance under section 8 of such Act for, any person convicted of manufacturing or producing methamphetamine on the premises; to the Committee on Banking and Financial Services.

By Mrs. CAPPS:

H.R. 4552. A bill to provide grants to certain local educational agencies to provide integrated classroom-related computer training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mrs. ROUKEMA:

H.R. 4553. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4554. A bill to reform Federal land management activities relating to endangered species conservation; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4555. A bill to amend the Endangered Species Act of 1973 to reform provisions relating to liability for civil and criminal penalties under that Act; to the Committee on Resources.

By Mr. THOMAS:

H.R. 4556. A bill to amend the Endangered Species Act of 1973 to reform the regulatory process under that Act; to the Committee on Resources.

By Mr. FAZIO of California:

H. Res. 530. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. RADANOVICH:

H. Res. 531. A resolution calling upon William Jefferson Clinton to immediately resign the Office of President of the United States; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. Oxley, Mr. Deal of Georgia, Mr. LaHood, Mr. Sessions, Mr. Norwood, Mr. Paxon, Mr. Rohrabacher, Mr. Snowbarger, Mr. Weller, and Mr. Ballenger):

H. Res. 532. A resolution expressing the sense of the House of Representatives that the President should personally reimburse the Federal Government for the costs incurred by the Office of Independent Counsel since January 26, 1998; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Res. 533. A resolution expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, the People's Republic of Kampuchea, and the State of Cambodia); to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. UPTON introduced a bill (H.R. 4557) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EMBARCADERO; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. Sandlin.

H.R. 218: Mr. Inglis of South Carolina and Mr. Spence.

H.R. 372: Mr. Kucinich.

H.R. 611: Mr. Baesler and Mr. McHale.

H.R. 1050: Mr. Hinojosa.

H.R. 1215: Ms. Millender-McDonald.

H.R. 1531: Mr. Miller of California.

H.R. 2701: Ms. Christian-Green and Mr. Martinez.

H.R. 2761: Mr. Blumenauer.

H.R. 2840: Mr. Gekas.

H.R. 2912: Mr. Fox of Pennsylvania.

H.R. 2938: Ms. Granger.

H.R. 3008: Mr. McIntyre.

H.R. 3248: Ms. Granger, Mr. Herger, and Mr. Bunning of Kentucky.

H.R. 3514: Mr. Cardin.

H.R. 3567: Mr. Barrett of Wisconsin.

H.R. 3622: Ms. Christian-Green, Ms. Sánchez, and Mr. Ford.

H.R. 3632: Mr. Hyde, Mr. Horn, and Ms. Pryce of Ohio.

H.R. 3634: Mr. Hill, Mr. Buyer, Mr. Gordon, Mr. Tauzin, Ms. Eddie Bernice Johnson of Texas, and Mr. Riggs.

H.R. 3636: Mr. Meeks of New York.

H.R. 3734: Mr. Metcalf.

H.R. 3779: Mr. Barton of Texas, Mr. Stark, Mr. Wise, and Mr. Kind of Wisconsin.

H.R. 3831: Mr. Dixon.

H.R. 3899: Mr. Greenwood, Mr. Aderholt, Mr. Ehrlich, Mrs. Fowler, Mr. Bereuter, Mr. Jones, Mr. Diaz-Balart, Mr. Gordon, Mr. English of Pennsylvania, Mr. Baldacci, Mr. Inglis of South Carolina, Mr. Smith of Oregon, Mrs. Myrick, Mr. Cunningham, Mr. Peterson of Pennsylvania, Mr. Hall of Texas, Mr. Bachus, Mrs. Roukema, Mr. Pickering, and Mr. Bliley.

H.R. 3905: Mr. Chambliss, Mr. Gekas, Mr. McIntosh, and Mr. Kingston.

H.R. 3985: Ms. Hooley of Oregon.

H.R. 3991: Mr. Wamp.

H.R. 3995: Mr. Serrano.

H.R. 4031: Mr. Stokes and Mr. Clyburn.

H.R. 4032: Mr. Neumann.

H.R. 4122: Mr. Luther.

H.R. 4175: Mr. Torres, Mr. Bonior, Mr. Thompson, Mr. Vento, and Mr. Gutierrez.

H.R. 4182: Mr. Sandlin.

H.R. 4184: Mr. Sandlin and Mr. Blumenauer.

H.R. 4185: Mr. Sandlin, Mr. Blumenauer, and Mr. Pomeroy.

H.R. 4198: Mrs. Wilson.

H.R. 4235: Mr. McGovern, Mr. Faleomavaega, and Mr. Foley.

H.R. 4258: Mrs. Kelly, Ms. Danner, Mr. Redmond, Mr. Horn, and Mr. Mica.

H.R. 4275: Mr. Watkins and Mr. Spence.

H.R. 4283: Mr. Meeks of New York and Mr. Clyburn.

H.R. 4300: Mr. Burton of Indiana, Mr. Houghton, Mr. Barton of Texas, and Mr. Walsh.

H.R. 4339: Mr. Fox of Pennsylvania, Ms. Rivers, Mr. Lampson, and Mr. Underwood.

H.R. 4353: Mr. Manton.

H.R. 4355: Mr. Clyburn.

H.R. 4404: Mr. Bryant, Mr. Martinez, Mr. Pickering, Mr. Underwood, and Mr. Wamp.

H.R. 4474: Mr. English of Pennsylvania.

H.R. 4489: Ms. Woolsey.

H.R. 4495: Mr. Etheridge.

H.R. 4531: Mr. Frost, Ms. Waters, Mr. Davis of Illinois, and Mr. Etheridge.

H. Con. Res. 70: Mr. Moran of Virginia.

H. Con. Res. 114: Ms. Kilpatrick.

H. Con. Res. 239: Mr. Moran of Virginia.

H. Con. Res. 274: Mr. Ford, Mr. English of Pennsylvania, Mr. Sherman, Mr. Cook, Mr. Matsui, Mr. Adam Smith of Washington, Mr. Dixon, Ms. DeLauro, and Mr. Snyder.

H. Con. Res. 306: Mr. Cook.

H. Con. Res. 325: Mr. Chabot, Ms. Dunn of Washington, and Mr. Adam Smith of Washington.

H. Res. 96: Ms. Millender-McDonald.

H. Res. 135: Ms. Slaughter.

H. Res. 460: Ms. Carson, Mr. Olver, Mr. Gibbons, Mr. Spratt, Mr. Coyne, Mr. Fox of Pennsylvania, Mr. McDermott, Mr. Snyder, Mr. McNulty, Mr. McHugh, Mr. Evans, Mr. Etheridge, Mr. Frelinghuysen, and Mr. Ortiz.

H. Res. 519: Mr. McKeon.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4006: Ms. Roybal-Allard.

SENATE—*Friday, September 11, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, Sovereign of our Nation, our Help in ages past and our Hope for years to come, we praise You for the gift of prayer. You have given us prayer to share with You what is on our minds and hearts and to listen for Your guidance.

Holy God, heal our land at this crucial time. Help all of us to examine our own lives and renew our commitment to integrity and moral purity. Bring America back to You. Beginning with each of us, ignite a spiritual renewal that sweeps across our land. You are a God of judgment and grace.

Be with the President. Enable Your healing reconciliation in his marriage and family. Guide the Members of Congress charged with the responsibility of seeking what is best for our Nation in this crisis. Lead and inspire them as they seek to know and do Your will. We commit these decisive days to Your care. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the able Senator from Utah, is recognized.

Mr. HATCH. Thank you, Mr. President.

SCHEDULE

Mr. HATCH. Mr. President, this morning there will be 30 minutes of debate prior to a rollcall vote on a motion to invoke cloture on the motion to proceed to the child custody protection legislation. If cloture is not invoked and if an agreement has not been reached with respect to the bankruptcy bill, there will be an additional 30 minutes of debate prior to a cloture vote on the Grassley substitute to the bankruptcy bill. If cloture is not invoked on that measure, it is expected that the Senate will resume consideration of the Interior appropriations bill.

Members are encouraged to come to the floor to offer and debate amendments to the Interior bill in an effort to make progress on this important legislation. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at 10 a.m. As a final reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the leadership time is reserved.

CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. is equally divided between the Senator from Michigan, Mr. ABRAHAM, and the Senator from Vermont, Mr. LEAHY, or their designee.

Mr. HATCH. Mr. President, time is very limited this morning, so I will be brief.

We are voting shortly on cloture on a Motion to Proceed. In other words, Senators will be deciding whether or not we can simply consider this important measure.

We all know how contentious the issue of abortion can get around here, and across the country. But this matter is not really even about abortion. This bill is simply about protecting the health and safety of minor children and the rights that their own states have concluded their parents should have. Specifically, it simply seeks to enforce state laws requiring parental involvement in their minor daughter's abortion so that someone other than those parents cannot readily avoid those state laws by taking a young girl across state lines for an abortion, certainly not without the notification to their parents.

But whether my colleagues agree or disagree with this bill, or whether, like the Clinton administration, that want to modify or limit it, there is simply no reason to vote no on just proceeding to a discussion.

The concern has been expressed that there be an opportunity to offer relevant amendments. Mr. President, no one has suggested otherwise. Let's have at it. The only action that would preclude amendments is a no vote this morning.

We are prepared to debate and vote on amendments. That opportunity was available at committee and it can be worked out here. In fact, the amendments offered or filed at committee would likely be germane post-cloture even if this were a cloture vote on the bill itself, rather than a motion to proceed.

So let's not look for excuses here. I urge my colleagues to vote yes and allow us to consider this important legislation. American families—parents and their children—deserve no less.

Having said that, I want to personally pay my respects to the distinguished Senator from Michigan, Senator ABRAHAM, for the leadership he has provided on this. Without him, we wouldn't be this far. I have to say he has been a great leader on the Judiciary Committee. I personally appreciate the efforts he has made on this bill thus far. I will support him every way I possibly can.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Utah for his kind remarks and look forward to working together on this and other legislation.

At this point, I yield up to 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, the purpose of this legislation is very simple: It is to make it a crime to transport a child across State lines if this circumvents State laws requiring parental involvement or if it circumvents State laws requiring a judicial waiver for a minor to obtain an abortion. It is that simple.

Many States, as we know, have laws saying a parent or guardian has to be notified if a child is trying to get an abortion. But not all States have these laws. What is happening now, far too often in this country, is that people who aren't parents, who aren't guardians, are taking these children across State lines, secretly, to get abortions in another State where parental notification is not required. It is that simple.

What we are addressing in this bill, and what Senator ABRAHAM is addressing, is an obvious circumvention of these State parental consent and notification laws. This bill, then, has two purposes: to protect the health of children and to protect the rights of parents. In fact, it might not be much of an exaggeration to say that these two purposes really boil down to just one purpose, because, Mr. President, empowering parents is the single biggest investment we can make in ensuring the health of our children.

What we are saying with this legislation is that, yes, parents have the right to be involved in a moral and medical decision that affects their children's welfare. They have the right to do this. They have the duty to do this. When it comes to parental notification on abortion, the American people have reached a clear consensus. By a huge majority, 80 percent, favor parental notification; 74 percent favor not just parental notification but parental consent, as well—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

74 percent. This is a clear expression of the national wisdom. This legislation is an effort to make that kind of informed decision possible.

Now, earlier this year, we in Congress worked on another bill, one that is now law. In that bill, the President and the Congress mandated that the flight of a parent to another State to avoid paying child support would be a Federal crime. I worked with Senator KOHL to champion the Deadbeat Parents Punishment Act in order to protect the interests of America's children. We have to pursue very vigorously those who would harm our children, either by omission or by commission.

Mr. President, the very same principle is embodied in the Child Custody Protection Act that we are considering today.

There are those living among us, Mr. President, who would place our children in harm's way by transporting them across State lines to achieve dangerous goals, both physically and emotionally. One such goal is abortion. The right of citizens to pass and enforce laws regarding the rights of parents is completely violated by the ability of others to transport children to another State to obtain an abortion. As a Nation, we must use all the resources available to us in order to protect our children and our families from this conduct.

That is our purpose here today. Senator ABRAHAM has shown strong leadership in bringing this legislation forward. I thank him for his work on this important bill, and I yield the floor.

Mr. ABRAHAM. I yield 3 minutes to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Michigan for his leadership on this very important issue. I am here to offer my wholehearted support for him in his efforts on this piece of legislation.

Currently, 22 States require parental notification if a minor is going to receive an abortion. Each year, thousands of adults deliberately circumvent these laws by taking children across State lines to receive an abortion in another State which does not require parental consent.

This legislation would make it a Federal criminal offense to take children across State lines to receive an abortion without the knowledge of their parents. By implementing this safeguard legislation, we will insulate our children from exploitation by adults who do not want the parents involved in the decisionmaking process for an abortion, and who may not have the child's best interests at heart.

The decision to have an abortion is a critical one, which I hope women of all ages would not choose. However, despite an individual's personal opinion about abortion, the majority of Americans, myself included, believe it is imperative for the parents of minor children to be included in this life-altering decision. According to a 1996 Gallup poll, 74 percent of Americans support requiring minors to get parental consent for an abortion. According to the Supreme Court, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature." Clearly, our Nation's children should not be kept from their parents when making an important life decision, particularly one with such broad ramifications as an abortion.

I find it unbelievable that schools throughout the country are unable to dispense even a simple aspirin to a child without written consent from their parents; yet, every day thousands of adults are permitted to escort children across State lines for an abortion which has serious physical and mental effects.

This is simply preposterous. A child cannot receive over-the-counter medications like an aspirin to relieve a headache while at school, but we allow that same child to have an abortion without the consent or knowledge of their parents and guardians.

It is my firm belief that we must pass this law and stop people from bypassing the laws of our individual States. I would like to stress that this bill does not impact the individual rights of States, nor does it alter, supersede, or override existing laws in the individual States. What the Child Custody Protection Act does is protect the current laws of States which have chosen to implement parental notification. Most important, this legislation protects our children from making a life-altering decision without the guidance of their most trusted and caring advisers, their parents. The mental and physical well-being of thousands of children depends on us passing the Child Custody Act.

Mr. ABRAHAM. Mr. President, at this time, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I add my compliments to Senator ABRAHAM from Michigan for his outstanding work in crafting this professionally drafted, constitutional, and well-done amendment.

There was a recent article in the New York Times by an abortion doctor who admitted to doing 45,000 abortions. He said in that article that parents ought to be consulted in these circumstances. He said that, when someone—often some young man—takes a very young girl across a State line to a State where abortions don't require parental consent, he is jeopardizing the health of that young girl, because the parents won't even know to watch out for her health. Having had the abortion a long distance away, the girl won't be able to return to the abortion clinic for follow-up. The parents won't be watching their daughter's health and the complications that can arise. The doctor said that pro-abortion forces do themselves a disservice when they oppose such legislation as this. I think that is plainly so from a medical point of view. I think it is plainly so from a family point of view. Young toughs who have impregnated a young girl ought not to be able to avoid their responsibility by secretly taking her away to a distant place, without the knowledge of her parents. This is basic.

I was a Federal prosecutor for nearly 15 years, and during that time we had what we call the Mann Act. It prohibits the interstate transportation of a female across a State line for the purpose of prostitution or other immoral purposes. That is a law that has been upheld repeatedly by the Supreme Court. This bill will be upheld by the Supreme Court. It is consistent with American law. I am amazed that we can't even get the bill up for a vote and that there are people opposing it.

I thank the Senator from Michigan for his leadership.

Mr. ABRAHAM. Mr. President, because the first 4 minutes of this debate was lost due to other business before the Senate, I ask unanimous consent that we extend the time for debate an additional 5 minutes, which would move the cloture vote to 10:05.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the vote we are taking today regarding the Child Custody Protection Act. I will vote to invoke cloture on the motion to proceed to consideration of this legislation because I believe it is an issue that merits consideration by the full Senate.

Based on my conversations with Pennsylvanians throughout the Commonwealth in recent weeks, I am well aware of the strong views on either side of this issue. It is the responsibility of the Senate to deliberate over proposals concerning matters as complicated as an individual's right to an abortion, particularly when minors are involved and there are substantial State interests at stake as well. While I am troubled by some of the implications of this bill, I believe it is important that this is debated by the entire body, not just the Judiciary Committee.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken out of the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased that the chairman of the Senate Judiciary Committee, Mr. HATCH, and also my good friend from Michigan, Mr. ABRAHAM, have said that the majority is prepared to debate and vote on amendments to this bill. I know that a number of my colleagues want to bring amendments that are also important for the health and safety of American families and children.

I have some concerns, as I have expressed to the Senator from Michigan, on the overall bill. But with the assurances that we are going to have debate—I am not talking about dilatory debate, I am talking about real debate and amendments—I am prepared to take Senator HATCH and others at their word and proceed to this bill and work through it.

Having said that, I have some difficulties with aspects of the bill. I note for my colleagues that those difficulties go to particular constitutional and legal issues, not to the underlying concerns the Senator from Michigan has expressed.

The Senator from Michigan has expressed some very real concerns, many of which I share. He has done it in a way that shows a deep, heartfelt concern, a concern of conscience, and I applaud him for that. We will work through these particular things in the same way. As the Senator from Michigan knows, I did not take steps to delay this bill from coming out of committee. This bill deserves to have a vote. We deserve, some of us, and probably both sides, to have a vote on some of the amendments. We will do that.

I will urge my colleagues to vote to move forward with this bill.

I yield the floor.

I see nobody on our side looking for further time. I will yield, if this will help the Senator from Michigan, the remainder of my time to him, with the understanding that if somebody comes up I am sure he will take care of their time.

Mr. ABRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, first, I thank the Senator from Vermont for his remarks both here as well as in the committee when we dealt with this issue. I think he and other members of the other side on this debated in a very thoughtful fashion some of the issues at stake.

In light of his comments, it is my hope, obviously, that we will agree to this cloture motion this morning overwhelmingly, and then hopefully the Senate can begin to discuss a list of potential amendments that might be debated on it for whatever time and we would then call the bill up.

If there are others here who would like to speak at this point, I yield to them some time. I see there is one request.

Let me yield to the Senator from Pennsylvania for 1 minute to comment on the legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. Now that the Senator from Vermont has agreed to support the motion to proceed—that is heartening—we can now get to this.

I came here to plead that we at least be given the opportunity to discuss this issue. On this bill, while it is obviously important to the entire country, the case which has been highlighted, which is the one that is the most disturbing, is the case from Pennsylvania of a horrible situation where a young girl 12 years old was raped by a boy 18, was given alcohol, and was impregnated while she was unconscious. The stepmother of the boy, without the knowledge of the little girl's mother, took her across the State line to have an abortion.

In fact, there are a series of false pretenses, which I will outline in the debate that we hope now to have on the full bill. It shows how this law is necessary to protect the rights of parents, and the State of Pennsylvania wants to protect them. The State of Pennsylvania has a law in place that says you need parental consent. Parents in the State believe they should be able to rely upon the law, that they should be able to have that right that the State of Pennsylvania suggested that we have, that the people of Pennsylvania should have their laws honored, and that people, by crossing State lines, should not be able to evade what is the law within Pennsylvania. This is less an abortion issue than it is a State rights issue.

As Senator DEWINE mentioned in his debate, we have done things just recently with child support to get better enforcement of State decisions across State lines to protect children and to protect families. This is just another instance where we should do that—protect the rights of parents and protect the rights of children within the borders of the State, as the State legislatures and Governors have enacted laws to do so.

I commend the Senator from Michigan for his work to fight through the Judiciary Committee and to get this bill to the floor, and to now get it to a point where hopefully we can begin the debate and we can begin to move forward with the debate of these amendments.

I understand States rights and enforcing State laws is an important issue that we debate here often in the Congress. But there is none more important, as far as I am concerned, than to protect the lives and health of children and the rights of parents. That is exactly at the heart of this legislation. I congratulate the Senator.

Mr. ABRAHAM. Mr. President, I thank the Senator from Pennsylvania for his support as well as for his work on a number of other related issues, including the one we will be debating here soon for the Senate. He has given leadership in a variety of areas—especially in the area of abortion rights, which has been, I think, a source of great strength to people who care deeply about this topic. We look forward to working with him later this week on a related matter that will come before the Senate.

In light of the current floor situation, I don't think there will be other speakers joining us. I intend to make a few remarks now, and, at the end of that time, if no one else has come to the floor to speak, I will yield back the remainder of the time that has been afforded me by the minority and seek unanimous consent that we vote as originally planned.

In light of Senator LEAHY's comments, it seems that probably the motion to proceed will receive enough votes for cloture and then we can begin moving forward.

As I said in my remarks to the Senate yesterday, this is an issue that would seem to me to be one that people, regardless of their view on the underlying issue of abortion rights, could agree on; that is, that the Supreme Court of the United States has deemed it to be constitutional for States to enact parental involvement statutes—parental consent or parental notification statutes. Based on that decision, about 22 States have enacted such laws. The families in those States, the parents in those States, and the children in those States have a right to rely on those laws. Those laws have been enacted to protect young women who are minors who might consider an abortion. The reason for that is very simple.

The abortion procedure is a serious medical procedure. The consequences of that procedure are very serious. There is no one in a better position, particularly with extremely young women, to know about their health considerations better than the parents. Of course, there are certain instances where parents may not be appropriate because of abusive situations. The States have addressed that. And the courts have permitted States to address that with bypass procedures and other mechanisms to allow young women to have options in those rare instances. But other than in those rare instances, these laws make sense. I think an overwhelming percentage of Americans support them.

The problem is that these laws lack forcefulness. It is possible to circumvent them very easily by simply transporting the child across a State line for an abortion. Our legislation is simply an effort to clarify which laws would apply in the new jurisdiction where that abortion might be performed. This legislation says that the laws of the States which have enacted parental consent laws still have meaning, still have consequence, and the families in those States still have the ability to rely on those laws.

I cited yesterday on the floor the case that was presented in our hearings of Joyce Farley who was victimized by just such a situation—the Senator from Pennsylvania just alluded to it—where her 12-year-old daughter was raped by a neighbor, became pregnant, and then, in an effort to try to cover up that act, the neighbor's parent drove the child out of Pennsylvania, where parental consent laws are required, to the State of New York, where they had the abortion performed, falsified documents pretending she was the mother, brought the child back to Pennsylvania, and left her 30 miles from home in a very, very serious state of health. The child became very sick, finally got home, and finally told her mother what had happened. Only because her mother was a nurse was proper medical attention at that point applied and the little child's life saved.

This doesn't, in my judgment, seem to me to be a situation where we can simply allow this to continue. For that reason, our legislation is aimed not at changing the underlying abortion laws of States, not at changing or in any way enhancing the parental notification laws, but simply saying that where the laws exist, they have to be enforced regardless of where the child is taken for an abortion. That is what the purpose of the legislation is.

I hope today we can move forward on this motion to proceed. Then I hope we can work together, regardless of what people's position might be on the abortion question and the underlying question, to say that parents and families in these situations should be protected and shall be protected by this Congress.

Mr. President, I yield 30 seconds to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to speak in support of S. 1645, The Child Custody Protection Act.

The purpose of this act is to prohibit the transportation of minors across state lines with intent to avoid application of a state law requiring parental involvement in a minor obtaining an elective abortion.

As I imagine the fear, confusion, and perceived isolation of a minor child who learns that she is pregnant, I can think of few situations where the support and security of family is more desperately needed. Many states have enacted laws to assure that parents are involved. This bill would assure that these state laws are not easily circumvented by crossing state lines.

There is an even more sobering aspect to this issue. A significant reason behind evasion of the State's parental involvement law can be an effort to cover up statutory rape violations.

In a study of 46,000 pregnancies by school-age girls in California, researchers found that seventy-one percent, or over 33,000, were fathered by adult post-high-school men. Another study reports that 58 percent of the time it is the girl's boyfriend who accompanies a girl for an abortion when her parents have not been informed of the pregnancy.

Obviously, many of these men are vulnerable to statutory rape charges. This vulnerability provides these men with a strong incentive to pressure the much younger girl to agree to an abortion without revealing the pregnancy to the parents. Currently, a man seeking to do so can evade the law and hide his crime by driving his victim across State lines.

Opponents of this legislation argue that in some families, ideal relationship may not exist with the parents—that in families where abuse is present, for example, parental involvement would be detrimental. This concern is addressed in that judicial bypass provisions exist in every state with a parental notification requirement. These judicial bypass procedures are not onerous. A recent study of Massachusetts bypass procedure published in the American Journal of Public Health reported that only 1 out of 477 girls was refused a judicial authorization. Furthermore, the average hearing lasted less than 13 minutes.

Passing this bill will not force parental disclosure in instances where abuse exists within a family. Conversely, failure to pass this legislation could compromise parental support from the majority of families where good counsel and loving support would be provided.

Americans support the concept of parental involvement. In a 1996 Gallup poll seventy-six percent of those polled favored laws requiring the girls under the age of 18 get either parental consent or at least inform their parents before obtaining an abortion. This conviction is reflected at a legislative level by the 22 states that have enacted laws requiring parental notification.

This is not a broad piece of legislation, it has in fact been described by the media as "narrowly tailored to address a specific problem." The act does not establish a national requirement of parental consent or notification prior to the performance of an abortion on a minor under 18. Nor does it attempt to regulate any purely intrastate activities related to the procurement of abortion services. S. 1645 simply helps effectuate the policies of States that have decided to provide a layer of protection of their own residents against these dangers to children's health and safety by requiring parental involvement in the abortion decision.

Minors must not be left alone to make these crucial decisions. Abortion is a major medical procedure, highly invasive and often emotionally traumatic. There are hundreds of accounts of women who as adults, decide to undergo an elective abortion and are then plagued by profound regret, health complications and emotional trauma for having made that decision.

How much greater is the potential for a hasty and regrettable decision when the mother is herself a child who may not fully understand her options and the consequences of her choices?

I urge my colleagues to vote for cloture to proceed to this bill and to support this important legislation, and I yield the floor.

Mr. President, I know Members are anxious to get to this cloture vote. I strongly support the efforts of the Senator from Michigan and the Senator from Pennsylvania and others to deal with this important item. I commend them for their perseverance in pursuing this. I think it is important that we move forward with this and support it.

It is designed in a way to protect the rights of children, the rights of parents, and the rights of States. I urge my colleagues to support it.

Mr. ABRAHAM. Mr. President, I note there are no other individuals on either side of the aisle here to speak at this point, and so in that the hour of 10 o'clock, which was the original time that this vote was slated to occur, has arrived and there are no other speakers, I ask unanimous consent to withdraw the most recent unanimous consent agreement that was entered into, yield back all remaining time, and proceed at this point to a vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1645, the

Child Custody Protection Act? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Kerrey
Moseley-Braun
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

The question is on the motion to proceed.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

HANDLING OF THE STARR REPORT

Mr. SPECTER. Mr. President, I have sought recognition to comment on the matters now pending before the Congress as the House of Representatives considers what to do with the Starr report. I suggest that we are guided now by the genius of the Constitution, which is the most important, most efficacious, and most brilliant document ever written as to how our country should handle the issues and the problems which we now confront.

The Constitution establishes the blueprint for what we are to do next, and that is for the House of Representatives to consider the Starr report, bearing in mind that it is a report which contains charges to which there will be a reply and, perhaps, depending upon what the House of Representatives decides, we will move to a stage of hearing evidence.

The question of evidence is one of enormous importance because that is the determinant as to establishing the facts. In our judicial system and in our congressional system, and in the system on impeachment proceedings, the facts are established by witnesses who testify as to what they have seen or observed—or generally witnessed. It may be that we will hear people who will come forward who will tell us what they saw and what they observed as witnesses, contrasted with what appears in the news media, which is hearsay—sometimes reliable, sometimes unreliable—almost universally the source is leaks, a sustained line of source material, but one which is the common parlance. But when it comes to a proceeding as in a court proceeding or as in an impeachment proceeding, it is a matter of evidence, and the rules of evidence in an impeachment proceeding may be entirely different. There are some hearsay declarations which are admissible under complex rules. There may be broader rules of evidence established. At least we come to the point of evidence as opposed to reports and as opposed to charges.

I think it is very important, as others have said on this Senate floor and as others have said in the public milieu, that we not rush to judgment but that we consider what the evidence is and make a considered judgment, and that the interests of fairness are paramount, as they have been reflected in Anglo-Saxon jurisprudence, and really improved upon in the American—the U.S. judicial system on what is due process and what is fair treatment. And deliberation is a critical part, and not rushing to judgment is a critical part.

We will see what the House of Representatives decides to do and what the House Judiciary Committee decides to do. It may be, as the constitutional procedure specifies, that the matter will be before this body and each of us in the U.S. Senate will be, in effect, a juror. It is a complex matter which portends great problems for our Government if the House takes up the matter of impeachment proceedings. It will tie up the House. If the Senate deliberates as a jury, it will obviously tie up this body. And what is not generally recognized is that the Constitution requires the Chief Justice to preside, so it ties up the Supreme Court of the United States. But the Constitution, that brilliant document, sets forth the ground rules, and we have that as, really, the strength of our American institutions to guide us in these very, very troubled times.

I think it is very important that the Senate, and the House, too, focus on very important legislative matters which have come before us in the course of the balance of September. Those are the appropriations bills which fund the Federal $1.7 trillion budget. I have the privilege to serve as chairman of the Senate appropriations subcommittee which has jurisdiction over the Department of Education, the Department of Health and Human Services, and the Department of Labor. Traditionally, this bill has been left to the end because it is so contentious. Senator HARKIN, the ranking Democrat, and I have conferred and have formulated a plan to try to bring our bill to fruition early on this year. If we wish to get something done—something I learned a long time ago in the Senate is that if you want to accomplish what is in the public interest, we have to cross party lines to do it. Senator HARKIN and I have worked on that line.

Our staffs did an excellent job in pushing ahead on an expedited basis to prepare a subcommittee report during the month of August, and on the second day that we were back, September 1, a week ago Tuesday, the subcommittee acted, and then, under Senator STEVENS' leadership, the full committee acted on Thursday. So the bill, appropriations for Labor, Health, Human Services and Education, is now ready to come to the floor. The distinguished majority leader has stated that our bill can be considered immediately after the Interior bill, so that we do not wait until the very end of September. But Senator LOTT has articulated a fair admonition, that if the bill becomes cluttered with so-called killer amendments or becomes highly politicized, that we cannot keep the bill on the Senate floor but it will be taken down. I think that is a fair consideration. So we have our own institutional prerogatives. It goes without saying sometimes politics dominates what happens on the Senate floor, but it is our hope that we will be able to avoid killer amendments and will be able to proceed to consider the merits of the bill.

Senator HARKIN and I have discussed this with the distinguished minority leader, Senator DASCHLE, who is sympathetic to our point of view and, without making commitments, has stated he would like to see that proceed. We discussed the issue of time limits, and I have already started to talk to Senators who have amendments where we can consider a time agreement, an hour equally divided or perhaps an hour and a half equally divided, so that we take up issues which have to be debated and have a resolution of them, hopefully omitting the highly politicized matters where there is going to be deadlock and which might require that the bill be taken down.

Our subcommittee has had a good working relationship with the House. We worked through with Congressman PORTER, the subcommittee chairman on the House side, my counterpart, and with Congressman LIVINGSTON, the chairman of the full committee. It is our realistic hope, realistic expectation, that we can work through the process there.

I had a chance to discuss the matter previously with the President—yesterday. It was an event in the White House, where Pennsylvania was a recipient. As is the custom, I received an invitation to attend, and did so, and had a chance to talk for a few moments with the President about this bill, Labor-HHS-Education. The President stated that he thought our Senate bill was a significant improvement over what has come out from the House Appropriations Committee. I pointed out that, while it did not have everything the President had asked for, it was important to focus on the fact that the bill was $1.9 billion short of what the President had projected on income because we do not have the receipts from the tobacco bill, which was never acted upon, and we did not have the user fees, which had not been authorized.

Senator HARKIN and I, then, earlier this week, took a rather unusual step of convening a meeting of governmental affairs people, also known as lobbyists, who have an interest in this bill, especially those who have increases, as we have significant increases on the National Institutes of Health, Head Start, and the National Labor Relations Board, in order to secure their assistance. Because, if we go to a continuing resolution, then those matters will be funded at last year's level and they will not have the advantages of the additions. So there is some very keen potential interest on their part seeing this bill move. Our request to them was to exercise their best efforts—they have a lot of contacts in the Senate, the House and the White House—to help us move the bill.

So I speak about this subject at some length, although I think not at excessive length here today, to urge my colleagues to focus on the appropriations process and not to be distracted by what is happening with the Starr report and the collateral problems which our country faces at this moment.

One of our colleagues said last week that when the Starr report hit, those issues were au courant in Washington, that it would suck all the oxygen out of every room in Washington, DC, which is a dramatic characterization, but one which I think is realistic; sucking all the oxygen out of every room in Washington, so that that is the sole focus of attention. From the conversations in the Cloakroom and on the floor, that is a realistic problem.

I do believe we have to maintain a focus on these appropriations bills which are so important, as we look to what is going to happen with the National Institutes of Health in cancer research, Alzheimer's, Parkinson's, et cetera, what happens with education on increases for Head Start, guaranteed student loans, what happens on worker safety. We are going to push very hard to bring forward our bill, hopefully next week, and debate the issues under time agreements to let this body work its will and try to work the matter through the House and then through the White House and then take up the other appropriations bills, so that while we have this grave national problem which we have to consider at the same time, we do not lose focus that September is the critical month for appropriations bills.

I ask all of my colleagues who anticipate amendments for this bill to let us know at an early date so that we can make a decision on what might be accepted, what might be compromised, or what might be subjected to time limits so that notwithstanding the problems which the President faces and which, in turn, the country faces, that we can focus on the appropriations process and complete the people's business during the month of September.

I thank the Chair and yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Act, which is S. 1645.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SPENDING BILLS

Mr. GREGG. Mr. President, there are three issues which I think we need to be thinking about addressing as we move into the end of this session. The first is an emergency spending bill which is coming at us and how we pay for that.

Traditionally, emergency spending bills have been paid for outside the budget process. We have worked very hard, however, as a Congress and as a country to get our budget in balance. It has not been an easy task. It has taken us 29 years to get the budget in balance. This year we will have a $60 billion surplus, and that surplus is projected to continue for a number of years into the future. But that surplus will be quickly frittered away if we add new spending programs that are not paid for, or if we arbitrarily increase the spending of the Federal Government in programs that already exist without looking at our budgeting process.

The emergency supplemental, as well meaning as it is intended to be, represents, in my opinion, and raises the issue of how we are going to maintain our surplus and threatens that surplus.

Since 1993, we have had $37 billion of spending under emergency bills. That is $37 billion that has been spent outside the budget process and has essentially added to the deficit, or in the case of this year, reduced the surplus.

This year, the emergency supplemental is being talked about as a rather huge bill. In the past, since 1993, the average of those bills has been somewhere in the vicinity of $5 billion or $6 billion. But now we are talking about an emergency supplemental of—I have heard a number as high as $20 billion. But anything in the range of even $10 billion or $15 billion would be a huge number and would significantly reduce the surplus unless it was offset.

The purpose of an emergency supplemental is to address issues which we had not anticipated which need immediate action and to do so promptly. I can agree with all those purposes, but unfortunately, the emergency supplemental process has become a process which has basically been used as a giant loophole through which we have generated new spending and, thus, are putting at risk, in many instances, our surplus as we finally reached it.

Secondly, we have to ask ourselves, From where is this money coming? In the past, we were borrowing it and creating debt, which was bad enough. This time when we fund this emergency supplemental, if it is anywhere near the range of $15 billion or $20 billion, that is all basically going to come out of the Social Security trust fund. We will be borrowing from the Social Security trust fund because this year the surplus is essentially generated by the Social Security taxes which exceed the Social Security expenses. That, in and of itself, raises huge public policy issues.

I hope that before we step into this or step off on to this road which leads to this giant loophole in our budgeting process, which generates expenditures outside of our budget caps, that we will think about the process and, hopefully, take a hard look at offsetting a significant amount of this emergency supplemental.

Much of it was anticipated. We already spent $1.5 billion emergency for Bosnia. We should have been able to anticipate it and offset it. Clearly, the situation that has occurred in the farming communities is a severe emergency, but almost every year we appear to have an emergency in the farming communities. We should be able to budget and offset it. Disaster events have become, regrettably, all too commonplace. They are severe, and they need to be responded to, but we should be able to anticipate and budget it with some sort of reserve account and be setting it off.

The only event which is truly an emergency which we could not anticipate was the blowing up of the embassies in Africa. I happen to chair the committee that has jurisdiction over that. If I were asked by the appropriating authorities, by the leadership around here to find offsets for the purposes of paying for that, I would be willing to do that, or at least some portion of that. So as to the extent that emergency has occurred, I am willing to go back and see if we can't find some ways to pay the cost of that emergency with some sort of offset, some percentage of it anyway, maybe not the whole amount, but a percentage of it.

I am simply saying in throwing up a word of caution here, before we step on to this emergency spending process without any offsets, let's look at what it will do to the budget in the outyear and what it will do to the Social Security fund and is it proper to do it without offsets. I don't think it is. Some percentage should be offset.

Second, I want to talk about caps. Caps are ways we as Congress discipline ourselves, where we say we will not spend more than this amount in any one year. That is what the emergency issue is about, as I alluded to. The emergency spending designation allows you to exceed the caps, which is an appropriate action in the budget process, but is not necessarily a fiscally sound action.

The caps are in place only for the next 2 years because we do not have in place a budget. We did not reach a budget agreement, and it does not appear we are going to reach a budget agreement this year which would extend the caps over the lifetime of the budget agreement which we reached last year with the President. Last year, we reached the balanced budget agreement, a very important act in the history of this country, which has led to the surplus, in large part, this year and will lead to projected surpluses in the future years. But that budget agreement only had caps for 3 years. It was a 5-year agreement. So we are closing in now on the point when those caps are no longer in existence and we will no longer have any fiscal discipline around here.

I intend, and I hope I will receive the support of my colleagues, to offer an amendment to whatever the emergency supplemental is to extend the caps for the last 2 years of the budget agreement which we reached with the President. I think that is only reasonable that we do that so that we can be sure that as we move forward in the future that we will have fiscal discipline here and we will stay on the glide path toward maintaining our surplus, which has been so difficult to attain and which is so important to the future of our country. That is the second fiscal point I wanted to make.

The fiscal third point I want to make is about taxes. It is obvious we are running a surplus, and, yes, that surplus is significant and there is a big demand to cut taxes, which is totally reasonable.

What is a surplus? It basically means people are paying more in taxes than we are spending in Government. So whose right is it to get the money back? It is the taxpayers' right to get the money back.

So we should be looking at a tax cut. There are lots of different discussions around here looking at what the tax cut should be. But in looking at this tax cut, we have to look at where the revenue is coming from.

Revenues for this surplus are coming from the Social Security tax. They are not coming from the general revenue tax. They are not coming from the income tax or the corporate tax or a variety of fees that we charge as a society, as a Government. They are coming from the fact that people are paying more into the Social Security trust fund than the Social Security trust fund is paying out today. As a result, we are running a surplus. That is true through about the year 2001 or maybe even the year 2002, that the surplus of this Government as it is projected will be primarily a Social Security trust fund surplus.

So when we are looking at a tax cut around here, I think we ought to look at the people who are paying the taxes. That would only be logical. People who are generating the surplus should get the return of the taxes. And that should be the Social Security taxpayer.

More importantly, there is no more regressive tax that we have on the books than the FICA tax. It is paid across the board. It is paid by everybody. No matter what your earned income is, you pay the FICA tax at the same rate. It is a regressive tax by any stretch of the imagination. No deductions, no exemptions, you pay it. Thus, if we are looking for a place to cut taxes which would benefit the most Americans and be the fairest place to cut taxes, we should be looking at cutting the Social Security tax.

So as we move down the road to the discussion on tax cuts, let us take a hard look at cutting the FICA tax, returning to the American people more of their tax dollars through a FICA tax cut. In doing that, we ought to also be looking at increasing the savings of the American people and trying to make the Social Security system more solvent in the outyears.

One way to do that is a proposal that I put forth with Senator BREAUX. And a number of other people have talked about it in different machinations—including Senator MOYNIHAN, Senator GRAMS, Senator DOMENICI, Senator KERREY—to take the tax cut and put it into a personal savings account which would be owned by the individual who pays the taxes; and it will be their money, they will have it as an asset, and it will be available for them when they retire. I hope we will consider that as an option also.

So as we move into this tax cut debate, I intend to raise this whole issue. And I believe we should raise this whole issue of where the taxes are coming from and who appropriately should be getting a tax cut.

I ask unanimous consent for another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So three things we need to be concerned about are, first, as we step into this emergency spending water, let us be careful about where the money comes from, let us look at an offset; second, let us get those caps extended so we can have sound fiscal policy throughout the 5 years of the balanced budget agreement we reached with the President; and third is, we look at a tax cut, let us have a tax cut that flows back to the people who are paying the taxes, those folks who are paying Social Security taxes.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that I be permitted to proceed for—I will not say a specific period of time, I simply say that I will yield the floor any time our leader or anybody working on the bankruptcy bill asks me to. I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET US RESERVE JUDGMENT ON IMPEACHMENT

Mr. BUMPERS. Mr. President, I had not intended to discuss the subject of the hour this morning, and I will only do so briefly and, hopefully, not in a controversial way. I heard the Senator from Pennsylvania pleading with people to reserve judgment. And I simply want to echo what he said. These are very traumatic times for this country. And I would say, despite the trauma the country is experiencing over the apparently possible impeachment of the President, we still have a tremendous amount of work to do in the U.S. Congress, and the American people have a right to expect us to do that business before we leave here.

While it is more gratifying, I suppose, from a political standpoint, as well as from a personal standpoint, to immerse ourselves in the Starr report, we still have so much very serious, important work to do here, and I would be willing to suggest that we should come back after the election if necessary to deal with some of these things.

Having said that, let me say that the President will respond in time to the Starr report, I am sure. He is entitled to be heard. The American people are entitled to an objective, nonpartisan deliberation based on the facts.

As a former trial lawyer, I have gone before jurors who I had a sneaking suspicion had made up their mind before I got to make my opening statement. And I can tell you, it is a very queasy feeling. I have tried cases when, in my own mind, I was satisfied that the jury had made up its mind before the case was tried, before they heard the evidence, despite what we lawyers call voir dire examination, where you ask the jurors: "Do you have any preconceived notions about this case?" All of them said no. And I did not come to that conclusion that they made up their mind before they heard the evidence just because I lost, it was based on other things.

The American people have an inimitable, innate sense of fairness. The vast majority of the people in this country want, expect, and have a right to know that this whole situation is going to be considered in a very dignified way in accordance with the process.

This should not be—and I do not think it will be a political witch hunt. And I want to compliment the people in the House whom I have watched in the Rules Committee and in the Judiciary Committee, and the Speaker of the House, in their admonitions to their own Members about this being a very solemn, somber time in the history of this country and we must treat it with the seriousness it deserves. This is not one of those "let's give them a fair trial and string them up" kind of hearings.

So as an English philosopher once said, "There's nothing more utterly impossible than undoing that which has already been done." Whatever the President's sins, they have been done. So far as anybody much knows at the present, the American people know what those sins were, his indiscretions, what he described as "indefensible."

So the question before the House will be whether or not any or all of those things combined reach the threshold that the Founders intended in the Constitution; and that is, we know it is not treason and it is not bribery, and the next question will be: Does it reach the threshold of high crimes and misdemeanors?

The President has admitted, as far as I know, virtually everything. So he has bared his soul to the American people and pleaded for their forgiveness, as he did this morning before a prayer breakfast.

So, Mr. President, while I did not come over here to speak on that, I just wanted to add my comments to those of the Senator from Pennsylvania, Mr. SPECTER.

And I would also like to say that when I talk about the work we have yet to do here, I am talking about issues of health care, I am talking about issues of the environment, and I am talking about issues of education. I am not trying to make a comparison, but what I am saying is that morality is often like beauty, it is in the eye of the beholder.

There has been an awful lot said about the President sacrificing his moral authority. And I would simply remind people—and this is not intended to be defensive—I would simply remind people that allowing children to go without health care is immoral, too, in this Senator's opinion. And abusing the only planet God gave us to sustain ourselves is also immoral.

Probably next Tuesday, The Senate will debate a provision included in the Interior Appropriations bill that would prevent the Secretary of Interior from being able to strengthen the environmental rules determining how the giant mining companies of this country will mine gold, silver and so on from our public lands. Most people don't know it, but we mine gold through a process called heap leach mining. And do you know what we use? Cyanide. I am not saying it is immoral to use cyanide, but I am saying it is immoral to block regulations determining how you are going to use cyanide to keep it out of rivers, streams and the underground water supply. That is what the amendment on Tuesday will be about.

I put in the category of being immoral to say the Secretary of the Interior must wait and let somebody else do a study before he can protect the environment. Last year, we had a handshake deal on this subject—we agreed not to procrastinate and delay Interior Department regulations any longer. Now, this year we have to have the National Academy of Sciences study it—postpone it for another 27 months. At the end of that, the mining industry will probably want the National Organization of Women to study it. After that, they will want NASA to study it —anything to keep from facing up to despoiling the only planet we have to sustain our children and grandchildren. As I say, morality takes a lot of forms.

TAX CUTS AND SAVING SOCIAL SECURITY

Mr. BUMPERS. Mr. President, I also wanted to discuss another matter of significance. We are going to technically have a budget surplus this year. Nobody knows how much it will be. The CBO has estimated the surplus will be somewhere between $50 and $63 billion. They have projected $1.4 trillion in surpluses over the next 10 years. We need to keep in mind that estimates are just that—estimates. When you consider the fact in the last 60 days, $1.9 trillion has been lost on the stock exchanges of this country, you tell me how you would evaluate that study that was made about 4 months ago that we are going to have a $1.4 trillion surplus over the next 10 years. The surplus may hold up this year and we may get a surplus next year, because an awful lot of people are bailing out of the market.

But when we talk about a surplus, it has been said time and time and time again on the floor of this Senate, it is not really a surplus. I don't know why in the name of God we keep calling it a surplus when it isn't. But for the sake of argument, because this is the way we do it here, let's assume we will have a $50 to $63 billion surplus this year. But let me add this caveat: $100 billion of that is the excess in the Social Security Trust Fund. You take the Social Security excess out and we will have a $40 to $50 billion deficit.

Now, having set the stage for whoever may be listening to this argument, we are effectively looking this fall for a surplus, and every dime of it will come from the Social Security Trust Fund. Then I pick up the paper this morning and I see where there is a move in the U.S. Senate to go ahead with a tax cut after all. I don't know whether what I read this morning is true or not, but I have applauded our Budget Committee chairman in the past because he has steadfastly been opposed to tax cuts this year. But this morning I read that maybe he is about ready to sign off on an $80 billion tax cut. I want to say this: There is an unassailable argument that can be made, that we are cutting taxes for some of the wealthiest people in America and it is coming right out of the Social Security Trust Fund.

If you put $100 billion that we collected in Social Security this year, in excess of what we paid out, if you take that surplus and take it off budget and put it in the Trust Fund where it is supposed to be, you have a deficit. If you leave it in, you have a surplus. It is a phony surplus. And this tax cut will come out of the phony surplus, which means it is coming right out of the Social Security Trust Fund.

Now, I would not presume to give political advice to the people on the other side of the aisle, and I can tell you that nobody ever lost a vote—normally—voting for a tax cut. In 1993, we lost control of the Senate because we voted for a tax increase on the wealthiest of Americans which brought about our current economic prosperity and renewed fiscal soundness. I said time and time again, if the Democrats had to lose control of the Senate for casting a very courageous vote that brought this country 7, 8 years of economic vibrancy, it was worth it.

I lost two of the dearest friends I had in the election of 1994 because they voted for the 1993 budget bill. We have been benefiting from it ever since, and we now find ourselves in this very happy, euphoric state. Why cannot we enjoy and leave it alone? Why do we have to keep tinkering with it? If you don't want the Social Security Trust Fund to be a vibrant fund, something that gives people who are in the workforce at the age of 25 or 30 some degree of assurance that it will be there for them, if you don't want to do that, say so.

Mr. President, do you know that under current estimates—and these estimates, as I say, are just what I say they are; they depend on the economy and they depend on a lot of things. But the Social Security Administration estimates by the year 2020, the Social Security trust fund will have a $3.7 trillion surplus. The only problem with that is 12 years later it is bankrupt. If we don't fix Social Security—we are not going to do it this year—if we don't get at it soon, and we allow ourselves to squander a $3.7 trillion trust fund, it will be one of the most callous, irresponsible acts ever taken by the U.S. Congress.

If you don't want it to go to the Social Security Trust Fund, then you just tell your constituents you are not for a tax cut; you want it to either stay in the Social Security Trust Fund or you want it to go on the national debt, which now stands at about $5.2 trillion.

We still have a vibrant economy. When you start taking money out of the Social Security trust fund to funnel into the economy, you have the remote chance of increasing inflation. You increase inflation, you increase interest rates. You increase interest rates, the buying of cars and houses goes "kerplunk." Those are simple economic principles. They are just as certain to happen as the night following the day.

Why cannot we be grateful for our prosperity? Mr. President, I vented my spleen on one of my favorite subjects this morning, and that is that I think tinkering with the phony surplus in order to provide a tax cut is not only bad economic policy, it is bad politics for those who propose it. In 1981—I am not sure I would have had the courage, except I had just been reelected, had 6 years in front of me to rectify whatever sins I committed—in 1981, I stood right here—I think I have been sitting at this desk for about 18 years—and I made the point just before we voted that if you passed Ronald Reagan's tax cuts and doubled defense spending, you were not going to balance the budget in 1984, you were going to create deficits big enough to choke a mule.

There is nothing more fun for a politician than to be able to say I told you so, so that is what I am saying. Eleven Senators voted against that. There were only three Senators who voted against the tax cuts and for the spending cuts, which would have balanced the budget in 1984; it was yours truly, Bill Bradley from New Jersey, and FRITZ HOLLINGS from South Carolina. But 11 of us voted against that tax cut and said you are going to get the deficit out of control. My precise words were: "It will be big enough to choke a mule." You will find that in the CONGRESSIONAL RECORD. And we did it. I don't know whether we choked a mule or not, but the consequences were absolutely horrendous, and remained horrendous until 1993 when we were looking at $300 billion in annual deficits as far as the eye could see.

So I am pleading with my colleagues to think about it. My voice is not persuasive on the other side of the aisle, and I know that. It is very presumptuous of me to even make this speech, and I don't intend to lecture. I am simply saying that despite what is going on here in this traumatic time in the history of this country, let's not compound that by making a terrible economic mistake. And, as I say, for some, in my opinion, it is a terrible political mistake.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kansas is recognized.

CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. BROWNBACK. What is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Protection Act, S. 1645.

Mr. BROWNBACK. Mr. President, I am a proud sponsor of the Child Custody Protection Act, which makes it a Federal offense to transport a minor across State lines to obtain an abortion in circumvention of State parental notification laws. Good laws, constitutionally-tested laws, have been enacted in over 20 States which require parental participation, or judicial involvement, in a minor's abortion decision. Yet, these same laws are flagrantly breached by nonfamily adults who secretly transport young, pregnant girls in complete disregard of her parents' knowledge or participation. I think this is wrong, and I believe most parents would agree with me.

The Child Custody Protection Act is really a family values bill which preserves the parental right to oversee their child's medical treatment of the most intrusive kind—namely, that of abortion. This bill is about choosing to support parents, rather than unrelated strangers, in their State-recognized right to care for a vulnerable, at-risk daughter. Is this too much to ask? Even ear-piercing for minors requires parental authorization, let alone this most disturbing surgical procedure.

Abortion, I believe, is in a class by itself and is unlike any other medical procedure, for both strikingly emotional and physical reasons. There is no other surgery like it, where the object is to terminate a developing human life, and the emotional repercussions can be devastating. Women who have experienced abortion are haunted by the unspeakably weighty consequences of lost life and the deep emotional conflicts this produces. Add to this terrible mix the factor of youthful vulnerability and you invite extreme emotional trauma.

Also, abortion can have unique physical consequences—rendering a young girl physically traumatized and even infertile from a bungled operation. Most alarmingly, some "absconding" adults can exhibit the extremes of irresponsibility and disregard for the physical well-being of their "charges." There are tragic examples of young women who have been plied with alcohol, raped, impregnated, and then taken across State lines for secret abortions. Some of these cases are just so horrific that one can't even really repeat them.

We simply don't want strangers interfering with this important parental responsibility, which is already protected by several States. We must honor the fact that parents have a unique legal status of in loco parentis, which is a historic common law charge to protect their child's well-being. Don't let this right be eroded by unfettered abortion activists with baseless constitutional law claims. To do otherwise is an assault against the precious institution of "family," which we prize and which has been harmed and is a fundamental foundation for our culture and this society.

Let's help, and not hinder, parents in their difficult and crucial job in an otherwise potentially disastrous situation. Let's not allow parental rights and family ties to be further eroded. Let's support the wisdom of these 20-plus States which have already done the hard work of safeguarding unwed, pregnant children by requiring parental notification. In short, let's support family values by passing this Child Custody Protection Act.

Mr. President, this is a commonsense act. If you are going to allow—and we have—parents to have the responsibility over a child in getting their ears pierced, my goodness, shouldn't we have the responsibility for a parent, or a court, to get involved if an abortion is going to take place across State lines? Shouldn't we honor these States for their efforts in the devolution of power? Shouldn't we honor those 20 States that have decided to go differently on this and require the parental notification to take place? This just makes sense throughout our constitutional system, throughout our Federal system, and throughout our family system. The foundational unit of this Government is the family. We should not further erode that responsibility. For all those reasons, I urge my colleagues to help and support in the passage of this Child Custody Protection Act.

I yield the floor, and I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senate in a period for morning business at this time?

The PRESIDING OFFICER. The Senate is on a motion to proceed on which cloture has been invoked.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak out of order no longer than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, let me say at this point that if the distinguished majority leader wishes to interrupt me at any point to offer a unanimous consent request, I will certainly be happy to accommodate him.

Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader for whatever time he may desire, and that I may then be recognized with my present rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the distinguished Senator from West Virginia for yielding.

UNANIMOUS CONSENT AGREEMENT—S. 1301

Mr. LOTT. Mr. President, let me say, first, that this agreement has been worked out. I appreciate the cooperation of all Senators with regard to bankruptcy, and I think it is fair and everybody is comfortable with it.

I ask unanimous consent that the cloture vote scheduled today be vitiated.

I further ask that the following amendments be the only second-degree amendments in order, and following the conclusion of the listed amendments the Senate proceed immediately to a vote on the committee substitute, as amended, and the Senate then proceed to the House companion bill, H.R. 3150, and all after the enacting clause be stricken, the text of S. 1301 be inserted, the bill be advanced to third reading and passage occur, all without further action or debate.

I further ask that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the following conferees on the part of the Senate. And they are Senators HATCH, GRASSLEY, SESSIONS, LEAHY, and DURBIN.

I further ask that the Senate proceed to S. 1301, under the agreement, at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask that during the consideration of S. 1301, but not before Tuesday, September 15, the majority leader be recognized to lay aside the pending business and proceed to S. 1301 and Senator KENNEDY be recognized to offer his second-degree amendment relative to the minimum wage and there be 2 hours equally divided prior to the motion to table and no further amendments be in order to the motion to table.

I further ask that if the amendment is not tabled, this agreement be null and void.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I read the list of amendments now that would be in order to the bankruptcy bill: Kennedy amendment regarding minimum wage; Durbin, relevant. It has to do with the definition of residence and cramdown and nondischarge; Sarbanes amendment regarding 800 solicitations; Feinstein amendment regarding creditworthiness; two Dodd amendments, one having to do with under 21-year-olds and one having to do with education savings accounts; Feingold amendments regarding filing fees and attorney's fees; two relevant amendments by Senator REED; one relevant amendment for Senator DURBIN; Senator GRAMM, one relevant amendment; Hatch amendments, one IP and one relevant; Senator GRASSLEY, a relevant amendment; Senator BROWNBACK, a relevant amendment; Senator D'AMATO, regarding ATM fees; Senator GRASSLEY's managers' amendment to be agreed upon by the two leaders and managers; one Lott, relevant; one Daschle, relevant; one Harkin regarding interest rates; Senator KOHL, homestead extension; and one relevant by Senator JOHNSON.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 11, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6830. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Transition to Quieter Airplanes; to the Committee on Commerce, Science, and Transportation.

EC-6831. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Shipper's Export Declaration Requirements for Exports Valued Less Than

$2,500” (RIN0694–AB71) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6832. A communication from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Financial Assistance for a National Ocean Service Intern Program” (RIN0648–ZA46) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6833. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska” (I.D. 081498D) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6834. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure” (I.D. 081898B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6835. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up” (I.D. 081998B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6836. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Illex Squid” (I.D. 082098A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6837. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures and Closure of the Recreational Fishery” (I.D. 081898A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6838. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Revised Notice of Guidelines for Determining Comparability of Foreign Programs for the Protection of Sea Turtles in Shrimp Trawl Fishing Operations” (Notice 2876) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6839. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases” (Docket 97–234) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6840. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission” (Docket 96–55) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6841. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled “Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers” (No. 559) received on September 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6842. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule regarding energy consumption and water use of certain home appliances and other products required under The Energy Policy and Conservation Act received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6843. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA” (Docket 01–98–131) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6844. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River; Correction” (Docket 11–97–010) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6845. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters” (Docket 98–SW–23–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6846. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company CF6–6 Series Turbofan Engines” (Docket 98–ANE–18–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6847. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Class D Airspace; Tustin MCAS, CA” (Docket 98–APW–19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6848. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace, San Diego, North Island NAS, CA” (Docket 98–AWP–20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6849. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” (Docket 29316) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6850. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments” (Docket 29315) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6851. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Improved Standards for Determining Rejected Takeoff and Landing Performance” (Docket 25471) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6852. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Class D and E Airspace; Crows Landing, CA” (Docket 98–AWP–12) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6853. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Collegeville, PA” (Docket 98–AEA–06) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6854. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Grand Chenier, LA” (Docket 98–ASW–26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6855. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Leeville, LA” (Docket 98–ASW–27) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6856. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Intracoastal City, LA” (Docket 98–ASW–24) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6857. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Venice, LA” (Docket 98–ASW–25) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6858. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Sabine Pass, TX” (Docket 98–ASW–28) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6859. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Grand Isle, LA" (Docket 98–ASW–29) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6860. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth K.G. Model Cirrus Sailplanes" (Docket 98–CE–51–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6861. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Industrie Model A300–600 Series Airplanes" (Docket 95–NM–200–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6862. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Communications" (RIN2130–AB19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6863. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Victoria Channel, TX" (Docket 08–98–049) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6864. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lafourche Bayou, LA" (Docket 08–98–052) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6865. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; 1998 Busch Beer Drag Boat Classic; Kaskaskia River Mile 28.0–29.0, New Athens, Illinois" (Docket 08–98–054) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6866. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Around Alone 98/99 Fireworks, Custom House Reach, Charleston, SC (COTP Charleston 98–053)" received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6867. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gloucester Schooner Festival Fireworks Display, Gloucester Harbor, Gloucester, MA" (Docket 01–98–130) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6868. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127–AH46). received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6869. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model SN–601 (Corvette) Series Airplanes" (Docket 98–NM–158–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Danville, VA" (Docket 98–AEA–12) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6871. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tidioute, PA" (Docket 98–AEA–05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6872. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fairfax, VA" (Docket 98–AEA–13) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6873. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carlisle, PA" (Docket 98–AEA–11) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6874. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Model Otter DHC–3 Airplanes" (Docket 97–CE–120–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6875. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelfugzeugbau Models K 8 and K 8 B Sailplanes" (Docket 98–CE–02–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6876. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2A MK. 111 Series Airplanes" (Docket 97–CE–111–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6877. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes" (Docket 98–NM–255–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6878. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes" (Docket 97–NM–321–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6879. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company Model 250–C47B Turboshaft Engines" (Docket 97–ANE–40–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6880. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines" (Docket 97–ANE–05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6881. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–54–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6882. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT–200 Powered Gliders" (Docket 98–CE–27–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6883. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes" (Docket 97–NM–331–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6884. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B16 Series Airplanes" (Docket 98–NM–21–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6885. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL" (Docket 98–ASO–20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6886. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation, Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction" (Docket 97–ACE–34) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6887. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbus NE; Correction" (Docket 97–ACE–32) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6888. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lawrenceville, IL" (Docket 98–AGL–2) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6889. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Remove Class E Airspace and Establish Class E Airspace; Springfield, MO" (Docket 98–ACE–20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6890. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Dallas-Fort Worth, TX" (Docket 98–ASW–42) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6891. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alteration of VOR Federal Airways; WA" (Docket 97–ANM–23) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6892. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Willits, CA" (Docket 96–AWP–26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6893. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 340B Series Airplanes" (Docket 98–NM–49–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6894. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–54–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6895. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeubau GmbH Model DG–500M Gliders" (Docket 98–CE–31–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6896. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes" (Docket 98–NM–136–AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6897. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report under the Equal Credit Opportunity Act for the calendar years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6898. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of technical data and defense services to Germany for the development of the Teledesic Satellite System (DTC 38–98) received on September 9, 1998; to the Committee on Foreign Relations.

EC–6899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on direct spending and receipts legislation within seven days of enactment (Reports 456–460); to the Committee on the Budget.

EC–6900. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Determine Endangered or Threatened Status for Six Plants From the Mountains of Southern California" (RIN1018–AD34) received on September 9, 1998; to the Committee on Environment and Public Works.

EC–6901. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Four Plants From the Foothills of the Sierra Nevada Mountains in California" (RIN1018–AC99) received on September 9, 1998; to the Committee on Environment and Public Works.

EC–6902. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Sphaericus; Exemption From the Requirement of a Tolerance" (FRL6024–2) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6903. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cypermethrin; Pesticide Tolerance" (RIN2070–AB78) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6904. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Esfenvalerate; Pesticide Tolerance" (FRL6026–5) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6905. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor; Pesticide Tolerances for Emergency Exemptions" (FRL6017–9) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6906. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosate; Pesticide Tolerance" (FRL6026–6) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6907. A communication from the Secretary of Labor, transmitting, the official report of the National Summit on Retirement Savings; to the Committee on Labor and Human Resources.

EC–6908. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; D and C Violet No. 2; Confirmation of Effective Date" (Docket 95C–0399) received on September 10, 1998; to the Committee on Labor and Human Resources.

EC–6909. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on September 10, 1998; to the Committee on Labor and Human Resources.

EC–6910. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the Report of the Review Panel and the Report of the Hearing Officer with respect to the case of Banfi Products Corp. V. United States; to the Committee on the Judiciary.

EC–6911. A communication from the Acting Assistant Secretary of Defense for Reserve Affairs, transmitting, pursuant to law, notice that the Department's report of a plan to ensure that all military technical positions are held by dual status military technicians will not be finalized before January 1999; to the Committee on Armed Services.

EC–6912. A communication from the Principal Deputy to the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the Department's report entitled "Defense Environmental Quality Program Annual Report to Congress for Fiscal Year 1997"; to the Committee on Armed Services.

EC–6913. A communication from the Director of Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Reimbursement" (RIN0720–AA37) received on September 10, 1998; to the Committee on Armed Services.

EC–6914. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Docket FV98–920–4 IFR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6915. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order" (Docket DA–98–08) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6916. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate" (Docket FV98–905–3 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6917. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Amendments to the Order" (Docket DA–98–04) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6918. A communication from the Administrator of the Agricultural Marketing

Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate" (Docket FV98–924–1 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6919. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt" (RIN1510–AA74) received on September 9, 1998; to the Committee on Finance.

EC–6920. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98–50) received on September 9, 1998; to the Committee on Finance.

EC–6921. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98–51) received on September 9, 1998; to the Committee on Finance.

EC–6922. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roth IRA Guidance" (Rev. Proc. 98–49) received on September 9, 1998; to the Committee on Finance.

EC–6923. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rate" (Rev. Rul. 98–46) received on September 10, 1998; to the Committee on Finance.

EC–6924. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans Affairs Employment Reduction Assistance Act"; to the Committee on Governmental Affairs.

EC–6925. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–418 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6926. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–419 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6927. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–421 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6928. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–422 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6929. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–426 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6930. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12–434 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6931. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. 090298A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6932. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Closure of Ocean Recreational Salmon Fisheries from Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon (I.D. 081998A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Cumulative Limit Period Changes" (I.D. 081498B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Cultivator Shoal Whiting Fishery" (I.D. 072098B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6935. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Framework 10 to the Atlantic Sea Scallop Fishery Management Plan" (I.D. 081098A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6936. A communication from the Director of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program, Program Announcement" (RIN0648–ZA39) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6937. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Report to the President and Congress for Fiscal Year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Select Committee on Intelligence, to the Committee on Rules and Administration, and to the Committee on Indian Affairs.

EC–6938. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–532. A resolution adopted by the New England Governors' Conference relative to the Medicare Interim Payment System; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2361. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes (Rept. No. 105–326).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COVERDELL (for himself and Mr. SHELBY):

S. Con. Res. 117. A concurrent resolution expressing the sense of Congress that the Secretary of Transportation should exercise reasonable judgment in promulgating regulations relating to airline flights and should rescind the directive to establish peanut-free zones on airline flights; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER LEGISLATION

• Mr. MOYNIHAN. Mr. President, today I introduce, along with my friend and colleague Senator D'AMATO, a bill that would extend the authorization for the Upper Delaware River Citizens Advisory Committee and authorize the construction of a visitors center. The Upper Delaware is a 73 mile stretch of free flowing water between Hancock and Sparrowbush, New York along the Pennsylvania border. The area is home to the Zane Gray Museum and to Roebling's Delaware Aqueduct, which is believed to be the oldest existing wire cable suspension bridge. The Upper Delaware is an ideal location for canoeing, kayaking, rafting, tubing, sightseeing, and fishing.

In 1987 the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River which called for the development of a visitors center at the south end of the river corridor. It would be owned and constructed by the National Park Service. In 1993 New York State authorized a lease with the Park Service for the construction of a visitor center on State-owned land in the town of Deerpark in the vicinity of Mongaup. This bill allows the Secretary to enter into such a lease and to construct and operate the visitor center.

Mr. President, the many thousands of visitors to this wonderful river would benefit greatly from a place to go to find out about the recreational opportunities, the history, and the flora and fauna of the river. This bill would move that process along to its conclusion. It would also continue the Citizens Advisory Council that ensures that the views and concerns of local residents are kept in mind when management decisions are made. My colleague from New York and I ask for the support of other Senators, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION FOR UPPER DELAWARE CITIZENS ADVISORY COUNCIL.

Section 704(f)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended in the last sentence by striking "20" and inserting "30".

SEC. 2. VISITOR CENTER FOR UPPER DELAWARE SCENIC AND RECREATIONAL RIVER.

(a) FINDINGS.—Congress finds that—

(1) on September 29, 1987, the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River, as required by section 704(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625);

(2) the management plan called for the development of a primary visitor contact facility located at the southern end of the river corridor;

(3) the management plan determined that the visitor center would be built and operated by the National Park Service;

(4) section 704 of that Act limits the authority of the Secretary of the Interior to acquire land within the boundary of the river corridor; and

(5) on June 21, 1993, the State of New York authorized a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for construction and operation of a visitor center by the Federal Government on State-owned land in the town of Deerpark, Orange County, New York, in the vicinity of Mongaup, which is the preferred site for the visitor center.

(b) AUTHORIZATION OF VISITOR CENTER.—Section 704(d) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended—

(1) by striking "(d) Notwithstanding" and inserting the following:

"(d) ACQUISITION OF LAND.—

"(1) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) VISITOR CENTER.—For the purpose of constructing and operating a visitor center for the segment of the Upper Delaware River designated as a scenic and recreational river by section 3(a)(19) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(19)), subject to the availability of appropriations, the Secretary of the Interior may—

"(A) enter into a lease with the State of New York, for a term of 99 years, for State-owned land within the boundaries of the Upper Delaware River located at an area known as 'Mongaup' near the confluence of the Mongaup and Upper Delaware Rivers in the State of New York; and

"(B) construct and operate the visitor center on the land leased under subparagraph (A).".•

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

THE LISA DE LAND FINANCIAL PROTECTION ACT

• Mr. BAUCUS. Mr. President, today I introduce the Lisa De Land Financial Protection Act. The bill that I am introducing would allow the families of disabled persons to keep the money that they put in trust funds to care for their family members. Individual states would have the option of whether or not to recover those funds.

Recently, Virginia De Land, a concerned Montanan contacted me regarding a problem that her family was facing. The De Land family is from Missoula, Montana. Their daughter, Lisa suffers from a genetic disease that has affected her since birth. It is called Williams Syndrome. Williams Syndrome is a rare genetic disorder that affects about 1 in 20,000 births. Those who suffer from the syndrome are missing genetic material on their seventh chromosome. They are excessively social people. They have low to normal IQ's, however they are often gifted musically and have great social interactions skills. People who suffer from Williams Syndrome are almost always extroverts.

From the time that Lisa was small, her parents wanted to be able to assume some responsibility for her healthcare. At one point the family tried to buy an annuity. In order for Lisa to qualify for programs such as medicaid and SSI, the family's lawyer advised them to disinherit Lisa. If Lisa had other money set aside for her, she would have access to medicaid. For middle income families, it is virtually impossible to support a child with a disability on their finances alone.

Self Sufficiency trust funds allow families to use money in a variety of ways. The money can be used for reasons as varied as the disabilities that individuals have. For example, if an individual has to live in a group home, money can be used to provide that person with a separate telephone in his or her room. In Montana, these trusts are great mechanisms that allow families help support loved ones. These trusts let families provide support without disinheriting a child and allow them to have ongoing participation in the healthcare process. For example, if Lisa had a self-sufficiency trust, she would still qualify for medicaid and her family would still be able to provide some assistance for her.

With the implementation of the Medicaid Recovery Act, any trust that was set up would be recovered by the federal government when the medicaid recipient turned 55, or when that person passed away. Lisa's parent's had hoped that when she no longer needed the money from the trust fund, that money would go to the rest of their children. Current law requires the Government to recover that money, denying the other children access to it. Many people with disabilities have a short life expectancy. In this case, these families would not be affected by this law. However, Lisa has a normal life expectancy and with this law, the money that is set aside for her health care will be recovered by the government.

It is important for individual states to have the option to choose whether or not these funds are recovered. Families across the country and in my home state of Montana are seriously affected by this problem. It is time to make a change in the system that will help out average families in extreme circumstances.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lisa De Land Financial Protection Act".

SEC. 2. STATE OPTION TO EXEMPT CERTAIN TRUSTS FROM THE ESTATE RECOVERY PROVISIONS OF THE MEDICAID PROGRAM.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "In" and inserting "(i) In"; and

(3) by adding at the end the following:

"(ii) At the option of a State, clause (i) shall not apply in the case of an individual who, at the time the individual received medical assistance under the State plan—

"(I) was disabled, mentally ill, or physically handicapped, as determined by the State; and

"(II) was the beneficiary of a trust established under the law of the State where the individual resided by the beneficiary, a parent, grandparent, legal guardian, or at the direction of a court for the purpose of providing or supplementing the cost of the care and treatment for the individual (including the cost of medical assistance provided under the State plan),

but only if State law provides that, upon the death of the individual, not more than 90 percent of the value of the trust may be conveyed to the heirs of the individual and that the remainder shall be donated to a charitable trust approved by the State.".●

ADDITIONAL COSPONSORS

S. 374

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 374, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1459

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1977

At the request of Mr. D'AMATO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1977, a bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

S. 2049

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator form Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2390

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2390, a bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

S. 2418

At the request of Mr. JEFFORDS, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held and Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served impositions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. MOYNIHAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

AMENDMENT NO. 2418

At the request of Mr. JEFFORDS the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of amendment No. 2418 proposed to S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

SENATE CONCURRENT RESOLUTION 117—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF TRANSPORTATION SHOULD EXERCISE REASONABLE JUDGMENT IN PROMULGATING REGULATIONS RELATING TO AIRLINE FLIGHTS AND SHOULD RESCIND THE DIRECTIVE TO ESTABLISH PEANUT-FREE ZONES ON AIRLINE FLIGHTS

Mr. COVERDELL (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 117

Whereas policies of the Federal Government should recognize that the Centers for Disease Control and Prevention has determined that 1/10 of 1 percent of the population of the United States is allergic to peanuts;

Whereas the Secretary of Transportation has issued a directive to establish peanut-free zones on domestic airline flights;

Whereas establishing peanut-free zones is an excessive regulation to that important problem;

Whereas that directive unfairly singles out 1 product while ignoring all other allergens;

Whereas that directive subrogates the rights of the 99.9 percent of the traveling public who are not allergic to peanuts;

Whereas the Secretary of Transportation states in that directive that the only danger to allergenic passengers is accidental ingestion of peanuts;

Whereas establishing a precedent for peanut-free zones in airplanes might needlessly establish allergen-free zones for all public transportation, including buses, trains, subways, and cable cars; and

Whereas the Secretary of Transportation should rescind the directive that requires major United States air carriers to reserve up to 3 rows on airplanes for people who are allergic to peanuts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of Transportation should rescind the directive pertaining to peanut-free zones on airline flights.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

LEAHY AMENDMENT NO. 3564

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. CHAPTER 11 DISCHARGE OF DEBTS ARISING FROM TOBACCO-RELATED DEBTS.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5)(A) the confirmation of a plan does not discharge a debtor that is a corporation from any debt arising from a judicial, administrative, or other action or proceeding that is—

"(i) related to the consumption or consumer purchase of a tobacco product; and

"(ii) based in whole or in part on—

"(I) a false pretense or representation; or

"(II) actual fraud.

"(B) In this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption.".

FEINGOLD (AND SPECTER) AMENDMENTS NOS. 3565–3566

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. SPECTER) submitted two amendments intended to be proposed by them to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3565

At the appropriate place in title IV, insert the following:

SEC. 4___. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.".

AMENDMENT NO. 3566

On page 53, lines 10 and 11, strike "and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified".

On page 53, line 12, after "the court shall" insert "award all reasonable costs in prosecuting the motion, including reasonable attorneys' fees, which shall be treated as an administrative expense under section 503(b) in a case under this title that is converted to a case under another chapter of this title".

On page 53, lines 12 through 14, strike "order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees".

On page 55, between lines 6 and 7, insert the following:

(b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (E), by striking "or" at the end;

(2) in subparagraph (F), by adding "or" at the end; and

(3) by adding at the end the following:

"(G) a panel trustee appointed under section 586(a)(1) of title 28 who brings a motion for dismissal or conversion under section 707(b), if the court grants the motion of the trustee and the case is converted to a case under another chapter of this title.".

On page 55, line 7, strike "(b)" and insert "(c)".

FORD AMENDMENTS NOS. 3567–3568

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3567

Strike all after "that is" on page 1, line 10 of the amendment and insert the following: "Based in whole or in part on a false pretense or representation, or actual fraud."

AMENDMENT NO. 3568

At the end of the matter proposed to be inserted, insert the following:

"Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(6) The confirmation of a plan does not discharge a debtor that is a corporation from any debt arising from a judicial, administrative, or other action or proceeding that is based in whole or in part on false pretenses, a false representation, or actual fraud."

McCAIN AMENDMENT NO. 3569

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 2559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7___. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period,", and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

SPECTER AMENDMENT NO. 3570

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7___. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section

501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act.

TORRICELLI AMENDMENT NO. 3571

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. Grassley to the bill, S. 1301, supra; as follows:

In section 722, strike "Section 901(a)" and all that follows through the end of the section and insert the following:

(a) In General.—Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

(b) Firearms Defined.—Section 101 of title 11, United States Code, is amended—

(2) by redesignating paragraphs (27) through (72) as paragraphs (28) through (73), respectively; and

(2) by inserting after paragraph (26), as redesignated by section 401, the following:

"(27) The term 'firearm'—

"(A) has the meaning given that term in section 921(3) of title 18; and

"(B) includes any firearm included under the definition of that term under section 5845 of the Internal Revenue Code of 1986.".

(c) Exceptions to Discharge.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(19) resulting from harm caused by a defective firearm that the debtor sold or manufactured.".

(d) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (22), by striking "or" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(24) under subsection (a) of this section of—

"(A) the commencement or continuation, and conclusion to the entry of final judgment, of a judicial, administrative, or other action or proceeding against a debtor relating to a claim for harm caused by a defective firearm that the debtor sold or manufactured; or

"(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.".

FEINSTEIN AMENDMENT NO. 3572

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ . HIGH DEBT-TO-INCOME RATIO CREDIT.

(a) Amendments to the Truth in Lending Act.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 109 the following:

"SEC. 110. HIGH DEBT-TO-INCOME RATIO CREDIT.

"(a) Definitions.—For purposes of this section—

"(1) the term 'high debt-to-income ratio credit' means an extension of credit in which the total required monthly payments on consumer credit obligations of the consumer (other than residential mortgage obligations, including any refinancing thereof), together with any amount anticipated to be advanced by the creditor within 30 days after the date on which the extension of credit is made, is greater than 40 percent of the monthly gross income of the consumer; and

"(2) the required monthly payment on a credit card obligation shall be calculated as 8 percent of the total principal balance or the minimum payment then due with respect to the obligation, whichever is greater.

"(b) Duty To Inquire.—A creditor that extends credit under an open end credit plan after soliciting the consumer in any manner shall, prior to extending credit, obtain a written statement signed by the consumer, in such form as the Board shall prescribe, that sets forth the information necessary to calculate whether the extension of credit being made is high debt-to-income ratio credit. A creditor may rely on such statement in making the designation provided for under subsection (c), if such reliance is reasonable in light of any other information that the creditor has concerning the financial circumstances of the consumer.

"(c) Designation of Extension of Credit as High Debt-to-Income Ratio Credit.—An extension of high debt-to-income ratio credit, as defined in subsection (a), shall be designated as such by the creditor.

"(d) Special Requirements for High Debt-to-Income Ratio Credit.—A creditor that extends high debt-to-income ratio credit to a consumer shall—

"(1) not later than 3 business days prior to making any such credit available to the consumer—

"(A) provide information to the consumer, in a form prescribed by the Board, concerning the risks and consequences of becoming overextended on credit; and

"(B) inform the consumer that the extension of credit has been designated as high debt-to-income ratio credit; and

"(2) annually compile and make available to the public for inspection and copying, in a manner prescribed by the Board, the number of extensions of high debt-to-income ratio credit made by the creditor, the median interest rate charged by the creditor on such credit, and the total amount of such credit offered and extended by the creditor.

"(e) Prohibition of Penalty Rates.—A creditor may not raise the interest rate charged on high debt-to-income ratio credit based on a default by the obligor.

"(f) Minimum Payments on High Debt-to-Income Ratio Credit.—A creditor that extends high debt-to-income ratio credit, or its assignees, may not offer to the obligor the option of making monthly minimum payments with regard to the obligation that cover less than 4 percent of the total outstanding balance, together with interest then due, at any time during the period of the obligation.

"(g) Penalties.—A creditor that fails to comply with this section shall be liable to the consumer for statutory damages of $2,000, actual damages, and costs, including attorney fees.".

(b) Treatment Under Bankruptcy Law.—

(1) Exceptions to discharge.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended by adding at the end the following flush sentence: "The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor in connection with an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.".

(2) Interest.—Section 502(b) of title 11, United States Code, as amended by section 206 of this Act, is amended—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) the claim is a claim for interest on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act, in any case in which the court finds that—

"(A) the extension of high debt-to-income ratio credit contributed to the need for the debtor to file for relief under this title; or

"(B) the payment of that claim would reduce the payments to other unsecured creditors.".

(3) Dismissal.—Section 707(b) of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

"(6) A party in interest may not make a motion under this section if that party in interest has filed a claim against the debtor that is based on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.".

(c) Clerical Amendment.—The table of sections for chapter 1 of title I of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 109, the following:

"Sec. 110. High debt-to-income ratio credit.".

FEINSTEIN AMENDMENT NO. 3573

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to amendment No. 3559 submitted by Mr. Grassley to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. 7____ . CURBING ABUSIVE FILINGS.

(a) In General.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 709, is amended—

(1) in paragraph (24), by striking "or" at the end;

(2) in paragraph (25) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(26) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order. The debtor in a subsequent case, however, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

DODD AMENDMENTS NOS. 3574–3575

(Ordered to lie on the table)

Mr. DODD submitted two amendments intended to be proposed by him to amendment No. 3559 to proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

AMENDMENT NO. 3574

Strike section 417 and insert the following:

SEC. 417. IMPROVED BANKRUPTCY PROCEDURES.

(a) IN GENERAL.—Section 707(b) of title 11, United States Code, as amended by section 102, is amended by adding at the end the following:

"(6) For purposes of determining the current income of a debtor under this subsection, funds received by the debtor's household as child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable Federal, State, and local law, and funds delivered in trust for the care and welfare of children shall not be counted as income.".

(b) HOUSEHOLD GOODS.—Section 101(27A) of title 11, United States Code, as added by section 317, is amended by striking "of a dependent child" and inserting "of the debtor or a dependent child of the debtor (including property that is reasonably necessary for the maintenance or support of a dependent child of the debtor or property generally used by children) of a value of less than $400".

(c) PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4), by inserting "365 or" before "542";

(2) in paragraph (5), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (5) the following:

"(6) any funds placed in an account established to pay for the costs of postsecondary education at an institution of higher education (as that term is used in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)) of a child who is under the age of 18 years at the time the account is established, if those funds are held in that account for a period beginning not later than 180 days before the date of entry of the order and continuing through the date of entry of the order.".

(d) CREDIT EXTENSIONS.—The amendments made by section 316 of this Act shall apply to debts incurred on or after the date of enactment of this Act.

AMENDMENT NO. 3575

At the appropriate place, insert the following new section:

SEC. ____. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

GRAMM AMENDMENT NO. 3576

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

Amendment 3559 is amended by striking section 320 and inserting in lieu thereof the following:

"SEC. 320. LIMITATION.

"Section 522 of title 11, United States Code, is amended—

"(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

"(2) by adding at the end the following new subsection:

""(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate—

(i) $100,000 in value for interest invested during the preceeding 12-month period, or

(ii) $1,000,000 in value for interest invested during the period beginning 24 months prior to the preceeding 12-month period

""(A) in real or personal property that the debtor or dependent of the debtor uses as a residence;

""(B) in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

""(C) in a burial plot for the debtor of a dependent of the debtor.

""(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.".".

BROWNBACK AMENDMENT NO. 3577

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

Strike section 320 and insert the following:

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

"(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

"(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute.".

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1998

CHAFEE AMENDMENT NO. 3578

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 1856) to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife, and for other purposes; as follows:

On page 19, line 3, insert "Community" before "Partnership".

On page 22, line 2, strike "complex" and insert "complexes".

On page 22, line 10, insert a comma after "training".

On page 26, line 2, strike "purpose" and insert "purposes".

On page 29, line 20, strike "(d) and (e)," and insert "(d), and (e)".

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

CHAFEE AMENDMENT NO. 3579

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; as follows:

On page 4, line 4, strike "plants" and insert "plant".

On page 4, line 6, strike the quotation marks and the following period.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, October 1, 1998, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Forest Service cabin fees.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Bill Lange at (202) 224-6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Friday, September 11, 1998, to conduct a markup of H.R. 10, the Financial Services Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

KIRK O'DONNELL

• Mr. MOYNIHAN. Mr. President, Kirk O'Donnell, succinctly described by Albert R. Hunt in the Wall Street Journal as "one of the ablest and most honorable people in American politics," died suddenly, much too young, this past Saturday.

He epitomized the honor and dignity to which all of us engaged in the political life of our Nation should aspire. He served for more than 7 years as chief counsel to then-Speaker Thomas P. "Tip" O'Neill, Jr. He has been active in politics even since, as indeed he was in the years before Washington too.

I knew Kirk from my earliest days in the Senate. He and his lovely wife Kathy have dined with Liz and me at our home. His cousin, Lawrence O'Donnell, served in my office for many years as chief of staff and as the staff director of the Finance Committee when I became Chairman in 1993. Our thoughts certainly are with Kathy, her children, and the O'Donnell family as they cope with this sudden, terrible news.

To begin, one must know that Kirk was a fellow Irishman and the great and indispensable achievement of the Irish is that they made it American to be ethnic. On the contribution of the Irish I have written:

> What did the Irish do? First, they stayed in the cities, remaining highly visible. Next, they kept to their faith. Thus the Roman Catholic Church became a major American institution. Then they went into politics.

Kirk O'Donnell, embodied all of these noble traits. He began his political career in 1970, working on Kevin H. White's campaign for governor of Massachusetts. That bid failed, but when Mr. White later became mayor of Boston, he hired Kirk to run the Fields Corner Little City Hall, in essence, a field station of the city hall. In the words of Speaker O'Neill, "All politics is local" and this grassroots view of Massachusetts, coupled with Kirk's astute political sense, made him an ideal choice when the Speaker needed a new counsel here in Washington.

It is then that I first came to know Kirk O'Donnell. He was an Irish-American who saw early on the danger of the financial support which some others were providing the IRA. In 1977, Tip O'Neill, Hug Carey, EDWARD M. KENNEDY, and I joined together at Kirk O'Donnell's initiative to oppose such activities. We issued a joint appeal on St. Patrick's Day, 1977, which stated:

> We appeal to all those organization engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

Now, finally, one of the oldest conflicts in Europe has the potential of healing and being resolved. A courageous agreement has been reached in Northern Ireland and is being implemented. The United States played a role in reaching this agreement. And the seeds for American support of a peaceful resolution to the conflict in Northern Ireland were sown in the late 1970's, when principled people such as Kirk O'Donnell stood up to say that violence was not the answer to this problem.

Mr. President it is with great sorrow that I have risen today to thank Kirk O'Donnell for his lifetime of public service and again to offer my sincere condolences to his family.

At this point, I ask to have printed in the RECORD the obituaries from the New York Times and the Boston Globe, as well as a tribute to Kirk O'Donnell by Albert R. Hunt, which appeared in The Wall Street Journal.

The material follows:

[From The Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND HONORABLE MAN

(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate contemporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

"He was a big oak tree of a friend," notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an "oxymoron."

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Art Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Though it may seem strange in today's Congress, he commanded real respect across the aisle. "Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment," recalls Billy Pitts, who was Mr.

O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. "But he always was a delight to be around and his word was gold."

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to refight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then-Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

Few operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. "Kirk put the whole Irish thing together," the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need of equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20s. Family values to Kirk O'Donnell wasn't a political buzzword or cliché, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but "spinning"—as in situational truths—was foreign to him. When working for the speaker or Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantially, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for $2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White House meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

Those were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the New York Times, Sept. 7, 1998]

KIRK O'DONNELL, 52, LOBBYIST AND AN AIDE TO A HOUSE SPEAKER

(By Irvin Molotsky)

WASHINGTON, Sept. 6.—Kirk O'Donnell, a lawyer and lobbyist for a leading Washington law firm and the former chief aide to former Speaker Thomas P. O'Neill Jr., died on Saturday near his weekend home in Scituate, Mass. He was 52 and lived in Washington.

A family friend, Robert E. Holland, said that Mr. O'Donnell, who did not have a history of health problems, collapsed after jogging. Mr. O'Donnell was pronounced dead at South Shore Hospital.

The White House issued a statement tonight in which President Clinton said: "Kirk O'Donnell was a gentleman and a patriot who brought wit, common sense and a genuine humanity to his public and private life. He was a very good man and has left us much too soon."

Mr. Holland, a boyhood friend of Mr. O'Donnell's and for a time his law partner in Boston, said that in his role as chief counsel to Mr. O'Neill, Mr. O'Donnell always acted behind the scenes in the Speaker's behalf, except on one issue, the running of guns to elements of the Irish Republican Army.

At the time, Irish-Americans were divided on the question of providing guns and many politicians supported groups that were shipping the weapons. The group that Mr. O'Donnell helped form to oppose the weapon shipments included Democrats like Senator Daniel Patrick Moynihan of New York, Senator Edward M. Kennedy of Massachusetts, Mr. O'Neill and Hugh L. Carey, then the Governor of New York.

Mr. O'Donnell was born in Boston and graduated from the Boston Latin School, Brown University and Suffolk Law School. He taught history at a Somerset (Mass.) High School and then took a job with Mayor Kevin H. White of Boston and ran Mr. White's successful re-election campaign.

After leaving the Speaker's office, Mr. O'Donnell was president of the Center for National Policy, a Democratic advisory group, and he was a leader in the unsuccessful Democratic Presidential campaign of Michael S. Dukakis in 1988. He was a senior partner in the Washington law firm of Akin, Gump, Strauss, Hauer & Feld.

Mr. O'Donnell is survived by his wife of 26 years, Kathryn; his daughter, Holly, and his son, Brendan, all of Washington.

[From the Boston Globe, Sept. 7, 1998]

KIRK O'DONNELL, 52; TOP ADVISER TO NATIONAL, MASS. DEMOCRATS

(By Beth Daley)

Kirk O'Donnell, 52, a prominent Washington lawyer who once worked with Boston's most colorful politicians, died Saturday after collapsing while jogging near his Scituate summer home.

Known for his morality as much as his dedication to the Democratic cause, Mr. O'Donnell entered the political world after a brief stint as a history teacher to work on former mayor Kevin H. White's failed 1970 gubernatorial bid.

He went on to serve as general counsel to US House Speaker Thomas P. "Tip" O'Neill Jr., for eight years and quickly gained the reputation in Washington as a skilled strategist and a straight-talker.

Although he held key Democratic positions that included White House adviser and former president of the Center for National Policy, Mr. O'Donnell relished quiet time with his family at their summer home in Scituate at least as much as being near the center of power in the nation's capital.

"He was politics at its best," said US Representative Barney Frank, who first worked with Mr. O'Donnell during White's gubernatorial bid. "Talented and principled, he really worked to make the world better and fairer."

Most well-known for his advice, Mr. O'Donnell was a highly sought-after adviser to the Democratic party and served in that role for former Massachusetts governor Michael S. Dukakis's failed presidential campaign in 1988.

President Clinton said yesterday Mr. O'Donnell "was a gentleman and patriot who brought wit, common sense, and a genuine humanity to his public work and private life. He was a very good man and left us much too soon."

The son of a Dorchester investment adviser and a homemaker, Mr. O'Donnell attended Boston Latin School and graduated in 1964 with a passion for history and football. At Boston Latin, he remains in the Sports Hall of Fame for his football exploits.

After graduating from Brown University, where he also played football, he was a history teacher at Somerset High School.

With the 1970 governor's race sparking a lifelong interest in politics and law, Mr. O'Donnell taught while he attended Suffolk Law School, graduating in 1975. When then-mayor White pledged to bring City Hall to the neighborhoods—literally—Mr. O'Donnell was hired to run the Fields Corner Little City Hall and worked from a trailer parked beside Town Field. There he helped residents navigate the downtown City Hall bureaucracy while studying politics and human nature at close quarters.

Years later, while serving as one of the top strategists for the Democratic leadership of the US House, he said, "If you can understand Fields Corner, you can understand Congress."

In 1975, he set up one of the first computerized voting lists for the White campaign. On the day of the election, in a Boylston Street office building, he checked every polling place in the 22 wards to see how light or heavy the turnout was in pro-White precincts. The White political organization had Chicago-sized ambitions, and Mr. O'Donnell harnessed its resources to provide telephone reminders and transportation to the mayor's supporters.

Mr. O'Donnell's encyclopedic knowledge of Boston politics brought him to the attention of Speaker O'Neill after White was re-elected to a third term.

Since the mayor had been considered vulnerable, his relatively easy victory prompted a call from O'Neill, who was seeking a new counsel to succeed Charles D. Ferris, the Dorchester native who had just been named by President Carter to head the Federal Communications Commission. The man who popularized the phrase "All politics is local" wanted someone at his side who knew the similarity between Fields Corner and Congress.

At first, Mr. O'Donnell was reluctant. He had left City Hall to start a law practice with his friend, Robert Holland. But the fabled O'Neill charm suggested to him brighter vistas in Washington than in Boston.

After the election of President Reagan in 1980, Tip O'Neill became the best-known Democrat in the nation. Mr. O'Donnell's aim was to prepare the House speaker strategically and tactically for dealing with the White House. The president's popularity made difficult the chore of holding House Democrats together.

Mr. O'Donnell, a gregarious man with a booming voice, spoke in a straightforward manner to House members, with the same determination as he did while dealing with the foot soldiers of the Kevin White organization.

After O'Neill retired, Mr. O'Donnell worked as head of a Washington think tank, the Center for National Policy, aimed at reviving the Democratic party. In conferences and seminars, he sought to focus the intellectual energy of a party that had consistently lost presidential elections while continuing its domination of Congress.

After he left the center, he was succeeded as director by Madeleine Albright, now secretary of state. An old Washington hand and a former chairman of the Democratic National Committee, Robert S. Strauss, recruited Mr. O'Donnell to his Washington law firm, Akin, Gump, Strauss, Hauer & Feld. As a senior partner, Mr. O'Donnell represented a variety of clients, from Liberty Mutual to the government of Puerto Rico.

One lasting friendship that came from his legal work was with a partner of Salomon Brothers, now Salomon Smith Barney. After Robert Rubin, now secretary of the treasury, asked Mr. O'Donnell for political advice in Washington, a close friendship developed. He also advised another Cabinet member, Secretary of Housing and Urban Development Andrew Cuomo.

Mr. O'Donnell leaves his wife of 26 years, Kathryn Holland O'Donnell, and two children, Holly of Washington, D.C., and Brendan of Scituate.

A funeral Mass will be said at 11 a.m. Thursday in Holy Name Church in West Roxbury.●

TRIBUTE TO RITCH K. EICH UPON HIS RETIREMENT AS U.S. NAVY REPRESENTATIVE TO THE ADJUTANT GENERAL, INDIANA NATIONAL GUARD

● Mr. COATS. Mr. President, on behalf of Senator RICHARD G. LUGAR and myself, I am pleased to offer this tribute to Captain Ritch K. Eich, United States Naval Reserve. Captain Eich retires in September after 30 years as a reservist, the last three of which he spent on active duty, representing the Navy in the Office of the Adjutant General of the Indiana National Guard.

Ritch Eich has been a valued member of the Indiana team since 1989, when he started work for me as a member of my Service Academy Selection Committee, screening and recommending promising Hoosier high school students as candidates for our nation's Service Academies. Three years ago, he took on the additional responsibility of serving as the U.S. Navy's Liaison Officer for the State of Indiana, working in the office of Indiana's Adjutant General. During that time, Ritch made substantial contributions to readiness planning in Indiana. He completed Disaster Preparedness Operations Plans for Indiana Naval, Marine Corps and Coast Guard facilities, and ensured a close working relationship between the Indiana National Guard and the State Emergency Management Office.

Ritch Eich's civilian job during this period was as the chief marketing, public affairs and physician relations officer for Indiana University Medical Center, where—over the course of a decade—he has helped to build a vibrant and effective health care environment for Hoosiers. According to one health care executive, Ritch had helped "define our vision, map our strategies, deliver on our promises and guide our affiliations." And for Rich, "helping Hoosiers access the best healthcare in the mid-west" was what it was all about.

In all his endeavors, Ritch Eich has demonstrated a skill and dedication that reflect great credit upon himself, the State of Indiana and the United States Navy. I feel privileged to offer this tribute to Ritch on the occasion of his retirement from the Naval Reserves. We wish him well.●

TRIBUTE TO THE 50TH ANNIVERSARY OF THE EMMY AWARDS

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize the golden anniversary of the Emmy Awards telecast from Los Angeles. For fifty years, hundreds of the nation's brightest and most popular personalities have attended this prestigious event to honor television excellence.

Beyond the captivating glow of the Hollywood spotlight, the yearly awards presentation is a celebration of California's thriving entertainment industry. Television arts and production contribute billions of dollars to the California economy, generating rapid job growth, higher income, and greater tax revenues. Entertainment's significant financial impact can be attributed to the rising television and commercial production within the state. Recent studies confirm that payrolls and payments for goods and services within the entertainment industry currently contribute over $27 billion to California's economy. The Emmy Awards confer annual awards of merit to creative arts people in the television industry, as incentive to continue supporting the economic growth in California.

Now celebrating its fiftieth anniversary, the Emmy Awards was not always so celebrated and grand. The first awards banquet in 1949 was held at the old Hollywood Athletic Club, with tickets costing a mere five dollars. With few stars in attendance, the program was not even televised nationally. The ceremony was broadcast on local station KTSL beginning at 9:30 p.m. Despite the American public's unfamiliarity with the obscure, new medium, Los Angeles Mayor Fletcher Brown declared the day of the first telecast TV Day on January 25, 1949.

Sponsor of the annual awards program, the National Academy of Television Arts and Sciences has a long and venerated history. Since its early days, membership to the National Academy of Television Arts and Sciences has flourished to more than 9,000, making it the single largest television professional association in the world. The Academy not only presents the Emmy Awards, but also hosts a program for college educators and has underwritten the Archive of American Television in an effort to preserve television's rich and detailed past.

As the Emmy's golden anniversary approaches, let us pay tribute to the award show's support of the entertainment industry and recognition of quality television programming. With 50 years of telecasts to its credit, the Emmy's have become a genuine part of American history.●

TRIBUTE TO ZACHARY FISHER, THE 1998 PRESIDENTIAL MEDAL OF FREEDOM RECIPIENT

● Mr. CLELAND. Mr. President, I rise today to honor Zachary Fisher, who on Monday, September 14, 1998 will be presented the Presidential Medal of Freedom by President Bill Clinton at the Waldorf Astoria Hotel in New York City.

The medal, which is the highest honor given to civilians by the President, is awarded annually to individuals who have made outstanding contributions to the security or national interest of the United States or to world peace, or those who have made a significant public or private accomplishment.

Zach and his wife, Elizabeth, have always felt strongly about the young men and women who serve in the U.S. Armed Forces. During WW II Elizabeth served in the USO, entertaining thousands of troops while they were away from home. Zach, unable to serve because of a leg injury sustained in a construction accident, assisted the U.S. Coast Guard in the construction of coastal defenses.

Although still active in his family's construction company, Fisher Brothers, he has devoted his time and energy to his country and bettering the lives of Americans. In 1978 he founded the Intrepid Museum Foundation, in an effort to save the historic and battle-scarred aircraft carrier *Intrepid* from scrapping. Through his efforts the vessel became the foundation of the Intrepid Sea Air Space Museum, which opened in New York City in 1982.

Through the Zachary and Elizabeth Fisher Armed Services Foundation, Zach has pledged to do all he can in support of our nation's military and their families, and to offer new opportunities to our children, such as through the educational programs at Intrepid, and as part of the Fisher House Program, to build homes for families of hospitalized military personnel.

His newest effort is the Fisher Center for Alzheimer's Research Foundation, founded in 1995 to fund research in, and work towards a cure for Alzheimer's disease. In partnership with David Rockefeller, Chairman of the Board of The Rockefeller University in New York, a new research center has been founded to help develop a cure for this debilitating disease.

Zach is also involved in many other charitable causes, including the Marine Corps Scholarship Foundation, the Coast Guard Foundation, the Navy League, the Jewish Institute of National Security Affairs, the George C. Marshall Foundation, the Margaret Thatcher Foundation, the Reagan Presidential Library, the United Jewish Appeal, and many other organizations.

In addition to this year's Presidential Citizens' Medal, Zach has received the 1995 Presidential Citizens Medal, presented by President Clinton, and the Volunteer Action Award, presented by President Ronald Reagan.

Zachary Fisher truly exemplifies what it means to be a patriotic American, and continues to strengthen our Nation and improve the lives of many Americans. Mr. President, I ask that you join me and our colleagues in recognizing and honoring Zachary Fisher on many years of worth-while work and achievements which have culminated with the honor of receiving the 1998 Presidential Medal of Freedom. Zach Fisher is truly a remarkable man and a first-rate American deserving of such an honor.●

FARM CRISIS PACKAGE

Mr. DORGAN. Mr. President, I wonder if the majority leader will entertain an inquiry.

At the conclusion of Senator BYRD's presentation, it is my intention to speak for a few moments on the agriculture crisis, and I would just like to inquire of the majority leader, who I know was supportive in July as we moved a $500 million indemnity piece out of the Senate dealing with the farm crisis, I would like to ask the majority leader if he has some interest and some intention of allowing us to work on a farm crisis package during the month of September.

The reason I ask the question, I know that the Senator from Mississippi, the majority leader, is trying to fit a lot of things into a very short window here, but I think he knows that Members on this side and the other side coming from farm country are having to deal with an enormously difficult farm crisis. We hope very much that that will become part of the agenda in the month of September. I would just inquire of the Senator as to his intentions.

Mr. LOTT. Mr. President, I will respond to the Senator that I am aware of the difficulties in the farm community in a number of States because of weather problems but also because of a number of problems involving falling prices and trade problems. It would be my intent that we act in that area before we go out at the end of this session.

I think it is important that we start on it quickly, in a bipartisan way. I am going to be working on that early next week.

Mr. DORGAN. Mr. President, that is welcome news. I appreciate the cooperation of the majority leader. We obviously are facing collapsed farm prices and as tough a time in farm country as we have ever seen. I appreciate the response of the leader.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 504, H.R. 1856.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Wildlife Refuge System (referred to in this Act as the "System"), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;

(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57; 111 Stat. 1252) significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

(3) to encourage donations and other contributions by persons and organizations to the System.

SEC. 3. GIFTS TO PARTICULAR NATIONAL WILDLIFE REFUGES.

Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended—

(1) by striking "(2) Any" and inserting the following:

"(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

"(A) IN GENERAL.—Any"; and

(2) by adding at the end the following:

"(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

"(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

"(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.".

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 2 or more national wildlife refuges or complex of geographically related refuges in each United States Fish and Wildlife Service region, but not more than 20 pilot projects nationwide.

(2) VOLUNTEER COORDINATOR.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate evaluating and making recommendations regarding the pilot projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 1999 through 2002.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting "awards (including nominal cash awards) and recognition," after "lodging,"; and

(2) by inserting "without regard to their places of residence" after "volunteers".

(c) Senior Volunteer Corps.—Section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) is amended by striking paragraph (6) and inserting the following:

"(6) Senior volunteer corps.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.".

SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by adding at the end the following:

"(d) Community Partnership Enhancement.—

"(1) Definition of partner organization.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

"(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

"(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

"(2) Cooperative agreements.—

"(A) In general.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.

"(B) Projects and programs.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

"(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

"(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

"(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

"(iv) advance education concerning the purpose of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

"(v) contribute financial resources to the refuge, under terms that require that the net revenues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

"(C) Federal funding and ownership.—

"(i) Matching.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

"(ii) Use of federal funds.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

"(iii) Ownership of facilities.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

"(D) Treasury account.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.".

SEC. 6. REFUGE EDUCATION PROGRAM DEVELOPMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 5) is amended by adding at the end the following:

"(e) Refuge Education Program Enhancement.—

"(1) Guidance.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

"(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

"(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

"(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

"(2) Refuge programs.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 6) is amended by adding at the end the following:

"(f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d) and (e), $2,000,000 for each of fiscal years 1999 through 2004.".

AMENDMENT NO. 3578

(Purpose: To make technical corrections to the bill)

Mr. LOTT. Senator Chafee has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott], for Mr. Chafee, proposes an amendment numbered 3578.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 3, insert "Community" before "Partnership".

On page 22, line 2, strike "complex" and insert "complexes".

On page 22, line 10, insert a comma after "training".

On page 26, line 2, strike "purpose" and insert "purposes".

On page 29, line 20, strike "(d) and (e)," and insert "(d), and (e)".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1856, a bipartisan bill that has tremendous potential to improve management and operations of the National Wildlife Refuge System by supplementing scarce Federal dollars with outside services and donations by local groups and individuals.

As budgets continue to shrink, the Federal Government must look for alternative sources of funding and assistance. Volunteers have helped the Refuge System since volunteer wardens staffed the very first refuge on Pelican Island, Florida in 1903. Since 1982, when the Fish and Wildlife Service (FWS) established a formal volunteer program, the program has grown from 4,251 volunteers donating 128,400 hours of time to 28,800 volunteers donating more than 1.5 million hours in 1997. This 1997 figure represents almost 20 percent of all work done by the FWS on the Refuge System, amounting to about $14 million worth of services, at a support cost of $780,000.

The five refuges in my own state of Rhode Island, which are managed as a single complex, provide a wonderful illustration of how important these efforts are. With only five full-time employees working among the five Rhode Island refuges, volunteers contributed more than one-third of all work performed on these refuges. At several of our refuges, the typical visitor will interact with only volunteer staff.

The "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act" lends much needed support to the efforts of the Service to maintain and operate the Refuge System. Specifically, it establishes pilot projects for the Service to hire volunteer coordinators; it also authorizes the creation of a Senior Volunteer Corps, which is expected to be part of the Service's existing volunteer program, and for which the Secretary should explore coordination with National Senior Service Corps programs operated by the Corporation for the National Service. In addition to encouraging volunteer efforts within the

System, the bill encourages financial contributions, community partnership initiatives, and educational programs to benefit the System.

H.R. 1856 was introduced by Congressman SAXTON on June 10, 1997, and subsequently passed by the House. On June 26, 1998, I introduced a similar bill, S. 2244, within 14 cosponsors. The Committee on Environment and Public Works amended the House-passed bill to conform with S. 2244, and I now ask that the Senate take up H.R. 1856 as amended. I have been pleased to work with Congressman SAXTON on this wonderful initiative, and I urge expeditious approval by both the Senate and House, as well as by the President.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3578) was agreed to.

The substitute amendment, as amended, was agreed to.

The bill (H.R. 1856) was considered read the third time and passed.

The title was amended so as to read: "An Act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes."

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 522, S. 2094.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—**[**Notwithstanding"**]** *Subject to paragraph (2), notwithstanding*"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.".

"**[**(2)**]** *(3)* USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.".

Mr. LOTT. I ask consent the committee amendments be agreed to and the Senate proceed to consideration of the amendment offered by Senator CHAFEE which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 3579

(Purpose: To make technical corrections)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3579.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, strike "plants" and insert "plant".

On page 4, line 6, strike the quotation marks and the following period.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 2094, the Fish and Wildlife Revenue Enhancement Act, a bill introduced by my colleague Senator ALLARD and cosponsored by me. This bill represents a move towards efficient use of government funds, and support for the valuable programs carried out by the U.S. Fish and Wildlife Service with those scarce funds.

Each year, the Service receives thousands of items derived from fish, wildlife and plants, such as boots, purses and wallets, made from furs and skins. These items can be forfeited or abandoned during enforcement of Federal wildlife laws, and they are eventually shipped to the National Wildlife Property Repository in Colorado. The Repository currently has about 450,000 items, of which 200,000 can be legally sold.

However, under current law, revenue from the sale of forfeited items go to the Service for certain program operations, while revenue from the sale of abandoned items go to the General Treasury. More than 90 percent of the fish and wildlife items are abandoned, so that the Service would receive very little revenue from sales of items in its Repository.

The Repository was appropriated $310,000 for operations last year. After overhead and operations, only $30,000 was available for carrying out the programs that loan these items to schools, universities, museums, zoos for educational purposes, and to Native American groups for religious and ceremonial purposes.

The bill would initially generate approximately $1 million for the Service through the sale of items derived from fish and wildlife that are currently stored by the Service. This money would be used to cover the costs of storing and disposing of these items—which is now a financial drain on the Service—and to fund the worthwhile programs benefiting education, research and Native American religious and ceremonial purposes.

I would like to note that this bill does not change existing authority with respect to items that may be sold by the Service. Indeed, it clarifies that other laws prohibiting the sale of fish, plants or wildlife equally apply to this law. Specifically, current law prohibits the sale of items derived from threatened and endangered species, marine mammals, and migratory birds.

In summary, I am pleased to cosponsor this bill with Senator ALLARD, and urge the Senate and House to approve it expeditiously.

Mr. ALLARD. Mr. President, I would like to say a few quick words in support of S. 2094, the Fish and Wildlife Service Revenue Enhancement Act.

I have toured the Repository in the Rocky Mountain Arsenal. I was impressed by the instructional programs the Fish and Wildlife Service runs from that facility. It is obvious that the Repository serves a vital educational role. The Service is trying to utilize their resources to educate and inform the public about wildlife and wildlife trade. The passage of this bill will allow them to put to good use assets that are now just wasting away, and to further their scholastic goals.

Another important reason for passage of this bill is that it benefits the National Eagle Repository. They support the cultural and religious activities of Native Americans. We all know how important Raptores such as Bald and Golden Eagles are to the various tribes. The Service goes to great lengths to match the thousands of requests they receive from Native Americans for these rare birds. Any assistance that we can give them which will improve that already excellent operation will be a credit to the Congress.

I would like to thank Chairman CHAFEE, Ranking Member BAUCUS, and their staff for their assistance on this bill. Several improvements were made during the committee process, and I believe the bill is the best possible solution to the funding and allocation problem currently facing the Repository.

I would urge my current colleagues to support the passage of this bill, and I hope my former colleagues in the House will take up this matter and pass it soon after they return next week. I thank the Chair.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3579) was agreed to.

The bill (S. 2094) was considered read the third time and passed, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.".

ORDERS FOR MONDAY, SEPTEMBER 14, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, September 14. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the time until 1 p.m. be equally divided for debate relating to the motion to proceed to S. 1981, the Truth In Employment Act, with the time divided between Senator HUTCHINSON and Senator KENNEDY or his designee.

I further ask consent that at 1 p.m. the Senate resume consideration of the Interior appropriations bill. And I want to emphasize at this point that it would be my intent, the early part of next week, to be on the Interior appropriations bill Monday afternoon, Tuesday, Wednesday—until we complete action. I know there have been other issues that have necessarily been offered this week on the Interior bill, and cloture votes, but I think next week it is important that we do get a focus on the Interior appropriations and complete action on that so that we can go to the remaining two appropriations bills.

I further ask consent that at 5 p.m. there be 30 minutes of debate equally divided, again related to S. 1981, with the vote occurring on the motion to invoke cloture on the motion to proceed to S. 1981 at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, but there is some phraseology in the majority leader's request that I wish to inquire about. And I have noted the same phraseology in the requests from time to time lately, but at this moment, since we are both on the floor, I will ask the question.

What does the majority leader mean when, in his request, he uses these words, "the routine requests through the morning hour be granted"? What does that mean?

Mr. LOTT. Mr. President, if I could respond, that would mean that the routine business such as the reading of the Journal, things of that nature, would be deemed to have expired.

Mr. BYRD. Mr. President, I will not object on this occasion, but I think—I am not trying to create any problems for the majority leader.

Mr. LOTT. Sure.

Mr. BYRD. I have been in that position and I know I never liked other Members to create problems for me—but they did, often.

That phraseology includes several items, especially for a Monday.

Mr. LOTT. It does.

Mr. BYRD. So I would like, in the future, if the distinguished majority leader would find it appropriate and agreeable to do so, that that particular verbiage be a little clearer, as to just exactly what is meant.

Mr. LOTT. I believe in the past, if I might respond to the Senator, that perhaps there had been a longer explanation as to what was included. Perhaps that is the way the Senator from West Virginia did it when he was majority leader. I think probably I may have caused this by indicating or asking if we couldn't do that in a little shorter phraseology. But I will go back and take a look at the best way to say that, so that Members' rights are protected and so that they will understand what is being asked for there.

Mr. BYRD. Mr. President, if I may——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the Senator from West Virginia.

Mr. BYRD. If I may ask the majority leader to yield, and I won't take long, but having been majority leader myself, I know that there are a number of things involved there, and there may be one particular item on a particular occasion, and for a particular reason, that Senators would want to have operative according to the usual rules.

I urge that we not—Mr. President, that we not speed the operation up to the point that Senators' rights may be eclipsed. And I am not suggesting that the majority leader intends that. He has already indicated—and I knew what he was doing—he was trying to speed the operation up in a way that would be more efficient. But there are things involved in that particular phraseology which might take 30 minutes to discuss here if we started to do so.

I just hope that the distinguished Senator will have his staff look at that language and that we might be able, Senators, to reserve their rights while even agreeing to such a request, if the circumstances required it.

Mr. LOTT. Mr. President, certainly I will review that again. I remembered, when we made a modification in the language—and I do have it before me here—on February 10, 1997, I did point out what the intent was here, the phrase "the routine requests through the morning hour" are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Because I was aware that this was a change and a shortening of that. But we will take another look at it. We always certainly respect Senator BYRD's suggestions and requests, and we will do so.

Mr. BYRD. Mr. President, I thank the distinguished leader. It is not my point here to quibble or to find fault with the leader. I appreciate the spirit in which he has accepted this. I can see that someone who really understands these rules, like myself, and I have forgotten probably more than I will ever know again, I just want to protect the rights of all Senators, and I know that the leader wishes to do that. So I hope that there is no connotation of what I am saying that appears to be sinister. I have no objection.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, on Monday, the Senate will debate the motion to invoke cloture on the motion to proceed to S. 1981, the truth in employment legislation.

In addition, the Senate will resume consideration of the Interior appropriations bill, a very important bill for our country and one I hope we can move through the regular process and get into conference so an agreement can be worked out. It is hoped Members will make themselves available Monday afternoon if they intend to offer amendments to this very important bill. I am hoping, I believe maybe there is one very important amendment that can be offered Monday afternoon. I hate to point it out, but I think we have one that could take a good bit of time, and we could have a vote on it late in the afternoon on Monday.

All Senators should be on notice that the first rollcall vote will occur on Monday beginning at 5:30, and that vote will be on invoking cloture on the motion to proceed to the truth in employment bill. Additional rollcall votes are possible following the 5:30 vote hopefully relating to possible amendments to the Interior appropriations bill. I thank my colleagues for their cooperation in that.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators KENNEDY, DORGAN, HATCH, and HUTCHINSON, and that, of course, is after Senator BYRD completes his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor. I thank Senator BYRD very much for his courtesy.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I always appreciate the problems that the distinguished majority leader has, and I have a feeling of sympathy for him. It is never my desire to throw up any roadblocks or attempt to create any problems for him unless I have very good reasons to do so. I think there is a fine relationship between us, and I want that to continue. I hope the leader has a great weekend.

Mr. President, I know that Senator DORGAN is waiting to get the floor.

I believe I will need just a few more minutes. I ask unanimous consent that I may proceed for an additional 15 minutes.

Mr. DORGAN. Reserving the right to object, and I shall not object, what I would like to do is ask consent that following the remarks of Senator BYRD, I be recognized for 20 minutes, and I also ask, on behalf of Senator KENNEDY, that he be recognized for 30 minutes following my remarks.

The PRESIDING OFFICER. Does the Senator from West Virginia make that part of his request?

Mr. BYRD. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators and, again, I thank the distinguished majority leader.

THE EPA'S PENDING NO_X EMISSIONS RULE

Mr. BYRD. Mr. President, on July 16, 1997, President Clinton directed the Environmental Protection Agency (EPA) to review its nitrogen oxide (NO_X) transport standards under the Clean Air Act. Subsequently, on November 7, 1997, the EPA announced a proposed ozone transport rule to reduce the regional transport of ground-level ozone across a 22-state region of the eastern United States, and the agency is now poised to announce its final ruling on NO_X emissions and ozone transport. The 22 states that have been targeted by this rule are some of the nation's most heavily populated, and include a large concentration of major industries, utilities, and automobiles.

Based on past experience, it is not surprising that the Environmental Protection Agency has, once again, decided to pursue a heavy-handed and arbitrary approach toward its regulation of NO_X emissions. While the EPA argues that its recommendations reflect the cooperative work of 37 states through the Ozone Transport Assessment Group (OTAG) process, OTAG actually recommended a range of options to be considered on a state-by-state basis. The EPA, in its proposed rule, has chosen the most extreme of those recommendations—an 85% reduction in NO_X emissions within the 22-state region. Far from being a flexible, tailored reduction for individual states based on their own contributions to the problem of ozone and air quality, this is a draconian, one-size-fits-all, command-and-control approach and does not take into account regional differences. I am concerned that this plan, which is apparently based on insufficient scientific information, poses potentially substantial harm to the economies of the affected states without delivering on the substantial environmental benefits it claims.

A key concern with the EPA's recommendation is that it is based on modeling results that are inconsistent with modeling conducted by OTAG. The EPA has made a finding that Midwest and Appalachian states significantly contribute to nonattainment in the downwind states. The OTAG modeling actually concluded that the airborne transport of ozone is only a major concern within a radius of 150 miles of the emission source. Using the OTAG results, emissions of nitrogen oxide from the Midwest and Ohio Valley simply do not affect ozone levels in the Northeast at a significant level, and the suggestion that emissions from the Mississippi area affect the eastern seaboard is even more unjustified by the empirical evidence. The OTAG modeling indicates that the greatest contributions to the ozone problem in the Northeast are emissions from sources in the Northeast and, particularly, from the growing numbers of automobiles congesting the roads and filling the air with their fumes. As my colleague, the senior Senator from Rhode Island and Chairman of the Environment and Public Works Committee, said in an April 16, 1997, letter to EPA Administrator Carol Browner, "Contrary to a public belief too readily accepted without any evidentiary foundation, our problem does not come primarily from distant smokestacks in the Ohio River Valley."

Recommendations based on OTAG's modeling ranged from targeted reductions only in specified non-attainment locations to the EPA's extreme choice of an 85% reduction across the board in all states. If the EPA forces the so-called "upwind" states like West Virginia, Ohio, Tennessee, Kentucky, and Virginia to reduce their emissions by the recommended 85%, the effect will be economically harmful, yet will do little in the long run to reduce the Northeast's ozone problem or improve its overall air quality. This recommendation is neither equitable nor cost-effective.

The consequences of the EPA's decision for the Midwest and Appalachian states will be severe. For example, my own state of West Virginia is currently in compliance for ozone. West Virginians are proud of this record and are working hard to maintain a clean environment. Unfortunately, however, despite this commendable record of compliance, the EPA is proposing that West Virginia reduce its NO_X emissions by a whopping 44%. This is a huge overnight shift in policy—from compliance to gross under-compliance in the twinkle of an eye—which would force significant, costly changes to industries and utilities in my state, but for what purpose? For what purpose?

Mr. President, studies conducted by industry officials estimate that it will cost $500 billion for every 10% decrease in NO_X emissions, costs that will be passed onto consumers. If the EPA's proposal is implemented, electricity rates will climb precipitously in States like West Virginia, but this sacrifice reportedly will do little to improve air quality in the Northeast. According to a recent study by the Alliance for Clean Air Policy (ACAP), the EPA's 85% reduction will require an initial investment of $6 billion and an annual compliance cost of $1.2 billion by utilities in the 22-State region. Other industry cost estimates are even larger. Businesses and consumers in the Midwestern, Appalachian, and Southeastern States will bear the bulk of these costs. Electric power utilities will be forced to install selective catalytic reduction equipment on a large number of existing plants, but there is little experience in the United States with the use of this type of technology. What we do know is that selective catalytic reduction, SCR, technology is extremely costly and will require difficult retrofitting for many powerplants over a period of several years in order to meet the EPA's recommended reductions. By all appearances, the emissions reductions mandated by the EPA in the Midwestern and Appalachian region are unjustified and they are unfair.

We sometimes forget that, too often, bureaucratic rules have major impacts on a personal level. Electricity rates in West Virginia and the Midwest are considerably lower than those of the Northeast. If the EPA issues its rule forcing States to reduce nitrogen oxide emissions by 85%, Midwest and Appalachian utility rates will rise significantly. Meanwhile, as much of the United States is enjoying the benefits of a strong economy, the Appalachian region is still struggling to pull itself, in some areas, out of poverty. In recent years, West Virginia has aggressively sought out and won new business opportunities.

Toyota is making a very important announcement even today, within the next hour, of additional plans that it has for its plant in Putnam County, WV.

West Virginians who previously had to leave the State for career opportunities are now able to come back home to well-paying jobs that can comfortably support their families. If this stiff new rule goes into effect, families in West Virginia will find it harder to pay their electric bills; retirees on small pensions will face choices that could threaten their health and well-being; and companies, facing narrower profit margins, may consider moving their operations elsewhere because they would no longer receive the benefits of low-cost electricity. Further, communities that have invested in new infrastructure and have strained to help grow new and existing businesses could see their economic base dwindle. I am weary of regulations that lead to unnecessary economic dislocation. I want to be sure that the citizens of Appalachia can afford to heat and light their homes, and that they can receive reliable, consistent service from their utilities. I also want to be sure that each State recognizes and takes responsibility for its own air quality standards. But, I do not believe that a few States should have to shoulder the economic burdens for the EPA's hypothetical air quality improvements.

Certainly, there are better, more scientifically and economically sound alternatives to the severe rule proposed by the EPA. A number of alternative proposals have been submitted that are projected to reduce NO_X emissions and at the same time meet the attainment of the new 8-hour ozone standard in many states earlier than currently scheduled. In fact, 13 Governors have submitted alternative strategies for addressing this important issue. These alternative proposals include one by a group of six Governors, led by West Virginia Governor Cecil Underwood, who have submitted a very comprehensive proposal. Other similar alternative proposals have been submitted individually by the Governors of Kentucky, Illinois, Indiana, Missouri, North Carolina, South Carolina, and Wisconsin. These alternative plans share the same core elements and represent aggressive steps to achieve a significant reduction in NO_X emissions.

The alternative recommendation put forth by the aforementioned coalition of six Governors representing West Virginia, Michigan, Ohio, Tennessee, Alabama, and Virginia is a very comprehensive proposal. The first phase recommends a 55 percent reduction of NO_X emissions by April 2002, followed by a 65 percent reduction in NO_X emissions by April 2004. This alternative would also require significant reductions from other large non-utility sources by April 2003. By contrast, the EPA proposed an overall 85 percent reduction from major utility sources, 70 percent from major industries, and 50 percent from small industries by May 2003—a target few companies anticipate meeting without substantial costs. The EPA's compliance schedule also may threaten the reliability of electrical supplies in these and adjacent States.

In the second phase, the coalition plan calls for assessing the reductions that will be necessary to meet the new EPA-mandated 8-hour ozone standard by 2009—3 years ahead of the EPA's schedule of 2010-2012. As proposed, the assessment will be completed by 2001, the control requirements established by 2003, and additional controls in place in a reasonable period by 2007.

I support initiatives like those put forth by the 13 Governors. They demonstrate a spirit of cooperation and have numerous advantages. A phased approach would avoid disruption in the reliability of electricity services and would achieve substantial cost savings for businesses and consumers. In recognition of the limited impact of long-distance ozone transport, NO_X controls for achieving the 8-hour emission standard should be tailored at the local, State, and regional levels. The phased approach builds upon the OTAG recommendations for addressing regional transport concerns and would encourage allowance trading as a compliance tool. Finally, a phased approach would be consistent with the Clean Air Act requirements and would allow States to take the lead in developing technically sound strategies for attaining the 8-hour ozone standard.

Clearly, alternative proposals exist that are achievable and that would provide cleaner air for millions of Americans sooner than would be provided in the Clean Air Act, without the adverse economic consequences that appear inevitable as a result of the EPA's proposal. Moreover, these types of alternative approaches are consistent with the July 1997 Presidential Directive calling for a flexible, common-sense approach to address this important and complex issue.

The Governors have worked to craft reasonable, science-based, balanced, and cost-effective proposals. I hope that the White House will recognize the spirit of cooperation and commitment that these Governors have made to air quality standards that address both the environmental and the economic interests of their States and surrounding States.

I also hope that these alternative proposals are given serious consideration before any final action is taken to issue a new rule. Let us not get in too big a hurry here. If a compromise is not reached regarding this very important matter, I am concerned that it will be tied up in the courts and thus prevent the States from taking the actions to which they have committed themselves, while also delaying a real, beneficial reduction of nitrogen oxide. Mr. President, I urge the administration to work with the Governors to reach an environmentally and economically sound and common-sense solution that is in the interest of our Nation as a whole.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. BYRD. I thank the Chair.

LET'S RESPECT OUR CONSTITUTIONAL PROCESS

Mr. BYRD. Mr. President, the Nation is awaiting the public release of the Starr report. The rhetoric concerning the President's future has become superheated, and is nearing the point of spontaneous combustion—and no one has even had a chance to read, let alone reflect upon, all 445 pages of that report. It will be all too easy for individual pages and charges to be pulled out and waved around to fan these flames, but that does an injustice to the dignity and stature of this Nation. So I would like to pour a little cold water on these flames, and to urge everyone—all of us—to cool it.

The world was not created in a day. And we cannot rush that clock on the wall, as much as some of us might like to do. The clock will take its time. And time will move no faster, no slower than it moved in the days of Adam and Eve in the Garden of Eden.

With the receipt of this report, a very grave constitutional process has begun. I want to emphasize that. Let me say it again. With the receipt of this report, a very grave constitutional process has begun. And we need to respect that process and all that it may mean for the Nation now and into the future. I would like to outline that process, which is covered in its entirety in just a few brief passages of the Constitution. And they are to be found on page 59 of my book on the Senate. Of course, they can be found in the Constitution itself.

Article I, section 2, clause 5:

> The House of Representatives . . . shall have the sole Power of Impeachment.

Article I, section 3, clause 6:

> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath of Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Article I, section 3, clause 7:

> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Article II, section 2, clause 1:

> The President shall. . .have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

Article II, section 4:

> The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III, section 2, clause 3:

> The trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . . .

Now, Mr. President, my colleagues are all well aware of the very difficult path we may be starting down now that the Starr report has been received. The House will take the first hard steps, and the Senate may—I say, may—have to follow. If we hope to restore the confidence of the Nation in their Government, and in the Congress in particular, Members must be allowed to carry out their task free from the kind of hype and speculation and inflammatory commentary that is swirling all around us. I say this as much to the public, perhaps even more so, and the media, as I do to my colleagues. Give us the time and the elbowroom to live up to our solemn constitutional obligation to the Nation.

We, in the Senate, of course, do not know at this point whether there will be any impeachment of the President by the House of Representatives. That remains in the hands of the other body. That is not in our hands. Only if and when the House were to formulate and approve articles of impeachment would any articles then come to the Senate. The Senate would then, and only then, under the Constitution, be called upon to make its judgment, up or down, without amendment, on each article.

This is a very solemn matter and this Senator will not be influenced by the hype. I shall do my very best if that time comes—and it may never come, it may never come—but if it were to, I would do my very best to render a fair judgment, not only to the person impeached but also to the Nation, to the people, always keeping in mind the solemnity of the occasion and the kinds of precedents and standards that we, ourselves, would be setting for all of the generations to come. It is not going to be a matter to be decided tomorrow or next week or the next 2 weeks or the next 3 weeks in this Chamber. The other House will act as it sees fit, based upon the evidence in the report. We would be sitting as jurors if and when articles of impeachment were ever sent to us by the other body.

It is a constitutional process. Let's keep that in mind. We must be true to the Constitution, and true to the Nation. We must be fair, and we must be seen as having been fair.

Let me, in closing, read the oath which each Senator would be required to take in the event—and I emphasize, in the event—that the Senate were ever faced with an impeachment trial. The public should know that this is the oath to which each Senator must subscribe.

Here is the oath. It is on page 61 of the document titled, "Procedure and Guidelines for Impeachment Trials in the United States Senate," revised edition, prepared pursuant to Senate Resolution 439, 99th Congress, 2d Session, submitted by Senator ROBERT C. BYRD and Senator Robert Dole, by Floyd M. Riddick, Parliamentarian Emeritus of the U.S. Senate and Robert B. Dove, Parliamentarian of the United States Senate, August 15, 1986.

> The form of oath administered to each Senator, as set forth under Rule XXV, is as follows:
>
> I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of [blank], now pending, I will do impartial justice according to the Constitution and laws: So help me God.

How much time remains?

The PRESIDING OFFICER. The Senator has 39 seconds remaining.

Mr. BYRD. Mr. President, I have some remarks concerning Grandparent's Day. I ask unanimous consent I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I see no other Senators seeking recognition at the moment.

CELEBRATING GRANDPARENT'S DAY

Mr. BYRD. Mr. President, this Sunday is Grandparent's Day. Like Mother's Day, this holiday has its origins in the great State of West Virginia. The Presiding Officer at the moment is from Ohio, a distinguished Senator from Ohio. He is a neighbor. His State is a neighbor of ours. This holiday began in West Virginia.

In 1956, a lifelong mountaineer and the wife of a coal miner, Mrs. Marian McQuade, was asked to assist in organizing a "Past 80 Party." I would qualify for that party if it were held today. Well, this group continues today to annually honor and celebrate octogenarians and other seniors in West Virginia. Mrs. McQuade began gathering participants to join in these festivities by contacting nursing homes. She learned of the chronic loneliness that many of the seniors in these homes experienced, and she was deeply saddened. Her heartfelt concern engendered the idea of a special day, a specific day to celebrate grandparents.

In May 1973, West Virginia became the first State with a specially designated Grandparent's Day. Five years later, Mrs. McQuade received a phone call from the White House. This call informed her that President Carter had signed a law that designated the first Sunday after Labor Day as National Grandparent's Day. The holiday was shifted to the fall for symbolic reasons, as Grandparent's Day celebrates those in the autumn—ah, the autumn—of their lives. The first official national observance of this holiday occurred in September 1979—autumn, when the leaves are turning from green to gold to red and to brown.

The statute creating Grandparent's Day states that the purpose of Grandparent's Day is "to honor grandparents, to give grandparents an opportunity to show love for their children's children, and to help children become aware of [the] strength, information, and guidance [that] older people can offer." This is a day to celebrate sharing between the generations. It is a day for the older and younger generations to commune with one another. It is, above all, a day to celebrate the family.

All too often in our increasingly fast-paced world, we fail to reflect. Perhaps on this Grandparent's Day we can enjoy the leisure of reminiscing on earlier days and, in so doing, opening a dialog between the generations. Such a confabulation benefits all who participate.

Sharing time with grandchildren provides the grandparent not only with longed-for companionship, but also may inspire great personal joy and a renewed liveliness. The young are like a rejuvenating elixir, restoring a youthful spring in one's step. The young possess a certain charm, reminding us of what it feels like to be young again, and through them the spirit is enlivened. The aged may even see in the younger generation certain reminders of their own early ambitions, and foresee the potential that these sprouts have to take root and grow. And when these seedlings begin to bloom, finding their own success, there is no greater pride than that of the grandparent who encouraged, who listened, and who applauded along the way. And the majority leader will see this one day, as he recently had a grandchild come into his family.

While grandparents' steps are enlivened by spending time with their grandchildren, the children learn upon which path these steps ought to be taken. Children, although they may, at times, view their elders as antediluvian and inveterate, will sit enraptured as they listen to stories recounted by their parents' parents. I remember how they used to sit around me when I played the fiddle. Oh, to live those days over again!

The young will often, perhaps strangely, volunteer to assist with otherwise tedious chores to be by the side of grandparents. From the tales told and the time spent tending to tasks together, youngsters learn family history, and they ought to listen to it and they ought to be interested in that family history. They learn family history, traditions, and glimpse a wiser perspective of their world. Also, that is what many of us older persons need today—a wiser perspective of our world. Narratives and demonstrations of the maxim "hard work works" have the power to convey and ingrain the principles of success that are eternal verities. It is hard to imagine or recall, with our cars, microwaves, cell phones, and laptops, just how hard our parents and grandparents labored to do things that seem so simple today. We turn up a thermostat instead of chopping wood. But if one wants to warm himself twice, he only needs to chop his own wood. We hit "spellcheck" rather than retyping term papers. When faced with future adversity, growing children may look back on such nostalgia to carry them through their own trying times.

I am lucky to share in my grandchildren's lives, I feel the pride of being a grandparent, and I recall Mrs. McQuade's story. I remember how she found that some seniors were neglected and forlorn, living lives of lonely destitution. Who knows, that may come to any one of us in time. Sadly, for some, this is still the case.

Although many of their loved ones may have passed on, other seniors, thanks to advances in medicine and to Federal programs that provide a safety net of social services, continue to carry on. Many find ways to remain active in their communities, organizing events or sharing their time with others. Some have even taken on the burden of raising their children's children or acting as surrogate grandparents to those children who have lost their natural grandparents or who never knew them. Our older Americans have sweated and labored to defend and fight for our Nation, educate our young, mine the fuel to keep our homes warm, and shelter the values which we treasure the most. A greater obligation to our venerable matriarchs and patriarchs who have served as such wonderful role models to not one, but two, generations is our duty.

This is why I am proud to add my name as a cosponsor of a bill to reauthorize the Older Americans Act. This Act helps to assess the needs of seniors and provide services to fill these needs. Funding through this Act provides nutrition, disease prevention, and in-home health service programs for the elderly. The Older Americans Act will also provide for community service employment for senior citizens with low income, so that they may continue to demonstrate the strength of their work ethic. Furthermore, the Act will allow state and local aging agencies to operate as advocates to promote the rights of older persons. As more and more Americans enter the older generation, it is critical that the mechanisms which have provided assistance continue to be able to lend support. We must not forget the lessons which these men and women have passed on to us and to our children. To do so would be to debase their contribution to the prosperity of our own posterity. The generous contributions our seniors have made will continue to propagate long after the grandchildren of today leave this world. Remembering our older Americans, and the importance of their influence on many young, fresh lives, is perhaps the most apt offering we can bestow as we celebrate Grandparents' Day.

Mr. President, I yield the floor. In doing so, may I thank my friend from North Dakota, Mr. DORGAN, for his patience, and all others on whose time I have transgressed.

I thank him also for his contributions to the work of the Nation, for his knowledge, for his clearheadedness, for his evenhandedness, and for the inspiration that he gives to me and all of my colleagues.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia for his kind words. He always contributes immensely to this Senate when he rises and speaks to the Senate and to the American people. I am enormously proud to serve with Senator BYRD, as I have indicated on previous occasions.

THE FARM CRISIS

Mr. DORGAN. Mr. President, I come to the floor today to talk briefly about a couple of issues that are of critical importance to the country, and especially to that part of America that I come from—North Dakota, the farm belt. It is an important part of our country. Our country is made up of many parts—of cities, of country, of family farms, of main streets, and small businesses. But we are going through a very, very tough time in rural America.

I asked the majority leader some moments ago on the floor of the Senate about the ability to deal with this farm crisis through some action by this Congress before we adjourn. I was impressed that he indicated that it is his intention for us to take up legislation to address this farm crisis once again as we did in the month of July. It is an urgent situation.

The future of many family farms and the future of many families living out in rural America depends on this Congress stepping up and making the kind of decisions that will give them the opportunity to make a decent living on the family farm.

When I talk about my part of the country, or our part of the country, I am reminded of something that Daniel Webster said. He was one of the giants of this institution. In fact, his portrait is on the wall out here in the reception room of the U.S. Senate. He is recognized as a giant in the history of this body. When THOMAS Jefferson made the Louisiana Purchase, which was fairly controversial at the time, let me read to you what Daniel Webster said. Remember; this a part of the country that I come from. About that Louisiana Purchase, Daniel Webster said:

> What do we want with this vast, worthless area, this region of savages and wild beasts, of desert and shifting sands and whirlwinds, of dust, cactus, and prairie dogs? What can we ever hope to do with this western coast, a coast of 3,000 miles, rockbound, cheerless, uninviting, and not a harbor on it? What use do we have for this country?

Daniel Webster is not considered thoughtless because he made this statement. But it is quite clear, I suppose, to all of us now that he missed the mark some.

"What do we want with this vast, worthless area?"

Gosh. What a remarkable part of our country that Louisiana Purchase became.

Then a couple of years after Daniel Webster asked this question about that part of America, Thomas Jefferson sent Lewis and Clark to explore that area, and it was one of the great expeditions in the annals of American history.

Lewis and Clark, on May 14th, 1804, left St. Louis, MO, with 44 men and 120 gallons of whiskey, by the way, purchased with government vouchers. The President said, "Buy whatever you need." I have made jokes about the need to purchase 120 gallons of whiskey to get them through certain States. But I will not repeat those jokes here. I do that only because I think it is interesting to study the history of that Lewis and Clark Expedition. It was a remarkable expedition.

In April of 1805—April 7, to be exact—after Lewis and Clark had gone from St. Louis up to what is now near Washburn, ND, and spent the entire winter with the Mandan Indians, before they began the next portion of their journey to the West Coast, April 7, 1805, Captain Lewis wrote a letter to Thomas Jefferson. That letter—a six-page letter—was put on a keelboat with some soldiers and sent down the Missouri back to St. Louis, then down to New Orleans by boat, then to Washington, DC, to Thomas Jefferson. And then we never heard another word from Lewis and Clark for 17 months. Then we discovered on the conclusion of that remarkable expedition that they had been to the West Coast and back. And they told us what they found in this remarkable country of ours.

That letter, by the way, just for interest sake, was never viewed by the public until a couple of months ago. That letter, in a special effort by the Library of Congress, is now being viewed publicly at an Interpretation Center of Lewis and Clark near Washburn, ND, with all proper security, about a mile from where Captain Lewis wrote the letter in the year 1805 on April 7. He sent it by keelboat down the Missouri, all the way around to President Jefferson, and, of course, it came back in by jet airplane nearly 200 years later.

I tell you that just to say that this is a wonderful, remarkable country, and in our part of the country, which is called the farm belt, a rural area of the country, we are having an enormous amount of difficulty, one that requires this Congress' attention.

There are two things that are of great concern to us.

The collapse of grain prices means that we see the threatened loss of thousands and thousands and thousands of families who now live out on the family farm. Grain prices have flat out collapsed. Crop disease has come and visited our State —the worst crop disease of the century at the same time that grain prices have collapsed. And, on top of that, these farmers also fail because of unfair trade, unfair trade which helps cause the grain price collapse; an enormous amount of unfair trade, unfair trade that no one seems to be interested in doing anything about.

That brings me to the point I want to make today dealing with our trade problems, especially with our neighbors to the north—the Canadians—but these trade problems relate to Mexico, to France, to China, and to other countries as well.

Let me describe the problems just briefly, as I have before, and then tell you why I am especially interested today.

Trade agreements: There are those talking about this mantra of free trade saying let's do more free trade agreements, and the more we trade, the better off we are, and the better it is for our country. Trade statistics show that as we negotiate these agreements, agreement after agreement, whoever is negotiating these agreements must not be keeping their eye on the ball, because agreement after agreement we see deeper and deeper trade deficits for this country.

I ask those who negotiate our agreements: Is there any chance you might negotiate a trade agreement that is in our country's best interest just once; something that benefits our country instead of deepens our trade deficits? The economic all-stars in trade have become America's family farmers. We have an abiding and abundant trade surplus in agricultural commodities and products. But that is shrinking, as you can see. That is shrinking because the trade agreements that have been developed over the years with other countries—the Canadian agreement, Mexican, and others—have not been in the interest of our farmers. They have created a bifurcation of trade strategy so that we become a sponge for virtually anything anyone wants to send into our country, even if it is sent here unfairly. And we increasingly cannot get our products into other countries' markets. The result is that the agricultural trade surplus, which once was healthy and which once reflected the one bright spot on our trade picture, is now itself diminishing.

Our foreign debt grows to finance this trade deficit. You know what red means, and I have shown many of these charts before that show that the trade debt is increasing and increasing dramatically.

Now, we have a U.S. trade ambassador's office that negotiates trade treaties. I voted against, I guess, the last three or four of the treaties they have negotiated. They went and negotiated one with Canada and, fundamentally, in my judgment, sold out the interests of American farmers. I think I can demonstrate it; I think I have. Then they negotiated NAFTA with Canada and Mexico. Same thing—a wholesale exodus of American jobs. They negotiated GATT—fundamentally unsound in the way it was negotiated to protect our producers' economic interests. I am not talking about being protectionist now. I am talking about standing up for the economic interests of our producers to say, if you must compete—and that is a worthy objective—then we will make sure the competition is fair.

Has that happened in all of these recent trade agreements? Not at all. Because these folks are interested in negotiating agreements, some kind of trade agreements that comport with some notion of free trade they have, a notion that is foreign to the folks where I grew up.

Is it free trade to say to an American producer, you go ahead and produce a product, then ship it to a marketplace and try to sell it? And by the way, you are going to compete with a manufacturing plant in Sri Lanka or Indonesia or Bangladesh, and they are going to hire 14-year-old kids and pay them 14 cents an hour; they are going to work them 14 hours a day, and they are going to make that product dirt cheap so they can increase their corporate profits; they are going to ship that product to Philadelphia, Los Angeles, Pittsburgh, or Fargo, and you, Mr. and Mrs. Producer, compete with them, go ahead, compete with them. Is that fair trade? Absolutely not.

Or how about saying to a mom and pop operation in this country that is producing a product, you produce a product, but we need to make sure you are not polluting our air, not polluting our water, not hiring kids, and you don't have unsafe plants?

So we have restrictions on air pollution, restrictions on air and water pollution, we have child labor laws, and we have worker safety provisions. And then we say, you produce that product under those conditions—and I support all of those conditions, by the way—and then go compete, and when you compete, you compete against a plant in some country tens of thousands of miles away that doesn't have any restriction on dumping chemicals into the air, chemicals into the water, hiring kids or having unsafe factories. And so they increase corporate profits, make cheaper products and ship them here and compete unfairly.

I ask our trade ambassadors to defend that; defend that. And if you can't, then don't go negotiate another treaty for this country unless you can demonstrate to the American people you are willing for a change, for once, to stand up for this country's economic interests.

Now, there will be some people in this town who will listen to this, and they say, well, this guy is some xenophobic isolationist, and that is what all this language is about. I am not that: we need to find a foreign home for much of what we produce in farming today.

I want expanded trade, I want expanded trade opportunities around the world, but I am flat out sick and tired of our farmers and our business men and women being consigned to trade internationally in a circumstance where our trade negotiators have negotiated trade agreements that, A, are incompetently negotiated so they put us at a disadvantage and, B, totally nonenforced, unenforced. They won't lift a finger to enforce a trade agreement that I can see.

This morning I read in the paper that our steel industry is going to file an action alleging that there is dumping going on in this country. I don't even know much about it, but I say to the steel industry, sign me up as a supporter. It is about time people start standing up for their interests and demanding that trade competition be fair competition.

The first 25 years after the Second World War, trade policy could be foreign policy and we could tie one hand behind our back and beat anyone, anytime, anywhere. That was fine. War-torn Europe was trying to restore itself, and we were dealing with weak competitors. That is not true anymore. Now we have shrewd, tough international competitors, and the fact is our trade policy is still half foreign policy and our negotiators and our trade agencies don't seem to give a whit about either negotiating good agreements or enforcing the agreements we have.

That brings me to the issue of Canada especially. While our farmers face collapsed prices and are having auction sales the Trade Representative does nothing. You can go to those auction sales and see the tears those farmers cry because they have lost more than a farm and a home; they have lost their hopes, their dreams and everything they wanted to do in life. And one of the reasons that that is happening and that prices are collapsing is this grain from Canada, durum, wheat, barley, is flooding through our back door because of a trade agreement that was, again, incompetently negotiated.

It is unfair trade, in my judgment. That is quite clear. It is sent here by a State trading agency in Canada which would be illegal in this country. A State trading monopoly in Canada would be illegal here. It sends that grain with secret pricing. By the way, we don't have secret prices here. Their prices are secret, and yet our trade agency refuses to lift a finger, doesn't lift a finger. And they boast about all the work they are doing.

Senator BYRD once talked about Aesop's fly. It probably fits here. Aesop's fly, sitting on the axle of a chariot observing, "My, what dust I do raise." Yes, my, what dust this USTR does raise. It is not even relevant to what is going on. The fact is, there are levers, there are opportunities, for our agencies to use, including the USTR, to stand up and fight for fair trade for our producers, our farmers, and our manufacturers, and they consistently refuse to do it.

I will have more to say about this specifically next week and specifically about USTR and specifically about the trade agreement with Canada. I will have more to say about it next week. But this country and this Congress should not allow this to continue where our producers are confronted with unfair trade circumstances. We either ought to expect an agency to stand up and fight trade fairness or get rid of the agency; just get rid of it. Stop pretending.

Mr. President, I mentioned Canada. I could talk about beer, Mexican beer coming north and American beer not going south. That is liquid barley, I guess. You know that is where beer comes from. I could talk about looking at trade through the eye of a potato, whole potatoes south, french fries north with the Mexican agreement. Or maybe we could do it with something everybody understands—Beanie Babies. You go stand at the border and see a convoy of trucks coming south with millions of bushels of Canadian grain, coming into a country that already has too much grain, and the result is prices are collapsed. And at the same time those convoys of trucks and railroad cars with millions of bushels of Canadian grain are coming into our country, trading unfairly, incidentally, at the same time that happens, try to bring a Beanie Baby in, and they stop you at the border and say, oh, no, you can only bring one—one. You only get one Beanie Baby to come across the border.

So we are willing to stand up for cloth dolls filled with beans but not for family farmers whose lives, whose economic lives are threatened, who are going out of business in record numbers, going out of business so fast that they have had to call auctioneers in my State out of retirement to handle the auction sales.

Am I upset about this? Yes. I am upset because I am a part of a system here that anticipates that those in the system will do what they are supposed to do, and I am especially upset with the U.S. trade ambassador's office. It is not new. I have been upset with them for years. But there is a new energy at this point because they are sitting on their hands doing essentially nothing while our farmers are going out of business. And there is a real and abiding problem that all of us understand that they refuse to take action to deal with it.

I will revisit this subject next week, early next week on the floor of the Senate and have more to say about the USTR with some specifics, and also about Canada.

But I wanted to make the point today, once again, that as part of the response to the farm crisis that I asked Senator LOTT about today, we must deal with strengthening prices. We must deal with an indemnity program that Senator CONRAD and I got passed.

But we must also deal with the trade component, because we can't continue to try to find a way to deal with strengthening prices and finding new markets overseas for our grain products and then have a flood or an avalanche of grain coming through our back door, unfairly traded into our country.

That is not fair to farmers. They ought to expect more. I certainly expect more. And the President ought to expect more from the U.S. Trade Ambassador's office, and as I said, I will have more to say about that early next week.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, let briefly turn to one additional subject. That is the question of interest rates and the Federal Reserve Board. I want to talk about this because it also affects farmers—not just farmers, but all producers and all Americans. There is a lot of discussion these days about what is happening to the economy in our country. We have plenty of challenges. But it is also hard to miss some good news. The unemployment rate has gone way down. And the Federal Reserve Board, as most of us will recall, said: Now be careful, because if the unemployment rate ever falls below 6 percent there is a natural rate here below which we will get new waves of inflation; go below 6 percent, the Fed said, and we are going to have inflation problems.

Of course, the Fed was dead wrong. We have had unemployment below 6 percent for 4 years now. Inflation has not gone up, it has gone down. But this is good news for the economy. The unemployment rate continues to be down. The Consumer Price Index has gone way down too. The core rate with respect to the CPI is 2.2 for the last 12 months ending in July.

Finally, the real Federal Funds Rate, that is the short-term interest rate, adjusted for inflation, that the Federal Reserve Board sets, is 3.9 percent, the highest it's been in nine years. When inflation is way down here and the Federal Funds Rate, the real interest rate, is up here, you ask the question: Why? Let me see if I can answer that question and give just a bit of advice to the Federal Reserve Board.

The Federal Reserve Board is doing its best imitation of petrified wood. It is not a tough imitation for them. All you have to do is look at the Federal Reserve Board and it resembles the Petrified Forest. In fact, what I would like to do is, just for those who might be watching or those who might be interested, I would like to show them the Federal Reserve Board's Governors and regional bank presidents, because they don't get enough attention.

Here is who they are, here is where they are educated, largely their experience, and this is how much money they make. This is who sets interest rate policy in this country; interest rate policy which now has short-term rates too high and therefore the prime rate and other interest rates is too high.

Jerry Jasinowski, President of the National Association of Manufacturers, says:

> Interest rates are a dangerous drag on the economy in view of the fact that 1/3 of the world is in a recession.

He calls on the Fed to cut interest rates.

Dr. Sung Won Sohn, Norwest Corporation:

> If the Fed were to cut interest rates today, it would help ease the farm crisis, which has become critical because of low commodity prices, bad weather, crop disease, and so on.

James Glassman—I don't quote him very often, but James Glassman says:

> [Interest] rates are not really as low as they seem. After adjusting for inflation, long-term rates are high, and short-term rates are even higher. . . . The longer the Fed waits (to cut rates), the closer a serious slowdown, or recession, becomes.

Mr. President, the Federal Reserve Board's Open Market Committee will meet on September 29. Two of these folks still probably think that interest rates ought to be increased, despite the fact that our economy is slowing down and the real interest rates are far too high now. It might serve the money centers' bankers' interests. It certainly does not serve the interests of the producers in this country. And there has been, for 200 years in this country, a tension between those who produce and those who finance production. At this point, with this crowd, it tilts in favor of those who believe it might be in the interests of the Fed to serve their constituency, the money center banks. But there is no reason, given the economic circumstances in our country today, for them not to put interest rates where they belong, given the current rate of inflation, and that would augur not for an interest rate increase on September 29, but a cut.

Here are the folks. Here are their names. You could put them in a barrel and shake them all up and you would still have a gray suit, somebody with an economics background, no one from my part of the country, and no one who has ever fixed anything or built anything.

In fact, we have a vacancy now, and I said I would like my Uncle Joe to be considered for that. My Uncle Joe doesn't have any particular skills that would suggest him for the job, but he used to fix generators and alternators, so he has run a business and worked with his hands. He fixes things. Nobody here represents producers. Nobody on the Federal Reserve Board has an understanding, in my judgment, about the productive side of our economy.

My Uncle Joe is not going be seriously considered, I suppose. But what we will probably find is this administration, like all others, will find somebody who looks just like this, same color suit, Ph.D. in economics. Certainly nobody from the Upper Midwest where they have been farming or their folks have run a small business or anything like that.

I guess the point I wanted to make today is, as we head towards September 29, all of the evidence suggests that we ought to be seeing a cut in interest rates. I should confess that I actually used to teach economics a bit in college. I have been able to overcome that and lead a reasonably productive life. All I ask from the Federal Reserve Board is to look at this from the standpoint of this country's long-term economic health and the economic facts that are now self-evident.

There is nothing that could persuade a couple of these people, as I understand they still believe that we ought to have higher interest rates except that they must represent some narrow self-interest for the money center banks. Certainly most of them ought to be able to look at the facts and understand we need—and this country deserves and our economy requires—a lowering of Federal Funds rate and therefore a lowering of the prime and other interest rates that represents where we ought to be, given the historical interest rates and declining inflation.

Mr. President, I understand that when you come down and are even obliquely critical of the Federal Reserve Board, it is like taking on the last American dinosaur. I regret that I do that. But it is the last part, the last institution that remains impervious to the broader public interest. Some think that the Fed is a hero for whatever has happened in our economy. I don't happen to view it that way. I think they view themselves as a set of human brake pads, and they keep their foot on the brake—and good for them. Except that what we have now is a need to put interest rates back where they ought to be for producers and farmers and others, given the fact that overall inflation is down at 1.7 percent over the last twelve months and only 1.5 percent since the beginning of this year.

Today's announcement was that the Producer Price Index for finished good in August fell 0.4 percent. This means that producer prices have fallen 1.6 percent over the past twenty months. All these numbers augur very hard for the Federal Reserve Board to do something that some suggest they are not prepared to do. I ask Fed Chairman Greenspan and others to see if they can't do what some people now don't expect them to do, but do the right thing: On September 29, we reduce those interest rates.

Several of us in Congress are considering offering at least a sense-of-the-Congress resolution to send a message to the Fed. Who knows whether it will get through the door there, but at least send a message to say here is what we think. Interest rates have a significant impact on virtually every family in America, on every producer, business and farmer in this country. And my hope is that at the end of this month, given the uncertainty we face in the world, given the numbers from the last quarter here in this country showing a slowing of our economy, and given the historical low rate of inflation and the fact that we are now overpaying because of the Federal Funds Rate, the Federal Reserve Board will finally do the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO DR. ROGER WILLIAMS

Mr. HATCH. Mr. President, I rise today in tribute to a great Utah man of science, Dr. Roger R. Williams, whose life came to a tragic end last Wednesday in the horrific crash of Swissair Flight 111.

Tomorrow, Dr. Williams' remarkable life will be celebrated at a memorial service in Salt Lake City.

In the wake of this solemn occasion, I ask that my colleagues pause for a few moments in remembrance of those husbands and wives, sons and daughters, brothers and sisters who perished in this terrible crash.

(Moment of silence.)

Like Dr. Williams, each had abundant potential which was so unfairly cut short.

Dr. Roger Williams was known throughout the world, not only as a distinguished professor of internal medicine at the University of Utah, but also as a leading expert in the field of cardiovascular genetics.

In fact, at the time of his death, our Utah scientist was on his way to Geneva to chair an international panel of the World Health Organization, which is working to promote the prevention of premature death through early diagnosis of genetic cholesterol abnormalities.

Dr. Williams was the founder and director of the University of Utah's Cardiovascular Genetics Research Clinic, which fosters collaborative investigations involving numerous fields of medicine.

He was the author of more than 200 professional publications and a frequent chair of National Institutes of Health advisory committees.

But what I remember most about Dr. Williams was his abundant spirit, his tremendous enthusiasm for life and for his work, an exuberance that was virtually impossible not to get caught up in.

I can recall many occasions when he visited my office to educate, cajole—and even plead—for an enhanced Federal commitment to research on the genetic basis of familial cholesterol problems.

In fact, earlier this year, Dr. Williams' and I began work to design a program leading to the diagnosis and treatment of the unmet needs of many thousands of persons with strong familial predisposition to preventable early deaths.

It is ironic that Dr. Williams' promising research was so abruptly halted by his own premature death.

Mr. President, I am grateful for these opportunities to have worked with such a fine man, a man who did so much for our State, our country, and indeed, the world at large.

Dr. Roger Williams will truly be missed—not only because of his contributions to science and medicine, which brought him international acclaim—but also because he was simply a good, decent man who always wanted to be fair.

It is hard to forget a statement made by his son last week that captured the true essence of Roger Williams.

Tom Williams remarked that his father was known to say "If you wouldn't do it for the guy on the bottom, you can't do it for the guy on the top."

I think we can all learn a valuable lesson from the life and work of Roger Williams, a man who always lived his life with the highest possible integrity and kindness, a man who regarded his happy marriage and seven children as his most important accomplishment and responsibility.

Dr. Williams' passage is a tremendous loss to the State of Utah, the world of medical research, and to all those who knew him and knew him well.

My heart goes out to his wife Linda, to his children, and to his extended family, including his colleagues, during what I know is a most difficult time. They will all be in our thoughts and prayers.

We know that they will be blessed because of the lives that they live as well.

This was a great man, a person who had unlimited potential. It is hard to understand why a life like this—indeed lives like all the others on that plane—were snuffed out. The fact of the matter is that, believing in a life hereafter and believing that there is a God who rewards people for the works that they do on this Earth, I have no doubt that Roger Williams will be with our Father in Heaven as one of his chosen people. It is my prayer all the passengers on flight 111 will be as well.

I personally express my gratitude and appreciation for what Roger Williams has meant to this country, what he has meant to the University of Utah, what he has meant to our State, and what he has meant to so many other persons.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 4TH

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending September 4 that the U.S. imported 8,549,000 barrels of oil each day, 998,000 barrels a day more than the 7,551,000 imported during the same week a year ago.

Americans relied on foreign oil for 57.2 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the U.S. if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.: now 8,549,000 barrels a day at a cost of approximately $100,963,690 a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 10, 1998, the federal debt stood at $5,545,657,954,586.91 (Five trillion, five hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents).

One year ago, September 10, 1997, the federal debt stood at $5,410,105,000,000 (Five trillion, four hundred ten billion, one hundred five million).

Five years ago, September 10, 1993, the federal debt stood at $4,384,113,000,000 (Four trillion, three hundred eight-four billion, one hundred thirteen million).

Twenty-five years ago, September 10, 1973, the federal debt stood at $459,532,000,000 (Four hundred fifty-nine billion, five hundred thirty-two million) which reflects a debt increase of more than $5 trillion—$5,545,657,954,586.91 (Five trillion, five hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents) during the past 25 years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, earlier today the majority leader propounded the unanimous consent request relevant to the bankruptcy legislation. In that proposition, he had indicated that the first amendment to be considered to the bankruptcy bill would be the amendment which I will offer with a number of our colleagues on behalf of the Americans who are at the bottom two rungs of the economic ladder, those who are making the minimum wage in our Nation.

It is an amendment to increase the minimum wage by 50 cents in January of next year and another 50-cent increase the following year. The total increase would be a $1 increase in the minimum wage. We will have an opportunity to debate that issue on Tuesday morning, with a vote on that sometime around the noon hour. At that time, the membership will express itself on whether we are going to reward work in the United States of America, whether we are going to say that our fellow Americans who are at the lower end of the economic ladder, who have lost more than any other group in our society in terms of their purchasing power over the period of these last years, whether they are going to be able to have a very, very modest increase of $1 over the period of the next year and a half to 2 years to their wages.

Mr. President, there are a number of reasons for this increase. I think the most compelling one is the reason that those of us in this country have a sense of common purpose, have a sense of community, have a sense of caring about our neighbors and those who are fellow citizens. That has been a strength of our Nation ever since its earliest days.

We also put a strong emphasis and a strong quality on the issue of working. What we are saying is that those who are going to work 40 hours a week, 52 weeks of the year, should no longer live in poverty. That has been the reason for the minimum wage in the first place, following the Great Depression and over a long period of time. There have been five raises in the minimum wage since 1955. Raising the minimum wage has been supported by Republicans and Democrats, Republican Presidents, Democratic Presidents. It has by and large been a bipartisan effort over the recent years.

The principal cautions in raising the minimum wage have been, would the raising of the minimum wage result in an increase in the rates of inflation which would work to the detriment of other workers in our society, and would it contribute to increasing unemployment in our society and, in that respect, have a disadvantaging impact on the various people we are trying to help?

Those are powerful economic issues. And they ought to be considered at any particular time. And we are glad to consider those issues at this time as we are advancing the cause of workers in our society, workers who have not benefited from this extraordinary prosperity which we as Americans have seen over the period of the last 6 years, the greatest economic growth, the greatest price stability, the lowest unemployment, the lowest rates of inflation. The economy, with all of the ups and downs of the stock market, is extremely strong, and it has been strong, and it continues to be strong.

Nonetheless, we have seen that over the period of recent years the purchasing power of those at the lower level of the economic ladder has deteriorated significantly. And what we are attempting to do is to say to our fellow Americans, as we as a nation move ahead in terms of the economic prosperity, that we want all of our fellow citizens to move along together. It is not asking very much to have a 50 cent increase in the minimum wage or $1 over a period of the next 2 years. That is the issue, Mr. President, that will be squarely before this body on Tuesday next and where we will have an opportunity to vote on it.

Mr. President, as we have on other occasions, I think it is fair to look at where the minimum wage is today and where it has been. The inclusions in our amendment, are they really reasonable given the current economic conditions? We maintain they are extremely reasonable.

On this chart here, the real minimum wage reflects where the purchasing power of the minimum wage in real dollars is—in real dollars from 1995, 1998, and beyond.

If you look at this end of the chart, Mr. President, you will see 1997, 1998; and you will see where my pen is, that at this point here we are talking about a $1 increase from $5.15 to what would be $6.15, with the increase in the minimum wage in real dollars. By the year 2000, it will only amount to $5.76 in real dollars.

If you go across this line, Mr. President, going back through the 1960s all the way through the 1970s, you will see even with this kind of increase in the minimum wage of $1, the purchasing power of the minimum wage for working families will still be lower than it was for a period of some 20, 23 years from 1960s all the way through the early 1980s. So even with this increase, it is extremely modest, Mr. President, extremely moderate—it still does not bring us back to the purchasing power that the minimum wage has had for the better part of our postwar period. But, nonetheless, it is important progress for families.

All you have to do is ask any family what a difference it makes for a 50-cent or a $1 increase in the minimum wage. They will answer very quickly, "It means that we'll have to have two jobs instead of three jobs." That will be their first answer. And secondly, an increase of $1 in the minimum wage will mean the purchase of groceries for probably 6 months of a year. It will mean the rent for a working-poor family of about 7 months of a year. It will be about two-thirds the cost of the tuition for a son or a daughter, of a working family earning the minimum wage, to attend a public university in their State. This is very important to those at the lower end of the economic ladder. That is basically the historical situation, Mr. President.

It is fair to ask ourselves now, what has happened in the rates of inflation? Let us take a look at inflation and the minimum wage. Many say, "If we increase the minimum wage, we're going to see a bump in the rate of inflation." Well, if we look at what happens to the minimum wage—and in this particular chart here we go from 1996 all the way up to 1998—we look at what is happening to the rate of inflation.

Prior to the rise in the minimum wage, which was in October 1996, the rate of inflation per month was three-tenths of 1 percent. Then we raised the minimum wage to $4.75. And if you look at this chart here, you will find that it continued along virtually the same three-tenths of 1 percent. It dropped down here in the wintertime, it rose again in the early spring, dropped again, and then settled into a significant drop. If you are talking of three-tenths of 1 percent per month to two-tenths of 1 percent, you are talking about a significant drop in the rate of inflation, even with the last increase in the minimum wage. Then it rose another 50 cents in 1997. And the inflation rate was two-tenths of 1 percent.

Look what has happened since that last raise to $5.15. It went along for a period of time, dropped, bounced up, and is now down to one-tenth of 1 percent.

Mr. President, the clear signal from this chart is that the last increase in the minimum wage virtually had no impact on the rate of inflation. And if we are to look at the history of these last several years, we will see that the rate of inflation has actually gone down. It is not a valid point to say that if we try to do something to raise the minimum wage, it is going to add to inflation.

Now, if we look at what the impact is on unemployment, this is a second argument. If we raise the minimum wage, it is going to have an adverse impact on inflation and it is going to increase unemployment. Again, if we go back to October 1996 where we saw an increase in the minimum wage, we had 5.2 percent unemployment, a little bump, and then a gradual decline through September 1997, when the last increase in the minimum wage went to $5.15. Since that last increase in September of 1997, up until August of 1998, we have seen a continuing reduction of the unemployment, down at the present time to 4.5, 4.4 percent. It has not added to inflation. It has not added or contributed to unemployment. Those two economic arguments do not stand.

If we look at the impact on our teens, the arguments are made, "Senator, we are concerned about what the impact is going to be on teen unemployment and particularly among the minorities." The fact is, about 20 to 25 percent of all those who receive the minimum wage are teenagers. Most of the teenagers in my State who are receiving the minimum wage are out there their first year in college trying to make ends meet.

Travel with me to the University of Massachusetts in Boston at the campus. Mr. President, many of the children who go to that excellent school are from families where the parents never went to the school. And much of the student body is working 25 hours a week or more. These are teenagers. These are many of the children who are trying to gain sufficient income to fund their education. We should think it is a worthwhile and valuable endeavor in trying to support kids who are trying to go to school and stay in school, many of whom are coming from difficult and complex backgrounds. Nonetheless, they go on.

Take the minorities. In this case, the black teen unemployment—we can go through any of the various groups in terms of unemployment—and what we see again is the increase in the minimum wage, the continued decline in terms of unemployment of black teenagers and minority teenagers. This chart is just a reflection of the same trend. We see that the total number of employment in terms of teenagers 16 to 19, with the increase in the minimum wage, these are the individuals who find the employment going up. Increase in the minimum wage based upon sound economic principles, and we see that there has not been an adverse impact on the issues of employment or inflation.

Now, I think it is worthwhile to ask who is really for this increase in the minimum wage. Mr. President, 170 organizations—170 organizations—representing not just workers. The AFL-CIO, even though their workers are all receiving far above the minimum wage, is certainly interested because of respect for the value of work. The principal church groups and church leaders are strongly supportive. The leaders of the various women's and children's organizations are strongly supportive. The various civil rights organizations, knowing the importance of this in terms of the individuals, are strongly supportive.

I ask unanimous consent to have printed in the RECORD a list of the various groups and organizations that are in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMPAIGN FOR A FAIR MINIMUM WAGE—PARTICIPANTS[1]

A. Philip Randolph Institute.
ACORN.
AFL–CIO.
Alliance To End Childhood Lead Poisoning.
American Association of University Women.
American Ethical Union, Washington Ethical Action Office.
American Federation of Government Employees (AFGE).
American Federation of State, County and Municipal Employees (AFSCME).
American Friends Service Committee.
American Friends Service Committee, Philadelphia, PA.
American Income Life Insurance Co.
American Nurses Association.
American-Arab Anti-Discrimination Committee.
Americans for Democratic Action (ADA).
Arkansas Jobs With Justice, Religion-Labor Committee, Hampton, AR.
Asian American Legal Defense and Education Fund, New York, NY.
Asian Pacific American Labor Alliance.
Asian Pacific American Legal Center of Southern California, Los Angeles, CA.
Association of Catholic Colleges and Universities.
Black Women's Agenda, Inc., Springfield, VA.
Bread for the World.
Campaign for America's Future.
Catholic Charities USA.
Catholic Charities Archdiocese of Louisville, Louisville, KY.
Catholic Charities, Oklahoma City, OK.
Catholics for a Free Choice.
Center for the Child Care Workforce.
Center for Community Change.
Center for Economic Options, Inc., Charleston, WV.
Center for Law and Social Policy.
Center for Women Policy Studies.
Children's Defense Fund.
Church Women United.
Clearinghouse on Women's Issues.
Coal Employment Project, Tazewell, VA.
Coalition for Economic Justice of Western New York, Buffalo, NY.
Coalition of Black Trade Unionists.
Coalition of Labor Union Women (CLUW).
Coalition on Human Needs.
Communications Workers of America (CWA).
CWA, Local 6310, St. Louis, Mo.
Community Food Resource Center, Inc.
The Congress of National Black Churches, Inc.
Democratic Socialists of America.
Disabled in Action, New York, NY.
East 10th United Methodist Church, Indianapolis, IN.
Ella Baker Center for Human Rights, San Francisco, CA.
The Episcopal Church.
Faith Community For Worker Justice, Wauwatosa, WI.
Family and Children's Service, Minneapolis, MN.
Family Service America.
Farmworkers Support Committee, Glassboro, NJ.
Federally Employed Women, Inc.
Florida Impact, Tallahassee, FL.
Food Research & Action Center.
Friends Committee on National Legislation.
Friends of the Earth.
Friends of the National Hook-up of Black Women, Inc., Chicago, IL.
Gray Panthers.
Greater New York Labor-Religion Coalition, New York, NY.
Growing Up in Cities, Frankfort, KY.
Heartland Center/Office of Peace & Social Justice, Diocese of Gary, Indiana.
Institute for Mission in the USA, Evangelical Lutheran Church in America, Church & Labor Concerns, Saint Paul, MN.
Institute for Mission in the USA, Evangelical Lutheran Church in America, Trinity Lutheran Seminary, Columbus, OH.
Institute for Southern Studies, Durham, NC.
Institute Justice Team, Sisters of Mercy of the Americas, Des Plaines, IL.
Interfaith Alliance.
Interfaith Committee on Worker Issues, Detroit, MI.
IPS/Progressive Challenge.
Jewish Council for Public Affairs, New York, NY.
Jewish Labor Committee, New York, NY.
Jobs with Justice.
Justice and Peace Office Archdiocese of Seattle, Seattle, WA.
Labor Council for Latin American Advancement.
Latino Workers Center, New York, NY.
League for Industrial Democracy.
Mennonite Central Committee, U.S..
Migrant Legal Action Program.
Mississippi Hunger Task Force, Jackson, MS.
Mon Valley Unemployed Committee, Homestead, PA.
NAACP.
National Association of Commissions for Women.
National Association of Community Action Agencies.

---

[1] Coalition in formation (August 27, 1998).

National Association of Social Workers.

National Association of Social Workers, Connecticut Chapter, Rocky Hill, CT.

National Association of Social Workers, North Carolina Chapter.

National Association of Working Women (9 to 5) Milwaukee, WI.

National Black Child Development Institute.

National Caucus and Center on Black Aged, Inc.

National Coalition for the Homeless.

National Committee on Pay Equity.

National Conference of Puerto Rican Women, Inc.

National Consumers League.

National Council of Churches.

National Council of Jewish Women.

National Council of La Raza.

National Council of Negro Women.

National Council of Senior Citizens.

National Council on Family Relations, Minneapolis, MN.

National Education Association (NEA).

National Farmers Union.

National Hispana Leadership Institute.

National Low Income Housing Coalition.

National Partnership for Women & Families.

National Puerto Rican Coalition.

National Rural Housing Coalition.

National Urban Coalition.

National Urban League.

National Women's Conference Committee, Women's Studies, University of Wisconsin, Eau Claire, WI.

National Women's Law Center.

National Women's Political Caucus.

Nebraskans for Peace, Lincoln, NE.

Neighbor to Neighbor.

Network: A National Catholic Social Justice Lobby.

Nontraditional Employment for Women, New York, NY.

North Texas Jobs with Justice, Dallas, TX.

NOW Legal Defense and Education Fund.

Nurses Professional Organization UNA/AFSCME, Louisville, KY.

Office of Justice and Peace, Jacksonville, FL.

Older Women's League (OWL).

Oregon Food Bank, Portland, OR.

Peace and Justice Committee of the Congregation of the Sisters of Divine Providence of Kentucky, Melbourne, KY.

Philadelphia Unemployment Project, Philadephia, PA.

Phoenix Interfaith Committee For Worker Justice, Scottsdale, AZ.

Project South: Institution for the Elimination of Poverty and Genocide, Atlanta, GA.

Project South: Institution for the Elimination of Poverty and Genocide, Washington, DC.

Quaker Committee on Kentucky Legislation, Frankfort, KY.

Rainbow/Push Coalition.

Religion and Labor Council of Kansas City, Kansas City, MO.

Retail, Wholesale and Department Store Union, (RWDSU), Alabama & Midsouth Council, Birmingham, AL.

Sakhi for South Asian Women, New York, NY.

Service Employees International Union (SEIU).

SEIU Local 100, New Orleans, LA.

Social Democrats USA.

Southern Christian Leadership Conference (SCLC), Altanta, GA.

Southern Regional Council, Atlanta, GA.

Stakeholder Alliance.

Tampa United Methodist Centers, Tampa, FL.

Texas Mental Health Consumers, Austin, TX.

Union of American Hebrew Congregations/Religious Action Center.

Union of Needletrades, Industrial, and Textile Employees (UNITE).

Unitarian Universalist Association of Congregations.

Unitarian Universalists for a Just Economic Community, Pittsburgh, PA.

Unitarian Universalist Service Committee.

UNITE Local 116, McComb, MS.

UNITE Local 551, Como, MS.

United Automobile Workers (UAW).

UAW Local 2324, Boston, MA.

United Church of Christ, Cleveland, OH.

United Church of Christ, Office for Church in Society.

United Food and Commercial Workers International Union (UFCW).

United Methodist Board of Church and Society.

United Mine Workers (UMW).

United Paperworkers International Union (UPIU), Nashville, TN.

United States Catholic Conference.

United Steelworkers of America.

U.S. Jesuit Conference.

Washington Association of Churches, Seattle, WA.

Washington City Church of the Brethren.

Western MassCOSH, Springfield, MA.

Western Pennsylvania Living Wage Campaign, Pittsburgh, PA.

Wider Opportunities for Women.

Wisconsin Committee on Occupational Safety and Health (WisCOSH), Milwaukee, WI.

Women Employed, Chicago, IL.

Women Strike for Peace.

Women Unlimited, Augusta, ME.

Women Work!

Workers Organizing Committee, Portland, OR.

Workplace Project, Hempstead, NY.

YWCA of the National Capital Area.

Mr. KENNEDY. Mr. President, I want to take a few moments, now that we have the statistics behind us and we have dealt with the economic issues. If there are those who have differing economic indicators, we welcome them. Present those so we will have a chance to debate. But we have not heard from them as we have been making this case in the past weeks and past months, even the past year, about the importance of this increase. We haven't heard those arguments made.

Let me indicate to this body who we are really talking about, because I think it is important that we realize who these individuals are who are the recipients of the minimum wage. Mr. President, 33 percent of those who benefit from this increase are in service occupations, including home health care workers. These are workers like Cathy Adams, a home health aide from Viola, IL. Cathy is a high school graduate, who is currently enrolled in a computer training program at the local community college. She lives with her two daughters, who are 10 and 11.

Cathy works 11½ hours a day, 5 days a week. She cares for a woman with multiple sclerosis. She bathes her, dresses her, and feeds her. She does the grocery shopping, the laundry, and the cleaning. She runs errands and schedules doctor appointments.

Cathy likes her job and is fond of her client, but she finds it hard to live on $5.30 an hour. In March, she told a minimum wage forum:

> I literally live paycheck to paycheck. After paying the bills, whatever is left over goes to groceries. I have $9 in my savings account and worry about being able to save for my girls' education. We rarely have money to go to a movie or eat out at a restaurant. The other day, my girls asked me to take them ice skating at school. While it only costs $10, I had to think twice about whether we could afford it. Most of the clothing I buy for my kids and for myself comes from yard sales and secondhand stores.

This is a minimum wage worker, someone who will be affected by our amendment.

A second group, is child care workers. According to "Worthy Work, Unlivable Wages," a recent study by the Center for Child Care Workforce, in 1997, the average wage for a teaching assistant in child care centers ranged from $6 to $7 an hour. This is less than the 1998 poverty level for a family of three—$13,650. Turnover among these assistants is high, 40 percent.

We talk about what we care about in terms of our children. One of the most important aspects of the child's life is what is happening to them in their home, primarily, but also what happens to them when they are in some kind of child care setting, in a Head Start child care setting. So many of those who take care of those children are child care workers. Those child care workers, by and large, are receiving the minimum wage.

One of the reasons you have the great turnover is because they can't make it. Rather than having the child care workers who stay with your children throughout the year and interact with them and help and assist them getting a decent, livable wage, we have this very considerable turnover. The study found that centers paying higher than average salaries had lower turnover rates than centers paying less.

We find that true in the Head Start programs, as well. We care about children. We care about fairness and we care about child care workers. We need to do something about a minimum wage.

These are workers like Kimberly Frazier, a child care aide from Philadelphia. Kimberly works full time and earns $5.20 an hour. She is a single mother with three children and has worked at the same center since 1992.

Kimberly says her salary barely covers her bills—rent of $250 a month, food, utilities, clothing for three growing children, and carfare to get her daughter and herself to the child care center. She told our forum:

> Of course, there is never money for a vacation for my children or me. I go without new clothes for myself because I have to keep buying new sneakers for my children, they outgrow them so fast. I can't afford a car and pay for gas and insurance so I rely on public

> transportation. If I had a car, I could get out to the places where there are better paying jobs. And, like all Americans, I dream of buying my own house so that I can raise my kids in a neighborhood that has less crime and more trees. But I know that, although I work and study as hard as I can, I will never have the down payment for a house earning the minimum wage.

She concluded,

> A dollar an hour probably doesn't sound like a lot to many people, but to me and my children it would mean a real improvement in our lives.

Many minimum wage workers are janitors, cleaning offices in buildings across the country. They are people like Valerie Bell. Valerie works as a custodian at the Baltimore City World Trade Center. Since 1995, that building has been covered by Baltimore's Living Wage Ordinance, which requires city contractors to pay $6.10 an hour. That's higher than the federal minimum, but still lower than the level that I have proposed.

According to Valerie Bell, the living wage means dignity for workers and their families. As she puts it, "under the living wage, we no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store. We can possibly work two jobs rather than three low wage jobs and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having benefits in these jobs. The best welfare reform is a living wage job."

Nationwide, most security screeners at airports earn the minimum wage. These workers screen passenger luggage, operate metal detectors and work x-ray machines. They are responsible for the safety of millions of passengers and thousands of airplanes entering and leaving airports around the country—yet they earn the minimum wage.

These are workers like Melvin Ware, a customs carousel handler at the Los Angeles Airport. He takes home about $317 every two weeks. "By the time you pay rent and utilities, you're broke," he said. "There's no life after work." Raquel Littlejohn screens passenger luggage, and spends much of her day at a computer terminal. This strains her eyes but, with take-home pay of under $400 every two weeks, she can't afford to get them checked. A sympathetic L.A. Councilwoman said, "I don't think it's good that the person who is doing such an important job has to be worrying about trying to get to the next one because the security job doesn't pay a living wage."

Eighteen percent of today's workforce is employed in the retail industry—that's 22.5 million workers. Many are paid the minimum wage.

These are people like Cordelia Bradley of Philadelphia. She works at a clothing chain just outside Philadelphia. She is the mother of one son, and she earns $5.15 an hour.

She told our minimum wage forum in March that:

> I am currently living in a rented room for which I pay $300 a month. I would like to have my own apartment but I cannot afford one. In addition to paying my rent, I pay for food, clothing and transportation. . . . If the minimum wage was higher I would be able to save up for my own apartment for me and my son. . . . I ask you to reward the people who go to work by raising up the minimum wage. Things are very rough for people, not just people on welfare. There are many people like me who go to work every day and cannot afford to live. Please do the right thing.

Then there are laundry workers, and the list goes on. These are the individuals whose lives would be impacted by the increase in the minimum wage. We are talking about a dollar—a dollar an hour. We are talking probably $2,000 over the course of a year. That's not two-thirds as much as the increase that every Member of the U.S. Senate received in this Congress—two-thirds as much as we have received in this Congress. We are being asked whether we are going to try to give those individuals some relief, some help, some assistance, as we have in the best days of our past, to say that these individuals could and should be able to have an impact.

Nationwide, the soup kitchens, food pantries and homeless shelters are increasingly serving the working poor, not just the unemployed. According to a recent study by Second Harvest, the nationwide networks of food banks, in 1997, 39 percent of households seeking emergency food aid had at least one member who was working. Eighty-six percent of households receiving emergency food aid earned under $15,500 a year, and 67 percent of the households earned less than $10,000 a year.

According to a U.S. Conference of Mayors study, requests for emergency food aid increased 86 percent in the cities survey. And 67 percent of the cities cited low-paying jobs as one of the main causes of hunger. These aren't only just for the parents, these are for the children. This is not a Member of Congress that is saying it, these are the mayors of the country saying what is happening out across the Nation, which is that individuals can't make it with this kind of an income, and there is something that we can do.

We are facing many complex problems here in the United States Congress and Senate. We have faced many of them. But one that we can impact and one that we should impact is trying to make sure that people who work will not be in poverty for themselves and their children. We hear a lot about American values in our country, about what is important and what is unimportant. The newspapers are filled with that. Well, this is something that is important.

I welcome the fact that President Clinton has been a strong supporter of this particular issue. So we will have an opportunity, Mr. President, to come back and visit this issue. Nothing, I believe—and I have had a chance to vote and participate on many different issues over 37 years in the U.S. Senate—there is no single issue that is more defined in terms of fairness than the issue of the minimum wage. Nothing. Just in terms of fairness, are we going to be fair to working people in our country and in our society? Are we going to be fair against the background and history of Republicans and Democrats that were fair?

We are going to be asked next Tuesday whether this body will be fair. We will have a chance then to speak to that issue.

THE TRUTH IN EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, last night my Republican colleagues filed cloture on the so-called Truth in Employment Act. Supporters of this deceptively-titled bill claim that it is designed to bar a union organizing technique known as "salting." Under that technique, union supporters seek a job at a non-union shop with the intention of persuading co-workers to join the union.

I oppose this legislation, and I urge my colleagues to oppose cloture. I believe that salting, like other types of organizing activity, should be protected by the labor laws.

Under the bill, employers could make employment decisions based on their subjective view of an employee's motivation. If an employer believed that a person was likely to try to organize a union, the employer would be free not to hire that person. If an employer unilaterally determined that an employee's interest in organizing co-workers would interfere with her ability to do the job, the employer could refuse to hire her. If an employer rightly or wrongly decided that an employee might work together with colleagues to change conditions on the job, the employer could discharge or discipline the employee.

Many may remember the movie "Norma Rae," starring Sally Field. In that film, Norma Rae decided she had had enough of the abusive practices in her factory, so she worked with a labor union to organize her co-workers so they could stand up to these abuses together. But under this bill, Norma Rae could be fired.

This bill would make mind-reading a protected right under the National Labor Relations Act. It would let employers deny work to employees based on a perception that they might try to organize a union. That perception is most likely to come from the employee's membership in a union. In effect, this bill would institutionalize the blacklist. That is unacceptable.

Let us be clear what types of activity are protected under the labor laws, and what kinds of conduct would be left open for employer retaliation under this bill. Section 7 of the National Labor Relations Act protects employees' rights to organize, bargain collectively, and engage in other concerted activities for mutual aid or protection.

If this bill became law, an employer could refuse to hire an employee based on a fear that she might band together with co-workers to push for an on-the-job child care center. The employer could claim that this activity was undertaken in furtherance of an organization other than the employer, be it a union or a women's rights organization. Therefore, the workers' conduct would not be protected, and the employer could discriminate or discharge at will.

Under this bill, a firm could fire African-American workers who together sought Martin Luther King's birthday as a holiday. Once again, the employer could argue that the workers were acting in furtherance of a civil rights group's goals, and therefore were not protected by the National Labor Relations Act.

Under this bill, a company could deny jobs to employees it believed might try to persuade others to support a political campaign, or get involved in a community group, or contribute to a church or synagogue. And, a firm could refuse to hire workers because they might join a union, or persuade others to do so.

Most of us would agree that discrimination on the basis of race, or religion, or gender, or political belief—and many of us would also put sexual orientation on that list—is unacceptable in this society. The right to self-expression on these important issues flows from the First Amendment, and has been protected by decades-old federal laws. The National Labor Relations Act places an employee's right to organize and bargain collectively on an equal footing with these other rights, and so it should.

This bill would effectively repeal that right. It leaves employees in an intolerable position.

In 1995, the National Labor Relations Board ordered nearly 7,500 workers reinstated. Those workers had been fired unlawfully for union activity. Over 26,000 workers discharged for unionizing were awarded back pay. On average, workers waited four years from the date of the unlawful discharge before being awarded any relief. And, the Dunlop Commission on the Future of Worker-Management Relations found in 1994 that union supporters were unlawfully fired in one out of every four union election campaigns.

These figures demonstrate that workers who become active supporters of a union after they are hired run a substantial risk of being fired. Under this bill, if the employer thinks an employee might become active in a union, that worker never gets the job in the first place. This is not progress. Instead, it takes us back to the days when employees could be required to sign "yellow dog contracts," promising never to join the union, in order to be hired.

The Supreme Court has emphatically rejected this approach. In 1995, the Court unanimously ruled that union supporters are employees protected by the National Labor Relations Act when they apply for a job. In the Town & Country decision, the Court dismissed the employer's claim that union organizers are inherently untrustworthy because they owe their primary loyalty to the union. But that is precisely the premise underlying this bill.

Current law gives employers many ways to advance their legitimate interests in an efficient and productive workforce—without undermining employees' rights to engage in concerted activity. For example, an employer can establish a policy barring its employees from all outside employment. The Sixth Circuit Court of Appeals held just a few months ago that such a policy can be applied against union organizers, so long as it is also applied neutrally to all other types of employment.

Workers who neglect their job duties in order to organize other workers can be disciplined or discharged. The Fourth Circuit Court of Appeals has held that it is lawful for an employer to fire employees who fail to carry out their duties because they are trying to organize.

Employers can lawfully discipline employees who fail to do the job they were hired to do, or disrupt the employer's operations, or engage in unlawful conduct. Employers can file charges with the National Labor Relations Board, or even the police, if the conduct is criminal. In short, employers have many tools available today to address the concerns that supposedly motivate this bill.

Finally, I note that many of this legislation's proponents are also strong supporters of the so-called TEAM Act. TEAM Act supporters claim that bill is necessary in order to promote employee participation in the workplace. The present bill would permit employers to refuse to hire workers who band together in order to participate in the workplace.

It is ironic that supporters claim to favor employee participation in the one context, but seek to squelch it in the other. The common thread appears to be employer domination. Participation is seen as desirable only if employers can control the "team," and worker-controlled groups such as unions can be prohibited.

This legislation poses a significant threat to employee rights that have been fundamental to our industrial democracy for over 60 years. Because the bill is dangerous as well as unnecessary, I must oppose it.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

THE FARM CRISIS

Mr. BREAUX. Mr. President, I will not take a long time. I know the hour is late. But there are still very important issues that I think Congress needs to pay attention to and to address. I know that all of the news in Washington today has been generally about the problems of the President. While I understand that, it is also very important, I think, for all of us to realize that we cannot pretend to be ostriches and stick our heads in the sand, and not face other very serious problems that many of our constituents are facing around this country.

I would like to bring to my colleagues' attention the very serious agricultural disasters that exist as we stand here in Washington today throughout a large portion of the agricultural belt in the United States of America. It is a serious problem. We cannot allow the problems of the moment to distract us from very important duties that we have, as legislators, to do everything within our power to try to help solve the problems of America's farmers.

It is really interesting, because while the farmers are having problems throughout the United States, there are different reasons for the disasters which I would like to point out.

In the northern and many of the western parts of the country—the northwestern part of our United States—the problems in agriculture are very simple—they have very low prices for their products—while in the South, in the Southwest, and in my State of Louisiana, the problem is also very simple to understand: It is not that the crops have low prices but, rather, that they have no crops. They have no crops because of the drought conditions that have caused an economic, agricultural, farming disaster.

While the reasons for the problems for the farmers are quite different, the results are the same. Whether you are a farmer in the northern part of the United States who can't get enough money for your crop to justify your cost of production, or whether you are a farmer in my State of Louisiana, which has no crop because of the extreme drought that has ravaged my State, the end result of the farmer and the family farm is the same; it is loss of income; it is loss of the ability to continue as a family farm. What happens to a family farm affects not only that family farm but it affects the community that they live in. When farmers suffer economic loss, the entire State suffers as well.

What I want to mention is the severity of the problem in my State, which is not unlike many other States. We just recently had the Louisiana State University Agricultural Economic Department review the losses that my farmers in Louisiana have faced. Their report as of August 14 is truly astounding. The total State reduction in farm income for the following crops is as follows:

For the corn crop, it is over $64 million of loss;

For cotton, it is over $50 million of loss;

For just soybeans, it is over $72 million;

For rice, it is over $14 million;

For sugar, it is nearly $45 million;

For sorghum, it is over $4 million.

The total crop loss they are estimating is $254 million.

Sweet potatoes, over $8 million;

Commercial vegetables, almost $4 million;

The pine seedlings for forest reproduction is estimated at $10 million;

Pasture, $90 million;

Hay, almost $25 million.

The current estimated total as of August 14 was over $390 million.

When you factor in the problems with some of the diseases that are being experienced—aflatoxin, for instance—you have to look at about $420 million. This is just in one State.

So the loss is truly devastating.

These are real problems. These family farm problems affect not only the family farmers, as severe as that is, but they affect the economy, the community, and the people who sell the harvesting equipment, the tractors and combines; the people who sell the seed and the fertilizers; the people who sell shoes and clothes and food in town. If the farmers do not earn a living, they cannot buy the other products; the implement dealer and the car dealer, all suffer. It has a ripple effect throughout the United States of America.

The problems in the North—as I said, because of low prices, because of cheap imports being dumped from Canada, because of the overall depressed economy in many parts of Asia and Europe, and particularly in the South, in addition to low prices on the crops, we have no crops.

So the question is now not the extent of the problem. We know that. The question is now, What do we do?

I just think it is interesting. When we have a hurricane, tornado, or earthquake, there is always a rush to provide economic assistance. There is always on the nightly news when someone is visiting a hurricane-ravaged area or area that has been hurt by a tornado, a reaching out to the people. When you have the earthquake, it is the same result. Somehow it seems like it is different with the farmers because I think it is so gradual. If you have an earthquake, it happens, it is over, the people come in, they leave, and they have made an expression of their concern. But when it is an economic disaster over a longer period of time, it is harder to have people focus on the severity of the problem.

I think that is what is true in the agricultural disaster that we are now experiencing in my State. But the loss is just as severe, the hurt is just as severe. When you have to sell the family farm and move, and you can't pay your bills, you are hurting just as much as someone who has lost a family home because of a tornado, earthquake, or hurricane, or some other natural disaster.

The question now is, What do we do? It is clear, in my opinion, that the current agricultural programs that are designed to address assistance are too bureaucratic.

They do not work. They are outdated. They need something else to be helpful. What I mean by that is, for instance, with the loan program, emergency loans, the Government tells a farmer, well, you have to get turned down by three lending institutions in your local area and then you can come to the Government and get some financial assistance in terms of a Federal loan. If you could get the local loan, you would not need the Federal loan. But somehow you have to show that you could not get the local loan, but that if you get the Federal loan you can pay it back. If you could pay back the Federal loan, you could have paid back the local loan and you would not have had any need for help at the Federal level in the first place.

Those programs, well intended as they are, are simply too bureaucratic and do not work in providing real assistance to millions of American farmers.

What we are working on is to try to present a package, and this should be bipartisan. Republicans did not cause the problem and Democrats did not cause the problem, but the truth is we are going to have to work together to solve the problem. If we do not work together, chances are it is not going to get solved. This is not a political problem; it is a natural disaster problem. So what we are trying to do is provide some assistance.

Some have suggested increasing the loan levels, the artificial target prices, removing the caps on those programs to allow for a higher loan rate in order to give more assistance to farmers. That is a good thing to do. But in my area, it does not really help because my farmers don't have a crop to put in the Federal loan program. So in the South where you have no crop, we support what we are trying to do for our northern farmers. It is very important and I think it is the right thing to do. But in the southern portion of the United States where there is no crop at all and they have not been able to benefit from the program, we are suggesting direct financial assistance. It would go to farmers who do not have their losses covered by any other type of program. If someone has crop insurance, well, they may be helped a little bit. And the amount of help they get under the Crop Insurance Program should not allow them to double dip, but crop insurance is not going to cover their entire losses. So that part of their loss which is not covered by some insurance program should be clearly eligible for direct financial assistance. And for many of our farmers, they can't even afford crop insurance and so they have nothing. So their losses should be also covered, obviously, by any type of direct financial assistance to try to help them survive.

It is strictly a question of this one-time aid to help them survive until the next year so they can still be around to plant and grow the crops that help feed most, if not all, of America and much of the rest of the world.

Some will say, well, Senator, this is going to be expensive. Where is it going to come from? Well, No. 1, because of the good economic conditions, I think because of many of the things we have been able to do in the Congress, fortunately, the economy of the country is good in other areas, and, fortunately, we do not have a Federal deficit which we used to have—we now have a Federal surplus and we have had estimates of $50-, $60-, $75 billion just in this year—why not look at this disaster as an emergency, and if you have a surplus in the Federal budget, let's consider using that surplus to address a real economic disaster which has huge consequences if we do not do something to help out family farms.

Some say, well, we should use the surplus for a tax cut. There is certainly room for a tax cut. I think if it is the right type of tax cut and is helpful to the people who need help, we should move in that direction. Should we use it for saving Social Security? Yes. Certainly, that is a higher priority. But should we also use some of it to help save family farms that are facing an economic disaster beyond their control? They had absolutely nothing to do with it. The answer is yes.

This is what Government is all about, trying to help those who are in need and creating an economic climate whereby through hard work and industrial spirit they can produce and be profitable. If something happens not related to anything they have done that causes an economic disaster, I think we in Government have an obligation to participate in finding some solution to that problem. That is why, hopefully, in the coming week we will be able to join forces, Republicans and

Democrats, and say, look, no one here caused the problem but, by golly, we had better work together in order to solve it; otherwise, we will not have done our duty. I certainly want to participate in that effort and plan to be very actively involved.

Just this week we had a very good meeting with the Secretary of Agriculture, Dan Glickman. The Secretary understands the nature of the problem. He understands the severity of it. He also understands that many of the programs we have on the books simply are not enough to address the problems that we are experiencing this year, and he has pledged his cooperation to try to come up with something that can provide the type of direct financial assistance that is certainly needed in my State of Louisiana. I look forward to accomplishing that in the coming weeks.

Mr. President, that concludes my remarks.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. MONDAY, SEPTEMBER 14, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Monday, September 14.

Thereupon, the Senate, at 2:44 p.m. adjourned until Monday, September 14, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1998:

DEPARTMENT OF STATE

CRAIG GORDON DUNKERLEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DANIEL AVENANCIO, 1110
PHILIP J. BECKMAN, 3133
JEFFERY J. BERNASCONI, 6431
STEPHEN J. BOHN, 8840
CURTIS L. BROWN, 0980
JAMES S. CAMPBELL, 7648
MICHAEL R. COUGHLIN, 3925
MICHAEL L. CROCKETT, 9220
JAMES E. CROSLEY, 2164
LARRY DEATON, 4753
ALAN D. DORRBECKER, 8921
RANDELL DYKES, 0213
BRIAN P. ECKERLE, 4396
PIERRE A. FULLER, 9424
NICOLAS GERACE, 6218
MICHAEL E. GOCHENOUR, 9594
DOUGLAS V. GORDON, 6334
CHRISTOPHER JACOBSEN, [redacted]
THOMAS KISS, 7429
JOHN M. KUBERA, 5180
MICHAEL LEHMAN, 5705
OLIVER T. LEWIS, 7331
KENNETH S. LONG, 6866
RONALD LUNT, 9274
RICHARD MALONEY, 8411
MICHAEL G. MC LOSKEY, 9283
MARK F. MILLER, 5152
ELMER M. NAVARRO, 4922
ALBERT G. ONLEY, 2432
ENRIQUE N. PANLILIO, 9002
BRIAN M. REED, 4630
ANGUS P. REGIER, 0225
JOHN F. RINKO, 9623
STEVEN F. SMITH, 9946
DANIEL SPAGONE, 1311
JEFFREY SULLIVAN, 1307
JAMES S. TALBERT, 6196
VINH X. TRAN, 5774
DEAN VESLEY, 0573
TIMOTH R. WEBER, 9523
CARL B. WEICKSEL, 0058

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KARLA M. ABREUOLSON, [redacted]
CHAD F. ACEY, 4207
GREGORY A. ACHORS, 0027
BRIAN S. ADAMS, 6813
ROBERT G. ADAMS III, 2444
WILLIS R. AGEE, 5113
JAMES A. AIKEN, 3538
KACY W. AINSWORTH, 0379
ANGELA D. ALBERGOTTIE, 9549
CHARLES N. ALBRECHT, 8060
CONRADO K. ALEJO, 8696
WILLIAM T. ALEX, 3704
RANDY E. ALEXANDER, 3002
TIMOTHY S. ALEXANDER, 7192
THOMAS R. ALLBEE, 3434
DAVID W. ALLDRIDGE, 8598
CLAUDE A. ALLEN, 7451
JAMES C. ALLEN, 7546
EDGARDO G. ALMINAR, 2015
RANDy P. AMATO, 2258
THOMAS R. AMBLAD, 8683
CHARLES R. AMBROSE, 4945
MARK S. ANDERSEN, 9531
CRAIG A. ANDERSON, 0701
MARK A. ANDERSON, 0766
NICHOLAS M. ANDERSON, 4662
PAUL B. ANDERSON, 2528
VINCENT D. ANDERSON, 1276
ALLAN D. ANDREW, 2725
DOMINIC A. ANTONELLI, 2607
TANYA L. ANTONIUK, 8464
BRUCE A. APGAR, 4024
JOSE P. ARAGON, 5228
CHRISTOPER J. ARENDS, 7466
DANIEL D. ARENSMEYER, 7872
RAYMOND A. ART, 4310
SCOTT W. ASKINS, 4568
CAL D. ASTRIN, 9264
RUSSELL B. AUSLEY, 9339
PAUL K. AVERNA, 4500
RICHARD AYALA, 8706
CATHALENE M. BABINEAUX, 9871
OCTAVIO O. BABUCA, 2506
GEORGE M. BAIN, 5279
JEFFREY S. BAKER, 5416
REGINALD BAKER, 9799
STUART P. BAKER, 7874
BARRY BAKOS, 7576
NICHOLAS BALICE, 5418
JAY C. BALLARD, 1675
MICHAEL A. BALLOU, 3358
JOHN S. BANIGAN, 8436
MICHAEL P. BARATTA, 2706
CARLOS M. BARBOSA, 8260
ERIC T. BARKDULL, 2917
CHARLES A. BARKER, 2316
GLENN A. BARKER, 2264
TRACY A. BARKHIMER, 6113
CHRISTOPHER K. BARNES, 7487
USHER L. BARNUM., JR, 3240
BENJAMIN K. BARRETT, 8070
GREGORY L. BARRINGER, 5661
JAMES E. BARROWS, 7375
JEFFREY B. BARTA, 0929
ROBERT B. BARTHELMES, [redacted]
ROBERT B. BASSETT, 2100
MICKEY S. BATSON, 5421
JEFFREY R. BAY, 5509
KENNETH G. BECK, 8267
WILLIAM G. BEDDIE, 6609
MARK W. BEDDOES, 9865
JAMES C. BEENE, 3078
STEVEN T. BELDY, 4593
ALAN E. BELL, 1035
JOSEPH E. BELL, 1307
TODD A. BELTZ, 6646
JON G. BENAVENTE, 2921
THOMAS R. BENDEL, 0999
RAYMOND J. BENEDICT, 9002
AUGUSTUS P. BENNETT, 8241
JAMES H. BENTON, 4147
BRENT A. BERARDUCCI, 6215
STEVEN BERGMAN, 1435
TODD J. BERHOW, 1613
MICHAEL D. BERNACCHI, JR., 0393
PAUL R. BERNADO, 7436
JOYCE M. BERNARD, 8341
MATTHEW T. BERTA, 5541
WILLIAM R. BERTRAM, 3254
THOMAS A. BEST, 4785
MICHAEL P. BETTS, 1765
BRUCE M. BICKNELL, 7587
WILLIE D. BILLINGSLEA, 4876
JOHN G. BISCHERI, 7064
JAMES A. BISHOP, 7621
JOHN H. BITTING III, 8537
RICK L. BLACK, 1406
RANDY B. BLACKMON, 6305
ANTHONY R. BLANKENSHIP, 2051
CHRISTOPHER M. BLASCHUM, 5697
KIMBERLY S. BLOOD, 9959
CARLTON R. BLOUNT, 0447
JAMES L. BOCK, JR., 5576
WILLIAM A. BOGGS, 3604
KURT F. BOHLMANN, 5208
JUDY T. BOLDUC, 9593
BRIAN D. BOLUYT, 3621
BRETT F. BONIFAY, 1215
GISELE M. BONITZ, 7182
DEBORAH L. BOOTH, 1591
DAVID C. BORAH, 8862
STEVEN C. BORAZ, 0145
ERICH W. BORGSTEDE, 8949
BRIAN K. BORING, 9338
ERIC E. BORIO, 2174
JAIME BORREGO, 6216
DAVID W. BOUVE, 1671
MARK D. BOWMAN, 9141
LISA M. BOZZELLI, 6743
MORDAUNT P. BRABNER, [redacted]
LAWRENCE J. BRACHFELD, [redacted]
RAYMOND L. BRADLEY III, 5975
ALBERT A. BRADY, 5315
RANDY L. BRATCHER, 2972
JEFFREY S. BRATVOLD, 2603
ERNEST B. BRAZ, 1580
WILLIAM J. BREITFELDER, 1029
KEVIN S. BRENNAN, 0149
MICHAEL J. BRENNAN, 5065
RICHARD F. BRERETON, 7203
MICHAEL J. BRESLAUER, 7504
CECIL C. BRIDGES, 9412
DANIEL M. BRINTZINGHOFFER, 1707
CHARLES C. BROCK, 2890
STEVEN V. BROCK, 2961
DONALD B. BROCKETT, 4308
BARRY D. BROCKWAY, 9159
MICHAEL A. BROOKES, 1632
RYAN K. BROOKHART, 5258
WILLIAM J. BROUGHAM, 6568
CURTIS L. BROWN, 0980
DONALD S. BROWN, 5727
JAMES H. BROWN, 8316
KING E. BROWN, 3673
RICHARD S. BROWN, 3710
THOMAS P. BROWNE, 6474
GARY M. BRUCE, 2077
JOHN S. BRUCE, 1956
DAN W. BRUNE, 0907
CHRISTOPHER W. BRUNETT, 2300
MARK R. BRUNNER, 7101
ROBERT H. BUCKINGHAM, 5896
WILLIAM E. BUNN, 2421
JAMES A. BURCH, 2933
NORA A. BURGHARDT, 8283
ROBERT B. BURGIO, 8773
ERIK A. BURIAN, 5780
AMY D. BURIN, 1291
CHRISTOPHER T. BURKETT, 4019
CLIFFORD A. BUSSEY, 2031
CHRISTINE D. BUSSLER, 3042
DONALD A. BUZARD, 1406
DAVID J. BYERS, 5296
GREGORY K. BYNUM, 9136
SHAN M. BYRNE, 0096
LAWRENCE J. BYRNES, 3163
ROBERT A. H. CADY, 7356
LLOYD V. CAFRAN, 3306
GARY L. CALDWELL, 8204
TIMOTHY P. CALLAHAM, 5849
ROBERT A. CAMERON, 3042
JAMES J. CAMMARATA, 6872
JAMES S. CAMPBELL, 7648
KEVIN B. CAMPBELL, 0242
MARVIN G. CAMPBELL, 8803
FRANCIS J. CAMPION, 6447
RUBEN A. CANTU, 3458
GEORGE S. CAPEN, 3568
JOHN P. CARDANY, 2302
LESLIE T. CARDENAS, 7564
ANTONIO J. CARDOSO, 8232
PATRICK C. CAREY, 4064
STEVEN M. CARLISLE, 8270
WILLIAM E. CARLSON, 2766
CAMERON P. CARNEY, 8302
DONALD W. CARR, JR., 8912
TIMOTHY D. CARR, 4188
CLINTON A. CARROLL, 8611
JOHN A. CARTER, 8137
MICHAEL P. CASEY, 4560
BRUCE D. CASPERS, 9913
PEDRO A. CASTAING, 7283
PETER R. CATALANO, 0629
GREGORY C. CAVANAUGH, [redacted]
JAMES B. CAWRSE, 9166
DOUGLAS J. CAWTHRA, 1916
ROBERT J. CEPEK, 6932
RICHARD CERWINSKI, 2395
MICHAEL D. CHALFANT, [redacted]
JOHN W. CHANDLER, 7637
ELEFTHERIOS CHAPAS, 5477
PHILIP S. CHAPMAN, 6759
BRYAN E. CHEESEMAN, 1973
RICHARD J. CHEESEMAN, [redacted]
DANIEL L. CHEEVER, 3913
JOHN D. CHERRY, 5741
BYRON G. CHEW, 0288
JOHN W. CHEWNING, 0665
CHRISTOPHER W. CHOPE, 3297
CHRISTIAN E. CHRISTENSON, 7690
BRIAN K. CHRISTIANSON, [redacted]
STEVEN J. CINCOTTA, 5375
TIMOTHY M. CIOCCO, 8511
JOSE L. CISNEROS, 4229
KEVIN M. CLAFFY, 4403
ANTHONY J. CLAPP, 4467
CRAIG A. CLAPPERTON, 9028
BRYAN L. CLARK, 4429
ROBERT E. CLARK, 1972
ROBERT T. CLARK, 7939
ORIN B. CLAY, 5620
DAVID D. CLEMENT, JR., 2435
JAMES CLUXTON, 4512
KIMBERLY D. COBB, 3157
WESLEY P. COCHRAN, 1323
JOHN S. COFFEY, 5823
PHILIP A. COGHLAN, 6856
CHRISTOPHER J. COHOES, 3623
MATTHEW J. COLBURN, 4749
CHRISTOPHER H. COLEMAN, 9774
JOHN P. COLES, 4657
BRENDAN W. COLLINS, 7506
FRANKLIN L. COLLINS, 4575
FRANKLIN S. COLLINS, 8233
SCOTT W. COLSON, 9070
CLAYTON L. CONLEY, 1021
DESMOND M. CONNOLLY, 1856
BRIAN D. CONNON, 4274
DANIEL B. CONRAN, JR., 2953
BLAKE L. CONVERSE, 4188
DENNIS A. COOK, 1466
GLENN C. COOPER, 9967
WILLIAM S. COOPER, 0266
CHARLES R. CORDON, 5317
EUGENE D. COSTELLO, 8377
MATTHEW F. COUGHLIN, 2585
MICHAEL C. COUSINS, 3817
MICHAEL J. COX, 2977
WILLIAM W. COX, 4377
GREGORY J. COZAD, 3010
JAMES H. CRAFT, 6770
JOHN R. CRAIG, 6692
MARK H. CRAVER, 9378
KATHLEEN M. CREIGHTON, 3795
ALLEN CRISP, 2931
FLOYD R. CRISP II, 9832
MICHAEL L. CROCKETT, 9220
ROBERT A. CROWE, 1705
MICHAEL S. CRUDEN, 1275
ALVARO F. CUELLAR, 5088
SHARON L. CUMMINS, 1354
JOHN H. CUNNINGHAM, 4007
PAUL B. CUNNINGHAM, 2843
THOMAS CURRAN, 6780
REX L. CURTIN, 1973
DAWN E. CUTLER, 8177
JOSEPH G. DACQUISTO, 2611
ROBIN A. Y. DAHLIN, 5165
KNARVELL DAILEY, 5669
JAMES V. DANIELS, 8931
JOHN D. DANNECKER, 9567
RANDY C. DARROW, 4167
JOHN W. DATKA, 4823
DRUSO DAUBON, 6850
REEVES A. DAVES, 2198
PETER B. DAVI, 0982
ANDREW DAVIS, 2052
DUANE T. DAVIS, 4153
JACK E. DAVIS, 0103
JAMES P. DAVIS, 7739
KATHY L. DAVIS, 9315
NORMAN D. DAWKINS, 7574
DAVID P. DAWSON, 4200
MICHAEL D. DAWSON, 3328
PHILLIP E. DAWSON III, 6069
GARY L. DEAL, 9242
STEVEN E. DEAL, 8010
DONALD C. DEAN, 5691
KARL D. DEANS, 6822
LARRY T. DEATON, 4753
JEFFREY E. DEBOLT, 0437
STEVEN M. DEBUS, 1808
LEOPOLDO F. DECARDENAS, 7516
PATRICK R. DECK, 0943
CHARLES J. DEGILIO, 6944
ANDREW W. DELEY, 6545
CHRISTOPHER H. DELLOS, 8874
JAMES E. DEMOTT, 8807
CHRISTOPHER J. DENNIS, 5720
RONALD M. DENNIS, 9080
MARK R. DESAI, 5186
ANTHONY T. DESMET, 3960
DOUGLAS F. DESROCHERS, 9738
DANA S. DEWEY, 3930
STEVEN L. DIAL, 4023
KENNETH F. DIANOVICH, 0567
DWIGHT D. DICK, 4553
JAMES H. DICKERSON, 8050
DUKE E. DIETZ, 6405
ERIC S. DIETZ, 8294
JAY F. DILL, 8139
ROBERT D. DILLMAN II, 6144
KEVIN L. DIPPERY, 1640
DON E. DIZON, 5980
THAD J. DOBBERT, 7672
RICHARD E. DODSON, JR., 6791
JOSEPH F. DONNELLY, 5128
MICHAEL P. DONNELLY, 3485
JOHN M. DONOVAN, 5187
MICHAEL P. DORAN, 0358
GEORGE E. DORTCH, 3275
FRANK J. DOWD, 8031
RONALD E. DRAKER, 5807
PAUL T. DRUGGAN, 7043
CHRISTOPHER D. DRYDEN, 7171
SHAWN E. DUANE, 4292
SHAWN P. DUFFY, 6491
ROBERT B. DUMONT III, 6642
GREGORY D. DUNNE, 9199
DOUGLAS D. DUPLAYEE, 5399
LOUIS J. DURSO, JR., 6876
MICHAEL D. DURST, 7960
DANIEL P. DUSEK, 5112
ROBERT E. DVORAK, 5907
RICHARD H. DWIGHT, 4186
JOHN T. DYE, JR., 9690
RANDELL W. DYKES, 0213
CRAIG P. EARLS, 7188
PATRICK T. EASTER, JR., 5895
THOMAS A. EBERHARD, 0831
JOHN P. ECKARDT, 8188
BRIAN P. ECKERLE, 4396
ROBERT K. ECKLES III, 9639
JAMES R. ECKLOFF, 7880
JULIAN D. EDGE III, 2982
WILLIAM W. EDGE, 8400
MARCIA R. EDMISTON, 7547
DOUGLAS L. EDSON, 1888
HENRY B. EDWARDS III, 6621
JASON C. EHRET, 7684
JEFFREY T. ELDER, 2572
KENNETH F. ELKERN JR., [redacted]
RICHARD A. ELKINS, 7476
GERALD L. ELLIOTT, II, 6947
GEOFFREY T. ELLSWORTH, 6316
WILLIAM M. EMMEL, 2340
JAMES A. EMMERT, 7176
TRACEY L. EMSWILER, 1218
JUDY M. ENGLAND, 1063
DARREL W. ENGWELL, JR., 2529
DARREL E. ERICKSON, 1797
EMILSON, M. ESPIRITU, 4848
ROMMEL M. ESTEVES, 6308
NEWMAN J. EVANS III, 5751
DARRELL D. EVERHART, 2307
CALIN J. EVON, 7011
WILLIAM L. EWALD, 2210
FREDERICK L. FACYSON 1583
STEPHEN F. FAHEY, 9397
ELIZABETH Y. FALK, 7479
PETER R. FALK, 7416
ANDREW L. FEINBERG, 2693
JOHN W. FELKNER, 1400
GREGORY P. FERNANDEZ, 1412
SCOTT W. FEVER, 6168
MICHAEL S. FEYEDELEM, 2816
PETER B. FIELD, 8235
KORY R. FIERSTINE, 4740
WILLIAM C. FILAN, 4025
STEPHEN M. FIMPLE, 8383
CHRISTOPHER M. FINCH, 7832
WILLIAM D. FINCH, 0337
STEVEN C. FINCO, 8251
ROBERT J. FINK, 0026
MICHAEL. P. FINNEGAN, 5938
CHRISTOPHER F. FITZGERALD, 1003
CHRISTOPHER M. FITZGERALD, 2587
JAMES R. FITZGERALD, 1482
WILLIAM FITZGERALD, 0277

MICHELLE A. FLAHERTY, 3975
DAVID L. FLAKE, 2656
HEIDI A. FLEMING, 7159
CHRISTOPHER J. FLETCHER, 3138
DAVID K. FLICK, 3605
EDWARD A. FLINT, 4590
RONALD A. FLORENCE, 8203
ROBERT L. FLOYD, 1197
G.T. FOGGIN IV, 1874
THOMAS D. FOHR, 5783
RICHARD A. FOLEY, 2860
WAYNE K. FONG, 9581
JAMES J. FONTANELLA, 5445
DURANTE A. FOOTMAN, 0297
BRIAN P. FORT, 0147
BRETT C. FOSTER, 5387
SHELLIE FOUNTAIN, JR., 1624
TONY L. FOX, 9657
CHARLES R. FRALICK, 0519
FREDERICK M. FRANCE, JR., 1056
BARBARA L. FRANKLIN, 9424
JOSEPH P. FRANSON, JR., 2307
TYLER L. FRAUTSCHI, 4771
ANTHONY W. FRAZIER, 3795
BRIAN W. FRAZIER, 4099
BRENT S. FREEMAN, 2037
MARTIN V. FRENCH, 6042
RICHARD A. FREY, 0622
LEONARD M. FRIDDLE, 9984
STEPHEN W. FROELICH, 4386
ROBERT B. FRYER, 2308
KIMBERLY L. FUCHS, 7066
ROBERTO L. FUENTES, 5096
ANN M. FUHRING, 2558
MICHAEL S. FULGHAM, 8559
PATRICK C. FULGHAM, 8734
ROBERT D. FULLER, 4680
SEAN P. FULLER, 5088
ALAN D. FULLERTON, 1614
FREDERICK E. GAGHAN, JR., 1793
THOMAS D. GAJEWSKI, 9683
MARIA K. GALBRAITH, 5969
BRYAN F. GAMBLE, 3601
HARRY L. GANTEAUME, 4815
EDWARD G. GANUN, 7356
MICHAEL C. GARD, 4761
DENNIS J. GARTH, 6499
DERRICK E. GARVIN, 5226
PETER A. GARVIN, 1814
RODNEY D. GATELEY, 3055
GREGORY P. GEISEN, 0539
JOSEPH E. GELARDI, 8863
NICOLAS J. GERACE, 6218
SHELDON GERINGER, 0994
DILIP B. GHATE, 4103
PAUL A. GHYZEL, 4018
GREGORY J. GIBSON, 6868
JAMES F. GIBSON, JR., 6457
JEFFREY T. GIBSON, 6175
HELENA A. GILBERT, 1724
JASON A. GILBERT, 2735
CHARLES W. GILL, 4897
MICHAEL W. GILL, 3385
PATRICIA A. GILL, 8176
JEFFREY W. GILLETTE, 9264
CRAIG S. GIVENS, 9906
DONALD J. GLATT, 2667
WILLIAM G. GNESDA, 3615
VICTORIA L. GNIBUS, 1484
MICHAEL E. GOCHENOUR, 9594
DAVID A. GOGGINS, 5210
JOSEPH D. GOMBAS, 3312
JAMES P. GOMPPER, 7340
DAVID R. GONGRE, 6765
MARK R. GONZALES, 8602
JUAN C. GONZALEZ, 1807
YVETTE M. GONZALEZ, 0043
VANCE M. GOOCH, 1337
DAVID A. GOODMAN, 5033
JEFF D. GOODMANSON, 0030
CURTIS J. GOODNIGHT, 6933
BENJAMIN B. GOODWIN, 3341
BARBARA S. GORDON, 5130
ANDREW M. GORZELA, 1875
MICHAEL V. GOSHGARIAN, 0524
MICHAEL J. GOSKA, 0136
MATTHEW S. GRAEF, 4888
JEFFREY C. GRAF, 2148
DANIEL P. GRANDADOS, 9663
STEPHEN L. GRANDONA, 5832
MICHAEL R. GRANT, 5594
CHRISTOPHER E. GRAY, 4365
OBRA L. GRAY, 2858
RANDALL K. GREEN, 0734
WILLIAM C. GREENE, 9041
DONALD GRIFFIN, 4372
DEMETRIES A. GRIMES, 6804
JOSEPH W. GRIMES, JR., 4514
BRIAN C. GRIMM, 0739
PAUL F. GRONEMEYER, 3045
WESLEY R. GUINN, 2557
JOHN E. GUMBLETON, 3017
CARLOS S. GUZMAN, 7316
DAVID W. HAAS, 3250
JAMES M. HAAS, 9362
PAUL C. HAEBLER, 2345
MARK L. HAGENLOCHER, 0037
KEVIN T. HAGENSTAD, 3304
JEFFREY W. HAKALA, 9405
ROBERT A. HALL, JR., 6311
TIMOTHY L. HALL, 0502
PATRICK M. HALLER, 7520
DAVID R. HALLSTROM, 4592
WILLIAM K. HALVERSON, [redacted]
THOMAS G. HALVORSON, 3241
MARK A. HAMMARGREN, 0327
RICHARD D. HAMMETT, 2361
TERRENCE E. HAMMOND, 2856
MICHAEL C. HANNAY, 1670
ERIC J. HANNUM, 5080
LAURENCE E. HANSEN, 9644
TIMOTHY W. HANSEN, 8496
RONALD J. HANSON, 1920
CORLYNN G. HARALDSON, 1757
PAUL T. HARASTY, 3291
MICHAEL S. HARBER, 5489
MICHAEL V. HARBER, 3785
DONALD R. HARDER, 4443
RANDALL C. HARDY, 0372
ROGER D. HARDY, 4178
DANIEL P. HARMON, 1943
GREGORY M. HARRIS, 4414
JOHN H. HARRIS III, 5775
KRISTA HARRIS, 6997
KENNETH E. HARRISON, 0017
TERRY M. HART, 8364
JEFFREY A. HARTER, 6158
STEVEN W. HARTSEL, 9680
CARRIE A. HASBROUCK, 7935
ROGER W. HAWKES, 3235
THOMAS H. HAWLEY, 1128
BRUCE W. HAY, JR., 1411
JOHN G. HAYBURN, 7621
MITCHELL R. HAYES, 2266
JEFFREY K. HAYHURST, 6322
THOMAS W. HEATTER, 9612
ANNE E. HEINER, 4821
SCOTT D. HELLER, 2024
ALLEN R. HELMS, JR., 6427
CHARLES S. HENDERSON, 0147
EDWIN M. HENDERSON, 9926
SHAWN P. HENDRICKS, 4065
ZACHARY S. HENRY, 3604
TODD L. HENSON, 4800
SCOTT C. HERBENER, 5943
CHARLES J. HERBERT, 8067
GARY M. HERBERT, 3287
CHRISTOPHER J. HERMAN, 1410
JOHN W. HERMAN, 4602
MATTHEW HERMSTEDT, 3739
ANDREW A. HERNANDEZ, 7125
EDMUND B. HERNANDEZ, 3579
PATRICK D. HERRING, 2348
EDWARD L. HERRINGTON, [redacted]
STEPHEN R. HERTEL, 4927
SCOTT M. HERZOG, 7988
RANDAL A. HETRICK, 3213
CHRISTOPHER E. HICKS, 7061
JEFFREY D. HICKS, 0107
CRAIG L. HIGGINS, 0486
GRANT R. HIGHLAND, 5527
RUDOLPH L. HIGHTOWER, JR., 3666
ANDREW J. HILL, JR., 4316
JAMES A. HILL, 6952
MICHAEL D. HILL, 7220
RONALD L. HILL, 1200
STEVEN A. HILL, 3387
TIMOTHY S. HILL, 8468
ANSEL L. HILLS, 7827
RICHARD R. HIRASUNA, 2877
LOREE D. HIRSCHMAN, 9483
TUNG HO, 3828
JASON V. HOFFMAN, 6380
MATTHEW B. HOGAN, 4130
MICHAEL A. HOLLISTER, 2383
ERIC D. HOLMBERG, 3152
MARION R. HOLMES, 4025
ALVIN HOLSEY, 9576
RANDALL J. HONCIK, 7860
JOHN M. HOOD, 6604
TODD A. HOOKS, 0755
DOUGLAS P. HORNER, 9949
CODY L. HORTON, 4615
JAMES B. HOSKINS, 0280
ELIZABETH S. HOSTETLER, 9806
KENNETH M. HOUCK, 2941
TERJE M. HOUGEN, 2347
WILLIAM J. HOUSTON, 8560
LANE D. HOWARD, 3531
REGINALD M. HOWARD, 1767
JAMES E. HOWE, JR., 1496
ANDREW G. HOWELL, 6255
JOHN R. HOYT, 2907
PATRICK N. HUETE, 2264
MICHAEL R. HUFF, 0496
JOSEPH W. HUFFAKER, 9292
GREGORY C. HUFFMAN, 4891
BENJAMIN L. HUGGINS, 1048
JAMES J. HUGHES, 0259
STEPHEN R. HUGHES, 6138
CHRISTOPHER L. HULL, 6958
DONNA A. HULSE, 0625
JOHN W. HUMPHRIES, 8934
JOHN M. HUNCZAK, 4134
MARK A. HUNT, 2779
WILLIAM A. HUNTOON, 4894
JERRY P. HUPP, 7200
BRIAN S. HURLEY, 1055
WINNIE L. HUSKEY, 8740
EDWARD C. HUTT, 5504
DEREK S. IKEHARA, 0605
JAMES A. R. IMANIAN, 1077
SCOTT D. IND, 2638
EDWARD J. IOCCO, 9729
WILLIAM T. IPOCK II, 8257
TIMOTHY E. ISEMINGER, [redacted]
ROGER G. ISOM, 9474
DAVID V. JACKSON, 7265
GRAHAM K. JACKSON, 8687
MARK H. JACKSON, 9647
ANDREW D. JAMES, 9717
BRIAN S. JAME, 5751
JEFFREY W. JAMES, 1498
SANDRA M. JAMSHIDI, 5712
KATHLEEN M. JANAC, 4695
ROBERT W. JANSSEN, 6819
ANDREW C. JARRETT, 7466
KEVIN S. JASPERSON, 5727
JOKER L. JENKINS, 4205
KENNETH W. JENKINS, 0834
BRADLEY T. JENSEN, 6428
JON J. JERGE, 1150
ALLEN T. JOHNSON, JR., 9337
ANTHONY A. JOHNSON, 5543
DAVID B. JOHNSON, 7843
EDWARD G. JOHNSON, 2071
EDWARD J. JOHNSON, 6286
MARK A. JOHNSON, 4524
ROBERT L. JOHNSON, 3643
ERNEST R. JONES, JR., 9714
FRANK C. JONES, 0514
GREGORY I. JONES, 5568
JAMES T. JONES, 8435
KEITH A. JONES, 6229
KEVIN D. JONES, 2783
RICHARD D. JONES, 3833
SHAWN R. JONESOXENDINE, 8530
CARTHER F. JORGENSEN, 5272
JAMES M. JOYNER IV, 6040
SARA A. JOYNER, 7535
MARK A. JOYNT, 3592
JOEL D. JUNGEMANN, 4412
MITCHELL D. KAAS, 1406
JOHN E. KAINER, 1230
NICHOLAS J. KAISER, 5168
MICHAEL L. KAMMERZELL, 7053
VINCENT M. KAPRAL, 2640
MARY A. KARAYAKAYLAR, 8643
DONNA M. KASPAR, 1735
KURT A. KASTNER, 7524
ROBERT D. KATZ, 0758
SUSANNE G. KECK, 6646
DONN W. KEELS, JR., 3921
ANGELA M. KEITH, 2211
GREGORY J. KEITHLEY, 1852
DONALD H. KELLER, JR., 5379
CHRISTOPHER T. KELSALL, 3660
JOHN G. KEMNA, 6817
JOEL D. KENNEDY, 7962
ANDREW M. KENNY, JR., 3221
DABNEY R. KERN, 3378
WILLIAM E. KERN, 6745
IAN J. KERR, 6865
JUSTIN F. KERSHAW, 4578
RICHARD J. KERZNER, JR., 8680
JARED A. KEYS, 1922
GREGORY R. KIDD, 7571
BRADLEY J. KIDWELL, 8413
WILLIAM D. KIMBALL, 7607
KEITH A. KIMBERLY, 8930
CATHY M. KIMMEL, 9415
JOHN L. KING, 7906
KEVIN G. KING, 9967
KEVIN L. KING, 6445
ALBERT C. KINNEY III, 5289
MARIA A. KINNUNEN, 7012
KEVIN E. KINSLOW, 1733
BRIAN R. KIPLE, 9704
CHRISTOPHER T. KIRBY, 7466
PATRICK W. KIRK, 5799
CHRISTOPHER C. KIRKHAM, 2636
OLAV E. KJONO, 9836
DAVID R. KLAIN, 8963
JEFFREY S. KLEIN, 7026
JOHN J. KLEIN, 7906
JOSEPH G. KLEIN II, 1190
MICHAEL T. KLEMICK, 0682
CHRISTOPHER F. KLINE, 1695
CARL K. KLOTZSCHE, 5484
MICHAEL C. KNAPP, 5268
EDWARD W. KNELLER, 2993
CHRISTOPHER J. KOCZUR, 2971
JAMES F.KOELTZOW, 3931
BRYAN A. KONST, 1127
JOHN J. KOSINA, 3614
TODD R. KOUSKY, 7359
GRANT T. KOWALCHICK, 5616
WILLIAM S. KOYAMA, 6326
STEPHEN M. KOZLOWSKI, 9030
NEAL D. KRAFT, 0972
ROBERT W. KRAFT, 8256
MELODY KRAGH, 4114
CARY J. H. KRAUSE, 1318
JOHN E. KRAUSE, 9684
SCOTT C. KRAVERATH, 5711
KEVIN F. KROPP, 5877
TODD G. KRUDER, 6466
RICAHRD J. KRYSTOF, 9756
THOMAS A. KUBISTA, 7978
TIMOTHY C. KUEHHAS, 0367
GLENN P. KUFFEL, JR., 6004
ROBERT J. KUNKA, 4972
MICHAEL H. KUTYBA, 7313
BRENT J. KYLER, 1400
KEVIN R. LACASSE, 9113
MARK W. LACY, 9853
MICHAEL C. LADNER, 3654
CARL A. LAHTI, 0987
JAMES M. LANDAS, 2979
DEBRA A. LANKHORST, 3452
JOHN J. LAPOINT, 2791
MICHAEL G. LARIOS, 4266
TIMOTHY X. LARSEN, 2837
JOHN L. LARSON, 7792
DENNIS A. LAZAR JR., 5735
THOMAS W. J. LECHLEITNER,-6182
LINDSAY C. LECUYER, 5106
ROBERT H. LEDOUX III, 7208
RALPH D. LEE, 4131
STEPHEN L. LEE, 9858
PETER K. LEHARDY, 6831
DAVID T. LEMLY, 9016
DOUGLAS M. LEMON, 0490
TODD L. LENNON, 3694
FREDERICK C. LENTZ III, 7751
SCOTT B. LEPAGE, 0401
THOMAS H. LERCH, 2110
ZIGMOND V. LESZCZYNSKI, 4515
MICHAEL W. LEUPOLD, 8982
JAMES A. LEWIS, 3643
JAMES H. LEWIS III, 5801
JEFFREY M. LEWIS, 7764
JOHN M. LEWIS, 4032
RANDALL K. LEWIS, 8859
STUART W. LEWIS, 5029
MARK F. LIGHT, 6959
STEVEN W. LIGLER, 2528
JEFFREY S. LINCOLN, 4464
CHRISTOPHER LINDSEY, 5871
PAUL J. LING III, 9325
BRIAN D. LINNABARY, 5726
JAMES M. LINS, 5260
DAVID J. LOBDELL, 1851
MELISSA A. LOCKMAN, 3112
LOWEN B. LOFTIN JR., 6163
RACHELLE F. LOGAN, 9773
JAMES K. LOGUE, 5874
KEVIN S. LONDKE, 1098
PATRICIA R. LOONAM, 4782
MARK C. LOOSE, 5336
JAMES P. LOPER, 3029
RANDALL L. LOTT, 9637
WALLACE G. LOVELY, 1667
CAROLYN A. LUCE, 4105
FREDRICK R. LUCHTMAN, 4895
PATRICK W. LUEB, 1603
JON B. LUNDQUIST, 8310
JAMES D. LUNSFORD, 8940
RONALD D. LUNT, 9274
JON E. LUX, 7540
MICHAEL R. LYNCH, 3642
JOHN L. MAC MICHAEL, JR., 0821
JEFFREY A. MACQUARRIE, 1973
JOHN D. MACTAVISH, 2154
HERNANDO A. MADRONERO, 4936
GREGORY M. MAQUIRE, 9275
JOHN A. MAHONEY, 6955
JOHN M. MAJOR, 3498
LUIS A. MALDONADO, 1245
CHRISTINE A. MALLORY, 4818
JAMES A. MANN, 7507
SCOTT F. MANNING, 7866
MICHAEL D. MAQUERA, 1217
JOHNNA M. MARCHANT, 5605
TIMOTHY J. MARICLE, 0461
NATHANIEL R. MARLER, [redacted]
DEANNA G. MARR, 8830
DOUGLAS A. MARSHALL, 6654
HOWARD L. MARSHALL, JR., 3975
JEFFREY P. MARSHALL, 7447
SUSAN L. MARSHALL, 1838
ERIK H. MARTIN, 0494
GREGG W. MARTIN, 0170
JEFFREY B. MARTIN, 6602
NATHAN H. MARTIN, 5351
VINCENT R. MARTINEZ, 5088
DARYL J. MARTIS, 5261
LANCE E. MASSEY, 9800
KENNETH M. MASSON, 1729
ERIC M. MATHIESEN, 8308
PETER W. MATISOO, 1107
JOSEPH D. MAUSER, 9128
STEVEN P. MC ALEARNEY, 0268
DAVID H. MC ALLISTER, 6220
KEVIN C. MC ALLISTER, 3711
MICHAEL W. MC CALLUM, [redacted]
CHRISTIE L. MC CARTHY, 4098
MICHAEL C. MC CASSEY, 9906
RICHARD D. MC CLELLAN, 0196
STEPHEN E. MC CORMICK, 6562
JOHN K. MC COY, 3708
MICHAEL E. MC DANIEL, 7617
DAVID W. MC DOWELL, 8251
LARRY A. MC ELVAIN, JR., 3184
BRADLEY S. MC FARLAND, 9705
DAVID M. MC FARLAND, 4145
TIM MC GARVEY, 2405
JAMES E. MC GOVERN, 6622
JOHN J. MC GRATH, JR., 0564
ANDREW D. MC IRVIN, 5410
JOHN S. MC KEE, 1738
MICHAEL D. MC KENNA, 4177
SCOTT A. MC KENZIE, 7822
TIMOTHY E. MC KENZIE, 1751
PATRICK J. MC KERNAN, 8252
J. J. MC LAUGHLIN III, 1924
JOHN H. MC LEAN, 7442
JOSEPH E. MC MAHON, 8354
HERNDON R. MC MILLAN, 1278
JOE L. MC MULLEN, 9219
JAMES L. MC REYNOLDS, , 2735
GREGORY A. MC WHERTER, 6988
PETER A. MEHL, 5532
JAMES E. MELVIN, 3975
JEFFREY A. MERCADO, 5935
CHRISTOPHER P. MERCER, 1145
JACOB P. MERCIEZ, 0857
RANDELL L. MERRITT, 2221
JOHN C. METZGAR, 9512
MARK V. METZGER, 9455
GEORGE D. MICHAELS, 0173
JASON J. MICHAL, 7279
THERESA C. MICHAL, 6071
MICHAEL D. MICHEL, 1657
MARIO MIFSUD, 4285
JOHN L. MIHELICH III, 5233
ANDREW W. MILES, 1206
BRIAN D. MILLER, 3386
HENRY A. MILLER, 6407
HENRY J. MILLER, 3564
JEFFREY S. MILLER, 5321
RANDALL B. MILLER, 3064
RICHARD M. MILLER, JR., 2998
MARSHALL G. MILLETT, 6623
KENNETH R. MINNARD, 3319
JAMES L. MINTA, 6319
ERIC J. MITCHELL, 3799
REY R. MOLINA, 4307
SANTOS L. MOLINA, 1591
GREGORY H. MOLINARI, 9944
MASON, K. MOLPUS, 6078
THOMAS J. MONROE, 0752
BRYAN G. MONTEITH, 8921
LANCE A. MONTGOMERY, 5843
RUSSELL C. MONZON, 8715
TRACY S. MOON, 3798
CHARLES C. MOORE, II 9995
ROBERT F. MOORE, 4584
TODD M. MOORE, 8281
JOSE I. MORALES, 2408
C. D. MORAN II, 8976
PHILIP J. MORAN, 7433
CLINTON J. MORANO, 9070
BRIAN L. MORGAN, 0179
SEAN T. MORIARTY, 2243
ELIZABETH R. MORLOCK, [redacted]
KURUSH F. MORRIS, 6285
STEVEN S. MORRIS, 3851
TERRY S. MORRIS, 2199
ROBERT K. MORRISON III, 1680
SCOTT D. MORRISSEY, 6790
PATRICK K. MORROW, 5136
DAVID MOSELLA, 0681
RICHARD P. MOUNTAIN, 3401
SCOTT E. MULVANIA, 7587
THOMAS J. MUNRO, 8350
KENNETH. H. MUNSON, 7492
CHRISTOPHER P. MURDOCK, 8663
BRANDEE L. MURPHY, 6455
BRIAN P. MURPHY, 3862
JOHN C. MURRAY, 6378
JEFFREY S. MYERS, 1190
ERIC V. NANARTOWICH, 3399
PATRICK T. NASH, 1628
JOSEPH S. NAVRATIL, 5962
JEFFREY K. NELSON, 2222
F. S. NESSLER, 6391
JOHN R. NETTLETON, 0831
ROBERT S. NEVILLE, 3754
PAUL NEVIUS, 0935
ROBERT A. NEWSON, 3921
ELTON A. NEWTON, 2922
RICHARD T. NGUYEN, 3834
CLARK A. NICHOLS III, 3845
TROY M. NICHOLS, 4489
WESLEY W. NICHOLSON, 2938
ALFRED A. NICOLL, 8870
THAD E. NISBETT, 1850
DANIEL E. NIXON, 4792
NORBERTO M. D. NOBREGA, [redacted]
SIDNEY S. NOE, 1493
DAVID S. NOLAN, 6700
DAVID E. NOSAL, 8165
RONALD J. NOVAK, 6813
ROBERT E. NOVOTNY, 9678
MARK T. NOWICKI, 0748
JEFFREY L. NOWLIN, 5153
NIGEL A. NURSE, 7415
MARK J. OBERLEY, 1794
JAMES K. O'BRIEN, 7279
TIMOTHY P. O'BRIEN, 1878
HEIDI C. OCHS, 9208
KIERON G. O'CONNOR, 1267
WILLIAM A. OEFELEIN, 5484
CRAIG L. OELTJEN, 3776
JEFFREY C. OHMAN, 2450
STEVEN B. OKUN, 1140
GREGORY M. OLIVER, 4280
JOSEPH M. OLIVER, 2033
KARL R. OLSEN, 7994
EDWARD C. OLSHAW, 1148
DWIGHT D. OLSON, 1902
SEAN P. O'MALLEY, 8105
CASEY P. O'NEIL, 0393
JOSEPH R. ORECHOVESKY, 6646
SCOTT E. ORGAN, 6696
PAUL J. O'ROURKE, 2858
PAUL ORTA, 8994
WALTER H. OTT, 2330
ROBERT F. OTTEN, 0965
SAMUEL W. OVERMYER, 7556
CAROLYN R. OWENS, 6658
DWIGHT OWENS, 0171
GREGORY B. OWENS, 3665
MARCELL S. PADILLA, 2493
NEFTALI PAGAN, 0224
ROBERT H. PALM, JR., 4353
STEVEN T. PALMER, 9379
EUGENE F. PALUSO II, 6657
MICHAEL R. PAMPALONE, 7975
SCOTT W. PAPPANO, 5931
PAUL M. PARASHAK III, 9564
DONALD J. PARKER, 3225
RONALD D. PARKER, 5289
WILLIAM T. I. PARKHURST, 6491
JOSEPH P. PARKS, 7413
VERNON J. PARKS, JR., 4410
KENNETH W. PARNELL, 3848
HAROLD S. PARRISH, 6802
PETER J. PASQUALE, 8011
PATRICK J. PATERSON, 6629
DOUGLAS A. PEABODY, 3023
BRUCE L. PECK, JR., 1882
BENJAMIN B. PEET, 1408
GREGORY S. PEKARI, JR., 1336
GARY D. PENTON, 6738
ROBERT A. PEREBOOM, 1517
DOUGLAS G. PERRY, 1753
REID M. PERRY, 5805

CARL V. PETTY, 0280
ERIC S. PFISTER, 0710
DUANE A. PHILLIPS, 2221
RODRICK B. PHILLIPS, 6742
PATRICK M. PICKARD, 1340
EDWARD A. PITTMAN, 0139
WAYNE L. PLAGER, 3504
WILLIAM G. PLOTT, 9919
IAN R. POLLITT, 6864
KENNETH R. POLLOCK, 9581
CHRISTOPHER A. POOR, 7238
THOMAS C. POPP, 5693
ROBERT D. PORTER, 7188
SCOTT D. PORTER, 0299
SCOTT A. POTAS, 3748
JAMES B. POTTS, 8201
SARA T. POWELL,4638
PATRICK E. POWERS, 6634
SEAN R. PRASSER, 9354
ALFRED B. PRICE, 4740
KELLY D. PRICE, 0020
THOMAS L. PRICE, 3291
GANDOLFO A. PRISINZANO, [redacted]
MICHAEL L. PRITCHETT, 5866
SUZANNE PROSE, 3870
CHRISTOPHER W. PROVAN, 0539
CHARLES PUCCIARIELLO, 2419
TERRY W. PULLIAM, 0498
PAUL A. PUOPOLO, 3792
ERIC W. PURDY, 4232
TIMOTHY M. QUAST, 8194
VINCENT J. QUIDACHAY, 0860
ANDREW C. QUIETT, 6074
KEVIN J. QUINN, 0886
JORGE E. QUIROGA, JR., 5164
JOHN L. RADKA, 4147
CHARLES E. RADOSTA, 2794
LUIS RAMOS, 6338
SCOTT J. RAMSAY, 8421
CHRISTOPHER P. RAMSDEN, 1711
DALE C. RAMSEY, 4031
JEFFREY S. RANDALL, 6294
CHRISTOPHER M. RANKIN, 2913
KEVIN H. RASCH, 6409
BRYAN E. RASCOE, 5656
KENDALL M. RASMUSSEN, 7647
JAMES O. RASURE, 9016
PAUL A. RATKOVICH, 0043
CHARLES L. RAYL, 1972
THOMAS C. REALE, 5894
VICTOR RECK, JR., 3930
KIMBLE J. REDSHAW, 3938
JEFFREY T. REES, 9904
JOHN J. REESE, 2098
DENNIS A. REEVES, 0588
JAMES J. REICH, 2288
PETER J. REINAGEL, 9804
JAMES K. REINING, 4176
JAMES C. RENTFROW, 3002
JOHN W. REPPERT II, 9370
KENNETH J. REYNARD, 5282
JEFFREY A. RICHARDSON, [redacted]
SHERYL S. RICHARDSON, [redacted]
JOHN D. RICHMOND, 3982
ROSALIND J. RICHMOND, 6179
MONICA A. RICKARD, 4673
JOHN D. RICKARDS, JR., 6773
JOHN E. RIES, 6865
GARETH A. RIETZ, 5942
ROBERT M. RIGGS, 6555
CHRISTOPHER M. RILEY, 3791
GEORGE B. RILEY III, 7016
W.J. RILEY, JR., 9091
WILLIAM P. RINGER, 1651
CARLOS M. RIPPE, 6782
DANIEL J. RIVERA, 7233
JAMES L. ROBBINS, 9335
DAVID A. ROBERTS, 7683
WILBUR L. J. ROBERTS, 1365
WILLIAM M. ROBERTS, 1346
THOMAS L. ROBERTSON, 5319
STEPHAN P. ROBEY, 2179
CHRISTOPHER ROBINSON, 4334
KELLY A. ROBINSON, 7110
FRANK T. ROCHEFORT, 3417
CHRISTOPHER A. RODEMAN, 9088
DONALD B. RODGERS, 3730
MARTIN RODRIGUEZ, 2817
STEVEN J. ROERIG, 9755
DARREN M. ROGERS, 9737
JAMES R. ROGERS II, 5907
TIMOTHY G. ROHRER, 6017
GREGORY R. ROMERO, 2472
AARON L. RONDEAU, 6243
FRANCISCO K. ROSARIO, 4805
MATTHEW W. ROSE, 8226
JEFFREY A. ROSS, 8074
BRIAN D. ROTH, 5563
EDWARD J. ROTH, 9318
JEFFREY C. ROTH, 4175
DONALD A. RUDAT, 0222
WILLIAM R. RUEHLE, 9204
DAVID C. RULEY, 7867
MARK N. RUSSEL, 5544
SCOTT F. RUSSELL, 5877
STEPHEN P. RYAN, 2201
MARC A. RZEPCZYNSKI, 0063
CHRISTOPHER L. SAAT, 9373
FRANK C. SALCEDO, 4152
BENJAMIN D. SALERNO, 7198
CLIFFORD C. SALONGA, 9016
DUANE E. SALSBURY, 2322
MARK E. SANDERS, 8552
LEONARD D. SANTIAGO, 5995
VIKRAM SARDANA, 9633
MARK F. SAUER, 3189
ROBERT P. SAUNDERS, JR., 4247
BRIAN M. SAUTER, 2943
KATHLEEN M. SAYLOR, 9059
ELTON G. SAYWARD, JR., 6600
MICHAEL T. SCARRY, 6936
MARK W. SCHADT, 0885
JEFFREY L. SCHAFER, 7623
CHRISTOPHER F. SCHAIER, 8302
CRAIG T. SCHAUPPNER, 8104
DOUGLAS F. SCHERER, 9915
SANDRA J. SCHIAVO, 6396
JEFFREY A. SCHMIDT, 7264
JEFFREY S. SCHMIDT, 8779
FRANCIS M. SCHNEKSER, 0786
DOUGLAS P. SCHOEN, 3274
KELLY S. SCHOEN, 7302
TIMOTHY L. SCHORR, 1769
MICHAEL C. SCHROEDER, 1933
FRANK J. SCHULLER, JR., 0687
CHARLES L. SCHULTZ, 7751
BRIAN J. SCHWANDT, 2874
JEFFREY R. SCHWARZ, 7469
TODD H. SCOLA, 7456
DEBORAH K. SCOTT, 9091
VINCENT H. SCOTT, 0800
JAMES W. SCROFANI, 2233
ZACHARY M. SCRUTON, 7723
JAMES C. SEALS, JR., 4298
WILLIAM B. SEBRING, 7274
THOMAS G. SEIDENWAND, 3790
RAIMUND G. SEIFART, 2448
JAMES K. SELKIRK, JR., 8834
K J. SEMON, 7403
CURTIS A. SETH, 6453
PATRICK J. SHAFFER, 3260
DAVID M. SHALIKASHVILI, 2136
JOHN E. SHASSBERGER, 5989
FRANK A. SHAUL, 3998
DANIEL P. SHAW, 3358
SHAWN R. SHAW, 1995
MICHAEL D. SHEAHAN, 2490
JOHN M. SHEEHAN, 8333
DONDI M. SHEEHY, 2602
FREDERIC J. SHEEHY, 5420
RICHARD J. SHINN, 1257
JOE C. SHIPLEY, 6510
BRIAN K. SHIPMAN, 8763
DENISE M. SHOREY, 7249
KARIN A. SHUEY, 1800
DANIEL A. SHULTZ, 9370
FRANCIS M. SIDES, 0416
ROBERT W. SIDES, 2040
OTTO F. SIEBER, 8414
JAMES W. SIGLER, 5221
PAUL G. SIMPSON, 2937
MICHAEL G. SINEX, 8493
MICHAEL W. SIRACUSE, 2747
JONATHAN T. SKARDA, 8942
STEPHEN R. SKAW, 7250
EDWARD W. SKELLY, 9093
RICHARD A. SKIFF, JR., 1124
CALVIN D. SLOCUMB, 0031
DOUGLAS W. SMALL, 3880
BRENT E. SMITH, 7750
FRED W. SMITH, JR., 3203
JOSEPH A. SMITH, 2153
LARRY A. SMITH, 6676
MARK A. SMITH, 5854
MARK P. SMITH, 5666
MICHAEL J. SMITH, 4751
MICHAEL O. SMITH, 9479
PATRICK W. SMITH, 4557
PETER J. SMITH, 7870
ROBERT E. SMITH, 1189
THOMAS B. SMITH II, 9913
TIMMY SMITH, 3755
TIMOTHY J. SMITH, 9569
VICTOR S. SMITH, 4224
MATTHEW T. SMURR, 3590
JAMES B. SNELL, 7780
JOHN J. SNELL, 1084
PAUL S. SNODGRASS, 0168
HENRY W. SNOW, 2821
ERIK L. SNYDER, 4053
CHERI A. SOLOMON, 3413
PETER H. SORENSEN, 7888
TOMMY S. SOUTHARD, JR., 1307
DANIEL SPAGONE, 1311
MICHAEL C. SPARKS, 8768
JOSEPH B. SPEGELE, 0843
FRANCIS E. SPENCER III, 0294
JAMES L. SPENCER IV, 6025
MARK F. SPRINGER, 3775
ROBERT J. STAILEY, 6642
RICHARD A. STAKELUM, 1139
CHRISTOPHER M. STAMPER, 8222
ROBERT E. STANDLEY, 2127
STEPHEN P. STARBOARD, 7644
TIMOTHY K. STARLING, 2476
LESLIE S. R. START, 7058
STEVEN W. STEARNS, 6034
ROBERT M. STELTENPOHL, 7621
ERIC M. STEPHENS, 8638
DANIEL J. STEPHENSON, 7279
GLENN W. STEVENS, 9321
HENRY W. STEVENS III, 1442
MARK L. STEVENS, 3342
ROBERT E. STEVENS II, 5786
JONATHAN R. STEVENSON, 5124
WILLIAM R. STEVENSON, 9236
AMY C. STIDHAM, 9964
CHRISTINE A. STILES, 2892
RUSTIN E. STOBER, 9284
JOHN L. STOFAN, 9733
JOHN P. STOKELY, 0457
JAMES E. STOLZE, JR., 9189
STEPHEN T. STONE, 2261
RICK J. STONER, 7194
STEVEN A. STOPLER, 9565
RODNEY J. STOUT, 7071
DAVID A. STRACENER, 9368
CHARLES G. STRASSLE, 3083
THOMAS L. STRAUB, 3322
RICHARD W. STRAYER, 0600
KRISTIN B. STRONG, 8435
ORLANDO A. SUAREZ, 5371
KEVIN P. SUDHOFF, 9904
CHRISTOPHER E. SUND, 5533
THOMAS J. SUTHERLIN, 5882
KEVIN W. SUTTON, 1261
STEVEN J. SWANSON, 9012
DAVID M. SWENSON, 2813
SCOTT B. SWENSON, 3437
ADAM M. TAFF, 2805
BRIAN S. TAIT, 6961
PAUL TANKS, JR., 8569
RICHARD TARASEWICZ, 1243
ARIEL E. TARRAGO, 2633
RANDALL D. TASHJIAN, 5529
CHRISTINA R. TAYLOR, 7433
JAMES L. TAYLOR, JR., 9814
TIMOTHY S. TAYLOR, 7343
BRIAN T. TEETS, 6206
PAUL M. TERHAAR, 7061
MICHAEL J. TESAR, 1347
FREDERICK N. TEUSCHER, JR., 4839
LANCE R. THEBY, 1783
RICHARD T. THERRIEN, 4945
CHRISTOPHER P. THOMAS, 1643
ELIZABETH A. THOMAS, 4073
JOHN D. THOMAS, 6371
MARK A. THOMAS, 9609
PETER H. THOMAS, 3701
JOHN J. THOMPSON, 2677
JOSEPH M. THOMPSON, 4680
THOMAS L. THOMPSON, 2160
FRANK R. THORNGREN, JR., 0812
DAVID L. TIDWELL, 0074
RYAN C. TILLOTSON, 8072
TODD L. TINSLEY, 0407
GAIL M. B., TISCHKE, 4596
GARY L. TISSANDIER, 6892
OTIS V. TOLBERT, 6476
JOHN V. TOLLIVER, 5114
KENNETH J. TOMASSO, 6563
JEANENE L. TORRANCE, 2462
JOHN D. TOUGAS, 1079
WILLIAM J. TOWNSEND, JR., 9049
BYRON D. TRACY, 9446
KARL W. TRAHAN, JR., 5571
TIMOTHY R. TRAMPENAU, 4042
VINH X. TRAN, 5774
MARC G. TRANCHEMONTAGNE, 5851
JAMES H. TRAVERS, 8468
ROBERT B. TRIMMER, 2342
CHRISTOPHER P. TRIMPEY, 8536
WILLIAM M. TRIPLETT, 5906
CHRISTOPHER S. TROST, 6608
CLARK O. TROYER, 1719
MARK A. TRULUCK, 7756
ARTHUR R. TUCKER, 1560
JOHN R. TUCKER, 1202
ALAN P. TUPMAN, 7341
JOHN C. TURNER, 9904
WADE D. TURVOLD, 9482
RONALD B. TUTTLE, JR., 5721
KIERAN S. TWOMEY, 9206
MURRAY J. TYNCH III, 1357
MATTHEW S. TYSLER, 2534
GARY A. ULRICH, 6407
ROY C. UNDERSANDER, 0717
CRAIG D. UNION, 3164
JEFFREY A. UTHE, 1102
RICHARD C. VALENTINE, 1467
CHRISTOPHER VANASTEN, 1640
RONALD R. VANCOURT, 0392
MARK R. VANDROFF, 2337
MARK A. VANDZURA; 3905
MICHAEL J. VANGHEEM, 1246
ROBERT A. VANHOUTEN, 3953
DEAN C. VANTOL, 3060
DEEAN R. VANWORMER, 5936
MAURICE R. VARGAS, 6318
DAVID J. VARNES, 8121
LAWRENCE R. VASQUEZ, 1688
HENRY L. VELARDE, 5727
MICHAEL B. VELASQUEZ, 6280
ERIC H. VENEMA, 6068
DOUGLAS C. VERISSIMO, 8373
DEAN M. VESELY, 0573
SIDNEY J. VIGIL, 4344
LAWRENCE S. VINCENT, 9649
NICHOLAS K. VODANTIS, 6956
DANIEL E. VOTH, 2417
MARK D. WADDELL, 5039
JOSEPH T. WALKER, 2815
GREGORY J. WALLS, 8547
COLIN S. WALSH, 2476
JEFFREY A. WARD, 9958
DAVID W. WARNER, 8752
HOWARD C. WARNER III, 1652
SCOTT M. WARNER, 9625
CHRISTOPHER L. WARREN, 6792
ROBERT L. WARREN, 3214
CRAIG J. WASHINGTON, 1509
JACK H. WATERS, 7276
JAMES P. WATERS III, 8850
PETER M. WATERS, 4094
MICHAEL W. WATKINS, 2060
WILLIAM R. WATKINS III, 3627
MARK T. WEATHERFORD, 6318
ROBERT WEBBER, JR. 6493
JOHN R. WEBER, 2291
JAMES B. WEBSTER, 2194
RANDOLPH R. WEEKLY, 9935
PAUL W. WEHNER, 2540
WILLIAM M. WEHRMEYER, 5355
CARL B. WEICKSEL, 0058
DEL E. WEIHERT, 6738
GREGORY J. WEISMAN, 4153
ROBERT D. WEISSENFELS, 0591
ANNE M. WEITZMAN, 3285
ROBERT C. WEITZMAN, 4254
LAWRENCE J. WELLHAM, 8137
LAWRENCE A. WELLS, JR., [redacted]
KEVIN R. WESLEY, 1402
MATTHEW W. WESSEL, 5925
MATTHEW G. WESTFALL, 9610
JEFFREY D. WESTON, 6084
JOHNNY R. WHEAT, 6333
CHRISTOPHER K. WHEELER, 9564
TODD D. WHITE, 2292
EDWARD S. WHITEMORE, 6565
JAMES R. WICKMAN, 8694
PAUL R. WIDISH, 6737
DONALD L. WILBURN, JR., 2614
DOUGLAS E. WILCOX, 7146
ANDREW R. WILLIAMS, 6791
BRIAN D. WILLIAMS, 0221
JEFFREY B. WILLIAMS, 8298
KELLY B. WILLIAMS, 6239
MARK T. WILLIAMS, 0223
RICHARD C. WILLIAMS, JR., 0983
ROBERT J. WILLIAMS, 9169
STEPHEN F. WILLIAMSON, 0454
CURTIS S. WILMOT, 9933
ALPHONSO L. WILSON, JR., 3475
CRAIG L. WILSON, 1562
PAUL J. WILSON, 4820
ROBERT T. WINFIELD, 5013
JAMES A. WINSHIP, 5264
BRUCE L. WINTER, 3024
JEFFREY S. WINTER, 4575
PETER J. WINTER, 4248
JOHNNY R. WOLFE, JR., 4924
MARK A. WOLFF, 3326
WILLIAM J. WOLKERSTORFER, 0062
BRIAN J. WOLSON, 3751
NEIL W. WOODWARD III, 9384
WENDY T. WOODWARD, 3526
RAYMOND B. WORTHINGTON, 6066
ERIC K. WRIGHT, 5680
JOHNATHAN L. WRIGHT, 2366
D.M. WRIGHT, JR., 7292
BRIAN F. WYSOCKI, 9206
STEFAN D. XAUDARO, JR., 3985
GERALD P. YEGGE, 8750
DAVID D. YOUNG, 7606
EUGENE S. YOUNG, 4115
MARVIN W. YOUNG, 6387
MICHAEL J. YOUNG, 6311
MICHAEL R. ZAHN, 8713
PETER J. ZAMESKA, 7268
BOYD T. ZBINDEN, 1711
JEFFREY R. ZEUNER, 1425
CHRISTOPHER S. ZIMMERMAN, 6517
KRISTOFER L. ZIMMERMAN, 2199
RICHARD J. ZINS, 5660
THEODORE A. ZOBEL, 0276
GLEN A. ZURLO, 9511

EXTENSIONS OF REMARKS

ENDANGERED SPECIES ACT REFORM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. THOMAS. Mr. Speaker, I rise today to introduce three bills which will reform the Endangered Species Act and restore sensibility and reasonableness to a system that has run amok. Each bill is targeted toward narrow problems of the Endangered Species Act.

The Fair Process Reform bill will ensure open and equal access to information relied upon by Federal agencies when making decisions on endangered species. Perhaps the single worst complaint I have heard about the current Federal system is that the people who are directly affected by government decisions and bear the burden and cost of compliance are left out of the decision process. From their point of view it is "taxation without representation". Landowners are now stuck with paying the cost of preserving species; yet, they do not have access to the same information held by the Federal government and their input is ignored.

My bill includes provisions for an open access to the public for scientific studies and underlying study data. It also replaces the secret listing process with an open hearing so landowners can participate in the decision making process, and landowner representatives can cross-examine agency personnel and experts. My bill also includes provisions to improve the scientific basis of government decisions such as a minimal information requirements for petitioners, peer review of multiple scientific studies used to support listing or government action, and economic impact analysis of its actions required for listings.

The Fair Land Management Reform bill will ensure that the government pays for obligations it imposes on landowners. This bill includes a provision to compensate landowners for significant government takings. Rural landowners like farmers bear most of the burden for protecting species that society wants to protect; yet, these landowners are the least able to bear that burden. It has become too easy for so-called environmentalists to make "someone else pay" for environmental causes. It's time for society to step up and pay for environmental causes. It's time for society to step up and pay for what it wants.

I also include a provision that limits the mitigation requirements that can be imposed by government. Without proof of any actual species on the land, the Federal government can and does routinely require a landowner to "mitigate" for land use by purchasing other land to relocate or otherwise create habitat for species. Often, several acres of land must be bought for every one acre a landowner wants to use. It doesn't stop there. A landowner must often manage the new "biology project" for the government by putting up fences and hiring biologists for years to look after the habitat. My bill would limit how much mitigation the government can require.

The Liability Reform bill will stop unfair government penalties against landowners. Rural landowners are frustrated enough at having their lands confiscated for government use. It adds insult to injury when no species are even on the land, yet the government continues to impose these onerous burdens and even the threat of penalties of landowners. Criminal and civil penalties should be limited to actual and intentional takings of an endangered species, not accidental or hypothetical ones. Moreover, if the government knows of a violation occurring, it should warn landowners and give the opportunity to correct the violation through mitigation or repair. My bill includes provisions to do this. My bill also includes "Safe harbor" and "No surprises" provisions to end the string of broken promises and added obligations put on landowners by the government.

The Endangered Species Act needs to be reformed now. My bills are a fair and balanced response to the tragic failures of the current system. I look forward to presenting my bills at House hearings and rapid passage of these bills.

A SPECIAL TRIBUTE TO THE DEFIANCE HIGH SCHOOL MARCHING BAND OF CLASS FOR THEIR PARTICIPATION IN THE 1999 TOURNAMENT OF ROSE PARADE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding group of young men and women from Ohio's Fifth Congressional District. The Defiance High School Marching Band of Class.

On January 1, 1999, the Defiance High School Marching Band of Class will be participating in a very special event. On that date, they will be participating in the 1999 Tournament of Roses Parade in Pasadena, California. This is truly a wonderful experience and quite an accomplishment for these talented young people from Ohio's Fifth District. Each January, the parade takes place in conjunction with a plethora of activities surrounding one of the most celebrated athletic contests in all of sports and entertainment—the Rose Bowl.

Historically speaking, the Rose Bowl, the "Grand Daddy of Them All," pits the Big Ten Champion against the winner of the PAC Ten. And, in future years, could very well be the site of college football National Championship Game. I cannot think of a better script than to have the DHS Marching Band of Class in attendance for the entire experience surrounding the Rose Bowl and Tournament of Roses Parade.

The pageantry comradery, pomp, and ceremony that encompass the Rose Bowl and the Tournament of Roses Parade, truly makes these two enjoined events among America's most wholesome and celebrated gatherings. I cannot think of a more representative, respected, and talented group of young men and women to be Northwest Ohio's ambassadors to the 1999 Tournament of Roses Parade and the Rose Bowl.

Mr. Speaker, the DHS Marching Band of Class is just that—a class organization. From the students who work and train so hard, to the parents and teachers who assist them along the way, the Defiance High School Marching Band of Class is world-class, and in a category all to itself. I urge my colleagues to stand and join me in paying special tribute to the Defiance High School Marching Band of Class, and in wishing them the very best at the 1999 Tournament of Roses Parade. We are very proud of your honors and achievements. Good Luck!

POUDRE VALLEY HOSPITAL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, the Poudre Valley Hospital opened its doors with an invitation to speak with administrators and view the first-rate care the hospital provides to the residents of Fort Collins.

Built 70 years ago, the Poudre Valley Hospital has grown with the community to become a regional medical provider with 27 staff specialties, 1,888 employees, and a multitude of special services serving communities in northern Colorado, southern Wyoming, and western Nebraska. The hospital maintains a Level 2 regional trauma center, a regional heart center, a regional neurosciences center, and a regional orthopedic program in addition to standard hospital services. Through affiliations with smaller clinics throughout its service region, the hospital is able to provide comprehensive care to many people. As a non-profit entity, Poudre Valley also sustains community programs for the poor, the elderly, and the general population.

While proud of the success and growth experienced by the hospital, administrators are frustrated by the Medicare system which comprises 42% of their business. Not only does the Medicare system provide inadequate reimbursement, its labyrinthine regulations make it difficult to work within the system. Regulations and supplemental information bound in black

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

books fill the administrator's cabinets. Additionally, government workers and intermediaries often have different interpretations of the rules or no clear answers at all to the hospital's questions.

Medicare must be reformed. The burdens and inefficiencies of Medicare must also remind us that any attempt to socialize any other facet of health care must be resisted. There is a better way.

In spite of these difficulties, Poudre Valley Hospital continues to provide a great service to Fort Collins and the surrounding area. Additionally, I would like to thank Army Hall, Carl Smith, and Lesley Fagerberg for their time and for their commitment to the health care profession.

TRIBUTE TO WANDA WASHINGTON HOPKINS

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. DIXON. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from the great state of Missouri, the Honorable WILLIAM L. CLAY, in saluting an outstanding businesswoman and good friend, Mrs. Wanda Washington Hopkins. On Thursday, September 17, 1998, the National Federal of Black Women Business Owners will honor their fellow board member as she prepares to retire after a distinguished career of 31 years with Philip Morris Companies, Inc. We have been privileged to have known and worked with Wanda for most of her career with Philip Morris Companies, and are especially proud to have this opportunity to highlight her many achievements with our colleagues.

Born June 6, 1997, in New York City, New York, Wanda joined Philip Morris Companies in 1967. During her profession, she has held the positions of sample distributor and urban affairs assistant, rising to her current position of Specialist, Public Programs, which includes managing the Philip Morris corporate exhibit.

Prior to joining Philip Morris Companies, Wanda worked for the District of Columbia and Federal governments, as well as for Howard University. In addition, she worked for the Washington Teachers Union along with several laws firms in the Washington, D.C. metropolitan area.

Wanda's professional and personal life has been dedicated to helping to enrich the lives of the disenfranchised, and to ensuring that children, born not of privilege, have every opportunity to pursue his/her dreams through higher education. She has served as the social conscience of Philip Morris Companies in seeing to it that hundreds of thousands of the company's corporate profits have been directed to programs to benefit educational excellence, and to uplifting communities once bereft of hope. And that's just her corporate influence.

In her personal endeavors, she has for years been involved in numerous business, professional, and social organizations. One in particular, the Justice, Unity, Generosity, and Service, Inc. club, or J.U.G.S., Inc., a non-profit organization that awards scholarships and benefits handicap children, has been near and dear to her heart. Over the years, she has worked selflessly to raise funds for this organization. Because of her efforts and commitment to the kids, children who were once written off, can now look forward to programs designed to help them reach their potential, beyond the expert's expectations.

In addition to her work with the J.U.G.S., she is a member of the National Coalition of Black Meeting Planners, the National Association of Market Developers, the NAACP and the National Urban League.

In recognition of her many years of distinguished professional service and contributions to society, Wanda has received numerous awards and honors, including the Shiners Award for Professional Excellence, the National Association of Business and Professional Women's Clubs Yellow Rose" citation, the National Business League Presidential Citation, and the West Coast Black Publishers and Association President's Award. This summer, at the NAACP's annual National Convention, Wanda became the first individual to receive the organization's Exhibitors' Special Recognition Award. She is also the receipient of the National Urban League's Herbert H. Wright Medallion.

Wanda Washington Hopkins is a woman of savvy intelligence and tremendous warmth and integrity. Over the years, she has consistently demonstrated the utmost professionalism and paved the way for other young women aspiring to make it corporate America. She has been an outstanding role model and mentor to many young women, and she can take great pride in knowing of the enduring contributions she has made in helping to empower other African American professional women through the corporate maze.

Married to Everett Hopkins, she is the mother of seven children, one of whom is now with the angels, but who lives on her heart and in the hearts of family and friends. She is also the proud grandmother of four.

Mr. Speaker, it gives us great pleasure to have this opporunity to publicly recognize the tremendous accomplishments of this distinguished human being. She is a beautiful person, an individual that we are proud to call our friend. Throughout her many years with Philip Morris Companies, Wanda has probably spent about 85% of her time traveling from city to city, exhibiting at one exhibit site after another. As she prepares to embark on a new chapter in her life, we ask first that you join us in extending to her a well-deserved rest. Second, please join with us in extending to her, Everett and their extended family our best wishes for continued success, excellent health, and an abundance of prosperity in the years ahead.

THE PALOS VERDES PENINSULA LAND CONSERVANCY: CELEBRATING A DECADE OF DISTINGUISHED EFFORT TO PRESERVE UNDEVELOPED LAND ON THE PENINSULA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Ms. HARMAN. Mr. Speaker, I rise today to recognize the Palos Verdes Peninsula Land Conservancy for a decade of resolute effort to preserve, restore, and protect acres of undeveloped land on the Palos Verdes Peninsula in California's 36th Congressional District.

As a result of their efforts, the Conservancy has successfully preserved for future generations nearly 260 acres of narrow, lush canyon and sweeping ocean vistas that comprise the Peninsula landscape. These acres, acquired through gifts, purchases and voluntary easements, are now protected and will remain forever available for enjoyment and inspiration. Residents and guests alike will continue to live side-by-side with some of the most scenic natural beauty found anywhere in Los Angeles County, if not our State.

As important to preservation, the Conservancy also maintains a commitment to restoring natural habitat and sustaining native wildlife. Their programs include organizing volunteers to clear out non-native plants, gathering seeds to nurture and then returning the seedlings to the land. And, in cooperation with the school district, all third grade students study the geology and natural habitat of the Peninsula, then walk to a site near their school to see, first hand, the plants, animals and rocks they studied. For the other residents, the Conservancy provides monthly docent-guided nature walks to explore more intimately the habitats with which they co-exist.

Looking toward the future, the Conservancy has targeted an additional 1,000 acres for preservation and conservation. In addition, with the help of an investment banking company, work will continue to develop innovative conservation finance tools to help resolve inevitable natural resource—land use conflicts. This conservation finance approach promises to become a major factor in land conservation efforts nationwide.

The success of the Conservancy rests on a foundation of visionary, dedicated volunteers from the local community. But I also commend the participation of local city, county, state and federal governments officials; the donors of land, time and talent; local publications, and civic groups and private foundations. Their efforts have magnified the success of the Conservancy.

Over the past ten years, sizable patches of open space has been saved to ensure the survival of plants and wildlife and, equally important, enhance the quality of life for the people of the Palos Verdes Peninsula. As the Congressional representative of the Peninsula, and resident, I salute the Conservancy's achievements and join with them in working to secure success which future generations will enjoy.

PRINCIPAL BETSY DUMPH AND HUDSON ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the recent district work period, Principal Betsy Dumph opened the doors of Hudson Elementary School and shared her experience as the principal of this small town school.

Hudson Elementary serves children from the area around Hudson, CO, including other smaller towns, family farms and ranches. This thriving, brightly decorated school shares some of the challenges of its urban counterparts and some distinctions, too.

Principal Dumph has worked hard to assemble a strong staff of professional educators. Unfortunately, Colorado's tenure system has proven an obstacle to this effort. She told my staff that it took three years to remove a particular teacher who routinely slept through classes. Fortunately, she was able to bring in many motivated teachers and aides who are as interesting in learning as they are in teaching.

Special education has presented a tough challenge to Hudson Elementary. Principal Dumph is committed to the ideal of educating special needs children. Several people on staff are dedicated to just that. However, she recognizes the need for changes to the law. Currently the law does not allow principals to expel dangerous students. Hudson has already witnessed one tragic killing from a violent student who could not be expelled because of federal laws. Now he is receiving special care, but the price has been another's life. Additionally, the federal government has not paid its promised share for special education mandates. The money makes a big difference to a small farming town school.

One of the greatest frustrations is that children are not coming to school prepared to learn. The simple things which teachers once could take for granted are not mastered before kindergarten today. Many children do not have the foundations for learning. They do not have a basic level of language or recognition of patterns. Teachers have to take several steps back before moving forward. Parental involvement before and during formal education is essential.

In the face of these challenges, Hudson Elementary School continues to provide a good solid education to the kids of eastern Colorado. I would like to thank Principal Dumph for her time and her commitment to education.

* * *

TRIBUTE TO JAMES LOCHREY HARRIS

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. DIXON. Mr. Speaker, I am pleased to join with my distinguished colleague and friend from Missouri, the Honorable William L. Clay, in paying tribute to a giant of a man, Mr. James Lochrey Harris. Jim, as he is affectionately known to all who have had the pleasure of working with him during this long and distinguished profession, is retiring as the General Sales Manager of the Washington Hilton and Towers Hotel after an illustrious career spanning 31 years and 4 months. On Thursday, October 1, 1998, Jim's family, Hilton colleagues, and numerous friends will gather at a retirement gala in his honor. In recognition of his exemplary career, we are proud to have this opportunity to share this brief retrospective of the life of Jim Harris with our colleagues.

A native Washingtonian, Jim Harris was born on August 21, 1935. He attended public schools in the District of Columbia, and graduated with a bachelor of arts degree in Psychology from George Washington University.

Standing tall at 6' 4', Jim is a giant of a man—both literally and figuratively. He is one of the finest individuals that we have had the privilege of working with for more than two decades. Jim joined the Hilton family in 1967 as the hotel's Convention Service Representative. During his career with the Hilton family, he has held the positions of Assistant Convention Service Manager, Convention Service Manager, Sales Manager, and finally, General Sales Manager. Throughout his tenure, he has been an individual of inestimable good humor, patience and good will—and individual who has consistently demonstrated the utmost professionalism and integrity.

It is almost impossible for us to think about the Washington Hilton and Towers Hotel and not think about Jim Harris. He has been instrumental in bringing hundreds of major conventions and conferences to this city, and is perhaps best known not only for his impeccable professionalism and attention to detail, but his kind and gentle nature as well. A modest man, Jim would be the last person to claim the well-deserved credit for training and serving as mentor to several of this city's hotel sales executives, many of whom began their careers at the Hilton under his tutelage.

Jim has received numerous awards in appreciation for his distinguished service to the hotel and convention industry, including the Credit Union National Association's "Appreciation Award for 18 Years of Service; the National Dental Association's Appreciation Award for 18 Years of Service; the National Dental Association's Outstanding and Consistent Service Award," and the Hilton hotels Corporation, Eastern Region's "Excellence in Sales Awards." To this, we would like to proclaim Jim Harris the General Sales Manager's preeminent General Sales Manager of the hotel and convention industry.

Mr. Speaker, although Jim is retiring and will be sorely missed by a multitude of people, he has made enduring contributions to the hotel and convention industry which shall serve as an important part of his legacy. We will miss him, but are pleased that he will now have more time to spend with his cherished wife Gerta, and their beloved son, James Patrick Harris, a junior at Brown University. It has been a genuine pleasure to work with Jim and we wish him continued success as he embarks on the next chapter of his life. We extend to him, Gerta, and James our best wishes for much happiness, excellent health, and bountiful prosperity in the years to come.

* * *

CHARLES MYERS: RECOGNIZING A VOLUNTEER EMERGENCY MEDICAL TECHNICIAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GILMAN. Mr. Speaker, today I rise to praise both an organization and an outstanding individual who significantly contributed to make that organization viable. The Yulan American Legion Ambulance service and Charles Myers have diligently served their community for more than 50 years with both service and skills beyond the call of any ambulance company or volunteer.

The Yulan American Legion Ambulance service was incorporated as a volunteer emergency medical provider in 1948 by American Legion Post 1363 of Yulan, NY. That these Legionaires recognized the need for an emergency medical provider years before the rest of the country is nothing short of extraordinary. Their service had its humble beginnings on November 7, 1948, with its first dispatch. Yulan's Ambulance Corps responded in its 1936 Packard Ambulance and began the history of a program that has grown over the past 50 years.

The tale of the Yulan American Legion Ambulance company is not the only story that began that night. Charles "Chuck" Myers, then a young serviceman, was on that ambulance car. This also began Mr. Myer's history as one of the most dedicated Emergency Medical Technicians in New York State. In the first half of this century there was not much training available for members of volunteer ambulance companies. The usual training these men and women received did not extend very far beyond basic CPR and First Aid, and it was not until the 1960's that the State began to organize classes which taught the skills of emergency medicine. Mr. Myers was one of the first participants in these pioneering new classes more than 30 years ago. Mr. Myers devotion to the American Legion Ambulance company is just as strong today as it was on that night back in 1948.

The civic accomplishments of Mr. Myers did not end with his service on a volunter ambulance company. Mr. Myers is also an instructor of American Red Cross CPR and First Aid. Not only is he now captain of the American Legion Ambulance company but he is also a member and one time captain of the Yulan Fire Department. He has served as a commissioner of public works and as a lay minister in the Yulan Congregational Church. His fellow citizens know him for acts of kindness such as personally delivering equipment, crutches, and hospital beds, in his spare time. If the recipients need instruction in the use of these aids Mr. Myers' provides it and, in the event that the sick are unable to return the equipment, he offers to pick up the equipment in their homes. Mr. Myers' devotion to his community is heart warming. He has logged more than

5,000 hours of service to the American Legion Ambulance company alone, and has served on more than 2,800 ambulance calls. There is no telling how many lives Mr. Myers is personally responsible for saving.

But Mr. Myers is more than a list of titles and accomplishments. He is a husband of 52 years to his devoted wife, Ruth, and a loving father to his son, Robert. He is also an avid collector of toy ambulances. He has displayed his collection at hospitals, trade shows, and even here in Washington, to help promote awareness for emergency medical services. We would be hard-pressed to find a man who has shown more devotion to his community, his state or his country, than Mr. Myers.

Mr. Speaker, I ask that you and our colleagues join me in applauding both this man and the Yulan American Legion Ambulance Corps on the occasion of the 50th anniversary of their joint achievements.

TRIBUTE TO COLORADO TIMBER INDUSTRY ASSOCIATION AND THE INTERMOUNTAIN FORESTRY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Colorado Timber Industry Association (CTIA) and Intermountain Forestry for their hard work, dedication and service to the people of Colorado. Gary and Cathy Jones of CTIA, as well as Diane Hoppe and Tom Troxell with Intermountain Forestry have been good advocates for common sense and good policy within the Forest Service. During the August recess, Gary and Cathy Jones of CTIA organized and led a tour of the Routt Blowdown near Steamboat Springs, Colorado. The tour was flawlessly done and informative. Representatives from the local counties, the state legislature, Club 20, the Forest Service and some of Colorado's congressional offices were present.

Colorado has 3,148,182 acres of wilderness. Of the 2,841,000 acres suitable for harvest, only 12,354 acres were harvested in 1996. There is a total of 13,867,569 acres of national forest lands in Colorado (excluding the National Grasslands). Forest timber sale targets have decreased roughly 50% since 1990 (excluding some of this year's salvage sales). Meanwhile, forest growth has out paced harvest on suitable lands by roughly 400%. Logging is responsible for only 2% of the tree mortality in Colorado. Disease and insects are the most well-known causes of tree mortality. Due to political pressure, the Forest Service will build only 8 miles of new roads and salvage will be excluded from "roadless" areas. Unfortunately, it seems political pressure has affected how the Forest Service will deal with the Routt blowdown too.

The Forest Service has received $4.8 million from the emergency supplemental appropriations bills, but not enough has gone to on-the-ground management. I was dismayed to learn that the Forest Service proposes only to salvage 7% of the 20,000 acre blowdown. The Forest Service proposes to leave the vast majority of good timber to insects and decay. Even more alarming is that a vast tinderbox of dead and dying trees lies waiting for a careless match or lightning strike to ignite.

Salvage operations will help, but many areas that could have been harvested economically with on-the-ground techniques are set-aside for helicopters, or left untouched. Thankfully, Frank Cross, the Forest Service Blowndown Team Leader committed to a demonstration project to explore other logging methods should the Jetstream Sale fail to attract much attention. I am hopeful that the Forest Service will look past what is politically popular and take more aggressive steps to deal with this natural disaster. I thank Gary and Cathy Jones for all their hard work on this issue. It is clear they are strong advocates for active management, forest health and diversity. I commend them for their efforts and look forward to working with them in the future.

ENGLISH LANGUAGE FLUENCY ACT

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes:

Mr. STUMP. Mr. Chairman, I rise today in strong support of H.R. 3892, the English Language Fluency Act. I believe that it is time this Congress said the era of mandatory bilingual education is over.

There are too many ways for the anti-English lobby to defy the will of the people on this matter. Let me cite just two examples. When the voters of California said no to bilingual education, our own Department of Education was threatening an investigation. According to the Washington Post of August 3, 1998, San Francisco schools claim to be under a court order from the 1970's which mandates bilingual education.

If the English Language Fluency Act is passed, the Department of Education will no longer have the power to bully schools and school districts into adopting the failed approach of bilingual education. If the English Language Fluency Act is passed, school districts will be freed from voluntary Compliance Agreements which mandate bilingual education.

We have tried the bilingual approach for 30 years now, Mr. Chairman. The record of this program is an unbroken string of failure. All the legislation before us today does is give schools, school districts and parents a choice. Some may continue bilingual education programs if they feel it is in their best interests. If the taxpayers of a community support that approach, it is not Congress' business. Nor should it be the federal government's business to force communities to continue to pay for these gold-plated, failed bilingual educational programs.

H.R. 3892 is a parent empowerment bill and a community empowerment bill. H.R. 3892 frees schools to do what they think best to educate the children in their care. This is the same approach taken by my Declaration of Official Language Act (H.R. 622). I urge my colleagues to pass the English Language Fluency Act and return education to local authorities.

TRIBUTE TO CHAMPIONS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to some of my constituents for their hard work, dedication and excellence in an elite and competitive field—horse judging. Mr. Speaker, Robert Dehn, Kay Gibson, Meghan Hankhammer, Amber Martin and their coach, Ron Stephens earned the highest honor in a horse judging competition in Fort Worth, Texas. These talented youths won the World Championship in the American Junior Paint Horse Association horse judging competition in July. They set a fine example of the tremendous accomplishments our youth can achieve with the right attitude and a competitive spirit. I congratulate them for their award, their achievements with 4–H, and for representing Colorado so well.

LARRY WILLIAMS RETIRES AS DIRECTOR OF THE SIERRA CLUB'S INTERNATIONAL PROGRAM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Ms. PELOSI. Mr. Speaker, I rise today to express my appreciation for and heartfelt thanks to Larry Williams, who is retiring from his post as Director of the Sierra Club's International Program. For the past seventeen years, Larry has taken a leadership role in promoting the protection of the environment on the international level and people around the world are the beneficiaries of his vision, his dedication and his unrelenting advocacy. Larry is a true champion of the global environment and, therefore, a champion for this world's children and for our future.

One of Larry's major successes, on which we worked closely, was the development and passage of legislation requiring the multilateral development banks (MDBs) to do environmental impact assessments and to make those assessments publicly available for MDB-financed projects. With the implementation of this legislation, now known as the "Pelosi Amendment," new environmental policies and standards have been set internationally.

Ten years ago, MDB-financed projects like highways, dams, irrigation works and power plants, would largely be built without regard for their irreversible impacts on the environment and without the informed participation of affected communities. The prevailing approach to large-scale development projects was to build them first and worry about the consequences later. Local citizens were often the last to know that important wetlands would be drained, rivers diverted, forests cut down, or entire communities displaced by projects supported by US tax dollars. With Larry Williams' leadership, the Pelosi Amendment to the International Development and Finance Act of 1989 changed that. Now, citizens in communities from the Amazon River Basin to the Himalayas and all other points around the world have access to information about proposed MDB projects that will have major impacts on their lives.

The Pelosi Amendment has been the Trojan horse for transparency, participation and accountability at the MDBs. For the first time, citizens were given the right to know in advance what projects their government and the Banks had planned. Knowledge is power. More citizens now know about, comment on, monitor or participate in Bank-financed projects than at any time in the past, with the hoped-for effect of improving projects and mitigating environmental impacts.

Larry Williams, the tireless international campaigner for the Sierra Club, was one of the primary forces behind the MDB reform campaign that led to the development, passage, and implementation of the Pelosi Amendment. Larry's leadership brought changes to the World Bank which one observer said were the outcome of "four years of congressional hearings and constant badgering by environmentalists."

Larry Williams has touched the lives of millions of people who will never know directly of his untiring efforts on their behalf. I commend him for his untiring efforts and am honored to have been able to work with him. We will miss him.

ENGLISH LANGUAGE FLUENCY ACT

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes:

Ms. MEEK of Florida. Mr. Chairman, I rise in opposition to this bill and ask unanimous consent to revise and extend my remarks.

We have before us a very overt attack on a very effective program that helps children for whom English is not their family's language.

Learning takes place at several levels based on the individual's ability and capacity. Research clearly indicates that it takes a minimum of three to five years for such children to become functionally proficient in English. English proficiency is essential in order to be successful in the mainstream society.

The bill essentially ignores this fact, by limiting to two years funding for students who have limited English proficiency. The bill also jeopardizes the potential for any increase in qualified bilingual teachers by eliminating federal grants for university teacher training programs.

I strongly embrace the notion that children need to learn English as quickly as possible. But, bilingual programs should be designed to ensure that children achieve the highest academic standards that their ability allows. They should not be subject to some arbitrary deadline that would prevent classroom teachers and local administrators from doing what is best for each child.

Mr. Chairman I represent Miami and Dade County, Florida, the Fourth largest school system in the country. We have approximately 40,000 active students with limited English proficiency, and my school district tells me that an average of 2.9 years of bilingual instructional education is necessary before these students can be mainstreamed with the skills necessary to achieve proficiency in English.

Mr. Chairman, this bill ignores the needs of these students; it ignores the results of recent research; and it ignores the very practical needs of school districts like mine, that must teach English to tens of thousands of youngsters who speak some other language at home.

I urge the defeat of this bill.

TRIBUTE TO STANLEY HOTEL AND STANLEY MUSEUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to all of those involved with the operations and management of the Stanley Hotel and Stanley Museum in Estes Park, Colorado. Since 1990, the Stanley Hotel has offered fine service and grand accommodations at the gateway to Rocky Mountain National Park. I commend the proprietors for continuing that tradition and accommodating a museum celebrating the area's history. On June 9, the Stanley Museum was opened to showcase a collection of artifacts and mementos related to the enterprising brothers, Frances Edgar (F.E.) and Freelan Oscar (F.O.) Stanley. Born in Maine in 1849, the restless twins are famous for their inventions and ingenuity. To speed up their early work as artists, the twins invented the airbrush. When photography occupied too much of their time, they invented a method to dry-plate photography to speed up the processing. The Stanley brothers' love for music inspired them to produce fine violins—nearly 2,500 of them. The twins were also well-known for inventing the famous Stanley Steamer. F.O. Stanley suffered from tuberculosis and moved to Estes Park for the high, dry climate. A notorious gambler, he virtually established tourism in the Estes Valley. The Stanley Museum highlights the many contributions of the Stanley Brothers and pays tribute to their lasting legacy. Through the many artifacts, mementos and photographs displayed, one can truly appreciate the Stanley's influence on Colorado and the nation. I commend Marty Yochum, Frank Riggs and all of the museum docents for their hard work and dedication to this valuable effort.

HONORING SWADESH CHATTERJEE AND THE INDIAN AMERICAN FORUM FOR POLITICAL EDUCATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. ACKERMAN. Mr. Speaker, the Indian American Forum for Political Education is one of the oldest and most respected Indian American community organizations in the United States. During the August recess more than 500 members of the IAFPE gathered in nearby Chantilly, Virginia for its annual convention and to elect a new slate of officers.

During the course of the convention, the IAFPE unanimously selected Swadesh Chatterjee as its new president. As a senior member of the House International Relations Committee, and particularly as someone who has supported a strong relationship between the United States and India, it has been my privilege to get to know Mr. Chatterjee. He has worked tirelessly with key decision makers in Washington to help the world's oldest democracy become better friends with the world's largest democracy. It is a fitting tribute to his work that Swadesh was elected to this post.

Mr. Speaker, we are a nation of immigrants. Swadesh Chatterjee's life is the classic success story of an American citizen who immigrated to this country and rose to become a leader in his community. Swadesh was born in Calcutta, India, where his mother still resides, and graduated in 1965 from Calcutta University with a degree in physics. Four years later he obtained a second degree in electronic engineering from Jadapur University. Swadesh came to the United States in 1980 to become the plant manager of Brandt Instruments, a manufacturer of process control instrumentation located in the Raleigh-Durham area of North Carolina. From this position, Swadesh was promoted to Executive Vice President and, for the past five years, he has served as the company's President. Under Swadesh's direction, Brandt Instruments has been extremely successful with its operating profits growing 170 percent during the last three years.

Swadesh is married to Dr. Manjusri Chatterjee, a psychiatrist in Cary, North Carolina. The couple have one daughter, Sopini, and a son, Souvik.

Swadesh Chatterjee has proven to be an exemplary citizen of the United States. He has become a successful businessman, civic leader and advocate for the interests of the Indian American community in Raleigh, North Carolina, and in Washington, D.C. Politicians on both sides of the aisle have sought Swadesh's wise counsel and support. I know my colleagues join me in congratulating Swadesh on his election to the presidency of the IAFPE and wishing him continued success in the years ahead. Swadesh's story is a reminder to all that the Indian American community is one of our country's best human resources, as well as success stories. It is also wonderful proof that the United States is strong because we have welcomed immigrants to our shores, as they search for a better life for themselves, and better proof yet that we should continue to do so in the future.

IN MEMORY OF HAROLD A. BREIER, FORMER MILWAUKEE CHIEF OF POLICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor Harold A. Breier, our former chief of police in Milwaukee who died Wednesday at the age of 87. Mr. Breier's name was synonymous with law and order in Milwaukee.

Many compare his stature to a rock of granite, immovable to the waves of controversy that sometimes washed over him. He ruled with an iron fist but a soft heart for those he called the good people of Milwaukee.

Mr. Breier devoted more than 44 years to law enforcement with the Milwaukee Police Department. He was chief of police during some of the most tumultuous times in Milwaukee and was a man of action who disdained sitting behind a desk. He remained a tough street cop throughout his career and was considered a crack marksman, who shot three criminal suspects in the line of duty during his career. None of them died from their wounds.

He climbed quickly through the ranks and was first promoted to detective in 1946, serving on the vice squad. After that followed promotions in swift succession; lieutenant in 1954, captain in 1958, deputy inspector in 1960, inspector of detectives in 1962 and chief of police on February 15, 1964, a position he would hold for more than 20 years.

Mr. Breier has been praised as a valued and trusted leader, a man who played no favorites in the enforcement of the law, and a tough guy who, at the same time, was very sensitive to his family and especially his wife.

Mr. Breier was married to his wife Eleanore for 57 years. He courted her for seven years before they married. Through the years, before her death in May at the age of 82, Mr. Breier did much of the cooking, grocery shopping and house cleaning. He also cultivated flowers and vegetables in his backyard.

He was a true product of the South side, a working man before his career in law enforcement, who held jobs as a timekeeper, an electrician's helper, a factory inspector and tempoary sheriff's deputy. He also played left tackle on the Braumeister Beers and other teams in an amateur football league called the West Allis Majors.

Mr. Speaker, Harold Breier's memory is cherished by many in Milwaukee. We offer condolences to his daughter Suzanne and his son Thomas. We will miss his no-nonsense, straight shooting approach to life. His devotion to duty stands as an example to us all.

TRIBUTE TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Northern Colorado Water Conservancy District (NCWCD). During the August district work period, Mr. Eric Wilkinson and Mr. Brian Werner were kind enough to spend some time speaking with a member of my staff. NCWCD took two busloads of interested people on their annual Colorado-Big Thompson Project, West Slope tour. There, Eric, Brian and others shared hours of information, history and stories regarding one of Colorado's most important water projects. Their tour is a real tribute to the public and serves to educate scores of people on the importance of water to Colorado. I commend the district for conducting these wonderful tours and for their other important public outreach projects.

Currently, NCWCD is working with the Bureau of Reclamation on the issue of dam seepage at Horsetooth. The seepage is not serious according to NCWCD and the Bureau, but both entities are concerned about public reaction. I understand a recent public meeting on the topic went far to address the concerns of local citizens. Drill testing is occurring now to determine how the dam is settling. The NCWCD would also like to do a land exchange to acquire land appurtenant to the Windy Gap pipeline. The exchange is proceeding administratively, and I have encouraged the Forest Service to facilitate that process.

The Poudre River Corridor Act is also important to NCWCD. Under the Act, a state commission is to be set up for innovative projects and ideas. I am following up with technical corrections needed to help establish this long-overdue commission. I look forward to working on these and other issues with all of the hard-working, dedicated people of the Northern Colorado Water Conservancy District. They have my strong support and commendations for supplying Colorado's farms, ranches and cities with safe, clean water. I look forward to working with the NCWCD on these and other important issues.

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

SPEECH OF

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILLMOR. Mr. Speaker, when I introduced this bill on February 11, 1997, Thomas Edison's 150th birthday, I had no idea what a monumental task getting a coin bill to the floor is. Obtaining 290 cosponsors is no small task, and I particularly want to thank some of the original cosponsors—David Bonior, Jerry Solomon, Don Payne, and Porter Goss—for their exceptional efforts in making this bill possible.

The coin to be issued will honor the world's greatest inventor, Thomas Edison, and the effort to get it minted reminds me of one of his many famous sayings, "Genius is 1 percent inspiration, 99 percent perspiration."

To re-awaken America to the history of this national hero, this bill commemorates the 125th anniversary of the lightbulb, which Edison invented in 1879. The Treasury is authorized to issue a one-dollar commemorative coin in 2004 bearing Edison's likeness. The surcharges from the sale of the coins will be used to help fund eight different Edison locations across the country dedicated to extending Edison's legacy. This bill has no net cost to the federal government.

Edison was born in my district and last year, the Edison Birthplace museum in my district in Milan, Ohio, was so strapped for funds that it asked local officials for help with the electric bill. Other Edison sites across the country are faced with similar financial difficulties.

Edison was the most prolific inventor in American history with more that 1,300 patents. In addition to the lighbulb, these inventions include that stock ticker, the electronic vote recorder, and the phonograph.

This coin bill will be a suitable memorial of Thomas Edison, and will also provide needed help to many historical sits across America.

I would like to recognize two people on my staff, Christopher Bremer and Bill Wilson, both of whom put in long hours of work in developing the Edison legislation. Without their exceptional efforts, this bill would never have reached this point. All too often the contributions of Hill staff are unacknowledged and I want to extend my deepest thanks to them both for their efforts.

ENDING VIOLENCE AGAINST WOMEN

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BAESLER. Mr. Speaker, yesterday marked the kickoff of "Ending Violence Against Women" month back in my home state of Kentucky. Dozens of groups, including the Kentucky Women Advocates, the Kentucky Nurses Association, Metropolitan Women's Association, civic groups and good corporate citizens joined together at the Galleria in Louisville today to mark the occasion with a rally, speeches, and proclamations.

Kentucky's advocacy community—especially these groups and the Governor's Office on Child Abuse and Domestic Violence Services—has done an excellent job raising public awareness about the urgency of this issue.

This week I became a cosponsor of the Violence Against Women Act II.

I do so because, although the first Violence Against Women Act has made great strides, an estimated three to four million American women are assaulted each year by their husbands or partners. In Kentucky alone, 27,758 temporary protective orders and 18,252 emergency protective orders are issued annually.

I do so because domestic violence is still the least reported crime in the United States, but remains one of the most tragic, hurtful, and destructive crimes to the lives of citizens of my state and our nation. Clearly, more must be done.

I am especially proud to cosponsor VAWA II because it renews the Rural Domestic Violence provisions authored by myself and Reps. Long and Ewing in the 103rd Congress. This effort has sent more than $250,000 to Kentucky to protect some of the most vulnerable women in my home state—those who live in rural areas.

Mr. Speaker, we are living in a time of remarkable prosperity and peace. But the fact remains that too many homes are wracked by domestic violence. Just as we must always work to ensure our nation's security and peace abroad, we must continue to work to ensure the physical security and peace of mind for the women across America.

AN EDUCATIONAL MEETING WITH THE COLORADO CATTLEMEN'S ASSOCIATION AND COLORADO WOOLGROWERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, Kent Lebsack of the Colorado Cattlemen's Association and Sandy Snider of the Colorado Woolgrowers were nice enough to invite my staff into a special meeting about Wildlife Services funding during the August district work period. I was very interested to learn that the U.S. Fish and Wildlife Service is threatening to withhold Wildlife Services funds unless Colorado returns the responsibility for predator control from the state Department of Agriculture to the Colorado Division of Wildlife. Farmers and ranchers are now reimbursed with federal funds when they prove that mountain lions or bears (as opposed to coyotes—which producers can legally shoot) have killed stock. Under state law, producers must have someone from the state inspect the carcass to attempt to identify what killed the animal.

During the meeting, one producer expressed some concern about granting Most Favored Nation (MFN) trade status to South Africa. The topic of water, always important to Colorado agriculture, also came up. I want to assure my constituents that I will be paying very close attention to the issues of predator control and state primacy over water rights. As the Environmental Protection Agency continues to work on rules for animal feeding operations, and ill-conceived initiatives from Washington continue to threaten Colorado water and agriculture, I will continue fighting for the rights of my constituents to carry on their productive lives and businesses without undue and inappropriate government intervention. I commend the Colorado Cattlemen's Association and the Colorado Woolgrowers for all of their hard work and efforts on behalf of agriculture, and I look forward to working with them on these and other important issues.

THE HONORABLE LOUIS L. GOLDSTEIN

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. EHRLICH. Mr. Speaker, July 4, 1998 was a bittersweet day for most folks in Maryland. Although they celebrated our nation's 222nd birthday with much fanfare, a legendary public servant who had been a mainstay in Maryland's Fourth of July celebrations, as well as a fixture in the lives of the state's citizens for decades, was absent.

Maryland State Comptroller Louis L. Goldstein died unexpectedly on the eve of the Fourth at the age of 85. Comptroller Goldstein, or "Louie," as he was known to his many thousands of friends across Maryland, served a record 10 terms as Maryland's tax collector, and had held elective office since 1937, when he entered the Maryland State Senate. To most of our state's citizens, he was the only Comptroller they had ever known.

Louie was a study in contradictions. He was an old-style political barnstormer who walked across his native Calvert County in search of votes, and who once shook hands with a mannikin. At the same time, he had an accountant's feel for numbers and an intuitive mastery of the intricacies of Maryland government. He mingled with the farmers in Southern Maryland and the bankers on Wall Street with equal ease. He could make it to a political breakfast on Maryland's Eastern Shore, and be back to Annapolis in time for a meeting of the powerful Board of Public Works, where he established a reputation as an unapologetic fiscal watchdog always looking out for the interests of the taxpayer.

Mr. Speaker, there are three facets of Louie Goldstein's time in office which will help define his legacy. First, he brought to his responsibilities an unbridled enthusiasm, passion, and commitment for public service not often seen today. Second, he understood the importance of customer service, and strove to make the Maryland Comptroller's Office work for the state's taxpayers, rather than the other way around. Third, he brought a high degree of excellence to his duties, as evidenced by the fact that Maryland has consistently maintained its Triple A bond rating during his wise stewardship.

Mr. Speaker, it may be difficult for anyone outside of Maryland to understand that, for decades, our tax collector was our state's most beloved public servant. This strange dichotomy is Louie's most enduring legacy. Nobody will ever replace Louie Goldstein's unique place in the hearts of Marylanders, nor should anyone ever try. I extend my personal condolences to Louie's children, Philip Goldstein, Louisa Goldstein and Margaret Janney. More importantly, I thank them for their father's rich legacy of service to the citizens of Maryland.

100TH ANNIVERSARY OF HILLSDALE, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Hillsdale on its 100th anniversary as an independent municipality in the State of New Jersey. The people of Hillsdale this year are celebrating the many virtues of their wonderful community. Hillsdale is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

Hillsdale became a township in 1898 when it broke away from the Township of Washington. Hillsdale got its name from the railroad station and its first schoolhouse.

Predominantly a farming community prior to the advancement of the railroad into the area in 1870, the town flourished with the new transportation system making it only about an hour's journey from New York City. Hillsdale quickly became a "railroad town" as the New Jersey and New York Railroad Company selected it as the site of roundhouse, turntable, car shops, water tower and coaling station. Locomotives were stored overnight at Hillsdale, making it the natural home of railroad workers. At one point, the majority of the town's population worked directly or indirectly for the railroad.

The Hillsdale Railroad Station became a focal point of the community. In addition to providing transportation services, its second floor offered meeting space for the Fire Association, Improvement Association, religious services of the Episcopal Church and various political groups. By 1883, there were 20 daily round trips to New York. The railroad, now a part of New Jersey Transit, continues to serve commuters headed to and from Manhattan.

In 1923, the Township of Hillsdale became the Borough of Hillsdale and presently maintains this form of government.

As the population began to increase, so also did the resort nature of this town in the "country." The population continued to expand and with it, so did the charm of the community. Several housing developments were started during the first few decades of the century, with need falling off during the Depression. Construction was revitalized in the 1940s and 1950s, adding many homes to meet the ever-increasing desire to reside in the town. Today, Hillsdale's population is at 9,750 with five farms, and 97 commercial establishments lying within the three square miles.

In celebration of the town's 100th birthday, many events have taken place following the theme of "Looking Forward, Stepping Back," in which each month represents a decade from the 1890's (January) through to the year 2000 (December). In January, the "Klondike Gold Rush of 1899s in Beechwood Park"—in which children searched for "golden nuggets" and traded them for candy—was the premiere event of the year. Also that month, the Centennial Committee sponsored the "Hillsdale Exposition of 1890s," for which school classes and organizations created displays representing events of the 1890s. Other events, including a town-wide birthday bash, pet parade, antique show, monthly movie nights, golf outing, Earth Day cleanup and more have all added to the celebration. Still to come, the Centennial Committee has planned a Centennial Ball, town-wide picnic with fireworks and a week-long "Harvesting of the Quilts" display. A journal commemorating the town's last century is also being published. A Centennial Garden has been planted in the center of town. With the Centennial Committee's help, Hillsdale adopted a borough flag designed by one of its residents.

Hillsdale looks toward the future with anticipation of all that is yet to come. A time capsule will be buried at the end of this year to ensure that future residents of Hillsdale will be able to see Hillsdale as it is today and as it has been since its foundation.

Hillsdale of one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success as their borough enters its second century.

INNOVATIONS ACHIEVED AT THE COLORADO STATE UNIVERSITY MECHANICAL ENGINEERING DEPARTMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the district work period, engineers at the Colorado State University Mechanical Engineering Department extended an opportunity for me and my staff to view first-hand several significant and far-reaching innovations achieved in their laboratories. As a key participant in energy conservation research at the national level, CSU engineers and students are developing clean-running engines, methods to mass-produce solar cells, and other cutting-edge technology.

At the Engines and Energy Conversion Laboratory (EECL), housed in the old Fort Collins powerplant, engineers are designing industrial and automotive engines which need less energy to operate and release less exhaust. The lab has strong support from the natural gas industry which has already begun to implement the new technology. Through cooperation between the University, industry and federal agencies, clean-air efforts are progressing with greater speed and efficiency than with traditional regulatory methods. The Environmental Protection Agency and the City of Denver have awarded EECL grants to develop clean-air engine technology. The National Science Foundation commissioned the lab to build an online engine which scientists can access from around the world. Additionally, the lab's automobile engines are some of the fastest, highest mileage natural gas engines in the country.

The Mechanical Engineering Department is also involved in creating a method for the production of solar cells. The high cost of solar cell production has prevented most households and small businesses from making significant use of this energy-saving technology. The Department is discovering a method for mass-production which will lower the price while increasing reliability and worker safety.

Also of note, CSU participates in the Department of Energy's Industrial Assessment Program offering free energy, waste, and productivity assessments to small and mid-sized manufacturers. Assessments usually result in annual cost savings of $55,000 to these businesses. CSU is the only university in the mountain state region to provide this service.

The Head of the Mechanical Engineering Department, Dr. Tim Tong believes that advancements in energy conservation will continue as energy is deregulated. He and members of his department are working to ensure that Colorado State University will continue to play a vital role in energy research and development into the next century. I would like to thank Dr. Tim Tong, the Head of the Mechanical Engineering Department, Dr. Bryan Willson, the Director of the EECL, and Robert Enzenroth for their time and for their commitment to this important endeavor.

Mr. Speaker, these professionals are providing academic and scientific leadership for the nation. I commend their work to all Members of the House and stand eager to provide further information about the Colorado State University Mechanical Engineering Department upon request of any colleague.

HUN SEN IS BECOMING CAMBODIA'S NEW POL POT

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. ROHRABACHER. Mr. Speaker, today I have introduced legislation in the U.S. House of Representatives condemning Hun Sen as a war criminal. If he continues his war against Democracy in Cambodia and continues ordering brutality and killing, my fellow Congressmen will pass this legislation.

Hun Sen is fooling no one. The election was stolen. He now hopes to intimidate freedom loving Cambodians. The attacks on Buddhist monks and peaceful demonstrators serves only to confirm that he is a dictator and an enemy to anyone who loves freedom. As his thugs—whether in uniform or civilian clothing—mercilessly shoot and beat freedom loving Cambodians—including old women and children, it's clear Hun Sen still has the same lack of human morality as when he was a commander in Pol Pot's genocidal army.

Hun Sen must not be permitted to become a new Pol Pot. This is a turning point in history. Those young Cambodians in uniforms and their commanders must not support Hun Sen. They should defend those courageous Cambodians who seek Democracy. If Hun Sen is permitted to become Cambodia's new Pol Pot, he will murder Cambodia's future and hand the country over to foreigners who seek to enslave the Cambodian people.

Only the courage of the Cambodian people will permit this, but they should know that freedom loving people, especially here in the United States, are praying for them. In spirit, we are on their side. Ultimately, it is the courage and ideals of the Cambodian people that will make the difference.

I and all Americans wish you success in this struggle.

TONY STEIN: AMERICAN HERO

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. HALL of Ohio. Mr. Speaker, I am honored to bring to the attention of my colleagues the sacrifices of Tony Stein, an American hero from Dayton, Ohio, the principal city in my district. As a corporal in the Marine Corps, he took part in the initial assault on the island of Iwo Jima and became the first Daytonian to receive the Congressional Medal of Honor in World War II.

After hitting the beach, Corporal Stein showed selfless courage at great personal risk to protect his fellow soldiers. His initiative, bravery, and unflagging devotion to duty helped ensure the success of our war effort. He was killed in action on March 1, 1945, ten days after he received the Medal of Honor.

Last month, the Dayton City Commission voted to name the Keowee Street Bridge in Stein's North Dayton neighborhood the Tony Stein Memorial Bridge.

This Saturday, Tony Stein will be honored at a ceremony at the bridge marking the new name. In doing so, the City will pay tribute to an American hero and to all veterans who gave of themselves in the service of our country.

I commend to my colleagues an article about Stein which appeared in the September 3, 1998 issue of the Dayton Daily News.

[From the Dayton Daily News, Sept. 3, 1998]

BRIDGE A MEMORIAL TO TONY STEIN

(By Derek Ali)

Mention Tony Stein's name in some city circles and many people will probably shrug their shoulders unknowingly.

Countless motorists have driven on the street named in his honor, but it's a pretty sure bet few Daytonians know much about the man himself.

Stein, a corporal in the U.S. Marine Corps, was the first Daytonian to be honored with the Congressional Medal of Honor for service during World War II.

The two-block street, adjacent to the war monument at Keowee and Valley streets in Old North Dayton, was renamed Tony Stein Way in May 1987 in honor of the former Kiser High School student who worked at the Delco Products division of General Motors Corp. before joining the Marines in September 1942.

A destroyer escort named after Stein was launched in Seattle, Wash., in 1970. An American Legion post—the Tony Stein American Legion Post No. 619—also was named in his honor.

Now, after lobbying from residents of Old North Dayton, city commissioners on Aug. 26 unanimously approved naming the bridge over the Mad River at Keowee Street the Tony Stein Memorial Bridge.

In a letter of support, Northeast Priority Board chairman Joe Kanak wrote, "This gesture would be in honor of a notable war hero who was born and lived in Dayton, and would also represent our respect for the many lives given in battle to defend and preserve democracy."

Ronald Brookey of the Kiser High School Alumni Association also urged commissioners to approve the change.

Brookey said Stein, a graduate of the school, deserved the bridge honor because he died protecting the country.

"The memorial bridge would not be a memorial to war, but a memorial to the sacrifice of a north Dayton citizen," Brookey said.

Stein, who was 22, was killed less than two weeks after he earned the medal during the initial assault on Iwo Jima on Feb. 19, 1945.

The citation awarding the medal to Stein stated:

"After hitting the beach at Iwo Jima, Stein, armed with a personally devised aircraft-type weapons, provided rapid covering fire as his platoon moved into position.

"When his comrades were stalled by machine gun and mortar fire, Stein stood up in the enemy's view in order to learn their position.

"He charged enemy pillboxes one by one, killing 20 of the enemy during a ferocious assault. Stein ran out of ammunition and removed his helmet and shoes for ease of movement in returning to the beach. He made eight trips to the beach under furious fire, carrying or assisting a wounded man each time, and returning with ammunition.

"Stein then directed fire against an enemy pillbox, destroying the unit. Later in the day, although his weapon was shot from his hands twice, he personally covered the withdrawal of his platoon to the company position."

On March 1, 1945, 10 days after receiving the Medal of Honor, Stein was killed in the battle for Mount Suribachi on Iwo Jima. He was the first of four Daytonians to receive the Congressional Medal of Honor.

A TRIBUTE TO REVEREND THEBO AND THE OPEN DOOR MISSION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, Reverend Thebo, the Director and founder of the Open Door Mission in Fort Collins, Colorado, took the time to show my staff his ministry serving the city's homeless people.

The Mission, located downtown, serves healthy meals, provides showers, and beds. The center is very clean because residents are expected to keep it clean. With work comes dignity and self-esteem which are essential to moving forward. The center also smells surprisingly good. If you ask why, Reverend Thebo will tell you that he once asked God to take away the odor of despair from the shelter and to fill him with a new love for the people. Now, he paints the walls several times a year. His love for the destitute is fresh each day.

After 20 years working with homeless people, Reverend Thebo still has a strong love for those who have lost everything. He lends a hand and expects that hand to be grasped. The Mission's objective is to get people back on their feet. The Reverend has no patience for people who do not want to work but travel from shelter to shelter in search of handouts. But, for those who want help, the help is there in abundance.

Mr. Speaker, I would like to thank Reverend Thebo, his sister who operates the women and family program, and those who volunteer their time and money to the Open Door Mission. May God continue to bless their ministry.

HONORING THE 50TH ANNIVERSARY OF THE MIDLAND WMDN-WMPX RADIO STATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize the 50th Anniversary Celebration of WMPX-WMRX in my hometown of Midland, Michigan. Founded in 1948 by tele-broadcasting entrepreneur, Phil Rich, this radio station was originally donned the call letters WMDN. Serving its public as both an entertaining, as well as, an informative resource, WMDN has undergone transformation from its original talk radio programming to its current format focusing more on musical entertainment. Moreover, as a pilot station, WMDN was solely an AM station while its current subsidiaries, WMPX and WMRX are heard on both AM and FM stations, respectfully, thus implying a broader outreach to listeners.

Music has become the focal format of both radio stations, complemented by timely updated briefings of local sports, news, weather and special events. Sounding melodies of such greats as Frank Sinatra and Nat King Cole, citizens of Midland are assured quality entertainment with the depths of American culture these entertainers have instilled throughout the past five decades. WMPX and WMRX are two important communication vehicles that provide both nurturing and entertainment to the public. I know the Midland community can proudly affirm the influence this radio station has maintained over the past fifty years.

On Sunday, while citizens listen to the music and updates provided by WMPX and WMRX Midland—they can be proud of how this organization has benefited the community. It is the determination and creativity of people like Phil Rich—fifty years ago—that has allowed it to grow over the years and become the successful station it is today. Thanks to the many efforts of WMPX-WMRX, the Midland community is kept informed. I know these stations will remain an important part of the Midland community for many years to come.

TRIBUTE TO MS. DEBORAH J. LIVINGSTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ms. Deborah J. Livingston of Columbia, South Carolina, as she steps down from the presidency of the Elmwood Park Neighborhood Association. Ms. Livingston has served her community well in this position, and her leadership will be missed.

Deborah Livingston has been very active in the city of Columbia. She is a member of the Columbia Council of Neighborhood Presidents, the Citizens Advisory Committee, the Boards of Directors of the Historic Columbia Foundation and the YWCA of the Midlands. She also serves as treasurer of the Columbia Development Corporation. However, it has been in her role as President of the Elmwood Park Neighborhood Association that I have grown to know and respect her work.

Elmwood Park is comprised of over 450 households. In May 1991, it was designated as a historic district and placed on the National register of Historic Places. In 1984 the neighborhood received the honor as a Design Preservation Area by the City of Columbia. Ms. Livingston's work was also recognized by NationsBank with a leadership Excellence in Neighborhood Development award in 1994.

Mr. Speaker, I ask you to join me today in honoring Deborah J. Livingston for her great work as President of the Elmwood Park Neighborhood Association. She has been a tremendous asset to the community through her work to help rejuvenate downtown Columbia. Her leadership will be sorely missed.

SUCCESSFUL WELFARE REFORM IN WELD COUNTY, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period I heard from Walt Speckman, Executive Director of the Division of Weld County Human Services about the success of welfare reform in Weld County, Colorado. Mr. Speckman believes that in twenty years, welfare will be a distant memory. He is optimistic and he and his staff are working to eliminate welfare and put people to work. Weld County is changing lives by helping people to break out of the cycle of dependency and despair. Already, the welfare case load has dropped 43%, making Weld County one of the most successful counties in the country.

Those remaining in the system fall into three different categories: children, the temporarily unemployed, and the hard-to-serve. Of the children, many are descendants of illegal aliens. As you know, all children born in this country, even those born to illegal aliens, enjoy American citizenship. The parents are not allowed work and their children receive welfare payments. Many of these immigrants do work and their children do not need welfare, however they cannot admit as much to agency officials and so the checks continue to be processed.

Of the hard-to-serve clients, most are physically or mentally disabled, caring for sick family members, new mothers, or severely challenged in some other way. The list is daunting, yet Mr. Speckman remains confident that his agency can find employment for these individuals or help them receive federal help for their disability. It will take a few years and the Welfare Act needs some fine tuning, but he is ready for the challenge. While some counties may be content to permanently exempt part of their population, Weld County has set out to improve the lives of all. Weld County sets an example for the nation.

Additionally, I would like to thank Walt Speckman and Linda Perez for their time and for their commitment to improving the lives of people in Weld County.

THE ALEXANDER MACOMB CITIZENS OF THE YEAR AWARD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor two outstanding individuals, Kimberly M. Cahill and Albert L. Lorenzo, and one remarkable family, the Petitprens, of Macomb County as they are honored with the March of Dimes "Alexander Macomb Citizens of the Year" Award.

Kimberly M. Cahill is a a highly respected attorney and a dedicated community activist. Ms. Cahill is the president of the law firm of Schoenherr & Cahill, P.C., and is the past president of the Women Lawyers Association of Michigan. In 1997, she received the Macomb County Bar Association's Civility Award and was named by Crain's Detroit Business as one of the 40 top metro Detroiters under the age of 40. Ms. Cahill has used her influence to incorporate more women and minorities in the legal profession. In addition, she has devoted her time and energy to such important issues as public health and parenting programs for pregnant teens.

Albert L. Lorenzo has been an outstanding president of Macomb Community College since 1979. Under his inspired leadership, the college has grown to become one of the nation's largest multi-campus community colleges and the fourth-largest grantor of associate degrees in the United States. His background in teaching and educational administration has afforded him opportunities to contribute to more than two dozen books and to author articles for national journals. Dr. Lorenzo was selected as one of the country's top 50 community college CEOs, and he has been the recipient of the national "Tom Peters Leadership Award." In addition to his responsibilities at the college, Dr. Lorenzo serves on the Governor's Workforce Commission and other organizations involved in health care, banking, research and human service.

The Petitpren family have combined business experience and community responsibility to make their business, Petitpren Inc., a Macomb County success story. The company contributes to more than 60 cultural and charitable organizations, including Habitat for Humanity and sponsors programs to discourage underage drinking.

Mr. Speaker, I rise to congratulate these outstanding residents of Macomb County for the leadership, caring, and commitment to their communities highlighted in this esteemed award.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. PRYCE of Ohio. Mr. Speaker, during the week of September 9, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Wednesday, September 9, 1998

H.R. 678—Thomas Alva Edison Sesquicentennial Commemorative Coin Act: AYE.

H.R. 1560—Lewis and Clark Expedition Bicentennial Commemorative Coin Act: AYE.

H. Res. 459—Commemorating 50 Years of Relations between the United States and the Republic of Korea: AYE.

Thursday, September 10, 1998

H.R. 2863—Migratory Bird Treaty Reform Act: AYE.

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act: AYE.

H.R. 3892—English Language Fluency Act:
Martinez Amendment to the Riggs Amendment (#2): NAY.
Riggs Amendment (#2): AYE.
Final Passage: AYE.

Friday, September 11, 1998

H. Res. 525—Providing for Review by the Committee on the Judiciary of a Communication from the Independent Counsel: AYE.

GREELEY, COLORADO HAS STATE-THE-ART JAIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, Weld County Sheriff Ed Jordon extended an opportunity to my congressional staff to view first-hand the state-of-the-art jail in Greeley, Colorado.

The Weld County Jail employees new technology and procedures which make it a safe and efficient facility. Offenders are housed in one of three rooms which are supervised by a control center as well as in-room officers. Officer presence minimizes troublesome behavior. Officers are encouraged to eat the same food as inmates which also cuts down on negative behavior and complaining. There is no smoking in the jail.

The entrance uses a state-of-the-art metal detector to prevent weapons from entering the facility. The colors of blue and tan are used to distinguished between administration and inmate areas. Cameras and multiple locking doors prevent escape. Electronic finger printing and computerized booking expedite check in.

These and other innovations contribute to a controlled environment which promotes safety for the officers and the public at large. It is a truly impressive facility. I would like to thank Sheriff Jordon for his time and for his commitment to the safety of the people in Weld County.

BALLISTIC MISSILE DEFENSE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. PACKARD. Mr. Speaker, recent world events have made it indisputably clear that America needs a missile defense system. The North Korean missile launch, Indian and Pakistani nuclear tests, and the terrorist attacks targeting innocent Americans, have shown that it is critical that we address these threats before it is too late.

It is of utmost importance to enact a national antimissile defense system as soon as possible. In March the House passed legislation authorizing additional appropriations for ballistic missile defenses. This legislation would answer the emerging threat posed to the United States by the development and deployment of ballistic missiles around the world. For the second time this year President Clinton and Congressional Democrats have defeated this legislation. This is intolerable.

America is the military leader of the world. Yet this administration and their democratic allies in Congress continue to place our citizens in the line of fire.

Mr. Speaker, the irresponsibility that this Administration has shown in helping to kill this much needed legislation is appalling and puts every American family at risk. I urge my colleagues in both Chambers to rethink this issue and vote to support a strong missile defense system.

HONORING THE DISTINGUISHED CAREER OF JUDGE JAMES BUCKNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. GORDON. Mr. Speaker, I rise today to congratulate Judge James Buckner on his retirement. He has served Rutherford County for the past 36 years as General Sessions Court Judge.

Judge Buckner was appointed to the judgeship in 1962 by Governor Buford Ellington and has won every re-election since then. Perhaps this is due to his way of treating people—equally and fairly—regardless of their social status. Tennessee Supreme Court Justice A.A. Birch can testify that Judge Buckner's manner of meting out justice is consistent. As Birch tells it, when he was a Court of Criminal Appeals Judge, he got a speeding ticket and thought he might get a break from Judge Buckner. He explained to the judge that he had been testing his brakes by speeding up and slacking off, when he got pulled over for speeding. Judge Buckner politely listened to Birch and then fined him anyway.

A lot has changed since James Buckner became judge. My very first court case as a fledgling, practicing attorney was before Judge Buckner. For the first 11 years of his judgeship, he handled all criminal, civil and juvenile cases in Rutherford County. His position was part-time, but it was actually a full-time job at part-time pay. Judge Buckner had to maintain a private law practice to make ends meet. The state legislature eased his workload somewhat by creating a second General Sessions judgeship to handle juvenile cases. Now, Rutherford County has three General Sessions judges, four Circuit Court judges and one Chancellor. Before he retired, Judge Buckner routinely had upwards of 600 civil and criminal cases on the docket. The high number of cases pending can be attributed to the astronomical growth of Rutherford County.

Judge Buckner is a man of integrity. His sense of public service can be traced back to his father, George Buckner. George Buckner was an attorney who would later serve as a state representative. The late Congressman Joe L. Evins' first job out of law school was as an attorney working for George Buckner.

Judge Buckner's sentencing style is well known in the community. After handing down the appropriate sentence, he would say, "And—have a nice day." Well, Judge Buckner, I sentence you to a long and happy retirement spent with family and friends. And—have a nice day.

A TRIBUTE TO MONFORT CHILDREN'S CLINIC

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, during the most recent district work period, the Monfort Children's Clinic opened its doors once again to my staff to see the great on-going work the clinic is providing the poor children of Greeley.

As you know from your visit to the center earlier this year, the Monfort Children's Clinic is a 15,000 square foot facility providing a variety of pediatric services in addition to standard clinic care, including mental health, social work, audiology, ophthalmology, allergy, and pediatric rehabilitation. As the clinic expands, it will be able to offer dental care and suturing.

Opened in the summer of 1997, the clinic stands as the result of Dr. Donald Cook's dream to bring medical care to thousands of low-income children in Weld County. Dr. Cook, a pediatric physician of 37 years, retired from the clinic this summer. He will serve a year as vice president of the American Academy of Pediatrics for a year and then one year as president.

The Monfort Children's Clinic was built through the generosity of the citizens of Weld County. The clinic derives its name from the Monfort Family Foundation which contributed $1 million. Although located in poverty-stricken North Greeley only a mile or so from the county jail, the clinic is a cheerful and safe environment. In the year it has been open, it has not once been marked with graffiti or vandalism.

In addition to recognizing the excellent care provided by this clinic, I need to draw attention to the burden the government has placed on this facility which prevents it from being as efficient as it could be. Currently, the Monfort Children's Clinic must send routine lab tests to a large laboratory, although its staff is capable of processing the tests in house. The clinic cannot afford to meet the federal regulations that would enable them to do even simple tests on site.

Mr. Speaker, the Clinical Laboratory Improvement Act Amendments would lift this burden and allow the Monfort Children's Clinic to make the best use of their time and money. H.R. 2250, of which I am a cosponsor, would amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section. In light of the clinic's current dilemma, I urge the House to move this legislation to the floor for a vote before the year is over.

The Monfort Clinic is a very special place and I can only hope that by giving it the recognition it deserves, that Congress will act responsibly on its behalf. Additionally, I would like to thank Joe Morado and Debbie Pilch for their time and for their commitment to the children of Greeley.

200TH ANNIVERSARY OF THE TOWNSHIP OF BYRAM, COUNTY OF SUSSEX, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 11, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 200th Anniversary of the Township of Byram, County of Sussex, New Jersey.

The Township of Byram, was founded on February 5, 1798 after officially separating from the Township of Newton. The land was named for the Byram family who had settled there before the Revolutionary War. Originally, the land was inhabited by the Lenape Indians, but by the early 1700s, few Indians remained in the area.

The earliest settlements in Byram centered on iron mines and forges and the Township enjoyed many years of prosperity in this industry. Many of these sites are said to have been in operation before the Revolution and continued operating well into the Nineteenth Century. Two different types of ore were found in the many sites in Byram.

With the development of the Morris Canal and with two railroads, the Lackawanna "Cut-off" and the Sussex Branch of the Lackawanna Railroad, crossing the Township, Byram continued to prosper. While there are no longer railroads in Byram today, these train lines were important to the economic and social development of the Township.

Byram is not only a land of industry, but a land of nature and culture. Known as the "Township of Lakes," Byram has more than two dozen lakes and ponds within or on its borders. Many of the residences surrounding the lake began as summer vacation homes, but now, many people live on the lakes year-round. Waterloo Village, first settled in the 1750's, has been completely restored with an eye for authenticity. The Village is open to the public and offers a variety of cultural activities year-round.

Throughout its development, Byram continued to grow and many people have taken advantage of this peaceful place to live, work and raise a family. Today, Byram remains a vibrant residential area with a growing business community.

Mr. Speaker, for the past 200 years, the Township of Byram has prospered as a community and continues to flourish today and it will continue to prosper in the future. Mr. Speaker, I ask you and my colleagues to congratulate all residents of Byram on this special anniversary year.

SENATE—*Monday, September 14, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, one hundred and eighty-four years ago today at dawn, Francis Scott Key saw the Stars and Stripes over Fort McHenry and wrote the stirring words of our national anthem that have moved our hearts to patriotism ever since. "O say, does that star spangled banner yet wave, o'er the land of the free and the home of the brave?" Yes, thankfully it does. As our flag flies over the Capitol this morning, we commit ourselves anew to serve You by doing the strategic work of government and by leading our Nation through the present crisis in a way that satisfies You.

Dear Father, it is good to know that You are not surprised by the needs we bring to You. You know them before we bring them to You. Help us to see that prayer is how You call us to do what You think is best rather than just a call for You to assist us with what we already have decided. Help us to wait for You, to listen intently to You, and to gain strength to carry out Your best for us, personally and for our Nation. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin debate in relation to the motion to proceed to S. 1981, the Truth in Employment Act, with the time between now and 1 p.m. equally divided between Senators HUTCHINSON and KENNEDY or their designees. I see that Senator HUTCHINSON is on the floor and prepared to go forward and already has his charts on display here. I appreciate the work that he has done in this area.

At 1 p.m. the Senate will resume consideration of the Interior appropriations bill. It is the majority leader's hope that the Interior bill will be finished the first part of this week. Last week there were other issues that were debated, that were attached to the Interior appropriations bill, and cloture votes that were also voted on. But I think this week it is important that we stay focused on the Interior appropriations bill, this afternoon and Tuesday and Wednesday, if necessary, to try to get it completed. That is an important part of us doing the people's business.

Yes, there are a lot of distractions, but in the meantime the Senate must continue to go forward with the things that have to be done before we can go out at the end of this session so that our Members can go home and be with their constituents. So the Interior bill will be our principal focus this week. Senators who have amendments are encouraged to come to the floor. Don't keep shoving them off and saying, "I will offer them later," "I will offer them Tuesday," "I will offer them Wednesday." You will wind up being here at 10 o'clock Wednesday night having to offer and debate your amendments. I hope that Senators will come forward and offer amendments if they have them.

At 5 p.m., under a previous order, the Senate will resume debate in relation to the Truth in Employment Act until 5:30. At that time the Senate will proceed to a vote on cloture on a motion to proceed to the employment bill.

Also at that time there could be a vote or votes on or in relation to amendments on the Interior appropriations bill. We do not have that locked in yet, but we would like to get some work done, and there is a likelihood that there will be a second vote following the vote that is already scheduled at 5:30. Further votes could occur, as I said, during this evening. And Members should expect that we will have to go into the evening almost every night this week.

In addition, on Friday we did get a unanimous consent agreement with regard to how we would bring up and debate and vote on the bankruptcy reform bill. I thank Senators on both sides for working late into the night Thursday night and during the morning Friday, that allowed us to craft this unanimous consent agreement. We will bring that up the first opportunity we have—certainly only after consultation with the Democratic leader. But if we could finish the Interior bill at a reasonable time Wednesday, we could very well go to the bankruptcy bill either Wednesday night or Thursday, but it will depend on how things go between now and then.

Also, I understand that the Banking Committee did report out, by a wide margin, the Financial Services Act last week. I had indicated to the chairman, Chairman D'AMATO, that if they reported it out on a broad bipartisan vote, we would look for an opportunity to have a vote on that also. I don't know if that would come before next week or even the next week, but bankruptcy reform and the Financial Services Act would be two very large accomplishments, if we could get these done before we go out at the end of the session.

So, again, I hope Senators will be prepared to work hard, offer their amendments, let us have our votes, and let us make some progress so we can show the American people, despite the distractions, we are doing our work.

I yield the floor.

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the time until 1 p.m. shall be equally divided between the Senator from Arkansas, Mr. HUTCHINSON, and the Senator from Massachusetts, Mr. KENNEDY, or his designee, for debate relating to the Motion to Proceed to S. 1981.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to speak on the S. 1981 legislation. This legislation will enable thousands of businesses in Arkansas and across the Nation to avoid the insidious and unscrupulous practice known as salting which is literally crippling thousands of small businesses across this country.

The Truth in Employment Act inserts a provision in the National Labor Relations Act establishing that an employer is not required to hire a person seeking employment for the primary purpose of furthering the objectives of an organization other than that of the employer. This measure is not intended to undermine the legitimate rights or protections currently in law for workers in this country enabling them to organize. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive practice of salting. In fact, I will just read the last provision in the bill itself, which guarantees the protections for workers to organize, because the argument will be made, opponents of this legislation will say, that this is somehow trying to undermine the right of workers to organize.

So this provision says:

> Nothing in the bill shall affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid protection.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

So this bill is clearly not designed to harm workers or to undermine their ability to organize. That provision passed the House of Representatives unanimously, incidentally. I believe it has broad support in the Senate as well. But there is a practice that is becoming all too common across this country, that is both immoral and insidious and is not a legitimate organizing tactic, and it needs to be outlawed. The bill does not change the definition of "employee." It does not overturn the decisions of the U.S. Supreme Court.

Mr. President, I rise today to speak on an issue that I think is of common sense and fairness. Would any person intentionally bring wanton destruction upon his or her own home? Would a homeowner spend hard-earned money for a colony of termites and let them loose in his or her house, leaving them free to gnaw away at the equity he or she had spent years building up in a home or property? Certainly no one would commit such an irrational attack of self-destruction. No one would willfully and deliberately bring thousands of dollars of damage on himself. Instead, the homeowner would take every precaution to preserve the structure of his home, keeping out ruinous influences. Yet, today, in a similar situation, small business owners nationwide are prevented from defending their own companies from pernicious attacks known as salting.

What is salting? Paid and unpaid union agents infiltrate nonunion businesses under the pretense—the pretense of seeking employment. And then, at that point, employers are caught in a dilemma, facing charges if they refuse union labor and facing charges if they hire these salts. So if they don't hire, unfair labor practices are filed, discrimination claims are filed against the employer. If they do hire them, they then face, in effect, termites in their own business, eating away at the solvency of their own enterprise. Once on the job, these salts set about sabotaging the company through workplace disruptions and a battery of frivolous charges to the Equal Employment Opportunity Commission, the National Labor Relations Board, or by creating OSHA violations and then reporting those violations to OSHA.

Employers who try to fire them face yet another litany of false charges. Defending against these charges costs money in legal fees, costs time in lost productivity and costs a company's reputation through negative publicity. Yet, to add insult to injury, employers are often forced to pay large damage awards or settlements because they cannot afford the high legal fees needed for justice to be served.

Employers have little or no defense against these relentless—relentless—assaults. Instead, they are forced to invite destruction into their companies and can only stand by, it seems, helplessly as years of hard work and investment are devoured before their eyes.

In my home State of Arkansas, George Smith, the president of Little Rock Electrical Contractors, has been the victim of salting campaigns. Let me just tell you his story.

It is a family-owned business and a merit shop contractor, hiring both union and nonunion labor. Mr. Smith never expected to face charges of unfair labor practices from people he didn't even hire.

At a company site in Louisiana, two men drove up to Little Rock and asked if the company was taking applications. They were told no, and they drove off. Five months later, Mr. Smith was notified that charges of discrimination had been filed against him by the NLRB. He subsequently hired a labor attorney who assured him that he could win, as the charges had no merit whatsoever, that justice would be served.

Unfortunately, the cost of the 2-day hearing would be $15,000 in order to have justice served. And since the unions would appeal if Mr. Smith won, additional costs of up to $8,000 could be almost guaranteed.

On the other hand, the cost of settlement with these two nonemployees who had filed the claim was $3,000 for each man. So, in the end, Mr. Smith chose the less expensive option. I quote what he said:

> The reason that we paid was real simple. It was pure mathematics. [If] it cost me $23,000 to win and $6,000 to lose: I can't afford to win.

To rub salt into the wounds, so to speak, copies of these settlement checks appeared on one of his worksites in North Carolina with the statement saying that this was the result of employer interference with employee rights.

Mr. Smith, a hard-working American trying to run an honest business, lost both money and company stature. But this assault was not unique. In 1 year, Little Rock Electrical has faced 72 such charges to the tune of $80,000 in legal fees.

Mr. President, that is wrong. That is not justice, it is an injustice. This problem is not unique to Arkansas companies. It is happening all across America, from Cape Elizabeth, ME, where Cindy and Don Mailman, owners of Bay Electric Company, suffered 14 erroneous, meritless charges, and $100,000 in legal fees over 4 years; to Modesto, CA, where Jim Blayblock of Blayblock Electric faced an intense barrage of salting; to Delano, MN, where Terrance Korthof of Wright Electric has lost $150,000 in legal fees and $200,000 to $300,000 in wasted time for 15 baseless charges; to Austin, TX, where Randy Pomikahl's company, Randall Electric, has been targeted.

My point is, from the East Coast to the West Coast, from the Canadian border to Texas in the South we see these salting campaigns. Salts are operating across the country not only in electrical companies, but in steel companies, mechanical companies, building companies, and I predict it is going to be expanded and proliferate. We are going to see it targeting small business in every industry unless we address it legislatively. Mr. President, it is very much a national problem.

I have on the floor of the Senate this morning a chart that illustrates how this is a national problem. Here are some examples of salting cases around the country. Carmel, IN, Gaylor Electric faced 96 charges. Ultimately, the courts dismissed all 96. All 96 of these charges were dismissed without merit, but it cost Gaylor Electric $250,000 annually to defend themselves against this salting campaign.

Union, MO, 48 charges were filed, 47 were dismissed, one was settled for $200. But in legal fees, $150,000 to defend their company against these frivolous charges.

In Clearfield, PA, the R.D. Goss Company had 15 to 20 charges. All but one of those charges were dismissed, but it cost that company $75,000 in legal fees plus lost time, and they ultimately were forced out of business, an example of many businesses that have been forced to close their doors because of their inability to pay for the legal help to defend themselves against these kinds of campaigns. This small businessman in Clearfield, PA, had operated for 38 years until finally having to close their doors because of the salting campaign against them.

These travesties of justice are not simply random acts by a small subversive group. Instead, they are calculated attacks on nonunion companies often, unfortunately, with NLRB complicity. In its most innocuous form, salting consists of gaining employment, not to work, but solely for the purpose of organizing labor. A person has a right, the courts have said and legitimately so, to apply for a job even though they want to go in and help organize for union activity. They don't have a right, I believe, legitimately, morally, or ethically, though it is still illegal, to go in, apply for a job, never intending to work, but simply for the purpose of filing these kinds of frivolous claims. That is in its most innocuous form. The common and prescribed practice is to strike economic pressure points in a company, leaving that company virtually paralyzed.

In their own words, from the IEBW organizing manual, this is what they say:

> [The goal of salting is to] threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, and go out of business.

That is not where the effort is to go in and organize. That is where the effort is to go in, hit the economic pressure points and destroy the company. The international vice president of the United Food and Commercial Workers Union, Tom McNutt, has been quoted as saying:

> If we can't organize them, the best thing to do is to erode their business as much as possible.

The goal is not to organize. "If we can't organize, let's destroy the company."

I have another chart that I think will illustrate this very point, and that is that the procedures for salting are not left to chance, that unions very carefully instruct members how they ought to go about salting. This is a sample checklist for salts put out by the International Brotherhood of Electrical Workers, Local 1547 in Anchorage, AK. If you will notice, and we will read some of these points, this is their initial contact, when they make contact with a selected target; in other words, the business that is the target of the campaign:

> If the target doesn't have reason to know that you are a union member you do not want to reflect that on your application. You can change the status of your prior employment to reflect past non-union employment * * *

Then they actually counsel their salts to lie on their employment application.

> * * * reduce the rate of [your former] pay [your hourly wage] to $12.00 or $13.00 with no benefits [because] if you show a high rate of pay and benefits * * * the target will * * * become suspicious.

So all through the various points that they make, all through their recommendations, they are urging deception when these salts go in.

> List jobs other than heavy industrial sites such as TVA jobs, government jobs, or jobs known to be union in union areas.

Deceive the potential employer.

> In listing your electrical education we recommend that you do not list JATC or IBEW.

Just do not tell them of any kind of—on and on you find this effort to simply deceive in order to get in and perform the insidious and pernicious activity, not of organizing, but of destroying the economic viability of the company.

There are more union tactics that are described by local 1547: Fabricating employment history and so forth. These tactics are not overt methods of organizing, but rather they are covert methods of deceiving and sabotaging the targeted company. Unfortunately, the NLRB and other Government entities have unwittingly become an accomplice in these salting campaigns, because the charges are brought before them, and Government lawyers defend the salts.

So we talk about the price tag. It is not just the price tag of legal fees for these companies. It is not just the price tag of lost time and productivity. It is not just the price tag of losing a company's reputation. It is also the price tag that is imposed upon the American taxpayer, because we pay for the lawyers that are defending these salts when it goes before the NLRB. So by extension, the American taxpayers have been made a participant in these guerrilla warfare operations, since who but the American taxpayer pays the salaries of these Government lawyers.

Mr. President, I think that it is absurd. And in return for their money, the American taxpayers get a return on their investment; and that return is in higher consumer prices for products and services, the costs of which have been driven up by higher operating expenses due to none other than these kinds of salting campaigns and those abuses. Not the legitimate right to organize, but it is these abuses that we have an opportunity to bring a halt to.

Under current law, employers are fully exposed to the corrosive effects of salting. Mr. President, I emphasize again, I am not opposed to labor organizing. It is, in fact, one of the rights of workers under the law. But I am against the abuse of the system, the abuse of small business owners and the abuse of the American taxpayers.

The Truth in Employment Act preserves the rights of employees and employers. The provisions are very simple. The Truth in Employment Act amends the National Labor Relations Act so that an employer is not required to employ any person who is not a bona fide employee applicant, meaning that this person wants to be employed with the primary purpose of furthering another employment or agency status. In other words, when they are coming in to apply, they are not coming in primarily because they want a job and they want a paycheck and they want to perform productive labor. They are coming in primarily for the purpose of furthering the goals and objectives of another organization, whether they are paid or unpaid. I think that that is what we must guard against—no destructive salting.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not change the definition of the employee, and it does not overturn the decisions of the U.S. Supreme Court.

The Truth in Employment Act begins, a little bit, to put some balance back into management-labor relations. And it begins to level the playing field of labor relations, protecting the rights of employers and employees while promoting the honest and harmonious hiring of employees.

I think, Mr. President, the House took a very positive step for the benefit of all Americans by passing their version of this bill on March 26, 1998. This evening we will have a chance to do the same. And the language in the Truth in Employment Act that we will be voting on today is precisely the language passed by the U.S. House of Representatives.

The question arises, though—I am sure we are going to hear this during the course of debate today—if salts enter into jobs surreptitiously, how can this legislation work? How can salts be detected? Under the Truth in Employment Act, the act of seeking employment in the furtherance of another employment or agency status no longer is a "protected activity." Salting will not be a protected action. In the case against the employer, the general counsel of the NLRB will have to show that the employee is, in fact, bona fide, that the employee did not seek employment for the purpose of salting. In this demonstration, the general counsel will prove that the employee would have sought employment even in the absence of his desire to conduct a salting campaign.

The employers will have the opportunity to present contrary evidence. Employers will no longer be squeezed in the vices of the law. They will no longer be forced to hire salts or fear dismissing salts for their disruptive actions. Employers will be able to hire job applicants who are actually interested in working and contributing to the company for the salary they receive.

I know that some of my colleagues do not support this legislation and will try to frame this legislation as being antilabor. It is not. As I mentioned, the Truth in Employment Act specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not in any way undermine that right. But it will stop the proliferation of salting campaigns that have precipitated the need for the legislation. This, frankly, has become the new tactic of choice.

Others may suggest these unions would not undertake these tactics unless there were something seriously wrong with the system and that salting is like the last gasp of breath from the sea of desperation. But I think if you look at the economy, you find the real answer.

Apart from the recent ups and downs and antics of the stock market, our economy has been doing very well. Over 13 million new jobs have been created in the last 5 years. Unemployment is at a 24-year low—4.5 percent. The economy is growing. And while the economy is growing, union membership is declining; in fact, it is even plummeting.

The Bureau of Labor Statistics reported recently that unions lost 159,000 members in 1997 alone. So as a result of strong employment conditions and job satisfaction, labor unions are finding it increasingly difficult to identify workplaces that need and want labor representation. So in that circumstance, in that economic environment, it is regrettable that some labor unions have resorted to disingenuous techniques to cope with their situation.

Mr. President, in this country we often speak of rights—the right to free speech, the right to free assembly, the right to bear arms, the right to petition the Government for a redress of grievances. But with each right that we enjoy in this great country, we also face some responsibilities. People who assemble for a cause have the responsibility not to be violent or to be destructive. Journalists have a responsibility to print what is true and newsworthy.

When a parent grants a child the freedom to use the phone or to use the car, he expects the child not to make lengthy long distance calls to far out-of-the-way places, or to drive the car at high speeds or under the influence of alcohol. It is this responsibility that we exercise with each freedom, with each right that allows us to have these very same freedoms. Mr. President, the right of laborers to organize must not be abused.

Salting is a costly—costly—abuse of legal technicalities. It rarely ever results in actual organization. Instead, it costs small business owners time, money and oftentimes its reputation that has been built and earned through a whole lifetime. It costs American taxpayers money in legal costs and higher consumer prices. It is dishonest. It is unjust, and it penalizes the innocent.

Mr. President, the Truth in Employment Act calls for just that—truth in employment. It calls for common sense and honesty in labor relations. It calls for job applicants to be honest about their intentions and to apply only if they actually want to work for the company. It stops only dishonesty. It stops only injustice. It stops only destructive and unethical practices. It calls for a simple change in the law so that small business owners do not have to shoot themselves in the foot. It calls for fairness. I ask my colleagues to support this legislation when we have the opportunity to vote on it later today.

Mr. President, 32 different trade associations have endorsed the Truth in Employment Act. I will not read them all, but some of the major trade associations supporting this legislation include the American Trucking Association, the Associated Builders and Contractors, International Mass Retail Association, the National Association of Convenience Stores, the National Association of Home Builders, the National Association of Manufacturers support this, as well as the NFIB, National Federation of Independent Business, the National Grocers Association, the National Mining Association, the National Restaurant Association, the National Retail Federation and the U.S. Chamber of Commerce—32 different associations have said, "We realize this is an insidious, unscrupulous practice that will proliferate unless we stop it legislatively now."

While it may now be electrical contractors, small builders and small businesses facing this, unless the insidious practice is stopped, we will see it used in a calculating way against targeted industries and targeted businesses across the economic spectrum.

This is a great opportunity for us, as we seek to invoke cloture on this, this evening. We need 60 votes. I ask all of my colleagues in the U.S. Senate to carefully consider the simple change that this will make in the law, but the profound change it would have in restoring fairness in the workplace.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-two minutes 50 seconds.

Mr. HUTCHINSON. I ask unanimous consent, as I request a quorum call, that the quorum call time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, while the clock is burning, I think it is an appropriate time for me to take a few moments here and relate and include in the RECORD some of the correspondence I have been privy to concerning what small businesses are facing under the salting campaigns aimed against them and targeting them. These are only samples, but I think they are good samples of businesses across the country. I hope the Senators from these various States we are looking at will think seriously about what their constituents are facing in these targeting campaigns.

This particular letter is from Kenny Electric Service and was addressed to the Honorable DAN SCHAEFER in the State of Colorado. Colorado, of course, like all States across the country, is facing these kinds of campaigns. And because of the building movement in Colorado, I think they have been a particular target. They have many electrical contractors, building contractors, and small business people of various sorts who are facing this and are involved in the building trades industry.

I will read the last paragraph in which the letter states:

> Kenny Electric Service, Inc. has experienced financial losses of over $1 million as a result of union tactics and harassment. Attached are examples of harassment which caused these losses. Your help with the legislation will sincerely be appreciated.

Then they stipulate some of the expenses that they have incurred. He said:

> We had a van with 7 union members arrive at our office to respond to an ad that we ran for an electrician. They were followed by the director of organizing, who was video taping the whole process.
>
> The above resulted in an NLRB charge, even though some of them were indeed hired. The NLRB charge was ultimately removed [and dropped] by the union [itself].
>
> The union members filed frivolous and sometimes false OSHA claims. For instance, one day the contractor's office trailer was locked up at 7 a.m. The trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called OSHA and filed the complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate OSHA report to avoid a fine and a claim.

Then he goes on with another full page of similar examples of the frivolous claims that were filed against their company and the over $1 million in costs that were incurred.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KENNY ELECTRIC SERVICE
Englewood CO, October 8, 1997.

Hon. DAN SCHAEFER,
Englewood, CO.

DEAR CONGRESSMAN SCHAEFER: I apologize for not being able to meet with you next Monday to discuss the issue of Salting Abuse. Salting Abuse is the placing of union members of agents in a nonunion facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, scale back business activities, or even put the company out of business. Salting is being used in bad faith as a harassment technique, largely by filing numerous frivolous NLRB complaints against open shop contractors. This causes the contractor delays and expenses in legal fees to contest these charges, and may jeopardize their work on a project through delays and excessive problems that the owner may not be able to endure.

I understand there is legislation in both houses of Congress to address this situation. H.R. 3211, the Truth in Employment Act, was introduced by Harris Fawell. Senator Slade Gorton has also introduced S. 1025 which is similar to H.R. 3211.

There has been compelling testimony regarding these salting abuses in three hearings held in the 104th Congress by the Economic and Educational Opportunities Committee. Several witnesses illustrated that these union agents hide behind the shield of the National Labor Relations Act, trying to destroy their employers or deliberately increase costs through various actions including sabotage and filing frivolous complaints with various federal agencies. For most of these companies, many of which were smaller businesses, the economic harm inflicted by the union's salting campaigns was devastating.

Kenny Electric Service, Inc. has experienced financial losses over $1,000,000.00 as a result of union tactics and harassment's. Attached are examples of harassment which caused these losses. Your help with legislation will sincerely be appreciated.

Sincerely,

RICK L. ELLIS,
President.

EXAMPLES

We had a van with 7 union members arrive at our office to respond to an ad we ran for an electrician. They were followed by the director of organizing who was video taping the whole process.

The above resulted in an N.L.R.B. charge even though some of them were indeed hired. The N.L.R.B. charge was ultimately removed by the union.

The union members hired salted our projects and tried to promote the union.

The union members filed frivolous and sometimes false O.S.H.A. claims. For instance, one day the contractors office trailer was locked up at 7:00 a.m. This trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called O.S.H.A. and filed a complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate O.S.H.A. report to avoid a fine and claim.

One union member filed a claim because he wasn't placed on a project with a large number of electricians. He was placed on the project closest to his house.

Two union members left work and are on economic strike.

We have had to date approximately 19 N.L.R.B. charges filed against us. A settlement was negotiated with the N.L.R.B. for dismissal of all charges.

The above items have taken over 500 hours of management to handle and deal with.

The above have effected our ability to advertise for and hire personnel that would have the company's interest and future in mind.

The union does not want to organize our company, they want to destroy our company.

We have continually trained and retrained our field personnel on the legal do's and don'ts of the salting issues. This takes away from their abilities to control and manage their projects in a manner that is in the best interest of the company.

We can no longer advertise using our company name without the threat of being harassed and salted again and again. This would only result in more N.L.R.B. charges.

The fact that we cannot actively hire new employees has effected our ability to man our projects and has ultimately stopped our ability to obtain new work.

Mr. HUTCHINSON. I have a letter from Manno Electric, Inc., from the president of that company to his Congressman, regarding forced unionism, or salting. I will read only one paragraph:

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family-owned and operated for the past 24 years and now has annual sales of approximately $1 million and an average work force of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off when their jobs were completed in mid-August 1992. Immediately, the union filed a ULP charge claiming they were laid off because of their union affiliation.

I will not read it all, but it concludes:

To date, I have paid my attorney over $75,000 for my defense and have been ruled guilty on all charges by an administrative law judge who proudly professed he formerly represented the auto union and touted the high percentage of success in union litigation.

Once again, he is continuing to appeal. But these are the kinds of situations that these small companies are facing. That is from the State of Louisiana, Baton Rouge.

I ask unanimous consent that this letter from Manno Electric, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MANNO ELECTRIC, INC.,
Baton Rouge, LA.

Re Forced Unionism—"Salting."

The best kept secret by the labor unions today is their insidious organizing strategy known as "salting." Salting is the practice of sending paid professional organizers and union members into non-union work places (merit shops) under the guise of seeking employment.

These "salts" are trained in a program called COMET, the official organizing program of the AFL–CIO. They learn to infiltrate a private business, and use tactics of harassment, project disruption, and filing frivolous unfair labor practice (ULP) charges with the National Labor Relations Board (NLRB) against their employer.

If a union organizer is turned down for employment, or dismissed by a merit shop contractor, *for any reason*, he immediately files an unfair labor practice charge with the NLRB. The strategy behind salting is to file enough ULP charges against the contractor until the company is financially devastated or joins the union. The contractor has to legally defend himself against each charge, no matter how trivial. Each NLRB complaint costs the employer an estimated $5,000 to $10,000 to defend. Litigation for the union member is paid by the taxpayer through the NLRB.

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family owned and operated for the past 24 years and now has annual sales of approximately one million dollars and an average workforce of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off when their jobs were completed in mid-August 1992. Immediately, the union filed an ULP charge claiming they were laid off because of their union affiliation.

Twelve other union members came in and applied for employment during this time but were not hired because we had no work for them. They filed unfair labor practice charges for failure-to-hire, claiming discrimination because they were affiliated with the union. The union contends that once a member has applied for employment, you are forever bound to keep his application at the forefront or risk another ULP charge. The NLRB accepts this union theory and this is one of the biggest weapons used to abuse the contractor. At my trial in September 1993, I produced in evidence over 100 applications we had on file at that time.

In all, over 20 union activists filed frivolous charges against my company. To date, I have paid my attorney over $75,000 for my defense and have been ruled guilty on all charges by an Administrative Law Judge who proudly professed he formally represented the auto union and touted the high percentage of success in union litigation.

My trial was a mockery to justice. The judge slept repeatedly during my trial and it was painfully clear that he did not hear all of the proceedings or read the 1700 pages of transcript in making his decision. He completely ignored our witnesses' testimony and our exhibits.

The Clinton administration, through its powerful political appointments in the Labor Department, has given a "green light" to the labor unions, the NLRB and now the Supreme Court to exercise their power to strike a deadly blow to American enterprises and the free market system. Unions have trained their agents to use and abuse the procedures of the National Labor Relations Act (NLRA) as an offensive weapon against employers. The NLRB accepts these frivolous charges and rules with a strong bias toward labor.

The AFL–CIO has declared organizing as their top priority in an effort to revive and rebuild union membership at all costs.

The Supreme Court in its recent Town & Country unanimous decision (9–0) has also helped to encourage labor. It focused on a very narrow aspect of the law, ruling that a paid organizer is a "bona fide" employee. It failed to address the issue that open shops are being assaulted by union agents, intent on not recruiting new members, but on putting contractors out of business.

Today, due in part to the one and one-half years my appeal was stayed by the NLRB awaiting the Town & Country decision by the Supreme Court, my fines could exceed $500,000. In addition, the back pay and interest mounts daily and will continue to do so until I rehire the six union members that were terminated and also the seven others who merely applied but were not hired four years ago.

My business appears to be in financial ruin. This travesty of justice must be exposed so that business owners across this country can be alerted! An agent of the NLRB has even warned me that if I tried to close my business due to the inability to meet the liability, they had the right to force me to reopen.

The appellate court and, perhaps, the Supreme Court is the only recourse we have remaining. I can only pray that we do not fall victim to this new domestic terrorism.

Sincerely,

JACK L. MANNO,
President, Manno Electric, Inc.

Mr. HUTCHINSON. Then I have a letter written by Betty Tyson at T&B Metal Works, Inc. I believe it does sheet metal duct work in Jacksonville, FL. This was addressed to the Honorable TILLIE FOWLER, a Congresswoman from Jacksonville, FL, regarding the Truth in Employment Act in 1996 in the House of Representatives, H.R. 3211.

Once again, I will not read all of this correspondence. But part of what Betty Tyson writes is the following:

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435 over the past 10 months (since the organizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the labor laws which were created to protect employees.

Then there are a number of specific details that are provided regarding the situation that T&B Metal Works face in Jacksonville, FL. I have a binder with similar letters and examples from all of the States of the Union. This is something that is becoming very broad-based and is becoming a widespread problem for small businesses struggling to survive and provide jobs for working people of this country.

I ask unanimous consent that this letter from T&B Metal Works in Jacksonville, FL, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

T&B METAL WORKS, INC.,
Jacksonville, FL, December 11, 1996.

Re H.R. 3211 "Truth in Employment Act of 1996."

Hon. TILLIE FOWLER,
House of Representatives, Jacksonville, FL.

DEAR REPRESENTATIVE FOWLER: Reference is made to my telephone conversation with your assistant, Susan Siegmund, on December 2, 1996, regarding the above-named bill, as well as the conduct of the National Labor Relations Board. I requested that you represent us because we seem to be in limbo between our new representative (Brown) and our old one (Stearns).

You may have copies of letters that were sent to you previously dated May 1, 1996, and October 15, 1996. To date, we have not had any luck with anyone taking a serious interest in the problems we are encountering.

I also spoke to your assistant in Washington D.C., Brad Thoburn. He requested that we put together an outline of the problems we have experienced as a result of salting and the lack of impartial decisions by the National Labor Relations Board. I have enclosed a copy of that information for your review. Mr. Thoburn also indicated that you are on the Committee for H.R. 3211.

With all that said, I will try to give you a brief idea of what our business has been going through as a result of "salting".

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435, over the past ten months (since the organizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the Labor Laws which were created to protect employees! (You will find details in the attached outline.)

We have had four sets of charges filed against us this year. Representative Fowler, I can assure you that if we didn't know the Labor Laws before, we certainly became familiar with them between December, 1990, and February 1993. During that period, we had ten sets of charges filed against us by the union, and we spent $28,000 on labor attorneys defending ourselves. We understand the labor laws and abide by them, but it doesn't seem to matter. Somehow, the union is able to persuade their "organizers" to lie repeatedly about us.

There is a statement at the bottom of the "Charge Against Employer" form which says "Willful false statements on this charge can be punished by fine and imprisonment". This is a joke! They might as well not have it on the form at all. The local NLRB representative has told me he knows these people are lying, yet the charges are not dismissed! In his defense, I know he refers his findings to the Regional Office in Tampa, and they make the final decision.

I have attached a copy of a letter we sent to Rochelle Kentov, Regional Director/NLRB, regarding her recent decision to postpone making a determination on charges that were clearly false. I have no idea why she would want to review the subsequent charges before making a decision on this issue. The charges are unrelated, as you can see in the attached.

In summary, we would like to request your support of the Truth in Employment Act of 1996 in an effort to aid small businesses, such as ours, throughout the country. Working hard and having your own business is supposed to be the American Dream, but is quickly turning into the American Nightmare for us and countless others who are being pursued by unscrupulous unions!

In addition, we feel it is imperative that the National Labor Relations Board be an impartial entity. It is a crime for them to allow this continued abuse of the Labor Laws. I hope you will have some suggestions or ideas of how this can be accomplished.

Thank you for this opportunity to express our concerns. We look forward to hearing from you.

Sincerely,

BETTY TYSON.

Mr. HUTCHINSON. Then I have before me an editorial that appeared in the Anchorage Times on December 17, 1996. You will notice that most of the correspondence and editorials that have been written have occurred within the last 2, 3 years, because it is during this time period that this problem has become so exacerbated, become so widely used by union organizers who are having little success in organizing otherwise, and they are going to these very destructive tactics.

This was written December 17, 1996, in the Anchorage Times, and I think the title of the editorial is significant: "Do Bad Real Good." In this case, it was actually a city that was facing a union salting campaign, and the threats that were made by the IBEW representatives were so egregious that it received widespread attention. I will read part of that editorial:

> In a meeting with Mayor Margie Johnson in November, according to City Manager Scott Janke, the IBEW representatives threatened the community with great financial harm.

The IBEW representative said:

> By the time we get finished with this town, it will make the open meeting lawsuit your town was in look like chicken feed.

That cost the town over a million dollars in legal fees. So the union organizer representative said it was going to be "chicken feed" compared to what they were going to do.

He said:

> Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you.
>
> * * * What we will do is rip this town apart.

Then he said:

> We do bad real good.

It is that abuse, which is so often explicitly and blatantly stated, which this legislation would address.

I ask unanimous consent that this Anchorage Times editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Dec. 17, 1996]

DO BAD REAL GOOD

Organized labor began the year with optimism about the national and state elections. Unions invested heavily in favorite candidates. But they didn't fair well—either in races for Congress or the Alaska Legislature.

Polls indicated the results had to do with labor's reputation in the eyes of many voters—a rap for heavy-handed dealings. It proved too much of a burden for many labor-backed candidates.

Whether deserved or not, labor's negative reputation was reinforced the other day when residents of Cordova read a memo from the city manager about an encounter between the mayor and two female officials of the International Brotherhood of Electrical Workers.

The IBEW and the city have been in a stalemate over contract negotiations that began after city employees voted two years ago in favor of being represented by the union. The union says it intends to file an unfair labor practice charge against the city because it hasn't engaged in good faith bargaining. The city says it has.

In a meeting with Mayor Margie Johnson in November, according to City Manager Scott Janke, the IBEW representatives threatened the community with great financial harm.

According to Janke's memo, this—including a reference to a non-related open meeting lawsuit that had cost Cordova $1.3 million—is what one of the union people said:

"By the time we get finished with this town it will make the open meeting lawsuit your town was in look like chicken feed. Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you.

"If you hire a lobbyist, I am going to be right behind him or her in Juneau and (urinate) on everything that Cordova wants. You won't get one capital project.

"What we will do is rip this town apart. We do bad real good."

The following day at a meeting between city officials and the IBEW representatives, a lawyer for the city confirmed with the two union officials that the quotes, as recorded by the mayor, were accurate. A half dozen city officials heard the confirmation, Janke says.

After the city's memo began circulating around the state about a month later, the IBEW issued a denial of the quotes, demanded an apology from the city and a retraction for what it called misrepresentation and false statements.

The city gave this official response to the IBEW last week: "Shame on you." The union

> should be ashamed, the city said, for the threat, for the belated denial, and for the demand for an apology.
>
> Mayor Johnson, who receives no salary, says she is disappointed. She had hoped for a partnership between the city and the union. "They know we don't have a lot of resources in Cordova. A leaking roof at city hall, the school's falling apart, and there are only 750 property tax payers to support it all. We're struggling to stay abreast. Threats don't help anything," she said.
>
> Especially on election day.

Mr. HUTCHINSON. Mr. President, while I continue to have the floor, I just want to point to this chart, which is an editorial that I think very well frames the issue that confronts the Senate today in this cloture motion.

It is entitled "Harassing Job Providers." It appeared recently in the Detroit News. I think, once again, it frames this issue quite well. I will read part of it.

> One form of the tactic is called "salting" in which union agents take a job at a nonunion firm and attempt to organize workers. They also file endless and often frivolous claims of labor law violations against the companies. Another tactic is simply to file the claims on behalf of other workers, whether or not the workers are actually aggrieved.
>
> These tactics, as well as "salting," are known as corporate campaigns and are designed to give unions more leverage when they are at a low ebb. Only 10 percent of private sector workers are in unions. One prounion handbook quoted by Investors Business Daily observes that "Every law or regulation is a potential net in which management can be snared and entangled."

I think they rightly conclude that:

> Regulations ought to be about protecting people, not "ensnaring and entangling" anyone. Part of the problem is addressed by legislation introduced by Republicans Harris Fawell of Illinois in the House and * * *."

And it goes on and speaks about that legislation.

But here is the point I would make; I think the editorial made it well: Regulations, labor laws, and labor regulations implemented by the NLRB exist not to ensnare and entangle small business men and women who are trying to survive, trying to provide jobs and trying to make a living. They exist to protect both employer and employee and have always been intended to provide and to maintain balance. The fact is that when the National Labor Relations Act was passed no one could have envisioned that these kinds of tactics would become so commonplace.

So when the opponents of this legislation stand, as they surely will, and say, "This is just an effort to undermine and to hurt organizing efforts, this is antiworker and antilabor," I once again remind those Senators that the only thing this legislation targets are the abuses of existing law. The only thing this legislation targets are the insidious and absolutely indefensible tactics of going in with the explicit purpose of destroying a business, destroying a businesswoman, of ruining their financial viability with a truly scorched earth policy, a term that has been used frequently of recent. This is truly scorched earth. If you can't organize and destroy them, that is what "salting" is all about. That is why it is incumbent upon us to restore balance and to restrain these kinds of unethical tactics that are being more and more widely used.

Mr. President, I observe the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I understand we have a time allocation and those who are opposed to the Hutchinson proposal now have, as I understand it, about 50 minutes. Am I correct?

The PRESIDING OFFICER. There are 48 minutes.

Mr. KENNEDY. OK. I will yield myself 25 minutes.

The PRESIDING OFFICER (Mr. HAGEL). The Senator is recognized.

Mr. KENNEDY. Mr. President, we are reaching the last few weeks of this session of the Congress, and I think it is appropriate to give some consideration to the positions of the Republican leadership on the many issues that affect working families, because we will consider one of these issues later in the afternoon and another tomorrow when the Senate is going to be debating and also voting on the increase in the minimum wage.

I think it is appropriate that we look over what has been the Republican leadership position on issue after issue that affects working families in this country over the period of these last few years. There you will find a wholesale assault on the interests and the rights and the economic conditions and wages of working Americans.

I can remember 3 and one-half years ago, just after the Republicans gained leadership positions in the Senate, one of the first proposals offered was the repeal of the Davis-Bacon Act. I can remember being in this Chamber and asking my colleagues what is it about the Davis-Bacon Act that they object to. Well, they talked about the inflation it adds to construction projects. The average income for a construction worker in the United States of America is just over $30,500. What is it that is so outrageous for a worker involved in construction—construction, the second most dangerous industry—to make $30,500? Why is that such a dramatic concern to the leadership of the Republican Party? We find it time in and time out—let us eliminate Davis-Bacon to make sure that we do not give government contractors the opportunity to inflate wages of workers in this country.

Nonetheless, we took a number of days on that particular issue. I was wondering why it was, with all the problems we were facing at that particular time, our Republican friends wanted to take away some very important income for working families.

And then we had introduced an increase in the minimum wage—at that time it was $4.35 an hour—for the working poor—men and women who work 40 hours a week, 52 weeks of the year, who want to be able to bring up their children with some kind of respect, but who are living in poverty. Most Americans believe that those who want to work and can work, who believe in work, who are prepared to show up for work and play by the rules, ought to be able to have a livable wage.

We will have an opportunity to address that issue again tomorrow. We have the most extraordinary prosperity in the history of the nation, with the lowest unemployment and the lowest inflation. But still the Republicans say no to that, no to the wages of working families who are involved in construction, no 2 years ago to any increase in the minimum wage, and then finally, finally, finally, finally, they acceded to a modest increase in the minimum wage. And now we have the issue before us again. We know that the purchasing power of working families has been at its lowest, has deteriorated the greatest, and the highest income Americans have seen their incomes increase.

In the immediate postwar period, all Americans went up together. The rising tide raised all the boats—low income and upper income Americans increased at about the same rate. But now, according to the Republican leadership, they want to see a decline in the wages of working families by repealing Davis-Bacon. They don't want to see any increase for working families in a minimum wage.

And then I remember, as we went on into last session, the assault on the earned-income tax credit. Increasing the minimum wage helps working people, whatever the size of their family. But the earned income tax credit helps low wage workers if they have one or more children. The more children you have, the greater the benefit to you from the earned-income tax credit.

But we had the Republican leadership not only condemning the income of construction workers under the Davis-Bacon Act, but saying no to any increase in the minimum wage. And for those Americans with large families who earn less than $31,000, we saw the wholesale Republican assault on those families by cutting the earned-income tax credit. I believe their particular proposal was $9 billion.

Now, we went on for 6 or 8 months, and I asked, what is this all about? Why are we having this wholesale assault on working families at the same time we saw the assault on Medicare and Social Security, to take over $256 billion and give tax breaks to the wealthiest individuals.

Well, Mr. President, this assault that we had from the Republican leadership in the last session of Congress has continued, and it continues today. We have seen serious efforts to undermine the occupational health and safety legislation. Who does that protect? Legislation that had bipartisan support in 1972 that has seen the total number of deaths in the United States from on-the-job work cut in half. But we see our Republican friends saying we want to cut back on OSHA protections.

We say, all right, maybe it ought to be streamlined; maybe it ought to be more effective. What can we do to provide additional protection for workers? The GOP says, oh, no, we want more protection for the companies, and less protection for the workers. The Republicans want to permit companies to hire their own inspectors, and if their own inspectors say they pass muster, they want them to be immune from any kind of enforcement by OSHA. The Republican agenda includes undermining their income, undermining the safety of working families—this is their agenda.

We say maybe it really is not so. Let's give the Republicans an opportunity to prove that they really do care about working families. Let's try to see what we can do with family and medical leave. We are the only industrial nation that does not provide paid family and medical leave that pays the workers. We provided it for companies with over 50 employees, and it has been a resounding success. It has been a resounding success, and enormously important, as we have seen from the studies that show the importance of parents being with infants during their early days.

We heard the debate. It went on for weeks with the opposition of Republicans on the Family and Medical Leave Act. Now it is in effect. It is broadly accepted, welcomed, and the people who benefited from it have been working families.

Efforts were brought up not long ago, a little over a year ago: Let's try to extend it from companies that have 50 or more workers to those with over 25 and pick up another 13 million working families. We cover about half of the workforce now with the 50 or more, but let's bring it down so we pick up another 13 million Americans. If it works for one, let's try it for the other.

You would think the world would collapse when we listened to the Republican leadership saying "no way are we going to consider extension of the Family and Medical Leave. No way are we going to extend that concept."

We hear a great deal on the floor of the U.S. Senate about families and family values. One of the best ways of advancing family values is to let working people have family income. Let them spend some time with their families when they are working. Let them be safe so they can go home to their families, and not lose their lives in construction or be maimed in construction. That is a family value.

Now we had the wonderful amendment of Senator MURRAY of the State of Washington. She said, "Let's just give parents 24 hours—24 hours so that parent might be able to go to a parent meeting, maybe be able to go to an academic program in which a child is involved. Let us give 24 hours a year of unpaid leave so parents can see their child receive an award at school."

"No, no, no," said our Republican friends, "we can't possibly do that. We can't possibly do that. That will interrupt the workplace. That will disrupt the workforce. We will give you something else."

They came back with a wonderful proposal—what they call "comp time." "No," to Senator MURRAY, the Senator from Washington, who was trying to do something for families. They come back with what they call comp time. They use all the appealing rhetoric. They claim they will give people the time they need to take off to attend to family needs. But, you know, Mr. President, we went through that debate. One thing that those proponents would never be able to answer is that little part of the legislation that I read time in and time out that said it will be up to the employer when they will be able to get the comp time. In the meantime, we are going to abolish the 40-hour week and we are not going to pay overtime. A wonderful deal for workers. A wonderful deal for workers.

Who do you think supported that? It is always interesting to me when we have these wonderful statements of people who propose things, to then look at who benefits and who loses. Who do you think supported the Republican proposal on comp time? The Chamber of Commerce, all the business interests. Who opposed it? Working families, women's organizations and children's groups, because they saw it was phony and they saw it was fraudulent.

So on it goes. Here we have the assault on the economic interests of working families, the assault on OSHA, the assault on our efforts to extend Family and Medical Leave, and many more.

Another example is campaign finance reform. We talked about it. It has been effectively defeated in the U.S. Senate because of Republican leadership. Eight courageous Republicans, eight of them, were willing to stand up and try to advance campaign finance reform.

The first amendment that our Republican friends offered, before they sunk campaign finance reform, was what they call the paycheck protection provision. That sounds like a good one. On whom do you think it was focused? On whom do you think that paycheck protection was focused? Can you guess? Working families. Working families, to deny them the opportunity to participate effectively in our political process. That is just a continuation of the assault on working families. It is meant to deny them the most fundamental and basic opportunity—to participate in the election process.

The No. 1 amendment was to deny people their rights. Our agenda was different. Our agenda seeks to expand safety and health protection in the workplace. We want to expand family and medical leave, invest in education, strengthen Medicare for our elderly, try to do something for Social Security—that is our agenda. I know it.

I yield to no one in sponsoring those proposals because they make an important difference to children, to workers and to our parents. I also support other proposals to make sure our streets are safe and our air water is clean. But we spent weeks on their so-called Paycheck Protection Act, not to change the system to try to deal with the abuses—but to deny working families the right to participate in the political process.

It was not much later that the GOP brought up the TEAM Act. That bill goes under the guise of giving workers a chance to work together in order to get a safer workplace and better productivity. All of those goals can be advanced now, under current law. I do not think any of those who supported the TEAM Act can compare the kind of increased productivity we have seen with General Electric, for example, in modernizing their jet engines, that has been done with workers and engineers working together.

I can take you up to the plant in Lynn, Massachusetts. Every time I tour that plant, I see the incredible increase in productivity, because workers are working there alongside engineers to increase productivity and increase safety. But the TEAM Act does something else. What was that? That bill would have permitted any CEO to choose employees' representatives, so that the CEO could bargain with the named employees about any of the issues about which other workers might be concerned.

How do we like that? Generally speaking, we would think that the workers themselves ought to be able to make a decision among themselves who ought to represent the group. That is a basic, fundamentally democratic concept. But no, no, not according to the Republican leadership.

Under the TEAM Act, the employee names the representatives, and if the employer doesn't like the person, he can fire the person. The employer sets the agenda and the schedule. The employer sets what will be on the schedule. The employer can change the schedule any time he or she wants to do it. Mr. President, that is under the guise of trying to change and be more productive. It basically would have undermined the opportunity for worker expression that has worked effectively over some 60 years of collective bargaining.

So, Mr. President, now we are in the final days of this session, and suddenly we come up here with other legislation which is focused on undermining the opportunity for workers to organize. Surprise, surprise, surprise. Absolutely no surprise. Absolutely no surprise.

There has been a continuous effort over the last several years to undermine working families' interests in this country. It is as plain and simple as that. The Republicans have tried all different ways of doing it. They tried to undermine them economically. They tried to undermine their health and their safety in their OSHA recommendations. They tried to undermine their ability to participate in elections with their paycheck protection, and here they are trying to undermine their basic and fundamental opportunity to organize.

They have come in the last few days to try to overturn a unanimous Supreme Court decision—unanimous. It wasn't a decision that was 5-4, it was unanimous. Why? Because Republican appointees to the Supreme Court—conservative Republican appointees to the Supreme Court—understand very clearly what this kind of antisalting legislation will mean, and that is, basically, it will undermine one of the most basic and fundamental tenets of American and industrial democracy, and that is the ability to have collective bargaining and to have opportunities for workers to make a judgment either to choose a union or to reject it. That is where we are. We will have that particular vote this evening, and then we will go to the minimum wage issue tomorrow. We will have an opportunity to do that, Mr. President.

I won't even bother taking the time, because I want to address more specifically the legislation that is before us, but I just mention that under the Republican House leadership, they effectively eliminated every summer job for kids in this country—zeroed out the summer jobs program. Zero funding. It isn't just the workers, it is the teenagers in urban and rural areas.

I hope we will not hear tomorrow during the debate on the minimum wage, "Well, this is an entry-level job; we want to give teenagers an opportunity to work, and if we have an increase in the minimum wage, we are going to deny all those teenagers an opportunity to work." It won't stand up. We will give them the reports, show them the charts and the various economic analyses that show their argument is just baloney.

How are they going to explain that they zeroed out every single cent for summer jobs for teenagers in the House of Representatives? Zero. They say they care about workers? They claim they care about teenagers? The summer jobs program gives them an opportunity to have meaningful work, and they zeroed it out.

Mr. President, this was just a very brief comment about where we find ourselves, about who is really interested in working families, and what the Republican leadership has been about over the past three and a half years.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 minutes 22 seconds remaining.

Mr. KENNEDY. I yield myself 15 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I oppose the so-called Truth in Employment Act, and I urge my colleagues to oppose it, too. This bill is the latest in a long series of Republican antilabor, antiunion, antiworker initiatives. They have soothing titles and harsh provisions. The GOP's Family Friendly Workplace Act would abolish the 40-hour week. The GOP's Paycheck Protection Act would lock American workers out of election campaigns. The GOP TEAM Act would bring back company-dominated sham unions. Like those schemes, the GOP Truth in Employment Act has an appealing title and appalling substance.

The bill's sponsors claim that it is designed to outlaw salting, a decades-old practice of people seeking a job at a nonunion shop with the intention of persuading coworkers to join the union.

Salting was unanimously upheld by the Supreme Court in the 1995 Town & Country decision. But this bill does much more than simply reverse that decision. It undermines the rights of workers to organize to improve their jobs and also infringes on a wide array of other legitimate activities that are important to all Americans. These activities include efforts to improve the status of women and minorities in employment, strengthen safety in the workplace, and many, many more.

The bill aims at labor unions, but it also hits many other important rights. This bill allows employers to deny jobs to people if they have "the primary purpose of furthering another employment or agency status." Those are the words from the legislation.

The bill invites employers to pry into their employees' activities outside the workplace to discover the workers' "primary purpose." It encourages firms to ask job applicants whether they are union members or civil rights activists and refuse to hire them if they answer yes. This blunderbuss provision institutionalizes the blacklist.

The bill is blatantly antiunion, and its supporters include the National Right to Work Committee and many antiunion employer associations. But the bill goes well beyond discrimination against union members. It permits many other kinds of flagrant discrimination.

By permitting employers to deny jobs to workers who have "the primary purpose of furthering another employment or agency status," the bill also allows firms to fire or refuse to hire a person who seeks to advance the goals of another employer.

A company can fire a worker who is also employed by a labor union.

The bill also lets an employer refuse to hire someone based on the fear that she might band together with coworkers to push for an on-the-job child care center. The employer can argue the applicant was trying to advance the goal of women's groups to which she belonged.

The bill also allows a firm to fire African-American employees who seek to reduce race discrimination in the workplace.

The bill lets an employer fire workers who seek to change company policy and allow time off for religious holidays, for family and medical leave, or other worthwhile purposes.

This legislation legitimizes discrimination of the most offensive type. It encourages companies not to hire women. It invites discrimination against anyone else the employer believes might push an agenda in the workplace the employer doesn't like.

It encourages employers to probe into employees' private beliefs and activities. Freedom of expression and association are guaranteed in the first amendment. For over 200 years, this country has protected individual liberties. Those freedoms are essential to our national character, but this bill clearly undermines their beliefs.

The bill's supporters claim they want only to outlaw deceptive practices. They contend that employers are victimized by paid union organizers who accept a job with no intention of performing the work. Instead, they claim, these employees disrupt the job, harass coworkers, and file repeated frivolous complaints with governmental agencies. Innocent employers are forced to waste time and effort defending themselves against baseless charges.

Section 3 of the bill says its purpose is "to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business."

Employers are not powerless under current law in the face of abusive practices. To the contrary—employers have many ways to ensure an efficient and productive workplace.

First and foremost, a business can refuse to hire someone who is not qualified for the job. If an applicant lacks the experience or the skills required, the employer can simply say no. Union membership does not automatically entitle someone to be hired, nor is it discrimination not to hire a union organizer who cannot perform the duties of the job. The employer has substantial control.

The company can also protect its legitimate business interests by setting a policy barring workers from outside employment.

The firm can require employees to forego moonlighting of all kinds, from driving a taxi, to telemarketing from home, to working weekends at the corner store.

The Sixth Circuit Court of Appeals ruled last year that such a policy can be applied against paid union organizers so long as it is applied neutrally to all other types of employment.

This is a sensible rule. It recognizes employers' legitimate interests in workers who are focused on the job. We understand that, Mr. President. If the company says, "No, no moonlighting. The workers in our particular shop can only work on one job. We want that for business reasons, because we might need to have the workers work a second shift or a third shift and, therefore, we don't want you working in some other capacity." They can do that and accomplish the result they claim is their intent.

That is the Sixth Circuit's decision in the Architectural Glass decision in 1997. It says that they can effectively ban all kinds of moonlighting if they have a company-wide policy. So people cannot participate in other kinds of employment. If they are so concerned about that, they can do that. They can do that now. That is a way for them to try and deal with this issue if they are concerned about it.

Employers can also discipline or discharge employees who neglect their job duties. Workers who leave their stations or simply do not complete the work required of them can be disciplined. In April 1997, the Fourth Circuit Court of Appeals upheld an employer's right to discharge workers who failed to carry out their duties. In the Hess Mechanical case, the workers neglected their duties and tried to persuade their coworkers to join the union. The court held that the employer was well within his right to fire the workers for poor performance.

We understand that, Mr. President. If they hire someone who isn't interested in working, will not work, or can't do the work they can fire the workers who neglect their job duties. If they are not going to do the work for which they were hired, and if they are not qualified for the job, they don't need to be hired. If they are qualified for the job, they are hired, they work. If they do not work, and they are busy in other activities, they can be fired. That is the law of the land today—today.

Union membership does not give workers the right not to perform the job. A company can suspend workers who fail to perform adequately. Their pay can be docked. Disciplinary letters can be placed in their files. In extreme cases, they can be fired. Employers can use all of these items, and more, to get the job done. They are far from powerless to address the types of abuses cited by the bill's supporters.

Employers are also free to discipline workers who disrupt the job. Harassing coworkers or customers or blocking entrances, intruding in other work areas, all of these acts can constitute grounds for discipline. Once again, employers have many ways to maintain quality, efficiency, and productivity without undermining the employee's legitimate rights.

If the misconduct is extreme, employers can call the police. Violence, threats, and intimidation are criminal offenses. Damaging or destroying company property is a crime. No employer needs to sit idly by if employees commit such gross misconduct. Criminal charges can be filed. The offender can be removed from the worksite. These sanctions are in addition to all the other disciplinary mechanisms available to the employer. Once again, union membership confers no immunity.

This bill's supporters contend that union members inherently suffer from "divided loyalties." They claim that union members simply cannot be truly loyal to the employer, cannot give the employer the genuine allegiance required for an effective and productive workplace. But that extreme antiworker, antiunion view was rejected over 60 years ago when Congress passed the National Labor Relations Act. The so-called divided loyalty antiunion claim is phony. It was used by countless harsh employers to deny the fundamental rights of workers. And Congress put a stop to it in the 1930s.

Mr. President, I ask unanimous consent to have printed in the RECORD various letters that I have from a number of companies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTRAL SIERRA ELECTRIC CO., INC.,
Jackson, CA, November 21, 1995.

Mr. JIM DEWILMS,
Local #684 IBEW.

DEAR JIM: In response to our conversation last week, here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co., Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.

Extremely helpful in getting qualified manpower.

Notified us of numerous jobs out to bid.

Given our name to developers & manufacturers looking for qualified contractors.

Assistance in getting jobs when competing against non-union shops.

I hope this is of assistance to you. Please feel free to give me a call.

Sincerely,

CLIFF FRANKLIN,
Vice President.

TL ELECTRIC, INC.,
Mountain View, CA, November 17, 1995.

Subcommittee Chairman, PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE MR. HOEKSTRA: My name is Tim Long the owner of TL Electric License #701016. I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of IBEW locals here in Northern California. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could only help me became a better contractor. At no time did they try to put my company in a bad light with my clients nor did they try to encourage my employees to become destructive to my equipment or to stop performing any assigned tasks. What they did do, was to show me they were productive, loyal employees that only wanted my company to succeed and for my employees to enjoy a better way of life by educating them as to what their rights were under the National Labor Relations Act.

Once I started to deal with the union salts and talk to them and to my employees I felt that becoming union would be something that I could look into. In all my dealings with the local union I was never threatened with any type of action. I was offered help in every area that I asked for and had my questions answered honestly. Since becoming a union contractor I have used the local union hiring halls and I am very pleased with all of the union members who have staffed my jobs. They have proven to me that they can be loyal as employees and to their union and that they are educated men and women who care about their rights and want to ensure that these rights are not denied to them. These union salts are out there trying to educate every man and woman that they have rights. They are not out there trying to put honest contractors out of business. I know that with the IBEW my company will be profitable and my employees educated to their rights.

Respectfully,

TIM J. LONG,
President.

ALONSO ELECTRIC,
Burlingame, CA, November 28, 1995.

TO WHOM IT MAY CONCERN: I am an Electrical Contractor and have been licensed since 1995. I joined the IBEW, Electrician Union in 1993. As an IBEW contractor I have been able to call the union hall when I need qualified electricians to work for me, and when the job is complete I can send them back to the union hall and do not have to worry about keeping a good man even when I have no work for him. So as a contractor the IBEW has solved my labor problems.

Personally I am receiving training in electrical theory and code requirements. I now have a good health and dental insurance plan, and am participating in a pension plan, which I never had before.

Sincerely,

FRANK ALONSO.

[From the Labor Times, Kansas City, KS, Dec. 1995]

IBEW 124 TIES GOOD BUSINESS, CONTRACTOR SAYS

(By Tom Bogdon)

One of the active boosters of recruiting reforms within International Brotherhood of Electrical Workers Local 124 has been Carl McKarnin, general manager of the power plant division of Pioneer Electric Co. That is not too surprising considering McKarnin's own experience as a young electrician fresh out of the Navy and seeking a career in electrical work.

"I talked to the girl working in the front office (of the union)," McKarnin said in a recent interview. "She said she was sorry that no one got any farther without a sponsor. It was a closed-door union. I didn't know anyone at the time to sponsor me. I had no choice but to seek out other unions or go to a non-union shop.

"And it wasn't just the IBEW," McKarnin continued. "All the skilled trades were like that. If you didn't have a relative or friend in the union for a sponsor, you didn't get in."

Local 124 shunned McKarnin back in 1964, but the exclusionary policies in effect then did not slow McKarnin very much. He went on to build one of the largest and most successful electrical contracting firms in the metropolitan area. And five years ago McKarnin signed an agreement affiliating his firm with Local 124.

Now McKarnin assists actively in the aggressive efforts led by Local 124 Business Manager Lindell Lee to organize the unorganized sectors of the Kansas City electrical industry. McKarnin is fighting alongside Lee and other Local 124 members to eliminate vestiges of the "Country Club" atmosphere that for 30 years contributed to a steep decline, both locally and nationally, in the market share of electricians represented by the IBEW.

Also like Lee, McKarnin does not dismiss the competitive threat to growth of the unionized sector of the electrical industry posed by such non-union contractors as South Kansas City Electric (SKCE). * * *

"Unions have got a hard fight on their hands," McKarnin said. "There are several very good non-union companies out there that have good employees working for them. People like Lindell Lee recognize that and are moving aggressively to do something about it.

"An example of that is the employees working for us (Pioneer) who came out of SKCE," McKarnin continued. "We've taken in five of them, I believe that's correct. One of them, Tony Galate, has been with us four years and is a general foreman. He's running the new Federal Courthouse project Downtown for us now. That's the largest single contract the company has now or has ever had."

McKarnin was born 52 years ago in Liberty and grew up in the village of Randolph in Clay County. He attended North Kansas City High School, but dropped out when he got a job in a greenhouse, later working for National Bellas Hess and Pioneer Bag Co. He joined the Navy in 1960 for a four-year hitch, and was stationed on the aircraft carrier Lexington.

McKarnin trained ashore as an electrician while the Lexington was docked in San Diego. He described his 14-week Navy training course in electrical work as "excellent." * * *

Upon returning to Kansas City and, being unable to join IBEW Local 124. McKarnin went to a North Kansas City bank to open an account. McKarnin said the bank president asked him what he did for a living, and that he replied he was unemployed and looking for a job as an electrician. The banker recommended that McKarnin talk to Gabe Brull at Clayco Electric.

McKarnin was hired at Clayco, whose employees were represented by District 5 of the United Mine Workers, serving a four-year apprenticeship with that organization, which later merged with the United Steelworkers of America. McKarnin, who obtained a GED certificate in the Navy, also studied electronics for two years at the Central Technical Institute and electrical engineering for two years at the Finley Engineering College.

In 1969, McKarnin worked nine months at Evans Electric with a temporary IBEW Local 124 ticket, helping to build a runway at Kansas City International Airport and the nearby Trans World Airlines office building. He also served six years as president of the 200-member Steelworker Local 14436 which at that time represented electricians.

"It's interesting," McKarnin observed. "I've worked so closely with IBEW 124, but I was never a card-holding member."

In 1984, McKarnin and his wife Patrick bought Pioneer Electric, which had been founded in 1977. In 1994, Pioneer was sold to Duane Russell, and McKarnin signed a five-year contract to remain with the company as general manager for the power plant division.

In addition to other types of work, Pioneer services four Kansas City Power Light Co. power plants, the Board of Public Utilities' Quindaro plant, the Thomas H. Power Plant north of Columbia, Mo., and other plants in Denver, Sioux City, Iowa, among others.

McKarnin said Pioneer currently employs about 160 electricians, including about 90 IBEW 124 members and others from Local 226 in Topeka. McKarnin said Pioneer's employment peaked at about 300 last year, including office and craft personnel.

"I have worked very closely with IBEW 124 since our employees voted to be represented by the IBEW about five years ago," McKarmin said. "Middle class America was created by the unions. Non-union wage standards are set by the unions. Most people don't realize that. Most people think the employer will automatically take care of the employees.

"But if you travel outside this country to anywhere there is no union representation, you have two classes of people—the extremely rich and the extremely poor." McKarnin continued. "The middle class of any country is created by the unions. And non-union wages are set by the unions. Usually the non-union shops pay just a little bit less. But they don't pay any more than they have to.

"It also should be noted that the middle class—created by unions—pays most of the taxes that have set the high standard of life in this country that is envied by most of the world." McKarnin said.

"Other reasons I support the union is because of the federal laws they have fought for," McKarnin said. "Look at your air pollution and water pollution laws, at OSHA safety programs. These and other protections were lobbied for and fought for in Washington, D.C. by unions. That's a fact.

"Federal labor laws are like stop lights and speed limits," McKarnin said. "Somebody has to set the standard. There are people out there who will kill other people. Maybe they have no respect for human life and human rights."

McKarnin, who has assisted in Local 124's organizing efforts at the employer level and also by speaking to prospective union members, was asked if this is because he is an enlightened boss or simply because it is good business.

"It's just something I believe in," McKarnin replied. "I believe very strongly in union representation and that would be my attitude whether or not I owned a company. I buy American-made clothes when I can. Most of my clothes have a union label.

"Unfortunately some union members don't do the same thing, or you wouldn't have the unfair competition from foreign products. A good example is a union member who drives to work in a foreign vehicle. As owner of the company I have discouraged that and still do. It's not good business."

McKarnin said he has been involved with Lindell Lee and Local 124 organizers Chris Heegn and JIm Beem in the effort to organize SKCE.

"One employer asked me why doesn't the owner of SKCE want to go union," McKarnin said. "Simply stated, the reason SKCE employees should vote to go union are all the reasons why the employer does not go union.

"The employer does not want to pay a competitive wage and benefit package," McKarnin said. "And another thing is young people want the cash money in their pocket right away. Retirement is a lifetime away for them. They don't care about costly benefits such as health insurance, life insurance and retirement planning.

"People interested in joining the union have been with the company 10 or 15 years," McKarnin continued. "They've started thinking about the future and realize why they would benefit from joining the union."

McKarnin said that while employees benefit for union membership, so does the company.

"In the case of Pioneer Electric, the company believes we benefit from union representation," McKarnin said. "When we went IBEW, we had 25 employees. As I said, we peaked out last year at 300. So we have seen some benefits from IBEW affiliation in the availability of skilled manpower. We can't survive without the union, and the union can't survive without the company. That's the bottom line."

WILSON ELECTRIC,
Oakland, CA.

Hon. PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE PETER HOEKSTRA: I am the owner of Wilson Electric Lic. #462959 a minority firm located in Oakland, Ca. I was a non-union firm until Oct of 1994. Until that time I had many projects that I manned through the use of temporary hiring halls, word of mouth and advertisement in local papers. I hired an employee who came to work on a fire station that I was doing for the city of Oakland. I was impressed with his skill and the way that he got right in and helped me to get this job back on track. He then informed me that he was an I.B.E.W. union member, a salt and wanted to organize my shop into the local union. I guess you can imagine my surprise to this revelation. He told me that he wanted all my employees to know that they had the right talk about the union, that they had the right talk about other conditions that might be of concern to them, and that he was still a good employee

> himself and would still be loyal and productive. Not only did this employee remain a valuable asset to my company through his display of skill and knowledge and leadership, he treated my employees with respect and dignity, something that I had been told that the unions wouldn't do.
>
> Through this union salt, the local I.B.E.W. union has shown me that their membership is committed to excellence on the job, continued education to improve their skills, to working with all of their contractors, to protecting the rights of all people working in the construction industry, to try and educate the public about all of the positive things that unions bring to their communities and that they can be loyal to their contractors and their union.
>
> I am very pleased to say that I'm a union contractor. I believe that the union salting program is not only a good way to reach out to other working people, but that this right should be protected under the National Labor Relations Act.
>
> Respectfully,
>
> ROBERT WILSON.
>
> ---
>
> COAST ELECTRIC,
> *Morgan Hill, CA, November 30, 1995.*
>
> *To Whom It May Concern:*
>
> In mid 1992 My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.
>
> The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at ones finger tips goes a long way to relieve some of the problems in a most stressful business. Thank God I am a union Contractor.
>
> Respectfully submitted,
>
> WILLIAM D. LARLEE.

Mr. KENNEDY. Here are individual companies that had been salted. This is their reaction to it.

This letter comes from Coast Electric Company in Morgan Hill, California. It says:

> My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.
>
> The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at one s finger tips goes a long way to relieve some of the problems in a most stressful business. Thank God I am a union Contractor.

From Central Sierra Electric Co., Inc.:

> Here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co, Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.
>
> Extremely helpful in getting qualified manpower.
>
> Notified us of numerous jobs out to bid.
>
> Given our name to developers and manufacturers looking for qualified contractors.
>
> Assistance in getting jobs when competing against non-union shops.

From TL Electric, Inc., 2296 Mora Drive, Mountain View, CA:

> I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of I.B.E.W. locals here in Northern Carolina. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could only help me become a better contractor.

You see the fact is, Mr. President, when unions do use the salting technique, they send their best people into these companies. Opponents claim that they do not, and that they send people in there who are disruptive and harassing in order to break up the shops. In fact, they send their better people in to be an example in order to convince people to become union members. If they cannot win the respect of their co-workers, they will not be able to convince them to join the union.

I will go on with some of these others when I conclude this evening.

The principle of basic fairness was reaffirmed in the Town & Country case in 1992, decided by a National Labor Relations Board composed of members appointed by President Reagan and President Bush.

In that case, the NLRB emphatically rejected the employer's claim that paid union organizers are not "employees" under the labor laws, and that they are incapable of possessing the requisite loyalty to the employer. Instead, the Board ruled, "the statute is founded on the belief that an employee may legitimately give allegiance to both a union and an employer. To the extent that may appear to give rise to a conflict, it is a conflict that was resolved by Congress long since in favor of the right of employees to organize."

The Supreme Court unanimously affirmed the NLRB's decision. The Court described the issue before as follows: "Can a worker be a company's 'employee,' within the terms of the National Labor Relations Act . . . if, at the same time, a union pays that worker to help organize the company?"

In answer to that question, the Court held: "We agree with the National Labor Relations Board that the answer is 'yes.' "

The Court noted that the law protects employees' right to engage in union activities during nonworking time in nonworking areas. We understand that, Mr. President. They are only entitled to try to encourage people to involve themselves in union activities in nonworking time in nonworking areas. Otherwise, they can be disciplined. So we are talking about nonworking time in nonworking areas. That is key, Mr. President.

The decision explained that "this is true even if a company perceives these protected activities as disloyal. After all, the employer has no legal right to require that, as a part of his or her service to the company, a worker refrain from engaging in protected activity."

Mr. President, the bill before the Senate destroys this protection. It lets employers force workers to renounce their right to engage in legitimate, lawful activities. Businesses can discharge employees who attempt to organize their coworkers to join a union, or protest dangerous working conditions, unfair pay practices, or race or sex discrimination.

This legislation takes a giant step backward. It legitimizes conduct that our society has long condemned. It is hard to believe the Republican leadership is giving this misguided, antiworker bill such high priority as we near the end of this Congress.

Many of us have been trying to get consideration of the Patient's Bill of Rights so we can debate that issue before we recess. And, no, the Republican leadership says, no to patient protections that are of central concern to more than 160 million Americans who are in various health maintenance organizations and managed care plans. But what do we have on the floor of the U.S. Senate? The salting legislation. We could ask how many Members of this body on either side have read through this legislation and understood it. It was scheduled at the close of business last Thursday for a cloture vote this evening.

We could have debated patients' protection Friday, or if necessary, Saturday, or all day today. I bet you would have two-thirds of the Members of the U.S. Senate here instead of two Members. If we were dealing with the people's business, two-thirds of the Members would be here because they know the concern that families have about the abuses that are taking place. In too many instances in our Nation, it is insurance company accountants and agents making decisions on health care that ought to be made by doctors. Why aren't we debating that instead of an antiworker piece of legislation?

The silence from the Republican leadership is amazing. "Oh, no," they say, "you can only have three amendments. You either have to have your bill or our bill or two other possible amendments because we don't want to take up the time." Here it is, two Members of the Senate are on the floor, and we are moving off this bill to consider the Interior Appropriations bill later in the afternoon, and they will be hard-pressed to get another couple of

Senators on various amendments on that.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 45 seconds.

Mr. KENNEDY. I reserve the balance of my time.

Mr. HUTCHINSON. How much time does my side have?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 56 seconds.

Mr. HUTCHINSON. Mr. President, after listening to Senator KENNEDY, I feel I should start by checking to see if I have horns that ought to be removed. I wasn't sure, frankly, whether we were debating minimum wage, family and medical leave, Davis-Bacon, comp time, OSHA, campaign finance team or summer jobs program.

I know that while there is concern about the amount of time we are spending on what Senator KENNEDY feels is an inappropriate bill, the total amount of time designated and agreed upon is 2½ hours equally divided on this cloture motion. I think to the thousands of small businesses across this country, their owners and their families, this is certainly worth 2½ hours on the floor of the U.S. Senate. I know that many businesses in the State of Massachusetts are certainly worth the time we are devoting to the subject today.

While Senator KENNEDY may be concerned that people have not read the bill, it is 3½ pages long. I suspect that any Senator, between now and this evening, will have time not only to study it and to study its impact, but also perhaps to read some of the hundreds and hundreds of letters that every Senator in this body has received on this subject.

For the sake of those who may not have time to read what I think is very important in this bill, I want to read it for the sake of my colleagues and the sake of the manager of the other side, because while part of the bill was quoted, a big part of the bill was not cited. It is this:

> *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protections.

That is language directly from the National Labor Relations Act. We say there is nothing in this bill that can possibly infringe upon the right of a worker to do what they have always done. Salting has not been an accepted practice. Disrupting the workplace, causing economic damage, seeking to destroy one's employer, has never been an accepted organizing strategy in this country, nor should it be. That is all this legislation would restrict.

I suggest that when we talk about families, that we realize that small business men and women in this country have families, too. That they are workers, too. To invest a lifetime building a small business, building jobs and an economic future for their employees, to have that destroyed by this insidious practice is indefensible. I am amazed that anybody would stand and defend the practice of salting.

Now, we heard a couple of examples, I think, that mischaracterize what salting is. They say it is organizing. There is nothing in this bill that would prevent organizing. In fact, it specifically says that. So, please, let's not have red herrings thrown in. A small contractor in the Boston, MA, area has experienced numerous cases of union salts coming into the company under the presumption that at the open-shop company they would have low wages and no benefits. That is what they were told.

Every union salt came to realize that not only had the working conditions at the open shop been mischaracterized, but they were subjecting the company to an immoral and unscrupulous practice designed to harm the company. These employees and their families were later threatened by union members. Some compelling letters were received from employees to their union representatives saying they will quit the union and expressing disgust with the unscrupulous tactics they were put up to.

Let me read from one, and I will not use the names because I think that would be unfair. This letter is very moving. She mentioned the name of the company:

> . . . doesn't deserve the disgrace and shame local 12 wants me to bring upon them. Every one at [the company] has worked too hard to have this done by me. I can't do it. I have been raised different. How can I raise my kids by setting an example like this.
>
> I have decided to sever my time with local 12 [in Boston, MA.] After 2 years, I'm finally there. If this is how I have to get it, I don't want it.

And then she mentioned her employer's name.

> Please do not contact me by phone, mail or in person.
>
> I would like to remain an employee of [this company] but I understand and deserve termination. . . . Do as you see fit.
>
> I would strongly recommend to anyone involved in local 12's program, [that is referring to the salting program] to get out.
>
> I don't know how I could face you and do what they want me to do. I'm sorry I've betrayed you. I would like to apologize.

There are many salts we heard from, former salts who said, "I got out. It was too dirty. It was too much of an unscrupulous business to be part of it. I got out."

That is what we want to ban—not legitimate organizing, but this destructive tactic to go only to destroy the company. In their own words, from the State of Massachusetts, the organizing report of the International Brotherhood of Painters and Allied Trades, Roslindale, MA, this is what they wrote:

> This is the opportunity to strip these nonunion contractors of their most skilled workers and put the nonunion contractor in a situation where they won't be able to fulfill their contract obligations.

That is not me. It is their own words. Not their best workers, but to strip them of skilled workers.

They say:

> We are stripping quality workers from these shops, weakening their ability to man their jobs. Our intent with this company and companies like them is to put them out of business or have them sign on the bottom line and become a union shop. Our efforts at this major nonunion shop have resulted in a victory from the council. We stripped away the best of their workers so far. They stopped advertising for help, and in fact, they put a freeze on all hiring. This has impeded [the Company's] day-to-day running daily. They need workers at this busy time of year, but they cannot hire. The word from our sources in the company is they will use a temp agency to hire workers. This will result in their having difficulty getting quality, long-term workers and will drag down their standard of worker. We know [the Company] has already been kicked off from one job for not getting it done on time. The less work this painting contractor does, the more there is for our signatory contractors to take on, and the stronger we get.

That is in their own words.

You can either accept salting is legitimate, salting is just an organizing tactic, or you could listen to their own manual and to their own reports that their goal is to destroy small businesses. And that's wrong.

It isn't impinging upon the rights of workers to organize, to collectively bargain. It is saying there is a right way to do it and there is a wrong way. This was never envisioned when the National Labor Relations Act was passed and it should be prohibited.

In 1996, there were over 17,000 complaints to the NLRB. This isn't a rare, isolated thing. There are thousands of frivolous complaints. The cost when they are investigating, $17,500 of taxpayers' money just to investigate these frivolous charges. That is what we are dealing with.

May I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 7 seconds remaining.

Mr. HUTCHINSON. I reserve the balance of my time.

Mr. FAIRCLOTH. Mr. President, I rise today in support of Senator HUTCHINSON's bill, the Truth in Employment Act. This legislation is needed to address the problem of salting abuse, which places unfair economic pressure on non-union employers and ultimately costs American taxpayers millions of dollars each year.

In a typical salting case, union operatives gain access to a non-union workplace by obtaining employment with the company. Rather than further the interests of the company or even organize employees, their true objective is to disrupt business operations and increase costs for the non-union employer. This, of course, is achieved in a number of ways, including the filing of discrimination complaints with the National Labor Relations Board or other regulatory agencies.

Mr. President, an overwhelming majority of these cases are dismissed by the National Labor Relations Board as frivolous and without merit. Unfortunately, employers must shoulder the enormous costs of legal expenses, delays, and lost productivity, regardless of their innocence. One such frivolous case involves Burns Electrical Contractors in Charlotte, North Carolina. In 1996, a union salt gained employment with Burns Electric after lying on his application about his qualifications and his past employment. In actuality, he was on a union payroll for $65,000. Within the first week, he began disrupting business, and, after abandoning his job, he was permanently replaced. Of course, discrimination charges were soon filed with the National Labor Relations Board.

More than two years later, the case was still not heard by the National Labor Relations Board. Burns Electric was forced to lay off workers and lost several bids on new construction projects. It incurred an estimated $250,000 in business losses and $10,000 in legal fees. Eventually, Burns Electric yielded to its attorney's advice and settled the case (it is often far less expensive for small businesses to settle than it is for them to contest the charges). Thus, the union salt was successful in disrupting operations and weakening the market share of this company, simply because its employees would not join a union.

Unfortunately, there is no disincentive for filing such a frivolous complaint. The federal government funds the investigation and prosecution of charges. This, of course, results in a considerable tab for the American taxpayer. I am informed that 8,449 cases were dismissed and 8,595 cases were withdrawn during FY 1996, costing taxpayers $780 apiece. In the same year, 2,509 unfair labor practice charges were actually investigated and prosecuted in front of an Administrative Law Judge. The average cost for these cases is $17,500. Finally, 174 charges were appealed to the Circuit Court of Appeals in FY 1996, at a cost of $42,700 each.

As you can see, the Federal government spends millions to process, investigate, and prosecute these complaints. And because most of these charges are frivolous, taxpayers are actually funding the extortion of employers and the manipulation of government institutions. I believe it is wrong to use tax dollars to support this fraudulent and wasteful system.

Mr. President, the solution to this problem is simple. An employer should not be required to hire any individual whose overriding purpose is to disrupt the workplace or inflict economic harm on the business. By making this clear, the Truth in Employment Act will bring fairness to our labor laws and will go a long way toward eliminating waste and fraud in government. I strongly urge my colleagues to support this commonsense legislation and vote in favor of cloture.

Mr. KENNEDY. Mr. President, I think we have 7 minutes.

The PRESIDING OFFICER. The Senator has 7 minutes 37 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the Senator.

Mr. President, I am sorry I could not have been here earlier to speak against this onerous piece of legislation. The so-called "truth" in employment act? It ought to be called the "fear" in employment act. Of all the requirements that a person has to go through to get employment, the last thing you ought to worry about is your personal beliefs or what you think.

How is an employer going to find this out? Are we now going to start administering "truth tests" to people who seek employment? Are we going to give them an injection of sodium pentothal so they have to tell the truth? Are we going to put them under hypnosis to open their minds?

This is probably one of the most far-reaching, invasive pieces of legislation that goes at the very heart of the Bill of Rights. The freedom of thought—to make sure that people can't force you, either in a court or anywhere else, to testify against your will, testify against yourself, or to force you to tell what you think is fundamental to our liberty. Yet, this bill amends this principle. This legislation would implement a unprecedented chilling effect on employment practices in this country.

I was listening to the Senator, my friend from Arkansas, talk about this. Employers already have the ability to fire workers who neglect their job duties. In fact, under the Hess Mechanical case, they will get attorney's fees for anybody who neglects their job duties and are dismissed, if they file a countersuit in court, for example.

So the more I look at this bill, I have to admit that this is really what I would call—and I listened to the Senator from Massachusetts earlier, listing all of the assaults that have been made on workers' rights since the Republicans have taken charge around here. This bill is just another bill on the Republican donors' wish list. That is all this is; it is nothing more than that.

But beyond that, it is a terribly invasive piece of legislation. Employers already have more power to tip the scales. If we really want to level the scales between employers and employees, we ought to do away with the Striker Replacement Act. We ought to make it so they can't replace striking workers. That would even and balance the scales. But this piece of legislation here, which says an employer can delve into the thoughts of a person—my gosh, how far are we going to go in this country?

Lastly, when it uses the words "for the purpose of furthering another employment or agency status," what does that mean? Does that include, for example, women who come to work and organize to start a day care center? How about racial minorities who may want to organize or petition for a day off to observe Martin Luther King's birthday? That presumably would be covered under agency status. There is no definition of "agency status." I understand what employment status is, but agency status is a broad net that would capture everything—potentially usurping our fundamental freedoms to organize and participate in important causes.

The Senator from Massachusetts has laid out quite eloquently the reasons why this legislation ought to be stopped in its tracks and why we ought to stick up for not just the working people in this country, but for the Bill of Rights and the right of people to think freely and to act freely in accordance with the law.

There was a Supreme Court case 2 years ago, the Town and Country case, with a unanimous opinion of the Supreme Court ruled that an employees affiliation with a labor union or other group cannot affect their employment eligibility. That is what they are trying to overturn here, the Town and Country case. It says that it doesn't make any difference what you think, as long as you are doing your job. If you want to do something outside of the job that is lawful and legal, employers cannot require you to disavow yourself of your right to participate in that activity, whether it be organizing a union or petitioning for workplace child-care centers. I think that is an excellent decision, a unanimous decision. We don't get that many anymore. Yet, this legislation seeks to overturn that Supreme Court decision.

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. HARKIN. I ask for 30 more seconds.

Mr. KENNEDY. I yield 30 more seconds.

Mr. HARKIN. It is a bad piece of legislation, and not just for working people, but for every American, for the Bill of Rights, and for our constitutional rights to be free to think and have our own consciences, this bill ought to be stopped in its tracks.

I thank the Senator for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, sometimes when I hear debate on the floor of the Senate, I wonder what bill we are debating or whether the bill being spoken of is actually reflected in the specific provisions.

I remind my colleagues once again that this bill does not overturn the Supreme Court decision, the unanimous Supreme Court decision. It does not infringe whatsoever on the rights of employees to organize. It specifically states in a provision added on page 4, the last part of the last statement in the bill, that nothing in this shall infringe upon or affect the rights and responsibilities of the employee. It comes straight from the Labor Relations Act that says nothing in this can infringe upon that. It says that an employer doesn't have to hire someone whose—it doesn't infringe if they want to organize, for whatever reason, whatever the cost, or whatever thought. It says that if your primary goal in taking that job is not to fulfill the responsibilities of the job but is to further the goals of another organization or another agency, that employer is not bound to hire you. And, yes, they can file a discrimination suit. But now the burden would be upon the NLRB lawyers to demonstrate that, in fact, this person was a bona fide employee applicant.

So the employees' rights are absolutely and totally protected under this legislation.

Mr. President, I ask unanimous consent that Senator GORTON of Washington and Senator KYL be added as cosponsors to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Once again, we get this impression that has been presented this morning that somehow these are legitimate organizing efforts. Yet, I have read quotation after quotation from the IBEW and other unions' own organizing manuals that make it very clear that the goal is, in fact, to economically destroy the company and the employer.

So I will throw one more in. This is the IBEW Organizing News Letter, volume No. 1, March 1995, on page 4:

> These companies know that when they are targeted with stripping, salting, and market recovery funds, it is only a matter of time before their foundations begin to crumble. The NLRB charges the attorney fees, and the loss of employees can lead to an unprofitable business.

That is what they want. If they can't organize, they destroy them economically. But it not only destroys them economically, it costs the taxpayers, because we are paying the NLRB attorneys, and it ruins the reputation of good, hard-working Americans who have invested their lives in building businesses. I can't think of anything more tragic than to spend your life building a business—spending 30 years out there starting as a mom-and-pop operation and gradually adding employees, providing a good place of employment for workers—and then, through this pernicious tactic, see your business destroyed and have to close your doors, to see those jobs lost, and to say that somehow this is antiworker.

I will tell you what is antiworker. It is those who would use that kind of an unconscionable tactic to destroy the economic viability of a business. Yes, it ought to be legal to organize; that is something that ought to be protected by law; it is a precious right of workers in this country. But it is not a right to go in and destroy the economic viability of a company or business of a small business owner. That is wrong. I find it amazing that anybody could come down and defend that kind of tactic. All in the world this legislation would do is stop those kinds of tactics.

Mr. President, when a union salt goes home to his family, his wife, his son, his daughter, and his wife says to him at the end of that day, "Honey, how was your day?" or that child says, "Daddy, how was your day?" can he look his wife or child in the eye and say, "Oh, I had a great day. I participated in the destruction of a hard-working American's life dream and his livelihood"?

I hope my colleagues will support this legislation.

I yield the floor.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. Senator KENNEDY's time is 2 minutes 32 seconds.

Mr. HARKIN. I ask for 1 minute.

Mr. KENNEDY. I yield 1 minute to the Senator from Iowa.

Mr. HARKIN. Mr. President, I have been listening to my friend from Arkansas. I read the language of his bill. The words are, "for the purpose of furthering another employment or agency status." It doesn't say for the purpose of destroying the company. Yet that is what he is talking about.

What is wrong with the purpose, for example, of helping to form a union? There is nothing wrong with that. There is nothing wrong for women, for example, wanting to organize to have a day care center, or minorities wanting to organize to have a day off. That is an agency. The words don't say for the purpose of destroying a company. That is the Senator's own thought process. Furthermore, the Senator from Arkansas's argument is faulty in that he claims this "salting" activity is carried out to specifically cripple economic viability of a business. However, I ask, what person would destroy the very business, the very thing, their job and living is dependent upon? So it seems the Senator's argument is counter productive.

Mr. HUTCHINSON. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. On whose time?

Mr. HUTCHINSON. My time is up. My time has expired.

The PRESIDING OFFICER. All time is controlled by the Senator from Massachusetts.

Mr. HARKIN. I wish we had more time. We will debate this later.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 2 more minutes, and yield time to the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Massachusetts. I thank my friend from Iowa for yielding for the question.

If you will look at the language in the bill, clearly the primary purpose is to go in to further the goals of an organization or agency. If we go to apply for a job—I ask for the Senator's opinion of this—it is my understanding that if you apply for the job, the primary purpose would be to fulfill the job, and it is not the primary purpose to fulfill the goals of the organization. That is why the employer would not be required to hire the employee under that. He would not fit the definition of a bona fide employee.

Mr. HARKIN. I thank the Senator. I don't know what the definition of bona fide employee is.

I am reading section 4 of the bill. It says:

> Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status.

It doesn't say for the primary purpose of destroying the company. That is not it at all.

Mr. HUTCHINSON. If I could ask one more question, would the Senator consider hiring someone in his office whose primary purpose was not to work for him, but whose primary purpose was to undermine everything he is trying to achieve in the U.S. Senate?

Mr. HARKIN. No. Obviously, if someone came in with the purpose of working for me and doing a good job for constituents that I represent in the State of Iowa and is willing to do the job, is dedicated to that job but also wanted, for example, to organize an employee's group for day care, or for minorities rights, or whatever, absolutely I would hire that person. I would do it in a minute. But that example begs the question, how can employer determine a prospective employee's thoughts, intent, or motives? Subsequently, arbitrarily deny employment to someone because they suspect they had ulterior motives. This is bad legislation that deserves to be defeated. We should be concerned with ensuring fairness and equity for the workers rather than further tilting the scales in favor of unscrupulous employers.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, I will include in the RECORD the scores of letters from small businessmen and women across the country that reject the Senator's proposition and hope that this legislation will not be included.

Second, Mr. President, any of the circumstances that the Senator has outlined here can be prosecuted under law at the present time.

The idea of conjuring up all of these horror stories and then saying that is what happens in the workplace as a matter of course is fundamentally wrong. That is not the case. If you have disruptions, there are perfectly adequate ways of addressing them.

Finally, Mr. President, the Supreme Court has upheld the concept that one can be interested in a good job with good working conditions, believe in a union, and also be interested in furthering the interests of the company. That is what this proposal would overturn.

Mr. President, I think all of our time has been used up.

I yield 36 seconds.

Mr. WELLSTONE. Mr. President, I just say that I thank my colleague. My understanding is that there might be a little time. My plane was delayed. I will wait. I thank my colleagues.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The bill clerk continued with the call of the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we began debate on this Interior appropriations bill last Tuesday. The Senator from West Virginia, Mr. BYRD, and I each made our opening statements and a handful of agreed-upon amendments were added to the bill at that point.

Then we spent much of the rest of the week on an amendment relating to campaign finance laws and other subjects not related to the Interior appropriations bill. So no progress was made on this bill.

Today, a number of Members on the other side of the aisle wish to offer an amendment related to agricultural policy. Of course, under the rules of the Senate, they have every right to do so. It is certainly appropriate to recognize them in the absence of a contested amendment dealing with the Interior appropriations bill.

The majority leader wants all Members to know that there will be time for discussion of that amendment during the course of the afternoon on both sides, including the distinguished chairman of the Committee on Agriculture. But when that debate seems to be over, or at 5 o'clock, whichever comes first, the Senator from Indiana, the chairman of the Appropriations Committee, will move to table the amendment and will ask for the yeas and nays, and there will be a vote on tabling the amendment immediately after the vote that is already scheduled for 5:30 this afternoon.

With that notification, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DORGAN. Mr. President, let me inquire of the Senator from Iowa—does the Senator from Iowa have the floor?

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. DORGAN. The Senator is going to offer an amendment on our behalf and on behalf of the Senate minority leader. My expectation is Senator GORTON would like to provide an opportunity for the minority leader to speak before the vote. I don't know if he made a unanimous consent request. I hope, in any event, if there is a discussion of time with respect to the tabling of this amendment, that there is an understanding the minority leader will be given time to speak prior to the tabling motion.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I yield without losing my right to the floor. I obviously yield to the Senator from Washington.

Mr. GORTON. At 5 o'clock, under the previous order, we are to go back to another bill, on which we will vote on cloture on the motion to proceed at 5:30. It is the present intention of the majority leader to have a vote on tabling this amendment immediately after that 5:30 vote. I am sure that the majority leader will want to give the minority leader an opportunity to speak to the issue, however, beforehand. That is something they can negotiate with one another, but I see no problem in letting the minority leader speak.

Mr. WELLSTONE. Mr. President, may I ask my colleague one question?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield to my friend from Minnesota without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Absolutely. I thank the Chair. I guess it is an indirect question for other colleagues as well. I put it in the form of a question to my colleague from Iowa.

While I understand the need for some sort of time agreement, does not the Senator from Iowa agree with me that we have an economic convulsion in agriculture right now and this is an issue of central importance to many Senators from the Midwest? I ask my colleague from Iowa if he thinks, in all due respect to the majority leader, that we are marginalizing or trivializing this issue by saying that it is going to be tabled at 5 o'clock? Some Senators may not even be back here—not just Senator DASCHLE from South Dakota—without the opportunity to speak about this issue.

Does my colleague think maybe it is a mistake not to allow other Senators to speak on this? This is not a small issue—am I correct?—in our States. Doesn't this issue deserve the full attention of the Senate or full opportunity for a full debate? And does my colleague not have some concern that by having a tabling motion sometime around 5, that a good many Senators are not going to be able to speak on this question, this urgent question?

Mr. HARKIN. I respond to the Senator from Minnesota to say I agree with him absolutely, there is a convulsion going on in agriculture today. We are spiraling into a deepening crisis in agriculture all over America, especially in the Midwest. Yes, this issue is of vital importance to farm families and people in rural areas all over America. I do believe we have to take some time to lay out the case and to lay out the facts of what is happening in agriculture today.

My colleague from Minnesota, I know, will do that today. My colleague from North Dakota, and others, I am sure, will want to come on the floor. The Senator from Minnesota is right, it is a Monday. People were told there would be a first vote today at 5:30. So I assume a lot of Senators are now returning to Washington, such as the case with the minority leader, Senator DASCHLE.

I hope, since we are taking some time this afternoon—let's be honest about it, there is not much happening on the floor of the Senate today. I don't see anybody lined up with amendments. So we are taking this time to talk about and discuss the parameters of the problem in agriculture and to lay down our amendment, of course. But I hope that we will at least have some time beyond 5 or 5:30 this evening, maybe even tomorrow, to have some further discussion on the crisis in agriculture.

The Senator from Minnesota I think is absolutely right. I am sure there are a lot of Senators who would like to say something about this and to maybe add their thoughts, their views, their perceptions, their support. Or perhaps there are those who don't want to support doing anything at all but to just let it go, and they have a right to speak here, too, and they should be heard also.

I am hopeful that, as the Senator from Minnesota has pointed out, the floor manager of the bill and the majority leader of the Senate will at least afford us some valuable opportunity for other Senators to come in and speak on this bill after their return to the Senate Chamber.

Mr. WELLSTONE. May I ask my colleague one more question?

Mr. HARKIN. I yield for a question.

Mr. WELLSTONE. And I will let my colleague go on with his presentation. I know there are a number of Senators who want to speak, myself included.

I ask the Senator from Iowa this question, again, making the appeal to the majority leader: Doesn't this also go to the heart of accountability? Isn't it true people in Iowa, Minnesota, the Dakotas, throughout the Midwest, and, for that matter, throughout the country as well—let me focus on our States—as my colleague from Iowa thinks about it, don't people back in our States have the right to know where we stand? Don't they have a right to know whether or not their Senators have been out here on the floor making proposals—positive proposals—about what could be done that speaks to their economic pain one way or the other? Doesn't this whole issue before us speak to the issue of accountability?

If we have a tabling motion at 5 or 5:30, albeit the minority leader absolutely has to speak, doesn't this take away from the very idea of accountability, where people will wonder, where were our Senators, why didn't they speak up for us, or why didn't they have other alternatives if they didn't like this amendment? Don't we really undercut the very notion of accountability and what we are about by rushing to a tabling motion on such an urgent matter, such a central issue, something that is so important to people in our States?

I feel some indignation about this. This is not the way to proceed. For me, this is the issue. What is happening in Minnesota in agriculture is the issue. I just don't see a couple of hours, table, goodbye, that's it, one way or the other.

Mr. HARKIN. I agree with the Senator, this is a matter of accountability. Senators should have the right to speak, but they should also have the right to cast their vote one way or the other, up or down, on the amendment.

So I am hopeful that there would not be a tabling motion, that in fact we would be able to vote up or down on the package of amendments that I will soon be offering on behalf of Senator DASCHLE and the Senator from Minnesota, the Senator from North Dakota, and several others. But they should have the right to vote on that up or down. I think our constituents, as the Senator pointed out, they have the right. We have the obligation. They have the right to demand that we vote up or down on whether we are going to take some meaningful steps to alleviate the situation in agriculture.

AMENDMENT NO. 3580

(Purpose: To provide emergency assistance to agricultural producers)

Mr. HARKIN. Mr. President, I will soon be sending an amendment forward, but I thought I would speak on it before I do. Then I will yield to my colleague from North Dakota, who I know wants to speak, and my colleague from Minnesota. But I would like to take just a few minutes again to talk about the grave economic situation in rural America.

I just remind my colleagues in the Senate, that the Senate voted unanimously in July on my resolution describing the terrible conditions in agriculture and calling for immediate action by Congress and the administration. That passed the Senate unanimously. Unfortunately, a little bit later, when the Senate had a chance to pass a measure to provide some assistance, we did not manage to assemble the necessary votes. That was in late July before we left for the August recess. I am, however, encouraged by some information I have become aware of that attitudes toward what we proposed in July may have changed. So I am hopeful that today we will be able to pass this critically important legislation to provide emergency farm income assistance to farm families. I see no reason why we cannot pass it in the bipartisan tradition that has customarily been the hallmark of agricultural legislation.

If there was any doubt about the seriousness of the situation and the need for taking action in July, there can be no doubt today that the situation has worsened and that the urgency of the need for a response has increased.

Mr. President, I used these charts last week. Unfortunately, they are still valid this week. But I just want to point out that since we first debated this in July, on July 17, when there seemed to be some sense on the Senate floor that we were not really in a crisis situation in agriculture, that since July 17, we have had a 21-percent decline in the corn price—we used central Illinois as an indicator—and the prices keep on dropping.

As a matter of fact, I point out that just late last week the Department of Agriculture revised their crop estimates for corn, and we are going to have even more corn than we thought we were going to have. So we see that about every time a new estimate comes out, we get closer and closer to 10 billion bushels of corn; and that drives the market price down. The same thing happened with the soybean price. We had an equivalent 21-percent decline in the prices. Again, they are still down there.

Since July 16, when we passed here the version of our agricultural appropriations bill: Dodge City, KS, wheat down 20 percent; north central Iowa corn down 26 percent; southern Iowa/Minnesota market hogs down 11.6 percent. In fact, in hogs we are looking at the lowest prices for hogs since 1974—almost 25 years. Billings, MT, feed barley down 20 percent. Kansas City hard red winter wheat down 13 percent. As I understand it, it is still going down.

We can see what has happened since we passed the farm bill. You see what happened. We had a couple years here of increasing prices, exports were going out, customers overseas, the Asian economy was booming. So we passed the 1996 so-called Freedom to Farm bill, but then everything just started going to pot.

Look at what our prices have done since then. We are on a constant decline and a sharp decline in commodity prices since that period of time, all in corn and in soybeans and in wheat. All three of them, ever since the 1996 farm bill, keeps coming down. That little red line indicates just what happened in the last several weeks.

So if there ever was any doubt in anyone's mind of the crisis in July, there can be no doubt any longer. And prices, unfortunately, are certain to fall even more at harvest. We are facing the reality of a very serious economic hardship, all around the Nation.

And let me just underscore this: This is not the fault of farmers. We have a world situation where large supplies of commodities have combined with weakened demand to drive these commodity prices lower. In just the past 2 years, the farm-level prices for corn, wheat and soybeans have declined an average of over 50 percent in 2 years; and cattle prices, 20 percent below their level earlier in the decade. As I said, hog prices are at their lowest level since 1974.

On top of that, many regions—North Dakota, parts of Minnesota, Oklahoma, Texas, Louisiana—several regions, we have had bad weather and/or crop disease that have devastated farmers. Thirty-two of 50 States suffered declines in personal farm income between 1996 and now.

USDA price estimates are that the lower corn and soybean prices will cause a loss in farm income of $1.4 billion in Iowa alone this year. Such a loss would threaten up to 26,000 jobs in my State. Nationally, USDA now predicts a precipitous drop in farm income of $11 billion this year. That loss of farm income could result in a loss of over 207,000 jobs. Farm debt is at the highest level since the mid-1980s in the depths of the farm crisis at that time.

So, Mr. President, use whatever yardstick of measurement you want. By any measurement, we are spiraling into a deepening crisis in agriculture that must be stopped—and stopped now—before it gets any worse.

So today what we are proposing is a package that has four main elements. No. 1, we propose to remove the caps on loan rates that were put into effect in the 1996 farm bill and to allow the Secretary of Agriculture to extend the loans from 9 months to 15 months.

The way that loan rate would work is that you would take the average price over the last 5 years, drop out the high and the low, take the average, and 85 percent of that would be the loan rate.

No. 2, we propose to ensure that enough money is available for indemnity compensation to farmers who have suffered losses from weather and disease.

No. 3, we propose to provide the Secretary of Agriculture the authority to make storage payments on wheat and feed grains in order to encourage producers to place surplus commodities under loan when the Secretary determines that such action is appropriate to respond to problems in the transportation and marketing systems caused by large supplies.

No. 4, we are reiterating our commitment to livestock price reporting and to the labeling of imported beef and lamb. Parts of this were passed before, but we do not know if that bill is ever going to see the light of day. So we are offering it again on the Interior appropriations. For example, on the livestock reporting and the labeling of imported beef and lamb, those two were passed before. Indemnity compensation was passed before, but at much too low a level. We now know that the losses are much higher than what we anticipated in July.

We believe we have crafted a responsible and modest package to respond to the deepening crisis in rural America. We are not proposing any radical change to the 1996 farm bill. We are not changing any fundamental principles of the 1996 farm bill, which was to give farmers new planning flexibility and freedom. We are not touching that aspect of the 1996 bill.

We are simply modifying something that is already in the bill. Loan rates are part of the 1996 legislation. It is just at that time the wisdom of the Congress—I voted oppositely—was to put caps on the loan rates and to freeze them at the 1996 level. All we would simply do is modify that and lift the caps for the loan rates—use the existing law but just take the caps off, but use the existing law—which would allow the Secretary to extend the loan periods and to make storage payments. Again, we are not introducing new features. We are simply taking the caps off of these loan rates.

Our amendment focuses on the level of the loan that these farmers can take out on commodities after harvest, using their crops as collateral. The loan allows the farmer to pay bills, retain the crop while waiting for improved marketing opportunities.

We always heard about Freedom to Farm that allows families the flexibility to plant, but what the farmer this year doesn't have is the flexibility to market. Because of the need to pay bills, the farmer most often this fall will have to dump the grain on the market at the lowest possible price.

What extending the loan rates and raising the caps means—the farmer can take that loan out, and if the Secretary determines that they should make storage payments, they get storage payments also and the farmer can take the grant—the loan rate that he has—pay the bills, and then he can market his grain, market his grain when he feels is the right time, not just when he is forced to dump it on the market this fall.

We all hope, of course, that next year grain prices might recover, the Asian economy might get better, and prices might come up. If so, I want the farmer to reap the benefits of that, and not just the large grain companies.

The formula, as I said, has been around for a long time. I mentioned the formula; I don't need to go through that again. I will give a couple of examples. The 1996 farm bill set as a cap on the loan rate $1.89 a bushel; if the cap were removed, the loan rate would be about $2.17 for the 1998 corn crop—modest, very modest, but it would really help. In the case of wheat, the loan rate capped at $2.58 a bushel; removing the cap put it at $3.16 a bushel—still much too low for a real market price for wheat but, again, a modest increase that would help our wheat farmers.

In addition, as I said, our amendment would allow the Secretary to extend the loan for an additional 6 months—from 9 to 15 months—again, to give the farmers some more marketing flexibility.

Let me say a word about giving the Secretary the ability to make storage payments. The purpose of the storage payments is to facilitate orderly marketing, to alleviate burdens on commodity transportation and marketing systems. As we have seen in recent months, large supplies of commodities place a huge stress on the transportation system and on the entire commodity marketing and merchandising system. If farmers place some of this surplus grain into storage rather than dumping it into the market at harvest time, there will be some relief from the pressures on the grain transportation and marketing system.

Again, keep in mind that we are making this discretionary with the Secretary. He can look at the situation as it develops. If it looks like we will have a lot of grain sitting on the railroad sidings with a backup in cars and we won't be able to get our grain out to market and the prices keep going down, he could then extend some storage payments to farmers.

Again, we are not changing any of the planting flexibility of the 1996 bill or anything like that.

Now, I will just close on this note and say there seems to be some misconception that our amendment involves "Government intrusion" into the business of farmers—that we are going to put the Government back in farming. Nothing could be more mistaken. In fact, we are enhancing the ability of farmers to market their commodities when it is most advantageous for them to do so. I know the old refrain about keeping the Government out of agriculture, giving the farmers more freedom. That is what we are doing. We are giving them more freedom in our amendment, more freedom to be able to market their crops.

Again, this is a modest approach, one that shouldn't cause any real discomfort among those who so strongly adhere to the 1996 farm bill and who believe that we shouldn't make any changes in it. I happen to be one of those who did not vote for the 1996 farm bill. I thought it was a good farm bill for when the export demand is high; when there is a lot of money overseas, it is fine; but when those markets disappear, as they always do cyclically, the farmer is left holding the bag. There is no safety net for farmers.

President Clinton said at the time he signed the farm bill that he was doing so but he recognized that the safety net was taken away and we would have to come back and modify it at some future time. Well, now is the time to take the loan rate caps off and to send a strong message to farmers that we, indeed, recognize the disaster that is taking place out there.

I spent the weekend in my State of Iowa. I had a meeting with a farm advisory committee. There are some people on the committee who are bankers, farmers, commodities dealers, and they stated, to a person, if something is not done this fall, it will be too late next spring. It will be too late to save a lot of farmers. It will be too late to do something about the spiraling down and the economic effects that this will have on all of our businesses in rural America come next year if we don't do something right now.

I see a lot of my colleagues on the floor who would like to speak, so I send my amendment to the desk on behalf of Senator DASCHLE, myself, Senator JOHNSON, Senator KERREY, Senator CONRAD, Senator BAUCUS, Senator DORGAN, and Senator WELLSTONE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, and Mr. WELLSTONE, proposes an amendment numbered 3580.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened carefully to the comments by Senator HARKIN from Iowa. I have spoken over the weekend, again, with Senator DASCHLE, on whose behalf we offer this amendment. A group of us have joined together, believing it is urgent that we respond to the farm crisis and that we do so quickly.

I want to go through a couple of charts, just briefly, that describe what this crisis is about. The first chart goes back to April 1996 and shows what has happened to farm prices. Wheat prices have fallen from $5.75 per bushel down to $2.46. The price of wheat, in this case, dropped 57 percent in this nearly 2-year period, since the farm bill.

Now, I ask people to think of their own situation. If their income dropped 57 percent, what shape would they find themselves? That is what has happened with family farmers. At the same time the price of their inputs have grown, and increased dramatically. The price of their grain has collapsed. In my State of North Dakota, in 1 year, net farm income for family farmers dropped 98 percent. Anyone in this country, any neighborhood, any community, any business, would be in desperate trouble if they lost 98 percent of their income, and yet that is what has happened to our family farmers.

When historians look back at this period, they will say that this is one of the most significant farm crises that we have faced since the Great Depression. We, in fact, have Depression-era prices for grain in rural America right now. We won't have many family farmers left if this Congress doesn't extend a hand to help out when family farmers are in trouble.

Each month has brought more and more bad news for family farmers. Wheat prices have fallen an average of a 11-cent-a-month drop during this entire year. That amounts to an almost $40 million income loss each month to North Dakota farmers.

I want to read a letter from a 15-year-old high school boy who comes from a family farm. He wrote me a letter that I received in recent days.

> My name is Wyatt Goettle.

Incidentally, he told us we should go ahead and use his name. Wyatt says:

> I live on a farm by Donnybrook [in North Dakota], and we raise sheep, cattle, and grow crops. I'm 15 years old and I'm a sophomore at Stanley High School.
>
> This year we rented out most of our cropland. The prices of crops this year and in past years is ridiculous. What would happen if all the farmers just quit because they couldn't even feed their families? I don't know what is going on, but somebody somewhere is making money and it isn't the farmers that put all the work into it.

Then he says this:

> You know, my dad can feed 180 people, but he can't feed his own family because of the prices.
>
> . . . Our farm is a small family farm and it's hard to keep going . . . It's hard getting back from school and working until 10:30 or 11:00 at night. Then having to get up at 6:15 the next morning just to find out that you can't put gas in the car to go to school because you can't afford it. It all goes back to the beef and grain prices.

This from a 15-year-old boy, a sophomore attending school in Stanley, ND.

Let me read an additional letter from Brian and Johnet Christianson, who wrote to me recently from Glenburn, ND. She said:

> Our loan officer has told us this will be our last year of farming if we can't make our scheduled payments. We want to farm. I have a good job, and my husband has taken on a full-time job and a part-time job [off the farm] to make ends meet. That is to cover living expenses.
>
> . . . The public keeps hearing about the family farmer, but what about the farmer's family? The wife tries to be a decision-maker with her husband to pay a bill or get disconnected; or put food on the table. The wife is there to give a smile and a hug when he comes in from the field. As a new school year is getting underway, it is the farmers' children who continue to suffer the misfortunes of the farm life. Don't get me wrong. We have chosen this life for our family, and we will fight to keep it going.

She said:

> When mom offers to buy one pair of new school jeans, it is the daughter who says, "No, mommy, I don't need them because we [can't afford it], right, mommy?" As I fill out reduced or free school lunch applications, the farm has brought us $72 a month this past year. Yet people think we are rich farmers who can handle a bad year.
>
> . . . Brian and I have a very strong marriage and we will get through this year with hope for a better tomorrow. Our children will, too. We will make it—the optimism of the farmer.
>
> Please continue to fight for equity in grain prices for the farmer and his family.

Now, these two letters—one from a husband and wife and one from a 15-year-old boy—describe this crisis better than I can describe it. The young 15-year-old boy, a sophomore in high school, says:

> My dad can feed 180 people, but can't feed his own family because of farm prices.

There is something wrong with that. One fellow sent me something that I ask unanimous consent to be able to show on the floor of the Senate. It is a handful of grain.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. If I might, I will show my colleagues that this is the barley he sent to my office a couple of days ago. Then he sent a similar bag of kitty litter. This kitty litter is worth 20 cents a pound, and the barley is worth 2 cents a pound. This farmer said, "Is there something wrong here? Kitty litter is 20 cents a pound and barley 2 cents a pound. Am I missing something?"

No, he is not missing something. There is something fundamentally wrong with grain prices. There is something wrong when we say to the world and to family farmers that what they produce has no value. What they produce has no worth?

I have said this before on the floor of the Senate and we have heard it in testimony of people. Halfway around the world, old women are climbing trees in Sudan to scour for leaves to eat because they are facing starvation. A million and a half people in Sudan are starving halfway around the world. At the same moment that an old woman is climbing trees to get leaves to eat, a family farmer loads up his truck to drive to the elevator with a load of hard red spring wheat. When he gets to the elevator, he is told, "This wheat doesn't have much value; it is not worth much."

Is there a disconnection here? I think so. We produce an abundant quantity of food that the world needs, but somehow we cannot get to halfway around the world where they need it. Those who need it can't get it and those who produce it are told it has no value. If you want to talk about a disconnection of things that are really important on this Earth, that is it.

Now, we passed a new farm bill a couple years ago. I didn't vote for it. I didn't believe the farm bill was the right approach. I still don't. Like so many political promises, that farm bill had big print and it had little print. Unfortunately, as is often the case, the big print giveth and the little print taketh away.

Now, the big print promised that price supports would be set based on marketplace prices. Loan rates would therefore be 85 percent of the Olympic 5-year average of prices on the market. This promised a price cushion for family farmers. If market prices fell, there would be a cushion set at 85 percent of the Olympic 5-year average price. That was the big print.

Now here comes the little print. The little print then said that what the big print said was wrong. The little print said that while loan rates were supposed to be based on market prices, the little print put a cap on it. That is an innocuous little word, that three-letter word—"cap."

So the big print says you get 85 percent of the Olympic market average, and we are going to give you that as an opportunity to provide some kind of price support so that if the market collapses, you have something to support you. But then the little print comes back and says, "Oh, by the way, we are not going to give you what you were promised; we are going to put a cap on it; and therefore your support prices are pathetic." They never use the word "pathetic"; they put the cap on it that made it pathetic. Now we find ourselves under circumstances where we must come to the floor and say let's take the cap off the loan rate and give farmers what they were promised in the farm bill.

All we want to do is delete just a part of the little print. Our amendment would just delete a part of that little print in the farm bill. Why, you would think we were burning 85 barns down with all the commotion about this. We come and say, "Let's delete the little print that took away from farmers what the big print promised," and you would think we were burning barns down.

Holy cow, people are jumping up and down and screaming that we are going to unwind, unravel, and tear apart the farm bill. No; we are just going to make the farm bill honest. We are trying to make it do for farmers what the farm bill promised it was going to do for farmers. If making that bill honest is the wrong direction, then I guess I have lost part of the compass by which to measure these issues.

Well, let me show the second chart. It describes part of the problem that cries out for attention. The red and orange areas are counties in our State. This is the State of North Dakota, which is 10 times the size of the State of Massachusetts, just for some land mass comparisons. This whole area of the State has been declared as an agricultural disaster. One third of our counties have been declared a disaster every year for the last 5 years. That's right; every single year. Two thirds of our counties have been declared disaster areas in 3 of the last 5 years. Why? It is because of a wet cycle that came and stayed, and provided the conditions for the worst crop disease in a century. And, now we have collapsed grain prices on top of it.

Now, farmers can't make it when, year after year after year, they have recurring natural disasters. That is exactly what has happened. It is precisely why, if we are going to save the family farmers, we must take action now to deal with this issue.

One of the problems that came from these wet cycles and all of the other natural disasters is a crop disease called fusarium head blight, which is a fancy way of saying scab. Farmers know what scab means. It means money is sucked right out of their pockets by decreased grain quality and quantity. Brian Steffenson, a cereal scientist from North Dakota State University, said:

> Make no mistake about it. This is the worst plant disease epidemic that the U.S. has faced with any major crop during this century.

Our family farmers face collapsed prices, the worst crop disease of the century, disaster declarations year after year in most of the State. Yet, North Dakota, which is a rural State, is an important part of the bread basket in this country.

Let me add one additional chart which shows another part of the problem. As if this situation is not bad enough with bad prices, poor crops and crop disease there is another economic dilemma facing our farmers. When the farmer does produce a product, the farmer faces basic monopoly pricing or monopoly influences up the marketing stream.

Want to sell some beef? Well, then, show up at the packing plant and you will find that 87 percent of the beef packing is controlled by four firms. Eighty-seven percent of the cattle slaughtered in this country is controlled by four firms. How about pork? Sixty percent of pork slaughter is controlled by four firms. Fifty-five percent of broiler chicken processing is controlled by four firms. Do you have sheep to send to the market? Well, 73 percent of sheep slaughter is controlled by four companies.

Everywhere a farmer turns, as he sells his commodities up the marketing stream, he finds that it is controlled by monopolistic kinds of enterprises.

How about transportation? Take it to the railroad, and what do you find there? Competition? No. You find one railroad that says, "We will haul your wheat, and here is what we charge you. If you don't like it, tough luck. Try walking down the highway carrying your wheat to market in gunnysacks."

In North Dakota, when you want to ship your wheat from Bismark to Minneapolis, MN, the railroad charges a farmer $2,300 to ship that carload of wheat. But, if you put that carload wheat on in Minneapolis and ship it to Chicago, which is about the same distance, they don't charge $2,300. They charge $1,000. Why do we get charged more than double? Because there is only one railroad. And they say, "Here is your price. If you don't like it, tough luck." So we pay too much money for transportation.

My point is that in every direction the family farmer is confronted not by a free market but by a controlled market—controlled in someone else's interest. That is the dilemma we face.

At some point in agriculture, we reach a point of no return. The question for this Congress is whether we care enough about the future of family farmers in America to take effective action. Do we want to save family farmers? We can decide not to do that.

The best way to decide not to do much about family farming is to essentially say the farm bill passed by Congress was just fine. We can say it is all right that the big print giveth and the little print taketh away. Well, I don't think that is just fine. I think it is critically important to save family farmers.

If this country believes that food is expensive these days, they ought to try buying food once corporate agrifactories farm America from California to Maine. Then they will find out what the price of food really is. It won't be cheap food. It will be expensive food for the American consumer.

This last chart shows a cartoon from one of our newspapers. There is nothing very funny what we have been discussing. This cartoon tells the story of agriculture in our region. It shows "Family Farmers: The Point of No Returns." It describes the roadbed our farmers are traveling. That roadbed is made up of low yields, low market price, low cattle prices, high production costs, crop disease, bad weather. Our farmers have no returns on their production and now are on the point of no return.

When I talked about transportation costs earlier, I should have also mentioned that there are many other business stories of what family farmers are facing.

My colleague from Minnesota is ready to speak. He comes from the east of North Dakota, Minneapolis, MN. Did you know that if a North Dakota farmer is going to ship his or her grain on a rail bed, put it in a car and ship it on the railroad, that the same railroad that will ship a carload of wheat from Iowa all the way up through North Dakota and then to the West Coast for less? That's right shipping from Iowa up through Minneapolis, through North Dakota to the West Coast will be cheaper to than to load the grain on in North Dakota and ship it from North Dakota to the West Coast? Why? Because shipping from Iowa is a circumstance where you are shipping where there is competition at the point from which you start to ship it. The railroad will charge more money for fewer miles to North Dakota farmers to ship that same load of grain.

My point is, it doesn't matter where you intersect this farm problem. In every single instance you will find out that there are no free markets; not in transportation, chemical prices, slaughterhouses, grain markets, you name it.

I haven't yet even mentioned the unfair trade that comes from Canada and elsewhere that undercuts our farmers' markets and further collapse farm prices. This is in addition to all of the other things I have mentioned. Right now, as I speak, somewhere up in a border port between Canada and the United States there is an 18-wheel truck driving up. And the driver is leaning out with his left elbow telling some Customs' inspector, "Yes. I have Canadian durum on the back of this truck. I have got a load of Canadian durum." He is going to drive that Canadian durum into the United States, undercutting our market, and thus taking the money right out of the pockets of American producers.

How is he going to do it? Because the grain on his truck was sent by the Canadian Wheat Board, which is a monopoly. It is a state-sponsored monopoly that would be illegal in the United States of America. The durum wheat that he is hauling is sold through the Wheat Board at secret prices, which is not something that can happen in this country, either. So we have a state monopoly from Canada selling at secret prices in this country to undercut our farmers' price. It is fundamentally unfair.

While that truck comes across today, we have trade officials who just sit on their hands. They see nothing, they do nothing and they say nothing. In fact, they ought not be there when the paychecks come out. We ought to save the money. Why have a trade office that doesn't have the energy to get up in the morning and suit up, with the notion that, "I am going to do something good"? I will have more to say about that this week.

Right now my sense is we have trade people who have an unwillingness to take action. I say get rid of them. Get rid of all of them, and do it now. I am at my wit's end with our trade officials, because they know in their hearts that all they have is this mantra of free trade. They ought to really have some cymbals on the street corner someplace and just chant all day. That is all they do is chant. They certainly don't do any effective work with this country. If they did, they would be at the borders deciding that when people come into this country unfairly to try to undercut our markets and dump in this country at secret prices that there ought to be sanctions for that. As I said, I will have more to say about our trade officials later this week.

But I am here today for a very specific reason. Between now and several weeks from now when this Congress adjourns, there isn't a more important agenda item for us to complete than to deal with the farm problem. I hope we can do it together. I hope that Republicans and Democrats coming from farm country are able to stand together and say, "We want to do something to help family farmers get over this price depression."

When prices drop and you have a price valley, we need to build a bridge across that valley. That is what this farm program this Congress passed was supposed to do. But, as I said, the promise was in the big print and the small print took that away. Shame on the small print. What we propose to do is dump the small print today and give family farmers the kind of support that is necessary to get across these price valleys.

Let me finish as I started by telling you about Brian and Johnet Christianson. This is just one farm family—one couple living on a farm—that is representative of thousands and thousands of farmers across the region. They say, "This will be the last year for us, our loan officer tells us, if we can't make scheduled payments." They ask a question. When their prices drop 57 percent and they are getting more than $2 a bushel less for their grain than it cost them to produce, how can they possibly be expected to meet their payments?

There are no better people in this country than our farm families. I am not judging who is best. But, certainly there is nobody better folks in this country than those people who went out and homesteaded the land, built themselves a house, raised a family, and operated a family farm. There are no bigger risk takers in America than those who plant the seed in the spring, and borrow some money to do it. They put everything they have, their sweat, their blood, their tears, everything they have into it. They risk everything they have every year. Then they hope that the insects don't come, it doesn't rain too much, that it rains enough, it doesn't hail, hoping their crop grows. And, when it grows, they hope that if they can harvest it and get it to the elevator, they hope among hope there is some kind of price that will give them the opportunity to make a living.

All of us know in our hearts that those folks are out there crying tears tonight because they are losing their hope and they are losing their dream of wanting to continue a family farm for themselves and their children.

We know what is happening to these people in those farm houses that Brian and Johnet talk about it. This mother says she is only able to buy her young daughter one pair of new jeans for the school year, and her daughter says, "No, no, that is all right; I know we can't afford that." We know that in those houses they hope tonight that this Congress will do the right thing.

Congress extends itself to say to everyone around the world whenever there is trouble, "We are off rushing to help." What about now, here at home on the family farm, where there is trouble? Shouldn't we begin to rush to help with some real assistance that gives these farm families the hope of surviving for another day, another year, and an opportunity to say, "I am a family farmer, I am making a decent living on the family farm, and I am proud of it." If at the end of the day, together we do what we can and should do to make things right for America's family farmers, we will give these people on our family farms the opportunity to be able to say that with dignity and pride.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, thank my colleague, Senator DORGAN from North Dakota, and also Senator HARKIN from Iowa.

I think that it is not just a matter of—I think my colleague, Senator DORGAN, will agree with me—of coming to the floor and giving a speech.

This is all so real to us. It is very concrete. This is the issue.

Mr. President, I ask unanimous consent that a letter which was sent to me from Wally Sparby, who is the Minnesota State director of our Minnesota Farm Service Agency, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

USDA FARM SERVICE AGENCY,
MINNESOTA STATE OFFICE,
St. Paul, MN, September 10, 1998.

Hon. PAUL WELLSTONE: During our 1998 loan season, we approved loans based on $4.00 per bushel for wheat and $2.55 to $2.75 for corn.

Now the farmers are receiving from $2.50 to $2.70 for their wheat in the market place and $1.42 to $1.52 per bushel for their corn—this just does not sustain cash flow!

1. The one thing Congress can do that will help farmers with cash flow today, more than anything else right now, is to take the caps off the loan rates!!

That will, on the average, immediately pump 60 cents a bushel into the wheat and 30 cents a bushel into the corn.

2. A Consumer Assurance Reserve should be established to provide for a plentiful food supply in the interest of National security. Store it on the farms and pay them the same rate as commercial storage!

3. Storage should have a two year rotation.

4. Extend the Marketing Loan Program to 18 months.

Senator, I'm also sending you a copy of our Minnesota State Committee deliberations from their South Dakota meeting two weeks ago.

Hope these items can be of some value to you. If I can be of further assistance, please feel free to contact me.

Sincerely,

WALLY SPARBY

MN State Executive Director, FSA.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DORGAN. Mr. President, I understand that the unanimous consent request I am going to ask for has been agreed to by both sides.

I ask unanimous consent that no amendments be in order to the pending Harkin amendment prior to a tabling vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, if the Senator from Minnesota will yield further just for a question before he begins his address. I understand that this coming Saturday in Worthington, MN, there is to be a farm rally, which I assume the Senator will be speaking about. The rally is in his home State, but it is a rally designed to encourage farmers from a four-State area to come together to talk about and demonstrate the urgent need to stress this farm crisis. I intend to be in Worthington, MN, this Saturday with Senator WELLSTONE and others. I think it is a 9:30 a.m. farm rally. But I would expect a good many farm families will come from our four-State region to talk about their hopes and dreams and talk about especially what they hope this Congress will do to address this deep and abiding farm crisis.

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is right. This gathering is not a gathering just for farmers, but it is also for small businesses, for educators, for the religious community. It is really for rural America, farmers and other citizens from the Dakotas, from Iowa, from Minnesota. It is going to be 9:30 to noon at the Nobles County Fairground grandstand. And I also say to my colleague from North Dakota, it is very important to point out to the presiding Chair and others that Republicans are invited to be a part of this gathering. This is going to be a bipartisan effort to focus the attention of the Nation on what is happening in agriculture. So it is a very, very important gathering. I think there will be a huge turnout of people, and I hope that those of us who represent the Midwest, Democrats and Republicans alike, will be there.

Mr. President, I want to read the beginning of the letter that Wally Sparby sent to me. Again, he is the director of the Minnesota State office of the USDA Farm Service Agency.

Senator WELLSTONE:

During our 1998 loan season, we approved loans based on $4 per bushel for wheat and $2.55 to $2.75 for corn. Now that farmers are receiving from $2.50 to $2.70 for their wheat in the marketplace and $1.42 to $1.52 per bushel for their corn, it just does not sustain cash flow.

And among the recommendations, the first recommendation is:

The one thing Congress can do that will help farmers with cash flow today more than anything else is to take the caps off loan rates.

That is followed by two exclamation points. I would, again, like to have this letter printed in the RECORD. I think the Chair already indicated its approval.

Mr. President, for the State of Minnesota, according to the Federal figures, net farm income fell 38 percent from 1996 to 1997. With these prices, the current farm income might fall far more than that if we do not act.

I am going to get to the figures and the statistics in a moment, but I would again like to go back to what I said to my colleague, Senator HARKIN from Iowa, at the beginning. We just now had a unanimous consent agreement that there will be no second-degree amendment, but from my point of view, as a Senator from Minnesota, I would just want to say to the majority leader, Senator LOTT, I do not think this procedure is satisfactory. I think we should be accountable. I do not think this should be a tabling motion. I think this should be an up-or-down vote.

We have a package of proposals here, which I will go over in a moment, which represent our best effort to, in a very positive way, respond to an economic convulsion that is taking place in agriculture, to respond to the economic pain of people we represent, to respond to the fact that we now have broken dreams and broken lives and broken families, and the status quo is unacceptable. There is not a one of us, Democrat or Republican, from the Midwest or from the agricultural States, who cannot and should not be out on the floor of the Senate fighting as hard as we can for our people. This is the issue, and I don't think the majority leader's proposal that we have an up or down tabling motion is satisfactory. For my own part, I do not intend for this to be the end of the debate this week. We are going to come back to this question over and over again. We must.

I think the intent that there only be 3 hours to debate this amendment marginalizes or trivializes what is a central issue in the United States of America today. I think a tabling motion as opposed to an up-or-down vote does the same thing, and we are going to have to be held accountable. One way or another, if we should not prevail today, my working assumption—I am only speaking for myself as a Senator from Minnesota—is that we will come back to this over and over again in however many weeks we have remaining. I consider it to be my mandate as a Senator from Minnesota to make this my central priority.

I do not know any other way to do it. We have so many discussions on the floor of the Senate. People are just coming —they are not even back yet. A lot of Senators will not even have an opportunity to debate this before we have a tabling motion.

Let me just say that in personal terms what this means, this depression in agriculture, these record low prices, is that family farmers, that is to say, people who work on the land, live on the land—they are not absentee investors—are not going to make it. It is just that simple. They cannot make it. So in personal terms this is devastating not just for family farmers but for our small towns, our rural communities, whether it be in Minnesota, Iowa, North Dakota or South Dakota. You name it. It is devastating, absolutely devastating.

We are always going to have somebody farming. There will be acres of land. Someone will own the land. Someone will own the animals for the livestock producers, but the health and vitality of our communities in rural America is not based upon the number of acres that are farmed or the number of farm animals. It is based upon the number of family farmers who live in those communities and contribute to our schools and buy from our local businesses and contribute to our churches or synagogues.

That is what this is all about. We are confronted with the fierce urgency of now. If we are not careful, time is going to march on, and it is going to leave all of us standing alone, standing naked. What that will really mean is that family farmers are just going to be driven off the land where they not only work but where they live.

Again, before I get to the statistics, because I want my colleagues, as I make this plea to Republicans as well, and Democrats and everybody here to understand my own position, which is going to be today if we win, great; if we do not, come back over and over and over again—from my own part I remember moving out to Minnesota to Northfield, where I was a teacher, college teacher, and I don't have an agricultural background, but my father was a Jewish immigrant who fled persecution in Russia where he was a writer. My mother was a cafeteria worker. But, Theresa and Phil—Phil Van Zuillan is no longer alive, he passed away—from Nerstrand in rural Rice County, they were the people who were my teachers when I began to do a lot of community organizing. And that is when I first began to learn about community agriculture. And my friend, Don Langer, who is no longer alive. I learned an awful lot from farmers in Rice County, crop farmers, dairy farmers, about a county 490-some square miles, population 41,000. And then I began to organize with farmers.

And then there was the mid-1980s, and all my organizing then was with farmers. And we saw just essentially a meltdown in agriculture. We saw people driven off the land and record foreclosures—record low prices and record farm foreclosures, in that formula that goes together. I remember going to some of those foreclosures—it was awful—some of those auctions. It was awful. I remember seeing people just breaking down and crying. There were some farm families—let me not be melodramatic, but let me just say it because it is true: I remember some of the men I met, some of the farmers I met, who took their lives. They took their lives.

Mary Ryan works in our office in Willmar in West Central Minnesota, Mary and Bob Ryan—one of their friends, I say to my colleague, Senator CONRAD from North Dakota, took his life. He had been foreclosed on. That is what is going on now. We have to somehow sort of bring this to the attention of the Nation today, but today is not the end of it. If this set of proposals are tabled, this is just the beginning. This will not be the end. For me, I will tell you that as a Senator from Minnesota, it will just be the beginning. We saw this dislocation, we saw people foreclosed on. We had huge, massive rallies. We had anywhere between 10,000 and 15,000 people who marched on the State capital in Minnesota.

I do not want to go through it again, but that is exactly what is happening. My appeal to farmers in our States, and not just the farmers, but to rural America and around the country, is we are going to need you. I hope we succeed today, but if we do not succeed today I hope you will hold people accountable. We are going to need you because we are going to be back over and over again. The principal problem is low commodity prices. If I had a blackboard here and I was teaching, I would just write: Price, price, price. The price of corn in Minnesota is $1.50 a bushel, or even less at many elevators. You could be the best farmer in the world, the best manager in the world, and there is no way you can cash-flow at $1.50 a bushel. We ought to have a price of $2.70 or even $3 a bushel. Anything below $2 a bushel is a death knell for family farmers. Virtually no farmer can cash-flow at that level.

Wheat these days in Minnesota is about $2.65 per bushel. It should be $3.75 or $4. Soybeans are approximately $5 or $5.10. We would like to see that price at $6. The current prices are almost unbelievably low.

According to a letter sent by Secretary of Agriculture Dan Glickman to Minority Leader DASCHLE, corn prices nationwide are 30 percent below the average price of the last 5 years; wheat prices are 28 percent under the average price; and soybean prices are 17 percent below 5-year averages. Livestock prices are way down as well.

This is exactly what happened in the mid-1980s, and we had this massive shakeout of family farmers at that time which changed the face of rural America—and not for the better. Many communities in Minnesota and all across the heartland were devastated by what happened. And that is going to happen again. It is happening now, and we are going to see many of our rural communities destroyed on the present course. We must change that course. This amendment that we have introduced is a positive proposal to change that course.

Some in Minnesota are talking about losses to our State's economy this year of over $1 billion. Some are speaking about 20 percent plus of family farmers who are threatened. Again, this is not just for the family farmers. It is for small business people, it is for ag lenders, it is for our educational institutions, it is for our children, it is for our grandchildren, it is for our small towns, it is for our rural communities. Do you know what else? In Minnesota, it is also for the Twin Cities. We are all in the same boat. The fate of greater Minnesota and the health and vitality of greater Minnesota, or lack thereof, and health and vitality of our metropolitan area are intertwined. We are looking at an economic convulsion in rural America. Certainly that is the case in the Midwest. We are looking at broken dreams and broken lives and broken families. We have to do something.

I was at a farm crisis meeting, first in Crookston, MN, back in March, in northwestern Minnesota. My colleague, Senator CONRAD, will speak about this as well. It certainly applies to North Dakota in full force. The issue was not just low prices, but several years of bad weather and crop disease. Then I was on a farm in Granite Falls, MN, East Grand Forks and Fulda.

Next weekend, we have this rally scheduled, September 19, Saturday morning. Again, 9:30 to noon, rain or shine, Nobles County Fairgrounds grandstand, Worthington, MN, junction I-90 and highway 59. Senator HARKIN will be there. Senator DORGAN will be there. As many Republicans as possible, and Democrats, I hope will be there as well.

It is not a partisan crisis. I can tell you right now, many of these farmers who are going under are not Democrats. Many are Republicans and many are Democrats. And I don't think it makes a darned bit of difference to any of them, in terms of political party.

Mr. President, we have taken some steps this year to address the problem. But we are falling way short. We included, if Senator CONRAD remembers this, we included some additional plant loan money into the supplemental appropriations bill earlier this year. That was for spring planting loans. We were pleased to do that. It helped some. Senator CONRAD and DORGAN and DASCHLE and others—and I was pleased to be a part of that effort—put together an indemnity bill that was $500 million in disaster assistance. It is going to go way up. We are now talking about $1.5 billion of indemnity payments when we are looking at what is happening in the South as well. That is part of this amendment. That is critically important. We need to get some assistance to people, ASAP. This is a crisis, all in capital letters.

What our current amendment does is simple. I am just going to focus on two or three provisions. First thing our amendment does is it lifts the cap on the farm marketing loan rates, and it raises that loan rate. Again, the primary problem is price. What farmers say to me is: Paul, even if you get the payments out, indemnity payment, disaster assistance payments for us, what is the future for us? Comodity prices have fallen through the floor. Whatever our explanation is for the low commodity prices, there has to be some kind of safety net to help people stay in business. The single most important thing we can do is to improve prices, and the tool we have available to us is the loan rate.

The loan rate does not set the prices, it does not even set a floor under the prices. If it did, the prices would not be as low as they are currently. But the loan rate does tend to give farmers—there is not one Senator who can argue to the contrary—a bit of leverage in the marketplace. It let's them take a loan on that crop, on their crop, and hang on to the crop and wait for prices to improve—if that is their choice.

Or, and this is a critical point—I am sorry that we are at this critical point, but we are—or, when the prices fall below the loan rate, farmers can also use that loan rate as a safety net and take a check worth the difference between the loan rate and the market price on the amount of their production.

It is simple. It is simple. Unfortunately, the 1996 farm bill, which I always call the "freedom to fail" bill—when it passed, I called it that—capped those loan rates at unrealistically low levels. There were some good things in the Freedom to Farm or "freedom to fail" bill, I say to my colleagues who are now coming to the floor, but at least we have to have this modification.

For corn, the Freedom to Farm bill capped loan rates at $1.89 a bushel. Again, virtually no farmer can make it on $1.89 a bushel. It doesn't even work as a partial safety net.

What our amendment will do is lift the current cap on loan rates and raise the marketing loan rate on corn from its current $1.89 per bushel to $2.20 or $2.25. It will raise the loan rate for wheat from the current $2.58 to about $3.22. Raising the loan rate usually tends to set a floor under prices by giving farmers some leverage in the marketplace. At a minimum, it certainly will greatly improve the safety net for our farmers.

Our proposal will also extend the repayment period on these same marketing loans to give farmers an extra 6 months to hold on to the grain and wait for a better price.

The purpose of both of these provisions is to give farmers some leverage. The Freedom to Farm bill—what I call the "freedom to fail" bill—gave farmers planting flexibility. That is great. Let me repeat it, that is great.

We were for that. But we now need to give farmers some marketing freedom to go along with the planting freedom. We need to raise the loan rate and extend the repayment on these loans along with dramatically increasing the indemnity money.

I am going to say it one more time. I have other colleagues on the floor who want to speak. Mr. President, we have come to the floor of the Senate with a set of proposals that are substantive, that are credible. The vast majority of family farmers around the country, I am positive, support the proposal to take the cap off the loan rate and get the price up to give them some leverage in the marketplace and the indemnity payments. I hope that there will be strong bipartisan support for this amendment. I hope so. If not, if this amendment should be tabled, then as far as I am concerned, the debate just begins.

I say to Senator CONRAD, who is about to speak—I am about to yield the floor—but I think he will agree with the last point I make which is, for us, am I right, I say to Senator CONRAD, this is the issue, this has to be our work, we want it to be our work? We don't want the pain to be there, but we can't go home without fighting in every possible way, using every rule available, using all of our leverage to make sure that this Senate and this Congress comes forward with positive legislation that can make a difference so that so many good, wonderful people in our States don't go under, are not ruined, are not devastated. That is what this debate is all about. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to support the package of amendments that is before us, because agriculture in my State is in a crisis. I have previously referred to it as a stealth disaster, because it is flying below the radar screen of much of the national media. Unlike the disasters of last year that were very visual, this is hard to take a picture of, because this is a circumstance where we have collapsing prices and falling production, and the combination of the two is pressing farmers and forcing them into selling out.

I draw my colleagues' attention to a May, 1998, front-page Wall Street Journal story that examined the agricultural crisis in the heartland of America. It pointed out very clearly that on the northern plains, the new farm bill is yielding pain and upheaval, and, indeed, it is. They point out that the dramatic drop in wheat prices was already, back in May, creating desperate problems for farmers in my State, but also in the State of the Senator from Minnesota, Senator WELLSTONE, who just spoke.

This is a problem that is now recognized not just in our home areas, but across the country. Indeed, not only has the Wall Street Journal written articles on what is happening, but the New York Times. This is a story that ran in July, 1998. They point out we have a desperate crisis in agriculture. We have seen, in fact, two front-page stories in the New York Times, a front-page story in the Washington Post, all talking about the extreme conditions farmers in North Dakota are facing.

Just moments ago, the respected Farm Journal released a survey of 1,000 wheat and corn farmers. The support for changes in farm policy in that Farm Journal survey is overwhelming: 73 percent of those surveyed believe that our current farm bill does not provide adequate income; 77 percent believe Congress should modify the farm bill; 73 percent believe we should lift the caps on marketing loans; 85 percent believe we must stop the import of surplus grain from abroad; 86 percent believe the United States should reestablish the farmer-owned and controlled grain reserve. Only 40 percent of farmers surveyed believe that they will be farming in 5 years. Mr. President, only 32 percent said they would encourage their kids to farm.

This is a survey done by the Farm Journal, perhaps one of the most respected farm journals in this country. The level of support for a change in farm policy is overwhelming, and of course it should be, because what is happening is an unmitigated disaster.

This chart shows what is happening in my home State of North Dakota. North Dakota farm incomes were washed away in 1997. From 1996 to 1997, according to the Government's own records, there was a 98-percent reduction in farm income—a 98-percent reduction. By any measure, this is a calamity, and the result is that literally thousands of farmers are quitting. In fact, the Secretary of Agriculture visited North Dakota in June, 1998. When he came to visit with area producers, he was told by his own crisis response team that we might anticipate losing up to 25 or even 30 percent of the farmers in my State in the next 2 years. Mr. President, this may be a stealth disaster, but it is a disaster nonetheless, and it requires a response.

The drop in farm income is not just limited to North Dakota. In fact, we are seeing farm income drop in a majority of States. This shows the decrease in farm income from 1996 to 1997 in State after State.

You can see North Dakota, unfortunately, led the way. But not very far behind were Missouri, Maryland, New York, West Virginia, Virginia, Minnesota, Wisconsin. You can see that the heartland States in many cases were those most affected.

In 1998, this picture is even getting more serious, because we are seeing other States deeply affected, some of them by natural disaster, all of them—all of them—by collapsing prices.

Mr. President, we have to understand that this disaster is a result of really two factors: One, natural disasters in my State—overly wet conditions that have led to a dramatic loss in production because of fungus that has gotten loose in the fields. That fungus has caused dramatic crop losses. But on top of that, we have very low farm prices. In fact, we have now reached the lowest level in real terms for farm prices in our history.

This shows spring wheat prices from 1946 to 1997. You can see in 1997 already we were nearing the all-time lows for wheat prices.

Look what has happened in 1998. The bottom has fallen out. We have the lowest prices in real terms in history. In nominal terms we have the lowest prices in 21 years. The result is a collapse of income for farmers and the result is thousands of farmers being forced off the land.

I had a blowup made of some of the ads that are in the farm journals back home. Auction, auction, auction—we are absolutely being flooded with auctions all across North Dakota and Minnesota, parts of Montana and South Dakota and Wisconsin. And one of the interesting things to note is, it isn't old equipment being auctioned off. It is new equipment—1996 cultivator, 1996 swapper, 1996 disc, 1996 tractor. These are farmers who thought they were going to be around. They thought they were going to be in farming, but they are being forced off the land.

Mr. President, in North Dakota, wheat prices last week hit $2.50 a bushel—$2.50 a bushel for a commodity that takes about $5 a bushel to produce. Some have said, "Well, they just plant more and make it up in volume." It reminds me of the story of the fellow that was selling shovels. He was buying them for $20 and selling them for $16. And he was so excited because he was selling lots of them. One of his friends with a little cooler head said, "You know, it's not working out so well if you buy them for $20 and are selling them for $16. You're losing $4 on every shovel." This fellow, who was the ultimate optimist said, "I'm going to make up for it in volume." You are not going to make up for it in volume. You are not going to make up for it in any way when you are losing $4 on every shovel you sell.

The same thing is happening on every bushel of wheat. When it costs you $5 to produce, and you are getting $2.50 at the market, you are not going to stay in business very long. That is the hard reality. That is the simple truth.

Mr. President, that is what is happening in my State and many others. Something must be done. And it must be done quickly or we are going to see an exodus from agriculture unlike any we have seen in our history.

Mr. President, it is not enough to define the problem. It is also important to look at what is causing the problem. Let me just put up a chart that shows what we did in the last farm bill.

In the last farm bill we dramatically cut support for agriculture. In the previous 5-year farm bill we averaged $10 billion a year in support for American producers. In the new farm bill, that has been cut in half—$5 billion a year for support for our agriculture producers—a dramatic reduction. In fact, this is the biggest cut in Federal spending of any part of the Federal budget.

I am someone that has been a deficit hawk the entire time I have been in the U.S. Senate. I deeply believe in balanced budgets, not because that is the thing to do, but because it makes economic sense. It takes pressure off interest rates and allows America to be more competitive and allows us to get back on track. That is exactly what has happened since we started dramatic reductions in the deficit since 1993.

Mr. President, it is important to understand that no sector of the budget has taken bigger reductions than agriculture. If we look at what our competitors are doing, we see why it puts us in a very difficult position. Because our competitors in Europe are spending much more than we are at supporting their producers.

Mr. President, I indicated that in our country we are spending $5 billion a year to support our farmers. But in Europe, they are spending nearly $50 billion a year to support their producers. This is an unfair fight. It is one thing to say to our farmers, "You go out there and compete against the French farmer and the German farmer." That is fair. It is not fair to say to our farmers, "And while you're at it, you go compete against the French Government and the German Government as well." That is not a fair fight. But that is exactly what we are telling our farmers to do. This represents unilateral disarmament in a trade war. We would never do this in a military confrontation. Why are we doing it in a trade confrontation?

Mr. President, $50 billion a year by Europe to support their producers; $5 billion a year by us to support our producers. Is it any wonder that we are losing the fight? Is it any wonder that Europe is on the march and on the move? Is it any wonder that Europe, who believes they have a strategy and a plan, believes that that strategy and plan are working?

Mr. President, we have to wake up in America. We have to understand that our competitors think we are asleep. They believe that we have been prosperous so long that we are not going to be willing to stay the fight. They believe that America is going to roll over and that they are going to be able to resume agricultural dominance.

Mr. President, if you examine the trend lines so far, they are right, because if you look at what the Europeans are doing, they have gone from being major wheat importers to being major exporters. Their share of the world grain trade has increased year after year after year. And it is time for America to decide, do we fight back or do we surrender?

I do not believe America wants to surrender. I believe America wants to fight back. Other countries want farmers out across the land, not huddled in the cities. That is the choice before us, Mr. President. Because unless we respond, unless we react, unless we help our producers in this fight, they will lose. And that will be a sad day for America. That will be a day we live to regret, because agriculture is at the heart of America's economic dominance. Make no mistake, agriculture is right at the heart of the strength of America. And if we are to surrender that position of dominance, we will rue the day we allow it to happen.

Mr. President, the last farm bill we passed dramatically reduced support. I put a chart up that showed spending per year for our farmers was cut in half. This chart shows the payments that are going out to farmers. In 1998—that is the year we are in—you can see this is the best year; this is the best year under the new farm plan, the best year. Look where it goes from here—down, down, down.

Mr. President, this cannot be allowed to stand. If you look at it from the individual producer's standpoint, here is what happens to the per bushel support that they get under the new farm plan: 1996, 1997—you can see 1998 is the second best year in terms of per bushel payments to our farmers. And then it goes down, down, down.

Again, Mr. President, we have our farmers going on a one-way escalator, and it is an escalator going down. It is an escalator leading to defeat. It is an escalator that says to our farmers, forget it, because this country is not going to stand behind you in this worldwide trade confrontation. We are going to give up. We are going to surrender. We are going to wave the white flag. We would never do that in any kind of military confrontation, and we should not be doing it in this trade confrontation.

As we look at what is before the Senate in terms of this package, we have an increase in indemnity payments. A number of weeks ago, I introduced on the floor an indemnity plan to help farmers because they are suffering from natural disasters. So many farmers in our State have had 5 years of extraordinary conditions, very bad conditions for the growing of grain, conditions that have led to this outbreak of disease, conditions that have led to a steep drop in production. We put in place crop insurance. It is supposed to be the risk manager for our farmers and help them in disastrous circumstances.

One of the things we have learned about this new program of crop insurance is that it does not work where you have multiple years of disaster. It does not work. The reason it doesn't work is because your production history and base are determined on what your last 5 years of production have been. If you have suffered disaster after disaster, your base is reduced; that determines what you get paid under crop insurance. If you have had 5 years of disaster, your base is so reduced that there is not a safety net, even though the farmers are paying for it through crop insurance premiums.

The first thing we need to do, and the Senate has already agreed, is to provide a system of indemnity payments to those who have had experienced repeated losses and suffered sharp income declines.

Those indemnity payments that we passed in the U.S. Senate were for $500 million. However, since we passed them, the losses have mounted. They have increased because of drought and disasters in Oklahoma and Louisiana. Because of other natural disasters around the country, we are seeing the income losses mount.

In this amendment we are proposing $1.5 billion. Already, the USDA tells us that to provide the same level of support we had when we passed the $500 million amendment in July, it would now take $1.1 billion today to provide the same level of assistance. We are proposing to go to $1.5 billion to cover these mounting losses with respect to an indemnity payment.

In addition, we are recommending that we lift the marketing loan rate caps, these artificial caps that were put in place in the last farm bill. On wheat, those caps are put in place at $2.58 a bushel; $2.58, when it costs about $5 a bushel to produce the product. Obviously, those marketing loan rate caps in no way cover the costs of production. The result is devastating losses to farmers' income. The result is devastating losses of farm families.

That is why we are recommending lifting those loan rate caps. No, not to

$5; no, not to $4; no, not even to $3.50; but to about $3.20. We think that is a reasonable proposal on top of the indemnity plan to get some money out across the land so farmers are not forced off their farms. Those are the two key elements of this plan: an indemnity payment plan and lifting of the marketing loan rate caps.

I have already indicated, according to the Farm Journal and their survey just released moments ago, that the overwhelming majority of farmers support lifting the marketing loan rate caps. Now, we will hear some argue that if you lift the loan rate caps, prices will increase and, therefore, production will increase, and therefore a further glut on the market will be created.

I had my staff call the Chief Economist's office at the Department of Agriculture and ask them if that scenario is plausible. They told us, no, it is not plausible due to the structure of the marketing loan program. If we lift the loan rate to $3.20 a bushel, a farmer can take out a loan for that amount. If he ultimately markets the grain for less than that, he can keep the difference. Only if he sells the grain for more than that $3.20 does he repay the entire loan amount. That is the way the marketing loan works. By the way, this is not unprecedented. We have a marketing loan in place for cotton and rice. It has worked extremely well for those commodities.

What is wrong here is that the loan rate that we have set is simply too low. It is not allowing farmers to recover sufficient income to be able to stay in business. Again, some have argued if you do this you will get more production; you will raise prices. The people at USDA, the Chief Economist's office, say that is not true. Because of the way the marketing loan rate is structured, a farmer sells for whatever the market brings. If the market is $2, he gets $2. If the market is $2.50, he gets $2.50. But he gets to keep the difference between the marketing loan rate amount and what he gets for his product in the marketplace. He only repays entirely if, in fact, he gets more in the market than the marketing loan amount. It is, in effect, a safety net. A producer sells his product at whatever he can get for it, but then he is able to keep the difference between the marketing loan rate amount and the market price.

I don't think those who argue that this is going to build stocks have studied this proposal carefully because this applies for just this year. Those who say it will lead to more production are going to have to answer the question, How is that? America has already planted and harvested its crops for this year. How is it that we will have more production when we have already produced this year's crop?

This marketing loan rate increase only applies to this crop year. How is it, we have to ask those on the other side, that this is going to lead to more production when, in fact, the production for this year is already determined? We have already planted. We have already harvested. This marketing loan rate increase is not going to increase production because there is no way to increase the production that is already in the bin. This year is a closed album.

Some say it is going to induce others to produce more. Europe has finished their crop for this year. Canada has finished their crop for this year. We have finished our crop for this year. Who is it that is going to produce more because of a marketing loan rate increase in the United States? The Chief Economist for the United States Agriculture Department says it is not going to induce a price increase anywhere.

The fact is, this is a way of getting financial assistance to farmers who are in a disastrous condition now. What are the alternatives? If somebody else has a better idea, another alternative, I am glad to listen to it. But right here, right now, we have what the farmers are calling for. What the farmers are calling for is to take away these artificial loan rate limits and give farmers a fighting chance against this incredible international competition, where our chief competitors are spending ten times as much as we are in order to support their farmers. I have indicated that Europe is spending nearly $50 billion a year to support their producers and we are spending $5 billion.

In support of exports, the margin is even more dramatic. In 1997, we spent $56 million supporting agricultural exports; Europe spent nearly $8 billion. This was a ratio of about 138-to-1. Now, I defy my colleagues to explain how it is we win a fight when our side is being outspent 138-to-1. How is it that you have any chance of winning when the other side is outspending you 138-to-1?

Mr. President, I hope very much that my colleagues will move to support this amendment, that the attempt to table this amendment will fail, and that together Republicans and Democrats will decide to back our producers, support our farmers, to say to our chief competitors, the Europeans: "You are not going to buy these markets. America is not going to wave the white flag of surrender, because this country deserves better." It would be a profound mistake to let 20 or 30 percent of our farmers be washed away because other countries have put a higher value on their producers.

Mr. President, I hope very much in the coming hours that people will reflect very carefully on the vote that we are to cast, that they will understand that we are in a trade confrontation, that our chief competitors are outspending us 10-to-1 in terms of overall support for producers. In exports, they are outspending us 100-to-1. Now is the time to respond, fight back, and the time for America to say that we are not going to allow our competitors to put our farmers under because our country is not willing to stand behind its producers.

Mr. President, this will be a defining moment for this year. This will be a defining moment on the floor of the U.S. Senate when we vote on this amendment. I hope very much, on a bipartisan basis, that our colleagues will stand behind our farmers and our farm families and not allow them to be pushed off the land, to be forced into the cities, and to be left with a very hollow legacy.

I just want to close by saying I just had a farmer call me, whose family has been on the land for over 100 years. They are farmers in the Red River Valley of North Dakota, which is some of the richest farmland in the world. He told me, with tears, that this was the last year for him and his family, that they could not go forward any longer, that it was not possible for them to survive this collection of natural disasters and disastrously low farm prices.

Mr. President, the person that made that call to me is somebody who is recognized in our State as one of our very best farmers. He has won award after award. This is not a case of bad management. This is not a case of people who are spending money foolishly. This is a case of people who have worked hard and committed themselves fully. In fact, in this family, both the man and wife have off-farm jobs as well as full-time farm work. And every member of that family has made a commitment to farm this year. But because of these disastrous conditions, they have said this is their last year.

Mr. President, America will be stronger if that family stays on the farm. America will be better if that family stays on the farm. But it will not happen unless we are willing to help them fight. It will not happen unless we are willing to stand shoulder-to-shoulder with that farm family to give them a fighting chance. It will not happen unless we recognize that we are in a trade confrontation and that we have sent our farmers very lightly armed into a battle in which the competition is heavily armed.

I have spent many hours meeting with European agricultural leaders. It is clear to me that they have a plan and they have a strategy. Their plan and strategy is to regain agricultural dominance worldwide. I hope we don't show the white flag of surrender and give in to our competitors and walk away from this fight. We ought to say today that America is standing by its producers and we intend to fight and we intend to win.

I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, I commend my colleagues, Senator DASCHLE, Senator HARKIN, Senator DORGAN, Senator CONRAD, Senator WELLSTONE, and others who have devoted a great amount of time, energy, and talent to crafting this amendment. I rise in strong support of this comprehensive farm relief package being debated on the Senate floor today.

Madam President, I have been in communication with my home State just this morning. Local cash prices for corn now, as we are approaching harvest, have collapsed to a new record low. Cash corn in Winner, SD, is bringing $1.10 per bushel today as we speak. Wheat prices have collapsed to $1.70 per bushel. Land values across my State are beginning to falter. In a communication with a farmer near the Aberdeen, SD, area today, I am apprised of land values that have been valued at $800 an acre bringing only $400 an acre in actual sale this week.

This has a rippling effect. As I talk to farm implement dealers, those providing feed, chemical dealers, veterinarians, mechanics, and all the people who prosper when farmers and ranchers in our Nation prosper, they say we need now, more than ever, not only comprehensive legislation, but urgent legislation, to deal in a constructive fashion with the crisis we face in farm country.

Now, Senator CONRAD, I think, made an excellent point in pointing out how the European Community is spending roughly $50 billion per year sustaining family agriculture in the E.C. In the United States, where only 10 or 12 years ago we were spending $26 billion ourselves, we are now down to $5 billion, and we are headed to zero, to the point where we sustain family agriculture, in the greatest food-producing mechanism the world has ever known, with far less than one-half percent of the Federal budget.

Is there a reason our European friends sustain their family agriculture at such a high level? Well, yes, there is. The reason is obvious. In Europe, they have been hungry a couple of times in this century. They know the dilemma that every society faces when agriculture is on its knees, when people are leaving the farm, when food production is inadequate. They value highly the reliability and sustainability and high quality of agriculture in their part of the world.

We in the United States, I am afraid, have grown complacent with the thought that somehow, no matter what we do, fields will be planted and the livestock will be raised, the food will remain inexpensive at the grocery mart, even while we destroy the roots of our agricultural production in this country. I fear that we are going to reach the point some day when we are going to have an experience something similar to what the former Soviet Union found when they destroyed family agriculture, thinking that they could find a new, more efficient way of growing food, only to find the results catastrophic for their society.

Now Russia is trying to reestablish family agriculture. But guess what? Once family agriculture has been pulled up by the roots, it is not so easily reestablished. It is very difficult to do. I fear that indirectly we are going down some of that same road of the destruction of family-based agriculture in this country.

I appreciate that there are some who have such a commitment to the current farm bill that it borders on a theological commitment that nothing could be changed in that farm bill. There is much in the Freedom to Farm legislation that is constructive. And it is positive. I think most of us applaud the flexibility and the lessened degree of micromanagement that came with that farm bill. Yet, at the same time, I think there is a growing recognition that all is not well. In fact, portions of the farm bill need a desperate and urgent revisit.

We understand that with the collapse of prices that we have now that we need to give farmers a better opportunity to weather these down cycles, both in the grain side, in the farm bill's case, and in terms of livestock production.

For the past few months, I have joined my farm State Democratic colleagues in working on ways to improve economic conditions for farmers and ranchers. As you may remember, during this year's Agriculture appropriations bill, we introduced legislation to assist farmers. We offered amendments which would lift the caps on marketing loans for grain farmers, provide disaster assistance for farmers who suffered losses, provide for mandatory price reporting for livestock sales, and the labeling of imported beef and lamb products.

We were successful to some degree with those amendments. We passed three of those proposals through this Senate: a $500 million disaster relief assistance package for farmers, a pilot project for mandatory price reporting on captive supplies of live cattle and boxed beef, and an amendment which I offered that will label beef and lamb products for country of origin. However, now that we have gone through the August recess, we are into September, and we still have to convince the House conferees of the importance of these proposals.

So we are back today because the economy in farm country and ranch country is getting, frankly, desperate. Since July, prices for cattle and crops have fallen further, and it seems at this point that there is almost no end in sight.

My recent conversations with farmers and ranchers across my State have been alarming. Ranchers have been selling off their cattle herds. Farmers are applying for off-farm jobs in preparation of losing their farms. And farm-related businesses are laying off employees. Implement dealers are laying off mechanics. Sale barns and veterinarians are laying off their hired help as well.

The ripple effect of this economic crisis has already hurt farmers and ranchers. But it is moving now quickly into our rural communities—and not just the small communities but the larger cities and towns as well.

With that, my farm State colleagues and I are offering this farm relief legislation—this amendment. This legislation is crucially needed if we are going to improve, if we are going to step in the right direction with our farm economy.

The first measure included in this package lifts the caps on marketing loans and extends the terms from 9 to 15 months. Again, we voted on this very same amendment earlier on on this Senate floor. We were defeated on a party-line vote at that time. But this amendment is the best way to provide farmers with an immediate economic impact for the grain products they produce.

It would amend the Agriculture Marketing Transition Act—Freedom to Farm. As many of us know, it gives the President of the United States the authority to declare a state of emergency for producers affected for 1 year, removing the current loan rate caps, and extending the loan period from 9 to 15 months.

Wheat would have the cap increased from the current $2.58 to $3.22, up 64 cents per bushel; corn from $1.89, the current cap, to $2.25, up 36 cents per bushel; and soybeans from $5.26 to $5.33, up 7 cents per bushel.

This would build on the existing marketing loan that is in the current farm bill. This is not a revolutionary departure from the current farm bill. It simply extends and expands the caps to a point where they become meaningful.

The Freedom to Farm, touted in the 1996 farm bill, did deliver the planting and management flexibility to farmers who are able to take advantage of that flexibility, but it failed to deliver freedom for farmers to market in a flexible manner and at a profitable manner. When the farm bill passed, wheat prices stood at nearly $6. Now, in some cases, it is down to $1.70. When the farm bill passed, corn was $5. Now it is $1.10 in some places.

The financial progress and future viability of our farm and ranch operations depends on the profits that can be gained from our agricultural products. I think all of us support short-term disaster relief. And that is part of our package, too. But the long-term underlying challenge that we have is to create an environment in which the attendant market prices can be gained. Our farmers want, in the long run, to have a decent price for their products. They are not looking for government checks. They are not looking to go back to the old days of $26 billion a year in the farm program expenditures, although even that is only around half of what the European Community is spending today. But they want an environment where profitability is at least possible.

When cash flow projections were developed last fall by farmers and creditors, better commodity prices were relied upon than what we see today. Keeping in mind the incredible, terrible prices that the farmers are now seeing, it is likely that we will see increased loan delinquencies and default rates in the coming months. So while producers are now essentially receiving prices comparable to what they received in the 1940s, their input and production costs reflect the modern-day realities of the 1990s.

How many of us could make a decent living on 1940s wages and 1990s costs? We could not, and neither can the farmers nor the ranchers. So we are witnessing another devastating bout of farmers and ranchers going out of business.

Second, this package will provide short-term disaster assistance. It will provide funding for income losses to farmers in the Dakotas, Texas, Oklahoma, and Louisiana—all of the hard-hit rural areas of our Nation.

We successfully passed a $500 million proposal as part of the coming fiscal year's Agriculture appropriations debate. But it is still tied up into conference and it doesn't take into account the recent disasters we have had in Texas, Oklahoma and Louisiana, the devastating drought circumstances that currently exist there.

Third, this package would provide for emergency storage payments. It provides for commodities placed under the marketing loans. It will allow farmers to store their grains during these low price cycles so they will be able to market them with an eye toward more profitability over a longer window every time.

It would provide for mandatory price reporting creating a 3-year pilot program that requires meat packers to report prices on live cattle and boxed beef; allows the Secretary of Agriculture to define and prohibit anti-competitive practices. It strengthens the 1921 Packers and Stockyards Act; provides whistle-blower protection for smaller producers who speak out against captive supplies from business discrimination in the livestock industry; and, it would create a commission to study credit availability to determine if current lending practices on the part of the Federal Government contribute to the growing problem of concentration in agriculture. Lastly, and importantly to me, it would again reinvestigate the issue of labeling beef and lamb meat products.

The Meat Labeling Act of 1998 was unanimously approved by the Senate during its deliberations of the 1999 Agriculture appropriations bill. The House, however, did not include it in its version of its Agriculture appropriations bill. Currently, we are tied up in conference.

Again, this is commonsense legislation. We label virtually every product Americans purchase, whether it be T-shirts, auto parts, shoes, whatever. The one thing that is not labeled by country of origin is the food products we feed our families.

This has the support of the National Cattlemen's Beef Association, the National Farmers Union, the American Farm Bureau Federation, and the American Sheep Industry Association. It has broad bipartisan support, and I am proud that the original Senate bill had the support of eight Republicans and nine Democratic Senators.

Our livestock producers across this country have invested heavily in approved genetics, in marketing efforts, and in food safety in order to provide the best quality and safest food in the world to American consumers. But all too often they don't gain the benefit of those investments.

With the Canadian producers sending over half their beef production into the United States today, I believe more than ever the time is ripe for American consumers to at least have the ability to judge for themselves whether or not they wish to buy a foreign product. They may choose to do so. That is their prerogative. There is nothing in the food labeling amendment that would prohibit imported meat products into the United States, but it would put us on par with what other countries in the world are doing. The European Community is going to be mandating country of origin food labeling by the year 2000 for all of their nations. Most other major consuming nations in the world also apply country of origin labeling to food as well as to other consumer products.

This legislation, in short, is more than simply help for our livestock producers. It is endorsed by the National Consumers League, the Nation's oldest consumer organization. Once again, American consumers have a right to know the source of the food products they feed their families.

Madam President, this particular effort is not anti free trade; it is common sense. I know there are some who say, on the one hand, that Americans may choose a foreign meat product. If they do so, that certainly is their prerogative. There are others who say no, Americans will choose American meat products. If they do so, again, it is their prerogative. There are those who are concerned that other nations will label country of origin on their food products. They already have. But even so, I have enough confidence, and obviously the American agricultural organizations, the key organizations that are in support of this amendment have equal confidence, that if any nation anywhere in the world wishes a stamp "Made in USA" on an American meat product, more power to them. We have confidence in our product. We think we can market with the country of origin label right now.

Currently, Argentina, Australia, Bosnia, Brazil, Canada, Chile, Colombia, Costa Rica, the Czech Republic, the Dominican Republic, Egypt, El Salvador, Estonia, Guatemala, Honduras, Hungary, Indonesia, Israel, Korea, Latvia, Malaysia, Mexico, Philippines, Russia, Switzerland, Thailand, Turkey, United Arab Emirates, and Venezuela have some sort of meat labeling, with the E.C. soon to follow comprehensively by the year 2000.

I have been meeting with Secretary Glickman as well as with Senator LARRY CRAIG of Idaho, Senator CONRAD BURNS of Montana, Senator MAX BAUCUS of Montana, and Senator BYRON DORGAN of North Dakota to discuss the importance of this legislation to our farmers and ranchers as well as our consumers. I am pleased that Secretary Glickman has exhibited his willingness to work with us on this legislation to make country of origin meat labeling a reality.

With these steps in the right direction, I do not believe that we will have resolved all of the crises that we have in American agriculture, but it will go a long way toward addressing both the short- and the long-term problems we face. We need, obviously, to address trade issues, we need to address rural development issues, ag research—all of them go together—if we are going to have the kind of comprehensive strategy that is necessary to maintain a strong rural America and an underlying strong level of support for a qualitative and abundant food supply for this Nation.

At this time, there is no other package that comes as close as this does to addressing the urgent crises that we have in American agriculture. So I enthusiastically rise in support of this amendment and again commend ranking member HARKIN for his tremendous leadership, as well as Senator DASCHLE for his work in making this amendment a reality. This is an opportunity to address this crisis. We are running out of time. We have 5 to 6 weeks remaining of this Congress. There are farmers and ranchers leaving the land as we speak. There are small businesses going broke as we speak. There is no time to wait. We need to move now on this legislation and get this to the President's desk as quickly as possible.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I thank the Senator from South Dakota for his contribution not only to this debate but his contribution to overall agriculture legislation which he has worked on for so many years, first as a Member of the House and now the Senate. I know of his deep commitment to family farmers and to doing whatever we can this fall to stop the crisis in agriculture. I know it is hitting the State of South Dakota every bit as hard as it is hitting Iowa and other States in the Midwest. So I listened carefully to what the Senator from South Dakota had to say, and he is right on the mark.

Madam President, we cannot really afford to dally around any longer. We have to take action, and we have to take action now, or it is going to cost us a lot more later on.

There are two things I would like to have printed in the RECORD. One is a letter dated September 10 from Secretary of Agriculture Glickman supporting the package of amendments we are considering in the Chamber right now. I ask unanimous consent this letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 10, 1998.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR TOM: I am writing in support of the Daschle-Harkin Agriculture Relief amendments to address the crisis faced by American farmers. This is an important set of actions that will help respond to the deteriorating economic conditions that have placed enormous burdens on our nation's agricultural community.

Our farmers are faced with problems unequaled in years: Corn prices are 30% below the average of the past five years; Wheat prices are 28% under the average level of the past five years; Soybean prices are under the five year average by 16%; Cattle prices are 17% under the 5 year average; Net cash farm income projects will be 43% below the average of the past five years; and as a result of these and other price declines: many of our farm families are facing dire circumstances; farm land values are declining, farmers are increasingly facing cash flow problems, and they are being told they might not get credit for their 1999 crops.

When the President signed the 1996 Farm Bill, he said we must do more to restore the safety net for American farmers. In July, in response to this crisis, the President announced measures to ease farmers' difficulties, including the purchase of up to 80 million bushels of wheat worth approximately $250 million for humanitarian shipment abroad, and he supported the Conrad-Dorgan amendment for disaster assistance that was added to the agricultural appropriations bill.

Since then, because crop prices have continued to plummet, with no immediate sign that the trend will be reversed, we must do even more. Therefore, the Administration supports the Daschle-Harkin amendment to the Interior appropriations bill that would remove the cap on marketing loan rates for one year.

We look forward to working with you to assist the nation's farmers who have been so severely affected by these circumstances.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. HARKIN. Secondly, Madam President, I learned this morning of a poll that had been taken, and the poll has just been released. I believe it was released at 2:30 this afternoon, so the paper is still hot, just off the press. It is quite a startling poll when you look at the results. I am going to talk about that. The poll was prepared by Rockwood Research, a subsidiary of Farm Journal, Inc. It was prepared for the Nebraska Wheat Growers Association, the American Corn Growers Association, and the Nebraska Farmers Union.

I just want to say what the method was here. The method was that representative data was drawn from 1,000 wheat and corn growers throughout the United States. They have here a table of how many were contacted in each State. For example, in the State of Illinois, 55 corn growers and 33 wheat growers, for a total of 88, were contacted; in Idaho, 1 corn grower, 12 wheat growers, a total of 13; in Iowa, 72 corn growers, no wheat growers; in Kansas, 9 corn growers, 72 wheat growers, et cetera. All over the United States, from every State, from Alabama to Wyoming, farmers were contacted on this poll—500 corn growers and 500 wheat growers, calls made randomly. I will not go through all the questions, but I would like to highlight just a couple.

Question No. 7: "Congress should modify the current farm program?" Yes or no. Seventy-six point nine percent said yes, 17.7 percent said no.

Question No. 8: "Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn." That is what is in the package of amendments in the Chamber right now. And 72.5 said yes, 19.4 percent said no.

Overwhelming, 3 to 1—actually over 3 to 1—said that we have to raise the loan rates, we have to modify the farm program, and we ought to lift the caps.

There are a couple of other findings in this poll, one here that I found very illuminating. Question No. 13: "A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve?" Eighty-five point nine percent, yes; 9.9 percent, no. Think about it. Planting flexibility with a farmer-owned and farmer-controlled grain reserve—almost 86 percent of the farmers polled said yes. There is no question about that.

Well, that is what is in the package of amendments before us. We have planting flexibility, we provide standby authority for the Secretary of Agriculture to provide for storage payments to farmers, and then lifting the caps from the loan rates would give the farmer marketing flexibility, that ability to keep his own grain and market it as he wants to over the next several months. Eighty-six percent of those polled said yes, they were in favor of that.

Madam President, I am going to put a copy of this poll on every Senator's desk, and I hope that each Senator will read this poll very carefully before a vote is taken on our package of amendments. I understand there is going to be a motion to table. I am just hopeful that every Senator will take a look at these poll results and see what the farmers are saying. This is not my poll. It is not a skewed poll. The poll was done by a reputable polling firm. One thousand farmers polled, random sampling. It is not even close—it is not even close—about whether farmers want to raise the loan rates or not. It is overwhelmingly positive to get the loan rates raised and to provide for a farmer-owned reserve so that farmers can market their own grain.

Madam President, I ask unanimous consent to print the results of this poll in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FARM BILL STUDY

(Prepared by: Rockwood Research, a subsidiary of Farm Journal, Inc.)

(Prepared for Nebraska Wheat Growers Association, American Corn Growers Association, and Nebraska Farmers Union)

BACKGROUND

The "Freedom to Farm" bill was intended to give farmers financial stability despite the fluctuating market. Nebraska Wheat Growers Association, along with American Corn Growers Association and Nebraska and National Farmers Union, are concerned that the bill is not effective considering the current U.S. economic position. This study investigates the attitudes of U.S. farmers in regards to the current and future economic climate associated with the farm bill.

PURPOSE

To identify farmers' attitudes concerning the current U.S. farm economy and farm program. Results will be used to influence future U.S. economic policy.

OBJECTIVES

To identify growers' attitudes concerning current U.S. farm policies.

To measure the need for U.S. farm policy reform.

METHOD

Representative data was drawn from 1000 wheat and corn growers throughout the United States. The sample was drawn from FARMAIL, a database of Farm Journal, Inc. Respondents raised a minimum of 100 acres of wheat or corn. All interviews were conducted at Rockwood Research Corporation's interviewing facilities in River Falls, WI and Webster City, IA. Professionally trained agricultural interviewers conducted the survey between September 4 and September 10, 1998.

The collected data were edited, processed and tabulated in Rockwood's in-house data processing department. Numbers have been weighted to accurately represent the number of growers per state.

SAMPLE DISTRIBUTION

The sample was drawn from 500 corn growers and 500 wheat growers in the United States. Calls were randomly made throughout the United States resulting in the below distribution:

State	Corn Growers	Wheat Growers	Total
Alabama	5	0	5
Arkansas	1	8	9
California	2	4	6
Colorado	4	11	15
Florida	2	0	2
Georgia	8	0	8
Idaho	1	12	13
Illinois	55	33	88
Indiana	37	25	62
Iowa	72	0	72
Kansas	9	72	81
Kentucky	17	0	17
Louisiana	1	0	1
Maryland	5	5	10
Michigan	19	24	43
Minnesota	42	25	67
Mississippi	3	2	5
Missouri	21	0	21
Montana	0	17	17
Nebraska	29	25	54
New Jersey	1	0	1
New Mexico	0	2	2
New York	10	0	10
North Carolina	13	13	26
North Dakota	0	45	45
Ohio	37	47	84
Oklahoma	0	33	33
Oregon	0	6	6
Pennsylvania	21	15	36
South Carolina	4	0	4
South Dakota	16	24	40
Tennessee	9	0	9
Texas	7	29	36
Utah	1	2	3
Vermont	1	0	1
Virginia	6	7	13
Washington	1	10	11
West Virginia	1	0	1
Wisconsin	36	0	36
Wyoming	0	1	1
Total	500	500	1,000

Note: Numbers are weighted to accurately represent the number of growers per state.

Question		A	D	DK			A	D
3. Large agribusiness concentration in agriculture markets causes lower ag commodity prices		65.1	25.8	9.1			71.6	28.4
4. The current farm bill provides an adequate income safety net to protect farm income during years of low commodity prices		23.9	72.8	3.4			24.7	75.3
5. At today's prices, I see myself farming five years from now		39.8	55.1	5.1			41.9	58.1
6. I would encourage my children to enter farming		32.0	61.5	6.5			34.2	65.8
7. Congress should modify the current farm program		76.9	17.7	5.4			81.3	18.7
8. Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn		72.5	19.4	8.1			78.9	21.1
9. US agriculture has the ability to produce more total farm goods than can be sold at profitable levels		73.8	18.6	7.6			79.8	20.2
10. A farm program should reduce production in exchange for increased income safety net support		56.3	37.3	6.4			60.2	39.8
11. See below.								
12. A farm program should retain planting flexibility and include normal crop acreage set-asides		74.4	20.2	5.3			78.6	21.4
13. A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve		85.9	9.9	4.2			89.7	10.3
14. The US government should stop the importation of grains into the US market that are in surplus or abundant supply, such as Canadian Wheat		85.0	13.2	1.9			86.6	13.4
15. The US should not export its farm commodities at prices below the cost of production		57.2	38.5	4.3			59.7	40.3
16. The Conservation Reserve Program (CRP) should be expanded		61.5	31.8	6.7			65.9	34.1
17. I expect my banker to continue to provide me with necessary operating loans under the same loan provisions as he extended me in the past		76.7	13.7	9.6			84.8	15.2
	GF	LF	B	DK		GF.	LF	B
18. Are you primarily a grain farmer or livestock feeder?	56.7	14.9	27.9	0.4		56.9	15.0	28.9
	05%	010%	015%	0AA	0DK			
11. How much cutback in production is acceptable?	8.6	13.9	5.6	51.7	20.1	(Don't knows included)		
	10.8	17.4	7.0	64.8		(Don't knows not included)		

Mr. HARKIN. Madam President, I heard some talk around here that some on the other side of the aisle are talking about coming up with a new program called lost market compensation payments, or something like that. So, as I understand it, it would just be a set rate of payments. They are going to come up with money and give it out to farmers like another AMTA payment.

So what is the difference between that and taking the caps off the loan rates? A big difference. Keep in mind, if we have a direct payment, if you just give the money out to farmers this fall, and if the prices go up next year—which we all hope they do—the Government is out that money. If we have an increased loan rate and farmers can take that loan and pay their bills, and if the prices go up next year over 15 months—because that is what we put in the legislation, a 15-month loan—if, over the next 15 months, the prices go up, farmers can sell their grain, pay the loan back to the Government with interest, and, therefore, the Government would not necessarily be out all that money. The income protection is there, but if prices rise the Government will not bear as much cost.

As I understand it the idea is to come up with this lost market compensation payment—it certainly sounds fancy to me—to pay out some amount of money regardless of what prices may do over the course of the marketing year. The loan rate approach is responsive to changes in market prices and the need for farm income protection. Again, keep in mind, if the money just goes out in direct AMTA-type payments and the price goes up next year, the Government is out that money. You do not get that money back.

Second, if you make that direct payment to farmers, a lot of that direct payment will not go to farmers. Like the AMTA payment, it will go to landowners, it will go to landlords, and it may go to a number of people who will not even be farming next year. I heard that concern a lot in Iowa. In July we passed a bill to allow up-front payment of AMTA payments, we brought up next year's payment to this fall. There are going to be a number of cases where people who took that early AMTA payment are not around to be farming next year, and the person who is farming the land next year will get nothing. Lifting the caps from the marketing loan rates goes to benefit the farmer. It goes to that producer out there who really needs the income protection this fall and over the next 12 to 15 months.

The next point to keep in mind, and the difference between raising the loan rates and the new AMTA-type payments, is that with increasing the loan rate, even though it is a marketing loan, we believe it will provide some price stability. It will help farmers conduct more orderly marketing of commodities and help to lessen the erosion of prices because farmers will not be under such pressure to sell. A direct payment out will not have this effect. And it will mean that farmers this fall without an adequate loan rate will have less of an opportunity to avoid just having to dump their grain on the market for whatever they get. So a marketing loan at a better level, particularly along with some storage payments, can head off a lot of problems. Without them we are likely to have more grain sitting on the siding, grain dumped on the ground and more of it rotting out there because we do not have the railcars to move it all at once.

So any way you cut it, any way you want to look at it, lifting the loan rate caps makes sense. From the standpoint of how much we are asking the taxpayers to bear the burden, who is going to receive the help—whether it is farmers or landlords—and whether we are going to do something to stop the downward trend of prices, any way you look at it, removing the caps on loan rates and providing standby authority for storage payments is in our best interest.

Finally, there are those who might say if you raise the loan rates, you are going to cut us out of foreign markets. What nonsense. Keep in mind that these are marketing loans we are addressing today. They do not price the U.S. out of markets. And, in any event, I have often wondered what good does it do if a farmer has to sell a bushel of grain for 10 cents a bushel because that is the only way to export the grain? By that reasoning we will drive all our farmers out of business. Taking the cap off of loan rates will help farmers stay in business to produce the grain we are going to need to be a reliable and adequate supplier for the world market, and it will help our farmers and not just those who may happen to own land.

Madam President, we are, right now, on the verge of losing thousands and thousands more farmers, mainly young farmers, a lot of them who have a heavy debt load who are paying it off, trying to get a foothold in agriculture. They are smart. They are aggressive. They are good managers. But they are being driven out of agriculture by forces beyond their control. Now our efforts to improve the farm bill to help them seems blocked by an ideological devotion to every aspect of the present farm bill. I don't mind. I know people have ideologies and they believe certain things and they enact them into law. That is fine. It happens all the time. But at some point, practicality has to rule. However good the so-called Freedom to Farm was for the last couple of years because we had good export markets, it is not working now to address this crisis. If it is not working, change it. Are we so rigid, are we so cast in stone that because we passed a bill a couple of years ago we can't do anything about that?

Yes, we can. The farm bill is not the Ten Commandments. Improving it doesn't require a constitutional amendment. It just requires 51 votes; that is all, just 51 votes. As I said earlier, when you look at those poll results, when you see more than a three-to-one ratio of farmers saying we ought to raise the loan rates, then you know that we ought to be doing it to help them survive this crisis.

Madam President, over the weekend, farmers, bankers and others with real knowledge of the farm economic situation told me that by next February, March, and April, we will likely have many farmers in this country going to the banks to get their loans for planting and being told by the bankers who look at their balance sheets, "I am sorry, you simply do not qualify."

I also point out that we have a lot of farmers with Government-backed loans who are making it now; they are farming. But what is going to happen next spring if they can't make it and they can't get the money to put in another crop? What is going to happen to all the Government-backed loans that we have out to farmers?

Again, we have to act, and we have to act soon. We cannot wait until next February, March, or April. It will be too late. The one thing I heard loudly and clearly this weekend in my State of Iowa was that if Congress doesn't do something before we adjourn, we might as well not do anything at all next year. That came through loudly and clearly.

Another message that came through loudly and clearly is that we don't need another direct payment going out in a lump sum because the benefit of those payments flows so heavily to landowners, and the farmer got precious little.

I had a number of farmers tell me this weekend that some of those advanced payments that we gave, or are sending out this fall, a number of those people getting those payments won't even be farming next year—won't even be farming. So we are giving them a farm payment that would have gone next year to farmers, and they are not even farming, but they are going to get the payment this fall. That doesn't sound like a very wise policy to me.

The wisest thing for us to do is what has proven to be effective and what farmers know is effective and the poll results show: Lift the caps on marketing loan rates, extend the period to 15 months, provide the Secretary of Agriculture the authority to make storage payments and increase the amount of indemnity payments we are going to make. The amount we passed in July is not sufficient. Do those things, and then we can really help farm families to survive, we can save our economy, and remain competitive in world markets.

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. What is the current business?

The PRESIDING OFFICER. The pending question is the Harkin amendment No. 3580, which is a first-degree amendment to S. 2237, the Interior appropriations bill for fiscal year 1999.

Mr. THOMAS. Thank you. Madam President, I am going to speak a few minutes on the amendment and, in particular, on the farmers' and ranchers' situation.

Madam President, almost all of us have farmers and ranchers in our areas. Certainly in Wyoming, agriculture is one of the three economic interests that we have, most of us do, so all of us are concerned about agriculture. And we are in a time when agriculture needs, indeed, are our concern, and more than our concern, it needs some action. Many of us have been working for some time to find some areas in which agriculture can be strengthened, in which agriculture can be helped and assisted through a very hard time.

I have listened this afternoon to several Senators representing their constituents and talking about agriculture. Each of them has represented a point of view, and that is basically to seek to return to the farm program time, and that is the issue here. I don't think there will be a soul in this place who doesn't want to assist agriculture. There won't be anyone in this Senate who doesn't think we ought to do something to strengthen this segment of our economy, but there is a division of view as to whether we seek to do some things to help make the transition from agriculture, as we have known it over the years—with acreage limitations, with farm subsidies and those kinds of things—to a market enterprise which we are now seeking to do.

Our real challenge is to assist in continuing to move toward market agriculture which, at least in the State I represent, is the predominant view. People know that long-term agriculture will be stronger. Agriculture will be better. Our production will be more efficient in a market economy. What we are really talking about is how can we best do this, how can we best help agriculture, how can we best pull through this kind of a situation, and at the same time continue to help agriculture move to a market economy.

Some have spoken about their contacts over the last week and, indeed, over the last month. I spent August in Wyoming talking with farmers and ranchers about it. Interestingly enough, we have three economic areas, basically, in my State: One is agriculture; one is mineral extraction; and one is visitation and tourism. Frankly, agriculture and minerals are both in tough shape. Oil, for example, is the cheapest it has been in history, I think. So we do have some concerns.

Let me talk to you about some of the things that agricultural producers said to me in terms of long-term recommendations.

One is consumer demand. For instance, in the beef industry, we need to strengthen consumer demand. Certainly what has happened in Asia has an impact on agriculture, particularly on exports. Some 40 percent of agricultural production goes into exports.

Meat labeling, which we are moving toward doing—we need meat labeling so we know the origin of meat, whether it is imported, whether it is domestic, so buyers can make a choice.

In my State, we have other kinds of things. Fifty percent of our State belongs to the Federal Government and is Federal lands. We have a good deal of problems with animal damage control, with predators and these kinds of things. These are also some of the issues.

The idea that you simply try to go back to a controlled farming program is not a solution to all of agriculture. I understand the Senator from Iowa is concerned about the basic crops—wheat and corn and grains. That is a farm program kind of a thing.

The agricultural problem is not confined only to those commodities. I am told, with the market, in rural areas, they are talking about fast track, for example, doing something about increasing markets in South America, doing something about increasing markets in Asia to strengthen access, increase consumer demand. These are the things that were told to me by agriculturists who want to do things that will be of long-term benefit.

We need to talk about control programs for grasshoppers. We haven't done as well. We are not funding the Grasshopper Control Program as we did. Those are things having an impact on agriculture, not simply going back to a program that we had before to increase the loan rate. That is a remedy, but that is certainly not the only remedy and, indeed, probably not the best remedy.

We need to be doing some things now and, indeed, we are. We need to continue to do that. The $5.5 billion in transition payments and accelerated payments that have been made to farm producers designed to help make the transition from a controlled Government farm program to a market program, that is what is expected; that is what is being done. We will do something, hopefully, about fast-track negotiations which are being held up, as you know.

The Crop Insurance Program is one that needs to be changed. Crop insurance is based on last year's production, last year's crop. If you didn't have a crop last year because of the drought, or whatever, then your crop insurance is virtually of no value.

We need to do something about tax legislation. We need capital gains relief in agriculture. Probably of any industry, the people who are in agriculture have more money invested in their facilities for the amount of cash flow of any industry.

There are farm savings accounts and income averaging which we passed and need to make permanent. Agriculture is traditionally profitable one year, less profitable another year. There needs to be income averaging.

They need 100 percent deductibility of self-employed health care, which is one of the things that farmers and ranchers need to put them on an even par with others.

These are the kinds of things that we are, indeed, talking about doing and, indeed, must do in order to allow this transition to take place.

There has been talk about a program for an increased conservation reserve, which would cost, I suppose, $2.5 billion to actually take some of the production out of production and put into a conservation area so that we can have impact on the prices. We can do this.

These are the things that are underway now, as a matter of fact, and have been for some time. Some of them were passed before we left in August. And we should continue to do that.

So I think everyone here takes seriously the difficulties that we are having in agriculture. Everyone here knows that we need to do some things to keep agriculturists in business, to help level out income over years when it is up and down—as it traditionally is—to do something about crop insurance so that when you are put up to the vagaries of weather and those kinds of things that there is some kind of an income support that you can depend on, but one that is part of the market, the market system.

We surely need to go back to the beginning to open more foreign markets so we can do that. We have to do something about unilateral sanctions, which we already did at least partially. And you remember in Pakistan when they fired off the nuclear thing, immediately sanctions went on, the fact that we could not sell agricultural products there. That has been changed and, indeed, should be changed so we have that market available.

So these are the kinds of things. I hope that we take a look at what really helps farmers and ranchers make a transition into the marketplace, in which I believe strongly. Frankly, the people in my State who I talk to believe also the best long-term direction for both agriculture and producers, and for consumers, is to have a market demand so that the production is, indeed, for the market, that production is not simply for some kind of a loan in which it goes into storage and becomes an obligation of the Federal Government. We have been through that. We have been through that program.

I happen to have been in agriculture almost all my life. My first job when I got out of the Marine Corps was with the Farm Bureau. I worked with the Farm Bureau for a very long time at the local level, the American Farm Bureau.

I just came back from my home college, the University of Wyoming, where we had Agriculture Appreciation Weekend this weekend. This is an area about which I feel very strongly. I hope that we make some moves before we leave, as the Senator from Iowa said. We should do that.

We have begun. We started a number of things that need to be continued now. We need to do more short-term things that will have impact this year, but also the long-term kinds of changes that allow this transition to take place, that allow farmers to produce for the market, that allow consumers to have a choice as to what it is they buy, that farmers are not dependent upon the Federal Government paycheck but indeed produce the kinds of things in the market, that we can increase these markets. We have the most efficient agriculture in the world, and there is a great deal of market available there as the world changes.

Let me say, again, that there is no question, I do not think among all of us, there needs to be something done. The real question is, What do we do? It is a philosophical question to a large extent, not whether you help but how in fact you do it, how in fact that help will impact over a period of time as we make the transition to a marketplace.

Madam President, I hope that we continue to talk about this. And I am sure we will.

Mr. FAIRCLOTH. Mr. President, I rise to address the farm crisis, and it is indeed a farm crisis. Prices are at historic lows for many commodities. That fact has received much of the attention.

Well, in North Carolina, that is just a part of the problem. My tobacco farmers also faced a direct attack on our billion-dollar tobacco crop from the White House. Further, my tobacco farmers were hit with a 17% quota cut last year, so they're facing dire times.

The Daschle amendment is not the answer for them. Really, it is not the answer for most farmers, it just doesn't address the root issues. It will not help in the short term. It will not help in the long term.

The Daschle amendment ignores the tobacco farmers. North Carolina tobacco farmers face the effects of drought—and hurricanes—but this amendment fails to address their problems. In fact, it's just not geared for the Southeastern farmers, but for the Midwest and West.

My tobacco farmers can't boost their exports to relieve their crisis not because there is no foreign market, but because it is government policy to prohibit efforts to help them build export markets. All the other commodities are on the table at the trade negotiations, but it is official policy to ignore tens of thousands of tobacco farmers. That is wrong.

We need a farm assistance plan that includes all farmers and that does not ignore North Carolinians.

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Madam President, I rise to oppose the amendment offered by the distinguished ranking member of the Agriculture Committee. I appreciate his sincerity, scholarship, research, and his passion, but the solution that he offers, in my judgment, is the wrong one.

Republicans and Democrats are concerned about the financial stress in the farm sector. It is substantial. We have worked together on many initiatives aimed at strengthening the long-run health of our farm and ranch economy. There is, unfortunately, no single magic bullet that will make all of our farmers prosperous. But several constructive steps have been taken. I will explain later why raising loan rate caps would be unwise, but first it is appropriate to mention a few of the constructive steps that farm organizations have suggested would help American agriculture.

Nearly all farm groups strongly support giving the President fast-track negotiating authority. The Senate Finance Committee has reported, in fact, a comprehensive trade bill containing a renewal of fast track. The majority leader, Senator LOTT, intends that the Senate act upon that bill in this session. Our House colleagues have also pledged to act on fast-track legislation.

Madam President, I start with that point because, very clearly, we must give the President fast-track authority. By that I mean the ability to submit to the Senate, on an up-or-down basis, a trade treaty negotiated with others, and in the case of the World Trade Organization negotiations next year, over 100 countries. If there is not the ability to deal with that legislation or that treaty on an up-or-down basis—and the normal course of the Senate would be to offer amendments—then other nations will feel free to offer amendments and the negotiations will founder.

Madam President, I mention fast-track authority, and so do most farm groups, first because the export side of our farm business is the growth side. As a matter of fact, in recent years most Americans must realize that about a third of all we produce on our farms has been exported. That is a very large part of demand.

The current crisis on the farm is of two origins. One is bad weather in some sections of our country and, in some cases, bad weather for several years running. As we have heard testimony from the distinguished Senators from South Dakota and North Dakota, parts of their States have reported conditions impossible for 4 years to get a crop. We have noticed very considerable drought this year in Texas, in Oklahoma, and in Georgia. And the Senate has acted appropriately.

When the appropriations bill came before the Senate, the agriculture appropriations bill—and it was managed very adroitly by the distinguished Senator from Mississippi, Senator COCHRAN—$500 million of so-called indemnity payments were set aside, and that amount of money is in a conference between the House and the Senate now. The thrust of the indemnity payments was to recognize that although we are inexact in knowing exactly what damages should be assessed, there has been a great deal of pain and a formula must be worked out. That would be helpful to those farmers in those States and those regions that have had extraordinarily bad luck from the weather.

Farming is always a situation of potential bad luck from the weather. No farm in this country is immune from those natural difficulties. That is a part of the excitement, risk, and the reward situation. Nevertheless, the Senate reacted appropriately, in my judgment, and now in conference a discussion about a half billion dollars of indemnity payments is proceeding.

The other reason that a farm crisis has occurred is that the Malaysian economy, the Thai economy, the South Korean economy, and the Indonesian economy all went into disastrous tailspins for a variety of reasons. But whatever may have been the reasons, agricultural demand coming from our Asian customers stopped cold. Our best estimates are that about one-third of our exports to Asia, which we would have counted on this year—there is a very strong trend showing year by year gains, and as Asian citizens have had more income and have tried to upgrade their diets, they have become very good customers of farmers in this country.

In any event, about a third of that demand is gone, and a third of all of our exports were headed to Asia. That means that roughly 10 percent of the entire demand for agricultural products in this country has vanished—vanished literally overnight. That has had a devastating impact, obviously, when demand heads into the tank at a time in which supply is huge. The supply of our corn crop, for example, is now going to be perhaps the second largest crop in the history of the country, and the soybean crop is the largest ever. Wheat farmers have already been heard from, and their pain has been felt. That registers both in the indemnity payment situation as well as a number of steps that the Senate and House have taken, including, as you will recall, an extraordinary debate on the Glenn amendment on Pakistan and India. The Glenn amendment required sanctions on both of those countries after they both tested nuclear weapons. But the Senate and the House voted rapidly to exempt Pakistan from that situation with regard to wheat so that an auction going on in Pakistan could continue, and, as a matter of fact, Pakistan bought, apparently, about 100 thousand metric tons bushels of wheat from the United States due to that extraordinary action. We had been conscious of the lack of demand for wheat and we are conscious of that lack of demand for corn and for soybeans.

As the distinguished Senator from Wyoming who preceded me on the floor pointed out, American agriculture is not entirely grain. It is not entirely vegetables or fruits. It includes livestock. Of course, one of the interesting aspects of agriculture is that as we dwell upon the price of feed grains, it has the worst effect on the cost of raising cattle or raising hogs. There are many farmers who have productions that include both livestock and grain. Many do so deliberately so that they have hedges either way.

But, in any event, in the totality of American agriculture, the important point this year is weather and Asia. Worse still is that the Asian situation was not contained there. The Asian problems may have been precipitated or extended by the fact that the world appears to be in the throes of a deflationary spiral, not only for agricultural commodities, but also for metals, minerals and for oil. All of these situations have been in what could be called a deflationary mode. The world has not seen this type of phenomenon for a half a century.

It is not clear who the winners and losers are from deflation. There are many of us anecdotically going to a filling station to fill up a tank who rejoice in the fact that sometimes you can buy a gallon of gasoline for less than $1 these days. There is not a great hue and cry on the part of the public to raise the price of gasoline to $1.20 or $1.50. As a matter of fact, we pocket the change without commenting and are simply pleased that some nice things come along in life unexpectedly.

But, if you were in fact a Nigerian, a Venezuelan, or even a Russian, and you saw that a large portion of the income of your country comes from oil and that income has gone down precipitously, or if you were any country in the world that gained most of its hard currency and export from mineral extraction, you would find a first-class recession on your hands. That has compounded the problem, obviously, for many of the Asian countries, as well as the increasing number of difficulties in our own hemisphere. It is not clear, Madam President, where the fallout will end with regard to so-called developing countries and others that have currency crises. But each of these weaken export demand from the United States for agricultural products and increasingly for other manufactured products as well. We need to recognize that.

There are speeches every year about shortfalls in prices. Some of these shortfalls occur every year as we approach our harvest and the market tries to sort out where the lows are going to be and a certain amount of speculation occurs. This time the real fear is that, given the harvest woes, the bounce back may not be very substantial if there is not somewhere the prospect that we are going to have sales.

I noted in the Wall Street Journal last Friday, at least that day—corn went down and beans went down. The problem pointed to by traders was that the export markets still looked weak. The article commented that wheat prospects looked somewhat better in the export markets—but not for corn and not for beans. That is a problem with which we are going to have to deal. That is why, Madam President, I pointed out that in the World Trade

Organization meeting next year we must have fast-track authority. It is essential if we are to expand substantially our export markets, which we must do if demand is to increase and if prices are to go up.

Let me point out that farm groups also strongly support International Monetary Fund funding and reform. They know that we have to deal with the Asian demand, the potential for declining demand in Latin America, and restoring IMF funding.

Madam President, the debates upon IMF have been hot and heavy on this floor, and in the committees. That has been true in the other body. Clearly, a number of Senators pointed out that the IMF may not have given the best prescriptions for a healthy return in Malaysia, Thailand, Indonesia, and Korea; that the IMF is far too opaque in terms of its deals; needs to be less secretive; that in fact prescriptions of raising taxes and lowering spending do not always work in economies and may not have been a realistic solution for Russia during the several times IMF money was given to that country. So, as a result, the Congress has not decided yet IMF funding. But, as I have pointed out, it is a very crucial situation. As a matter of fact, it is essential that we act in that area as well as the fast-track authority—two votes which leadership has promised.

Agricultural groups want to maintain the viability of crop insurance and to improve it. In the debate today, considerable attention has been given to one of the failings of crop insurance. This failing is that should crop failure occur for several years, the producer's acreage production history falls, and his insurance premiums increase. We will have to reform crop insurance. But I would simply point out that there are a good number of debates, depending upon the standpoint of the observers, as to how that is to be done.

For example, should there be a national premium for all farmers in all States and all locations regardless of risk that might be involved? Or should there be a premium based upon risk; upon the actuarial figures that show the history of a particular region or a particular crop? What should be the exposure of the taxpayers to the support of the insurance companies? We will need to face those problems of multicrop failures and actuarial soundness.

There is currently a subsidy to the companies so that crop insurance will be provided universally, and, yet, there will be debates among Senators who are not in the agriculture business as to why this particular type of insurance is subsidized. But this year the Senate and the House—and the President by signing legislation as an amendment to the agricultural research bill—went a long way to stabilizing the situation for the next 5 years so that farmers would have a pretty good idea of the lay of the land, and so would the insurance providers. That was critically important.

Madam President, part of our debate today on how agriculture is to be strengthened in the country was addressed in legislation that the Senate and the House passed and the President signed. We went a long way in the same legislation by providing specifically for agricultural research of all sorts, including pure research on those breakthroughs that we need to have if American agriculture is to be the most efficient, to be the lowest cost, and to be in a position to feed the world.

I look forward in the Agriculture Committee to substantial hearings and efforts by all parties as we progress into the next session. But for now, we have most farmers in this country covered with some degree of crop insurance. The amount of coverage was the choice of the farmer. I would say from my own experience that I had to make choices with regard to coverage of my corn and soybean crops this year. I could take a chance by having no insurance. That really has been my policy for decades. Or I could assume that perhaps El Nino would not work out so well, or El Nino would come behind it, or there would be other difficulties. I had better be prudent, be certain that I cover certain acres, and guarantee a certain price or outcome. Premiums differ according to the amount of risk that is acceptable. That is what most prudent business people do, in agriculture, outside of agriculture, anywhere.

Madam President, a number of farmers in the country apparently were not prudent and did not purchase adequate crop insurance coverage. Maybe they did not adequately understand the program, which means we have a large education job to do. But in any event, crop insurance reform is of the essence. That ought to be a part of our agenda. We have acted to mitigate the effects of economic sanctions on agriculture.

Madam President, I wish that the Senate had passed the sanction reform legislation, S. 1413, which I offered as an amendment to the agriculture appropriations bill. I believe that would have been a very constructive and hopeful step not only for agriculture but for all of American exporters. I have suggested in that legislation—which is still alive and hopefully will be reconsidered this year or next year—that there ought to be a systematic way in which our country considers economic sanctions. The President or the Congress ought to state what we are attempting to achieve, what the benchmarks will be for success, and what the costs will be of the sanctions to Americans and to American businesses, in terms of their effect on incomes and jobs. Finally, we ought to review sanctions each year. After 2 years they ought to be sunsetted unless the President or Congress specifically decides that a particular sanction is making a difference in our foreign policy.

I proposed this prospectively—that is, for the future—as opposed to revisiting the sanctions of the past, although many Senators have offered bills that touch upon the past or offered sanction waivers to the President. Unhappily, my bill got caught up, in a way, in the problems we have had during the appropriations season. There is not much time and there is much work to do.

But in any event, others have proposed sanction reform legislation. I have supported a number of those attempts because they take away roadblocks to exporting, and exporting addresses demand and increases price. Those who have talked eloquently today about price and income need to talk about exports, fast-track authority, and sanctions reform as opposed to policy options to store and overhang supplies for the future.

Let me point out, Madam President, that with regard to food there is a special case to be made against sanctions. I have supported such legislation, and I have supported the thought that we ought not to have economic sanctions on food, and that it is an inhumane policy. It is not an effective policy with regard to our foreign policy, and resolving sanctions on food would be of great help to American agriculture and American farmers.

We acted with corresponding dispatch in this body, as we did on the wheat sales to Pakistan, by speeding up the 1999 AMTA payments, the Freedom to Farm payments to farmers. This is a very large sum of cash. AMTA payments are made twice. The final 1998 payment for farmers will be made before the end of the fiscal year.

But we suggested that beginning October 1, 1999, farmers all over America who need increased cash flow—and we have heard much discussion of that today—could apply for the total AMTA payment for fiscal year 1999. Whether due to an emergency because of weather or because of the catastrophe in Asia, the cash flow could occur without taking out a loan; it is simply cash that the farmer in the program was guaranteed in the farm bill:

> But in any event, we decided to make that whole sum of about $5.5 billion available, and available promptly, as soon after October 1 as the U.S. Department of Agriculture could work out the administrative details, possibly by October 15.

This, I think, is an important point about the current farm bill. It has been suggested—I hope facetiously—by some today that it was the "Freedom to Fail" bill as opposed to Freedom to Farm, but most people would say when it comes to the AMTA payments, they like it. They like the thought that for

7 years, if you are in the program, you get a payment, divorced entirely from supply and demand, from the Asian economic crisis, from anything else as a matter of fact. It is a so-called transition from the farm bills of supply control of the past to the market-oriented programs that we have now.

Let me just say finally that the Senate, while approving $500 million in disaster aid as a placeholder for conference, it was understood that there may be additional monetary demands placed on the conference. I am not advocating that the sum be increased, but I am acknowledging that Senators from around the country have realized there has been further crop losses and plummeting prices. This legislation that is going to pass as a conference report, and hopefully will be signed by the President.

Let me point out, Madam President, that in addition to these very substantial ways of bringing money to farmers and new and enhanced demand, many of us have supported Senator GRASSLEY's farm and ranch risk management proposal and we will work diligently to encourage its inclusion in any new tax legislation this year.

I was very pleased to note in the Wall Street Journal today that Congressman ARCHER, the distinguished chairman of the House Ways and Means Committee, as he initiates $80 billion of tax cuts, has created an accelerated estate tax exclusion. The $1 million exclusion would commence January 1, 1999.

In the hearings we have had before the Senate Ag Committee, there have been two items that real live farmers said we need, we want. One is estate tax relief because it means the family farm really does have some possibility of remaining a family farm as opposed to confiscatory taxes intruding into an estate which is very heavy in real estate, land, livestock, buildings, and often very low in cash. So this is a critical item if you are a family farmer, and I am. This is critical, at least as I take a look at it, from the perspective of all the people I know in Indiana who are involved in family farming. This is real change in the economic aspects for this year and for many years for the continuity of farm life as we know it. So that is an important item.

The second thing people came in to say is, year by year, the most important thing you could do for us is to give us 100 percent deductibility of our health payments. For the average family farmer farming, say, 500 acres or so in Indiana, that often is an additional $4,000 or $5,000 added to the bottom line. That is a big piece of change.

The price effects changes that would come from removing the cap on the loan rate amount to about a 15-cent change, a 15-cent change in the price of a bushel of corn. It takes a lot of additional bushels to add up to $5,000 in the bottom line. A learned study just performed by the Food Agriculture and Policy Research Institute, and commissioned by the distinguished ranking member, Senator HARKIN, determined this.

Congressman ARCHER is proposing in this bill that we go to 100-percent exemption promptly. That would be true for all Americans, and that is true of the estate tax situation. These are not proposals that are made specifically for farmers.

I make that point because, although, quite properly, we are concerned with agricultural America, Senators have other people in their States in addition to farmers. In fact, some States hardly have very many farmers at all. What we are talking about, for example, in raising the loan caps is what the Congressional Budget Office now has estimated as a $5 billion new expenditure. That means that $5 billion would go from all the other taxpayers of the United States to some specific taxpayers who are essentially grain farmers. Few Americans may understand that transaction, that we have today been debating whether to give up $5 billion to grain farmers. But that is a huge transfer of income to a small group.

What I think is more constructive is a proposal such as that of the distinguished chairman of the House Ways and Means Committee in which he said estate taxes apply to all, including farmers. Farmers are 16 times more likely to pay estate taxes, for example, than other people. But this legislation is not limited to farmers or grain farmers. It is for all of us, and is true of the deductibility of those who pay their medical payments as individual persons.

I think it is, likewise, important to point out that Congressman ARCHER was quite specific on one of his proposals. He suggested that a provision retroactive to January 1, 1998—that is the beginning of this year—would expand to 5 years from 2, the number of tax years farmers can carry back losses.

That would be very helpful. A number of us have been talking about income averaging. This really goes at it aggressively, a carry back to 5 years. The Outlook, the publication of the USDA, points out that the last 5 years have been pretty good ones for agricultural America. This year is a downer with the weather and the Asia problems, but this has not always been the case. I can testify from my own farm that the last 5 years have been very, very healthy years. And farmers all over America have repaid debt. And businesses that thrive at the crossroads have thrived with that type of farm income.

Let me point out the FAIR Act, the Freedom to Farm Act, did not abolish price support loans. I think that is important to point out. In fairness, several Senators have pointed that out. They have said that there is a marketing loan in the farm bill. They disagree with the rate of that loan, or the price that is to be allowed—$1.89 for corn, for example, and would like for that to be over $2.20.

But let me just take an example, once again, from my own operations. I ask the patience of the Senate with regard to that because I do not believe there are many Senators here today who are in farming. There may be a few. I know the distinguished Senator from Iowa, Senator GRASSLEY, has long been involved with his family farm that I visited in Iowa. But there are not many. I am one of them, and today, Providence willing, soybeans will be shipped from harvest on my farm into the local elevator in Indianapolis. We will receive the marketing assistance loan at the rate of $5.26, which is being quoted today.

I sold beans at an average pretty close to $6.75 to $6.80 over the last year. So $5.26 is well off of that. One could say it is 20 percent, maybe more, maybe less. But I am happy to report that the yield per acre on the Lugar farm on beans looks to me to be way up. I think that is probably important, too. As a matter of fact, the cost per bushel will be down if the number of beans coming up is up.

We have heard suggestions today that you have almost an immutable cost out there. It simply cannot be met by these loan deficiency payments or marketing assistance loans. But I point out, volume still counts. And volume we have this year—a record soybean crop in America. Not just on our farm, that specific location, but all over America; unparalleled number of bushels of beans, maybe only the second in history in terms of corn.

So before all the dire predictions are visited, one has to take a look at some actual situations, some actual farmers who have some beans and have some corn. I point out the Freedom to Farm Act has not gotten into the loan deficiency payment until this year, and it is because low prices have kicked it in. But it would appear that this is going to be an additional $2 or $3 billion for grain farmers this year.

I pointed out earlier that over $5 billion is kicking in early in the AMTA payments for cash flow purposes, an additional $2 or $3 billion in this LDP program, and at least $500 million in an indemnity payment in regard to the weather. The taxpayers of this country have not been grudging when it has come to trying to meet agricultural pain and difficulty this year. As a matter of fact they have been very generous. And farmers are saying we do not really want charity, we want sales, we want marketing, we want exports. Give us at least those tools in fast-track authority in the IMF, in various other facilities. Give us taxation changes so as individuals who have to pay our own health insurance, we get the benefit of the deduction which in some strange way has been denied us. That is not the case in the industrial sector. Give us tax relief in terms of carry-back provisions so we can average out over the good years, and save the taxes. Give us estate tax relief.

Let me just point out, we are not going to see, in my judgment, an end to the Asian crisis, the Russian crisis, or others, overnight. But we can exacerbate the problem inadvertently by doing the wrong thing. Higher loan rates have instant appeal—and I think that is obvious from the argumentation given here earlier today. But history shows they have long-term effects that are undesirable. A higher loan rate inevitably stimulates more production than the market can absorb.

That is a very big point, Madam President, because, as a matter of fact, lower prices currently are very likely to send exactly different signals; namely, do not plant as much of those things in which you do not do well. There will be marginal changes. There are some farm operations geared up to plant a particular crop every year come hell or high water. There is no need for market signals, that is what the farm does. The question is, Can you lower costs so that you become profitable and efficient over the years? Most farmers have lowered costs. That is why we are the lowest cost producers in the world and why we are bound to be good when we export.

But at the same time, the higher loan rate, by stimulating more production, will lead to a surplus and, thus, lower prices in the future, not higher prices. This amendment is clearly a short-term stimulus. If the projections of a $5 billion cost for taking off the loan cap is correct, $5 billion is going fairly immediately from some taxpayers in America to grain farmers, essentially. That will increase the income but, Madam President, the following year, the income comes down.

Let me point out that a study that was completed for my distinguished colleague, Senator HARKIN, points this out. Senator HARKIN approached well-known researchers at the Food and Agricultural Policy Research Institute. They pointed out, as we might anticipate, that if, in fact, the amendment before us were to be adopted, the average price of corn for the current year, 1998–1999, would increase 10 cents a bushel. That would be the average increase for that corn this year—10 cents. Wheat prices would increase 15 cents and soybean prices 6 cents.

But, unfortunately, they point out that the aftermath also indicates that in the following year, prices go down. Corn prices go down by 6 cents and wheat prices go down by 10 cents below the baseline. Soybean prices, would be relatively flat, they say. Essentially, they evaluate the immediate income surge at about $4.56 billion, pretty close to the $5 billion estimated by CBO.

They point out the obvious: if you have $5 billion injected into this situation averaged over 2 or 3 years, you still have more money than you had when the $5 billion went in. But they point out that absent a constant stream of this kind of activity—that is unleashing the caps, with continual injections of cash—that prices come down and so does overall income.

(Mr. ROBERTS assumed the Chair.)

Mr. LUGAR. That, Mr. President, is the basic problem with the amendment that has been offered by the distinguished Senator from Iowa. I simply point out that the basic and largest farm organizations in America have spotted this and they wrote to me on September 11. The organizations that have written and signed this letter are: American Farm Bureau Federation, American Sheep Industry Association, National Broiler Council, National Cattlemen's Beef Association, National Pork Producers Council and the National Turkey Federation—very sizable groups, covering general agriculture, as well as specific livestock and poultry situations.

They say:

> Dear Chairman LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.
>
> Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

I make that letter available, Mr. President, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 1998.

Hon. RICHARD LUGAR,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Senate Russell 328, Washington, DC.

DEAR CHAIRMAN LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.

Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

We would urge that any resources that become available to help improve agriculture's bottom line should focus on providing assistance for weather-related disasters, addressing domestic and international marketing problems, providing income and trade assistance to address the loss of exports and providing additional tax relief for farmers, ranchers and livestock producers.

Thank you for your consideration of our concerns. We look forward to working with you and the Committee on these matters.

Sincerely,
American Farm Bureau Federation.
American Sheep Industry Association.
National Broiler Council.
National Cattlemen's Beef Association.
National Pork Producers Council.
National Turkey Federation.

Mr. LUGAR. Mr. President, these agencies, including the American Farm Bureau and the sheep, broiler, beef and pork producers have made the essential point with regard to the removing of the cap on the marketing loans. Inevitably, the signals go out and the supplies increase. Even under the marketing loan concept, in which it is unlikely that there will be the buildup of forfeitures and the buildup of governmental storage that characterized previous situations, there still is a glut on the market. The surplus does not disappear.

Price signals were out there for a purpose. They indicated who wanted to utilize the commodity, who could utilize the commodity. Tragically, in this country, we are utilizing commodities about as well as we are going to. The up-side potential that we talked about today on the export side is the difference. That is where the thrust has to occur. To have a domestic transfer of income simply hides the problem; it doesn't market the commodities. The costs do not decrease for farmers in the field, although much that we have done this year in terms of our research bill might assist people in bringing about lower costs.

I commend all of my colleagues who have spoken to this issue today for their concern. They have spoken with sincerity. They are advocates of producers in their States and of American agriculture generally. Many are Members of the Senate Committee on Agriculture and participate regularly in trying to think along with the majority and minority how we can deal with these problems.

But, Mr. President, we have debated, as was pointed out earlier by various Senators, this issue on at least a couple of occasions. On one occasion, the distinguished Senator from Montana, who is on the floor now, discussed a lengthening of payment of the loan rate. He did not press for a vote on that occasion. But then on the appropriations bill, an amendment was offered by the distinguished minority leader of the Senate, Senator DASCHLE, that had very similar characteristics with regard to the caps on the loan rate. The Senate voted 56 to 43 after extensive debate that took, as I recall, the better part of 4 hours on that occasion.

We have revisited the issue for another 4 hours this afternoon, and it is probably worthy of considerably more attention. I suspect the problem is that the Senate is also attempting to deal with the Interior appropriations bill in addition to problems of agriculture.

It will not be a good idea to adopt this amendment. I have listened carefully to others who have spoken. But we ought to defeat this amendment. Therefore, Mr. President, I commend my colleagues for their sincerity, but after a consultation with and on behalf of the majority leader I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. LUGAR. The vote, I understand, Mr. President, will occur after the first vote that is now set for 5:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair.

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, there will now be 30 minutes for debate equally divided in relation to S. 1981. The Senators from Arkansas and Massachusetts control the time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I think we have before us a bill that is very important and well worth the time that we have taken debating it on the floor of the Senate today. This bill deals with the unconscionable practice of some labor unions today to send paid salts or unpaid salts into a business under the guise of working for that employer but when the real intent is to wreak economic damage and ultimately bring a business and employer to his or her knees.

Salting is the calculated practice of placing trained union agents in a nonunion workplace whose primary purpose is to harass, disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business.

Mr. President, the Truth in Employment Act simply inserts a provision in the NLRA freeing an employer from the requirement of employing ". . . any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status." In other words, an employer is not required to hire an employee whose primary—primary purpose—I emphasize, whose primary purpose in applying for a job is not to work and benefit the company.

Participation in union activities or an in-house employee organizing committee would not constitute employment or agency status. It simply allows employers to not hire overt salts and to give employers recourse against covert salts—those who would come in surreptitiously.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining.

Let me just take a moment to emphasize what this bill will not do, because it has been so grossly mischaracterized by those who want to see this practice continue in the American workplace.

No. 1, it does not undermine legitimate rights or protections. Employers will gain no ability to discriminate against union membership and activities or activities, or activities in other organizations. It only seeks to stop the destructive practice of salting; that is all.

No. 2, it does not prevent union organizing or other types of organizing, such as women advocacy groups or a day-care program in the workplace. It does not prevent women and minorities from advocating their rights. It does not change the definition of "an employee" and what an employee is.

It does not overturn the decisions of the Supreme Court. It does not overturn the decision of Town & Country Electric, Inc., which stated that paid union organizers can fall within the literal, statutory definition of "employees."

It does not create a system of blacklists. And it does not promote mind reading or mind control, as some of my colleagues would suggest.

Salting is not a product of my imagination, it is a very great reality in the workplace today.

Jack Allen, previously of Thomasville, GA, provided an account of his experiences to Representative ALLEN BOYD of Florida, where he currently is employed. Allen Electric was founded by his father in 1947. He eventually took over the company.

Mr. Allen's family-owned business, passed down from his father, eventually sank under the heavy financial weight of legal expenses—expenses incurred because he tried to defend himself against fraudulent discrimination charges by union salts.

Mr. President, this legislation will prevent others from suffering the injuries that Mr. Allen suffered—the loss of his family company, the loss of all his hard work, the loss of his reputation.

I think it is wrong for us, under current law, to compel employers to hire someone who comes into the workplace with the goal of disrupting, destroying, and eventually bankrupting their employer. That is wrong. This is a modest piece of legislation that takes a small step in restoring balance and fairness in employee-employer relations. I ask my colleagues to support this motion to invoke cloture.

I reserve the remainder of my time and yield the floor.

Several Senators addressed the Chair.

Mr. KENNEDY. I yield my colleague 7 minutes.

Mr. WELLSTONE. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend—he is a good friend—Senator HUTCHINSON, I have looked through the language, and under the section dealing with protection of employer rights—maybe there should be another time my colleague should bring this bill to the floor because this bill, in its present form, would allow an employer not to hire someone who might simply have an interest in joining a union. It is that ambiguous.

I say to my colleague that while this isn't his intention, it sort of reminds me—you cannot have such broad language. It is sort of like the days a long time ago—it is not the intention of my colleague from Arkansas; and I think my colleague from Massachusetts would appreciate this—where the Irish had a hard time getting jobs because people assumed, "They might very well come in there and organize a union." We cannot go back to those days.

Or as I look at this piece of legislation, you have a situation where maybe an employer would not hire a minority for fear that that minority, based upon her past experience, might come into the workplace and say to other people, "Listen. We're not getting a fair shake." Or the same thing can hold true with someone who has been active in the National Organization for Women, and the argument might be, "We don't want to hire such a person because, again, they might engage in the kind of activity that we would prohibit.''

Or you might get into a situation where you do not want to hire someone—I think we have had that discussion before—who might come in and, because of her background—she is an activist—"My gosh, she might come in and start organizing with other women and say, 'You know what? We ought to be going to our employer and saying this ought to be a more family-friendly workplace. We need good child care here.' "

This is a piece of legislation which is so broad in its application and so ambiguous, I say to my friend from Arkansas, that this is an enormous step backward.

I only have a few minutes, and if I get more time we can go to debate, but I just want to simply say that I think the direction we ought to go in—because the truth about this Truth in Employment Act is that it just takes us back decades. It is unacceptable.

I have a piece of legislation that I have introduced called the Fair Labor Organizing Act. Let us talk about, What is the truth when it comes to the imbalance of power between employers and employees right now? If there is going to be a focus on how parents or a parent can do their best by their kids—in which case, they do their best by our country—then part of the focus is going to be on living-wage jobs. That speaks to the right of people to organize and bargain collectively, to earn a decent living, and give their children the care they know their children need and deserve. This piece of legislation goes exactly in the opposite direction.

Now, the Fair Labor Organizing Act—and I would love to have support from my colleague on this—says three or four things. It says, first of all, let us talk about what is going on, the reality, the truth of what is going on right now. It says, first of all, that when it comes to organizing, companies do not get to give captive-audience speeches; the employees, the workers, also are going to have a right to hear someone from the union. Free flow of information.

The second thing it says is that companies—let's talk about the truth. The truth is that, right now, there are too many companies that hire union-busting consultants and illegally fire people. Some 10,000 people a year are illegally fired because they want to do nothing more than join a union, have some power, bargain for a decent wage and do well for their families. What the Fair Labor Organizing Act, which I have introduced, says is that if a company does that, it is not going to be profitable for them to do that any longer. They are going to pay serious back pay. There are going to be serious fines on them.

The third thing we say in this legislation is that even if people are lucky enough to be able to organize a union and aren't fired while they are trying to do so, then all too often companies just stonewall and refuse to sign a contract, in which case they will go to binding arbitration, mediation.

I say to my colleague from Arkansas that if, in fact, we want to talk about truth in employment, then we ought to deal with the truth of the matter, which is right now we have egregious examples of people being illegally fired, not able to organize, not able to bargain collectively, and this legislation goes in exactly the opposite direction.

This has very little to do with truth in employment. This has a whole lot to do with basic first amendment rights. This has a whole lot to do with giving those companies—I hope there are not too many, and I don't think there are; unfortunately, there are more than I wish there would be—a huge loophole whereby they simply don't have to hire somebody who potentially might have an interest to join a union, or she calls on her colleagues to join a union. It is unacceptable. You can't have a piece of legislation passed with this kind of mandate. We can't give companies a mandate not to hire women, not to hire minorities, not to hire activists who might want to join a union or want other members to join a union, not to hire men or women who want to fight for more child care. That is what this legislation does. Bring back another piece of legislation which doesn't have this kind of language and I will support it. But tonight I come to the floor to say to my colleagues that there should be an overwhelming vote against this piece of legislation.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WELLSTONE. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 44 seconds, and the Senator from Arkansas has 10 minutes 30 seconds.

Mr. HUTCHINSON. Mr. President, I yield 4 minutes to the distinguished assistant majority leader, Senator NICKLES from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first, I wish to compliment my colleague from Arkansas for bringing this bill to the floor. I urge my colleagues to vote in favor of it. In response to my colleague from Minnesota, I think he should read the legislation. In reading the legislation, the protection of employer rights, section 8(a) of the NLRA is amended on line 22 to read:

> Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining. . . .

Mr. President, under the legislation my colleague from Arkansas has, an employee can come in, and if they want to help organize or participate in the collective bargaining process, they can do so. But they have to have the primary purpose of employment, of working with the employer. It can't be to circumvent and say, no, we want to work full time for the union, even to the destruction of the company.

Unfortunately, that happens today to some companies that might be nonunion. The organizers who are trying to unionize the company sometimes say, "We would rather destroy that company if they are not going to be union." I will read you one comment that was in the International Brotherhood of Electrical Workers' organizing document on how to use salting techniques:

> Phase 3 is infiltration, confrontation, litigation, disruption, and annihilation of all nonunion contractors. If we cannot get inside and organize, then we must disrupt the operations of the nonunion contractor.

That is a quote. I understand they have now taken that out of their organizational manual. But, in essence, they want to infiltrate and do everything they can to disrupt, and that means filing untold numbers of unfair labor practices. That means filing untold numbers of OSHA complaints, and any other thing to disrupt the company and make them an unsuccessful organization. Unfortunately that happens.

I have a letter from one of my small companies in Oklahoma, dated May 29, 1998. He is telling a story and talking about filing false and incorrect reports with the NLRB:

> We hired an attorney to represent us in these proceedings. Each time, we had proof, and sometimes outside witnesses, to prove our side of the story.

It goes on and on and on and talks about harassment. So I compliment my colleague from Arkansas. I think he is exactly right. I urge my colleagues to vote in favor of this bill.

Mr. President, I have two editorials. One is dated June 8 of this year, from the Daily Oklahoman, entitled "Salt, Not Light." It repeats the real essence of this legislation, why it is needed. Also, I have one that was in today's Washington Times, entitled "Pass the Salt Reform." It is dated Monday, September 14.

I ask unanimous consent to have these printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Daily Oklahoman, June 8, 1998]

SALT, NOT LIGHT

At a recent congressional hearing the owner of a non-union electrical contracting firm explained that his company had been hit by 85 unfair-labor-practice complaints since 1985, all dismissed as frivolous.

One came from a worker who'd been fired for refusing to wear his hard hat on his head. "He would strap it to his knee and then dare us to fire him because he said our policy stated only that he had to wear the hard hat—it (the employee manual) didn't say where he had to wear it," said John Gaylor of Carmel, Ind.

The worker was a "union salt" sent to harass a non-union business. Gaylor's firm is a favorite target of the International Brotherhood of Electrical Workers (IBEW). He budgets $250,000 a year to fight frivolous complaints.

"Union salting" is a serious problem for small businesses. Union members are sent to disrupt productivity. According to the IBEW's organizing manual, the idea is to "threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices, to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business and so on."

It's big labor's version of guerrilla warfare, and it should be stopped. In March the U.S. House passed a bill to free employers from having to hire anyone who seeks a job to pursue interests unrelated to their own. The bill would require the National Labor Relations Board (NLRB) to decide complaints related to union membership within a year. It would mandate reimbursement for attorneys fees and other costs if NLRB sues a small company and loses.

The Senate should follow the House's lead. Congress also should reject Bill Clinton's nomination (AFL–CIO lawyer Laurence Cohen) to be the NLRB's general counsel. Cohen is the father of union salting and as such is the wrong choice for the NLRB, which is supposed to be a non-partisan arbiter in labor-management conflicts.

[From the Washington Times, Sept. 14, 1998]

PASS THE SALT REFORM

The story goes that a small Dallas electrical company of about 30 employees won a bid for work on a school construction project and ran an ad inviting workers to apply. When a local electricians' union responded to the ad, as Rep. Sam Johnson described the incident in debate earlier this year, their hiring blew the company's fuse.

The union members, he said, "staged small strikes by leaving the job for three or four hours but returning just before they could be replaced. They also sabotaged the electrical work and went on to file close to 50 grievances against the company, eventually driving it out of business."

What the company didn't know was that it had hired "salts," union members sprinkled into non-union companies with the goal not of organizing them along union lines but of sabotaging them financially. It's an increasingly popular way for Big Labor to beat non-union firms with which it can't compete.

As one former salt testified, "Salting has become a method to stifle competition in the marketplace, steal away employees and to inflict financial harm on the competition. Salting has been practiced in Vermont for over six years, yet not a single group of open-shop electrical workers have petitioned the local union for the right to collectively bargain with their employers."

What makes this practice particularly effective is, first, that as of now it is perfectly legal and, second, salts can win even when they lose simply by running up a company's legal bills with frivolous charges filed with the National Labor Relations Board, the Occupational Safety and Health Administration and other federal agencies. Among the casualties to date: a Carmel, Ind., firm that faced 96 charges, all of them dismissed, but has run up $250,000 in legal bills trying to defend itself; a Cape Elizabeth, Maine, company that faced 14 charges, all dismissed after spending $100,000 in legal bills; a Clearfield, Pa., firm faced with as many as 20 charges, all but one dismissed, but a $75,000 legal bill plus lost time that eventually forced it out of business after 38 years.

Companies faced with this kind of extortion fear they can't afford to win. Given the choice of pyrrhic financial victory or paying off the salts and settling the case for less, many choose to settle.

A more cynical exploitation of "worker rights" is hard to imagine, but it has been hard to reform existing law. By just a two-vote margin along party lines earlier this year, the House of Representatives approved reform amid much clucking about the Republican Party's anti-worker tendencies.

Today, the Senate is scheduled to take up the matter with a vote to shut off debate on the issue. The focus of the debate is legislation introduced by Arkansas Sen. Tim Hutchinson that attempts both to protect the right to organize and to prevent its abuse. The bill specifies that any bona fide job applicant, union or non-union, is entitled to all the rights and responsibilities that go with the job (i.e., to join a union, to bargain collectively and so on). But if the applicant has sought employment with the primary purpose of promoting the agenda of some other organization or business, a company is not required to employ him. Put another way, if the applicant would not have sought the job but for his union mission, then he is a salt not entitled to the usual worker rights.

By passing such a law, the Senate would protect not just companies but taxpayers whose money covers the cost of agency hearings and other administration that results from union salting. Workers might have a better opportunity to air legitimate grievances, too. It's time to put union on a low-sodium legislative diet. It's time to pass the salt reform.

Mr. KENNEDY. Mr. President, as I understand it, we have 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 41 seconds.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

First, let's remind ourselves of what this legislation is all about. Its purpose is to say to American workers who are qualified for a job that they will be denied employment if they have an intent to try to organize co-workers in nonworking areas and during nonworking hours.

Very clearly, you can't have it both ways. You can't say we are really not trying to overturn the Town and Country case. All you have to do is look at what the testimony was before our committee. Every single person who supports this bill wants to reverse that case.

Second is the idea that these workers are going in to destroy the company. What good does it do to organize if they are there to destroy it? That makes no sense. The claim makes no sense.

Mr. President, it is very clear what the court holdings are. First of all, if a company doesn't want to hire individuals who are paid by a union to organize the workforce, which has been a protected right for over 60 years, all the company has to do is set a blanket rule barring all other employment. That solves the problem—do it for those who are paid by the union, and for those who are going to be moonlighting. That solves the problem. We don't need legislation, Mr. President—they can do that today.

Mr. President, the court decisions also make plain that you can fire any employee who neglects their duties. If workers are disruptive on the jobsite, current law allows them to be fired.

Supporters claim that these workers won't do their jobs, but instead will file phony charges with government agencies. But the law allows companies to recover attorney's fees if an unjustified charge is pursued.

Mr. President, we have to look at what is the issue. The issue is fundamental. It is whether we in this country are going to permit workers who have the ability to do the job, and who are performing their job—whether we are going to muzzle them, to blacklist them and say under no circumstances can they go out there and try to persuade workers to join a union.

If the company finds out that they are going to be organizing a union, they can go ahead and fire them. That is what this language says—go out there and fire them right away.

Mr. President, this applies not just to those individuals who hold an employment status with a union, but those who hold an "agency status." What in the world does that mean? I will tell you what it means. That means, for example, of the 100 top CEOs in the restaurant industry, there isn't a single woman—not one, not a single woman. Do you understand that—in the restaurant industry, of the top 100 CEOs, none is a woman? So workers go in and say, "We want to break the glass ceiling in the restaurant industry." Under this bill, the employer can say "Oh, no. Oh, no. You have another thought in mind. You may need this job. You may want this job. You may do it very well. But if you intend to try to do something about equal pay for women, try to do something about a child care program, try to do something to break the glass ceiling, oh, no. Oh, no." These workers can be fired by the employer as well.

This is a continuation of the effort that we have seen in the last 3 years to attack working families' income, and the rights of working families to represent themselves and try to persuade individuals to be part of their union. If they don't choose to be, so be it. If they do choose to be, so be it as well. But you are denying them that opportunity to choose.

Mr. President, we have to ask ourselves now on a Monday night why we are debating this particular issue when we have a Patients' Bill of Rights ready to go. We could be debating those issues which are of such basic, fundamental importance and significance to families in this country.

I withhold the rest of my time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, it is a little frustrating for me because there could be nothing more unambiguous than the language in this bill. As often as somebody wants to get up and yell and scream and have a tirade about this being disruptive of workers' and union members' rights and the rights to organize, if you simply read the bill, it says unambiguously and very forthrightly that there is nothing in this bill that will interfere with ". . . a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representation of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

Mr. KENNEDY. Will the Senator yield on my time? Who is going to make that decision? The employer is going to make that decision.

The PRESIDING OFFICER. The Senator from Arkansas has the time.

Mr. HUTCHINSON. I will be glad to yield for a question, not a speech.

Mr. KENNEDY. Who is going to make the decision?

Mr. HUTCHINSON. The NLRB will make the decision, because the employee has the right to file that complaint and go to the NLRB. But the burden of proof will be different. It will be the NLRB attorney who certifies that he was a bona fide employee applicant and not someone who went in for the purpose of destroying that company.

I would like to yield 3 minutes to my distinguished colleague from Colorado.

The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator for yielding.

Mr. President, I am rising in support of Senate bill 1981, the Truth in Employment Act.

I agree with my colleague from Arkansas that we do protect the right of employees to organize under the National Labor Relations Act. The problem is that we have small businesses out here that are being harassed and their businesses are being disrupted. I want to take a minute to explain to you or relate an incident that happened in Denver, CO. It is a real life story of what happened.

This businessman, who happened to be an electrical contractor, saw a van pull up in front of his business. Seven union organizers jumped out of the van, ran into his office, and they applied for a job with the business. They had their videotape running. When all was said and done, he hired some of them and put them to work. When all was said and done, when all the harassment was done, and all of the later procedure and everything, there was a considerable amount of cost to the company in management time as well as actual dollars. It ended up that there were approximately 19 frivolous and sometimes false charges with the National Labor Relations Board. Each one of those charges was eventually dropped. However, the company had already dedicated 500 management hours to deal with problems created by these salting workers and suffered financial losses of more than $1 million.

This is not workers' rights, this is going out and harassing your competition. It is going out and disrupting another company that is trying to compete in the fair marketplace. It doesn't have anything to do with jobs. What it ends up doing is costing the consumer. You and I, as consumers of electricity, will have to pay more electrical rates because of this type of activity that increases the cost of providing the services that consumers end up utilizing.

I think this is a good bill. I am rising in support of it. I urge my colleagues to support this. I think my colleague from Arkansas is doing the right thing. I believe that we are protecting the rights of employees. What we are doing is eliminating the harassment and the unnecessary cost to the employer.

I yield the remainder of my time.

Mrs. BOXER. Mr. President, I oppose the bill before us—S. 1981—because it would ban a perfectly legal and protected activity which was upheld in 1995 by a unanimous Supreme Court decision. The bill would ban "salting," which occurs when efforts are made by union supporters to gain employment with nonunion employers to organize their fellow employees during nonworking hours.

This bill, I believe, is an attack on the working men and women of this country who choose to exercise their legal rights. For the first time since the enactment of the National Labor Relations Act (NLRA), employers could refuse to hire workers or could terminate workers who sought or obtained employment because they intended to engage in organizing activities.

Although the proponents of S. 1981 contend the bill merely prevents employers from being forced to hire union organizers, the actual impact of this bill would be significantly broader. For example, under S. 1981, employers could refuse to hire pro-union applicants even if they were not paid union organizers. In addition, an employer could deny employment to an applicant whose goal was to further "another employment or agency status." Agency status, however, is not defined. What does it mean? Since it is not defined, it could include any number of things, including the ability of women to try to organize for an on-site day care center.

The proponents of S. 1981 also contend the bill is necessary in order to prevent workers from gaining employment for the purpose of destroying an employer's business. I agree, of course, that an employer should not be forced to hire a worker who seeks employment with the intention or purpose of destroying the employer's business. In fact, however, employers already have tools at their disposal to deal with employees who are disrupting an employer's business or who are not properly carrying out their job responsibilities. Such workers can be disciplined or even discharged.

S. 1981 goes far beyond that. It says that any worker who applies for a position and has the intention of organizing a union can be denied employment even if that worker has no relationship with a union.

The NLRA currently prohibits the discharge of employees who attempt to organize. Nothing in S. 1981 ensures that this protection will continue. This is important because if S. 1981 were enacted, an employer could claim that a recently hired employee who had begun to speak to fellow workers about the need for a union had applied for the job with that purpose, giving the employer the legal right to fire such an employee.

The right to organize is a basic freedom guaranteed to our American workers and I strongly support it. S. 1981, unfortunately, does not. It would diminish the rights of America's workers, and weaken the protections in the NLRA for them. It is anti-worker and anti-union, and it should be defeated.

Mr. BOND. Mr. President, I urge my colleagues to vote for cloture so that the Senate may proceed to consideration of S. 1981, The Truth In Employment Act. As an original cosponsor of the bill, I applaud Senator HUTCHINSON for his efforts to restore balance to our federal labor laws. S. 1981 would prohibit the controversial practice of some unions called "salting," while maintaining the right of all workers to choose whether or not to be represented by a union.

"Salting" is a controversial tactic that typically involves a union instructing its agents to apply for jobs with non-union employers. If these agents, or "salts," are not hired, then the union immediately files unfair labor practice charges with the National Labor Relations Board (NLRB) alleging discriminatory hiring. If the salt is hired, he or she attempts to convince the other employees to join the union, tries to generate unfair labor practices, and initiates complaints with other federal agencies like OSHA and EPA. Some unions have made it clear that if organizing is unsuccessful, then the goal is to drive non-union companies out of business to lessen competition for unionized businesses.

S. 1981 would amend the National Labor Relations Act (NLRA) to ensure that no employer is required to hire an applicant or retain an employee whose primary purpose is to disrupt the workplace through harassment, increased costs, and frivolous complaints at the direction of a union or other employer. Last Congress, the Committee on Small Business received testimony on salting and the use of such campaigns by some unions to harass and intimidate non-union employers and employees.

So one denies that unions have the legal right to organize non-union workers. The problem arises when a union directs its members and business agents to gain access to a workplace not only to organize, but to harass. In the situations I have heard about in Missouri and around the country, salting campaigns involve abuse of the NLRB's procedures in an effort to put small companies out of business. For instance, over a two-year period, the NLRB at the instigation of the unions filed 48 unfair labor practice charges against a small construction contractor in Missouri. Although 47 of the charges were later thrown out by NLRB and one settled for a few hundred dollars, the employer was forced to incur $150,000 in legal fees to mount its defense. During this period, the union never sought a representational election so that employees could vote for or against joining the union. Salting campaigns can also include destruction of property, tampering with equipment, and general harassment of the non-union workforce by the union salts applying to the companies with the intention of disrupting the workplace or producing NLRB charges.

As Chairman of the Committee on Small Business, I am sensitive to the concerns raised by small businesses about the effects our laws and regulations have on their ability to operate. S. 1981 provides a common sense solution to a nonsensical situation. While I support the right of workers to organize, S. 1981 would restore the balance intended between the rights of workers and of employers. Under S. 1981, only employees and applicants seeking work in good faith would be entitled to the protections provided under the NLRA. In 1995, the Supreme Court ruled that current law does not distinguish union salts from employees engaged in traditional organizing activities protected under the NLRA. S. 1981 does not overturn the Court's decision, but would amend the law to recognize the distinction between salting activities to cause economic harm to the employer versus legitimate organizing. S. 1981 retains the prohibition on employers' discriminating against bona fide employee applicants exercising their protected rights under the NLRA. I believe S. 1981 would restore the balance intended.

On March 26, 1998, language identical to S. 1981 passed the House of Representatives as part of H.R. 3246, the Fairness for Small Business and Employees Act of 1998. While the House bill passed by a narrow 202–200 vote, it is time the Senate gave full and careful consideration to this issue. I urge my colleagues to join me in voting for cloture.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to S. 1981, the so-called "Truth in Employment Act" and urge my colleagues to do so as well.

Mr. President, this legislation is an affront to the American worker. It opens the door to abuse of good workers and unfair job termination. This measure would undermine a worker's right to organize, to seek better working conditions, to work to reduce racial tension, and to seek higher wages and better benefits. This measure seeks to undermine and penalize most every action an employee might take to improve the lot of workers.

In a unanimous 1995 decision, NLRB versus Town and Country, the United Sattes Supreme Court held that a "union organizer is an employee, with all the protections of the National Labor Relations Act (NLRA), if acting as a union organizer does not involve abandonment of his or her service to the employer." This legislation makes a mockery of the Court's decision by requiring that workers be, what it calls, "bona fide" job applicants and by subjecting workers to an outrageous test of motivation as a condition of enjoying the protection of the NLRA rights. This bill provides a legal shield to employers who refuse to hire applicants who are union members or who have worked for an organized employers.

Mr. President, its not my intention to stand here telling the business community of this country that they do not have the right to terminate union employees for cause or that they must hire only applicants who claim a union affiliation. In my eyes, anyone who does not produce quality work product or who consistently ignores the rules of the workplace should face the threat of termination. Along those lines, any applicant who does not have the skills or experience to perform a job well should not be hired and the law today does not require that any unqualified person even be considered for a job. Mr. President, that's just common sense—that's just fair. This bill, the deceivingly named "Truth in Employment Act," is not fair.

Mr. President, since being elected to the Congress, the Senate majority has used every possible opportunity to attack worker rights. They have used a variety of vehicles, ranging from their anti-overtime bills, to repeated efforts to water down OSHA requirements, to their opposition to an increase in the minimum wage or any expansion of the Family Medical Leave Act. This latest measure is just the latest in a long history of anti-worker legislation presented to us by the majority party.

This bill is blatantly anti-union, anti-worker and anti-American. I urge my colleagues to stand up for the ordinary American workers in their state. I urge my colleagues to vote "no" on this harmful measure.

Mr. HUTCHINSON. Mr. President, might I inquire as to the amount of time on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes, 59 seconds; the Senator from Massachusetts has 2 minutes, 31 seconds.

Mr. KENNEDY. Mr. President, we hope that this motion for cloture will not be passed. This is a very fundamental issue; that is, whether we are going to permit employers to get into the minds of potential employees who are qualified to do the job. If applicants are not qualified to do the job, they are not hired. It is not necessary to hire them.

This legislation permits any employer to say to any worker who comes into the shop, who is interested in trying to describe the benefits of a union, whether it be higher wages or child care facilities—to be able to say, "No, we are not going to hire you." You know what is going to happen then. It is a decision that will be made by the employer. That decision then goes to the NLRB. Three years go by, and then the case comes to trial. What was in the mind of that particular employee? There is not any evidence of disruptive activities. The law gives employers many ways to police those. The fact of the matter is, the workers are trying to convince other workers to join the union, and not be disruptive—to demonstrate that there is a better opportunity for them by working through the company rather than being disruptive.

That is why we have scores of letters to indicate that this is something that is constructive and productive. This involves a very basic and fundamental issue, and that is whether, in our country, which has benefited so much from the development of collective bargaining, we are going to deny workers the chance to be able to gather together to represent their interests to improve the lives of their families.

Mr. President, I oppose this legislation and I urge my colleagues to oppose cloture on this motion.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, we likewise have scores of letters that have been submitted for the RECORD—small companies that are being destroyed by the terrible practice of salts. We have literally tens of thousands of names that have come in on petitions saying please pass something to protect small employers.

The Senator from Massachusetts has questioned the logic. Why would somebody go in to destroy a company? Why not organize the company? That is the whole point. These are companies that have not been willing to organize, or they could not get the support among the employees of that company to organize. So in desperation they go in not to organize, not to legitimately persuade employees to join a union and to collectively bargain, but to economically ruin and devastate the viability of a small company. Why are we compelling employers to hire people who do not want to work but want to destroy their company?

Imagine that salt who comes home at the end of the day, hired by the labor union to go in and economically destroy by filing frivolous complaints, to file OSHA complaints, or cause OSHA complaints, at the end of the day facing their wife who says, "Honey, how did your day go?" "My day went great. I went out and helped to destroy the livelihood of my employer"—the American dream of what he has worked for for a lifetime. Imagine the employer going home at the end of the day, a small businessman, and his spouse says, "How did your day go?" "Oh, great. I spent my day in court trying to defend myself against frivolous complaints that have been filed."

It is not good for the employee or the employer. Many salts have come out of it and have said, "I will not be involved in that kind of practice any more."

I ask my colleagues this simple question, because I think it is simply an issue of common sense. Would you hire someone in your office, would you hire someone for your staff, who came in with the conscious, primary purpose of undermining everything you are working for—every legislative goal, every legislative agenda, every project in your State—and they are coming in for the purpose of undermining your role as a U.S. Senator? Would you hire that person? I think the obvious, commonsense answer—and the answer that we employ every day when we interview applicants—is no, we wouldn't do that. And yet, we are compelling small businessmen and women across this country to hire those who, they know in their heart when they come in, are going to disrupt the workplace and undermine the economic viability of the business and ultimately destroy them.

This legislation is modest. It is appropriate. I ask my colleagues to invoke cloture so that we can pass this bill for the benefit of small business men and women across this country.

Mr. KENNEDY. Mr. President, I understand that I have 32 seconds remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, this issue was considered by the Supreme Court of the United States with a number of Justices that were nominated by Republican Presidents, and it was decided 9 to 0—not 7–2, not 8–1, 9 to 0—to sustain the arguments that we have presented here this afternoon. The Senator wants to overturn that decision here this afternoon, and I hope that we will not do so.

The PRESIDING OFFICER. The time under the control of the Senator has expired.

Mr. HUTCHINSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. HUTCHINSON. This legislation does not overturn that Supreme Court decision, as I know. That court decision involved the issue of whether you could be a paid union employee and be a bona fide employee for another company, and you can't. This doesn't deal with that. This deals with the destructive practice of going in with the primary purpose of not organizing but destroying the employer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUTCHINSON. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 344, S. 1981, the salting legislation:

> Trent Lott, Tim Hutchinson, Don Nickles, Lauch Faircloth, Paul Coverdell, John Ashcroft, Jim Inhofe, Susan Collins, Chuck Hagel, John Warner, Jeff Sessions, Connie Mack, Sam Brownback, Jesse Helms, Wayne Allard, Kit Bond.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1981, the Truth in Employment Act, shall be brought to a close. The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

NOT VOTING—6

D'Amato
Hollings
Mikulski
Moseley-Braun
Specter
Torricelli

The PRESIDING OFFICER (Mr. ALLARD). On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Just to inform Members, we will have a second vote momentarily, but it will not be very long, I don't think. I believe the Democratic leader is going to have some brief remarks and then I have one Member who wants to have remarks printed in the RECORD, and Senator CRAIG wishes to make closing remarks on our side. So after a relatively brief period of time we will have another vote, and then that will be the last vote for tonight.

Again, I am going to talk to Senator DASCHLE, but I believe the next vote will be at 2:15 tomorrow afternoon, after the luncheon.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of the bill.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3580

Mr. DASCHLE. Mr. President, I understand all time has expired on the pending amendment. I choose to use my leader time.

Mr. LEAHY. Mr. President, could we have order? The leader is entitled to be heard. The Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their conversations to the cloakroom. We would like to have quiet in the Chamber.

The minority leader is recognized.

Mr. DASCHLE. I thank the Chair, and I yield 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my leader from South Dakota.

Mr. President, I think many minds on this amendment are already made up. I, just for a couple of minutes, would like to speak to those Senators who have not yet made up their minds. The point very simply is this: There are a good number of farmers and ranchers. I daresay most of them are in dire straits through problems and conditions that are no fault of theirs. They didn't cause them.

Prices for their products are way below cost of production, whether it is wheat, cattle prices, whatnot. For example, in my State of Montana, farmers are getting $2 a bushel. They subtract from that $1 a bushel for freight costs and that ends up $1 a bushel. The price of a loaf of bread in the supermarkets is pretty close to that. There is no way in the world a farmer can begin to make ends meet in these conditions, and that is true for most farmers.

The amendment before us is very simple. It just says take the cap off the loan rates just for crops that are harvested in 1998—not for next year, just 1998—to put a little bit of cash in farmers' pockets to help them pay the loans, to help them make the payments to the bank, to help them just a little bit. I must tell you, raising the caps is nowhere close to solving the problem. It is just a little bit.

Why are prices so low? Very simply, because of worldwide production, countries are subsidizing producing wheat.

Second, we are in dire straits because of the Asian crisis. Asia is not buying anymore.

Third, because the U.S. dollar is so high. Farmers didn't cause those problems, but farmers are facing those problems, and in some parts of the country, there is a drought, there is flooding, there is infestation of insects. They are stuck.

The only argument of any credibility I have heard against this amendment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I ask for 1 additional minute.

Mr. DASCHLE. I yield 1 additional minute.

Mr. BAUCUS. I thank the Senator. The only credible argument I have heard against this amendment is it breaks open Freedom to Farm and it might raise worldwide prices because you are raising loan rates. The short answer to that is we are not opening Freedom to Farm. This is just a 1-year, temporary payment to meet an emergency. And secondly, we have no idea what the prices are going to be next year. We have no idea.

We can't let perfection be the enemy of the good. At least adopt this amendment to help farmers right now. We will worry about next year, next year. This amendment is very much needed.

Mr. President, I very much thank the Senator from South Dakota for yielding this time.

Mr. DASCHLE. Mr. President, I yield 2 minutes to our ranking member, the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this amendment is going to save a lot of farmers and do it in a cost-effective manner and a manner that is sound financially. It looks as though we are going to come down on one or two courses here. We either are going to raise the caps on loans and provide a loan rate increase to farmers, or we are going to have some kind of direct payment to farmers. I hear rumbling around that there is going to be a big, massive multibillion-dollar check to go out to farmers this year.

I said earlier there is a poll released today of 1,000 farmers—Mr. President, may we have order? I can't even hear myself think.

The PRESIDING OFFICER. The Senate will please come to order. The Senator from Iowa.

Mr. HARKIN. I thank the President. A poll came out today of 1,000 farmers taken nationwide by a polling firm. It was done for the Nebraska Wheat Growers, American Corn Growers and the Nebraska Farmers Union—1,000 farmers.

Two questions I will point out: One, Congress should modify the current farm program. Yes, 76.9 percent; no, 17 percent.

Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn. Yes, 72.5 percent; no, 19.4 percent.

Over 3 to 1. Farmers recognize this is the best way to proceed rather than getting a direct payment. Keep in mind, if we raise the loan rates, it gives the farmer a marketing tool. The farmer can get the loan and hold on to the crop. If prices go up next year, the farmer can sell that crop and then pay the loan back to the Government with interest.

If, however, we are just going to get a bunch of money and send it out to farmers in a payment, there is no chance that any of that money is ever going to come back to the Government. Keep in mind, these loans have interest charges, and if farmers pay those loans back, they pay them back with interest.

Secondly, if we make a payment to farmers this fall, as I hear some people want to do, just one big lump sum, just a check that goes out, a lot of those people getting that money will not be in farming next year, and it won't go to the producers.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. HARKIN. I ask for 30 seconds.

Mr. DASCHLE. I yield the Senator an additional 30 seconds.

Mr. HARKIN. If the loan rates go up, the loan rates increase, it goes to producers; it gives them a marketing tool whereby they can take the grain and market when they want and not just dump it all out there this fall. That is why we have to remove the loan caps that are in the farm bill of 1996. I yield the floor.

Mr. DASCHLE. I yield to the distinguished Senator from Louisiana.

Ms. LANDRIEU. Mr. President, two months ago, I joined my colleagues in requesting assistance for our Nation's farmers in Louisiana and other parts of the Nation who are on the brink of bankruptcy. Not because they are bad farmers but as a result of natural disasters and prices that they cannot control.

In Louisiana, farmers are experiencing the most severe agriculture disaster it has been subjected to in the last 100 years. The Louisiana State University (LSU) Agricultural Center has estimated crop losses at $391 million. When losses due to aflatoxin in corn and livestock losses are added, the State is projecting escalated losses of $450 million. If no effective disaster relief is provided, Louisiana will lose 35-40 percent of its farmers. Without these farmers the State projects that its economy will lose an additional $1 billion.

Mr. President, this is a very serious situation, one that warrants an effective solution for the disaster situation facing the South and the income losses facing the Midwest. For Louisiana, relief needed is twofold: One, production loss related to the drought and heat and two, economic. For other areas, income loss assistance needed is different.

The major problem in providing equitable relief is that while the Midwest has bumper crops and no price, the South has no crops and no price. Therefore, I am very concerned that while this amendment will provide help to some, it does not go near far enough to ensure that Louisiana farmers are provided the emergency disaster assistance that they need to make it another year.

For example, under the current legislation being debated a corn farmer in the Midwest who produces a normal yield of 120 bushels per acre under a loan rate of 30 cents per bushel would receive a Loan Deficiency Payment (LDP) of $36 per acre. In the South, a corn farmer who produced only 50 bushels per acre, due to the drought, under the same loan rate would only receive a LDP of $15 per acre. A corn farmer in the South whose corn had to be destroyed due to aflatoxin would receive no LDP whatsoever.

The bottom line is that higher loan rates only benefit producers on actual production sold. The only way higher loan rates would benefit producers whose production was substantially reduced would be to make an economic payment on the lost production in addition to the bushels harvested. Therefore, while this may help farmers in the Midwest, it provides little to no assistance to farmers in the South.

The other provision in the underlying amendment that may be more helpful in providing disaster assistance to Louisiana is the $1.5 billion included in the amendment to replenish the national disaster reserve. However, the details in how USDA would implement this measure to provide disaster assistance to farmers with only one year losses, such as in the case of Louisiana, is unclear.

As I have previously stated, the reasons for the income loss related problems facing farmers in Louisiana and other parts of the U.S. are quite different, but the results are the same. Only through direct assistance, can Louisiana farmers be helped.

For Louisiana and other Southern States, many farmers will not see next year and grow the crops that provide Americans with the safest food supply in the world. Time and time again, when a natural disaster has struck, the Congress has provided the help needed to rebuild our cities and towns. Should we provide help to family farms that are facing an economic disaster beyond their control? Absolutely. It is now time that the Congress work on the bipartisan basis to provide direct financial assistance to our farmers just like we provide assistance to other individuals who have faced disasters beyond their control.

Mr. President, I urge my colleagues to join me and my senior colleague from Louisiana, Senator BREAUX, in working to ensure this assistance is provided fairly to all farmers, including farmers in Louisiana and the South.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank my colleagues for their eloquent comments and the contributions they have made to this debate all afternoon. I will be very brief, because I know that Senators wish to express themselves on this amendment, and we will accommodate that.

There are two points I want to make. The first is that since the Senate has attempted to address this problem in July, the situation has worsened immeasurably. To the extent that we can measure it, it is simply important for all of us to understand that prices have fallen dramatically just in the last 6 weeks.

For July, corn prices have fallen 28 percent. For wheat, since July, prices have fallen an additional 20 percent. For soybeans, an additional 20 percent, and that is just since July. The bottom has fallen out of the market. The situation continues to worsen.

Mr. President, we have no choice but to take as immediate an action, as comprehensive an action as we possibly can to address this problem. Very simply, the second point is to simply address one last time what it is we attempt to do.

The Senator from Iowa ably, again, articulated why we need to increase the cap on the marketing loan. That is No. 1.

No. 2, so farmers aren't forced to move their grain onto the market, we give them the opportunity to store their grain on an emergency basis. Let me remind my colleagues, we are only talking about a 1-year authorization, first for the loan rate, and second for the storage.

Third, we provide indemnity losses. The Senator from Louisiana is right and the senior Senator from Louisiana has expressed his concern to me about how this problem is spreading. Louisiana is hit even harder now than they were last July. So the indemnity proposal is absolutely essential if we are going to address the multiplicity of problems we have in agriculture nationally.

The fourth is that we go back to the issue that we discussed earlier on mandatory price reporting. If we are ever going to change the livestock situation, we must get rid of the secret deals. We must make sure that they—that is livestock producers—have the same opportunities for open and fair competition as others. Mandatory price reporting will do that.

And then finally, we believe that we need to make consistent in agriculture what we have done in every other commodity and industry for as long as I know, and that is, simply label the products when they are imported. We do it for every other product. We ought to do it for the food we eat.

Mr. President, basically that is what we are proposing today, to address this problem in as comprehensive a way, recognizing that in both livestock and grain we have a serious problem. We cannot wait any longer. This issue must be addressed. This amendment does it.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. From my leader time, I yield such time as he may consume to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a farm problem? You bet there is. Is there a farm crisis? Yes. On most farms in America today, if you are below the cost of production, and you have a debt, you have a problem. The Senators on the other side of the aisle are absolutely true to what they speak. And I could have used every one of their charts this afternoon for the very same message.

We have a crisis in American agriculture. Is it a result of Freedom to Farm? No. It is a combination of everything coming together, the loss of our markets in Asian countries and tremendous overproduction. Thank goodness, it is a blessing in most countries when agriculture overproduces; it is a crisis in ours because it shoves down the price of commodities.

Yes, Mr. President, we have a crisis in farm country.. Have we recognized it? Yes, we have. And we started doing something about it before we adjourned here in August. We passed and reauthorized the agriculture research title. We advanced the fiscal year 1999 transition payment. We revoked sanctions on India and Pakistan to try to move some of our product into the market.

We approved significant reform in the farm labor program. We established a binational commission to examine the concern that we have with beef prices and with the flood of Canadian meat coming into our market. We required international programs to purchase American commodities. And we passed a sense-of-the-Senate resolution encouraging USDA to use existing authorities to help wheat farmers. Did it raise the price of wheat at the farm bin? It did not. But it sets in motion a variety of opportunities to begin to move that.

What further should we do? Frankly, Mr. President, there is a great deal more we should do. The chairman of the Ag Committee has announced he will reexamine much more thoroughly sanctions and trade reform to open up the 11 percent of the market that our farmers are now exempt from or cannot get to. We have talked about and we will do meaningful tax reform.

Our colleague from Kansas has talked about making sure that crop insurance is the right kind of insurance so that the production agriculture buys it and uses it to insure their crops, to insure their income against disaster, against drought for an income purpose. We are working on that. We have to get that done next Congress, come heck or high water.

And then let us look at a lost market compensation payment. The Senator from Iowa says that is so much money, just throw it out to the farmer. It is something we can buy and afford to buy. It is not a $7 billion program off-budget, no offsets—emergency spending proposed by our colleagues on the other side of the aisle.

Senators, this is a $7 billion program you are being asked to vote on tonight. Stop and think about it. We have not worked together. When we solve agricultural problems, we come together. All of those items that I mentioned we passed before the August recess, we did it in a bipartisan way. We did not open the farm bill. We did not open Freedom to Farm.

I would hope you stand behind the chairman of the Senate Ag Committee tonight on a motion to table. Does that mean this issue is gone? Absolutely not. We are meeting now and we will meet tomorrow. I would hope, too, that my colleagues on the other side of the aisle would come down and sit with us and look at what we can do. Are we going to spend some money? Yes. We are going to spend some money so that agriculture does not go bankrupt. And we have got to do it. But I suggest that lifting a loan cap does not solve that problem on the short-term basis and the long-term basis. Then it becomes so easy to extend it, and then it is $8 or $10 billion or more.

So this is not the last vote we are going to have tonight or tomorrow or before this Congress adjourns to deal with a real farm crisis, be you a grain producer, a hog farmer, a cattle rancher—soybeans, corn, you name it. They are not making money. They are losing millions.

We ought to be sensitive to assuring that there is some kind of baseline out there this year so that the farmer can be in production next year. We will accomplish that here in the Senate, if we recognize that and come together to get it done.

I do not believe this is a solution to the problem. I encourage all of our colleagues to stand with the chairman of the Ag Committee—vote to table this amendment.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I yield the remainder of my time to Senator ROBERTS. I understand we have one other Senator who would like to speak briefly, Senator BREAUX. But first I yield that time to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished majority leader for yielding.

Mr. President, I rise today in opposition to the amendment offered by the Senator from Iowa and to present what I believe will be an important plan to help our farmers and ranchers get through the current low prices and natural disasters they are experiencing.

Mr. President, there are indeed areas of rural America facing economic hardships caused by drought, flooding, wheat scab, and low prices. The question here is: will raising loan rates provide the cash flow assistance that farmers need? Or, will it create an additional set of issues that simply exacerbate the current problem?

We have consistently heard on this floor that there is no longer a "safety net" for America's farmers. Yet, we do not hear that under the 1996 farm bill, farmers have received over $6 billion more in payments than they would have received under the old farm bill. We do not hear about the transition payments producers are receiving on 85 percent of their historical yields. And, we do not hear about the Loan Deficiency Payments (LDPs) producers are receiving under the 1996 legislation. Recent estimates show that producers may obtain up to $3 billion in LDPs on their 1998 crops—in addition to their transition payments.

This is a "safety-net!"

Let me repeat: We have a "safety-net!"

Raising and extending loan rates does not improve producer incomes. Extending the loan rate actually results in lower prices in the long-run. Extending the loan for six months simply gives producers another false hope for holding onto the remainder of last year's crop. Farmers will be holding onto a portion of the previous year's crop, while at the same time harvesting another bumper crop in 1998.

As I stated during debate on the Agricultural Appropriations bill, rolling over the loan rate actually increases the amount of grain and soybeans on the market and results in lower prices—not higher prices. Since excess stocks will continue to depress prices, will we then extend the rate again? It will become an endless cycle that costs billions of dollars, and which will eventually lead to a return to planting requirements and set-aside acres in an attempt to control agricultural output and limit the budget effects.

Extending and raising loan rates will only serve to exacerbate the lack of storage associated with the transportation problems in rural America because it causes farmers to hold onto their crops and fill elevator storage spaces. Kansas still has wheat on the ground from this year's near record wheat harvest and we have begun to harvest what are expected to be record or near record corn, sorgham, and soybean crops. Raising loan rates will worsen the storage problems we are already facing.

It is also argued raising loans rates allows farmers to wait for a higher price. However, a study by Kansas State University looked at the years 1981 through 1997 and compared farmers' earnings if they held wheat in storage until mid-November versus selling at harvest. In all but five years, farmers ended up with a net loss as storage and interest costs exceeded grains in prices. Raising rates simply provides a false hope to farmers.

Mr. President, I think we must also ask several important question that have not been addressed by the advocates of this plan.

How do higher loan rates help producers who have suffered crop failures and have no crop to put under loan?

If loan rates will raise prices—as has been argued by the advocates—what will this do to feed prices for livestock producers who are in many instances facing more severe economic situations than grain producers?

How do higher loan rates help wheat producers that have already harvested and marketed their crops?

It is argued this action is needed to raise prices because the 1996 Farm Bill has caused the low prices we are currently experiencing. What about the low prices we experienced under the previous program in the mid-1980s and early 1990s? What was the cause of those programs?

Mr. President, it is obvious this plan will not work and will not assist all producers. Therefore, I am proposing the following five point plan which will be supported by many Republicans and which I believe can also garner bipartisan support.

The plan addresses cash flow concerns, crop insurance, the tax burden on farmers, trade, and the Conservation Reserve Program.

It is obvious we must provide some form of cash flow assistance to all farmers, including those who did not or will not have a crop to harvest. Therefore, I propose a "Farmer Income Assistance Program" which will ensure that all farmers receive some form of cash assistance. I know of no other way to address the multiple problems of farmers with one year of crop losses, multi-year crop losses, and those with large crop but no price. This is the fairest method available to us, and it will ensure that no producer slips through the cracks.

Mr. President, we must also take important steps to reform the crop insurance program. One of the most common complaints I hear from my farmers is that cop insurance does not work. They argue the policies available do not address their needs, not do they get adequate coverage for the money they invest in insurance policies.

A large problem with the program is the roadblocks the Risk Management Agency (RMA) has repeatedly put up to halt or slow down the development and expansion of many private policies. At the same time RMA acts as the regulator over these private companies, it is also developing and selling products in direct competition with the insurance companies. I know of no other industry facing these same roadblocks.

Mr. KERREY and I have long been committed to major reforms of the crop insurance program. And, we are circulating a proposal to pursue these goals. However, it will be difficult to pursue major reforms in the short period of time remaining this session. Therefore, I propose several minor changes this fall to improve the program followed by what I hope will be serious reform next year. The proposed changes include:

Providing a proportional subsidy for all coverage levels up to 75 percent. Farmers often buy only the lowest level of coverage because that is where the highest subsidy levels occur.

Increase the subsidy rate so that it is the same for all revenue insurance contracts as for other all forms of crop insurance.

Mr. President, we must also pursue real tax reform that benefits our farmers and ranchers. We must pursue tax legislation that includes: 100 percent deductibility of self-employed health care; permanent extension of income averaging for farmers; farmer savings accounts; and reductions in the capital gains rates.

I realize some will argue that capital gains reductions do not help farmers. However, I would advise my colleagues on the other side of the aisle that a recent report by the Department of Agriculture recently stated that the greatest level of benefits to farmers from the 1997 Taxpayer Relief Act has come from the reduction in the capital gains rate.

Increased access to world markets is an important step that must be taken. Our farmers and ranchers simply cannot be successful without access to foreign markets. The most important toll to obtaining these markets is to pass fast track trade negotiating authority for the President. Secretary of Agriculture Dan Glickman has stated on several occasions that trade is the "safety-net" for America's farmers and ranchers. Last fall's failure to pass fast track is the single most important foreign policy blunder for agriculture since the shattered glass embargo policies of the late 70s and early 80s. We must pass fast track now.

Finally, Mr. President, USDA should announce a new Conservation Reserve Program (CRP) sign-up sometime this fall. I checked the Farm Service Agency (FSA) website before coming to the floor, and it stated that as of October 1998 there will be just over 30 million acres enrolled in the CRP. The Secretary is allowed to enroll up to 36.4 million acres, and I encourage him to enroll the maximum number of acres during this fall's sign-up. This is an important action which the Secretary does not need additional Congressional approval to undertake, and it will help to take many acres of high risk land out of production—particularly in the Northern Plains.

Mr. President, to summarize the plan is as follows: Income assistance payments; crop insurance reform; tax relief; increased trade; and full enrollment in the CRP.

This is not a plan which is set in stone. It is open to change, and I am happy to work with my colleagues on both sides of the aisle to undertake a plan to assist America's farmers.

I am hopeful my colleagues will work with me in a bipartisan manner. I do not question the desire of my colleagues on the other side of the aisle to help our producers. I simply think their approach will do more harm than good.

We tried to increase loan rates in the early and mid-1980s. It led to excess production and excess stocks that brought agriculture to its knees and greatly contributed to the agricultural crisis of the 1980s.

Mr. President, we tell our children that we study history so we will not make the same mistakes of the past. Past history shows us the Senator from Iowa's plan will not work. I hope that we have learned our lesson and will take the steps necessary to help agriculture move into the 21st Century and not mired in the broken policies of the 20th Century.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Do I have any time remaining?

The PRESIDING OFFICER. Yes.

Mr. LOTT. This is unusual. But in the hope that he will be brief, I yield the balance of that time to Senator BREAUX. I am sure he will speak against this amendment in that time.

Mr. BREAUX. Thank you for the time.

I make one point very quickly, and the point is this: Our friends in agriculture in the northern part of the United States have a problem: They have a crop but they have a very poor price that doesn't allow them to continue. They need help. That is why the loan level is being increased—to try to help those.

For those of us who represent the southern areas, our problem is the opposite: Because of the drought, we don't have any crop. It is not a question of local price. There is no crop to sell at any price.

One of the sections that is in this bill says that the Secretary may use funds made available under this section to make cash payments that don't go for crop disasters but for income loss.

Now, as a representative of an area that has a crop disaster, it seems to me I am being written out of any help at all. If that is the case, I would like to know about it.

Maybe my friend from North Dakota can respond, and I yield to him.

Mr. CONRAD. If I might respond to the Senator from Louisiana and assure him, as the author of this provision, it is designed specifically to help every State that has experienced income loss.

Mr. LOTT. How much time is left?

Mr. BREAUX. I ask unanimous consent that Senator CONRAD may complete the response to my question.

Mr. CONRAD. I just say to the Senator from Louisiana, this is specifically designed to help every State that has suffered income loss. The reason the funding has been expanded is because of the losses in Louisiana, the losses in Oklahoma, the losses in Texas, the losses in Georgia.

This is designed to help every State that has experienced income loss, including the Senator's State of Louisiana.

Mr. BREAUX. I yield the floor.

The PRESIDING OFFICER. Under the previous order, we will proceed to vote. The question is on the motion to table the Daschle amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN), would vote "no."

The PRESIDING OFFICER (Mrs. HUTCHISON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby

Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

NOT VOTING—6

D'Amato
Hollings
Mikulski
Moseley-Braun
Specter
Torricelli

The motion to lay on the table the amendment (No. 3580) was agreed to.

AMENDMENT NO. 3581

(Purpose: To provide emergency assistance to agricultural producers)

Mr. DASCHLE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. HARKIN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 3581.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Mr. DASCHLE. Madam President, I ask unanimous consent that my amendment be laid aside to accommodate the amendment to be offered by the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 2279

Mr. LOTT. Madam President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to the consideration of S. 2279, the Wendell Ford National Air Transportation System Improvement Act. I further ask that during the pendency of S. 2279 only relevant amendments be in order to the bill.

Mr. DASCHLE. Madam President, in spite of the extraordinarily good name this bill has, I just inform the majority leader that we are still negotiating. We hope that we can come to some accommodation here. I would personally like to see this legislation pass, but we are not there yet. On behalf of colleagues on this side, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, on this subject, this is a very important Federal Aviation Administration bill. It is critical and is must-pass legislation. I discussed it briefly with Senator DASCHLE and he indicates that he will work to see if we can clear any objections or holds that we might have on it. It involves billions of dollars in airport improvement grants, which cannot be distributed without the authorization bill that has been named the Wendell Ford bill, since he has been a member of the committee and has worked on this particular bill and its authorization for many years. It would provide funding for projects at nearly every airport in the Nation and for work that is really essential. I hope we can come to an agreement on this and get it up for consideration within the next 2 weeks so it won't get caught up and lost at the end of the session. So I will be talking further to Senator DASCHLE about this and any Senator that might have any problems. I know Senator MCCAIN wishes to speak on this.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the majority leader for trying to move this legislation. I thank the Democratic leader for expressing his willingness to try to work something out. But I also have to express my disappointment that we can't reach agreement yet on a manner to proceed to the consideration of the Wendell H. Ford National Air Transportation System Improvement Act. I pledge to do whatever I can within my power to work with my colleagues on a way to move forward with this critical legislation.

This reauthorization bill is a must-pass piece of legislation. The bill must be reauthorized before the end of this fiscal year, or airport grants across the Nation will lapse. Grants to our airports will stop regardless of whether the transportation appropriations bill is signed into law or not.

Madam President, the bill allows for approximately $2 billion to be spent annually on safety and security improvements, as well as capacity enhancements, at public use airports across the country. Ongoing construction projects at hundreds, if not thousands, of airports will be jeopardized if Congress doesn't act before the end of September. Funding for noise grants will halt, as well as funding for important FAA Letter of Intent projects.

Madam President, coincidentally, the State of Texas happens to entail $26,942,447.

This bill authorizes a number of safety initiatives, as well as provisions to promote competition in the domestic airline industry. We need only to look at the crippling effect of the Northwest Airlines strike to understand the need to advance legislation that enhances capacity at and access to our most congested airports.

We must move quickly on this bill. Otherwise, we run the risk of the bill's getting caught up in unrelated politically charged issues at the end of the session.

Also, we need to take the time to move through the appropriate process on this bill. There are too many significant improvements in the Senate reauthorization bill which would die on the vine if we don't proceed to consideration of the Senate version of the bill. Both the House and the Senate have completed action on their respective 1999 transportation appropriations bills and are currently moving towards conference. Without an authorization bill these funds would be unavailable obligations to our Nation's airport.

I ask unanimous consent that the Letters of Intent, as well as the Airport Improvement Program Formula Distributions, some $2.1 billion, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF INTENT

Current letters of intent assume the following fiscal year 1999 grant allocations:

Arkansas: Fayetteville (northwest Arkansas)	$5,000,000
Colorado: Denver International	24,931,000
Georgia: Hartsfield Atlanta International	7,083,000
Illinois:	
Mid-America, Belleville reliever	14,000,000
Chicago Midway	3,000,000
Kentucky:	
Greater Cincinnati	6,000,000
Louisville	18,243,000
Michigan: Detroit Metropolitan	16,400,000
Mississippi: Golden Triangle	300,000
Nevada: Reno/Tahoe International	6,500,000
New York: Buffalo International	1,700,000
Rhode Island: Theodore F. Green State	6,500,000
South Carolina:	
Hilton Head	558,000
Florence Regional	94,000
Tennessee:	
Nashville International	555,000
Memphis International	18,733,000
Texas:	
New Austin at Bergstrom	11,430,000
Dallas/Ft. Worth International	12,500,000
Midland	1,327,000
Virginia: Reagan Washington National	14,232,000
Washington: Seattle-Tacoma International	4,400,000
Total	173,486,000

(Source: United States Senate Report 105–249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 86)

In addition, there is $500,000,000 in discretionary funds available for assignment by the FAA after the authorization and appropriations process has been completed.

AIRPORT IMPROVEMENT PROGRAM FORMULA DISTRIBUTIONS

[Estimated FY98 entitlement and State allocations, Total formula funds at $2.1 billion][1]

Alabama	$5,823,950
Alaska	31,277,460
Arizona	8,759,576
Arkansas	4,577,601
California	31,086,667
Colorado	7,958,160
Connecticut	2,809,935
Delaware	635,295
District of Columbia	468,506
Florida	13,064,255
Georgia	8,040,687
Hawaii	1,186,786
Idaho	5,134,047
Illinois	11,777,613
Indiana	6,148,104
Iowa	5,065,177
Kansas	6,193,550
Kentucky	4,932,788
Louisiana	5,778,788
Maine	2,734,919
Maryland	4,298,977
Massachusetts	5,091,338
Michigan	12,190,141
Minnesota	7,873,545
Mississippi	4,490,016
Missouri	7,558,689
Montana	8,289,328
Nebraska	5,247,768
Nevada	6,692,991
New Hampshire	1,334,174
New Jersey	6,348,164
New Mexico	7,508,916
New York	16,573,616
North Carolina	7,827,567
North Dakota	4,180,687
Ohio	10,647,533
Oklahoma	6,061,992
Oregon	7,247,957
Pennsylvania	11,505,588
Puerto Rico	2,632,148
Rhode Island	832,693
South Carolina	4,302,524
South Dakota	4,559,359
Tennessee	5,936,395
Texas	26,942,447
Utah	5,752,302
Vermont	933,033
Virginia	6,947,024
Washington	7,410,694
West Virginia	2,638,950
Wisconsin	7,204,305
Wyoming	5,421,196
Insular areas	2,564,100
Total	388,500,000

[1] The list includes airport entitlement funds and State funds that would be foregone in fiscal year 1999, assuming the Senate AIP appropriations level of 2.1 billion dollars. These figures don't include discretionary grants & LOI payments.

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 80–1).

(Note: This does not include funds allocated to states for general aviation, relieve, and non-primary commercial service airports, nor does it include nearly half a billion dollars in discretionary grants the FAA will allocate in FY99.)

Mr. McCAIN. Madam President, finally, in summary, let me just say we worked hard on this bill. There are some things that are controversial. We sat down and worked—I see the Senator from Illinois on the floor—on the issue of Chicago O'Hare. We worked with Senator WARNER on the issue of National Airport. We worked with a lot of other people.

We need to move this legislation forward. I want to tell my colleagues that I have a commitment from the chairman of the Appropriations Committee that he will not put a temporary reauthorization on the appropriations bill if we don't reach a resolution of the authorization bill. I have been working on a couple of these issues for now 10 years. I do not intend to see it delayed further. I am committed to seeing this reauthorization take place.

I look forward to working with all of my colleagues in trying to resolve any differences that we might have.

I thank the majority leader for trying to move this legislation at this time. I appreciate the Democrat leader's commitment to working in trying to work this thing out.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that I be recognized for not more than 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASEBALL HISTORY

Mr. DURBIN. Madam President, I am fortunate to be a Senator representing the great State of Illinois, the great city of Chicago, at great ballpark named Wrigley Field.

Yesterday afternoon it was my good fortune to see at least part of the very historic game, a game between the Chicago Cubs and the Milwaukee Brewers, which will now be part of baseball history. It was a game attended by 40,846 fans at Wrigley Field, and several hundred of us on the rooftops and around the field watched and marveled. Not only was it a great baseball game with the Cubs' victory, but it was a historic game for a very important person. Any newspaper you picked up in Chicago, or Illinois, or perhaps across the country, this morning let everyone in on the fact that baseball history was made yesterday in Wrigley Field.

Paul Sullivan, a Tribune staff writer for the Chicago Tribune put it in lyric words that I would like to read:

> With the shadows creeping over the right field vines, and the crowd on its tiptoes, Sosa took hold of an Eric Plunk fastball in the ninth inning and sent it screaming onto Waveland Avenue for number 62, in the greatest home run chase the game has ever seen.

I was happy to be there and to see home run 62. I am happy to represent the State which has in it such a fine man playing as Sammy Sosa. We are really blessed—those of us who follow baseball—to have this wonderful home run derby, and have two extraordinary individuals involved in it.

Mark McGwire of the St. Louis Cardinals also sent 62 home runs this year, eclipsing the record of Babe Ruth, as well as Roger Maris. It is good to know that Mark McGwire is a good person. He announced early in the season that he would be donating $1 million of his salary this year for those children who have been physically and sexually abused. He has a heart, and he has shown it many times.

Then there is Sammy Sosa, from the Dominican Republic.

If you will recall the scene last week when Mark McGwire was breaking the record to be the first to do so, there was Sammy Sosa in right field. He could not have been more supportive and more congratulatory. There is a true friendship between the men.

As Mark McGwire received all of this attention and adulation, Sammy was there to cheer him on. Yesterday, Sammy Sosa matched Mark McGwire with 62 home runs. He continued to praise him as a friend and hoped that they both had good luck in this home run derby in the remaining games.

It tells us a lot about baseball. It tells us a lot about these two men.

Sammy Sosa comes from particularly humble beginnings, starting off in the Dominican Republic. One of my favorite quotes during the course of the season is someone went to Sammy Sosa and said, "Aren't you under a lot of stress because of this race for the home run title?" And he said, "You think this is stressful, earning a living as a shoeshine boy in the Dominican Republic is stressful." He put it all in perspective.

He has been gracious and friendly. He has been a true sportsman throughout this race. He deserves our praise and our cheers as well.

All of us watch anxiously for the closing games to see who ends up with the ultimate home run record.

For those of us who are fortunate to love the game and to be watching it closely in 1998, I want to say my hat is off to Mark McGwire and especially to Sammy Sosa, who yesterday with two towering home runs over left field and into Waveland Avenue, really brought Chicago to its feet, cheering this man and all that he stands for.

I am hoping now that they will continue this race to set the record and to put the great American pastime back on its feet. I think they have done a lot for it.

I wish them both the very best. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENTS NUMBERED 3582 TO 3590 EN BLOC

Mr. GORTON. Madam President, I send a group of amendments to the desk and ask that they be reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes amendments numbered 3582 to 3590 en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 3582

Under the heading "Bureau of Indian Affairs", "Construction" on page 33, strike the second proviso.

AMENDMENT NO. 3583

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

AMENDMENT NO. 3584

(Purpose: To adjust the boundaries of the Columbia River Gorge National Scenic Area)

At the end of Title III, add the following new section:

SEC. . (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98-396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) BOUNDARIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries"; and (2) by adding at the end of the following:

"(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i)."

(b) INTENT.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public law 98–396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

AMENDMENT NO. 3585

(Purpose: To delete funding for acquisition by the United States Fish and Wildlife Service of the Texas Chenier Plain)

On page 13, line 13, before the period at the end insert the following: ", and of which no amount shall be available for acquisition of the Texas Chenier Plain".

AMENDMENT NO. 3586

(Purpose: To direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System)

On page 74, after line 20, add the following:

SEC. 1 . CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) MAP DESCRIBED.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

Mr. CHAFEE. Madam President, Senator HOLLINGS, on July 31, 1997 introduced a bill that makes a boundary change to Unit M09, Edisto Island, which was referred to the Committee on Environment and Public Works. It is my understanding that the amendment he is now offering is identical to your bill. Is that correct?

Mr. HOLLINGS. The Chairman of the Committee on Environment and Public Works is correct. The amendment before us is identical to S. 1104.

Mr. CHAFEE. Could the Senator please explain why the circumstances surrounding this issue are unique?

Mr. HOLLINGS. Certainly, unit M09 has been part of the coastal barrier system since the passage of the Coastal Barrier Resources Act in 1982. In 1987, a portion of Edisto Island was annexed by Colleton County from Charleston County. In 1988, after public notice and comment, the Fish and Wildlife Service recommended that this unit be expanded to include additional areas on Edisto Island. The Fish and Wildlife Service was not advised that a jurisdictional transfer had occurred and provided maps relating to Edisto Island to Charleston County, rather than Colleton. Because Colleton County did not have the appropriate maps, they provided inaccurate maps to landowners at a time when significant economic development were being made.

Mr. CHAFEE. Madam President, the Committee on Environment and Public works favorably reported out this bill last May. The area in question was correctly mapped as an undeveloped coastal barrier, but extraordinary miscommunication at the Federal, State and local levels failed to ensure that the appropriate maps were being provided to the public. As a result, when the landowner inquired from Colleton County about the status of his land with respect to the Coastal Barrier Resources System, he was given inaccurate information. The sole reason that we supported the changes made by Senator HOLLINGS' bill was because of the unprecedented and unique procedural circumstances in this case, and we do not anticipate that there would be other instances that would warrant similar changes. The law only requires Coastal Barrier Resources System maps to be on file at the United States Fish and Wildlife Service, and reporting this bill does not imply that landowners should rely on maps filed at any other location to determine whether or not their property is located within the Coastal Barrier Resources System.

AMENDMENT NO. 3587

On page 74, after line 20, add the following:

SEC. 1 . LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

"(g) ENVIRONMENTAL IMPACT STATEMENT, COMPLIANCE WITH LAW.—As a condition of the exchange of property under this subsection, the Secretary shall—

"(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act, and

"(2) comply with all other applicable laws (including regulations) and rules relating to property transfers.".

Mr. SARBANES. Madam President, I am pleased to join with my colleague Senator MIKULSKI in sponsoring this amendment to require the Secretary of the Interior to prepare an environmental impact statement and comply with all other applicable laws, rules and regulations related to property transfers before engaging in a land exchange near Oxon Creek in Prince Georges County and the District of Columbia.

Section 135 of the Interior Appropriations Act of 1998 directs the Secretary of the Interior, to "accept full title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and * * * in exchange * * * convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia," "notwithstanding any other provision of law." The language directing this exchange was inserted at the eleventh hour in the Conference Report on the Interior Appropriations bill with no prior hearings or consideration, no opportunity for debate, no input from the National Park Service or the area Congressional Delegation and no consultation with the affected communities. It circumvented every procedure and process by which land exchanges normally take place. The only conditions placed on the transaction were that the property would not have environment contamination and that it be a fair market value exchange or equalized in value by a cash payment from CCA.

Since the enactment of the Interior Appropriations bill, the Corrections Corporation of America (CCA) has filed an application with the District of Columbia Zoning Commission to build a 2,200 bed prison on the 42 acre National Park site to house portions of the District of Columbia's inmate population. This facility is strongly opposed by local residents who have raised serious concerns about both the planned location of the prison and the propriety of bypassing National Park Service land exchange and environmental compliance guidelines which allow for public input. Department of the Interior officials have stated that "absent public review, which NPS has been precluded to conduct by statute, it is not clear that the location of a prison on the current parcel of park land would be in the best interest of the public. Further, the legislated land exchange with CCA does not afford equal opportunity to all potential bidders to provide a nearby inmate facility for felons of the District of Columbia."

It is important to point out that the National Park Service's Oxon Cove property has been planned as the site of a public golf course and a hiker-biker trail—recreational facilities urgently needed in great demand by the local community. They are a key component of an overall effort to revitalize the area and enhance the quality of life for local residents. These public facilities would largely be displaced by the CCA prison. Moreover, development of a correctional facility on this site would likely have adverse environmental impacts on Oxon Cove and on the Potomac River which was recently designated as an American Heritage River. In addition, it is my understanding that the CCA owned property in Prince Georges County is mostly wetlands and has no access and consequently the land swap is hardly a "fair market value" exchange.

The amendment which Senator MIKULSKI and I are offering will ensure that no legislated land exchange can be consummated unless and until the exchange has been reviewed in accordance with the procedures customary for such land exchange proposals including: an Environmental Impact Statement in accord with the National Environmental Policy Act; a determination by the Secretary of the Interior that the land is suitable for exchange under the criteria normally used for such exchanges; an evaluation of whether the land exchange is in the best interests of the public and the National Park Service; an opportunity for public hearings and input; a review of the NPS General Management Plan for the property and scrutiny by the National Capital Planning Commission. It is my firm conviction that this legislated land exchange should never have been enacted. We hold this property and all of our Nation's lands in public trust and it my hope that the amendment we are offering will help preserve that trust as well as citizens' rights to due process and having their concerns heard. I urge adoption of this amendment.

AMENDMENT NO. 3588

(Purpose: To modify Section 121 of the bill regarding wildland fire management in Alaska)

On page 59, line 25, insert between the words "Alaska" and "prior" the following: "for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide,".

AMENDMENT NO. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word "program": "and of which $4,400,000 shall be available for the Katmai National Park Land Exchange".

At the appropriate place insert the following new section:

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.

(a) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of the Palakia Melgenak and the United State of America" (hereinafter referred to in this section at the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in seciton 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "An Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for native allotments pursuant to "An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

AMENDMENT NO. 3590

(Purpose: To provide that the Bureau of Land Management may enter into watershed restoration and enhancement agreements with the same entities and for the same purposes as is provided in section 323 of the bill for Forest Service agreements)

On page 74, after line 20, add the following:

SEC. 1 . WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

Mr. GORTON. Madam President, it was a week ago tomorrow early in the afternoon that the Senate began consideration of the Interior appropriations bill. The distinguished Senator from West Virginia, Mr. BYRD, and I made our opening statements. We passed a handful of agreed amendments, and since then the entire subject matter has dealt with matters totally extraneous to that Interior appropriations bill. According to the minority leader's action, we will have another such extraneous amendment tomorrow. But in the closing of this evening, I do have this set of amendments, all of which relate to the subject of the bill.

The first is by Senator CAMPBELL on behalf of the Bureau of Indian Affairs, which strikes certain language in the bill on the subject of the use of highway trust funds.

The second, of which I am a sponsor, also on behalf of the Bureau of Indian Affairs, is an amendment to the Tribal Self-Governance Act to require the repayment of misused Federal funds by self-governance tribes.

The third one of mine is a minor boundary modification at the Columbia River Gorge National Scenic Area.

The fourth also is one of mine for the Fish and Wildlife Service which prohibits the use of funds for land acquisition at Texas Chenier Plain.

The fifth, by Senator HOLLINGS, to which the colloquy applies, makes amendments to the Coastal Barrier Resource System maps in South Carolina.

The sixth, by the two Senators from Maryland, is a modification of section 135 of the fiscal year 1998 Interior appropriations bill on the subject of the Oxon Cove land exchange.

The next is by Senator STEVENS which clarifies section 121, re: "hotshot" crews—that is to say, forest firefighting crews—in Alaska.

The next, also by Senator STEVENS, provides for exchange of lands in Katmai National Park.

And, the last by Senator WYDEN of Oregon gives the Bureau of Land Management authority to enter into the watershed restoration and enhancement agreements to the same extent that the Forest Service can do so.

With that, Madam President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3582 to 3590) were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GOOSE DEPREDATION

Mr. SMITH of Oregon. Mr. President, the wintering Canada goose population has increased ten times in the last twenty years, to 250,000 geese in the Lower Columbia River and Willamette Valley regions. The result has been large numbers of geese grazing on private agricultural fields of wheat, corn, grass seed, and many other crops, leading to huge financial losses for farmers. Farmers have been meeting since the early 1980s with local wildlife officials to create coordinated resource management plans to relieve depredation, but with no results. In 1997, the first Pacific Flyway Council plan was assembled to deal with agricultural depredation by migratory Canada geese. Farmers met with state and federal wildlife officials and other interested parties from Oregon, Washington, Alaska, and California to create a plan that all parties could agree to—as a first step. This funding will implement some of the priorities of that plan.

Mr. WYDEN. I thanked the Chairman for helping us in the Northwest to address a serious, growing problem with a tremendous overpopulation of geese in the Pacific Northwest. During the course of the past year the Oregon and Washington Farm Bureaus, the Alaska Waterfowl Conservation Committee, and state and federal wildlife agencies have worked together on a plan to address this growing problem, and I appreciate the Chairman's help in funding this proposal. Mr. President, the Oregon and Washington Farm Bureaus have provided critical leadership in helping us obtain these funds, and I wonder if the Chairman of the Subcommittee would engage in a colloquy about how these funds are to be spent.

Mr. GORTON. Of course, as the senior Senator from Oregon mentioned, this issue is a serious concern of many of my constituents in the southwestern part of my state. I am delighted to have been able to provide funds from this year's U.S. Fish and Wildlife Service budget to develop a solution to this problem affecting both of our states.

Mr. WYDEN. Is it the Chairman's understanding that at least $152,000 would be directed to fund a study of the economic impact of goose grazing and to develop the most effective methods for reducing damage by Canada Geese; and that the remaining funds will be used to assess, monitor, and reduce depredation by Canadian Geese of agricultural crops in Washington State and Oregon?

Mr. GORTON. The gentleman from Oregon is correct. The $152,000 of study money will be used to continue ongoing studies at Oregon State University and has strong support among farmers in both our states.

Mr. SMITH of Oregon. Further, is it the Chairman's understanding that the Committee directs the monies be allocated by and based upon the consensus of the Canada Goose Agricultural Depredation Working Group, comprised of, but not limited to, one person from each of the following: Washington and Oregon Departments of Fish and Wildlife; U.S. Fish and Wildlife Service; USDA/APHIS Wildlife Services; and an agricultural representative each from Washington and Oregon?

Mr. GORTON. Yes. I understand that this group, which is composed of a diverse array of impacted interests, recently received approval for the NW Oregon/SW Washington Canada Goose Agricultural Depredation Control Plan which provides a foundation for many depredation reduction programs. I am very impressed by the work of this group and am delighted that it will have sufficient flexibility to develop solutions to this problem.

CIVIL WAR BATTLEFIELD PRESERVATION

Mr. TORRICELLI. Mr. President, I would like to thank the many Senators who have demonstrated a commitment to historic Civil War battlefield preservation which culminated in this amendment to the Interior Appropriations Bill that directs $10 million be made available for matching grants to States and local communities for Civil War Battlefield preservation. I especially want to thank Senators LOTT and GORTON for their efforts over the past several months as well as my long time ally in this issue, Senator JEFFORDS.

Battlefield preservation is essential to allow current and future generations to experience the powerful lessons these places convey about the past, present, and future of the United States. A battlefield's landscape speaks beyond written accounts and motion picture and television recreations. The remarkable story of our country's struggle for independence cannot be compellingly told or wholly understood without these sites. The need to protect these sites of heroism and sacrifice has never been more acute. Today, residential, commercial, and industrial development threaten significant battle sites in many states.

A Congressional study of the nation's Civil War sites completed in 1993, found that 20% of the most important sites had already been lost and an additional 50% would be lost in the next ten years without concerted action. The report specifically recommended that $70 million be made available over a 7 year period for matching grants to aid land acquisition efforts. This amendment would for the first time provide a $10 million installment for this purpose.

The premise behind this amendment is simple: Congress must provide funds to leverage nonfederal resources to preserve endangered battlefields. These funds are an investment in our national heritage, an investment that will pay dividends not just for our towns and states, but for the entire country and for generations to come.

MORNING BUSINESS

Mr. GORTON. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 11, 1998, the federal debt stood at $5,547,277,485,008.59 (Five trillion, five hundred forty-seven billion, two hundred seventy-seven million, four hundred eighty-five thousand, eight dollars and fifty-nine cents).

One year ago, September 11, 1997, the federal debt stood at $5,414,576,000,000 (Five trillion, four hundred fourteen billion, five hundred seventy-six million).

Twenty-five years ago, September 11, 1973, the federal debt stood at $460,119,000,000 (Four hundred sixty billion, one hundred nineteen million) which reflects a debt increase of more than $5 trillion—$5,087,158,485,008.59 (Five trillion, eighty-seven billion, one hundred fifty-eight million, four hundred eighty-five thousand, eight dollars and fifty-nine cents) during the past 25 years.

HANOI TAXI

Mr. DEWINE. Madam President, this week, Americans across the country will be participating in events to pay tribute to Americans Missing in Action and former Prisoners of War (MIAs/POWs). With that in mind, I would like to talk about an event that took place on February 12th, 1973. On that date, a United States Air Force C–141 landed at the Gia Lam Airport in Hanoi, North Viet Nam. The crew's mission was to pick up and return to the United States the first American POWs from Viet Nam. This historic mission signaled the beginning of the end of a period of uncertainty for many American POWs and their families. The flight for freedom from captivity came to a joyous conclusion when the aircraft carrying these soldiers landed at Hickham Air Force Base, Hawaii, where for the first time in many years, the former POWs once again stepped proudly and honorably onto American soil.

On that day in February 1973, the tail number of the aircraft dispatched to Gia Lam was 660177. As the primary cargo aircraft for the Air Force at that time, the C–141, and specifically aircraft 660177, had flown cargo missions in support of U.S. operations in Viet Nam. To this day, many of the former POWs that were on board that first freedom flight still remember the tail number—660177. In tribute to the historic mission competed by this particular aircraft, flight crew members informally named the aircraft the "Hanoi Taxi."

Following the conclusion of activities in Viet Nam, the "Hanoi Taxi" continued to serve the Air Force as a cargo aircraft. Throughout the years, the role this aircraft played in our military history went largely unnoticed.

In 1992, aircraft 660177, was assigned to the 445th Airlift Wing of the United States Air Force Reserve at Wright-Patterson Air Force Base in Ohio. At that time, members from the maintenance squadron of the 445th Airlift Wing noticed the words "Hanoi Taxi" on a label above the flight engineer's panel. M/Sgt. Dave Dillon became very interested in this unusual appearance and with the assistance of T/Sgt Henry Harlow, S/Sgt. Jeff Wittman and T/Sgt. Susan Denlinger, they worked to piece together the story behind the name. When they learned of the historic mission that gave aircraft 660177 the name "Hanoi Taxi", personnel from the 445th Airlift Wing began the process of transforming the aircraft into a flying tribute to honor those former Prisoners of War and those that are still Missing in Action.

Today, nose art on the "Hanoi Taxi" represents the emblem of the 4th Allied Prisoner of War Wing and a plaque adorns a position of high visibility near the flight deck honoring the first 40 individuals that made that first flight from Hanoi on February 12, 1973. In addition, photographs of the historic mission are placed throughout the aircraft to allow those passing through the cabin to see those brave individuals who were forced to surrender their own freedom to protect ours.

For many of the POW's that were on board the "Hanoi Taxi", some of the memories of their captivity have faded over the years, but today the number 660177 is the number of freedom—the number of the aircraft that reunited them with their friends and families.

Notable passengers on board the "Hanoi Taxi" include retired Navy Rear Admiral Jeremiah Denton, who later served as a United States Senator. Then Air Force Captain Ed Mechenbier also was a passenger. Today, Brigadier General Ed Mechenbier still serves his country in the United States Air Force Reserve. The significance of the "Hanoi Taxi" is best illustrated by the following comments General Mechenbier provided in a recent interview:

> This airplane is more than a tribute to the POW's that were fortunate to be released in 1973. It reminds us of the service of more than a million Viet Nam era veterans, and it says to those POW/MIAs who did not share in our joy, you are not forgotten.

This week our Nation honors the sacrifices and dedication to duty, honor and country that those Missing in Action and former Prisoners of War have provided. As we remember the sacrifice that has been made, let us not forget the continuing sacrifice that our present members of our armed forces have made as we forge pathways of peace in an ever changing environment of world events.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate communities.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE UNITED STATES PARTICIPATION IN THE UNITED NATIONS FOR CALENDAR YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 155

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79–264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

REPORT ON THE NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 156

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the International Space Station program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2538. An act to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

H.R. 2863. An act to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3892. An act to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for the consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. SHUSTER, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. DICKS, Mr. DIXON, Mr. SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON, and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, and Ms. SANCHEZ.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2538. An act to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

H.R. 2863. An act to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3892. An act to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2213. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act (Rept. No. 105–327).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property (Rept. No. 105–328).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co (Rept. No. 105–329).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2106. A bill to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes (Rept. No. 105–330).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3830. A bill to provide for the exchange of certain lands within the State of Utah (Rept. No. 105–331).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 2364. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 (Rept. No. 105–332).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes (Rept. No. 105–333).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DASCHLE (for Mr. HOLLINGS):

S. 2464. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2466. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2468. A bill to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1998

Mr. SARBANES. Mr. President, today I am introducing legislation to help commemorate and preserve significant sites associated with America's Second War of Independence, the War of 1812. My legislation, entitled "The Star-Spangled Banner National Historic Trail Study Act of 1998," directs the Secretary of the Interior to initiate a study to assess the feasibility and desirability of designating the route of the British invasion of Washington, D.C. and their subsequent defeat at Baltimore, Maryland, as a National Historic Trail.

Since the passage of the National Trails Systems Act of 1968, the National Park Service has recognized historically significant routes of exploration, migration and military action through its National Historic Trails Program. Routes such as the Juan Bautista de Anza, Lewis and Clark, Pony Express and Selma to Montgomery National Historic Trails cross our country and represent important episodes of our nation's history, episodes which were influential in shaping the very future of this country. It is my view that the inclusion of the Star-Spangled Banner Trail will give long overdue recognition to another of these important events.

The War of 1812, and the Chesapeake Campaign in particular, mark a turning point in the development of the United States. Faced with the possibility of losing the independence for which they struggled so valiantly, the citizens of this country were forced to assert themselves on an international level.

From the period of the arrival of the British forces at Benedict, in Charles County, Maryland, on August 18, 1814, to the American victory at Fort McHenry in Baltimore, on September 14, 1814, the war took a dramatic turn. The American forces, largely comprised of Maryland's citizens, were able to slow the British advance through the state and successfully defended Baltimore, leading to the retreat of the British.

The sites along this trail mark some of the most historically important events of the War of 1812. It begins with the only combined naval and land attack on the United States, originating at Benedict, Maryland and continuing on to the nation's capital, Washington, D.C. It follows the defeat of the Americans at the Battle of Bladensburg, the evacuation of the United States Government, the burning of the nation's capital, including the White House and the Capitol Building, the battle at North Point and the bombardment of Fort McHenry, site of the composition of our National Anthem, the Star-Spangled Banner, and the ultimate defeat of the British.

The route will also serve to bring awareness to several lesser known, but equally important sites of the war, including St. Leonard's Creek in Calvert County, where two American vessels scuttled by the British have recently been found, Brookeville, Maryland, which served as the nation's capital for one day, and Todd's Inheritance, the signal station for the American defenders at Fort McHenry. These sites, and many like them, will only enrich the story told along the trail. Additionally, the attention given to these sites should prove beneficial in terms of efforts to preserve and restore them.

Mr. President, the designation of the route of the British invasion of Washington and American defense of Baltimore as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner Trail. It will also give long overdue recognition to those patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

TAX LEGISLATION

Mr. HARKIN. Mr. President, today I am introducing legislation for myself and Senator JOHNSON providing farmers with the option of receiving a refund from taxes paid in the past 10 years for their current operating losses. Congressman JOHN TANNER of Tennessee is introducing an identical measure in the House.

Farmers are suffering huge losses through no fault of their own. No other business has less control of the price they can receive for what they produce. Farmers cannot control the world's weather or the World economy. But, those factors determine the price of corn, soybeans and wheat. The Freedom to Farm bill passed in 1997 sharply reduced the farmer's safety net. And, now, farm prices are crashing to levels not seen in decades, to levels never seen before if we adjust for inflation. Many farmers are going to have a very difficult time being able to acquire the funds needed to plant their crops in the coming year or maintain their annual operations. Many farmers could lose the farms that have been in their families for generations. And, the economic difficulty is far broader. It is already having a terrible ripple effect on the economies of rural areas. Layoffs are starting to occur at agricultural equipment manufacturers and in stores in small towns. But, we are just at the beginning stages of what could become a very severe downtown in rural America.

A number of Senators and I are proposing a series of modifications in agricultural programs to help alleviate the problem. But, I believe the Congress should also pass a provision broadening existing law allowing farmers to recover taxes paid in the past to cover their net operating losses.

Under existing law, businesses including farmers can be reimbursed for their business losses by receiving a rebate for taxes paid in the prior 2 years, 3 years in cases where there was a natural disaster. Now we are facing a large economic disaster that can really sink rural America.

There are widely supported proposals to allow farmers to invest some of their profits for up to 5 years without being taxed till the money is used in poor years, effectively a type of income averaging. That is fine. But, what is more desperately needed at this time is more immediate assistance.

I propose that family farmers be allowed the option to get a rebate from the taxes that they paid over the past 10 years covering up to $200,000 in operating losses rather than the two years allowed under current law. Many farmers cannot receive a rebate for their operating losses because they were not able to make any taxable profits in the last few years. The benefit would only go to farmers whose families are actively engaged in farming and whose business activity is mostly farming. The amount of the rebate would be dependent on the amount of the loss and the tax rate paid by the farmer for the paid taxes that are being restored.

The provision would cover losses occurring in 1998 or 1999. If the measure passed this year, farmers would be able to calculate their loss early next year and quickly receive a rebate from the IRS for the taxes paid in earlier years.

This proposal provides a significant amount of relief when it is needed early next year. It will help many farmers acquire some of the funds they need to plant.

Current law already allows a few taxpayers in certain circumstances to go back and recover taxes that they paid for 10 years. I believe that it should be broadened to cover farmers in this difficult time. In fact, there is a precedent in the 1997 Taxpayer Relief Act in which Amtrak was allowed to use net operating losses of their predecessor railroads from over 25 years in the past.

I urge that when the Congress considers a tax bill, this provision be considered and passed.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. McCain, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1351

At the request of Mr. Burns, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 1351, a bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities.

S. 1362

At the request of Mr. Grassley, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1362, A bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program.

S. 1480

At the request of Ms. Snowe, the name of the Senator from Virginia (Mr. Robb) was added as a cosponsor of S. 1480, a bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1504

At the request of Mr. Harkin, his name was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1868

At the request of Mr. Nickles, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1981

At the request of Mr. Hutchinson, the names of the Senator from Washington (Mr. Gorton), the Senator from Arizona (Mr. Kyl), and the Senator from Utah (Mr. Hatch) were added as cosponsors of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 2145

At the request of Mr. Shelby, the name of the Senator from Nevada (Mr. Bryan) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2190

At the request of Mr. Kennedy, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2202

At the request of Mr. Akaka, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Kentucky (Mr. McConnell) were added as cosponsors of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2205

At the request of Mr. Dorgan, the names of the Senator from Nebraska (Mr. Hagel), the Senator from South Dakota (Mr. Johnson), the Senator from Colorado (Mr. Campbell), the Senator from Nevada (Mr. Reid), and the Senator from Idaho (Mr. Craig) were added as cosponsors of S. 2205, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

S. 2281

At the request of Mr. DeWine, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2283

At the request of Mr. Harkin, his name was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2295

At the request of Mr. McCain, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. MACK, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2335

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2335, a bill to amend title XVIII of the Social Security Act to improve efforts to combat medicare fraud, waste, and abuse.

S. 2354

At the request of Mr. BOND, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2376

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2376, A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 2383

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2383, A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

S. 2412

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. BRYAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

S. 2425

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 2445

At the request of Mr. THOMPSON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), the Senator from Maine (Ms. COLLINS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2445, a bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

S. 2453

At the request of Mr. ROTH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2453, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

DASCHLE (AND OTHERS) AMENDMENT NO. 3580

Mr. HARKIN (for Mr. DASCHLE for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. WELLSTONE, and Mr. BINGAMAN) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 702. EMERGENCY STORAGE PAYMENTS.

Subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

"SEC. 138. EMERGENCY STORAGE PAYMENTS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may provide storage payments to producers on a farm to encourage the producers to place all or part of eligible cropland devoted to the 1998 crop of wheat or feed grains under a marketing assistance loan under section 131 if the Secretary determines that the wheat or feed grains are in abundant supply and that providing storage payments is an appropriate means of facilitating the orderly marketing of the commodities and alleviating burdens on commodity transportation and marketing systems.

"(2) PARTICIPATION.—The Secretary shall ensure that producers are afforded a fair and equitable opportunity to receive the storage payments, taking into account regional differences in the time of harvest.

"(b) STORAGE PAYMENTS.—

"(1) IN GENERAL.—Payments for the storage of wheat or feed grains under this section shall be made in such amounts and under such conditions as the Secretary determines are appropriate to encourage producers to place wheat or feed grains under marketing assistance loans.

"(2) TIMING.—Storage payments under this section may be made in advance.

"(3) DURATION.—The Secretary shall cease making storage payments under this section—

"(A) in the case of wheat, during any period in which the price of wheat is equal to or exceeds $4.00 a bushel;

"(B) in the case of corn, during any period in which the price of corn is equal to or exceeds $2.75 a bushel;

"(C) in the case of any other feed grain, during any period in which the price of the other feed grain is equal to or exceeds an amount that is equivalent to the rate for corn specified in subparagraph (B), as determined by the Secretary; and

"(D) in the case of wheat or any feed grain, during the 90-day period immediately following the last day on which the price of wheat or the feed grain was equal to or in excess of the levels established under subparagraph (A), (B), or (C).

"(4) COMPARABILITY OF STORAGE PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in making storage payments to producers under this section and to commercial warehouses in accordance with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Commodity Credit Corporation and the Secretary shall, to the maximum extent practicable, ensure that the rates of the storage payments paid to producers are equivalent to the average rates paid for commercial storage, taking into account the demand for storage for commodities, efficiency, location, regulatory compliance costs, bonding requirements, and the impact of user fees, as determined by the Secretary.

"(B) NO INCREASE IN OUTLAYS.—The rates paid to producers and commercial warehouses shall be established at rates that will result in no increase in current or projected combined outlays of the Commodity Credit Corporation for the storage payments made to producers and commercial warehouses as a result of the adjustment of storage rates under this section.

"(c) QUANTITY OF COMMODITIES ELIGIBLE FOR STORAGE PAYMENTS.—The Secretary may establish maximum quantities of wheat and feed grains that may be eligible for storage payments under this section that do not exceed—

"(1) in the case of wheat, 450,000,000 bushels; and

"(2) in the case of feed grains, 1,000,000,000 bushels.

"(d) TERM OF LOAN.—Notwithstanding section 133(c), the Secretary may extend the term of a marketing assistance loan for each of the 1998 crops of wheat and feed grains for a period such that the total loan period does not exceed 15 months.

"(e) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the Commodity Credit Corporation, to the maximum extent practicable, to carry out this section.

"(f) ADDITIONAL AUTHORITY.—The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operation programs.".

SEC. 703. RESERVE INVENTORIES.

(a) APPROPRIATION.—For the reserve established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), $1,500,000,000.

(b) IMPROVEMENTS.—Section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) is amended—

(1) in the first sentence of subsection (a), by inserting "of agricultural producers" after "distress";

(2) in subsection (c), by inserting "the Secretary or" after "President or"; and

(3) in subsection (h)—

(A) by striking "(h) There is hereby" and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are"; and

(B) by adding at the end the following:

"(2) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments that don't go for crop disasters, but for income loss to carry out the purposes of this section.".

SEC. 704. LIVESTOCK INDUSTRY IMPROVEMENT.

(a) DOMESTIC MARKET REPORTING.—

(1) IN GENERAL.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(A) by striking "(g) To" and inserting the following:

"(g) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.—

"(1) IN GENERAL.—The Secretary is authorized and directed to"; and

(B) by adding at the end the following:

"(2) DOMESTIC MARKET REPORTING.—

"(A) MANDATORY REPORTING PILOT PROGRAM.—

"(i) IN GENERAL.—Subject to clause (v), the Secretary shall conduct a 3-year pilot program under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to report to the Secretary (or a person designated by the Secretary) in such manner as the Secretary shall require, such information relating to prices and the terms of sale for the procurement of livestock, livestock products, meat, or meat products in an unmanufactured form as the Secretary determines is necessary to carry out this subsection.

"(ii) NONCOMPLIANCE.—It shall be unlawful for a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to knowingly fail or refuse to provide to the Secretary information required to be reported under subparagraph (A).

"(iii) CEASE AND DESIST AND CIVIL PENALTY.—

"(I) IN GENERAL.—If the Secretary has reason to believe that a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form is violating the provisions of subparagraph (A) (or regulation promulgated under subparagraph (A)), the Secretary after notice and opportunity for hearing, may make an order to cease and desist from continuing the violation and assess a civil penalty of not more than $10,000 for each violation.

"(II) CONSIDERATIONS.—In determining the amount of a civil penalty to be assessed under clause (i), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person to continue in business.

"(iv) REFERRAL TO ATTORNEY GENERAL.—If, after expiration of the period for appeal or after the affirmance of a civil penalty assessed under clause (iii), the person against whom the civil penalty is assessed fails to pay the civil penalty, the Secretary may refer the matter to the Attorney General, who may recover the amount of the civil penalty in a civil action in United States district court.

"(v) APPLICATION.—This subparagraph shall apply only to a person that is engaged in the business of buying, selling, or marketing at least 10 percent of the livestock, livestock products, meat, or meat products bought, sold, or marketed in the United States.

"(B) VOLUNTARY REPORTING.—The Secretary shall encourage voluntary reporting by persons engaged in the business of buying, selling, or marketing livestock, livestock products, meats, or meat products in an unmanufactured form that are not subjected to a mandatory reporting requirement under subparagraph (A).

"(C) AVAILABILITY OF INFORMATION.—The Secretary shall make information received under this paragraph available to the public only in a form that ensures that—

"(i) the identity of the person submitting a report is not disclosed; and

"(ii) the confidentiality of proprietary business information is otherwise protected.

"(D) EFFECT ON OTHER LAWS.—Nothing in this paragraph restricts or modifies the authority of the Secretary to collect voluntary reports in accordance with other provisions of law.".

(2) TECHNICAL AMENDMENT.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(A) by striking "The Secretary is directed and authorized:"; and

(B) in the first sentence of each of subsections (a) through (f) and subsections (h) through (n), by striking "To" and inserting "The Secretary is authorized and directed to".

(b) PROHIBITION ON NONCOMPETITIVE PRACTICES.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following:

"(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.".

(c) PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.—

(1) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(A) by striking "or subject" and inserting "subject"; and

(B) by inserting before the semicolon at the end the following: ", or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer".

(2) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the

Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

"(e) Special Procedures Regarding Allegations of Retaliation.—

"(1) Consideration by special panel.—The Secretary shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

"(2) Complaint; hearing.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

"(3) Evidentiary standard.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.".

(3) Damages for producers suffering retaliation.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

"(f) Damages for Producers Suffering Retaliation.—

"(1) In general.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

"(2) Enforcement.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

"(3) Other remedies.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.".

(d) Review of Federal Agriculture Credit Policies.—The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 705. LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) Definitions.—Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

"(w) Beef.—The term 'beef" means meat produced from cattle (including veal).

"(x) Lamb.—The term 'lamb' means meat, other than mutton, produced from sheep.

"(y) Beef blended with imported meat.—The term 'beef blended with imported meat' means ground beef, or beef in another meat food product that contains United States beef and any imported beef.

"(z) Lamb blended with imported meat.—The term 'lamb blended with imported meat' means ground meat, or lamb in another meat food product, that contains United States lamb and any imported lamb.

"(aa) Imported beef.—The term 'imported beef' means any beef, including any fresh muscle cuts, ground meat, trimmings, and beef in another meat food product, that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

"(bb) Imported lamb.—The term 'imported lamb' means any lamb, including any fresh muscle cuts, ground meat, trimmings, and lamb in another meat food product, that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

"(cc) United states beef.—

"(1) In general.—The term 'United States beef' means beef produced from cattle slaughtered in the United States.

"(2) Exclusions.—The term 'United States beef' does not include—

"(A) beef produced from cattle imported into the United States in sealed trucks for slaughter;

"(B) beef produced from imported carcasses;

"(C) imported beef trimmings; or

"(D) imported boxed beef.

"(dd) United states lamb.—

"(1) In general.—The term 'United States lamb' means lamb, except mutton, produced from sheep slaughtered in the United States.

"(2) Exclusions.—The term 'United States lamb' does not include—

"(A) lamb produced from sheep imported into the United States in sealed trucks for slaughter;

"(B) lamb produced from an imported carcass;

"(C) imported lamb trimmings; or

"(D) imported boxed lamb.".

(b) Labeling.—

(1) Imported beef or imported lamb.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

"(13)(A) If it is imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb and is not accompanied by labeling that identifies it as imported beef or imported lamb.

"(B) If it is United States beef or United States lamb offered for retail sale, or offered and intended for export as fresh muscle cuts of beef or lamb, and is not accompanied by labeling that identifies it as United States beef or United States lamb.

"(C) If it is United States or imported ground beef or other processed beef or lamb product and is not accompanied by labeling that identifies it as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of United States beef and imported beef United States lamb and imported lamb or contained in the product, as determined by the Secretary under section 7(h).".

(2) Country of origin.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

"(g) Country of Origin.—Imported beef, imported lamb, or ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb described in section 1(n) may be marked, labeled, or otherwise identified to indicate the country of origin.".

(3) Conforming amendment.—Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by adding at the end the following: "All imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb shall be plainly and conspicuously marked, labeled, or otherwise identified as imported beef or imported lamb.".

(c) Ground or Processed Beef and Lamb.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) (as amended by subsection (b)(2)) is amended by adding at the end the following:

"(h) Ground or Processed Beef and Lamb.—

"(1) Voluntary labeling.—Subject to paragraph (2), the Secretary shall provide by regulation for the voluntary labeling or identification of ground beef, ground lamb, or other processed beef or lamb product as—

"(A) United States beef or United States lamb, beef blended with United States meat or lamb blended with United States meat, or other designation that identifies the content of United States beef or United States lamb contained in the product; or

"(B) imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product;

as determined by the Secretary.

"(2) Mandatory labeling.—

"(A) In general.—Except as provided in subparagraph (B), not later than 18 months after the date of enactment of this subsection, the Secretary shall provide by regulation for the mandatory labeling or identification of ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb as imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product, as determined by the Secretary.

"(B) Application.—Subparagraph (A) shall not apply to the extent the Secretary determines that the costs associated with labeling under subparagraph (A) would result in an unreasonable burden on producers and processors, retailers, or consumers.".

(d) Ground Beef and Ground Lamb Labeling Study.—

(1) In general.—The Secretary of Agriculture shall conduct a study of the effects of the mandatory use of imported, blended, or content labeling on ground beef, ground lamb, and other processed beef or lamb products made from imported beef or imported lamb.

(2) Costs and responses.—The study shall be designed to evaluate the costs associated with and consumer response toward the mandatory use of labeling described in paragraph (1).

(3) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report the findings of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) Regulations.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this section.

SEC. 706. EMERGENCY REQUIREMENT.

(a) Budget Request.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) Designation by Congress.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

DASCHLE (AND OTHERS) AMENDMENT NO. 3581

Mr. DASCHLE (for himself, Mr. Harkin, Mr. Dorgan, Mr. Johnson, Mr. Kerrey, Mr. Conrad, Mr. Baucus, and Mr. Wellstone) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) Marketing Assistance Loans.—

(1) Loan rates.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) Rice.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) Term of loan.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) Application.—

(1) In general.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) Loans.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) Budget Request.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) Designation by Congress.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

CAMPBELL AMENDMENT NO. 3582

Mr. GORTON (for Mr. Campbell) proposed an amendment to the bill, S. 2237, supra; as follows:

Under the heading "Bureau of Indian Affairs", "Construction" on page 33, strike the second proviso.

GORTON AMENDMENTS NOS. 3583–3585

Mr. GORTON proposed three amendments to the bill, S. 2237, supra; as follows:

Amendment No. 3583

At the end of Title I, General Provisions, add the following new section:

Sec. . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

Amendment No. 3584

At the end of Title III, add the following new section:

Sec. . (a) In General.—To reflect the intent of Congress set forth in Public Law 98–396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) Boundaries.—

"(A) In general.—Except as provided in subparagraph (B), the boundaries"; and (2) by adding at the end of the following:

"(B) Exclusions.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i)."

(b) Intent.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public Law 98–396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

Amendment No. 3585

On page 13, line 13, before the period at the end insert the following: ", and of which no amount shall be available for acquisition of the Texas Chenier Plain".

HOLLINGS AMENDMENT NO. 3586

Mr. GORTON (for Mr. Hollings) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1___. CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) Map Described.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

MIKULSKI (AND SARBANES) AMENDMENT NO. 3587

Mr. GORTON (for Ms. Mikulski for herself and Mr. Sarbanes) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1___. LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

"(g) Environmental Impact Statement, Compliance With Law.—As a condition of the exchange of property under this subsection, the Secretary shall—

"(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act; and

"(2) comply with all other applicable laws (including regulations) and rules relating to property transfers.".

STEVENS AMENDMENTS NOS. 3588–3589

Mr. GORTON (for Mr. Stevens) proposed two amendments to the bill, S. 2237, supra; as follows:

Amendment No. 3588

On page 59, line 25, insert between the words "Alaska" and "prior" the following: "for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide,".

Amendment No. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word "program": "and of which $4,400,000 shall be available for the Katmai National Park Land Exchange".

At the appropriate place insert the following new section;

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.

(a) Ratification of Agreement.—

(1) Ratification.—

(A) In general.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America" (hereinafter referred to in this section as the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "an Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to "an Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other act hereafter enacted for the implementation of the Agreement may be expended until the Secetary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiah, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provisions, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of land prepared in implementing either the Agreement of this section. Such legal description shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

WYDEN AMENDMENT NO. 3590

Mr. GORTON (for Mr. WYDEN) proposed an amendment to the bill S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1—.WATERSHED REGISTRATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private nonprofit entities, and landowners for the protection restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a conferee meeting of the Senate Committee on Labor and Human Resources and the House Committee on Education and the Workforce will be held on Tuesday, September 15, 1998, 2:00 P.M., in SD–430 of the Senate Dirksen Building. The subject of the meeting is H.R. 6, Higher Education Act Amendments of 1998. For further information, please call the committee, 202/224–5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

For further information concerning this meeting, please contact Sherry Little at the Rules Committee on 4–0192.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "The National Cancer Institute's Management of Radiation Studies."

This hearing will take place on Wednesday, September 16, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Pamela Marple, the Subcommittee's Minority Chief Counsel at 224–2627.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 10:00 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on S. 2288, the Wendell H. Ford Government Publications Act of 1998.

For further information concerning this meeting, please contact either Ed Edens at the Rules Committee on 4–6678, or Eric Peterson at the Joint Committee on Printing on 4–7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that during the previously scheduled full committee hearing to consider Department of Energy and Department of Interior nominations, the Energy and Natural Resources will consider the nomination of T.J. Glauthier to be Deputy Secretary of Energy. The hearing will take place on Thursday, September 17, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, September 17, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Professional Development: Incorporating Advances in Teaching. For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing that was scheduled for Thursday, September 24, 1998 at 2:00 p.m. before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources, to receive testimony on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes, has been canceled.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 14, 1998, at 1 p.m., in Dirksen 628, for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO "LIB" SMITH: 1911–1998

• Mr. HELMS. Mr. President, there was this lady of nobility, whom everybody called "Lib," who was loved by everyone who knew her. She slipped away into eternity on August 15 prompting sadness among the multitudes whom she had helped and befriended during her busy lifetime.

I met Mrs. Elisabeth Smith in 1972, the year I first became a candidate for the U.S. Senate. She came to our campaign headquarters in Raleigh's Sir Walter Hotel, announcing that she had come to support me—perhaps the most improbable Senate candidate in the history of the republic.

And support me she did, vigorously, from the first campaign in 1972 down through the years until 1996, the year of my fourth reelection.

That day in 1972, she had just retired after long service as a registered nurse in the office of a prominent Raleigh physician.

There was never any question about her fervent love for her country, nor her devotion to the moral and spiritual principles laid down by the Founding Fathers.

She agreed to take on the responsibilities of treasurer of four of the five campaigns conducted by the Helms for Senate campaign organizations.

Year after year, Lib Smith was a sort of beloved "mother hen" to the throngs of volunteer campaign workers as well as those who bore primary responsibilities conducting the campaigns. She was a soothing influence when tempers festered. She was a reliable friend to all who needed her. And she performed perfectly and responsibly as the official Treasurer of every Helms for Senate campaign from 1978 through 1990.

She was a faithful member of St. Timothy's Episcopal Church, the Diocese of North Carolina, and the Altar Guild. In her "spare time" she did the needlework for St. Timothy's Altar Vestments—as well as anything else that needed doing at her church.

I learned only recently that she was renowned as a ballroom dancer—and as an artist who painted many portraits of loved ones and friends. Her two children—son Phillip W. Smith and daughter Mrs. Gayle Bullock—provided her with four grandchildren and six great-grandchildren.

Mr. President, I know of no one who enjoyed life more than Lib Smith. She brought joy and comfort to countless others. She was a wonderfully remarkable lady whom I will never forget and to whom I shall always be grateful.•

VERMONT MOZART FESTIVAL

• Mr. LEAHY. Mr. President, I rise today to speak about an event that has been a Vermont cultural tradition for twenty-five years. The Vermont Mozart Festival began in 1974, and through the vision of its founders, it has grown tremendously in popularity, today attracting over 17,000 advance ticket buyers for a series of 25 concerts in 16 different locations across the state.

The international acclaim of Wolfgang Amadeus Mozart is clearly demonstrated by the long distances loyal festival attendees travel each year. Concert-goers flock from all across the United States, Canada and even as far away as Europe to hear top-caliber musicians perform world-class compositions. These faithful return year after year to hear the works of a variety of composers, with a primary focus on the symphonies, concertos and other brilliant works of Mozart.

The festival is a tradition for the Leahy family. I was honored when the festival asked me to speak at a concert to honor its 25th anniversary. I took this opportunity to praise the musicians but also to acknowledge the dedication of the festival organizers and the expansive volunteer network, now numbering over 150. The fruits of their efforts are clear from the warm applause that bring the curtain down at the end of each performance.

Mr. President, I ask that a recent article about the Vermont Mozart Festival that appeared in the Rutland Herald be printed in the RECORD so that all Senators and their staff can learn more about this great Vermont tradition.

The article follows:

[From the Rutland Herald, July 5, 1998]

FESTIVAL CELEBRATES 25TH YEAR WITH MORE GREAT MUSIC

(By Jim Lowe)

The Vermont Mozart Festival's 25 years of success come from turning adversity to advantage, making the most of a situation, according to two of its founders, Melvin Kaplan and William Metcalfe.

When Kaplan, the festival's artistic director from the beginning, discovered Shelburne Farms in a book of North American barns, he got himself invited to tea with Elizabeth Webb, the estate's owner.

"No one living in this community 25 years ago had ever seen it. It was a private home. It was like stepping into a fairy tale," Kaplan said.

"So I said to her, 'Gee, two years from now we're going to start a festival, and it would be wonderful to have concerts here.' And she said, 'Why don't you come and have your concerts here?' A lot of people wouldn't have asked the question."

Five months before the festival opened, however, the Webb children reduced the offer to only a few concerts each year. "Because of that, we turned it into doing multiple locations, which turned out to be a big plus," Kaplan said.

"I think of the concept, which is so special," added Metcalfe, who conducts choral and orchestral concerts, as well as leading the annual Gilbert and Sullivan operetta. "I think the concept, in my mind, is that you take advantage of the special locations we have around Burlington, and you put high quality music into those locations, and build programs in a way which suits the locations. I think that makes this festival very special."

The Vermont Mozart Festival is celebrating its 25th anniversary this summer with 25 concerts at 16 different locations in 12 towns. After a special presentation of the Peter Shaffer play, "Amadeus," July 10 and 11 at Burlington's Flynn Theatre, produced with Vermont Stage Company and the Flynn, the festival will formally open July 12 with the orchestral concert at Shelburne Farms, including the annual dressage exhibition. The festival actually opened July 4 with a pre-season holiday concert at Sugarbush, and closes Aug. 12 at Stowe's Trapp Family Meadow.

"They've got a great theme—the whole notion of Mozart, the greatest composer who ever lived," Thomas Philibon, executive director of the Vermont Symphony Orchestra, said of the festival's success.

"They've been at it all those years, and they really know how to fix up the events and make it so they can attract a lot of happy people."

It all started when Kapian, a professional oboist and New York concert manager, and his wife, violist Ynez Lynch, bought a barn in Charlotte in 1971, and converted it into a house. He was approached by University of Vermont Lane Series director Jack Trevithick, UVM choral director James Chapman and Metcalfe, who though a UVM history professor had taken over the music department for a year. They asked him to join them in creating a summer music event.

Thus, in 1974, under the auspices of the UVM Lanes Series, the first Vermont Mozart Festival presented 10 concerts over a two-week period, including the opening concert at the UVM Show Barn, Mozart piano concertos on the Lake Champlain Ferry performed by Beaux Arts Trio pianist Menahem Pressler, and myriad ancillary activities. The concert in the Shelburne Farms ballroom was the first time the Webb estate had ever been used for a public event.

Kaplan had connections throughout the music world, and invited some of his well-known musician friends, including Pressler, New York Philharmonic Principal Flutist Julius Baker, as well as his own world-touring ensembles, the New York Chamber Soloists and the Festival Winds. Over 25 years, the festival has attracted some of the world's greatest musicians, including a benefit concert in 1980 by Benny Goodman.

"He looked like a very old man," Kaplan said of the great jazz clarinetist's performance. "He walked up on stage, started to play, and lost 40 years. It was just astonishing."

The festival featured L'Orchestre Symphonique de Montreal (Montreal Symphony) in 1989, but over the years it has presented concerts by such famed ensembles as the Beaux Arts Trio, the Guarneri Quartet, and the Tokyo Quartet. The Emerson String Quartet and the Ying Quartet can thank the festival for some of their earliest concerts. (Both are returning this season.)

"It becomes more like family," Kaplan said. "The people that come here come from San Francisco, Montreal, Ottawa, Philadelphia, New York, etc. Some people come from Europe. Almost all of them have known each other from 30 to 50 years. It's like getting a big family back together."

"It's also true that we've had Vermont musicians here, and it's still true. It's a wonderful mix of people from all over the place," Metcalfe added.

Programming, too, has broadened out of necessity. The first two years were devoted entirely to Mozart, including symphonies, piano concertos, chamber and choral works. After the second year, with three weeks of concerts, it was decided to vary the programming. In addition to the 206 works by Mozart the festival programmed over 25 years, 1,948 by other composers have been performed.

"In the beginning, we felt that an audience of 600 or 700 for big events was enormous," Kaplan said. "When we started to get audiences of 1,900 and 2,000, I convinced the board it made no sense to play a Mozart symphony with just five strings. Little by little, we've increased it so that we have as big an orchestra as we could put on the Shelburne Farms porch. We're stretching it a tiny bit to do Brahms Double Concerto this year."

Still, Mozart remains the staple, and for this year's final concert at Shelburne Farms Aug. 1, Metcalfe will conduct his Oriana Singers and the Festival Orchestra in Robert Levin's new orchestration of the Requiem. (Mozart died before the work was completed; the version traditionally performed is by his student, Franz Sussmayr.)

"It's different, and I think it's really good," Metcalfe said. "Part of the Mozart Festival tradition is to introduce new things as well as maintain continuity. It opens your ears."

The festival was a popular success from the beginning, with all concerts selling out the first year, but achieving financial stability took a while. After opening with a $36,000 budget, the festival incurred substantial deficits for its first three years, while under the financial umbrella of the University of Vermont.

When UVM then dropped the festival as a financial liability, its leaders managed to turn it to their advantage. Previously, Burlington businessman Duncan Brown had told Kaplan that if there was any problem with the university, he would solve it.

"I called him," Kaplan said. "He said, 'What do you need?' I said I needed $55,000 and a secretary to do nothing but that, and an office for her."

Brown hired the secretary, provided space for her at his office, and called together a meeting of a hundred of his music-loving friends and acquaintances at St. Paul's Cathedral.

"Ultimately, it ended up with a bunch of people sitting around saying they didn't want it to die. They met again, and formed the corporation." Kaplan said. "It was much better for the festival to have a community board that was invested emotionally and financially in the whole operation."

Today, the festival has a budget of just over $600,000, with a year-round full-time staff of three, two more in summer. Ticket sales have grown from $13,917 in 1974 to $307,316 in 1997. This year, some 17,000 tickets—6,000 more than last year—were sold by the June 15 discount deadline.

If tickets were to pay the cost of the festival, though, they would be $30 as opposed to the $19 charged, explained Trish Sweeney, the festival's executive director since 1996. Fund-raising activities make up the rest, including individual gifts (membership), and merchandise sales, but the largest portion is business sponsorship.

Volunteers, numbering some 160, represent the festival's major support group. It requires 60 for each Shelburne Farms concert. "We have so many who are coming to every concert, which is a blessing because they really know what they are doing," Sweeney said. "People jockey for concerts. For the smaller ones, we have to turn people away."

Although the festival is celebrating its 25th anniversary this year, it doesn't have time to rest. Most of its next season is already set, much of it based on the Paris Piano Trio, which was so successful in the winter season's Burlington chamber music series.

"I think we're going to do the Beethoven Triple Concerto on the opening concert," Kaplan said. "And then on the weekend, on the Friday, Saturday and Sunday, they'll each play a solo with orchestra, and they'll do a trio concert in the middle of that week."•

IN RECOGNITION OF NATIONAL PAYROLL WEEK 1998

• Mr. SANTORUM. Mr. President, I would like to take a few minutes of Senate business to recognize National Payroll Week 1998, which has been designated as September 14–18.

National Payroll Week was founded by the American Payroll Association in 1996 to honor the men and women whose tax contributions support the American Dream and the payroll professionals who are dedicated to processing those contributions.

In particular, the Susquehanna Valley Chapter of the American Payroll Association represents 186,000 residents in Pennsylvania who are employed by 21 businesses. These taxpayers and businesses contribute millions of dollars to the federal treasury through payroll taxes each year. These taxes go toward important civic projects including roads, schools and crime prevention. In addition, taxpayers and payroll professionals are partners in upholding the Social Security and Medicare systems.

Mr. President, I ask my colleagues to join with me in commending the taxpayers and payroll professionals who, through the collection, reporting and payment of payroll taxes, have set a national precedent of what works in America.•

HEROES IN REDFORD TOWNSHIP

• Mr. ABRAHAM. Mr. President, I rise today to recognize the heroic actions of Sgt. James Turner and Sgt. Adam Pasciak of the Redford Township Police Department in Michigan. On June 10, 1998 both gentlemen were patrolling the South end of Redford Township when they made a routine traffic stop. It was discovered upon investigating that the driver of the vehicle had a revoked driver's license. Sgt. Turner and Sgt. Pasciak approached the car to place the driver under arrest. As Sgt. Pasciak began to pat the subject down, the subject pulled out a gun and began to shoot. Sgt. Pasciak was critically wounded while Sgt. Turner shot back to protect himself and Sgt. Pasciak. Further gunfight ensued between Sgt. Turner and the subject ending in the subject being mortally wounded. The lives of both Sgt. Turner and his partner were saved.

Sgt. Turner and Sgt. Pasciak displayed tremendous bravery on June 10, 1998. They are true heroes whom Redford Township and the State of Michigan should be very proud of. It is my pleasure to honor both of them. I also send my warmest "get well" wishes to Sgt. Pasciak who is recovering from his gunshot wounds at home.•

EBRI'S 20TH ANNIVERSARY

• Mr. GRASSLEY. Mr. President, I rise today to recognize an organization that has served the U.S. Senate well for 20 years. The organization I want to talk about is the Employee Benefit Research Institute or EBRI, as we call it. EBRI is observing its 20th anniversary today, September 14. Created with the help of a handful of employee benefit consultants and actuaries in 1978 who wanted to fill the void that existed relating to data about employee benefits, EBRI has increased its membership to include representatives from pension funds to Fortune 500 companies, labor unions, and trade associations.

With this broad representation, EBRI has the ability to influence policymakers and elected officials throughout the country. But EBRI uses its influence wisely. EBRI does not lobby Members of Congress or other governmental agencies. Rather, its mission is to provide objective, nonpartial information on the issues of economic security and employee benefits. EBRI does its job very, very well.

As Chairman of the Senate Special Committee on Aging, I can personally attest to the value of EBRI's work and the expertise of its staff. Last year, the CEO of EBRI, Dallas Salisbury moderated a panel forum consisting of 6 experts who discussed the role of employment in retirement income. This forum led to a Senate hearing on the issue of the implications of raising the retirement age, as well as a number of articles in newspapers and magazines on the need to consider whether older Americans have sufficient opportunities to stay employed.

More recently, EBRI was actively involved with its educational partner, the American Savings Education Council (ASEC), in the planning of the first National Summit on Retirement Savings. This Summit was part of an initiative I introduced in the Senate called the Savings Are Vital to Everyone's Retirement or SAVER Act. The Summit attracted international attention and has put the Department of Labor, ASEC, and state and local governments on a course toward enhancing the awareness of Americans about the need to save for retirement and how to go about it.

I know my colleagues value the work of EBRI just as much I do. In the years ahead, I am sure we will continue to rely heavily on the research and the publications produced by EBRI. The issues EBRI concerns itself with—employee benefits and income security—are receiving more national attention than ever before. EBRI's contributions as an objective provider of information will help make the job of ensuring Americans have health and income security in retirement easier to achieve.•

TRIBUTE TO BENNY GOLSON

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Benny Golson for his extraordinary career as a musician and a composer.

I am proud to say that Mr. Golson began his professional career in Philadelphia. He went on to compose music for many household names such as Diana Ross, Sammy Davis, Jr., Mickey Rooney and Dizzy Gillespie. He then began writing for the hit TV shows "M*A*S*H" and "The Partridge Family" as well as pilots for CBS, ABC and NBC and the Academy Awards.

During a two year residency at William Paterson College, Mr. Golson wrote a symphony and a piece for violin virtuoso Itzhak Perlman. He also lectured to students and received an honorary doctorate degree. In 1994, Mr. Golson was awarded the Guggeneim Fellowship and, in 1996, a Jazz Masters Award from the N.E.A.

On Sunday, September 27, the Big Jazz Band "Impro-Vista" will perform a tribute to Benny Golson to benefit Philadelphia youth involved in jazz.

Mr. President, I ask my colleagues to join me in applauding Benny Golson for his remarkable professional achievements and his extraordinary contributions to society.•

GEORGETOWN MAJOR BOYS BASEBALL LITTLE LEAGUE TEAM STATE AND CENTRAL REGION CHAMPIONS

• Mr. ABRAHAM. Mr. President, I rise today to congratulate a very special group of young men. On August 6, 1998 the Georgetown Major Boys Baseball Little League Team won the Michigan state little league championship in Ishpeming, Michigan. They then continued on to win the central region championship in Indianapolis. They competed in the Sanctioned Little League World Series in Williamsport, Pennsylvania from August 20–30. Getting to the World Series is testament to the great talent and efforts of this team.

The following 14 boys who make up the team, have undoubtedly made the city of Jenison, Michigan, very proud: Jesse Barfelz, Brandon Button, Tony Clausen, Kevin Hogan, Adam Kretz, Sean Markle, Brett Meyer, Billy Miller, Casey Robrahn, John Sheeran, Derek Stempin, Peter Vanderkalk, Ben VanKlompenberg and Cody Fennema. At this time I would also like to recognize the coaches, Tom Meyer, Tom Button and Dick LeFever. It is a combination of good coaching and talent that leads a team to the kind of success this team has enjoyed.

As an avid fan of baseball it is my pleasure, once again, to congratulate the Georgetown Major Boys Little League team on their state Championship. It is very encouraging to see young people strive for such excellence. This team has made Georgetown Charter Township and the entire state of Michigan very proud.•

ORDERS FOR TUESDAY, SEPTEMBER 15, 1998

Mr. GORTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, September 15. I further ask that when the Senate reconvenes on Tuesday immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I ask consent there then be a period of morning business until 10 a.m. with the time equally divided between the majority and minority leaders or their designees. I further ask unanimous consent that at 10 a.m. the Senate resume consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that at 10 a.m. Senator BUMPERS be recognized in order to offer an amendment relating to mining, and that the time until 12:30 be equally divided in the usual form. I ask unanimous consent that at 2:15 there be 10 minutes of debate equally divided in the usual form with a vote occurring on or in relation to the Bumpers amendment at the hour of 2:25 on Tuesday, with no amendments in order to the Bumpers amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that the Senate recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, tomorrow the Senate will resume debate on the Interior appropriations bill. Senator BUMPERS will offer an amendment relating to mining laws with the vote occurring on or in relation to that amendment at 2:25 tomorrow afternoon. Following that vote, it is hoped that Members who still intend to offer amendments to the Interior appropriations bill will work with the managers of the legislation to schedule consideration of their amendments. I thank my colleagues and remind all Members that the first vote will occur on Tuesday beginning at 2:25 in the afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, September 15, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1998:

IN THE NAVY

RICHARD DANZIG, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE NAVY, VICE JOHN H. DALTON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ROBERT C. OLSEN, JR., 4781
CAPT. ROBERT D. SIROIS, 8309
CAPT. PATRICK M. STILLMAN, 0193
CAPT. RONALD F. SILVA, 1219
CAPT. DAVID R. NICHOLSON, 0216

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. WILLIAM A. MOORMAN, 5251

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES V. DUGAR, 3465

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. ERIC K. SHINSEKI, 3256.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant commander

LEANNE K. AABY, 2231
TIMOTHY A. ACKERMAN, 4775
MICHAEL T. ACROMITE, 4237
JOHN M. ADAMS, 4308
JOHN Q. ADAMS, 2220
MARIE H. ADAMSON, 2733
TALMADGE K. ADCOCK, 8218
BRIAN F. AGEE, 8127
RICHARD E. AGUILA, 5100
CHRISTOPHER AGUILAR, 2988
FELIX J. AGUTO, 1545
KYLE A. ALDINGER, 3285
KATHLEEN V. ALDRIDGE, 1668
EDWARD ALEXANDER, 9303
MARJORIE ALEXANDER, 8572
STEPHEN G. ALFANO, 4100
THOMAS ALLEN, 4661
MATTHEW A. ALLISON, 7874
JAMES H. ALTIERI, 6397
CURT D. ANDERSEN, 4756
ELIZABETH C. ANDERSON, 8564
MARK S. ANDERSON, 2369
TROY G. ANDERSON, 3566
BILLY M. APPLETON, 9239
JOSEPH C. AQUILINA, 9366
HECTOR A. ARELLANO, JR., 1978

MARSHALL E. ASHBY, JR., 1559
KRISTEN ATTERBURY, 6205
BRIAN K. AUGE, 5096
LEE A. AXTELL, 2588
JAMES E. BABCOCK II, 8011
SCOTT D. BAILEY, 0880
LAUREN D. BALES, 7404
JULIE H. BALL, 3650
GLENN F. BALOG, 7339
ANTHONY J. BARILE, 2105
STEVEN T. BASEDEN, 2426
ROBERT G. BASS, 1564
JOHN L. BASTIEN, 2867
ANTHONY G. BATTAGLIA, [redacted]
EMMANUEL T. BAUTISTA, [redacted]
MARY F. BAVARO, 8811
FREDDIE L. BAZEN, JR., 9134
JOHN A. BAZLEY, 3649
SCOTT J. BEATTIE, 6633
KENNETH A. BELL, 3050
MICHAEL M. BELLES, 2812
SUSAN E. BELLON, 8073
LUIS A. BENEVIDES, 3063
CHARLES R. BENSON, 8673
ELIZABETH W. BENSON, 3162
SHAWN J. BERGAN, 6607
DAVID A. BERGER, 2557
JEFFREY S. BERGER, 6542
ROY BERGSTROM, 0710
CARMEN M. BESSELLI, 7406
MICHAEL C. BILAK, 4791
CAROL L. BLACKWOOD, 4652
PHILIP J. BLAINE, 4264
MARK A. BLAIR, 9943
CHERYL W. BLANZOLA, 4884
PATRICK W. BLESCH, 5309
SEAN M. BLITZSTEIN, 0292
CHRISTOPHER A. BLOW, 6374
JOSEPH M. BOBICH, 4633
MARC R. BOISVERT, 0857
OCTAVIO A. BORGES, 1254
PAMELA D. BOSWELL, 0008
ROBERT L. BOSWORTH, 3874
THOMAS N. BOTTONI, 5653
CLIFFORD BOWENS, JR., 7259
JUDY L. BOWERS, 8105
GEORGE D. BOWLING, 2318
LEON F. BRADWAY, 7224
CORINNA M. BRANCIO, 1341
MICHAEL S. BRAUN, 1851
PAMELA J. BRETHAUER, [redacted]
STACY A. BRETHAUER, 3046
MICHAEL D. BRIDGES, 4210
FREDERICK R. BROOME, 9067
KEVIN L. BROWN, 0859
WILLIAM L. BROWN, 8686
WILLIAM J. BRUNSMAN, 7418
BRYAN S. BUCHANAN, 0016
KARI A. BUCHANAN, 1475
JULIA C. BUCK, 6943
KEVIN D. BUCKLEY, 4167
NEIL H. BUCKLEY, 0376
BRADLEY R. BURNETT, 9716
LESLIE K. BURNETT, 1110
DAVID R. BUSTAMANTE, 2003
SARAH M. BUTLER, 7373
THOMAS B. BUTTOLPH, 0042
CHRISTINE Y. BUZIAK, 0443
IRIS A. BYERS, 2457
WILBERT R. BYNUM, 7059
BARBARA G. CAILTEUXZEVALLOS, 8939
GLENDA M. CALEY, 0997
ROBERT A. CALLISON, 5870
GREGORY S. CAMBIER, 6156
MARQUEZ F. CAMPBELL, 1152
PETER J. CAMPBELL, 3474
RICHARD S. CAMPBELL, 3555
JOSEPH M. CAMPISANO, 2241
JOHN F. CAPACCHIONE, 9032
JOSEPH P. CARLOS, 0442
TIERNEY M. CARLOS, 6140
DAVID W. CARLTON, 8604
MEGHAN A. CARMODYBUBB, 5317
JULIA A. CARON, 1247
DONALD R. CARR, 7274
EDWIN M. CARROLL, 8162
NOLI A. CAVA, 7506
SOOK K. CHAI, 6597
PAULA Y. CHAMBERLAIN, 8182
CHRISTOPHER C. CHARON, 5516
CARLA S. CHERRY, 6469
KATHY S. CHIVINGTON, 6675
THOMAS M. CHUPP, 2865
KARINA J. CIESIELSKI, 7527
DAVID R. CLARK, 1348
JAMES E. CLARK, 9927
JOSEPH B. CLEM, 6719
RICHARD W. CLINE, 4561
SHANE M. CLINE, 8726
GEOFFREY M. COAN, 0957
KELLY P. COFFEY, 1562
VICKI J. COLAPIETRO, 5491
DOYLE S. COLEMAN, 5475
MICHAEL E. COMPEGGIE, 7797
NANCY K. CONDON, 8941
REBECCA A. CONRAD, 5810
MARY N. COOK, 1861
CRAIG L. COOPER, 5282
ANN COPPOLA, 3679
ROBERT J. CORDELL, 7715
DANIEL J. CORNWELL, 4843
AMY CORY, 4773
PAUL F. COTTER, 7827
TIMOTHY P. COWAN, 8137
CARL R. COWEN, 0543
HUGH J. COX, 7415
JAMES G. COX, 2917
PEGGY J.A. COX, 8487
THOMAS A. CRAIG, 4775
PHILIP B. CREIDER, 3102
STEVEN D. CRONQUIST, 9182
GEORGE A. CROW, 6541
STEPHEN T. CRUZ, 2791
CATHI L. CULVER, 9407
ANDREW M. CUMISKEY, 4792
KAREN L. CUNNINGHAM, [redacted]
WILLIAM W. CUPO, 7299
SONYA L. CVERCKO, 9909
JOSEPH A. DACORTA, 1828
MICHAEL P. DALGETTY, 3494
WALTER W. DALITSCH, 9428
JOHN L. DANGELO, JR., 6783
MARY F. DAVID, 9373
BILLY A. DAVIDSON, 3716
JONATHAN M. DAVIS, 9223
WILLIAM F. DAVIS, 7303
PHILIP J. DECH, 9216
DOMINIC R. DEKERATRY, 6753
ANTHONY E. DELGADO, 1036
JAMES G. DELUCA, 6373
THOMAS P. DELUCIA, 4830
DAVID DELZELL, 6753
JEFFERY G. DENNY, 6112
DANNY W. DENTON, 0069
JOHN D. DENTON, 5143
HENRIQUE M. DEOLIVEIRA, 4369
JOHN R. DESNOYERS, 6736
BEVERLY A. DEXTER, 7726
TONY DIAZ, 9841
JAIME E. DIAZSOLA, 0677
MARK P. DIBBLE, 4220
MICHAEL DIBONAVENTURA, 6521
MARK L. DICK, 2344
RICHARD R. DOBHAN, 2575
NINO M. DOBROVIC, 4130
ERIC DOMINGUEZ, 4808
ROBERT J. DONOVAN, 8365
JOEL A. DOOLIN, 9507
CONSTANCE A. DORN, 0387
DOUGLAS H. DOUGHTY, JR., 3135
THOMAS L. DRIVER, 3526
DAVID W. DROZD, 2318
MERRITT W. DUNLAP, 8183
THANH X. DUONG, 6932
DONALD DURECKI, 5740
KYLE A. DURHAM, 4607
ANTONIO M. EDMONDS, 2397
THEODORE D. EDSON, 2034
TIMOTHY R. EICHLER, 0431
JOHN C. ELKAS, 6848
MELISSA L. EMMERICH, 7548
CHARLES W. ERDMAN, 1805
JENNIFER L. EVEN, 7921
MARY S. FARACE, 2195
ROGER F. FAZIO, 9870
WENDELL A. FELICIANO, 0740
BRYAN K. FINCH, 0720
ANNE B. FISCHER, 4264
JAMES S. FITZGERALD, 6235
CINDY W. FLACK, 0999
MARK J. FLYNN, 5072
PHILIP A. FOLLO, 4354
EVAN V. FORSNES, 1858
BILL J. FORTE, 4195
TEHRAN FRAZIER, 8719
MICHAEL S. FREEDMAN, 4093
TIMOTHY M. FRENCH, 9431
BARNEY T. FRITZ, 2835
GEORGE M. FRUCHTERMAN, 1542
DALE H. FULLER II, 7561
STEVEN K. GANZEL, 9278
MICHAEL J. GARDELLA, 6424
PATRICIA D. GARNER, 2286
THOMAS E. GAROFALO, 7757
MICHELE L. GASPER, 0601
RICCARDIO D. GAY, 1491
RUDOLPH K. GEISLER, 6071
THOMAS F. GEORGE, 0097
MARGUERITE A. R. GERMAIN, 1221
ROBERT L. GERSH, 0458
SAWSAN GHURANI, 9481
DAVID W. GIBSON, 1147
CHARLES H. GIFFORD, JR., 2008
COLLEEN M. GILSTAD, 4705
JOHN GILSTAD, 8532
PATRICK H. GINN, 4420
DANA P. GLASER, 1484
MARIA S. GLEBA, 6549
WAYNE M. GLUF, 4947
PAUL A. GODEK, 1884
RICHARD C. GOOD, 1867
FRED L. GOODMAN, 0956
DARWIN G. GOODSPEED, 2100
BRICE A. GOODWIN, 0867
BABETTE R. GORDON, 4001
STEPHANIE L. GORDON, 6384
TIMOTHY S. GORMLEY, 0844
GEOFFREY H. GORRES, 5531
MARK M. GOTO, 2773
MICHAEL J. GOUGH, 7261
CATHERINE M. GRAHAM, 4280
IAN R. GRAHAM, 3272
DANIEL L. GRAMINS, 1983
JOSEPH L. GRANADO, 3999
KIMBERLY A. GRANVILLELAWSON, 3582
CHRISTINE L. GRAY, 4396
DAVID E. GRAY, 6874
JORGE A. GRAZIANI, 7383
JOSEPH E. GREALISH, 5101
JOHN N. GREENE, 1787
LORE E. GREIL, 3267
TODD GRIFFIN, 5409
TERENCE M. GROGAN, 7744
SHAWN D. GRUNZKE, 1868
LISA C. GUFFEY, 7354
JOHN E. GUSTAVSSON, 6281
CHRISTOPHER S. HAHN, 3291
JEFFREY J. HAHN, 3160
WILLIAM O. HAISSIG, 4134
TERRY J. HALBRITTER, 9141
JOHN HALL, 6049
PATRICK G. HALL, 2686
CHRISTOPHER A. HAM, 4577
JOHN S. HAMMES, 0123
MICHELE A. HANCOCK, 5789
HOLIDAY HANNA, 1500
GEORGE S. HANZEL, 6942
ANDREW R. HARBISON, 9383
ERNEST D. HARDEN JR., 9468
CARY E. HARRISON, 6205
DAVID M. HARRISON, 0455
ADAM L. HARTMAN, 8989
JOHN H. HARTSELL, 4822
STEVEN S. HARTZELL, 7773
WILLIAM E. HATLEY, 3454
PATRICK L. HAWKINS, 9230
JOHN F. HAWLEY, 0118
LUCINDA L. HAYDEN, 7889
STELLA M. HAYES, 5802
JOHN S. HEATH, 0217
SANDRA K. HEAVEN, 3903
RANDOLPH H. HELMHOLZ, 8350
EDWARD D. HENDERSON, 3230
IAN P. HENDRICKS, 6326
ANITA M. HENRY, 6963
SEAN P. HENSELER, 3337
MICHAEL A. HENSIEN, 2619
THOMAS C. HEROLD, 6141
WILLARD G. HESSION, 6105
CHRISTINA P. HITCHOCK, 7178
MARK S. HOCHBERG, 7619
JEFFREY D. HODGDEN, 0791
SCOTT J. HOFFMAN, 3025
ELIZABETH M. HOFMEISTER, 6939
ERIC P. HOFMEISTER, 6908
MICHAEL S. HOGG, 3110
NICHOLAS M. HOLMES, 2409
PATRICIA S. HOPKINS, 6080
TIM B. HOPKINS, 0252
BRIAN R. HOSKINS, 7670
JAMES B. HOUGH, 8283
ROBERT S. HOUSE, 7728
BRYAN M. HUBER, 3938
LAURETTA F. HUFF, 8687
KATRINA L. HUIZING, 3903
DAVID E. HUNTER, 5069
JAY P. HUNTINGTON, 7139
LEWIS S. HURST, 3608
AUGUST G. HURSTON, 6351
GAIL HUTTO, 2826
MATTHEW R. HYDE, 8580
SANJAI R. ISAAC, 9704
DARRYL K. ITOW, 8503
TANJELA M. JACKSON, 4523
LIONEL N. JACOB, 2175
PAUL B. JACOB, 9809
KARL M. JACOBS, 3873
ROBYN W. JACOBS, 9463
DAVID L. JACOBSON, 6724
MICHAEL J. JAEGER, 8028
JENNIFER M. JAGOE, 7154
LORRAINE N. JARVIS, 1862
SPENCER J. JENKINS, 2647
DAVID M. JOHNSON, 4945
SCOTT L. JOHNSTON, 0591
KELLY N. JOLET, 7819
MARVIN L. JONES, 9454
STEPHANIE M. JONES, 3403
MONICA K. JORDAN, 0309
ANTONY R. JOSEPH, 2206
RONALD A. JURAS, 1367
HOPE KATCHARIAN, 3155
RONALD KAWCZYNSKI, 3387
TRACY A. KEENAN, 8721
MICHAEL R. KELLER, 7425
JULIE A. KELLOGG, 1812
JAY E. KENT, 4655
STEVEN A. KEWISH, 4888
KATHLEEN S. KIEFER, 3219
JEAN M. KILKER, 4803
DAVID C. KILLINGSWORTH, 5653
RENEE L. KILMER, 4502
BRIAN S. KING, 6822
HILLARY KING, JR., 5620
KELLY KING, 8290
REBECCA S. KING, 7266
TERRI A. KINSEY, 9828
GREGORY R. KLEIN, 7393
CHRISTOPHER J. KLINE, 0561
CHRISTOPHER J. KLUGEWICZ, 6734
ALISON K. KNIGHT, 5685
KATHLEEN A. KNIGHT, 5339
VIRGINIA L. KNIGHT, 9239
BARBARA KNOLLMANNRITSCHEL, 2860
TAK M. KO, 5579
DANIEL G. KOCH, 2844
TIMOTHY J. KOESTER, 5961
VINCENT KOLETAR, 7796
MICHAEL P. KOLSTER, 9292
SCOTT KOOISTRA, 6429
THOMAS C. KRAUSZ, 3680
HUNG C. KWOK, 8227
KATHY L. KYSER, 0611
TRI H. LAC, 0283
CHRISTOPHER J. LACARIA, 3758
THOMAS J. LACOSS, 3863
ANN F. LAMB, 9003
DAVID A. LAMOT, 2155
LOURAE LANGEVIN, 2601
CHRISTOPHER S. LAPLATNEY, 2472
JOHN P. LAPURGA, 4730
BYRON P. LAWHON, 6295
KHANG T. LE, 6652
THOMAS K. LEAK, 6729
RONALD G. LEAVER, 3720
BILLY R. LEDBETTER, JR., 3896
BENJAMIN K. LEE, 0339
GUY M. LEE, 6897
HENRY C. LEE, 8778
KENT A. LEE, 4483
NAM P. LEE, 9584
SCOTT A. LEMEK, 0759
WALTER M. LENOIR III, 9618
RUTH A. LEONHARDT, 9288
JOSEPH F. LEPAGE, 4442
GREGORY S. LEPKOWSKI, 8862
LARRY B. LESLIE, 9219
JAMES A. LETEXIER, 6160
CALVIN T. LEUSCHEN, 4902
JUNIUS M. LEWIS, 5536
MARY E. LIN, 3052
SAMUEL C. LIN, 4984
MARIA R. LINDERMAN, 8458
ROBERT J. LIPSITZ, 0680
DONALD G. LITTLE, 2292
CHRISTINE W. LONIE, 5257
LARRY L. LOOMIS, 2830
MARK W. LOPEZ, 5438
KAREN L. LOTTRIDGE, 6400
JOELL A. LOWTHER, 9056
GLEN LUEHRMAN, 1594
JOSEPH H. LUTHER, 2318
HEIDI LYSZCZARZ, 6622
JOHN L. LYSZCZARZ, 2858
WILLIAM P. MACCHI, 2898
CATHERINE M. MACDONALD, 8613
LAURIE S. MACGILLIVRAY, 5076
ELIZABETH S. MACHIELE, 4409
IAN A. MACKENZIE, 5859
DANIELLE R. MADRIL, 9198
JOSEPH F. MAHAN, 9746
DANIEL F. MAHER, 4237
MARIA K. MAJAR, 4445
REBECCA A. MALARA, 7611
ELIZABETH A. MALEY, 9699
CYNTHIA J. MANNING, 7192
CHRISTINA M. MANNIX, 3379
SCOTT D. MARDER, 7569
RAYMOND J. MARDINI, 9655
ADR MARENGOROWE, 3848
KAREN J. MARIENAU, 7795
DON A. MARTIN, 1201
MATTHEW K. MARTIN, 2144
BRIAN E. MARTINEZ, 4304
RICHARD G. MASANNAT, 5812
PHILBROOK S. MASON, JR. 0259
JEANETTE H. MATTHEWS, [redacted]
SCOTT T. MAURER, 7831
ANTHONY J. MAZZEO, 8138
PAUL D. MC ADAMS, 0599
MARY G. MC ALEVY, 2967
RYAN MC CAFFERTY, 9626
ALAN B. MC CAIN, 9169
DAVID C. MC CARTHY, 1623
KEVIN F. MC CARTHY, 3986
SCOTT A. MC CLELLAN, 5007
MICHAEL S. MC CLINCY, 7342
JOSEPH J. I. MC CONNELL, 3784
CHERYL L. MC DONALD, 8776
JAMES R. MC FARLANE, 1403
MARY A. MC GARET, 8165
MICHAEL B. MC GINNIS, 0275
LISA M. MC GOWAN, 7238
STEVEN J. MC GREY, 6768
PATRICIA L. MC KAY, 0286
THOMAS A. MC KEE, 4115
DOUGLAS J. MC LAUGHLIN, 5854
MARKO MEDVED, 8416
SEAN C. MEEHAN, 3611
DAVID S. MEHR, 0298
MARY E. MEIERHENRY, 3737
CHARLES E. MENDOZA, 5247
ROLAND C. MERCHANT, 3620
MELANIE J. MERRICK, 8980
MARY F. MESSERLIE, 6235
MICAH L. MEYERS, 3306
DONNA M. MICHEL, 8529
ANDREA C. MIKOLAJCZYK, 8062
MICHAEL A. MIKSTAY, 7749
BRENT S. MILLER, 5573
DEBRA Q. MILLS, 5414
MIGUEL D. MIRANO, II, 4893
PAUL J. MOLLERE, 7133
TERRY R. MOLYNEUX, 8419
MELANIE L. MONTGOMERY, 4032
ERIN M. MOORE, 1205
LISA A. MORAN, 0802
ROBERT P. MOREAN, 2428
THOMAS G. MORRIS, 8463
ROBERT N. MORRISON, 4636
MICHAEL G. MORROW, 5082
SHARON L. MOSER, 1377
LISA P. MULLIGAN, 5059
BRIAN E. MURPHY, 8322
DAVID P. MURPHY, 8812
DAVID F. MURRAY, 5903
JOY L. MURRAY, 8813
DIPAK D. NADKARNI, 8388
LORRAINE S. NADKARNI, 0494
MANUEL E. NAGUIT, 7499
ISRAEL NARVAEZ, 3624
DAVID K. NAUGLE, 8743
ANDREW D. NELKO, 1653
MARK W. NESBIT, 0049
KRISTIAAN L. NEVIN, 9211
KIMBERLY J. NEWELL, 8615
ROBERT E. NEWELL, 7910
LARRY L. NEWTON, 6900
VAN T. NGUYEN, 1981
JANET M. NICOLAS, 7455
JOSEPH D. NOBLE, JR., 7141
ALEXANDER NORTON, JR., 7492
EDWARD C. NORTON, JR., 2207
STEVEN J. NOVEK, 0086
DAVID C. NYSTROM, 1877
SHARON B. OBY, 7873
STEVEN E. OCHS, 4634
PHILIP M. O'CONNELL, 7281
KENNETH T. OGAWA, 1040
JOAN R. OLDMIXON, 3005
DONALD L. ONG, 9085
ANTHONY J. OPILKA, 7193
CRAIG H. OZAKI, 1070
SCOTT T. OZAKI, 7937
WILLIAM S. PADGETT, 4523
VICTOR T. Y. PAK, 7572
DAVID PALMER, 6342
VIVIANNA F. PALOMO, 2571
ERNEST E. PARRISH, JR., 4607
LISA R. T. PAVLOVIC, 6348
THOMAS G. PAVLOVIC, 2101
GEORGE A. PAZOS, 7503
YUCHI PENG, 5481
MICHAEL G. PENNY, 7514
NORA M. PEREZ, 4055
EDWARD J. PERKINS, JR., 0124
CRAIG A. PETERSON, 4880
DAVID B. PETERSON, 1836
TONY L. PETERSON, 5779
MELANIE PHILLIPS, 2852
MICHAEL J. PHIPPS, 7824
FORTUNATO PICON, 6411
LEE A. PIETRANGELO, 9219
WENDY H. PINKHAM, 1698
PAMELA J. PORTER, 6067
THEODORE T. POSUNIAK, [redacted]
ANTHONY V. POTTS, 8234
CHARLES A. PRATT, 9347
RODNEY C. PRAY, 6250
ZITO D. L. PRINCE, 1535
MICHAEL G. PRINGLE, 0691
KAREN S. PRUETT, 0260
MARTIN W. PRUSS, 1495
JAMES G. PURGASON, 6156
DAREN L. PURNELL, 9178
JILL E. K. QUEENER, 7669
JOHN A. RALPH, 5770
KATHLEEN A. RAMSEY, 4214
TRENT D. RASMUSSEN, 5464
DANIEL P. RATKUS, 8635
LAURENCE J. READAL, 6579
JON L. REAGAN, JR., 1708
KAREN M. REICHOW, 6675
SHERIDAN A. RENOUF, 6607
STANLEY D. RHOADES, 5654
ROY R. RICE, 8119
STEPHEN T. RICHARDSON, 0581
BRYAN F. RILEY, 3871
MATTHEW C. RINGS, 6545
SUSAN B. ROBERTS, 3850
DAVID J. ROBILLARD, 0648
THOMAS D. ROBINSON, 9082
TODD V. ROBINSON, 6151
WALTER W. ROBOHN, 2817
ANDREW F. ROCCA, 9643
DANIEL R. RODGERS, 6761
ANTHONIO RODRIGUEZ, 6790
MILDRED RODRIGUEZ, 4880
DEBORAH E. ROE, 8484
LEON RONEN, 4654
JUAN A. ROSARIOCOLLAZO, 7042
ROBERT E. ROSENBAUM, 9344
SYNTHIA J. ROSS, 1864
LAURA L. RUBISON, 0975
JOSEPH D. RUGGIERO, 8362
MICHAEL W. RUTTEN, 9171
KIMBERLY S. RYAN, 1733
REBECCA E. SANDS, 3322
SHERRI L. SANTOS, 7869
SONIA Q. SCHEERER, 0411
THOMAS P. SCHEUERMANN, 9937
MARK M. SCHEURER, 1767
LYNNE T. SCHIERA, 5442
JOHN T. SCHINDLER, 8688
RICHARD J. SCHLEGEL, 4655
CHRISTOPHER E. SCHMIDT, 3662
WILLIAM R. SCHOEN, 0465
ASHLEY A. SCHROEDER, 7763
DAVID M. SCHULTZ, 2693
ROBERT W. SCHUYLER, 7907
ERIC L. SCHWARTZMAN, 4383
MICHAEL R. SCHWARZE, [illegible]
RICHARD E. SCRANTON, 9556
STEPHEN T. SEARS, 9071
PAUL D. SEEMAN, 9271
GEORGE J. SEMPLE, 0458
MARCOS A. SEVILLA, 7243
DAN G. SEWELL, 2126
EDWARD G. SEWESTER, 2517
MELVIN A. SHAFER, 0152
GARY E. SHARP, 9938
LOUISE F. SHEFFIELD, 9685
KIMBERLY W. SHIPLEY, 3914
WILLIAM G. SHOEMAKER, 7176
DAVID P. SHUEMAKER, 2900
SOHAIL A. SIDDIQUE, 8351
DAVID J. SIENICKI, 7350
TODD E. SIMO, 6978
AMANDA J. SIMSIMAN, 4987
KENNETH G. SINGLETON, 2807
WESLEY B. SLOAT, 9975
BRENDA D. SMITH, 1101
CHARLES M. SMITH, 6052
GEORGE H. SMITH, 5546
GILBERT L. SMITH, 0581
LOREN J. SMITH, 3996
STEVEN L. SMITH, 1923
DENNIS G. SMYTHE, 0561
CHRISTINE S. SNELL, 4159
IFEOLUMIPO O. SOFOLA, 4795
ANTHONY A. SORELL, 7861
LAVENCION V. STARKS, 6692
MARK W. STARR, 6331
STEPHANIE R. STARR, 9987
LESLIE S. STEELE, 7011
MARK J. STEVENSON, 5006
JOEL D. STEWART, 1211
NORMAN D. STIEGLER, JR., 9989
VAUGHN L. STOCKER, 2467
ERIN E. STONE, 1572
JAMES A. STOREY, 5020
ERIC J. STRAKA, 5925
ADAM P. STRIMER, 6954

JEFFREY G. STRUEBING, 6069
SUSAN M. STUART, 0965
MATTHEW E. SUESS, 1532
JAMES J. SULLIVAN, 8254
VERONICA M. SULLIVAN, 0518
THOMAS J. SUMMERS, 6017
ROGER L. SUR, 8508
JOHN A. SWANSON, 9101
ANNE M. SWAP, 7797
KEITH E. SYKES, 2657
MARSHALL T. SYKES, 7882
KATHRYN TARMAN, 7365
JAMES K. TARVER, 2713
VICTOR S. TAYLOR, 2017
TIMOTHY J. THATE, 7828
DANIEL J. THERRIEN, 7025
HARRY T. THETFORD, JR., 8239
MICHAEL A. THIEBLEMONT, 8593
GREGORY E. THOMAS, 1188
MICHAEL E. THOMAS, 2792
TIMOTHY B. TINKER, 5151
JAMES E. TOLEDANO, 3528
RAMONA L. TOLEDANO, 5618
ROBERT B. TOMIAK, 9677
KEVIN J. TOOL, 8049
PETER J. TOROK, 2450
KEVIN R. TORSKE, 1026
HEIDI E. TOWNSEND, 7229
JIM T. TRAN, 8342
KATHY TRAPPJACKSON, 8362
TIMOTHY J. TUNNECLIFFE, 8129
DAVID T. TURBYFILL, 8738
ROBERT W. TYE, 0494
GARY N. UNDERWOOD, 6000
STEVEN P. UNGER, 6316
RICHARD F. URBANCZYK, 7157
TARA L. VANBENNEKOM, 7611
DAVID VANDERSTRATEN, 1946
ROBIN H. VANDIVIER, 1829
MARK J. VANDUSEN, 3877
KEVIN E. VANNOTRIC, 9964
SCOTT E. VANVALIN, 6271
MICHAEL P. VENABLE, 9405
JOSEPH M. VITELLI, 8677
MARY E. WALDMAN, 7258
GRANT C. WALLACE, 1237
JODIE K. WARD, 1774
MICHIAL S. WARRINGTON, 8500
EDWARD T. WATERS, 1518
BENJAMIN M. WEBB, 7426
TERRY D. WEBB, 7335
ALLAN A. WEBER, 0372
PERRY J. WEIN, 3601
CHRISTOPHER WESTBROOK, 2272
ALAN C. WESTEREN, 2803
JAMES A. WESTRA, 0490
RICHARD L. WHIPPLE, 4263
DALE C. WHITE, 8144
WILLIAM J. WHITE, 1906
GARY L. WICK, 6110
WILLIAM M. WIKE, 9642
GREGORY D. WILLIAMS, 6446
JOHN C. WILLIAMS, 0508
BARRY E. WILLIAMSON, 6723
MOISE WILLIS, 9285
DAVID G. WILSON, 7046
DAVID N. WILSON, 6057
DIANE M. WILSON, 6189
PATRICIA A. WIRTH, 3328
JAMIE H. WISE, 6736
PAUL W. WITT, 1739
AMIR H. WOLFE, 3341
GREGG L. WOOD, 7966
ANTHONY M. WOOLF, 4746
RODNEY O. WORDEN, 0376
GREGORY A. WRIGHT, 1875
SHARON M. WRIGHT, 1171
EDWIN P. YAEGER, 1436
CORRYNNE T. YAMANAKA, 2822
MICHAEL J. YARBOROUGH, 6760
CARRIE D. YIM, 3570
MARY A. YONK, 3406
JAMES C. YOUNG, 9748
TIMOTHY ZALUDEK, 6496
CRAIG M. ZELIG, 9435
JOSEPH J. ZELINSKY, JR., 2787
JULIE H. ZIMMERMAN, 2368
MICHAEL J. ZUCCHERO, 6952

HOUSE OF REPRESENTATIVES—*Monday, September 14, 1998*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. JONES).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
September 14, 1998.

I hereby designate the Honorable WALTER B. JONES to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. GANSKE) for 5 minutes.

CALLING FOR PRESIDENT CLINTON TO RESIGN

Mr. GANSKE. Mr. Speaker, I spent the weekend reading the Starr report and the White House rebuttal. The President's DNA on Monica Lewinsky's dress is clear proof that the President had sex with a White House intern. This means that the President lied when he wagged his finger and looked us in the eye and said, "I'm going to say this again: I did not have sexual relations with that woman, Miss Lewinsky."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Iowa (Mr. GANSKE) is reminded not to make those references. This is under the Speaker's announced guidelines interpreting the rule of the House.

PARLIAMENTARY INQUIRY

Mr. GANSKE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GANSKE. Mr. Speaker, all across the country the Starr report is being read in every newspaper by citizens. This is the floor of the House of the people. I am not saying anything that has not been reported in the Starr report and verified by scientific, factual detail. Is the Chair ruling that Members cannot speak about the Starr report in this well?

The SPEAKER pro tempore. That is correct. As the Chair reiterated, with the concurrence of the minority leader, on September 10, 1998, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior, and this restriction extends to quoting from or inserting in the RECORD extraneous material that is personally abusive of the President and would be improper if spoken as the Member's own words.

It is only during the pendency of proceedings actually relating to impeachment as the pending business on the floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While an inquiry is underway in committee, the committee is the proper forum for examination and debate of such allegations. Indeed, after a question actually relating to impeachment has been considered on the floor, the House returns to the conduct of its other business, and references to personal conduct on the part of the President may not be continued or repeated.

Mr. GANSKE. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GANSKE. Mr. Speaker, the other body, the Senate, has had already extensive comments and debates on their floor. Is the Chair telling me that Members of the House will not be able to refer to the Starr report until the Committee on the Judiciary handles this?

The SPEAKER pro tempore. The other body is governed by different rules, and the gentleman is correct where the matter is not the pending impeachment business on the floor.

Mr. GANSKE. Mr. Speaker, let me try to revise my remarks, and I will proceed.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GANSKE. Mr. Speaker, I guess the Speaker can tell me if I am out of order again.

For a President to be effective, he must be trusted to tell the truth. I believe that the President should now do the honorable thing and resign.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 12 noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We read in the Psalm that You, O God, are our good shepherd and we shall not want.

As the shepherd protects the sheep from any harm, so we pray, O God, that You will keep your people from any harm or hurt; as the shepherd nourishes the sheep in green pastures, so may we be nourished by Your forgiving word; as the shepherd walks through any difficulty or danger, so may You walk with us and with our companion along life's way; as the shepherd's great joy is goodness and mercy, so may Your compassion never depart from us. For all these gifts, O loving God, we offer these words of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1956. An act to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

PUT MILITARY BACK ON FIRM FOOTING TO MEET CHALLENGES OF 21ST CENTURY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, no doubt about it, we are living in a more dangerous world today than ever before. Weapons of mass destruction are possessed and are increasingly available around the world and the violence of terrorism is about to take a step toward us on every day that we possess.

A world class military is composed of world class leaders, world class soldiers, sailors, airmen and marines. Why then, Mr. Speaker, are the United States pilots saying no to military careers and why are our sailors choosing to get out of the Navy rather than face long months at sea? It is because our military families are being asked to live in substandard housing and to endure long family separations.

Even the chairman of the Joint Chiefs has argued that operational readiness, quality of life, and modernization cannot be sustained at current budget levels.

A recent internal Army memorandum made it clear that maintaining go-to-war readiness meant sacrificing infrastructure maintenance, as well as repairs and quality-of-life initiatives. The memo's bottom line was clear: Funding has fallen below the survival level.

This administration has mortgaged our military and is about to default on the obligation. Mr. Speaker, we have an obligation to provide for the security of our Nation. I urge my colleagues to join me in placing our military back on firm footing to meet the challenges of the 21st century. Our Nation demands it, our military deserves it.

CONGRESS MUST DEAL WITH CRISES ACROSS THE GLOBE—TIME TO MOVE BEYOND "TOPIC NUMBER ONE"

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, this weekend, along with millions of other Americans, I was inundated with the media's preoccupation with recent developments involving the White House. Since everything has been said on this subject, my contribution will be not to add to this cacophony.

I am announcing that beginning tonight, with every day we are in legislative session, I will be devoting a segment of time each evening to an important international event or issue which is of relevance to the security and safety of the American people.

The world has not come to a standstill. People across the globe are not as mesmerized by "Topic Number One" as the media seems to be here in the United States. From Southeast Asia to South America, from Bosnia to Brazil, from Russia to Rwanda, crises abound and are mounting. It is critical we deal with them, and I intend to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes, as amended.

The Clerk read as follows:

S. 2206

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE HEAD START ACT

Sec. 101. Short title.
Sec. 102. Statement of purpose.
Sec. 103. Definitions.
Sec. 104. Financial assistance for Head Start programs.
Sec. 105. Authorization of appropriations.
Sec. 106. Allotment of funds.
Sec. 107. Designation of Head Start agencies.
Sec. 108. Quality standards.
Sec. 109. Powers and functions of Head Start agencies.
Sec. 110. Head Start transition.
Sec. 111. Submission of plans to governors.
Sec. 112. Participation in Head Start programs.
Sec. 113. Early Head Start programs for families with infants and toddlers.
Sec. 114. Technical assistance and training.
Sec. 115. Professional requirements.
Sec. 116. Family literacy services.
Sec. 117. Research and evaluation.
Sec. 118. Reports.
Sec. 119. Repeal of consultation requirement.
Sec. 120. Repeal of Head Start Transition Project Act.
Sec. 121. Effective date; application of amendments.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

Sec. 201. Short title.
Sec. 202. Reauthorization.
Sec. 203. Related amendments.
Sec. 204. Assets for independence.
Sec. 205. Effective date; application of amendments.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

Sec. 301. Short title.
Sec. 302. Authorization.
Sec. 303. Definitions.
Sec. 304. Natural disasters and other emergencies.
Sec. 305. State allotments.
Sec. 306. Administration.
Sec. 307. Payments to States.
Sec. 308. Residential energy assistance challenge option.

TITLE I—AMENDMENTS TO THE HEAD START ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Head Start Amendments Act of 1998".

SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) in paragraph (2)—

(i) by striking ", and the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, also means" after "Virgin Islands"; and

(iii) by inserting "and" after "Marshall Islands";

(3) by inserting after paragraph (2) the following:

"(3) The term 'child with a disability' means—

"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.";

(4) by striking paragraph (5) (as redesignated in paragraph (1)) and inserting the following:

"(5) The term 'family literacy services' means services that—

"(A) are provided to participants who receive the services on a voluntary basis;

"(B) are of sufficient intensity, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing dependence on income-based public assistance); and

"(C) integrate each of—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents on being partners with their children in learning;

"(iii) parent literacy training, including training that contributes to economic self-sufficiency; and

"(iv) appropriate instruction for children of parents receiving the parent literacy training.";

(5) in paragraph (7) (as redesignated in paragraph (1)), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law for the provision of services to such a child.";

(6) by striking paragraph (13) (as redesignated in paragraph (1)) and inserting the following:

"(13) The term 'migrant or seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from 1 geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period."; and

(7) by adding at the end the following:

"(16) The term 'reliable and replicable', used with respect to research, means an objective, valid, scientific study that—

"(A) includes a rigorously defined sample of subjects, that is sufficiently large and representative to support the general conclusions of the study;

"(B) relies on measurements that meet established standards of reliability and validity;

"(C) is subjected to peer review before the results of the study are published; and

"(D) discovers effective strategies for enhancing the development and skills of children.".

SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness;".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by inserting "$4,660,000,000 for fiscal year 1999 and" after "subchapter"; and

(B) by striking "1995 through 1998" and inserting "2000 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of the fiscal years 1999 through 2003, not more than $35,000,000 and not less than the aggregate amount made available to carry out section 642(d) of this Act and the Head Start Transition Project Act (42 U.S.C. 9855–9855g) for fiscal year 1998, to carry out activities authorized under section 642A;

"(2) not more than $5,000,000 for each of the fiscal years 1999 through 2003 to carry out impact studies under section 649(g);

"(3) not more than $12,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649; and

"(4) not less than $5,000,000 for each of the fiscal years 1999 through 2003, to carry out activities authorized under section 648B.".

SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the 1st place it appears and all that follows through "handicapped children", and inserting "Head Start programs and services for children with disabilities and migrant or seasonal Head Start programs"; and

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant or seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B) by striking "(B) payments" and all that follows through "Virgin Islands" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States; and

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;";

(C) in subparagraph (C), by striking "and" at the end;

(D) in subparagraph (D), by striking "related to the development and implementation of quality improvement plans under section 641A(d)(2))." and inserting "carried out under paragraph (1), (2), or (3) of section 641A(d) relating to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies); and";

(E) by inserting after subparagraph (D) the following:

"(E) payments for research and evaluation activities under section 649."; and

(F) by adding at the end the following: "In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children, and shall ensure that appropriate funding is provided to meet such needs.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i) by striking "equal" and all that follows through "activities" and inserting "subject to subsection (m)";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking "adequate qualified staff" and inserting "adequate numbers of qualified staff"; and

(II) by inserting "and children with disabilities" before ", when";

(ii) in clause (iv) by inserting "and to encourage the staff to continually improve their skills and expertise by informing staff of the availability of State and Federal loan forgiveness programs for professional development" before the period at the end;

(iii) in clause (v) by inserting "and collaboration efforts for such programs" before the period at the end; and

(iv) by amending clause (vi) to read as follows:

"(vi) Ensuring that such programs have adequate numbers of qualified staff that can promote language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through research that is reliable and replicable, as predictive of later reading achievement."; and

(C) in subparagraph (C)—

(i) in clause (i)(I)—

(I) by striking "of staff" and inserting "of classroom teachers and other staff"; and

(II) by striking "such staff" and inserting "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) Preferences in awarding salary increases, in excess of cost of living allowances, shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.";

(iv) by amending clause (ii) to read as follows:

"(ii) Of the amount remaining after carrying out clause (i), the highest priority shall be placed on training classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and literacy growth, through techniques identified through reliable, replicable research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.";

(v) by striking clause (v);

(vi) by redesignating clause (vi) as clause (v); and

(vii) by inserting after clause (v), as so redesignated, the following:

"(vi) To carry out any or all of such activities, but none of such funds may be used for construction or renovation (including nonstructural or minor structural changes).";

(D) in subparagraph (D)(i)(II) by striking "and migrant" and inserting "Head Start programs and by migrant or seasonal";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "1981" and inserting "1998";

(B) by amending subparagraph (B) to read as follows:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age who live with families whose income is below the poverty line."; and

(C) by adding at the end the following: "For each fiscal year the Secretary shall use the most recent data available on the number of children under the age of 5, from families below the poverty level that is consistent with that published for counties, by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated poverty data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall issue a report setting forth their reasons in detail.";

(4) in paragraph (5)—

(A) in subparagraph (B), by inserting before the period the following "and encourage Head Start agencies to actively collaborate with entities involved in State and local planning processes in order to better meet the needs of low-income children and families";

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "the appropriate regional office of the Administration for Children and Families and" before "agencies";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv)—

(I) by striking "education, and national service activities," and inserting "and education and community service activities,";

(II) by striking "and activities" and inserting "activities"; and

(III) by striking the period and inserting "(including coordination with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419)), and services for homeless children;"; and

(iv) by adding at the end the following:

"(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full-calendar-year early care and education services for children;

"(vi) encourage local Head Start agencies to appoint a State level representative to speak on behalf of Head Start agencies within the State on collaborative efforts described in subparagraphs (B) and (D), and in clause (v); and

"(vii) encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.";

(C) by redesignating subparagraph (D) as subparagraph (F); and

(D) by inserting after subparagraph (C) the following:

"(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

"(i) to States that develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

"(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

"(E)(i) The Secretary shall—

"(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal child care and early childhood education programs and resources;

"(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

"(III) develop a mechanism to resolve administrative and programmatic conflicts between such programs that would be a barrier to service providers, parents, or children, related to the provision of unified services in the consolidation of funding for child care services

"(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.";

(5) by amending paragraph (6) to read as follows:

"(6)(A) From the amounts reserved and allotted pursuant to paragraphs (2) and (4), and except as provided in subparagraph (C)(i), the Secretary shall use for grants for programs described in section 645A(a) a portion of the combined total of such amount equal to—

"(i) 7.5 percent for fiscal year 1999;

"(ii) 8 percent for fiscal year 2000;

"(iii) 8.5 percent for fiscal year 2001;

"(iv) not less than 8.5 and not more than 10 percent for fiscal year 2002; and

"(v) not less than 8.5 and not more than 10 percent for fiscal year 2003;

of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(B) If the Secretary does not submit to—

"(i) the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives; and

"(ii) to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate;

by January 1, 2001, a report on the results of the Early Head Start impact study currently being conducted by the Secretary, then the amount required to be used in accordance with subparagraph (A) for fiscal years 2002 and 2003 shall be 8.5 percent of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to use the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or negatively impacting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be used as the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so used for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) requires a reduction in the amount made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to the entities for programs carried out under section 645A; and

"(II) the amounts made available to Head Start agencies for Head Start programs."; and

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

"(7)(A) For purposes of paragraph (2)(A), in determining the need and demand for migrant or seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant or seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant or seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation provided for unserved eligible children of seasonal farmworkers. In serving the children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant or seasonal Head Start programs do not duplicate or overlap with other Head Start services available in the same geographical area.

"(B)(i) Funds available under this subsection for payments to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out Head Start programs in accordance with this subchapter.

"(ii) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under clause (i).

"(iii) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.".

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking "1982" and inserting "1999";

(2) by striking "(as defined in section 602(a) of the Individuals with Disabilities Education Act)"; and

(3) by adding at the end the following:

"Such policies and procedures shall require Head Start programs to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419).".

(c) Increased Appropriations.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (1), by inserting at the end the following: "In awarding funds to serve an increased number of children, the Secretary shall give priority to those applicants that provide full-working-day, full-calendar year Head Start services through collaboration with entities carrying out programs that are in existence on the date of the allocation and with other private, nonprofit agencies. Any such additional funds remaining may be used to make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability of Head Start programs and to serve an increased number of children.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting ", and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);";

(B) in subparagraph (C), by striking the semicolon and inserting ", and organizations and public entities serving children with disabilities;";

(C) in subparagraph (D), by striking the semicolon and inserting "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full-calendar-year services;";

(D) in subparagraph (E), by striking "program; and" and inserting "or any other early childhood program;";

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

"(H) the extent to which the applicant, in providing services, will plan to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding the education services provided by such local educational agency.";

(3) in paragraph (3) by striking "In" and inserting "Subject to subsection (m), in"; and

(4) by adding at the end the following:

"(4) Notwithstanding subsection (a)(2), after taking into account subsection (a)(1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection.".

(d) References.—Section 640(*l*) of the Head Start Act (42 U.S.C. 9835(*l*)) is amended by inserting "or seasonal" after "migrant" each place it appears.

(e) Relative Availability of Funds for Quality and for Expansion.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m)(1) After complying with the requirement in subsection (g)(1) relating to maintaining the level of services provided during the previous year, the Secretary shall make the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation (as defined in subsection (a)(3)(ii)), available as follows:

"For Fiscal Year:	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Quality Activities Under Subsection (a)(3)(C):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Expansion Activities Under Subsection (g):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available to Qualifying Head Start Programs for Quality and Expansion Activities Under Subsections (a)(3)(C) and (g):
1999	65	25	10
2000	65	25	10
2001	45	45	10
2002	45	45	10
2003	25	65	10.

"(2) For purposes of paragraph (1), the term 'qualifying Head Start program' means a Head Start agency or Head Start program that is—

"(A) in compliance with the quality standards and result-based performance measures applicable under subsections (a) and (b) of section 641A;

"(B) not required under subsection (d) of such section to take a corrective action; and

"(C) making progress toward complying with requirements applicable under section 648A(a)(2).

"(3) Funds required to be made available under this subsection to qualifying Head Start programs shall be made available on the same basis as allotments are determined under subsection (a)(4).".

(f) Conforming Amendment.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking "640(a)(3)(C)(v)" and inserting "640(g)".

SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a) by inserting "(in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b) by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(ii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following:

"determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures described in section 641A(b), and other requirements established by the Secretary.";

(B) in paragraph (2), by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the left margin of paragraphs (2) and (3) with the left margin of paragraph (1); and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the 1st sentence the following:

"In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3) by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii) by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause (iv);

(iii) in subparagraph (E) by striking "and (D)" and inserting "and (E)";

(iv) by redesignating subparagraphs (D) and (E) and subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;";

(D) by amending paragraph (7) to read as follows:

"(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;";

(E) in paragraph (8)—

(i) by striking the period at the end and inserting "; and"; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

"(8) the plan of such applicant to meet the needs of children with disabilities;"; and

(G) by adding at the end the following:

"(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community."; and

(5) by amending subsection (e) to read as follows:

"(e) If no agency in the community receives priority designation and if there is no qualified applicant in the community, then the Secretary shall designate an agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.".

SEC. 108. QUALITY STANDARDS.

(a) Quality Standards.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", including minimum levels of overall accomplishment," after "regulation standards";

(B) in subparagraph (A), by striking "education,";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

"(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

"(ii) additional school readiness performance standards (based on cognitive learning abilities) to ensure that the children participating in the program, at a minimum—

"(I) develop phonemic, print, and numeracy awareness;

"(II) understand and use oral language to communicate for different purposes;

"(III) understand and use increasingly complex and varied vocabulary;

"(IV) develop and demonstrate an appreciation of books; and

"(V) in the case of non-English background children, progress toward acquisition of the English language.";

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) in subparagraph (B)(iii) by striking "child" and inserting "early childhood education and"; and

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "not later than 1 year after the date of enactment of this section,"; and

(II) by striking "section 651(b)" and all that follows through "section" and inserting "this subsection"; and

(ii) in subclause (ii), by striking "November 2, 1978" and inserting "the date of enactment of the Head Start Amendments Act of 1998"; and

(4) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting "RESULTS-BASED" before "PERFORMANCE";

(2) in paragraph (1)—

(A) by striking "Not later than 1 year after the date of enactment of this section, the" and inserting "The";

(B) by striking "child" and inserting "early childhood education and"; and

(C) by striking the period at the end and inserting ", and the impact of the services provided through the programs to children and their families.";

(3) in paragraph (2)—

(A) in the heading, by striking "DESIGN" and inserting "CHARACTERISTICS";

(B) in the matter preceding subparagraph (A), by striking "be designed" and inserting "include the education and school-based readiness performance standards described in subsection (a)(1)(B) and shall";

(C) in subparagraph (A), by striking "to assess" and inserting "assess the impact of";

(D) in subparagraph (B)—

(i) by striking "to";

(ii) by striking "and peer review" and inserting ", peer review, and program evaluation"; and

(iii) by inserting "not later than January 1, 1999" before the semicolon at the end; and

(E) in subparagraph (C), by inserting "be developed" before "for other";

(4) in paragraph (3)(A) by striking "and by region" and inserting ", regionally, and locally"; and

(5) by adding at the end the following:

"(4) REQUIRED RESULTS-BASED PERFORMANCE MEASURES.—Such results-based performance measures shall ensure that such children—

"(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

"(B) recognize a word as a unit of print;

"(C) identify at least 10 letters of the alphabet; and

"(D) associate sounds with written words.

"(5) OTHER RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish their own results-based school readiness performance measures.".

(c) MONITORING.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1) by inserting "and results-based performance measures" after "standards"; and

(2) in paragraph (2)

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by inserting "(including children with disabilities)" after "eligible children"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

"(E) seek information from the community and the State about the performance of the program and its efforts to collaborate with other entities carrying out early childhood education and child care programs in the community.".

(d) TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or results-based performance measures described in subsection (b)" after "subsection (a)"; and

(B) by amending subparagraph (B) to read as follows:

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and"; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "immediately" and inserting "immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)".

(e) REPORT.—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: "Such report shall be widely disseminated and available for public review in both written and electronic formats.".

SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8) by striking "and" at the end;

(C) in paragraph (9) by striking the period at the end and inserting "; and";

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

"(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;"; and

(F) by adding at the end the following:

"(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services for purposes of establishing paternity and acquiring child support;

"(B) refer eligible parents to the child support offices of State and local governments; and

"(C) establish referral arrangements with such offices.";

(2) in subsection (c)—

(A) by inserting "and collaborate" after "coordinate";

(B) by inserting "and part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)"; and

(C) by striking "section 402(g) of the Social Security Act, and other" and inserting "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "carry out" and all that follows through "maintain" and inserting "take steps to ensure, to the maximum extent possible, that children maintain";

(ii) by inserting "and educational" after "developmental"; and

(iii) by striking "to build" and inserting "build";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

"SEC. 642A. HEAD START TRANSITION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

"(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

"(7) linking the services provided in such program with the education services provided by such local education agency.".

SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking "30 days" and inserting "45 days";

(2) by striking "so disapproved" and inserting "disapproved (for reasons other than failure to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)"; and

(3) by inserting before the period ", as evidenced by a written statement of the Secretary's findings transmitted to such officer".

SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the last sentence of paragraph (1)—

(A) by striking "provide (A) that" and inserting the following:

"provide—

"(A) that"; and

(B) by amending subparagraph (B) to read as follows:

"(B) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may—

"(i) include a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year. In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application;

"(ii) permit not more than 25 percent of the children enrolled in a Head Start program to be children (without counting children with disabilities) whose family income does not exceed 140 percent of the poverty line if the Head Start agency carrying out such program—

"(I) has a community needs assessment that demonstrates a need to provide Head Start services to more of such children who are members of families with incomes that exceed the poverty line but do not exceed 140 percent of the poverty line; and

"(II) ensures that; as a result of enrolling a greater percentage of children described in this clause, there will not be a reduction in, or denial of, Head Start services to children who are eligible under subparagraph (A);

"(iii) subject to the approval of the Secretary, permit such Head Start agency that demonstrates to the Secretary that it has made reasonable efforts to enroll children eligible under subparagraph (A) in the Head Start program carried out by such agency, to charge participation fees for children described in clause (ii), consistent with the sliding fee schedule established by the State under section 658E(c)(5) of the of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the partnership. The copayment shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.".

SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

(a) PROGRAM.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) in the section heading, by inserting "EARLY HEAD START" before "PROGRAMS FOR";

(2) in subsection (a)—

(A) in paragraph (1) by striking "; and" and inserting a period;

(B) by striking paragraph (2); and

(C) by striking "for—" and all that follows through "(1)", and inserting "for";

(3) in subsection (b)—

(A) in paragraph (5), by inserting "(including programs for infants and toddlers with disabilities)" after "community";

(B) in paragraph (7) by striking "and" at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) ensure formal linkages with the agencies described in section 644(b) of the Individuals With Disabilities Education Act Amendments of 1997 and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and";

(4) in subsection (c)—

(A) by striking "(a)(1)" and inserting "(a)"; and

(B) in paragraph (2), by striking "(or under" and all that follows through "(e)(3))";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraph (2); and

(C) in paragraph (3) by redesignating such paragraph as paragraph (2);

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking "OTHER"; and

(B) by striking "From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e)," and inserting "From the portion specified in section 640(a)(6),";

(9) by striking subsection (h); and

(10) by adding at the end the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.".

(b) CONFORMING AMENDMENT.—Section 640(a)(5)(F) of the Head Start Act (42 U.S.C. 9835(a)(5)(F)), as so redesignated by section 106, is amended by striking "section 645(a)(1)(A)" and inserting "section 645(a)".

SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full-calendar-year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration."; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the education and school readiness performance standards described in this subchapter;";

(B) in paragraph (2) by inserting "supplement amounts provided under section 640(a)(3)(C)(ii)," after "(2)";

(C) in paragraph (4)—

(i) by inserting "and implementing" after "developing"; and

(ii) by striking "a longer day" and inserting the following: "the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full-calendar-year services for children";

(D) in paragraph (7), by striking "and" at the end;

(E) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(F) by inserting after paragraph (2) the following:

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) assist classroom and non-classroom staff, including individuals in management and leadership capacities, to understand the components of effective family literacy services, gain knowledge about proper implementation of such services within a Head Start program, and receive assistance to achieve successful collaboration agreements with other service providers that allow the effective integration of family literacy services with the Head Start program;".

SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of oral language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books and their problem solving abilities;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start classrooms in a center-based program are assigned 1 teacher who has an associate, baccalaureate, or an advanced degree in early childhood education or development and shall require Head Start agencies to demonstrate continuing progress each year to reach that result. In the remaining balance of such classrooms, there shall be assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

"(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(3) ASSESSMENT.—Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in paragraph (1)(A)."; and

(2) in subsection (b)(2)(B)—

(A) by striking "staff," and inserting "staff or"; and

(B) by striking ", or that" and all that follows through "families".

SEC. 116. FAMILY LITERACY SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

"SEC. 648B. FAMILY LITERACY SERVICES.

"From funds reserved under section 639(b)(4), the Secretary—

"(1) shall provide grants through a competitive process, based upon the quality of the family literacy service proposal and taking into consideration geographic and urban/rural representation, for not more than 100 Head Start agencies to initiate provision of family literacy services through collaborative partnerships with entities that provide adult education services, entities carrying out Even Start programs under part B of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 274 et seq.), or entities that provide other services deemed necessary for the provision of family literacy services; and

"(2) may—

"(A) provide training and technical assistance to Head Start agencies that already provide family literacy services;

"(B) designate as mentor programs, and provide financial assistance to, Head Start agencies that demonstrate effective implementation of family literacy services, based on improved outcomes of children and their parents, to enable such agencies to provide training and technical assistance to other agencies that seek to implement, or improve implementation of, family literacy services; and

"(C) award grants or make other assistance available to facilitate training and technical assistance to programs for development of collaboration agreements with other service providers.

In awarding such grants or assistance, the Secretary shall give special consideration to an organization that has experience in the development and operation of successful family literacy services.".

SEC. 117. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7) by striking the period at the end and inserting "; and";

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

"(2) over a 5-year period, lead to the development and rigorous evaluation of models for the integration of family literacy services with Head Start programs, that demonstrate the ability to make positive gains for children participating in Head Start programs and their parents, and dissemination of information about such models;"; and

(E) by adding at the end the following:

"(9) study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

"(A) may include the use of a data set that existed prior to the initiation of the study; and

"(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of the Congress a report containing the results of the study, not later than September 30, 2002."; and

(2) by adding at the end the following:

"(g) NATIONAL HEAD START IMPACT RESEARCH.—

"(1) ANALYSES OF DATA BASES.—The Secretary shall obtain analyses of the following existing databases to guide the evaluation recommendations of the expert panel appointed under paragraph (2) and to provide Congress with initial reports of potential Head Start outcomes—

"(A) by use of The Survey of Income and Program Participation (SIPP) conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start;

"(B) by use of The National Longitudinal Survey of Youth (NLSY) which began gathering data on children who attended Head Start from 1988 on, examine the wide range of outcomes measured within the Survey, including cognitive, socio-emotional, behavioral, and academic development;

"(C) by use of The Survey of Program Dynamics, the new longitudinal survey required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to begin annual reporting, through the duration of the Survey, on Head Start attendees' academic readiness performance and improvements; and

"(D) to ensure that The Survey of Program Dynamics be linked with the NLSY at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the NLSY database.

"(2) EXPERT PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

"(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments), described in paragraph (3), within 1 year after the date of enactment of the Human Services Reauthorization Act of 1998;

"(ii) to maintain and advise the Secretary regarding the progress of the research; and

"(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (8).

"(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

"(3) GENERAL AUTHORITY.—After reviewing the recommendations of the expert panel the Secretary shall enter into a grant, contract, or cooperative agreement with an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

"(4) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

"(5) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the several States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

"(6) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

"(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

"(ii) considers whether the Head Start programs—

"(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

"(II) strengthen families as the primary nurturers of their children; and

"(III) ensure that children attain school readiness; and

"(iii) examines—

"(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

"(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

"(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten, and at the end of first grade, by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

"(C) makes use of random selection from the population of all Head Start programs described in paragraph (5) in selecting programs for inclusion in the research; and

"(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

"(i) individuals who participate in other early childhood programs (such as preschool programs and day care); and

"(ii) individuals who do not participate in any other early childhood program.

"(7) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

"(A) Head Start program operations;

"(B) Head Start program quality;

"(C) the length of time a child attends a Head Start program;

"(D) the age of the child on entering the Head Start program;

"(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

"(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-working-day full-calendar-year program, a part-day program or a part-year program); and

"(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

"(8) REPORTS.—

"(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the Secretary 2 interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

"(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

"(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

"(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

"(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(9) DEFINITION.—In this subsection, the term 'impact', used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

"(h) QUALITY IMPROVEMENT STUDY.—

"(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

"(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including—

"(A) the types of activities funded with the quality improvement funds;

"(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B); and

"(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention.".

SEC. 118. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting "(a) STATUS OF CHILDREN.—" before "At";

(2) by striking "and Labor" each place it appears and inserting "and the Workforce";

(3) in paragraph (14) by striking "and seasonal" and inserting "or seasonal"; and

(4) by adding at the end the following:

"(b) FACILITIES.—At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies.".

SEC. 119. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

SEC. 120. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855-9855g) is repealed.

SEC. 121. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to any fiscal year ending before October 1, 1998.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Community Services Authorization Act of 1998".

SEC. 202. REAUTHORIZATION.

The heading for subtitle B, and sections 671 through 680, of the Community Services Block Grant Act (42 U.S.C. 9901-9909) are amended to read as follows:

"Subtitle B—Community Services Block Grant Program

"SEC. 671. SHORT TITLE.

"This subtitle may be cited as the 'Community Services Block Grant Act'.

"SEC. 672. PURPOSES AND GOALS.

"The purpose of this subtitle is to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)). Such goals may be accomplished through—

"(1) the strengthening of community capabilities for planning, coordinating, and utilizing a broad range of Federal, State, local, and private resources for the elimination of poverty, and for helping individuals and families achieve self-sufficiency;

"(2) greater use of innovative and effective, community-based approaches to attacking the causes and effects of poverty and of community breakdown;

"(3) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grant to empower such individuals to respond to the unique problems and needs within their communities; and

"(4) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role for private, faith-based, charitable, and neighborhood organizations in the provision of services as well as individual citizens, business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

"SEC. 673. DEFINITIONS.

"In this subtitle:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity—

"(A) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Human Services Reauthorization Act of 1998) as of such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

"(B) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

"(2) POVERTY LINE.—The term 'poverty line' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary determines to be feasible and desirable) which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

"(3) PRIVATE, NONPROFIT ORGANIZATION.—The term 'private, nonprofit organization' includes a faith-based organization, to which the provisions of section 679 shall apply.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, includes the Federated States of Micronesia, the Republic of he Marshall Islands, and Palau.

"SEC. 674. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $535,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

"(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for carrying out section 675A (relating to payments for territories);

"(2) 1 ½ percent for activities authorized in sections 678A through 678F, of which—

"(A) not less than ½ of the amount reserved by the Secretary under this paragraph shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities, as required under section 678A(c) for the purpose of carrying out activities described in section 678A; and

"(B) ½ of the remainder of the amount reserved by the Secretary under this paragraph shall be used to carry out monitoring, evaluation, and corrective activities described in sections 678B(c) and 678A; and

"(3) not more than 9 percent for carrying out section 680 (relating to discretionary activities).

"SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

"The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

"SEC. 675A. DISTRIBUTION TO TERRITORIES.

"(a) APPORTIONMENT.—The Secretary shall apportion the amount reserved under section 674(b)(1)—

(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(2) for fiscal years ending before October 1, 2001, and subject to subsection (c), on the basis of need among the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) APPLICATION.—Each jurisdiction to which subsection (a) applies may receive a grant under this subtitle for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application containing provisions that describe the programs for which assistance is sought under this subtitle, and that are consistent with the requirements of section 676.

"(c) LIMITATION.—(1) Funds apportioned under subsection (a) for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out programs in accordance with this subtitle.

"(2) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under paragraph (1).

"(3) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.

"(a) ALLOTMENTS IN GENERAL.—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State, subject to section 677, an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 under such section, except that no State shall receive less than ¼ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—

"(1) MINIMUM ALLOTMENTS.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds $345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(2) MAINTENANCE OF FISCAL YEAR 1990 LEVELS.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under subsection (a) to such State for fiscal year 1990.

"(3) MAXIMUM ALLOTMENTS.—The amount allotted under paragraph (1) to a State shall be reduced for a fiscal year, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the fiscal year preceding the fiscal year for which a determination is made under this subsection.

"(c) ALLOTMENT OF ADDITIONAL FUNDS.—Notwithstanding subsections (a) and (b), in any fiscal year in which the amount appropriated under section 674(a) exceeds the amount appropriated under such section for fiscal year 1999, such excess shall be allotted among the States proportionately based on—

"(1) the number of public assistance recipients in the respective States;

"(2) the number of unemployed individuals in the respective States; and

"(3) the number of individuals with incomes below the poverty line in the respective States.

"(d) PAYMENTS.—The Secretary shall make payments to eligible States from the allotments made under this section. The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

"(e) DEFINITION.—For purposes of this section, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"SEC. 675C. USES OF FUNDS.

"(a) GRANTS TO LOCAL ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

"(1) IN GENERAL.—Not less than 90 percent of the funds allotted to a State under section 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

"(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, in accordance with paragraph (3).

"(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

"(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

"(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.

"(b) Statewide Activities.—

"(1) Use of remainder.—If a State uses less than 100 percent of the State allotment to make grants under subsection (a), the State shall use the remainder of the allotment (subject to paragraph (2)) for activities which may include—

"(A) providing training and technical assistance to those entities in need of such training and assistance;

"(B) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detailing appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

"(C) supporting statewide coordination and communication among eligible entities;

"(D) analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

"(E) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

"(F) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

"(G) supporting other activities, consistent with the purposes of this subtitle; and

"(H) State charity tax credits as described in subsection (c).

"(2) Administrative cap.—No State may spend more than the greater of $55,000, or 5 percent, of the State's allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the State allotment that remains after the State makes grants to eligible entities under subsection (a).± The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses.

"(c)(1) Subject to paragraph (2), if there is in effect under State law a charity tax credit, then the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

"(2) The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

"(3) For purposes of this subsection:

"(A) Charity tax credit.—The term 'charity tax credit' means a nonrefundable credit against State income tax (or, in the case of a State which does not impose an income tax, a comparable benefit) which is allowable for contributions, in cash or in kind, to qualified charities.

"(B) Qualified Charity.—

"(i) In General.—The term 'qualified charity' means any organization—

"(I) which is—

"(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(bb) a community action agency as defined in the Economic Opportunity Act of 1964; or

"(cc) a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437A(b)(6));

"(II) which is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

"(III) if such organization is otherwise required to file a return under section 6033 of such Code, which elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

"(ii) Certain contributions to collection organizations treated as contributions to qualified charity.—

"(I) In general.—A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

"(II) Collection organization.—The term 'collection organization' means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

"(aa) which solicits and collects gifts and grants which, by agreement, are distributed to qualified charities described in clause (i);

"(bb) which distributes to qualified charities described in clause (i) at least 90 percent of the gifts and grants it receives that are designated for such qualified charities; and

"(cc) which meets the requirements of clause (vi).

"(iii) Charity must primarily assist poor individuals.—

"(I) In general.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget) in order to prevent or alleviate poverty among such individuals and families.

"(II) No recordkeeping in certain cases.—An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups which are generally recognized as including substantially only individuals and families described in subclause (I).

"(III) Food aid and homeless shelters.—Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

"(aa) donations of food or meals; or

"(bb) temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

"(iv) Minimum expense requirement.—

"(I) In general.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program expenses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

"(II) Poverty program expense.—For purposes of subclause (I)—

"(aa) In general.—The term 'poverty program expense' means any expense in providing program services referred to in clause (iii).

"(bb) Exceptions.—Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense which consists of a payment to an affiliate of the organization.

"(v) Reporting requirement.—The information required to be furnished under this clause is—

"(i) the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

"(ii) the category or categories (including food, shelter, education, substance abuse, job training, or otherwise) of services which constitute its predominant activities.

"(vi) Additional requirements for collection organizations.—The requirements of this clause are met if the organization—

"(I) maintains separate accounting for revenues and expenses; and

"(II) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

"(vii) Special rule for states requiring tax uniformity.—In the case of a State—

"(I) which has a constitutional requirement of tax uniformity; and

"(II) which, as of December 31, 1997, imposed a tax on personal income with—

"(aa) a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

"(bb) no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit is limited to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).

"(4) No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

"SEC. 676. APPLICATION AND PLAN.

"(a) Designation of Lead Agency.—

"(1) Designation.—The chief executive officer of a State desiring to receive an allotment under this subtitle shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

"(2) Duties.—The lead agency shall—

"(A) develop the State plan to be submitted to the Secretary under subsection (b);

“(B) in conjunction with the development of the State plan as required under subsection (b), hold at least 1 hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment for the period covered by the State plan; and

“(C) conduct reviews of eligible entities under section 678B.

“(3) Legislative hearing.—The State shall hold at least 1 legislative hearing every 3 years in conjunction with the development of the State plan.

“(b) State Application and Plan.—Beginning with fiscal year 2000, to be eligible to receive an allotment under this subtitle, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

“(1) an assurance that funds made available through the allotment will be used to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

“(A) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under title IV of the Social Security Act);

“(B) to secure and retain meaningful employment;

“(C) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

“(D) to make better use of available income;

“(E) to obtain and maintain adequate housing and a suitable living environment;

“(F) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

“(G) to achieve greater participation in the affairs of the community, including activities that strengthen and improve the relationship with local law enforcement agencies, which may include activities such as neighborhood or community policing efforts;

“(H) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to prevention of youth problems and crime, promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs, which may include after-school child care programs; and

“(I) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

“(2) a description of how the State intends to use discretionary funds made available from the remainder of the allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

“(3) based on information provided by eligible entities in the State, a description of—

“(A) the service delivery system, for services provided or coordinated with funds made available through the allotment, targeted to low-income individuals and families in communities within the State;

“(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

“(C) a description of how funds made available through the allotment will be coordinated with other public and private resources; and

“(D) a description of how the funds will be used to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle which may include fatherhood and other initiatives with the goal of strengthening families and encouraging parental responsibility;

“(4) an assurance that local eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

“(5) an assurance that the State and the local eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services (including a description of how the State and the local eligible entities will coordinate with State and local workforce investment systems in the provision of employment and training services in the State and in local communities);

“(6) an assurance that the State will ensure coordination between antipoverty programs in each community, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

“(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

“(8) an assurance that any eligible entity that received funding in the previous fiscal year under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

“(9) an assurance that local eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including faith-based organizations, charitable groups, and community organizations;

“(10) an assurance that the State will require each eligible entity to establish procedures under which a low-income individual, community organization, or faith-based organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

“(11) an assurance that the State will secure from each eligible entity, as a condition to receipt of funding by the entity under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

“(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system established pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

“(13) information describing how the State will carry out the assurances described in this subsection.

“(c) Funding Termination or Reductions.—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

“(1) a funding reduction, the term ‘cause’ includes—

“(A) a statewide redistribution of funds provided under this subtitle to respond to—

“(i) the results of the most recently available census or other appropriate data;

“(ii) the designation of a new eligible entity; or

“(iii) severe economic dislocation; or

“(B) the failure of an eligible entity to comply with the terms of an agreement to provide services under this subtitle; and

“(2) a termination, the term ‘cause’ includes the material failure of an eligible entity to comply with the terms of such an agreement and the State plan to provide services under this subtitle or the consistent failure of the entity to achieve performance measures as determined by the State.

“(d) Procedures and Information.—The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.

“(e) Revisions and Inspection.—

“(1) Revisions.—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

“(2) Public inspection.—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

“SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

“(a) Qualified Organization In or Near Area.—

“(1) In general.—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

“(A) a private nonprofit eligible entity located in an area contiguous to or within reasonable proximity of the unserved area that is already providing related services in the unserved area; or

“(B) a private nonprofit organization that is geographically located in the unserved area that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency and that meets the requirements of this subtitle.

“(2) Requirement.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

“(A) in each of the 3 required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

“(B) in the category described in section 676B(a)(2), by members that reside in the neighborhood served.

“(b) Special Consideration.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to local eligible entities that are already providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

“(c) No Qualified Organization in or Near Area.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

“SEC. 676B. TRIPARTITE BOARDS.

“(a) Private Nonprofit Entities.—

“(1) Board.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development and implementation of the program to serve low-income communities or groups.

“(2) Selection and composition of board.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

“(A) ⅓ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than ⅓ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such ⅓ requirement;

“(B) not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served;

“(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served; and

“(D) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subparagraph (B) resides in the neighborhood represented by the member.

“(b) Public Organizations.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

“(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

“(A) are representative of low-income individuals and families in the neighborhood served;

“(B) reside in the neighborhood served; and

“(C) are able to participate actively in the planning and implementation of programs funded under this subtitle; or

“(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the planning, administration, and evaluation of programs funded under this subtitle.

“SEC. 677. PAYMENTS TO INDIAN TRIBES.

“(a) Reservation.—If, with respect to any State, the Secretary—

“(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

“(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

“(b) Determination of Reserved Amount.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance under this subtitle in such State.

“(c) Awards.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

“(d) Plan.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

“(e) Definitions.—In this section:

“(1) Indian tribe; tribal organization.—The terms ‘Indian tribe’ and ‘tribal organization’ mean a tribe, band, or other organized group of Indians recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

“(2) Indian.—The term ‘Indian’ means a member of an Indian tribe or of a tribal organization.

“SEC. 678. OFFICE OF COMMUNITY SERVICES.

“(a) Office.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and Human Services. The Office shall be headed by a Director.

“(b) Grants, Contracts, Cooperative Agreements.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

“SEC. 678A. TRAINING AND TECHNICAL ASSISTANCE.

“(a) Activities.—The Secretary shall use the amounts reserved in section 674(b)(2) for training, technical assistance, planning, evaluation, performance measurement, corrective action activities (to correct programmatic deficiencies of eligible entities), reporting, and data collection activities related to programs carried out under this subtitle, and in accordance with subsection (c). Training and technical assistance activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

“(b) Process.—The process for determining the training and technical assistance to be carried out under this section shall—

“(1) ensure that the needs of eligible entities and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

“(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State network of eligible entities.

“(c) Distribution Requirement.—Of the amounts reserved under section 674(b)(2) for activities to be carried out under this section, not less than ½ of such amounts shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities for the purpose of improving program quality (including financial management practices), management information and reporting systems, measurement of program results, and for the purpose of ensuring responsiveness to local neighborhood needs.

“SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

“(a) In General.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

“(1) A full onsite review of each such entity at least once during each 3-year period.

“(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

“(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

“(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants terminated for cause.

“(b) Requests.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

“(c) Evaluations by the Secretary.—The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with subsection (b) of section 676. A report of such evaluations, together with recommendations of improvements designed to enhance the benefit and impact to people in need, shall be sent to each State evaluated. Upon receiving the report the State shall submit a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

“SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.

“(a) Determination.—If the State determines, on the basis of a review pursuant to subsection 678B, that an eligible entity materially fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

“(1) inform the entity of the deficiency to be corrected;

“(2) require the entity to correct the deficiency;

“(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

“(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

“(4)(A) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

“(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

“(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

“(b) Review.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 120 days after the determination to terminate the designation or reduce the funding. If the review is not completed within 120 days, the determination of the State shall become final at the end of the 120th day.

“(c) Direct Assistance.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State's hearing and the Secretary's review as required in subsection (b), the Secretary shall assume responsibility for providing financial assistance to the eligible entity affected until the violation is corrected. In such case, the allotment for the State shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

“SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.

“(a) Fiscal Controls, Procedures, Audits, and Inspections.—

“(1) In general.—A State that receives funds under this subtitle shall—

“(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

“(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of funds under this subtitle;

“(C) prepare, at least every year in accordance with paragraph (2) an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

“(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

“(2) Audits.—Each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

“(3) Repayments.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

“(b) Withholding.—

“(1) In general.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the State allotment substantially in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

“(2) Response to complaints.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any 1 of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

“(3) Investigations.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

“SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.

“(a) State Accountability and Reporting Requirements.—

“(1) Performance measurement.—

“(A) In general.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system established by the Secretary pursuant to subsection (b), or an alternative system that meets the requirements of subsection (b).

“(B) Local agencies.—The State may elect to have local agencies who are subcontractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

“(2) Annual report.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on indirect services or administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

“(b) Secretary's Accountability and Reporting Requirements.—

“(1) Performance measurement.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of 1 or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

“(2) Reporting requirements.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

“(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

“(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on indirect services or administrative costs and on the direct delivery of local services by eligible entities;

“(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

“(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

“(E) a summary of each State's performance results, and the results for the eligible entities, as collected and submitted by the States in accordance with subsection (a)(2); and

"(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time prior to the start of the fiscal year for the States to collect and provide the information.

"(3) SUBMISSION.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct, indirect, and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

"(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than $350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

"SEC. 678F. LIMITATIONS ON USE OF FUNDS.

"(a) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

"(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

"(b) POLITICAL ACTIVITIES.—

"(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

"(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity.

"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"(c) NONDISCRIMINATION.—

"(1) IN GENERAL.—No person shall, on the basis of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

"(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 679. OPERATIONAL RULE.

"(a) FAITH-BASED ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.

"(b) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a faith-based organization to remove religious art, icons, scripture, or other symbols in order to be eligible to provide assistance under a program described in subsection (a).

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a faith-based organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any faith-based organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

"SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

"(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in (2)(E)) for each of the objectives described in paragraphs (2) through (4).

"(2) COMMUNITY ECONOMIC DEVELOPMENT.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, non-profit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

"(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include—

"(A) grants to private, nonprofit corporations that provide assistance concerning home repair to rural low-income families and planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional, private, nonprofit organizations to provide training and technical assistance to small, rural communities in meeting their community facility needs.

"(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

"(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

"(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate.".

SEC. 203. RELATED AMENDMENTS.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended—

(1) by striking section 681;

(2) in section 681A—

(A) by striking "681A" and inserting "681";

(B) in subsection (c) by striking "Labor" and inserting "the Workforce"; and

(C) in subsection (d) by striking "$25,000,000" and all that follows through "1998", and inserting "$5,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003";

(3) in section 682—

(A) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the applicant shall, in each community in which a program is funded under this section—

"(A) ensure that—

"(i) a community-based advisory committee, composed of representatives of local youth, family, and social service organizations, schools, entities that provide park and recreation services, entities that provide training services, and community-based organizations that serve high-risk youth, is established; or

"(ii) an existing community-based advisory board, commission, or committee with similar membership is used; and

"(B) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle;"; and

(B) in subsection (f) by striking "each fiscal year" and all that follows through "1998", and inserting "for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003"; and

(4) by striking sections 683 and 684, and inserting the following:

"SEC. 683. DRUG TESTING AND PATERNITY DETERMINATIONS.

"(a) DRUG TESTING PERMITTED.—(1) Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out under this subtitle for controlled substances or from imposing sanctions on such participants who test positive for any of such substances.

"(2) Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

"(b) PATERNITY DETERMINATIONS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

"(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services;

"(2) refer eligible parents to the child support offices of State and local governments; and

"(3) establish referral arrangements with such offices.

"SEC. 684. REFERENCES.

"Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673 of this subtitle. Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program.".

SEC. 204. ASSETS FOR INDEPENDENCE.

The Community Services Block Grant Act (42 U.S.C. 9901–9912), as amended by sections 202 and 203, is amended—

(1) by striking "this subtitle' each place it appears (other than in section 671) and inserting "this part", and

(2) by inserting the following after section 671:

"CHAPTER 1—COMMUNITY SERVICES GRANTS",

and

(3) by adding at the end the following:

"CHAPTER 2—ASSETS FOR INDEPENDENCE

"SEC. 685. SHORT TITLE.

"This chapter may be cited as the 'Assets for Independence Act'.

"SEC. 686. FINDINGS.

"Congress makes the following findings:

"(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

"(2) Fully ½ of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the household savings rate of the United States lags far behind other industrial nations presenting a barrier to economic growth.

"(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

"(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

"SEC. 687. PURPOSES.

"The purposes of this chapter are to provide for the establishment of demonstration projects designed to determine—

"(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

"(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

"(3) the extent to which an asset-based policy stabilizes and improves families and the community in which they live.

"SEC. 688. DEFINITIONS.

"In this chapter:

"(1) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is selected to participate by a qualified entity under section 693.

"(3) EMERGENCY WITHDRAWAL.—The term 'emergency withdrawal' means a withdrawal by an eligible individual that—

"(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

"(B) is permitted by a qualified entity on a case-by-case basis; and

"(C) is made for—

"(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

"(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

"(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

"(4) HOUSEHOLD.—The term 'household' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

"(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'individual development account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust meets the following requirements:

"(i) No contribution will be accepted unless it is in cash or by check.

"(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

"(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 694.

"(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(v) Except as provided in clause (vi), any amount in the trust which is attributable to a deposit provided under section 694 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

"(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

"(B) Custodial accounts.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this chapter, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee thereof.

"(6) Project year.—The term 'project year' means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

"(7) Qualified entity.—

"(A) In general.—The term 'qualified entity' means—

"(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) a State or local government agency, or a tribal government, submitting an application under section 689 jointly with an organization described in clause (i).

"(B) Rule of construction.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this chapter.

"(8) Qualified expenses.—The term 'qualified expenses' means 1 or more of the following, as provided by the qualified entity:

"(A) Postsecondary educational expenses.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

"(i) Postsecondary educational expenses.—The term 'postsecondary educational expenses' means the following:

"(I) Tuition and fees.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

"(II) Fees, books, supplies, and equipment.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

"(ii) Eligible educational institution.—The term "eligible educational institution' means the following:

"(I) Institution of higher education.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this chapter.

"(II) Postsecondary vocational education school.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this chapter.

"(B) First-home purchase.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

"(i) Principal residence.—The term 'principal residence' means a principal residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

"(ii) Qualified acquisition costs.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

"(iii) Qualified first-time homebuyer.—

"(I) In general.—The term 'qualified first-time homebuyer' means an individual participating in the project (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

"(II) Date of acquisition.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

"(C) Business capitalization.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

"(i) Qualified business capitalization expenses.—The term "qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(ii) Qualified expenditures.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

"(iii) Qualified business.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

"(iv) Qualified plan.—The term 'qualified plan' means a business plan, or a plan to use a business asset purchased, which—

"(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

"(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

"(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

"(D) Transfers to IDAs of family members.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

"(i) the individual's spouse; or

"(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

"(9) Qualified savings of the individual for the period.—The term 'qualified savings of the individual for the period' means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

"(10) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(11) Tribal government.—The term 'tribal government' means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"SEC. 689. APPLICATIONS.

"(a) Announcement of Demonstration Projects.—Not later than 3 months after the date of enactment of this chapter, the Secretary shall publicly announce the availability of funding under this chapter for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

"(b) Submission.—Not later than 6 months after the date of enactment of this chapter, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this chapter.

"(c) Criteria.—In considering whether to approve an application to conduct a demonstration project under this chapter, the Secretary shall assess the following:

"(1) Sufficiency of project.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses. In making such assessment, the Secretary shall consider the overall quality of project activities in making any particular kind or combination of qualified expenses to be an essential feature of any project.

"(2) Administrative ability.—The experience and ability of the applicant to responsibly administer the project.

"(3) Ability to assist participants.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

"(4) Commitment of non-federal funds.—The aggregate amount of direct funds from non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

"(5) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

"(6) OTHER FACTORS.—Such other factors relevant to the purposes of this chapter as the Secretary may specify.

"(d) PREFERENCES.—In considering an application to conduct a demonstration project under this chapter, the Secretary shall give preference to an application that—

"(1) demonstrates the willingness and ability to select individuals described in section 692 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

"(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed by private sector sources; and

"(3) targets such individuals residing within 1 or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

"(e) APPROVAL.—Not later than 9 months after the date of enactment of this chapter, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this chapter as the Secretary deems appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary is encouraged to ensure that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

"(f) CONTRACTS WITH NONPROFIT ENTITIES.—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to conduct any responsibility of the Secretary under this section or section 696 if—

"(1) such entity demonstrates the ability to conduct such responsibility; and

"(2) the Secretary can demonstrate that such responsibility would not be conducted by the Secretary at a lower cost.

"SEC. 690. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

"(a) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this chapter, the Secretary shall, not later than 10 months after the date of enactment of this chapter, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this chapter.

"(b) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this chapter, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

"(1) the aggregate amount of funds committed as matching contributions by non-Federal public or private sector sources; or

"(2) $1,000,000.

"SEC. 691. RESERVE FUND.

"(a) ESTABLISHMENT.—A qualified entity under this chapter, other than a State or local government agency, or a tribal government, shall establish a Reserve Fund which shall be maintained in accordance with this section.

"(b) AMOUNTS IN RESERVE FUND.—

"(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

"(A) all funds provided to the qualified entity by any public or private source in connection with the demonstration project; and

"(B) the proceeds from any investment made under subsection (c)(2).

"(2) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

"(c) USE OF AMOUNTS IN THE RESERVE FUND.—

"(1) IN GENERAL.—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

"(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

"(B) provide deposits in accordance with section 694 for individuals selected by the qualified entity to participate in the demonstration project;

"(C) administer the demonstration project; and

"(D) provide the research organization evaluating the demonstration project under section 698 with such information with respect to the demonstration project as may be required for the evaluation.

"(2) AUTHORITY TO INVEST FUNDS.—

"(A) GUIDELINES.—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

"(B) INVESTMENT.—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

"(3) LIMITATION ON USES.—Not more than 9.5 percent of the amounts provided to a qualified entity under section 698(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If 2 or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

"(d) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

"(1) the amounts in its Reserve Fund at time of the termination; multiplied by

"(2) a percentage equal to—

"(A) the aggregate amount of grants made to the qualified entity under section 698(b); divided by

"(B) the aggregate amount of all funds provided to the qualified entity by all sources to conduct the project.

"SEC. 692. ELIGIBILITY FOR PARTICIPATION.

"(a) IN GENERAL.—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this chapter:

"(1) INCOME TEST.—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

"(2) NET WORTH TEST.—

"(A) IN GENERAL.—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed $10,000.

"(B) DETERMINATION OF NET WORTH.—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

"(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

"(ii) the obligations or debts of any member of the household.

"(C) EXCLUSIONS.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

"(b) INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.—The Secretary shall establish such regulations as are necessary, including prohibiting future eligibility to participate in any other demonstration project conducted under this chapter, to ensure compliance with this chapter if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project.

"SEC. 693. SELECTION OF INDIVIDUALS TO PARTICIPATE.

"From among the individuals eligible to participate in a demonstration project conducted under this chapter, each qualified entity shall select the individuals—

"(1) that the qualified entity deems to be best suited to participate; and

"(2) to whom the qualified entity will provide deposits in accordance with section 694.

"SEC. 694. DEPOSITS BY QUALIFIED ENTITIES.

"(a) IN GENERAL.—Not less than once every 3 months during each project year, each qualified entity under this Act shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

"(1) from the non-Federal funds described in section 689(c)(4), a matching contribution of not less than $0.50 and not more than $4 for every $1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

"(2) from the grant made under section 690(b), an amount equal to the matching contribution made under paragraph (1); and

"(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $2,000 from a grant made under section 690(b) shall be provided to any 1 individual over the course of the demonstration project.

"(c) LIMITATION ON DEPOSITS FOR A HOUSEHOLD.—Not more than $4,000 from a grant made under section 690(b) shall be provided to any 1 household over the course of the demonstration project.

"(d) Withdrawal of Funds.—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for 1 or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve such withdrawal in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

"(e) Reimbursement.—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under section 694 to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

"SEC. 695. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.

"A qualified entity under this chapter, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 697, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this chapter as are necessary to ensure compliance with the approved applications and the requirements of this chapter.

"SEC. 695A. GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.

"Any statewide asset-building program consistent with the purposes of this chapter that is established in State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than $1,000,000 in non-Federal funds, shall be deemed to have met the requirements of section 688 and to be eligible for consideration by the Secretary as a demonstration program described in this chapter. Applications submitted by such statewide program shall be considered for funding by the Secretary notwithstanding the preferences listed in section 689(d). Any program requirements under sections 691 through 695 that are inconsistent with State statutory requirements in effect on such date governing such statewide program are hereby waived.

"SEC. 696. ANNUAL PROGRESS REPORTS.

"(a) In General.—Each qualified entity under this chapter shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

"(1) The number and characteristics of individuals making a deposit into an individual development account.

"(2) The amounts in the Reserve Fund established with respect to the project.

"(3) The amounts deposited in the individual development accounts.

"(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

"(5) The balances remaining in the individual development accounts.

"(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

"(7) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of participation in the demonstration project and how such configurations varied among different populations or communities.

"(8) Such other information as the Secretary may require to evaluate the demonstration project.

"(b) Submission of Reports.—The qualified entity shall submit each report required to be prepared under subsection (a) to—

"(1) the Secretary; and

"(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

"(c) Timing.—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

"SEC. 697. SANCTIONS.

"(a) Authority To Terminate Demonstration Project.—If the Secretary determines that a qualified entity under this chapter is not operating the demonstration project in accordance with the entity's application or the requirements of this chapter (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

"(b) Actions Required Upon Termination.—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

"(1) shall suspend the demonstration project;

"(2) shall take control of the Reserve Fund established pursuant to section 691;

"(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, as modified, if necessary to incorporate the recommendations) and the requirements of this chapter;

"(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

"(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, as modified, if necessary, to incorporate the recommendations) and the requirements of this chapter;

"(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 691; and

"(C) consider, for purposes of this chapter—

"(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

"(ii) the date of such authorization to be the date of the original authorization; and

"(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

"(A) terminate the project; and

"(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 689(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 689(c)(4) bears to the amount provided by all such sources under that section.

"SEC. 698. EVALUATIONS.

"(a) In General.—Not later than 10 months after the date of enactment of this chapter, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this chapter.

"(b) Factors To Evaluate.—In evaluating any demonstration project conducted under this chapter, the research organization shall address the following factors:

"(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

"(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

"(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

"(4) The effects of individual development accounts on homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

"(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

"(6) The lessons to be learned from the demonstration projects conducted under this chapter and if a permanent program of individual development accounts should be established.

"(7) Such other factors as may be prescribed by the Secretary.

"(c) Methodological Requirements.—In evaluating any demonstration project conducted under this chapter, the research organization shall—

"(1) for at least 1 site, use control groups to compare participants with nonparticipants;

"(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

"(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

"(d) Reports by the Secretary.—

"(1) Interim reports.—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this chapter, and every 12 months thereafter until all demonstration projects conducted under this chapter are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 696(b).

"(2) Final reports.—Not later than 12 months after the conclusion of all demonstration projects conducted under this chapter, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this chapter.

"(e) Evaluation Expenses.—The Secretary shall expend such sums as may be necessary, but not less than 2 percent of the amount appropriated under section 699A for a fiscal year, to carry out the purposes of this section.

"SEC. 699. TREATMENT OF FUNDS.

"Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be income, assets, or resources of the individuals for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

"SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this chapter, $25,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, to remain available until expended.".

SEC. 205. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall not apply with respect to fiscal years ending before October 1, 1998.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

SEC. 301. SHORT TITLE.

This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1998".

SEC. 302. AUTHORIZATION.

(a) In General.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting ", $1,100,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal year 2001" after "1995 through 1999".

(b) Program Year.—Section 2602(c) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

"(c) Amounts appropriated under this section in any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year.".

(c) Incentive Program for Leveraging Non-Federal Resources.—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended by striking "for each of the fiscal years 1996" and all that follows through the period at the end, and inserting "for each of the fiscal years 1999, 2000, and 2001.".

(d) Technical Amendment.—Section 2602(e) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "subsection (g)" and inserting "subsection (e) of such section".

SEC. 303. DEFINITIONS.

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking "the term" and inserting "The term"; and

(2) by striking the semicolon and inserting a period.

SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.

(a) Definitions.—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

"(7) Natural disaster.—The term 'natural disaster' means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.";

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

"(1) Emergency.—The term 'emergency' means—

"(A) a natural disaster;

"(B) a significant home energy supply shortage or disruption;

"(C) a significant increase in the cost of home energy, as determined by the Secretary;

"(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

"(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

"(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

"(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.".

(b) Considerations.—Section 2604(g) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last 2 sentences and inserting the following: "In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, whether a Member of Congress has requested that the State receive the allotment, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection.".

SEC. 305. STATE ALLOTMENTS.

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) in subsection (c)(3)(B)(ii), by striking "application" and inserting "applications";

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking "(a) through (f)" and inserting "(a) through (d)"; and

(5) by redesignating subsection (g) as subsection (e).

SEC. 306. ADMINISTRATION.

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking "and not transferred pursuant to section 2604(f) for use under another block grant";

(B) in paragraph (14), by striking "; and" and inserting a semicolon;

(C) in the matter following paragraph (14), by striking "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(D) in the matter following paragraph (16), by inserting before "The Secretary shall issue" the following: "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "States" and inserting "State"; and

(B) in subparagraph (G)(i), by striking "has" and inserting "had"; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting ", particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy" before the period.

SEC. 307. PAYMENTS TO STATES.

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking "and not transferred pursuant to section 2604(f)"; and

(2) in the second sentence, by striking "but not transferred by the State".

SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.

(a) Evaluation.—The Comptroller General shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) Incentive Grants.—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking "For each of the fiscal years 1996 through 1999" and inserting "For each fiscal year".

(d) Technical Amendments.—Section 2607B of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking "on" and inserting "of"; and

(2) by redesignating subsection (g) as subsection (f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to discuss very important legislation, namely Head Start. For 20 years I sat as a minority member in the Committee on Education and the Workforce, always cautioning my colleagues to think in terms of quality rather than in terms of quantity. But each year we would increase the number who participated and paid little attention to the quality of the program.

Of the first four studies that came out on Head Start, three of them indicated that there not only was not a Head Start but there was not even an even start. The fourth study was done in a college community where, as a matter of fact, there were some positive results, primarily because the college students became mentors to those children so that those children had someone, some adult, helping them to become reading ready and ready for school.

Now, there was so much hype around the program, as was chapter 1, that it was very, very difficult to get anyone to consider quality. It did not matter whether it was a Democrat administration or a Republican administration, no one paid any attention to quality. No one recompeted any of the programs. No one closed any of the programs.

So I take my hat off to the present Secretary. At least she has gotten in there. After we gave her legislation during the last reauthorization, which said we are going to deal with the issue of quality, she has closed and recompeted Head Start programs.

Why did it start so poorly? It was very obvious. First of all, the whole idea of numbers rather than quality meant that most of the money went to numbers. Very few early childhood teachers were available, no matter what price we were paying. Obviously, if we were going to pay $10,000, we were not going to attract qualified early childhood teachers.

So what happened to the program? The program became pretty much a baby-sitting and a child care program. And the lovely grandmothers and the lovely mothers that were in the classroom were lovely people with no idea whatsoever what it is we need to do to help children become reading ready, to help children become ready to go to school. Then, unfortunately, it became a job program. "Do not mess with us, this is our job program." In the meantime, children were denied the opportunity to succeed.

We passed, in the last reauthorization, not nearly as much quality as needed but at least we got to the business of saying that 25 percent of the money was going to go to quality and improved training programs. Many of those lovely mothers and grandmothers could have become very effective if they had only had some training. We insisted that we pay those who do have the ability to deal with early childhood education more than they were presently being paid.

And so we have seen progress. We must now build on that progress. We did not go as far to emphasize quality as I would have liked, although the gentleman from California (Mr. RIGGS) did what I asked him to do in the subcommittee. However, I am very satisfied with the end result: 65 percent for quality, 35 percent for increase in numbers, and 10 percent for local grantees to determine which they need most of all, quality or expansion.

And so it would be my hope that we move ahead now and insist that every early childhood program that we are involved in is a quality program. If we had different numbers as far as dropouts are concerned, if we had different numbers as far as 30 or 40 percent of children not being able to read at a fourth grade level then we could say, boy, that program was really effective; that really worked. We do not have those figures, unfortunately.

Now, of course, there were three amendments added in full committee, because I took a passive role. Those three, at another time, at another place, are very important. I am certainly the champion for regarding needed reforms to Davis-Bacon, because I saw as an educator how much Davis-Bacon was costing local districts. We had that debate. It was amazing when people would say we get better construction if we have Davis-Bacon. And I said, now, wait a minute, in my district the same people who worked a union project also are the same people who work a project that is not a union project. But that is not an issue now because, of course, Davis-Bacon in Head Start is a very minimal, minimal program.

Another area, paternity, of course, is extremely important in welfare reform, and that is where it is. And we are dealing in welfare reform with adults, or at least with parents that have produced children, and that is very, very important. However, in this legislation we are dealing with little children, preschool children, who did not have any say about being born, did not have any say as to what family to which they were born or anything about whether they had one loving parent, two loving parents or no loving parents. So, of course, this should not be an issue for this particular legislation.

So I would hope when we finish today that we have an overwhelming vote. But I do want to caution everyone in the House, if we do not have quality in the program by the time we are finished in conference, then I will work just as hard to defeat the conference report as I will work today to try to pass the legislation, which is good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of the House substitute, S. 2206, the Human Services Reauthorization Act of 1998.

This bill reauthorizes three programs which we are very interested in that provide assistance to the neediest Americans; Head Start, the Low-Income Home Energy Assistance Program, and the Community Services Block Grants.

In bringing forth this legislation, I want to commend the gentleman from Pennsylvania (Mr. GOODLING), who has reaffirmed the bipartisan nature of these initiatives and has demonstrated a commitment to fashioning a compromise bill that will ensure the integrity and quality of these programs for years to come.

For more than 3 decades, Head Start has provided comprehensive social, health and educational services designed to promote strong, supportive families and provide disadvantaged people with strong foundations for a lifetime of learning.

☐ 1215

Nowhere is the success of Head Start more evident than in the strong praise from the thousands whose lives the program has touched. In 1994, we undertook the most ambitious reauthorization of Head Start to that date. Begging to differ just a little with the chairman, I believe we initiated a quality improvement process that would ultimately result in a comprehensive set of performance standards and local performance measures. I am proud of that effort and the direction that it established for the future of Head Start. That is why earlier this year I introduced H.R. 3880 which simply calls for changes that build upon this investment in quality through stronger linkages between the Head Start program and schools and increasing our investment in early Head Start. I am pleased to say that the proposals in my legislation are in the bill before us today.

One issue to which I am fully committed is continued growth of the early Head Start program. I truly believe that given the preponderance of research on early childhood development that we should incorporate our youngest children from birth to age 3 into Head Start. I also believe that with the investments in quality that began in 1994, it is time that we make a concerted effort to expand Head Start to the 60 percent of eligible children that are not currently served. We have been hearing pledges for years to fully fund Head Start and we should ensure that with this authorization bill that such growth is possible. I am pleased to say with the leadership of the chairman we are able to return to the nonpartisan history of Head Start and take necessary steps to ensure the program's future.

In our zest to tout the gains made possible with Head Start, we should not overlook LIHEAP and CSBG. LIHEAP helps low-income Americans meet the cost of home energy, particularly in times of extreme weather, natural disasters, and other emergencies. Four to five million households receive assistance annually. Nearly half are families with children under 18, while the remaining beneficiaries consist of older Americans and disabled individuals. Seventy percent of these households have incomes below $8,000 per year. In the midst of the heat wave that hit the South this summer, killing hundreds of Americans in its wake, the President released a total of $150 million in emergency funds to 11 States. This assistance enabled low-income families and individuals to meet the cost of cooling their homes and purchase fans and air conditioners. Sadly it is often those who lack the health and strength to cope with extreme weather who also cannot afford even the most basic modern conveniences to moderate the temperature. But LIHEAP is not just about heating and cooling. This program provides a variety of home energy assistance so that an elderly couple in Arizona can cook their evening meal and a family in the Bronx can light up the kitchen so the kids can finish their homework.

Although many of us stand firm in our dedication to a longer reauthorization of LIHEAP and we will work in conference to incorporate the Senate's 5-year reauthorization, the House bill reaffirms our commitment to this important program by making only minor programmatic changes.

The third program addressed by this legislation is the Community Services Block Grant, CSBG. CSBG supports the efforts of the Community Action Network in addressing the causes of poverty and providing a wide array of assistance to Americans in need. Services that have been traditionally provided include education, job training and placement, housing, nutrition, emergency services, and health.

The measure before us today authorizes new activities, including literacy services, mirroring the language I included in H.R. 3880, and after-school programs. In addition, this legislation provides for additional accountability and monitoring which can only serve to strengthen CSBG.

Once again I thank the chairman for his leadership in bringing what is now a strong bipartisan bill to the floor and I look forward to working with him and other Members to resolve our differences with the Senate in conference.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), a valuable member of the committee.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for yielding time and I thank him for his leadership as well as the gentleman from California (Mr. RIGGS) the chairman of the subcommittee and the gentleman from California (Mr. MARTINEZ) the ranking minority member.

This bill represents months of work to find ways to expand the positive impact of limited dollars on people's lives who participate in these programs.

Head Start was originally founded under the Johnson administration when Sargent Shriver said we should give these kids a head start in education. Many of us who have been supportive of Head Start in the past and have worked with this program have been concerned that it has been drifting toward a glorified child care type of a program and losing its educational emphasis. I believe that the changes we made in this bill, and there are some who will oppose this because it is not a perfect bill. In fact, to go under a suspension, we needed bipartisan support for this bill. Some provisions that were in the committee were taken out. But I believe that in the Head Start portion of this bill as well as the Community Services Block Grant, conservative Republicans should support this because it is an improvement from the way we were currently doing business.

For example, we have in the Education Performance Standards that they need to develop phonemic, print and numeracy awareness; understand and use oral language to communicate for different purposes; understand and use increasingly complex and varied vocabulary; develop and demonstrate an appreciation of books; and in the case of non-English background children, progress toward acquisition of the English language.

We also have Performance Measures. We have four, plus giving local flexibility for additional: Know that letters of the alphabet are a special category of visual graphics that can be individually named; recognize a word as a unit of print; identify at least 10 letters of the alphabet; and associate sounds with written words.

I do not favor national standards for public schools because the bulk of the dollars for public schools do not come from the Federal Government. But the overwhelming bulk of the dollars for Head Start do come from the Federal Government. Therefore, we have an obligation to the taxpayers to make sure that those dollars are being effectively used. In many cases Head Start was drifting away from the promises that it was given. Certain programs were effective and certain programs were not. We wanted to tighten and make Head Start more effective. I believe this will be done in an additional way that the gentleman from Pennsylvania (Mr. GOODLING) led the efforts in, and, that is, to get more dollars into the teachers' hands rather than this explosion and expansion of services but not reaching the people with the quality of services that they need. The gains in Head Start are very tied toward teaching the kids who are behind, maybe they do not have the parental investment or the community investment in those kids that many kids such as my children are likely to have, having two parents of a college-educated background with a home computer. Not all kids have that in America. We need to reach out to those and make sure that those services are effectively used and not dissipated by trying to reach far too many who may or may not actually need the services.

Title II, the Community Services Block Grant portion of the bill, improves the accountability and effectiveness of these block grants by encouraging effective partnerships between government, local communities and charitable organizations, including faith-based organizations. This has been a critical part of the Renewal Alliance effort in numerous bills to make sure that faith-based organizations are included as an effective way particularly in our urban centers to reach those who are hurting most.

I also have two specific provisions in the Community Services Block Grant section. One I offered with the gentlewoman from California (Ms. WOOLSEY), the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Missouri (Mr. TALENT) that was introduced in the House by the gentleman from Ohio (Mr. KASICH) and the gentleman from Ohio (Mr. HALL) and my former boss, Senator COATS, in the Senate which was Individual Development Accounts. They are matched savings accounts for low-income individuals which can only be accessed for higher education, home purchases, emergency medical expenses and capitalization of a business. In other words, rather than just having the government do a direct transfer, we are saying, "If you save some of your money, we'll match it," much like we have in government employee savings funds, by the way. We are saying, if people will take the initiative to save money, we will match that and try to help get them started in our society and developing their own capital fund if they use it for education, home, emergency medical or capitalization of a business.

We also have a bipartisan amendment with the gentleman from Virginia (Mr. SCOTT) and myself that would allow at the State level their portion of Community Services Block Grant to be set aside to pay for State charitable credits. This is an important breakthrough, because again we have promoted in the Renewal Alliance, which are those of us who are conservatives who say the Federal Government cannot do everything, what do we propose as an alternative to help those who have been left behind in economic growth.

Well, one of the things is to try to give incentives to the churches, to the community foundations, to individuals that if you will help, we will give you a tax incentive, we will allow you to leverage those funds in charitable organizations to do that. We are encouraging Individual Development Accounts. And in Head Start we are trying to promote education.

Let me make one last reference. I know some of my conservative allies in the House are very disturbed that several provisions were dropped off from the subcommittee level and the committee level. I have long supported the repeal of Davis Bacon and I do not think there is a bill that makes this more clear. Because we did not repeal Davis Bacon there will be fewer Head Start centers built. It is that simple. Because if you have to pay what is not really necessarily a prevailing wage because if indeed it is a prevailing wage Davis Bacon would not make any difference, that by taking that provision out we will be able to build fewer Head Start centers.

By changing the father accountability, we are not doing some of what we Republicans wanted to do and to try to use that. I think you can have a good debate whether or not the children in effect should be punished directly but at the same time without fathers, they are being punished, anyway. We, I believe, should use all levels of government to try to encourage the rebuilding of the families. But you also have to be realistic.

We have many improvements in this bill. I outlined many breakthrough provisions. You cannot get everything in a bill and have it make it through this House and the Senate and signed by the President in 30 days. I think the chairman and the subcommittee chairman who I know has some differences with the final form are to be commended for passing a bill that we can get bipartisan support and yet have substantive changes in it that will make it better for those who are hurting in our society.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time. I do want to recognize the subcommittee chair the gentleman from California (Mr. RIGGS) and the ranking member the gentleman from California (Mr. MARTINEZ) for all of the work that they have done and of course all of the work that the staff has done for a long, long time. Denzel just said, "You mean we're finally here?" Yes, we are finally here.

I want to recognize the gentleman from Michigan (Mr. SMITH) also, for his word on family literacy. One of the shortcomings in Head Start from the beginning has been that there was not enough emphasis on family literacy. In this legislation we have a $5 million family literacy demonstration program. We also have a very strong definition of family literacy because it will not work, we have found out over the years, if the entire family is not involved in improving their literacy skills. Again I would ask all to support the legislation. I think we have done an excellent job.

Mr. MARTINEZ. Mr. Speaker, I yield myself the balance of my time. I should have commended the staff earlier because I can remember a lot of those meetings, especially the meetings where the staff included me and the gentleman from California (Mr. RIGGS) in their deliberations. They were quite extensive. I want to say that they did work very hard to try to get to that bipartisan effort we did. But it finally came down to the fact that the gentleman from Pennsylvania (Mr. GOODLING), the chairman, interceded in some of the really, really difficult issues that we had not resolved, and we do have a bipartisan bill on the floor today. I would recommend that our Members vote for it.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the amendment in the nature of a substitute to S. 2206, the Human Services Authorization Act of 1998. This legislation merges two bills that were reported by the Committee on Education and the Workforce on July 29: H.R. 4241, the Head Start Amendments Act of 1998 and H.R. 4271, the community services Authorization Act of 1998. Passage of this legislation is critically important to this nation's fight against poverty and to improve the preschool education of low-income children.

Specifically this legislation extends the authorizations for the Head Start Act, the Community Services block Grant Act, and the Low-Income Home Energy Assistance Act of 1981. The legislation also makes important changes to the Acts that would result in improved services, increased quality and accountability.

Title I of this legislation contains H.R. 4241, the Head Start Amendments of 1998. This legislation firmly establishes quality as the focus of the authorization.

Questions still persist about the unevenness of Head Start quality and about program outcomes in general. In Fact, Dr. Ed Zigler, the founder of Head Start, testified at a Head Start hearing in June that the educational component of Head Start continues to be of suspect quality.

Dr. Zigler's testimony and the testimony of other witnesses we heard at numerous hearings, coupled with my own impression of Head Start leads me to the conclusion that we must continue to improve the quality of head Start. I am a firm believer that Head Start should rival the best preschools in the nation. So while Head Start may be successful in providing an array of social services, the primary focus of the program should be educational quality. Unfortunately, the program has fallen short in preparing young children to enter school ready to read, ready to learn.

Until we can ensure that ALL children enrolled in Head Start receive high quality educational services, we should slow down the rate of expansion for a few short years. We should first ensure that head Start has the capacity to serve ALL children currently enrolled in the program well.

In an effort to strike the appropriate balance between quality and expansion, the bill directs more money into improving quality in head Start in the first years of the authorization. As we look to spend in excess of $20 billion on this program over the next five years, it is important that we strike this balance.

Under the bill, school readiness will become the primary goal of Head Start. We want children to be eager and prepared to participate in kindergarten. Therefore we have added new education performance standards and measures. The legislation also requires that at least one-half of all Head Start teachers will have to possess a college degree in early childhood education by the end of the authorization period.

I would like to point out at this time that the substitute I am offering today does not contain three provisions that were reported out of Committee. Specifically: Permitting parent certificates; requiring mothers to identify the father of their child, before their child may enroll in Head Start; and deleting the Davis-Bacon requirement.

Although these are important provisions and the Committee reported such provisions after rigorous debate, they were dropped because this is neither the time nor the bill to debate these controversial issues. The Senate which has already passed their authorization bill did not include these provisions, nor have they indicated that they will do so. I submit for the RECORD an editorial in today's Washington Post stating that the while all three topics are worthy of discussion, Head Start is not the bill on which to have those debates.I am also submitting a letter of support from the National Head Start Association. Support that is dependent on these issues being dropped from the bill.

We have only a few short weeks before the end of session. Time dictates that the House pass a bipartisan Head Start bill, so we can conference with the Senate immediately and ensure that the authorizations of Head Start, CSBG and LIHEAP are considered another significant accomplishment of this Congress.

In summary, the bottom line for this authorization of Head Start is educational quality. Although, numerous quality provisions in the bill will help guarantee that a Head Start child receives as good a preschool experience as any other child in this country.

Title II of the legislation makes changes to the Community Services Block Grant Act. The bill will better enable States and local communities to eradicate poverty; revitalize high poverty neighborhoods; and empower low-income individuals to become self-sufficient.

The bill increases program accountability in CSBG. It encourages development of effective partnerships between government, local communities, and charitable organizations (including faith-based organizations) to meet the needs of impoverished individuals. And it encourages innovative community-based approaches to attacking the causes and effects of poverty.

I have been a strong supporter for many years of CSBG and the programs that it supports. I have seen the positive differences that community action programs have made in people's lives, including for those in my Congressional district in Pennsylvania. Working together we can make improvements in CSBG and related anti-poverty programs that will even further improve services for the poor in each local community.

Title III of this legislation extends the authorization of another important program, the Low Income Home Energy Assistance Program through the year 2001. LIHEAP provides heating and cooling assistance to almost 5 million low-income households each year. Whether it's those in abject poverty who are facing the blistering cold of a winter in Michigan, or the elderly sweltering in 102 degree heat in Dallas, Texas, this program provides the only relief for hundreds of thousands of our citizens.

Individuals and families receiving this vital assistance include the working poor, individuals making the transition from welfare to work, individuals with disabilities, the elderly, and families with young children. In fact, nearly 70 percent of families receiving LIHEAP assistance last year survived on an annual income of less than $8,000, while spending an average of 18.5 percent of their annual household income on energy costs.

I urge my Colleagues to support S. 2206 as amended so that we may promptly begin the conference process on Head Start, CSBG and LIHEAP. It is critical to low-income families throughout the nation that we move quickly on this important legislation that impacts so many of their lives, to ensure that it becomes law this year.

THE NATIONAL HEAD
START ASSOCIATION,
Alexandria, VA, September 11, 1998.

Hon. WILLIAM GOODLING, CHAIRMAN,
Committee on Education and the Workforce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: On July 29, the Committee on Education and the Workforce considered the bill, H.R. 4241, and reported the measure, after agreeing to several amendments which the National Head Start Association strongly opposes.

As I wrote you in my letter of August 5, 1998, the National Head Start Association is gravely concerned over the outcome of the committee deliberations—specifically those actions which restored controversial matters which you had elected to eliminate in offering your substitute amendment for committee consideration.

The introduction of vouchers in lieu of Head Start programs for the delivery of services and requiring Head Start programs to police compliance with welfare and paternity conditions threatens to undermine program quality and integrity and fracture a long history of bipartisan legislation in support of Head Start.

Just two days before the Committee considered H.R. 4241, as you know, the Senate unanimously approved Head Start reauthorization legislation (S. 2206) reported by the Senate Committee on Labor and Human Resources by a vote of 18–0. Our hope was that the House of Representatives would follow suit so that the process might move forward in a collegial manner.

In an effort to move the reauthorization process forward, the National Head Start Association would support consideration of H.R. 4241 by the full House of Representatives if the controversial provisions cited above are removed from the bill as reported by the Committee on Education and the Workforce. At the same time, we remain concerned over other provisions in the committee-reported bill and will work with you as the measure moves to conference in addressing those concerns.

Sincerely,

SARAH M. GREENE.

[From the Washington Post, Sept. 14, 1998]

HEAD START VOTE IN THE HOUSE

A bill to reauthorize the Head Start program, whose passage ought to be routine, has hit a rough spot in the House, where conservative Republicans are trying to turn it into an election-year poster board. Chairman Bill Goodling of the Committee on Education and the Workforce will try this week to rescue the legislation by stripping out gratuitous amendments that were added in committee, mostly against his will.

He is using a procedure that requires a two-thirds vote while limiting debate. The principal sponsor of the troublsome amendments, Rep. Frank Riggs of California, is resisting. The House should vote as Mr. Goodling now asks; the Republican leadership should see to it. It is hard to believe the party would want to send members home to campaign having held up a program as worthy and popular as this.

Mr. Riggs offered three amendments in committee. One would bar from the program children whose mothers failed to cooperate with state and local agencies in establishing paternity. The second would take a symbolic first step toward disestablishing Head Start in favor of a system of vouchers. The third would exempt work on Head Start centers from the requirement of organized labor's beloved Davis-Bacon Act that "prevailing" wages be paid on federal construction projects.

Those are the provisions that Mr. Goodling would drop. In a letter urging Republican colleagues to resist, Mr. Riggs called them "common-sense reforms" that reflect "core Republican principles." He's right that all three of the issues are worthy of discussion, but not in connection with this program or this bill. The Senate already has passed a clean Head Start bill; the House should follow its lead.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of S. 2206, the Community Opportunities & Educational Services Act. I support many of the provisions in this bill which reauthorizes the Head Start, Community Services Block Grant and the Low-Income Home Energy Assistance Programs. However, I want to focus my remarks on the new demonstration program which will be created if this bill becomes law.

Mr. Speaker, S. 2206 includes the text of H.R. 2849, the Assets for Independence Act which I introduced with Representative JOHN KASICH. The language was added by an amendment offered in the Education and Work Committee by Representatives MARK SOUDER and LYNN WOOLSEY. This legislation authorizes $25 million for four years for the creation of Individual Development Accounts (IDAs) for poor families and individuals. IDAs are dedicated savings accounts, similar in structure to Individual Retirement Accounts, that can be used for purchasing a first home, paying for post-secondary education, or capitalizing a business.

IDAs are managed by community organizations and are held at local financial institutions. Low income individuals make a contribution to the account which is then matched by private or public funds. Under the legislation, participants can have no more than $10,000 in assets (excluding their car and home) to qualify for the program. Federal money can only be used to match private money. In this way, the bill would leverage more private money and local involvement. By encouraging asset development, IDAs help families end their own poverty with dignity.

IDAs and other asset-building strategies for the poor appear to be among the most promising poverty-fighting ideas to emerge in the last few decades. It is estimated that 100 communities are running IDA programs in forty-three states. Twenty-five states, including Ohio, have incorporated IDAs into their welfare-to-work plans, as authorized by the Personal Repsonsibility and Work Opportunity Reconciliation Act of 1996. The Joyce, Mott, Ford, Levi Strauss, and Fannie Mae Foundations have issued millions of dollars in grants to support IDA demonstration projects. IDAs have come a long way since the Select Committee on Hunger, which I chaired, first held hearings on this important idea in the early 1990's.

This demonstration project, will provide additional fuel to states, localities, and community based nonprofit groups that are looking for creative and enduring strategies to help low-income families move toward self-sufficiency.

Owning assets gives people a stake in the future and a reason to save, dream, and invest time, effort, and resources in creating a future for themselves and their children. Assets empower people to make choices for themselves.

I would urge my colleagues to pass this important legislation.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to S. 2206, which reauthorizes the Head Start program, as well as the Community Services Block Grant program and the Low Income Housing Energy Assistance Program (LIHEAP). While the goals of Head Start and the Community Services Block Grant program are certainly noble, the means these programs use to accomplish these goals (confiscating monies from one group of citizens and sending them to another group of citizens in the form of federal funding for Washington-controlled programs) are immoral and ineffective. There is no constitutional authority for Congress to fund any programs concerning child-rearing or education. Under the constitutional system, these matters are left solely in the hands of private citizens, local government, and the individual states.

In fact, the founders of this country would be horrified by one of the premises underlying this type of federal program: that communities and private individuals are unwilling and unable to meet the special needs of low-income children without intervention by the federal government. The truth is that the American people can and will meet the educational and other needs of all children if Congress gives them the freedom to do so by eliminating the oppressive tax burden fostered on Americans to fund the welfare-warfare state.

When the federal government becomes involved in funding a program such as Head Start, it should at least respect local autonomy by refraining from interfering with the ability of local communities to fashion a program that suits their needs. After all, federal funding does not change the fact that those who work with a group of children on a daily basis are the best qualified to design a program that effectively serves those children. Therefore, I must strongly object to the provisions in S. 2206 that requires the majority of Head Start classroom teachers to have an Associate or Bachelors degree in early childhood education by 2003. This provision may raise costs and/or cause some good Head Start teachers to lose their positions simply because they lack the credentials a Washington-based "expert" decided they needed to serve as a Head Start instructor.

Mr. Speaker, if programs such as Head Start where controlled by private charities, their staffers would not have to worry about diverting valuable resources away from their mission to fulfill the whims of Congress.

I am also disappointed that S. 2206 does not contain the language passed by the House Committee on Education and the Workforce freeing Head Start construction from the wasteful requirements of the Davis-Bacon Act. Davis-Bacon not only drives up construction costs, it effectively ensures that small construction firms, many of which are minority-owned, cannot compete for federal construction contracts. Repealing Davis-Bacon requirement for Head Start construction would open up new opportunities for small construction companies and free up millions of taxpayers dollars that could be used to better America's children.

Congress should also reject S. 2206 because it reauthorizes the Low Income Heating and Energy Program (LIHEAP). LIHEAP is an unconstitutional transfer program which has outlived its usefulness. LIHEAP was instituted in order to help low-income people deal with the high prices resulting from the energy crisis of the late seventies. However, since then, home heating prices have declined by 51.6% residential electricity prices have declined by 25% and residential natural gas prices have declined by 32.7%. Furthermore, the people of Texas are sending approximately $43 million more taxpayer dollars to Washington for LIHEAP than they are receiving in LIHEAP funds. There is no moral or constitutional justification for taking money from Texans, who could use those funds for state and local programs to provide low-income Texans with relief from oppressive heat, to benefit people in other states.

Another provision in S. 2206 that should be of concern to believers in a free society is the provision making "faith-based organizations" eligible for federal funds under the Community Services Block Grant program. While I have little doubt that the services offered by churches and other religious institutions can be more effective in producing social services than many secular programs, I am concerned that allowing faith-based organizations' access to federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating members of Congress and thus losing their federal funds. Thus, allowing faith-based organizations to receive federal funds may undermine future attempts to reduce federal control over social services, undermine America's tradition of non-establishment of religion, and weaken the religious and moral component of the programs of "faith-based providers." It would be a tragedy for America if religious organizations weakened the spiritual aspects that made their service programs effective in order to receive federal lucre.

Since S. 2206 furthers the federal government's unconstitutional role of controlling early childhood education by increasing federal micro-management of the Head Start program, furthers government intrusions into religious institutions and redistributes income from Texans to citizens of other states through the LIHEAP program, I must oppose this bill. I urge my colleagues to oppose this bill and instead join me in defunding all unconstitutional programs and cutting taxes so the American people may create social service programs that best meet the needs of low-income children and families in their communities.

Mr. CASTLE, Mr. Speaker, I rise today in strong support of the substitute to S. 2206, the Human Services Authorization ACt of 1998, offered by Chairman GOODILING.

I am pleased to state that this substitute represent a very balanced view of many long hours of negotiations and thorough evaluations of the needs of some of the countries neediest citizens.

In particular, I want to focus my comments today on the Head Start provisions of the legislation. The Subcommittee on Early Childhood, Youth, and Families heard from a number of witnesses on ways to strengthen existing Head Start operations to bring better quality, more accountability and more results. Today, we are combining that input and taking several very important steps for our nation's children by implementing a better, stronger, and more focused program. As you are aware, the substitute does not contain the more controversial provisions, including those on parent certificates, construction, and establishment of paternity. I believe the exclusion of these provisions leaves us with a stronger and more united bill and commend the Chairman for his acknowledgment of such.

One of the keys to this reform, that we on the Education Committee identified immediately, is the need to toughen the education components of the program. So, what we have done is clarify those educational components of Head Start. The purpose of Head Start is to promote school readiness. Make no mistake about it, this program was named deliberately—these kids need a "head start" in life. The new performance standards are measures in the substitute will enable us to ensure that students are learning, so that we can meet the needs of children where we haven't been able to in the past.

In addition monies will be available for advancement in the quality of Head Start. Specifically, much needed funds will be put toward teacher training and recruiting college educated teachers. The majority of Head Start teachers will now have a college degree in early childhood development. I, personally, think this is essential. We need to provide strong resources and strong teachers that have an intimate knowledge of child development to assist families through some of the most difficult and vital childhood years.

Finally the substitute also cover areas that we are the Federal level have missed by providing a separate portion of funds directly to local grantees. Knowing the priorities and diverse needs of their individual communities, the local programs can use these funds to attend to individual children with concerns not addressed by other parts of the legislation.

Mr. Speaker, I have attempted only to highlight the strengths of the substitute in this brief synopsis, but I want to give my full endorsement for the entirety of the legislation being put forth today. With the fiscal constraints we are faced with in the Nation today, I believe it is essential to strengthen accountability and results and produce quality programs that ensure children's welfare is being promoted, and I feel comfortable and confident that this bill helps us do so.

I urge my colleagues to join me in support the Goodling substitute to the Human Services Authorization Act of 1998.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this bill. It is imperative that we continue to fund projects that develop and enhance educational opportunities for our children. Reauthorizing the Community Services Block Grant and the Low-Income Home Energy Assistance program provides much needed aid to those who needed the most help.

It should be clear to all of us that education preserves the very qualities of humanity that we must uphold. As the great scholar Plutarch once wrote, "The very spring and root of honesty and virtue lie in good education."

By helping low-income families, Head Start provides financially-disadvantaged children the foundation for a good education, and it is this foundation that allows these children to excel in public schools. Such achievement can then carry them to college and beyond.

It is equally important to ensure the viability of Community Service Block Grants. This measure would continue the assistance that we already provide to States and local communities. Moreover, the measure continues the Federal government's partnership with a network of community action agencies and other neighborhood-based organizations as they strive to achieve the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.

Finally, it is vital that we provide adequate funds to the Low-Income Home Energy Assistance Program. With the ever-rising costs of home energy, we cannot forget those who often cannot afford such costs. All we have to do is look at my hometown of Houston, Texas, and the terrible heat crisis that resulted in loss of life. If we can provide assistance to low-income individuals, perhaps we could prevent future casualties.

Mr. ROEMER. Mr. Speaker, I rise in strong support of this Head Start bill. I would also like to commend the Committee Chairman, Mr. GOODLING, for his strong leadership on this important bill.

Mr. Speaker, I am a very strong supporter of the Head Start program, but have had many concerns about the quality and the educational components of the Head Start program. I am pleased with this legislation because it further addresses quality and professional development. I am pleased that this legislation establishes "school readiness" as a goal of the Head Start program, and adds very specific education performance measures to the Head Start statute. The Head Start program has great potential, and I think that we should continue to strive to improve the educational components of this valuable program.

I am also pleased that this bill infuses more money into quality—such as professional development, teachers' salaries, and overall quality improvements. I believe that the Head Start program must not be expanded at the expense of quality.

Finally, this bill addresses professional development by identifying specific skills that each classroom teacher should be able to demonstrate, as well as upgrading the degree requirements for the program so that a majority of classroom teachers will have at least an associate's degree by 2003. I am pleased that this bill also includes an amendment that I offered that will strengthen professional development and the quality of the program. My amendment would require Head Start grantees to develop or adopt, in consultation with experts in child development and classroom teachers, an assessment or evaluation instrument to be used by Head Start grantees when hiring classroom teachers.

We need to ensure that our Head Start teachers have mastered the skills to advance the intellectual and physical development of the children, improve school readiness, establish a safe and healthy environment, and support the social and emotional development of children. Again, I appreciate the Chairman's fine leadership on this bill, and strongly urge my colleagues to support this legislation.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended.

The question was taken.

Mr. MARTINEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3332) to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Generation Internet Research Act of 1998".

SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States investment in science and technology has yielded a scientific and engineering enterprise without peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in Federal networking research and development programs.

(b) ADDITIONAL FINDINGS FOR THE 1991 ACT.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

"(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research."; and

(2) adding at the end thereof the following:

"(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

"(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

"(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.".

SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to authorize, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) MODIFICATION OF PURPOSES OF THE 1991 ACT.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

"SEC. 3. PURPOSES.";

(2) striking "purpose of this Act is" and inserting "purposes of this Act are";

(3) striking subparagraph (A) of paragraph (1) and redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively;

(4) striking "Network" and inserting "Internet" in paragraph (1)(B), as so redesignated by paragraph (3) of this subsection;

(5) striking "and" at the end of paragraph (1)(H), as so redesignated by paragraph (3) of this subsection;

(6) in paragraph (2), by striking "efforts." and inserting "network research and development programs;"; and

(7) adding at the end thereof the following:

"(3) promoting the more rapid development and wider distribution of networking management and development tools; and

"(4) promoting the rapid adoption of open network standards.".

SEC. 4. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

(a) PROGRAM ELEMENTS.—Subparagraphs (A) and (B) of section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C 5511(a)(2)(A) and (B)) are amended to read as follows:

"(A) provide for the development of technologies to advance the capacity and capabilities of the Internet;

"(B) provide for high performance testbed networks to enable the research, development, and demonstration of advanced networking technologies and to develop and demonstrate advanced applications made possible by the existence of such testbed networks;".

(b) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C 5511(b)) is amended by striking "HIGH-PERFORMANCE COMPUTING" in the subsection heading.

SEC. 5. NEXT GENERATION INTERNET.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C 5511 et seq.) is amended by adding at the end the following new section:

"SEC. 103. NEXT GENERATION INTERNET.

"(a) ESTABLISHMENT.—The National Science Foundation, the Department of Energy, the National Institutes of Health, the National Aeronautics and Space Administration, and the National Institute of Standards and Technology may support the Next Generation Internet program. The objectives of the Next Generation Internet program shall be to—

"(1) support research, development, and demonstration of advanced networking technologies to increase the capabilities and improve the performance of the Internet;

"(2) develop an advanced testbed network connecting a significant number of research sites, including universities, Federal research institutions, and other appropriate research partner institutions, to support networking research and to demonstrate new networking technologies; and

"(3) develop and demonstrate advanced Internet applications that meet important national goals or agency mission needs, and that are supported by the activities described in paragraphs (1) and (2).

"(b) Duties of Advisory Committee.—The President's Information Technology Advisory Committee (established pursuant to section 101(b) by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7131), as amended by Executive Order No. 13092 of July 24, 1998), in addition to its functions under section 101(b), shall—

"(1) assess the extent to which the Next Generation Internet program—

"(A) carries out the purposes of this Act; and

"(B) addresses concerns relating to, among other matters—

"(i) geographic penalties (as defined in section 7(1) of the Next Generation Internet Research Act of 1998);

"(ii) the adequacy of access to the Internet by Historically Black Colleges and Universities, Hispanic Serving Institutions, and small colleges and universities (whose enrollment is less than 5,000) and the degree of participation of those institutions in activities described in subsection (a); and

"(iii) technology transfer to and from the private sector;

"(2) review the extent to which the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear and complementary to, and non-duplicative of, the roles of other participating agencies and departments;

"(3) assess the extent to which Federal support of fundamental research in computing is sufficient to maintain the Nation's critical leadership in this field; and

"(4) make recommendations relating to its findings under paragraphs (1), (2), and (3).

"(c) Reports.—The Advisory Committee shall review implementation of the Next Generation Internet program and shall report, not less frequently than annually, to the President, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Armed Services of the Senate, and the Committee on Science, the Committee on Appropriations, and the Committee on National Security of the House of Representatives on its findings and recommendations for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 and the last report shall be submitted by September 30, 2000.

"(d) Authorization of Appropriations.—There are authorized to be appropriated for the purposes of this section—

"(1) for the Department of Energy, $22,000,000 for fiscal year 1999 and $25,000,000 for fiscal year 2000;

"(2) for the National Science Foundation, $25,000,000 for fiscal year 1999 and $25,000,000 for fiscal year 2000, as authorized in the National Science Foundation Authorization Act of 1998;

"(3) for the National Institutes of Health, $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000;

"(4) for the National Aeronautics and Space Administration, $10,000,000 for fiscal year 1999 and $10,000,000 for fiscal year 2000; and

"(5) for the National Institute of Standards and Technology, $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000.

Such funds may not be used for routine upgrades to existing federally funded communication networks.

SEC. 6. STUDY OF EFFECTS ON TRADEMARK RIGHTS OF ADDING GENERIC TOP-LEVEL DOMAINS.

(a) Study by National Research Council.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study, taking into account the diverse needs of domestic and international Internet users, of the short-term and long-term effects on trademark rights of adding new generic top-level domains and related dispute resolution procedures.

(b) Matters To Be Assessed in Study.—The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes relating to—

(1) the short-term and long-term effects on the protection of trademark rights and consumer interests of increasing or decreasing the number of generic top-level domains;

(2) trademark rights clearance processes for domain names, including—

(A) whether domain name databases should be readily searchable through a common interface to facilitate the clearing of trademark rights and proposed domain names across a range of generic top-level domains;

(B) the identification of what information from domain name databases should be accessible for the clearing of trademark rights; and

(C) whether generic top-level domain registrants should be required to provide certain information;

(3) domain name trademark rights dispute resolution mechanisms, including how to—

(A) reduce trademark rights conflicts associated with the addition of any new generic top-level domains; and

(B) reduce trademark rights conflicts through new technical approaches to Internet addressing;

(4) choice of law or jurisdiction for resolution of trademark rights disputes relating to domain names, including which jurisdictions should be available for trademark rights owners to file suit to protect such trademark rights;

(5) trademark rights infringement liability for registrars, registries, or technical management bodies;

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark rights issues; and

(7) public comments on the interim report and on any reports that are issued by intergovernmental bodies.

(c) Cooperation With Study.—

(1) Interagency cooperation.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) Private corporation cooperation.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) Reports.—

(1) In general.—

(A) Interim report.—After a period of public comment and not later than 4 months after the date of enactment of this Act, the National Research Council shall submit an interim report on the study to the Secretary of Commerce.

(B) Final report.—After a period of public comment and not later than 9 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a final report on the study to the Secretary of Commerce. The final report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark rights.

(2) Submission to congressional committees.—

(A) Interim report.—Not later than 7 days after the date on which the interim report is submitted to the Secretary of Commerce, the Secretary shall submit the interim report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(B) Final report.—Not later than 7 days after the date on which the final report is submitted to the Secretary of Commerce, the Secretary shall submit the final report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(e) Authorization of Appropriations.—There are authorized to be appropriated $800,000 for the study conducted under this section.

SEC. 7. DEFINITIONS.

(a) In General.—For purposes of this Act—

(1) Geographic penalty.—The term "geographic penalty" means the imposition of costs on users of the Internet in rural or other locations, attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(2) Internet.—The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(b) Additional Definition for the 1991 Act.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks;".

□ 1230

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3332, the Next Generation Internet Research Act of 1998, amends the high-performance Computing Act of 1991 to authorize appropriations for the next generation Internet program for fiscal years 1999 and 2000. It was passed by a voice vote by the Committee on Science on May 13, 1998.

Today's Internet bears little resemblance to the original network that grew out of the work sponsored by the Defense Advanced Research Programs Agency and later by the National Science Foundation. What started out as a relatively small but important network linking Department of Defense and research university computers has exploded into a highly integrated worldwide system used largely by commercial and other enterprises. From 1998 to 2002, for example, the number of Internet users worldwide is expected to grow from 148 million to 477 million. Over the same period business-to-business electronic commerce is expected to grow from $78 billion to $300 billion.

The explosive growth in Internet traffic and its increasing importance to commerce and research has highlighted the need for new technologies to increase the speed and capacity of the system. Indeed the current system suffers limitations that could slow communications costing users both time and money. The NGI program will develop many of the technologies that will help the Internet keep pace with the increased demands placed on it.

I have long been supportive of the NGI program in concept but was initially reluctant to endorse the program because the administration had not developed an adequate plan on how it would be managed and how the funds would be spent. It was only in July 1997 that a draft implementation plan was put forward by the administration, too late for the Committee on Science to authorize the program in the First Session of the 105th Congress. With the release of the final implementation plan in February 1998 the committee felt it had a justifiable basis to move ahead with legislation to authorize the NGI program. The result is the bill before us today.

The NGI program will support R&D of advanced networking technologies to improve Internet performance, develop an advanced testbed network to demonstrate new technologies and use new technologies to develop more sophisticated Internet applications. One major goal of this program is to connect 100 NGI sites at 100 times the speed of today's Internet and to connect an additional 10 NGI sites at a thousand times the speed of today's Internet.

Specifically the bill authorizes $67 million for fiscal year 1999 and $75 million for Fiscal Year 2000 for the NGI programs run by the following five agencies:

Department of Energy, National Science Foundation, the National Institutes for Health, NASA and the National Institute of Standards and Technology. None of the money authorized is to be used for routine upgrades but only for research related activities.

H.R. 3332 also authorizes research into improving Internet access for rural areas, minority institutions and small colleges and promoting technology transfer to the private sector. The President's Information Technology Advisory Committee is required to report annually to Congress and to the President about the NGI program's progress in these and other areas.

In addition the bill directs the Secretary of Commerce to sponsor a National Academy of Sciences study that will look at the effects on trademark rights of adding new top-level domain names and make recommendations on how best to protect trademarks in the growing cyberspace economy. Eight hundred thousand dollars is authorized for this study.

H.R. 3332 is an excellent piece of legislation that will enhance a variety of fields and services including national defense, weather forecasting, air safety, telemedicine, the media, and education and research. And if that is not enough, it will also improve the quality of Internet service provided to the average consumer.

I would like to take a moment to thank my colleague, ranking minority member of the Committee on Science, the gentleman from California (Mr. BROWN) for cosponsoring this bill with me. I believe we have crafted a bill that will earn the support of our colleagues on both sides of the aisle and both sides of the capital, and I thank the gentleman for all the time and insight he has contributed to this legislation. H.R. 3332 is an important and timely piece of legislation, and I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3332, the Next Generation Internet Research Act of 1998. I want to congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER) the chairman of the Committee on Science and also the gentleman from California (Mr. BROWN) the ranking democratic Member, for their efforts to develop the bill and to bring it before the House.

H.R. 3332 authorizes the Next Generation Internet initiative which will support the research and development activities necessary to expand the capacity and capabilities to the Internet to meet the growing demands placed upon it. The applications that are straining the current Internet or even exceed its capabilities are coming largely from the research and education communities.

Achieving the goals of the Next Generation Internet initiative will require leading-edge research on networking hardware and software technologies. It also will require the creation of a large-scale high-performance testbed network. This testbed network will provide connectivity among many academic, industry and government user sites. It can then be used to implement challenging applications that will test the new networking technologies and ensure that they are scalable to the worldwide network.

In short, this initiative is a collaborative research project to develop and demonstrate next generation networking technology in a realistic network environment.

This bill will amend the high-performance Computing Act of 1991 to incorporate the Next Generation Initiative Internet initiative within the existing coordinated multi-agency research and development effort in advanced computing and network research. The bill provides general authority for agencies carrying out activities under the 1991 act to advance the capacity and capabilities of the Internet and to develop and demonstrate high-performance testbed networks.

In addition, this bill explicitly authorizes the participating agencies to implement this initiative and task that presidentially appointed advisory committee for high-performance computing and networking activities to provide periodic critical assessment of the initiative. The funding authorization provided by the bill is consistent with the level of the President's budget request, and the administration fully supports passage of this legislation.

The Internet is one of the best examples of a Federal research and development investment that resulted in significant public benefits. It is a growing and increasingly important communications medium for commerce as well as for education and research uses and for personal communications.

This initiative authorized by this bill builds on past successes of Federal R&D and provides support of research needed to accelerate the development of the technologies. It will make it faster, more dependable, which will result from this initiative, enable new applications and crisis management and response, distance education, environmental monitoring, health care delivery and scientific research to name a few. In a very real way it will help shape the future, and I urge my colleagues to support and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers. Does the gentlewoman from Texas have any further speakers?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, as you know, the Committee on Commerce has a strong interest in the development of the Internet, and over the past year has held more than a dozen hearings on the subject of electronic commerce. Among the provisions in the legislation currently before the House are authorizations of appropriations for the National Institutes of Health to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Commerce Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Mr. Speaker, I have reviewed these provisions and have no objections. At this point, I will insert in the RECORD an exchange of letters between Chairman SENSENBRENNER and myself regarding the Commerce Committee's desire to see this legislation move forward.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 11, 1998.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR JIM: On May 13, 1998, the Committee on Science ordered reported H.R. 3332, the Next Generation Internet Research Act of 1998. Among other provisions, this bill authorizes appropriations for the National Institutes of Health ("NIH") to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. Therefore, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions or similar legislation. In addition, the Commerce Committee reserves its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I request that you support any request by the Commerce Committee for conferees on this or similar legislation.

I also request that you submit this letter for the record during consideration of H.R. 3332 on the House floor. Thank you for your attention to these matters.

Sincerely,
TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 11, 1998.

Hon. THOMAS BLILEY,
Chairman, House Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 11, 1998 concerning H.R. 3332, the Next Generation Internet Research bill.

I appreciate your willingness to waive consideration of the bill of the Committee on Commerce so that the Science Committee may expedite consideration of the bill on the floor of the House.

The Committee on Science acknowledges Commerce Committee jurisdiction over the National Institutes of Health and its telecommunications jurisdiction over Internet domain names. Recognizing this I will support your request for conferees on these provisions should the Science Committee seek a House-Senate conference that may be convened on this legislation.

I will submit this exchange of letters for the record during consideration of H.R. 3332 on the House floor.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill, the Next Generation Internet Act of 1998, which amends the High Performance Computing Act (HCPA) of 1991 to expand our development of an Internet that is faster, more powerful, and more available to the people of the United States than ever before.

The Next Generation Internet (NGI) Program, created by this bill, authorizes funds from the National Science Foundation (NSF), the Department of Energy, NASA, the National Institutes of Health (NIH), and the National Institutes of Standards and Technology, to be spent on researching and developing advanced networking technologies which can be used to bolster the performance of the Internet, as we know it today.

As you all know, the Internet has become an important tool in the advancement of education, business, and even politics. For schoolchildren, it presents a window to the world, far less expensive than a set of encyclopedias, yet far more voluminous and varied. It is important for business, because it allows entrepreneurs to present their products in an interactive and compelling manner, which can also be easily adapted to satisfy the needs of the American, and international customer.

The Internet is important to the citizens of this great country because it gives each of them an equal voice. We receive hundreds of e-mails every month from concerned citizens, who feel obligated to participate in the political process, and who now have the ability to instantaneously reach their representative here in Congress. That is invaluable. We must continue to support programs like NGI, so that we can further mine the Internet for the good it can bring the global community.

I am also happy to report to you that this bill contains an important provision which I added during its markup in the Judiciary Committee. The amendment directs the Advisory Committee to address and make recommendations on the participation of "Historically Black Colleges, Hispanic Serving Institutions, and small colleges and universities" in the Next-Generation Internet Program.

This important provision provides a tremendous benefit to minority serving universities and small colleges who need guidance on how to gain better access to the Internet, as well as how they can participate in exciting Internet research programs, like NGI. We cannot let these important institutions fall through the digital divide, and remain fundamentally "disconnected" from the rest of the world.

I strongly urge you all to join me in support of the Internet, and of these important institutions by supporting this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3332, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read, "A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3332, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2112) to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The Clerk read as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Employees Safety Enhancement Act".

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after "the United States" the following: "(not including the United States Postal Service)".

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after "each Federal Agency" the following: "(not including the United States Postal Service)".

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after "Government of the United States" the following: "(not including the United States Postal Service)".

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

"(A) shall consider—

"(i) the effect of such closing or consolidation on the community served by such post office;

"(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

"(v) such other factors as the Postal Service determines are necessary; and

"(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

"§ 415. Prohibition on restriction or elimination of services

"The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"415. Prohibition on restriction or elimination of services.".

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

"(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, speaking for the gentleman from Pennsylvania (Mr. GREENWOOD), S. 2112 passed the Senate by unanimous consent on July 31, 1998. The bill is nearly identical to H.R. 3725 which was introduced by the gentleman from Pennsylvania (Mr. GREENWOOD). H.R. 3725 was passed by the Committee on Education and the Workforce on June 10 by voice vote, passed by the Committee on Government Reform and Oversight on July 23 by voice vote. S. 2112 allows the Occupational Safety and Health Administration to issue citations and fines against the U.S. Postal Service for violations of OSHA standards and requirements in postal facilities and workplaces. Under the Occupational Safety and Health Act of 1970 the Postal Service monitors its own compliance with OSHA requirements, and while OSHA may conduct inspections of postal facilities OSHA may not issue citations or penalties.

As the U.S. Postal Service competes more and more directly with private companies, it is appropriate that it do so on a level playing field with regard to such issues as compliance with safety and health regulations. Furthermore, worker safety has been a significant concern at the U.S. Postal Service, concern that has often been blamed in the lack of OSHA enforceability. For both of these reasons we believe it time to bring the postal service under OSHA enforcement. We are pleased that the Senate has agreed and has already passed this bill. By passing the Senate bill today we can send the bill on to the President for his signature.

I want to particularly commend the gentleman from Pennsylvania (Mr. GREENWOOD) for his efforts in moving his bill through two committees of the House and also commend Senator ENZI for moving his bill through the Senate, and I urge support for this legislation.

The U.S. Postal Service has raised two issues with the language of S. 2112. I would note that the Postal Service has raised these concerns only in recent days, after S. 2112 was passed by the Senate and companion bills were passed by two committees of the House. Nonetheless I do want to address the Postal Service's concerns.

First, the Postal Service expresses concern that S. 2112 does not include a delay in the effective date of the legislation. The Postal Service has, since 1970, been subject to section 19 of the Occupational Safety and Health Act, which obligates the Postal Service to "establish and maintain an effective and comprehensive safety and health program which is consistent with [OSHA standards.] So for the most part, S. 2112 does not subject the Postal Service to new standards and requirements. It simply gives OSHA the authority to enforce those standards and requirements. However, there may be a few specific new requirements as a result of the enactment of S. 2112, particularly, with regard to recording injuries and illnesses. Similarly, some state OSHA programs, which under S. 2112 will have enforcement jurisdiction over Postal Service facilities in 21 states, may have requirements that deviate from the federal requirements which the Postal Service was required to meet under section 19.

Where there are these new requirements, I encourage the Postal Service to work with OSHA and the state programs on a reasonable period for coming into full compliance as quickly as possible. And I would expect that similarly OSHA and the state OSHA agencies would work with the Postal Service, to bring the Postal Service into full compliance as quickly as possible. Given the discretion that these enforcement agencies have, I do not believe that a legislated delay in effective date is necessary, particularly given the fact that for the most part the Postal Service has been long subject to most of OSHA's standards, and that where there are changes and new requirements, a reasonable time for coming full compliance can be worked out between OSHA or the states and the Postal Service.

Second, the Postal Service has raised concerns with the language used in section 5 of S. 2112. Section 5 amends section 3622 of title 39 of the U.S. Code to add the following provision: "Compliance with any provision of the Occupational Safety and Health Act of 1970 shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service." The Postal Service has claimed that this language could mean that the Postal Service would not be able to spend any funds generated from postal fees and rates to fund its safety and health programs and expenditures necessary to comply with OSHA standards, regulations, and the general duty clause.

This concern is unwarranted. First of all, the interpretation suggested by the Postal Service would be absurd: the purpose of S. 2112 is to improve safety and compliance with OSHA standards at Postal Service workplaces. The interpretation of section 5 suggested by the Postal Service would have the opposite effect. Secondly, the interpretation of section 5 suggested by the Postal Service is not required by the legislative language itself, and is clearly contrary to the legislative history, particularly the statements of Senator ENZI, who sponsored and wrote this legislation. During debate in the Senate, Senator ENZI explained that this provision is intended to "prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather the Postal Service should offset the potential for the fines by improving workplace conditions." (emphasis added) Senator ENZI's statement makes very clear that Section 5 is referring only to any penalties or fines that may be assessed against the Postal Service for not complying with OSHA requirements.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2112, the Postal Employees Safety Enhancement Act on behalf of the ranking Democrats on the committee and subcommittee, the gentleman from Missouri (Mr. CLAY) and the gentleman from New York (Mr. OWENS). As my colleague from Pennsylvania did such a thorough job describing this, I will not take too much time and keep my comments brief.

Currently the Federal agencies including the postal service are subject to OSHA inspections and are required to comply with OSHA standards. I agree that all public employees should enjoy full protection of OSHA and believe that when a Federal agency fails to fulfill its lawful obligation to comply with OSHA standards it should be subject to sanctions. However the Department of Labor and many State agencies currently lack the authority to issue citations to the Postal Service making enforcement very difficult. S. 2112 merely makes the Postal Service liable to the same extent as private employers for failure to comply with OSHA standards.

With regards to my colleague's comments earlier, there was talk about Section 5 of the act, and our side agrees that this is not a detriment to the Postal Service. Section 5 merely prohibits the Postal Service from raising the price of stamps to pay for potential OSHA fines that the Postal Service should be avoiding in the first place through improved working conditions. As a matter of fact, my only objection to this legislation is that it does not provide full or does not extend full OSHA protections to all public employees. However extending the full protection of OSHA to thousands of postal workers throughout the country is a worthy accomplishment, and this is a good first step.

I urge the Members to support S. 2112.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

Mr. MARTINEZ. I, too, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

☐ 1245

RECESS

The SPEAKER pro tempore (Mr. PETRI). The House is awaiting the arrival of the managers of several bills that are scheduled, and therefore, will recess until 1 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 1 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 1 p.m.

☐ 1300

HURFF A. SAUNDERS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2032) to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building," as amended.

The Clerk read as follows:

S. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2032, as amended, designates the Federal building located in Juneau, Alaska as the "Hurff A. Saunders Federal Building."

Hurff Saunders was a resident of Alaska who played an instrumental part in the House and State's history both as a territory and as a State. He originally came from South Dakota to Ketchikan, Alaska prior to World War II where he accepted a civilian position with the United States Coast Guard.

During the war, he played a critical role in the ability of the United States Navy and Coast Guard to navigate the North Pacific waters by correctly determining the latitude and longitude of various key aids to navigation that were misidentified on official charts at the time.

Following the war, Mr. Saunders returned to a civil engineering position with the Federal Government. In this position, he supervised several public works projects, completing the projects on schedule and within budget.

In 1966, just prior to his retirement, Mr. Saunders successfully completed his final federal construction project, the Juneau Federal Building, Post Office and United States Courthouse, which is the building we designate in his honor today.

This certainly is a fitting tribute to a dedicated public servant. I support the bill as amended and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2032 is a bill to designate the Federal building in Juneau, Alaska as Hurff A. Saunders. Mr. Saunders was a lifelong Alaskan who helped write chapters of Alaskan history.

He was the civil engineer for the United States Coast Guard and in charge of constructing the Juneau Federal building, which was completed on budget and on schedule. Mr. Saunders later supervised the many public works projects for the territory and later for the State of Alaska. His work on correcting the navigational charts for the waters in southeast Alaska aided the Navy and the Coast Guard during World War II.

Mr. Saunders was widely respected and viewed as a dedicated public servant, a devoted father, and beloved husband who lived a full life and died peacefully at the age of 94.

Mr. Speaker, the city of Juneau and the Juneau Rotary Club both passed unanimous resolutions supporting this designation, also the American Society of Civil Engineers and the Society of Professional Engineers adopted resolutions urging this distinction be bestowed upon Mr. Saunders.

It is fitting, and in recognition of his outstanding contributions to Alaskan life, that the Federal building in Juneau, Alaska be designated the Hurff A. Saunders Building.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 2032, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the 'Hurff A. Saunders Federal Building'.".

A motion to reconsider was laid on the table.

AARON HENRY UNITED STATES POST OFFICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 892) to redesignate the Federal building located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry United States Post Office," as amended.

The Clerk read as follows:

H.R. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, shall be known and designated as the "Aaron Henry Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Aaron Henry Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 892, as amended, designates the Federal building and the United States Courthouse located in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse."

Dr. Aaron Henry was a civil rights pioneer from the State of Mississippi. He was born in Clarksdale, Mississippi in 1921. He served in the United States Army, after which he returned to school and earned a degree in pharmacy from Xavier University in 1950.

In 1953, Dr. Henry organized the local branch of the NAACP and served as the State NAACP President from 1960 till 1993. He was instrumental in creating an integrated Democratic Party in Mississippi. He also participated in the Freedom Rider Movement which led to the passage of the Public Accommodations sections of the Civil Rights Act of 1964.

In 1979, Dr. Henry was elected to the Mississippi House of Representatives and held this office for two additional terms. On the national level, Dr. Henry assisted in securing Congressional support for the passage of the Office of Economic Opportunity, out of which came programs such as Head Start and Job Corps.

The naming of this Federal complex is a fitting tribute to a distinguished African American. I support the bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time

Ms. NORTON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in favor of the Aaron Henry Federal Building and United States Courthouse. In doing so, I must say, Mr. Speaker, that I do so out of great and personal respect for a man with whom I worked with when I was a young woman in the civil rights movement.

When I went south in 1963 as a student in the Student Non-Violent Coordinating Committee, Aaron Henry, in Mississippi, was a fearless freedom fighter who every day risked his life simply by living through each day as the President of the NAACP as a pharmacist at a time when the State of Mississippi was known throughout the world for racial terrorism. This is a man who did as much as any man alive to bring the black and white Mississippians together.

As a young lawyer, I represented the Mississippi Freedom Democratic Party before the 1964 Democratic convention when the Freedom Democrats, blacks who were excluded from participation in the Democratic Party in the State, challenged the official Democratic Party and delegation. Aaron Henry was the cochair of that delegation. It says everything about our country and about Dr. Henry, that he lived to become the chair of the Mississippi Democratic Party itself.

H.R. 892 is a bill to designate the Federal building in Clarksdale, Mississippi, and the Aaron Henry Federal Building and United States Courthouse.

Dr. Aaron Henry was a civil rights pioneer, a thoughtful mentor, scholar and great humanitarian. He led an active, committed, exemplary life. After attending the local public schools in 1942, he joined the Army and was a veteran of World War II. After the war, he attended and graduated from Xavier University in New Orleans. In 1953, Dr. Henry organized the Coahoma County branch of the NAACP and served as the state NAACP president.

From 1960 to 1993, during the 1960s, he participated in the Freedom Rider movement and in the Mississippi Freedom Summer's nonviolent campaigns of public protest.

Dr. Henry served on numerous boards, such as the Executive Committee of the NAACP, the Federal Council on Aging and the Southern Christian Leadership Conference. Acknowledging his contributions as a civil rights leader in 1979, the citizens of Coahoma County elected him to the Mississippi House of Representatives, where he was reelected in 1983 and 1987.

Dr. Henry was instrumental in securing passage of legislation which created the Office of Economic Opportunity, and was a strong advocate and spokesman for the Job Corps and Head Start. Dr. Henry was an active member of the Haven United Methodist Church, serving as lay leader. He was committed to community, educational and civil issues throughout his rich life. It is most fitting and proper that we support the gentleman from Mississippi (Mr. THOMPSON) and honor the great contributions of Dr. Henry.

It gives me personal pleasure to urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 892, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the 'Aaron Henry Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 892, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SENSE OF THE CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

The Clerk read as follows:

H. Con. Res. 304

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of $54,000,000 in assessed payments and more than $11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for most of this year, we have witnessed a repeat of the carnage and the havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of the decade. Some people, not this Member, had a degree of optimism with the signing of the Dayton Peace Agreement some 3 years ago. However, now once again we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is of Slobodan Milosevic, the very same individual who produced the Bosnian tragedy or at least contributed mightily to it and presided over the dissolution of what was once Yugoslavia, who brought poverty and misery to his own Serbian people by his policy and actions and who has sown the seeds of strident nationalism throughout the Balkans. Yet, despite this disgraceful record and his undeniable responsibility for what has occurred in the former Yugoslavia and what continues to this very day, the international community has been hesitant to indict Milosevic for crimes at the International Criminal Tribunal for the former Yugoslavia, ICTY.

The distinguished chairman of our Subcommittee on International Operations and Human Rights, our distinguished colleague, the gentleman from New Jersey (Mr. SMITH), has introduced a resolution that simply puts the Congress on record that if anyone deserves to be indicted, it is Slobodan Milosevic.

☐ 1315

An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic, and others who may be responsible for the savagery in Kosovo, on notice that they cannot escape culpability. It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on ethnic Albanian civilians in that area. Whatever his reasons, wanton attacks on civilians constitutes a grave breach of international law.

Our chairman, the distinguished gentleman from New York (Mr. GILMAN) has also called upon Secretary Albright to provide whatever collaborative information the U.S. might possess regarding any atrocities in Kosovo. The gentleman from New York (Mr. GILMAN) is requesting a review of the options, that the administration is prepared to pursue to make Mr. Milosevic cooperate with the international efforts to provide humanitarian assistance to those in need in Kosovo, and to permit displaced persons to return to their homes in safety.

Mr. Speaker, I understand Chairman GILMAN is awaiting the Secretary's response in view of the mounting severity of the situation and the approach of winter. Unless the United States and the international community acts swiftly in the next few weeks, we face the prospect of hundreds of thousands of displaced persons, women, children, and the elderly, becoming ill and dying in the cold which will soon set in the mountains of Kosovo.

Mr. Speaker, this is unacceptable, of course, and we must act now to prevent such a catastrophe. It is imperative that the House join our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. I urge my colleagues to unanimously support H. Con. Res. 304.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH) the author of the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Chairman Bereuter), my good friend, for his excellent remarks and for yielding me this time.

Mr. Speaker, the newspapers each day report on the brutality and the military attacks on the civilians in Kosovo, and the prospects of a rising death toll are more and more likely unless we press for a cease-fire and make certain that Milosevic understands that we will not allow the situation to drag on and on.

The news from the Kosovo front seems like deja vu, reminiscent of the wars in Croatia and Bosnia. The common thread in all of this destruction and war is Slobodan Milosevic. Today, Congress can go on record. Slobodan Milosevic must be held accountable for war crimes against humanity and genocide. The United States leadership must not ignore the compelling case of complicity which has been compiled against Milosevic.

In the prima facie case for Milosevic's indictment prepared by Paul Williams and Norman Cigar, they conclude that this, and I quote, "is a compelling and legal factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale."

The prima facie case focuses on evidence from years of both the Croatian war and the Bosnian war. Mr. Williams directs the Public International Law and Policy Program at the Carnegie Endowment for International Peace, and Dr. Cigar, a research fellow at the Balkan Institute, was professor of national security studies at the U.S. Marine Corps School of Advanced Warfighting in Quantico, Virginia, and a senior political-military analyst for the Army Staff at the Pentagon. For the benefit of my colleagues, I submit a summary of their statement for the RECORD:

WAR CRIMES AND INDIVIDUAL RESPONSIBILITY: A PRIMA FACIE CASE FOR THE INDICTMENT OF SLOBODAN MILOSEVIC

(Prepared by Paul Williams and Norman Cigar, The Balkan Institute)

EXECUTIVE SUMMARY

When queried as to whether Slobodan Milosevic is ultimately responsible for the widespread and systematic atrocities that have been committed in the former Yugoslavia, most policy-makers will readily indicate that of course everyone "knows" that Slobodan Milosevic is responsible for the worst atrocities to plague Europe since WWII. They often add, however, that there is simply no "proof" that he ordered the commission of these atrocities.

Recognizing that it is not possible to orchestrate ethnic cleansing and genocide on the scale that has occurred in the former Yugoslavia without leaving some proof of one's responsibility, this study seeks to examine whether there is sufficient information available in the public domain to establish a prima facie case that Slobodan Milosevic is individually responsible for the commission of war crimes in the former Yugoslavia.

In order to ascertain Slobodan Milosevic's individual responsibility for war crimes, this study does not seek to develop any creative legal devices for attaching liability, but rather limits itself strictly to legal avenues as set forth in the statute, rules of procedure and evidence, and the previous indictments of the International Criminal Tribunal for the Former Yugoslavia. Similarly, the study relies upon information that is widely available in the public domain, including accounts from senior Serb paramilitary leaders—such as "Arkan" and Vojislav Seselj—and officials in Slobodan Milosevic's own government, as well as information collected by international organizations and foreign governments.

Based upon an examination of the legal precedent of the International Criminal Tribunal and the publicly available evidence, this study concludes that there is a compelling legal and factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale. Specifically;

Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents committed widespread atrocities in Croatia and Bosnia against both civilians and prisoners of war. These atrocities included the criminal acts of killing, expulsion, rape, detention in concentration camps, forced labor, torture, mutilation, and the looting and destruction of property. All of these acts were perpetrated on a large scale, and often with severe brutality.

Slobodan Milosevic, by virtue of his formal positions and informal power base, exercised power, influence, and control over the Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents responsible for the commission of war crimes.

By virtue of Slobodan Milosevic's official and/or effective control over forces responsible for the commission of war crimes, he may be held individually responsible for ordering, planning, or instigating those crimes.

By virtue of Slobodan Milosevic's official and/or effective control over Serbian Republic forces and agencies, such as Serbia's Ministry of Defense and Ministry of Internal Affairs, that were active in the initial organization of Serbian paramilitary agents, including the provision of financial resources and weapons, and that provided their paramilitary agents with access to Croatia and Bosnia, Slobodan Milosevic may properly be held individually responsible for the war crime of aiding and abetting the commission of war crimes.

Slobodan Milosevic, as the superior authority over Yugoslav Federal and Republic of Serbia forces and agencies, is individually responsible for failing to prevent or punish their commission of war crimes.

This study therefore finds that it is possible and reasonable to construct a *prima facie* case for the indictment of Slobodan Milosevic for the commission of war crimes in the former Yugoslavia.

Mr. Speaker, the evidence of war crimes, brutal killings, and other atrocities in Kosovo is, as I said, mounting with each and every passing day.

Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, just returned in recent days from Kosovo. He makes a compelling case that, and I quote, "there is substantial evidence of war crimes and crimes against humanity, and violations of international humanitarian law * * * [which are] * * * subject to the jurisdiction of the International Criminal Tribunal for the former Yugoslavia."

Mr. Shattuck was accompanied by former Senator Bob Dole, head of the International Commission on Missing Persons in the former Yugoslavia. In Mr. Dole's opinion editorial printed in today's Washington Post, he reminds us that "American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. From what [Mr. Dole] has seen, such crimes are already occurring," as he writes in the op-ed today. In fact, I would like to submit his very moving piece for the RECORD as well.

Mr. Speaker, Mr. Dole recounts a scene that is reminiscent of my own experience with Mr. Milosevic when the gentleman from Virginia (Mr. WOLF) and I met with him in Belgrade in September of 1991. At that time, Milosevic claimed that Yugoslav forces were not sending military jets to threaten and bomb Croatia, and yet both the gentleman from Virginia and I had personally witnessed overflights by two Yugoslav MIG fighters a couple of days before in the besieged town of Vukovar. In fact, in order to get to that town, we had to go through a corn field because it was surrounded by tanks and artillery and snipers. We saw devastated schools and churches and homes that had been leveled in a "scorched earth" policy. A couple of days later when we met with Mr. Milosevic, he denied it all and we had been eyewitnesses to it all.

Mr. Dole, in a like fashion, reports that Milosevic denied any Serbian offensives were being planned or undertaken for Kosovo. Not 24 hours after Mr. Dole and Mr. Shattuck departed, Serbian troops began a destructive offensive in the region of Pec. Milosevic thinks he can get away with lying. Certainly to date, the Serbian forces have escaped the scrutiny of the International Criminal Tribunal, and we need to make sure that does not continue to happen.

Mr. Speaker, the chief prosecutor, Louise Arbour, has already stated that the "nature and scale of the fighting [in Kosovo] indicate that an armed conflict, within the meaning of international law, clearly exists in Kosovo." As a consequence, she has said she intends to bring charges for crimes against humanity or war crimes if such evidence is established.

Mr. Speaker, I believe the case for the commission of war crimes will be made easily when the political will is established to proceed down that path, and so far that has been lacking. While the resolution we are considering today focuses on Milosevic and his culpability, there are a multitude of others who are on the run, some in Serbia. Even in recent weeks the Department of State has publicly admitted the United States has reason to believe that Mladic is in Serbia and the United States continues to pressure Milosevic to surrender the three Yugoslav military members who were indicted by the

Tribunal for their involvement in the destruction and crimes in Vukovar.

Mr. Speaker, Milosevic needs to get the message loudly and clearly. The resolution calls for the U.S. to collect and provide evidence of Milosevic's culpability to the International War Crimes Tribunal, and to date, to the best of our knowledge, we have not done so. The measure affirms Congress' support for the Tribunal and calls on the U.S. to engage our NATO allies in the provision of evidence helpful in the work of the Tribunal.

Mr. Speaker, I would alert Members that we are working to have a hearing on what is going on in Kosovo in the Helsinki Commission on Thursday. We hope to have Mr. Dole and Mr. Shattuck testify. We are working on the details of that right now.

This resolution, which I hope will pass unanimously, will put us clearly on record as saying let us collect that evidence and get it to the Tribunal. Let us stop putting the evidence aside, which is what we have been doing for all of these months and years with regard to Milosevic.

Mr. Speaker, innocent civilians—women, children, and men—are losing their lives, their livestock, their homes and their hope. We are getting reports that Serbian forces are attacking and killing civilians and then food supplies are being destroyed and crops in the field are being torched. A couple of weeks ago, three members of the Mother Theresa Society who were driving tractors and trailers filled with relief supplies were killed when attacked by a Serbian armored vehicle. Serbian officials had shortly before cleared the relief vehicles at a checkpoint. The relief had been provided by Doctors of the World which has since announced suspension of its assistance in Kosovo.

The Christian Science Monitor quoted a Kosovar school teacher, "First the police destroyed and looted our houses * * * Then they surrounded us with tanks and separated the men from the women and children. They beat the men and took them away." With the blockade of humanitarian assistance and the scorched earth policies of the armed forces, food and provisions are being used as weapons of the war.

Mr. Speaker, I agree with Mr. Dole that Kosovo "is a political and military crisis, whose most visible symptoms are humanitarian. There should be no doubt that this is a war against civilians for political purposes." Just last week, Julia Taft, Assistant Secretary of State for Population, Refugees and Migration estimated that we will see 100,000 to 200,000 casualties in the next few months if the fighting and attacks are not brought to an abrupt end. With winter approaching, the hundreds of thousands of homeless and the estimated 50,000 or so who are living in the fields and forests will be particularly vulnerable. The numbers will only escalate.

I encourage the House to unanimously approve the resolution before us.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume only to commend the gentleman from New Jersey (Mr. SMITH) on his excellent statement and on his initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) for his leadership on this issue, and I am proud to join in support of this resolution.

Mr. Speaker, I think it is important we provide some background as to how the Congress got to the point where we are now considering declaring the President of Yugoslavia a war criminal. This process took many years.

It was years ago, visiting the Province of Kosovo, that I met time and time again with a frail, peace-loving scholar of enormous capabilities and deep convictions, Dr. Ibrahim Rugova, who was and continues to be the leader of the ethnic Albanian community in Kosovo. This was at a time when the problems of Kosovo could have been worked out peacefully without bloodshed, without the vast numbers of innocent victims, without the hundreds of thousands of refugees. But, Slobodan Milosevic's ruthless, reckless, irresponsible behavior brought us to the point of a bloodbath in Bosnia and now a bloodbath in Kosovo.

Fairness compels us, Mr. Speaker, to state categorically that Slobodan Milosevic is not the only person guilty of war crimes in the former Yugoslavia. There is plenty of guilt to go around and some leaders of all of the ethnic groups qualify for that designation. But today we are dealing with Slobodan Milosevic, the Yugoslav communist dictator who richly deserves to be branded a war criminal by the Congress of the United States.

Mr. Speaker, I also want to express my personal appreciation to former Senator Bob Dole for having visited this region just within the last week or so, demonstrating his continued commitment to human rights and the creation of democratic societies in the Balkans.

The United States, in this resolution, publicly declares that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia, has committed war crimes, crimes against humanity, and genocide.

These, unfortunately, are incontrovertible facts, and I join the gentleman from New Jersey (Mr. SMITH) in expressing the hope that this body will approve this resolution unanimously.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), my good friend and colleague, the ranking member of the Subcommittee on International Operations and Human Rights, for his very eloquent statement. Sometimes there are differences of opinion, Democrats and Republicans. But when it comes to human rights, we do link arm and arm. We have worked very well together over the years, and nowhere is that more apparent than in the Balkans and now with Kosovo being an area under siege.

Mr. Speaker, people literally are dying by the thousands. Refugees are in flight across and through Albania and elsewhere. I think we need to send as clear a message. Milosevic is laughing in our face. He has gotten away with it before. He has been, quote, our partner in peace at the Dayton Peace Accords. Regrettably, he gained stature through that and his gross misdeeds have been put under the table.

This resolution, and the fact that it has passed on the Senate side as well, I think puts everyone on notice that we will push hard until he is brought to justice. And I want to thank the gentleman from California (Mr. LANTOS) for his excellent statement.

Mr. LANTOS. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume, simply to conclude by saying congratulations and to commend the gentleman from New Jersey (Mr. SMITH) for sponsoring this legislation. He has brought to bear his considerable knowledge and experience in this region in an extraordinary fashion, working very cooperatively with the gentleman from California (Mr. LANTOS) and other colleagues.

Joining the gentleman from California (Mr. LANTOS) as original cosponsors were the gentleman from Illinois (Mr. PORTER) the gentleman from New Jersey (Mr. SMITH), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentlewoman from Florida (Ms. BROWN), the gentleman from Ohio (Mr. BROWN), the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. HALL) and others.

So, Mr. Speaker, I do thank my colleagues, and to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) I say thank you for your excellent work. I urge my colleagues to give their unanimous support to this resolution.

Mr. GILMAN. Mr. Speaker, for most of this year we have witnessed a repeat of the carnage and havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of this decade. We took some pride when we believed that conflict to have been ended with the signing of the Dayton Peace Agreement some three years ago. Now, once again, we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is Slobodan Molosevic, the very same individual who produced the Bosnian tragedy, and who presided over the dissolution of what was one Yugoslavia; who brought poverty and misery to his own Serbian people, and who has sown the seeds of strident nationalism throughout the Balkans.

The distinguished Chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey, CHRIS SMITH has introduced a Resolution that puts the Congress on record that if anyone deserves to be indicted it is Slobodan Milosevic. An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic and others who may be responsible for the savagery in Kosovo on notice that they cannot escape culpability.

I commend to everyone's attention the article by Senator Bob Dole in the Op-Ed section of today's Washington Post. Senator Dole just returned from a fact-finding mission in Kosovo. I quote from his article, "The war in Kosovo has many of the worst characteristics of the war in Bosnia. The primary victims of Serbian attacks are civilians. Humanitarian workers are denied access and often harassed and attacked. But it is not just the situation on the ground that is hauntingly familiar; it is also American and European diplomacy."

"Once again the victims are being asked to negotiate with those who are attacking them. In addition, there is an active attempt to impose a moral equivalence between Serbian forces and the small band of Albanians who have taken up arms against them."

I have written today to President Clinton the following letter:

> DEAR MR. PRESIDENT: The on-going conflict in Kosovo has produced over a quarter of a million refugees and internally displaced persons—women, children and the elderly—who have been driven from their homes by a brutal Serbian campaign that has haunting similarities to what occurred in Bosnia earlier this decade. The President of Serbia and Montenegro, Slobodan Milosevic, has failed to keep his pledges and assurances throughout the course of this year to U.S. and other diplomats to permit these people to return in safety to their homes. Now, as the winter is fast approaching, we are facing an impending humanitarian disaster with the real prospect of seeing tens of thousands of vulnerable people freezing to death on the mountains and in the forests of Kosovo.
>
> Mr. President, you have said that the United States would not permit another Bosnia to occur in the Balkans. I am appealing to you now, before it is too late, to keep faith with that commitment. It is imperative that the United States, with or without other members of the international community, act to force Milosevic to end his barbaric policies aimed at civilians in Kosovo. What we are witnessing now is not a diplomatic, political or military problem, it is a humanitarian one and we should address it on that basis.
>
> As Senator Bob Dole has written in today's edition of the Washington Post:
>
> "Half-measures and interim deals will not do. * * * American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. * * * What is urgently needed now is American leadership and a firm commitment to a genuine and just peace."

It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on Albanian civilians. Whatever his reasons, wanton attack on civilians constitutes a grave breach of international law.

It is critical, therefore, that the House joins our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. Accordingly, I urge our members to support House Concurrent Resolution 304.

Mr. MORAN of Virginia. Mr. Speaker, with so much legislative business left to conduct this session, there may be some who are wondering why we should care about Slobodan Milosevic.

We should care because on March 23, 1989, Slobodan Milosevic unilaterally changed the Yugoslav Constitution, revoking the autonomous status of Kosova.

We should care because, in a referendum held in 1989, 87 percent of those Kosovars eligible to vote approved independence by an overwhelming 99 percent.

We should care because two of the most devastating wars in history began in the Balkans.

But most importantly, Mr. Speaker, we should care because Slobodan Milosevic has initiated his second genocidal campaign to maintain his dictatorship through terror.

When Milosevic sought to tighten his grip in Bosnia the world stood by and watched. We watched as Milosevic drove three million Bosnians from their homes. We watched as Milosevic ordered the killing of more than 250,000 Bosnians. And we watched as Milosevic directed the rape of 40,000 Bosnian women and girls.

How long will we watch in Kosova?

Although 90 percent of Kosovars are ethnically Albanian, Milosevic has denied them entry to schools, he has denied them access to jobs, and he has denied them access to government. By instituting his own police force, he has entrenched his generals of genocide in every Kosovan community.

A recent Washington Post story tells of one home in Kosova. The home was burning to the ground. Reporters saw Milosevic's police force running from the scene. When asked how the fire started, one officer grinned and replied that the house was burning "Because it was made of wood."

The Butcher of Belgrade is at it again. By inciting the worst elements of Serbian nationalism and by exploiting existing tensions between Albanians and Serbs, Milosevic has driven as many as 200,000 Kosovars from their homes. Mass graves are again common in the Balkans. Civilians are being butchered when they can be caught and terrorized when they escape.

There can be no doubt that Milosevic has proven he is unworthy of stewardship over this place. It is incumbent upon us to ensure that he is held accountable for these atrocities and that he never commits them again.

Mr. Speaker, if we believe people have the right to be safe and secure in their homes—if we believe people have the right to live free from the fear of being murdered or raped because of their race—then we must stop this madman.

I urge my colleagues to join me in strong support of this resolution.

Mr. LEVIN. Mr. Speaker, I strongly support House Concurrent Resolution 304, which expresses the sense of Congress that the United States should publicly declare that it considers there to be probable cause that Slobodan Milosevic has committed war crimes, crimes against humanity and genocide. The resolution urges the International Criminal Tribunal for the former Yugoslavia to promptly review all information relating to Milosevic's possible criminal culpability with a view toward issuing an indictment. I am proud to be a cosponsor of this resolution

Mr. Speaker, there is no justification for the massacre of hundreds of ethnic Albanians in Kosova. The pattern in Kosova is tragically all too familiar. The Serbian Army shells and burns villages. Among the dead are innocent men, women and children. More than a quarter of a million people in Kosova have already been driven from their homes since February. In addition, the U.S. government has received first-hand reports that Yugoslav military forces are separating males and females in villages and refugee groups in Losova and taking the men and boys to unknown sites.

This brutal, indiscriminate, disproportionate and unjustified use of violence must end. What Mr. Milosevic is about in Kosova, as in Bosnia before this, is ethnic cleansing on a massive scale.

It is important that the international community stand united against death and destruction inflicted on Kosova by Serbia. The crisis in Kosova is not—as some have described it—an "internal affair" of Serbia. We must speak loudly and clearly. More than that, the time has come to back up words with actions. If the United States and the international community fail to take effective action to stop the violence in Kosova, the likelihood is that the conflict will grow and spread.

I urge the President and Secretary Albright to take a hard line against Slobodan Milosevic's repressive policies. To that end, I recently joined more than 80 concerned Members of the House in writing a letter to the President that said, "It is time to send a message to Milosevic that NATO will intervene if Serbian forces do not stop attacking ethnic Albanian citizens and destroying their villages."

Experience has shown that we cannot rely on Slobodan Milosevic's words. We must judge him by his actions and hold him accountable. House Concurrent Resolution 304 is an important step in that direction. It should by no means be the last step.

The horrendous killing and shelling of civilians must stop. I urge all my colleagues to support House Concurrent Resolution 304.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceeding on this motion will be postponed.

□ 1330

CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) calling on the Government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, as amended.

The Clerk read as follows:

H. CON. RES. 254

Whereas on May 2, 1973, Joanne Chesimard and 2 friends were stopped in their vehicle by New Jersey State Troopers James Harper and Werner Foerster on the New Jersey Turnpike;

Whereas while being questioned, Ms. Chesimard and the driver opened fire with automatic pistols striking Trooper Werner Foerster twice in the chest and Trooper James Harper in the left shoulder;

Whereas the suspects then turned Trooper Foerster's own weapon on him firing an additional two bullets into his head execution style;

Whereas this heinous and premeditated act resulted in the tragic death of New Jersey State Trooper Werner Foerster;

Whereas Trooper Foerster left behind a wife, Rose Foerster, and family;

Whereas in 1977, after a 6 week trial, a jury found Ms. Chesimard guilty of first-degree murder for the slaying of Trooper Foerster, a respected New Jersey State Trooper;

Whereas as a result of this conviction Ms. Chesimard was sentenced to life in a New Jersey State prison;

Whereas in 1979, Ms. Chesimard broke free from a maximum security cell at the Reformatory for Women in Clinton, New Jersey, with the help of 4 men who took a guard and prison van driver hostage;

Whereas after escaping prison, Ms. Chesimard fled to Cuba for political asylum;

Whereas the Federal Bureau of Investigation lists 77 felony fugitives known to have been granted safe haven by the Cuban Government, including Robert Vesco, Frank Terpil, and Victor Gerena, wanted for, or convicted of, violent crimes, including murder, robbery, kidnapping, air piracy, and terrorism;

Whereas these individuals have been indicted or convicted of criminal offenses in the United States and have not paid their debt to society;

Whereas people in New Jersey were shocked and outraged to see television interviews showing Ms. Chesimard living freely in Cuba, portraying herself as the victim and denying any crimes against Trooper Foerster;

Whereas the Governor of New Jersey, Christine Whitman, has requested Federal assistance from Attorney General Janet Reno for the return of Ms. Chesimard; and

Whereas Members of Congress have petitioned Secretary of State Madeleine Albright requesting that the Department of State do everything in its power to have Joanne Chesimard, and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, returned to the United States in order for them to face prosecution or confinement in the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Government of Cuba should extradite to the United States convicted murderer Joanne Chesimard in order for her to complete her life sentence for the murder of New Jersey State Trooper Werner Foerster;

(2) the Government of Cuba should extradite to the United States all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba in order for them to face prosecution or confinement in the United States; and

(3) the extradition from Cuba to the United States of all individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living in Cuba should be a top priority for the United States Government.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I strongly support this resolution which calls on the Cuban regime to return Joanne Cheismard to the United States. It is shameful and unacceptable that Fidel Castro continues to harbor murderers and other hardened criminals like Ms. Chesimard. The victims of her crime, New Jersey State trooper Werner Foerster and his widow Rose and their family, have been denied justice by Fidel Castro.

In approving this resolution, the committee made an amendment which underscores that "the Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government." These include Robert Vesco, Victor Gerena, who is on the FBI's top 10 most wanted listed, and Trank Terpil, a rogue CIA agent wanted for selling explosives to Libyan dictator Mu'ammar Qadhafi.

I commend the gentleman from New Jersey (Mr. FRANKS) for sponsoring this resolution. Our colleague on the committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is a cosponsor, as is the gentleman from Florida (Mr. DIAZ-BALART); in addition, the gentleman from New Jersey (Mr. MENENDEZ) who is also a member of our committee. They have been steadfast advocates for the Foerster family, and I thank them for their efforts.

I would additionally like to thank New Jersey Governor Christine Todd-Whitman for exercising personal leadership in pressing for the passage of this resolution calling on the Cuban government to see that justice is done for the Foerster family. This terrible tragedy dragged on far too long, due exclusively to Fidel Castro's intransigence. Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 250.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 254, calling on the government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba.

Providing a safe haven for fugitives from prosecution in the United States is one of the many concerns that we had with the government of Cuba. The case of Joanne Chisemard is particularly egregious and we are right to call this body's attention to it. Chesimard was sentenced to life for the murder of a New Jersey State trooper. She escaped from prison, fled to Cuba where she is currently living.

I strongly urge the adoption of this resolution, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), who has been very much involved in this issue as well.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding me the time.

I am very proud to be one of the cosponsors of H. Con. Res. 254, which condemns the government of Cuba for harboring Joanne Chesimard and other fugitives who have committed brutal crimes in the United States. I want to thank my good friend and colleague, the gentleman from New Jersey (Mr. FRANKS) for introducing this important resolution and working for its passage.

As most of us here know, Joanne Chesimard was convicted in 1977 of first degree murder and sentenced to life in prison for her brutal execution style murder of trooper Foerster. She escaped from jail in 1979 and subsequently fled to Cuba where she was given political asylum. This escaped murderer now lives a very comfortable life in Cuba and has launched a public relations campaign in which she attempts to portray herself as an innocent victim rather than a cold-blooded murderer.

The protection Chesimard and others enjoy in Cuba is yet another example of the lawlessness of the Castro dictatorship. The only truly satisfactory solution is democracy and self-determination for the people of Cuba. In the meantime, however, I believe it is shameful that the Clinton administration has made deal after deal with the Castro government, giving concession after concession, while Chesimard and other felons are living the high life in Havana.

I would like to thank members of the Committee on International Relations. They backed some amendments that I had offered during markup which changed some of the wording. The bottom line is we need to make sure that we bring these murderers and felons, and there are many of them, to justice. For the family, the Foerster family, that lost its loved one, we will not rest until she is behind bars where she belongs for the rest of her life.

I want to thank, again, my good friend, the gentleman from Jersey (Mr. FRANKS) for offering this. I hope that it will get the full support of the body.

Mr. FRANKS of New Jersey. Madam Speaker, I rise today to urge my colleagues to support the passage of H. Con. Res. 254, a resolution which I introduced on March 30.

It calls upon Fidel Castro, the dictator of the imprisoned island of Cuba, to return to the United States all the fugitives from American justice that he is harboring in his country.

Under Castro, Cuba has become a haven for terrorists, murderers, rapists, kidnappers and drug dealers who have sought refuge in Cuba in order to avoid prosecution and imprisonment in the United States. According to the FBI, there are now 77 American fugitives living in Cuba.

Let me tell you about one of them.

Earlier this year, I was shocked to turn on the local television news and see Joanne Chesimard, a cold-blooded cop killer, living freely in Cuba.

Twenty-five years ago, Joanne Chesimard gunned down two state troopers on the New Jersey Turnpike. After firing at Trooper Werner Foerster and hitting him twice in the chest, Chesimard grabbed the trooper's gun and fired two more bullets execution-style into his head.

Six years later—after serving just two years of a life sentence for first-degree murder—a group of revolutionaries assisted her in a daring and successful escape. She has been given a new, comfortable life in Cuba—thanks to Fidel Castro.

It's a tragic irony that while some of America's most vicious killers live comfortable lives in Cuba, many of Cuba's own natives languish in prisons merely for speaking out against the communist dictatorship.

This resolution sends a strong message to Castro: Return Joanne Chesimard and all the other felons you are harboring. They must be returned to the United States so that they can be sent to prison in order to serve out their full sentences and repay their debt to society.

Mrs. ROUKEMA. Madam Speaker, I rise today in strong support of H. Con. Res. 254.

Twenty-five years ago, in 1973, Joanne Chesimard ruthlessly gunned down two New Jersey State Troopers on the New Jersey Turnpike.

She approached one of the wounded Troopers, who laid bleeding and dying, grabbed his own gun and fired two shots, point-blank, execution style in the back of his head.

Chesimard was captured and convicted of this brutal murder and sent to prison.

She broke out of prison and now lives freely in Cuba just 90 miles off the U.S. coast.

She is not alone, many other convicted felons live in Cuba. This Resolution calls for justice to be served. It demands that Castro extradite Chesimard and other criminals so they can face justice in the U.S.

Justice must be served. It is cruel and morally wrong for Cuba to allow a safe harbor for these criminals while Cuba has sent its own religious leaders to suffer in prison.

I stand united with the families of the slain, the New Jersey State Police, and all citizens of New Jersey in demanding Cuba return Joanne Chesimard.

I strongly urge my Colleagues to support this resolution.

Mr. PAPPAS. Madam Speaker, on May 2, 1973 a terrible tragedy occurred in the State of New Jersey when Joanne Chesimard killed New Jersey State Trooper Werner Foerster leaving behind his wife and family. Ms. Chesimard was sentenced to life in prison for this heinous crime in our state and rightly so. But she escaped and fled to Cuba where she has the high life. She sips pina coladas, walks on the white sandy beaches, and swims in the crystal clear water. This is a grave injustice.

This is wrong and our government must do everything in its power to bring her back to serve out her sentence. Instead, the Clinton administration talks of easing the embargo knowing that Cuba is harboring violent criminals.

Fugitives such as Chesimard are cowards and for Cuba to invite them in and treat them like royalty is clearly wrong. I urge Secretary Albright and Attorney General Reno to do all they can to bring these criminals back to the U.S. to face justice.

I co-sponsored this legislation because I want our government to use all means possible to pressure Cuba to return Ms. Chesimard and every other criminal which Cuba harbors. We must fight for justice.

I commend Congressman FRANKS and Governor Whitman for being such strong advocates of this cause and I welcome the passage of this legislation.

Mr. GILMAN. Madam Speaker, it is the time to send a unequivocal signal to Fidel Castro that the United States Congress finds his regime's harboring of terrorists, murderers and other hardened criminals wanted in the United States shameful and unacceptable.

H. Con. Res. 254 draws attention to the cold-blooded murder twenty-five years ago of a New Jersey State Trooper, Werner Foerster. Joanne Chesimard was convicted of this heinous murder but, in 1979, escaped to Cuba.

Joanne Chesimard now lives under Fidel Castro's protection in Cuba. Back in New Jersey, Trooper Foerster's widow and family are denied the justice of seeing the woman who took him from them pay for her crime.

This is not an isolated case. Our Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government.

This resolution has broad bipartisan support. The gentleman from New Jersey, Mr. FRANKS sponsored this resolution with our colleague on the Committee, the gentlelady from Florida, Ms. ROS-LEHTINEN and the gentleman from Florida, Mr. DIAZ-BALART. the gentleman from New Jersey, Mr. MENENDEZ, who is also a member of our Committee, has for years supported the Foerster family's efforts to bring Joanne Chesimard back to the United States to serve her sentence.

I would like to recognize New Jersey Governor Christine Todd-Whitman who wrote to me to ask that we pass this resolution.

Just today, we have had another sobering reminder of Fidel Castro's undiminished efforts to attack American interests. the FBI announced in Miami that ten people have been charged with spying for the Cuban government by trying to penetrate our Miami-based U.S. Southern Command, MacDill Air Force Base in Tampa, and the Boca Chica Naval Air Station in Key West.

The FBI reports that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the U.S. media.

Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 254.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I urge unanimous support for this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended.

The question was taken.

Mr. BEREUTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROMOTING INDEPENDENT RADIO BROADCASTING IN AFRICA

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) to promote independent radio broadcasting in Africa

The Clerk read as follows:

H. RES. 415

Whereas Africa's numerous ethnic groups, with an estimated 2,000 languages and dialects, have long been isolated from each other;

Whereas radio is the primary means of transmitting vital information in Africa and linking African populations;

Whereas poverty, illiteracy, and logistical difficulties make television and the print media less utilized means of communication;

Whereas radio is not only compatible with Africa's oral traditions, but has the added benefit of being affordable and adaptable;

Whereas African radio stations generally are owned and operated by governments, which being aware of radio's power often deny or delay applications for proposed independent radio stations, harass officials or staff of independent radio stations, or close independent radio stations;

Whereas 53 independent journalists in Africa have been killed over the past 8 years, 42 other journalists were imprisoned last year alone, and hundreds of others have been threatened, harassed, or even physically assaulted;

Whereas standards of journalistic professionalism often are low in Africa, which causes problems of accuracy in reporting that often lead governments to overreact and apply repressive legal remedies against the media, including radio broadcasts;

Whereas biased government radio broadcasts have promoted ruling parties and limited coverage of opposition political parties, while inhibiting the free flow of information necessary for citizens to effectively exercise their electoral choices, thus undermining democracy;

Whereas the promotion of independent ownership of local radio operations in Africa is a useful tool for advancing the United States foreign policy objective of promoting democracy and human rights;

Whereas the phenomenon of "hate radio" has fueled genocide in countries such as Rwanda, in which an estimated half million persons were killed in a largely ethnic purge in 1994;

Whereas surrogate broadcasting, which consists of locally generated news on issues of local concern, has been well demonstrated as a vehicle to promote democracy and human rights in repressed regions and countries throughout the world;

Whereas the Voice of America has designed the "Radio Democracy for Africa" project to create a surrogate radio operation throughout Africa to promote democracy and human rights; and

Whereas the African Growth and Opportunity Act calls for the United States Information Agency to use its broadcasts to promote economic reforms in addition to its current promotion of political reforms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa" which includes journalist training and journalist exchange components;

(2) urges the United States Information Agency to expand its economic, political, and human rights programming in Africa to support indigenous efforts aimed at promoting democratization, human rights, economic development, and good governance;

(3) calls on the Agency for International Development to adopt a comprehensive strategy for the promotion of free and independent African media, especially radio, by supporting journalist and other media training programs, assisting in the development of African media associations, facilitating the creation of African news gathering and delivery networks, and encouraging the use of radio as an educational medium on a variety of topics, including but not limited to democracy, human rights, and economic development;

(4) calls on the United States Government to encourage local and foreign investment in independent local radio operations in Africa;

(5) urges the United States Government to make freedom of speech and the safety of journalists a priority in discussions with African governments on democracy and human rights;

(6) encourages the United States Government to use all reasonable means to help safeguard the operation of independent radio stations and the legitimate activities of journalists in African countries; and

(7) urges the United States Government to support and assist the development of mechanisms and institutions for the protection of independent journalists and to discourage the now frequent use of draconian laws and government policies inhibiting freedom of speech in Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

H. Res. 415, a resolution supporting the development of Radio Democracy for Africa, was sponsored by the gentleman from California (Mr. ROYCE). This resolution promotes independent radio broadcasting in Africa through the Voice of America. It calls for VOA to provide journalistic training and for USIA to expand its economic, political and human rights programming in Africa to support indigenous efforts aimed at promoting democratization.

The administration supports this enhanced broadcasting effort in Africa and VOA is working to get expanded programming on the air. This is an appropriate use of international broadcasting funds. Many African nations are struggling for peace and democracy. Hopefully the efforts encouraged by this resolution will put into force a strong and comprehensive international broadcasting program throughout the African continent to assist emerging democracies.

I commend my colleague who will speak soon, the gentleman from California (Mr. ROYCE) for his initiative and for that of my other colleagues in offering this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

First let me commend our colleagues, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ), chairman and ranking member respectively of the Subcommittee on Africa of the Committee on International Relations, for crafting this most important resolution. I strongly support this resolution.

The resolution calls for our government to lend support to free media in Africa through a number of avenues, including the creation of a Voice of America project adopting a comprehensive assistance strategy to have free media in Africa.

At the present time, Madam Speaker, VOA broadcasts 87½ hours weekly to Africa in 10 different languages. This measure calls to expand this program both in terms of its quantity and its coverage. My expectation is that as a result of this effort, media freedom will be strengthened in a number of countries in Africa. We need to assist the countries of Africa to develop mechanisms and institutions that protect the independence of journalists and discourage laws and government policies that inhibit the freedom of the press, which unfortunately is the state of affairs in far too many countries of that continent.

The Voice of America historically has played a significant role in bringing news and information, free and unbiased to the African continent. I particularly commend the authors' foresight in calling on the United States Government to support efforts by the people of Africa to build their own free and independent African media and to assist them in their efforts to promote democracy, human rights, economic development and good government.

I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE) in support of the resolution. Our colleague from California has brought invigorated leadership to the Subcommittee on Africa. His sponsorship of this legislation, along with the cosponsorship in original form by the gentlemen from New Jersey (Mr. MENENDEZ) and (Mr. SMITH), are examples of the leadership he has brought to American foreign policy with respect to Africa.

Mr. ROYCE. Madam Speaker, today radio broadcasting in much of Africa, as in other places in the world, is dominated by governments which operate national radio stations and all too often frustrate independent radio stations.

African governments, those that are repressive, do this because air wave control is real power, the power to control the information that their citizens receive. Radio's power is particularly great in Africa where poverty and logistical difficulties have made radio Africans' primary source of information. Televisions are few and far between in many African countries, and newspapers are largely confined to the cities. Radios, though, in Africa reach everyone. Radio's power is also why African governments often frustrate the licensing of independent radio stations and harass and brutalize and at times even kill independent radio journalists.

As long as this situation prevails, as long as some African governments can shape how their citizens think and feel about their country and their lives, many of the achievements we are hoping to see African countries make, like greater democracy, the protection of human rights, economic development, will be frustrated.

This resolution brings attention to the importance of radio broadcasting in Africa as a means of realizing these goals, and it lends support to an important administration initiative, Radio Democracy for Africa.

Radio Democracy for Africa is designed to increase surrogate radio broadcasting to Africa through the Voice of America. Surrogate radio, the process by which local journalists broadcast to their countrymen about local issues with foreign support, has proved to be effective in promoting the values of freedom and democracy. This was the case behind the iron curtain during the Cold War. It is the case in parts of Asia today.

Africa should not be an exception. We should support greater independent radio broadcasting in Africa and that is what this resolution does. Fostering independent radio broadcasting in Africa is all the more important given the specter of genocide by hate radio. Uncontested hate broadcasts contributed to the 1994 genocide in Rwanda that claimed more than half a million lives. Ominously hate radio broadcasts are being heard again in Central Africa.

□ 1345

While U.S.-supported surrogate radio, that is, radio to help break government monopolies on information, does not guarantee against brutality, it can help combat it. A greater American effort to allow Africans to hear alternative views, views supportive of democracy and reconciliation, is desperately needed. It is my hope that Radio Democracy for Africa will be a start.

This House Resolution also calls for the U.S. to provide diplomatic and technical support to independent radio in Africa, all within existing budgets. It also encourages journalistic exchanges. Greater professionalism by Africa radio journalists is needed. This resolution also asks the administration to focus on the protection of African radio journalists, many of whom show tremendous bravery. The committee to Protect Journalists has brought to life the life-threatening conditions that many African journalists face. This resolution asks that these brave men and women be supported in their struggle.

I ask my colleagues to support this resolution, and, Madam Speaker, I thank my colleague, the gentleman from New Jersey (Mr. ROBERT MENENDEZ), and the gentleman from New Jersey (Mr. SMITH) for their support as coauthors.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume to commend the gentleman for his exceptional statement and his initiative.

Mr. GILMAN. Madam Speaker, I rise in support of H. Res. 415, a resolution supporting the development of Radio Democracy for Africa. Through this resolution, we are encouraging VOA to promote independent radio broadcasting throughout Africa. A free and independent media is a cornerstone to democracy development. The VOA has a solid reputation in Africa, and field visits to several countries by the Director of VOA underscored the importance and interest in receiving journalism training. Developing an indigenous core of journalists coupled with more targeted VOA programing will help build an independent media and provide objective news sources.

Support for democracy must be a major policy objective in Africa. International broadcasts and media development in the region serves this vital policy direction.

This resolution demonstrates Congressional support for the enhanced program efforts by the VOA. At a time of continued unrest in certain African countries, a comprehensive broadcast and training program is the right thing to do at the right time.

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H. Res. 415, to promote independent radio broadcasting in Africa. I am proud to be one of the original cosponsors of this resolution introduced by my friend, Mr. ROYCE, the Chairman of the Subcommittee on Africa.

Radio is probably the most important mass communications medium in Africa, a continent plagued by numerous conflicts and crises. Radio is the primary means of transmitting vital information between African populations. It has the potential to do much good—both as a source of independent, accurate news, and as a catalyst for humanitarian, democratic, and economic progress. Unfortunately, it also has been subject to abuse. As many here will recall, ethnic "hate radio" fanned the flames of the 1994 genocide in Rwanda, which claimed upwards of half a million lives.

The freedom, independence, and professionalism of African radio are becoming increasingly important to the future prospects of that continent. Thus, House Resolution 415 makes clear that this House supports surrogate broadcasting and the training of African journalists through the Voice of America's "Radio Democracy for Africa" project; urges the expansion of USIA's economic, political, and human rights programming in Africa to support indigenous programming in those areas; urges the Agency for International Development to adopt a comprehensive strategy to promote free and independent African media; and urges the United States Government to support freedom and independence for African radio journalists through several means, such as foreign investment and intergovernmental dialogue.

I encourage all my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 415, "A Resolution Promoting Independent Radio Broadcasting in Africa." I support this bill for several reasons. First, radio is the primary forum of transmitting information in Africa. The African continent is paralyzed by poverty, illiteracy, and logistical difficulties making television and print media a less effective means of communication. This resolution seeks to promote and enlarge this vital link of communication to the African continent.

For the most part, African radio stations are controlled and managed by the governments in these African nations. These governments are aware of the power and influence which radio stations project in the region. In Rwanda, the power of radio was used to fuel the genocide in 1994. Governments in Africa, fearing the power of radio, will often deny or delay applications for proposed independent radio stations. African governments will harass officials or staff of independent stations, or close stations which openly disagree with the government's policy. In the last eight years numerous journalists have been imprisoned and even killed.

Given the power of radio and the interference displayed by African governments, the House should support the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa." This project is vital in our continuing efforts to promote democracy and human rights.

During the President's recent trip to the African continent, the President expressed a willingness to increase America's political and economic ties on the continent. This resolution will encourage democratization, human rights improvement, and economic development through the medium of radio.

This resolution will call on the U.S. government to encourage local and foreign investment in independent local radio in Africa. It will also make the improvement of unbiased and effective radio communication a priority in discussions with African governments.

This Congress should pass House Resolution 415 and support all efforts to improve media communications on the African continent.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 415.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING AVAILABLE TO THE UKRAINIAN MUSEUM AND ARCHIVES THE USIA TELEVISION PROGRAM "WINDOW ON AMERICA"

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4083) to make available to the Ukrainian Museum and Archives the USIA television program "Window on America", as amended.

The Clerk read as follows:

H.R. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF USIA TELEVISION PROGRAM "WINDOW ON AMERICA".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Ukrainian Museum and Archives in Cleveland, Ohio and the Slavics Collection, Indiana University Libraries in Bloomington, Indiana, copies of the television program "Window on America" produced by the WORLDNET Television Service of the United States Information Agency.

(b) LIMITATION.—The Ukrainian Museum and Archives and the Slavics Collection are prohibited from broadcasting any materials made available pursuant to this Act.

(c) REIMBURSEMENT.—The Ukrainian Museum and Archives and the Slavics Collection shall reimburse the Director of the United States Information Agency for any expenses involved in making such copies available. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

(d) TERMINATION.—Subsection (a) shall cease to have effect 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4083, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill is sponsored by the gentleman from Ohio (Mr. KUCINICH) and cosponsored by the gentleman from Indiana (Mr. HAMILTON).

This bill waives section 501 of the Smith-Mundt Act, which prohibits the domestic dissemination of U.S. Information Agency produced materials to allow USIA to provide the TV program "Window on America" to the Ukrainian Museum and Archives and to the Slavics Collection at the Indiana University Library in Bloomington, Indiana. The Ukrainian language program cannot be broadcast in the U.S. but is available to these institutions for historical and research purposes. The waiver of section 501 expires 5 years after the date of enactment.

This bipartisan bill was drafted in close consultation with the U.S. Information Agency, USIA, and they provided expert advice that assisted the Congress in advancing this legislation. I appreciate the agency's attention to the important details of the Smith-Mundt waiver, and I ask my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Let me first commend the sponsors of this bill, our colleagues, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Indiana (Mr. HAMILTON), for their leadership in offering this very worthy piece of legislation.

H.R. 4083 would authorize the United States Information Agency to make available to the Ukrainian Museum and Archives in Cleveland and the Slavics Collection at Indiana University copies of a video program, "Window on America", that has been broadcast by satellite into the Ukraine.

Without specific authorization by the Congress, Madam Speaker, the Smith-Mundt Act would normally prohibit USIA from providing domestic institutions those materials that are produced for overseas audiences. This bill ensures that the program will not be rebroadcast and that USIA will be fully reimbursed for the expenses of making this program available.

The gentleman from Ohio (Mr. KUCINICH) worked closely with USIA in crafting this bill, and our colleague, the gentleman from Indiana (Mr. HAMILTON), has seen to it that the University of Indiana will benefit from its provisions. The administration has no objections to this legislation, and I strongly urge support of this bill.

Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise in support of H.R. 4083, to make "Windows on America" programming available to the Ukrainian Museum in Cleveland, Ohio, and to the Slavics Collection at the University of Indiana.

First, I would like to thank the gentleman from Ohio (Mr. LATOURETTE), my principal cosponsor of this legislation. I would also like to thank the gentleman from New Jersey (Mr. SMITH) the subcommittee chairman, the gentleman from New York (Mr. GILMAN) the full committee chairman, the gentleman from Indiana (Mr. HAMILTON) the ranking Democrat, and the Ukrainian Caucus in the House, chaired by the gentleman from Pennsylvania (Mr. FOX). This is a bipartisan bill that would benefit thousands of Ukrainian Americans.

The Ukraine is one of Europe's oldest cultures and one of its newest democracies. In this century, the country has been wracked by world wars, major famines and some of the worst political repression the world has ever seen. During the Soviet era, Joseph Stalin and his successors waged war on Ukrainian culture, destroying churches and valuable artifacts, burning books and other literary treasures. Nearly 50 years ago, a group of displaced Ukrainian scholars living in Cleveland, Ohio, began a museum and archives in the Tremont area, the place where the neighborhoods meet the industrial valley and home to many immigrant communities; also, by the way, home to the community where I first began my political career over 30 years ago. Their mission was to preserve valuable items of Ukrainian culture during an Orwellian era when these items were being deliberately destroyed in Ukraine itself.

Tapping into a network of similar scholars, displaced diplomats and ordinary citizens, the Ukrainian Museum-Archives compiled a world-class collection of Ukrainiana. With the advent of Ukrainian independence seven years ago, scholars from Ukraine finally got a chance to see for themselves the size and quality of the collection. They confirmed that many of the items preserved in the Cleveland collection cannot be found anywhere else, even in Kiev or our own Library of Congress. As awareness of Ukraine as a geopolitical factor grows, so does interest in Ukrainian culture and history. The Ukrainian Museum-Archives is now working with the Ukrainian Embassy in Washington, Ohio State University's Department of Slavic and Eastern European Languages and Literature and other institutions to make this unique collection accessible to scholars in this country, in Ukraine and throughout the world.

That is why I am pleased to be the sponsor along with the gentleman from Ohio (Mr. LATOURETTE) of this bill to make available to the Ukrainian Museum-Archives videotapes of the U.S. Information Agency's television program "Window on America." For more than 5 years now, this pioneering program has been beamed by satellite to Ukraine to a weekly television audience of 10 to 15 million people. The videotapes of these programs constitute an invaluable chronicle of U.S.-Ukrainian relations during the critical first years of Ukraine's independence and a welcome addition to the collection at the Ukrainian Museum-Archives in Cleveland.

Ukraine, like other countries that have been victimized by Soviet repression, has had to endure economic difficulties as it moves from a communist style command economy to one that relies on free enterprise and free markets. In that process we have learned that Ukraine's problems are spiritual as well as economic and political. By exploring their own past and reclaiming their cultural heritage, Ukraine is taking an important step towards true independence and economic viability. The Ukrainian Museum-Archives in Cleveland and similar institutions elsewhere will play a small but important role in that process. I am pleased along with the gentleman from Ohio (Mr. LATOURETTE) to be able to help.

It is an honor to be here to say, "Slava Ukraini."

Mr. GILMAN. Madam Speaker, I rise in support of H.R. 4083, a bill to provide copies of the television program "Window on America" a Ukrainian language program produced by the U.S. Information Agency to the Ukrainian Museum and the Indiana University Libraries.

This bill waives section 501 of the Smith-Mundt Act, which prohibits the domestic dissemination of U.S. Information Agency produced materials. A waiver of this prohibition, will allow these two institutions to maintain a current history research capacity on events in the Ukraine.

This Ukrainian language program cannot be broadcast in the U.S., but is available to these institutions for historical and research purposes. This waiver is in place for five years. After that period the International Relations Committee and the Museum and Libraries at Indiana University will revisit the interest in extending the waiver.

I appreciate the assistance the U.S. Information Agency provided in drafting this bill to accommodate the concerns of the Committee.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4083, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

URGING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 224) urging international cooperation in recovering children abducted in the United States and taken to other countries.

The Clerk read as follows:

H. CON. RES. 224

Whereas many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

Whereas children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

Whereas there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

Whereas, although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

Whereas decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress urges international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 224, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this measure, H. Con. Res. 224, calls our attention to a problem of growing concern. While most Americans are aware of the large number of cases involving children abducted by a noncustodial parent in the United States, very few are aware of the international dimensions of the problem. I commend the gentleman from Arkansas (Mr. BERRY) for his initiative in introducing this resolution.

A by-product of our increasingly interdependent globe has been an increase in the number of American citizens marrying citizens of other countries. It is a sad fact of today's society that a high number of marriages result in divorce, and these international marriages are as subject to the strains that affect marriages as those between citizens of the same country. In fact, there may be additional strains caused by differences of culture in such relationships. When an international marriages results in children and the parents obtain a divorce, with the foreign national spouse choosing to return to his or her own country, the offspring can be quickly embroiled in a complex situation, not only torn between two parents but also between two countries.

There are tragically nearly 1,000 cases pending with the Office of Children's Issues at the State Department that handles children wrongfully taken from a custodial parent in the United States to another country. I am hopeful that this measure will help spotlight this problem and attempt to deal with it.

We also would like to see our government, particularly the State Department, intensify its efforts to get more international cooperation in addressing the criminal aspects of international parental child abduction and also in getting more countries, particularly in the Middle East, to abide by the Hague Convention on the Civil Aspects of International Child Abduction. For all these reasons, this resolution is a timely one. I ask all the Members of the House to join in supporting H. Con. Res. 224.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Let me at the outset pay tribute and commend the author of this resolution, my friend and colleague, the gentleman from Arkansas (Mr. BERRY), because he is dealing with an issue of extreme importance. Of all the hundreds of hearings that I have participated in during the course of years, Madam Speaker, probably none was more moving than a hearing I chaired on a situation involving children of American women abducted by their fathers to Saudi Arabia.

Now, I think it is extremely important to bear in mind that while many countries are involved in matters that this legislation attempts to deal with, the vast number of the children are taken to countries where only the father's rights are recognized. In such cases, the left-behind mother is utterly helpless and hopeless, and the anguish and suffering of both the mother and the children is beyond comprehension.

I believe this resolution, which attempts to deal with unresolved cases of child abduction cases, will focus both public and media attention on this outrage, and it is my earnest hope that at least international embarrassment might induce some of the governments to be more forthcoming in dealing with these matters.

The Hague Convention on the Civil Aspects of International Child Abduction has made some progress in aiding the return of abducted children. But many of the countries most affected by this legislation are not parties to that convention, and I think my colleague from Arkansas deserves great commendation for refocusing the attention of the civilized world on this outrageous practice.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise in support of the measure of the gentleman from Arkansas (Mr. BERRY).

The unresolved cases of abducted children is an abominable situation. This has resulted in children being taken to all parts of the world, taken usually by an estranged father. Rarely are these children returned, and rarely are legal remedies available. Other countries have recognized the custodial rights of the parent. I believe there are over 100 cases, more particularly 140 cases, that need to be resolved in which children have been abducted by family members where they have taken the children to foreign countries.

We have been working with our colleagues in the European Union, and we will be having some meetings just this week with regard to this issue. We hope that we can focus attention in the international community to help find a solution to these problems that have torn apart so many families.

So, again, I want to commend the gentleman from Arkansas for focusing attention on this issue, focusing attention on the Convention of the Civil Aspects of International Child Abduction that was done at the Hague in 1980. But too little progress has been made in that direction and we have a long way to go, and I hope that this body will focus attention on this issue as well as other international organizations.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY), the author of the resolution and my friend and colleague.

Mr. BERRY. Madam Speaker, I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER), and, of course, the gentleman from New York (Mr. GILMAN) and the ranking member, the gentleman from Indiana (Mr. HAMILTON), for the attention that they have given to this important issue.

□ 1400

This issue first came to my attention when a child, Machael Al Omary, living with her mother in Jonesboro, Arkansas was illegally kidnapped by her noncustodial father and taken to Saudi Arabia where her mother has no legal right to recourse. Since that time, I have learned that there are thousands of children who have been illegally taken to another country. If the country is not a signatory to the Hague Agreement, the parents are left totally helpless. In many cases when the country is a signatory, justice is often difficult to obtain and comes at a very high price.

Our legal system makes decisions involving the custody of children based on what is in the best interests of the children. Once such arrangements are made, no one should ever be rewarded for the illegal abduction of a child from our country by being able to keep the child and thumb their noses at our authority.

This resolution sends a strong message of this country's support for the rights of our children.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 224.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 185) expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration, as amended.

The Clerk read as follows:

H. CON. RES. 185

Whereas on December 10, 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights, after it was adopted by the General Assembly without a dissenting vote;

Whereas the Universal Declaration of Human Rights was modeled on the Bill of Rights of the United States Constitution and it was developed with strong United States leadership, and in particular the personal involvement of Mrs. Eleanor Roosevelt, who served as Chair of the United Nations Human Rights Commission;

Whereas the Universal Declaration of Human Rights sets forth fundamental human rights including the right to life, liberty, and security of person; freedom of religion; freedom of opinion and expression; freedom of assembly; self-government through free elections; freedom from slavery and torture; the right to a fair trial and to equality before the law; presumption of innocence until proved guilty; the right not to be subjected to retroactive laws; freedom of movement within one's state and freedom to leave or return to it; the right of asylum; the right to a nationality; the right to found a family; the right against arbitrary interference with privacy, family, home, or correspondence; the right to own property; to social security and to work; the right to form and join trade unions; the right to an adequate standard of living, to education, and to rest and leisure; and the right to participation in the cultural life of the community;

Whereas the Universal Declaration of Human Rights has become the most widely accepted statement identifying human rights and is referred to in resolutions and covenants adopted by numerous international organizations, in multilateral and bilateral treaties, in national constitutions, and in local laws and decrees; and

Whereas the Universal Declaration of Human Rights, though it is not a treaty or a binding international agreement, it is "a common standard of achievement for all peoples and all nations": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms the commitment of the United States to the fundamental human rights enunciated half a century ago in the Universal Declaration of Human Rights, which are a reflection of the fundamental civil and human rights that are enshrined in the Declaration of Independence and in the United States Constitution, and in particular in the Bill of Rights;

(2) expresses the determination to work for the implementation of and observance of international human rights and international human rights agreements; and

(3) urges the government leaders of all nations, representatives of private international human rights organizations, business and labor leaders, local government officials, and all Americans to use the Universal Declaration of Human Rights as an instrument to promote tolerance, understanding, and greater respect for human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure as well as on H. Con. Res. 304 and H. Con. Res. 254 previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the chairman of the Subcommittee on

International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and the ranking minority member the gentleman from California (Mr. LANTOS) for their timely initiative, and I commend the gentleman from California for crafting H. Con. Res. 185.

H. Con. Res. 185 expresses the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommits our Nation to the principles expressed therein.

On December 20, 1948, the General Assembly of the U.N. proclaimed the Universal Declaration of Human Rights after it was adopted by the General Assembly without one dissenting vote. H. Con. Res. 185 summarizes the Universal Declaration of Human Rights and reaffirms our Nation's commitment to that declaration.

We take for granted so many freedoms that we have in our country. The gentleman's resolution makes us aware of their preciousness and reaffirms our commitment to their protection and role in our society and the world community.

Accordingly, I strongly support H. Con. Res. 185, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume. Let me first thank my friend the distinguished chairman of the Committee on International Relations for his comments. Let me also thank my good friend and distinguished gentleman from Illinois (Mr. PORTER), cochair of the Congressional Human Rights Caucus who joined me as the principal Republican cosponsor of this bill. I also want to thank my good friend the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of the House International Relations Subcommittee on International Operations and Human Rights for his strong leadership on this issue. There are in fact scores of colleagues across the political spectrum who joined us in introducing this resolution.

Fifty years is a long time, Madam Speaker, and it is most appropriate for us to recommit ourselves and this body and our Nation to this vital document. The Universal Declaration of Human Rights is one of the most monumental events in the history of human rights. It is the accepted international definition of human rights, and the declaration continues to serve as the basis for subsequent international human rights law and treaties. And it is the critical starting point for future international agreements on human rights.

Now, I am not naive, Madam Speaker, and I understand that in scores of countries, this Universal Declaration of Human Rights is not observed. But that painful fact makes it all the more important that we recommit ourselves in a solemn way to the principles embodied in this document.

The drafters of the Universal Declaration were not concerned with inventing new political concepts and rights which would be granted or extended to people around the world; but, rather, they were concerned with defining the fundamental rights that are at the root of our human nature, rights that are the essence of our humanity. The purpose of the Universal Declaration was to enumerate these rights and to establish the standards that all nations should observe.

The nations which founded the United Nations at the San Francisco Conference in 1945, the city I have the honor to represent in this body with my friend the gentlewoman from California (Ms. PELOSI), came to the conclusion that new tools and international mechanisms are needed to protect the basic rights of all human beings. They directly responded to the atrocities of World War II committed by Nazi Germany and others where fundamental rights were violated in an unprecedented and systematic attack which produced inconceivable levels of human suffering.

In 1946, Madam Speaker, the United Nations established the Commission on Human Rights, the principal decision-making body charged with the global defense of human rights. The first Chair of the Human Rights Commission was Mrs. Eleanor Roosevelt, the widow of President Franklin Delano Roosevelt. Under her inspired leadership, this Commission took it upon itself to develop a comprehensive and universal catalogue of human rights definitions, which could serve as the basis for future legal codifications in the defense of human rights.

After almost 1,400 rounds of voting on practically every word in the draft declaration, the General Assembly unanimously adopted the Universal Declaration of Human Rights on December 10, 1948, in Paris at the Palais de Chaillot. Hence, we annually celebrate December 10 as International Human Rights Day. Subsequently some 60 human rights treaties and declarations were negotiated at the United Nations on the basis of the Universal Declaration.

Unfortunately, Madam Speaker, many of the rights enunciated in the Universal Declaration are under attack across the globe. I urge my colleagues to join me and continue our fight for all human rights for all human beings, even if that means from time to time making some unpopular decisions. As the sole remaining superpower, we have a special global obligation to the poor, to the tortured, to the prosecuted, to the persecuted, to the refugees and the voiceless. Anything less than full commitment to these human rights would be a betrayal of our own convictions and beliefs as a Nation and to our responsibilities spelled out in our Constitution and the Bill of Rights.

I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, first of all I want to thank and congratulate the gentleman from California (Mr. LANTOS) for introducing H. Con. Res. 185 to commemorate the 50th anniversary of the Universal Declaration of Human Rights, a magnificent document. I am very proud to be one of the cosponsors of the resolution. I do hope it will get the full support of our colleagues today.

☐ 1415

Madam Speaker, I believe that rights come from God, not from governments, not from international organizations. Nevertheless, it was a great step forward when, without a dissenting vote, the United Nations General Assembly recognized the existence of the rights to life, liberty, freedom of religion and expression, self-government through elections, and other important rights that are inherent in our nature as human beings and children of God.

I am very proud to join my colleague, the gentleman from California (Mr. LANTOS), and I want to thank him again for bringing this important resolution before the body today.

Ms. JACKSON-LEE of Texas. Madam Speaker, I applaud this measure. It is imperative that we, as Representatives of the United States of America, continue to support the Universal Declaration of Human Rights. The vital declaration ensures global preservation of the most basic human liberties.

Nadezhda Mandelstam once wrote that one must scream to the world to assert one's right to live and "send a message to the outside world demanding help and calling for resistance." Silence, in turn, is the "real crime against humanity."

It is clear that we must proclaim loudly that we are still demanding help and calling for resistance against human rights throughout the world. The Universal Declaration of Human Rights represents such a voice because it creates a standard of human rights that all the world's nations must uphold.

As a cornerstone of international customary law, the Declaration paved the way for legally binding treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Together, these documents form the "International Bill of Rights."

The Universal Declaration of Human Rights also serves as a model for national constitutions, laws, and policies. Since 1948, over 90 national constitutions can be traced to the Declaration.

We must continue to vocally support this Declaration. Our silence would only result in a regression of the work done on behalf of this document. Instead, we must scream to the world that we will not tolerate human rights abuses.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of the time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended.

The question was taken.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

TORTURE VICTIMS RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4309) to provide a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 4309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

SEC. 3. DEFINITION.

As used in this Act, the term "torture" has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

"SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

"(a) IN GENERAL.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) ELIGIBILITY FOR GRANTS.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

"(c) USE OF FUNDS.—Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).".

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1998.

SEC. 5. DOMESTIC TREATMENT CENTERS.

(a) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $5,000,000 for fiscal year 1999, and $7,500,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 6. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which.torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, this important measure addresses a critical area of our efforts to combat human rights abuses and treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition, and I commend the gentleman from New Jersey (Mr. SMITH) for introducing this bill and the gentleman from California (Mr. LANTOS) for his support of this measure.

This resolution rightly recognizes the importance of treating victims of torture in order to try to combat the long-term devastating effects that torture has had on the physical and psychological well-being of those who have undergone this pernicious form of abuse.

Regrettably, torture has been an extremely effective method to suppress political dissidents, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture has provided a bulwark against popular opposition.

It has been pointed out that for political leaders of undemocratic societies, torture has been useful because it aimed at the destruction of the personality to rob those individuals who would actively involve themselves in opposition to oppression of the self-confidence and other characteristics that produce leadership. And I quote from a recent speech by Dr. Inge Genefke, who is a founder of the International Treatment Movement, who we had an opportunity to meet with not too long ago, and I quote:

> Sophisticated torture methods today can destroy the personality and self-respect of human beings. Many victims are threatened with having to do or say things against their ideology or religious convictions with the purpose of attacking fundamental parts of the identity such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a fuller life later, with and amongst other human beings.

Fortunately there are now available treatment regimes for the types of disorders a torturer may induce. The resolution before the House today will help ensure that these treatments are more readily available to torture victims throughout the world and for those that are in need of them.

This measure authorizes funding for treatment centers in our Nation and for our President to provide funding for treatment centers in other countries. It also authorizes a State Department to contribute $3 million in both fiscal years 1999 and the year 2000 to the United Nations voluntary fund for victims of torture.

While this measure is similar to one reported out of the Committee on International Relations, we did make one change in order to accommodate the Committee on Commerce, changing a specific amount authorized for the Department of Health and Human Services to, quote, such sums as may be required, close quote. I ask that correspondence on this matter exchanged between the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) and myself be included in the RECORD following my remarks.

I urge my colleagues to join in approving this legislation, an all important issue, the Torture Victims Relief Act of 1998.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMERCE COMMITTEE,
Washington, DC, September 10, 1998.
Hon. BENJAMIN A. GILMAN,
Chairman, House Committee on International Relations, Washington, DC.

DEAR BEN: On August 6, 1998 the Committee on International Relations ordered reported H.R. 4309, the Torture Victims Relief Act of 1998. H.R. 4309, as ordered reported by the Committee on International Relations, provides for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. I also understand that you have agreed to address this Committee's concern over the authorization of appropriations in section 5 in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 4309. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 4309 or related legislation.

I request that you include this letter as a part of the Committee's report on H.R. 4309 and as part of the record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 10, 1998.
Hon. TOM BLILEY,
Chairman, House Committee on Commerce, Washington, DC.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 4309, the Torture Victims Relief Act of 1998. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

First, I will address the Commerce Committee's concern over the authorization of appropriations in section 5 of the bill in a manager's amendment that I will offer on the Floor. I have enclosed a draft of that amendment, which I understand will meet the Committee's concerns.

Second, although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

Finally, I will gladly include your September 10, 1998 letter in the International Relations Committee's report on H.R. 4309 and as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

AMENDMENT TO H.R. 4309 OFFERED BY MR. SMITH OF NEW JERSEY

On page 6, line 10 and 11, strike "fiscal years 1999 and 2000," and insert "for each fiscal year";

On page 6, line 14, strike "$5,000,000" and all that follows through the end of line 15, and insert "such sums as may be necessary for each fiscal year."

Mr. GILMAN. Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to begin by paying special tribute to my friend and colleague from New Jersey (Mr. SMITH) for taking the lead in this body on this most important issue. He has been an indefatigable fighter for many good causes, but this probably is one that deserves the most serious commendation and respect. I am proud to be the principal Democratic cosponsor of this legislation.

According to Amnesty International, Madam Speaker, torture is practiced on a systematic scale in no less than 117 countries across the globe today. Governments frequently target human rights advocates and political opposition members for torture to disable them and instill fear in society in general. Torture is clearly the most popular and effective weapon employed by rogue nations against democracy.

The main purpose of torture in most cases is not to gain any information from the victim. Rather, its purpose is to strip the individual human being of all personal dignity, to destroy all personal self-control and to reduce a human being to a state of sheer panic, fear, terror and pain. In other words, the purpose of torture is the destruction of the character of the victim, not necessarily the intention to kill him. Long after the physical wounds of those lucky enough to survive have healed, the embarrassment and the trauma of their torture persists.

This is why torture renders people silent. This silence, the inability to reach out, many times increased by our inability to listen and to believe, is the real goal of torture.

There are no more than 150 treatment programs for victims of torture in 76 countries. These programs provide invaluable support to the courageous men and women who are fighting for principles upon which our country was founded. They enable the survivors of torture to recover from the effects of torture and to resume their struggle on behalf of democracy and human rights. This is a long, painful and slow process. The centers give victims the important hope that somebody is listening, somebody believes their stories.

Currently there are some 400,000 victims who survive torture in many countries living in the United States. We need to listen to them and to live up to our responsibilities. In addition to the medical and psychological services torture treatment centers provide, they also document irrefutable evidence that torture is being practiced in many countries, and these centers become effective instruments in pressuring and changing governments to desist from the practice of torture.

It is my hope that my colleagues across the political spectrum will unanimously approve this legislation. I strongly urge support of everyone in this body.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. GILMAN) the chairman of the full committee, for yielding this time to me, and I also want to thank him for being one of the principal cosponsors, as well as my good friend, the gentleman from California (Mr. LANTOS). We have had literally dozens of hearings in the subcommittee over the last several years when he was chair, and now that I chair the committee and we have heard from a myriad of victims of torture, from Indonesia, from Cuba, from countries in Africa, Central America, and the Eastern Bloc countries, including the former Soviet Union and Russia itself. The issue over and over again is horrific mistreatment designed to destroy the will and the body and the spirit of the individuals involved and to destroy whole communities when it is done systematically to achieve an end.

This legislation, H.R. 4309, the Torture Victims Relief Act has 30 cosponsors. Again, the gentleman from California (Mr. LANTOS) and I link arm in arm to fight to help those who have been hurt by despotic governments.

In 1996, Madam Speaker, our subcommittee held a hearing on an earlier version of this legislation and we heard testimony on the continued and widespread persistence of torture in the world today, and on what steps the United States and other free countries should take to do something about it. Three of our witnesses at that hearing—and, as has been said, we heard from people from all over the world, and the issue is always the same, the terrible mistreatment—but three of those people who were there that day: a native of Uganda who suffered at the hands of Idi Amin, a Tibetan physician who was tortured by the Chinese Communists, and an American who became a torture victim in Saudi Arabia, our ally, after he had a falling out with his employer, the Saudi government. They told us stories that brought tears to our eyes about how they were mistreated and how they bear the scars long after their ordeal.

Those who suffer horrific cruelty at the hands of despotic governments, military and/or police, do bear those scars; they are physical, they are emotional, they are spiritual, they are psychological, and they carry them for the rest of their lives. For many, if not most, the ordeal of torture certainly does not end when they are released from the gulag or the prison.

These victims, and there are millions of them around the world—there are an estimated 400,000 survivors of torture living right here in the United States—need our help. To date we have done far too little to assist these walking wounded. The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims.

First, it authorizes grants for rehabilitation services for victims of torture and for related purposes in both foreign and domestic centers. The bill authorizes such sums as may be needed, subject to the Department of Health and Human Services, for contributions to centers for treatment of torture victims here in the U.S., and there are currently approximately 15 such centers. The precise amount of any contribution to these centers will be decided each year in the appropriation process. The "such sums" authorization language is contained in an amendment which is part of this bill today. It was suggested by the gentleman from Virginia (Mr. BLILEY) of the Committee on Commerce which has jurisdiction over HHS, and I do want to thank Chairman BLILEY for his help on this legislation.

The legislation also authorizes $5 million in fiscal year 1999 and $7.5 million in fiscal year 2000 for international torture victim centers, and there are currently approximately 175 of those around the world. Regrettably, all of these centers, domestic and international, are seriously underfunded. As a matter of fact, the Denmark-based International Rehabilitation Council for Torture Victims (IRCT), estimates the worldwide need for assisting victims to be $28 million, a significant portion of which is totally unmet.

☐ 1435

H.R. 4309 also authorizes a voluntary contribution for the United States to the U.N. Voluntary Fund for victims of torture in the amount of $3 million in fiscal year 1999 and $3 million in fiscal year 2000. I am proud to say that our efforts—and it has been bipartisan with the gentleman from California (Mr. LANTOS)—have already had an effect on the U.S. contributions to the Voluntary Fund. The U.S. contribution to this fund in 1995 was $1.5 million. At the time when we introduced the bill in the 104th Congress, the administration had proposed to cut the fiscal year 1996 contribution to $500,000. Eventually, in response to our efforts by the supporters of this bill, the administration restored the full $1.5 million. The bill would bring it up to $3 million.

The bill also provides specialized training for foreign service officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

Finally, the bill contains an expression of the sense of Congress that the U.S. shall use its voice and vote in the United Nations to support the investigation and elimination of these heinous practices which are prohibited by the Convention Against Torture. It is a good bill, it is a bipartisan bill, and I hope it gets unanimous support.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4309, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMISSION ON THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT ACT

Mr. FAWELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3007) to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development, as amended.

The Clerk read as follows:

H.R. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to the National Science Foundation's 1996 report, Women, Minorities, and Persons with Disabilities in Science and Engineering—

(A) women have historically been underrepresented in scientific and engineering occupations, and although progress has been made over the last several decades, there is still room for improvement;

(B) female and minority students take fewer high-level mathematics and science courses in high school;

(C) female students earn fewer bachelors, masters, and doctoral degrees in science and engineering;

(D) among recent bachelors of science and bachelors of engineering graduates, women are less likely to be in the labor force, to be employed full-time, and to be employed in their field than are men;

(E) among doctoral scientists and engineers, women are far more likely to be employed at 2-year institutions, are far less likely to be employed in research universities, and are much more likely to teach part-time;

(F) among university full-time faculty, women are less likely to chair departments or hold high-ranked positions;

(G) a substantial salary gap exists between men and women with doctorates in science and engineering;

(H) Blacks, Hispanics, and Native Americans continue to be seriously underrepresented in graduate science and engineering programs; and

(I) Blacks, Hispanics, and Native Americans as a group are 23 percent of the population of the United States, but only 6 percent are scientists or engineers.

(2) According to the National Research Council's 1995 report, Women Scientists and Engineers Employed in Industry: Why So Few?—

(A) limited access is the first hurdle faced by women seeking industrial jobs in science and engineering, and while progress has been made in recent years, common recruitment and hiring practices that make extensive use of traditional networks often overlook the available pool of women;

(B) once on the job, many women find paternalism, sexual harassment, allegations of reverse discrimination, different standards for judging the work of men and women, lower salary relative to their male peers, inequitable job assignments, and other aspects of a male-oriented culture that are hostile to women; and

(C) women to a greater extent than men find limited opportunities for advancement, particularly for moving into management positions, and the number of women who have achieved the top levels in corporations is much lower than would be expected, based on the pipeline model.

(3) The establishment of a commission to examine issues raised by the findings of these 2 reports would help—

(A) to focus attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women and minorities in the fields of science, engineering, and technology, and in all employment sectors of the United States;

(B) to promote work force diversity;

(C) to sensitize employers to the need to recruit and retain women and minority scientists, engineers, and computer specialists; and

(D) to encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women or minorities in the fields of science, engineering, and technology.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development" (in this Act referred to as the "Commission").

SEC. 4. DUTY OF THE COMMISSION.

The Commission shall review available research, and, if determined necessary by the Commission, conduct additional research to—

(1) identify the number of women, minorities, and individuals with disabilities in the United States in specific types of occupations in science, engineering, and technology development;

(2) examine the preparedness of women, minorities, and individuals with disabilities to—

(A) pursue careers in science, engineering, and technology development; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) describe the practices and policies of employers and labor unions relating to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development in academia, industry, and government;

(5) compile a synthesis of available research on lawful practices, policies, and programs that have successfully led to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(6) issue recommendations with respect to lawful policies that government (including Congress and appropriate Federal agencies), academia, and private industry can follow regarding the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(7) identify the disincentives for women, minorities, and individuals with disabilities to continue graduate education in the fields of engineering, physics, and computer science;

(8) identify university undergraduate programs that are successful in retaining women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(9) identify the disincentives that lead to a disproportionate number of women, minorities, and individuals with disabilities leaving the fields of science, engineering, and technology development before completing their undergraduate education;

(10) assess the extent to which the recommendations of the Task Force on Women, Minorities, and the Handicapped in Science and Technology established under section 8 of the National Science Foundation Authorization Act for Fiscal Year 1987 (Public Law 99–383; 42 U.S.C. 1885a note) have been implemented;

(11) compile a list of all Federally funded reports on the subjects of encouraging women, minorities, and individuals with disabilities to enter the fields of science and engineering and retaining women, minorities, and individuals with disabilities in the science and engineering workforce that have been issued since the date that the Task Force described in paragraph (10) submitted its report to Congress;

(12) assess the extent to which the recommendations contained in the reports described in paragraph (11) have been implemented; and

(13) evaluate the benefits of family-friendly policies in order to assist recruiting, retaining, and advancing women in the fields of science, engineering, and technology such as the benefits or disadvantages of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) 1 member appointed by the President from among for-profit entities that hire individuals in the fields of engineering, science, or technology development.

(2) 2 members appointed by the Speaker of the House of Representatives from among such entities.

(3) 1 member appointed by the minority leader of the House of Representatives from among such entities.

(4) 2 members appointed by the majority leader of the Senate from among such entities.

(5) 1 member appointed by the minority leader of the Senate from among such entities.

(6) 2 members appointed by the Chairman of the National Governors Association from among individuals in education or academia in the fields of life science, physical science, or engineering.

(7) 2 members appointed by the Vice Chairman of the National Governors Association from among such individuals.

(b) INITIAL APPOINTMENTS.—Initial appointments shall be made under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) PAY OF MEMBERS.—Members shall not be paid by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(g) Chairperson.—The Chairperson of the Commission shall be elected by the members.

(h) Meetings.—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the report described in section 8. The Commission shall hold additional meetings for such purpose if the Chairperson or a majority of the members of the Commission requests the additional meetings in writing.

(i) Employment Status.—Members of the Commission shall not be deemed to be employees of the Federal Government by reason of their work on the Commission except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) Director.—The Commission shall appoint a Director who shall be paid at a rate not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(b) Staff.—The Commission may appoint and fix the pay of additional personnel as the Commission considers appropriate.

(c) Applicability of Certain Civil Service Laws.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(d) Experts and Consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(e) Staff of Federal Agencies.—Upon request of the Commission, the Director of the National Science Foundation or the head of any other Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. POWERS OF COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) Contract Authority.—To the extent provided in advance in appropriations Acts, the Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act.

SEC. 8. REPORT.

Not later than 1 year after the date on which the initial appointments under section 5(a) are completed, the Commission shall submit to the President, the Congress, and the highest executive official of each State, a written report containing the findings, conclusions, and recommendations of the Commission resulting from the study conducted under section 4.

SEC. 9. CONSTRUCTION; USE OF INFORMATION OBTAINED.

(a) In General.—Nothing in this Act shall be construed to require any non-Federal entity (such as a business, college or university, foundation, or research organization) to provide information to the Commission concerning such entity's personnel policies, including salaries and benefits, promotion criteria, and affirmative action plans.

(b) Use of Information Obtained.—No information obtained from any entity by the Commission may be used in connection with any employment related litigation.

SEC. 10. TERMINATION; ACCESS TO INFORMATION.

(a) Termination.—The Commission shall terminate 30 days after submitting the report required by section 8.

(b) Access to Information.—On or before the date of the termination of the Commission under subsection (a), the Commission shall provide to the National Science Foundation the information gathered by the Commission in the process of carrying out its duties under this Act. The National Science Foundation shall act as a central repository for such information and shall make such information available to the public, including making such information available through the Internet.

SEC. 11. REVIEW OF INFORMATION PROVIDED BY THE NATIONAL SCIENCE FOUNDATION AND OTHER AGENCIES.

(a) Provision of Information.—At the request of the Commission, the National Science Foundation and any other Federal department or agency shall provide to the Commission any information determined necessary by the Commission to carry out its duties under this Act, including—

(1) data on academic degrees awarded to women, minorities, and individuals with disabilities in science, engineering, and technology development, and workforce representation and the retention of women, minorities, individuals with disabilities in the fields of science, engineering, and technology development; and

(2) information gathered by the National Science Foundation in the process of compiling its biennial report on Women, Minorities, and Persons with Disabilities in Science and Engineering.

(b) Review of Information.—The Commission shall review any information provided under subsection (a) and shall include in the report required under section 8—

(1) recommendations on how to correct any deficiencies in the collection of the types of information described in that subsection, and in the analysis of such data, which might impede the characterization of the factors which affect the attraction and retention of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development; and

(2) an assessment of the biennial report of the National Science Foundation on Women, Minorities, and Persons with Disabilities in Science and Engineering, and recommendations on how that report could be improved.

SEC. 12. DEFINITION OF STATE.

In this Act, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $400,000 for fiscal year 1999; and

(2) $400,000 for fiscal year 2000.

The SPEAKER pro tempore (Mr. SMITH of New Jersey). Pursuant to the rule, the gentleman from Illinois (Mr. FAWELL) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 3007, which is the Commission on the Advancement of Women in Science, Engineering and Technology Development Act. I would like to call it the Wise Tech Act. As my colleagues know, I introduced H.R. 3007 on November 9 of last year.

I think it is fitting that we are considering H.R. 3007 under suspension of the rules today. I have been reading with great interest recent news articles regarding the push by high-tech industries for Congress to approve a temporary increase in the number of H–1B immigration visas for foreign technology workers. It is my understanding that we will likely consider legislation later this week to do just that. I think it is only appropriate, then, that we also pass legislation this week which will focus on what we can do to make sure American workers are prepared to fill these high-tech jobs.

Over the last decade, the use of technology has transformed almost every sector of our Nation's economy, ranging from transportation and health care to manufacturing and education. In manufacturing alone, high-tech industries now employ close to 1.9 million workers, making them the largest manufacturing employer in the United States. In addition, the Bureau of Labor Statistics has predicted that the demand for highly skilled workers in computer and data processing will more than double over the next 10 years.

Mr. Speaker, I have been working over the past few years to help ensure that American workers have the high-tech skills they need to be successful in the job market that is increasingly dependent upon technological expertise. For example, last spring I had the pleasure of participating in the first Regional Town Hall Meeting on the National Technology Workforce, which was convened in Montgomery County, Maryland. Through those town hall meetings, we hope to bring attention to the issue of preparing our workforce for the 21st century.

Ensuring our workforce is prepared to meet the technology challenges of the future is not only important to me, because I want to ensure the I–270 corridor in my district maintains its technological preeminence, but it is also important from a national perspective. Technology will continue to be the driving force behind a strong economy in the 21st century. We need to make sure that our Nation has a workforce that is capable of meeting the needs of the 21st century economy. Today, as high-tech companies are scrambling to fill jobs, a vast portion of the U.S. labor pool remains underutilized.

Women represent roughly 50 percent of all U.S. workers, but make up only 22 percent of the entire science and engineering workforce. Determining why so few women enter the fields of science, engineering and technology development is a priority. Understanding and addressing such issues could dramatically increase the labor pool available to high-tech companies.

Yes, progress has been made over the last decade in integrating women into the scientific and engineering fields. This has been true in the academic arena and the workforce. The percentage of medical degrees earned by women rose from 8 percent to 38 percent between 1970 and 1993. Even more impressive, according to the Engineering Workforce Commission of the American Association of Engineering Societies, the percentage of Ph.D.s in engineering has increased from 0.4 percent in 1970 to 12.2 percent in 1997. But while such increases are impressive, in the case of engineering a 3,000 percent increase in just under 30 years, overall, the numbers are still low. As an example, there are only 8.9 percent of women in electronic engineering, whereas we have about 11.4 percent of women in the clergy. Kind of unusual.

That is also why I have introduced H.R. 3007. We need to figure out why women are entering in, and more importantly, staying in, high-tech professions at rates well below their male counterparts.

There have been various attempts in the past, both by the Federal Government and private organizations, to address this issue. The Federal Government in particular has done a good job of collecting relevant information as far as how many women are pursuing science and engineering degrees, and how many of these women ultimately end up entering into the workforce in one of these disciplines. However, we really have not done a very good job of taking the statistical data that has been collected and interpreting it in a way that can be used to develop solutions to the very real problem of the professions at rates that are well below their male counterparts.

Earlier this year, the Subcommittee on Technology held a hearing on H.R. 3007. All of our witnesses agreed that we need to do a better job of coordinating these various attempts to address the issue of women in science and develop a uniform analysis of the problem and provide recommendations for dealing with it. Our witnesses felt that this bill was an important part of that process.

I want to stress to my colleagues that the legislation requires a commission to be comprised of individuals representing private sector entities that employ scientists and engineers, as well as representatives from education and academia, in the same fields. I think that is important, because we want to make sure that the recommendations that are put forth by the commission adequately reflect the needs of the high-tech industries.

In addition, I want to acknowledge that H.R. 3007 was marked up by the Committee on Education and the Workforce and my colleague, the gentleman from New Jersey (Mr. PAYNE) pointed out that in addition to women, minorities and people with disabilities are also significantly underrepresented in all areas of science, engineering and technology development. In fact, while blacks, Hispanics and Native Americans combined represent about 23 percent of the population, only 6 percent are scientists or engineers.

So as a result, the gentleman from New Jersey (Mr. PAYNE) offered an amendment, which was accepted, to require the commission to also examine ways that we can encourage minorities and people with disabilities who are pursuing an education or career in science and engineering, and I think it is appropriate that the commission look into these issues as well and support efforts to ensure that all Americans have a chance to excel as we make the shift from an industrial age to an information age.

By addressing the problem now, countering the barriers which face women, minority, and disabled scientists and engineers, we can help to ensure that our labor force and the U.S. is ready to meet the challenges of the 21st century.

I am pleased to report that H.R. 3007 was passed by the Committee on Education and the Workforce, has been endorsed by the Institute of Electrical and Electronics Engineers, the IEEE-USA; the American Association of Engineering Societies, the National Society of Professional Engineers, the American Society of Mechanical Engineers, the Association of Women and Science, and in addition, it has been listed as one of the top 7 priorities for women by the Congressional Caucus for women's issues of this session.

Mr. Speaker, I want to thank all of my colleagues for working together in a bipartisan manner on this important legislation. In particular, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science; as well as the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA); and the vice chairman of the Subcommittee on Technology, the gentleman from Minnesota (Mr. GUTKNECHT), for their support of H.R. 3007. Also, the gentleman from Pennsylvania (Mr. GOODLING); the gentleman from Missouri (Mr. CLAY); the gentleman from Illinois (Mr. FAWELL); and the gentlewoman from Hawaii (Mrs. MINK), for bringing this bill to the floor today.

I look forward to working with them and my Senate counterparts to have this bill signed into law before the conclusion of the 105th Congress. I urge all of my colleagues to pass this important measure. I want to recognize some staff that have worked emphatically on this particular bill. Sandy Zimmit in particular, Richard Russell and others from the Committee on Science.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted today to rise in support of H.R. 3007, establishing a commission on the advancement of women in science, engineering and technology development. The commission, to be comprised of 11 members, would examine the barriers that women face in science, engineering and technology, and present recommendations on how to overcome such barriers.

I commend the author of this legislation, my colleague from Maryland (Mrs. MORELLA), for her initiative and her tenacity in working on this issue and her determination to help expand opportunities for women in the fields of science, engineering and technology. We have worked together on many initiatives, particularly in the area of educational and employment opportunities for women. I am pleased to support her legislation and pleased to represent the minority on the Committee on Education and the Workforce who endorse this legislation.

The House approved this legislation several years ago, and I remember having the privilege to manage that bill on the floor at that time. I am pleased that we are working again on a continuation of this issue.

The commission, if created, will address an area critical to the future success of women in our society. With the rapid increase of jobs in the fields of science, engineering and technology, women must be poised to assume a greater role in this employment arena. While we debate the issue of whether we need to raise immigration limitations in order to fill technology jobs, we should also be looking at ways to fill these jobs with those who are currently underrepresented in that industry, including women and minorities. We may be able to fulfill our needs in this industry with our current population if they are probably trained and encouraged to enter this field.

There is abundant evidence that girls and women face barriers in the areas of science, engineering and technology. In some cases, these barriers are at the most basic levels, including elementary and secondary education. The 1992 report, "How Schools Shortchange Girls," published by the American Association of University Women, cited several reports in which girls did not do as well as boys in math and science tests and included evidence that girls were not encouraged to pursue studies or careers in math and science.

□ 1445

Even though girls did well in these subject areas, they were not encouraged to pursue such studies.

Other issues that may deter women from these fields include sexual harassment, employment discrimination, lack of opportunities for postgraduate studies, difficulties in obtaining financial assistance, lack of access to computers and other technology, and the lack of active recruitment.

There are many complex issues involved, and I believe this commission is needed to learn more about barriers that women face in science and technology. We need sound policy recommendations to increase opportunities for women in science, engineering, and technology.

I urge my colleagues to support H.R. 3007.

Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from Hawaii for yielding to me.

Madam Speaker, I rise to strongly support H.R. 3007 and to thank and congratulate the gentlewoman from Maryland for her hard work in pressing this bill forward.

I rise also on behalf of the bipartisan Women's Caucus to express the strong support of the women of Congress for this particular bill.

The Women's Caucus is 21 years old this year. When you get to be 21, the Caucus decided that it is time to have your own must-pass agenda. The Caucus chose seven bills, all of them consensus bills, and presented those bills to the majority and minority leadership as bills that we thought would make every Member of this body proud.

I am delighted that this is the third of those bills to pass. Women's contraceptive choices for Federal employees has been one. It was not the first. The first was Provisions of the Violence Against Women Act. Tomorrow, Madam Speaker, the Mammography Quality Standards Act, another of the bills that the Congressional Women's Caucus urged on this body, will come to the floor.

I am pleased that the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act now includes also minority and disabled people because this bill comes to the floor at a most propitious time.

There are bills at this time to increase the number of technological workers that would be imported from abroad because of a shortage that all can see throughout the country of such workers. Some oppose those bills because they want such jobs to go to our own workers.

At the same time, we must concede that the shortage is created by the failure of our own workers to be prepared in sufficient numbers for these jobs. So that in order to keep the jobs in this country, some have come forward to say let us import workers for these jobs.

The gentlewoman has focused on one of the reasons for this dilemma in looking to underutilize parts of our population. Women who are now almost half of the work force are far less than half of those represented in science and engineering, yet they come from the same homes, the same backgrounds, the same communities.

We see similar disparities for minorities and disabled people. Surely as we enter a period when technology is the overriding need of the work force, we do not want to leave underrepresented people who would have such skills to offer if they could only be uncovered. So we must begin by finding out why and then finding out what can be done about this dilemma.

This bill in my judgment uses the most efficient way to go at this problem. It is a vehicle designed to find what the facts are and then to get something done.

The commission consists of people from industry and from education. Now those are the people directly responsible for filling this gap. Important fact finding will be an important part of the commission; how to recruit and retain minorities and women and disabled people.

Such other matters, as what kinds of model programs are there in education and in industry that are already successfully recruiting and retaining minorities and women will, through this commission, be made available to others throughout the country.

This is an innovative piece of legislation that will cost virtually nothing but is likely to produce a great deal for our country. I am pleased that this important bill has come to the floor at the request of the Congressional Women's Caucus among others who recognize the great good it can do. I once again congratulate the gentlewoman from Maryland (Mrs. MORELLA) for her initiative.

Mr. FAWELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I wish to commend the gentlewoman from Maryland (Mrs. MORELLA) for her leadership in putting all of this legislation together and being deeply concerned about the identifying factors that contribute to the underrepresentation of women and minorities and individuals with disabilities in science and technology, an area in which I know the gentlewoman from Maryland has a vast background in. So my congratulations to the gentlewoman from Maryland for being the leading figure here to bring this legislation before us.

Madam Speaker, today I rise in support of this legislation, a bill to establish the Commission on the Advancement of Women in Science, Engineering and Technology Development Act.

The bill establishes an 11-member commission whose purpose would be twofold, first to identify factors contributing to the underrepresentation of women and minorities and individuals with disabilities in the fields of science, engineering, and technology; second, to identify both successful and unsuccessful university and employment policies and practices used to recruit, to retain, and to advance high-tech careers for women and minorities.

Within 1 year, the commission would be required to transmit to Congress and the governors a report containing recommendations on how Federal, State, and local governments, schools, universities, and private industry can encourage women, minorities, and individuals with disabilities to enter the fields of science, engineering, and technology development.

The bill is reported out of both the Committee on Science and the Committee on Education and the Work Force, made several streamlining changes to the introduced bill in order to strengthen the commission.

In addition, this bill includes language to ensure that States are active participants in the commission's selection process by allowing the Chairman and the Vice Chairman of the National

Governors Association to appoint four of the 11 commission members.

The bill has been expanded to cover not only women but minorities and individuals with disabilities as well, as I had previously indicated. The bill, as altered, permits the President to select one member of the commission and, in addition, allows the minority leaders of the House and the Senate to each select one member of the commission.

This change will still only permit 11 individuals to sit on the commission and should be noted that the Speaker of the House and the Senate majority leader get to choose two members each.

Other than the aforementioned changes, this bill is identical to H.R. 3007 as reported out of the Committee on Science.

Finally, I am pleased to note that the bill has received the endorsement of the Institute of Electrical and Electronics Engineers, the National Society of Professional Engineers, Women in Technology, and the Association of Women in Science.

I simply urge my colleagues support of this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, over the past dozen years, technology has reshaped the face of our economy and our society. From transportation to health care to manufacturing to education, all sectors have been transformed. We can only expect that the dynamic growth in high technology industries and the jobs that they will produce will continue well into the 21st Century.

That is good news. But, unfortunately, while we have made significant progress in recent years to bolster our high-tech work force by integrating women and minorities and people with disabilities, their numbers remain pathetically low.

For example, women represent nearly 50 percent of all U.S. workers but they comprise only 22 percent of the entire science and engineering workforce. We can and must do better.

In our increasingly technological society, education in science and engineering is critically important. H.R. 3007 will help us identify how best to bolster the enrollment of women, minority and people with disabilities in science and engineering programs in our universities, and how to boost and retain their numbers in our workforce.

This bill has been endorsed by the IEEE, the Institute of Electrical and Electronics Engineers, the Association of Women in Science, the National Society of Professional Engineers, the American Society of Mechanical Engineers and the American Association of Engineering Societies. These groups recognize that every sector of the population must be represented in their industry. I strongly support this bill and urge my fellow Members to support it as well. It is good for science, good for the workforce and our economy and good for the future technological vitality of America.

Finally, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership, for providing the inspiration and the incentive to get this bill moving. I would say to the gentlewoman from Maryland (Mrs. MORELLA), the House, the Nation, owe you a debt of gratitude.

Mr. DAVIS of Virginia. Madam Speaker, I am very pleased that we are considering today H.R. 3007, the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act, introduced by Representative MORELLA, and of which I am proud to be co-sponsor. This bill is essential to America's continued global competitiveness in developing innovative science and technological advances.

With science and technology being kept components of our nation's economic dominance in the world, we have to keep up in fostering and mining the talents of all our children, both male and female. Since females currently make up very few of our nation's scientists, engineers, and technological innovators, we have a responsibility to steer our businesses, colleges, and communities in a direction that will encourage women to participate in each of these areas.

This legislation represents a critical, positive step towards attracting more women to the study and pursuit of careers in science, engineering, and technology. Fields which have historically been dominated by men. It creates a Commission that will identify over a 1-year period, the factors responsible for the relative lack of women pursuing educations and careers in these disciplines. The Commission will then transmit to Congress their findings and recommendations for encouraging increased female participation in these fields.

I want to commend Mrs. MORELLA for her work on H.R. 3007 in the Science Subcommittee on Technology as well as all of my colleagues on the full Science Committee. This is a worthwhile bill that deserves the support of every Member, and I encourage my colleagues on both sides of the aisle to vote in favor of this legislation.

Mr. MARTINEZ. Madam Speaker, I rise in strong support of H.R. 3007, which would establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

I applaud my good friend Congresswoman MORELLA for authoring this important piece of legislation.

I also thank my colleague on the Committee on Education and the Workforce for amending the legislation during markup to expand the scope of the Commission to minorities.

Historically, women have been underrepresented in scientific occupations.

Barriers to their pursuit of such careers are often found early in their education, when encouragement to achieve in math and science is much more prevalent for boys than for girls.

However, those women who do choose a career path in the sciences or engineering also encounter obstacles later in life, when they experience discrimination, harassment, lower salaries, and limited opportunities for advancement as compared to their male counterparts. Minorities face similar obstacles throughout their lives.

Although blacks, Hispanics and native Americans represent 23 percent of the population, only 6 percent are scientists or engineers.

While the prospects for increasing the representation of women and minorities in these fields are improving, much work still needs to be done.

The Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development would focus attention on the barriers to the recruitment, retention, and advancement of women and minorities in the fields of science and engineering and issue recommendations to break down these barriers and promote equal opportunity.

Later this week, we will consider legislation to expand the H–1B program, because high-tech employers are desperate for workers.

It is my contention that we should also be dedicating ourselves to increasing, the opportunities for Americans to pursue these careers.

I believe that H.R. 3007 is an important step in this direction, and I urge my colleagues to support its passage.

Mrs. MINK of Hawaii. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. FAWELL. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and pass the bill, H.R. 3007, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3007, S. 2112 and S. 2206.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONVEYANCE OF FEDERAL LAND TO CITY OF TRACY, CALIFORNIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2508) to provide for the conveyance of Federal land in San Joaquin

County, California, to the City of Tracy, California, as amended.

The Clerk read as follows:

H.R. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, FEDERAL LAND, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)), the Attorney General shall convey to the City of Tracy, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to two parcels of real property, consisting of a total of approximately 200 acres, which are located in San Joaquin County, California, and currently administered by the Federal Bureau of Prisons of the Department of Justice.

(b) PURPOSE OF CONVEYANCE.—(1) One of the parcels to be conveyed under subsection (a) consists of approximately 150 acres and is being conveyed for the purpose of permitting the City to use the parcel as the location of a joint secondary and post secondary educational facility and for other educational purposes. If the City determines that a joint secondary and post secondary educational facility is unfeasible for this parcel, the City shall use up to 50 acres of the parcel for at least 30 years as the location for a secondary school and for other educational purposes and use up to 100 acres of the parcel as a public park and for other recreational purposes.

(2) The other parcel to be conveyed under subsection (a) consists of approximately 50 acres and is being conveyed for the purpose of permitting the City to use the parcel for economic development.

(c) TIME FOR CONVEYANCE.—Not later than 210 days after the date of the enactment of this Act, the Attorney General shall complete the conveyance to the City of the parcel of real property referred to in subsection (b)(1).

(d) CONSIDERATION.—(1) The parcel of real property referred to in subsection (b)(1) shall be conveyed to the City without consideration.

(2) As consideration for the conveyance of the parcel referred to in subsection (b)(2), the City shall pay to the Attorney General, under such terms as may be negotiated by the City and the Attorney General, an amount equal to the fair market value of the parcel as of the time of the conveyance. The fair market value of the parcel shall be determined, in consultation with the Administrator of General Services, in accordance with Federal appraisal standards and procedures.

(e) CONDITIONS ON USE.—(1) The use of the real property conveyed under subsection (a) for educational purposes, as provided in subsection (b)(1), shall be subject to the approval of the Secretary of Education under the guidelines for educational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) If a portion of the conveyed real property is used as a public park or for other recreational purposes, as provided in subsection (b)(1), the use of such portion shall be subject to the approval of the Secretary of the Interior under the guidelines for recreational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(f) REVERSIONARY INTERESTS.—(1) During the 20-year period beginning on the date the Attorney General conveys the parcel referred to in subsection (b)(1), if the Secretary of Education determines that the portion of the parcel that is to be used for educational purposes is not being used for such purposes, all right, title, and interest in and to that portion of the parcel, including any improvements thereon, shall revert to the Department of Justice.

(2) If a portion of the parcel referred to in subsection (b)(1) is to be used as a public park or for other recreational purposes, as provided in such subsection, and the Secretary of the Interior determines that such portion is no longer being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the Department of Justice.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Attorney General. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Attorney General may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Attorney General considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am appearing on behalf of the gentleman from California (Mr. HORN), who has worked on this measure. H.R. 2508 is a bill to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California. This piece of legislation transfers a 200 acre parcel of real estate currently administered by the Department of Justice to the City of Tracy, California.

Under this measure, the City of Tracy would be required to devote a section of the land to the establishment of a school; would also be used for economic development. The Federal Government would retain a reversionary interest, should the government find that the land is not used for those purposes.

The land in question, Madam Speaker, has been sitting vacant since 1981. The proposed development of this land by the City of Tracy would bring significant benefits to that area. The amendment in the nature of a substitute makes minor changes to the bill, such as adjusting the requirement that the City of Tracy, California, use a section of the conveyed land for educational purposes and a section for economic development. The city would be required to pay the fair market value for the property used for economic development.

It is a bipartisan measure that will result in improved opportunities for education, for recreation and economic development, in California's Central Valley. Accordingly, I urge our colleagues to support this measure.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO).

□ 1500

Mr. POMBO. Madam Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

This bill, H.R. 2508, is the culmination of many years of work that we have put in in trying to address the educational needs of the community that I am from, Tracy, California. The city and the school district have come up with a very innovative idea, and that is to create a school that will be a high-technology school that will take all the way from kindergarten through post-secondary education.

Madam Speaker, as part of that, a small portion of this land would also be dedicated for economic development. That small portion of this land that is dedicated to economic development will be targeted toward high-technology firms, which will have the ability to come in and set up a cooperative effort with the school district so that the kids that are graduated from this school, with the vocational education that they need, can go directly from education into working for these high-technology firms. It is an innovative idea. It is something that a lot of people have worked extremely hard on in coming up with this plan.

But once they came up with the plan for what they were going to do, they needed a site to locate that school. This particular site is located just on the outskirts of town. It is currently located in an area that is zoned either as industrial or residential. It is located right across the street from a major residential development which is planned for the future. It is an ideal site for this kind of a high-technology school to be located. It is also very near the new rail system that is being put in where people will be commuting from the Central Valley in California over to the Bay area. So as far as a transportation corridor, it is ideally located for a post-secondary educational facility, as well as for the needs of the high schools in the area.

Madam Speaker, the city has estimated that over the next 12 years, there is going to be a need for two additional high schools to be built in the City of Tracy. This will just be one of those additional high schools.

I think what we have put together is a plan that is a win-win for everyone. It is creating tax revenue for the local city. It is giving the city a facility for economic development, as well as addressing the needs of our kids in the Federal Government providing just the land for a site for a school system. So, it is very positive. I think it is a win-win situation for everybody.

Madam Speaker, I would like to thank the chairman and the ranking member of the subcommittee who worked with me in putting together this legislation. They were invaluable in trying to negotiate something that was fair to the Federal taxpayer as well as fair to the local school district and local city. I thank them for all the hard work they put in.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH), the ranking member, could not be here at this time. I am pleased to note that the minority has worked with the gentleman from California (Mr. POMBO) and with the majority on this matter of special concern to the gentleman, and we have no objections to this bill.

Mr. Speaker, I yield back the balance of my time.

CALIFORNIA AGRICULTURE IS IN CRISIS DUE TO LABOR SHORTAGE

Mr. RADANOVICH. Mr. Speaker, as a Member of Congress from the San Joaquin Valley of California, I am proud to represent the two largest agricultural producing counties in the United States. Currently, a severe shortage of labor is raising concern over the economic future of the agriculture community throughout California. Agricultural production is nearly a $25 billion industry in the state, and California has the largest agricultural economy in the nation. Right now, farmers are competing for the same scarce labor force as the raisin, table and wine grape harvest is entering its peak and tree fruit in the state of Washington and are in need of labor. California has not seen a labor shortage of this magnitude since World War II.

The agricultural community has worked with numerous San Joaquin Valley Social Services Departments and Employment Development Departments to provide needed labor from individuals who are unemployed or entering the workforce after receiving welfare. Such actions have failed to supply adequate labor for harvest. Agricultural groups in Fresno, California are currently looking into the feasibility of a program through the Fresno County Sheriff's office to allow agriculture to use the labor involved with work furlough programs, community service, and inmate work projects.

The agricultural labor situation can be alleviated through action by the federal government. Under a reformed agricultural worker program, substantial opportunities will be given to foreign workers who can often earn significantly more in the U.S. than in their own country. Such reform reduces illegal immigration by creating a streamlined process to temporarily legalize individuals who choose to work in the agricultural sector of the U.S.

I am working to include the Agricultural Job Opportunity, Benefits and Security Act, authorized by Senator GORDON SMITH (R–OR), in the final conference language of the Commerce, Justice, State and Judiciary appropriations measure. The act was approved as a amendment to S. 2260, the Senate Commerce, Justice, State and Judiciary appropriations bill. It passed by a bipartisan vote of 68–31 in the Senate. Related House legislation did not contain the agricultural worker provision. The Senate measure establishes a national registry within the Department of Labor to track agricultural job seekers. Employers are required to first hire domestic workers from the registry and are able to hire foreign workers if domestic workers are not available. Housing or a housing allowance must be provided by growers, and the prevailing wage rate must be paid. The prevailing wage rate is the mid-point of all wages earned, and it is always higher than the minimum wage.

On behalf of the farmers in the San Joaquin Valley in California, I urge the Commerce, Justice, State, and Judiciary conferees to include the Agricultural Job Opportunity, Benefits, and Security Act in the final bill. I also strongly encourage all members of the House to support its passage. A stable, reliable and affordable food supply is dependent upon Congressional approval of this measure.

Mr. GILMAN. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2508, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 5 o'clock and 15 minutes p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2206, by the yeas and the nays;.

House Concurrent Resolution 304, by the yeas and nays;.

House Concurrent Resolution 254, by the yeas and nays; and.

House Concurrent Resolution 185, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2206, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 346, nays 20, not voting 68, as follows:

[Roll No. 426]

YEAS—346

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt

Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—20

Coble
Coburn
Collins
Crane
Deal
DeLay
Doolittle
Duncan
Istook
McIntosh
Miller (FL)
Paul
Pombo
Radanovich
Royce
Sanford
Scarborough
Sensenbrenner
Stearns
Stump

NOT VOTING—68

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Carson
Clayton
Cook
Crapo
Danner
Dingell
Doggett
Dreier
Engel
English
Evans
Furse
Gonzalez
Goss
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McCarthy (MO)
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Ryun
Saxton
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Yates
Young (FL)

□ 1737

Mrs. WILSON and Mr. HASTERT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 426 on S. 2206, I was unavoidably detained in transit on US Airways. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 426, the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, S. 2206, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 304.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 1, answered "present" 1, not voting 63, as follows:

[Roll No. 427]

YEAS—369

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker

Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—63

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Buyer
Carson
Clayton
Cook
Crapo
Cunningham
Engel
English
Gekas
Gonzalez
Goss
Green
Hamilton
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Yates
Young (FL)

☐ 1745

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 427, expressing the sense of Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, H. Con. Res. 304, I was unavoidably detained. Had I been present, I would have voted "yea."

CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 254, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 63, as as follows:

[Roll No. 428]

YEAS—371

Abercrombie
Aderholt
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—63

Ackerman
Archer
Bachus
Barr
Berman
Blumenauer
Boehner
Brown (FL)
Clayton
Cook
Crapo
Engel
English
Gonzalez
Goss
Graham
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Wise
Yates
Young (FL)

☐ 1753

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 428, calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesinard and all other individuals who have fled the United States to avoid prosecution of confinement for criminal offenses and who are currently living freely in Cuba, H. Con. Res. 254, I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 185.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 62, as follows:

[Roll No. 429]

YEAS—370

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—2

Chenoweth
Paul

NOT VOTING—62

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Clayton
Cook
Coyne
Crapo
Engel
English
Gonzalez
Goss
Granger
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lazio
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Millender-McDonald
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velazquez
Watt (NC)
Waxman
Yates
Young (FL)

□ 1801

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on S. 2206, the Community Opportunities, Accountability, Training and Educational Services Act of 1998; "aye" on H. Con. Res. 304, Regarding the Culpability of Slobodan Milosevic for War Crimes; "aye" on H. Con. Res. 254, Calling on the Government of Cuba to Extradite Several Convicted Felons; and "aye" on H. Con. Res. 185, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, on rollcall votes Nos. 426, 427, 428, and 429, I was unavoidably detained. Had I been present to vote, I would have voted Yea on all four rollcall votes.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 429, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the United States to the Principles Expressed in the Universal Declaration, H. Con. Res. 185 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (H. Con. Res. 105) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 105

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of $54,000,000 in assessed payments and more than $11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 304) was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to travel delays, I unavoidably missed rollcall vote No. 426 and No. 427. Had I been here, I would have voted in the affirmative.

AUTHORIZING PRINTING OF PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS SENATE DOCUMENT

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 115) to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed 2,000,000 copies of the pamphlet in the English language at a cost not to exceed $100,000 for distribution as follows:

(1)(A) 206,000 copies of the publication for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the publication for the use of the House of Representatives, with 2,000 copies distributed to each Member; and

(C) 908,000 of the publication for distribution to the Capitol Guide Service; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $100,000, such number of copies of the publication as does not exceed total printing and production costs of $100,000, with distribution to be allocated in the same proportion as in paragraph (1).

(c) In addition to the copies printed pursuant to subsection (b), there shall be printed at a total printing and production cost of not to exceed $70,000—

(1) 50,000 copies of the pamphlet in each of the following 5 languages: German, French, Russian, Chinese, and Japanese; and

(2) 100,000 copies of the pamphlet in Spanish;

to be distributed to the Capitol Guide Service.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPORT ON UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79–264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 14, 1998.*

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the International Space Station program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 14, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GREAT LAKES NOT FOR SALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last spring, the Canadian Province of Ontario approved a permit that would have allowed the Nova Group, an Ontario-based company, to divert 3 billion liters of water from Lake Superior over the next 5 years and sell that water to unspecified Asian countries.

In April, several of my colleagues, led by the gentleman from Michigan (Mr. STUPAK), and I introduced House Resolution 418 urging the President and the Senate to take the necessary action to prohibit the sale or diversion of Great Lakes water to foreign countries, businesses, corporations or individuals. Two weeks later, the Ministry of Environment of Canada announced the permit issued to the Nova Group would be canceled, but the door remained open to companies who wanted to buy and sell water out of the Great Lakes. We need to slam that door shut.

Last week, on September 2, the Nova Group asked the Ontario Environmental Appeals Board to overturn the decision, withdrawing the permit, and allow that company to proceed with its bid to export billions of liters of fresh water to several Asian countries.

The gentleman from Michigan (Mr. STUPAK) and I and others have asked Speaker GINGRICH and Minority Leader GEPHARDT to have the House consider House Resolution 418 under suspension in the next couple of weeks.

This proposed sale is particularly troubling, due to the existence of several treaties and agreements between the United States and Canada, which would restrict or prohibit this kind of water diversion. The Water Resources Development Act prohibits the diversion of water from the Great Lakes to other parts of the United States without the consent of each of the Governors of the Great Lakes States. I believe these States should continue to have authority regarding any plans to divert or sell this water internationally.

This proposal would set a dangerous precedent that could lead to more extensive exports of Great Lakes water around the globe. The diversion of Great Lakes water could have a serious impact on the region's trade, the environment, the ecology, international treaties, drinking water, recreation, commercial activities, and shipping.

The Great Lakes are clearly one of this Nation's most valuable resources, and should not be used as a tool for profit by foreign or American companies. Northeast Ohio depends on Lake Erie for sustaining numerous parts of our economy, including transportation, agriculture, fisheries, energy and trade, not to mention drinking water. All of the Great Lakes States, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania and New York, all of us depend on the five Great Lakes for much of our commerce, for much of our economic development, for drinking water, for recreation, for fishing, for all kinds of activities.

I urge the Governments of Canada and the United States to develop a new policy bilaterally that prohibits any sale or diversion of water from the Great Lakes and that we make this prohibition for generations to come. We cannot afford, Mr. Speaker, to put the Great Lakes up for sale.

PRESIDENT SHOULD RESIGN FROM OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. McINNIS) is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, I stand before my colleagues again to reaffirm my position made a couple of weeks ago that the President of the United States should resign from office.

Now, I know that a lot of my colleagues are engaged in a very active debate which will continue for some period of time about whether or not the President in fact should continue in office, or whether or not the President is guilty of certain allegations that have been brought forth. But I want to put this on a practical point of view.

I think the best comparison that we can make is to compare it to the quarterback of a football team. Our President is the quarterback of this team. He is the most important and most responsible, is supposed to have the most responsibility of any individual citizen in this country. Frankly, we now have a quarterback with a broken arm.

Now, think about it. No matter how we think that quarterback got his arm broken, and I happen to think it was self-inflicted, I happen to think he brought it upon himself, but there are those of us who think that it was not brought on by his own actions, or that he did not deserve a broken arm, but the fact is, the President has a broken arm. He cannot quarterback the team.

Now, our team is the most powerful team in the world. There are a lot of people that are gunning for us. We cannot afford to have a quarterback who cannot carry out the responsibilities of the team on the field.

But we had the foresight to think about this. We have in this country a backup plan. We have a backup quarterback. We have a backup quarterback on the sidelines ready to go. It is important for this team, it is important for the United States of America, to have somebody who can carry out the responsibilities that are placed upon this job.

I also want to speak about standards. Coming on the airplane today back to Washington, D.C., I heard people say, well, let us just take a wink at this thing. Let us put it aside. I said, wait a second. What would happen to a school teacher? How many teachers in any district in this country, if they got that kind of report on them, on Friday, would be in a classroom today, on Monday?

Let us go back to sports. Look at Marv Albert. He had some kind of a sexual problem. He had a public job, he was in the public. It is the same thing here. People say, well, it is one's private life. Folks, this is a public job. It is public business. The same thing with Kelly Flynn. She was flying a nuclear bomber. They relieved her of command of that bomber because that position involves so much responsibility, is so important to the team, we could not afford to have her on this with the lies about her affair.

What about the Commander in Chief? We have standards. We have standards for a Boy Scout or a Girl Scout to get a good citizenship award. How can we explain to them that, well, the standards are applicable unless one is in elected office in this government, and then we kind of wink about it?

I heard somebody on the airplane say, well, you know, everybody lies. Everybody does not lie. Everybody does not lie to a spouse or a grand jury.

□ 1815

Everybody does not deal in that way. Everybody does not lie to a civil jury. Everybody does not do this kind of behavior. I am one of those people that is pretty optimistic to think in fact everybody or most everybody in this country has a sense of responsibility.

Most people in this country want high standards for their schoolteacher. They want high standards for the principal. They want high standards for their Congressman, and they certainly want high standards for the President of the United States.

Whether we agree or not that the President got himself into his own problems, the question is can he now, with the situation as it exists, meet those high standards? Has he met those high standards?

Is this the example that any one of us would go into a classroom tomorrow and say I am proud of the President of the United States; this is what the Presidency should reflect?

How many of our young people at our schools when we ask them the four or five most admired people in the world, how many of them are going to list the President of the United States as one of them?

Since the President's speech on August 17, I have not been to one group, not one group of three or more people, where I have not heard a joke degrading the Presidency of the United States.

Folks, put our arguments aside about whether the President should or should not be there. The question is: Can he effectively quarterback our team with a broken arm? And the answer is very, very simple. He cannot. The President of the United States should resign. It is his responsibility. It is his duty. It is his country which comes first.

CURRENT CHAOS AND CRISIS IN RUSSIA

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, early this morning I announced that, between now and the end of this legislative session, I shall take some time at the end of each legislative day's business to discuss the foreign policy issue. I am one of those who is overdosed on topic number one, which seems to mesmerize the media and some of the public.

I am of the opinion that the rest of the world has not come to a stop, that things are going on in Russia and Indonesia and the Balkans and in Brazil. We as elected Representatives have to deal with these issues.

Today I would like to begin a dialogue on Russia, the current chaos and crisis in Russia. I am inviting all of my colleagues across the political spectrum to join me in this dialogue. I wish we had spent 10 percent as much on the ramifications of the Russian crisis for American security in the years ahead as we spent on topic number one during the course of this past weekend.

Russia, Mr. Speaker, is in deep trouble. Gone are the great hopes of the early 1990s when the collapse of the Soviet Union gave all of us the dream that we will be able to cooperate with a democratic, increasingly prosperous Russia becoming a part of the family of nations and the partner and ally of the United States.

There is a great deal of blame that goes around. My purpose here is not to find fault with leaders here and abroad who make mistakes. My purpose is to deal with the Russia as we find her in mid September 1998 and ask some policy questions as to how we might be able to assist them to turn around the very dangerous course on which they have embarked.

Let me begin with the new Prime Minister of Russia, Mr. Primakov. From our point of view, no worse choice could have been possible. Primakov served loyally every Communist leader from Brezhnev on. He was head of the Russian International Spy Service. He is a close personal friend of Saddam Hussein and a close personal friend of Slobodan Milosevic who on this very floor a few minutes ago we declared a war criminal.

He is strongly anti-American. His appeal to the Russian Duma to a very large extent stems from his anti-American policies which he has pursued faithfully and with perseverance since becoming Foreign Minister of Russia. So I do not have very high hopes for Mr. Primakov.

But let me say, compared to the chaos, compared to the confusion, compared to the disintegration in Russia that we have seen in recent weeks, he may be the best momentary alternative. The Duma has voted him in. He is likely to enjoy the support of the Duma for some time to come.

The question for us to ask is how can we work with Primakov and this new Russian government in the very difficult days and weeks that lie ahead.

Let me say first a word about the economic crisis. Every week, millions of additional Russians are falling below the poverty level of Russia. The Russian poverty level is a very low level. Just in the first week of September, Mr. Speaker, prices in Russia increased by 36 percent. Russia has defaulted on its foreign debt obligations.

The hope that Russia can be transformed into a democratic market economy in the short run is gone. It is self-evident that, under this new government, there will be retrograde policies introduced. The printing presses will begin. Wages will be paid to people who have not been paid for months and months, but the following inflation will bring about further social dislocation and deterioration.

The regions of Russia are beginning to feel their new found power. There is a distinct possibility that Russia will break up into its constituent regions.

Tomorrow evening, with the Speaker's permission, I would like to continue with this discussion by focusing upon the regions of Russia, many of whom are determined to strike out for independence and to reject the central authority of Moscow.

SUBSTANCE ABUSE TREATMENT PARITY NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, while the Speaker's announced goal of a drug-free America by 2002 is a laudable one, it is also completely unrealistic without a meaningful treatment strategy. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for 26 million Americans who are currently suffering the ravages of drug and alcohol addiction.

Since 1956, the American Medical Association has recognized that alcoholism and drug addiction are a disease. Yet only 2 percent of alcoholics and addicts covered by health insurance plans are receiving treatment, notwithstanding the purported coverage of chemical dependency treatment by these plans. That is because of discriminatory caps, artificially high deductibles and co-payments as well as other restrictions on chemical dependency treatment such as limited treatment stays that are different from other diseases.

To reduce illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases.

Providing equal access to chemical dependency treatment with treatment for other diseases covered by health plans is not only the smart medical approach, it is also cost effective. It is not only the right thing to do, it is also the cost effective thing to do.

We have all the empirical data in the world, including the actuarial studies, to prove that parity for chemical dependency treatment will not raise premiums, will not raise health insurance premiums by more than one-half of 1 percent in the worst case scenario.

So for the price of a cup of coffee per month increasing the premiums, we can treat millions and millions of Americans who are suffering from addiction. This does not include the billions of dollars of cost savings that were a result from the treatment parity. It is well documented that, for every dollar we spend in treatment, we save $7 in the cost of prison construction, social welfare costs, health care costs, cost of lost productivity through job absenteeism, injuries, sub-par work performance and so forth.

Other studies have shown health care costs alone are 100 percent higher for untreated alcoholics and addicts compared to those who receive treatment. Health care costs are 100 percent higher for those who go untreated. Last year alone, Mr. Speaker, the cost of addiction in the United States totaled $140 billion.

The recent Bill Moyers television documentation pointed out, and medical experts and treatment professionals agree, that providing access to treatment is the only way to combat addiction in America. We can build all the fences on our borders, surround our country with fences, hire thousands more border guards, but simply dealing with the supply side is not going to make a dent in the drug problem. It is not going to solve the drug problem. We have got to emphasize the treatment component and include it in our strategy.

Believe me, as a recovering alcoholic myself, I know firsthand the value of treatment. As someone who stays close to other recovering people and to other alcoholics and addicts, I am absolutely alarmed by the dwindling access to treatment for people who need it.

That is why H.R. 2409 the Substance Abuse Treatment Parity Act, which I have authored with 92 cosponsors from all political persuasions, on both sides of the aisle from the far right to the far left, 92 cosponsors, must be included in the drug-free America legislative package for that package to have any credibility in the real world.

This legislation would provide access to treatment by prohibiting discrimination against alcoholics and addicts. If we agree that addiction is a disease, then we should treat it like every other disease and not let insurance companies discriminate against treatment.

This is not a mandate. I have heard that argument by some of the opponents of this legislation. This is not a mandate. All we are saying is that, if you and your plan are covered for chemical dependency treatment, you should not be limited to 2 to 7 days, which most companies are doing. Because every chemical dependency program in the world knows you cannot get effective treatment in 2 to 7 days. So this is not another mandate.

In addition, the legislation that I have sponsored waives the parity requirement if premiums increase by more than 1 percent. It is off. Also, small businesses with fewer than 50 employees would be exempt in the first place.

Mr. Speaker, if we fail to address the underlying addiction problem in America, the violent crime problem is going to continue to worsen, and this drug-free America goal will continue to be illusory and unattainable.

It might make good politics to some to talk about building more prevention and more border patrol, but it is not working. It is not working. We have got to deal with the fact that there are 26 million addicts in this country who are going untreated, and we have got to address treatment. That component must be in a meaningful and realistic package.

As cochair of the House Law Enforcement Caucus, Mr. Speaker, I know, as any cop in America knows, that 85 percent of all crimes are tied directly or indirectly to drug or alcohol addiction. A recent Columbia University study shows that 80 percent of the 1.4 million prisoners in jails and prisons are there because of drug and alcohol addiction. So not to deal with underlying problem means we are never going to deal effectively with the crime problem.

In conclusion, Mr. Speaker, I respectfully urge the Committee on Rules to include the Substance Abuse Treatment Parity Act in the antidrug legislative package. This, Mr. Speaker, is a life or death issue for 26 million Americans.

HONORING JOAN ALBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is my great honor to recognize the distributions and dedicated service of Joan M. Albi, Secretary of the Senate, the Colorado State Senate. After serving 32 years in State government, Joan has done it all. She worked in the State House of Representatives and the State Senate, the lieutenant governor's office, and the governor's office.

□ 1830

Joan worked for the State Senate in several capacities for 23 years, serving as the Secretary of the Senate for 10 of those years before retiring in the spring of 1998.

A Colorado native and a lifelong resident, she was born in Denver. Joan attended Cathedral High School in Denver before continuing her education at Loretto Heights College in Denver. Her father, Jim Bastien, worked as a purchasing agent for a local paint company. Her mother, Winnifred, still lives in Denver. She has one sister, Carol Dinapoli, also of Denver. She has three children: Kathy Albi-Ferguson of Aurora, Joe Albi, Jr., of Highlands Ranch, and James "J.T." Albi of Bakersfield, California. She is also the proud grandmother of two.

Mr. Speaker, without question, Joan is devoted to home and family. She actively participated in the Women's Auxiliary Circlo Italiano. Her main hobby is politics. The campaigns she worked on over the years were countless. Colorado's Republican Party truly benefited from her tireless efforts and will be forever indebted to her. Joan's loyalty and contributions to the party are evident.

She worked in the Colorado House of Representatives steno pool from 1966 to 1970 as an assignable stenographer, before taking a position in 1971 with the lieutenant governor's office. In those days, the lieutenant governor was also the President of the Colorado State Senate and Joan was secretary of the senate president from 1971 to 1974. In her capacity as secretary, she was also a receptionist, payroll clerk, and she did the bookkeeping.

When Colorado Governor John Love resigned to become the first "energy czar" in Washington, D.C., Joan became the administrative secretary for the new governor, John Vanderhoof. She remained in that position until he finished what was left of Love's term. Joan then worked as assistant secretary of the Senate from 1974 to 1987, before becoming Secretary of the Senate in 1988.

The contributions Joan made to the Senate during her tenure are remarkable. Joan serves on the Capitol Advisory Committee which meets regularly to address the preservation of the Colorado State Capitol building, one of the most remarkable buildings of its kind in the Nation. She was also active in the American Society of Legislative Clerks and Secretaries, a group sponsored by the National Conference of State Legislatures.

In addition, she helped pave the way to bring the Colorado State legislature into the age of technology. Joan took part in the earliest meetings that began the computerization of the legislative process in Colorado.

Mr. Speaker, Joan earned the respect of both legislative staffers and legislators. In fact, Patricia Dicks, Colorado's current Assistant Secretary of the Senate, said, "Joanie and I worked together, and have been friends for 20 years. Joanie was a very good teacher who was very kind and patient, but always made sure that staff was updated and knowledgeable. When Joanie was injured during the session, the transition was seamless to the point that we never missed a beat. This is a tribute to her as a person and as a leader."

Legislators who served with her while she was Secretary hold her in the highest regard. Senate President Tom Norton of Greeley, Colorado, remarked, "During the 6 years I served as Senate President, Joanie did an outstanding job of maintaining the efficiency and decorum of senate operations."

State Senator Ray Powers of Colorado Springs added, "Joan always welcomes us in the morning with a friendly smile and good conversation. Her pleasant demeanor and strong work ethic were two of her strongest assets, and my colleagues and I always appreciated her."

Joan's daughter, Kathy, said it best, "Mom loves to help people. She has a big, kind heart and generous personality."

The Colorado State Legislature expressed its sincerest appreciation to Joan Albi's dedication and dedicated service by passing a tribute in her honor in the 1998 legislative session. A retirement party will be held in her honor at the governor's mansion in Denver on September 15, 1998, which is tomorrow.

I first became acquainted with Joan in 1986 when I was working as a Senate majority administrative assistant in Denver. Then when I became a Colorado State Senator from 1987 to 1996, I had the privilege of continuing my working relationship with Joan. Working with her for over 10 years, I can attest to her generous and pleasant demeanor and administrative abilities as Secretary of the Senate.

Mr. Speaker, Joan's presence at the State House of Colorado will be clearly missed by all. The friends she made over the years in State government wish her well and the best in her retirement. We all say, "Thank you Joan."

CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, let me first say at the beginning of my remarks tonight that one of the questions that I received all weekend, and that many others are, is do you guys do anything out there other than talk about certain pending matters that have been widely discussed this past weekend? And the answer is of course we do.

We have not had the first hearing on the specifics of what everybody in this country seems to be talking about. At the same time, I agree with what the gentleman from California (Mr. LANTOS) said earlier that it is important that we focus on numerous issues. Earlier today, I was down here discussing the Head Start debate and the Community Services block grant debate, and quite frankly, I got no media inquiries about revising the entire Head Start system in the United States. I got no media inquiries about revising the Community Services block grant and what innovative programs we are doing, since we do not believe the solution is always the Federal Government, what innovative solutions we are trying at the community level to develop. Quite frankly, I got no questions about it back home in Indiana this past weekend.

Mr. Speaker, it is not that Congress is not doing other things here. It is that few people are asking us about anything but this subject. When I tried to go to pick up a newspaper at the airport when I was flying back last night, every newspaper in Pittsburgh was cleaned out. Every newspaper in Washington was cleaned out. And they probably were not hunting for the latest stock market reports.

But it is important that while we focus on the many matters, and we daily have multiple committee hearings, multiple meetings with people from our districts and many things, that we also look when we feel there have been problems in the oversight of this country, that it is important that this Congress look at it.

One of the things that I wanted to take some time to discuss tonight is that it is a lot more at stake here than just what everybody has been talking about this past weekend. Tonight I am going to go through some of this.

I sit on the Committee on Government Reform and Oversight, chaired by the gentleman from Indiana (Chairman BURTON), and I have listened to much of what has gone on. I want to make a couple of critical points tonight. And I want to illustrate right off the bat that there is a huge number of people that have made this investigation in campaign finance, in many of the other things that we have looked at in our committee, difficult to achieve.

Mr. Speaker, 116 people have refused to cooperate with our committee at this point; 79 witnesses have taken the Fifth Amendment; 18 have fled the country; and, 19 have refused to be interviewed by investigators.

I am going to go through some of these charts in a minute, but I want to illustrate a point. We can see on this chart that there are what, about 10 names per chart roughly. In trying to keep with the rules of the decorum of the House, it was deemed, and I believe correctly deemed, that it would not be appropriate for me to show the massive scale of the extent of the lack of cooperation we are getting by extending these across the front of this. But I am going to take a second here and show, if I was able to put these charts up simultaneously to give an idea of the scale how far these charts would have gone.

In other words if we had put every name up, they would have covered the entire front of this Congress. They would have covered up this entire front. If I stacked them on top of each other, the numbers of people that have refused to cooperate with this investigation would go to the top of the ceiling.

It is not one person, five people, 10 people, 20 people, 30 people. A few weeks ago I was in a parade in the town of Saint Jo in my district for the pickle festival. The pickle company that is based there has an annual pickle festival. The number of people in this cover-up are approximately the number of people in the town of Saint Jo.

I graduated in a high school class of 68. The class before me had a little bit smaller size than that. In other words, the number of people refusing to cooperate are about the size of my high school class and the class behind it. If one was trying to find out something that we had done and everybody in the class and the class behind would not cooperate, how would they find out what is going on?

Or to take another example, years ago there was a "Twilight Zone" episode in 1961 where adults lived in total fear of the immaturity of a normal little boy. Just by using his mind, this boy was able to take away the automobiles, the electricity, the machines because they displeased him and he moved an entire community back in the Dark Ages just by using his mind. And we note that the people in Peaksville, Ohio, have to smile, they have to think happy thoughts and say happy things, because once displeased, the monster can wish them into a corn field or change them into a grotesque walking horror. This particular monster can read minds, he knows every thought and feels every emotion. He is 6 years old with a cute, little-boy face and blue guileless eyes. But when those eyes look at someone, they must start thinking happy thoughts because the mind behind them is absolutely in charge. This is the "Twilight Zone."

Mr. Speaker, what do we do in a government situation, and we have all seen movies like this on TV, whether it is the "Twilight Zone" or others, when a whole town will not talk? People say, "Boy, it is hard for you guys to prove anything." It sure is hard for us to prove anything.

Mr. Speaker, I am going to go through. Understand that 79 people have said, "I invoke my rights under the Fifth Amendment and I refuse to testify on the grounds that it may incriminate me." Incriminate means I could go to jail. Mr. Speaker, 79 people have said they could go to jail. The others have fled the country or refused to have subpoenas put on them.

If we go through the names, the first name we have no public information on him. Terri Bradley, a secretary fined for making political donations for her employer, a Miami Beach developer. The next name we do not have much information. We are trying to get some from them. The fourth one is the son of the Commerce Secretary, Ron Brown.

Chen is a Taiwanese journalist who has written about illegal donations from Taiwanese nationals. Simon Chen is the former owner of the International Daily News, a Chinese language daily newspaper. Wang is a Buddhist nun. I am just going to skip through some of these. Chung pled guilty. Colon is a former head of the Commerce Department's Minority Business Development Agency. He was hired by Dynamic Energy in August 1994. He received a $3,000 check from Dynamic September 19, and four days later he and his wife, Cheryl, gave $3,000 for reelection of a given member of the other body, which has been returned.

Then we come to Crespo, Delvalle, we have numerous down to Manlin Foung, who testified that Trie reimbursed her from his bank account in China for part of her $35,000 donation. Gandhi, which I will go more through, gave $325,000.

Then go to the next chart, another 10 names that included Norlanda Hill, a former business partner of Ron Brown. Hill has been indicted in separate fraud charges. She alleges Brown told her domestic companies were being solicited for campaign contributions in exchange for being included in trade missions abroad.

Maria Hsia, is a naturalized citizen and close associate of John Huang. She faces charges that she helped launder campaign contributions from the famous Buddhist temple incident. The next group of names are predominantly people who were Buddhist nuns who gave a $1,000. Then there is Jane Huang, John Huang's wife, who according to DC records raised $52,000 while her husband was still a Commerce employee. She has denied she raised it, contradicting the Democratic Committee records.

John Huang is a China-born U.S. citizen raised in Taiwan, former executive of the Lippo Group, about which I will discuss more later. Webster Hubbell who, after he left prison, received $700,000 in consulting fees from several companies after he left the Justice Department, excuse me.

Several more we are pursuing, but we do not have public information at this time. If we can go to the next chart, the important thing to understand here is the scale. This is not one person, two people, five people, 10 people. It is the scale. And I am not comparing this exactly to that, but I have worked so much with the drug issue, it is as if we were just busting the street guys and not looking at the pattern. And by not being able to get to the first level of saying, "What do you about the next level?" Being able to offer immunity, being able to work with these. We do not know the extent of what sort of cover-up that we are facing.

□ 1845

Intriago is a former Federal prosecutor and he has solicited donations. You have Jimenez, a Miami computer entrepreneur and donor who made his largest contribution, 50,000, to the DNC after a coffee at the White House.

We have Kronenberg is sister-in-law of Pauline Kanchanalak, donated $500,000 to the DNC on the day of a White House coffee, down to Lin. If we can go to the next chart, Nora and Gene Lum are owners of an Oklahoma gas pipeline company, Dynamic Energy Resources, which last year pled guilty to laundering $50,000 illegal donations to campaign contributions. Maria Mapili is a long-time employee of Trie's trading corporation. The indictment towards Trie claims he ordered her to destroy subpoenaed documents and she is in that. Mark Middleton, former democratic fund-raiser and White House aid who left the administration in 1995 to pursue business dials with Asian businessmen.

I am not going to go through each of the names here. I kind of hitting some of the highlights. Many of these are tied in clusters around Charlie Trie, whose name you see there, an American citizen and one of two suspects, Antonio Pan is the other, to be indicted in 1997 as a result of the Justice Department's task force. And like I say, we will talk about him more. If you go can to the last chart that we, once again, have individuals who are related to other individuals, people who work for fax machine businesses, straw donors, Buddhist nuns.

There is two additional charts, if you want to just put those up. Are there any additional? We have them all covered?

I am not going to go through all the names on each of these, but maybe you can take them off slowly and show them. Once again, as we go through this, I want to reiterate, "I invoke my rights under the fifth amendment to refuse to reply on the grounds that it may incriminate me."

That means that they believe they have information that could send them to jail. And what you would normally do is go and get a proffer and say, and what do you have and who approached you about what you fear going to jail about, and see if it is worthwhile to offer immunity to them. And then hopefully you move up and say, and who offered you what in order to get to this person? Our goal here, if you look at this list, it is extraordinary. By putting out this list, we are not trying to make any kind of statement because many of them are Asians. The question is, who abused the Asian population. Who told them that they had to give illegal donations, had to launder money through Buddhist temples in order to get decisions made in this country?

It is not a criticism of the Asian community. It is a criticism of the people who used the Asian community.

It is not a criticism of the Hispanics on this list. It is, who told them American democracy works this way. Who told them that laundering money in return for whatever, and it is not clear what exactly was given, is justified? That is what incriminate means.

Chairman BURTON asked a question of FBI Director Freeh, Mr. Freeh, over 65 people at that time, it is now 79, have invoked the fifth amendment or fled the country in the course of this committee's investigation. Have you ever experienced so many unavailable witnesses in any manner in which you have prosecuted on which you have been involved?

Actually, I have, Director Freeh said.

Chairman BURTON: You have? Give me a run-down on that.

Director FREEH: I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

Chairman BURTON: Was that the only time you have experienced something like that?

Director FREEH: It went on for quite awhile.

Chairman BURTON: So the only time that you have experienced anything like this is when you were investigating an organized crime syndicate?

What kind of commentary is this on our government? We have been talking about a lot of other things this past weekend. But think about this for a minute. Think about this in the context of other things you are hearing.

It started in the case of our Committee on Government Reform and Oversight, a travel office dispute. We noted that they cleared out a bunch of people who, in fact, did not appear to have, they had actually gotten reinstated and back pay for being unfairly fired. We saw patterns of internal favoritism towards certain individuals, towards friends getting government contracts.

We thought, why would you want, oh, it was for prestige, but it actually was not, it was for lots of dollars in different agencies. From there we move in past the travel office to, we get this massive thing, when we are trying, a couple of people were wandering around the White House without clearance. How did they get in? So you start to look at the clearance list. We get these massive lists. I still remember the day looking at these lists and seeing all these little letters by everybody and going, what in the world is this. How are we supposed to sort out what is going on here? How did these people get in? There were dead people on it, former Senator John Tower. They were certainly skewed toward Republicans, but there were all kinds of codes. This developed into the so-called FBI question, and the files. How did they get these files? These files were not like when you get a traffic ticket. These were for when you apply for government employment, they do a background check. If you want a security clearance to get in, they do a background check on you. If you are going to handle government secrets, they do a background check on you. A background check means also there is information in your files that may not be confirmed. Did anybody have a rumor about you? You cannot see it. But it is in your file.

We found out in our hearings interns were, I do not mean anything like that, I just mean interns were handling the files, which is inconceivable. We heard from the Reagan and Bush White Houses that they had high level people only handling these files, but in the Clinton White House apparently interns were able to do a lot of things. And then we got into the Craig Livingstone who probably would not have passed that, yet he was now in charge of White House security and they could not remember who hired him.

I asked him three different times who hired him and he could not remember. Finally one of the White House people said, maybe it was Vince Foster. I mean, blame it on the dead guy. That seemed to be the strategy.

We could not get any answers to fundamental questions. Then we go through and look at the FBI files and we find out what these codes are. These codes are for coffees, for Lincoln bedroom. We found out that this database has to do with how much money you give to this administration, that it looks like somebody made the decision somewhere in this administration, we do not know at what level or who, that it was going, the White House was going to be turned into a cash cow, that apparently it was for sale in order to maintain your power, much like the travel office was. Apparently, who knows what they were going to do with the different files and who knows what is being done with those files now.

Then we move in and started to go into the Indian gaming casinos where a local decision relating to a poor Indian tribe was overturned, and we see massive, hundreds of thousands of dollars moving into the Democratic National Committee after a decision was reversed at the local level, protecting a tribe that was getting at least $390,000 per Indian and protecting their basic monopoly in that region.

In addition to that, the chief of staff in the counsel to the Secretary of Interior then left the Secretary of Interior's office and went to work for the Indian tribe that is getting $395,000 per Indian. Not anything proven yet, but do you know what, it is starting to smell a little bit.

Then you start to go through, what are these land deals where all of sudden there is the Escalante wilderness area, and who was the developer that had a stake in that? Oh, yes, it was the Riadys, the same Riadys that are on this list all over the place. The same Riadys that are laundering money through Huang and Chung and Trie, the same Riadys whose employees are not willing to talk and discuss.

Once again, it has not been proven the links, but we have been nibbling at the little people along the way. How is this going to build and where is this headed and why are not, and why is not this administration pursuing this to a higher level?

Let us get into some of the particulars of this. One thing that often we do not make clear when we discuss this, I want to make sure I make this point, that what would these people want? Presumably they are not just giving money, particularly if they are not even American citizens, because they are really charmed by any of the particular candidates involved. There is something beyond that they are trying to influence, somewhere in our government.

Now, I suggested that possibly there were decisions in the Department of Interior. But do you know there are many things in there that need to be explored, and we need access and we need cooperation to be able to do that. For example, we know that this, the leaders of this government criticized the past President for favoring trade to China during the campaign. It happens to be that the individuals who we are trying to get testimony from disagreed with the challenger's at that time positions. And when he became President, he switched his position to China which agrees now with the people who put this money in.

There are many American businesses and probably a majority of this Congress that favor that position. But it nevertheless was a reversal, and it also happens to be at least circumstantial that these people won a decision in that. This leadership of this government did not have a position on Vietnam. A number of these major donors had concerns, nonAmerican citizens had concerns about our China policy and our Vietnam policy. And those decisions were changed. It is clear that one of the fund-raisers where a million dollars was raised, that the commissioner of the INS attended and that there had been a request to change some immigration status. And after the fund-raiser that status was changed where after she had attended a fund-raiser raising this money, it is clear that decisions were being made and changed like what the individuals wanted. What is not clear yet, and which we really do not have the power here without some people being willing to talk along this chain and be able to negotiate with people moving up the chain of who influenced what where.

We see the people in the national security office writing handwritten memos, quite frankly, I have never gotten a handwritten memo from them explaining why, when they, on Taiwan, when Charlie Trie and his allies said we do not want you putting so much pressure on the Chinese government vis-a-vis Taiwan, they got a handwritten response back. Not too many people get handwritten responses back. It helps if you have laundered a lot of money back.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman for the special order that he is taking out. There are two things that really affect our country, one is economic espionage, another is national security breaches. You are speaking to those areas. It is so terribly, terribly important that the American people understand this. I commend the gentleman. I salute him for what he is doing here today.

Mr. SOUDER. Mr. Speaker, let me, once again, I want to reiterate, what I have been discussing tonight is not what the rest of the country has been discussing this past weekend for the most part. What I have been discussing is what has the earmarks at some level of an incredibly massive cover-up, 116 people who have either taken the fifth amendment that say if they talk to our congressional committee, they could incriminate themselves, or they fled the country or one way or another avoided us being able to subpoena them. That is a grave situation.

As the FBI Director said, only in organized mob cases has he seen this. It has made it very difficult for us to go ahead with this investigation. And understand we also have, in addition to this, a separate investigation that the gentleman from California (Mr. COX) is pursuing on the China question and the sale of technology. We have a separate investigation going ahead with the gentleman from Michigan (Mr. HOEKSTRA) looking at Teamsters money and how that got tied up in massive corruption and attempting to influence elections with illegal dollars, not to mention special prosecutors on Harold Ickes, pending on campaign finance, looking at the Vice President of the United States. We have many ongoing investigations.

□ 1900

What everybody in this country has been talking about is just a small part. It is inconceivable we are going to resolve this in the next 30 days because this is a massive problem inside this administration. It is unknown at this point to what levels it goes, but, boy, is it huge.

Mr. Speaker, I yield, if he would like to speak, to the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. DAN BURTON).

Mr. BURTON of Indiana. Let me say to my colleague, the gentleman from Indiana (Mr. SOUDER), that he is one of the most valued members of our committee and he works his tail off, and I hope everybody knows that.

I really appreciate his taking this special order tonight, and I apologize for being an interloper, but the gentleman makes such important points that I think they need to be reinforced, and that is that there have been 116 people flee the country or take the fifth amendment. And people do not do that unless they are trying to hide from the truth.

The thing that bothers me is that many people in this country, and I think the gentleman has alluded to this, many people in the country are saying, why are these investigations going on so long? Why is the Congress spending all this money? Well, the reason is that the White House has blocked us every way they can from getting information.

Many of the people that the gentleman has mentioned here tonight used to work for the White House, were close associates of the President of the United States, and they have taken the fifth amendment against self-incrimination. And it looks like, to many people, that this is an orchestrated effort by the White House to keep facts from getting to the American people. And they feel like if they can run out the clock, and they did it on Senator THOMPSON, if they can run out the clock to the end of this session, that we will all stop and the American people will never get the facts.

We have had to almost hold the President's chief counsel, Mr. Ruff, in contempt of Congress in order to get him to give us information. We have had to take the Attorney General, who has blocked us from getting information, and have the committee vote a contempt citation against her, which is still pending and that may come up before this body. And the reason is they are blocking for the President.

It is okay to investigate other people, but leave this President alone. Leave him alone. Never mind that illegal campaign contributions have come in from Egypt, from Macao, from Indonesia, from China, from Taiwan, from South America, from all over the world. And the American people have a right to know, as the gentleman so eloquently stated tonight, the American people have a right to know if our foreign policy has been for sale, if our national defense has been jeopardized, because this President and this administration was so intent on making sure that they were reelected that they were willing to jeopardize these issues, our national security and our foreign policy.

All I would like to say tonight is that the American people have a right to know. And I want to thank the gentleman very much tonight for coming down and taking this special order and illuminating this issue for the American people, because I believe once the American people get all these facts, they are going to say that no matter who it is, from the lowest person in this country to the highest office in this land, if they break the law, they need to be held accountable. And I thank the gentleman for yielding.

Mr. SOUDER. I thank the chairman for his leadership and his willingness to take the slings and arrows that go his way for trying to stand up and search for the truth.

Reiterating again that one chart we see here, if I had been allowed, which I am not under the House rules, to display these next to each other, the number of people that have pled the fifth, fled the country, or refused to cooperate would extend from that end all across the dais to that side, blocking this entire front. Or if I stacked them up, they would go up and touch the ceiling. It is not 5 or 10 or 15, it is massive. It is like, as I mentioned earlier, a whole city being in on a cooperative thing and then trying to prove something in the law when we have this type of thing.

Now, among the decisions we frequently have had to make in this body are other issues that have faced us, and there have been all kinds of statements made by Members of this body about other issues facing us, such as, "It should never be sullied," "should never be spoiled by actions of any of its Members, yet today we have a stain on the U.S. House; we have a cloud over its existence." Members in this body have said, "Too many ethical questions have been raised, wanting special counsels." They said, "American people should know where this money came from. Did these donors get anything in return? Are there any conflicts of interest?" Only they were not apparently putting these standards on the current leadership of our government. They were talking about something that was actually a relatively small case inside this body.

We look at the past rhetoric that has been used on the floor of this House about something relating to dollars that pale in insignificance. Never a charge that huge decisions, like the foreign policy of the United States, not even a charge, let alone a provable charge. They were not proven in the cases of any Members that have been discussed at this level. But apparently we can demand here that the American people should know where this money came from, did these donors get anything in return, are there any conflicts of interest. But if it is the administration, we are not going to do a special prosecutor for that. And I think that Members of this body need to sort through what kind of standards we have.

On Sunday I was with the Air Guard in Fort Wayne, who had a counterterrorism exercise on chemical and biological warfare, as units are doing all over the country, and cities, as we are concerned about terrorism. And I want to repeat what the gentleman from California (Mr. LANTOS) said earlier. Ironically, we have to stand behind our leadership of this country now more than ever. Because when there is perceived weakness, as there is in this country right now, every tin horn dictator, every terrorist around the world is saying, I wonder if this is a good time to push the United States. I wonder if this is the time I can get away with killing somebody; dropping a bomb; doing this; blowing somebody up. No, it is not, because we will stand as a United Nation. But we will not do this indefinitely, and we have to have leadership that we can count on.

But getting back to my point here, it is that we have to look at the totality of this. We have to ask, in our United States military, in the people in our

Air Guard in Fort Wayne, what standards do we have for them? Do we have a different standard for some elements of our country and another standard for the soldiers or the generals? Do we have one standard for government employees and not for other parts of the government? Do we have one standard for schoolteachers and not for other parts of people in public service?

I am not really talking about what everybody else has been talking about. I am talking about what is for sale. Have we sunk so low, are we so obsessed with power in this country that we will sell it to people who are not even American citizens and able to hold that power?

I want to digress to one other case. I am a history buff, and as we go through things like this Current Abuse of Power book on Nixon with the tapes, which is disgusting, I mean this is the kind of book we see about the current leader's administration. It is a spin cycle. We have not proven this point yet, but we are getting a lot of this point. But as we go back through history, Warren Harding went down as a bad President, even though in the end he was not found to have the faintest idea of what was going on on Teapot Dome.

And what we see in this administration and what we do not know is to what level of government this goes to. But we do know they corrupted the travel office, they misused the FBI files, they have sold favors throughout, they have special prosecutors on at least five Cabinet members; that Harold Ickes, who has a fascinating story of how he basically got excluded from policymaking, went into the fund-raising like other higher-ups like this, and then got back into the policymaking, because apparently the price to be at the table was you did the fund-raising. Which put tremendous pressure, even if it was not directly ordered, it put tremendous pressure. If an individual was not to be consulted unless they produced money, think of the pressure that put.

I want to give, I am trying to think which is the best example, and I am sure we will have other chances to bring this up, but let me give my colleagues an example of James Riady, who is probably the biggest. James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a $5 billion Asian empire. James Riady is a permanent resident of the United States. He met President Clinton in 1977, in Arkansas, when the President was serving as that State's Attorney General. He was then sent by his father to Arkansas to learn the banking and finance business. In its report on campaign finance, the other body suggested the Riady family had a long-term relationship with the Chinese intelligence agency. James Riady is the deputy chairman of the family's main business, the Lippo Group. The Riady family, including its businesses and partners, donated more than $700,000 to the Democrats between 1991 and 1996. Mochtar Riady and his son James have told close associates that they helped get Huang his Commerce Department position, which is a foreign trade position, in return for their political support for the leader of our country. Other reports indicate that James Riady has claimed Huang was "my man in the American government." James Riady visited the White House on 19 occasions, 6 of which were to see Deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by the committee.

Here are some questions we would like to ask him: Did you lobby the President to get John Huang his job at the Commerce Department? Did the President ask James Riady or his father to pay a $100,000 fee to Webster Hubbell while Hubbell was under investigation? Did the Lippo Group receive any classified information from John Huang while he was at the Commerce Department? What were the Riadys hoping to get in return for the hundreds of thousands of dollars they gave to the Democratic Party in the 1990s?

I could, and will at future time, go through other questions, but at this point I see the gentleman from Michigan (Mr. PETE HOEKSTRA), who is here and he has been investigating another part of what looks like, not knowing what levels, but orchestrated efforts to get around our laws in this country.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding. As we begin to talk about the things that have been going on, I think it is also important to recognize that the gentleman and I are going to be part of the first Congress that has gone about doing its business, whether it is oversight, and that is the committee that I share, an oversight subcommittee on the Committee on Education and the Workforce, but we are going to be part of an historic Congress, because for the first time in 29 years, in 15 or 16 days, we will have a surplus budget.

So as the gentleman and I have been carrying out our responsibilities of oversight of our laws, and the Congress as a whole, and I serve on the Committee on the Budget as well, has been getting a lot of other things done as well. So there are a number of things that are going on here in Washington that are different and effective and positive versus what there is sometimes seen as the ugly part of our job, which is doing the oversight.

I thank the gentleman for inviting me down here, because we have had the enviable task of spending the last 15, 16 months taking a look at the International Brotherhood of Teamsters, America's largest private sector trade union, who in 1989 signed a consent decree because of a racketeering charge that basically put them under the oversight of a Federal court and the Federal Government. They are under the supervision of the Justice Department and the courts are watching them.

Now, why is Congress involved? And I think this is where the connection can be made about oversight and the impact to the American taxpayer and the impact to the rank-and-file people in the Teamsters. Let me just lay out what happened.

In 1996, the Teamsters conducted a new election for president of the Teamsters. It is a process they go through every 5 years. They conducted their election, and 7 months later the election got overturned. The person who was elected, his election was invalidated, Mr. Carey, and it was determined there needed to be a rerun election. And it is like, okay, that is fine, the Teamsters will conduct their new election, which we are still waiting for that to happen because there was one problem: The 1996 election was paid for by the American taxpayer.

That is why in this case we are even doing more oversight than what the Labor Department normally does for union activities and other reviews of American labor law. In this case the American taxpayer paid for a Teamsters election that was invalidated because of corruption. It was somewhere in the neighborhood of $18 to $20 million of American taxpayer money. We paid for the election for the Teamsters in the U.S. and in Canada.

☐ 1915

So American taxpayer dollars were used to fund the Teamsters election in Canada, $18 million to $20 million.

The gentleman was talking about the campaign fund-raising. Sometimes people say, well, there you go, making your accusations again. Where is the beef?

The gentleman's committee has had difficulty in interviewing witnesses. He has had difficulty getting access to certain information. We have had some of the same problems, but we do have some court documents and these basically are what the defendants have pled guilty to.

Three people have pled guilty to various money laundering schemes. Another person has been indicted. The number two person at the AFL-CIO is pleading the Fifth.

Now, the amazing thing to me is taking the Fifth, meaning that we know where he is, we believe that he has been implicated, but he will not come and talk to us. He will not tell us about his participation in this.

For the three people who have pled guilty, what did they do? Who was involved? We have come across some of the same players as the gentleman has come across, and without getting into their names, this person was a 41 percent owner of a political consulting firm. This November Group performed work for, among others, the IBT, the Carey campaign, and the Democratic National Committee and its 1996 coordinated campaigns with State democratic parties. What did they do?

In general, the use of treasury funds in connection, and here we are talking about general treasury funds of the Teamsters, general treasury funds in connection with a Federal election was limited by Federal election law to nonpartisan voter education and get-out-the-vote efforts. Political spending by the IBT was supervised and directed by the IBT's director of government affairs. What did they do?

Statutory charges: Co-conspirators were not charged as defendants herein. Others known and unknown unlawfully, willfully and knowingly did combine, conspire, confederate and agree together with each other to make materially false statements and representations and to falsify, conceal and cover up, by trick, scheme and device, material facts in a matter within the jurisdiction of the executive and judicial branches of the government in violation of Title 18.

What does that mean?

Sections 1341 and 1346: To embezzle, steal, abstract and convert funds belonging to the IBT, in violation of Title 29 of the United States Code.

Basically, what happened is the leadership of this union stole money from its own rank and file.

If we go on a little further, we find out, willfully and knowingly having devised and intending to devise a scheme and an artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, namely, a scheme and an artifice to deprive members of the IBT. These people were working for the President of the IBT, and what were they going to do? A scheme and artifice to deprive members of the IBT of, A, money, B, their right to the honest services of their officers and employees and, C, their right to have the 1996 IBT election conducted in conformity with the rules. They did everything they could to break the law. And others, blank and others, caused IBT general treasury funds to be applied to promote the Carey campaign in violation of Title 29, United States Code; illegally using and diverting IBT general treasury funds, including embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign.

This is where the DNC gets involved, but before we move and talk a little bit about the Democratic National Committee, the terms in here are embezzling, stealing, abstracting, converting, such funds to make contributions to political organizations in order to obtain and exchange donations to the Carey campaign.

We talked about how this affected the taxpayers. We spent $20 million on a failed election. We are going to spend $4 million on a rerun. The Teamsters were very generous. They said they would contribute two. So their own leadership is, well, you know, we are beyond that, but they embezzled and stole.

What was happening to the net worth of the Teamsters as their leadership was embezzling, stealing and abstracting and converting such funds to make contributions to political organizations? The net worth of the Teamsters a few years ago was $157 million. As recently as a few months ago, within the last half year, their net worth was $700,000, still a big number but when you go from $157 million to $700,000, you wonder what these people were thinking, but now it is not that surprising.

Embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign. The union leadership was stealing their rank and file members' money and they were going to other organizations to find a way to scheme, to launder money through. One of those organizations they went to was the DNC.

Does the gentleman have a question?

Mr. SOUDER. Yes, I have a question. I want to see if I understand the scope of this and how this starts to interrelate.

Carey was running for the leadership of the Teamsters against Jimmy Hoffa, Jr., and he felt he needed more money to run. So if I understand what the gentleman is saying, they, Carey, the forces, depleted their own members' funds but to complete this they, in effect, gave money to a third source, or second source, which is the Democratic Party, which then in return made sure that additional dollars got back to Carey, not necessarily all that had gone out but Carey got it personally, because if he had stolen Teamsters funds for his own campaign that would have looked bad. Is the gentleman saying that, did I get that correct, that it went to a third party and then some of that came back, matching contributions came back? How did some of that work?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, the Democratic National Committee worked, and we have kind of split the responsibilities on this, one of the things that we are going at now is this is what was alleged. We know that at certain times the Democratic National Committee went out looking for donors to make these contributions. It is unclear at this point in time whether they found them, but we do know that there were other groups that participated in this scheme very similar to what is alleged to have happened here with the Democratic National Committee where money actually did flow out.

We know with the Teamsters it did flow out, it did flow back to the Democratic National Committee. We are just now trying to figure out exactly what the quid pro quo was. Did money actually then make its way from the Democratic National Committee back into the Carey campaign? Did they find wealthy donors who, instead of writing a check to the Democratic National Committee, maybe supported the Ron Carey campaign? We do not know.

We looked at that early. We focused on what was going on within the Teamsters itself. The gentleman's committee was looking at some of that. We are going to, I believe, have a hearing on that later this month to try to get to the bottom of it. It is very, very difficult.

What we do know is that the scheme was planned, it was agreed to. We do not know, at least with the Democratic National Committee, how far it was actually completed.

Mr. SOUDER. Did not the gentleman say earlier that the Fifth Amendment, which can only be used if you could go to jail, was taken by the second ranking person, did you say, in the AFL-CIO?

Mr. HOEKSTRA. That is correct.

Mr. SOUDER. So the person who might be able to answer that larger question, when you asked, took the Fifth?

Mr. HOEKSTRA. Yes. We invited the gentleman to participate at our hearing and he indicated that if he came to the committee, he would invoke his rights under the Fifth Amendment and he would refuse to reply; going to your chart, he would refuse to reply on the grounds that it might incriminate him.

Mr. SOUDER. One of the similarities that the gentleman is starting to run into, because you have clearly proven from the statements that you have made and from the indictments, that there was corruption inside the Teamsters election; in fact, that election was overturned. Now we are trying to see where their money moved elsewhere, and the larger question that you are moving into, in addition to that, and it is bad enough, I mean, I have talked to irate truck drivers in Fort Wayne who cannot believe that their own leadership would do this, but then the larger question is, like we saw in the Interior Department, like we have seen in agency after agency, who is running what looks like a large scale, coordinated effort, to find millions of dollars for campaigns in all sorts of illegal behaviors?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, as the gentleman is well aware, the Justice Department, Miss Reno, has now opened a 90-day investigation into testimony of certain members of the President's staff regarding their testimony to the Senate committee, in regards to specific testimony on their involvement in perhaps supporting Teamster efforts through actions in the executive branch, which is frightening.

It is one thing to run this through a political organization. It is another now to perhaps bring in executive branch agencies as part of this quid pro quo, if you give us money perhaps we can help you over here.

The Attorney General has begun a 90-day investigation into those questions, and we are pursuing those as well.

As good as they got at laundering money, because they were good, because almost all of this stuff was not found out until after the Teamsters election, which means we had to throw out the whole election.

Mr. SOUDER. The one we paid for?

Mr. HOEKSTRA. The one we paid for, the one where the regime, members of the group that were part of the ticket that won the election are still running the Teamsters. Think about it. They were part of the fraudulently elected leadership. They are still running the Teamsters.

I have met with my rank and file Teamsters at the local level. They cannot believe it. They want the same thing we want. They want a fairly elected leadership representing them, because they know what happened under the last leadership.

As good as they got at laundering money, they did get caught. The other thing that they have even gotten better at is making sure that we do not get all of the information that we need. There were documents that were at one law firm and we requested them, and they are at another law firm. It is kind of like one of these things, you have to ask the question exactly right, because if you have anything a little bit out of order, you are never going to find it and you are never going to get it.

They are masters at hiding information, at slowing down the process and trying to turn the tables. Whether it is what is going on in the executive branch, whether it is what is going on at the Democratic National Committee, or whether it is still going on at the Teamsters, they have made it very difficult for almost anybody to get at this quickly and effectively.

Mr. SOUDER. Reclaiming my time, this is a classic example of, oh, what a tangled web we weave when we attempt to deceive.

What we are seeing and hearing from the gentleman, as chairman of the Subcommittee on Oversight and Investigations looking into the Teamsters, what we heard from the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight, unfortunately for the American people it is doubtful that we are suddenly going to come to some conclusion and close down everything.

What we see, not knowing at what levels it is going on in this government but what we have seen in agency after agency, investigation after investigation, are people stonewalling information, pleading the Fifth, running out of the country, giving us partial truths, fighting for every little bit of information we can, and it looks like there was an orchestrated effort throughout this entire administration in every agency, uncertain at what levels and by who orchestrated it, for cash, in order to maintain power.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, Martin Davis, one of the three people who pled guilty, barred from work with the Teamsters and fined $204,000; Jere Nash, barred from work with the Teamsters, fined $10,000; Michael Ensara barred from working with the Teamsters and fined $126,000. Now it gets to be kind of interesting.

We talked about the Democratic National Committee. Citizen Action, their national office, implicated in the swap scheme. Who is Citizen Action? Citizen Action is a lobbying political advocacy group here in Washington.

□ 1930

And what do they advocate? Clean and fair elections. Clearly implicated through this whole process. Barred from working on Teamsters elections. But they are part of this swap scheme. You can sit there and say, they are in Washington and they are campaigning. It is kind of interesting what happened. Like many of these organizations, they have a national headquarters and they have State chapters. They are all trying to advocate for the same thing, which is clean and fair elections, at least with Citizen Action. That was one of their key messages. Washington sold them out. Washington was clearly implicated. Washington Citizen Action was clearly implicated in this. So what you see again is the Washington organization is corrupt, illegal activities, and they basically sold all of their locals, the grassroots kind of people, they sold them down the river. It is the same thing that happened with the Teamsters, the rank and file members. They are our neighbors. Their kids go to school with our kids. We go to church with them. We play tennis with them. We see them on the streets. We see them in the grocery store. These are our neighbors. What happens? They got sold out by their Washington leadership. Their Washington leadership stole from their own treasury. It is just too frequent of a story. You and I have seen it way too often in the last three, four, five years of good organizations, healthy organizations at the local level, the Teamsters advocating for worker rights and better wages and better working conditions and trying to do the right thing at the local level, in most cases doing the right thing. Their leadership in Washington tarnishing each and every Teamster around the country. At the same time that they are robbing them out of their pocketbook. It is unbelievable what happens to some of these national organizations. What I hope is that as soon as possible they can have a fairly run election, they can have new leadership and they can move forward and hopefully they can get out from under this yoke of government supervision and they can have their union back. Just like I hope Citizen Action, their Washington office is kind of shut down but the people who have worked hard for campaign finance reform and clean politics and all these types of things at the local level, they can reclaim their national headquarters and get some good people in there who do not participate in these kinds of activities.

Mr. SOUDER. I think that as the gentleman from Michigan and I both would state unequivocally, one of the problems is that we have too much power in Washington because when you have that much power there is going to be a temptation to cheat. But even given that, what we have seen in his investigation, what we have seen in this investigation is not everybody does this. I hear all the time, "Well, everybody in Washington is corrupt." They are not. There are too many decisions made that are influenced by money in this town. There are too many decisions made out of fear for the next political election. What we are seeing gradually unfold over the last few years is something that in scale we have never seen before. We have not seen the amount of illegal foreign dollars moving in, apparently tied to specific decisions. We have not seen the massive scale laundering going from multiple countries even in. We have not seen this many Cabinet members. I mean even under Harding we were talking three. Going with special prosecutors, and even leading up into higher and higher levels of this administration. We do not know where it ends. We are not likely to find out very soon. But we have an obligation in this Congress. While we are doing the other things as the gentleman from Michigan (Mr. HOEKSTRA) said in the Committee on Education and the Workforce, we have been moving many bills through, having conference committees, we have balanced the budget, we are working on tax relief, this is not the primary thing we do here but it is one important part. That is, to make sure that each American citizen when you cast a vote have that vote honored and that your leadership does not have a secondary agenda, especially, and this is what the Founding Fathers were very concerned about, that any of the leadership would get illegal foreign money, where foreign nationals or through agents in this country would attempt to influence decisions of the United States Government. That is the weighty matters that we have been pursuing. I hope it does not lead all the way to the top. But to find out, witnesses need to cooperate with the gentleman from Michigan (Mr. HOEKSTRA). They need to be cooperative with the gentleman from Indiana (Mr. BURTON). We cannot have 116 people, by the way we have three more since we have printed these things, that would stretch clear across the front of this, this size sheet if I had been allowed under House rules to put them across, would have covered the entire front of this podium, or clear to the ceiling. We have to have honesty. We have to have American citizens willing to come forth with the truth.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4006, LETHAL DRUG ABUSE PREVENTION ACT OF 1998

Mr. SOLOMON (during special order of the gentleman from Indiana (Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105-712) on the resolution (H. Res. 535) providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT ON AMENDMENTS TO FOREIGN OPERATIONS APPROPRIATIONS ACT, 1999

(Mr. SOLOMON, during the special order of the gentleman from Indiana (Mr. SOUDER), asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules's plan in regard to the Foreign Operations Appropriations bill for fiscal year 1999.

The Committee on Rules is likely to meet on Wednesday, September 16, to grant a rule on the Foreign Operations Appropriations bill for 1999. The bill was ordered reported by the Committee on Appropriations on September 10 and will be filed on Tuesday, September 15, tomorrow.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the Congressional RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table. Amendments should be drafted to the text of the bill as reported by the Committee on Appropriations.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House. It is not necessary to submit amendments to the Committee on Rules or to testify before our committee as long as the amendments comply with House rules.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BRADY). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say this evening that I will be talking about HMO reform and the need to address that issue before this House adjourns in about four weeks, or at least is tentatively scheduled to adjourn after the first week in October. I am concerned that over the next four weeks that time will not be spent on the issues that the American people want addressed in this Congress, health care reform, HMO reform, education concerns, Social Security, environmental issues. There are so many issues that need to be addressed, and I am only going to talk about one of them tonight but I wanted to mention that the Democrats as a party are united behind a strong and a bold agenda which addresses the real challenges that face working families. I am very concerned that the Republican leadership is not going to address these issues. We need to strike out and say that these issues need to be addressed before we adjourn.

The one that I would like to talk about tonight and that I think really is the most important because this is the one that I hear the most about from my constituents is HMO or managed care reform. Too many of my constituents at town hall meetings or at my district offices tell me about the horror stories, and there are many, where they have been denied necessary care because their HMO, their insurance company, has refused to pay for it. The President and the Democrats have put forward a bill, we call it the Patients' Bill of Rights, that is a real, not a fig leaf political bill designed to cover the health insurance industry. We need patient protection legislation that returns medical care to doctors and patients instead of leaving those decisions to health insurance company bureaucrats.

Let me just mention a few key elements of this Democrat real patient protection act, or HMO reform. It includes guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeals process if you have been denied care by your HMO or by your insurance company; limits on financial incentives to doctors. We know that too often now the HMOs give the doctors financial incentives, bonuses, if you will, if they do not spend a lot of money or require a lot of services for their patients. Also assuring doctors and patients that they can openly discuss treatment options. Many people do not know that many HMOs now put their physicians within their HMO network under a gag rule that they cannot talk about legitimate medical options, operations or other procedures if the HMO will not cover it because they do not want the patients to know that those procedures exist because they are not going to pay for them. We should not allow those kind of gag rules. They should be prohibited. The Democrats' Patients' Bill of Rights would prohibit those kinds of gag rules. Also, the Democratic bill, the Patients' Bill of Rights, assures that women have direct access to an OB-GYN; and there is also an enforcement mechanism that ensures recourse for patients who were maimed or die because of health plan actions. So not only do we allow you to go through a procedure, an appeal externally before a board, before you have to go to court where the insurance company cannot influence that appeal, but also we allow you to go to court and sue for damages if you have suffered severe damages as a result of the denial of care.

I just want to talk a little bit more if I can about the positive aspects of the Democrats' Patients' Bill of Rights and why we need to get this legislation, or something like it, passed before we adjourn this Congress in another four weeks. Greater choice of doctors. A lot of my constituents point out that they feel there should be some sort of option that you can go outside the HMO network if you want to, even if you have to pay a little extra. What the Democratic Patients' Bill of Rights says is it requires that individuals enrolled in HMOs be offered a greater choice of doctors under what is called point of service. Employers must provide employees with the option of choosing a doctor outside the company health plan. What that means is that when your employer offers you a health plan, he can give you the choice of an HMO but he also has to give you the option of having the HMO and letting you go outside the HMO network for a little extra if you decide to do so. You get that option when you first sign up for your health insurance. Most important, in the Patients' Bill of Rights, the Democratic bill, medical decisions are made by doctors and patients based on medical necessity, not by insurance company bureaucrats. The bill ensures that treatment decisions, in other words, what you need, what is medically necessary for your care, those treatment decisions such as how long a patient should stay in the hospital after surgery, what type of procedures are appropriate, that these decisions are made by the doctor in consultation with the patients. They are not made by the insurance company. Again, we have an example of that which we did last year, or in the previous Congress with regard to pregnant women, that the length of stay provision for pregnant women, when they go to have the child, that they are guaranteed that they can at least stay in the hospital 48 hours for a normal delivery or four days for a C-section. That is exactly the type of guarantee that we will be including in this Democratic bill when we say that the doctor and the patient decide what is medically necessary rather than the insurance company.

Access to specialists. I want to spend a little more time on that because it is so important to so many of my constituents. Our bill allows patients to see an outside specialist at no additional cost whenever the specialist in their plan cannot meet their needs. So if there is a specialist in the HMO network who can take care of you, fine, but if there is not because they do not have that particular specialization, then they have to allow you to go outside the network to see another doctor. The bill also lets women select obstetricians and gynecologists, as I have said, as their primary care provider.

Enforcing patient protections. I think everybody knows, most Americans realize that if you have a right or you have a protection, it does not do you much good unless you can enforce it. What our bill does is it holds managed care plans accountable when their decisions to withhold or limit care injure patients. Unfortunately in court cases around the country, HMOs have not been held accountable. Currently patients may not have the right to sue their HMO in court if they are in certain circumstances. The Democrats' Patients' Bill of Rights removes the exemption under current Federal law that prevents HMOs from being sued in certain circumstances. It also establishes an independent system for processing complaints and appealing adverse decisions with expedited procedures for life-threatening situations. What this means is that if you have been denied a particular operation, not only do you get an external review board which is not influenced by the insurance company that you can go to to appeal the insurance company's decision and it would be enforceable, but also if it is life-threatening, that has to be done very quickly. Otherwise it is not very useful to you. What this guarantees is that decisions on care are based on medical appropriateness or necessity, if you will, not cost, because obviously what the HMOs do in many cases is make their decisions based on cost.

What I wanted to talk about a little more tonight, I have given you some idea I think about what the Democrats are trying to do with our Patients' Bill of Rights but I also have to point out tonight that the Republican alternative which passed the House in August before the August recess not only does not provide the types of guarantees that I am talking about but actually takes us back. It creates an even worse situation, even less guarantees in my opinion for the American people. The House hastily, and I say hastily because this Republican bill was just brought to the floor without any committee action or without any hearings, just brought to the floor right before the August recess and passed and the Democrats' Patients' Bill of Rights, of course, was defeated only by five votes, so we still have a chance to resurrect it. What the Republican leadership was trying to do when they brought their own version, if you will, of HMO reform to the floor in August was to get something passed so that they could go back to the voters at their August town hall meetings or their other venues and say, "Oh, we've accomplished something." But their plan, I assure you, was a sham. It is essentially a managed care bill that is better for managed care organizations, and they are not going to be able to or should not be able to pawn it off as a good piece of legislation. The bottom line is that the Republican leadership is not willing to pass a real managed care reform bill because it does not want to offend the insurance industry.

Let me say, Mr. Speaker, that based on what my constituents voiced to me during the various town hall meetings I have had in the last few weeks is that the Republican plan was essentially a bust. They repeatedly told me that when it comes to managed care that they want three things above everything else.

☐ 1945

They want medical decisions to be made by doctors and their patients, they want direct access to specialists, and they want HMOs to be held accountable for the decisions they make. And my constituents were emphatic in their belief that none of the protections under consideration in this Republican bill are worth a dime because they cannot be enforced, and there is basically one of the best ways to enforce patient protections is to have the right to sue, which of course is not expanded under the Republican bill.

Let me point out why I think that this Republican HMO bill makes current law worse and essentially why all the things that they mention would be corrected, if you will, by the democratic bill.

The first of the three aspects I mentioned is, and perhaps the best indicator of just how bad the Republican managed care bill really is, and this is with regard to the necessity of medical treatment or the appropriateness of medical treatment because this really lies at the very heart of the managed care debate. The Republican managed care bill addresses this question of medical necessity by essentially locking the status quo into place. It does so by allowing HMOs to define what is medically necessary. Under the Republican bill, if your doctor's recommendation does not match your HMO's definition of medical necessity, you are out of luck. So, as you can see, if you have to have a particular operation or you want to stay a certain length of time in the hospital and the HMO decides through its own definition that that operation is not medically necessary, it does not matter what your doctor tells you, because the final word is that they have defined it as not medically necessary. So, if you allow the insurance company to define what is medically necessary which is what the Republican bill does, then the whole idea of shifting the decision back to the doctor and the patient and away from the insurance company as to whether or not you have a particular type of care coming to you is essentially lose.

Now, of course I mentioned before that our democratic bill, the Patient Bill of Rights, corrects this problem and lets the medical professional, the doctor, decide what is medically necessary. The Republicans are trying to pull the same kind of scam, if you will, with access to specialists. The GOP bill would allow women to go directly to the OB/GYN, but it would not give women the right to designate the OB/GYNs as their primary caregivers. And of course the democratic Patients Bill of Rights would do that. So basically also the Republican bill would also allow children to go directly to pediatricians so they give that right but not without strings because under the Republican bill your child may be guaranteed access to a pediatrician, but if your child gets cancer and needs speciality care, there is absolutely no guarantee that he or she will have access to, for example, a pediatric oncologist, a specialist within the pediatric field. So under the Patients Bill of Rights however that child will get that guarantee, so again what we are saying is if the OB/GYN is not the primary care provider, then that person is not going to be the person that gives you a referral to another specialist. And again, if you are allowed to see a pediatrician, that pediatrician does not have the right to send you to a specialist for your child in a particular area that he or she may need the specialist. Then essentially you again are limited in the choices that you have for a physician or your access to specialty care.

Let me give you another example, if you will, with a cardiologist. If you have a heart problem and you need to see the cardiologist, the Republicans would have you jump through hoops to try to get there, and you could still fail. The democratic bill directly opens the cardiologist's door. So if you have asthma, you can see the asthma specialist and down the line. In other words again, you may through the Republican bill be able to see a cardiologist, but if you need a speciality care or reference for a particular type of cardiologist, you would not have that access, and the same with asthma and other kinds of sub specialities.

What I found at the town meetings that I had is that person after person basically stood up and communicated the belief that patient protections are meaningless without a means of enforcement, and so I would like to talk a little bit about the enforcement issue now as well when you have been denied care.

The only way to enforce protection, a lot of my constituents said, is to give the right to sue when their HMO denies them care and their health suffers as a result. And I know some people say, oh, you cannot give patients the right to sue when the HMOs deny them care because that is just going to result in more lawsuits.

Well, I was not getting that from my constituents at the town hall meetings. They were not worried about the fact that there would be too many loses. They were worried about the fact that if they were denied care, they could not sue for rights under the law, and that is the way it should be. People should be able to go to court if they have been damaged as a result of denial of care.

What we do, what the law is right now, unfortunately, is that if you are in a HMO or a managed care organization that comes under Federal protection, what we call ERISA because the employer is self insured, then you are denied the right to sue for damages, and we would correct that and eliminate that loophole and say that all HMOs or managed care companies can be sued regardless of whether you are under ERISA and under Federal protection.

And I also mention this external appeals process, too, as another means of enforcement where right now under the current law and also under the Republican bill a number of people would only be able to appeal the HMO's decision with regard to denial of care through an internal review process which basically still gives the HMO the right to decide what care should or should not be provided. The democratic bill insists on external appeals for all purposes, and those external appeals are basically judgment calls made by people appointed who are not under the sway of the insurance company.

Now I have to say, Mr. Speaker, that my biggest concern right now is that even though we have passed this, what I consider bad Republican bill in the House, that the Senate may not take up any legislation tall, and I am really saying tonight that the most important thing is that the other body at least move on HMO reform, certainly not on the Republican bill, but at least take up the issue so there is some fair debate and some opportunity to hear from the senators on both sides of the aisle what their constituents are telling them.

Before I conclude tonight I would like to do two things. First of all I would like to give some examples, real life examples that have been brought to my attention, of people that have been denied care or suffered from some of the problems that I pointed out this evening that would be corrected by the Democrats Patients Bill of Rights, and then I would like to go over a few sections of a letter that the President wrote to TRENT LOTT, the majority leader in the Senate, asking that we move on this debate because I think that is the most important thing, that we move on this debate in the 4 weeks that we have left before this Congress is scheduled to adjourn.

Let me give my colleagues some examples though, and I may have used some of these before on the floor, but I want to use them again tonight. Some of them, I think, are totally new because I think they best illustrate why we need the Patients Bill of rights.

This example is from a newspaper dated January 21, 1996, and it talks about a 27-year-old man from central California who was given a heart transplant and was discharged from the hospital after only 4 days because his HMO would not pay for additional hospitalization, nor would the HMO pay for the bandages needed to treat the man's infected surgical wound. The patient died.

Well, again I use the example with the drive-through deliveries. We did pass in the first effort to deal with these problems, we did pass in the last couple of years legislation that eliminated drive-through deliveries so that, if a woman is pregnant, she goes to a hospital, have the baby, she is guaranteed at least 48 hours for a normal delivery, and 2 days for normal delivery, 4 days for a C-section because many of the HMOs were forcing women out of the hospital within 24 hours.

Now this case that I just mentioned with the heart transplant, under the Patients Bill of Rights the decision about whether or not the patient would be able to stay a few extra days in the hospital would be decided by the physician in consultation with the patient and the HMO would not be allowed to deny those extra few days that the physician thought was necessary.

Another example; this is from the same year from Long Island. Well, this is from the Long Island News Day I should say, but it is about a mother in Atlanta who called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 and was panting and limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, bipassing several closer hospitals. By the time the baby reached the hospital he was in cardiac arrest and had already suffered severe damages to his limbs from an acute and often failed disease. Both his hands and legs had to be amputated. Now that may have been the example that my colleague, the gentleman from Iowa (Mr. GANSKE), gave last week when we were talking about the same issue on the floor.

Again I had not talked much about emergency care tonight, but what the Patients Bill of Rights does, what the democratic bill does, and I call it a democratic bill, but the Patients Bill of Rights has Republican supporters, too. Mr. GANSKE from Iowa is, in fact, the chief sponsor of the bill. So it really truly is bipartisan, but the Republican leadership basically has opposed it. So even though there are some Republicans that support it, the leadership is opposed to it.

And what our bill would do is it would say that the decision about going to an emergency room and going to the closest hospital as opposed to some hospital further away is based on the average citizen's analysis; you know, what we call a prudent lay person's analysis of what is an emergency. And so if you have the situation where your 6-month-old baby had this fever and was panting and limp, the average person would say, well I cannot wait to go to a hospital 42 miles away, I have got to go to the hospital next door or within a few minutes of my house, and therefore the HMO would have to pay because average citizen would understand that that is necessary, and you cannot wait to go to a hospital 42 miles away which is absurd. I think most people have no idea that their HMOs put these kind of restrictions in, but then they find out when it is too late.

Let me give you another example. This is from the Minneapolis Star Tribune, March 23, 1996. A 15-year-old girl with a serious knee injury was taken by her parents to a PPO orthopedic surgeon. The surgeon said there were 2 kinds of surgery for such an injury, traditional scapel surgery and state-of-the-art laser surgery which is considered the most effective method. The insurer would not pay for the more expensive lasar surgery. A company claim supervisor was quoted as saying we are not obligated contractually to provide Cadillac treatment, but only a treatment.

Well there again we go back to who is going to define what is medically necessary. Under the Republican bill that decision is made by the insurance company which is the way it is now under the current law. Under the democratic Patients Bill of Rights that decision is made by the doctor in consultation with the patient. So, if the doctor in this case said that the most effective method is the state-of-the-art laser surgery, that is what the insurance company would have to pay for.

This kind of illustrates, this also illustrates, the gag rule example as well. Now fortunately in this case the HMO apparently did not have a requirement that the physician not tell the patient about the better method, but there are many circumstances where the HMO will actually say to the physician that he cannot mention the alternative, the better alternative, in this case the state-of-the-art laser surgery so that the patient would not even know that there is a better alternative, and that is another thing that we are eliminating with the Patients Bill of Rights.

Let me mention a couple of other examples, and then I will conclude with this letter that President Clinton sent. This is in Oklahoma. It is from the Washington Post, March 12 of 1966, and this is the case in Oklahoma where a neurologist performed a cat scan on a patient suffering headaches revealing an abnormality in the brain. The doctor recommended a magnetic resonance arteriogram which required a one night stay in the hospital. The patient's HMO denied payment on the grounds the test was investigative. The doctor wrote the patient saying I still consider that a magnetic resonance arteriogram is medically necessary in your case. The HMO wrote to the doctor:

> I consider your letter to the member to be significantly inflammatory, the HMO's medical director wrote. You should be aware that a persistent pattern of pitting the HMO against its member may place your relationship with the HMO in jeopardy.

So here, because the physician refused to abide by a gag rule and said that he was going to tell his patient what needed to be done even though the HMO would not cover it, now he is in trouble, and he is likely to be penalized or perhaps thrown out of the network because he told the truth.

Well, what kind of a society do we live in where we advocate freedom of speech yet we would deny the physician to speak out and tell his patient what is best based on his own medical opinion? Well, once again that would be corrected by the democratic Patients Bill of Rights not only because the physician would be allowed to say what he had to without any repercussions from the HMO but also because the procedure that was recommended, they would have to pay for it.

What a lot of the HMOs do, they get around paying for a particular type of surgery or operation or procedure by saying it is investigative, et cetera, speculatory, it is something that has not received enough attention.

□ 2000

What we find is that oftentimes a procedure that really is needed by the patient is not reimbursed or not paid for on those grounds.

Let me just give one final example, if I could. This is from the New York Post, September 19, 1995, and this is a 12-year-old girl who had to wait half a year for a back operation to correct a severe scoliosis. The HMO rejected the parents' bid to have a specialist perform the procedure, insisting instead on an in-network surgeon. After taking 6 months to determine that no one in its own network was capable, the HMO relented.

Now, there again, that goes back to what I mentioned before. Under the Democratic Patients' Bill of Rights, if, within the network, there is not a specialist who can deal with the particular problem or the health care need that one has, then one is entitled to go outside the network and the HMO has to pay for the specialist in that circumstance, and that would clearly cover this case.

I could go on and on and mention a lot more examples, and we certainly will over the next few weeks in an effort to make sure that this issue comes to the attention of the Senate and that we have action in the Congress as a whole, and we send a bill to the President before we adjourn in October.

The President, in responding to a letter to TRENT LOTT, the majority leader in the Senate earlier, this month, and I think we entered this letter into the RECORD last week, so I am not going to go into all of the details; but he spells out the problems that he has with the Republican bill that is proposed in the Senate and has a lot of similarities, in a negative way, to the House Republican bill.

But I do want to point out what the President is talking about in terms of the need to move the agenda. He says that, "Since last November, I have called on the Congress to pass a strong, enforceable and bipartisan Patients' Bill of Rights. During this time, I signed an executive memorandum to ensure that the 85 million Americans in Federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the Nation's call for us to improve the quality of health care Americans are receiving."

Mr. Speaker, I want to point out that not only has President Clinton been talking about the need for the Patients' Bill of Rights for over a year, started very emphatically in the State of the Union address last January, but he has signed these executive orders that actually expand the types of patient protections that I talked about tonight to those within Federal health plans. Also, last year, the Congress passed and sent to the President, and he signed, the Balanced Budget Act, which also included a lot of these protections in Medicare and Medicaid programs. Not all of them, but a lot of them.

So the President has done his part, really, to not only bring this issue to the attention of the Congress and the American people, but also through administrative methods to try to include it in any plan that comes under the aegis of the Federal Government. However, none of these things apply, or at least are required under Federal law, for anyone who has private health insurance. That is not fair. Clearly, if these things are good enough for the Federal Government, for Federal employees, for those who are in Medicare and Medicaid, it should apply to everyone equally, the same way.

More needs to be done, of course, because a lot of the things are not covered even under the Federal plans because the President does not have the authority to expand all of the patient protections to those plans, so we need the patient protections that I mentioned tonight, not only to make it fair for those who have private plans, but also to cover all of the public plans as well.

The last thing, the other thing that I wanted to point out that the President says in his letter to the majority leader in the Senate, he says, "I remain fully committed to working with you, as well as the Democratic leadership, to pass a meaningful Patients' Bill of Rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much-needed confidence in the health care system. I urge you to make the Patients' Bill of Rights the first order of business for the Senate."

The President has indicated, and all of the Democrats have indicated, that we want to work with the Republicans in a bipartisan way to get the Patients' Bill of Rights, or something like it, passed. So far we have not been getting that cooperation from the Republican leadership, even though we do get support from some Republican Members individually.

So I would urge tonight, we only have less than 4 weeks left really, and I would urge my colleagues to put pressure on the Republican leadership, in the Senate primarily, and ultimately in both Houses of Congress, to get this managed care reform agenda moving.

Let us have debate in the Senate, let us get something that both houses can agree on, and let us send it to the President before the October recess. We owe this to the American people, because so many people are suffering now when they are denied health care that they should have as Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Goss (at the request of Mr. Armey) for today and September 15 on account of illness in the family.

Mr. Engel (at the request of Mr. Gephardt) for today and September 15, on account of the New York primaries.

Mr. Rush (at the request of Mr. Gephardt) for today on account of official business.

Mr. Jefferson (at the request of Mr. Gephardt) for today on account of personal business.

Mr. Yates (at the request of Mr. Gephardt) for today after 5 p.m. On account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lantos) to revise and extend their remarks and include extraneous material:)

Mr. Brown of Ohio, for 5 minutes, today.

Mr. Lantos.

(The following Members (at the request of Mr. McInnis) to revise and extend their remarks and include extraneous material:)

Mr. Miller of Florida, for 5 minutes, on September 16.

Mr. Ramstad, for 5 minutes, today.

Mr. Bob Schaffer of Colorado, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Lantos) and to include extraneous material:)

Mr. Towns.
Mr. Kucinich.
Mr. Kind.
Mr. Bentsen.
Mr. LaFalce.
Mr. Filner.
Ms. Kilpatrick.
Ms. McCarthy of Missouri.
Mr. Bonior.

(The following Members (at the request of Mr. McInnis) and to include extraneous material:)

Mrs. Johnson of Connecticut.
Mr. Bilbray.
Mr. Shuster.
Mr. Smith of New Jersey.
Mr. Coble.

(The following Members (at the request of Mr. Pallone) and to include extraneous material:)

Mr. Hobson.
Mr. Rohrabacher.
Mr. Johnson of Wisconsin.
Ms. Eddie Bernice Johnson of Texas.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; to the Committee on Resources.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 15, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10850. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Great Britain Because of Exotic Newcastle Disease [Docket No. 98–002–2] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97–056–16] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10852. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97–056–15] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10853. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Increased Assessment Rate [Docket No. FV98–928–1 FR] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Acid Terpolymer, Partial Sodium Salts; Tolerance Exemption [OPP–300704; FRL–6024–1] (RIN: 2070–AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10855. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Herbicide Safener HOE–107892; Pesticide Tolerances for Emergency Exemptions [OPP–300703; FRL–6024–7] (RIN: 2070–AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10856. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Quality Assurance Among North Atlantic Treaty Organization [DFARS Case 97–D038] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10857. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of 10 U.S.C. 2534—United Kingdom [DFARS Case 98–D016] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10858. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, Fulbright-Hays Faculty Research Abroad Fellowship Progam, and Fulbright-Hays Group Projects Abroad Program (RIN: 1840–AC53) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10859. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Water Heaters; Correction [Docket No. EE–RM–94–230] (RIN: 1904–AA52) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10860. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Certain Chemical Substances; Removal of Significant New Use Rules [OPPTS–50628B; FRL–6020–7] (RIN: 2070–AB27) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10861. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL–047–1–9825a; FRL–6156–9] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10862. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach For Using Probabilistic Risk Assessment In Risk-Informed Decisions On Plant-Specific Changes To The Licensing Basis (Regulatory Guide 1.174) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10863. A letter from the General Counsel, Federal Retirement Thrift Investment

Board, transmitting the Board's final rule—Thrift Savings Plan Loans [5 CFR Part 1655] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10864. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Personnel Records and Training (RIN: 3206–AH94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10865. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Captive-bred Wildlife Regulation (RIN: 1018–AB10) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10866. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018–AE93), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10867. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers (STB Ex Parte No. 559) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Expensing of environmental remediation costs [Revenue Procedure 98–47] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Applicable percentage [Notice 98–42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98–42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General statement concerning the effective date of Treasury Regulation [Notice 98–40] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–43] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Higher Education Tuition and Related Expenses [Notice 98–46] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98–50] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rewards for Information Relating to Violations of Internal Revenue Laws [TD 8780] (RIN: 1545–AU85) Receive August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98–51] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10877. A letter from the Secretary, Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1999 Rates [HCFA–1003–F] (RIN: 0938–AI22) received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10878. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10879. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10880. A letter from the Acting Comptroller General, Comptroller General, transmitting List of all reports issued or released by the GAO in July 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

10881. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10882. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Strategic Plan of the Federal Deposit Insurance Corporation for the years 1998—2003; to the Committee on Government Reform and Oversight.

10883. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 1998, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10884. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report for the El Camino Real de los Tejas, pursuant to 16 U.S.C. 1242(c); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 4309. A bill to provide a comprehensive program of support for victims of torture; with an amendment (Rept. 105–709, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3248. A bill to provide dollars to the classroom; with an amendment (Rept. 105–710). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3898. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base; with an amendment (Rept. 105–711 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual (Rept. 105–712). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 4382. A bill to amend the Public Health Service Act to revise and extend the program for mammography quality standards; with an amendment (Rept. 105–713). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 4309 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3898 referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 4321. Referred to the Committee on Commerce for a period ending not later than September 25, 1998 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to Clause 5 of rule X the following action was taken by the Speaker:

H.R. 3898. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

H.R. 4309. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAW (for himself and Mr. Levin):

H.R. 4558. A bill to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4559. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, medigap insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 4560. A bill to provide short-term and long-term relief to agricultural producers, small businesses, and rural communities adversely affected by low prices for agricultural commodities; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to provide that members of the uniformed services and the Foreign Service shall be treated as using a principal residence while on official extended duty; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself and Mr. Gillmor):

H.R. 4562. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. MCINTOSH (for himself and Mr. Nadler):

H.R. 4563. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received for settlement of certain claims of Holocaust survivors; to the Committee on Ways and Means.

By Mr. RYUN:

H.R. 4564. A bill to amend the Internal Revenue Code of 1986 to provide that farm income may be allocated among taxable years; to the Committee on Ways and Means.

By Mr. TANNER:

H.R. 4565. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H. Con. Res. 326. Concurrent resolution permitting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela; to the Committee on House Oversight.

By Mr. GUTIERREZ:

H. Res. 534. A resolution congratulating Sammy Sosa of the Chicago Cubs for tying the current major league record for home runs in one season; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Ms. Pryce of Ohio.

H.R. 218: Mr. McIntosh and Mr. Pickett.

H.R. 979: Mr. Latham.

H.R. 2009: Mr. Sherman, Ms. Carson, Mr. Bunning of Kentucky, and Mr. Brown of Ohio.

H.R. 2351: Ms. McCarthy of Missouri.

H.R. 2537: Mr. Metcalf.

H.R. 2639: Mr. Lazio of New York.

H.R. 2697: Mr. Metcalf and Mr. McDade.

H.R. 2748: Mr. Pomeroy.

H.R. 2754: Mr. Delahunt, Mr. Serrano, and Mr. Forbes.

H.R. 2819: Mr. Weldon of Pennsylvania.

H.R. 2821: Ms. Eshoo and Mr. Barrett of Nebraska.

H.R. 2908: Mr. Mollohan and Ms. Pelosi.

H.R. 3855: Mr. Rogan, Mr. Martinez, Mr. Kennedy of Rhode Island, Mr. Bob Schaffer, Ms. Lofgren, Mr. Skaggs, and Mr. Sherman.

H.R. 3905: Mr. Weller.

H.R. 3925: Mr. Hinchey.

H.R. 4070: Mr. Reyes and Mrs. Capps.

H.R. 4071: Mr. Sandlin and Mr. Boyd.

H.R. 4213: Mr. Radanovich and Ms. Velázquez.

H.R. 4219: Mr. Olver.

H.R. 4238: Ms. Slaughter.

H.R. 4242: Ms. McCarthy of Missouri, Mr. Rothman, Mr. Mascara, and Mr. Fazio of California.

H.R. 4277: Mr. Nadler, Mr. Cooksey, and Mr. Baker.

H.R. 4297: Mr. Gekas, Mrs. Kelly, Mr. Sam Johnson of Texas, and Mr. Weldon of Florida.

H.R. 4303: Mr. Bob Schaffer.

H.R. 4330: Mr. Pickering.

H.R. 4339: Mr. Hulshof, Mr. Cramer, Mr. Costello, and Mr. Holden.

H.R. 4344: Mrs. McCarthy of New York, Mr. Moran of Kansas, Mr. Pomeroy, Mr. Evans, Mr. Minge, and Mr. Price of North Carolina.

H.R. 4362: Mr. Peterson of Minnesota and Mr. Kucinich.

H.R. 4370: Mr. Manton, Mr. Kanjorski, Ms. DeLauro, and Mr. Dickey.

H.R. 4395: Ms. Kilpatrick.

H.R. 4410: Mr. Neal of Massachusetts.

H.R. 4417: Mr. Bryant and Mr. McCrery.

H.R. 4449: Mr. Deal of Georgia, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, and Mr. Skeen.

H.R. 4450: Ms. Woolsey.

H.R. 4492: Mr. Dooley of California and Mr. Cook.

H.R. 4501: Mr. Cunningham, Mr. Hansen, Mr. Frost, and Mr. Meehan.

H.R. 4542: Mrs. Northup, Mr. Greenwood, Mr. Sununu, and Mr. Goss.

H.R. 4550: Mr. Solomon, Mrs. Myrick, and Mr. Levin.

H. Con. Res. 154: Mr. Brown of California.

H. Con. Res. 203: Mr. DeFazio.

H. Con. Res. 304: Mr. Lantos, Mr. Frank of Massachusetts, and Mrs. McCarthy of New York.

H. Con. Res. 317: Mr. English of Pennsylvania, Mr. Forbes, Mr. Hoyer, Mrs. Northup, Mr. Turner, and Mr. Christensen.

H. Res. 483: Mr. Markey and Ms. Norton.

H. Res. 519: Mr. Salmon, Mr. English of Pennsylvania, Mr. Christensen, and Mrs. Myrick.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 1: Page 3, line 8, insert after "individual" the following: "without the individual's consent".

EXTENSIONS OF REMARKS

TRIBUTE TO AID TO ARTISANS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, as Congress moves forward on consideration of the 1999 foreign operations budget, I would like to draw to your attention some of the highly successful international development programs of Aid to Artisans.

Aid to Artisans, headquartered in Norwalk, Connecticut, is a non-profit organization that offers practical assistance to artisans worldwide, working in partnerships to foster artistic traditions, cultural vitality, and community well-being. Through training and collaboration in product development, production and marketing, Aid to Artisans provides sustainable economic and social benefits for craftspeople in an environmentally sensitive and culturally respectful manner.

Over three years, Aid to Artisans developed with Armenia partners the Armenia Craft Enterprise Center (ACEC) under a USAID funded humanitarian assistance program. ATA product designers developed a line of children's sweaters, taught knitters how to create high quality products, and presented them to the U.S. market. Several U.S. businesses now have a reliable supplier and have benefited from importing beautiful new sweaters. Over 600 Armenia women, who were living on a $5 per month pension, have home businesses and are earning $50 per month. ACEC is now a sustainable for-profit business and has attracted outside capital.

In South America Aid to Artisans has had similar success. USAID's Microenterprise and Small Producer Support Project began investing in Peru's artisan sector in 1994. Aid to Artisans' role has been to train artisans in business skills, develop marketable products, and take the products to the New York International Gift Fair (NYIGF). At this trade show, ATA linked Peruvian businesses with American businesses. One New Hampshire company found a new supplier of hand-painted ceramics. Neiman-Marcus and Sundance catalogs ordered handmade pottery from Chulucanas, a northern Peruvian village where El Niño flooded their homes and washed some roads away. In four years American businesses have been assisted by USAID's investment, and over 6,000 jobs have been created in Peru.

In Africa Aid to Artisans has worked hard to promote product development. In a small village named Krofofrom, where there is no electricity, artisans have a long tradition of making brass objects for the tribal leaders of their country. Their technique of using lost-wax casting and recycled brass goes back to the past century. As local demand for their work decreased, unemployment rose, and the youth began to leave Krofofrom for the cities. Aid to Artisans, under USAID's Trade and Investment Program, was invited to work with the artisans. Quickly, new product lines of candleholders, napkin rings, art objects and decorative components for wood products were developed. The products have been introduced into the American market and U.S. importers have added them to their lines. Gumps catalog featured one of the votive candleholders. Today, there is full employment in Krofofrom, and entrepreneurs from the village are travelling on their own to international markets.

The value of organizations like Aid to Artisans can not be emphasized enough. With the help of our federal funding, Aid to Artisans plays an integral role in creating income and ultimately a better quality of life for disadvantaged artisans in developing countries.

IN HONOR OF RICHARD KOWALCHIK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the achievements of Richard Kowalchik, who has dedicated thirty years to government service.

Mr. Kowalchik has been an Ohio resident since 1942 when his parents moved to the Cleveland, Ohio area from Pennsylvania. He was educated in the Cleveland Public School System and earned degrees from both Ohio University and Western Michigan University.

On April 1, 1968, Mr. Kowalchik was hired as an Immigration Inspector with the Department of Justice, United States Immigration and Naturalization Service, in Cleveland Ohio. In 1973, he was promoted to the position of a Deportation Officer, where he served for over four years until he was selected as a Special Agent. In that Investigations Program, Mr. Kowalchik advanced to positions of Supervisory Special Agent, Senior Special Agent and Assistant District Director for Investigations. In 1989, he was promoted to Deputy District Director for the Cleveland District.

Through time and experience, Mr. Kowalchik earned respect and dignity from his coworkers. This respect and dignity earned him the right to serve on the Organized Crime Strike Force, working with the Department of Justice and the U.S. Attorney's Organized Crime Drug Enforcement Task Force. On August 31, 1998, Mr. Kowalchik retired as District Director and will be remembered in the workplace as a man of impeccable integrity and fairness.

My fellow colleagues, join me in honoring Mr. Kowalchik, a man who has benevolently dedicated and unselfishly given thirty years of service to the United States Immigration and Naturalization Service's Cleveland District.

A TRIBUTE TO ROSE CIOTTA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. LAFALCE. Mr. Speaker, I would like to call to the attention of our colleagues the extraordinary career of long-time Buffalo News reporter and columnist, Rose Ciotta, who will soon be departing for a new challenge, and I'm sure continued success, in Philadelphia. She will be receiving much-deserved recognition this weekend when the Buffalo Sailing Club honors her at its Last Chance Regatta.

Rose, a graduate of Bishop O'Hern High School and Syracuse University, began work for the News in June, 1977. Over the years she became one of the most highly regarded political and feature writers in Western New York. For the past eleven years, she has also written a weekly boating column that is a "must read" for all of the area's sailboat racers, in fact, for everyone who uses the great water resources of Lake Erie and Lake Ontario.

Rose Ciotta's contribution to the Buffalo waterfront cannot be overstated. Her columns have showcased the people and the events that make up our waterfront life and have served to make this great resource accessible and immediate to all of the residents of Western New York. Although an ardent sailboat racer herself, Rose's interests were eclectic, spanning two Great Lakes; two countries, the United States and Canada; and the Niagara River and Erie Canal, as well.

Rose Ciotta's special talent was in presenting the facts or history of an event in the words of those taking part. Her stories about boat races, lighthouse restoration, boating clubs, even legislation, always involved the people behind the operation. She brought glory to those who love the waterfront and never expected any recognition for their special contributions. These people are our neighbors and friends and Rose's interest in their accomplishments made the waterfront a place for all of us, in which we can all take pride.

Rose brought the waterfront to the people of Western New York in a way that no developer or policy maker could. She made it real; she made it fun; she made people care. Congratulations and thanks to Rose Ciotta as she leaves us for The Philadelphia Inquirer. She will be sorely missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NATIONAL INSTITUTE FOR METALWORKING SKILLS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. HOBSON. Mr. Speaker, I rise today to recognize the achievements of four individuals from my district and to support the work being done by the non-profit National Institute for Metalworking Skills, or NIMS.

Today, there are approximately 10,000 precision metalworking companies which provide key components for the global market and provide challenging and high-paying jobs for thousands of Americans. These Americans produce high-precision tools, dies, and moldings for industry, as well as the actual components for everything from automobiles to refrigerators.

NIMS has recognized the need for leadership in the development of a portable, measurable, and widely recognized skill standards curriculum to maintain the United States' international leadership in precision metalworking. At the same time, employees can continually improve their training and expertise, and in turn their marketability.

NIMS was founded in 1995 as a non-profit organization to support the development of a skilled workforce for the metalworking industry through the development of portable skill standards. These standards would be implemented by certifying training programs within the industry and within educational establishments to train employees and students to these new standards. NIMS is actively working with states, schools, and companies to form partnerships to implement this comprehensive employee training program.

I am especially proud that four constituents employed in Ohio's 7th Congressional District were the first in the nation to receive the National Skills Standards for Metal Stamping Level III certificates. I would like to recognize the achievements of George Anzek and Tim Conkel from Morgal Machine Tool Company, and Dave Buxton and Kevin Miller from Ohio Stamping and Machine Company. These individuals were recognized in an earlier ceremony in Ohio and were personally awarded these certificates by Ohio Governor George V. Voinovich. My sincere congratulations are extended to these four individuals.

I would like to enclose for the RECORD the following letter by the eight governors of the Great Lakes States. Metalworking is an important component of the economic life of the Great Lakes States, and they have agreed to work in partnership with NIMS to recognize the NIMS occupational standards.

Skill standards are really about unlocking the potential of employees, which makes sense for both employees and employers. The companies where these employees work, which are both based in my hometown of Springfield, Ohio, recognized the value of investing in their employees. Morgal Machine Tool Company and the Ohio Stamping Machine Company offer their employees skill training and performance related bonuses. By making significant and continuing investments in their employees training, they have demonstrated the value of these investments in human capital through consistent improvements in productivity.

I support these efforts to improve our nation's skilled workforce and look forward to the continued development and utilization of the NIMS skill standards model.

A TRIBUTE TO PENN STATE UNIVERSITY FOOTBALL COACH JOE PATERNO

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SHUSTER. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to an old friend who has accomplished something that only five other collegiate football coaches have been able to do in their careers, win 300 games. As a native of Brooklyn, New York and a graduate of Brown University, Joe Paterno came to the Pennsylvania State University 48 years ago and has become synonymous with the university over this time. On Saturday, September 12, 1998, Joe won his 300th game in his thirty-third year as head coach of the Penn State Football team. Joe Paterno exemplifies everything that is good about collegiate athletics without overshadowing the importance of academics. Under this tutelage, Penn State Football has won two national titles and had 29 first-team All Americans and 20 first-team academic All Americans. In addition, 23 of Joe's student-athletes have been chosen in the first round of the National Football League draft and 16 have been chosen for National Collegiate Athletic Association postgraduate scholarships. Joe has made many generous donations to the university, and appropriately a wing of the library has been named in his honor. These noble achievements by such an exceptional and humble man are not surprising. I know that Penn State University is grateful to have Joe as a key member of the university, and so am I. I applaud Joe's accomplishments and wish him the best as he leads Penn State towards a sixth undefeated season and winning another national championship, a goal that is never too far from Joe's reach.

HONORING THE MEMORY OF REVEREND DOCTOR RANDOLPH D. BROWN (1906–1998)

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the memory of Reverend Doctor Randolph D. Brown. A man of vision, devotion and tireless service to others in the spirit of God. A man who gave a voice to those who could not speak for themselves.

While in Michigan, Reverend Brown was paster of two churches. He was instrumental in building the First Baptist Church of Woodlawn Park, Michigan. He became pastor of the Mount Ollie Baptist Church in Brooklyn, New York on May 6, 1939. Pastor Brown has brought many people together in the family of God for the last forty-six years and six months. In the community he was known as the visionary and persuasive voice of the people.

Reverend Randolph D. Brown not only ministered from the pulpit, but also stood as a man of God that led by example. He served on the National Baptist Convention's Board of Directors for many years. He was one of the early members of the Board for the "Voice" Publications, the newspaper that is circulated throughout the National Baptist Convention, Inc. He held various offices in the Eastern Baptist Association.

Always outgoing and full of life, Reverend Brown was the most prominent pastor in the Brownsville Community of Brooklyn, New York during his ministerial tenure. He was called upon numerous times to negotiate on the behalf of The Baptist Churches in matters of dispute and controversy. He was a steady constant in a sea of change, for the betterment of mankind. He was a strong voice in the transition of Bethel Hospital to Brookdale Hospital. His input in the community was vital in brining into reality the now present Nehemiah Homes, and other similar housing developments. He facilitated relationships with the 73rd precinct to bring about an era of mutual trust and partnership.

The Reverend Doctor Randolph D. Brown was a dedicated pastor, loving father, true friend and an innovator and doer within his community. Those who knew him personally are thankful to have been blessed to have known such a man as Reverend Brown. Mr. Speaker, please join me in honoring the living memory of Reverend Doctor Randolph D. Brown.

IN HONOR OF THE 125TH ANNIVERSARY OF ST. PROCOP PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise to recognize the St. Procop Parish for its year long celebration of serving in the Cleveland Community for 125 years.

After the large migration of Bohemian people to Cleveland in the late 1800's, St. Procop was established to serve Czech Catholics living on the west side of Cleveland. Throughout the decades, St. Procop has provided a rich atmosphere of spiritual, social and educational growth to its members.

As an urban parish, the parishioners have a healthy sense of respect for tradition, a commitment to faith, and a friendly welcoming atmosphere for all people. For over a century, the St. Procop Parish has been a viable Catholic presence in the city and today still continues to convey it's mission of Christ.

As the St. Procop continues to be a Christ-centered, hope-filled community, the church perseveres to face the needs and challenges of the community through: celebrating, evangelizing, teaching, caring and participating.

My fellow colleagues, please join me in praising the St. Procop Parish, a diverse, charitable and caring parish dedicated to improving the community of Cleveland on their 125th anniversary.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on H. Res. 525, providing for release and review by the Committee on the Judiciary of a communication from Independent Counsel Kenneth Starr. Had I been present, I would have voted "nay" on final passage on this measure.

TRIBUTE TO NILES DELFOSSE

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to a great teacher, Niles Delfosse of Green Bay, Wisconsin.

I call Niles a teacher for the lessons he gives all of us about the strength of the human spirit. He is a U.S. Army combat veteran of the Vietnam War, and he knows a great deal about courage and sacrifice.

But on December 31, 1996, a drunk driver left Niles Delfosse a quadriplegic, the victim of a hit-and-run car accident. Niles spent over six months in the hospital recovering from the accident, and is now confined to a wheelchair with very limited use of his arms and legs.

Such a tragic event would undoubtedly shake any person's faith. Yet, Niles' friends tell me that he maintains a positive attitude that inspires everyone around him, every day.

And he leads by example. I am proud to report to you today that this past summer, Niles participated in the 18th National Veterans Wheelchair Games in Pittsburgh, Pennsylvania. This field of more than 600 athletes from 40 states, Puerto Rico and Great Britain is the largest annual wheelchair sports event in the United States, and is sponsored by the U.S. Department of Veterans Affairs and the Paralyzed Veterans of America.

Niles did not just compete in these games. He excelled. When the events were over, Niles took home a gold medal in the shot, and gold medal in the javelin, a gold medal in the discus, a gold medal in bowling, and a silver medal in the air guns. Five events, and he earned four gold medals and a silver. That is an amazing accomplishment. But it would be a great accomplishment, even if Niles did not take home a single medal. It is the competition and the will to succeed that marks Niles character, and his character is his true achievement.

Mr. Speaker, I know my colleagues join me to day is congratulating Niles Delfosse for his success and for the inspiration he gives us all, and we congratulate all of the participants in the National Veterans Wheelchair Games. Thank you, Niles.

HONORING SUSAN PENN FRENCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor an extraordinary individual, Susan Penn French of Houston, for her many years of leadership and dedicated service to children in the Houston/Harris County community and throughout the State of Texas.

On September 16, 1998, the National Network of Children's Advocacy Centers will award Susan Penn French the Volunteer Leadership-Individual Award for her efforts on behalf of sexually abused children. This award is very well deserved as Ms. French is a cofounder of The Children's Assessment Center in Houston, which is nationally and internationally recognized for its pioneering, child-focused approach to meeting the needs of sexually abused children.

Ms. French today serves as President of the Children's Assessment Center Foundation Executive Committee. She and Ellen Cokinos, the Executive Director of the Center, were the driving forces behind the establishment of the Center in 1991 to provide a more compassionate approach to assisting young victims of sexual abuse. Then the President of the Junior League of Houston, Inc., and a member of the Harris County Child Abuse Task Force, Ms. French spearheaded fundraising for the Center, while Ms. Cokinos worked to develop a new therapeutic model.

Together, these two leaders had the vision to conceive of the Center, the resourcefulness to build a remarkable partnership of public and private support, and the drive to get the job done. Their love for and understanding of children is evident in every aspect of The Children's Assessment Center.

The Center, the largest of its kind in the nation, combines the strengths of the public and private sectors and the support of many dedicated volunteers to meet the multiple needs of sexually abused children in the most compassionate and least traumatic way possible. It houses professionals from 10 partner agencies, encompassing children's advocates, law enforcement, and health care providers, to provide a coordinated, team response to protecting children. In addition to providing on-site medical and social services, the Center takes a pioneering approach to meeting law-enforcement needs that involves a single videotape by specially trained interviewers that allows the Center staff, law enforcement officials, social workers, prosecutors, and other partnering members to obtain necessary information without subjecting the child to additional trauma and questioning. This team approach to serving sexually abused children speeds recovery and improves the effectiveness of law enforcement.

From its inception as a program of Harris County Children's Protection Services, the Center has grown exponentially and now stands as its own department of Harris County Commissioner's Court. In a true public-private partnership, the Center receives half of its annual operating budget from Harris County and half from funds raised by its foundation through the generous contributions of corporations, foundations, and individuals. The federal government has been a partner as well, providing support through the Community Development Block Grant, Juvenile Justice and Delinquency Prevention, Foster Care Services, and Victims of Crime programs.

Susan Penn French has been critical to making The Children's Assessment Center what it is today. In addition to leading the initial fundraising, she served as Chair of the Center's first Board of Advisors. After the Center's opening, Ms. French created and developed the unique public/private funding structure, leading to the establishment of the independent, non-profit Children's Assessment Center Foundation.

As President of the Foundation and chair of its capital campaign, Ms French spearheaded a successful drive to raise $10.25 million to build a new, 53,000-square foot, state-of-the art facility to house The Children's Assessment Center. First Lady Hillary Rodham Clinton cut the ribbon to open the new facility in March of this year, using the occasion to pay tribute to the Center's pioneering work and Ms. French's leadership in helping sexually abused children.

Ms. French's work on behalf of children is not limited to the Children Assessment Center. Since 1990, she has advocated on behalf of abused children access Texas by serving as a Board Member of Texas Court Appointed Special Advocates for Children. From 1994 to 1996, she served as president of this organization, which appoints advocates for abused children as they progress through the system. She also serves as a board member of Children's Advocacy Centers of Texas, Inc., chairing their Public Relations Committee.

Mr. Speaker, Susan Penn French is highly deserving of this recognition, and I am pleased to join the National Network of Children's Advocacy Centers, The Children's Assessment Center, Susan's husband, Layne, and their Children, Rebecca an Layne, Jr., in honoring her today for her commitment to serving our nation's most vulnerable citizens and her many accomplishments on their behalf.

COMMEMMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. POMEROY. Mr. Speaker, I rise in strong support of H. Res. 459, a resolution commemorating 50 years of relations between the Untied States and the Republic of Korea. I want to personally thank Congressman GILMAN, the sponsor of the legislation, for his work on this issue.

Since the liberation from colonial Japanese rule and the end of the Korean War, the United States has been a staunch supporter of Korea. During the cold War era, Korea played a key role in impeding the spread of communism around the world. Korea has demonstrated through its own successful transition to democracy that cooperative efforts have been beneficial. Last year, Korea was on the verge of national financial turmoil, but, instead of falling into a depression, it started to rise again with the assistance and cooperation of the Untied States. It is with respect that we commemorate 50 years of close relations between our countries.

As a father of two adopted children from Korea—Kathryn and Scott—I understand how closely connected Korea is with us. Koreans and Americans have formed a brotherhood, uniting in our common interests and values, which includes the welfare of our children. As we continue pursuing even stronger bilateral relations, Congress should play a positive role in promoting our relations with Korea. I urge my colleagues to support this resolution.

CONGRATULATIONS TO SHARP REES-STEALY ON THEIR 75TH ANNIVERSARY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BILBRAY. Mr. Speaker, in 1923, Time magazine published its first issue, Amelia Earhart received a pilot's certificate, Walt and Roy Disney began a movie studio, and two San Diego physicians joined together to establish the area's first multi-specialty group practice.

The two physician/surgeons, Clarence Rees, M.D. and Clair Stealy, M.D., believed that patient care would be enhanced if doctors representing multiple specialties worked together. Now, 75 years later, Sharp Rees-Stealy Medical Group is one of the largest multi-specialty groups in Southern California.

In 1923, combining specialties was a bold act, but physicians who joined Rees-Stealy soon learned they were able to collaborate with colleagues from other specialties, vastly improving the diagnostic process and providing comprehensive, efficient and thorough patient care in a cost-effective manner. Because of this, Sharp Rees-Stealy became the official physicians for local schools, the police and fire departments and other civic organizations in addition to serving thousands of San Diegans.

With the group's unique position in the community, Dr. Stealy initiated the first citywide physician referral service for patients and the first (and largest until 1966) medical library in San Diego. He was also instrumental in starting a teaching service at what was then County Hospital, and was a founding member of the American College of Physicians. Dr. Rees was the first member of the American College of Surgeons west of the Mississippi.

Both doctors placed a premium on research as well, establishing the Rees-Stealy Medical Research Foundation in 1938.

In 1976, the first satellite office opened in Mira Mesa, and in 1983, the McCausland-Robinson Medical Clinics of Chula Vista merged with Rees-Stealy.

In 1985, the medical group took another bold step into the future of health care by affiliating with Sharp HealthCare, creating the Sharp Rees-Stealy Medical Group. This joint venture was the first of its kind in San Diego and attracted national attention.

Today, the tradition of quality and caring continues. Sharp Rees-Stealy now has 14 San Diego County locations with more than 280 physicians representing virtually every field of medicine. Sharp Rees-Stealy is one of the few providers who allows its HMO patients to refer themselves to some of its specialists. Patients also have access to 24-hour health care advice, same day primary care appointments, and urgent care centers to deliver care whenever their patients need it.

While times have changed over the last 75 years, the doctors and staff at Sharp Rees-Stealy still believe in old-fashioned quality care with a personal touch. I know that my congressional colleagues will join me in congratulating them on their incredible record and wish them the very best for the next 75 years.

PROFESSOR LARRY HEIMGARTNER

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. ROHRABACHER. Mr. Speaker, I am pleased and honored today to address the House regarding Professor Larry William Heimgartner.

For the past twenty-five years, Mr. Heimgartner has served as a distinguished faculty member of the Los Angeles Harbor College Humanities and Fine Arts Division. He has been a tireless, dedicated professional, who has had a profound impact on the thousands of students who have come under his influence as a mentor, advisor, confidant, counselor and teacher.

Professor Heimgartner is an accomplished playwright, director, and producer. Over the course of his tenure at Harbor College he has written, produced and directed many original theatrical productions, including the one man show "Abraham Lincoln"; the Broadway musical "Grab the Ring"; a musical adaptation of "Alice in Wonderland"; and "Bigger Than Bubblegum," a musical portrayal of the life and times of the 1970's pop group The Emotions.

Professor Heimgartner has long directed his considerable talents and energy toward the education of children. He has written, produced, and directed a series of musical "plays with a moral" for children. These plays are presented annually as a part of the U.S. Marine Corps' "Toys for Tots" program, and as a feature of Harbor College's Summer Children's Theater events. He has also presented "America's Youth," which addresses the challenges confronting our children today, and "Don't Get Too Close," a hard-edged presentation regarding the dangers of AIDS and HIV.

Professor Heimgartner is an educational innovator. He has developed and instituted a variety of laudatory programs for the benefit of his students and the community. He has conducted study programs in Europe through a cooperative exchange program with England's Barnsley College, directed interactive teleconferencing sessions in the state, nation and in the international community, and introduced the More Opportunities for the Developmentally Disabled program. The MODD Squad, as the professor calls it, is an innovative program which provides opportunities for people with disabilities to participate in the College's original dramas.

Larry William Heimgartner is an esteemed and respected faculty member of Harbor College. He is the recipient of the Eugene Pimentel Award for Teaching Excellence, and has been named in Outstanding Young Men of America. As an alumnus of Harbor College, it is with great personal pride that I express my thanks and good wishes to Professor Heimgartner on the occasion of his twenty-fifth anniversary with the College. He is an example of the best of America.

IN HONOR OF JOHN H. BRADLEY

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, later this month, on September 27, 1998, the National Funeral Directors Association will officially dedicate their new headquarters building in Brookfield, Wisconsin. On that day, they will honor and remember a very special man, John H. Bradley of Antigo, Wisconsin. He was a beloved husband and father, a committed community leader, a respected church member, and a funeral director by profession.

When John Bradley passed away in 1994, he left his family and all of his many friends in Antigo with memories of a lifetime of loving concern and head work. They will undoubtedly never forget him.

But there is another reason why John Bradley will never be forgotten. It is the result of a relatively short period in his life when he served his country when the world was at war. It is, not incidentally, a time in his life of which, I am told, John Bradely rarely spoke. I assure you that every day, just a short walk from our Nation's Capitol, thousands of Americans remember and salute him every day. Because John Bradley was one of six Marines who bravely thrust the American Flag into the soil of Mount Suribachi on the Pacific island of Iwo Jima on February 23, 1945. With that one act, John Bradley and his countrymen symbolized this country's fighting spirit and our willingness to sacrifice for freedom and democracy the world over. The planting of our Flag on that day is burned in our nation's history, and it has been rightfully commemorated as the Marine Corps War Memorial today. The valor of those six men has earned the respect of every U.S. citizen who has come after them.

We should always remember that crucial 36-day assault in 1945 on Iwo Jima. Securing the island was vital to our country's position in the Pacific during World War II, but the toll was immense. When the last short was fired, 6,821 Marines gave their lives to the effort, and greater than 20,000 more suffered casualties so that the United States could succeed and freedom could prosper. In the long and venerated history of the Marine Corps, Iwo Jima was the only battle where Marines took more casualties than the enemy.

John Bradley took home the Navy Cross—our country's second highest award for bravery—for his actions at Iwo Jima. As a medical corpsman, he earned the medal for rushing to the aid of two injured Marines, and then protecting them with his body while he treated their wounds. His care for his fellow country men is even more significant because Bradley himself had been shot through both legs just moments before.

How can our Nation every repay the enormous sacrifice made by John Bradley and every other serviceman during those torturous battles? we can only come close by honoring their valor and preserying a democracy worthy of their effort.

Mr. Speaker, as a veteran myself, I know my colleagues will join me today in saluting the full life of John Bradley, and his entire family for making Wisconsin and making this country a truly better place.

SAN DIEGO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL 1998 JOHNS FELLOWSHIP AWARDEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize John Fee as he is honored by the San Diego County Building & Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet for his contributions to the labor movement, his community and to the nation.

John Fee, a Chicago native, has been an active and involved member of his community since early in his life. In high school, he participated in the football and cross country athletic programs, and, at age seventeen, he enlisted in the United States Navy. Fee's twenty year career in the Navy involved operation and maintenance of Naval nuclear power plants and service on nuclear submarines, cruisers and aircraft carriers. It was during his service in the Navy that he earned an undergraduate degree in Mechanical and Nuclear Engineering and a Masters in Business Administration.

John is an avid traveller and has visited every continent. He planted a U.S. flag during a visit to the North Pole and assisted the Russian Government with building a nuclear power plant.

Following his retirement from the Navy in 1984, John went to work at the San Onofre Nuclear Generating Station (SONGS) in San Diego County and currently serves as its Maintenance Manager. John is responsible for maintenance of the dual reactor plants and supporting systems, and in this capacity, has developed a close relationship with members of the San Diego Building and Construction Trades by relying on them for their skills and expertise.

John has been instrumental in improving the safe working conditions at the SONGS site and has kept the interest of the building trades membership balanced with the multitude of challenges as the electric utility industry goes through the process of deregulation.

John Fee exemplifies the high values, standards and principles of the work of the late John S. Lyons in community service and it truly deserving of the San Diego County Building and Construction Trades Council's 1998 Johns Fellowship Award.

AZERBAIJAN ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SMITH of New Jersey. Mr. Speaker, on October 11, presidential elections will take place in Azerbaijan. At the moment, the leading opposition parties are boycotting the election, largely because of continuing disagreements with the government over the composition of the Central Election Commission. They have embarked on a series of rallies and demonstrations, and the atmosphere in Baku has become quite tense. In fact, Reuters has reported from the opposition that about 100 people were hurt on Saturday during a long rally in the capital's city center.

The National Democratic Institute (NDI) has observers in Azerbaijan in preparation for the October election. According to NDI's statement, "NDI representatives witnessed the attempts of political parties to conduct a publicly-announced rally. The rally was obstructed by police and others who used violence against the demonstrators to prevent a public gathering and disperse them . . . NDI condemns the use of violence by police and others against demonstrators. Such actions violate the Azerbaijani Constitution's guarantees of the rights of free assembly and expression. They raise substantial doubts about whether the official respect for law and dissent that are indispensable for democratic elections exist in Azerbaijan."

Against this background, five Members of the Helsinki Commission, of which I am Co-Chairman, recently sent a letter to President Aliev, urging him to continue talks with the opposition and find a formula that would permit broad participation in the election. I would like to enter the full text of that letter into the RECORD.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, August 25, 1998.

His Excellency HEYDAR ALIEV
President, Republic of Azerbaijan, Baku, Azerbaijan

DEAR MR. PRESIDENT: The Helsinki Commission has been closely monitoring the preparations for the October 11 presidential election in Azerbaijan. This election is particularly significant and will have major ramifications both on your country's democratization and on the prospects for peace in the Caucasus region.

After years of mutual suspicion and recriminations between the government and the opposition, the upcoming election offers a chance for reconciliation and the establishment of much-needed consensus within Azerbaijani society. An election deemed free and fair by Azerbaijanis and international observers will endow the government with unquestioned legitimacy and help to undo the consequences of the flawed parliamentary election of November 1995.

Moreover, a process of government-opposition reconciliation in Azerbaijan is essential to facilitate a resolution of the Nagorno-Karabakh conflict. Though the 1994 cease fire remains in effect, the peace process, unfortunately, has bogged down. In order to restart the negotiations, the parties to the conflict will have to make difficult choices, which will not be politically feasible without strong backing from their electorates.

It is therefore all the more regrettable that major Azerbaijani opposition parties have not found it possible to take part in the election. We recognize that the election law originally passed by parliament, which the opposition found unacceptable, has been substantially modified over the last few months, with input from experts at the OSCE/ODIHR and the National Democratic Institute. Various demands put forward by the opposition have been met. Particularly important was the recent announcement of the abolition of censorship, which, we hope, will be consistently implemented, and will, in fact, signal the end of all political censorship in Azerbaijan.

We commend your willingness to make these changes in the law, and your pledge to hold free and fair elections, in accord with OSCE commitments. Nevertheless, the opposition boycott remains in effect, primarily because of continued differences over the composition of the Central Election Commission. A presidential election without the leading opposition parties—no matter how many other candidates take part—will not promote stability to resolve the most pressing issues facing Azerbaijan at this historic juncture. With the election now less than two months away, very little time remains to reach agreement. We urge you to redouble your efforts and continue the negotiations which your representatives have already begun with opposition leaders to find a mutually acceptable formula that will permit broad participation in the election.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Co-Chairman.
FRANK R. WOLF, M.C.,
Commissioner.
BENJAMIN L. CARDIN, M.C.,
Commissioner.
ALFONSE D'AMATO, U.S.S.,
Chairman.
STENY H. HOYER, M.C.,
Ranking Member.

TRIBUTE TO EDWARD C. SMITH

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. COBLE. Mr. Speaker, the American Dream is alive and flourishing. If you do not believe it, just examine the life of Eddie Smith of Lexington, North Carolina.

Eddie celebrated his 80th birthday on September 13, with 400 friends, dancing to the beat of his favorite beach music. Smith might be one of the few octogenarians around who scuba dives, races Ferraris, and flies his own plane.

Eddie Smith was born in Wake County, North Carolina. Orphaned at the age of 10, he was brought to Lexington with his sister and two brothers to live at the Junior Order Orphanage. After graduation in 1937, he remained in Lexington where he began working as an usher at the Carolina Theater, and it was there that he met his future wife, Sarah Lanier.

After his job at the Carolina Theater, Eddie drove a taxicab before starting his own business, National Wholesale Company in 1952. As his business prospered, Eddie shared his good fortune with the community that helped to raise him. He has served as Mayor of Lexington, on the City Council, as Chairman of the Chamber of Commerce, Chairman of Davidson County Community College, Chairman of First Union National Bank, and Chairman of Lexington Memorial Hospital.

An eternal optimist and visionary, Smith refused to see the old Carolina Theater become a pornographic theater and led an effort to restore the building and create one of the most beautiful Civic Centers in our state. He has been Chairman of the Civic Center, which is named in his honor, for 20 years. He is presently chairing a fund drive to further renovate the Civic Center to make it a state-of-the-art facility.

An inveterate jogger, Smith found a woman in the street, on one of his early morning jogs, who had run away from an abusive husband during the night after being severely beaten. After hours of trying to find a shelter for this woman, he realized that there was a tremendous need in Davidson County for a Domestic Violence Shelter and spear-headed the effort to establish Family Services of Davidson County. This organization assists hundreds of abused families each year.

Through the Edward C. Smith Foundation, he has given many young people the opportunity to earn the college education which he never had. He is an avid supporter of the University of North Carolina at Chapel Hill where both of his children graduated. Eddie Smith, Jr., lives in Greenville, North Carolina, and is Chairman and CEO of Grady-White Boats. Lynda Smith Swann lives in Lexington and is co-owner of the National Wholesale Company. Eddie was married to his wife, Sarah, for 58 years until her death on January 24, 1998. He has 3 grandchildren and three great grandchildren.

A colleague once described Eddie Smith's life in this way. "Eddie Smith has been richly blessed by God, and he has chosen to use his blessings to bless others." These are just a few examples of the tremendous contribution that Eddie Smith has made during his 80 young years. I want to take this opportunity to wish Eddie a happy 80th birthday and to thank him for his many years of service to the citizens of North Carolina. Without a doubt, Eddie epitomizes what our forefathers envisioned when they established this great country over 200 years ago.

TRIBUTE TO THE 40TH ANNIVERSARY OF OUR LADY QUEEN OF ALL SAINTS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BONIOR. Mr. Speaker, today I would like to recognize a parish that has dedicated four decades to the service of God and community. On Sunday, August 23, 1998, Our Lady Queen of All Saints will celebrate its anniversary.

Located in Roseville, MI, Our Lady Queen of All Saints has been a center of religious and social activity for 40 years. During those years, the congregation of Our Lady Queen of All Saints has joyfully celebrated Christmas and Easter, baptisms and weddings, while lending a warm shoulder to those suffering. Our Lady Queen of All Saints has been a faithful friend to all who have walked through the front doors.

When the parish was founded in 1958, the church service was held in a rented store front on Utica Road in Fraser, MI. Since then, a new church has been built and 1,300 families have joined the parish. The clergy and membership have given their time and talents to serve God and their community.

Our Lady Queen of All Saints has been the center of many people's lives for 40 years. Although history and time has changed the congregation, the spirit of the church has remained strong. I would like to personally congratulate the parishioners on this historic milestone. Best wishes in the next 40 years.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HYDE. Mr. Speaker, I submit, for inclusion in the CONGRESSIONAL RECORD, the following two letters exchanged between myself and BILL ARCHER, Chairman of the Committee on Ways and Means, regarding H.R. 2281, the "Digital Millenium Copyright Act."

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
July 22, 1998.

HON. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: Thank you for your letter of July 21 in which you address the jurisdiction of the Committee on Ways and Means as it relates to H.R. 2281, the "WIPO Copyright Treaties Implementation Act and Online Copyright Infringement Liability Limitation Act," as reported from the Committee on the Judiciary.

Based on the jurisdiction of the Committee on Ways and Means in certain provisions contained in H.R. 2281 which are described in your letter, the Speaker of the House referred sequentially the bill to that Committee for consideration.

Your understanding is correct regarding the amendment to section 337 of the Tariff Act of 1930 contained in section 103 of the bill. Representative Coble, Chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, will be offering a manager's amendment which will strike from the bill the portion of section 103 adding a new section 1201(c) to title 17.

Your understanding is also correct regarding the import ban contained in section 103 of the bill. The bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization Treaty.

I appreciate your determination that a markup in the Committee on Ways and Means is unnecessary in light of the foregoing and agree that the absence of such a markup should not prejudice that Committee's jurisdictional prerogative on the measures described in your letter.

I would be pleased to place a copy of your letter, along with this response, in the Congressional Record during floor consideration of H.R. 2281. Thank you for your valuable input and cooperation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS
July 21, 1998.

HON. HENRY J. HYDE,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to address certain issues with respect to H.R. 2281, as reported by the Judiciary Committee on May 18, 1998. The bill contains an amendment to section 337 of the Tariff Act of 1930 as well as an import ban, both of which fall within the jurisdiction of the Committee on Ways and Means.

With respect to the amendment to section 337, section 103 of H.R. 2281, as reported by the Judiciary Committee, amends Title 17, United States Code, by adding a new section 1201(c) which makes the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure subject to action under section 337 of the Tariff Act of 1930. However, the underlying framework of section 1201, in terms of actionable conduct, affected parties, and available remedy, is not compatible with the structure of section 337. In light of this inconsistency, I understand that you will be offering an amendment, as part of a manager's amendment, to strip from the bill the portion of section 103 adding a new section 1201(c) to Title 17.

With respect to the import ban, section 103 of H.R. 2281, as reported by the Judiciary Committee, adds a new section 1201 to Title 17, United States Code, to prohibit the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure; section 103 also adds a new section 1202 to prohibit the importation of any product that has had its copyright management information removed or altered. Because these import ban provisions fall within the Committee's jurisdiction, the Committee would ordinarily meet to consider the bill. However, the bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization treaty.

Based on your assurance to this effect, and in order to expedite consideration of this legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary on either of these issues. However, this is only being done with understanding that it does not in any way prejudice the Committee's jurisdictional prerogative on this measure or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2281, and would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration. Thank you for your cooperation and assistance on this matter.

With best personal regards,

BILL ARCHER,
Chairman.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 15, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

9:30 a.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine anti-drug interdiction efforts.

SH–216

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the National Cancer Institute's management of radiation studies.

SD–342

Rules and Administration

To hold hearings to examine issues with regard to the proposed renovation of the United States Capitol dome and the Dirksen Senate Office Building.

SR–301

United States Senate Caucus on International Narcotics Control

To hold joint hearings with the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism to examine anti-drug interdiction efforts.

SH–216

10:00 a.m.

Rules and Administration

To resume hearings on S. 2288, to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications.

SR–301

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SR–485

2:00 p.m.

Environment and Public Works

To hold hearings on S. 1576, to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, focusing on the use of methyl tertiary-butyl ether in gasoline.

SD–406

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine a General Accounting Office report on high performance computers.

SD–342

Judiciary

Immigration Subcommittee

To hold oversight hearings on the implementation of the Immigration and Naturalization Service and proposed reform issues.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.

SR–253

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

SEPTEMBER 17

9:00 a.m.

Environment and Public Works

To hold hearings on the General Services Administration's fiscal year 1999 capital investment and leasing programs, the fiscal year 1999 courthouse construction requests of the Administrative Office of the United States Courts, and proposed legislation relating to public buildings reform.

SD–406

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Department of Commerce involvement in the transfer of satellite technology to China.

SR–253

Energy and Natural Resources

To hold hearings on the nominations of Gregory H. Friedman, of Colorado, to be Inspector General, Department of Energy, Charles G. Groat, of Texas, to be Director of the United States Geological Survey, Department of the Interior, and T.J. Glauthier, of California, to be Deputy Secretary of Energy.

SD–366

10:00 a.m.

Budget

To hold joint hearings with the Committee on Foreign Relations' Subcommittee on International Operations to examine Department of State management and budget issues.

SD–419

Foreign Relations

International Operations Subcommittee

To hold joint hearings with the Committee on the Budget to examine Department of State management and budget issues.

SD–419

Governmental Affairs

To hold hearings on the nominations of Kenneth Prewitt, of New York, to be Director of the Census, Department of Commerce, and Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency.

SD–342

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To hold hearings to examine professional developments incorporating advances and teaching.

SD–430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on miscellaneous bills, including S. 1175, S. 1641, S. 1960, S. 2086, S. 2133, S. 2239, S. 2240, S. 2241, S. 2246, S. 2247, S. 2248, S. 2285, S. 2297, S. 2309, S. 2401, and H.R. 2411.

SD–366

SEPTEMBER 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).

SR–253

10:00 a.m.

Veterans' Affairs

To hold hearings to examine the quality of care in the VA health care system.

SR–418

SEPTEMBER 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine public and private forestry issues.

SR–328A

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by a hearing on H.R. 1833, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.

SD–562

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine United States commercial space launch industry activities.
SR-253

SEPTEMBER 24

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to examine recent Midwest electricity price spikes.
SD-366

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD-342

SEPTEMBER 29

10:00 a.m.
Armed Services
To hold hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy.
SH-216

SEPTEMBER 30

9:00 a.m.
Indian Affairs
To hold hearings on H.R. 1805, to amend the Auburn Indian Resoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.
SR-485

OCTOBER 1

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Forest Service cabin fees.
SD-366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 24

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD-366

SENATE—*Tuesday, September 15, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, the psalmist's words serve as our motto for today. "This is the day which the Lord has made. I will rejoice and be glad in it."—Ps. 118:24. You have all authority in heaven and on earth. You are sovereign Lord of our lives and of our Nation. We submit to Your authority. We seek to serve You together here in this Chamber and in the offices that work to help make the Senators' deliberations run smoothly. We commit to You all that we do and say this day.

Make it a productive day for the Senators. Give them positive attitudes that exude hope. In each difficult impasse, help them seek Your guidance. Draw them closer to You so that, in Your presence, they can rediscover that, in spite of differences in particulars, they are here to serve You and our beloved Nation together. In our Lord and Saviour's Name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of the Interior appropriations bill, with Senator Bumpers being recognized to offer an amendment related to mining.

The Senate will recess from 12:30 until 2:15 to allow the weekly party conferences to meet. Following the conferences there will be 10 minutes for closing remarks in relation to the Bumpers amendment. At the expiration of that time, approximately 2:25 p.m., the Senate will proceed to a vote on or in relation to the amendment.

Following that vote, the Senate will continue consideration of the Interior bill. Members are encouraged to offer and debate amendments during Tuesday afternoon's session so the Senate can make good progress on the Interior bill. The Senate may also consider any other legislative or executive items cleared for action.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business. The distinguished Senator from Massachusetts, Senator KENNEDY, is recognized.

Mr. KENNEDY. Mr. President, we are in morning business. The amount of time has not been designated, but I yield myself 6 minutes. Then, if there are others from our side who wanted to speak, we would move ahead, if that is agreeable.

Mr. MURKOWSKI addressed the Chair.

Mr. KENNEDY. I am glad to yield to the Senator from Alaska.

Mr. MURKOWSKI. From the standpoint of procedure, I would be pleased if I could be recognized after the distinguished Senators who are seeking recognition. Senator KENNEDY is. Is the Senator from California seeking recognition?

My point is, if I could be third after her?

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

THE SURPLUS IS SOCIAL SECURITY

Mr. KENNEDY. Mr. President, the proposals by House Republican leaders to spend a major portion of the projected budget surplus on tax cuts for the wealthiest citizens gives new meaning to the word "irresponsible." Any such cut would rob Social Security recipients of the retirement benefits they have earned and deserve. Yet the House Republicans want to spend this "surplus" before it even materializes, in an election eve vote-buying scheme of massive proportions. Every Senator on both sides of the aisle who is serious about preserving Social Security for future generations has a duty to reject these outrageous proposals.

Before we spend it, wouldn't it be wise to at least ask where this projected surplus comes from? The answer is clear—and shocking in its meaning. Ninety-eight percent of the ten-year surplus projected by the Congressional Budget Office comes from the Social Security Trust Fund. The issue is not whether we should use the surplus to "save Social Security," the surplus is Social Security. Using those dollars to pay for anything other than retirement benefits for future Social Security recipients would be an act of political grand larceny. The victims would be those hard-working men and women who are counting on Social Security to protect them in their retirement years.

The term "surplus," as it is used in the budget debate, means only that the total amount of revenue received by the Federal Government in a particular year exceeds the total amount that the government will spend in that year. In the current fiscal year, for the first time since 1969, the Federal Government will take in more dollars than it spends. But this so-called "surplus" does not take into consideration any future financial obligations of the Government, such as the obligation to pay Social Security benefits to retirees in the future. The surplus is not extra money which Congress can spend on any worthy cause. It is money which must be set aside to pay those future obligations.

The overall surplus is equal to the surplus in the Social Security Trust Fund minus the deficit in the rest of the government. When Social Security reserves are removed from the calculation, the surpluses over the next seven years evaporate. Budget deficits continue through fiscal year 2001, followed by four years of roughly balanced non-Social Security budgets. Not until 2006 does any meaningful surplus appear without counting Social Security reserves.

The Congressional Budget Office has projected a surplus of $1.55 trillion over the next ten years. Of that amount, $1.52 trillion—98%—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on Social Security Trust Fund during that period.

Every one of those dollars will be needed to honor our commitment to future retirees. Only $31 billion of the ten year projected surplus—an average of $3 billion a year—is not already committed to meeting future Social Security obligations, and that amount could easily disappear with only a slight shift in the economy.

A $520 billion surplus is projected over the next five years, and it is composed entirely of Social Security reserves. In fact, if Social Security reserves are not included, there would actually be a deficit of $137 billion during this period. There is no surplus for Congress to spend over the next five years—none at all.

Despite these facts, House Republican leaders repeatedly call for using a major portion of this so-called surplus for tax cuts. Originally, they proposed that half the surplus—over $700 billion—be spent on tax cuts. These Republicans had the gall to brag that they would devote the other half to Social Security. Majority Leader DICK

ARMEY boasted that this is "a big, big step in the direction of saving Social Security." Nonsense. Congressman ARMEY's suggestion is the equivalent of a banker embezzling half the money he was entrusted with, and boasting that he did not steal it all.

Now we hear from Speaker GINGRICH that House Republicans will only seek a tax cut of $70 to $80 billion this year, but intend to pass a much larger one next spring. He acknowledged that "virtually all of it" would be paid for with dollars taken from the surplus. The intent of these Republican schemes is clear—it is to rob Social Security in order to pay for tax cuts going disproportionately to the wealthiest citizens.

Whether the Republicans take one giant bite, or several smaller ones, out of the surplus, the result will be the same—a dramatic weakening of Social Security. The entire $1.52 trillion belongs to the Social Security Trust Fund. It is being raised to pay for retirement benefits—and any diversion of any portion of those funds is wrong.

Congressman KASICH, the House Budget Chairman, offered an interesting variation on this Republican theme. He has suggested that the interest earned on reserves in the Social Security Trust Fund does not belong to Social Security, and should be used to finance tax cuts. That too is absurd. "I only stole the interest" is hardly a legitimate defense for a person charged with embezzlement.

The interest earned on the reserves is clearly part of the Social Security Trust Fund, just as interest earned by a private citizen's bank account is part of that account and part of the citizen's income. All of the reports issued by the Social Security actuaries on the state of Social Security finances reflect these interest earnings. Pension funds, bank accounts, and other assets earn interest, and so does the Social Security Trust Fund. Using the interest earned on the Social Security Trust Funds to finance tax cuts would consume hundreds of billions of dollars that otherwise will be used to help restore the financial integrity of Social Security over the long term. If the interest earnings are removed from the trust fund, Social Security's financial problems would become much greater.

If Social Security reserves are not available for the Trust Fund in the future because they have been used to pay for tax cuts, then it is clear that benefit cuts or large payroll tax increases will be inevitable for Social Security. What we call the "surplus" is actually dollars raised expressly for the purpose of paying Social Security benefits to the men and women of the baby boom generation when they retire. Every dollar which we divert today to finance irresponsible tax cut schemes will only expand the gap between the future retirement benefits owed by Social Security and the resources available to meet those obligations.

Social Security is fundamentally sound. Unless Congress makes the current problems worse, harsh benefit cuts will not be necessary to insure its long-term solvency. It is essential that the current benefit structure be preserved. For two-thirds of our senior citizens, Social Security benefits represent more than half of their annual income. Social Security has dramatically reduced the poverty rate among older Americans. We cannot allow that guaranteed benefit to be undermined. No action by Congress would threaten those benefits more than recklessly spending a large portion of the Social Security Trust Fund for irresponsible tax cuts.

The surplus belongs to Social Security—all $1.5 trillion of it. We are not free to spend it for other purposes. The Republican assault on Social Security is unconscionable. We must preserve it for future generations, not spend it recklessly on tax cuts now.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator only has 7½ minutes.

Mrs. FEINSTEIN. I will try to do it in 7½ minutes. I thank the Chair.

GAO STUDIES FIND MAJOR PROBLEMS WITH CUSTOMS' ANTI-DRUG ENFORCEMENT PROGRAMS

Mrs. FEINSTEIN. Mr. President, I rise to bring this body's attention to a number of very serious problems that have now been documented in the U.S. Customs Service's drug enforcement efforts at ports of entry on the Southwest Border.

Back in March 1996, I asked the General Accounting Office to investigate the continuing influx of drugs entering our country across the border with Mexico, and the inability or unwillingness of the Customs Service to effectively address the problem. I was especially concerned about reports that trucks loaded with drugs were coming into the country without inspection by Customs.

The investigation by the GAO over the past 18 months has now confirmed my long-standing concerns that there are major weaknesses in several Customs' programs that were supposed to help separate so-called "low-risk" Mexican cargo shipments from those that are of higher drug smuggling risk.

These programs were intended to help expedite the processing of cargo by companies with no previous involvement in narcotics smuggling, which had been thoroughly checked so authorities could focus on other shipments considered to be of significant risk of drug smuggling.

The problems uncovered by the GAO's 18-month investigation are, by themselves, cause of serious concern. But what is also disturbing, is that the flow of large amounts of drugs through our ports of entry has apparently continued even while the GAO was conducting its research.

Four reports in all have been issued by the GAO:

Customs Service: Information on Southwest Border Drug Enforcement Operations (GAO/GGD-97-173R, Sept. 30, 1997).

Customs Service: Process for Estimating and Allocating Inspectional Personnel (GAO/GGD-98-107, April 30, 1998).

Customs Service: Drug Interdiction: Internal Control Weaknesses and Other Concerns With Low-Risk Cargo Entry Programs (GAO/GGD-98-175, July 31, 1998).

Customs Service: Internal Control Weaknesses Over Deletion of Certain Law Enforcement Records (GAO/GGD-98-187, August 21, 1998)

The August 1998 report was particularly troubling and I sent a letter to Treasury Secretary Robert Rubin on August 17, 1998, asking for his response. To date, I have not heard back from him. I am also including a copy of this letter in the record.

The problems identified in Customs' drug enforcement efforts at three cargo inspection facilities (Loredo, Texas; Nogales, Arizona; and Otay Mesa, California) have been occurring during a time when the North American Free Trade Agreement has stimulated significant increases in commercial trade.

The increased trade generated by NAFTA has resulted in significant expansion of opportunities for drug trafficking organizations. This is largely because of the excellent "cover" commercial trade activity provides, according to a report issued by Operation Alliance, a federally sponsored drug enforcement coordinating agency in El Paso.

The Operation Alliance Report clearly describes the ways in which drug smugglers are exploiting increased trade. Let me cite just a few examples of how drug traffickers are taking advantage of the increased trade generated by NAFTA:

Traffickers are making extensive use of "legitimate" systems for moving drugs into the United States by becoming thoroughly familiar with Customs documents, procedures and processes.

Traffickers are also becoming involved with well-known legitimate trucking firms that would be less likely targets of law enforcement scrutiny.

Known drug traffickers are also involved as owners or controlling parties in other commercial trade-related businesses to assist in the storage and transportation of drugs, such as semitrailer manufacturing companies, railroad systems, factories, distributing companies and warehouses.

Some traffickers have sought trade consultants to determine what merchandise moves most quickly across the border under NAFTA rules.

Against this backdrop of traffickers exploiting legitimate means of transporting cargo across the border for their own illicit smuggling operations, we now have the GAO finding disturbing evidence of problems in Customs' drug enforcement efforts.

Problems found by the GAO include:

Internal control weaknesses in a program known as "Line Release," intended to identify and separate "low-risk" shipments from those with apparently higher smuggling risk. These flaws at all three of the above-mentioned border crossings are seriously jeopardizing the security of the program.

Incomplete documentation of screening and review of applicants at Otay Mesa, as well as Nogales.

Lost or misplaced Line Release application files and background checklists that served as support for approving applications. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.

No recertification requirement for companies already approved for the Line Release Program to ensure that the participants remained a low risk for drug smuggling. (The Otay Mesa Port did recertify participants on the basis of their shipping volume criteria, but does not recheck those same companies for their compliance or perform follow-up background checks, the GAO said.)

A lack of documentation of supervisory reviews and approval of decisions.

Mr. President, given these problems in a program whose intent was to expedite crossing of low-risk shipments so more enforcement attention could be focused on high-risk shipments, the effectiveness of the Line Release program is called into question.

Moreover, the GAO found that Customs officials themselves have little confidence in the "Three Tier Targets" concept, another enforcement initiative implemented in 1992, which was supposed to help identify low- and high-risk shipments so inspectors could focus their attention on suspect shipments.

Under the program, Customs headquarters identified how cargo shipments would be divided into three-tier categories, but allowed the ports of entry to develop their own procedures for assigning risk.

The GAO found that this program does not work because there is insufficient information in the Customs' database for researching foreign manufacturers. What this means is that the reliability of the risk designations, which range from "little risk" for narcotics smuggling to a "significant risk," are questionable and therefore unreliable.

The GAO report noted that some inspectors (at Laredo) were "more suspicious of shipments classified as low risk because they had doubts about the reliability of the tier designations." Such doubts could lead to a self-defeating exercise in which inspectors checked more low-risk shipments instead of focusing their attention on high-risk shipments, the GAO said.

Although I have cited only a few of the numerous problems and concerns identified in the GAO reports dealing with low-risk cargo entry programs, they are sufficient to raise serious doubts about the effectiveness of Customs' drug enforcement efforts at our Southwestern Border Ports of Entry.

But, unfortunately, there is more.

The GAO also found significant internal control problems with a Treasury Enforcement Communications System, which is used to compile lookout data for law enforcement purposes, including identification of persons and vehicles suspected of drug smuggling.

The system is used by more than 20 federal agencies, including the INS, DEA, IRS and Bureau of Alcohol, Tobacco and Firearms. However, Customs did not have adequate controls over deletion of records from the system and Customs' guidance for its use does not follow standards set by the Comptroller General, and which renders it vulnerable to deletion of data without checks and balances by management.

The bottom line: this could result in cargo shipments being expedited when they in fact should be stopped and searched.

In addition to communications problems, and the previously cited weaknesses in the Line Release and Three-Tier Targeting program, the GAO also found problems with the processes for estimating and allocating inspection personnel at the ports.

For example, under the current Customs' employees union contracts, inspectors can only be moved to new sites if they volunteer, which I find quite surprising.

The GAO report also found that inconsistent practices in the agency's personnel decision-making processes could prevent Customs from accurately estimating the need for inspector personnel and allocating them to ports. This inability to quickly allocate resources to where they are needed most is just another hindrance in our drug interdiction efforts at the border.

Mr. President, the problems go on and on. It's an alarming situation that demonstrates the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts.

More than 70% of the cocaine and other narcotics entering this country come across our Southwest border. In fact, narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year.

In the last two years, Congress has authorized more than $100 million for 650 additional inspectors and state-of-the-art technologies along the Southwest border. The President's budget in FY1999 calls for an additional $104 million for Southwest Border drug interdiction efforts.

Despite our best efforts and constant drum beat by Members of Congress, including myself, to try to tighten Customs' drug enforcement efforts, little progress has been made.

Trucks are still getting through our ports of entry with their loads of illicit drugs concealed in cargo ranging from electronics components to vegetables, or in false compartments built into the trucks.

For example, one of the largest cocaine seizures ever made in California's Imperial County occurred last November when Border Patrol agents found 835 pounds of the drug concealed in a tractor trailer rig of Mexican registry at a highway checkpoint about 50 miles north of the border. (Source: U.S. Border Patrol.)

The next month Border Patrol agents seized 474 pounds of marijuana in another truck of Mexican registry in Calexico, CA., across the border from Mexicali, Mexico. (Source: U.S. Border Patrol)

At the Otay Mesa Cargo Inspection facility, there have been 24 seizures within the last year of drugs found concealed in trucks and trailers, including those of two Line Release participants. (Source: information provided San Diego District Office by a Customs inspector.)

And, in August of 1997, the New York Times News Service reported the following:

> For nearly a year, 18-wheel trailer trucks, driven by experienced truckers recruited in Michigan, have been rolling north from the Mexican border to New York, delivering tons of concealed cocaine and marijuana and carrying back millions of dollars in illegal drug profits.

Authorities said the trucks were dispatched by Mexico's most powerful drug-trafficking syndicate, once headed by the late Amado Carillo Fuentes.

A parallel investigation discovered the smuggling of at least 1.5 tons of cocaine a month in crates of fruits and vegetables from Mexico, according to the New York Times Service article.

One wonders if these cocaine-laden vegetable shipments were routinely passed through by border inspectors month after month because they were part of the Line Release or other Customs' programs that had classified the shipments as low-risk for drug smuggling.

More than once, officials at Customs have told me that not only is it impossible to increase inspection of trucks and cars entering our borders, but that it is not really necessary. Customs is relying on its sophisticated technology, including electronic technology, random searches, and Customs' vast intelligence operations, to stop the drug smugglers.

But the fact is, while Customs is having internal control problems, the drug traffickers have developed detailed knowledge and profiles of our port operations, and are using the "cover" that legitimate commercial trade activity provides to penetrate our borders and smuggle drugs.

Additionally, the "random" searches that I have heard so much about are supposed to keep traffickers trembling in their "big-rigs." But they have become so predictable that, as Customs has previously told my staff: "traffickers know what cargo, conveyances, or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder, and what lanes are more accessible for smuggling."

Mr. President, I know how difficult this task is, and I want to commend the extremely hard working men and women of the United States Customs Service, but the impact of Customs' internal control problems have dire consequences in our fight against drugs in our cities and in our rural areas.

But without effective internal controls over the Line Release program, the Three-tier risk program and other enforcement initiatives cited by the GAO, Customs' ability to detect drug smugglers and to interdict drugs at the border is seriously jeopardized.

Mr. President, we must address the Customs' internal control problems now. We need to fix the problems before authorizing any additional programs that would further complicate our drug interdiction efforts at the border.

As the ranking member of the Technology Terrorism Subcommittee on the Judiciary Committee, I hope to work with the Chairman of the Subcommittee to hold hearings on the issues raised by the GAO reports so that we can fully understand the problem and identify a long-term solution.

I will work with the distinguished chairman of the Judiciary Committee to identify a way for such hearings to be held without delay.

Mr. President, I ask unanimous consent that my letters to GAO and to Secretary Rubin be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 17, 1998.

Hon. ROBERT RUBIN,
Department of Treasury,
Washington DC.

DEAR SECRETARY RUBIN: I am writing to ask that you review and respond to the weaknesses outlined in the enclosed recent GAO study of Customs Services' drug interdiction and enforcement programs along the Southwest border.

The GAO study clearly indicates problems with the current drug enforcement operations along the Southwest border, particularly the Line Release program and the Three Tier Targeting Program.

The Line Release Program has weak internal controls. As you may know, the Line Release program was created in 1986 on the northern border and in 1989 on the southern border to expedite shipments of those brokers, importers and manufacturers who Customs considered a low risk for drug smuggling based on specific guidelines set by the Customs's Line Release Quality Standards.

Of the three ports studied—Otay Mesa, CA, Laredo, TX and Nogales, AZ—GAO identified one or more internal weaknesses in the Line Release program as implemented at all of the ports, seriously jeopardizing the security of the program against drug smugglers.

The internal control weaknesses found by the GAO include: lack of specific criteria for determining applicant eligibility at Nogales and Laredo; incomplete documentation of screening and review of applicants at Otay Mesa and Nogales; lack of documentation of supervisory reviews and approval of decisions; lost or misplaced application files and background checklists; (For instance, Nogales officials were unable to locate 2 of 7 applications for companies currently using the Line Release program, and could only locate 1 of 7 Line Release checklists identified with the applications on file. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.); and no recertification requirement under the Code of Federal Regulations or Customs' implementing guidelines for companies already approved for the Line Release Program despite the fact that without recertification, there is no assurance that the participants remain a low risk for drug smuggling.

All three ports have little confidence in the Three Tier Targeting Program. The Three Tier Program allows Customs to classify shipments into three tiers—little risk, unknown degree of risk and significant risk—giving expedited treatment for those shipments considered "low risk". GAO reports that officials from all three ports agreed that this program is not effective in distinguishing low to high risk shipments since little information is in the database to research foreign manufacturers and the reliability of the risk designations are questionable. For instance, narcotics seizures have been made from "low risk" shipments.

GAO recommendations. The GAO report recommends that Customs strengthen internal control procedures for the Line Release application and review process and that Customs suspend the Three Tier Program until more comprehensive data is available for Customs to make risk assessments and give expedited entry into the U.S. Furthermore, GAO suggests evaluating the effectiveness and efficiency of pilot programs such as the Prefile program and the Automated Targeting System being tested at Laredo before expanding the program further.

As you know, drug smuggling is an ongoing problem for border states like California. I know you share my concern in facilitating the flow of legitimate cargo into the United States without jeopardizing our enforcement abilities against illegal drug smuggling. I would appreciate your response on the problems outlined by GAO as quickly as possible.

With warmest personal regards,
Sincerely,
DIANNE FEINSTEIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, March 6, 1996.

CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR COMPTROLLER GENERAL BOWSHER: I am alarmed at the continuing influx of drugs entering our country across the border with Mexico, and at the inability or unwillingness of the United States Customs Service to effective address this problem.

Mexico is a dominant source of drugs entering our country:

75 percent of the cocaine in the United States comes here through Mexico, according to the Drug Enforcement Administration (DEA).

70 to 80 percent of all foreign-grown marijuana enters the U.S. from Mexico, according to the Boston Globe.

90 percent of the precursor chemical ephedrine, used to manufacture the rapidly-escalating problem drug methamphetamine, comes through Mexico, according to the DEA.

Colombian drug cartels are using Mexico as a safe haven to store as much as 70 to 100 tons of cocaine to be smuggled into the U.S., according to the DEA.

Yet, faced with a problem of this magnitude, the Customs Service, a critical enforcement agency at the Mexican border, has been surprisingly and disappointingly ineffective.

Last year, the Los Angeles Times reported that not one pound of cocaine was seized from trucks at three of the busiest ports of entry on the Southwest border in 1994.

Despite the alarm which I expressed at this fact, and my calls for corrective action, reporters from the Los Angeles Times have told my staff that, according to sources at Customs, this continued unabated in 1995, with no cocaine seizures being made from trucks at Otay Mesa, Brownsville, El Paso, and Laredo, four of the busiest ports. The Customs Service has not yet responded to my staff's requests to verify this fact.

The Washington Post reported that cargo trucks, along with ships, are considered a primary means of smuggling large amounts of narcotics into the United States.

In 1993, the then-District Director of the Customs Service may have prevented investigators from the Inspector-General's office from conducting a surprise inspection of the "line release" program at the southwest border, an investigation aimed at determining whether unauthorized trucks, potentially carrying drugs, were allowed to cross the border without inspection.

The news program "Dateline: NBC" recently filmed more than 35 trucks in just four hours of surveillance belonging to companies on Customs' "watch list" for drug smuggling rolling right through Customs, without being inspected.

It has been reported that the organization of recently-arrested Mexican drug kingpin Juan Garcia Abrego has paid millions of dollars to U.S. and Mexican law enforcement officers. It seems inevitable that a substantial portion of that money has gone to Customs officials, as they are responsible for intercepting drugs at the ports of entry along the Mexican border.

As a Customs supervisor told the Washington Post, "Tons and tons of cocaine are crossing the border, and we're getting very little of it."

The current pattern of drug flow and drug enforcement into and within this country must be changed. To better understand how federal law enforcement approaches these problems and the efficacy of federal programs to curtail drugs, I am officially asking the General Accounting Office to investigate drug enforcement by the Customs Service.

To target your resources, I ask that you focus initially on evaluating the Customs Service's drug enforcement operations at Otay Mesa. After you have evaluated Otay Mesa, I would like to work with you to broaden this inquiry to the rest of the Southwest border. Specifically, I would appreciate your addressing the following questions regarding Otay mesa:

Does the Commissioner of Customs provide clear direction to Customs personnel regarding Customs' drug enforcement mission?

How have Customs' drug enforcement efforts been, or how will they be, affected by their programs to facilitate trade and passenger movement, including but not limited to: line release; re-engineering primary passenger processing; and expanded access by Mexican trucks to the U.S. pursuant to the North American Free Trade Agreement (NAFTA)?

How have the percentage rates of inspections of trucks, cars, and ships by Customs changed over the last three years?

What increases in border crossings by trucks, cars and ships does Customs expect over the next several years? Does Customs have a reasonable basis for the projections it has made? If Customs has not made such projections, why haven't they, and was any consideration given to making them?

Has Customs made adequate plans to meet any expected increases in such border crossings?

What is the basis for Customs' allocation of personnel resources for carrying out their drug enforcement responsibilities? Is this basis reasonable? Have Customs' actual allocations of personnel matched their projections?

What are Customs' processes for training their personnel in their drug enforcement responsibilities?

Why are trucks on Customs' "watch list" passing through without inspection? Is it human error, corruption, systematic flaws, or something else, and in any case what is necessary to fix this? Do Customs personnel actually implement, on an operational level, what Customs' law enforcement plans describe that they do?

Is the Los Angeles Times report that there were no cocaine seizures from trucks at three or four of the busiest ports of entry on the Southwest border in 1994 and 1995 accurate, and, if so, what accounts for this?

Is Customs following up and adequately using the intelligence which they gather?

How vulnerable are Customs' communication systems to penetration by drug smugglers?

What steps are Customs taking to address the problem of "spotters" (individuals who linger around ports of entry, radioing inspection patterns to smugglers on the other side of the border)? How are these steps working?

How are the Cargo search x-ray machines performing?

It is imperative that we get to the bottom of the problems at Customs, and I appreciate your assistance in this regard.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair. As I understand it, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I ask unanimous consent I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the submission of (S. Res. 276) are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237, which the clerk will report.

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer an amendment relating to mining with the time until 12:30 p.m. to be equally divided in the usual form.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, my colleagues will be greatly relieved with my departure at the end of this year because they won't have to listen to this debate anymore. They may have to listen to it again, but not from me.

This amendment arises from a situation which really began last year, Madam President. In order to set the stage for it, I direct my colleagues' attention to this chart here. But before doing so, let me just say that we had what I thought was a solemn agreement last year on this same issue. I won't say it was a handshake contract, but last year the Interior appropriations bill contained a provision that was added in the committee markup, which said the Secretary of the Interior may not promulgate new regulations for the mining of hard rock minerals on Federal lands until every Governor of 11 Western States had individually agreed to it.

In 1976 we passed FLPMA, an acronym for Federal Lands Policy Management Act, it was my second year in the Senate when we passed that, but I was very active in the negotiations and passage of that bill. It was a comprehensive bill that determined how all Bureau of Land Management lands would be handled. In it we said that the Secretary of the Interior is charged with the responsibility of ensuring that on Bureau lands, no unnecessary and undue degradation would occur.

Now, as my friend, the Governor of Florida, Lawton Chiles, who used to be our colleague, used to say on this floor, "The mother tongue is English." You cannot say it any better in English than to say the Secretary is hereby charged with the responsibility for making certain that there is no undue, unnecessary degradation of Federal lands.

We have about 450 million acres of Federal lands, and an awful lot of it is eligible to be mined for various hardrock minerals, notably gold, platinum, silver, zinc, lead, you name it. So in 1980, the Secretary issued regulations to comply with FLPMA and in 1981 they were finalized and went into effect. Everybody applauded and said it is wonderful. Now we have regulations in place that will govern mining companies.

What brought these regulations about? It was the first time we had ever tried to regulate mining on Federal lands. Why did we do it? Because at that very moment, there were 557,000 abandoned mines in this country. Who do you think had been left with the pleasure of cleaning up those 557,000 abandoned mines? You guessed it—"Uncle Sucker." The cleanup costs, according to the Mineral Policy Center, for those 557,000 mine sites is calculated to be between $32.7 billion and $71.5 billion. Within the 557,000 abandoned mines, 59 of those are now Superfund sites. We don't put things on the Superfund list just for fun. That is a big-time environmental disaster. In addition to 59 Superfund sites, we have 12,000 miles of rivers that have been polluted by mining waste, and we have 2,000 national park sites in need of reclamation.

Now, think of that. We have 2,000 mine sites within the national parks that have to be reclaimed. And because it took the Nation too long to wake up to the environmental damage that was being done by mining in this country, this damage had already occurred when we passed FLPMA in 1976 saying the Secretary will promulgate regulations to make sure that not only this comes to an end, but that it never happens again. So we gave the Secretary regulatory authority.

In 1981, those rules went into effect. Let me make one point, and I will make it more than once in this debate. The mining of gold in this country is done nowadays primarily with the use of cyanide. Cyanide is a lethal chemical.

Now, Madam President, in 1991, George Bush was President, a conservative Republican administration. Because this new technique of mining with cyanide had gone into effect and there were several mines which had caused cyanide to leak into the streams and rivers around it and into the underground water supply, the environmentalists were squealing like pigs under a gate.

So, in 1991, the Bush administration, through Secretary Lujan, came out with a study to develop new regulations to take care of these new environmental problems. But because in 1993 we were trying to reform the whole mining law, everybody said, "Well, we have got this whole law we are going to reform," so the Interior Department decided to suspend the work on revising the regulations. Unfortunately, in 1994, the Western Senators were able to kill the mining law reform legislation that was pending in Congress.

As a result, last year, Bruce Babbitt, the all-time favorite whipping boy of the West, said he, as Secretary of the Interior, was going to honor FLPMA as it was written, and that is to make sure there is no unnecessary and undue degradation of the public lands. So he reinitiated the process begun in the Bush Administration to revise the mining regulations in order to attempt to prevent environmental disasters, such as the leak of cyanide into the rivers, streams and underground water supplies. So Senator REID of Nevada, in the appropriations subcommittee last year added a provision which would have prohibited the Secretary from promulgating these rules unless all of the Western Governors consented.

The provision, as it was drafted, was patently clear. It simply meant that each Western Governors had veto power over the revised regulations. That was, obviously, a little too much, even for some of my friends in the West, to stomach.

So Senator REID and I worked together in good faith and mutual friendship and respect on both sides. We amended that language to say that the Secretary will consult with all the Governors of the West. After he has done so, he will certify to the Congress that he has consulted with all of the Western Governors. He maintained that he had already done that, but they disagreed with that. So we required consultation in the amendment. That is the path we adopted last year.

We also put a time schedule in there so that the Secretary could continue to work on the regulations, and he could promulgate the regulations after November 15. The deal was done. It will be done after the election. Nobody will be hurt politically. The only thing wrong with that is this year—1998—when the bill comes out of the appropriations subcommittee, the deal was reneged upon.

What is the new requirement? The new provision states that the Secretary could not promulgate these regulations until the National Academy of Sciences has studied it for 27 months. Next year, it will be the National Institutes of Health. God knows, the next year it will probably be the National Organization for Women—anything to keep these regulations from going into effect.

Make no mistake about what we are talking about. Everybody understands it. Under the provision that is in the bill this year, which I am proposing with this amendment to strike, guess what the timetable is. It will now take 27 months for the National Academy of Sciences to study it and to report it and the Secretary to consider it and do whatever he is going to do—27 more months, over 2 years, of continuing to sock the taxpayers of America with the foibles of the mining industry. I will come back to some of those foibles in just a moment and tell the American taxpayers what they are paying for right now.

Why 27 months? You know, if you are a U.S. Senator, and if you paid any attention at all—you don't have to have a picture drawn for you—27 months takes us past the year 2000. So we go past the election in the year 2000, and all of my friends who are going to come in here and vote against my proposal today hopefully will elect a President of a different persuasion who will bring James Watt back as our Secretary of the Interior.

That is the politics of the issue. It is not pleasant to talk about things like that on the floor of the Senate. But there isn't a single Senator here today who is going to vote who doesn't understand precisely what it is about. Every Senator who votes against my amendment is going to know in spades that he is voting to continue to allow mining companies to mine on Federal lands with virtually no regulations to guide them, being able to put up an insufficient bond, and when they take bankruptcy and go south again, will leave the taxpayers of America to pick up the tab. I don't know how I can put it any plainer than that.

Madam President, let me be just a little bit more dramatic, a little bit more graphic about why the anti-environmental rider in this bill should be taken out.

I want you to bear in mind, last year we postponed it until November 15. If my amendment is not adopted, that takes us down well past November. It takes us into about January 2001; and more and more environmental degradation, more rivers and streams polluted, more mining companies taking bankruptcy and heading south with an insufficient bond.

That is for what you are going to be voting. For all of those who are running for reelection this year, when you go home and your opponent says, "Why did you vote against putting some regulations in to regulate the use of cyanide to keep it from going into our underground aquifers and our rivers and streams; why did you vote to continue that," I would like to hear your answer.

But just to give the taxpayers of America some information, if not my colleagues who are not here this morning, in 1992, Galactic Resources, the owner of the Summitville Mine in Colorado, took bankruptcy. They left cyanide, acid, and metal runoff going into the underground aquifers and the Alamosa River. Do you know what has happened since then? The taxpayers of this country are paying over $1 million a year to try to contain cyanide and acid runoff from that mine, not Galactic Resources.

The Summitville mine took bankruptcy and went south. That was in 1992. The reason they were able to create an environmental disaster in the State of Colorado is because Colorado's bonding regulations were insufficient. Federal regulations are similarly flawed. We have constantly postponed new regulations, and the regulations we were operating with were promulgated in 1981, and in 1981 we didn't even know about cyanide poison being used in the mining process. Secretary Babbitt is trying his best to promulgate rules and regulations to make sure there will be no more Summitville mines.

So when people come walking onto the Senate floor to vote on this amendment, remember, you get to go home and tell your constituents that they are picking up a million-dollar tab a year because we do not have regulations to control gold mining in this country.

Now we have a brand new one in Montana. Pegasus Gold Company, which has filed for bankruptcy recently closed the Zortman-Landusky mine on BLM and private land in Montana. They have filed for bankruptcy. Cyanide spills all over the place. And who do you think is going to get to pick up the shortage on their bond? The taxpayers of America.

And here is one, to be totally fair about it, that is not on Federal land, the Gilt Edge mine in South Dakota, another 1998 matter. They had cyanide leaks in the ground water, acid mine drainage, and they are in financial difficulty. And if they take bankruptcy, it is estimated that their bond will pay about 50 percent of the cost of cleaning up that mess.

The regulations that we are talking about trying to get promulgated to stop this outrage are not just to stop the use of cyanide. We are not trying to stop the use of cyanide. We are trying to make them use it in a way that we know the plastic cover on the ground is strong enough to not break and leak. But the second thing we are talking about is making them put up a sufficient bond; in case they do have a spillage, in case they do go broke, the taxpayers will not be left with it.

The reason I use Gilt Edge is not because they are mining on Federal lands but because they are proposing to extend their operations onto National Forest land.

So since 1976 we have been trying to stop mining companies from mining in an improper way, leaving the taxpayers with the tab. We have been trying a lot of other things without success. But if I were speaking on national television to 268 million people in America and all the adults were listening, how many votes do you think I would get? About 90 percent of the American people. But, unhappily, I am not speaking to 268 million Americans. Lord, how I wish I were; I feel supremely confident as to how the American people would feel about this.

So, Madam President, let me go back and make one other point and then I will allow some of my adversaries to have their say.

Let me describe for you how gold is mined today under modern methods. First of all, you have to dig up the earth. You dig up huge, cavernous amounts of soil that supposedly has gold in it. You bring the soil into the mine site, where huge plastic covers have been laid out on the ground, and you dump this soil on this plastic cover that covers the ground and presumably will hold any fluid or liquids that you put through this dirt. Huge pits. You ought to see them. They look like abandoned strip mining sites. But this modern method that I talked about is new, brand new, and is causing all the damage that we need regulations to control.

Then they use a drip process along the top of this big mound of dirt where this cyanide drips through, and it seeps down through this huge pile of dirt. The gold is attracted to this cyanide solution. Then it pours out on the side into sort of a gutter, where the gold is strained out of it and the cyanide is recycled and once again put through this drip process. It is like a drip irrigation system.

Now, the first thing you have to do is understand how lethal cyanide is, and the second thing you have to understand is that the reason some of these spills occur is that the plastic liners leak. Think about how ominous it is. How would you like to live in the vicinity where you knew your underground water supply had cyanide leaking into it?

Mr. President, I have nothing against the National Academy of Sciences, it is a fine organization. But we don't need another Academy study. The National Academy of Sciences has already examined the matter. In 1978, when we enacted SMCRA, governing the regulation of coal mining, a provision was included in the bill to require the National Academy of Sciences to study the regulatory requirements needed to address the environmental impact of hard rock mining. That study was completed in 1979. That same study found a need for a Federal regulatory framework.

In 1996, the Environmental Law Institute studied hard rock mining programs and said the current regulations were insufficient. That was in 1996. In 1992, the House Committee on Interior and Insular Affairs prepared a study that found significant gaps in environmental regulation of mining. The GAO has studied this issue to death and has found flaws in the administration of our mining laws.

The question then becomes, When you consider all the studies that have been done and the damage that has occurred while we have been doing studies, why in the name of all that is good and holy do we need another study? I repeat, do we need another study to postpone this until after the year 2000, when a new Secretary, presumably, will take office who does not even believe in studies, let alone environmental regulation? This is all a ploy. Everybody in the Senate knows that. When they vote today, they are going to think, "Now, what kind of a 30-second spot can somebody make out of me voting to continue mining gold with cyanide when the regulations were written before cyanide was even used in gold mining?" And they think about it and they put it through this little filter, this little political filter in their ear, and say, "Well, on the other side it says the National Academy of Sciences. Who can object to the National Academy of Sciences studying something? It is a very prestigious organization." And they can probably try to convince their constituents that they are trying to protect them by having the National Academy of Sciences do a study when, in fact, the National Academy of Sciences could do what they need to do on their own in 2 months. But the list I just gave you shows this has been studied and studied and postponed and postponed, until now we have these environmental disasters on our hands that cost the taxpayers "gazillions." It is going to cost them a fortune.

And don't anybody make any mistake in your judgment about how this is going to play out. As I said, we had a solemn agreement last year. Everybody understood exactly what we were agreeing to. And, incidentally, we said the Secretary had to consult with all the Western Governors. He has done that. Governor Miller, I think, is president of the Western Governors' Association; he has notified Members of Congress that they have been consulted with. Everything we agreed to last year has taken place, and we come back here today and industry says, "No, we have to have one more study."

I have said most of what I want to say. I just ask, what is the objection, even of the Western Senators? What is their objection to the Interior Department, that they want to prohibit any update of the regulations? Nobody has cited a single objection to the drafts of the Secretary of Interior that were going to go into effect, that were going to be promulgated November 15 of this year. Do they object to mining companies having to file a plan before they start mining? Do they object to requiring mining companies to post a bond sufficient to take care of the devastation that they may cause? Do they object to a regulation that says they must reclaim the land when they finish mining it? What is the objection? Is it that they have to minimize the adverse impact on the environment, if at all economically and technically possible? It does not say they have to. It says they have to minimize adverse impacts if at all technically and economically possible. Who could object to that?

Madam President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

Mr. BUMPERS. Madam President, the amendment is up, isn't it?

The PRESIDING OFFICER. The Senator has not called up his amendment.

AMENDMENT NO. 3591

(Purpose: To remove an anti-environmental rider)

Mr. BUMPERS. I now call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 3591.

Strike line 19 on page 55 through line 6 on page 58.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, let me wish you a good morning as we proceed with the Interior appropriations process. I would like my colleagues to note that I stand in strong opposition to Senator BUMPERS' amendment to strike the National Academy of Science study. What we have here is an organization of scientists that are objective. They have a reputation of making decisions based on sound science and not rhetoric. We have a good deal of rhetoric here in this body.

The language that Senator BUMPERS would propose to strike is as simple and straightforward as any legislative language can be. In spite of all words to the contrary, it does nothing more than direct the National Academy of Sciences to review existing State and Federal environmental regulations dealing with the hard rock mining industry to determine the adequacy of these laws and those regulations to prevent unnecessary and undue degradation, and how to better coordinate Federal and State regulatory programs to ensure environmental protection. It is short, it is sweet, and it is to the point.

The Senator from Arkansas has a long history in opposition to mining. It is interesting to note that the State of Arkansas has a relatively small amount of mining activity, most of which is either on private or patented land, unlike the western part of the United States, Nevada, California, Idaho, my State of Alaska. I do not have a constituency in the poultry industry. I could, perhaps, claim "fowl," relative to the constant objection from my good friend from Arkansas who clearly has no constituency in the mining industry. But the point is, the mining industry in the United States has been able to survive in an international marketplace, unlike the poultry industry which has a domestic market and domestic concerns. My point is that the economy of a good portion of the Western United States is dependent on the mining industry.

It needs fixing, but it is not broke. It is rather interesting to note that the reason we are here today, to a large degree, is that we have yet to pass a mining law reform package in the U.S. Senate. It is fair to ask why. Let me tell you why, Madam President.

The Senator from Arkansas specifically asked the Senator from Alaska, who chairs the Energy and Natural Resources Committee, not to mark up the mining legislation because he was working diligently with me and others to try to put together a compromise that he could support.

But the point is, he asked and I put off Senator CRAIG's and my mining bill while he negotiated with industry on a comprehensive reform package. I hope that effort is not over. But we would not be here today or have to go through this debate if our reform bill had come to this floor for a vote, which I hope within the timeframe remaining it still might. It was an effort to provide a balanced package that contained a host of surface management protections along with royalty, but it was because he asked us to put off the mining law package that we are here today debating only a portion of the reforms envisioned in my mining bill.

Let me remind you, Madam President, the reform of mining law is complex. There are different minerals. It is not like the coal industry where you are dealing with one particular mine product. You are dealing with gold, you are dealing with silver, you are dealing with copper, all of which have different complexities in the mining and, more so, the refining process, different costs, and the realization that you may be mining rich gold in one mine and much lower grade gold in another, yet the costs are significant. When you try to have uniformity in application of mining law, it becomes very complex and often an impossible task.

What we are proposing in our mining bill, as the Senator from Arkansas knows, is a pattern similar to what is working in the State of Nevada. My colleagues from Nevada will be addressing that. But that is basically the application of a net royalty.

Madam President, hard as it is to believe that we agree on anything, I do agree with Senator BUMPERS that it is an absolute shame that the Congress has been forced to intercede in what should be the Department of Interior's routine rulemaking process. This has been addressed by my friend from Arkansas, but if we look back historically, we have been able to count on administration agencies to do an evaluation of needs that is objective and straightforward before launching off and writing new regulations. Sadly, under the current Office of the Secretary of the Interior, this has not been the case. Let me tell you why.

The entire rulemaking effort for mining is rooted in a Secretarial directive to the Bureau of Land Management in which he concludes that since the Congress has not acted on mining reform, it is his intention to do so through the regulatory process. So here is the Secretary of the Interior circumventing the will of Congress.

Why don't we have a bill here? We accommodated the Senator from Arkansas in withholding on the markup so we could negotiate. Yet, he wants to move in and strike the involvement on a portion—a portion, Madam President—of the reform from having the independent study done by the National Academy of Sciences.

I am sure my colleagues understand what we have going on here. As we look at giving the Secretary of the Interior the right to initiate rulemaking, circumventing the role of Congress, I think on most issues, my friend will agree with me, there is no justification for it. There is a mining bill before this Congress. We would like to have it passed, but we are waiting for a resolve by the Senator from Arkansas to negotiate something that is satisfactory to him, as well as us. We have a bill before this body, as I promised many of my colleagues after the last vote on this issue that we would.

Let's go back to the proposed rulemaking, which the Senator from Arkansas has referred to, at the Department of Interior. It is interesting to note that no assessment of existing Federal laws and regulations, no assessment of existing State laws and regulations—simply put, the result so far from the Department of Interior is, no determination of need whatsoever has come out of this process.

Governor Miller of Nevada perhaps put it best when he said the current Department of Interior mining regulation effort is a solution looking for a problem, and my good friend from Arkansas is here with his continuation of his objection to this particular industry.

During the last appropriations cycle, we attempted to temper the Secretary's driving impulse to regulate with an amendment which would have forced—forced—the Department of Interior to at least coordinate its efforts with the Governors of the affected States. My friend from Arkansas said they met that obligation. The only difference is, the Governors of the affected States didn't agree with the Department of Interior.

It was our hope through this coordinated effort the new regulations would not drop a monkey wrench into the existing State-Federal regulatory network. Anyone, Madam President, with even a rudimentary understanding of how the mining industry is regulated understands that the State governments play by far the largest role in oversight and enforcement of environmental regulations on the industry.

What is wrong with that? The Senator from Arkansas seems to put little credence in the oversight capability of the States. What is wrong with the States, the most concerned group with regard to their responsibility concerning environmental oversight on the mining industry? Is it better to have a faceless bureaucrat in Washington, DC, dictating what goes on in Nevada, California, Idaho, dictating to the people of Idaho, the people of Alaska who live with the mining industry, who take pride in their State, who take pride in the reclamation process to meet their obligations?

The reason for this is simple. Over time, the States have been delegated Federal responsibilities for water quality, air quality, solid waste management, and mine reclamation. These laws are the 800-pound gorillas when it comes to mining.

Over time, these Federal programs have been fully integrated into State environmental protection laws. These interwoven laws form a complete and balanced net of environmental regulations that cover almost every aspect of mining activity. And if they don't cover some, they will, without so much as a thought given to the impact their rulemaking efforts would have upon existing Federal and State programs that the Department of Interior took upon itself to launch into a major rewrite effort.

What is their agenda? Is it to run the domestic mining industry offshore? We have learned from what happened in Mexico and Canada when the industry basically ceased to exist at its previous level because of restrictions. And, remember, unlike the poultry industry, which is a domestic industry and with which my colleague from Arkansas is familiar, the mining industry has to operate internationally. It either competes on an international basis or it doesn't. It is much more complex.

Last year, at the request of Governor Miller of Nevada, Senator REID put on an amendment to the Interior appropriations bill which would have made it mandatory that the Interior Department at least coordinate efforts with the States—at least coordinate them. He did this only after the Governor made it clear that coordination was not taking place.

So I take issue with the general statement of my friend from Arkansas. We were prepared last year to make Interior Department coordination with the States mandatory. Senator BUMPERS, however, saw fit to intercede on behalf of the Department of Interior with an amendment which removed mandatory coordination with States and put in place a requirement that the Secretary certify to the Congress that the coordination had occurred, and the Secretary has done that. But the States didn't agree. They didn't agree, Madam President.

While I have had doubts about this, I supported the approach. I was hopeful that the amendment would be received in good faith by the Interior Department and that they would make sure that the States interested were factored into their mining regulation effort. What followed was the most, I think, disrespectful, in-your-face response I have ever seen from the Department of Interior and any other agency of the Federal Government.

In the Interior appropriations bill, when it was signed by the President November 11, 1997, a letter certifying that coordination with the Governors had taken place was signed on Monday, November 14. Well, they didn't agree. The cavalier attitude of the Interior Department is the sole reason we are back here again this year. At this time, I urge my colleagues not to be taken in by the rhetoric. Fool me once, shame on you; fool me twice, why, shame on me.

It is obvious to me that we have seen examples that the Department of Interior is simply unwilling and incapable of following good government practice when it comes to regulating the industry. They have so completely lost their objectivity and become so biased against this industry that they appear completely incapable of making objective and fair decisions.

It is just not the mining industry. Grazing on public land falls into the same category; oil and gas exploration, same category; access to public land; the administration talks about global warming and that gas is the answer—where are you going to get the gas if they won't allow exploration on public lands; timbering, Forest Service lands, and, of course, mining on western public land.

Our amendment does not make a finding one way or the other regarding the ultimate needs for new regulations. It does direct an "unbaised" assessment of the need for new regulations be completed before—and that is the whole purpose of the National Academy of Sciences—before the Interior Department can finalize mining regulations.

With diminished budgets, increased need and the growing complexity of State, Federal and environmental protection laws, why on Earth would any responsible government manager propose a large-scale rulemaking effort without first establishing a solid and specific need?

Since it has become obvious that the Interior Department is either unwilling or incapable of accomplishing this assessment, then it is imperative that the Congress now step in and assume the responsibility. They leave us with no other choice. Once the National Academy of Sciences completes its assessment, the Interior Department will be free to proceed with its regulatory efforts. At that point, they will have the information they need to rewrite the regulations in a way that fixes problems, if there are any, but not create problems.

The citizens of this Nation are entitled to a Department of Interior that determines need before it acts, that doesn't waste money that it sorely needs in other places, a department that doesn't unnecessarily disrupt a system of State and Federal regulations laboriously constructed over decades to complement and enhance environmental protection at the lowest possible cost.

The time has come to draw a line in the sand with this administration. It is simply not in their purview to regulate an industry out of existence without first establishing a need for that regulation. It cannot simply dismiss input from the affected States, which they have done. These States truly are our partners, not our enemies.

I have communications from the Governors of Nevada, Arizona, Idaho, Utah, Wyoming, and New Mexico, asking Congress to protect their interests, asking us to support retention of the National Academy of Sciences' objective study. Like us, they simply want the Interior Department to demonstrate a need for regulation before they step up on the effort.

By voting to table Senator BUMPERS' amendment we will certainly set in motion this study. It is my understanding it will be Senator BUMPERS' motion to strike.

Now, I am sure all of you will hear a great deal of verbiage about this issue, but when the dust settles and the smoke has blown away, you only have to ask yourself one question: Do we want to start a massive, potentially disruptive rulemaking effort before the need for the effort has been established?

There you have it—short, simple and to the point. I urge my colleagues to join me in a vote against Senator BUMPERS' amendment. In so doing, we will be sending a clear message to the administration that good government is still important government, and the government that is best is the government that is close to the people. The State's voice should be heard. The States play a critical role in environmental protection. Their partnership and input is important. Let's have a fair, objective, qualified, scientific group, the National Academy of Sciences, make the call.

How much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 57 minutes; the Senator from Arkansas has 38 minutes.

Mr. MURKOWSKI. I yield up to 15 minutes to my friend from the State of Nevada.

Mr. REID. Madam President, this Senator from Nevada would like 20 minutes, and the junior Senator from Nevada would like 10 minutes.

Mr. MURKOWSKI. That is quite satisfactory.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, let's put this in proper perspective. Gold prices are at the lowest level in 19 years as of just last week. The mining industry has seen layoffs. Some of the companies have filed bankruptcy. This seems like a very inopportune time to come in and attack the mining industry. It is an industry which creates the best blue-collar jobs in America. I repeat, the best blue-collar jobs in America come from mining.

Here is the Senator from Arkansas, again, as he does every year, attacking the mining industry. This year the attack is at a very inopportune time. I repeat, the mining industry is going through some very difficult times.

In spite of paying the highest wages in blue-collar industry in America, the mining industry in America is the best in the world. The costs of production are extremely low. They are lower than Australia or any other country. We are competitive. But it has been very difficult.

Now, having said that, we also have to recognize that the gold industry is a very important industry for the United States. We are a net exporter of gold. It is one of the few things that we do that creates a favorable balance of trade in America.

With that as the setting for this amendment, let me say this amendment is attempting to strike from the bill language that is very, very reasonable. The Secretary of Interior is attempting to do by regulation what he can't do by legislation. What right does he have to overrule what the will of the Congress is? He has no right to do that. He has tried very hard. I am not making this up. He said in 1994 when his legislative efforts failed,

> We will explore the full range of regulatory authority we now possess.

Since that comment, with a vengeance, the Secretary has gotten busy on the regulatory side while making no attempt to work with Congress to reform the mining law bill. If we had had support from the Secretary's office in the past 2 months, we may be here today talking about mining law reform rather than hacking away at this Interior bill.

The Governors, at their meeting in Medora, ND, in June of 1997, pointed out in a resolution that the current State programs, as far as they are concerned, are working well, and attempts to duplicate them should be avoided.

What we have here is, again, something we like to talk about, but not do much about, and that is talk about States rights. States rights are very important to our framework of government. We have here a number of States which are saying we are willing to work within the Federal concept and all the laws that we pass in Washington that affect mining, but let us regulate from the State level. This amendment is attempting to take that away.

The Secretary of Interior has proceeded undaunted with his rulemaking in spite of how the Governors feel. This led to language being included in last year's Interior bill that precluded the Secretary from expending funds to rewrite 309. As the chairman of the full committee said a few minutes ago, showing absolute disrespect for Congress, the Secretary, 3 days after the President signed the Interior bill—we stuck language in the bill saying he had to confer with Governors—3 days after signing that bill, he sent a letter saying that they had conferred and complied with the requirement to consult with the Governors. Let's be realistic—within 3 days? This was, as chairman of the full committee said, an in-your-face remark to Congress from the Secretary of Interior's office saying, "We don't have to consult with you."

After numerous Governors, both individually and collectively, pleaded with the Department not to forge ahead on rulemaking without bringing them in the process, he continued. Only after months of letterwriting and handwringing did the Secretary send his task force out with a draft proposal. After the draft proposal was received, the Governor said, "We have seen it; we have looked at it. What are you trying to do?" It doesn't make any sense. The chairman of the full committee, the junior Senator from Alaska, held a hearing. At the hearing, the Governors testified, "Where is the demonstrated need to rewrite the 309 service management regulations?" There was no response as to why it was necessary.

Madam President, understand that this isn't something that we have dreamed up. This isn't some anti-environmental piece of the Interior bill. In fact, what this is, is a clear demonstration that the mining industry, the Governors from the States where mining is important, and the rest of the country where mining is important, are simply saying what they want to do is have an independent, unbiased, competent body take a look at the present regulations to see if they are OK. We have assigned the National Academy of Sciences, one of the foremost scientific bodies in the world, to take a look at this. That doesn't sound unreasonable to any reasonable person.

This language is not an anti-environmental rider that would somehow gut existing regulations. We don't touch existing regulations. We are simply saying that it is within the purview and jurisdiction of Congress because it is something that we feel will add to a good resolution of this issue.

The Secretary has proceeded in a cavalier fashion for an outcome that would seriously jeopardize the State's role as coregulators with the Federal Government in mining. There is talk about the atrocities toward the environment in mining. I come from a family where my father was a hard rock miner. I have worked in the mines. I went with my dad when I was a little boy into the mines. I have to acknowledge that many years ago there were a lot of environmental degradations as a result of mining. The tailings from the mill just ran out wherever, and the dumps were just not located in any specific place.

In short, the legacy that went on before bears no resemblance to the current practices in the mining industry, nor the States' ability to regulate mining. They do a good job now. In the past two, two and a half decades, tremendous work has been done. I am really tired of hearing all the time that the 1872 mining law needs to be revamped. It has been over 100 years and we have done nothing. That is a bunch of hogwash.

(Mr. ASHCROFT assumed the Chair.)

Mr. REID. Mr. President, here are the pieces of legislation, the laws, that have been passed that now govern mining: Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, Historic Buildings and Sites, Fish and Wildlife, National Environmental Policy Act, Clean Air Amendments, Federal Water Pollution Control, Endangered Species Act, Safe Drinking Water Act, Toxic Substance Control Act, Resource Conservation, National Forest Management, Clean Air Act, Federal Mine Safety and Health Act, Clean Water Act, Uranium Mill Tailings Radiation Act, Archaeological and Historical Preservation, Comprehensive Environmental Compensation Liability Act, Superfund, Clean Air Amendments of 1990. And there are more.

The 1872 mining law has been affected numerous times by Federal laws that we have passed back here. Mr. President, I ask unanimous consent to have printed in the RECORD a list of all the different amendments to the 1872 mining law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO 1872, MINING LAW

FEDERAL LAWS

1. National Environmental Policy Act (NEPA), 42 U.S.C. 4341–4370a: Requires federal agencies to take interdisciplinary approach to environmental decision-making; and requires consideration of environmental impacts for all federal actions (environmental assessments/environmental impact statements).

2. Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701–1784: Directs Department of Interior to prevent undue and unnecessary degradation of federal lands.

3. Clean Air Act (CAA), 42 U.S.C. 7401–7642: Requires EPA to designate criteria pollutants and set ambient air quality standards; requires states to develop State Implementation Plans (SIP) to achieve federal ambient air quality standards; requires EPA to set new source performance standards for categories of air pollution sources; requires EPA to set emission standards for sources of hazardous air pollutants; establishes additional level of control to prevent significant deterioration of air quality in certain areas and for certain sources; and allows EPA enforcement of state permits issued under approved SIP.

4. Federal Water Pollution Control Act (Clean Water Act, CWA), 33 U.S.C. 1251–1387: Requires States to Set and Implement Surface Water Quality Standards; requires EPA to Establish Effluent Limitations and Standards of Performance for Categories of Facilities Discharging to Surface Waters; establishes the National Pollutant Discharge Elimination System (NPDES) for Permitting of Point Source Discharges to Surface Waters; requires States to Develop Management Plans for Control of Non-Point Sources of Surface Water Pollution and to Submit Them to EPA for Approval; establishes Programs for protection of Surface Waters from Dredge and Fill Activities; and establishes a Program for Designation of Reportable Quantities of Oil and Hazardous Substances and Reporting of Releases to Navigable Waters.

5. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26: Requires EPA to Set Standards for Quality of Drinking Water Supplied to the Public and Allows States to be Delegated Primary Enforcement Authority; and establishes a Program to Regulate Underground Injection Operations (Including Sand Backfill of Underground Mines) and Allows Delegation of Program to the States.

6. Solid Waste Disposal Act (SWDA), 42 U.S.C. 6901–6992k: Requires EPA to Establish a Program for Regulating the Generation, Storage and Disposal of Hazardous Waste and Allows Delegation to the States; requires EPA to Establish Guidelines for State Management of Solid, Non-Hazardous Waste; and requires EPA to Establish a Program for Regulating Underground Storage Tanks Containing Petroleum Products and Hazardous Substances and Allows Delegation to the States.

7. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, Superfund), 42 U.S.C. 9601–9675: Requires Owners/Operators to Report Releases of Hazardous Substances to the Environment; requires Owners/Operators to Inventory Chemicals Handled and Report to EPA and the Public; establishes Owners/Operators Liability for Remedial Actions Necessitated by Releases of Hazardous Substance4s; and requires EPA to Establish System of Ranking Relative Hazards at Sites, Create a List of Sites Requiring Remediation and Develop Response and Remediation Plans for Such Sites.

8. Toxic Substance Control Act (TSCA), 15 U.S.C. 2601–2671: Requires EPA to Establish Regulations for Specific Chemicals in Commerce Which Present an Unreasonable Risk to Health or the Environment.

9. Endangered Species Act, 16 U.S.C. 1531–1544: Requires Departments of Interior and Commerce to List species of Plants and Animals Which are Threatened with or in Danger of Extinction; requires Department of Interior to Develop Regulations for Protection of Listed Species; and requires Consideration of Requirements of the Act in All Other Federal Actions (Including Bureau of Land Management and Forest Service Approvals to Operate on Public Land).

10. Migratory Bird Treaty Act, 16 U.S.C. 703–715s: Prohibits the Killing of Nearly All Bird Species.

11. Rivers and Harbors Act, 33 U.S.C. 401–467e: Prohibits Disposal of Refuse into Navigable Water.

12. Mining Law of 1872, 30 U.S.C. 22–48: Establishes Procedures for Filing Mining Claims on Public Lands.

13. National Historic Preservation Act, 16 U.S.C. 470: Requires Consideration of Cultural Resource Preservation in Federal Actions.

14. Law Authorizing Treasury's Bureau of Alcohol, Tobacco and Firearms to Regulate Sale, Transport and Storage of Explosives, 18 U.S.C. 841–848: Requires Secretary of the Treasury to Establish Regulations for the Sale, Transport and Storage of Explosives.

15. Federal Mine Safety and Health Act, 30 U.S.C. 801–962: Authorizes Mine Safety and Health Administration to Set Standards for Protection of Worker Health and Safety at Mining Operations.

FEDERAL REGULATIONS

1. Procedures for Implementing National Environmental Policy Act, 40 CFR 6: Establishes EPA Procedures for Complying with NEPA; and establishes Requirements for Contents of Environmental Impact Statement.

2. Bureau of Land Management (BLM) Surface Management Regulations, 43 CFR 3802, 3809: Establishes Requirements for Approval of Activities Including Exploration, Mining, Construction of Access Roads and Power Lines on Public Lands Under BLM Jurisdiction; requires Environmental Assessment/Environmental Impact Statement to Address Existing Physical, Biological, Visual, Cultural and Socio-Economic Resources, Impacts on Proposed Activity on These Resources, and Mitigative Measures; requires Activities to be Conducted to Prevent Unnecessary and Undue Degradation; and generally Requires Plans of Operation and Reclamation and Financial Assurance for Reclamation.

3. Forest Service (FS) Regulations, 36 CFR 228: Establishes Requirements for Approval of Activities Including Exploration, Mining, Construction of Access Roads and Power Lines on Public Lands Under FS Jurisdiction; requires Environmental Assessment/Environmental Impact Statement to Address Existing Physical, Biological, Cultural and Socio-Economic Resources, Impacts on Proposed Activity on These Resources, and Mitigative Measures; requires Activities to be Conducted to Minimize Adverse Environmental Impacts Where Feasible; and generally Requires Plans of Operation and Reclamation and Financial Assurance for Reclamation.

4. Federal Air Quality Regulations, 40 CFR 50–54, 56, 58, 60, 66: Establishes Ambient Air Quality Standards and Monitoring Procedures for Criteria Pollutants; establishes New Source Performance Standards and Point Source Monitoring Procedures; and establishes Criteria for Approval of State Implementation Plans.

5. Federal Water Quality Regulations, 40 CFR 110, 112, 114, 116, 117, 122, 123, 125, 130, 136, 230, 232, 401, 421, 436, 471, 33 CFR 320–330: Establishes Regulations for Prevention of Discharge of Oil to Surface Waters; establishes Effluent Limitations and a Permit System for Point Source Discharges to Surface Waters (NPDES Program); establishes Requirements for State Surface Water Quality Standard Setting; establishes Effluent Limitations Guidelines Materials in Surface Waters and Wetlands; establishes Requirements for Reporting of Releases of Oil and Hazardous Substances to Navigable Waters; establishes Procedures for Analysis of Pollutants; and establishes EPA and Army Corp of Engineers Requirements for Disposal of Dredge and Fill.

6. Safe Drinking Water Act Regulations, 40 CFR 141–147: Establishes Primary and Secondary Drinking Water Quality Standards; establishes Procedures for State/Federal Implementation of Drinking Water Standards; and establishes Requirements for Operation of Underground Injection Wells and Procedures for Delegation to the States.

7. Solid Waste Disposal Act Regulations, 40 CFR 240, 241, 243–246, 255–257, 260–268, 280: Establishes Requirements for Management of Hazardous Waste, Including Standards for Generator, Storers, Transporters and Disposers; establishes Requirements for Owners of Underground Tanks Storing Petroleum Products and Hazardous Substances; and establishes Procedures for Delegation of Programs to the States.

8. Superfund Regulations, 40 CFR 300, 302, 310, 355, 370, 372: Establishes the National Contingency Plan for Addressing Remediation of Releases of Hazardous Substances to the Environment, Including the Hazard Ranking System for Determining Which Sites Require Remediation and the National Priorities List of Such Sites; requires Reporting of Releases of Hazardous Substances to the Environment; and establishes Procedures for Owners/Operators to Inventory Chemicals Handled and Report to EPA and the Public.

9. Toxic Substances Control Act Regulations, 40 CFR 761: Establishes Requirements for Use and Disposal of Asbestos and Polychlorinated Biphenyls (PCBs).

10. Endangered Species Act List, 50 CFR 17, 222, 226, 227: Lists of all Threatened and Endangered Species of Plants and Animals Subject to Protection Under the Act; establishes Special Rules for Protection of Some Listed Species; and lists Critical Habitat for Some Species.

11. Historic Preservation Regulations, 36 CFR 800: Establishes Procedures for Federal Actions Regarding Preservation of Cultural Resources.

12. Explosives Regulation, 27 CFR 55: Establishes requirements for sale, transport and storage of explosives.

13. Mine Health and Safety Standards, 30 CFR 56, 57: Establishes Standards for Open Pit and Underground Mines for Protection Of Worker Health and Safety.

STATE LAWS

1. Nevada Air Pollution Control Law, N.R.S. 445.401–445.710: Establishes Authority for Implementing Federal Ambient Air Quality Standards and other Clean Air Act Requirements; and creates State Environmental Commission.

2. Nevada Water Pollution Control Law, N.R.S. 445.131–445.354: Establishes Authority to Control Sources and Ground Water Pollution Including Point and Non-Point Sources and Underground Injection; requires Setting of Surface Water Quality Standards; and establishes Authority for Regulation of Public Drinking Water Supplies.

3. Nevada Hazardous Waste Disposal Law, N.R.S. 459.400–459.600: Establishes Authority for Regulation of Hazardous Waste Management; and establishes Authority to be Delegated Federal Program Under RCRA.

4. Nevada Solid Waste Disposal Law, N.R.S. 444.440–459.600: Establishes Authority for Regulation of Solid Waste Management; and prohibits Discharge of Sewage Except as Authorized by Appropriate Governing Body.

5. Nevada Reclamation Law, N.R.S 519A.010–519A.290: Establishes Authority for Reclamation Regulations Applicable on Public and Private Land; and requires Posting of Financial Assurance to Complete Reclamation.

6. Nevada Underground Storage Tank Laws, N.R.S. 459.800–459.856 and N.R.S. 590.700–590.920; Establishes Authority to be Delegated RCRA Program for Management of Underground Storage Tanks; and imposes Fees on Owners/Operator of Petroleum Underground Storage Tanks.

7. Nevada Wildlife Protection Law, N.R.S. 502.390: Establishes Authority for Regulation of Ponds Containing Chemicals by Nevada Department of Wildlife.

8. Nevada Water Resources Law, N.R.S. 533.010–533.540, 534.010–534.190 and 535.010-535.110: establishes Authority for Designation of Surface and Ground Water Rights; establishes Authority and Procedures for Permitting Construction Of Dams and Impoundments; and establishes Authority to Regulate Drilling, Construction and Abandonment of Water Wells.

9. Nevada Dredging Law, N.R.S. 503.425: Requires Permit Prior to In-Stream Mining by Dredging.

10. Nevada Historic Preservation Laws, N.R.S. 381.001–381.445, 383.001–383.121 and 384.005–384.210: Establishes Requirements for Mining Operations in State Historic Mining Districts; and establishes Requirements Regarding Disturbances to Native American Burial Grounds.

11. Nevada Geothermal Resources Law, N.R.S. 534A.010–534A.090: Establishes Authority to Regulate Geothermal Wells.

12. Nevada Mineral Resources Law, N.R.S. 513.011–513.113: Establishes Authority for Regulation of Radioactive Materials.

13. Nevada Radioactive Materials Law, N.R.S. 459.001–459.600: Establishes Authority for Regulation of Radioactive Materials.

14. Nevada Occupational Health and Safety Law, N.R.S. 618.005–618.720: Establishes Authority for Regulation of Boilers and Pressure Vessels.

15. Nevada Mine Inspection and Safety Law, N.R.S. 512.002–512.270: Requires Operator to Provide Notice to State Mine Inspector of Opening and Closing a Mine; requires Operator to Report Production, Mine Activity and Status, Accidents, Injuries, Loss of Life and Occupational Illnesses at Least Annually; and requires Division of Mine Inspection to Annually Inspect All Mines for Health and Safety Concerns.

16. Nevada Contractor's Law, N.R.S. 624.010–624.360: Requires Contractor's License Prior to Facility Construction.

STATE REGULATIONS

1. Nevada Air Quality Regulations, N.A.C. 445.430–445.944: Sets Ambient Air Quality Standards for Criteria and Toxic Pollutants; and contains Permitting Procedures for Sources of Criteria and Toxic Pollutants.

2. Nevada Water Pollution Control Regulations, N.A.C. 445.070–445.174: Establishes Permit Program for Point Source Discharges to Surface Water; and establishes Permit Program for Construction, Operation and Closure of Mining Facilities (Not Yet Codified in N.A.C.).

3. Nevada Water Quality Standards, N.A.C. 445.117–445.1395: Establishes Beneficial Uses and Water Quality Standards for All Surface Water Bodies in the State.

4. Nevada Drinking Water Regulations, N.A.C. 445.244–445.262: Establishes Regulations for Quality of Public Drinking Water Supplies (Including Non-Community, Non-Transient Systems Such as Newmont Gold's).

5. Nevada Hazardous Waste Management Regulations, N.A.C. 444.8500–444.9335: Establishes Requirements For Management of Hazardous Waste, Including Standards for Generators, Storers, Transporters and Disposers.

6. Nevada Solid Waste Disposal Regulations, N.A.C. 444.570–444.748: Establishes Standards for Management of Solid, Non-Hazardous Waste.

7. Nevada Underground Injection Control Regulations, N.A.C. 445.422–445.4278: Establishes Regulations for Underground Injection Wells (Including Sand Backfill of Underground Mines).

8. Nevada Sewage Disposal Regulations, N.A.C. 444.750–444.840: Establishes Requirements for Disposal of Sewage.

9. Nevada Reclamation Regulations: Will Require Reclamation of Surface Disturbances Due to Exploration and Mining on Public and Private Lands; and will Require Posting of Financial Assurance to Complete Reclamation.

10. Nevada Wildlife Protection Regulations N.A.C. 502.460–502.495: Requires Permits for Ponds Containing Chemicals Toxic to Wildlife; and requires Owner/Operators to Take Measures to Preclude Wildlife Mortality.

11. Nevada Geothermal Regulations, N.A.C. 534A.010–534A.690: Establishes Requirements for Design and Operation of Geothermal Wells.

12. Nevada Mineral Resources Regulations, N.A.C. 513.010–513.390: Requires Mine Owners/Operators to Annually Report Their Production.

13. Nevada Radioactive Health Regulations, N.A.C. 459.180–459–374: Requires License for Uses of Radioactive Materials (i.e. Densiometers).

14. Nevada Occupational Safety and Health Regulations, N.A.C. 618.010–618.334: Requires Registration of Boilers and Pressure Vessels Prior to Operation.

15. Nevada Health and Safety Standards for Open Pits and Underground Mines, N.A.C. 512.010–512.178: Establishes Standards in Addition to Federal Ones for Open Pit and Underground Mining Operations Regarding Protection of Worker Health and Safety.

Mr. REID. Mr. President, I ask the Chair to advise the Senator when he has 5 minutes left of his 20 minutes.

There has been a lot of talk about how terrible things are in the mining industry. Yet, the Bureau of Land Management, a Government agency that I have great respect for, that is doing its best, controls most of the Federal lands in the State of Nevada.

The Bureau of Land Management has put out a brochure. This isn't from the State of Nevada, the State of Alaska, or the State of Colorado. This is from the Federal Government. This applies to Nevada. It says on the front, "BLM, Mining Reclamation, You'd Be Surprised." My friend from Arkansas talked at great length about how bad cyanide is. Let me read from this brochure that is now being put out to everybody who wants a copy in the State of Nevada and the other Western States:

> Cyanide is a toxic chemical which is used in most gold and silver mining operations. BLM, again in cooperation with Nevada's State agencies, such as Nevada Department of Wildlife and Nevada Division of Environmental Protection, require that mining operations using cyanide do so in an environmentally sound manner.
>
> All new ponds containing lethal concentrations of cyanide must be netted or detoxified to prevent wildlife deaths.

Birds do not die as a result of cyanide:

> All operations using cyanide are inspected at least quarterly by BLM reclamation/compliance specialists.
>
> Gold or silver ore leached with cyanide must be rinsed to reduce levels to safe standards upon abandonment. Leach facilities are engineered to prevent any ground or surface water contamination.
>
> All exploration, mine and reclamation plans must be reviewed under the provisions of the National Environmental Policy Act.

This brochure goes on to show the great things done with reclamation in mining. It shows the equipment that is doing this. It is amazing what they have done to reclaim the land to its former state.

There is a mine near my hometown of Searchlight, NV, that is desert. When they pull out the Joshua trees, yuccas, and all the others, they have a nursery for those. And when that land is reclaimed, they have all those plants that they have taken out of the land and they put them back in. These aren't a bunch of environmental bandits out there tearing up the land.

The Federal Government agrees. My friend from Arkansas should read what the Federal Government wants. I suggest that my friend, the Secretary of the Interior, read the publication put out by his own agency. I say that about the Secretary of the Interior. He hasn't been fair to mining. I respect the work he has done as Secretary of the Interior in all areas except for mining, where he hasn't done a very good job. He is opposed to mining. He makes big shows when a land patent is issued and issues a big check saying it is not fair that we have to give this land to some miner. Remember these mining companies pay an average of a quarter of a million dollars every time a patent is issued. In short, the Secretary should read his own literature. The BLM and mining operations are continually looking for the best way to revegetate and reclaim mining lands. It shows pictures of it. It shows final reclamation at the Pinson Mine.

I ask unanimous consent that this brochure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUREAU OF LAND MANAGEMENT,
NEVADA STATE OFFICE,
Reno, NV.

MINING RECLAMATION—YOU'D BE SURPRISED

You may not know that on public lands in Nevada: All mining and exploration projects on public lands must be reclaimed.

All new mining operations greater than five acres, on public and private lands in Nevada, must submit a detailed mining and reclamation plan, must be bonded to ensure compliance, and must protect the environment.

Under the State of Nevada's new mining reclamation law, all operations must comply with numerous environmental protection programs. The Bureau of Land Management (BLM) and the State of Nevada have developed a cooperative mine plan review process which streamlines the approval process.

BLM AND MINING OPERATORS ARE CONTINUALLY LOOKING FOR THE BEST WAY TO REVEGETATE AND RECLAIM MINED LANDS.

Revegetation test plots at Cominco American's mine in Elko County, Nevada, help to determine what combination of seed, fertilizer, mulch and topsoil create the best revegetation results. BLM requires test plots at many mines in Nevada to evaluate local growing and rainfall conditions. These test plots enable mining operators and BLM to determine the most successful revegetation methods.

You might be surprised to learn that Nevada produced over 60% of the Nation's gold in 1990!

COOPERATIVE EFFORTS ENHANCE RIPARIAN AREAS.

Mining companies are working with the public to restore and revitalize public lands—those affected by old mining operations and even lands not in mining areas. The Sonoma Creek stream bank stability project near Winnemucca demonstrates how cooperation among the various users of public lands can enhance riparian areas in Nevada. Mining industry, ranching and government people all volunteered, with BLM, to build gabions and stream structures to improve the aquatic habitat of Sonoma Creek.

BLM, public land user groups and the mining industry plan more cooperative efforts in the future. BLM invites the public to help identify and participate in these activities.

CYANIDE MANAGEMENT

Cyanide is a toxic chemical which is used in most gold and silver mining operations. BLM, again in cooperation with Nevada's state agencies, such as the Nevada Department of Wildlife and Nevada Division of Environmental Protection, require that mining operations using cyanide, do so in an environmentally sound manner.

All new ponds containing lethal concentrations of cyanide must be netted or detoxified to prevent wildlife deaths. All operations using cyanide are inspected at least quarterly by BLM reclamation/compliance specialists.

Gold or silver ore leached with cyanide must be rinsed to reduce cyanide levels to safe standards upon abandonment. Leach facilities are engineered to prevent any ground or surface water contamination.

All exploration, mine and reclamation plans must be reviewed under the provisions of the National Environmental Policy Act.

EXCELLENCE IN MINING RECLAMATION

In 1990, Governor Bob Miller of Nevada awarded three "Excellence in Mining Reclamation" awards to exploration and mining operations in Nevada.

Pinson Mine, Borealis Mine and Independence Mining Co. were recognized for outstanding and unique practices and projects.

Mr. REID. This brochure indicates also that mining companies, one of which is pictured here, have received an award for excellence in mining reclamation.

Mr. President, the State of Nevada is totally different from the State of Alaska. The State of Nevada is the most mountainous State in the Union, except for Alaska. We have lots of mountains, over 11,000 feet high—32 to be exact. Alaska has a lot of water. We don't have a lot of water. Mining regulations in the State of Alaska should be different than those in the State of Nevada. The State of Alaska should have some control in setting the standards for mining reclamation, mining bonding and other such things. The State of Nevada should have different standards because we live in a desert in Nevada. That is the point.

Each State is subject to different water quality conditions, air-related issues, issues that stem from local climate conditions, disposal criteria, and other issues that are distinct from State to State. That is something the Federal Government must recognize, and the agency does. The BLM recognizes that because they have different standards in each State. That is why the present regulations are working pretty well.

Also, Mr. President, understand this. We have asked the National Academy of Sciences to study this. We don't tell them what result to reach. We will accept what they come up with. Why shouldn't those who want these regulations changed not accept it also? We are not asking for some predisposed venue. We are not asking for some agency that is going to rule in a certain way. We have asked the finest science body in the world to look at these regulations and find out if they make sense.

Mr. President, I will offer a number of exhibits here. One is a Western Governors' Conference resolution that indicates there is no need for what the Secretary of the Interior is trying to do.

We have a series of letters from Governors from all over the United States talking about why the Secretary is wrong.

Mr. President, I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' ASSOCIATION,
Medora, ND, June 24, 1997.

POLICY RESOLUTION 97-006

Sponsors: Governors Miller, Leavitt, and Symington.

Subject: Regulation of mining.

A. BACKGROUND

1. Federal lands account for as much as 86 percent of the lands in certain western states. Most of these lands are "public lands," under the stewardship of the Bureau of Land Mangement (BLM).

2. The western states have legal jurisdiction over the public lands, and have a strong interest in seeing that the environment is protected on public and private lands within state boundaries. While the BLM manages public lands throughout the country, laws, policies and management decisions for public lands have the most direct impacts on the lives of the citizens of the western states where the greatest amount of public lands are located.

3. Mining operations on public lands are an important part of the economy of the West. They provide thousands of high-paying jobs in predominately rural areas of the West and they provide important revenues to states. The mining industry also continues to play an important role in the nation's economy and security.

4. Under the Federal Land Policy and Management Act (FLPMA), the BLM has authority to regulate mining and other activities on public lands to "prevent unnecessary or undue degradation of the lands." The BLM adopted rules in 1981—known as the 3809 rules—controlling impacts of mining activities on the public lands. These rules contain narrative reclamation standards, require operators to submit a plan of operations for approval including a reclamation plan, and require compliance with federal and state environmental, wildlife protection, cultural resources and reclamation laws.

5. The Secretary of Interior announced earlier this year his intention to revise the 3809 rules, and appointed a BLM Task Force to explore changes that should be made to the existing rules. The Secretary has directed the Task Force to consider numerous changes to the 3809 rules, including the adoption of significant new environmental regulatory requirements in the form of performance standards.

6. The BLM 3809 regulations do not exist in a regulatory vacuum. There exists today a large body of federal, state, and local environmental laws and regulations that govern mineral exploration, development and reclamation. This includes Federal laws delegated to the states, such as the Clean Water Act and the Clean Air Act. The existing 3809 rules are an important part of the regulation of mining on the public lands.

7. Western states also have comprehensive state mining regulatory programs, enforced in coordination with federal land management agencies. These state programs set criteria for permitting exploration, development and reclamation of mining operations, with provisions for financial assurance, protection of surface and ground water, designation of post-mining land use, and public notice and review.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors believe that responsible mining activity on the public lands is important and states have a vital interest in assuring that the environment is protected and that mining sites are reclaimed for productive post-mining uses.

2. Effective regulation of hard rock mining and reclamation operations should continue to utilize and build on existing state programs, state and federal laws and cooperative agreements between state and federal agencies. Because of the geographic and climatic diversity of the states and the location of many mines on a combination of public and adjacent private lands, the states are the most appropriate and sensible level of environmental regulation for mining which occurs on the public lands.

3. Revisions to 3809 regulations may not be necessary. More consideration should be given to compliance with existing regulations. States have filled and should continue to fill any deficiencies identified in the statutory and regulatory framework and its enforcement. Establishing burdensome or duplicative new BLM regulatory requirements for mining is not in the best interest of states or the nation.

4. Any new BLM regulations must recognize the dramatic improvements since 1981 in state and federal environmental regulation of mining on public lands and must not duplicate or be inconsistent with those requirements.

5. The States have concurrent jurisdiction with the BLM over public lands and should therefore be included as partners in any effort to amend the 3809 regulations.

6. The bonding requirements of the BLM, as published in the Federal Register dated February 28, 1997, should be revisited as part of the effort to amend the 3809 regulations due to the integral nature of bonding with the entire regulatory and reclamation process.

7. The BLM time frame for regulatory review is too short to provide sufficient review and comment by stakeholders.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. Direct staff to work with the WGA Mine Waste Task Force to participate in the ongoing effort by the Bureau of Land Management to revise the 3809 regulations, emphasizing the states' interest in avoiding duplication, needless regulatory burdens and in preserving primacy of state regulation in the environmental area.

2. The Task Force should provide assistance and support to the BLM Task Force on the status and efficacy of state regulatory programs, the status of memoranda of agreement with the BLM, and should make recommendations for how current state programs may be improved where applicable.

3. This resolution is to be transmitted to the President of the United States, the Vice-President, the Director of the Office of Management and Budget, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, all appropriate committees of jurisdiction in the United States Senate and House of Representatives, and the western states' congressional delegation.

State of Arizona,
Phoenix, AZ, June 19, 1998.

Hon. Frank Murkowski,
Chairman, Energy & Natural Resources Committee, U.S. Senate, Washington, DC.

Dear Senator Murkowski: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hardrock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce duplicatory, burdensome and costly new regulations that would place a hardship on states that currently regulate hardrock mining.

Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations. Further, that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that need to be addressed.

I strongly support the approach set forth by my colleague, Governor Miller, and it is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hardrock mining industry. I believe that the states have an excellent cooperative working relationship with the federal land managers and together are currently doing a good job regulating the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to my state. I appreciate Congress' continuing interest in this matter.

Sincerely,

Jane Dee Hull,
Governor.

State of Utah,
Salt Lake City, UT, July 8, 1998.

Hon. Orrin Hatch,
U.S. Senate, Washington, DC.

Dear Orrin: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hardrock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce redundant, burdensome and costly new regulations that would place a hardship on states that currently regulate hardrock mining.

Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations and that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that needed to be addressed.

I support the approach set forth by my colleague, Governor Miller, and it is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hardrock mining industry. I believe that the states have an excellent working relationship with the federal land managers and together are currently doing a good job regulating the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to our states. I appreciate Congress' continuing interest in this matter.

Sincerely,

Michael O. Leavitt,
Governor.

State of Wyoming,
Office of the Governor,
Cheyenne, WY, July 8, 1998.

Hon. Slade Gorton,
U.S. Senate, Chairman, Interior Appropriations Subcommittee, Washington, DC.

Dear Senator Gorton: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hard rock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce redundant, burdensome, and costly new regulations that would place a hardship on states that currently regulate hard rock mining. Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations and that an independent reviewer, such as the National Academy of Sciences, should evaluate the current and state regulatory regime to determine if there are deficiencies that need to be addressed.

I strongly support the approach set forth by my colleague, Governor Miller. It is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hard rock mining industry. I believe that the states have an excellent working relationship with the federal land managers and together are currently doing a good job of regulation of the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to our states. I appreciate Congress' continuing interest in this matter.

Best regards,

Jim Geringer,
Governor.

Office of the Governor,
Boise, ID, June 24, 1998.

Hon. Slade Gorton,
U.S. Senate, Washington, DC.

Dear Senator Gorton: The Bureau of Land Management has proposed significant revisions to its 3809 surface management regulations for hardrock mining. I have followed this process closely and believe the proposed changes are redundant, burdensome and costly. These revisions, as currently written, would place a hardship on our efforts to regulate mining in Idaho.

Governor Bob Miller of Nevada has suggested that an independent reviewer, such as the National Academy of Sciences, evaluate the current federal and state regulatory regimes to determine if there are problems that need to be addressed. I support Governor Miller's suggestion and urge you to support efforts to initiate and fund such a study.

Very truly yours,

Philip E. Batt,
Governor.

Office of the Governor,
State Capitol,
Santa Fe, NM, July 2, 1998.

Hon. Frank Murkowski,
Chairman, Energy & Natural Resources Committee, U.S. Senate, Washington, DC.

Dear Senator Murkowski: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hard rock mining. I have followed the process of regulatory development, and am greatly concerned that this rewrite is an attempt by DOI to interfere with and override state regulatory programs that currently have jurisdiction over hard rock mines.

New Mexico's hard rock mining law is one of the best in the country, and has jurisdiction over mines on federal, state, and private lands. The draft regulations DOI has proposed are not more stringent than those of New Mexico, but they could create significant problems for our program and our mines by imposing conflicting requirements, and establishing an unnecessary process for oversight and program certification.

Recently, one of my colleagues, Governor Bob Miller of Nevada testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations. He suggested further that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that need to be addressed.

Despite frequent requests from the concerned states, DOI has not provided any evidence that the current 3809 regulatory structure is not working. Problems with 3809 are largely anecdotal, and commonly related to abandoned mines, which would not be addressed by the proposed rewrite. New Mexico and other western states have filled in the gaps they perceived in 3809 with state laws. New Mexico has an excellent working relationship with the federal land managers, and together we are doing a good job regulating the mining industry. The evidence is before us daily. It appears most appropriate that DOI should assemble this evidence, present it to your committee and allow our elected representatives to decide what is best for the states they represent.

This process of regulatory development cries out for a concrete foundation to justify the time and expense that all parties are committing to it. I appreciate your continuing interest in this matter, and hope you will consider requesting DOI or another reviewer to provide that foundation before the process moves any further.

Sincerely,

Gary E. Johnson,
Governor.

Mr. REID. Mr. President, we had testimony taken at Chairman Murkowski's hearing in the Committee on Energy and Natural Resources of a number of different people. I ask unanimous consent that it be printed in the Record, together with a letter from the Western Governors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM A HEARING HELD BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT, TUESDAY, APRIL 28, 1998

STATEMENT OF HON. BOB MILLER, GOVERNOR OF NEVADA

GOVERNOR MILLER. Thank you very much, Mr. Chairman. In many respects, I can just say "ditto." In any case, I do appreciate the opportunity to join Nevada's two Senators, Harry Reid and Dick Bryan, to testify today on this legislation.

This is not the first time I have spoken to this committee about the need to bring reform to the Nation's mining law, a law that was enacted 125 years ago, in 1872. For example, in 1993, I expressed my opposition to Senate bill 257, the Mineral Exploration and Development Act. Since then, there have been several attempts to resolve the debates regarding the reform of the 1872 mining law.

While reform measures are never easy, I appreciate this committee's persistence in trying to find common ground.

I opposed S. 257 for the same reason that I oppose S. 326 and S. 327 today. These bills threaten the survival of one of Nevada's mainstay industries, an industry which is critical to the economic health of many rural communities.

It is well known that Nevada was founded on mining. What may not be as well known is that Nevada continues to be a world leader in gold production and produces the most silver, magnesite, and barite in the Nation. Remarkably, Nevada has achieved these production levels and is arguably the most environmentally responsible mining region in the world. Yet, I do not advocate the status quo.

Congress and the States should continue to work with the industry and the environmental community to minimize mining's effects on the land and on other land users.

All of us here today are concerned about mining reform, the industry, and the environment. The questions of a fair patent law to the taxpayers, mining contribution to the Federal Treasury through a royalty and the environmental responsibility of mining operations are all legitimate concerns.

We must weigh these concerns with the knowledge that the mining industry is an important contributor to the Nation's economy, and to my State's economy in particular.

Nevada's mining renaissance has created approximately 13,000 jobs directly related to mining, with an additional 45,000 jobs indirectly related to the industry. These are high paying jobs that average close to $50,000 per year.

Rural communities, such as Austin, Carlin, Elko, and Winnemucca, are all dependent on a vibrant mining industry. As all of you wrestle with these issues, I would hope that you would keep in mind those communities and those families who built a future around a moderate, environmentally sensitive mining industry.

I believe that S. 1102, the Mining Law Reform Act of 1997, shows significant progress toward resolving the debates about mining law. While minimal change could be made to the bill, it is time to reach finality.

For too long, the mining industry has operated with uncertainty about the future of mining law. The industry must account for many variables that have profound effects on our communities. The price of gold, for instance, is testament to the vulnerability of this industry in an ever changing global market.

Since July of 1997, the U.S. has lost 2,200 operational jobs from the mining industry as a result of the drop of the price of gold. Over the past 4 months, approximately 680 jobs have been lost in Nevada.

To illustrate the point, the market value of gold is hovering at around $300 per ounce. In comparison, production costs per ounce of gold average at best in Nevada between $260 to $280 per ounce. Many mines throughout the Nation operate at well over $300 per ounce. It is imperative that we minimize the variables and eliminate the uncertainty about mining reform.

While I am familiar with the contents of each of these bills, I will confine my comments to some of the broader aspects of each as they relate to the reform of mining law.

There are mining law experts here today, obviously, who can go into much greater depth.

First, I would like to make some brief remarks about the Department of Interior initiative to amend its reclamation regulations, termed the 3809 regulations, which I am sure the Secretary will address in a few moments.

Since the beginning of this initiative, I have questioned the legitimacy of, in essence, changing mining law through an administrative process. I not only have had questions about the motivations, but, moreover, I have had concerns about the process by which the Department of Interior is amending these regulations. But after repeated complaints about the process through the Western Governor's Association, where we have a nearly unanimous vote on this issue, the issue of process has been dealt with.

However, I continue to have substantive concerns with regard to the direction in which the proposed amendments are going. In short, Interior is moving the responsibility for environmental oversight of mining operations in my State and other States to here in Washington, D.C.

This attempt at seizure of control by Interior is particularly perplexing in view of the fact that many States, especially Nevada, have moved aggressively to address the environmental concerns of mining operations.

To date, there has been no real justification offered by the department regarding the need to make changes other than—and I quote a memo of January 6, 1997—directing the department to begin the process of drafting such regulations. It states: "It is plainly no longer in the public interest to wait for Congress to enact legislation that corrects the remaining shortcomings of the 3809 regulations. Instead, the time has come to resume the process of modernizing the 3809 regulations first promised at the end of the Carter Administration and begun at the end of the Reagan Administration. To that end, I direct you to restart this rulemaking process by preparing and publishing proposed regulations."

During my tenure as Governor, I have overseen the adoption of Nevada's State law requiring reclamation of all lands disturbed by mining. My State has also developed comprehensive regulations governing water quality standards of mining operations. These requirements are working well because they were crafted with a great deal of cooperative effort by the environmental community, the mining industry, and State and Federal regulators.

Instead of proposing changes without sufficient justification, Interior should work with the States, the industry, and the environmental community to pinpoint the possible needed modifications regarding reclamation.

Or perhaps Congress could help us with this impasse by requesting an independent evaluation of the 3809 regulations by a third party, such as the National Academy of Sciences.

I believe that this type of study would determine that Nevada's reclamation law could serve as the model for the rest of the States.

On two separate occasions, the United States Environmental Protection Agency has praised Nevada for its hardrock mining regulatory program, declaring that, "Nevada's regulations are considered to be among the best, the most comprehensive, and several gold mining States now have or are developing similar requirements."

The preferable solution to the 3809 debate is the passage, in my opinion, of S. 1102. The sponsors of this bill wisely propose a comprehensive approach to mining reform which offers reasonable answers to all of the major issues, including permitting and surface management, royalties, patents, and abandoned mines.

On the other hand, S. 326 and the Abandoned Hardrock Mines Reclamation Act and S. 327, the Hardrock Mining Royalty Act are piecemeal remedies that resemble previously proposed legislation which Nevada and this committee have consistently found unacceptable.

The mine permitting and surface management provisions within S. 1102 will conform to those activities already being conducted by our State regulators, as well as the U.S. Bureau of Land Management. S. 1102 defers to existing State reclamations and bonding requirements where they meet the intentions of the Federal act. And the bill references the other State and Federal acts already used to regulate mining activities with respect to the environment.

One of the most widespread criticisms of the 1872 mining law is its lack of royalty. S. 1102 details a methodology to collect a 5 percent net royalty proceeds that is fair to the public and the industry. This royalty, as you stated, Mr. Chairman, closely resembles the State of Nevada's net proceeds system, which has proven to be highly effective.

Nevada's system generates millions of dollars annually, approximately $29 million during Fiscal Year 1997 alone. The administrative cost of our program is about $200,000 annually, or ½ of 1 percent of the revenue.

S. 327's 5 percent net smelter royalty return would cripple the production of minerals by taxing anywhere from estimates of 92 percent to 98 percent of a mine's gross income. In addition to the serious, immediate negative impact, the long-term effects are significant because the growth of the industry would likely halt or be limited due to the high royalty level.

Congress should focus on placing royalty on the value of Federal mines after costs associated with finding and producing those minerals are subtracted. Such royalty would be on the value of the mineral in the ground, before any additional value was added.

A royalty has to be found that does not close mines and stop new development. I believe that S. 1102 passes that test.

While S. 326 has no royalty provisions, it would charge a reclamation fee which would be in addition to other royalties, such as proposed in S. 327, thereby creating an even greater burden on miners. The appropriate vehicle to fund abandoned mine clean-up is found also in S. 1102.

The patenting is an essential means to insure the production of minerals. Patenting mitigates the risk of losing the substantial financial investments taken by mining operations during the often long permitting periods.

While S. 327 would abolish this necessary security process, S. 1102 would change the patent prices to reflect the value of today's public land. It would wisely halt the \$2.50 to \$5 per acre fee and sell the patent for the surface land's fair market value, which I think you addressed also.

Reclaiming Nevada's abandoned mines is a tall task, one which the State has aggressively worked to address. With funding through modest assessments on the industry which have been supported by the industry, Nevada has been able to secure over 4,000 abandoned mine sites. Yet there are thousands more sites that need attention to prevent risk to public health.

S. 1102 establishes an acceptable funding mechanism to continue this effort and to secure dangerous sites.

Senator Craig has addressed the major issues pertaining to mining law reform in a way that is good for the public, the environment, and the industry, and I compliment him and all of the other sponsors for their work in support of reasonable mining reform.

As this committee and the Senate further address this issue, I hope that you keep in mind, as I said previously, the communities that rely on mining. This industry has built towns and communities throughout the West which need to be kept at the forefront of the thought process as you proceed with this issue.

Thank you very much for the opportunity to appear, Mr. Chairman.

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, September 15, 1997.
Hon. HARRY REID,
Senator, Washington, DC.

DEAR SENATOR REID: We, the undersigned, thank you for your efforts and support to include states with hard rock mining on public lands as co-regulators in the Bureau of Land Management's current 3809 rulemaking process. We commend you for highlighting that states have legal jurisdiction, concurrent with the Secretary of the Interior's jurisdiction, to regulate activities on the public lands.

As you know, the states impose strict controls on mining activities on both public and private lands within their borders. Our states work closely with federal land management agencies—often through cooperative agreements—to ensure that mining activities are comprehensively regulated to control environmental impacts. These federal-state partnerships should be preserved not disrupted by new federal regulations adopted without the appropriate justification or state input.

Representatives of the Bureau of Land Management and the Department of Interior did consult with western state mining regulatory staff prior to the formal scoping meetings for developing an Environmental Impact Statement for the proposed rulemaking. However, it became clear during that meeting that BLM's rulemaking was undertaken not because of identified problems on-the-ground but because there was direction to do so from the Department of Interior. It appears that direction essentially is framing the rulemaking rather than a conclusive study such as that called for in your amendment. Attached for your information is a copy of state comments to the Department summarizing the issues raised at that meeting and a copy of a resolution western governors adopted on the subject in June.

We want to bring to your attention the fact that the Unfunded Mandates Act of 1995 exempted from FACA consultations between state and federal governments that involve their intergovernmental responsibilities and administration. We support that exemption. Your amendment's creation of a unique advisory committee for the purpose of a joint study, however, does not appear to undermine the exemption created by the Act.

In closing, we support your amendment because it recognizes our concerns about the states' role as co-regulator and it stresses the need to avoid regulatory duplication. We will make our staff available to the Department of the Interior as well as committees of Congress to ensure that we work together to protect the environment in a coordinated, cost-effective manner.

Thank you, again, for the interest you have shown in the states' role in environmental management and regulation.

Sincrely,

BOB MILLER,
Governor, State of Nevada.
PHIL BATT,
Governor, State of Idaho.
GARY JOHNSON,
Governor, State of New Mexico.
JANE DEE HULL,
Governor, State of Arizona.
MIKE LEAVITT,
Governor, State of Utah.
MARC RACICOT,
Governor, State of Montana.
ED SCHAFER,
Governor, State of North Dakota.
JIM GERINGER,
Governor, State of Wyoming.

Mr. REID. Mr. President, what we have to realize here is that this is an effort to be fair. The language in the bill calls for a study by the National Academy of Sciences. I repeat. We have not asked them to find in any certain way. Whatever they come up with is what we will go along with.

I think that we owe the American people an honest debate about the current regulations for hard rock mining and all the disasters that have gone on in the past. There are a number of Superfund sites. That is one reason Superfund was passed—because of environmental degradation that had taken place in the years gone by. Mining was part of that. We are not part of that anymore. I think that is good.

We owe the American people an honest debate about the current regulations of hard rock mining. We owe them the opportunity to know about mining, and for the first time the truth about the environmental practices employed by modern-day mining—not what went on 30 years, 40 years, 50 years, or 100 years ago. We owe the tens of thousands of Americans who make a living at mining—or some occupation that relies on mining—to know that certainly their jobs will be there when they show up in the morning.

I say to everyone within the sound of my voice mining affects more than the people that go down in the Earth or into the open pits. It affects more than them because we have industries all over America that rely on mining. These huge trucks that haul the ore out of the open pit operations cost over \$2 million. To replace the tires on one of those trucks costs over \$25,000 each. Underground operations are very expensive. That equipment comes from other parts of the United States other than the western part of the United States.

This industry is important to the economic viability of this country. There is no one in this body, the Department of the Interior, or the mining industry that can predict the outcome of the review conducted by the National Academy of Sciences. I can almost assure you the results will be fair. That is all we are asking.

But let me say that I think we should approach this on a nonemotional basis. When the study is completed, we will go forward as indicated in the language that is in this bill with whatever they recommend.

Mr. President, it is important that this amendment fail. It is not good legislation. It is something we have debated time and time again—just in a different setting.

I ask my colleagues to join in doing what is right for an industry that is very important to the economic viability of this country.

Mr. MURKOWSKI. Mr. President, might I ask what time remains on either side? Senator BUMPERS is controlling the amendment.

The PRESIDING OFFICER. Each side has approximately 38½ minutes remaining.

Mr. MURKOWSKI. I thank my colleague, the Senator from Nevada. I yield time to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the chairman.

Mr. President, I rise in opposition to the BUMPERS amendment.

This past summer, as I have each summer since being a Member of the Senate, I spent most of my time in what we in Nevada refer to as "cow county" in rural Nevada. Most of that time I spent in places that are not widely known outside of Nevada. I was in Wells, Wendover, Elko, Battle Mountain, Winnemucca, Lovelock, Ely—some of the smaller communities in our State, but communities that are very dependent upon mining as the principal base of their economy.

In the northeastern part of our State, as a result of the situation that relates to the international pricing of gold at or near record levels over the last 20 years, these communities are hurt. These are good-paying jobs of \$46,000 or

$47,000 a year with the full range of health benefits. They are premier jobs. These communities are hurting. Sales tax collections are down.

So this is a major concern about what is happening to the principal economic base in the northeastern part of our State, which is a mining industry.

I rise in opposition to the amendment offered by my friend and colleague from Arkansas that would prevent the National Academy of Sciences from studying Federal and State environmental regulations applicable to hard rock mining on Federal lands.

As many of my colleagues from the West are aware, the Interior Department is proposing major revisions of the regulations that govern hard rock mining on public lands known as 3809 regulations. The regulations were originally promulgated in 1980 and require miners to submit plans for operations for approval by the BLM. The existing regulations require mine operators to comply with all Federal and State environmental laws and regulations, require that lands disturbed by mining be reclaimed, and require that bonds be posted to assure that reclamation is complete.

The State of Nevada has one of the toughest—if not the toughest—State reclamation programs in America. Nevada mining companies are subject to a myriad of Federal and State environmental laws and regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act, among many others.

Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted.

Companies must also file a surety or a bond with the State and the Federal land manager in an amount to ensure the reclamation of the entire site prior to receiving a reclamation permit.

Let me just say parenthetically that both as Governor and Senator I have been to these mining locations for many, many years. Mining today is much different than mining was even a generation ago, and much, much different than it was a century ago.

Some of the well-advertised misdeeds of mines in the past have to be freely acknowledged as something that is a source of major concern in terms of its environmental impact. I think it is an embarrassment to the modern-day mine manager whose philosophy and approach is much different and who is sensitive to the concerns as to the environmental impact. That represents the new Nevada and the mining operations that exist in my State with which I have firsthand familiarity.

A number of the Western Governors, including our own Governor of Nevada, Governor Bob Miller, have expressed genuine concern about the 3809 rulemaking—that it will unnecessarily duplicate existing Federal and State regulatory programs. Governor Miller, in his testimony before the Senate Energy and Natural Resources Committee earlier this year, suggested that Congress call for an independent evaluation of the need to revive the 3809 regulations, and made the suggestion that the National Academy of Sciences would be an appropriate organization to conduct a sufficient study. I concur. The academy has a preeminent reputation for fairness and balance. This is not a committee that is associated with the mining industry, nor controlled directly or indirectly by them.

I am pleased that the Appropriations Committee saw fit to follow the suggestion of Governor Miller, because I must express that I, too, have serious questions concerning the need for the Interior Department's proposed regulations and revisions. The current 3809 regulations require compliance with all existing Federal and State environmental standards and requirements, including the Clean Water Act, the State water quality standards in particular.

The Interior Department proposes to add a new layer of requirements on top of existing laws for both surface and ground water which extends beyond the agency's regulatory reach—far beyond management and protection of Federal lands. These proposed rules, if adopted, would result in inconsistent or duplicative water quality standards or technology requirements because BLM can no longer accept State or EPA determinations as compliance with the 3809 regulations. I must say it is somewhat ironic that the duplication of existing Federal and State water quality programs resulting from this proposal will, in my judgment, impose substantial additional costs on the Bureau of Land Management without any corresponding environmental benefits.

The proposed regulations allow States to continue the common practice of joint administration of mine regulation—and this is significant—but impose unrealistic demands for Federal approval of State programs. The Interior regulations will effectively federalize reclamation laws in all of the Western States even on non-Federal land because the States must amend their laws and regulations to comply with the Federal model in order to enter into an agreement for joint administration. Interior has proposed this requirement without any showing that existing State reclamation laws and programs are inadequate.

And finally, the proposed regulations include numerous additional procedural and substantive requirements that will encourage delay in mine permitting and appeals and litigation over permitting decisions. It is clear that the Secretary of Interior is attempting to rewrite the mining law through the regulatory process. I share the Secretary's desire to update the mining law, and I would say for the record that Nevada's mining industry is in the forefront of recognizing that the mining law of 1872 needs to be updated. But that is a job for Congress, not unelected bureaucrats. I am hopeful that the discussions that have been occurring between my colleague, Senator BUMPERS, and the mining industry will lead to an agreement on mining law. In the interim, however, I think it is important that we allow the National Academy of Sciences to assess the need for the Interior Department's proposed regulations, and for that reason I urge my colleagues to defeat the Bumpers amendment.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Alaska controls 30 minutes 20 seconds.

Mr. MURKOWSKI. I thank the Chair. And remaining on the other side is?

The PRESIDING OFFICER. Thirty-eight minutes 35 seconds.

Mr. MURKOWSKI. I thank the Chair. I will accommodate the Senator from Arkansas if he desires to speak at this time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. My good friend and colleague from Alaska, Senator MURKOWSKI, mentioned the fact that I come from a State where poultry is a big industry, which, indeed, it is. And they have been taking a lot of hits lately. Tyson Foods, which is by far the biggest poultry company in the United States, has been fined by the State of Maryland, been made to change their operations. The Secretary of Agriculture announced last week that we need a totally new set of regulations dealing with animal waste, including poultry. They are subject to all kinds of regulations. I have been here for 24 years now, and I defy any Senator to tell me one time I ever objected to a regulation that dealt with the environment where the poultry industry was involved. I wonder if the Senator from Alaska would tell us how he would feel if I came in here knowing that the poultry industry was creating an environmental disaster and said, well, I want 27 more months to study it—if last year I came here with a proposal saying you can't do anything to the poultry industry until every Governor in the country or every Governor whose State has poultry signs off on it, and, once you get that in place, say, well, all the Governors have to be consulted, and you get that in place, and then I come back and say, no, we need 27 more months to study it.

I don't know how people would react to that. I expect rather severely. But I will tell you one of the differences. Very few States have hard rock mining on Federal lands.

Incidentally, I might just at this point say, Mr. President, there was an editorial a couple weeks ago in the New York Times entitled "Time for Mining Law Reform." I ask unanimous consent to have that printed in the RECORD.

There being no objection, the editorial is ordered to be printed in the RECORD, as follows:

TIME FOR MINING LAW REFORM

With very little fanfare, the White House recently released a three-paragraph statement announcing the formal transfer of the New World Mine site to the United States Forest Service. Thus ended, officially and happily, a four-year struggle to prevent a Canadian mining company and its American subsidiary from building an environmentally treacherous gold mine near the border of Yellowstone National Park. But the forces that defeated the mine, including the Clinton Administration, have one more task ahead of them. That is to overhaul the 1872 Mining Law, the antiquated Federal statute that made it so easy for the company to acquire the mine site in the first place.

Signed by Ulysses S. Grant to encourage Western development, the law gives mining companies virtually automatic access to Federal land and allows them to take title to that land for a few dollars an acre—a process know as patenting. The law does not provide for "suitability" review to determine whether the mining operation could cause unacceptable environmental damage. It also allows companies that mine hard-rock minerals like gold and platinum to escape any royalties similar to those paid by companies that extract oil and coal from Federal lands. Finally, the law does not require companies to clean up abandoned sites. According to the Mineral Policy Center, an environmental group, a century of unregulated mining has left behind 557,000 abandoned mines, 50 billion tons of waste and 10,000 miles of dead streams.

Powerful Western senators have always managed to block reform. Nevertheless, Senator Dale Bumpers, long a champion of reform, plans to use his final months in office before he retires to push for something meaningful on the books. The Arkansas Democrat has offered three related bills that would end the patenting system, impose a royalty on the minerals the mining companies extract and use that money to begin cleaning up old mine sites.

The proposed environmental safeguards could be stronger. There is, for example, no suitability provision that would allow the Government to insulate certain lands from any mining at all. This is a serious flaw, but years of legislative futility have persuaded Mr. Bumpers that to insist on such safeguards would doom even the modest reforms he has proposed. He also believes that ending the patenting system—which effectively allows mining companies to privatize public lands—would make a big difference because it would expose the companies to Federal environmental regulations they can now safely ignore.

Mr. Bumpers concedes that those regulations need to be made stronger, a task that Bruce Babbitt, the Secretary of the Interior, has pledged to undertake. The ever-resourceful Western Republicans have also anticipated that threat, saddling this year's Interior appropriations bill with a rider blocking Mr. Babbitt from issuing stronger rules for at least two years—at which point they hope to have a less conservation-minded secretary running Interior. That is one more reason for President Clinton to veto that bill, which is loaded with other destructive riders. Meanwhile, the Senate should approve the Bumpers proposal, which, despite its flaws, represents real progress. Its passage would give the victory at Yellowstone lasting resonance.

Mr. BUMPERS. This says exactly what I have been saying, and that is, the President ought to veto the Interior Appropriations bill if my amendment is defeated. And I personally think he will.

With all these disasters which I have addressed, all we have had is one delay after another. In 1993 they said, "Well, we are working on a mining bill," and in 1994 the same people who said we are working on a mining bill and we should not deal with these regulations did everything they could to stall until 2 weeks before we were to go home to make sure there was no mining bill.

And then last year they said, "We want all the Governors to have a say in this. Don't put a regulation into effect that prohibits the leakage of cyanide from a gold mining site unless all the Governors have signed off on it." They backed off that and they said, "Well, they have to be consulted." We said, "Fine, they ought to be consulted." So they were consulted. And the president of the Western Governors' Association told the Senate Energy Committee that "We have been consulted." So what do they do then? They come back and say, "Well, now we want the National Academy of Sciences to study the regulations"—anything under God's sun to keep from dealing with an unmitigated disaster.

Why are the people of America indifferent? They don't even know about it. There is no hard rock mining in my State. I am not running for reelection, but if I were running for reelection I wouldn't get any votes in my State out of this issue. As Gilda Radner used to say—"if its not one thing, its another." And the Senator from Alaska alluded to the fact that I had, indeed, been working with the National Mining Association trying to craft something to reform the 1872 law that Ulysses Grant passed and has been such an unmitigated disaster for this Nation. Think about a law still on the books that Ulysses Grant signed to encourage people to go West. Is that a legitimate reason for allowing this 126-year-old bill to stay on the books—encourage people to go West? That is what we are dealing with.

And the Senator from Alaska said he and Senator CRAIG had a bill, and I asked them not to bring it up. That is true. I did that because I thought we were going to make a deal. The Chairman of the National Mining Association—who is a very fine, honorable man, in my opinion, a man of immense integrity—and I worked extremely well together. We were honest with each other, and our staffs developed a draft proposal. Unfortunately, that was before we ran it by the Western Senators. Two Western Senators said we can't do this. And the Senator from Alaska said the reason they didn't bring up the bill he and Senator CRAIG crafted was because he thought we had a deal. I thought I had a deal, too.

The bill they wanted to bring up, the bill they crafted and they said it was too late to bring up, let me tell you what it would do. It says, first, that environmental regulations promulgated by the Secretary of Interior cannot be stronger than the State where the mine is located. Think of that. There is no point in even having a Federal regulation. Each State would be a king with regard to mining on Federal land. Every State would determine what the environmental regulations would be, because the Federal regulations promulgated by the Secretary of Interior could be no stronger than the State regulations of a particular State where a mine was located.

How foolish can you get? And, when it came to the royalty, they would grandfather every mining company holding a valid claim. There are 300,000 claims in this country. If you grandfather everybody who has a valid claim, you would not collect enough royalties in the next 30 years to buy a ham sandwich. There is nobody to pay it. After all, people have been buying Federal lands for $2.50 an acre for the last 130 years. You cannot charge them a royalty because they own the land. We sold it to them for the princely sum of $2.50. So when you take all of them and everybody else who turns up with a valid claim, there is nobody left to pay a royalty.

Mr. President, let me make a philosophical point. I am an unabashed, card-carrying, hardened environmentalist. In 1970, when I ran for Governor in my State the first time, the environment was just then becoming an issue in this Nation, albeit a fairly low key one. But it made a lot of sense to me, based on what I had read, and so I began to talk about the environment. I began to talk about Arkansas' magnificent rivers and streams and how they were being polluted. I began to think.

In 1966, I went fishing on the Buffalo River, the most beautiful river in America. It was so magnificent. I had no idea that my own State had such a treasure. Two nights we camped out on a sandbar. We ate and we drank and we created a lot of garbage, and the tour guide took all the garbage that we created and put it in a plastic bag, waded out as far as he could into the river, and tossed it. And nobody thought a thing in the world about it. Finally, after a little bit of that, somebody began to raise the question about the Buffalo River being polluted.

To shorten the story, we made it a national scenic river. It is a pristine, clean river. People come from all over the world just to camp out on the banks of the Buffalo or to fish the Buffalo. It was not even popular with the local people when we made the Buffalo River a national treasure, and today there is not anybody up there who would go back to the old ways. So, yes, you are being addressed by a card-carrying environmentalist.

Do you know the other reason? I have three children and six grandchildren. We talk about how much we love them, how they are our most precious possession, how our whole life is calculated to make life more pleasant for them, and then we come in here to vote for trash like this.

We only have one planet. God, in his infinite wisdom and in the heavens, gave us one planet to sustain us forever. Not next week, not next year—forever. We say, "Well, God certainly didn't mean to stop putting cyanide poison into our underground aquifers and our streams and rivers, because there are jobs involved in this. God didn't intend that." No—that is how specious the arguments are that I have been listening to this morning. So you only get one chance to preserve the planet.

You can buy these arguments about, well, what is wrong with the National Academy of Sciences studying the rules for mining? Nothing, except they have already studied it. Everybody studied it. There are GAO reports galore. If the National Academy of Sciences is so important to us, why was it not mentioned last year, and the year before and the year before that? It is a nicely crafted idea, because at the fundraisers, if anybody raises the question, you can say, "What is the problem with the National Academy of Sciences—it is a very prestigious organization—studying the rules on how we are going to mine?"

It would not take 27 months. Mr. President, 27 months is carefully calculated to take us past the Presidential election of the year 2000.

Mr. President, I ask unanimous consent the Senator from Wisconsin, Mr. FEINGOLD, and the Senator from Louisiana, Ms. LANDRIEU, be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, Bill Clinton, my friend from my home State of Arkansas, has been taking a lot of trashing lately, a lot of it richly deserved. I am not here to defend the President. But I will tell you one thing. You can say a lot of things about him but you cannot say he is not an environmental President. I will tell you what I think he will do. I think he will follow the advice of DALE BUMPERS and the New York Times and veto this bill if this amendment is defeated. I can tell you I don't care how weak he is, I don't care how disturbed he is about all of this, I don't care how disturbed the American people are, I promise you there is one thing about him that he will not yield on and that is the environment; and for the very same reason nobody in the U.S. Senate ought to yield on it.

I know it is painful. I know companies are put upon because of the environment. But, when you think about what has happened to the environment over the past 300 years of history in this country, it is time we implement strong measures.

Did you know that the rules right now say that you cannot even regulate a mine of 5 acres or less, you can go out and create all the damage you want to on 5 acres? That is a pretty good spread for some mines. In the State of Nevada, there are 2,400 mines of 5 acres or less. Here is a letter from the BLM office in Reno, NV, to an assemblywoman in Nevada, about these 5-acre mine sites. The BLM says:

> Since enactment of BLM's surface management regulations in 1981 [that's the one we are still trying to live with, put in effect in 1981, since the regulations in 1981] the BLM in Nevada has processed nearly 10,000 notices. Currently, there are approximately 2,400 active notice-level operations in Nevada. There have been many environmental and operational problems associated with the smaller operations in Nevada.

We aren't talking about 1872. We are talking about May 1, 1997. Let me repeat that.

> There have been many environmental and operational problems associated with the smaller operations in Nevada.
>
> In summary, there are 90 exploration or mining sites of five acres or less in Nevada where a reclamation bond would have either probably prevented a new modern-day problem from developing or would have been used to reclaim an environmental problem.

You can defend that if you want to if you are from Nevada. That is your privilege. Do you know something else? The Federal regs of 1981 are just like the Nevada law. We exempt all mines of 5 acres or less. Thousands and thousands of them are exempt under Federal regulations. And you think that doesn't create environmental havoc?

Mr. President, I am not terribly optimistic about my chances of succeeding today. Last year, happily, we were able to work out an arrangement where we said we will consult with the Western Governors. Nobody mentioned the National Academy of Sciences last year. I have been in the Senate 24 years and ever since I have been on this issue, nobody has ever mentioned the National Academy of Sciences. But somebody cleverly came up with the idea and said, "At your fundraisers, you can always defend yourself; you can say, 'The National Academy of Sciences did a study on that.'" I sure hope they come up with a good set of regulations. I yield the floor, Mr. President.

Mr. MURKOWSKI. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 30 minutes remaining, and the Senator from Arkansas has 19 minutes 30 seconds remaining.

Mr. MURKOWSKI. Mr. President, I yield such time as my friend and colleague from the State of Idaho might need, reserving at least 5 minutes for myself.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague from Alaska, the chairman of the Energy and Natural Resources Committee, first of all, for the leadership role he has taken over the last good number of years to try to bring reform to the 1872 mining laws.

For some reason, the Senator from Arkansas would like to portray that mining is a rogue industry in our Nation that goes unregulated, outside environmental regulations, and he cited today 5-acre mine sites. They are not outside the environment, they are simply outside a plan of operation. My guess is, one could find piles of chicken manure in that State that violate environmental laws that are less than 5 acres that are not controlled. Does that sound silly and facetious on my part? Yes, it does, and I apologize to the Senator from Arkansas for saying it, but I want him to understand that when he makes a statement like "5 acres, rogue, out of control," it is not true. It is not true in my State that has very tight environmental laws, and it is not true in other mining States.

What the Senator from Arkansas would like to have you believe in his compassionate statements about mining is that somehow these impact his State. His State is not a mining State, per se. Mine is. The Senator from Alaska has a mining State. The Senators from Nevada have a mining State. Those States have had mining for over 100 years, and some of that mining they are not proud of, or I should say, were not proud of.

In the sixties and the seventies and the eighties and the nineties, those States began to take control of their own environmental destiny, in part urged by the Senator from Arkansas, no question about it; in part, a product of the National Environmental Policy Act; in part a product of the Clean Air Act; in part a product of the Clean Water Act. All of those came together to shape plans of operation and new mining strategies for this country. I will tell you what it did in my State. It cleaned up a lot of messes, messes by the definition of today's environmental standards and ethics, not definitions by mining and environmental standards of 70 or 80 years ago.

Why is the Senator standing up here this morning painting the world as if it were black, most importantly, painting the world of mining as if it were a disaster? The Senator from Arkansas knows it just "ain't" so, but this is one of his causes celebres which you and I have heard on this floor—and I serve with him on the committee—for a long, long while.

What is the essence of this administration's attempt to rewrite the 3809 regulations? My guess is that Secretary Babbitt and Solicitor Leshy are creating a solution for a problem that doesn't exist, or more importantly, creating a solution that plays to their political base and hoping there is a problem out there to which they can attach it. I have a feeling that down underneath all of this, this is just about the whole of the problem that we are attempting to debate on the floor today.

There is no question that this Senator, the Senator from Alaska and a good many other Senators want responsible mining law and we think, in large part, we have it, because the old 1872 mining law in one court case after another, after another, after another, after another, after another, piled up over 100-plus years, has transformed the world of mining in this country into not only the significant industry it is, but the environmental-sensitive industry that it is today.

Yet, the Senator from Arkansas and others love to drag out 20-year-old pictures and 20-year-old stories as if they had just happened yesterday and say, "Oh, look at these pictures and read this story; isn't it terrible what the world of mining is doing to the clear and pristine lakes and rivers of our country?"

Let me tell you the mining story, the pictures and the story today about those clear and pristine rivers. They were not once clear and pristine. Mining tailings were dumped into them, and the rivers in my State, in one instance, ran murky the year round. But today the Coeur d'Alene River, flowing down through the major mining district of my State, runs clean. Fish propagate in it. Kids swim in it.

That wasn't true 20 years ago. It was a combination of Federal and State effort that produced that. But most importantly, it was the ethics of the citizens and the government of the State of Idaho that said as a mining State, we have to do it right, and that is what Western Governors are saying today to this administration and to the Senator from Arkansas and to a lot of others who like to use this as their political base.

Look at the politics of it, sure, but look at the reality of what we are doing. All of these States have very tight laws and regulations today. You heard it from the Senators from Nevada, one of the top mining States in the Nation today, employing tens of thousands of people and bringing hundreds of millions of dollars into our economy. They are doing it right. They are doing it under all of those environmental laws that were passed on this floor in the sixties and the seventies and the eighties, and they are not backing away from them or trying to shrink from those laws. They are trying to improve them and better them.

So why is the Secretary of Interior and his Solicitor and the Senator from Arkansas looking for a solution to fit a problem that doesn't exist? I am not sure. I already suggested it does identify with their political base, but I am not so sure it identifies with the real world, especially if a former Governor, who talks about how his State has done so well, believes that States ought to have powers and rights in these areas.

He and I have worked very closely together over the last several years to reform the 1872 mining law and to attempt to empower those States in cooperation with the Federal Government to assure that that relationship and those kind of dynamics continue. On that I don't disagree with the Senator from Arkansas, but I do disagree with the Federal Government and its heavy hand ignoring the States' Governors until we shove them into beginning dialog with them on the reform of these rules.

Most of the Western Governors, however, who have problems, who are working well with respect to mining operations within their boundaries, want the BLM to do a couple of things with any modification in regulation; and yet most Governors say they have not been worked with well, they have not been listened to, and if you do not do major things, that it will not happen.

Again, the heavy arm of the Federal Government will come down against States. Once again, we violate or at least we ignore the Constitution of our country, all in the name of a current political cause that does not seem to exist much more today because we addressed it a long time ago. That is the essence of the amendment to the Interior appropriations bill by the Senator from Arkansas.

What did we do this year? Because of the difference between the Department of Interior and the Governors—the Western States Governors primarily—we have said, "Let's get the National Academy of Sciences, an impartial group, to step in between and examine this solution looking for a problem."

They are impartial. Both sides, I think, would respect their integrity. And let us see how much of a problem there is out there. Let us scope the magnitude of it before we bring down the heavy hand of Government and put thousands of people out of work or risk putting thousands of people out of work and destroying some significant economies in many of our Western States.

That is really the essence of what we do here today. It isn't that the Energy and Natural Resources Committee has not been diligent. The Senator from Arkansas has been diligent. We just cannot agree. We have fundamental disagreements. I want mining. I want it alive and well and creating jobs in my State—minerals and metals for the economy. And I am not so sure that that is what he wants. Or at least he wants it in a way that largely causes the investors in my State to go offshore to make those investments—under the same environmental standards that they would make in this country except they avoid the burdensome multiyear regulatory process of a Government that really does not care about the economies of investment and jobs because the cause they lift themselves to is a cause higher.

That is the issue of this amendment. When you have a dispute between two concerned parties—and we do here; the Senator from Arkansas and I and others just fundamentally disagree—what is wrong with bringing an impartial body in between us to examine the problem that by my estimation does not exist and by the estimation of the Senator from Arkansas does exist?

What is wrong with bringing an impartial body to the fore for that purpose? That is exactly what the Interior Appropriations Subcommittee thought ought to be done, in consultation with the chairman of the full authorizing committee, the Senator from Alaska. That is what we are doing. And that is why the Senator from Arkansas is trying to stop it, because it might bring about a solution that works. And it would deny this administration the right to slash and burn and destroy a mining industry that they did not like out there on the public lands to begin with.

Secretary Babbitt has not been bashful. Every time he has to comply with the law, he gets on a soap box and degrades it and says that he is being forced to do certain things. Well, it is terrible when you are forced to abide by the law. Why should you shun it? But then again, I, as chairman of a subcommittee, the Senator of a full committee, and the Senator from Arkansas have invited Secretary Babbitt to the table for the last 6 years to work out these problems. And their answer is, "No. It's to our advantage to have the politics of it, not the solution to it."

That is the essence of the debate here on the floor. It really is, in my opinion, that clear and that simple. You cannot talk about modern mining today and use 20-year-old examples, because most of those were created 20 years before they became a problem. Yet, that is the basis of the argument. That is the strength of any argument that they attempt to produce.

So I hope that my colleagues will stand with us today in opposing the

Bumpers amendment—that we should table that amendment—because while it can be partisan at times, this is not a partisan issue. The Senators from Nevada are Democrats, and I am a Republican, and we are from neighboring States.

Mining has been for 100 years a major part of our economy and yet today remains an important part of our economy. My State is touted as being one of the most beautiful, mountainous, high-desert States in the Nation, with clear flowing streams, pristine mountain meadows. And 100 years of a mining legacy? Yes. It seems like Idahoans did it right. Then while they were doing it right, they learned to do it better. And there is no question that the environmental laws we passed here in the 1960s and the 1970s and the 1980s helped them do it better.

But just a few years ago our reclamation laws, our mining laws as a State, were the example for the rest of the Western States to follow, and many of them did. Many of my miners have received national environmental awards for their productions, for their operations, for their facilities, and they are very, very proud of it.

So what is the advantage of standing here on the floor today and pounding the podium and talking about the evil mining industry and the environmental problems it creates? Well, if you are an echo of the past, maybe there is value there. Or if you are the politics of yesterday, maybe there is value there. But if you really want to work with our Western Governors, and solve a problem, and bring two divided sides together, then you do exactly what this bill does—you employ a neutral party, the National Academy of Sciences, to analyze at least the proposed problem that Messrs. Leshy and Babbitt suggest exists, and examine the solution that they have out there, searching for and coming up with a resolution.

I am quite confident that if the National Academy of Sciences proposes, that we will take a very, very serious look at disposing with that. That is the issue here. Let us proceed in that manner. Let us not divide the Federal Government and State governments any more. Let us build a working partnership, as we have had in the past, that will project us, I think, into a productive future so that mining can remain a strong part of our economy, as it should, and, in my opinion, as it must if we are going to continue to have a free flow, an important flow, of minerals and metals to the critical economies of this country.

I yield back the remainder of my time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Might I ask how much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 13 minutes 20 seconds remaining; the Senator from Arkansas controls 19 minutes 27 seconds.

Mr. MURKOWSKI. I ask the Senator from Arkansas if he would care to go next since we spoke last on the issue.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all, I want to make one point that perhaps has not been made, and that is that this amendment only applies on Federal lands. Bear in mind, all mining does not occur on Federal lands. There are all kinds of mines in this country on private lands. There are some on State lands.

I might also say that we have given away 3.2 million acres of land in the past 126 years. Well, we did not give it away; we charged $2.50 an acre for it. Lands the size of the State of Connecticut we have given to the mining industry in the past 126 years to mine on. Do you know what else? They own it. We gave them a deed for $2.50 an acre, and they own it. And these regulations do not apply to people who own their own land. The States regulate that.

One other point I want to make is that I believe the Senator from Idaho indicated something about my political position, my political base. No. 1, there is no political base on mining in my State. There is a political base for being on the side of keeping the environment as clean as possible, but that is not unique to my State. I assume that there are some people even in Idaho and Alaska who want to keep the environment as clean as possible.

Let me say, as the Senators tick off all the laws that the mining industry has to comply with—clean air, clean water, reclamation—tell us which one of those you want to repeal.

In the 1970's when a number of environmental laws were passed, go back and look at the speeches that were given, and given again today, about what a terrible disaster this would be if we passed this bill and made people comply with these nonsensical, crazy regulations. It is just another case where the old Federal Government is trying to tell us how to run our lives.

Do you know the reason the Coeur d'Alene River is now a clean, pristine river? Because of the Clean Water Act. I applaud the people of Idaho who I assume didn't want that river to be polluted any further. I can tell you, it may or may not have happened if it hadn't been for the Federal Government's intervention. I don't know where that beautiful river in my State, the Buffalo, would be right now if we hadn't made it a wild and scenic river and stopped the disastrous pollution of the river.

In the 1970's 65 percent of the streams, rivers and lakes in this country were neither fishable nor swimmable. And because of the terrible old Federal Government and all their regulations imposing on the business community of this country, today it is reversed—65 percent of the streams, lakes, and rivers of this country are fishable and swimmable. How I wish I could live long enough to see that figure at 100 percent.

It is expensive. It is expensive to undo a mess. As I said on the Senate floor last week in a different context but it bears repeating here, as the English philosopher said, there is nothing more utterly impossible than undoing what has already been done. Do you think Bill Clinton wouldn't like to undo some of his past? Do you think people in my State wouldn't like to undo some of the surface mining, the strip mining, that we allowed to take place? They just dug out the earth, piled it up in big layers, took the coal, and left it.

It is not even half over. When you consider the fact that mines of 5 acres and less aren't even regulated, when you think of all the 3.2 million acres of lands we have given to the mining industry, these lands are not included.

So what do we have? The Senator from Idaho said Senator BUMPERS is up there talking about what happened years ago. In 1992, in Colorado, Summitville's actions cost the taxpayers $30,000 a day; 6 years ago that disaster occurred. What did they do? They polluted 17 miles of a river. It is now a Superfund site.

Zortman-Landusky, 1998, in Montana—going broke. Taxpayers will get to pick up the tab while we do another study by the National Academy of Sciences. Then you can go home and say, "Yes, I'm for the environment." I think the National Academy of Sciences ought to study these things as the disasters pile up. In 1998, in South Dakota, they are not quite broke yet, they are in financial difficulties. They had a $6 million bond, and the cleanup figure is now estimated at $10 million. Who picks up the difference? You know who picks up the difference.

There are 557,000 hardrock mine sites that are abandoned. Today, 59 of them are on the Superfund list. The cost to the poor taxpayers: $34 to $71 billion, because the U.S. Congress engaged in sophistry, specious arguments, as the pollution went on, as the unreclaimed mines were left for the taxpayers to pick up the tab.

Think about 2,000 sites in our national parks that have to be reclaimed. Twelve thousand miles of rivers are polluted, and they say we need another 27 months to study it.

I don't know much of anything else I can say about this. I will have a lot more to say tomorrow when I offer yet another amendment on mining. Then the Senator from Alaska and the Senator from Idaho can have a big party and say, "That mean old Senator from Arkansas, we have heard the last of him," because you will have. I have been on this subject now for 10 years, with just a few marginal successes. As I pick up the paper in a few years and watch how things have gone, I will be a detached taxpayer, still with strong feelings about it. All I can say is, I did my best to try to save this planet for my children, my grandchildren, and yours.

Let me repeat one more time, when you consider FLPMA, which we passed in 1978, when you consider the National Forest Management Act, when you consider the Clean Air Act and the Clean Water Act, tell us, which ones would you strike? Which ones would you repeal?

It reminds me, as a southerner, what a tough time we had coming to grips with civil rights. Monday morning I will speak at an assembly at Central High School in Little Rock where, 31 years ago, the National Guard was called to keep black children from going to school there. The Arkansas Gazette, at that time the oldest newspaper west of the Mississippi, took a strong stand against Orval Faubus, who was Governor and who called out the National Guard to keep those nine children from going to school at Little Rock Central High School.

They lost circulation down to about 82,000. Orval Faubus was elected six times—the first Governor ever elected to a fourth term. Only one had ever been elected to a third term. And who today would take that side of that question? There are a few, of course. Who today would want to go back to charging people to vote?—which they did when I was a young man. You had to go down to the courthouse and pay a dollar for a poll tax. Who would go back to that?

If I were to start talking about the literally hundreds of things that we have done in this country that were terribly unpopular—I can remember when every doctor in America said, "If you pass that Medicare bill, you will be sorry; it will be the end of health care in this country." Can you find me somebody today who doesn't like Medicare, including the medical profession? No. In the 1970's—go back and look at the speeches made when we passed a variety of environmental statutes. I never read as many doomsday speeches in my life. Who would go back to the time when we didn't have NEPA? Who would want to go back to the time where we emptied our garbage out in the Buffalo River in plastic bags?

Sometimes it is a long time coming, and the disastrous part of it is that so much of it is irreversible; you cannot put it back the way God gave it to us. That might be getting too heavy on an issue like this. But I am telling you, when you look at the statistics of how many abandoned mine sites there are right now, when you look at the fact that we know what this is—this is nothing more than a dilatory tactic. There is not one Senator who doesn't know precisely what this is about. It is a simple delaying tactic.

Mr. President, I yield the floor and yield the remainder of my time—Mr. President, I will not yield back the remainder of my time. I think Senator LANDRIEU may wish to speak, so I will reserve the remainder of my time for her.

Mr. MURKOWSKI. Mr. President, I ask the Chair to indicate how much time remains on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 13 minutes. The Senator from Arkansas has 5 minutes 30 seconds.

Mr. MURKOWSKI. I thank the Chair.

Mr. HATCH. Mr. President, I rise this morning to express strong opposition to the Bumpers amendment, and I urge my colleagues to oppose it as well. This amendment is a step backwards, Mr. President. It is a step back toward more centralized government; it is a step back toward more heavy handed regulations; and it is a step back toward making environmental policy with emotion and politics instead of science and common sense.

Mr. President, this argument really comes down to whether or not we want environmental regulations to be determined on the state level by those who have the greatest stake in a healthy environment and a strong economy, or do we want to keep all the power inside the Washington beltway and in the hands of federal politicians and bureaucrats.

This amendment would strike section 117 of the fiscal year 1999 Interior appropriations. What is so disturbing about this section that it must be struck, Mr. President? Section 117 is simply an attempt to replace the emotionally and politically charged controversy surrounding the revised 3809 regulations with good science. Section 117 would require that the National Academy of Sciences—hardly an organization in the pocket of the mining industry—perform a study of the adequacy of federal and state regulations governing hardrock mining on our public lands before the Secretary of Interior moves forward with the new regulations. I find it baffling, Mr. President, that a member of Congress would be opposed to introducing an impartial and nonpartisan element to this heated debate, such as a study by the National Academy of Sciences.

Mr. President, this is not merely a philosophical debate. This debate is about jobs in rural America. We have learned by unhappy experience that regulations spewed forth from Washington, D.C., with no regard for those who are most affected by the regulations, often lead to a loss of competitiveness and jobs in rural areas.

I wish all of my colleagues could visit the many rural areas of my state of Utah. They would find that opportunity has been whittled away from rural Americans who live among public lands. And why have these citizens lost their ability to grow and prosper, Mr. President? Has it been because of a lack of effort or creativity? Of course not—rural areas in Utah are struggling because government bureaucrats have systematically closed off opportunities to graze on public lands, to harvest timber on public lands, and to mine on public lands. I challenge anyone to tell me that this trend has not led to a major loss of rural jobs, Mr. President.

Mr. President, the rural people of my state know that the source of their problems has been an onslaught of centralized government regulation. I would like to read a letter from a young constituent of mine, T.J. Seely. He sums up, better than I could, what the crux of this debate is really about.

Mr. President, I ask unanimous consent that this letter be entered into the RECORD along with my remarks.

Mr. President, T.J. asks me in his letter, "What are you doing about jobs in rural Utah?" Well, Mr. President, an important part of my answer to T.J. will be that I voted against this amendment today, and that I urged my colleagues to do the same.

There being no objections, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 19, 1998.

DEAR SENATOR HATCH: My name is T.J. Seely. I'm from Ferron, Utah. I am thirteen years old and I'm concerned that there won't be any jobs when I'm out of high school.

My dad is forty years old. He works for one of Pacific Corps. mines and I'm worried that he won't have a job.

In Utah I think that we have more of our share of Federal lands.

What are you doing about jobs in rural Utah, and what can I do about securing jobs in Utah?

Sincerely,

T.J. SEELY.

PROPOSED BLM 3809 REGULATIONS

Mr. BENNETT. Mr. President, I have listened with interest to the discussion that has taken place today regarding the Bumpers amendment and I would like to express my views on the BLM's proposed 3809 Regulations. I am concerned that my colleagues are facing another situation, like others in the past, in which policymakers in this Administration lacking support from Congress, nevertheless develop policy based on a predetermined outcome. Once that policy is introduced, we are then subjected to the usual vocalizing about the importance of public input and the necessity of hearing views of all interested parties.

BLM's justification for new regulations is spotty—advances in mining technologies and current regulations which have not been updated for 15 years. Yet when we had this discussion last year, we agreed that since the regulatory authority of western states would be called into question, it was important that we allow for significant input from those impacted states. I am dismayed that the BLM draft regulations ignored most of the input received last year. The result has been a proposal that was so top-heavy with prescriptive regulation it would never pass muster if it were to move through the normal legislative process.

We find ourselves in a situation where the Western Governors, which have individual state programs that are working very well with respect to mining in those states, wish to have greater input into the draft regulations. These Governors, regardless of party affiliation, have stated very clearly that the problems with the current law described by the Secretary simply do not exist. They would prefer to have several legal issues resolved prior to any modification of the current 3809 regulations. I do not see anything wrong with seeking guidance from an outside source as to how the current regulatory framework is deficient. I believe the language we have in this bill addresses those concerns by bringing in a non-biased entity to determine if the current regulatory framework is inadequate.

I sometimes wish we could be more candid with each other. I am amazed at what happens when we can sit down around the table and have an open discussion. We have been successful in the past, as my friend Senator BUMPERS well knows. Were it not for two or three candid discussions, we would have never reached agreement on National Park concessions reform. But this is a case where BLM is not willing to admit what it is really trying to do. The Secretary should admit that he is trying to accomplish mining law reform through the back door because the Administration lacks the votes in Congress. If he would simply say that, I would say that I disagree with his position. But because of the lack of candor around here, we go through various machinations and we find ourselves in this situation where we now have to bring in the National Academy of Sciences to provide a non-biased review so we can get the information to Congress. I think this issue has moved to the point where we are in need of unbiased, outside counsel. If there is a problem, let's fix it, if not, let's leave well enough alone. But the first step is to identify if a problem really does exist.

Mr. MURKOWSKI. Mr. President, following the current debate, let me point out a couple of things that I think the Senator from Arkansas may have overlooked with regard to his general statement that we have 557,000 sites in the abandoned mine category.

I think it is important to recognize what we have done. We have a system. The system is working. Fewer than 3 percent of those 557,000 are considered to be of a significant environmental concern. Surface water contamination, ground water contamination, and Superfund make up less than 3 percent of these sites. The others—it is interesting to note—34 percent, or 194,000, have been reclaimed and are considered benign; 231,000, or 41 percent, have a surface disturbance. Obviously, if you are going to mine an area in an open pit, you are going to have a surface disturbance. But that can be taken care of in the reclamation process. The trees can grow back.

I ask anybody who has visited the interior of Alaska to recognize the techniques used with the gold dredges where they basically built this dredge in a pond and it dug ahead of itself and deposited the tailings, the pond was not any bigger than the dredge, it simply moved, and yes, the tailings were evident at the time, but now the trees have grown back into the tailings piles. That is what is happening in these areas where appropriate reclamation takes place, and the technology today is much more advanced than previously. So there is significant advancement in the process.

The system of reclamation is working, and the States take pride in their obligation to address reclamation associated with mining activity. You can't create wealth, you can't create jobs, and you can't create prosperity without some kind of a footprint. Mining is no exception. But with the technology we have, we are addressing it and doing a better job.

The problem with the proposal of my friend from Arkansas is that he simply wants to have the Department of the Interior come in and dictate terms and conditions—a nameless, faceless bureaucracy, accountable not to the people within the States, not to the people who work in the mining industry, not to the people who have jobs, families, mortgages, but to an indifferent Department of the Interior coming down with regulations that would basically strangle the mining industry as we know it today and force it overseas.

We have had a discussion about the poultry industry. I am sorry that my friend from Arkansas stepped out briefly, but I have done a little investigation in the last few minutes relative to the poultry industry in Arkansas, which I know very little about. Clearly, the Senator from Arkansas is on record opposing any State regulation of mining that is evident today. But he doesn't oppose State regulation of his State's biggest industry, and that is poultry. Small poultry farmers are not subject to Federal law, clean water regulation, even when large corporations actually own the chickens. It is left up to State law, even though it is a major water quality issue in those States with high populations of poultry. In Virginia alone, over 1,300 poultry operations produce 4.4 billion pounds of manure a year. A so-called small poultry operation can produce 540 tons of litter per year. I haven't heard the Senator from Arkansas arguing in favor of Federal regulation, but perhaps we are getting ahead of ourselves and we don't need to spread the issue around any more than we have, relatively speaking.

Let me just highlight a few more points that I think are appropriate. Let's look at the gold industry in the United States today. The layoffs total approximately 3,500 workers—not because the gold isn't there, but the world price of gold has declined. As a consequence, these mines, such as the HomeStake Mine in Lead, SD, a small community of fewer than 1,000 people, where there are over 466 people that are out of work—that issue is not as a consequence of the issue before us today, but it is a consequence of the mining industry's ability to operate internationally based on cost, based on the value of the gold in the ground, and a number of other considerations.

The point is, when you go into the mining industry, you go in for the long haul. You are going to have good years and bad years. But I think it is appropriate that we take a look at the industry as it exists in the Western States. There are 5,000 people employed in my State of Alaska. In California, there are 115,000 people with jobs directly or indirectly affected by the mining industry; Colorado has 19,000; Idaho has 7,000; Montana, 9,000; Nevada has 11,000; South Dakota, 8,000; the State of Washington has 26,000.

So I remind the Senators from those States that are directly affected, with a significant payroll, a number of jobs are dependent directly or indirectly on the mining industry, and it is very important that we have a mining industry that has regulations that are responsive to the legitimate environmental demands, but at the same time recognize that this industry fluctuates with market price, world prices, unlike many other items that we might not have a fair comparison with.

Finally, let me in the remaining moments again refer to the effort that has been made that is pending before the U.S. Senate. It is ready for markup. That is the mining bill that Senator CRAIG and I have offered. It was a solid foundation upon which to build mining reform. We made an accommodation to the Senator from Arkansas not to mark it up in order for him to initiate an effort to reach a compromise with the mining industry to resolve long standing issues. Evidently, this has not yet happened, although I still have hopes.

Let me remind my colleagues that the mining bill before us would have pleased, I think, reasonable voices on both sides of the issue. It seeks reform, which brings a fair return to the Treasury. It protects the environment and preserves our ability to produce strategic minerals in an international marketplace. I think the bill, when it eventually reaches the floor of this body, will receive support and pass. The legislation protects the small miners, it maintains traditional location and discovery practices, and it is reform. It is an effort to do the job right. Bad decisions are going to harm a $5 billion U.S. industry whose products are the muscle and sinew of our Nation's industrial output.

The future of some 120,000 American miners and their families and their communities is at stake here. So is the well-being of thousands of other Americans whose income is linked to manufacturing goods and services which support this critical industry.

In summary, Mr. President, I am going to be offering a motion to table Senator BUMPERS amendment to strike at 2:15 when the Senate reconvenes

I want my colleagues to know ahead of time what my intentions are relative to the disposition of the Bumpers amendment.

Finally, let me, for the record, indicate the position of the Western Governors' Association, which wrote in a letter:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria where they exist in current law are met and allow the States site-specific flexibility for the remaining issue.

We have letters from the Governors of Arizona, New Mexico, Idaho, Wyoming and Utah—written letters in support of having the National Academy of Sciences conduct a review of the existing State and Federal regulations governing mining to determine their deficiencies.

One other point, Mr. President. I think it is noteworthy, to my colleagues who have perhaps been following some of our Nation's environmental leaders, the comment that was made in December 1997 by former Secretary of the Interior, Governor Cecil Andrus. When the 3809 regulations were promulgated back in 1980, Governor Andrus was Secretary of the Interior. So this gentleman knows of what he speaks.

In December, Governor Andrus stated:

> For over 20 years, I submit, the 3809 regulations have stood the test of time. These are the regulations that we are talking about today, the ones the Secretary of the Interior proposes to change.

Further, I quote:

> Those regulations revolutionized mining on the public lands. Bruce Babbitt, who should know better, is trying to fix things that are not broken and accomplish some mining reform laws through the back door.

Mr. President, that is just what this issue is about. I don't know what is good for the goose or the chicken, but I do know what is good for the mining industry in the United States today; that is, to defeat and prevail on the motion to table the Bumpers amendment to strike.

Mr. President, I ask that the remainder of my time be indicated.

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. MURKOWSKI. I retain the remainder of my time and yield to my friend from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, here is what the new regulations contain:

Regulations to minimize adverse environmental impacts, if economically and technically feasible—that is a pretty big loophole; that is what these new regulations provide—reclaim the land to its prior condition; bonding, enough bond to cover reclamation costs; and, protect the air and water quality.

Let me ask my opponents on this issue, to which of those do you object? To what do you object?

Mr. President, these arguments about the poor gold miners processing gold—I have heard those same arguments year after year, and sometimes when gold was more than $400 an ounce. If gold is cheap, that is the argument. If gold is high, then it is jobs. If neither apply, then it is that bad old Federal Government trying to regulate our lives—anything under God's Sun to keep from doing anything to make the mining companies of this country do it right.

This is the simplest amendment in the world. Everybody knows what it is. For 17 years, since 1981, we have been living with regulations for the most part which were hopelessly out of date. In the meantime, we have been allowing cyanide to go into the rivers and streams and the underground aquifers of this country, and they don't want to do anything about it. They don't want a regulation or a rule that makes people responsible for that.

I think I have said everything I can possibly say about this issue. I will simply say I may lose this afternoon, and probably will. And when 27 months have gone by, unless somebody takes it on again next year, maybe we will get James Watt back as Secretary of the Interior and we will not have to worry about things like this anymore. This is very carefully crafted to say to Bruce Babbitt that you cannot do anything—you can't do anything until the year 2001. At that time, my opponents on this divinely hope that there will be a Republican President and there will be a Secretary of the Interior who will do their bidding. That may happen. And in the meantime, unmitigated, unfathomable economic disasters will continue to occur.

If this is an issue for the Senate to do something about, all you have to do is vote yes. If you do not want to do anything about it, then vote no.

Mr. President, I yield the floor, and I yield the remainder of my time.

Mr. MURKOWSKI. Mr. President, let me thank my friend from Arkansas for his input and his consistent effort to bring this issue before this Congress, and certainly the U.S. Senate.

I must differ with him on his interpretation. It is not unmitigated disaster. I think every Member of the Western States, and those States that have mining, recognize that there are certainly ills. But there is also an obligation and a pride to correct them, and those corrections are underway. But the suggestion that the Department of the Interior should have the broad authority to come in with sweeping new regulations that would in many cases have an adverse effect on the industry's ability to be internationally competitive is the threat proposed by the Department of the Interior. As a consequence, I would again expect to offer a motion to strike the amendment, and a tabling motion.

I yield the remainder of my time. I thank my good friend for the spirited debate. We will keep him informed of the progress and the eventual resolve of this issue, if we don't get it done today.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is there 10 minutes equally divided beginning at 2:15 on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:29 p.m. recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3591

The PRESIDING OFFICER. Under the previous order, there is now 10 minutes equally divided with respect to the Bumpers amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, both caucuses are still in session. I ask unanimous consent that the beginning of the debate, 10 minutes equally divided, begin at 2:20 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there is now 10 minutes to be equally divided with respect to the Bumpers amendment.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the time for the start of the debate be extended to the hour of 2:25.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the time for the 10-minute debate previously ordered commence as of now, and I yield 2 minutes to the Senator from Louisiana, Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Ms. LANDRIEU. Mr. President, I join my distinguished colleague from Arkansas to add just a moment of my thoughts to the tremendous argument he has made to strike this language from the Interior appropriations bill and to try to move us on in a path of real reform on this issue, reform that is so long overdue. Since 1971, attempt after attempt after attempt has been made, either to pass laws to reform the 1872 statute—attempts that have failed because there is not enough support—or we have tried to take some steps through regulations. Yet delay after delay after delay has taken place.

I want to submit for the RECORD, to date $71 billion in damages have occurred at taxpayer expense from hard rock mining—$71 billion. Mr. President, we have 557,000 abandoned hard rock mining sites in the United States alone that have to be dealt with, 300,000 acres of Federal land left unreclaimed, 2,000 sites in national parks in need of reclamation, as well as 59 Superfund mining sites on the National Priorities List and 12,000 miles of polluted rivers.

When will the taxpayers get some relief from this law that is so far outdated and has long since met its original intent? Besides the giving away of the land for pennies, the taxpayers are then held to pick up the tab for the damage that is caused. There are some reasonable solutions that do not devastate the industry but they do begin to clean up our environment.

I support the Honorable Senator from Arkansas and ask all of our colleagues to join with him in this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, parliamentary inquiry: Is time to be charged against both parties when there is nobody speaking?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just say to what few colleagues may be listening, in 1976, the Secretary of the Interior was charged with the responsibility of making sure that people who mine on Federal lands belonging to the taxpayers of America, not cause undue degradation of the land.

In 1981, the Secretary promulgated regulations to determine how mining would take place. It was obvious after that that the gold mining companies were using cyanide—cyanide—to mine gold. We have had three unmitigated disasters since 1981. We have cyanide running in the rivers and streams and our underground water supplies of this country.

In 1991, Secretary Lujan tried to change the rules so we could take care of that, as well as other things that needed to be taken care of.

In 1993, everybody said, "No, let's wait; we're going to get a new bill." Nothing happened.

In 1997, Secretary Babbitt started to promulgate rules to try to take care of underground leeching of cyanide poisoning, as well as a whole host of other things. Senator REID got an amendment put on last year that said every Governor in the West would have to sign off on that. We finally compromised by saying the Secretary would have to consult with Governors of the West, which he did and which they certified that he did.

This year, they come in and say, "No, let's don't do it yet; let's have the National Academy of Sciences study it."

It takes 27 months, 27 more months under this amendment to get these rules promulgated, carefully orchestrated to go past the year 2000 and, hopefully, to get a Secretary of the Interior to their liking so we can continue to pollute the rivers and streams of underground aquifers of this country with cyanide poisoning.

People of this country have a right to expect something better than that, and all I am doing is striking this so that the Secretary can go ahead and issue the rules on November 17. If the Congress doesn't like them, let them change them. But for God's sake, let's keep faith with the American people and say we are going to do something about Summitville, CO, 1992. The bond was insufficient. They took bankruptcy. Zortman-Landusky, MT, 1998; Gilt Edge, SD, 1998.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I plead with my colleagues and simply say let the Secretary do the job we hired him to do and promulgate the rules we told him in 1976 he ought to promulgate.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I use the time delegated to the Senator from Alaska.

Mr. President, my friend from Arkansas and my friend from Louisiana are in some kind of a dream world. The fact of the matter is that the statistics they talk about, for example, 300,000 acres damaged—the State of Nevada alone has 75 million acres. The Western United States is a vast area that still has areas in need of development. The mining industry has the best blue-collar jobs in America. The price of gold is at a 19-year low. Companies are filing bankruptcy. People are being laid off.

The mining industry creates a favorable balance of trade for gold. The problems that they talk about are all problems that went on decades and decades ago. What we are talking about here is there are some regulations that the Secretary of the Interior who can't legislate—they have tried, they can't legislate anything—so he said, "We're going to get to you anyway, Mr. and Mrs. Mining Company; we're going to do this through regulations. We're going to show you if we can't legislate, we will regulate."

What we are saying is, Mr. Secretary of the Interior, if you want to regulate, let's have the National Academy of Sciences, an impartial, unbiased, very recognized, sound scientific body look at these regulations to see if they need to be changed. We are willing to abide by what they come up with. This is not some antienvironmental rider that is going to turn present regulations upside down. This is simply saying let's take the regulations and have the scientists look at them, not Secretary Babbitt who has been so unfair to mining.

Mr. President, they are looking for a solution to a problem that doesn't exist. The Western Governors' Association said:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria, where they exist in current law, are met and allow state and site-specific flexibility for the remaining issues.

That is all we want, is fairness. The Interior bill is a good bill. This provision which calls for a study by the National Academy of Sciences is the right way to go. This amendment should be defeated overwhelmingly.

The PRESIDING OFFICER. The time under the control of the opposition to the Bumpers amendment remains at 2 minutes even.

Mr. REID. How much time is remaining?

The PRESIDING OFFICER. Two minutes.

Mr. REID. On this side?

The PRESIDING OFFICER. That is correct.

Mr. REID. Thank you. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I stand in strong opposition to Senator BUMPERS' amendment to strike the National Academy of Sciences study.

Before they cast their vote, I want my colleagues to consider these points:

We put the National Academy of Sciences study language into the appropriations bill because the Interior Department has decided that they can no longer wait for Congress to act on mining law. Apparently these unelected officials know what's better for this country than the United States Congress.

We are doing it because the Department of the Interior has decided that they are not interested in the opinions or concerns of the public land Governors and the constituents they represent.

Let me quote the Western Governors Association letter from February of this year:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria, where they exist in current law, are met and allow state and site-specific flexibility for the remaining issues.

We put the Academy study into the appropriations bill at the specific request of the Governors of Nevada, Arizona, New Mexico, Idaho, Wyoming, and Utah.

They all echo Nevada Governor Miller's concerns when he said:

> Interior is moving the responsibility for environmental oversight of mining operations in my State and other States to here in Washington, DC. This attempt at seizure and control by Interior is particularly perplexing in view of the fact that many States, expecially Nevada [and my state—Alaska] have moved aggressively to address the environmental concerns of mining operations. To date, there has been no real justification offered by the department regarding the need to make changes. * * *

He goes on to say that in his opinion the Department of the Interior has a solution looking for a problem.

A solution looking for a problem.

It is simply unacceptable for an agency to launch off on a major rulemaking effort that affects the effectiveness and efficiency of the entire environmental foundation of mining in the United States.

Let me close by quoting one of the modern environmental leaders, former Secretary of the Interior Andrus:

> In 20 years, I admit, the 3809 regulations have stood the test of time * * * those regulations revolutionized mining on the public lands. Bruce Babbitt—who should know better—is trying to fix things that are not broken, and I suspect accomplish some mining law reform through the back door.

Secretary Babbitt is trying to fix things that are not broken.

I couldn't have said it better if I tried.

The amendment that Senator BUMPERS proposes to strike is as simple—it does "nothing" more than direct the National Academy of Sciences to review existing State and Federal environmental regulations dealing with hardrock mining to determine the adequacy of these laws and regulations to prevent unnecessary and undue degradation and how to better coordinate Federal and State regulatory programs to ensure environmental protection.

The Department of the Interior has so completely lost its objectivity and has become so biased against this industry that they appear completely incapable of making sound decisions in this arena.

The citizens of this country are entitled to a Department of the Interior that determines need before it acts, that doesn't waste money that is sorely needed in other places; a Department that doesn't "unnecessarily" disrupt a system of State and Federal regulations laboriously constructed over decades to complement and enhance environmental protection at the lowest cost possible.

I urge my colleagues to join with me in a vote to table Senator BUMPERS' amendment, and in doing so, we will be sending a clear message to the administration that "good" Government is still important, that States play a critical role in environmental protection and that their partnerships and input are still important.

Mr. President, as you know, we have before us a vote, and I ask unanimous consent that the yeas and nays be requested—Mr. President, I am told that I should make that request after time has expired.

The PRESIDING OFFICER. The Chair informs the Senator from Alaska that the time has expired.

Mr. MURKOWSKI. It is my intent to table the proposed Bumpers amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3591. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—58

Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Cleland
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond

NAYS—40

Abraham
Akaka
Biden
Boxer
Bumpers
Chafee
Coats
Collins
Dodd
Durbin
Feingold
Feinstein
Glenn
Graham
Gregg
Harkin
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Murray
Reed
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Hollings
Mikulski

The motion to lay on the table the amendment (No. 3591) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, we now are on the Interior appropriations bill. I hope we will not have quorum calls. I hope we will be able to move through amendments briskly, with appropriate debate. I count about 10 or a dozen amendments on this bill which are likely to require rollcall votes.

As usual, we are having a difficult time this afternoon getting people to come to the floor with their amendments. I would like to go from Republican side to Democratic side and back to the Republican side.

I ask that the Senator from Wyoming, Mr. ENZI, be recognized next. If there are Democrats who will bring up their amendments this afternoon, I would like to hear from them. They would go next.

We will have more amendments this afternoon that will require rollcall votes.

AMENDMENT NO. 3592

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval)

Mr. ENZI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. SESSIONS, Mr. LUGAR, Mr. BROWNBACK, Mr. ASHCROFT, Mr. GRAMS, Mr. COATS, Mr. INHOFE, Mr. BRYAN and Mr. REID, proposes an amendment numbered 3592.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to October 1, 1999, Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION ON APPROVING COMPACTS.—Prior to October 1, 1999, the Secretary may not expend any funds made available under this Act, or any other Act hereinafter enacted, to prescribe procedures for class III gaming, or approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe, on or after the enactment of this Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) NO AUTOMATIC APPROVAL.—Prior to October 1, 1999, notwithstanding any other provision of law, no Tribal-State compact for class III gaming, other than one entered into between a state and a tribe, shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact.

(c) DEFINITIONS.—The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

PRIVILEGE OF THE FLOOR

Mr. ENZI. I ask unanimous consent two members of my staff, Andrew Emrich and Chad Calvert, be granted floor privileges during the duration of the debate on the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I rise to introduce this amendment to the Interior appropriations bill with my colleague, the distinguished Senator from Alabama, Mr. SESSIONS.

This amendment has one very important purpose: to ensure that the rights of this Congress and all 50 States are not trampled on by an unelected Cabinet official.

The amendment is simple and straightforward. It would prohibit the Secretary of the Interior from approving any tribal-State gambling agreement which has not first been approved by the tribe and the State in question. It would also prohibit the Secretary from finalizing the rules that were published this past January 22. If these rules are finalized, the Secretary of the Interior would have the ability to bypass all 50 State governments in approving casino gambling on Indian tribal lands.

Mr. President, this is the third time in 2 years the Senate has had to deal with this issue of Indian gambling. I regret that an amendment is, once again, necessary on this year's Interior appropriations bill. However, until we understand the need for legislative action and effect hearings by the Indian Affairs Committee to resolve differences and reach a reasonable compromise in the Indian gambling process, this amendment is essential.

Last year, I offered an amendment to the Interior appropriations bill that prohibited Secretary Babbitt from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with State law. Although that amendment provided for only a 1-year moratorium, the intent of that amendment was clear. Congress does not believe it is appropriate for the Secretary of the Interior to bypass Congress and the States on an issue as important as to whether or not casino gambling would be allowed within State borders.

Unfortunately, the Secretary did not think Congress was serious when we passed the amendment last year. On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the States in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This action by the Secretary is a very big stick that encourages the tribes enough that they are not interested in any compromise. That is precisely why Congress was willing to place the amendment in last year's appropriations bill. Evidently, Secretary Babbitt did not think Congress was serious.

We also debated the issue of blocking the Secretary's proposed rules in February, and we had an amendment accepted to the supplemental appropriations bill by a voice vote. When speaking with House conferees who attended the conference to the supplemental, several lobbyists painted our amendment as a Las Vegas protection bill. There are some lobbying groups that are trying that same tactic again this year. I want everyone to be perfectly clear on this point. This amendment is designed primarily for those States that do not allow gambling—particularly those that do not allow electronic gambling and especially those States that do not allow slot machines. The interest in this amendment from gambling States stems simply from their sincere desire to have the Indian Gaming Regulatory Act, or IGRA, enforced. This amendment does not in any way minimize the serious need for proper enforcement of existing law.

In February, in an attempt to kill our amendment, which was only a continuation of the status quo, the Indian Affairs Committee sent out a notice that the amendment should be defeated because hearings had been scheduled. What happened to those hearings? By passing this amendment, we will ensure that the promises about the future won't change the current law. We will make sure that the unelected Secretary of the Interior, Bruce Babbitt, won't single-handedly change current law. This amendment will ensure that any change in IGRA is done in the right way—legislatively.

Mr. President, this amendment will ensure that the proper procedures are followed in the tribal-State compacting process. Some people have argued that changes need to be made in the Indian Gaming Regulatory Act. I don't necessarily disagree with my colleagues on that point. In fact, I would welcome an opportunity to review a number of provisions in IGRA in the proper context. However, if any changes are to be made to IGRA, those changes must come from Congress, not from the administration. By even proposing these regulations, the Secretary of the Interior has shown an amazing disregard for the constitutional role of Congress and the statutory prerogatives of all 50 States.

Actually, Mr. President, the timing of Secretary Babbitt's actions is rather ironic. In March, just 6 months ago, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-State gambling license to an Indian tribe in Wisconsin. Although we will have to wait for independent counsel Carol Elder Bruce to complete her investigation before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts.

The very fact that Attorney General Janet Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the States in the area of tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: We in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the States in addressing the difficult question of casino gambling on Indian tribal lands.

As this controversial issue has developed, we have been promised hearings in the Indian Affairs Committee. A year ago, I was given the offer to even invite some of the witnesses. From my perspective, if the promise of those proposed hearings had caused us to back off this amendment, the effect would have been that Secretary Babbitt would have had his way today. This sentiment has been confirmed by lobbyists from the various tribes which have made it abundantly clear that Secretary Babbitt fully intends to finalize his proposed rules. Our only way to stop this effort is to attach another amendment to this year's Interior appropriations bill. Let me assure you, if Secretary Babbitt has his way, there will be no need for the tribes to resolve problems at all involving gambling and IGRA in and with their States.

I do believe that this issue could be resolved with hearings and a bill—actual legislation from us, from Congress. But those hearings won't happen as long as the tribes anticipate the clout of the Secretary's rule that bypasses the process, bypasses the States. Yes, the courts have ruled that the current law—which was passed by Congress, not an appointed Secretary—gives an edge in the bargaining process to the States. But that process has worked. If there is a need to change that process, it should be changed only by a bill passed by Congress—not by rule and regulation.

I must stress that if we do not maintain the status quo, there will never be an essential involvement by the States in the final decision of whether to allow casino gambling on Indian tribal lands. There will be no compromise reached. The Secretary will be given the right to bypass us, the Congress of the United States, and to run roughshod over the States.

Again, I want to stress that this amendment does not amend the Indian Gaming Regulatory Act, but holds the status quo for another year so Congress can review the situation.

Two years ago, Congress voted to establish a national commission to study the social and economic impacts of legalized gambling in the United States. One of the aspects the commission is analyzing is the impact of gambling on tribal communities. As my colleagues know, this commission just began its work last year and most likely will not complete its study for another year.

It is significant that this commission—the very commission that was created by Congress for the purpose of studying gambling—has now sent a letter to Secretary Babbitt asking him not to go forward with his proposed rules. I would like to read this letter for the benefit of my colleagues.

> DEAR SECRETARY BABBITT: As you are aware, the 104th Congress created the National Gambling Impact Study Commission to study the social and economic impacts of legalized gambling in the United States. Part of our study concerns the policies and practices of tribal governments and the social and economic impacts of gambling on tribal communities.
>
> During our July 30 meeting in Tempe, Arizona the Commission discussed the Department's "by-pass" provision for tribes who allege that a state had not negotiated for a gaming compact in good faith. The Commission voted to formally request the Secretary of the Interior to stay the issuance of a final rule on Indian compacting pending completion of our final report. On behalf of the Commission, I formally request such a stay, and trust you will honor this request until you have had an opportunity to review the report which we intend to release on June 20, 1999. Thank you for your consideration.
>
> Sincerely,
>
> KAY C. JAMES,
> *Chair.*

Mr. President, I think it would be wise for this body to follow the advice of the very commission that we created to study the issue of legalized gambling.

I want to emphasize again that we are the body that asked for this commission. We created the commission to look at *all* gambling. The American taxpayers are already paying for the study. The commission is already doing its work. We need to let them finish. They have asked that neither we, nor Secretary Babbitt, make any changes while they do their work. My amendment would give them that time.

The judicial branch has already preserved the integrity of current law. This amendment supports that. The President approved my amendment last year by signing the 1998 Interior appropriations bill. I'm asking my colleagues to take the same "non-action" once again. The Committee on Indian Affairs must play a very important role here. They need to hold hearings and write legislation which specifically addresses this issue and then put it through the process. They will have time to do that if this amendment is agreed to. This amendment would support giving the Indian Affairs Committee and Congress, as a whole, time to develop an appropriate policy.

Mr. President, the Enzi-Sessions amendment is strongly endorsed by the National Governor's Association. I would like to read a letter written on behalf of the Governors and which is signed by the entire executive committee. Listen to this very bipartisan appeal.

Here is the letter:

> As members of the Executive Committee of the National Governors' Association, we urge you on behalf of all governors to adopt the Indian gaming-relating amendment to the Interior Department Appropriations bill sponsored by Sen. Michael B. Enzi (R–Wyo.) and Sen. Jeff Sessions (R–Ala.). This amendment would extend the current moratorium preventing the secretary of the U.S. Department of the Interior from using federal funds to approve tribal-state compacts that have not first been approved by the state, as required by law. The amendment would also prohibit the secretary from promulgating a regulation or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact or from going forward with any proposed rule on this matter in fiscal 1999.
>
> The U.S. Secretary of the Interior has published a proposed rule in which he asserts authority to establish such procedures, and he has indicated his intent to issue a final rule. The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the secretary to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states. The secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes. Governors have submitted comments to the department outlining these and other objections to the proposed rule.
>
> The Governors have agreed to enter negotiations with Indian tribes and the U.S. Departments of Interior and Justice to achieve consensus regarding amendments to the Indian Gaming Regulatory Act of 1988. Preliminary staff discussions will take place in August or September in preparation for a meeting of principals in November.
>
> To avoid protracted litigation, provide Congress with time to determine the proper scope of the secretary's authority in this area, and permit the negotiations among tribes, states, and the federal government to progress, the nation's Governors respectfully urge Congress to adopt the Enzi/Sessions amendment to extend the current moratorium through the end of fiscal 1999 and prohibit the secretary from issuing a final rule.
>
> Thank you for your support of the Enzi/Sessions amendment. The nation's Governors look forward to working with you.

It is signed by Governor George Voinovich, the chairman; Tom Carper of Delaware, the vice chairman; Governor Romer of Colorado; Governor Lawton Chiles of Florida; Governor Bob Miller of Nevada; Governor David Beasley of South Carolina; Governor Howard Dean of Vermont; and Governor Tommy Thompson of Wisconsin. It is definitely a bipartisan list.

Mr. ENZI. Mr. President, this amendment is also supported by the National Association of Attorneys General. I would like to read from the attorneys general letter of support. This is an excerpt.

The Attorneys General believe that the Secretary lacks any statutory authority for the proposed procedures. Twenty-five state Attorneys General led by Attorney General Bob Butterworth filed a letter with the Secretary setting out our views at length. We believe the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act to achieve the authority he asserts and have encouraged him to engage in a dialogue with states and tribes to work toward that goal.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, July 27, 1998.

Hon. MICHAEL B. ENZI,
U.S. Senate, Washington, DC.
Hon. JEFF SESSIONS,
U.S. Senate, Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: We write in support and in appreciation of your proposed amendment to S. 2237, the Interior Appropriations legislation. Last year's Interior Appropriations bill contained a provision establishing a moratorium on implementation of procedures by the Secretary of the Interior to permit tribal gaming where a state and a tribe stall in negotiations and the state asserts sovereign immunity in court proceedings.

The Attorneys General believe that the Secretary lacks any statutory authority for the proposed procedures. Twenty-five state Attorneys General led by Attorney General Bob Butterworth filed a letter with the Secretary setting out our views at length. We believe the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act of achieve the authority he asserts and have encouraged him to engage in a dialogue with states and tribes to work toward that goal.

While the short time frame before this year's Interior Appropriations is marked up prevents us from conducting a formal survey of the Attorneys General, we can assure you that there is an informal consensus to urge that the moratorium remain in place during the coming fiscal year. Continuation of the moratorium will avert the need for costly and prolonged litigation over the Secretary's administrative authority and encourage a meaningful dialogue about amendments to the IGRA which would benefit the Secretary, the tribes and the states.

Sincerely,

NELSON KEMPSKY,
Executive Director, Conference of Western Attorneys General.
CHRISTINE MILLIKEN,
Executive Director & General Counsel, National Association of Attorneys General.

Mr. ENZI. Mr. President, we have also received a number of letters from individual Attorneys General from a number of states, and my colleague from Alabama, who himself was a distinguished State Attorney General before coming to the United States Senate, will discuss these at more length. This letter is also supported by the National League of Cities. I would like to quote from this letter of endorsement.

This is from the National League of Cities representing the cities and towns across our Nation.

While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves exempt from state and local regulatory authority, passage of this amendment would be a first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

* * * * *

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed in the Enzi/Sessions amendment, through fiscal year 1999.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
Washington, DC, September 14, 1998.

Hon. SLADE GORTON,
Chairman, Subcommittee on Interior Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Subcommittee on Interior Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GORTON AND SENATOR BYRD: I am writing to you on behalf of the National League of Cities (NLC) to urge you to support the Enzi/Sessions amendment to the FY '99 Interior Appropriations Bill which seeks to continue the moratorium on implementation of procedures by the U.S. Secretary of the Interior for fiscal year 1999. The NLC urges support of the Enzi/Sessions amendment in order to slow the creation of new trust land. While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves exempt from state and local regulatory authority, passage of this amendment would be a first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

The membership of the NLC has adopted policy which declares that: "lands acquired by Native-American tribes and individuals shall be given corporate, not federal trust, property status." This policy is advocated "in order that all lands may be uniformly regulated and taxed under municipal laws."

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed in the Enzi/Sessions amendment, through fiscal year 1999.

Sincerely,

BRIAN J. O'NEILL,
President and Councilman.

Mr. ENZI. Mr. President, there is a growing number of groups, including the Christian Coalition which is very concerned about the explosion of unregulated gaming in America. I have a letter from the Christian Coalition. I share with you a paragraph from that.

Under the Indian Gaming Regulatory Act, every State has the right to be directly involved in tribal-state compacts without Federal interference. Every state also has the right, as upheld by the Supreme Court in the Seminole Tribe of Florida v. Florida decision, to raise its 11th Amendment defense of southern immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the Seminole decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's rights to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.

Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction, and alcoholism. With such staggering repercussions, it is vital that tribal-state gambling contracts remain within each individual state and not be commandeered by an unelected Federal official.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHRISTIAN COALITION,
Washington, DC, July 9, 1998.

DEAR SENATOR: When the Senate considers the FY '99 Interior appropriations bill, an amendment sponsored by Senator Enzi (WY) and Senator Sessions (AL) is expected to be offered. This amendment would protect states' rights in negotiating tribal-state compacts, especially when negotiating casino gambling.

> Under the Indian Gaming Regulatory Act, every state has the right to be directly involved in tribal-state compacts, without federal interference. Every state also has the right, as upheld by the Supreme Court in the *Seminole Tribe of Florida v. Florida* decision, to raise its 11th Amendment defense of sovereign immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the *Seminole* decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's right to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.
>
> Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction and alcoholism. With such staggering repercussions, it is vital that Tribal-State gambling compacts remain within each individual State and not be commandeered by an unelected federal official.
>
> The Enzi/Sessions amendment would prohibit the Secretary of Interior, during fiscal year 1999, from establishing or implementing any new rules that allow the Secretary to circumvent a state in negotiating a tribal-state compact when that state raises its 11th amendment defense of sovereign immunity. It also prohibits the Secretary from approving any tribal-state compact which has not first been approved by the state.
>
> Christian Coalition urges you to protect states' rights and vote for the Enzi/Sessions amendment to the FY '98 Interior appropriations bill.
>
> Sincerely,
>
> JEFFREY K. TAYLOR,
> *Acting Director of Government Relations.*

Mr. ENZI. I want to point out that this amendment does not affect any existing tribal-State compact. It does not in any way prevent States and tribes from entering into compacts where both parties are willing to disagree on class 3 gambling on tribal lands within a State's borders. The amendment does ensure that all stakeholders must be involved in the process—Congress, tribes, States, the administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. They even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition.

When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held, the casino gambling lost by over 62 percent, and it lost in every single county of our State. The 40-point swing in public opinion happened as people came to understand the issue and the implications of casino gambling in Wyoming.

That is a pretty solid message. We do not want casino gambling in Wyoming. The people who vote in my State have debated it and made their choice. Any Federal bureaucracy that tries to force casino gambling on us will obviously inject animosity.

Why did we have that decisive a vote? We used a couple of our neighboring States to review the effects of limited casino gambling. We found that a few people—a few people—make an awful lot of money at the expense of everyone else. When casino gambling comes into a State, communities are changed forever and everyone agrees there are costs to the State. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive, too.

But I am not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution rather than a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a State's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected Cabinet official. Passing the Enzi-Sessions amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on the legislation to fix any problems that exist in the current system.

I urge my colleagues to stand up for the constitutional role of Congress and for the rights of all 50 States by supporting this amendment.

I thank the Chair and yield the floor.

Mr. CAMPBELL. Mr. President, I rise in opposition to the Enzi amendment on Indian gaming. I think it is patently unfair because it will result in preventing Indian tribes from engaging in business activities that are now enjoyed by non-Indian neighbors. If we are going to talk about the merits of gambling—and I noticed my friend from Wyoming spoke eloquently about the down side of gambling—maybe we ought to shut down Reno and Las Vegas so millions, hundreds of millions of Americans cannot go there because it is bad for their health or sight or something.

We are not here, by the way, Mr. President, to defend the actions of the Secretary of Interior, and I hope we will not confuse that. His mismanagement is one thing, but the letter of the law is something else. And I firmly believe you can't fix an otherwise good bill, this Interior appropriations bill, with a bad amendment. This simply makes a good bill bad.

The Indian Gaming Regulatory Act of 1988 was a compromise to give State governments a voice in what kind of gaming would occur on Indian reservations within a State's borders. This was an unusual break from Federal Indian policy because States have no constitutional role in negotiating with Indian tribes, as you know.

I was here in 1988, in fact, and helped write that original authorizing legislation, IGRA, the Indian Gaming Regulatory Act. There was no intent at the time to usurp State laws, but as with many laws we have passed, there have been unintended consequences. The way it was written, a State can prevent a tribe from operating gaming facilities on its reservation simply by refusing to negotiate with the tribe. And that, of course, was upheld in the Seminole decision. My friend from Wyoming has spoken to that.

But in 1988, it didn't occur to us, when we were writing the bill, that States might simply refuse to negotiate in good faith. Since tribes are limited to those types of gaming allowed under State law, we have tribes prohibited from being in the same business as their non-Indian neighbors. I think that is discriminatory in the least. It is wrong to do that, and I think it violates the treaties. I should also point out to my colleagues that in many cases non-Indian gaming is promoted and even operated by State governments. They certainly don't want the competition.

Since Congress' intent under IGRA was that States should not have the ability to unilaterally veto gaming on Indian land, the Department of Interior has proposed regulations to address this situation. Although the proposal may need refinement, we do not believe the Secretary should be precluded from at least developing and proposing alternative approaches to State-tribal impasses in the gaming negotiations. In fact, in a letter issued on September 9, the Bureau of Indian Affairs has stated the Enzi amendment could be very harmful in their ongoing negotiations.

Coming from a Western State, I am as supportive as anybody of States rights, but those who say this new procedure overrides the States are simply wrong. Under the draft proposal, if a State objected to a decision made by the Interior Secretary, that State could challenge that decision in Federal court. For those who claim the Interior Department is acting without legislative oversight, I would point out that Congress will have the authority to review any proposed regulations before they take effect. As those proposed regulations come before the authorizing committees, any new gaming regulations will get a careful review, and if, after input from the rest of the Senate, those regulations are found to be unacceptable, they simply will not pass. We will legislate a new approach if they do not pass.

I understand that there are Members in the Chamber who are simply against gaming. That is not what this debate is about. Under Federal law, tribes are limited to the types of gaming allowed under the laws of the State in which they reside. In my own State of Colorado as an example, there are two tribes, the Southern Ute and the Ute Mountain Ute. They are limited to slot machines and low-stakes table games, just as the other gaming towns in Colorado. In Utah, State law prohibits all gaming. Therefore, no tribes can do any kind of gaming whatsoever, and the tribes in other States cannot do gaming if a State law prevents that.

Contrary to the statement already made that there have been no hearings, we have done hearings. We simply have not gotten to the important part of the legislation, which is a markup, but we will. This debate is about whether a Governor of a State can limit a type of business activity to certain ethnic groups. That is unfair and un-American. Let's not jeopardize a good bill with a bad amendment. I urge my colleagues to vote against the Enzi amendment and allow the regulatory and legislative process to work.

I yield the floor, Mr. President.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I support the Enzi amendment. I think a statement may be helpful to my colleagues who have not followed this issue as closely as the Senators who have joined us on the floor for purposes of discussing this amendment, the statement of Justice Oliver Wendell Holmes that a page of history may be more instructive than a volume of logic. This issue dates back to the time of a court decision involving the Cabazon Indian Tribe. As a result of that decision, the Congress, in 1988, passed the Indian Gaming Regulatory Act, which has been referred to in the course of this debate as IGRA.

I think the philosophical underpinnings of that legislation continue to be valid. Let me make it clear, because sometimes my view is misconstrued, I support the right of Indian tribes to enjoy entrepreneurial gaming activities to the same extent that State law, as a matter of public policy, permits those entrepreneurial activities to be available to all. So this debate is not whether you agree with Indian gaming or disagree with Indian gaming. I believe the tribes, subject to the qualification I have just stated, have a right to participate in gaming to the extent that, as a matter of State policy, a State chooses to permit gaming entrepreneurial opportunities.

We have marked contrasts in the West. The State of Utah, as a matter of State law—as the distinguished Senator from Colorado just pointed out—as a matter of State policy, permits no form of gaming. It is, in my judgment, clear and properly so under IGRA that no tribe within the State of Utah would have a right to participate in any form of Indian gaming.

The contrast to my own State is quite marked. In Nevada, as a matter of public policy since 1931, a full range of gaming entrepreneurial activities are available to the citizens of Nevada, and it is clear that the tribes in Nevada have the same opportunity. And, indeed, there have been five compacts negotiated with the tribes in the State of Nevada to permit that.

Under IGRA, gaming is divided into three different categories referred to as class I, class II, and class III. Class I and class II are not a part of this discussion. Class I deals with traditional Indian games; class II deals with bingo, and class III deals with casino types of gaming, including slot machines.

Again, to repeat, the premise of IGRA is that a Governor of a State is obligated to negotiate with a tribe to provide the same opportunities to tribes in his or her State to the extent the States, as a matter of law, permit gaming in general in that State.

Here is what brings us to the floor again this year, as my distinguished colleague from Wyoming points out. Under IGRA, what is contemplated in those States that permit any form of gaming is a compacting process under State law, where the Governors—and, indeed, in the law of some States it is the Governors and the State legislators—are required to negotiate with the Indian tribes within that State to provide those tribes with an equal opportunity to participate in the entrepreneurial aspects of gaming. There is no quarrel by this Senator with respect to that approach.

Here is what gives us cause for great concern. Some tribes have asserted that if the Governors of a respective State refuse to grant them everything they want by way of gaming, even though what they want is beyond what is permitted as a matter of State law, that that constitutes bad faith in the negotiating process. They want to be able to bypass that process; namely, the negotiation with the Governors, and in some States the negotiations with the Governors that must be approved by the State legislature.

The Enzi amendment does two things. No. 1, it prevents the Secretary of the Interior from moving forward to promulgate the final regulation that would, in effect, seek by regulation to bypass or change the procedure that currently exists. The second thing the amendment does is to prevent the Secretary of the Interior from, in effect, bypassing the compacting process and authorizing a compact that is not in compliance with State law.

My colleague from Wyoming has pointed out that this is an issue that is bipartisan in nature; this is not something that divides us on a partisan basis. It does not divide us regionally. It does not divide us philosophically. Some of my colleagues who have spoken oppose gaming in all forms. I respect that. This Senator does not take that position. But the National Governors' Association, the National Association of Attorneys General—both organizations of which I have been privileged to be a member in the past when serving as attorney general and Governor of my State—have gone on record as supporting the Enzi amendment. The reason why they are supporting this amendment so strongly is they want to preserve the right of State governments to determine, as a matter of policy, what, if any, form of gaming activity is permitted.

So, for those who find some type of invidious discrimination in this process, I must say this Senator does not. To the extent that a State permits gaming, it is clear that Governors are obligated to negotiate that same right to Indian tribes within the State. To the extent that a State, such as Utah or Hawaii, permits no form of gaming, the Governors of those two States are not required to enter into any kind of compact because those States, as a matter of public policy, have the right to determine what that policy is, and they have said, as a matter of public policy, they oppose gaming, do not want any form to exist within the State.

I must say, I thought we had hopefully put this issue to rest a year ago when we offered a similar amendment to the appropriations bill. I thought we had sent a clear message that the Congress of the United States does not want the Secretary of the Interior to bypass a process provided by law; namely, for Indian tribes to negotiate with the Governors as to what kind of gaming activity is to be permitted in that State consistent with that State's public policy. No sooner had this issue been approved by this body, the other body, and it became part of the Interior appropriations bill last year, than the Secretary of the Interior began a rulemaking process that, in my judgment, is violative of the spirit and contrary to the law in terms of what is his authority.

It is that disagreement that brings Governors from all regions of the country, Democrat and Republican, in support of the Enzi amendment. It is that same concern that brings the Nation's attorneys general together in a similar bipartisan way to strongly support the Enzi amendment. They do so as a matter of preserving and protecting the ability of each State to determine how much, if any, or how little, gaming is to be permitted within that State.

So, this is not, my colleagues, an issue of whether one favors Indian gaming or opposes Indian gaming. It is not an issue of whether you support gaming or oppose gaming. This amendment is designed to preserve the existing law which gives to each State Governor and the legislature the ability in that State to determine whether gaming is to be permitted and, if so, what form of gaming.

This is an extraordinarily significant piece of legislation. I must say, I am not familiar with any circumstances currently in the country where the tribes have not been able to negotiate a compact with those States that permit some form of gaming. At last count, there were 150 compacts negotiated in 20 States, pursuant to the law that was enacted by Congress in 1988. I am not suggesting that IGRA is perfect. I am not suggesting that some modification or change may not be needed with respect to some aspect. But that is a decision for the Congress of the United States, not a decision for the Secretary of the Interior. So I implore my colleagues to support the Enzi amendment in a bipartisan fashion, because what it seeks to accomplish is to reserve to the respective States the ability to determine what public policy will be with respect to gaming activities conducted within that State.

As I have observed throughout my comments, to the extent that a State as a matter of public policy has determined that they will permit some form of gaming, it is clear in IGRA that State Governors are obligated to negotiate those same entrepreneurial opportunities, and I have no quarrel with that. That is the law. But what we are really talking about here is an attempt to make an end run around IGRA. To the extent that the Secretary of the Interior, by regulation or by determining that an impasse exists, is able to bypass the State compacting process, no longer is it the State determining what the public policy with respect to gaming in that State may be. It is the Secretary of Interior. I have great respect for the Secretary of Interior but, with great respect, that is not an authority that he, or any Secretary of Interior, ought to have.

That is an authority that ought to be reserved to the State and the State legislature. We would do real violence to the very carefully crafted balance that was accomplished in IGRA when that was adopted a decade ago.

For that reason, Mr. President, I urge my colleagues to support the Enzi amendment when this comes for a vote. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have the greatest respect for the junior Senator from Wyoming. I have heretofore on other occasions accepted and supported his various concerns in this area, but I want to share with him and the Senate a situation that perhaps deserves some special consideration for New Mexico, even if it is for a time certain. Let me, as best I can, explain this.

First of all, there is a case called the Seminole case, very much understood in Indian country. It pertains to gaming in this manner. The Federal courts have ruled under the Seminole case that the States are immune from suit and that means they can't be sued by an Indian tribe. So we start with that premise.

In the State of New Mexico, we have 14 Pueblos and two Apache tribes that have gaming houses and have compacts. But the compacts are very different than anyone else's in the country, for a couple of reasons.

First of all, in order to make the compacts valid, the Supreme Court of the State of New Mexico ruled that the legislature had to be involved in getting this done, not just the Governor. The State of New Mexico, through its legislature, I say to my friend Senator ENZI, came along and imposed, not by way of compact agreement, but just imposed as part of the authority for the Governor to enter into a compact, that each casino owned by the various Indian groups be charged 16 percent on gross slot machine revenues.

Obviously, that has not been negotiated, and my friend from Nevada is talking about compacts that are negotiated and that he doesn't know of any situation where they were not negotiated. I am suggesting one where they were not negotiated, but pursuant to a mandate from the legislature that charged them 16 percent gross tax on slot machines. They either took it or left it. The Secretary, I say to the Senator from Wyoming, said, "I'm not going to sign the pacts, because if I sign them, I am at least implicitly agreeing that the legislature can tax Indian casinos."

He let the pacts go in under a provision that says if he doesn't sign it within a certain amount of time, it goes into effect anyway.

We have compacts with our Indian tribes being assessed 16 percent, and I am not here to ask the U.S. Senate for relief from that, for I don't even know if 16 percent is right or not. All I know is it is a very big piece of money for very small casinos, but we have nothing yet in New Mexico that rivals the smallest, most minute casino in the State of the distinguished Senator from Nevada who just argued in favor of the Enzi amendment. They are very small casinos, with one exception, and even that is not a rival to anything the Senator has in a State that has legalized gaming.

Our Indian people would like to contest the 16 percent. Isn't it interesting, the Seminole case, which I just recited, prevents them from going to court, so they can get no relief from what they want to argue is an illegal imposition of this license fee, or at least arbitrary and unreasonable based upon what they are making. There they sit.

The point of it is there is at least a hope and an avenue for potentially getting this issue into the courts if you leave the section in the law that Senator ENZI chooses to remove from the law, because it provides for a remediation section and a Secretarial procedure which is being removed, so we will leave them in the status quo with no way to challenge.

Frankly, I repeat, I don't know whether their challenge is going to be valid or not, but it seems a little bit unfair that there is no way to challenge it even when a Secretary of the Interior is suggesting that the States didn't have the authority to impose that tax or that much. The Secretary can't do anything about it either, because all he does is sign the pacts or let them go into effect based on the expiration of time. In either case, you will have left the 16 percent license fee, gross fee, in place with no way to challenge it in any court because of the Seminole case.

I say to the Senator from Wyoming, he is probably going to win today. I haven't had a chance to explore how we might effect some justice and fairness here, but I do suggest that it is at least right for me to come down here and object, and I believe there might be a way that you can ameliorate New Mexico's problem by exempting them, by leaving the statute that we are concerned with in place for the New Mexico licensed casinos.

If you say you don't want it anywhere else, you want to wipe it out because it may have an opportunity to get around the need for compacts, you could at least leave it in effect somehow or another for those in New Mexico who are suffering under the situation which I have just described.

Having said that, because of this, obviously I can't vote aye on the amendment. You don't need to worry because I haven't been out lobbying Senators because this is a particular problem, very peculiar and particular to New Mexico. The Indian people think they have a case for just fairness, that they ought to be able to challenge this, and they will never have a chance to challenge it if your amendment wipes out the statute which gives the Secretary some additional power.

The Pueblo of Laguna in New Mexico has done a great deal of research on this. I ask unanimous consent that their analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Enzi-Reid-Sessions Rider Must be Rejected—Congress Should Not Alter Federal Policy and Statutory Protections Over Indian Affairs by Attaching Riders to Annual Appropriations Bills

A. ENZI-REID-SESSIONS RIDER IS A MEANS OF IMPROPERLY CIRCUMVENTING FEDERAL LAW WHICH PROTECTED TRIBAL GOVERNMENTS

Enzi-Reid-Sessions Rider is an unfair, bypass of the legislative process.

Enzi-Reid-Sessions Rider unfairly subordinates tribal authority to pursue reservation economic development in violation of the federal trust responsibility to protect Indian tribes and to promote tribal economic self-determination.

Enzi-Reid-Sessions Rider would effectively give states what amounts to a unilateral "veto" over Indian gaming, which is inconsistent with federal law, the Indian Gaming Regulatory Act of 1988 ("IGRA").

Enzi-Reid-Sessions Rider is a drastic means to amend IGRA, and it would alter a change in federal-tribal relations. Such a drastic change should not be done through the mechanism of a budget rider attached to a spending bill, with no hearings, findings, tribal consultation of input.

Enzi-Reid-Sessions Rider will deny Indian tribes notice and an opportunity for hearing which is tantamount to a denial of the "due process" guaranteed by the U.S. Constitution.

B. THE GAMING TRIBES IN NEW MEXICO WILL HAVE NO REMEDY TO ADDRESS THE INJUSTICES THAT OCCURRED OVER THE STATE'S FAILURE TO NEGOTIATE OVER GAMING ACTIVITIES ON TRIBAL LANDS

In New Mexico, IGRA's Secretarial procedures provisions are necessary to provide a remedy to the tribal governments who have been unsuccessful in obtaining negotiated tribal/state Class III compacts, a negotiated process that the states clamored to obtain when IGRA was enacted. There are 14 compacts in New Mexico, known as the "HB 399 Compacts" which are the product of a state legislative process, and which were not negotiated by any of the gaming tribes.

The gaming tribes in New Mexico were forced to (1) to accept the compacts that they had no voice in drafting and which were contrary to the federal law which authorized the compact, or (2) to reject HB 399 and risk closure and criminal prosecution by the U.S. Attorney. No state in this country would tolerate such unfair and coerced treatment by another government.

Some gaming tribes in New Mexico have challenged certain provisions of the New Mexico HB 399 compacts as being contrary to IGRA, and therefore, a violation of federal law. HB 399 calls for a 16 percent "revenue-sharing" with the state and hefty flat regulatory fees, even through IGRA prohibits the state from assessing fees, taxes, and other levies on tribal gaming and requires that regulatory costs bear relation to the actual costs of regulating gaming activists.

In addition, opponents of New Mexico Indian gaming have challenged the validity of HB 399 compacts. If this action succeeds, the gaming tribes will be prevented from getting the state to the negotiating table, due to the state's 11th Amendment immunity from suit. Again, the unfair and unjust result will be that gaming tribes in New Mexico will have no remedy to address these federal law violations.

The Pueblos and Indian tribes in New Mexico who may seek to conduct lawful gaming activities on their tribal lands will have no avenue to bring the state to the negotiating table. This is an unfair and unjust result that will leave these tribes with no remedy.

Pueblo of Laguna Position on "Enzi-Reid-Sessions" Indian Gaming Restrictions FY 1999 Interior Appropriations Bill

The Pueblo of Laguna strongly opposes the budget riders to the FY 1999 Interior Appropriations Bill, which would place restrictions on Indian gaming activities that are otherwise recognized and authorized pursuant to the Indian Gaming Regulatory Act of 1988 ("IGRA"). Enzi-Reid-Sessions amendment to the Interior Appropriations Bill ("Enzi-Reid-Sessions Rider") would prohibit the Secretary of the Interior from promulgating alternate compacting procedures where an impasse occurs in tribal-state negotiations, and it would prevent the Secretary from approving Class III gaming compacts that have not been the product of the tribal-state negotiation and agreement Enzi-Reid-Sessions Rider would constitute an unfair circumvention of IGRA's provisions which were designed to protect tribal governments. Enzi-Reid-Sessions Rider will constitute an denial constitutional due process because gaming tribes in New Mexico will be left without a remedy to address injustices that over occurred over gaming.

The Pueblo of Laguna protests these budget riders on substantive and procedural grounds. First, the budget riders unfairly subordinate an area of inherent tribal governmental authority, on reservation economic development, to state government authority in violation of the Federal trust responsibility to protect Indian tribes from the often hostile state governments. Second, since the formation of the Union, the United States has dealt with Indian tribes on a bilateral government-to-government basis because Indian peoples have a natural, human right to self-government that predates the formation of the United States. The proposed budget riders amount to nothing less than legislative "fiats," which disregard our government-to-government relationship and tread on our inherent, human right to self-government on our traditional homelands.

Before the passage of the Indian Gaming Regulatory Act of 1988 ("IGRA"), states had no authority to regulate Indian gaming. The regulation of Indian gaming was the subject of inherent tribal government authority. The states, however, clamored for the passage of the IGRA to provide them a "voice" in the development of Indian gaming regulatory systems. Hence, IGRA was enacted to build strong tribal governments, spark economic opportunities on depressed tribal lands and economies, and it was a compromise that provided states an opportunity to negotiate in "good faith" for a role in regulating gaming on Indian lands. As initially enacted, IGRA gave states a "voice" in regard to Indian gaming, not a "veto." IGRA's "good faith negotiation" provision mandated states to negotiate in good faith for Class III compacts with Indian tribes for gaming activities that are permitted to be played in the state by any person or entity. Tribes do not have to blindly accept state regulatory laws because we have our own laws. IGRA intends tribes and states to enter the negotiation and true sovereign-to-sovereign accommodation. If states decline to negotiate in good faith, IGRA provides tribes with a remedy; IGRA authorized tribes to sue states in federal court for failure to conduct good faith negotiations.

In 1996, the U.S. Supreme Court disrupted this careful compromise between tribal and state interests by striking down the authorization to tribes to sue states for failure to negotiate in good faith on the grounds that the states' 11th Amendment immunity from suit bars such an action in federal court (even though the states had originally asked Congress for the opportunity to negotiate compacts with tribes). However, the Court left intact IGRA's provision which allow the Secretary of the Interior to promulgate alternate regulations for the Class III gaming where an impasse develops in state-tribal gaming negotiations. That is because, under the Federal trust responsibility to protect Indian tribes, Congress never intended to leave tribes completely at the mercy of the states in regard to Indian gaming. Congress intended to authorize only "good faith" sovereign-to-sovereign negotiation. Yet is important to recognize that state gaming laws and policy are adhered to under the Secretarial procedures avenue. Therefore, the Secretarial procedures do not provide a "bypass" of state law, as alleged by the proponents of the Enzi-Reid Sessions Rider.

The Pueblo of Laguna strongly opposes the Enzi-Reid-Sessions Indian gaming restrictions budget rider to the FY 1999 Interior Appropriations Bill.

A. THE ENZI-REID-SESSIONS RIDER UNDERMINES FEDERAL LAW AND POLICY REGARDING TRIBAL SELF-GOVERNMENT AND THE FEDERAL/TRIBAL GOVERNMENT TO GOVERNMENT RELATIONSHIP

1. *Self-Government is a Natural Right of Indian Peoples.* Tribal governments predate the formation of the United States, and as Indian peoples, we retain our original, natural right to govern ourselves on our own lands. Under the Federal trust responsibility to protect Indian tribes, Congress should develop Indian affairs legislation based on consultation and consensus with Indian tribes. Anything less deprives Indian tribes of our inherent human rights to self-government. The Enzi-Reid-Sessions Rider would constitute an extreme altering of the comprehensive IGRA legislation, which strikes a careful balance between federal, tribal, and state interests. It is inappropriate and disrespectful to pursue such important substantive tribal legislation as budget riders to annual appropriations measures. The attempt to alter the face of such legislation would signal a change in federal-tribal relations. Clearly, this should not be done through the mechanism of a budget rider attached to a spending bill, with no hearings, findings, tribal consultation or input.

2. *Government-to-Government Relations.* The Enzi-Reid-Sessions Rider would undermine the government-to-government relationship between the United States and the Indian nations, which is grounded in the United States Constitution and reflects inherent tribal rights of self-government. Congress has long recognized its trust responsibility to protect and promote tribal self-government. At the very least, members of Congress should have the opportunity to fully examine what impact the Enzi-Reid-Session Rider will have upon tribal governments and to hear from the tribal governments that will be impacted by the legislation. Clearly, adoption of the Enzi-Reid-Sessions Rider will undermine this government-to-government relationship. Moreover, denying Indian tribes notice and an opportunity for hearing is tantamount to a denial of the "due process" guaranteed by the United States Constitution.

B. NEW MEXICO GAMING TRIBES NEED IGRA'S ALTERNATE SECRETARIAL PROCEDURES TO PROVIDE ADEQUATE SAFEGUARDS AND RELIEF

1. *Without IGRA's Secretarial procedures, tribes in New Mexico will have no remedy.* In

New Mexico, the IGRA's alternate procedures are necessary to provide a remedy to the tribal governments who have been unsuccessful in obtaining negotiated tribal/state Class III Gaming compacts. Currently, there are 14 compacts in effect in New Mexico since 1997. They were never negotiated and they contain provisions which are detrimental to tribal governments and which may be in violation of federal policy. These compacts are referred to as "HB 399 Compacts" because they are the product of a state legislative process which has no room for tribal governments at the negotiating tables. (HB 399 refers to the House Bill enacted by the New Mexico Legislature). The gaming tribes in New Mexico were faced with the unconscionable choice: (1) to accept the compacts that they had no voice in drafting and which appeared to violate the federal law which authorized the compact, or (2) to reject HB 399 and risk closure and criminal prosecution by the U.S. Attorney. No state in this country would tolerate such unfair and coerced treatment by another government.

2. The HB 399 Compacts impose an impermissible 16 percent gross receipts "tax" on the Indian tribes of New Mexico, which the tribes must pay to the state before they earn one penny for themselves from their own establishments. As a result, some of New Mexico's tribes are no longer able to profitably operate gaming establishments. Two of the Pueblos have filed a federal court action against the Secretary of the Interior relating to his failure to review and remove HB 399's sixteen percent of slot machine revenue sharing requirement, and the hefty flat regulatory fees that must be paid to the sate pursuant to HB 299, as both being violative of federal law. IGRA prohibits the state from assessing fees, taxes and other levies on tribal gaming, and it requires that regulatory costs must bear relation to the actual costs of regulating Indian gaming. The United States has filed a motion to dismiss based on the legal argument that the case cannot go forward without the state of New Mexico, because the state is an indispensable party that cannot be jointed due to its 11th Amendment immunity from suit. Therefore, the alternate Secretarial procedures authorized by IGRA are necessary to provide the New Mexico gaming tribes a remedy in the event that the Pueblos are judicially prevented from obtaining relief. Preferably, the New Mexico gaming tribes would prefer to seek a negotiated resolution with the state to resolve these types of issues; but, pursuant to the states' 11th Amendment immunity, the state cannot be compelled to negotiate with tribal governments over these matters.

3. HB 399 also contains a binding arbitration provision which is designed to provide a mechanism to address and resolve any breaches of the compact of failure to comply therewith. Accordingly, other tribes in New Mexico are engaged with the state in binding arbitration over the sixteen percent revenue sharing and the regulatory fees. However, in this context there is a real question of whether the arbitrator can address the constitutional preemption question of whether the IGRA preempts HB 399's flat assessment of a set revenue sharing and regulatory fees. Assuming that the New Mexico gaming tribes are prevented form going forward with their federal court action and assuming that the HB 399's arbitration process lacks the requisite authority to decide federal preemption questions, the tribes will be left without any remedy to address these important issues.

4. In addition to the above-stated obstacles, other opponents of Indian gaming in New Mexico have filed an action challenging the validity of HB 399. If this action is successful, the tribes will be without a remedy in any forum.

Clearly, New Mexico and other states should not be given what amounts to a "veto" over Indian gaming by the Enzi-Reid-Sessions Rider. New Mexico Indian gaming is a good, productive local industry, which we respectfully submit should be protected by our New Mexico delegation from anti-Indian gaming legislation offered by delegations from other states.

THE NEED FOR SECRETARIAL PROCEDURES: STATE LAW INVALIDATION OF APPROVED COMPACTS

Under the decisions in State ex rel. Clark v. Johnson and Pueblo of Santa Ana v. Kelly, a tribal-state class III gaming compact that has been approved by the Secretary and has "taken effect" under IGRA can nevertheless be declared invalid on the basis of a state-court determination that the compact was never validly entered into by the state. Such a decision, based strictly on principles of state statutory or constitutional law, would be unreviewable by any federal court.

The case of State ex rel. Coll v. Montoya, currently pending in state district court in Santa Fe (on temporary remand from the state Supreme Court), is a broad attack on the validity of House Bill 399, as enacted by the 1997 New Mexico legislature, the bill that authorized the governor to sign compacts and revenue-sharing agreements with the tribes. Just as in Clark, the tribes are not parties to the case, and so far the courts have turned a deaf ear to the argument that inasmuch as the case seeks to invalidate the compacts, it should not be allowed to proceed in the absence of the tribes as parties. (In federal court, that point would conclusively lead to dismissal of the case.)

If the Supreme Court were ultimately to rule for the plaintiffs in Coll, and hold that HB 399 is invalid, that could mean that Gov. Johnson never had valid authority from the legislature to sign the compacts, and that the compacts are "void ab initio" (invalid from their inception), as the court said in Clark.

In short, even if a state legislature agrees to a compact, and the compact is approved and takes effect under IGRA, the decisions in Clark and Santa Ana mean that state courts are still free to invalidate the compact on state law grounds, even without the tribes being able to be heard. Tribes attempting to operate in good faith under approved compacts thus have no legal protection whatever, and their rights can be cut off at the whim of a state Supreme Court.

Allowing the regulations authorizing the Secretary to issue "procedures" under which a tribe could conduct class III gaming even if the state refuses to enter into a compact provides tribes with some leverage against recalcitrant states, and against parties who would seek to invalidate approved compacts as described above. By giving the tribes an alternative, assuring them that (as Congress intended) they would be able to conduct class III gaming that is permitted in the state even if they cannot achieve valid, approved compacts, the regulations change the strategic balance as between tribes and the state. The state will be forced to act reasonably, and anti-gaming zealots will be forced to recognize that by going to court to attack approved compacts they may cause a situation in which tribes will be able to engage in class III gaming (under secretarial procedures) with the state cut out of the process (and the revenues) entirely. This restores the balance that Congress attempted to create in IGRA, and gives the tribes a fair opportunity to enjoy this important economic development opportunity.

Mr. DOMENICI. I thank the Chair, and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Thank you, Mr. President.

I would first like to congratulate the Senator from Wyoming, Senator ENZI for his amendment and his work on this issue. In his comments he has laid out a detailed and comprehensive analysis of the problem and has stated plainly and with integrity and insight exactly how it is we ought to deal with it.

Let me try to briefly share some thoughts I have on this matter. I was attorney general of the State of Alabama. In this capacity I was one of 25 attorneys general who signed, just over two years ago, a letter to the Secretary of the Interior indicating to him our firm conviction and legal opinion that he did not have the authority to enter into compacts with Indian tribes in the manner detailed in the proposed regulations he drafted. Let me tell you why that is very important.

Alabama has one recognized Indian tribe, the Poarch Band of Creek Indians, a very fine group. Chairman Tullis of that tribe is a friend, and I have known him for many years. We had occasions, when I served as Federal U.S. attorney, to work on a number of issues, and I have always admired his commitment and work.

He has at that Indian tribe a large bingo parlor. They make a considerable amount of money on it. Under Alabama law the tribe has the ability to build a horse racetrack or a dog racetrack. But under the law the tribe does not and has not been given the authority by the Governor of the State of Alabama to build a casino. Alabama has debated this repeatedly, and the casino advocates have failed.

Let me provide some further background on this Alabama example. In Alabama, the Poarch Creek tribe has about 2000 members, and it owns about 600 acres of property. It has been recognized for less than 30 years, and it is a small tribe. But they own property, near both Mobile, AL, where their primary location is, and also near Wetumpka, Alabama. The city of Wetumpka is near Montgomery, AL, and is roughly 180 miles away from Mobile. The tribe would like to build casinos outside of Mobile and outside of Montgomery and Birmingham, AL, in the little town of Wetumpka where they have property.

Do you see the significance of this? If the Secretary of the Interior can override the opinion of the people of the

State of Alabama and give this Indian tribe the right to build casinos on their land, then they could build at least two, maybe three casinos in Alabama and would, in fact, abrogate the considered will of the people of the State who have consistently rejected casino gambling.

It is just that simple. This is not an insignificant matter. We are talking about giving the Secretary of the Interior, who is now under investigation by a special prosecutor for campaign contributions arising out of his approval of one Indian tribe's activities with regard to gambling, the unilateral authority to override the considered opinion of States all over this country. If this amendment doesn't pass we are talking about the Secretary of the Interior having the ability to enrich selected tribes by millions or hundreds of millions of dollars overnight by the stroke of a pen.

That is a powerful thing. You can raise a lot of campaign money with that ability to do such a thing. I do not think it is healthy. The attorneys general association, the National Association of Attorneys General, steadfastly opposes the regulations promulgated by the Secretary of Interior that would give him this ability, and strongly supports the Enzi-Sessions amendment. Allowing the Secretary to have this kind of power is wrong. He does not have the constitutional power to do it, first, in my opinion, yet he persists in suggesting that he does and is moving forward with regulations that appear to suggest that in fact he will.

So what is the first thing that is going to happen if the Secretary's regulations are enacted? Lawsuits are going to spring up all over the country attacking his authority to do this and cost all kinds of money. And we are going to continue with litigation involving it. I think ultimately he is going to lose. But what we are saying is, let us not go down that road; let us not do that.

Let me show you what the midsized city of Wetumpka feels about this issue. Wetumpka is a wonderful town. I have a number of friends there. This is what the mayor, Jo Glenn, wrote me. She writes this:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. [That is a casino.] The demand for greater social services that comes to the area around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong adamant opposition to gaming facilities.

The City of Wetumpka support this amendment. Additionally, the Montgomery Advertiser states in an editorial written opposing the Secretaries proposed regulations that:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy-handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others undoubtedly that would follow in other parts of the State—has implications far too great to allow the critical decision to be reached in Washington. Alabama has to have a hand in this high-stakes game.

Let me note that others have expressed similar objections to the Secretary's proposed regulations. Attorney General Robert Butterworth of Florida and Attorney General Gale Norton of Colorado have written expressing support for this amendment. My successor as Attorney General of Alabama, Bill Pryor, who is a brilliant lawyer, Tulane graduate, editor-in-chief of the Tulane Law Review, and a fine legal scholar—says:

> Again, I strongly support the proposed amendment [Enzi-Sessions]. I have no confidence that the Secretary listens when the states tell him that he lacks the power to override their Eleventh Amendment immunity and that he operates under an incurable conflict of interest when he proposes to act [himself] as a mediator. The proposed amendment is necessary to stop further action on the Secretary's part.

His opinion is shared, as I mentioned, by the National Association of Attorneys General. A number of other attorneys general have written me to express that same position as well.

Mr. President, I say again, this is not a matter of theoretical debate now. We are beyond that. It is a matter of real public policy. And if you allow every Indian reservation in America to overnight, or step by step, tribe by tribe, after having to wine and dine the Secretary of the Interior and sweet-talk the Secretary of the Interior and the President and maybe making campaign contributions, to induce him to approve gambling, then we are going to have one of the most massive erosions of the public's ability to set social policy within their State we have ever seen. This is really a major event.

Senator ENZI's proposal is reasonable. I am proud to be a cosponsor with him on it. It simply delays this thing so we can make sure we are doing the right thing.

As to Senator DOMENICI's problem, I think that will need to be dealt with specifically and not as part of this amendment. But I believe we cannot allow this amendment to fail. The Governors, the attorneys general, groups like the Christian Coalition, and others, support this amendment, because they recognize the negative consequences that arise from allowing the Secretary of Interior to exert this sort of power.

I again thank Senator ENZI for his leadership.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise today, as I have in prior years, to oppose the amendment proposed by my colleague, the Senator from Wyoming, Senator ENZI.

Mr. President, I have had the privilege of serving on the Committee on Indian Affairs for over 20 years. And I believe that in order to fully appreciate and understand the matter before us, a brief review of the history of our relationship with Indian country might help, because over the course of those 20 years, I have learned a bit about the state of Indian country and the pervasive poverty which is both the remnant and result of too many years of failed Federal policies.

Mr. President, there was a time in our history when the native people of this land thrived. They lived in a state of optimum health. They took from the land and the water only those resources that were necessary to sustain their well-being. They were the first stewards of the environment. And those who came later found this continent in pristine condition because of their wise stewardship.

Even after the advent of European contact, most tribal groups continued their subsistence way of life. Their culture and their religions sustained them. And, Mr. President, they had very sophisticated forms of government, so sophisticated and so clearly efficient and effective over many centuries that our Founding Fathers could find no other better form of government upon which to structure the government of a new nation, the United States of America.

So our Founding Fathers—Benjamin Franklin, THOMAS Jefferson—adopted the framework of the Iroquois Confederacy, a true democracy, and it is upon that foundation that we have built this great Nation. But, unfortunately, there came a time in our history when those in power decided that the native people were an obstacle, an obstruction to the new American way of life and later to the westward expansion of the United States.

So our Nation embarked upon a course of terminating the Indians by exterminating them through war and the distribution of blankets infected with smallpox. We nearly succeeded in wiping them out. Anthropologists and historians estimate that there were anywhere from 10 million to 50 million indigenous people occupying this continent at the time of the European contact. By 1849, when the United States finally declared an end to the era known as the Indian wars, we had managed to so efficiently decimate the Indian population that there were a mere 250,000 native people remaining in the lower 48.

Having failed in that undertaking, we next proceeded to round up those who survived, forcibly marched them away from their traditional lands, and across the country. Not surprisingly, these forced marches—and there were many of these trails of tears—further reduced the Indian population because many died along the way.

Later, we found the most inhospitable areas in the country on which to relocate the native people and expected them to scratch out a living there. Of course, we made some promises along the way; that in exchange for tribal lands in the millions of acres we would provide them with education—at least we promised them education—health care and shelter.

We told them, often in solemn treaties, that these new lands would be theirs in perpetuity. There are many wonderful treaties in our archives, some that begin with phrases:

> As long as the sun rises in the East and sets in the West, and waters flow from the mountain tops to the sea, this land is yours.

We promised them that their traditional way of life would be protected from encroachment by non-Indians and that we would recognize their inherent right as sovereigns to retain all powers of government not relinquished. Their rights to hunt, fish, gather food, to use the waters that were necessary to sustain life, were also recognized as preserved in perpetuity for their use.

But over the years, these promises and others were broken by our National Government, and our vacillations in policies, of which there were many, left most reservation communities in economic ruin.

It grieves me to repeat this, but there were 800 treaties solemnly entered into by the Government of the United States and the leaders of Indian country—800. It was the responsibility of this body, the U.S. Senate, to ratify these treaties. Mr. President, 430 of them were ignored. They lie in our files at this moment; 370 were ratified by the U.S. Senate. And of the 370, we proceeded to violate every single one of them.

The cumulative effects of our treatment of the native people of this land have proven to be nearly fatal to them. Poverty in Indian country is unequal anywhere else in the United States. The desperation and despair that inevitably accompanies the economic devastation that is found today in Indian country accounts for the astronomically high rates of suicide and mortality from diseases. For Indian youth between the ages of 18 and 25, the rate of suicide is 14 times the national norm of the United States.

Within this context, along came an opportunity for some tribal governments to explore the economic potential of gaming. It didn't prove to be a panacea, but it began to bring in revenues that tribal communities didn't have before. Then the State of California entered this picture by bringing a legal action against the Cabazon Band of Mission Indians, a case that ultimately made its way to the Supreme Court.

Consistent with 150 years of Federal law and constitutional principles, the Supreme Court ruled that the State of California could not exercise its jurisdiction on Indian lands to regulate gaming activities.

This was in May of 1987. In the aftermath of the Supreme Court's ruling, we got into the act, the Congress of the United States. During the 100th session of the Congress, I found myself serving as the primary sponsor of what is now known as the Indian Gaming Regulatory Act of 1988. There were many, many hearings and many, many drafts leading up to the formulation of the bill that was ultimately signed into law.

Initially, our inclination was to follow the well-established and time-honored model of Federal Indian law which was to provide for an exclusively Federal presence in the regulation of gaming activities on Indian lands. The Constitution and the laws of our land say the relationship will be between the Federal Government and the Indian government. Such a framework would have been consistent with constitutional principles, with the majority of our Federal statutes addressing Indian country, and would have reflected the fact that as a general proposition, it is Federal law, along with tribal law, that governs most all of what may transpire in Indian country.

But State government officials—Governors, attorneys general—came to the Congress, demanding that a role in the regulation of Indian gaming be shared with them. Ultimately, we acquiesced to those demands. After much thought, many hearings, much debate, the Congress of the United States selected a mechanism that has become customary in dealings amongst sovereign governments.

This mechanism, a compact between a State government and a tribal government, would be recognized by the Federal Government as the agreement between two sovereigns as to how the conduct of gaming on Indian lands would proceed.

The Federal participation in the agreement would be accomplished when the Secretary of the Interior approved the tribal-State compact as part of the law. In an effort to ensure that the parties would come to the table and negotiate a compact in good faith, and in order to provide for the possibility that the parties might not reach agreement, we also provided a means by which the parties could seek the involvement of the Federal district court, and if ordered by the court, could avail themselves of a mediation process. It is not for the Indian leaders to determine whether the process is being carried out in good or bad faith.

The court will decide that, and the court is not an Indian court. It is the district court of the United States of America. That judicial remedy and the potential for mediated solution when the parties find themselves at an impasse has subsequently been frustrated by the ruling of the Supreme Court upholding the 11th amendment, the amendment that provides immunity to the several States of the Union.

Thus, while there are some who have consistently maintained that sovereign immunity is an anachronism in contemporary times, in this area at least, the States still jealously guard their sovereign immunity to suit in the courts of another sovereign.

In so doing, the States have presented us with a clear conflict, which we have been trying to resolve for several years.

Although 24 of the 28 States that have Indian reservations within their boundaries have now entered into 159 tribal-state compacts with 148 tribal governments, there are a few States in which tribal-state compacts have not been reached.

And the conflict we are challenged with resolving is how to accommodate the desire of these States to be involved in the regulation of Indian gaming and their equally strong desire to avoid any process which might enable the parties to overcome an impasse in their negotiations.

The Secretary of the Interior is to be commended in his efforts to achieve what the Congress has been unable to accomplish in the past few years.

Following the Supreme Court's 11th amendment ruling, the Secretary took a reasonable course of action.

He published a notice of proposed rulemaking, inviting comments on his authority to promulgate regulations for an alternative process to the tribal-state compacting process established in the Indian Gaming Regulatory Act.

Thereafter, he followed the next appropriate steps under the Administrative Procedures Act, inviting the input of all interested parties in the promulgation of regulations.

When the Senate acted to prohibit him from proceeding in this time-honored fashion, he brought together representatives of the National Governors Association, the National Association of Attorneys General, and the Tribal Governments, to explore whether a consensus could be reached on these and other matters.

In fact, a working group of those interests will be meeting this week in Denver to pursue the Secretary's initiative.

In the meantime, my colleagues propose an amendment that would not only prohibit the Secretary from proceeding with the regulatory process, but which would prevent those State and tribal governments that desire to enter into a compact from securing the necessary Federal approval.

By the latter formulation, my colleagues would federally pre-empt what is otherwise the prerogatives of sovereign governments—namely the State and tribal governments—to pursue that which is their right under Federal law and their right as sovereigns.

Once again, there have been no hearings on this proposal—no public consideration of this formulation—no input from the governments involved and directly affected by this proposal.

Last year, the Secretary of the Department of the Interior made clear his intention to recommend a veto of the Interior appropriations bill should this provision be adopted by the Senate, and approved in House-Senate Conference.

I would suggest that it is unlikely that the Secretary's position has changed in any material respect—particularly in light of all that he has undertaken to accomplish, including frank discussion amongst the State and tribal governments.

As one who initiated a similar discussion process several years ago, I am more than a little familiar with the issues that require resolution.

However, in the intervening years, court rulings have clarified and put to rest many of the issues that were in contention in that earlier process.

I have continued to talk to Governors and attorneys general and tribal government leaders on a weekly if not daily basis, and I believe, as the Secretary does, that the potential is there for the State and tribal governments to come to some mutually-acceptable resolution of the matters that remain outstanding between them.

I believe the Secretary's process should be allowed to proceed.

I also believe that pre-empting that process through an amendment to this bill could well serve as the death knell for what is ultimately the only viable way to accomplish a final resolution.

The alternative is to proceed in this piecemeal fashion each year—an amendment each year to prohibit the Secretary from taking any action that would bridge the gap in the Indian Gaming Regulatory Act that was created by the Court's ruling and which will inevitably discourage the State and tribal governments from fashioning solutions.

This is not the way to do the business of the people.

There are those in this body who are opposed to gaming.

As many of my colleagues know, I count myself in their numbers. I am opposed to gaming.

Hawaii and Utah are the only two States in our union that criminally prohibit all forms of gaming, and I support that prohibition in my State. We don't have bingo or poker.

Mr. President, like many of my colleagues, I have walked many miles in Indian country, and I have seen the poverty, and the desperation and despair in the eyes of many Indian parents and their children.

I have looked into the eyes of the elders—eyes that express great sadness.

I have met young Indian people who are now dead because they saw no hope for the future.

I have seen what gaming has enabled tribal governments to do, for the first time—to build hospitals and clinics, to repair and construct safe schools, to provide jobs for the adults and educational opportunities for the youth—and perhaps most importantly, to engender a real optimism that there can be and will be—the prospects for a brighter future.

It is for these reasons, and because of their rights as sovereigns to pursue activities that hold the potential for making their tribal economies become both viable and stable over the long term, that I support Indian gaming.

If our country—this great Nation—had followed the provisions in our treaties and abided with our promises, then there would be no need for me to be supporting Indian gaming.

Mr. President, it is for these reasons, that I must, again this year, strongly oppose the efforts of my colleagues to take from Indian country, what unfortunately has become the single ray of hope for the future that native people have had for a very long time.

Mr. REID. Mr. President, I rise in support of the Enzi amendment which restricts the Secretary of Interior's ability to move forward with a rule that would supplant a state's ability to decide what types of gaming activities would be permissible on Indian lands.

The proposed rule, announced by the Secretary in January, circumvents Congress' role in deciding the framework for regulating Indian gaming.

Congress is the best body to lay out the process for establishing the balanced framework for tribal state negotiations over Indian gaming.

The proposed rule would upset the necessary balance and invest in the Secretary an exceptional amount of authority in deciding the outcome of these negotiations. Its effect would be the expansion of Indian Gaming notwithstanding the objections of a state.

This Enzi amendment is simple and fair. It simply restricts the Interior Secretary from promulgating as final regulations a rule that would allow him to decide whether a state is negotiating with a tribe in good faith; and which types of gaming activities a state must accept on tribal lands.

There is a long history to this issue and it is something that the Governors feel quite strongly about.

In fact, on July 23, the National Governor's Association wrote Senators LOTT and DASCHLE encouraging the Senate to support passage of the Enzi amendment.

As the letter states:

> The nation's governors strongly believe that no statute or court decision provides the Secretary . . . with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary to preempt states' authority under existing laws and recent court decisions and would create a incentive for tribes to avoid negotiating gambling compacts with states.

What this issue is about is states rights and whether this Congress is going to give the Secretary of Interior—who has fiduciary and trust responsibilities to the tribes—the authority to dictate to states which gaming activities they must accept.

I do not believe we are prepared for the unfettered proliferation of Indian gaming.

The Supreme Court, in the *Seminole* decision, did great harm to what we sought to do when we enacted IGRA.

The courts have made a mess of the compacting process we put in place in 1986.

The result is that we are now faced with the dilemma of (1) who must decide whether or not a state is negotiating in good faith; and (2), what types of gaming activities is a state required to negotiate over.

As the Assistant Secretary for Indian Affairs said in his April 1st testimony before the Indian Affairs Committee: "Any attempts [to decide] this issue administratively is certain to draw court challenges and for that reason, we would prefer legislation.

Secretary Gover is right, a decision of this import should not be left entirely in the hands of a federal official who is statutorily biased against a state.

The Department of Interior is responsible for administering IGRA—not reauthorizing it.

Last year's Interior Appropriation's bill—which the President signed—included a similar provision that prevented the Secretary from approving class III (casino styled) compacts.

The Secretary's decision in January evidenced the Department's intent to disregard the clear congressional intent of last year's bill.

This issue should be resolved legislatively and the Enzi amendment will ensure that solution. It will do so in a manner that is respectful of state's rights.

Mr. COATS. Mr. President, I rise today in support of the Enzi amendment. It is quite simple, but I would like to briefly restate the effect of the amendment in order to frame my remarks. The amendment would prohibit the Secretary of the Interior from promulgating new regulations empowering the Secretary to approve class III gambling activities without State approval.

Mr. President, as a result of the Supreme Court ruling in the Seminole of Florida versus the State of Florida, and subsequent activities by the Secretary of the Interior, we are confronted with a situation where an unelected federal official, using the rulemaking process, is seeking to empower himself with the ability to supersede the authority of the popularly elected State government, and to impose Indian gambling activity on an unwilling State.

Mr. President, the Indian Gaming Regulatory Act attempted to construct a delicate balance, the intent of which was to provide a definitive role for the States in determining whether to allow the introduction of new gambling activities. The Court's ruling has upset this balance.

During debate over the fiscal year 1998 funding measure, a similar measure to the one we are debating today was adopted. It was adopted with the understanding that congressional action was needed in order to address this concern, as well as others, with IGRA. However, no action has yet been taken. And thus, we have the need to extend this moratorium.

Now, what does all of this mean to the individual States? The distinguished Senator from Wyoming has already placed into the RECORD the various letters of support from the nation's governors, and states attorneys general. I will let that support speak for itself. I would like to relate the experience of the State of Indiana.

I have here an article from the Indianapolis Star. The article documents the latest development in a struggle that has been on-going in Northern Indiana for several years now. The article begins: "Potawatomi tribe buys land near Indiana town; A reservation would be OK, resident says, but many fear a casino would eventually follow."

The article goes on to describe that; "The Pokagon Band of the Potawatomi Indians acquired land in Indiana, the first step toward establishing a reservation and casino in the State." A spokesperson for the tribe points out in this article that they intend to do many important things with the land they have purchased; provide housing, schools, and a health clinic. However, she goes on to point out that a land-based casino in Indiana is among the tribe's eventual goals.

The Pokagons have been attempting for several years now to purchase land in the area. However, they have met with significant resistance from local landowners and community leaders for fear that casinos would follow any land sale. In fact, over the past 2 years, the town counsel of North Liberty, the town adjacent to the land purchase, has unanimously passed two resolutions in opposition to casino gambling. Further, the Governor of Indiana has announced his opposition to Indian gambling amid public outcries against the proposition.

Yet, Mr. President, under the rules proposed by the Secretary, the will of the people of North Liberty, of the elected representatives of the State of Indiana, would be laid to waste by an unelected federal official. By any interpretation of IGRA, this was not the intention of Congress in passing the law.

The gambling industry is booming. In 1988, only two states (Nevada and New Jersey) permitted casino gambling. By 1994, 23 states had legalized gambling. During this time, casino gambling revenue nearly doubled. In 1993, $400 billion was spent on all forms of legal gambling in America Between 1992 and 1994, the gambling industry enjoyed an incredible 15 percent annual growth in revenues.

Many of my colleagues would look at this performance and say "good for them." Many would cite the gambling industry as an American success story. I am not so enthusiastic. There are many unanswered questions regarding the hidden costs of rolling out the welcome mat for the gambling industry. Many of the promises made by the gambling industry—of jobs, economic growth, and increased tax revenues—are dubious at best. The statistics on the devastating impact on our families are beginning to roll in. Concern about teenage gambling addiction is growing as more and more teens are lured by the promise of easy money. Crime and suicide numbers are sky-rocketing in communities where gambling has taken root.

The National Gambling Impact Study Commission is currently studying this issue. By passing this resolution, we will create the necessary time to modify IGRA to ensure the law is clear in protecting the rights of the individual states. It will allow the states to determine how and when gambling operations will begin or expand within their borders, and to look to the report to the Gambling Commission for help in making those decisions.

I commend the efforts of the Senators from Wyoming and Alabama in bringing this issue before the Senate, and urge my colleagues to support this amendment.

I ask unanimous consent that the article from the Indianapolis Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indianapolis Star Sept. 2, 1998]

POTAWATOMI TRIBE BUYS LAND NEAR INDIANA TOWN; A RESERVATION WOULD BE OK. RESIDENT SAYS, BUT MANY FEAR A CASINO WOULD EVENTUALLY FOLLOW

(By Don Ward)

NORTH LIBERTY, Ind.—The Pokagon Band of Potawatomi Indians has acquired land in Indiana, the first step toward establishing a reservation and casino in the state.

The 2,600-member tribe, which is based in Michigan, acknowledged this week that it has bought 135 acres along Ind. 4 near North Liberty.

"This is a significant first step, but not necessarily toward getting a casino," Pokagon spokeswoman Maureen Shagonaby said Tuesday.

"Our overall goal is, an always has been, to establish a land base to provide housing, schools and a health clinic for our members. But unfortunately, everyone thinks all we're interested in is a casino." Shagonaby confirmed the tribe also is considering the purchase of 900 acres adjacent to the 135-acre tract.

The site is about 15 miles south of South Bend and Elkhart, where the Pokagon faced fierce opposition as tribal officials scouted for land.

But the tribe also has faced opposition here.

North Liberty, whose downtown extends only about a half-mile and has a population of 1,360, was targeted by the Pokagons as a possible reservation site as early as 1996.

Since then, the Town Council has unanimously passed two resolutions against casinos.

"We're not against the Pokagons coming into the area to live and raise children, but it they want to bring in a casino, I'm not for that type of industry," said beauty salon owner Kelly Prentkowski, 32. "Our town is not about profit and gain."

Shagonaby conceded that a land-based casino in Indiana is among the tribe's eventual goals but said, "There's no time line for it. That's a decision the tribal council will make."

Last year, during the town's bitter debate over casinos, groups gathered signatures on petitions both for and against the gambling facilities. But City Clerk Paul Williams said he couldn't remember which group brought in more signatures. Many names were duplicates, he said.

Many residents thought the issue was dead until this week, when they learned of the tribe's deal to buy the tract, located near a golf course and the Kankakee River just northwest of town.

A casino supporter, Greg Shortt, 33, quickly organized a news conference and invited Pokagon representatives to discuss their plans.

Shortt, who lives in Plymouth but runs a package liquor store on North Liberty's main street, is president of the 2-year-old citizen group "Pro Casino." "North Liberty is already a tourist town because we've got Pokagon State Park, and a casino would be added value for our town," he said.

Casino opponents say they fear increased traffic would negatively affect the rural town and that a casino would do nothing for local businesses.

"We don't need 10,000 people and tour buses driving in and out of town every day," said Marian Spitzke, 51. "They're not going to stop and shop or eat here. They'll just go right to the casino and then leave."

Ted Stepanek, 70, owner of the town barber shop, said, "I'm not against gambling—I just don't want it here."

Mr. BROWNBACK. Mr. President, I rise today to support the Enzi-Sessions amendment which ensures that the Secretary of Interior does not circumvent Congress and the States in gaming on Indian lands. It would also extend the moratorium on expansion of gambling on tribal lands.

The growth of the gambling industry in this country in recent years has been explosive. Twenty years ago, only two States allowed casino gambling. Today, the industry reins in $40 billion each year in 23 States and generates revenues that are six times the revenue from all American spectator sports combined. The amount of money wagered annually in the United States exceeds $500 billion.

It concerns me that this explosive growth in the gambling industry has taken place during the same time period that so many other aspects of our culture have declined. Two years ago, Congress enacted PL–104–169, which established the National Gambling Impact and Policy Commission for the purpose of studying the social and economic impact of gambling and reporting its findings to Congress. I supported that legislation. In fact, not one member in either the House nor the Senate rose in opposition to that legislation. This I believe, illustrates the need Congress has to gather more information on the implications of the extraordinary growth of the gaming industry. Until the findings of the Commission are available to guide the actions of Congress, I simply believe that it is reasonable for Congress to not take any action that may proliferate a problem in our society until the ramifications are better understood.

The problems correlated with gambling are serious. Increased family violence, child abuse, suicide, white collar crime, alcohol abuse, prostitution, drug activities, and organized crime have all been linked to gambling. Furthermore, I am concerned about the destructive societal impact of compulsive gamblers. Compulsive gamblers will bet their entire savings and anything of value that can be sold or borrowed against while neglecting family responsibilities to pursue the short-lived thrill of betting. They are more likely to abuse their spouses and their children, and most have contemplated suicide. Compounding these problems, there is speculation that the gambling industry actually targets these vulnerable individuals as well as another faction of vulnerable individuals—the poor.

And, the economic benefits promised to communities which open their doors to gambling are often exaggerated. On the contrary, some municipalities have found that casinos flourished at the expense of existing businesses, and that the incidences of theft and larceny increased.

In fact, I would like to submit for the RECORD an article which was printed in the Topeka Capitol-Journal on April 28, 1998. The article chronicles the difficulties that two Northeast Kansas counties are facing as a result of two Indian casinos recently established within the counties. This year, the local State Representative appealed to the State legislature to provide a special financial grant to deal with rising law enforcement and social service costs. Since one casino opened, the number of arrests in that county for driving under the influence, possession of drug paraphernalia, and possession of marijuana has increased sharply. The sheriff says there has been an "explosion" in criminal cases of forgery, narcotics abuse, possession of stolen property, and worthless checks. Even more troubling is that when the counties asked the owners of the casinos to help reimburse the counties for the increased law enforcement costs, the tribes refused. This is an example of how the economic development brought about by the tribes has been a drain, not a boon, to the local government and economy.

Yet, while I have qualms about the possible destructive effects of gambling, I recognize that many will maintain that these claims are speculative and dispute that there is a conclusive link between gambling and increased crime. This is why I think we need to receive the Commission's report before allowing any new facilities to be established. The National Gaming Impact Study Commission itself agrees, as does the National Governor's Association and the Christian Coalition.

Mr. President, I do not want my views to be construed as opposition to the chance for economically deprived Indian nations to bring needed economic activity to their communities. On the contrary, I commend the efforts to generate income and become more self-sufficient in view of decreasing Federal aid. I think that it is a positive thing that tribes are striving to provide employment, health care, housing, and other important services without Federal assistance.

However, even the benefits of gaming to the tribes themselves is a question. Typical problems are a direct result of disorganized, fractionalized, and historically poor communities and their lack of experience in managing large sums of money. Unfortunately, the lack of understanding of what the management of gaming facilities entails has spelled disaster for a large number of tribes. Furthermore, signs of increased crime are seen on the tribal lands, too. Economic development that invites destructive behavior is not sustainable and is not a healthy way to provide for social services to a community.

This amendment takes a moderate approach. it does not ban Indian gaming and does not affect gaming compacts which already are operational or already have been approved. It simply places prohibits the Secretary from approving any new Tribal-State compacts. It also prohibits the Secretary from promulgating rules that are designed to circumvent Congress and all 50 States until Congress better understands the societal ramifications of the Federal Government's actions to approve gambling, and I believe this is a reasonable approach to take.

The PRESIDING OFFICER. Who seeks time?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise to briefly make a few comments in strong support of the amendment. I do so not because it will assist my State of Minnesota, which already has an established gaming compact with Minnesota Indian tribes, but because this is an issue of fundamental fairness for States and localities.

I find it difficult to understand how anybody can argue that the Secretary of the Interior should be given the authority to approve a class III gaming compact, absent the consent of the State in which the gaming is to occur. States must, I believe, have the authority to negotiate and object to gaming compacts. If you remove their right to object to a gaming compact, then you remove their right to negotiate a gaming compact as well.

Similar to what now happens in trust applications, the tribal authority will have little incentive for negotiating in good faith, knowing that the Secretary of the Interior can come in and improve their compact and bypass the State anyway.

Our States and localities are much too often becoming irrelevant in the decisionmaking process of the Department of the Interior when considering tribal-related situations.

The amendment we are addressing here today prevents a Secretary of the Interior from ignoring the impact of gaming operations on States and localities and from circumventing their authority and making unilateral decisions.

Mr. President, States must have the right to negotiate gaming compacts without undue interference from the Federal Government and without the heavy hand of an overactive Secretary of the Interior waiting to usurp that authority.

Again, the Enzi-Sessions amendment has the support of the National Governors' Association, the National Organization of Attorneys General, and the Christian Coalition.

The amendment extends the current moratorium placed on the Secretary of the Interior from using Federal funds to approve tribal-State compacts, again, without the consent of the States. It doesn't only prevent Secretary Babbitt from moving forward on new regulations but in fact gives him authority to bypass State approval.

So I urge my colleagues to stand up for the rights of our States by supporting the Enzi-Sessions amendment.

Thank you very much, Mr. President. I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank everybody involved for all of the great discussion this afternoon.

I feel compelled to answer some of the questions that were raised during the course of the debate.

I would like to particularly thank Senator SESSIONS and all of the other cosponsors who are on the bill cosponsoring the amendment with me.

I would also like to thank Senator SESSIONS for the comments on behalf of attorneys general, since he is a former attorney general from Alabama.

He gave me copies of letters. One is from my own attorney general, William Hill of Wyoming; another is from Mark Barnett of South Dakota; another is from Bill Pryor of Alabama; another individual letter is from Mr. Gale Norton, attorney general of Colorado; another is from the Honorable Carla Stovall, Topeka, KS; another letter is from Robert Butterworth of the State of Florida; another is from Don Stenberg of the State of Nebraska; another is from Frank Kelley of the State of Michigan.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Cheyenne, WY, July 28, 1998.

Re Enzi/Sessions Amendment to Interior Appropriations Bill.

Chairman SLADE GORTON,
U.S. Senate,
Washington, DC.

Ranking Member ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATORS GORTON AND BYRD: This office is writing in support of and urges the adoption of the Indian gaming amendment to the Interior Department Appropriations Bill sponsored by Senator Michael B. Enzi and Senator Jeff Sessions. Last year's Interior Appropriations Bill contained a provision establishing a moratorium on implementation of proposed procedures by the Secretary of the Interior to permit tribal gaming where a state and a tribe reach an impasse in negotiations and no tribal/state compact is entered into. The Enzi/Sessions amendment would extend that moratorium.

This office believes that the Secretary of the Interior lacks statutory authority to use the proposed procedures and must seek amendment of the Indian Gaming Regulatory Act for this authority. To this end, numerous state attorneys general and governors have initiated negotiations with the Secretary and the Indian tribes in an effort to reach agreement on amendments to the Act. Preliminary discussions are currently taking place in preparation for a meeting at which all interests will be represented, probably sometime between now and November, 1998.

Continuation of the moratorium will avert the need for costly and prolonged litigation over the Secretary's authority and will allow for meaningful discussions concerning amendments to the Indian Gaming Regulatory Act which will benefit the Secretary, the tribes and the states.

Thank you for your support of the Enzi/Sessions Amendment.

Sincerely,

WILLIAM U. HILL,
Attorney General.

OFFICE OF ATTORNEY GENERAL,
Pierre, SD, July 23, 1998.

Re Proposed amendment to S. 2237 regarding a moratorium on implementation of gaming procedures.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

Hon. SLADE GORTON,
U.S. Senate,
Washington, DC.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I am writing this letter in support of the amendment of Senators Enzi and Sessions to S. 2237, the Interior appropriations bill. This amendment would continue a provision included in last year's Interior appropriations act which established a moratorium on implementation of procedures by the Secretary of the Interior to permit tribal gaming when a state and tribe stall in negotiations and the state asserts sovereign immunity in court proceedings.

It is my view that the Secretary plainly lacks statutory authority for the proposed procedures. A detailed letter to the Secretary of the Interior has set out the views of twenty-five attorneys general that the Secretary lacks such authority. I believe, as do the other attorneys general, that the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act to achieve the authority he asserts and I join with the other attorneys general in encouraging the Secretary to engage in a dialogue with the states and the tribes on this matter.

I appreciate your consideration of the moratorium amendment to Senate Bill 2237.

Sincerely yours,

MARK BARNETT,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, July 23, 1998.

Re Proposed Enzi-Sessions Amendment to Interior Appropriations Bill.

Senator SLADE GORTON,
U.S. Senate,
Washington, DC.

Senator ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

GENTLEMEN: I write to register my strong support for an amendment to the Department of the Interior appropriations bill proposed by your colleagues, Senators Enzi, Sessions, Lugar, Brownback, Ashcroft, and Grams. That amendment would continue the moratorium imposed in last year's bill on the Secretary's implementation of procedures that would empower the Secretary to allow tribal gaming when a tribe and a state stall in negotiations and the state asserts its Eleventh Amendment immunity in court proceedings.

I believe that the Secretary lacks the statutory authority to propose procedures that would have the effects of abrogating the states' Eleventh Amendment immunity and compelling the states to negotiate with Indian tribes regarding the permissible scope of Class III gaming. Several state Attorneys General provided comments to this effect in 1996 when the Secretary published his Advance Notice of Proposed Rulemaking. The Attorneys General repeated their objections to the Secretary's proposed course of action in June 1998 when they submitted comments on Interior's Proposed Regulations. Notwithstanding the presence of a moratorium, the Secretary continues to propose expanding his authority in this area. The amendment that your colleagues have proposed would make clear the limits on the Secretary's authority to abrogate the states' Eleventh Amendment immunity.

Again, I strongly support the proposed amendment. I have no confidence that the Secretary listens when the states tell him that he lacks the power to override their Eleventh Amendment immunity and that he operates under an incurable conflict of interest when he proposes to act as a mediator. The proposed amendment is necessary to stop further action on the Secretary's part. Continuing the moratorium on action by the Secretary will allow negotiations between the attorneys general and the tribes to continue and will preclude a lawsuit by one or more states against the Secretary. Such an expensive and protracted lawsuit is almost certain in the event the Secretary continues on his present course.

Very truly yours,

BILL PRYOR,
Attorney General.

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,
Denver, CO, July 24, 1998.

Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: I write in support of your proposed amendment to S. 2237, the Interior Appropriations legislation.

I believe that the moratorium concerning the Secretary's regulations regarding Indian gaming should remain in place during the coming fiscal year. Continuation of the moratorium will avoid the need for costly and prolonged litigation over the Secretary's administrative authority and encourage a meaningful dialogue about amendments to the IGRA which would benefit the Secretary, the tribes and the states.

Sincerely,

GALE A. NORTON,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Topeka, KS, July 24, 1998.

Hon. SLADE GORTON,
Chairman, Interior Subcommittee on Appropriations, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Interior Subcommittee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS GORTON AND BYRD: I am writing in support of the Enzi-Sessions proposed amendment to the Interior Appropriations Bill.

On behalf of the State of Kansas, I joined several other Attorneys General in opposing the Department of Interior's proposed regulations establishing an administrative means by which Indian Tribes may bypass the compacting process set forth in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§2701 *et seq.* In the IGRA, Congress has provided that States should have a specific role in that process. I and other Attorneys General believe that the Secretary has no legal authority to rewrite the IGRA as has been proposed in those regulations. Such a task is obviously the province of Congress.

Whiel I am confident that the courts would agree with my position regarding the Secretary/Department's lack of authority to promulgate these regulations, the Enzi-Sessions amendment would avoid the need to litigate the issue before Congress has the opportunity to consider whether IGRA should be so amended. I therefore support the Enzi-Sessions amendment.

As a matter of background, the State of Kansas has entered into Compacts for Class III, *i.e.*, casino gaming with the four resident Tribes. The existing compacting process in the IGRA worked for us. The State and the Tribes negotiated in good faith, believing that these were the only four Tribes with Indian lands within the State that could be used for Indian gaming purposes.

Since completing our compacting process with the four known Kansas Tribes, the State has been approached by numerous other Tribes interested in gaming revenues; these Tribes assert various "claims" to land in the State, thus evidencing a very real need to ensure that the compacting process remains neutral so the State is not arbitrarily forced by the Secretary acting as a sponsor to Indian Tribes into additional gaming that was never envisioned by the IGRA.

Moreover, the Secretary's proposed regulations not only adversely affect the interest of States, but also pit Indian Tribes against each other. For example, the four resident Tribes in Kansas have a strong interest in ensuring that they recover on their significant investment in developing gaming within the State, an interest which is adversely affected by the gaming ambitions of new, non-resident Tribes.

I am willing to meet with the Department, Tribal, and State representatives to seek agreement on amendments to the IGRA that will address the concerns of Tribes with regard to the compacting process, but I am opposed to any unilateral effort on the part of the Department to usurp the authority of Congress as the proposed regulations have done.

Thank you for your favorable consideration of this amendment.

Very truly yours,

CARLA J. STOVALL,
Attorney General of Kansas.

OFFICE OF ATTORNEY GENERAL,
State of Florida, July 24, 1998.

Re amendment to Interior appropriations bill sponsored by Sens. Enzi, Sessions, Lugar, Brownback, and Grams.

Hon. SLADE GORTON,
U.S. Senator,
Washington, D.C.

Hon. ROBERT C. BYRD,
U.S. Senator,
Washington, D.C.

DEAR SENATORS GORTON AND BYRD: I am writing this letter to voice my support for the Interior Appropriations amendment sponsored by Senators Enzi, Sessions, Lugar, Brownback, and Grams. The purpose of this amendment is to prohibit specifically the final adoption of rules by the Department of the Interior regarding Indian gambling.

These proposed rules are an outgrowth of the *Seminole Tribe* decision of the Supreme Court and represents an attempt to legislate a remedy for Indian Tribes in the absence of statutory authority. My views, and those of twenty four other Attorneys General, are set forth in detail in our letter of June 19 to Secretary Babbitt commenting on the proposed regulations. In short, we feel that there is no statutory authority for the Department to adopt such rules and that the rules are fundamentally flawed because, in those rules, the Secretary arrogates to himself the authority to determine whether the State has negotiated in good faith and what the proper scope of gambling on Indian reservations should be based on *his* interpretation of State law.

In conclusion, I wholly support the efforts of the sponsors of the subject amendment. We are currently attempting to negotiate a consensus amendment to the Indian Gaming Regulatory Act that will obviate the perceived need for such regulations and I believe that the proposed Appropriations amendment will help those negotiations along by lessening by the pressure on the parties and avoiding litigation over the validity of the regulations.

Thank you for your attention to this matter.

Sincerely,

ROBERT A. BUTTERWORTH,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Lincoln, NE, July 24, 1998.

U.S. Senator MICHAEL ENZI,
U.S. Senator JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: I write in support of your proposed amendments to S. 2237, the interior appropriations legislation. The Secretary of the Interior should not be allowed to authorize types of gambling on Indian reservations when that gambling would be illegal if conducted anywhere else within the state.

It is my opinion that the Secretary of the Interior lacks any statutory authority to permit tribal gaming where a state and a tribe stall in negotiations and the state asserts sovereign immunity in court proceedings. Your proposed legislation will support this position.

Yours truly,

DON STENBERG,
Attorney General.

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, July 31, 1998.

Hon. MIKE ENZI,
U.S. Senator,
Washington, DC.

DEAR SENATOR ENZI: Currently there are tribal-state compacts between the State of Michigan and seven Indian tribes, each of which received federal recognition prior to the effective date of IGRA. Since conclusion of these seven compacts, federal recognition has been extended to four additional Indian tribes. Litigation initiated in federal court against the State of Michigan under IGRA by one of these newly recognized tribes was successfully defended on Eleventh Amendment grounds resulting in entry of an August 23, 1996 order of dismissal in *Little River Band of Ottawa Indians, et al* v. *State of Michigan*, U.S. District Court, Western District, No. 5:96–CV–119.

Without question, the 1996 decision in *Seminole Tribe of Florida* v. *State of Florida*, 517 US 44; 134 L Ed 2d 252; 116 S Ct 1114 (1996), has precipitated a need for thorough review of federal policy regarding tribal gaming operation. However, pending completion of that task, I share the position held by most state Attorneys General that the Secretary of Interior lacks authority to unilaterally promulgate rules for the operation of activities defined as class III gaming under IGRA. As the state official with the responsibility under Michigan law to defend all lawsuits against the state, it is my firm conviction that a decision to advance a valid defense should not be influenced by a threat that a particular defense will precipitate an unauthorized response by a federal agency.

In light of the foregoing, I wish to voice my support for your effort to adopt a narrowly focused amendment to the Department of Interior appropriations legislation which will preclude steps to authorize class III gaming without specific authorization by an impacted state.

Very truly yours,

FRANK J. KELLEY,
Attorney General.

Mr. ENZI. Mr. President, I also thank the other Senators who have addressed this along with me, and I want to make some comments on the things that were said.

I would particularly like to thank the Senator from New Mexico for his comments. More particularly, I would like to thank him for all the education he gave me a year ago when we debated this amendment. That was one of the first amendments that I worked on, and I have to say it needed a lot of work. With his cooperation, and with the Senator from Hawaii, we came up with an amendment that protected the status quo. It was an amendment that we thought would keep things from moving forward and supplanting the States' ability to negotiate it. I found out later that there are even some more careful wordings that have to be done on bills that we work on around here. Had I done it more particularly about finalizing the rule itself, perhaps we would have avoided the need to bring it up again. I didn't. So we need to talk about it some more.

I mentioned that what we are really trying to do with this amendment is to preclude the finalization of rules and regulations that would supplant the States. I will be one of the first to admit that at the present time the States have the bigger stick. Until the rules get approved and the bigger stick switches hands, and the tribes have the bigger stick and the control of that stick forever—if we leave the stick in the hands of the States, there is an easy way to change that in the interim and to make the kinds of exemptions that the Senator from New Mexico talked about. The way to do that is to have hearings by the Indian Affairs Committee—hearings that are balanced, hearings that take into account how difficult it is to properly negotiate between the States and the tribes.

We can come up with a compromise piece of legislation. That piece of legislation would eliminate this amendment on an appropriations bill and this amendment in any future years. But we have to have that discussion. We have to see what the arguments are between the States and the tribes and get those resolved. I know there is common ground. We have hit around the edges of it today. But there have been statements on both sides that take it a little bit further each way than probably it ought to be. But I can tell you that we are not going to get it resolved and we will just give the whole stick to the tribes unless we put this amendment on the bill.

I thank the Senator from Hawaii for the care and concern with which he has spoken in every instance that we have debated this issue. This is the third time. I appreciate today particularly the 20 years of experience that he has on this and the tremendous knowledge that he has about the history of the tribes in the United States.

I grew up in Sheridan, WY, 60 miles from the Crow Reservation, which is in Montana. But I have had the opportunity to work with them and the tribes in Wyoming before. This is not an attempt to take away from the Indian tribes. This is an attempt to get that fair playing field through hearings, through legislation—not through something by an unelected Secretary of the Federal Government to put it in the hands of Congress. We are the ones who ought to be making these kinds of decisions. If there are decisions left undone, we ought to go back and redo them so that they take care of all the problems. We need to have all of the interested parties. We need to have hearings on it.

The comment was raised that on my amendment there haven't been hearings. I kind of have to contest that a little bit, because this is the third time we have debated it, which is a form of hearing among the Members. It is not my fault that there have been no hearings on this. The Indian Affairs Committee has not held hearings on this in spite of the requests last year, in spite of that being the primary way that we can bring everybody together to focus on the issue and to come up with a solution that will work for everybody.

I don't think this is a death knell for the talks between people. Instead, it is the beginning of a process that can work with the Indian Affairs Committee to see that we have some hearings, reach a solution, and bring it to conclusion. It is in the hands of the Indian Affairs Committee. But there is only a need for them to meet on it, if we pass my amendment.

I ask that you pass the amendment. I will briefly summarize some of the points.

It maintains the status quo of the Indian Gaming Regulatory Act for one more year. It preserves the right of Congress to pass laws. It continues the incentive for tribes and States to pursue legislative changes to IGRA. It gives the Indian Affairs Committee time to hold the hearing and recommend the IGRA changes. It prevents Secretary Babbitt from bypassing Congress. It protects States rights without harming the Indian tribes. And it honors the advice of the National Gambling Impact Study Commission so that they can finish their work, as they requested.

Mr. President, I thank the Chair. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I know of no one else desiring to speak on this Enzi proposal. It seems to me that it is a relatively simple one. It simply enjoins for one additional year the right of the Secretary of the Interior to avoid the requirements of both the 11th amendment and of present law by making it a determination that a State has not engaged in good faith in negotiating a class III gambling compact and that it has stated its sovereign immunity in an action by an Indian tribe or another kind against it.

In light of the fact that the report of a long-term commission on the effect of gambling in the United States has not yet been made, it seems to me that this is a reasonable amendment. I know of no request for a rollcall vote on the amendment.

Mr. President, I believe we are ready to vote on the ENZI amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3592) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the Senator from Missouri, Mr. ASHCROFT, is here and will be ready in just a few moments to present an amendment respecting the National Endowment for the Arts. We will debate that until debate is completed. I rather suspect that amendment will require a rollcall vote. But this is to notify Members who are interested in the National Endowment for the Arts that this will be their opportunity to speak on that subject. It was the subject of some controversy and a number of speeches last year, and I suspect there may very well be Members on both sides who would like to make their views on the subject known, and they are invited to come to the floor.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I understand now that Members on both sides have agreed to a 1-hour—I will withhold that request at this point.

Is the Senator ready?

Mr. ASHCROFT. I am prepared to go ahead.

Mr. GORTON. Then, Mr. President, I will yield the floor and I will ask the Senator's indulgence, if we have cleared a time agreement, to get that time agreement. We would like to have a vote on the amendment before the lecture by Senator BYRD at 6 o'clock this evening.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3593

(Purpose: To eliminate funding for the National Endowment for the Arts and to transfer available funds for the operation of the National Park System)

Mr. ASHCROFT. Mr. President, I thank the Chair.

I come for the second straight year to offer an amendment to the Interior appropriations bill, and I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 3593.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 109, strike line 21 and all that follows through line 18 on page 110 and insert the following:

"Notwithstanding any other provision of this Act, the amount available under the heading 'National Park Service, Operation of the National Park Service' under title I shall be $1,325,903,000.".

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I come to the floor for the second straight year to offer an amendment to the Interior appropriations bill. This amendment, while dealing with a relatively small amount of money—and I wince a little bit when I call the amount of money small, but in comparison to the multibillion-dollar funding bill it does address a small percentage of that bill—addresses a profound and fundamental issue that is before this body. Should the Federal Government be in the business of judging and funding art? Should the Federal Government be telling the rest of the country this is good art, or this is not good enough for the Federal Government, signaling to the rest of the country this art is superior or this art is worthy of your support while other art is not?

While my efforts last year to eliminate funding for the National Endowment for the Arts were unsuccessful, I am compelled to continue to raise this issue, hoping to persuade my colleagues that the Federal Government should resign from its role as a national art critic. It seems to me that to have the Federal Government as an art critic which determines what type or types of art are superior to other types of art is not something that a free nation would want to encourage. Government should not be in the business of subsidizing free speech or putting its so-called "Good Housekeeping Seal of Approval" on certain pieces of so-called art. My amendment simply eliminates the $100 million appropriated by the bill to the National Endowment for the Arts, and it takes the available funds and puts them toward the renovation and preservation of our national park system.

Since the last time we debated this issue, two relevant events have occurred regarding the National Endowment for the Arts. First, news about the play, and I quote the title here, "Corpus Christi," which the NEA had agreed to fund, has become available; and, secondly, the Supreme Court of the United States has rendered a decision in the case of National Endowment for the Arts v. Finley.

I would like to discuss each of these developments as well as other arguments and show how they support elimination of funding for the National Endowment for the Arts.

The play "Corpus Christi" is merely the latest example of why we should defund the National Endowment for the Arts.

In the last few months, we have heard a great deal about the play planned to be staged by the Manhattan Theatre Club in New York City. This play, entitled "Corpus Christi," has generated a lot of controversy because of its content and because the National Endowment for the Arts approved a $31,000 grant to the theater to fund production of this play.

Let me give a brief chronology of the involvement of the National Endowment for the Arts with "Corpus Christi." The Manhattan Theatre Club first applied to the National Endowment for the Arts in October of 1995 to request funding for "Corpus Christi." The theater's summary of the project activity stated as follows:

> MTC is requesting support from the National Endowment for the Arts for the world premiere of Terrence McNally's new play, CORPUS CHRISTI. The production is scheduled for fall, 1996 on Stage 1.

I continue to quote:

> Mr. McNally will develop the rehearsal draft of the script in house at Manhattan Theatre Club during the next year. CORPUS CHRISTI is a play for 13 actors. Requested and matching funds will be spent on development, preproduction, rehearsal and the subscription run of the play at the Manhattan Theatre Club.

That was the summation of the project activity included in the request for funding as submitted by the Manhattan Theatre Club. The NEA application asked the applicant to "give a detailed description of the proposed project," including, among other things, "the degree of development of the project." The Manhattan Theatre Club supplied the NEA with the following description:

> Spirituality has been one of the major themes in Terrence McNally's most recent plays at MTC. His next play, Corpus Christi, will be an examination of good and evil. He will use certain miracles in the life of Christ as the inspiration for the story, which will have a contemporary setting.

* * * * *

> Corpus Christi is an extremely ambitious new work for Mr. McNally. MTC is proud to serve as the artistic home for this eminent American playwright. Our relationship with him is one of the most important and far-reaching models in our commitment to writers. We are confident that this project will break new ground for Mr. McNally as an artist, and that it will continue our tradition of providing innovative, important new plays to audiences in our community and beyond.

That was from the Manhattan Theatre Club grant application of October 2, 1995.

The NEA approved the grant to fund Corpus Christi. On June 14, 1996, the NEA informed the Manhattan Theatre Club that it had been awarded a $31,000 grant "to support expenses for the development and world premiere of the new play, 'Corpus Christi,' by Terrence McNally, as outlined in your application cited above and the enclosed project budget."

On December 17, 1996, however, the Manhattan Theatre Club wrote the NEA requesting a scope change amendment to its grant so that it could receive Endowment funding for the New York premiere of Donald Margulies' "Collected Stories," instead of for "Corpus Christi." The Theatre Club gave this sparse description of the new project:

> "Collected Stories" follows the relationship between an esteemed writer, Ruth Steiner, and her promising student, Lisa Morrison. As Lisa gradually transforms from protege to peer, so does her relationship with Ruth. MTC has produced [Margulies'] 'The Loman Family Picnic,' the Obie winning 'Sight Unseen' and 'What's Wrong With This Picture.' This continues a very important artistic relationship between [Margulies] and MTC.

The National Endowment approved the scope change request. It switched the funding from Corpus Christi to the Collected Stories application. Based on that single paragraph, the NEA approved the scope change requested in January, 1997.

It was after that time that we began to understand something about Corpus Christi. We had heard very little about either the Manhattan Theatre Club or Corpus Christi until the last few months. Recently we have begun to see the truth about Corpus Christi and the reason for switching from one pocket to the other the grant application. We have learned more about the play for which the National Endowment for the Arts awarded a grant—but did not fund—because the Manhattan Theatre Club, not the NEA, requested a scope change in its grant.

On May 29 of this year, the New York Times reported that it had obtained a draft of the script for Corpus Christi, and stated that this draft, quoting from the New York Times:

> * * * suggests that rather than having specific phrases or scenes likely to cause controversy, it is the overall tenor, focus and point of the work that could be most at issue."

While the Manhattan Theatre Club had described the play in its fall schedule as telling the story of "a young gay man named Joshua on his spiritual journey" and providing Mr. McNally's own unique view of the "greatest story ever told," the New York Times columnist found a very different kind of story.

From beginning to end, says the columnist, the script:

> * * * retells the Biblical story of a Jesus-like figure from his birth in a Texas flea-bag hotel * * * to his crucifixion as "king of the queers" in a manner with the potential to offend many people. Joshua has a long-running affair with Judas and sexual relations with the other apostles. The draft ends with the frank admission: "If we have offended, so be it. He belongs to us as well as you."

A writer for a London newspaper, The Guardian, gave even more descriptive details of the play Corpus Christi, which initially had been funded directly by the National Endowment and then, at the suggestion of the Manhattan Theatre Club, had its NEA funding switched to another project of the theater to avoid the direct funding of Corpus Christi. Most of the details given in The Guardian cannot be discussed on the Senate floor. However, the columnist concludes that, "the play's wit rests on its deliberately offensive, knowing re-interpretation of the scripture."

Once the truth about Corpus Christi became public, the NEA quickly disavowed any involvement with the play. On June 10, the NEA sent a letter to Members of Congress stating emphatically that "the NEA is not in any way supporting development or production of Corpus Christi." Yet it can't be denied that the NEA approved funding for the play, regardless of the vague description given it at the time of the grant request.

The NEA fully intended to use taxpayers' money to subsidize Corpus Christi. As a matter of fact, I believe that with the switching of the grant from the one pocket to the other of the Manhattan Theatre Club, the subsidy has the same impact. It was only at the later request of the Manhattan Theatre Club, not the NEA, that the money was diverted from Corpus Christi to the alternate project.

I am glad that no Federal funding directly went to pay for Corpus Christi. But it is because the Manhattan Theatre Club, not the NEA, made the change or sought the change. And nevertheless, when you have a composite of activities of an organization like

Manhattan Theatre Club, some of which are subsidized locally or paid for locally, others of which are subsidized federally, the capacity to maintain that particular play as part of the offering of the club is assisted and simply made possible by the continuing support of the National Endowment for the Arts. Despite all the past controversy, despite all the improvements to the NEA statutes, there is still something fundamentally wrong with public funding of the arts.

This matter involving the NEA, the Manhattan Theatre Club, and Corpus Christi, demonstrates a number of problems we have when the Federal Government tries to fund art.

First, the NEA does not exercise proper oversight in awarding grants. It seems incredible that the NEA would approve such a significant change in a grant request—from one project to a completely different one—based on a single paragraph description in a letter from the grantee. Is this an appropriate exercise of oversight?

This action demonstrates how little the NEA knows about the projects it funds. It is supposed to judge based upon "artistic excellence"—but how, based upon the Manhattan Theatre Club's first description of Corpus Christi—or based upon the sparse description of "Collected Stories"—can any person or review panel make an informed decision regarding artistic excellence?

Second, the NEA's ease in allowing the Manhattan Theatre Club's scope change demonstrates that the agency chose to fund the project based upon the Theatre's reputation, rather than upon the merits of a particular project. Such an action seems to be allowing de facto "seasonal support," which even the NEA admits is forbidden by law.

Seasonal support was the concept of saying we would just simply, as the Government, give a particular organization, an art organization, an amount of money in which to conduct a season's activities. It would not be with reference to specific activities of the organization. "We are going to fund their 1998 season, or their 1996 season, or subsidize the season."

The Congress, because it wanted more supervision on the part of the NEA—it wanted assessments of the quality and nature of those items being subsidized—outlawed or otherwise made improper, season support. It is forbidden in the law. Yet, when the NEA allows organizations simply to switch grants back and forth, it obviously provides a basis for the same kind of problems to arise as would arise when you just simply turned over the money to the organization to support a season, without regard to the specific matters being subsidized.

This situation also demonstrates the underlying problem with government funding of art. Government is not in a good position to determine what is art. When government funds art, it is put in a Catch-22 situation.

Many Americans, including myself, feel strongly that the Government has no business funding any theater that is going to openly and proudly denigrate the religious faith of a large segment of Americans.

However, if one takes this view, he will be accused of censoring or making unconstitutional value judgments. My view is that the subsidization of art is wrong in the first place, but certainly not to provide funding is not to censor, but that is the kind of charge that is made.

On the other hand, if you can't make value judgments based on the content of art, you will end up funding offensive and indecent materials.

When the Government funds art, it will always have to make value judgments on what is art and what is not, which is not an appropriate function of Government. The only way to solve this problem is to get the Government out of the business of funding art.

For those who say this is an issue of free speech, I ask you, How free is speech when the Government pays? Not very.

The events surrounding the National Endowment for the Arts' funding of the Manhattan Theatre Club in Corpus Christi underscore the need for the Federal Government to get out of the business of funding art, which is a form of speech. Speech is not free if the Government funds it. If the Government says that some speech is better than other speech and prefers it by providing a subsidy, the Government is impairing the right of every citizen to speak and to express himself freely.

Let me now turn to the second significant event that occurred since the last time we debated this issue on an appropriations measure, and that is the Supreme Court's recent decision in National Endowment for the Arts v. Finley.

In National Endowment for the Arts v. Finley, the Supreme Court upheld the Federal statute directing the NEA to take into consideration "general standards of decency and respect for the diverse beliefs and values of the American public" in making grants.

In the case of the National Endowment for the Arts v. Finley, I repeat, the Supreme Court upheld the will of the Congress expressed in the statute, signed by the President, directing the National Endowment for the Arts to take into consideration "general standards of decency and respect for the diverse beliefs and values of the American public" in making grants.

While some have said this ruling will appropriately address concerns over the offensive attacks on religious groups and otherwise offensive material that has been funded by the NEA, this is simply not the case.

In its opinion, the Supreme Court noted that the NEA has implemented the law "merely by ensuring the representation of various backgrounds and points of view on the advisory panels that analyze grant applications."

It is interesting to note that the Supreme Court upheld the Federal statute directing the NEA to take into consideration certain standards, and to see how the NEA had attempted to comply with the statute: by appointing individuals who might or might not represent those standards—"merely by ensuring the representation of various backgrounds and points of view on the advisory panels. . . ." That was the response of the NEA.

The Court also said that the decency and respect provision does not preclude awards to projects that might be indecent or disrespectful. And, in fact, the Court cautioned against any future use of the decency and respect standard to discriminate on the basis of viewpoint.

Moreover, in response to the Finley decision, Chairman Ivey said that the ruling was a "reaffirmation of the agency's discretion in funding the highest quality art in America" and that it would not affect his agency's day-to-day operations.

What you have is the Supreme Court affirming the Congress' effort to shape the decisions of the NEA for subsidizing art and to move those decisions away from the affronts to the religious traditions of Americans. But then you have the chairman of the NEA saying that the ruling of the Court was a "reaffirmation of the agency's discretion in funding the highest quality art in America" and that it would not affect his agency's day-to-day operations.

Obviously, if the Congress' effort to provide a guideline for decency does nothing to affect the agency's day-to-day operations, we are going to have problems similar to the problems that came up surrounding the Corpus Christi funding.

Hence, the Finley case does nothing to solve the underlying problem confronting us and, in fact, demonstrates that Government simply should not be in a position to determine what is art and what is not.

There are a number of other reasons why we should stop funding the NEA. I question whether it is a proper role of the Federal Government to subsidize free speech as we do through the NEA. Government subsidies, even with the best of intentions, are dangerous because they skew the market toward whatever the Government grantmakers prefer. The National Endowment for the Arts grants place the stamp of U.S. Government approval on funded art. This gives the endowment enormous power to dictate what is regarded as art and what is not.

A number of art critics and even artists themselves have observed this. Jan

Breslauer, Los Angeles Times art critic, puts it this way. She says that the NEA's subsidization of certain viewpoints poses great problems—and I quote Jan Breslauer:

> [T]he endowment has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else. The art world's version of affirmative action, these policies . . . have had a profoundly corrosive effect on the American arts—pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.

Jan Breslauer is basically saying that a subsidy which encourages art that the market would not otherwise respect or encourage corrupts the arts and entices people into producing a kind of art that they would not otherwise pursue for its artistically rewarding aspects. Rather, such a subsidy pressures them to produce work that satisfies a politically correct agenda.

In my judgment, this is not only an inappropriate disposition of taxpayers' dollars. When we find out that the Government purchase of art corrupts the arts by pressuring artists to work in politically correct areas instead of in areas that best reflect their creative instincts, we have gone beyond damage to the taxpayer: we have begun to damage the artistic community itself.

Joseph Parisi, editor of Poetry magazine, the Nation's oldest and most prestigious poetry magazine, I might add, said that disconnecting "artificial support systems" for the arts, such as cuts in NEA funding, has had some positive effects.

Parisi has said that cuts in Federal spending for the arts are causing "a shake-out of the superficial." What he is basically saying is when we cut subsidies for the arts, we knock out superficial art that is not of value.

He goes on to say:

> The market demands a wider range, an appeal to a broader base. Arts and writers are forced to get back to markets. What will people buy? If you are tenured, if the Government buys, there is no response to irrelevance.

Here is an artist who simply says, in effect, that a subsidy to the arts not only wastes taxpayers' money but it corrupts the artists themselves.

In short, the Government should not pick and choose among different points of view and value systems and continue politicizing the arts. Garth Brooks fans pay their own way, while the NEA canvases the Nation for politically correct art that needs a transfusion from the Treasury. It is bad public policy to subsidize free expression.

I would also like to point out that Congress has no constitutional authority to create or fund the NEA. It is true that funding for the NEA is relatively small, although it is hard to say that $100 million is small. It is small in comparison to the overall budget. Regardless of the amount of money involved here, elimination of this agency would send the right message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the framers of the Constitution. Nowhere does the Constitution grant any authority that could reasonably be construed to include the promotion of the arts.

During the Constitutional Convention in Philadelphia, as a matter of fact, in 1787, Delegate Charles Pinckney introduced a motion calling for the Federal Government to subsidize the arts in the United States. Although the Founding Fathers were cultured individuals who knew firsthand of various European systems for public arts patronage, they overwhelmingly rejected Pinckney's suggestion because of their belief in limited constitutional government.

Accordingly, nowhere in its list of powers enumerated and delegated to the Federal Government does the Constitution specify a power to subsidize the arts. And that was in the face of a specific proposal to do so at the convention, but was overwhelmingly rejected.

There are a number of other reasons why we should eliminate funding for the National Endowment for the Arts, but time does not allow me to enumerate them. Suffice it to say, it is time to end the Federal Government's role of paying for and thereby politicizing art.

Former New York Times art critic Hilton Kramer observed this phenomenon back in the early 1980s and spoke almost prophetically about how NEA funding could in fact harm the arts. He put it this way:

> The imperatives now governing much of the commentary devoted to art tend not to have anything to do with the real artistic issues, much less with the problem of artistic quality. They tend to be political. This, too, was probably inevitable given the role that [our] government now plays in our cultural life.

I continue quoting:

> So quickly has this role acquired the status of something external and irreversible that there now exists an entire generation of artists, critics, curators and bureaucrats who have come of age believing that the life of art is inconceivable without it. One sometimes wonders what they think the life of art in this country was like before 1965. It may come as news to them to learn that American art did not begin with the formation of the National Endowment for the Arts, and that there were great art museums flourishing in this country long before there were agencies in Washington monitoring, directing and subsidizing their activities. Of all the changes that have occurred on the American art scene since 1965, this one may well prove to be the most fateful of all, for it already shows signs of making the politicization of art, and of our thinking about art, a permanent feature of our cultural life. And this, I think, is not good news for the future of American art—or indeed, for the future of American society.

Thoughtful individuals understand the pollution that politics and government bring when they seek to subsidize art and favor some art over other art. We need to heed Mr. Kramer's warning and get the Federal Government out of the business of being a national art critic.

My amendment would do this by eliminating funding for the National Endowment for the Arts and by putting available funds toward a more legitimate cause—preserving and maintaining our national parks. Our national park system, comprising 376 units and about 83 million acres, is America's most educational playground, teaching more than 270 million visitors per year about our Nation's history, about our culture, about our traditions, and our natural landscapes.

Our national parks are often the choice for family vacations, school field trips, researchers, and foreign tourists. They represent an appropriate devotion of the resource which would otherwise go to subsidize art in a way which is counterproductive to the quality of art in our culture and many times is an affront to the understanding, beliefs, and closely cherished religious traditions of the American people.

I urge my colleagues to join me in passing this important amendment, this amendment which would zero out funding for the National Endowment for the Arts and make the remaining available funds available to the national park system for renovation and restoration and maintenance of the parks.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. GORTON. Mr. President, by reason of the Byrd lecture this evening, I now ask unanimous consent that the time between now and 5:30 p.m. be divided, with 17 minutes for the opponents of the amendment and 8 minutes for the proponents of the amendment, and that at 5:30 the manager of the bill or his designee be recognized to offer a motion to table, and that no second-degree amendments be in order prior to the tabling vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I note the presence of the Senator from Massachusetts. I am going to use very little of this time and will allow him to speak on it.

Mr. President, the eloquent and thoughtful Senator from Missouri has raised two specific criticisms of the continuation of funding for the National Endowment for the Arts. One relates to a notorious anti-Christian play called "Corpus Christi" about to be produced in New York City, the sponsor of which originally received the tentative NEA award on the basis of an application described by the Senator from Missouri.

Personally, I think the NEA should probably have turned down that application at the time at which it was granted on the ground that it sounded as though the play was on no subject other than a very standard and Orthodox Christian theme which is perhaps inappropriate for funding by government.

In any event, the National Endowment for the Arts has not funded the production of that play, might well have decided that it did not wish to subsidize anything else that the theater was doing, but certainly has not breached any of the requirements which Congress has laid down for the National Endowment for the Arts itself. Had it gone ahead knowing what the play was about, we might be having quite a much longer debate here today and one in which the future of the National Endowment for the Arts might be very seriously under threat, including, from among others, this Senator.

Secondly, the Senator from Missouri quite accurately describes the decision of the Supreme Court on the decency standards included in former and current versions of the funding for the National Endowment for the Arts. I say, joining myself with the Senator from Missouri as a former State attorney general, that I was somewhat disappointed in that Supreme Court decision which largely ducked the fundamental issues that were involved in the limitations Congress has placed on the way in which the National Endowment for the Arts can make its grants.

The Supreme Court at least nominally upheld those decency provisions but raised some very serious questions about their future applicability under future challenges. The bottom line was, however, that the National Endowment for the Arts, that had refused to fund certain activities by Ms. Finley, among others, was upheld in that refusal.

As long as the courts continue to uphold the National Endowment when it engages in that kind of rejection, I think we will be in good shape. If at some time in the future the Supreme Court should say that this Congress does not have the ability to provide limitations on the use of this money to enforce commonly held decency standards in the United States, we will be debating a different issue. But at the present time we are debating the issue of the continuation of the National Endowment for the Arts under the rules under which it has operated for the last couple of years, during which it has not funded grants that outraged a significant majority or even a very large minority of the American people.

The great bulk of the grants—or rather most of the money that the National Endowment for the Arts uses—goes to State art agencies. Most of the rest goes to institutional kinds of activities—symphony orchestras, art museums and the like. The restrictions on the NEA funding of individual projects are very, very significant and have prevented the kind of controversies that took place 5 or 6 years ago.

In other words, Mr. President, it is my view that the reforms that have been imposed on the National Endowment for the Arts by the Congress of the United States have, in fact, worked, and the grants made by the National Endowment for the Arts help the arts scene all across the country, which are far more decentralized than they were before, in far more underserved areas, in far more deserving entities in small towns and small cities around the United States.

On balance, it seems to me highly appropriate to continue the modest support that Congress gives for the NEA imprimatur. And almost all of our constituents involved in the arts tell us that even a tiny grant from the National Endowment provides for the arts and entities that get the great bulk of their money from charitable contributions, from generous-minded people in their own communities. I attended an opening of a new concert hall in Seattle on Sunday in which perhaps $100 million or more was spent for the Seattle Symphony Orchestra, an occasional minor recipient of grants from the NEA. That fund drive was greatly strengthened by the kind of support that the NEA gives. It is almost solely financed by State government, county government, local government contributions, and even larger contributions from the private sector itself.

The NEA, for better or worse, is a catalyst for arts support, private and public, all across the United States, and the endowment should be continued.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. How much time remains of the Senator from Washington?

The PRESIDING OFFICER. There are 10 minutes 29 seconds remaining.

Mr. GORTON. Is the Senator not an opponent of the amendment?

Mr. COATS. Of the proponents' side of the issue, how much time remains?

The PRESIDING OFFICER. Senator ASHCROFT has 8 minutes remaining.

Mr. ASHCROFT. I yield such time as the Senator from Indiana may consume.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise today in support of Senator ASHCROFT's amendment. I have thought long and hard about this issue. We have debated it a number of times in committee and on the floor. I have come to the conclusion that the Senator's amendment is a correct amendment. It is correct because in so many ways this agency, the National Endowment for the Arts, has shown itself as not responsive to the Congress and not responsive to the American people. This is, in many ways, a difficult position for me to take because I have long been a supporter of the central mission of the NEA. A number of beneficial grants have been given to institutions in Indiana, and projects have been promoted that I do believe serve a public interest.

I don't dispute the fact that knowledge and beauty are among some of the highest calls of any culture. But sadly, that has not been the debate of the last few years. We are not discussing the role of the arts in our society. There will always be a prominent role for art and culture in our society. What we are discussing here is the role of public subsidy of that art, and the question of whether or not we should appropriate tax dollars from our constituents to fund these types of projects, particularly when it seems that year after year that funding raises questions and controversy.

Whenever we seem to revisit this matter, we return to one central question: Do we in Congress have the right to take money from citizens and allow it to be used in ways that, for many, go against some of their most deeply held religious and moral beliefs?

Over the last several years, several Members have been trying to ensure that Federal dollars are not used in ways that offend a majority of Americans. The Senator from North Carolina has tried to stop support for the most offensive projects by restricting the ability of the National Endowment for the Arts to fund projects which defile or offend people's religious beliefs, and projects which depict the body in degrading and offensive ways. This effort to limit objectionable projects by holding all grants to a decency standard was a fiscally and, I believe, morally responsible position, one that was supported, happily, by a majority of the Senate. I was pleased to see that the decency standard was upheld by the Supreme Court this past June by a very substantial vote of 8–1.

Mr. President, the Senate should not have a role as art critic, and certainly not a role as censor. But it does have, as its primary and defining purpose, the role of determining if public funds are spent in the public interest.

I started out these comments by expressing my support for the central mission of the promotion of the arts and my appreciation for the grants that have been made to different projects in Indiana—worthy grants. However, in spite of this, I remain convinced that, during the last three decades in particular, the National Endowment for the Arts has failed in its mission to enhance cultural life in the United States. It has brought controversy to the whole area. Despite numerous attempts to reform it, the NEA attempts to support what I think are often politically correct but patently offensive projects. I don't think we can ignore this.

I think the central question is whether or not this is the best use of the taxpayers' dollars. There are alternatives. I have supported and voted for efforts to privatize this whole function. I have supported and voted for efforts to block grant these funds to State councils, which I think are much more responsive and responsible in terms of how they are distributed. I have looked for alternative ways of providing incentives to support some of these very valuable contributions that are made through various projects that exist in our States. But, I have been discouraged time after time in terms of our ability here to rein in what I think is often an inappropriate use of these taxpayers' dollars. For that reason, I support the amendment being offered by the Senator from Missouri and urge my colleagues to do the same.

With that, I yield the floor.

Mr. GORTON. Mr. President, I yield half of our remaining time to the Senator from Massachusetts and half to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask the Chair to notify me when 4½ minutes have passed.

Mr. President, I rise in strong support of the National Endowment for the Arts and full funding for the agency as provided in the Appropriations Committee bill.

I commend the committee for its continuing strong support for this important agency. I commend Senator GORTON, Senator BYRD, and many other members of the committee who have demonstrated impressive leadership on this issue, and essential funds are being provided to support Endowment programs in vital areas such as music, dance, visual arts, theater, opera and arts education.

For nearly a decade, Congress has debated the proper role of the Federal Government on the arts. Each year, a small group of Endowment bashers have led a charge against the agency—and each year the charge has effectively been turned back.

The funds provided in the current bill are the same amount approved by the Senate last year after lengthy debate and deliberation. The bill also includes the priorities and limitations on these funds from last year to ensure the effect of distribution of funds to neighborhoods and communities across the country.

The arts have a central and indispensable role in the life of America. The Arts Endowment contributes immensely to that life. It encourages the growth and development of the arts in communities throughout the nation, giving new emphasis and vitality to American creativity and scholarship and to the cultural achievements that are among America's greatest strengths.

Compelling research underscores the role of the arts in student performance in other academic subjects as well. A recent study by the College Board demonstrated a direct correlation between study of the arts and achievement on SAT scores. Students who had four or more years of arts courses scored 59 points higher on the verbal part of the SAT test and 44 points higher on the math part—compared to students with no equivalent courses in the arts.

If you were to, on the Senate floor, give us one indicator that can make a difference in enhancing the academic achievement and accomplishment of the young people in this country, the arts and the study of the arts has a record which is really second to none, let alone the value that it has in terms of enriching our culture and our history and the history of this Nation.

The arts are also an important part of the economic base of communities across the country. A study by the New England Foundation for the Arts emphasizes the economic impact. In 1995, cultural organizations in the region had a total economic impact of nearly $4 billion. During that time, over 99,000,000 people attended events and performances sponsored by cultural organizations. That number is nearly 8 times the entire population of New England. Clearly, programs in theater, music and art are significant community assets for both residents and tourists.

That benefit is one of the reasons why the United States Conference of Mayors strongly supports adequate funding for the arts and humanities. At their meeting last June in Reno, NV, the Conference adopted a resolution reaffirming its support of the Arts and Humanities Endowments and calling upon Congress to fund the agencies at the level of the President's fiscal year 1999 request. Although the bill we are debating today does not reach that amount, the level of funding is reasonable in light of the many other pressures in the budget, and I hope we can join in a bipartisan effort to enact it.

Bill Ivey, the new chairman of the Arts Endowment has pledged to comply fully with the new regulations on oversight and outreach established by Congress last year. In an effort to reach out to new communities, the Endowment has developed a new pilot project, ArtsREACH, to help states that have received five or fewer grants during the previous two years. This new effort is a productive way to bring the Endowment's programs to new audiences in small neighborhoods across the country, and I commend Chairman Ivey for his leadership.

Mr. President, I remember the wonderful lines of President Kennedy when he talked about the age of Phidias also being the age of Pericles, and the age of de Medici is also the age of Leonardo da Vinci, and the age of Elizabeth is the age of Shakespeare. The point is that at the time when we have had the greatest intellectual achievement and the most creative aspects of civilization, going back to the time of the Greek civilization, we have also had ennobling periods in terms of the values of our own society and our own history and our own forms of government.

Mr. President, this is a modest proposal. It used to be that we allocated the equivalent of two stamps for every American, in terms of the arts. Now the reduction is down to one stamp. In this great Nation of ours, it seems to me that we can allocate those resources in ways that will help and assist, preserve, support, and further the arts in our society. I hope the amendment of the Senator is not accepted.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have two observations to make. We have had this debate virtually every year since I have been in the Senate. I don't want to repeat myself, although I have discovered since being here that there is no such thing as repetition in the Senate. We always pretend as if we have never said it before.

Two things. One, a historic comment by John Adams, writing to his wife Abigail. He said:

> I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.

One of the dearest dreams of our Founding Fathers was that we, as a nation, would turn our attention to the arts and have our children and grandchildren do the same. The second point is that we have heard a great deal of various aspects of grants from the NEA, where they have gone and what tremendous harm they are doing.

I would simply like to share with the Senate where the funds from the NEA go in my home State. I don't usually list projects in my home State. But I think in this case it would make a good anecdote to some of the things we have heard.

In Utah, NEA funds have been used for children's theater with educational outreach in Coalville, Kamas, Duchesne, Roosevelt, Castle Dale, Salina, Beaver, and Price.

To those Senators who say they have never heard of those towns, I say that most people in Utah have never heard of them either. They are among some of our smallest communities. Without the NEA money, they would not have this educational outreach.

NEA funds have helped fund community arts' councils around the State, including those in Springdale, Vernal, Richfield, Riverton, Cedar City, and Bluffdale, again in rural Utah.

NEA funding in Utah includes the Festival of the American West, the Children's Museum of Utah, the Northern Utah Choral Society, the Chamber Music Society of Logan, the Payson Community Theater, the Utah Shakespearean Festival, the Dixie Art Alliance, the Sundance Children's Theater, Ballet West, Repertory Dance Theatre, Quarterly West, Ririe-Woodbury Dance Foundation, the Utah Symphony, and recently the central Utah Highlanders Pipe Band.

The projects that I have listed are Utah projects organized by Utahns. The vast majority of the money spent on them is raised in Utah by Utahns. But here comes a bit of national recognition that brings pride and satisfaction to the local folks all across my State that says what you are doing is important, what you are doing deserves national recognition, and what you are doing deserves Federal support.

I find as I walk around Utah spontaneously people coming up to me, saying, "Senator, for all the things you do, the one thing we most appreciate is your defense of the arts." I would be unfaithful to those who asked me to continue that defense if I did not rise again, as I have on every occasion when this issue has come up, and make it clear that I support these appropriations.

I support the chairman of the subcommittee in the way he has handled these appropriations. It is a legitimate expenditure of public funds. I hope it continues.

Mr. JEFFORDS. Mr. President, I would like to commend the Chairman of the Subcommittee on Interior, Senator GORTON for his work, and the work of his staff in providing an increase in appropriations for the National Endowment for the Arts. I believe that the Committee recommendation reflects a sound understanding about what this public agency does. In recommending an increase in funding for NEA, the Committee has acknowledged the positive impact that the NEA has made to our nation, especially in the areas of education and exchange of cultural programs across the country.

As I just mentioned, one area that deserves particular attention is education. Broad based activities involving the arts make a significant and positive difference in the lives of millions of children each year.

It is in the national interest to provide support for programs which make the arts part of the education of our young people and NEA has funded extraordinary programs that do just that. By exciting students about learning—by making music, visual arts and song part of their lives—in school, afterschool or on weekends, we are strengthening their education. By strengthening their education, we are strengthening our nation.

A recent study has shown that students of the arts are more successful on the SAT. In 1995, College Board figures showed that students who had studied the arts four or more years scored 59 points higher in the verbal and 44 points higher in the math portions of the SAT compared with students who had no course work or experience in the arts. Increasing our nation's young people's exposure to the arts has measurable good results.

The NEA has also made a significant difference in extending the availability of the arts in communities throughout the country. There are programs supported by the NEA which are of immeasurable benefit to folks all across this nation—in every one of our States. Recently, the NEA has implemented the ArtsREACH program which is designed to increase the direct NEA grant assistance to underserved areas. ArtsREACH holds great promise in providing more American communities with the financial assistance that is necessary to strengthen their own locally-based arts endeavors.

While federal funding for the arts is but a small part of overall funding for the arts, the federal funds distributed by the NEA make a BIG difference in spreading the cultural and artistic wealth of our nation to small towns and communities everywhere. This commitment to promoting outreach, accessibility and participation in the arts, in my view, is the most important mission of the NEA. And it is something that the NEA has done quite well since its creation in 1965.

The NEA's commitment to excellence in and access to the arts is evident in the types of grants it made to Vermont. Vermonters—and others visiting the state—will now have an opportunity to learn more about the pottery produced in Bennington from the late 18th century thanks to a grant made to the Bennington Museum; they will have an opportunity to hear the Vermont Symphony Orchestra perform in rural communities as part of the statewide "Made for Vermont" tour; they will hear radio broadcasts on traditional storytelling as part of the "New England Touchstones" series produced by the Vermont Folklife Center. Another NEA grant will allow Vermont to export and share some of its talent with other states. NEA has provided support to the Manchester Music Festival so that the Music Festival Orchestra can play in schools in Vermont, New Hampshire, New York and Massachusetts.

It is examples like the ones I mentioned from Vermont, which underscore the value of the federal government's role in fostering our cultural heritage.

There is great value in ensuring that all individuals have an opportunity to experience the beauty of dance, the magic of theater, the enchantment of reading, and the wondrous way that visiting a museum can take you to another place. Our federal investment in the arts yields returns of immeasurable value.

For those who have been skeptical of providing funds to the NEA in the past, I would hope that they would take note of the significant changes that have been made by Congress and the Agency itself to improve operations and make the NEA more responsive to the needs of the American people. Bill Ivey has recently taken over as Chairman of the NEA and I believe we should give him an opportunity to succeed. As I mentioned, the ArtsREACH program will go a long way in "spreading the wealth" of the NEA more widely. This program represents a step in the right direction taken by the agency. There are now members of Congress sitting on the National Council on the Arts who are able to participate "first-hand" in the grant making decisions of the Agency. Caps on funds available to any one State are in effect assuring a more fair distribution of funds to all States. These improvements thoughtfully and directly address criticisms that have been made in the past.

Art is important to the people of this nation and the NEA helps make the arts a part of more peoples lives. Just two weeks ago, over 2,600 people waited in line for over six hours outside the National Gallery of Art to secure a ticket to the upcoming exhibition of works of art painted by Vincent Van Gogh. The temperature was 97 degrees! yet people braved the heat for hours just to have the opportunity to admire the works of this great master painter. This exhibition would not be possible without the support that the NEA provides though indemnity and clearly, this type of sponsorship is just the kind of thing the people of our nation want us to invest in—the numbers make that clear!

Society, since the beginning of time, has left behind a chronicle of the past through its art. We will be remembered and understood by the architecture, monuments, arts and writing we pass on to the next generation. What we do today will have an enormous impact in the future and how we as a nation are perceived in the future. We must not be shortsighted and we should recognize that nurturing and preserving the heart and the soul of our country today will preserve the greatness of the nation for all time.

It is my hope that the Senate will stand firm in and support the recommendation made by the Interior Appropriations Committee and support this modest increase in funding for the NEA.

The National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum and Library Services are agencies with small budgets that provide extraordinary service to the people of this nation. I encourage my colleagues to support each of these agencies.

Again, I would like to thank Senator GORTON for his leadership on this issue.

Mr. GORTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. GORTON. Mr. President, would the Senator from Arkansas like the last 2 minutes that is available?

Mr. BUMPERS. I would. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, since I have been in the Senate, I have come to the floor—and I would not want to miss my last opportunity before I leave the Senate—to express my strong, strong support of the National Endowment for the Arts.

We talk a lot in this country about how uncivil we have become; how uncivil our children have become. During the same time—I am not making the correlation—the National Endowment for the Arts' funding has gone down about 50 percent. I think it was close to $200 million when I came here.

I can tell you an experience I had when I was overseas waiting to come home after the war, and was bored to death. I have told this story before. But it is worth repeating. I saw a sign up on the bulletin board one day: "Would you like to learn about Shakespeare? Come to such and such a room tonight." So about six people just like me, bored stiff, waiting to get home, went over. It turned out that a Harvard dramatist—a drama coach from Harvard—had put up the sign.

He began to tell us about Shakespeare. He began to tell us about Hamlet. He had a tape recorder. In those days I had never seen a tape recorder. I remember. He said, "Listen to this." He spoke into his tape recorder and he proceeded to deliver Hamlet's speech to the players. It was a magnificent thing. It was the most mellifluous voice I had ever experienced. He played it back on his tape recorder. I was just stunned. It was just so beautiful. He handed us the tape recorder, and he said, "We are going to have each one of you do the same thing." I remember. I was about the second one. He handed us the script. I cannot tell you how embarrassed I was. I went ahead, and read "Speak the speech, I pray." I read the whole speech. I still remember it. I will not repeat it here. Then he turned the tape recorder on, and it came back. It was pure "Arkansas redneck."

I made up my mind right then that I did not want to sound like that the rest of my life. To be brutally frank with you, if it had not been for the experience I had with that drama coach for all of those nights—about six nights—I daresay I might not be standing on the floor of the Senate today. It was just a happenstance, just an opportunity.

Every time we give a child that kind of an opportunity, we are always a stronger, better, more civilized nation.

Thank you, Mr. President.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized, and has 3 minutes 26 seconds remaining.

Mr. ASHCROFT. Mr. President, I rise to oppose the National Endowment for the Arts—not because I am against art, but because I favor art; not because I want to corrupt art, but because I want it to remain uncorrupted.

Let me address some of the issues that have been raised. It was just said that we lack civility; so we need Government funding for the arts. We have seen that Government funding has frequently meant pornography, obscenity, attacks on religious faith, Mapplethorpe—I don't have to go further.

We have had great art. We have had great civility in this country. But we have not had an increase of civility, as we have had the National Endowment for the Arts, since the 1960s. I challenge whether that is the case.

Secondly, it was said that those who study art get better grades in school. Well, undoubtedly they do. But since the 1960s, when we started the National Endowment for the Arts, we have not seen an increase in the Scholastic Aptitude Tests, we have seen a decrease in them. Art is one thing. Federally subsidized art is another.

It has been alleged that people are grateful for art welfare, that they come and they say, "Thank you for the art money you give us." Well, I don't know of a single time when the Government hands out money that people don't gratefully come by and say, "Thank you for the money you give us in our community."

It has been alleged that the Founding Fathers such as John Adams liked art. Of course they liked art. They had better art to like in many circumstances than we do. It wasn't art corrupted by the Federal Government or a subsidy that demanded that the art be politically correct or that it be on the cutting edge of some social theory.

The suggestion is that our founders wanted us to have great art. Yes, they did, but they didn't want it in the Constitution, and they specifically rejected authority in the Constitution to fund art.

Let's just make it clear that the Federal Government does not need to be signaling to the art community or Americans what art is good art or what art is bad art. As a matter of fact, it even corrupts our foundations. About a year ago, the Orange County Register carried an editorial which said that so many foundations don't bother to assess what is going on anymore; they just look for where NEA is sending its grants, and they have their grants follow on.

I think we would be better off if we urged people consuming or funding art in this country to be careful about it, to think about it in terms of its quality, to think about it in terms of its potential for greatness, to think about what it calls us to. Does it call us to greatness? The Federal Government, with its sense of politics, doesn't need to be signaling that some art is worthy, some speech is worthy, other art is unworthy, other speech is to be disregarded.

It is not that we do not believe in art in America. All of us understand that the gifts of expression which God has given us are to be developed and they should be developed educationally and by individuals. But because art is expression and because it is related to values and because it is speech, it is inappropriate for the Government to say that some art is to be funded, some art is to be subsidized, and other art is to be disregarded, that other art is somehow unworthy and not to be provided merit.

I believe that we will be a more civil society if we have a marketplace which determines what happens in the art community rather than a subsidy from Government. I believe we will be a well educated people, but it will be when we understand art for its value to us, not art that we receive at the hand of Government or art that becomes a part of a welfare state for the rich or for others in the community. I believe that art is an expression that ought to be regarded as an individual's choice.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Mr. GORTON. I move to table the Ashcroft amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the Ashcroft amendment No. 3593. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—76

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins

Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—22

Allard
Ashcroft
Brownback
Coats
Coverdell
Faircloth
Gramm
Grams
Hagel
Helms
Hutchinson
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Nickles
Sessions
Shelby
Smith (NH)
Thompson

NOT VOTING—2

Hollings
Mikulski

The motion to lay on the table the amendment (No. 3593) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 2237, the Department of the Interior and Related Agencies appropriations bill for fiscal year 1999.

The Senate bill provides $13.5 billion in budget authority and $8.7 billion in new outlays to operate the programs of the Department of the Interior and related agencies for fiscal year 1999.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $13.5 billion in budget authority and $14.0 billion in outlays for fiscal year 1999.

The subcommittee is below its section 303(b) allocation for budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2237, INTERIOR APPROPRIATIONS, 1999 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	....	13,404	....	58	13,462
Outlays	....	13,959	....	58	14,017
Senate 302(b) allocation:					
Budget authority	....	13,410	....	58	13,468
Outlays	....	13,960	....	58	14,018
1998 level:					
Budget authority	....	13,712	....	55	13,767
Outlays	....	13,648	....	50	13,698
President's request					
Budget authority	....	14,063	....	58	14,121
Outlays	....	14,384	....	58	14,442
House-passed bill:					
Budget authority	....	13,370	....	58	13,428
Outlays	....	13,956	....	58	14,014
SENATE-REPORTED BILL COMPARED TO—					
Senate 302(b) allocation:					
Budget authority	....	−6	....	....	−6
Outlays	....	−1	....	....	−1
1998 level:					
Budget authority	....	−308	....	3	−305
Outlays	....	311	....	8	319
President's request					
Budget authority	....	−659	....	....	−659
Outlays	....	−425	....	....	−425
House-passed bill:					
Budget authority	....	34	....	....	34
Outlays	....	3	....	....	3

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I commend the full committee and our Interior Appropriations Subcommittee for the hard work on this bill. As a member of the subcommittee, I am especially grateful to our chairman, the distinguished Senator from Washington (Mr. GORTON) for his sensitivity to the special needs and concerns of New Mexicans. We live in a State with vast Federal land ownership. Programs within the Interior Department and the Forest Service, especially, which are funded by this bill, have a major impact on the lives of my constituents. As in previous years, it has been a pleasure working with Senator GORTON to craft a bill that is good for both New Mexico and the Nation.

I am especially pleased that this bill accommodates additional funding for the New Mexico Hispanic Cultural Center in Albuquerque and the El Camino Real International Heritage Center, as well as for Bandelier, Aztec ruins and Petroglyph national monuments, the Rio Puerco watershed rehabilitation, and the Middle Rio Grande Bosque Research proposal. This bill also provides increased funding for the vanishing treasures initiative and continues support for my Indian diabetes initiative.

At a time when we are asking every committee of the Senate to work with tight spending caps to preserve and extend the progress we have made in balancing the budget, the committee has reported to the floor a bill that still provides for an increase in spending for our national parks. Hard choices were made to achieve this increase and I applaud the committee's work in providing this increase.

Mr. President, I urge the adoption of the bill.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACKNOWLEDGMENT OF SENATOR COATS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that Senator COATS is the latest recipient of the prestigious Golden Gavel Award, marking his 100th hour as Presiding Officer over the U.S. Senate.

The awarding of this Golden Gavel is particularly special, as Senator COATS is retiring at the end of this Congress. It was Senator COATS' desire to win a Golden Gavel before his departure. He has achieved this honor through dedication and the willingness to assist with presiding whenever possible.

It is with sincere appreciation that I announce to the Senate the latest recipient of the Golden Gavel Award—Senator DAN COATS of Indiana.

TRANSFER OF LAND BETWEEN THE LAKES FROM TVA TO THE FOREST SERVICE

Mr. FORD. Mr. President, I rise today to speak about an issue that is of great importance to my state. For over 30 years the Tennessee Valley Authority has administered a parcel of land in Kentucky called Land Between the Lakes. For those of you who have not had the pleasure of visiting this region, Land Between the Lakes is used for recreational and educational activities and for pure enjoyment of the land's beauty.

In 1961 TVA proposed to President Kennedy that land between Lake Barkley and Kentucky Lake be established as a national recreation area. In 1963 that proposal became a reality. Initially, TVA was to administer Land Between the Lakes for about 10 years as a temporary demonstration project after which permanent administration would be determined. Though no formal proceedings were held to determine who should administer Land Between the Lakes it has been the custom and practice of Congress to provide annual appropriations to TVA for Land Between the Lakes.

TVA has invested years in creating a program that meets the needs of all Land Between the Lakes visitors. According to the Administration Land Between the Lakes is "the hub of tourism and recreation industry that annually generates $400 million in economic activity in nine contiguous counties." TVA has the equipment, it has the resources and it has employees to do the job correctly. TVA has a vested interest in protecting the integrity of the land, a vested interest like the original landowners who want to assure their land in Kentucky receives the upmost care and protection. And Mr. President, people in the Commonwealth of Kentucky have deep cultural ties to the land. Land Between the Lakes is not just another recreation area—it is a part of family history. Kentuckians gave up their rights to property that had been in their family for generations, so the whole world would have the opportunity to enjoy Land Between the Lakes and its natural resources.

Creation of Land Between the Lakes as a national recreation area was not without incident. But over the years TVA has proven itself as a worthy guardian of one of Kentucky's most precious resources. Land Between the Lakes is a place for both the young and old, Kentuckians and visitors to our state to appreciate nature in its purest form. TVA is keeping a promise made to the original land owners to conserve, protect and keep the land in its natural state.

Mr. President, a provision of this bill transfers the administrative authority of Land Between the Lakes to the National Forest Service if Congress does not appropriate $6 million to manage the recreation area. But in Kentucky, we believe if it isn't broken don't fix it. The people of Kentucky who sacrificed their family land to create Land Between the Lakes do not want this transfer to occur. They cannot understand why people in Washington want to take away TVA's administrative authority of Land Between the Lakes when Kentuckians are happy with the status quo, and I'm having a hard time explaining why people who don't live in Kentucky are making this decision. It doesn't make sense to my constituents and I agree.

If Congress is willing to appropriate $6 million for Land Between the Lakes for the Forest Service, then it's sending a clear message that it supports continued funding for Land Between the Lakes. If Congress intends to fund Land Between the Lakes then it makes sense to fund it through TVA, an established and successful route of management.

Who administers Land Between the Lakes may not be an issue of national importance, but for Kentuckians it is a matter of pride and honor in protecting their land. For the last couple of years we've all heard how important it is to give local communities the power to make decisions that directly affect their lives. When it's in Congress' best interest, they're all for giving local communities the power to make their own decisions. But for Kentuckians who gave up their land to help create Land Between the Lakes, Congress believes it knows better what's in their best interest.

This provision threatens the integrity of the land and the integrity of the people of Kentucky. My fellow Kentuckians have never been shy about letting me know what is best for them and I've never been afraid to listen. Transferring administrative authority of Land Between the Lakes away from TVA is a bad move. The proposal of this transfer has caused an emotional response and divided communities. It does not represent the best interest of Land Between the Lakes, the original landowners' families, nor the people of Kentucky.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 14, 1998, the federal debt stood at $5,548,258,444,676.13 (Five trillion, five hundred forty-eight billion, two hundred fifty-eight million, four hundred forty-four thousand, six hundred seventy-six dollars and thirteen cents).

Five years ago, September 14, 1993, the federal debt stood at $4,387,136,000,000 (Four trillion, three hundred eighty-seven billion, one hundred thirty-six million).

Ten years ago, September 14, 1988, the federal debt stood at $2,597,643,000,000 (Two trillion, five hundred ninety-seven billion, six hundred forty-three million).

Fifteen years ago, September 14, 1983, the federal debt stood at $1,354,836,000,000 (One trillion, three hundred fifty-four billion, eight hundred thirty-six million).

Twenty-five years ago, September 14, 1973, the federal debt stood at $461,118,000,000 (Four hundred sixty-one billion, one hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,087,140,444,676.13 (Five trillion, eighty-seven billion, one hundred forty million, four hundred forty-four thousand, six hundred seventy-six dollars and thirteen cents) during the past 25 years.

DR. MARIAFRANCA MORSELLI

Mr. LEAHY. Mr. President, I rise to pay tribute to the life work of Dr. Mariafranca Morselli.

In 1964, it was our good fortune that Dr. Morselli joined the Maple Research team at the University of Vermont. She has been a family friend and an informal advisor to me for decades.

Her research has considerably helped the Maple Syrup Industry to improve production methods and the quality and maple products. This work has been invaluable to my home state.

Vermont is the largest producer of maple syrup in the United States. There are approximately 2000 sugarmakers in the state and the industry provides about 4000 jobs in Vermont. Maple sugaring is critical to maintaining the beauty of the working landscape of Vermont, providing added income to help family farms stay in business.

We take great pride in the worldwide acclaim for the quality and taste of Vermont maple products.

Dr. Morselli is a pioneer. She received her doctoral degree in Natural Sciences and Botany from the University of Milan, Italy in 1946, and taught in a college in Milan. After working in both Italy and the United States, she settled in Vermont to continue her research.

In 1983, she was the first woman to received the Outstanding Service Award in research by the North American Maple Syrup Council. In 1988, she received three awards, each time as the first female recipient: the Research Service Award from the International Maple Syrup Institute; the Maple Syrup Person of the Year Award from the Vermont Maple Industry; and the Maple Syrup Producer of the Year Award from the Vermont Maple Sugar Makers' Association. In 1991, Dr. Morselli was the first woman to be inducted into the American Maple Hall of Fame.

She also volunteers her time in activities related to improving education at all levels for women in math and science. She has been appointed to the Governor's Commission on Women and to the Vermont Developmental Disabilities Council. In recognition of her commitment to the role of women in academia, upon her retirement from the University of Vermont, students and colleagues established "The Mariafranca Morselli Leadership Award." The award is given yearly to an undergraduate woman who has made special contribution as a scholar and in advancing equity for women.

Mariafranca has incredible energy. In fact, in 1985, the Burlington Professional Women honored her as one of Vermont's Most Exciting Women.

She never slows down. Earlier this month, Governor Dean of Vermont appointed Dr. Morselli to the state Affirmative Action Council.

I applaud her tireless efforts to improve the world in which we live. I am proud to call Dr. Mariafranca Morselli my friend. I also want to mention how much her friendship meant to my late mother, Alba Leahy. My mother always enjoyed her conversation with Dr. Morselli. She especially enjoyed them because she could use her native tongue, Italian.

I ask unanimous consent that at the conclusion of my remarks an article from the Burlington Free Press be included in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Sept. 7, 1998]

SCIENTIST CONTINUES ACTIVIST DUTIES

DEAN APPOINTS RETIRED EDUCATOR TO ADVISORY COUNCIL

(By Susan Green)

As the sole female on the faculty of the University of Vermont's botany department for almost 25 years, Mariafranca Morselli was determined to give her gender a boost.

Gov. Howard Dean has appointed the South Burlington resident to the Affirmative Action Council, a 15-member advisory board that examines issues of equal opportunity for minorities in the state.

"She's a tremendous asset," Dean said of the 75-year old Morselli, who is a native of

Italy. "I recognize her important efforts to advance women in the field of science."

The Milan-born educator also advanced Vermont's maples for more than two decades, from 1964 through 1988, as a research professor familiar with the trees and the people who tap them. After she retired from teaching, Morselli continued her involvement with the industry through projects for the North American Maple Syrup Council. In 1991, she became the only woman ever elected to the National Maple Museum Hall of Fame.

"When I first started, I felt quite humble," she said of her foray into the largely male world of maple production. "Vermonters did not pay much attention to a scientist who is a woman who came from another country. But I was working for them and got their trust."

During an otherwise privileged childhood, Morselli adopted a feminist perspective because her mother was "a society belle who imparted a stern sense of duty in life and work," she said.

With her husband-to-be, Mario, she came to the United States just after World War II. Although not romantically attached at the time, they both taught at an Illinois college: His field was chemistry, before he turned to writing about military history; hers were zoology and botany.

The couple moved to Italy and married in 1949. They returned to America eight years later, living in New York and skiing in Stowe.

The purchase of a Danville farm in 1959 provided the impetus for the Morsellis to make Vermont their full-time home in the early 1960's. They have three grown daughters, including state archaeologist Giovanna Peebles, and four grandchildren.

Morselli, who is chairwoman of the American Association of University Women's public policy committee and serves as environmental coordinator for the League of Women Voters, is constantly on the go. In her spacious condo near Kennedy Drive, the phone keeps ringing and the fax is always humming.

"I have tremendous energy," she said, referring to her extensive community service. "I think it comes from my Yankee/northern Italian stock."

The other clue to Morselli's activism might be her sense of free will. "I always told my students, 'You are your destiny,'" she said.

Beyond that, "I love my work. I love my husband. I love my family. Love has been the motif of my life."

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, 1998 is a very special year for celebrating Hispanic roots in New Mexico. This year we are commemorating the 400th anniversary of the first permanent Settlement in the Southwest, which took place in the Española Valley near San Juan Pueblo of New Mexico in 1598.

Dozens of meaningful and beautiful events have already been held in honor of this anniversary. I participated in a particularly stirring event at the San Gabriel Chapel in Española last spring. The Spanish Mayor of Española, Richard Lucero, organized a very special event with Governor Earl Salazar of San Juan Pueblo and Governor Walter Dasheno of Santa Clara Pueblo to unveil the design for a commemorative stamp featuring the San Gabriel Chapel and the "Spanish Settlement of the Southwest—1598." This is 22 years before the Pilgrims landed at Plymouth Rock.

The Governors and the Mayor exchanged stories about the importance of their respective cultures to each other. All those present were moved by the stories of lasting friendships formed on baseball fields, and marriages between Indians and Hispanics. There were also strong expressions of Hispanic and Indian intent to keep forging their futures together, along with the Anglo culture. I wish those meaningful stories and moments could have been enjoyed first hand by more New Mexicans.

In July, I was back in Española for annual fiesta and the official first sale of the United States commemorative stamp. This starkly beautiful stamp has done more than I first imagined to bring a new unity to the historic Española Valley. Both the Spanish and Indian cultures in this valley have openly expressed and celebrated the positive aspects of bringing two distinct cultures together.

The Quarto Centenario, or 400th Anniversary, is a most vital and memorable commemorative year for New Mexicans and for our nation. New Mexico's newspapers are reporting many of the historical details of the early Spanish colonization of the Southwest. Educators and museums are providing many opportunities to revisit our state history through music, dance, and lectures.

The Archdiocese of Santa Fe has recently published "Four Hundred Years of Faith." This fascinating review of the critical role of the Catholic Church in shaping the culture of New Mexico is well told and beautifully illustrated, including photographs of all the Catholic Churches in New Mexico.

Don Juan de Oñate, the original Spanish colonizer, was accompanied by the Sons of St. Francis who walked into northern New Mexico with Oñate in 1598. As described in the book from the Archdiocese, "What resulted from the first struggles was nothing less than the birth of New Mexico culture and Catholicism that can truly be called indigenous to this land. The reconciliation between the Spanish and Indian people produced a faith capable of adapting to different circumstances, as well as being inclusive of the many different peoples already present and those that would follow."

"The eminent Pueblo scholar Professor Joe Sando has written of these positive accomplishments. He notes that the Pueblo Indians have fared much better under the Spanish than the Indians on the East Coast of the United States. There are no Indian markets in Boston or New York. Their Indian culture was pretty well destroyed. In New Mexico, Indian culture still flourishes."

Spain has also been an active participant in the Quarto Centenario. The Vice President of Spain, Francisco Alvarez-Cascos, and the Spanish Ambassador to the United States, Antonio de Oyarzabal, and their delegation visited key Spanish historic sites in New Mexico last spring.

This Spanish delegation traveled to Española and San Juan Pueblo, where Oñate's original expedition established the first Spanish settlement in the Southwest. A powerful reconciliation meeting was held with New Mexico Pueblo Indian leaders at San Juan Pueblo.

At this historic meeting, Indian leaders stressed the beneficial aspects of Spanish settlement, like art, agriculture, trading, government, and the introduction of Catholicism. The Indian proclamation, however, also stated that the period of settlement "brought great suffering and pain" for both the Pueblo people and the colonizers.

This day of reconciliation in late April focused on forging stronger ties between Spain and the Indian pueblos, with the promise of educational, economic development and cultural opportunities.

As a follow-up to the promises of this historic reconciliation, hundreds of New Mexicans, are planning to go to Spain in November on a trade and cultural exchange mission.

The Spanish Vice President Alvarez-Cascos summarized the day in his remark that, "We are the sons of our past history, but we are also the fathers of our future." He said the two peoples "want to know each other better to build a new friendship."

A sacred buffalo dance was performed by Pueblo dancers with men wearing authentic buffalo headdresses. Hundreds of New Mexicans attended this outdoor event on the San Juan Pueblo Plaza in spite of the blustery weather. The spirit of unity and harmony was apparent to all who attended.

Thus the original site where Oñate met the Ohkay Owingeh Indians, Place of the Strong People, and renamed their home San Juan de los Caballeros (hence, the San Juan Indians), was also the sight of a powerful reconciliation meeting 400 years after Oñate proclaimed it the capitol of the Kingdom of New Mexico.

The Spanish delegation also visited the site of the future Hispanic Cultural Center in Albuquerque, New Mexico. As planned, this will be our nation's largest Hispanic cultural center.

To build this national and international cultural center, local public and private contributions have been raised, exceeding $20 million. These funds will build an art gallery, museum, restaurant, ballroom, ampitheater, and literary arts center.

Federal money of about $18 million will be used to match these local contributions and to build the planned Hispanic Performing Arts Center. Altogether, approximately $40 million will be invested in this new cultural and educational attraction featuring the many aspects of Hispanic culture, history, and arts.

We New Mexicans are looking forward to this new showcase for Hispanic art, dance, music, food, and history. I feel a new pride among Hispanics of New Mexico as they prepare to offer this new treasure for the enjoyment of visitors from all over America and the world.

In master calendars of New Mexico events for the Cuarto Centenario, over 180 events are listed. These range in purpose from lectures and reenactments to cultural performances, and parades. Prominent New Mexico women in the arts, politics, and education will be featured in "Nuestra Mujeras" (Our Women). The "Día de La Raza" (Day of Hispanics) will be a major event in October with events at the University of New Mexico, the new Albuquerque Civic Plaza, and the Albuquerque Museum. When moving events like these are attended and remembered, New Mexico and America will have a better sense of pride in its Spanish roots.

As our nation celebrates and acknowledges Hispanic Heritage Month in 1998, I wish to commend the thousands of New Mexicans who have worked so hard to bring their Spanish heritage to the forefront during the Cuarto Centenario—the 400th anniversary of the first permanent Spanish settlement in the Southwest. Americans can be grateful for these fine moments of remembrance, reconciliation, and cultural gems for creating a stronger future.

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 892. An act to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse."

H.R. 2508. An act to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California.

H.R. 3007. An act to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.

H.R. 4083. An Act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America."

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration.

H. Con. Res. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries.

H. Con. Res. 254. Concurrent resolution calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2032. An act to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 105. Concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

S. Con. Res. 115. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 892. An act to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2508. An act to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California; to the Committee on Governmental Affairs.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America"; to the Committee on Foreign Relations.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration; to the Committee on Foreign Relations.

H. Con. Res. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries; to the Committee on Foreign Relations.

H. Con. Res. 254. Concurrent resolution calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6939. A communication from the Alternate Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transactions with Affiliates; Reverse Repurchase Agreements" received on August 13, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6940. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the report of the Broadcasting Board of Governors for calendar year 1997; to the Committee on Foreign Relations.

EC–6941. A communication from the Acting Assistant Attorney General, Department of Justice, and the Assistant Secretary of Defense, transmitting, pursuant to law, the report entitled "Thefts From Military Arsenals of Firearms, Explosives and Other Materials of Potential Use to Terrorists" for fiscal year 1996; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-533. A petition from the estate of a citizen of Burgstadt, Germany (Blumenfeld) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-534. A petition from the estate of a citizen of Burgstadt, Germany (H. Urban) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-535. A petition from the estate of a citizen of Burgstadt, Germany (Wanderlich) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-536. A petition from the estate of a citizen of Burgstadt, Germany (U. Renkewitz) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-537. A petition from the estate of a citizen of Burgstadt, Germany (A. Urban) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-538. A petition from the estate of a citizen of Burgstadt, Germany (M. Renkewitz) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-539. A petition from the estate of a citizen of Burgstadt, Germany (Potschke) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-540. A resolution adopted by the House of the Legislature of the Commonwealth of the Northern Marianas Islands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 11–65

Whereas the United States Committee on Energy and Natural Resources, chaired by senator Frank H. Murkowski has approved a substitute amendment to Senate Bill 1275 which would provide for the full extension of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands ("CNMI") contingent upon certain findings by the US Attorney General; and

Whereas, the CNMI has been working diligently and in good faith to make progress in resolving the immigration and labor issues Senator Murkowski addressed at the March 31, 1998 hearing on Senate Bill 1275 in the Commonwealth; and

Whereas, the CNMI has offered to work together with the appropriate federal agencies to address the issues of mutual concern between the United States and the CNMI without the need for the US Congress to enact the proposed legislation which would amend the Covenant; and

Whereas, the CNMI was not provided the opportunity to address the Committee regarding the amendment to Senate Bill 1275; and

Whereas, the proposed enactment of Senate Bill 1275 as amended would circumvent the Covenant's 902 negotiation process; now, therefore, be it

Resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, That the House; requests the United States Congress to consider the position of the CNMI and to reject Senate Bill 1275 as amended and to require the Commonwealth and Federal Government to consult and negotiate with each other on immigration and labor issues; and be it further

Resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to the Honorable Albert Gore, Jr., Vice President of the United States and President of the United States Senate; the Honorable Strom Thurmond, President Pro Tempore; the Honorable Trent Lott, Majority Leader, the Honorable Don Nickles, Assistant Majority Leader; the Honorable Larry Craig, Chairman, Republican Policy Committee; the Honorable Connie Mack, Chairman, Republican Conference; the Honorable Thomas A Daschle, Minority Leader; the Honorable Richard G. Lugar, Chairman, Senate Agriculture, Nutrition and Forestry Committee; the Honorable Ted Stevens, Chairman, Senate Appropriations Committee; the Honorable Strom Thurmond, Chairman, Senate Armed Service Committee; the Honorable Alfonse M. D'Amato, Chairman, Senate Banking, Housing and Urban Affairs Committee; the Honorable Pete V. Domenici, Chairman, Senate Budget Committee; the Honorable John McCain, Chairman, Senate Commerce, Science and Transportation Committee; the Honorable John H. Chafee, Chairman, Senate Environment and Public Works Committee; the Honorable William V. Roth, Jr., Chairman, Senate Finance Committee and the Joint Committee on Taxation; the Honorable Jesse Helms, Chairman, Senate Foreign Relations Committee; the Honorable Fred Thompson, Chairman, Senate Governmental Affairs Committee; the Honorable Ben Nighthorse Campbell, Chairman, Senate Indian Affairs Committee; the Honorable Orrin G. Hatch, Chairman, Senate Judiciary Committee; the Honorable Jim M. Jeffords, Chairman, Senate Labor and Human Resources Committee; the Honorable John W. Warner, Chairman, Senate Rules and Administration Committee; the Honorable Christopher "Kit" S. Bond, Chairman, Senate Small Business Committee; the Honorable Arlen Specter, Chairman, Senate Veterans' Affairs Committee; the Honorable Robert C. Smith, Chairman, Senate Select Committee on Ethics; the Honorable Richard C. Shelby, Chairman, Senate Committee on Intelligence; the Honorable Charles E. Grassley, Chairman, Senate Special Committee on the Aging; the Honorable John W. Warner, Chairman, Joint Committee on Printing; the Chairman and members of the United States Senate Energy and Natural Resources Committee, the Honorable Frank H. Murkowski, the Honorable Craig Thomas, the Honorable Jon L. Kyl, the Honorable Rod Grams, the Honorable Gordon Smith, the Honorable Slade Gorton, the Honorable Conrad Burns, the Honorable Dale Bumpers, the Honorable Wendell H. Ford, the Honorable Jeff Bingaman, the Honorable Daniel K. Akaka, the Honorable Byron L. Dorgan, the Honorable Bob Graham, the Honorable Ron Wyden, the Honorable Tim Johnson, the Honorable Mary Landrieu; the Honorable Newt Gingrich, Speaker of the United States House of Representatives, the Honorable Richard Armey, US House Majority Leader; the Honorable Tom Delay, US House Majority Whip; the Honorable Dan Burton, Chairman, House Government Reform and Oversight Committee; the Honorable Don Young, Chairman, House Resources Committee; the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Marianas Islands; the Honorable Jesus R. Sablan, Lt. Governor of the Commonwealth of the Northern Marianas Islands; and to the Honorable Juan N. Babauta, Washington Representative of the Commonwealth of the Northern Marianas Islands.

Adopted by the House of Representatives on June 19, 1998.

POM-541. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 176

Whereas, In a country such as ours, blessed with constitutionally protected religious freedom, there is an unfortunate tendency to overlook the restrictions of religious liberty placed upon people of faith worldwide; and

Whereas, Disturbing incidents of anti-Semitic violence and oppression, including neo-Nazi slogans and practices in Europe and the former Soviet republics, are rekindling memories of the Holocaust; and

Whereas, It is reported that 200 million Christians worldwide are being harassed, fined, tortured, imprisoned, or otherwise persecuted for their faith, and that an additional 400 million live under severe restrictions on religious liberty; and

Whereas, The recent Chinese and American summit has reminded the world of a persecution of the Tibetan Buddhist believers; and

Whereas, The suffering or death of any human, of any or no religious faith, is wrong before God; now, therefore, be it

Resolved by the House of Representatives, That we memoralize the President and the United States Congress to exercise a stance of uncompromising opposition to religious persecution around the world; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 16, 1998.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes (Rept. No. 105–334).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Timothy B. Dyk of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2469. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

S. 2470. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2471. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2473. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. DASCHLE (for Mr. HOLLINGS):

S. 2474. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 2475. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. DEWINE, Mr. HUTCHINSON, and Mr. BROWNBACK):

S. 2476. A bill for the relief of Wei Jengsheng; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 276. A resolution expressing the sense of the Senate that the President should reimburse the American taxpayer for costs associated with the Independent Counsel's investigation of his relationship with Ms. Monica Lewinsky; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI, and Mr. SESSIONS):

S. Res. 277. A resolution expressing the sense of the Senate with respect to the importance of diplomatic relations with the Pacific Island nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

RIGHTS-OF-WAY LEGISLATION

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators DASCHLE, SMITH of Oregon, BAUCUS, BURNS, JOHNSON, and CRAIG, in introducing legislation making an important adjustment to the way the Government manages rights-of-way over federal lands. The provisions in this bill address the situation involving liability standards for electric utilities that utilize federal rights-of-ways to provide electricity to rural communities.

I am pleased to be working on this issue with my good friends and colleagues from Oregon, BOB SMITH and PETER DEFAZIO. Chairman SMITH has introduced similar legislation in the House of Representatives, which received a hearing in the House Resources Committee earlier this year. During that hearing, one of my constituents, Mr. Bill Kopacz of Midstate Electric in LaPine, Oregon testified on the need to reform the current federal policy of requiring strict liability for fires that occur in right-of-ways.

Under strict liability, the holder of a right of way is responsible for all injury, loss, or damage, including fire suppression costs, caused by the holder of the right of way without regard to the holder's negligence.

The problem that this legislation addresses is best illustrated by the experience of the Midstate Electric Cooperative of LaPine, Oregon.

As a matter of prudent maintenance, Midstate trims or removes trees on right-of-ways that pose a risk of falling onto electric lines. On federal rights-of-way, the cooperative consults with the appropriate land management agency—which of course must approve these management actions. After proposing the removal of a number of trees on a Forest Service right-of-way in 1984, Midstate was told by the agency that it could cut some down, but had to leave other specified trees standing. Of course the predictable happened—one of the trees that Midstate had proposed cutting, which the Forest Service had refused to allow to be removed, fell into a power line and started a fire.

In the end it cost more than $326,850 to put that fire out—and Midstate Electric got the bill. Since the fire resulted from a management decision of the Forest Service, Midstate went to court in an attempt to appropriately assign the financial liability of fighting the fire. Midstate lost the court action because of a ruling which interpreted right-of-way contracts as holding the co-op and other right-of-way lessees to a strict liability standard.

The 1976 Federal Land Policy and Management Act provided federal agencies with the authority to impose strict liability for costs associated with hazards on federal lands. Prior to 1976, agencies recovered costs associated with hazards, such as costs required to put out a fire, on the basis of normal negligence.

This bill would replace that strict liability standard in favor of a normal negligence standard that is routinely used in private right-of-way contracts. The new standard will say: if you caused it, you are responsible for it. Rural electric cooperatives, investor-owned utilities and municipalities are not looking to pass the buck to the American taxpayer. If they are negligent in maintaining federal rights-of-way, they should bear the responsibility. However, by enforcing any standard more rigid than that, the land management agencies are purposefully transferring cost to private citizens.

The minimum impact of the current strict liability policy is higher electric rates for those rural communities who live in close proximity to public lands. The possibility exists, however, of even more punitive impacts in the form of the loss of insurance coverage for entities with federal rights-of-way liability.

In my judgement, this legislation restores an appropriate balance to the shared responsibility of both the land manager and the utility in reducing the natural hazards along a right of way. As we saw in the Midstate case, because the Forest Service bears no exposure to costs associated with fire and risk prevention, the Forest Service simply did not allow the full use of measures to reduce those risks.

This legislation will not only benefit the state of Oregon. Utilities all through the United States have rights-of-way permits with our land management agencies. This proposal is of interest in states such as California, Idaho, Florida, Minnesota, Montana, Wyoming and Pennsylvania. I believe my proposal is fair and balanced legislation that protects our rural communities. I look forward to working with my colleagues and the Administration to perfect this legislation in the waning days of the 105th Congress.•

By Mr. BREAUX:

S. 2473. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

TAX LEGISLATION

Mr. BREAUX. Mr. President, today I introduce a very important bill for small businesses and the self-employed in Louisiana and throughout our country. My bill would restore the 80 percent deduction for business meals and entertainment expenses, thus eliminating a tax burden that has seriously hampered many small businesses in our country.

Small business is a powerful economic engine, both nationwide and in Louisiana. Small businesses have helped to create the prosperity that we have all enjoyed in the last few years. They are leaders in the innovation and technology development that will sustain our economy in the 21st century. Nationwide, small business employs 53 percent of the private work force, contributes 47 percent of all sales in the country, and is responsible for 50 percent of the private gross domestic product.

For these reasons, I believe the tax code should encourage, not discourage, small business development and growth. For the more than 225,000 self-employed and for the thousands of small businesses in Louisiana, business meals and entertainment take the place of advertising, marketing, and conference meetings. These expenses are a core business development cost. As such, a large percentage of these costs should be deductible.

For many years, businesses were allowed to deduct 100 percent of business meals and entertainment expenses. In 1987, this deduction was reduced to 80 percent. The deduction was further reduced in 1994 to 50 percent because of the misconception that these meals were "three martini lunches."

Contrary to this perception, studies show that the primary beneficiary of the business meal deduction is not the wealthy business person. Studies indicate that over two-thirds of the business meal spenders have incomes of less than $60,000 and 37 percent have incomes below $40,000. Low to moderately priced restaurants are the most popular types for business meals, with the average check equaling less than $20. In addition, 50 percent of most business meals occur in small towns and rural areas.

In 1995, just one year after the deduction was reduced to 50 percent, the White House Conference on Small Business established the restoration of the deduction as one of its top priorities for boosting small business. In Louisiana alone, it is expected that the positive economic impact of this proposal could exceed $67 million in industries, such as the travel and restaurant industry, that employ over 120,000 people. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL AND ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR SMALL BUSINESSES.—

"(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting 'the applicable percentage (as defined in paragraph (3)(B))' for '50 percent'.

"(B) SMALL BUSINESS.—For purposes of this paragraph, the term 'small business' means, with respect to expenses paid or incurred during any taxable year—

"(i) any corporation which meets the requirements of section 55(e)(1) for such year, and

"(ii) any partnership or sole proprietorship which would meet such requirements if it were a corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

By Mr. D'AMATO:

S. 2475. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Labor and Human Resources.

PENSION PLAN PARTICIPANT PROTECTION ACT OF 1998

• Mr. D'AMATO. Mr. President, today I am introducing legislation to strengthen protections to retirees who, through no fault of their own, find themselves without a job or the pension they worked hard for because their company went under.

This situation happened in 1991 when Pan Am World Airways went out of business leaving 45,000 employees—15,000 of which reside in New York State—jobless and without their promised pensions. For the last seven years these hardworking Americans have fought a losing battle with the Pension Benefits Guaranty Corporation (PBGC) to get a fair benefit calculation and appeals process. In addition to former Pan Am employees, this issue affects hundreds of thousands of former employees of companies whose pension plans have been taken over by the PBGC.

Our senior citizens are a valuable resource to this country. Many of them are entitled to receive private pensions as a result of their loyal years of service to their employers. In 1974, the Employee Retirement Income Security Act (ERISA) was enacted to provide certain basic protections to retirees regarding their pensions.

In general, private employers are required to act as fiduciaries with respect to most of their activities in connection with their pension plans. Those fiduciaries are prohibited from commingling plan assets, must provide regular disclosure concerning plan assets and are required to act "solely in the interest" of the participants. Participants may bring suit, in Federal Court, if required information is not provided within 30 days of request. A participant may seek a determination of the amount of his or her benefit, in Federal Court, if the plan fails or refuses to render a determination as to the amount of benefit the participant is entitled to receive under the plan.

ERISA also created a Federal agency, the PBGC, to pay benefits to participants in pension plans who are unable to pay such benefits. PBGC functions as an insurer, collecting premiums from solvent plans and paying benefits to participants in failed plans. Since the enactment of ERISA, the PBGC has become the Trustee of plans involving more than one million participants.

While the PBGC does an admirable job with respect to its obligations to continue payments to participants in terminated plans, those participants do not enjoy the same legal protections guaranteed to all plan participants under ERISA. In general, PBGC performs its functions as a government agency and not as a fiduciary.

Mr. President, in plans trusteed by the PBGC, participants have no right to disclosure regarding the amount of their benefits and may not appeal an adverse determination until an appealable decision is rendered—which in many cases does not occur for more than ten years. Once issued, the PBGC decisions must be appealed within 45 days or a participant may lose all rights. If a determination is appealed, participants must follow a complicated and time consuming appeals process. Many of our senior citizens are confused and overwhelmed by this process and as a result, inadvertently surrender many valuable legal rights.

In addition, under current law, the PBGC is permitted to commingle funds from all of the retirement plans that it terminates and may use those retirement funds to pay for expenses of other plans as well as its general overhead expenses.

At a minimum, our senior citizens, in plans trusteed by the PBGC, need and deserve the same protections accorded to every other participant in a plan covered by ERISA. This bill restores some of those protections and requires that the PBGC issue an appealable decision within one year of the date the PBGC becomes the Trustee of a plan. The bill provides for the establishment of participants' committees to represent the interests of the participants and permits such committee to serve as Trustee of the terminated plan. Where more than one group seeks appointment as Trustee the federal courts would be required to select the Trustee that would best serve the interests of the participants.

My bill also establishes a participant advocates office to assist participants with explanations, benefits disputes and, if necessary, to appeal adverse determinations by the PBGC. In addition, the bill clarifies existing law, empowering the federal courts to remove a Trustee in the event the Trustee commits any breach of it fiduciary duty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Plan Participant Protection Act of 1998".

SEC. 2. DUTIES OF THE PENSION BENEFIT GUARANTY CORPORATION WHILE SERVING AS TRUSTEE OF TERMINATED PLAN.

(a) IN GENERAL.—Section 4042(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The corporation is subject to the same requirements of reporting and disclosure in connection with a pension plan for which the corporation is serving as trustee pursuant to this section as those of any plan administrator of an employee pension benefit plan under part 1 of subtitle B of title I.

"(C) The corporation is subject to the same fiduciary duties in connection with a pension plan for which the corporation is serving as trustee pursuant to this section, including the determination and payment of plan benefits, as those of any fiduciary of an employee pension benefit plan under part 1 of subtitle B of title I. The corporation shall maintain such separate books and records and retain such separate counsel on its behalf as may be necessary for carrying out such duties.

"(D) For purposes of applying part 5 of subtitle B of title I in the enforcement of subparagraphs (B) and (C)—

"(i) any civil monetary penalty which may be assessed by the Secretary of Labor against the corporation under any provision of section 502(c) shall be assessed in the full amount specified in such provision,

"(ii) a civil action against the corporation as fiduciary under section 502(a)(2) for relief under section 409 may be brought by any affected party, and, in any such action by an affected party in which the corporation is removed as trustee, the replacement trustee shall be selected by the court from any list of qualified candidates which may be provided by such affected party, and

"(iii) any review under section 502 by a district court of the United States of a benefit determination by the corporation shall be de novo.

"(E) In any case in which the corporation serves as trustee for a terminated pension plan pursuant to this section, the corporation shall issue its final determination regarding any benefit payable under the plan not later than one year after the date of the corporation's appointment as trustee. Any failure by the corporation to comply with the requirements of this subparagraph shall be deemed an action of the corporation upon which a cause of action may be brought against the corporation under section 4003(f)(1).".

(b) CONFORMING AMENDMENT.—Section 4023 of such Act (29 U.S.C. 1323) is amended—

(1) by inserting "(a)" after "SEC. 4023."; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall not apply with respect to the corporation while the corporation is serving in its fiduciary capacity in accordance with section 4042(d)(3)(B).".

SEC. 3. PARTICIPANTS' COMMITTEES.

(a) IN GENERAL.—Subtitle C of title IV of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 4048 (29 U.S.C. 1348) the following new section:

"PARTICIPANTS' COMMITTEES

"SEC. 4049. (a) IN GENERAL.—

"(1) APPOINTMENT OF COMMITTEE.—Except as provided in paragraph (3), as soon as practicable after the appointment of a trustee under section 4042, the trustee shall appoint a committee of participants under the plan.

"(2) REQUESTS FOR ADEQUATE REPRESENTATION.—On request of an affected party, the court may order the appointment of additional committees of participants if necessary to assure adequate representation of participants. The trustee shall appoint any such committee.

"(3) SMALL BUSINESSES.—On request of an affected party in a case in which the plan sponsor is a small business and for cause, the court may order that a committee of participants not be appointed.

"(b) MEMBERSHIP.—A committee of participants appointed under subsection (a) shall ordinarily consist of the persons, willing to serve, that were in pay status under the plan as of the date of the termination of the plan and have the seven largest nonforfeitable benefits under the plan, or of the members of a committee organized by participants before such date, if such committee was fairly chosen and is representative of the participants of the plan.

"(c) POWERS AND DUTIES OF COMMITTEES.—

"(1) APPOINTMENT OF ATTORNEYS, ACCOUNTANTS, ETC.—At a scheduled meeting of a committee appointed under subsection (a), at which a majority of the members of such committee are present, and with the court's approval, such committee may select and authorize the employment by such committee of one or more attorneys, accountants, or other agents to represent or perform services for such committee.

"(2) PRECLUSION OF CONFLICTS OF INTEREST.—An attorney or accountant employed to represent a committee appointed under subsection (a) may not, while employed by such committee, represent any other entity having an adverse interest in connection with the case. Representation of one or more participants of the same class as represented by the committee shall not per se constitute the representation of an adverse interest.

"(3) SPECIFIC POWERS.—A committee appointed under subsection (a) may—

"(A) consult with the trustee concerning the administration of the case,

"(B) investigate the acts, conduct, assets, liabilities, and financial condition of the plan, the operation of the plan sponsor's financial operations, and the desirability of the continuance of the plan, and any other matter relevant to the case,

"(C) participate in the formulation of the plan for distribution of plan assets, advise those represented by such committee of such committee's determinations as to any plan for distribution of the plan's assets, and collect and file with the court acceptances or rejections of the plan for distribution of plan assets,

"(D) request the court for the appointment of the committee or any other person as an alternative trustee, and

"(E) perform such other services as are in the interest of plan participants and beneficiaries.

"(4) MEETING WITH TRUSTEE.—As soon as practicable after the appointment of a committee under subsection (a), the trustee shall meet with such committee to transact such business as may be necessary and proper.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 4048 the following new item:

"Sec. 4049. Participants' committees.".

SEC. 4. TRUSTEESHIP OF TERMINATED PLANS.

(a) IN GENERAL.—Section 4042(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by inserting before paragraph (3) the following new paragraph:

"(2) The court may appoint the corporation, a participants' committee, or any other person to serve as trustee under paragraph (1). Upon the application of any two or more of the foregoing to serve as trustee, the determination of the court of which to appoint shall be based on its determination of which applicant is most qualified to carry out the fiduciary duties of the trustee with respect to participants and beneficiaries without conflicts of interest.".

(b) PAYMENT OR REIMBURSEMENT OF REASONABLE FEES AND EXPENSES.—Section 4042(h) of such Act (29 U.S.C. 1342(h)) is amended by adding at the end the following new paragraph:

"(3) The reasonable fees and expenses of a trustee appointed under this section (other than the corporation), of any participants' committee, and of any counsel, accountants, actuaries, and other professional service personnel shall be paid, directly or by means of reimbursement, from the assets of the terminated plan.".

SEC. 5. PARTICIPANT'S ADVOCATE.

(a) IN GENERAL.—Subtitle D of title IV of the Employee Retirement Income Security Act of 1974 is amended by adding after section 4071 (29 U.S.C. 1371) the following new section:

"OFFICE OF PARTICIPANT'S ADVOCATE

"(a) IN GENERAL.—The Secretary of Labor shall establish in the Department of Labor an Office of Participant's Advocate, to be headed by a Participant's Advocate.

"(b) FUNCTIONS.—The Participant's Advocate shall, upon request of participants of terminated pension plans—

"(1) counsel participants and beneficiaries of such plans in connection with their rights to benefits thereunder, and

"(2) provide legal representation before the corporation and in court to such participants who have been denied benefits by the corporation.

"(b) FEES.—The Office shall require only such fees for its services as may be prescribed in regulations of the Secretary of Labor.

"(c) STAFF.—The Participant's Advocate shall appoint such attorneys, actuaries, and accountants as may be necessary to assist the Participant's Advocate in carrying out the functions of the Office, and may appoint such additional personnel as may be necessary to provide adequate support for the Office.

"(d) NOTICE.—Each notice of a benefit determination issued by the corporation to a participant or beneficiary under a terminated pension plan shall include a notice (in such form as shall be prescribed in regulations of the Secretary of Labor) describing the services of the Participant's Advocate's Office.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 4071 the following new item:

"Sec. 4071. Office of Participant's Advocate.".

(c) EFFECTIVE DATE.—The Secretary of Labor shall establish the Office of Participant's Advocate pursuant to the amendments made by this section not later than one year after the date of the enactment of this Act.

SEC. 6. RULES GOVERNING TRUSTEESHIP BY THE CORPORATION.

(a) IN GENERAL.—Section 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342) is amended by adding at the end the following new subsection:

"(l) In any case in which the corporation serves as trustee of a terminated pension plan under this section—

"(1) the corporation shall segregate assets of the terminated plan from the assets of any other plan or any other assets held by the corporation,

"(2) the corporation may not use any assets of the plan for any purpose other than payment of benefits or reasonable administrative expenses directly attributable to the termination and administration of the plan, excluding any generally applicable overhead expenses of the corporation, and

"(3) the corporation shall obtain the services of independent contractors in connection with the termination or administration of the plan only through a competitive bidding process.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to plan terminations—

(1) the termination date for which occurs on or after January 1, 1990, and

(2) for which the final distribution of assets occurs on or after the date of the enactment of this Act.●

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. DEWINE, Mr. HUTCHINSON, and Mr. BROWNBACK):

S. 2476. A bill for the relief of Wei Jengsheng; to the Committee on the Judiciary.

WEI JENGSHENG FREEDOM OF CONSCIENCE ACT

● Mr. ABRAHAM. Mr. President, today I seek my colleagues' support for the Wei Jengsheng Freedom of Conscience Act. This bill will grant lawful permanent residence to writer and philosopher Wei Jengsheng, one of the most heroic individuals the international human rights community has known.

For years, Mr. President, Wei has stood up to an oppressive Chinese government, calling for freedom and democracy through speeches, writings, and as a prominent participant in the Democracy Wall movement. His dedication to the principles we hold dear, and on which our nation was founded, brought him 15 years of torture and imprisonment at the hands of the Chinese communist regime. Seriously ill, Wei was released only after great international public outcry. Now essentially exiled, he lives in the United States on a temporary visa and cannot return to China without facing further imprisonment.

Mr. President, granting Wei permanent residence will show that America stands by those who are willing to stand up for the principles we cherish. It also will help Wei in his continuing fight for freedom and democracy in China.

I woul like to thank Senators HATCH, DEWINE, HUTCHINSON, and BROWNBACK for cosponsoring this bill. I should note also that this legislation has been endorsed by important human rights groups such as Laogai Research Foundation and Human Rights in China.

I urge my colleagues to send a strong signal about America's commitment to human rights, human freedom, and the dignity of the individual by passing this bill to grant Wei Jengsheng lawful permanent residence in the United States.●

ADDITIONAL COSPONSORS

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 2098

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2098, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surroundings those public lands and acquired lands.

S. 2141

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2141, a bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2352

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2352, A bill to protect the privacy rights of patients.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2390

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2390, a bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2432, A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

At the request of Mr. FORD, his name was added as a cosponsor of S. 2432, supra.

S. 2460

At the request of Mr. LEVIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2460, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of Senate Resolution 95, A resolution designating August 16, 1997, as "National Airborne Day."

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of Senate Resolution 257, A resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 276—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD REIMBURSE THE AMERICAN TAXPAYER FOR COSTS ASSOCIATED WITH THE INDEPENDENT COUNSEL'S INVESTIGATION OF HIS RELATIONSHIP WITH MS. MONICA LEWINSKY

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Whereas, on January 17, 1998, President Clinton testified in a sexual harassment lawsuit brought by Paula Jones and denied a sexual relationship with a former White House intern Monica Lewinsky;

Whereas, President Clinton's personal lawyer, David Kendall, stated on September 13, 1998 that the President "absolutely" sought to mislead Ms. Jones's lawyers in the January 17 deposition;

Whereas, during a January 26, 1998 White House news conference, President Clinton stated, "I did not have sexual relations with that woman, Ms. Lewinsky";

Whereas, President Clinton invoked Executive Privilege in an effort to limit grand jury questioning of aides Bruce Lindsey, Sidney Blumenthal, Cheryl Mills, Nancy Hernreich and Lanny Breuer;

Whereas, none of President Clinton's claims of Executive Privilege were ever supported by the courts;

Whereas, on May 22, a federal judge denied a previous motion by the President to prevent Secret Service agents from being compelled to testify before a grand jury;

Whereas, on July 7, 1998, a federal appeals court denied the President's appeal and ruled that Secret Service employees must tell the grand jury what they observed by guarding the President;

Whereas, on July 29, 1998, President Clinton agreed to testify from the White House in response to a subpoena issued by the Independent Counsel's office;

Whereas, on August 17, 1998, President Clinton testified before a grand jury and made an address to the nation admitting "an improper relationship" with Monica Lewinsky;

Whereas, the President has unnecessarily and improperly prolonged the investigation of Independent Counsel Kenneth Starr;

Whereas, the President knowingly provided inaccurate information in a sworn deposition and in public statements about his relationship with Monica Lewinsky;

Whereas, the President invoked improper claims of Executive Privilege, attorney-client privilege and Secret Service privileges: Now, therefore, be it

Resolved, That

(1) it is the sense of the Senate that President Clinton has unnecessarily delayed the investigation of the Independent Counsel, and

(2) President Clinton should reimburse the American taxpayer for the costs associated with the Independent Counsel's investigation of his relationship with Ms. Lewinsky.

Mr. MURKOWSKI. Mr. President, last Friday, Congress and the American people were finally able to read the 445-page report on the investigation of the independent counsel, Judge Kenneth Starr. It is now, of course, the constitutional duty of the House of Representatives to review that report and determine whether the articles of impeachment, censure, or whatever action, are indeed warranted against the President.

I rise today not to discuss that specific issue of impeachment or censure, but I rise today to discuss the issue of equity. For the last 7 months, due to the actions of the President—and I might add, the President alone—substantial costs have accumulated as a result of the President's intentional strategy. And that strategy is to delay and thwart the investigations of Judge Kenneth Starr.

Mr. President, I think it is the duty of this body to discuss and reflect on the cost that has been borne by the American public as a result of the calculated deception that has gone on for the last 7 months. Certainly, it has been evidenced by the report that it was a deception, a deception to cover up and delay. It is clear that after the President testified on January 17 in Paula Jones' sexual harassment lawsuit that the President began a calculated plan to mislead and basically deceive the independent counsel and the American public with his "legally accurate" testimony in the Jones case.

Indeed, when the President's attorney, David Kendall, was asked yesterday if the President was purposely attempting to mislead the attorneys for Paula Jones during his sworn deposition, he replied "absolutely."

Mr. President, it has been 7 months now, 7 months since President Clinton sought to prevent the independent counsel from determining the veracity of his statements. Despite the fact that the Clinton administration issued a statement in 1994 that the administration would not invoke executive privilege for any personal wrongdoings, the President withdrew and reasserted claims of executive privilege on five specific occasions. These claims were warrantless and served as nothing more than a delay tactic. In fact, not one of the claims of executive privilege was found by a court of law to be justified.

As a result of the President's plan for public deception—I hate to use that word, but I can't put it in any other term—and certainly delay, the investigation of independent counsel Starr was unnecessarily prolonged for approximately 7 months, despite the fact that the President, in January of 1998, promised, promised, the Congress and the American public to cooperate fully with the investigation.

Lastly, the President refused six invitations to voluntarily testify before the independent counsel's grand jury. It was only when he was faced with the subpoena and the result of the DNA test and the reality that the tests would soon be completed that the President finally appeared before the grand jury.

Where are we? What does all this really mean? It means that for more than 7 months, President Clinton has pursued a strategy of deceiving the American people and the Congress and purposely delayed and impeded the independent counsel's investigation. The cost of the President's campaign of delay and deception totals nearly $4.4 million.

I ask unanimous consent the letter from the Office of the Independent Counsel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, September 11, 1998.

Mr. DAVID L. CLARK,
Director, Audit Oversight and Liaison, U.S. General Accounting Office, Washington, DC.

DEAR MR. CLARK: This is in response to Senator Frank Murkowski's letter to you dated September 3, 1998, requesting certain costs incurred by this Office relating to the Monica Lewinsky investigation. In your meeting with personnel in our Office on September 4, 1998, we agreed to provide you with answers to the Senator's questions as accurately as possible. As we mentioned in that meeting, our financial accounting system does not categorize costs by case, or project. Therefore, we determined the cost by estimating the time spent on the Lewinsky investigation by all staff members. Further, the Lewinsky portion of certain general costs was allocated based on those estimates.

The enclosed spreadsheet displays a Summary of Expenses relating to the Lewinsky investigation. The expenses are categorized in the same manner as our Financial Statements shown in GAO's audit reports. Work on the Lewinsky investigation continues today and many members of our staff are still working on this matter. For purposes of this request, we chose to account for costs recorded through August 31, 1998. Subsequent costs have not yet been recorded. To include them here would decrease the accuracy of the costs we have computed. Should the Senator request costs after August 31, we will certainly update the enclosed Summary.

In response to question 1 of Senator Murkowski's letter: for the period January 15 through August 31, 1998, Lewinsky-related investigation costs for personnel compensation and benefits (including employees and detailees) are $1,861,456. Contract Services (including consultants) costs are $884,110. Most incumbent members of this Office have devoted more than 50% of their time to the Lewinsky matter. Many staff members over the past eight months, both old and new, have worked considerable overtime hours, most of which were related to the Lewinsky investigation and many were for uncompensated attorney-hours.

Question 2 of the letter requests the cost of witnesses associated with the Lewinsky investigation. These costs amount to $13,841, which is included in the Summary, under various categories.

Question 3 of the letter, Lewinsky-related travel costs, is shown in the Summary as $949,895.

Should you or the Senator's office have any questions about the estimate, please call Paul Rosenzweig or me at 202-514-8688.

Sincerely,

JACKIE M. BENNETT, JR.,
Deputy Independent Counsel.

Attachment

SUMMARY OF EXPENSES RELATING TO MONICA LEWINSKY

[Jan. 15–Aug. 31, 1998]

Category of expense	Lewinsky related expenses
Personnel Compensation and Benefits	$1,861,456
Travel Costs	949,895
Rent, Communications and Utilities	356,494
Contractual Services	884,110
Supplies and Services	82,653
Capital Equipment	186,021
Administrative Services	73,294
Total	4,393,923

Note: The expenses shown above do not include other costs allocated to this Office by the General Accounting Office (GAO). Certain administrative costs incurred by the Administrative Office of the U.S. Courts (AOUSC) are periodically charged to this Office. The amount of this charge for the period in question is not available (for the six-month period ending March 31, 1998, the amount was approximately $121,700).

Additionally, payroll costs of FBI personnel assigned to this Office are paid by their agency, and therefore are not included in the above expenses.

Mr. MURKOWSKI. That letter that has just been made part of the RECORD is highlighted here relative to the detailed expense associated with the Monica Lewinsky incident, expenses from January 15 to August 31, 1998, including categories of expenses relative to personal compensation, travel costs, contractual services, supplies, capital equipment, administrative services. The total is $4.3 million, roughly $4.4 million. That is the cost to the American taxpayer.

The question that I brought up earlier was one of equity. Equity demands the costs of the delays should be borne by the President and not the taxpayers of this country.

I ask that my colleagues support me in the resolution that I have submitted which would require the President to reimburse the American taxpayers for the expenses that resulted from the delays of the investigation, the delays that were initiated and caused directly by the President.

My colleagues should note that this resolution is not unprecedented. We, in Congress, have required Members under investigation by the Ethics Committee to reimburse the committee for the costs of the investigation. The same standard should apply in the case of the President of the United States.

SENATE RESOLUTION 277—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE IMPORTANCE OF DIPLOMATIC RELATIONS WITH THE PACIFIC ISLAND NATIONS

Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 277

Whereas the South Pacific region covers an immense area of the earth, approximately 3 times the size of the contiguous United States;

Whereas the United States seeks to maintain strong and enduring economic, political, and strategic ties with the Pacific island countries of the region, despite the reduced diplomatic presence of the United States in the region since World War II;

Whereas Pacific island nations wield control over vast tracts of the ocean, including seabed minerals, fishing rights, and other marine resources which will play a major role in the future of the global economy;

Whereas access to these valuable resources will be vital in maintaining the position of the United States as the leading world power in the new millennium;

Whereas Asian countries have already recognized the important role that these Pacific island nations will play in the future of the global economy, as evidenced by the Tokyo summit meeting in October 1997 with various Pacific island heads of state;

Whereas the Pacific has long been regarded as one of the "last frontiers", with an enormous wealth of uncultivated resources; and

Whereas direct United States participation in the human and natural resource development of the South Pacific region would promote beneficial ties with these Pacific island nations and increase the possibilities of access to the region's valuable resources: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is in the national interest of the United States to remain actively engaged in the South Pacific region as a means of supporting important United States commercial and strategic interests, and to encourage the consolidation of democratic values;

(2) a Pacific island summit, hosted by the President of the United States with the Pacific island heads of government, would be an excellent opportunity for the United States to foster and improve diplomatic relations with the Pacific island nations;

(3) through diplomacy and participation in the human and natural resource development of the Pacific region, the United States will increase the possibility of gaining access to valuable resources, thus strengthening the position of the United States as a world power economically and strategically in the new millennium; and

(4) the United States should fulfill its longstanding commitment to the democratization and economic prosperity of the Pacific island nations by promoting their earliest integration in the mainstream of bilateral, regional, and global commerce and trade.

• Mr. INOUYE. Mr. President, it is with great pleasure that I rise today, along with Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI and Mr. SESSIONS to submit the Pacific Island Summit Resolution.

Since the end of World War II, the U.S. has lacked a strong diplomatic policy and presence in the Pacific Region. This has become more prevalent in recent years. Often characterized as a policy of "benign neglect," the current situation is insufficient to continue the role of the U.S. as the leading world power as we enter the new millennium.

The Pacific region covers an immense area of the Earth, approximately three times that of the contiguous United States. Increasing enforcement of treaties demarcating exclusive economic zones are revealing Pacific Island countries that wield control over vast tracts of the ocean, marine fisheries and undersea minerals; resources that will play a major role in the future of the global economy.

As natural resources around the world dwindle, access to the relatively untapped resources in this region of the world will become increasingly important. The U.S., as the leading world power, should seek to maintain strong ties to this region. By cultivating diplomatic relationships with these leaders today, we foster strong economic ties tomorrow.

In October 1997, then-Prime Minister Hashimoto held a summit meeting in Tokyo, Japan with various Pacific Island heads of state. Clearly, Japan is aware of the unlimited potential of this region, its valuable resources, and the importance of gaining access to them. It is economically and strategically important that we not stand idly by while other countries step into the vacuum created by the present U.S. policy.

This resolution, Mr. President, encompasses all of these ideas in expressing the sense of the United States Senate that a summit meeting between the President and leaders from the Pacific region would be an excellent opportunity for the U.S. to strengthen its position economically and strategically. These Pacific Islands in return will be provided the rare opportunity to share their interests, visions for the future, and concerns with the leader of the world's most powerful democracy. It is my sincere belief that this summit will rebuild a foundation neglected since the end of World War II and be the beginning of a mutually beneficial relationship between the U.S. and this great region.

Congressman ENI FALEOMAVAEGA introduced similar legislation in the House of Representatives, which speaks to the importance of developing and maintaining close diplomatic and economic ties with the Pacific and that a Pacific Island Summit would aid the U.S. considerably in attaining this goal. It is my hope that this legislation will be considered and approved in both chambers expeditiously.●

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BUMPERS (AND OTHERS) AMENDMENT NO. 3591

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Ms. LANDRIEU) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

Strike line 19 on page 55 through line 6 on page 58.

ENZI (AND OTHERS) AMENDMENT NO. 3592

Mr. ENZI (for himself, Mr. SESSIONS, Mr. LUGAR, Mr. BROWNBACK, Mr. ASHCROFT, Mr. GRAMS, Mr. INHOFE, Mr. BRYAN, and Mr. REID) proposed an amendment to the bill, S. 2237, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to October 1, 1999, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION ON APPROVING COMPACTS.—Prior to October 1, 1999, the Secretary may not expend any funds made available under this Act, or any other Act hereinafter enacted, to prescribe procedures for class III gaming, or approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe, on or after the enactment of this Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) NO AUTOMATIC APPROVAL.—Prior to October 1, 1999, notwithstanding any other provision of law, no Tribal-State compact for class III gaming, other than one entered into between a state and a tribe, shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact.

(c) DEFINITIONS.—The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

ASHCROFT AMENDMENT NO. 3593

Mr. ASHCROFT proposed an amendment to the bill, S. 2237, supra; as follows:

Beginning on page 109, strike line 21 and all that follows through line 18 on page 110 and insert the following:

"Notwithstanding any other provision of this Act, the amount available under the heading 'National Park Service, Operation of the National Park Service' under title I shall be $1,325,903,000.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 16, 1998, at 10 a.m., to conduct a business meeting, to mark up the following bills: S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act; and S. 1899, Chippewa Cree of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998; to be followed immediately by a confirmation hearing on the nomination of Montie Deer, to be Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold two days of hearings entitled "Improving The Safety of Food Imports." The hearings will focus on legislative, administrative and regulatory remedies for the weaknesses previously identified in the subcommittee's safety of food imports investigation. The subcommittee will hear from various Members of Congress, Government agencies, as well as industry and interest groups.

These hearings will take place on Thursday, September 24 and Friday, September 25, 1998, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 15, 1998, at 10 a.m., in open session, to consider the nominations of Bernard D. Rostker, to be Under Secretary of the Army; James M. Bodner, to be Deputy Under Secretary of Defense for Policy; and Vice Adm. Dennis C. Blair, USN, for appointment to the grade of admiral, and to be Commander in Chief of U.S. Pacific Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 15, 1998, at 9:30 a.m., on the nominations of Robert Brown, John Paul Hammerschmidt, and Norman Mineta to be members of the Metropolitan Washington Airports Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 15, 1998, at 2:30 p.m., on S. 2390—Freedom to Transport Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 15, 1998, at 10 a.m., and 2:15 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the House Committee on Education and the Workforce be authorized to meet in conference on H.R. 6, the Higher Education Act amendments of 1998 during the session of the Senate on Tuesday, September 15, 1998, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a markup of bills pending before the committee. The markup will begin at 9:30 a.m., on Tuesday, September 15, 1998, in room 428A, Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, September 15, 1998, at 10 a.m., to hold a hearing in room 226, Senate Dirksen Office Building, on "Consolidation in the Telecommunications Industry: Has it Gone Too Far?"

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO 10-YEAR ANNIVERSARY OF FLORIDA-ISRAEL INSTITUTE

• Mr. GRAHAM. Mr. President, as we approach a new century, we find ourselves in a year of multiple milestones. This year, the world celebrates the 50th anniversary of the founding of the State of Israel, and we also congratulate the pioneering Florida-Israel Institute on its 10-year anniversary.

The Florida-Israel Institute, created by the Florida Legislature in 1988 to expand ties with Israel, has been a success by any measure:

Catalyst. Now 23 other states have official links with Israel. Florida set the pace, and its Florida-Israel Institute continues to serve as a model for the rest of the nation.

Trade boom. Total trade between Florida and Israel tripled between 1987 and 1996, with dramatic increases in exports from Florida to Israel and imports from Israel, according to federal statistics.

Cultural bridge. The Florida-Israel Institute brings Israel to Florida and Florida to Israel, via the arts, business, academia and research on topics of mutual interest that include agriculture and the environment.

Examples span the spectrum of the human experience. The Institute brought Israeli jazz pianist Liz Magnes to Florida, and sent Florida professors to Israel and Jordan. It helped sponsor the one-woman show "Nomi" at the University of Central Florida, and sent Florida business leaders to Israel.

A premier feature of the Florida-Israel Institute is scholarship. The Institute carries out the time-honored precept that knowledge is a key to human understanding and a powerful weapon against fear and hate.

The Florida-Israel Institute just awarded scholarships to 57 Israeli students for the 1998–99 academic year. These students will study on campuses throughout Florida, enriching campus life for all and then serving as ambassadors for life, linking Florida and Israel. The Institute—co-hosted by Florida Atlantic University and Broward Community College—has strong roots in education.

As a repeat visitor to the Middle East, I know there is no substitute for first-hand experience in understanding the challenges facing Israel. My wife, Adele, and I were honored to return to Israel this year to help celebrate the 50th anniversary.

Likewise, the Florida academics, entrepreneurs and civic leaders who visit Israel—thanks to the Florida-Israel Institute—bring back a keener understanding and a deeper appreciation of our special relationship with our ally State, Israel.

On this special 10-year milestone, I call on my colleagues to join me in saluting the founders, managers and advisory board of this exemplary public-private partnership: the Florida-Israel Institute.•

TRIBUTE TO THE ARGUS CHAMPION

• Mr. GREGG. Mr. President, Not too many businesses last a generation or two, much less for 175 years, but the Argus Champion seems to be Energizer Bunny of the newspaper business. This longevity, which is rare, is due primarily to its commitment to the local community. The Argus Champion has served its community well by providing local news and national news of interest. As a result, the Argus Champion has developed a loyal following in its hometown of Newport and the surrounding areas.

Although the paper has had numerous owners, editors, reporters, and staff over the years, the Argus Champion has consistently published a high-quality newspaper that reflects New Hampshire's traditions and heritage. The paper also has changed with the times, switching to color formats in 1997 and expanding news coverage in surrounding areas in an effort to bring a better product to more Granite Staters.

In many ways, our local newspaper is the chronicler of the times, printing important stories about the local community and the people who live in it. The Argus itself recognizes this special role, and each week offers to its readers a variety of local historical information through a feature column. We look forward to seeing pictures of our neighbors and their children volunteering to raise money for a worthwhile cause, or participating in the Boys and Girls Scouts and the Little League Baseball team. We also value our local paper for all of the announcements about milestones in our lives, including weddings, births, deaths, promotions, and others. We also appreciate the political coverage provided to the community as it helps the voters make informed decisions in the ballot booth and understand how the actions of their elected officials affect their everyday lives.

The Argus Champion has brought the community together by focusing on local news and it is that tradition that we celebrate today on the 175th Anniversary of the paper's beginning. A warm congratulations to all of those who have contributed to the success of the Argus Champion and best wishes for the future.•

TRIBUTE TO SISTER MARY MERCIA MORAN, R.S.M.

• Mr. REED. Mr. President, I rise to pay tribute to an outstanding woman in Rhode Island, Sister Mary Mercia Moran, R.S.M., who is celebrating her 50th year as a Religious Sister of Mercy.

Originally from New York City, Sister Mary Mercia entered the Religious Sisters of Mercy in Providence on September 8, 1948. She made her Final Profession on August 15, 1954. Sister Mary Mercia has dedicated her life to educating the children of the Diocese of Providence. Since 1951, she has taught at several schools including: St. Patrick in Providence, St. Matthew in Cranston, St. Mary in Pawtucket and St. Brendan in East Providence. Since 1967, Sister Mary Mercia has been teaching Second Grade at Sacred Heart School in East Providence.

I was fortunate enough to be her student at St. Matthew's School. She was, and is, an inspiring, demanding, and nurturing teacher. Generations of Rhode Island children have prospered because of her faithful dedication.

Mr. President, I ask my colleagues to join me in commending Sister Mary Mercia for her many contributions to the children of Rhode Island and selfless dedication to helping others. •

MARRIAGE PENALTY TAX

• Mr. FAIRCLOTH. Mr. President, I rise today to urge my colleagues to support the elimination of the marriage penalty tax. Our nation has recently witnessed violent assaults on children at school, an explosion of sexually explicit material on television and the Internet, and increasingly plentiful and inexpensive drugs. Now more than ever, our nation needs strong families.

Unfortunately, our tax code encourages just the opposite. It discourages marriage and places an undue financial burden on couples, simply for being married. According to the Congressional Budget Office, 21 million married couples paid an average of $1,400 more in income taxes in 1996 than they would have if they were single. This "marriage penalty" is immoral and patently unfair. We are sending the wrong message to the American people, and it's time for Congress to take action.

Mr. President, I urge my colleagues in the Senate to support the elimination of the marriage penalty tax as the centerpiece of upcoming tax legislation.•

COMMEMORATION OF SEPTEMBER'S HEALTH-RELATED EVENTS

• Mr. GRAMS. Mr. President, I rise today to highlight National Caregivers Day.

As such, I wanted to show my appreciation to those who work so hard to meet the needs of the mentally and physically disabled, the elderly, and the terminally ill. Our nation is blessed to have individuals motivated by a caring and giving attitude toward others.

Indeed, there are roughly 1.6 million elderly and disabled people in our nation receiving care in one of approximately 16,800 facilities throughout the country and countless others providing in-home assistance. These thousands of individuals live each day loving, nurturing, and supporting those entrusted to their care and on behalf of the United States Senate, I want to say thank you.

Mr. President, I would also like to recognize other health-care related commemorations in the month of September: National Rehabilitation Week, Mental Health Workers Week, National Vision Rehabilitation Day, and Deaf Awareness Week.

National Rehabilitation Week, September 13–19, gives us an opportunity to commend the nearly 43 million people with disabilities in America who daily display their courage and determination. It also calls to our attention the unmet needs of our nation's disabled citizens.

Mental Health Workers Week is set aside for us to thank those who have dedicated their talents to improving the mental health of our nation. Nearly half of all Americans between the ages of 15 and 54 experience a psychological disorder during their lifetime. Psychiatrists, psychologists, licensed clinical social workers, and others are there every day to help those Americans who are experiencing problems pick up the pieces and move forward with their lives—truly important work.

September 16 is National Vision Rehabilitation Day, which recognizes the tremendous lack of understanding we have of vision loss and the lack of availability of vision rehabilitation services. National Vision Rehabilitation Day gives us the chance to promote aggressive education and treatment for people with vision problems. As the baby boom generation moves into the retirement years, we need to begin learning how to deal with serious eye diseases like macular degeneration, which currently affects thousands of people and about which—when it comes to causes and treatment—we know very little.

Finally, Mr. President, I would like to recognize Deaf Awareness Week and the opportunity it provides to recognize the deaf culture experienced by nearly one million Americans. Most people don't know that American sign language is the third most widely used language in America, and that Washington, D.C. is home to the only deaf university in the world, Gallaudet University. Deaf Awareness Week allows us to discover the significant contributions offered by individuals who happen to be deaf.•

TRIBUTE TO AL BEAUCHAMP

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a true public servant, a dedicated husband and father, a Rutland, Vermont community leader, and a friend. I rise today to pay tribute to Al Beauchamp, who passed away on September 5, at the age of 72.

The eloquent editorial printed in the Rutland Daily Herald on Tuesday, September 8, expresses best how much Al meant to the community of Rutland, and to the entire State of Vermont. I ask that the text of that editorial be included in the RECORD.

[From the Rutland Daily Herald, Sept. 8, 1998]

AL BEAUCHAMP

Alfred J. Beauchamp of Rutland, who died on the weekend at the age of 72, was one of those citizens who do a great deal of work for a community but in such a quiet way that many others in the community aren't aware of what he has accomplished.

Whether it was in business, in civic work or in politics, he was a master craftsman at achieving consensus and getting things done.

His Rutland High School yearbook entry (Class of 1944) gave a pretty good preview of what his career would be like. With the high school nickname of "Al-bo" the notation takes up 17 lines of participation from freshman to senior years for Alfred Joseph Beauchamp. Some examples:

"Class president, 2,3; orchestra, 1,2,3,4; pit orchestra, 2,3,4; band, 1,2,3,4; president of band, 3; Student Council, 1,2,3,4; Student Council president, 4; home room president, 1; home room basketball, 1,2,3,4; National Honor Society, 3,4; varsity basketball, 4; varsity track, 3; all-state band, 1,2,4."

There are a number of other entries in the list, but the citations give an indication of very active participation in the school community, a proclivity for community work that was to continue throughout his life.

In 1944, the year Al Beauchamp graduated from high school, the involvement of the United States in World War II was reaching its climax. In those days, every able-bodied male who reached the age of 18 knew what was in his immediate future—he would be taken into the military. The only question was whether the call would come in the July or August after high school graduation.

Al Beauchamp didn't wait for the draft. He joined the Merchant Marine, and in the course of his service was in a number of wartime convoys.

After that there was college, entering the insurance business, a family, and innumerable civic activities like the local Chamber of Commerce, where he eventually became president, and the United Way, to name just two.

As a member of the state Senate from Rutland County, Al Beauchamp served two terms. He was also a trustee of his alma mater, the University of Vermont, and was a member of several other state boards.

At the end of his second Senate term there were a number of people in Rutland, including the late publisher of the Herald, Robert W. Mitchell, who felt he could be in line to go on to be lieutenant governor, and eventually advance even further.

But there was no question at the time, as is still the case today, that continued involvement in politics means more and more time spent away from close ties with family, so he chose not to continue in that line.

True to his nature, he put family and community above personal ambition. That was Al Beauchamp all the way.•

LEADER'S LECTURE SERIES

Mr. GORTON. Mr. President, I remind all Members that the leader's lecture series will begin promptly at 6 p.m.—that is about 1 minute from now—this evening in the Old Senate Chamber. Senator ROBERT C. BYRD will be the guest speaker for this evening's lecture.

ORDERS FOR WEDNESDAY, SEPTEMBER 16, 1998

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., on Wednesday, September 16. I further ask unanimous consent that when the Senate reconvenes on Wednesday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired and the time for the two leaders be reserved. I further ask unanimous consent that the Senate then resume consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that after the clerk reports the Interior bill, Senator BOXER be immediately recognized to offer an amendment regarding oil royalties; further, that there be 3 hours for debate on the amendment, equally divided, prior to a motion to table. Finally, I ask that no amendments be in order to the Boxer amendment prior to the tabling vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, was that a unanimous consent request?

The PRESIDING OFFICER. It was.

Mr. GRAHAM. Without the intention of objecting, I ask if in that list of amendments, at some point after the amendment of the Senator from California, you will consider adding an amendment by Senator MACK and myself to the list?

Mr. GORTON. Mr. President, there is nothing in this unanimous consent agreement that interferes with that. This just sets up the very first one. We will go back and forth, and I will certainly honor the request of the Senator from Florida.

Mr. GRAHAM. If the second or third amendment on that list can be Senator MACK's and my amendment.

Mr. GORTON. We went back and forth between the two sides. If the Senator would like to be after the next Republican amendment, I will be happy to set that up.

Mr. GRAHAM. After the next Republican amendment after the Boxer amendment.

Mr. GORTON. Right.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, tomorrow the Senate will resume debate on the Interior appropriations bill, with Senator BOXER recognized to offer an amendment regarding oil royalties with 3 hours for debate. At the conclusion or yielding back of time, the Senate will proceed to vote on a motion to table the Boxer amendment.

Following that vote, it is expected further amendments to the Interior bill will be offered and debated. Therefore, Members should expect rollcall votes throughout Wednesday's session in relation to the Interior bill or any other legislative or executive business cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until 9:30 a.m., Wednesday, September 16, 1998.

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 1998.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

CONGRATULATIONS TO THE GREENVILLE TAR HEEL LITTLE LEAGUE ALL STARS

Mr. JONES. Mr. Speaker, I grew up in Farmville, North Carolina, playing Little League Baseball. In fact, it is one of my favorite childhood memories. Little League helped me to learn early in life the importance of responsibility, trust and teamwork. It continues to do the same today for 14 boys from Greenville, North Carolina, and the nearly 3 million young men and women who participate in Little League Baseball worldwide.

In August, 14 young men, members of the Greenville Tar Heel All Stars, brought together a community, and in doing so they brought excitement and hope to the citizens of North Carolina.

Each summer, from the time Little League Baseball held its first World Series in 1947, young men and women have dreamed of reaching the U.S. finals. This dream came true for the Greenville Tar Heel All Stars.

Last month the team from the Third District of North Carolina traveled to Pennsylvania to compete for the World Series title. This marked the first time since 1952 that a team from North Carolina has made it to the World Series. After a week of competition, I am proud to congratulate the Tar Heel team for finishing second in the Nation to the world champion team from Toms River, New Jersey. This is an outstanding achievement for the Greenville All Stars, whose motivation and dedication helped them reach their goal and perform as true champions.

Being home during the August recess, I had the opportunity to see several of these games on TV. As it always seems to happen when young people excel, the community of families, friends and fans rallied together to support the hard work and dedication of the young team that came to serve as examples for us all.

To the Greenville All Stars, the world champion Toms River team and all Little League teams, congratulations. You performed as true winners. And to the 14 members of the 1998 Greenville Little League team, Richard Barnhill, Sam Byrum, Taylor Gagnon, Zachary Garris, Justin Hardee, Kevin Hodges, Jordan Lee, Michael Lilley, Brack Massey, Jon-Durham Morgan, Shelton Nelson, Patrick Warrington, Alex White, Brandon Brown; and coaches Mason Lilley, Randy White, Greg Benner, Pete Carraway; Manager Wayne Hardee and Commissioner Lynn Cherry, congratulations. You have made North Carolina proud.

The achievements of the Greenville Tar Heels on the regional and state level created a wave of excitement that brought together the citizens of Pitt County and all of North Carolina to support and celebrate in their success. The boys' hard work and winning attitude filled us with a sense of pride as we cheered on the hometown team.

Participating in a team sport like baseball can teach children some of the most important values they will learn in life, responsibility, hard work and the importance of working together. Little League Baseball also works to instill character and courage in today's youth. In fact, the Little League pledge is this:

"I trust God. I love my country and will respect its laws. I will play fair and strive to win. But win or lose, I will always do my best."

These are ideals that are important to remember at any stage of life. The Greenville Tar Heel Little League team played well, and in the eyes of all North Carolinians they are winners. Not only did they succeed on the field, but they succeeded in bringing together and strengthening the community that watched, cheered and shared in their achievement. Through their success, we have all learned that with hard work, dedication and the support of family and friends, success is within the reach of all who wish to achieve it.

The Greenville All Stars brought pride to our community and will forever remain winners in our hearts and in our minds. Congratulations.

REPAYING THE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington (Mr. ADAM SMITH) is recognized during morning hour debates for 5 minutes.

Mr. ADAM SMITH of Washington. Mr. Speaker, in the early part of this decade, no problem seemed more unsolvable than the problem of our growing Federal deficit. It was at over $200 billion at that point, projected to hit $300 billion in rapid succession, and projected by the end of the decade to be well over $500 billion. Now, fortunately, we began to head in the right direction at that point and were actually almost in a position to get to a balanced budget.

That is the good news. The bad news is that we are now looking like we are going to snatch defeat from the jaws of victory.

The biggest part of this problem comes from the talk that we have heard here recently about a surplus. I hear my colleagues talking about it, I see it on television, I even hear it in my local press, that there is going to be a $1.6 trillion surplus over the next 10 years.

The only problem with that is it is not really true. We are not going to have a $1.6 trillion surplus, and the talk about that surplus I find very disturbing, because it puts us in a position to back away from our commitment to a balanced budget. It gives us the illusion that we have money that we do not have, and I fear that it is going to get us to the point where we are not going to get to the balanced budget that we have worked so hard for over the past 7 or 8 years.

It is important to explain these figures. So if we are not going to have a $1.6 trillion surplus, why are so many people saying we are going to have a $1.6 trillion surplus? It is because they

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

count the money that we borrow from Social Security as income. It is just an unusual way of accounting that they do back here in Washington, D.C.

Somehow, if we borrow money from a bank or from anyplace else, that counts as being borrowed, but if we borrow it from Social Security, it counts as income. Well, that is not true, because, just like the bank and like any other source, we have to pay the money back to Social Security, plus interest.

Now, you might say, well, so part of the $1.6 trillion surplus comes out of the Social Security trust fund. Well, that still gives us some money to play around with.

Unfortunately, when you look at the $1.6 trillion over 10 years, only $31 billion of that $1.6 trillion comes from any place other than the Social Security trust fund. So we truly do not have a surplus.

Unless we are willing to spend money that comes directly out of the Social Security trust fund on something else, we do not have a surplus. We cannot consider it a surplus, and we must be honest in the way we evaluate those numbers.

I find it particularly disturbing to hear some of my colleagues from the Republican side of the aisle talking about this surplus, because I remember back in the late eighties and early nineties they were the ones who first raised the argument that this was unfair, that we were masking the true size of the deficit.

Now, at the time Democrats were in the majority, so it was in their political interest to make that point, because it made us look bad. I was very troubled by that argument at the time, and I was troubled by it as a Democrat for one very good reason: They were right and we were wrong. We needed to address that issue and change it. But now we are in the latter part of the 1990's, they are in the majority, and now they are talking about a surplus, as if the Social Security trust fund was income that we could spend any way we want.

We need to stop doing that. We need to be honest about the numbers and make sure that we stay on a path to a balanced budget. A balanced budget is critical to this country. It helps our economy and protects our future. We need not to back away from it.

I understand with why we do this. I have people come by my office every day who have ideas to spend money on a variety of programs or have ideas for tax cuts in a variety of areas, and rarely does someone come by my office and present an idea where I can honestly say no, that would be a complete waste of money. That would not do any good for anybody.

Yes, there are programs that can use more money and taxes that could be cut, but the point is, where is the money going to come from? That is when you get to hard decisions.

No one likes to make hard decisions, so what we want to do is we want to say we can take it from the surplus. That is the easy answer. It is free money. We can give you tax cuts, we can give you spending, everything you want, we can promise you the world, and we can simply take it that take it from this mythical surplus. So I understand why we want to do this, because it is an easy way out.

But we were not elected to take the easy way out. We were elected to give people honest answers and give them an honest assessment of where the budget is. And the honest assessment is that we are doing okay. We are headed in the right direction. But we do not have a surplus this year, and we do not have that $1.6 trillion projected surplus that we have heard so much about over the last 10 years. Almost all of that money is taken from the Social Security trust fund, is borrowed from it. It is not money that we can spend, for the very good reason that we have to give it back. We have to give it back, plus interest. And if we have spent it, we are going to run up debts or not be in a position to pay the money back.

I strongly urge this body in the last four or so weeks that we have in session here to not break down from our commitment. We have worked so hard to get to a balanced budget. Let us get there. Let us be honest about the numbers, and let us stop using the money that we borrow from Social Security to mask the true size of our deficit.

ASSISTING AMERICA'S FARMERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a very important issue, not only for people in my district, but I think for people all over the United States.

Yesterday morning I met with farmers in Kasson, Minnesota, and we talked about low commodity prices. For the benefit of Members who probably do not follow commodity prices and how they affect our farm economy and ultimately affect the entire economy, I would like to bring our colleagues up to speed.

Yesterday I think the posted price in Kasson, Minnesota, for corn was $1.44 a bushel. To inform my colleagues, the cost of production on that corn is somewhere north of $2 per bushel.

I know that some of our colleagues on the left are saying the problem is Freedom to Farm, that that was a huge mistake in the farm bill we passed several years ago, and that is the reason for that. It is curious, however, they were not complaining when the price of corn was in excess of $3 a bushel.

The truth of the matter is, allowing farmers the decision about where and how they want to plant their crops and which crops to plant on which acres, the whole notion of allowing freedom to farmers I think is a good idea and an idea whose time had come.

The problem is that we have lost over $5 billion worth of exports over the last year or year-and-a-half. That is $5 billion that has come right out of the pockets of farmers throughout the United States.

But it has particularly affected the farmers in the upper Midwest where we are very dependent on export markets. Why has that happened? For a variety of reasons. One is the decline in the economy in Asia. That was a very large export source for us, particularly in the upper Midwest. But $5 billion has come right out of the pockets of farmers. Coincidentally, this administration has failed to use nearly $5 billion in export enhancements. At the very time we need to export more, the administration has done less in terms of encouraging more exports.

What are we going to do about this? I think it is incumbent upon the Congress to respond, and to respond this fall. Obviously, because we have had relatively good farm incomes for the last couple of years, we are not in a crisis state yet, but we certainly will be, unless Congress takes some immediate and important actions and takes them yet this fall.

First of all, I think we need to make certain that the United States has a seat at the bargaining table as it relates to trade talks.

One of the most important things this Congress can do, and I hope we will do it next week, is to vote on Fast Track. As I talk to farmers around my district, and literally I have talked to thousands over the last month, one of the most important things they all tell me is that we need to pass Fast Track. Whether you are talking to the Corn Growers Association, the Soybean Growers Association, the Farm Bureau, virtually any farm group that you talk to put as one of their top priorities passing Fast Track so we can negotiate with our trading partners and get a bigger share of the world market out there.

The next thing we have got to do is make certain we enforce the trade agreements that we currently have with our trading partners. It is no secret that many of our trading partners are not living up to the agreements they have signed with the United States, whether it is the heavy subsidies in Europe or our friends to the north in Canada.

There is clear evidence, and now we finally have the administration filing a 301 petition in the World Trade Organization against Canada for some of the things they have been doing. They have not lived up to their agreements under the North American Free Trade Agreement as far as we are concerned, particularly on the issue of dairy. We see where they are continuing to try to keep American exports out of Canada. They are applying penalties to the United States and using some of that penalty so they can further subsidize their exports into other markets, further putting American producers behind the 8-ball. So we have to do more to enforce the trading agreements that we have.

Another point that has come up in many of my discussions with farmers is we understand that we have got to do all we can as a Nation to help rebuild those economies, particularly in Asia. The issue of the IMF, the International Monetary Fund, has come up at many of the meetings I have been at. I think there is generally support for doing something to try to strengthen those economies, but there is a growing concern, and I share that concern, that much of the money we have given to the IMF has been wasted.

In fact, I think Indonesia and Russia are good examples. When you look at the evidence of the billions and billions of American tax dollars that have been spent in those regions, we see very little evidence that it has made much difference. So I and some of my colleagues are talking to people here in Washington about rather than giving in to the administration's request for another $18 billion of American tax dollars going into the IMF, why do we not take at least half of that money and provide low interest loans to some of our trading partners so they can buy some of this surplus grain that we have here in the United States at low prices?

We are like that car dealer or that carpet dealer that is overstocked, and we are having a sale of the century. We ought to move that grain and use that money so that our trading partners can buy that at low-interest loans.

There are a number of things that we can do here in Washington in the next several weeks to improve the lot of farmers in Minnesota and around the country, and hopefully we can get that done.

MOVING FORWARD ON A POSITIVE AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take my 5 minutes this morning to stress again, as I have several times on the floor over the last week or so since we came back from our August recess, how important it is for us to move forward on a positive agenda that addresses some of the major concerns that the American people want us to deal with before this Congress adjourns in approximately four weeks.

I have to say the Democrats are united behind a strong and bold agenda which addresses the real challenges that face working families. Democrats have been working together over the last year and will be over the next few weeks to enact our priorities and deliver a clear message to the American people about what we stand for.

There are two main areas which I think need to be prioritized. One is the idea of saving Social Security first, and the other is a Patients' Bill of Rights, or HMO reform.

I am very concerned about what may happen this week with regard to a tax bill that is proposed to come out of the Committee on Ways and Means this Thursday and that will spend a significant portion of the so-called surplus that we allegedly have, but will not address the concerns over Social Security.

In fact, in today's Congress Daily, some of the Republican members of the Committee on Ways and Means who were concerned about addressing the Social Security issue actually were told that they will have to wait until next year to deal with that; we will do the tax bill first and worry about Social Security later.

Well, that is the wrong priority. We should be dedicating every penny, every penny of that surplus, towards shoring up the Social Security system, rather than providing short-term tax cuts that will primarily help the wealthiest Americans.

President Clinton said at the beginning of this year, and he has repeatedly said over and over again, that Democrats want to make sure that whatever surplus there is over the next few years is used to basically make the Social Security system sound, because we know that in another 20 or 30 years there will not be enough money in Social Security to pay for current levels of benefits.

What we also need to point out is that most of the Social Security trust that is in surplus right now has been lent, if you will, to the Federal Government, and has to be paid back with interest.

Well, right now if you look at that trust money that has been lent to the government and essentially been used, we do not really have a surplus in our general revenue funds, because we have to pay back that Social Security money that was lent to the government. So I will insist, I will insist, and I think that most of my colleagues in the Democratic Party will insist, that before any tax cut is given back and any money is spent of this so-called surplus, that we make sure there is enough money left to pay for Social Security.

That is not the case right now. There is not enough money in the so-called "surplus" to pay back what is owed to the Social Security system, and we should not be passing any tax cut bill or giving out or even spending money on new programs or priorities until we make sure that that money is available for the Social Security recipients.

The Republicans are going to try to mask that this week and pretend as if there is a surplus out there. There is no surplus when you think about the money that has to be paid back to Social Security. Let us not pass a tax bill unless we have a guarantee in that tax bill that the money will be set aside for Social Security before any more money is spent or paid out in tax cuts this year.

The second issue that I would like to raise, and I think we need to address before Congress adjourns in the next four weeks, is HMO reform. The Democrats have put forth a Patients' Bill of Rights. The President, again, in his State of the Union address earlier this year, emphasized that we need to pass HMO reform during this Congress. The Democrats have put forth a very good bill called the Patients' Bill of Rights that is real HMO or managed care reform. We need to pass this legislation before we adjourn.

Again, the key elements of this bill, I would just like to list some of the key elements of the Patients' Bill of Rights: Guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeal process, limits on financial incentives to doctors, assuring doctors and patients can openly discuss treatment options, and an enforcement mechanism that ensures recourse for patients who are maimed or die because of health plan actions.

The main thing we want to do with this Patients' Bill of Rights is we want the decision of what kind of care you will get, whether you will get an operation, whether you will be able to say, stay in the hospital a few extra days, have that decision be made by the physician and his patient, in consultation with the patient, and not by the insurance company.

Too many people have been denied care under their HMO policies or their managed care policies, and that should not be the way it is in this country. We have quality health insurance, but people have to be able to assure, if they need a particular operation, if they need a particular procedure, that they can have it.

That is what Democrats stand for, and that is what we will be fighting for over the next four weeks.

CUBAN TERRORISM AGAINST AMERICA CONTINUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized during morning hour debates for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise this morning first of all to commend the FBI. They yesterday carried out a very important operation in furtherance of United States national security, along with, obviously, other law enforcement agencies and the U.S. Attorney for the Southern District of Florida.

The United States is indeed blessed to have agencies such as the Federal Bureau of Investigation and our other law enforcement agencies, as well as the intelligence community generally, that works day in and day out to protect the national security of the American people.

Yesterday, the arrests that were made, ten in all, were of spies for the Cuban dictatorship, agents of the Cuban dictatorship engaged in activities, in espionage activities, to infiltrate U.S. centers of military, political, economic and academic power, as well as means of communication. That is the mission of the state security intelligence services of the Cuban dictatorship.

So when we see an action such as the one carried out yesterday by the FBI, all of the American people have to feel pleased, supported and protected, and in exchange I think it is the duty of all Americans to support the FBI, to commend the FBI and our other law enforcement agencies.

I think yesterday's arrests of Cuban spies in the United States underlines the true nature of the terrorist state in Havana. These arrests by U.S. authorities of numerous Cuban intelligence agents, I am sure, will serve to remind the American people of the genuine nature and continued threat posed by the Cuban totalitarian regime, just 90 miles from the shores of the United States.

Despite what is evident on behalf of the majority of the media and the means of communication is a total ignoring of the reality of Cuba. Just the night before, how ironic, CNN, that television network that has sometimes been referred to as the "Castro News Network" because of its fetish for seeking to make Castro at all costs look good, and I know that is something that is impossible, but it is continuously attempted to be done by CNN. CNN had provided one hour of prime time to the Cuban tyrant, one hour of prime time, with the main objective of giving him an opportunity to whitewash and somehow project that he did not in fact in writing call for a nuclear first strike upon the United States of America during the missile crisis in 1962. Castro, some of you may have seen the interview, pulled out these books of reports and tried to somehow say, obviously with no follow-up, absolutely no follow-up questioning by the CNN reporter, that no, he did not really mean to say that the Soviet Union should launch a nuclear first strike.

Well, how ironic, that just the next day, and a generation later, it is that same regime led by that tyrant that has spies in the United States that were arrested for precisely caring out activities against U.S. military and political centers of power.

So I commend the FBI. There is so much more that has to be done. There is an indictment that is prepared, it is ready, it was prepared by the U.S. Attorney in South Florida, against the Cuban regime. This was leaked out of frustration, by the way, by the U.S. Attorney to the press, when evidently from Washington the order came down that the indictment was not to be issued.

Prosecutors have an indictment ready charging the Cuban government as a racketeering enterprise for a 10 year conspiracy to send tons of Colombian cartel cocaine through Cuba to the United States. This indictment is ready. The evidence is available. It is overwhelming. The Clinton Administration has in fact ordered this indictment to be placed in a drawer and hidden. Because of the frustration, it was leaked to the media.

I have not even had time to address the dangers this morning to our national security from the nuclear power plants that Castro is building, but, Mr. Speaker, in coming days I will address on this floor those threats.

REPAYING THE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today, first of all, to commend my colleague from Washington (Mr. SMITH) who spoke earlier today. I was sitting in my office going through correspondence from my constituents when I heard his comments on the plan to spend the interest on the Social Security trust fund on a tax cut that is part of the Republican Party, the majority party's plan either to have this year or next year.

I think this is one of the largest mistakes that we could make in this country. I think we have to go back and take a look at the economic history, the fiscal economic history of the United States, to see where we are, how we got there and the risk that this plan provides to the American people.

It was not too long ago in 1992 when the country was looking at fiscal deficits in the range of $292 billion a year. In fact, if we go back to 1981, we see since that time the national debt has quadrupled to $5.4 trillion. In terms of our gross domestic product it has doubled to the level of 677 percent to the level of our Gross Domestic Product, something that no business or no state or local government in our country would allow their finances to get into. Interest on the debt has become the third highest Federal program since 1981, tripling over that time.

Now, after many years of very strong fiscal medicine to get our fiscal house in order, starting with the 1990 budget agreement that was passed by the Democrats in the House and the Senate, the 1993 budget agreement that was passed by the Democrats in the House and the Senate, and followed by the 1997 bipartisan Balanced Budget Act, the Congress has now been able to show the country that we can live within our means and get the budget in balance, and this year in fact we are looking at the possibility of a surplus in the range of $65 billion in the unified Federal budget.

But that should not cover over the fact that we still have this enormous debt, and it should not evade the fact that the total unified budget would only be in balance because of the huge surplus in the Social Security trust fund.

Some of my colleagues have suggested that perhaps the interest on the Social Security trust fund is not really the property of the Social Security trust fund or the beneficiaries. I would remind my colleagues, and I contacted the Treasury Department to get a copy of the bond that the Social Security trust fund is invested in, and that is a bond just like any American or anyone could go down to their bank or to their brokerage House and buy, and it is a bond backed by the full faith and credit of the United States Government, just like any other Treasury bond. It is not just the principal, but the interest that is paid.

The interest on the Social Security trust fund belongs to the beneficiaries of the Social Security trust fund. The idea that somehow you could bifurcate the trust fund, only giving the principal and not the interest, makes no sense at all. Certainly those of us who come from the business world, and I know many of my colleagues on the Republican side came from the business world, as did I, would never do anything like that. They would be laughed out of the marketplace.

But what this comes down to is taking money from the Social Security beneficiaries and using it for a tax cut, which we could not need. But even worse than that, what this would do is add to the national debt, that is already starting to consume a vast amount of our annual Federal budget.

And what does the Congressional Budget Office say? The Congressional

Budget Office says even if we stayed within the levels of the 1997 balanced budget agreement, but allowed for demographic growth, no increase in spending, with the growth in Medicare and the growth in the Social Security system as the baby-boomers come on line with retirement, that our national debt could get as high as 200 percent of the gross domestic product by the middle of the next century, which would mean that interest on the debt would become the largest Federal program and would start to squeeze out things like education, like national defense, as well as Social Security and Medicare.

Now, let me also remind my colleagues what the esteemed chairman of the Federal Reserve, who we often hear about on the floor of the House from both sides of the aisle, said about the situation. He was very clear in a hearing before the House Committee on Banking and Financial Services just a few weeks ago that paying down the debt was the most important thing we could do. In fact, he said the paydown of debt associated with the Federal surplus has helped hold down long-term interest rates.

Let us not spend the Social Security beneficiaries' money on a tax cut. Let us pay down the debt.

INFORM AMERICAN PEOPLE OF RESULTS OF ATTACKS ON TERRORISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, several weeks ago the President addressed the Nation and told the American people that based on convincing evidence he had linked the bombings of the embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, to Osama bin Ladin, the Saudi millionaire whose base of operations is in Afghanistan. He went on to say that he had given our Armed Forces orders to launch cruise missile attacks against these targets. The first, of course, was a terrorist training camp in Afghanistan. The second target was a pharmaceutical plant in Sudan where evidence pointed to the fact that it was being used to manufacture chemical weapons.

Mr. Speaker, what troubles me about this is that since these strikes were made, we have not heard anything more from the President or his administration about this matter. The question is, did we achieve our bombing objectives at these two sites? Where is Mr. Ladin today? Is he still alive and still operating in secret and conspiring against the United States, or was he in the training camp when we destroyed its base of operation in Afghanistan?

As the days went by after these retaliatory strikes were carried out, new information surfaced about the pharmaceutical plant in Sudan. On September 1st, the Los Angeles Times reported that Shifa Pharmaceutical Plant produced human and veterinarian medicines for the impoverished nation and the evidence about Mr. Ladin's financial stake in the facility had been overstated.

Mr. Speaker, the President owes this country a full accounting, because the orders he gave, which were carried out, could have far-reaching effects that impact every U.S. citizen living both here and abroad. There is a long history of terrorist activity against the United States. Sadly, our response has been weak at best.

I would like to read you a quote from Mr. Jensen, an international editor of the Rocky Mountain News in Denver in his article entitled "Responding to Terrorist Attacks." He states,

> Our government imposes sanctions on so-called rogue nations that sponsor terrorism, which hasn't altered their behavior one bit, but one makes no effort to go after terrorists on the ground. In most cases it does not even retaliate for terrorist attacks.

Mr. Speaker, we are a civilized nation and thus far have refrained from fighting terror with terror. Is that the answer? Mr. Jensen goes on to say that Israel, through the Mossad, has perfected the art of fighting terror with terror.

Mr. Jensen's article also points out that over the last few years, 90 foreign hostages, including 11 Americans, have been held in captivity by Hezbollah and its operatives. Eleven were killed or died while in captivity.

Such atrocities cannot be allowed. Do we as a nation deal with such vicious attacks against our citizens by seeking to use the rule of law? According to Mr. Jensen, in the few instances where we have retaliated, such as President Reagan's bombing of Libya and President Clinton's use of the Tomahawk missiles, the civilian casualties that resulted have caused such international outrage that our reasons for taking such actions were totally obliterated.

We must make our enemies realize that if they take action against our country, we will take swift and decisive action against them as well.

Therefore, it is not my intention this morning to criticize the President's actions, because I think they were justified, based upon American intelligence and foreign intelligence. Thousands of people were killed in Kenya and Tanzania, and I do not think we should stand idly by and pretend it did not happen. However, I am concerned that we have lost credibility in the international community because of the confusion about why we took the actions we did against these specific targets.

Mr. Speaker, my message is simple today: Mr. President, do you not think the American people have a right to know whether our mission was successful? Please tell us today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

PRAYER

The Reverend Dr. Kenneth L. Samuel, Victory Baptist Church, Stone Mountain, Georgia, offered the following prayer:

Let us pray. Gracious God, our help in ages past, our hope for the new millennium, and our strength to stand this day, we are deeply grateful for the amazing grace and the wondrous mercies which have established us and sustained us as a people. Lord God, we have seen you move in and throughout our history to cultivate us and to correct us and to challenge us to make real the vision of our national mantra: One Nation under God, indivisible, with liberty and justice for all.

We know that the challenge to secure the rights of everyone, without denying the rights of anyone, is easier said than done. We know that the distinction between mercy for our weaknesses and judgment for our wickedness is often difficult to discern. But we also know that for every noble vision, You provide sufficient provision. And so we look to You for divine direction to accomplish Your divine directive.

Father, when You have shown us the way, please give us the courage and the faith to walk therein. We thank You today not just for the blessings You have bestowed upon us, we thank You today for the opportunity to make our blessings count. We thank You today for the opportunity to demonstrate our greatness through our service to humankind, and in that light we ask that You would help us to become greater than we have ever been before.

We offer this prayer in the name of the Christ who came that we might have life, and life more abundantly. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Mrs. MYRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

REPUBLICAN MEMBERS DESERVE APPLAUSE FOR PLAN TO SAVE SOCIAL SECURITY WHILE PROVIDING TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this morning I heard a lot of demagoguery from this side of the aisle. And let me say that I am not one to brag about things, but I believe that the Republicans have found a sound, logical, and fair plan to save the Social Security trust fund.

Now, we might not be able to eat a pack of crackers and at the same time whistle "Dixie", like some of my liberal colleagues, but, Mr. Speaker, Republicans have come up with a plan to save Social Security while at the same time providing tax relief to the American workers.

The Republican budget surplus plan, the 90–10 plan, sets aside 90 percent of the general revenue surplus until we make good on our commitment to save Social Security. The other 10 percent will be used for real tax relief to the American working men and women.

No smoke and mirrors here, Mr. Speaker. While my liberal Democratic colleagues on the other side of the aisle would like to use the same surplus to fund more of the same bureaucratic nightmare programs that, frankly, make Baby Elmo look like Freddie Kruger, Republicans are fighting to use this money to shore up the Social Security trust fund and provide real tax relief to the American working families.

I applaud my Republican colleagues for their hard work on this historic legislation, and I urge all Members in the House to support the 90–10 plan.

IN HONOR OF THE EXHIBITION: LINUS PAULING AND THE TWENTIETH CENTURY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise today to comment on the Exhibition, Linus Pauling and the Twentieth Century, which will open in San Francisco on September 20th.

This national touring exhibition is dedicated to the late Dr. Linus Pauling for his extraordinary contributions to science and humanity. In 1954, Dr. Pauling received the Nobel prize in chemistry. He also won the Nobel Peace Prize in 1962.

The exhibition is designed to inspire audiences with the life of one of the greatest scientists and humanitarians of this century and to teach our children about the important role scientists can play in the progress of human culture and world peace.

Mr. Speaker, I want to recognize the role of Dr. Daisaku Ikeda, President of Soka Gakkai International, for his initiative in organizing this special exhibit. Dr. Ikeda, an international peace activist, developed a deep friendship with Dr. Pauling during the final years of his life, and their dialogue was published in a 1992 book entitled, "A Lifelong Quest for Peace."

Mr. Speaker, I take great pride in supporting this exhibition to promote the legacy of Dr. Pauling in the U.S. and around the world. I ask my colleagues to join me in honoring the opening of the Exhibition: Linus Pauling and the Twentieth Century.

CASTRO REGIME NOT READY TO REFORM ITSELF FROM TOTALITARIAN VISION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as if we needed more evidence about the national security threat posed to the United States by the Castro regime, the FBI yesterday arrested 10 individuals for operating a spy ring in the U.S. for the Cuban Communist regime.

The Cuban spy ring's mission was the collection of information about U.S. military installations and anti-Castro groups operating in Florida.

The FBI bust is the latest proof that after 40 years in power, the Castro regime has no intention of changing its totalitarian ideals or its hatred for the freedom and democracy represented by the United States.

Castro continues to support international terrorist groups, is constructing a dangerous nuclear power plant a few hundred miles from the U.S., and is said to be developing the capability for biological weapons. This does not sound like a regime ready to reform itself from the totalitarian vision that it continues to promote.

Those who continue to make excuses for the Cuban tyrant's behavior should finally wake up to reality.

AN AMERICA WITH TWO LEGAL STANDARDS IS AN AMERICA WITH NO LEGAL STANDARDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, if Joe Q. Citizen lied in a civil trial, he would be sued for every penny. If Joe Q. Citizen lied to a Grand Jury, he would go to jail. Lying is perjury. Perjury is a crime.

Now, having said that, what is going on here, Mr. Speaker? Does America now have two legal standards, one for you, one for me; one for he, one for she; one for generals, one for soldiers; one for Presidents, one for residents?

Let us tell it like it is. Joe Q. Citizen cannot apologize, Joe Q. Citizen is not censured, Joe Q. Citizen is prosecuted. And let me warn Congress: An America with two legal standards is an America with no legal standards.

Mr. Speaker, I yield back the balance of the lives of all of the soldiers that gave their lives fighting to preserve our freedom.

TRIBUTE TO SARAH DOOLIN OF HILLSBORO, ILLINOIS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. I would like to take this opportunity, Mr. Speaker, to commend a constituent of mine from the 20th Congressional District of Illinois: Sarah Doolin of Hillsboro.

At the young age of 16, Sarah is already an accomplished leader. As a leader of Brownie Troop 535, which is a position almost exclusively reserved for adults, she earned the J. C. Penny Golden Rule Award. In addition to these exceptional accomplishments, she has also done volunteer work at The Escape, and is a member of the 4-H Club.

With all the negative things in the news these days about young people, it is quite refreshing to be reminded there are many Sarahs all over our great Nation, demonstrating leadership by volunteering and taking the initiative in their communities. Thanks for restoring our faith in the future, Sarah.

NATIVE AMERICAN SUCCESS STORY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, we Americans are rightfully proud that our country is known as the land of opportunity. Unfortunately, Native Americans have not always enjoyed the upward mobility we are so proud of, but obstacles faced by Native Americans can and are being overcome.

Prior to 1970, for example, the Choctaw Indians had no industrial development, suffered from high unemployment, and were dependent on assistance from Washington, D.C. for their survival. But since then, under the leadership of Chief Martin, a persistent and entrepreneurial attitude has enabled the Choctaws to break away from Federal dependency.

The incredible progress enjoyed by the Choctaws is living proof that self-empowerment, private enterprise, and entrepreneurship are the keys to opening the doors of opportunity for all Americans, especially Native Americans. The governmental and business leadership of Chief Martin has made the Mississippi Band of Choctaw Indians, since his election as chief, a shining example of what self-determination is all about.

I am proud to join my colleagues in honoring the Choctaw tribe and Chief Martin's leadership.

TRIBAL ENTREPRENEURSHIP

(Mr. REDMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REDMOND. Mr. Speaker, as a Member from a State representing large Native American populations, I have taken a special interest in helping Native Americans and tribal businesses foster entrepreneurship and rigorous reservation economies.

Too often our Nation's Indian policies stifle tribal economic development in favor of big government solutions that continue to retard the developments of viable reservation-based economies. More devastating is that the rules and regulations that come with Federal control discourage private enterprises from investing and establishing businesses on reservations. The absence of a private sector to create wealth and employment for Native American people remains one of the biggest problems tribal leaders must confront.

I have risen today to join my colleagues to pay tribute to Chief Phillip Martin, whose belief in free enterprise and self-reliance inspired the Mississippi Band of Choctaw Indians to overcome its dependence on the Federal Government by creating a productive role for itself in the national economy.

Chief Martin recognized long ago that the key to becoming a self-governing tribe was in building a tribal government and educating and training their people.

BALANCING THE BUDGET

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, this Congress has accomplished something that was once considered impossible. When the other party controlled this House, some of their Members talked a good game about balancing the budget, but when I was elected just 4 years ago, the deficit stood at over $200 billion and, according to the Congressional Budget Office, was going to get worse, not better.

We said that we would balance the budget within 7 years by slowing the growth in entitlement spending, putting a flexible freeze on defense spending and making targeted cuts in domestic discretionary and other areas. We eliminated over 300 wasteful and unnecessary Washington programs and streamlined countless others.

Mr. Speaker, on October 1st, we will celebrate the first balanced budget in almost 30 years, 4 years ahead of schedule, and we will have a large surplus. We did it while keeping our promise to provide tax relief for working families.

Mr. Speaker, what a difference a Republican Congress has made.

□ 1015

CENSURE FOR THE PRESIDENT IS INAPPROPRIATE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there has been recent talk in the press and around the country since the release of the Starr report that censure of the President would be appropriate punishment. Under our Constitution, Congress has absolutely no power to censure a sitting President. Censure is an exercise for each body of Congress to discipline their own Members, not a sitting President. The only historical case of censuring a President was when Congress censured Andrew Jackson regarding the policy of the National Bank. It is clear that Congress acted outside its constitutional powers then because the censure was for policy differences, not because laws were broken.

If Members of Congress believe that the President has violated the law, Congress should move forward with courage and start the impeachment process rather than create a false solution by censuring the President. Either laws were broken or they were not broken. If they were broken, then we should step up to our constitutional responsibility and do what is necessary to complete it. The rule of law is the rule of law. That is what my argument would be, to follow the law rather than the censure and start the impeachment process if laws are broken.

URGING PRESIDENT TO COME CLEAN

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, it is with some pain and some chagrin as a friend of this administration, as a Democrat that I rise to say and really to echo the comments of some of my colleagues in both the House and the Senate, namely, my leader in the House and my leader in the Senate. For the President by his own admission has lied. He has lied about a situation that many in America have said perhaps justified——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The gentleman will suspend. The gentleman should avoid such references in regard to the President.

Mr. FORD. Well, I say this to my friend and my leader and my party. I would urge the President to come clean at this point. For he has admitted that he has lied. He has disappointed us in his party and disappointed many in this Nation. For it is difficult for those of us in this party and those of us in this House to continue to give the President the benefit of the doubt. Mr. President, please come clean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should refrain from references such as lying and directly addressing the President in debate on the House floor.

NO GOVERNMENT SHUTDOWN

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I note that there are stories that continue to appear in the press to the effect that we are facing a possible government shutdown. The fact is that, in my view, there is virtually no chance whatsoever that we will experience a government shutdown. The President has already made clear that if the Congress cannot get its work done before the fiscal year expires on October 1 that he will immediately sign any neutral short-term continuing resolution in order to keep the government open while the Congress does catch up to the schedule that it is supposed to be on. I would assume that the majority leadership of this House would make certain that such a short-term continuing resolution is in fact ready, because it is obvious that this House is way behind the curve in getting all of our appropriation bills done in the necessary time period before the beginning of the next fiscal year.

So I think rather than hearing more of this rhetoric about a possible government shutdown, I think that people need to be aware of the fact that there certainly is no predisposition on this side of the aisle nor is there any predisposition on the part of the White House to allow that to happen. And assuming that the House and the Senate meet their responsibilities to pass a neutral short-term continuing resolution that would take us sometime into October so that Congress would have a chance to produce an omnibus appropriation bill, because I assume that that is going to happen, there is absolutely no reason to expect that there will be a government shutdown in the wings. I just do not see that happening.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess for approximately 15 minutes.

Accordingly (at 10 o'clock and 21 minutes a.m.), the House stood in recess for approximately 15 minutes.

□ 1036

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 o'clock and 36 minutes a.m.

APPOINTMENT OF CONFEREES ON H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. KAPTUR moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4101, be instructed to agree with the provisions of the Senate amendment which provide funding for agricultural disaster assistance and reserve inventories, including the designation of such funds as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and with no offsetting reductions as provided in the Senate amendment.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from New Mexico (Mr. SKEEN) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to explain my motion to instruct conferees on this agricultural appropriations bill, and fundamentally this motion would require the conferees on H.R. 4101, which is the 1999 appropriations bill for agriculture and related agencies, to agree to the language in the Senate bill which provides funding for agricultural disaster assistance, including reserve inventories, and designates that assistance as emergency spending without offsets.

Mr. Speaker, there is a real crisis facing most American farmers and rural communities today, and many have been unduly affected by the drought and other extreme and unusual weather conditions. Some are suffering the impact of crop disease, and others have been impacted by falling farm prices and an increasing inability to obtain credit. While the rest of the country may be experiencing economic recovery, thousands of farm and ranch families and the communities that depend on them have been left behind.

But the current farm crisis is one that will eventually touch every American, rural and urban, if we do not address this problem and this set of circumstances immediately.

The Senate agriculture appropriation bill provides a total of $521 million in emergency spending to begin to assist farmers in addressing this crisis. My motion does not address the adequacy of the funding level. That provision was added in July before the true extent of the summer drought and its impact on crops and livestock could be known. The appropriate funding level is something that we on the Committee on Appropriations will be discussing with the administration, with the authorizing committee and the Members most impacted by this crisis as we move to completion of this appropriations conference.

But my motion does address the designation of the funding provided to assist farmers in crisis as emergency spending, as defined under the Balanced Budget and Emergency Deficit Control Act of 1985, with no offsetting reductions in other areas. This has symmetry with the Senate bill.

I know some of my colleagues on the other side of the aisle will argue that the Congress has been offsetting emergency spending since 1994 and that this emergency should be treated no differently than the other supplemental spending bills we have passed. Well, it seems to us that we have found a way to bend these self-imposed rules on offsets in selected emergencies. We have done so in the supplemental appropriation bill passed last year. We offset only domestic emergency spending, not the defense-related emergency spending included in that bill. Surely our Nation's farmers are as deserving of emergency assistance and designation, particularly this year, as have been our military forces in prior years, and the offsets used for the earlier domestic supplemental bills were primarily funds from the HUD section 8 housing program, funding which we will eventually need to pay back in that program to ensure adequate low-income housing for low-income citizens, particularly the elderly who need this program.

Mr. Speaker, we cannot continue to rob Peter to pay Paul when it comes to addressing funding for natural disasters and other emergencies. It is time to abandon the so-called budget shell games and face our responsibilities and address the real emergencies facing our country today.

Mr. Speaker, this farm emergency is real. Several of my colleagues who are here on the floor have districts more directly impacted by this crisis, and I will be pleased to yield to them so that they can discuss the severity of this crisis and the immediate impact on their constituents. I ask that the House support this motion to instruct conferees and send a message to America's farmers that we recognize the impact of this farm crisis, that we recognize the contributions that farmers and ranchers make to this country's economic success and the well-being of our families and that we are going to act in a responsible way to assure that they get the assistance they need to get beyond this crisis and continue to ensure the productivity of this Nation.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the distinguished ranking member of the subcommittee, the gentlewoman from Ohio (Ms. KAPTUR), bringing this matter before the House. We all know about the desperate situation in agriculture and the problems caused by flood and drought. These are the kinds of problems that we have solved together in a bipartisan fashion in the past, and I look forward to working in that same fashion again in conference to help our farmers and ranchers.

There already is a $500 million emergency spending provision accepted by the other body. It is what we call a plug or a marker, and I refer my colleagues to the debate in the other body on the bill in which it was understood that the amount and scope of any emergency disaster plan for agriculture would have to wait for the administration to submit a detailed package. It is now 2 months after the bill passed in the other body and much longer since bad weather and other problems hit our farmers and ranchers, and the Administration has yet to come up with a plan.

Now we heard that the USDA has a draft plan that will cost in the neighborhood of $1 billion, and then there is another plan or package in the other body that is estimated to cost $5 billion, and that plan was offered as an amendment yesterday, and it was tabled, but I understand the Administration supports or does not oppose it, and I expect we will see it again before the end of our conference.

So all Members should know at this point that we have several agriculture emergency spending proposals costing anywhere from $500 million to 6 billion, but we still do not know what, if anything, the Administration wants in the way of money, new programs or authorities. I had hoped that the Administration would have put something together sooner, but for whatever reason that did not happen, and yesterday was the most recent day by which the Administration promised us a plan, but nothing has been sent down to us.

□ 1045

Therefore, Mr. Speaker, I suggest to my distinguished colleague that she may also want to consider some kind of instruction to the Administration which says that there are some serious problems out there in rural America, and it should not take this look to come up with at least an outline of what needs to be done.

The Department of Agriculture has several thousand people here in Washington and throughout the country, and that is their job. If, for any reason, the Administration cannot or will not draw up a plan, they ought to say so now, because time is wasting and Congress will have to step in and do the Administration's work.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who has worked as hard as any Member, harder than most Members in this Congress on this particular issue.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her very much for her leadership by bringing this motion to instruct.

I have the greatest respect for the chairman and appreciate the comments he just made. What is before the body, however, is what we can do right now, and what this body can do right now is pass this motion to instruct our conferees to go ahead and accept the Senate disaster provision into the conference report for the agriculture appropriations bill.

Mr. Speaker, we have an unprecedented disaster facing farm country, and working together, Republicans and Democrats, we have to respond. It is estimated that we could lose up to one-third of the farmers in the State I represent if we do not do something meaningful. This is urgent. This is a crisis.

Our region, the Upper Great Plains, has been swamped by a 5-year wet cycle that has left 1.4 million acres inundated, under water, not able to be productive. In addition to that, the same wet cycle has produced a disease called Scab, which has devastated production, and for crop we are able to get that is afflicted with this Scab, we get steeply discounted prices. Just when we thought nothing could possibly get worse, we have a collapse in Asia markets and the price of wheat and barley is literally at a 50-year low.

Mr. Speaker, this situation is so dire that according to the Department of Commerce, farm income in North Dakota declined by an astounding 98 percent, a 98 percent decline in net farm income between 1996 to 1997.

Now, our pain, and our pain could not be greater, is spreading. We do not take joy in having company in our plight, but we do acknowledge that the drought which wiped out the 1998 cotton crop in Texas created dire circumstances for farmers in the southern plains; hurricanes have hit the Carolinas; commodity prices have been hurt from Maine to California. We have a disaster of national dimension and we must respond to it.

Now, the motion to instruct calls upon House conferees to take the action by delivering immediate assistance to America's farmers and to acknowledge the flat reality that this is an emergency. This is an emergency. Our response to it needs to be afforded the emergency status provided for in our budget rules and not be offset, but be funded under the emergency basis. That is the action the Senate took, and it will be key to our being able to make a meaningful response to the dimensions of this plight.

The motion to instruct conferees to accept the Senate provisions in light of the mounting farm losses will probably need to be plussed up. We are going to need more money than the $500 million in the Senate bill. I think that this motion, however, directs us exactly in the way we need to go. We have an emergency, we have to respond to it. Republicans, Democrats, farm country, urban legislatures, please unite to pass this motion.

Mr. SKEEN. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to place in the RECORD communications that have been sent to this House from the President of the American Farm Bureau Federation, Mr. Dean Kleckner, where the federation met with the task force representing 10 different State Farm Bureau Presidents to consider the situation that is facing rural America.

I would like to include their report in the RECORD, but I just wanted to quote one section here, which indicates that net farm income is projected to fall by over $7 billion this year, and the level of a $500 million disaster allocation will not begin to address this shortfall. They are asking Congress to focus on immediate remedies to redress producers, and given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

I think in view of the Farm Bureau's position over past years, this is quite a significant statement, and we appreciate their hard work in helping us resolve this situation for our producers across the country.

Mr. Speaker, I include for the RECORD the correspondence just referred to in my statement.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, September 11, 1998.
Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I recently appointed a task force of 10 state Farm Bureau presidents to consider the economic situation facing agriculture and to make recommendations regarding legislative and administrative changes necessary to increase farm income. The task force filed its report, and the leadership of the American Farm Bureau Federation wholeheartedly approved those recommendations. The attached report outlines the priorities that Farm Bureau believes need to be implemented to increase farm income and agricultural exports.

When producers agreed to support the FAIR Act in 1996, Congress assured them that its passage would be accompanied by regulatory reform, tax changes, private property protection, and trade policies designed to improve our global competitiveness. These commitments have not been met, thus exacerbating the current farm crisis.

I urge you to take immediate action to help alleviate the crisis currently facing farmers and ranchers.

Sincerely,
DEAN KLECKNER,
President.

REPORT OF THE COMMITTEE ON THE FARM ECONOMY, SEPTEMBER 11, 1998, BOB STALLMAN, CHAIRMAN

When producers agreed to support the FAIR Act in 1996, they were assured by Congress that its passage would be accompanied by regulatory reform, tax changes, private property protection and trade policies designed to improve global competitiveness and increase foreign markets. These commitments have not been met thus exacerbating the current farm crisis.

Farm Bureau has long been a proponent of balancing the budget and the "pay as you go" concept of offsetting increased spending with reductions elsewhere in the budget. However, the failure of Congress to fulfill its commitments necessitates immediate restitution by requesting emergency supplemental funding to assist producers facing depressed prices and/or weather-related disasters.

Farm Bureau firmly believes that current low price are not due to the failure of the FAIR Act. Instead, they are reflective of the failure to compete aggressively in foreign markets due to government restrictions and the inability or unwillingness of the Administration and Congress to fulfill their promise to open foreign markets for U.S. producers. With 96 percent of the customers living outside U.S. borders, these failures cannot be allowed to continue.

In the limited time prior to adjournment, Congress must focus on the agricultural issues which will immediately aid producers suffering through disasters and low prices, as well as trade issues where the impact may not be immediate—but if ignored until the next Congress—will adversely affect the agricultural economy for years to come.

The problems facing agriculture are diverse—low commodity prices, crop disaster losses, livestock feed losses, and export market barriers that have reduced overseas markets. A "one size solution won't fit all." Therefore, the proposed solutions address each of the problems individually.

Giving that background, Congress and the Administration must focus on the following agricultural priorities:

SHORT TERM NEEDS

Supplemental crop insurance payments

A crop disaster assistance program must be implemented. The $500 million in emergency funding included in the Senate agricultural appropriations bill is insufficient. It is imperative that any disaster assistance be implemented in a way that maintains the integrity of the crop insurance program. We must avoid sending a signal to producers that discourages them from further participation in the program.

The crop insurance program is so inflexible it cannot be adjusted to unique situations. It is incapable of responding to multi-year disasters and leaves producers unable to insure crops at a reasonable level. Supplemental crop insurance payments must be made for those suffering from disasters. Payments should not be limited to those suffering from multi-year disasters.

Sanctions Indemnity Program

Unilateral trade sanctions are costing American farmers access to critical markets. Those lost markets have caused poor market prices and reduced sales volume. Program and minor crop producers must be compensated for those lost markets via direct funding. Sanctions Indemnity Payments should not be restricted by any payment limitations.

Unilateral sanctions have become the weapons of the moment to address actions by our trading partners when the U.S. disagrees with some action they take. There is no record of unilateral sanctions producing anything favorable from either an economic or political standpoint. They simply shut U.S. producers out of needed markets. Our competitors are only too happy to sell in these markets. The U.S. earns the reputation as a unreliable supplier when sanctions are imposed.

There currently are about 120 unilateral trade sanctions in place. Over half of those have been implemented during the last four years. It is estimated that over 11 percent of the world's wheat market lies outside the reach of U.S. producers.

Changes to the FAIR Act

Congress must avoid abandoning the market-based policies of the FAIR Act. Producers are reallocating their resources in a more efficient manner than the government could ever dictate. The loan program is intended as a method to lessen pressure to sell at harvest time and spread sales throughout the marketing year. It is a marketing tool for producers, not an income support program.

Raising commodity loan rates or extending the loan period should be discouraged. Such action would be a clear signal to our competitors that once again we are willing to forego our markets and guarantee sales to them. It is a short term fix that has grave longer term economic implications. Any possible short term gains will be obliterated by storage cost, lower prices when the loans ultimately come due and the loss of world market share. Both farm producers and taxpayers would lose.

Disaster Feed Assistance Program

Funding is needed for some type of assistance to livestock producers suffering weather related disasters. Congress should fund a Disaster Reserve Assistance Program or Emergency Livestock Feed Assistance Program to reimburse those producers who have experienced disaster related losses for a substantial portion of the cost of purchasing feed.

PL 480

Several foreign economies are near economic and political collapse. Now is an excellent time for the United States to donate products to these countries. We support enhanced funding for the PL 480 program. Enormous opportunities exist for humanitarian and public relations benefits, in addition to an opportunity to impact market prices. It is important to provide relief to our long term customers who are at risk of liquidating their livestock sectors. These markets must be supported as they are future long-term customers for U.S. products. The PL 480 program should not only be used to help move product to traditional customers, but increased to include customers who may not currently qualify for GSM credits.

Credit relief

A change in current law to allow producers more flexibility in obtaining Farm Service Agency (FSA) guaranteed farm ownership and operating loans is necessary. Under current law, FSA can guarantee operating loans up to $400,000 and ownership loans up to $300,000. The caps should be combined to allow producers to borrow up to $700,000 from one or both programs.

The FSA guaranteed loan program should be expanded, particularly to assist young farmers and ranchers.

Current law generally requires FSA operating loans to be repaid within seven years. While Farm Bureau has long called for discontinuance of FSA lending to anyone unable to build up enough equity to get financing elsewhere after 10 years, the eligibility period for current borrowers should be extended for producers affected by disasters. Farmers should, at least, get the same treatment as other small businesses and homeowners do when floods, hurricanes, and other natural disasters occur.

Congress should oversee FSA's administration of the emergency loan procedures to ensure that application approval is expedited, paperwork is streamlined, and the process is more user-friendly.

Conservation Reserve Program (CRP)

There are currently 30 million acres under contract to CRP. Adequate funding should be provided to allow USDA to accomplish full enrollment at the authorized 36.4 million acres cap.

The announcement for the 18th CRP signup will be made this month. However, land accepted during that sign-up will not enter the program until October 1999. Entrance must be accelerated to early 1999.

In addition to the land traditionally accepted into the CRP, Congress should urge the Administration to target some of the newly-enrolled land towards mitigating emerging disease and pest situations such as wheat scab, potato blight and Karnal bunt.

Extended assistance

Since projections indicate that 1999 crop prices will not improve significantly, Congress should consider a two-year assistance program to help producers cope with current low prices expected to extend into the next crop year.

LONG TERM NEEDS

Trade issues

Fast-Track

Fast-track negotiating authority must be passed. Continuing to delay the implementation of fast-track is reducing critical time needed to define and advance U.S. negotiating objectives for the next round of multilateral negotiations, and the opportunity to realize meaningful gains in increasing market access. Discussions have already begun for the Free Trade Area of the Americas. Our trading competitors are not waiting for the U.S. to step forward as the leader but are moving forward to create agreements that we can only hope will not disadvantage the U.S.

International Monetary Fund (IMF)

Congress should act quickly to provide the full $17.9 billion requested for the IMF. The IMF was created to help stabilize national monetary systems in times of fiscal instability. Countries must be determined to be creditworthy to be eligible to participate in the GSM guaranteed loan programs. These programs make possible the sale of U.S. products into critical markets, and help maintain market share and product visibility. The IMF must have the necessary funding to address financial market instability as it occurs around the world. In order to break the Congressional stalemate, we favor basic reforms to IMF policies.

Sanctions Reform

Food and agricultural products should not be used as a foreign policy tool.

In just four years the U.S. has imposed 61 unilateral economic sanctions on 35 countries. These countries contain about 40 percent of the world's population, and thus, a large lost market for U.S. farm output.

Congress should pass legislation that would help prevent future useless embargoes or sanctions by requiring a reasonable evaluation of the consequences of imposing unilateral sanctions before they are imposed.

Market Access and Development Programs

Congress should fully fund the Market Access Program to the $210 million authorized and provide necessary funding for the Foreign Market Development Program. These programs need the expertise provided by a fully supported Foreign Agricultural Service that is expanded to cover all existing and potential market posts.

Tax issues

The next tax bill should include the Farm and Ranch Risk Management Accounts (FARRM). This would encourage farmers and ranchers to save for a "rainy day" by allowing them to deposit up to 20 percent of pretax net farm income into an interest-bearing account. Funds could be withdrawn and taxed over the subsequent five-year period.

Congressional efforts should also be focused on addressing farmers' cash flow problems this fall and winter. Tax legislation should include lengthening of the net operating loss rules so that net operating losses could be carried back more than two years and acceleration of the health insurance tax deduction for self-employed individuals.

Crop insurance

The crop insurance program must be fixed. Congress and the Administration must take a hard look at this program to determine how to make it a more viable risk management tool. For several years, we have attempted to "tinker" with the program. We will "tinker" again this fall due to the inadequacies and lack of flexibility in the program. With an increasing number of producers relying on crop insurance as their primary risk management tool, Congress must commit to spend the time, effort and money to overhaul it. This obviously cannot be done prior to adjournment. However, a commitment by the House and Senate leadership to schedule floor consideration of major program changes early next spring would send a very positive signal that it does not intend to let the inadequacies linger.

Funding

Net farm income is projected to fall by $7.4 billion in crop year 1998. A $500 million disaster allocation will not begin to address this shortfall. Because the agenda to which Congress committed is woefully incomplete, Congress must focus on immediate remedies to redress producers. Given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

The AFBF Committee on the Farm Economy urges Congress to adopt the above recommendations to insure the future viability and competitiveness of U.S. agricultural producers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, as we wrap up our work on the fiscal year 1999 agriculture appropriations conference report, I want to reiterate the importance of emergency-designated funding to assist farmers, ranchers, and producers.

During my August break, I met with over 450 farmers and ranchers in my congressional district, together with FSA administrator Keith Kelly, and we heard about the emergency crisis that they are facing. I am particularly concerned about the agriculture sector in drought-stricken regions such as my home State of Texas.

There is no question that more funds are needed. At the minimum, the amount contained in the Senate-passed version of this bill is what needs to be adopted. This $500 million is to be but a starting point. Personally, I feel this amount should be increased to $2.5 billion. Under the emergency situations that we face, that is what we should be looking at to help them out.

My concern is that no matter what action is taken today, it may be too little too late. There are a large number of farm products producers; yes, hard-working agricultural producers who meet our Nation's food needs. We have to make their concerns our top priority, and I respectfully request that my colleagues join me in supporting this motion today.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas (Mr. HINOJOSA). I know that the pain and suffering that is being borne by farm families in that region of the country is particularly acute, and we want to commend the gentleman from Texas for his leadership and for his willingness to come down here today and help us on that measure.

Mr. Speaker, I yield 4 minutes to the very distinguished ranking member of the House Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of this emergency declaration motion to instruct conferees in the conference on the agriculture appropriation bill. I wish there were other ways in which we could deal with this. I would hope that the House Committee on Agriculture would soon come together and begin to address this question from the perspective of our committee.

This problem is much bigger than the Senate anticipated. I think, as others have said, that it is very clear that $500 million will not begin to address the devastation that is occurring in farm country. We have the natural disaster which we are addressing here. On top of the natural disaster, we have an economic disaster of low prices that I think a lot of people perhaps cannot fully appreciate. A lot of concern has been expressed about a 20 percent drop in the stock market. If it goes to 20, we are in a recession.

Well, corn prices are 30 percent below the average of the past 5 years. Think about this as I recount some of these numbers. If one thinks of any other part of our economy, or very few parts of our economy in which the last 5-year average of prices and/or salaries that this year would be projected 30 percent below that, and then looking ahead to 1999 is getting no better, I think one can begin to appreciate the full economic problems facing American farmers and ranchers. Wheat prices, 28 percent below. Cattle prices, 17 percent below. Net cash farm income, 43 percent below the average of the last 5 years.

This is what we are dealing with, and the frustration that I have today is nobody seems to be concerned about it from the standpoint of doing what we should normally do, and that is address it through the committee system, working with the Secretary of Agriculture.

I heard previous speakers talking about the blame game and the fingerpointing to the administration. Perhaps there is some of that that is due, but there is also a blame game, and I was reminded of this when we start pointing fingers, I was reminded that when one points a finger, be careful, there are usually 3 pointing back at you.

This should not be a partisan argument. This ought to be today the beginning of an honest and sincere effort to address a very serious economic situation that is facing those who produce food and fiber in the United States. At home, we are talking no longer about farmers and ranchers going out of business, we are talking implement dealers, we are talking the support groups, we are talking the small towns and communities. One cannot take 30 percent of the economy out of the rural community and not have devastation. That is what we ought to be talking about today, and that is why I commend the gentlewoman for this motion to instruct.

I think it should be clear, though, that there are so many other areas that need to be addressed. There is so little time remaining, 18, 17, legislative days. Mr. Speaker, let us not waste them in talking about other activities; let us go to work, roll up our sleeves and deal with it.

Mr. Speaker, I look forward to working with the Committee on Appropriations as a member of the House Committee on Agriculture. I see my chairman is here, and I would hope, and I know that the gentleman from Oregon (Mr. SMITH) is very concerned about this and is doing what I am about to say already. But the problem is that we need somebody else to listen to us, and the leadership of the House to say, let us seriously and sincerely begin to address this. Certainly our side of the aisle will reach out and work with my chairman and the members of the House Committee on Agriculture and the gentleman from New Mexico (Mr. SKEEN), and I know where his heart is on this, and the gentlewoman from Ohio (Ms. KAPTUR).

The bottom line is, as of today, we feel like that there is not very much being done, other than what the Senate has done. They have made a good step forward. We need to join in that and begin to build upon that to avoid a terrifically serious problem becoming even worse if we choose to do, through inaction, what we otherwise should do.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

I have worked for the last few months with the gentleman from Texas and others interested in agriculture to try to reach agreements which would benefit the agriculture community in this Nation on a basis of trust and mutual respect, and to attempt to keep this question, which is so likely to slip into partisan politics, out of that arena. So I must remind Members that we have already taken action, and this leadership, by the way, has taken action to support agriculture in this country, and the gentleman from Texas will remember, with the Square Deal for Agriculture, which included lifting sanctions in Indonesia, which included normal relations with China, and that I join him and he joins me in the effort to pass funding for IMF and for fast track.

□ 1100

To some, those are long-term kinds of solutions. However, certainly lifting the sanctions and the immediate purchase of wheat by Pakistan was not a long-term program.

Since that time, we have searched to find ways to put cash in the hands of agriculturalists in this Nation without distorting world prices for commodities. We have done that by moving the transfer payments, as the gentleman well knows, and he was a part of that, to place in farmers' hands some $5 billion by the 1st of October, which were transfer payments under the AMTA program, in their hands for their discretionary use.

Now, beyond that, there have been identifications of disaster in the gentleman's portion of America as well as continuing problems in the upper northern States of North and South Dakota and Minnesota where they have had, not 1 year, but 6 or 7 or 5 years of loss due to Scab and other problems in that area.

I have been dedicated to try to find an answer to assist in disaster as well as those ongoing problems in the upper northern States as well as trying to address the horrible revenue reduction which Agriculture has sustained as identified by the gentleman.

So we have had an unfortunate set of circumstances likely, and not having occurred in the recent past, and that is simply a disaster on the one hand in agriculture coupled with and together with a huge reduction in income to farmers.

This does not take and should not take a motion to instruct to get my attention or anybody else's attention. I disagree with what the Senate did. This sounds like we are going to agree with the Senate. The Senate is inadequate, $500 million does not touch this problem. If I thought it did, I would throw my arms about this amendment and say here we have done it. Congratulations. We have solved the agriculture problem. That is silly, and I am not going to do that.

But I am going to suggest this, that while we are putting together a program which must pass this House and the Senate, we ought to be cautious to work together on a program that makes sense and that is judgmental and that addresses each of these issues, disaster, loss of revenue in agricultural country. That is what I am up to. That is what I am about.

So I suggest to my colleagues this is not the way to legislate this issue. This may be a well-meaning amendment. It does not even address the minimum problems we have in agriculture. Vote this down. Give us a chance, hopefully, to work together, because if we do not, we do not answer the question. Let us let farmers make up their choices, but let us do the best job we can.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to the remaining time on both sides, please.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 16½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 22 minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to note again that the motion to instruct does not set a dollar level. There was a reference by the prior speaker of $521 million. The motion to instruct does not address the adequacy of the funding level. All it does is says that this assistance should be in the form of emergency spending as in past supplemental bills that have dealt with defense, for example. So it does not set a level.

Let me also place on the record if I might some of the figures that have been given to us from various States in the union. For example, in the State of Georgia, where the farmers and ranchers have been subjected to freezes, floods, and now drought through much of last year and this year, farmgate losses there are estimated to be three-quarters of a billion dollars, over $767 million as estimated by the University of Georgia extension economists.

The gentleman from North Dakota (Mr. POMEROY) talked a lot about the losses in North Dakota. I know that the gentleman from Minnesota (Mr. PETERSON) will shortly be addressing the Minnesota situation and the Red River Valley in general.

But the amount of flooded acres are at historic levels over several years with the compounding factor of wheat Scab there and of course record low prices that are even putting a further downdraft on farm income and productivity in all of these places.

If we look across the country, USDA, as well as private forecasters, are not expecting price conditions to do any better for the near future due to freezes, floods, droughts, hurricanes, fires and for sure the Asian financial crisis which is affecting our markets and our ability to sell.

We know that up to a quarter of the farmers in many States will not get financing to put in a crop this fall or next spring and bankers are calling in and asking the U.S. Department of Agriculture to provide assistance.

So this is not a problem that is diminishing. This is a problem that appears to be growing as we move through 1998. Texas losses already are at over $2 billion as our esteemed colleagues, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. HINOJOSA) have reminded us.

We have drought currently spreading from the southwest up to parts of Kansas, Missouri, Arkansas; in the southeast all the way to Virginia where over 400,000 acres are affected by drought. We have fires in Florida. We have seen those on television and even floods in my own home State in Ohio as well as Michigan. So this is a national problem that demands a national solution.

Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. MINGE). I thank the gentleman so very much for coming down and for his leadership throughout this past year on these issues of concern to our farmers and ranchers.

Mr. MINGE. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me.

Mr. Speaker, I also would like to express my appreciation to the chairman of the subcommittee for his leadership on behalf of agriculture. It is very important that, in this time of agricultural crisis, that we pull together, that we work on a bipartisan basis, and we try to make sure that the necessary legislative response comes before we adjourn in October.

We do not have many opportunities to take this up. Uniquely, this agricultural appropriations bill is one of those opportunities, if not the only opportunity.

So in that context, I would like to express what I have heard from the bankers, the farm equipment dealers, the farmers, and others in my area as to what we have to do.

I would like to preface this by saying that, as all of us recognize, the agricultural economy is in an economic freefall. If we do not act, we face the prospect of farming as we have known it in much of America being transformed, not for the better, but for the worse within a period of about 18 months.

First, with respect to administration, I have heard that the Farm Service

Agency at the local level is suffering every bit the problems that the Defense Department is suffering from, and the gentleman from Florida has spoken about it so eloquently.

If we are going to take up the Defense Department's needs, I submit that we must take up the needs of the Farm Service Agency so it can deliver and administer these programs at the local level.

I have received calls from people I know in church and otherwise on their own time that work at the Farm Service Agency saying we do not know what to do. We have mountains of paperwork that are building up in our offices. We must respond to this.

Secondly, we have loan guarantee, direct loan, and interest buy-down programs. These programs have worked well over the past several years. They have served agriculture well. They have been supported on both sides of the aisle.

Unfortunately, we have spending caps that we have had to impose on these programs. But the bankers are telling me that, if we do not have these interest buy-down, loan guarantee, and direct loan programs that we are not going to be getting the crop in in 1999.

We have to expand these programs so it is not just having them but it is expanding them. I submit that we ought to double the loan guarantee authority that we have, given the interest buy-down and the direct loan. This, again, is an appropriations problem.

I would like to emphasize that we are all searching for a way to deal with the question of prices.

The question of prices, how do we respond to this? There are many choices, there are many opportunities, but I would submit that the easiest is to take something we are all familiar with, the loan marketing program, or the marketing loan program, uncap the loan rate, move it up to 85 percent. We can use the loan deficiency payment approach; we can use the forfeiture approach, whatever is going to work, but that is a program that is in place that the farmers are familiar with, that the U.S. Department of Agriculture is familiar with and we can implement immediately.

I submit that we ought to do that. We ought to move on it.

There are many other items I would like to address but I would just like to leave this thought with you in closing: The bank examiners, in a sense, haunt the process. They have to make sure that our banking system is operated with integrity. Unfortunately, when cash flow statements do not make any sense; the bank examiners say to the banks, those are not going to be performing loans. Those are criticized loans. We have to make sure that the lenders in the farm economy are able to do cash flows with their farmers that show a prospect for repayment of the loans and that these are not criticized loans. If we do not act in a way that I have outlined, it cannot happen.

I submit that the motion to instruct is at least a positive development to move this along.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, there is no question that our agricultural community is in danger. One out of three farmers in Oklahoma this year is at risk, one out of three ranchers, but what this proposal portends to do is to take money that we do not have and take it off the balance sheet and say, children, you pay for this later. Social Security, we will take it out of you again.

What we have to do is to recognize that we have a need in the agricultural community. That need does not obviate our need to be fiscally responsible in other areas of our government budget.

I am going to support lots of things to help our farmers and additional monies, but it is incumbent upon us to pay for it, to not just say, here is money, we are going to just add it to the debt, our children are going to pay it back, or, better yet, the money that is there we are going to steal from the Social Security surplus that is coming right now, because that is what this instructs our conferees to do, to take the money away from our children or away from the seniors.

My question is: Is there not some place in the Federal grandiose budget that we can say we can cut so we can help our farmers? The question is not about whether or not we can help our farmers, and the question is not whether or not we should.

The question is: Who are we going to hurt to help our farmers? The assumption is if we cannot do that, if it is not possible for us to do that, then what we are saying is this government is running efficiently, there is no waste, there are no areas that we should be able to rescind to be able to pay to help our farmers.

I think that the vast majority of the farmers in this country, the farmers and cattle ranchers in this country, want us to find it somewhere else. They do not want to put this money off on their children because that is exactly where it would go. The American public should know that declaring it an emergency means we do not have to pay for it. The hard work of being a Member of this body to find out the most efficient way to run this government is thrown out the door, and we just add it to the debt.

So we have two problems. One is, our farmers and ranchers are in trouble. We need to help them. The second problem is, we do not help them at all in the future by taking the money from our children or from the Social Security trust fund. That is exactly where this money will come from.

Let us find it. Let us do the hard job that we are paid to do to find the money to solve the problem for our farmers. We can do it. We can do it in a bipartisan manner. We can find this money and we can serve our farmers and ranchers well.

I will be asking for a recorded vote on the previous question in order to enable that we can offer a way to offset these funds.

Ms. KAPTUR. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I appreciate the dilemma that the gentleman from Oklahoma (Mr. COBURN) has posed. I certainly join with him in a commitment to balance the budget, but first let me point out we do not even have a budget resolution we are operating under. Who knows what the budget is for agriculture? Until we get a budget resolution, I submit, we do not have the leadership on the majority side on this vital matter.

Secondly, we are going to be treated to a request that this body approve $80 billion in various taxes.

□ 1115

Where is that money coming from? From Social Security? If we have that amount of money, I submit we ought to also be considering what can we do for America's farmers. We must do something for this sector of our economy.

Finally, we are going to be considering supplemental appropriations in many other areas, the Defense Department for one. If we cannot consider this for the American farmers, I think we have abdicated our role in Congress.

Mr. SKEEN. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just say that I agree with the gentleman from Minnesota (Mr. MINGE), that there should not be the first tax cut until we have secured our children and the seniors in this country and what has been promised to them.

But there also should not be the first penny left in Washington for us to spend that does not go towards those two goals. So, I will agree with the gentleman and he will find my vote lining right up there. But that does not say that we should not do the right thing now. Because somebody else is going to do the wrong thing does not mean that we should follow them down that road. Mr. Speaker, we should, without a doubt, pay for any supplemental spending to help our farmers and ranchers.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to time remaining.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 9 minutes remaining, and the gentleman from New Mexico

(Mr. SKEEN) has 18½ minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who has been such a leader on trying to get assistance to our farmers and ranchers.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Speaker, I would say to the gentleman from Oklahoma (Mr. COBURN), I sympathize with a lot of what he is saying. But I would like to point out again that we do not have a budget at this point, and that is frankly one of the problems.

Mr. Speaker, I come from an area, and I just spent last weekend out talking to farmers again, where they are telling me up in the north part of my district that 70 percent of the producers are not going to be able to get money to get in the field next year.

We are in an absolute crisis situation. I think all of us would like to pay for all of these additional appropriations, and I hope that we could find some way to pay for this. But my concern is that we might get into a situation where we cannot find the money and then nothing happens.

We have an absolute desperate situation because of things beyond our control, because of disease problems, to some extent because of weather problems, but mostly disease problems. We need some kind of an immediate response. Should have been one 2 years ago.

Mr. Speaker, while the rest of the country has been experiencing pretty good crops in most of the areas, and the prices have been a lot better than they are now, we were experiencing a situation where we did not have anything to sell. During the time when the prices for wheat and corn were considerably higher than they are now back in 1996, we did not have a crop because it was wiped out by scab and Vomitoxin and floods.

So now this year we have a fairly decent crop in some of the areas, but it is not worth anything. What has happened is the farmers have lost their equity. Next year, the situation does not cash flow because of the prices that we got. We need some kind of response if we are going to keep these folks in business.

Mr. Speaker, if this is not an emergency, I do not know what is. I think that I am going to support this motion because it is a step in the right direction, but I do not think it is enough money to deal with the problem. I think that we need to look at solutions such as the administration is working on right now, as I understand it. They are looking at a proposal where if farmers had a crop insurance loss 3 years out of 5, that they would pay 25 percent of the crop insurance that farmers receive during that time as a direct payment. That would be a step in the right direction.

I also would encourage the Members in this body and the administration to look at a proposal that has been put forward by some folks in our area where we could set up a land diversion program where we would turn this land black for 3 years and try to get this disease out of the system. That would be something that would be very helpful to us.

Again, there would be some cost to that proposal. But, again to reemphasize, we have gone through a situation where we have some farmers that have not had a crop for 5 or 6 years, have not had a thing to sell, and have eaten up their equity. If we are going to keep the fabric of that part of the country together, we have to have some kind of a response.

Mr. Speaker, I implore my colleagues to support us in coming up with something yet before we adjourn this session, so that we can go back to those people with some kind of hope that they can farm next year.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to point out, one of the previous speakers expressed some concerns about the budget. I just want to say that of all the subcommittees in this House, this Subcommittee on Agriculture has taken more cuts, has laid off more people, over 10,000 at the U.S. Department of Agriculture, has consolidated more offices at the local level, has had to cap research dollars below levels at which we would prefer to fund them. We have had to cut back on our trade promotion programs at a time when we are having trouble with exports.

If we look at the choices that we have had to make, there has been no more responsible committee or subcommittee in this Congress than this Subcommittee on Agriculture. If one is concerned about attempting to deal with balancing the budget, we have done more than our fair share.

I would hope that the gentleman from Oklahoma (Mr. COBURN), in trying to find a true answer to this, could look across accounts, including to some of the accounts that are outside the jurisdiction of this committee.

This is an issue that the Committee on the Budget should have dealt with. We do not have a budget resolution this year. Why should the farmers and ranchers of this country be asked to pay the price of the Committee on the Budget inside this Congress that did not do its job?

It just seems to me that we have taken the hits, substantial hits in this committee at a time when rural America is crying out to us for attention. It would be a travesty not to meet our public obligations to the people who are producing the real wealth of this country simply because some procedural group inside this Congress, not this subcommittee, and not this full committee, did not do their job.

So, I think we have a higher calling here today with this motion to instruct. We welcome the gentleman's support and ideas as we move forward here. But, please, understand what is going on on this budget situation. It is not the work of this subcommittee, nor the full committee, nor in fact the Committee on Agriculture of this Congress, but other problems that we are facing in other venues here. There is no reason we could penalize the farmers and ranchers of this country because of the inaction of some elements of this institution and the other body.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time, and I associate myself with her remarks concerning the work of this subcommittee, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) and their fellow members. The problem we face is not their fault. In fact, they have done an admirable job in dealing in a very, very judicial and positive way with a very tight budget.

But I want to speak to the question that the gentleman from Oklahoma (Mr. COBURN) brought up just a moment ago, because he is right on target with one major exception. That is if we are truly to work out the expenditure cuts in order to fund this particular need of an emergency, that must be done supporting a budget that can get 218 votes.

If the gentleman will remember, and just for the body's recollection, those of us who had a slightly different opinion of what this budget ought to look like this year, those of us so-called Blue Dogs, were denied the opportunity even to debate our ideas on this floor when we had the opportunity to talk about this issue. The leadership of the House chose not to even let the free exchange of ideas occur on the floor of the House as some of us would like to have talked about this.

So, it is important for this body to understand those of us who bring this resolution today, admitting it is inadequate, admitting that it is muddying the water, but unless the water is muddied, some of us believe that nothing is going to happen because we will never be able to get the perfect plan.

Later this week we are going to debate an $80 billion tax cut with Social Security trust funds. I agree with the gentleman, any dollars that are spent for any purposes are coming out of the Social Security trust fund. Therefore, I am going to be very judicial with how many of these dollars, and I will reach out and work with the gentleman from

Oklahoma and anyone else that can help us find those dollars.

But I believe someone has already spoken to the fact that we have got a potential growing emergency in the defense areas of this country that I am very concerned about also. And, therefore, perhaps it is time for reasonable heads to get together and start working on a plan that can be supported by 218 votes that meets the needs of this country.

Mr. Speaker, today we talk about agriculture. We made that argument. But I think it is going to be "fess up" time and "honest up" time for a lot of us. The concern I have, and why I asked to speak again, is I am afraid that we are going to pursue a process in which we have all kinds of ideas, but no one ever gets 218 votes and we end up pointing the finger of blame. Rural America cannot stand that.

Mr. SKEEN. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just ask the Members to please support our motion to instruct in order to assure that the farmers and the ranchers of this country in many cases are allowed to plant a crop, to move their livestock, to keep this country whole in its economy and moving forward.

Mr. ORTIZ. Mr. Speaker, I rise in support of this motion to instruct conferees because of the grave drought situation affecting the farmers of south Texas and the difficulties they are facing with the Crop Insurance Program's coverage of their crop loss.

My office has heard from farmers, bankers, and those in the farming industry who have experienced their fifth straight year of weather related crop losses. Assistance under the emergency status designation for Texas agriculture producers is definitely needed.

I am here to voice the concerns of these farmers in Washington and urge that disaster assistance alleviating this situation be made available.

Mr. SANDLIN. Mr. Speaker, over the last month, donated hay has come to Texas from Missouri, Kansas, Illinois, and other states across the country. The free hay is a near miraculous sight for many East Texas ranchers and a wonderful tribute to the generosity of the human spirit. However, in all but a few cases, the hay will provide only a stopgap measure until the cattle producers can find another way to purchase hay.

Most of the state's pasture land is still rated as poor or very poor, and my district in East Texas is one of the driest regions in the state. For months, parched fields have forced Texas ranchers to purchase feed or hay to feed their herds. The dry conditions and the increased demand, however, have made hay scarce and expensive. Texas ranchers are spending an average of $3.5 million a day in extra feed costs to support their herds.

All agricultural producers in Texas, not just the ranchers, are suffering through the second severe drought to hit Texas in three years. Total farm and ranch losses from the drought are now estimated to reach $2.1 billion statewide, with an overall impact to the state economy estimated at $5.8 billion. Other factors, such as a glut of foreign cotton and bumper crops of grain in the Midwest are driving down commodity prices and compounding an already disastrous year for Texas farmers.

I return home to East Texas every weekend, and every time I do, I hear from another farmer who doesn't think he will make it to next year. Mr. Speaker, these are families who have been farming and feeding the country for generations. These farmers are highly skilled and very efficient, but no farmer, no matter how competent, could get through this year unscathed. And it is not just the farmer who suffers—every time East loses a farming family, the ripple effect is felt throughout the local economy.

Mr. Speaker, we absolutely must take this opportunity to address the crisis in the Texas farming community. We have to provide emergency funds to give the USDA the flexibility to address the needs of Texas farmers and ranchers. With emergency funding, Secretary Glickman can fund the Disaster Reserve Assistance Program to provide feed assistance to ranchers and provide increased flexibility for indemnity payments to producers who have lost their crops. It is only an initial step, Mr. Speaker, but it is a step we must take as soon as possible.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the motion to instruct conferees to agree with the Senate amendments to the Agriculture Appropriations Bill for Fiscal Year 1999 providing emergency funds for agricultural disaster assistance. Our nation's farmers and ranchers, especially those in Texas, have faced extremely difficult financial times due to brutal natural disasters and very low commodity prices over the past five years. They need these emergency funds, and they need them now.

Texas farmers have suffered extraordinary losses. This summer's extreme heat and drought conditions have resulted in near total crop losses for every county I represent. The drought has forced many Texas ranchers, who cannot afford to feed cattle any longer, to liquidate their herds. The crisis has cost the state nearly $2 billion in economic losses.

Our nation cannot sustain this type of loss. Farmers and ranchers in Texas and other states deserve our assistance in this time of extreme need. They feed us and clothe us providing high quality agriculture products throughout the year. Supporting the Senate amendment for emergency funding is an essential step in the right direction.

We cannot afford to put anymore farmers and ranchers at risk. Although the Senate increase is minimal, it is necessary insurance for our nation's farmers and ranchers who risk losing their livelihood.

Mr. BISHOP. Mr. Speaker, after experiencing one weather-related disaster after another, including this year's drought, the future of production agriculture and family farming in middle and south Georgia faces a threat of almost unprecedented proportions.

This is not a sudden, overnight crisis. Farmers, bankers, and communities dependent on production agriculture have been in a crisis mode for some time.

Our farmers have faced a threatening situation that has now become even more severe.

Over the past few weeks, I have visited farms to meet with farmers all across the Second District and to see first-hand the destruction that has been wrought by the droughts and other disasters which have struck our area. Indeed, as mentioned by Ms. KAPTUR, the University of Georgia has estimated farmgate value lost this year at over $767 million.

Farmers want indemnification payments that will give them the same kind of safety-net our government offers to other nations in Asia, such as South Korea, Thailand, Indonesia and the Phillippines—to bail them out in their time of crisis.

Farmers want relief from high production costs and low commodity prices.

I promised I would carry that message back to Washington and work with my colleagues in Congress and the Administration to get some relief.

I am pleased to join my colleagues in supporting this motion to instruct the Ag Appropriators to designate disaster spending as "Emergency Spending" under our current Budget Rules.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

Mr. SKEEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 331, nays 66, not voting 37, as follows:

[Roll No. 430]

YEAS—331

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert

Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Gordon
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (FL)

NAYS—66

Archer
Barr
Bartlett
Brady (TX)
Burr
Campbell
Cannon
Christensen
Coble
Coburn
Cox
Cubin
Doolittle
Duncan
Ensign
Ewing
Fox
Frelinghuysen
Goodlatte
Goodling
Greenwood
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Istook
Johnson, Sam
Jones
Klug
Largent
Latham
Leach
LoBiondo
Manzullo
McIntosh
Moran (VA)
Myrick
Neumann
Nussle
Pappas
Paul
Paxon
Petri
Pitts
Pombo
Radanovich
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (OR)
Snowbarger
Stearns
Sununu
Taylor (NC)
Tiahrt
Wamp
Weldon (FL)

NOT VOTING—37

Clayton
Engel
Eshoo
Fattah
Gonzalez
Goss
Graham
Green
Harman
Hastings (FL)
Jefferson
Kennedy (MA)
Lewis (GA)
Manton
McGovern
McIntyre
Meeks (NY)
Mink
Morella
Nadler
Oberstar
Owens
Pelosi
Poshard
Pryce (OH)
Riggs
Rohrabacher
Schumer
Smith, Linda
Stabenow
Tierney
Torres
Towns
Velázquez
Weygand
Wynn
Young (AK)

☐ 1149

Mrs. CUBIN and Messrs. SENSENBRENNER, GOODLATTE, COX of California, WELDON of Florida, PAXON, WAMP, GREENWOOD, TAYLOR of North Carolina, FOX of Pennsylvania, and COBLE changed their vote from "yea" to "nay."

Messrs. SCOTT, BACHUS and LEVIN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 430, I intended to vote "no" and inadvertently instead voted "yea" and did not realize my error until the vote was announced.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. Kaptur).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4103, be instructed to reduce, within the scope of conference, the maximum amount possible from appropriations for low priority congressionally-directed projects not requested in the FY 1999 Defense Department budget request and apply those funds to alleviate high priority military readiness needs for spare parts, quality of life programs, training exercises, retention bonuses, and recruitment incentives.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my understanding is that the majority party leadership is contemplating an emergency spending supplemental to add substantial sums of money for military readiness to be paid for out of the surplus. The concerns for slippage in military readiness are legitimate and I share them. What I do question is whether this Congress needs to spend sums out of the surplus to take care of those needs when it is evident that we have not come close to squeezing low priority pork barrel spending out of this bill so that that spending can be shifted to meet those legitimate readiness needs.

A lot that often happens in this town is enough to give hypocrisy a bad name, and on this issue I think we have the same principle operating. This Congress has added $20 billion to military budget requests of the President over the last three years. The vast majority of that money, over 85 percent, has not gone to address readiness shortfalls about which we now hear so many crocodile tears. It has gone for procurement and research, some of it useful, much of it of low priority to meet the political needs of Members for things like additional C–130 aircraft that the Pentagon has not asked for, or questionable studies of the Aurora Borealis. It has been reported that there is $4 billion in the House defense appropriation bill this year for congressionally-directed projects not requested by the Pentagon.

I want to say that I am not a Percy Pureheart on these items.

□ 1200

I think there are times when the Congress has a perfect right to substitute its judgment on the need for projects for that of the executive branch. I recognize that that is our prerogative. What I do object to is when we go overboard in the process, and I would like to say that we ought to be able to take at least one-fourth of the congressional add-ons that in my judgment, and in the judgment of many others who know a lot more about it than I do, were made principally to meet the political needs of Members of Congress rather than to meet the defense needs of the country, and we ought to take that money, eliminate those low-priority projects and move that into true readiness portions of the budget for things like quality-of-life improvements for troops, spare parts, recruitment and retention initiatives.

Mr. Speaker, this amendment does not specifically require a specific amount to be moved, but it does instruct the committee, to the maximum possible extent, to move whatever items they can move out of these low-priority pork and project areas into readiness parts of the budget.

Now, I earlier mentioned hypocrisy. We have seen this Congress on several occasions bemoan the very shortfalls that it has helped create.

One example: Just last year, when the leadership of this House attacked the Clinton administration intelligence budget for being too low and then proceeded to cut it even more in order to free up more money for congressional pork.

I do not, as I said, object to the Congress occasionally exercising its independent judgment on the values of some of these projects. What I object to, whether it occurs on the highway bill, or the committee of jurisdiction added over 1,800 pork barrel projects, or whether it happens in this bill, what I object to is when the practice of adding these projects becomes so gross that in the end that itself drives through this place legislation which otherwise would be considered in a more thoughtful way and with a more skeptical eye.

And so I simply want to repeat: This Congress has added in the last 3 years over $20 billion in military spending, 85 percent of which went to nonreadiness accounts for destroyers that the Pentagon did not ask for or C–130s the Pentagon did not ask for and other items.

In my own district, I have tried to eliminate one military project for 14 years and still have not had any success. I do not know if there is another Member of Congress who has asked the Congress to eliminate a project in his own district. I have not succeeded, but I am going to keep trying.

But what I object to is the mind-set on this bill that always assumes that money should be spent, rather than saying that the burden of proof falls on those once in a while who want to spend the money.

It just seems to me when we are told that there are 11,000 military personnel who are still on food stamps, that what we ought to be doing is putting our money in places that alleviates that demeaning need for them to ask for food stamps when they ought to be compensated at a level decent enough to avoid having to ask that, and it seems to me we ought to be putting our money into items like that and into other areas of readiness rather than putting so much of it in items that are simply here to make the grease on the bill move the bill a little faster through the process.

So that is all this motion does, and as I said, out of deference to the committee I did not specify any specific dollar amount because the committee knows which items are pork and which items are truly high-priority congressional differences of judgment with the executive branch, and it seems to me that the House ought to adopt this motion and get on with the other business that faces us.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to instruct before the House. I do not have any problem with what he is suggesting here because this is what we have been trying to do since we became the majority party and I have had the privilege of chairing this subcommittee. We have tried our very best to eliminate any pork-type spending in the defense bill.

Now we are dealing with 435 Members of the House, 100 Members of the other body, and sometimes it might not be quite as easy as the gentleman from Wisconsin (Mr. OBEY) would suggest, but we do work at it.

And another reason I am glad that he raised this issue: Part of his motion says to apply those funds to alleviate high-priority military readiness needs for spare parts, quality of life, training exercises, retention bonuses and recruitment incentives. That is really one of the big things that we did in the House bill where we added to the President's budget. And we would admit the President's budget was very short in those areas. In our committee we added $215 million over the President's budget for those spare parts.

More is needed. There are still airplanes in hangars that cannot fly because they do not have spare parts to fix them. There are other problems with spare parts throughout the services. So we agree with that, that we need more money in spare parts.

Quality of life: We added right at a billion dollars for quality-of-life issues, and one of the things that we added over the President's budget was for housing for people who work in the military and live in military housing, so that they have a decent place to live, a decent quality of life. And despite the fact that in the last 3 years we have added considerable money over the President's budget, there is still much to be done to repair and maintain some of the military housing.

For training shortfalls, again as the gentleman from Wisconsin (Mr. OBEY) refers to it, he is right. We added $560 million over the President's budget. These are congressional initiatives over the President's budget for training shortfalls, retention and recruiting, again a serious problem. People are leaving the military in large numbers. Recruiting schedules are off. Except for the Marine Corps, who are on schedule, the other services are behind in their recruiting. So we added $85 million over the President's budget for retention and for recruiting.

We understand these problems, and we are doing the best we can. But I also want to say, Mr. Speaker, that there have been many programs that have been created by the Congress that the Pentagon did not want at the time, and most of those have proved to be very successful. I want to talk about just one or two of them.

Remember our committee was involved some years back in saying to the Defense Department that we need more sealift, we need the ability to get there from here, and the Pentagon objected; they did not like this idea at all. But we went ahead, and we did it anyway, and we bought the fast sealift ships. When Desert Shield, the buildup to Desert Storm, came about, they were all thanking their lucky stars that Congress pushed the program to create the sealift.

Airlift falls into the same category. We pushed the C–17, which now everyone in the world says is one of the smartest things we ever did. Again a push by the Congress over the objections of the Pentagon.

In the last 3 years we have had to add over a billion dollars, congressional adds, because the President's budget was so short when it dealt with health issues, when it dealt with the health care of those who serve in the military and their families.

The list is very long, Mr. Speaker, but I want to say to the gentleman from Wisconsin (Mr. OBEY) and to all those in the House, we recognize our responsibility to the Members of the House and to the Members of the other body, and we recognize our responsibility to those who serve in uniform.

I have a son who is enlisted in the military, and I can tell my colleague, the gentleman from Wisconsin (Mr. OBEY), he does not get enough money, he does not get paid enough. He does not have to live on food stamps because mom and dad tend to take care of some of his other financial requirements. But the lower ranks in the military are not paid enough. And the congressional initiative for fiscal year 1999 is to increase the President's budget request for pay raises by another half a percent. Not enough, not enough yet, but at least a signal to those who serve in the military that we recognize their needs.

So what I am saying, Mr. Speaker, is I do not object to the gentleman from Wisconsin's motion because I agree with it. But I wanted to point out that we are trying to do the very things that his motion directs us to do, and as we go through this conference, we will continue the effort to make sure that whatever comes out in the final defense appropriations bill will be something that the military has a requirement for, that it responds directly to our national security and that there is a real need for it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would point out that the gentleman has indicated a number of things which are factually correct, but I think they need to be placed in broader context.

Example: At one point under the previous administration, the Bush administration, there was a complete pause in funding improvements to quality-of-life items for our troops in a number of areas.

I would also point out that the President just today is engaged in a readiness conference with the Joint Chiefs.

The reason that I raised this motion today is simply because I find it ironic that the Congress is considering adding a special supplemental to deal with readiness issues before it has eliminated a good deal of the waste and low-priority pork initiatives that this Congress has been renowned for through the years.

And I want to give my colleagues another example. The highest priority request from the Navy was to fund F–18s to replace aging F–14 aircraft. Thirty-one of those F–14s have gone down! Those planes need to be replaced, and yet the House cut that request in order to fund additional C–130s that the Pentagon had not asked for. Those C–130s were directed to the National Guard. And we should not kid ourselves, most of them were done that way simply to meet pork requests from Members of Congress who are trying to represent the need of their districts.

People will say, "Oh, gee whiz, but some of those C–130s are hurricane fighters." The fact is that the Pentagon showed there was another way to provide hurricane-fighting capacity by having greatly updated C–130s provided in those same areas but not going through an expense that was four times as high by providing new planes rather than updated older versions.

My point is simply that we could have met that need in a cheaper way and still maintained our ability to provide the No. 1 priority that the Navy had: F–18s. And yet this Congress, or this House at least, choose up to this point not to do so.

☐ 1215

It just seems to me that this Congress ought to adopt this motion and really mean it and bring a bill back from conference that does eliminate many of the low priority pork items that the committee has added to the bill simply to garner votes for passage of the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HEFNER), the distinguished ranking member on the Subcommittee on Military Construction.

Mr. HEFNER. Mr. Speaker, first of all, let me say that in the years that I have been on the Committee on Appropriations, the Subcommittee on Defense, and served for a time as chairman of the Subcommittee on Military Construction and now the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), when he was the full chairman, served with distinction. Now the job has been passed on to the gentleman from Florida (Mr. YOUNG), and he has served with distinction, and we would like to believe that we have done a magnificent job with the limited funds that we have.

I agree with the gentleman from Wisconsin (Mr. OBEY) that priorities sometimes do not go where they need to be. For instance, in all of the time that I was chairman of the Subcommittee on Military Construction, every year, year after year after year, we fell further behind in quality of life as far as the housing for our men and women in the service. This was not a high priority for anybody except the people that were in the service, and for retention, this should have been one of our very, very high priorities. We should not have had to really push to add monies and take monies out of the defense bill and put on to military construction, but our military construction bill and quality of life has continued to decline. When we consider inflationary pressures, we have continued to decline, and we are not doing what we should be doing for quality of life for our family housing.

Mr. Speaker, I think that this is a modest amendment, and I think it points out that when we go to conference, we need to be very strong in our scrutiny of the add-ons and for the so-called pork. What is pork to some people, what is pork in one district is vital to another district. We like to think that we have done a good job, and I commend the gentleman from Florida (Mr. YOUNG) for being one of the fairest chairmen that I have ever served under. I pledge to the gentleman from Wisconsin (Mr. OBEY) that for the remainder of my tenure here, I will work very, very hard to do what I believe to be the responsible thing with the limited dollars that we have.

Mr. Speaker, if I may on a personal note, it has nothing to do with this amendment, but in all the hubbub that we have been having lately, it was alluded to that the terrorist attack that we had on the bases was a personal thing to divert attention. I am not going to get into that argument, but I want to say this. I have been knowing General Shelton, who is a chairman of the joint chiefs, I have been knowing him for years and years and years, and for anyone to insinuate that he would go along with an operation like this is absolutely ludicrous, and I take it personally. I would think that anybody who would insinuate that personally owes an apology to General Shelton who is one of the finest public servants and one of the finest military people who would never stand for anything of this nature and would not go along with it.

Mr. Speaker, with that I urge that we support the motion of the gentleman from Wisconsin (Mr. OBEY) and that the committee, when we go to conference, look at the differences with the other body and come up with a bill that we believe is responsible and does the job for our military men and women, also for quality of life and the things that need to be done for the defense of this great Nation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a very distinguished member of the Subcommittee on Defense Appropriations, who is also a very distinguished fighter pilot.

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell Members one of the best committees we have in Congress and works in a very bipartisan way is the Committee on National Security on authorization and also on the Committee on Appropriations, the Subcommittee on Defense. Republicans and Democrats focus on a general area and they work in the same direction, and that is national security for the United States of America.

I would like to make a statement that I would like my colleagues to listen to, and that is that even at a low funding rate, under the balanced budget, defense of this country could survive under the balanced budget figure. Would we be strong? No, but we could survive. Could we do 2 MRCs starting now? I do not believe that is the case.

But what the problem is is that the President has us operating at 300 percent above what it was in Vietnam, if we take an already low defense budget and then we pile on top of that $40 billion because the White House has us deployed all over the world. Some of those places I supported, like Iraq, that the President tried to fight. But we have to pay for those things. That mostly comes out of our operation and maintenance funds. We find ships that are not repaired, we find sailors that are not going.

Mr. Speaker, we are going to lose, and I want my colleagues to listen to this on both sides, between now and over the next 5 years, even if we invest, we are going to lose a great number of aircraft and pilots in our services. Operation Tempo being 300 percent above, the number one issue for sailors and pilots getting out is family separation. Our sailors are getting worked to death. They are away from their families. They are hurting so bad that we are only maintaining 24 percent. When we say we need to recruit, we need to keep the experienced people that are in the service and not kill them through working them 20 hours a day every day and being away from their families. Mr. Speaker, 24 percent, which means our experience level is going. We are only maintaining 33 percent of our pilots.

The gentleman talks about, well, the Pentagon did not ask for it. In an already low budget, that is one of the things that is kind of smoke and mirrors. The Pentagon does not ask for it. If we ask the Pentagon what they really need and they will tell us they need these things. I talk to them almost every single day and I know most of them by their first names.

Let me tell my colleagues about some pork in my district if we want to call it pork. Captain O'Grady was shot down by a SAM over in Bosnia. When we were in Vietnam he shot a Shrike at a missile site and then they went to standard arm. Those weapons only have a 10 percent, we call it PK, kill probability to take out that weapon. In my district we have a 7-inch tube that uses GPS that will take out that site 95 percent of the time.

Now, some call that pork; I call it survivability of our men and women in our services, and that should be a priority.

The training. Oceana just announced that they normally have 45 F–14s to train their pilots, and the gentleman talked about training. They only had 4. So the capability to train the brand-new pilots coming into the Navy, and then they go overseas with a lack of training, that is all a degradation. We could do it with the balanced budget figures, but we cannot continue to pay for this White House extravagant overseas deployment.

Bosnia. Bosnia, $12 billion that comes out of the defense budget. I would say to my colleagues on both sides of the aisle, there are national security needs. We need to provide for those, and we are deficient. Just listen to the Joint Chiefs of Staff. Yes, they have to speak the words of the President, such as morale is good. We are near disaster, but when we talk to them, we are in a hollow force. GAO says we are $150 billion short.

Mr. OBEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

I wanted to explain, and again, I have had a number of questions from Members as to what I intended to do on the Obey motion. As I said in my first comments, I intend to support it, because I think it is appropriate that we make sure that whatever goes into the defense appropriations bill actually deals with national defense. So I have no problem with that. In fact, I do support it. But I wanted to make this point.

There is a serious shortfall list that the services, the Army, the Navy, the Air Force and the Marine Corps have provided to us, as members of the subcommittee, listing things that they need, but they could not fit into the overall budget. Now, many of the Members who have asked to have congressionally-directed adds put in this bill, many of those Members are asking that the shortfall list be dealt with. The Members who are very knowledgeable on national defense issues in this House, and there are many who are knowledgeable, they are working toward the same shortfall list that the Department of Defense has provided for us during our hearings. We will be very careful to make sure that anything that we add over the budget will fit into the category of having a direct national defense effect, and number 2, that there is a requirement for it.

So for those who are questioning how I intend to vote on the Obey motion, I intend to support it because I see nothing at all wrong with it.

Mr. Speaker, I want to take another minute. The gentleman from Wisconsin (Mr. OBEY) mentioned the F–14. He is right, the F–14 had a pretty serious safety record. I led the fight in the committee for years to reengine the F–14s to eliminate the TF–30 engine that was causing many of the accidents and the problems. As the airplane got older, the Defense Department decided not to continue the reengining program because the airplanes would be going out of the inventory. But those F–14s that are going out of the inventory are not nearly as old as some of the C–130s that we are replacing with those that we add today. Some are as many as 40 years old. Yes, some of them are hurricane hunters. Others are refueling tankers used by the Marine Corps and are 40 years old. I just do not think that people who are in uniform and given a mission to fly into a hostile situation should have to fly an airplane that is 40 years old. Frankly, an airplane at 40 years old should not be in the air.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4112) making appropriations for the Legislative Branch for fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1230

MOTION TO INSTRUCT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SERRANO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4112, be instructed to bolster the Capitol police force by concurring in the Senate amendments that restore $4.197 million of reductions passed by the House for Capitol Police salaries and Capitol Police general expenses.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SERRANO) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I will withhold my comments until we hear from the gentleman from downstate New York.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe this is a motion every Member can support. This has been an extraordinary year for the Capitol Police and its police force. We have seen the first deaths of Capitol Police officers in the line of duty in many years. U.S. embassies have been bombed by terrorists, and the U.S. has responded to this terrorism with missile attacks. All of this raises the perception of threats, if not the actual threats to U.S. interests and institutions all over the world.

The Capitol, of course, is one of the great symbols of our Nation. Therefore, it is occasionally a target of people with seriously deranged thinking or violent anti-American views.

The Capitol is also the seat of the people's branch of our government and the destination of thousands of visitors every day, both constituents and tourists, as well as high-ranking officials of our own government and leaders from all over the world.

I suppose we could be much safer and perhaps also save money if we chose to wall the Capitol complex off from the people. But I believe everyone here would strongly oppose that approach to security.

Instead, Mr. Speaker, the people's branch must remain open to the public. It is our duty, often through this bill, to make sure that the Capitol Police have the resources they need to keep this open campus safe and secure for Members, staff, employees, visitors, and guests.

As threats evolve, responses must evolve, and the Capitol Police must have the resources for the personnel, training, and technology they need.

Mr. Speaker, as I have said before and will no doubt say again, the gentleman from New York (Mr. WALSH) has done an excellent job in putting this bill together. I think our initial decisions on funding levels for the Capitol Police were entirely appropriate.

But since our bill passed the House in June, we have seen the unfortunate murders of Officers Chestnut and Gibson, the bombings of U.S. embassies in Kenya and Tanzania, and the resulting missile attacks on terrorist locations.

All of this has increased the obligations of the Capitol Police, increased the need for overtime, caused new thinking on the physical security needs for the campus and the need for additional resources.

As a first step to that end, and of course there will be additional and more substantial steps, I urge my colleagues to support this motion to instruct conferees, to accept the Senate figures for the Capitol Police.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to accept the gentleman's motion to instruct the conferees. I think it is very constructive. It puts the House squarely in a position where we see the wisdom of the Senate's decision to fund these given the events that my good friend, the gentleman from New York (Mr. SERRANO) has mentioned, especially the tragic events that occurred last month involving the loss of our two officers, Chestnut and Gibson.

We really need to enhance our security, and certainly we need to reward the professionalism and the high quality of service provided by our Capitol Hill Police.

So we see this as constructive and support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. SERRANO).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Walsh, Young of Florida, Cunningham, Wamp, Latham, Livingston, Serrano, Fazio of California, Hoyer, and Obey.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves, that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4328, be instructed to disagree to a provision in the Senate bill that amends the Alaska National Interest Lands Conservation Act to allow helicopters unrestricted access to wilderness areas in Alaska.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when H.R. 4328, the fiscal year 1999 transportation appropriations bill passed the House, it was a bill that was relatively free of antienvironmental riders. However, the Senate has attached to the bill several controversial riders that undermine important environmental protections.

Mr. Speaker, this Motion to instruct addresses the most controversial of those riders which would amend the Alaskan National Interest Lands Conservation Act to permit helicopters to operate inland in all national wildlife refuges, national parks and wilderness study areas in Alaska. This motion to instruct directs the House conferees to disagree with this provision which is not in the House bill.

Mr. Speaker, the Senate rider has no place in the transportation appropriations bill. First, the provision is a legislative provision that amends the Alaska National Interest Lands Conservation Act, a law that is within the jurisdiction of the House Committee on Resources.

Second, this provision is not simply a provision to clarify as some have claimed. It would rewrite 18 years of national environmental policy with potentially far-reaching impacts that, according to the National Park Service, could fundamentally change the character of national parks in Alaska.

Currently, helicopter landings are allowed in Alaska wilderness areas only for emergency reasons and on a case-by-case basis for nonemergency uses in nonwilderness areas. These restrictions were carefully constructed when ANILCA was adopted in 1980.

This amendment would lift those restrictions, allowing helicopters to land routinely in the remote areas of the

Tongass National Forest, the glaciers of Kenai Fjords National Park, and the inlets of Glacier Bay, primarily for the benefit of helicopter tour operators and cruise ship passengers who want to take these sightseeing tours.

Mr. Speaker, the administration has strongly objected to this provision. The Secretaries of Interior and Agriculture have previously recommended that bills containing similar provisions be vetoed. Federal land management agencies have already considered the expanded use of helicopters on wilderness lands in Alaska and found it to be inappropriate.

Numerous environmental groups also have objected to this provision. They fear that the constant buzz of helicopters dropping tourists into fragile ecosystems on the tops of mountains, near isolated lakes, and in other pristine areas for purely recreational purposes could destroy the very essence of these wild areas, disturb wildlife, and disrupt habitat protection activities for threatened and endangered species.

Further, hunting and sporting organizations have objected to this provision. They are asking us to safeguard default hunting and sporting opportunities in Alaska by rejecting this provision.

Mr. Speaker, this anti-environmental rider is controversial and complex and should not be included in the conference report on the transportation appropriation bill. I urge adoption of this motion.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very, very strong support of the motion to instruct the conferees offered by my good friend, the gentleman from Minnesota (Mr. SABO).

The Senate version of the FY 1999 Department of Transportation and Related Agencies Appropriations bill includes a rider which would amend current law to change "airplanes" to "aircraft" to allow helicopters to operate and land in conservation systems units in Alaska, including wilderness areas and wilderness study areas. To permit helicopters in Alaskan wilderness and other conservation areas would be a travesty and, quite frankly, just flat wrong.

If the Senate provision were adopted, there would be widespread commercialization of the Alaska wilderness. Recreational helicopters, operated by tour companies, would penetrate and land in parks, wilderness and other conservation areas, significantly altering the experience of the park and threatening the resources of these very special places.

Opening these conservation units in Alaska to aircraft access is opening them to virtually unlimited access. Helicopter use has few limitations. Virtually any area can be accessed and any small clearing is suitable for landing. Furthermore, the Senate provision opens the door not only for helicopters but also for hover craft, ultralights and virtually any and every technological innovation that personal aircraft industry may produce.

Unrestricted helicopter access, operations and landings would disrupt ongoing conservation efforts in the national parks, national wildlife refuges, national forests and on the public lands. Scientific research has demonstrated that helicopter noise levels can adversely impact wildlife. The noise and wind disruption from helicopters would impact the caribou, the moose, the waterfowl, raptors and other bird species, brown and black bears, and certain other animals and mammals.

Unrestricted helicopter operations would destroy the very essence of these wild areas, by allowing helicopter-borne recreation, hunting and fishing access to areas of this country that we have determined to be pristine, and would be absolutely wrong. Poaching and other illegal hunting would also, I think, become commonplace.

The Senate amendment should be resoundingly rejected by the House. We must protect our Nation's wilderness areas for generations to come. We must not permit the commercialization of national wilderness lands and allow tour operators to destroy these untarnished areas, all for the sake of a couple of dollars.

I favor the gentleman offering the amendment and strongly urge the Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I thank the chairman for his support of this motion.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO) and I also thank the chairman for his comment in accepting this motion by my colleague, the gentleman from Minnesota (Mr. SABO).

Mr. Speaker, I rise in certainly strong support of it. I would just point out to my colleagues that Alaska under the land use laws that were passed in ANILCA and in other land use laws is already treated special by permitting airplanes to land within some parks, wilderness and refuges. We do not permit helicopters landing in wilderness or on an open basis in refuges, or certainly in our national parks in the lower 48, and/or any aircraft for that matter, other than that we do have some of the Frank Church wilderness, some landing strips which were preserved there.

Congress and the law already treats Alaska special by permitting aircraft and other access with special transportation through these stretches of wilderness of refuge and parks in Alaska. We already do that. What is being proposed here is that you take off almost all restrictions with regards to the penetration of helicopters, ultralights in wilderness, parks refuges in Alaska, basically in such a way as would substantially damage these areas.

We are not talking for safety and health reasons in this case. We are talking for sport purposes, for tourist purposes and, in fact, of course, you prevent the basic aircraft definition in law and the business that has been built up in Alaska today relying upon the current law.

As far as sportsmen are concerned, I do not think it takes much imagination to recognize if you can put a helicopter into a key area where you have some of the trophy hunting that might go on, it would not be long before there would not be many of those species left that are so desirable.

□ 1245

That is why I think some of the hunting groups have spoken out against this, recognizing that it is really destroying this last great stretch of wilderness and these special areas which serve as home for the spectacular species.

So, I certainly rise in strong opposition to this proviso in the Senate-passed measure and would point out that there is no technical mistake in the law. Some of my colleagues and I were here when this law was enacted. Senator GLENN and others were active. Obviously, our good friend and my mentor, Mo Udall, was here and when he wrote this there was a pretty big debate about what constituted transportation in this area at that time and how we are going to conduct ourselves, and extended some privileges and some opportunities, I think practically, to the residents of Alaska and others to facilitate the transportation and use of such significant areas under the special land designations.

Mr. Speaker, the legislative language points out the use of some motorized vehicles such as snowmobiles and others in the report language explaining intent. So, it is very specific in terms of how it deals with and defines airplanes. Thus, the effort to try and rewrite and suggest that words mean what we say they mean by our two esteemed Senators from Alaska that have placed this in the language here is just dead wrong.

Mr. Speaker, I would urge my colleagues to support the Sabo motion, as the gentleman from Virginia (Chairman WOLF) has offered to do, and for them to stick by this recommendation in the House in conference. It is an important change, an unnecessary change, and we should not accept it legislatively. We should not accept it in this end-around, rider process that is being practiced all too often, I might say, by the Senate and by others in the appropriation process. This motion should be supported and these proposed Senate amendments eliminated.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I rise in support of the Motion to Instruct the conferees on the bill H.R. 4328.

Section 342 of the Senate-passed version of the Transportation Appropriations Bill contains an extremely controversial legislative rider which would amend the Alaska National Interest Lands Conservation Act to allow commercial and private helicopter fly and land in Alaskan wilderness areas, National Parks, National Wildlife Refuges and National Forests.

This is an ill-advised rider. Helicopters simply do not belong in Congressionally designated wilderness areas, except in cases of emergency, which is already permitted by law. The concentrated noise that helicopters produce and their ability to hover, move slowly, and descend anywhere can drive wildlife out of habitat areas and destroy the wilderness experience of those visiting these protected places.

Some in the Republican Majority seem to be spending half their time trying to pass laws like the so-called American Land Sovereignty Protection Act (which was supposed to protect us from an invasion of imaginary black helicopters), and the other half of their time trying to allow real commercial helicopters to buzz through pristine wilderness areas, disrupting the wildlife, annoying campers, hunters, and hikers.

The Alaska National Lands Conservation Act contains a carefully crafted compromise which allows fixed-wing airplane landings in Alaska's wilderness areas. This provision in current law was adopted because Congress recognized that airplanes were a reasonable and necessary way to reach some of the remote wilderness areas in Alaska, and they cause only a fraction of the noise and disturbance produced by helicopters. To now undo this compromise and allow helicopter landings in wilderness undermines the original intent of the Wilderness Act of 1964 and the Alaska National Lands Conservation Act of 1980.

We have had no hearings on such a significant change in national wilderness policy in the Resources Committee, which is the jurisdictional authorizing Committee. We have had no process. No bills have been introduced in the House that would authorize such a change in the law. We have heard no testimony as to why Congress should undo the compromise which was struck back in 1980 when we last considered this issue. In 1996, the U.S. Forest Service considered a request to allow helicopters to land in the Tongass National Forest, but rejected it due to public opposition. Shouldn't we at least have a single hearing before we tell the helicopter pilots: Gentlemen, start your engines?

Sportsmen and conservation groups are opposed to this provision. This rider is opposed by the National Audubon Society, Sportsman's Network, the Wilderness Society, the Alabama Rifle & Pistol Association, the Alaska Wilderness League, the National Parks Conservation Association, the Alaska Center for the Environment, the Alaska Conservation Alliance, the Alaska Quiet Rights Coalition, the Alaska Rainforest Campaign, the Alaska Wildlife Alliance, the Denali Citizen's Council, the Southeast Alaska Conservation Council, and the Trustees for Alaska. In addition, this rider is also opposed by the Alaska Wilderness Recreation & Tourism Association, which represents more than 300 small Alaskan tourism businesses that depend on Alaska's wild lands and wildlife.

The Motion to Instruct would direct the conferees to oppose this ill-advised provision that would disrupt the wilderness character of Alaska's national parks and wildlife refuges. I urge my colleagues to support its adoption.

Mr. YOUNG of Alaska. Mr. Speaker, the motion to instruct conferees is unjustified and just boggles my mind. The motion in effect says the House of Representatives does not believe that helicopter landings in the millions of acres of wilderness areas of Alaska should be permitted. It says that if you're elderly, infirm, or unable to walk, you can't use the aid of a helicopter to see public wilderness areas.

These areas should be open to everyone, not just rugged backcountry hikers.

The provision inserted by Alaska's Senators simply clarifies what we thought helicopter operators should have the right to do: land where they have traditionally landed before such areas were designated as wilderness.

It must be remembered that Alaska has over 50 million acres of wilderness. This is an area half the size of California. If the Federal Government enacted legislation restricting aircraft flight over an area this size in any other State, there would be an outcry.

There has been an outcry in Alaska.

The land management agencies will not recognize the historical use of such aircraft in areas where they clearly operated prior to the passage of ANILCA or the Wilderness Act.

The Wilderness Act and ANILCA provide that helicopters can land in wilderness areas. Here is what section 4(d)(1) of the Wilderness Act says, "Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable." I don't know about anyone else, but "aircraft" means airplanes and helicopters.

This is crystal clear, but ANILCA reinforced this further when it allowed valid existing access rights to continue. This is a fair and balanced approach in public lands policy because it doesn't take away rights and privileges that were enjoyed long before Congress designated wilderness in my State.

The problem addressed by the Senate provision is that land management agencies will not even recognize the historical use of helicopters—or any other aircraft like hot air balloons—in areas where they clearly operated prior to wilderness designation. For example, the U.S. Forest Service recently concluded a major record of decision in which it completely prohibited helicopter access to all wilderness areas in the national forests in southeast Alaska.

By doing so, it completely ignored the historical record by which helicopters had operated in these areas for over 40 years. Further, it made this decision even though the preferred alternative of an EIS done by the Forest Service specifically allowed for landings in wilderness areas, pursuant to written law. This was a political decision made in Washington and didn't reflect the record of the NEPA process which carefully analyzed the potential wilderness areas.

Let me describe the silliness of the situation. In these areas it is perfectly legal to land a plane on a river sand bar, or a grassy area, or even on a glacier on skis, but in the same area you cannot land a helicopter or hot air balloon.

Think about it—bureaucrats in Washington decided a fixed-wing airplane which needs hundreds of feet to land will have a worse impact than a helicopter or a hot air balloon, which can land on an area less than 15 feet by 15 feet.

In fact, a helicopter has less impact than a fixed-wing aircraft on the environment in many cases.

My colleagues considering the motion to instruct conferees need to evaluate these facts when they vote. But I want them to think of one more thing.

Helicopters now land in the wilderness—but only when it serves the interest of the government or special interests. Let me give some examples. Helicopters are regularly used to assist mountain climbers in trouble on Denali (also called Mt. McKinley). In fact, the Park Service has a special high-altitude helicopter on stand-by to help them. Another example is when the Park Service quickly issued a special permit for the Chairman of FERC to use a helicopter to land in a wilderness area of Glacier Bay National Park to inspect the area for a potential hydro site.

Federal agencies use helicopters in support of wilderness management. This is reasonable, but it has no less impact than the relatively few helicopter landings by non-federal operators.

The message here is—if you're a government official, enjoy helicopters in the wilderness. If you're a taxpayer—forget it. In their minds, people in wilderness areas are bad—unless you're a government employee.

This motion is wrong, unfair, and misguided, and I strongly urge its defeat.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

APPOINTMENT OF CONFEREES ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4194, be instructed to insist on the House position providing a total of $17,361,395,998 for the Department of Veterans Affairs medical care account.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not think this will take very long. Let me simply explain what is in this motion to instruct.

During House consideration of this bill a number of weeks ago, an amendment was adopted which reduced nonoverhead administrative expenses of the Federal Housing Administration by $303 million and transferred the funding to the Veterans Medical Care account. During that debate, I do not believe that anyone spoke against providing additional funding for Veterans Medical Care. There were, however, concerns about the source of the funding used as an offset for the increased funds. That concern was that reducing FHA administrative expenses by approximately one-third would cripple its operations with disastrous effects throughout the country.

Since that time, we have now had a ruling by the Office of Management and Budget, and it appear that the reasons for those concerns, because of that ruling, have now gone away. I am not sure what the rationale for their change of heart is, but apparently the general counsels of both OMB and the Department of Housing and Urban Development have determined that at least for fiscal 1999, the FHA does not have to have appropriated funds to pay for its nonoverhead administrative expenses.

If adopted by the House and followed by the conferees, the motion now before us would result in providing $17.36 billion for Veterans Medical Care in 1999. While this amount is still far below the $18.8 billion recommended by the veterans service organizations' independent budget, it is a big improvement above the $17.06 billion in the House-reported bill and higher than the Senate recommendation of $17.25 billion.

So, Mr. Speaker, my motion is very simple. It simply reaffirms the action of the House, providing an additional $303 million for Veterans Medical Care, but without the negative impact of virtually shutting down the Federal Housing Administration in order to do so, the concern which existed prior to the OMB ruling.

Since the OMB has now decided that the appropriated funds are not required for the FHA administrative expenses, this is, in essence, a win-win situation. Veterans health care is increased and, unlike the situation when the bill was before the House, it will not have to cripple its operating expenses in FHA in order to pay for it.

Mr. Speaker, I therefore urge all Members on both sides of the aisle to support the motion.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding and I rise to support his motion to instruct.

Mr. Speaker, I was one that voted against the transfer of this money, because I am concerned about housing and the problems that we have had with the ownership and the goals of ownership of housing in the Nation and did not want to take away from the FHA program.

I know it was a tough vote at that time. It makes it a little tougher now to come back and realize that the scoring change is such that it does not damage FHA, but at the time clearly it was the impression and the representation that it did affect the FHA and the loan programs.

I am pleased to join in finding some transfer and ability to express my concern for the veterans health budget. The important work in terms of keeping those commitments to veterans, at the same time we do not depreciate the goals in terms of FHA housing.

Mr. Speaker, I know that my advocacy for housing is something that I take a second seat to no one with regards to that concern. I am pleased to have stood up at that time and spoken out. I sadly think that housing in this chamber, assisted and other types of ownership housing, is not something that appears to be very high in the priority agenda of this House. I wish we could work to gain much better support, but unfortunately today that is not the case and I think we are losing a lot of assisted and public housing which is very important to the constituents of my district.

We have a great housing agency in St. Paul in Minnesota, and, unfortunately, I think we are facing the very real prospect of losing a considerable amount of that assisted and public housing which is expensive and which is very, very much needed today because of the disparities in terms of incomes and the special populations that I represent of Southeast Asians and many others who are attempting to get by in our modern day economy.

As one of my mentors and teachers taught: On the average, things look all right, but nobody lives on the average. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to the House today and support veterans and hope that in the future we can do better for the important housing programs in this Nation.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota (Mr. VENTO) for his support. I would simply say that with respect to housing in general, this Congress is going to have some severe problems in the coming 2 or 3 years because of some severe shortfalls that are going to occur in that account.

I am happy that OMB and the agency involved have now been able to make certain that we will be able at this juncture to fund the increase in veterans health care without crippling further the operation of the FHA housing account. I think it would be a very useful thing to accomplish and that is why we offer this motion and make clear that that is how everyone in the House feels.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would be very difficult for the chairman of the subcommittee to object to this amendment, for essentially the amendment confirms that which was the direction of the House. I must say that I am both a little confused and rather startled at the gentleman from Wisconsin (Mr.

OBEY), ranking member of the full committee, essentially carrying an amendment that would in its written form appear to limit the flexibility of the subcommittee that goes to conference with the other body.

While the Office of Management and Budget had told us that we needed to have these monies out of discretionary accounts for administrative purposes, and after we walked the plank taking money that otherwise could have gone to other vital needs in housing areas, essentially forced us in the direction of putting discretionary money into administrative responsibilities, they have now cut off that plank which was the plank that the gentleman from Minnesota (Mr. VENTO) found himself on and they have now had us on that plank and neatly cut it off.

My concern, though, is that there is little doubt that within Veterans Medical Care we have done all that we could to make certain that those accounts were reasonably funded. Indeed, our amount in the bill, before this amendment, was over the President's request. Over the President's request. I think both sides, especially members of the Committee on Appropriations, know that in a nonpartisan way we have been very generous to veterans' accounts. But also the Committee on Appropriations members know how important it is for us to maintain the integrity of our committee as we go to conference with the Senate.

Mr. Speaker, I am very disconcerted by the fact that we have not been able to fund subsidized rental accounts as we might have. The affordable housing accounts that the gentleman from Minnesota referred to could use additional funding. The money we are dealing with here are outlays at very high levels like 90 percent, so it puts very great pressure on the subcommittee in terms of the flexibility we need. Indeed, one might suggest that some of those other very vital accounts that are designed to help poor people might have received some relief if there was more flexibility going to conference with the Senate.

I know that it is not the intent of the ranking member of the Committee on Appropriations to create a circumstance where it is more difficult for us to do our work. But I do scratch my head at the ranking member repeating essentially what was the will of the House when they voted on that amendment.

Mr. Speaker, I want my colleagues to know that this subcommittee chairman, I am not sure about the ranking member, but this subcommittee chairman takes very seriously the direction of the House. And I consider every element of our bill to be the direction of the House as I go to work with the Senate.

I must say that if there is a pattern that could further undermine the entire Committee on Appropriations in its credibility in this body, it is by way of creating this kind of rigid stance on the part of the leadership of the committee itself.

I talked with the ranking member of the subcommittee just after I learned about this proposal, for he and I share our concern about making sure we have great flexibility, especially to deal with housing accounts, and I was astonished to learn that that was the first he had heard of this recommendation when I presented it to him.

□ 1300

So it seems to me that there is a disconnect here. I know that when the ranking member was in the majority on the Committee on Appropriations he would have been pounding the table at this kind of rigid direction. Nonetheless, I see this as an expression of the will of the House, and I do not know why the chairman should object to it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

I would like to make one comment, if I could have the attention of the gentleman from California. Surely this is not the most startling action that I have ever taken in the gentleman's eyes. The gentleman said he was startled.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman that I am certain it is not the most startling.

Mr. OBEY. All right.

Mr. Speaker, let me simply say that I do wish that we could have contacted the ranking minority member of the subcommittee. He was unreachable this morning because he was engaged in other activities. That is the only reason he was not contacted.

I think it is very clear that we are simply offering this motion because the House spoke clearly about its desire to fund the veterans' health care budget as fully as we could. But at the time it spoke, a number of Members were under the impression that that action could not be taken by crippling the FHA housing accounts. Since we now find out that that concern has been corrected by the OMB ruling, we felt this was the logical action to take, and that is why I offered the amendment.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I understand there is also a proposal, as the gentleman is aware, and I am not asking his position on it, that would expand the FHA limits, which has been something very much sought after by the administration. This particular change would not affect the expansion of those limits, is that correct, that the subject of difference will be within the conference?

Mr. OBEY. Mr. Speaker, reclaiming my time, I would say to the gentleman that, no, this does not have anything to do with that. On that issue, if I could take both HUD and several other parties to the issue and put them in a room and forget about them for 2 years, I would be happy to do that.

Mr. VENTO. Mr. Speaker, if the gentleman will continue to yield, I would join the gentleman in locking that door until agreement is achieved regarding FHA limit increases.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume. I have no additional requests for time, but I would like to close by making a couple of limited comments.

I must say that there is little doubt that within some of these accounts that are housing accounts, like vouchers, like subsidized rental housing, like programs that involve the efforts we have to open the doorway of opportunity to the poorest of the poor in our society, we have not had all the money that we would like to have in those accounts. Indeed, this administrative decision by OMB originally did put great pressure upon those elements of the housing accounts.

To now have them change their mind and not have us have the flexibility to apply them, for example, to a great priority of the Secretary of Housing, vouchers, or some other very, very vital housing program, where we are dealing with the poorest of the poor, and shift it to accounts where we are over the President's request in the bill, before the fact, at least causes me to scratch my head, when the ranking member knows how important it is when we go to conference with the Senate to have as much flexibility as possible. By this action we may very well have harmed many of the very poor people in our country that the ranking member at least tells me constantly he is so concerned about.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question will be postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SPEED TRAFFICKING LIFE IN PRISON ACT OF 1998

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3898) to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base, as amended.

The Clerk read as follows:

H.R. 3898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Speed Trafficking Life In Prison Act of 1998".

SEC. 2. METHAMPHETAMINE TRAFFICKING PENALTY ADJUSTMENTS.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act is amended—

(1) in section 401(b)(1)(A)(viii) (21 U.S.C. 841(b)(1)(A)(viii)) by—

(A) striking "100 grams" and inserting "50 grams"; and

(B) striking "1 kilogram" and inserting "500 grams"; and

(2) in section 401(b)(1)(B)(viii) (21 U.S.C. 841(b)(1)(B)(viii)) by—

(A) striking "10 grams" and inserting "5 grams"; and

(B) striking "100 grams" and inserting "50 grams".

(b) AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The Controlled Substances Import and Export Act is amended—

(1) in section 1010(b)(1)(H) (21 U.S.C. 960(b)(1)(H)) by—

(A) striking "100 grams" and inserting "50 grams";

(B) striking "1 kilogram" and inserting "500 grams"; and

(C) striking the period at the end and inserting a semicolon; and

(2) in section 1010(b)(2)(H) (21 U.S.C. 960(b)(2)(H)) by—

(A) striking "10 grams" and inserting "5 grams";

(B) striking "100 grams" and inserting "50 grams"; and

(C) striking the period at the end and inserting a semicolon.

SEC. 3. PREPARATION OF AN IMPACT STATEMENT.

The United States Sentencing Commission shall prepare a statement analyzing the impact of the sentences imposed as a result of the amendments made by this Act and present that analysis to Congress not later than one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3898, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3898, the Speed Trafficking Life In Prison Act of 1998, increases the penalties for manufacturing, trafficking or importing methamphetamine. It was introduced on May 19, 1998 by the gentleman from Texas (Mr. SESSIONS) and reported favorably by the Committee on the Judiciary on July 21. It represents an important step by this Congress to respond to the methamphetamine epidemic.

As members of the subcommittee well know, methamphetamine is no longer merely a California problem or a southwest problem, it is a national problem. It has spread east, devastating some communities much like crack cocaine did in the 1980s. The testimony received by the House Subcommittee on Crime of the Committee on the Judiciary in recent years paints a grim picture of an emerging epidemic: Emergency room methamphetamine episodes in major metropolitan areas have increased dramatically. Methamphetamine deaths around the country have skyrocketed, and clandestine methamphetamine labs have now been reported in all 50 States.

There are numerous unique problems associated with methamphetamine. The profits involved in the methamphetamine trade are enormous. Methamphetamine causes longer highs than cocaine. Methamphetamine is processed in clandestine labs, often located in remote areas, making them difficult to detect. And the numerous highly toxic chemicals used to manufacture methamphetamine are extremely flammable and destructive to the environment.

Over the last 8 years, sophisticated drug organizations from Mexico have replaced motorcycle gangs as the major methamphetamine producers and traffickers. These organizations have established large clandestine labs throughout the Southwest and have saturated the western U.S. market with high purity methamphetamine, leading to lower prices. The 1994 methamphetamine related murder of DEA agent Richard Fass is a sober reminder of the violence associated with methamphetamine trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigative challenge to law enforcement.

H.R. 3898 increases the penalties for manufacturing, trafficking or importing methamphetamine so as to make those penalties the same as for crack cocaine. It does so by reducing by one-half the quantity of methamphetamine required to trigger the mandatory minimum sentences established in current law. Under current law, 100 grams of methamphetamine triggers the 10-year mandatory minimum, and 10 grams triggers the 5-year mandatory minimum. In both cases, under current law, an offender with prior felony drug offenses can receive life in prison. So can an offender when the use of the methamphetamine leads to the death or serious bodily injury of another. Under this bill, 50 grams triggers a 10-year mandatory minimum prison sentence, and 5 grams of methamphetamine triggers a 5-year mandatory minimum prison sentence. These sentences are identical to those called for in the administration's 1996 methamphetamine strategy. Furthermore, the House of Representatives passed an identical provision last Congress as a part of H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996. Unfortunately, the Senate version of this same bill did not include this penalty enhancement provision and it did not become law.

I want to close with an observation. Reports released in recent months show that cocaine use nationally continues to decline slightly, while methamphetamine use continues to increase. A little more than a decade ago, Congress responded to the emerging cocaine epidemic by moving bipartisan legislation which provided tough mandatory minimum penalties for those who manufacture and traffic cocaine. I have no doubt that those tough penalties saved lives, in part because they sent a message to younger generations that trafficking cocaine deserves society's strongest condemnation. And while cocaine trafficking and use remain unacceptably high, they are declining.

Today, Congress once again has the opportunity to take action, bipartisan action, regarding an emerging epidemic: The methamphetamine crisis. Let us send a clear message today, as we did then: Methamphetamine trafficking deserves our strongest condemnation.

I join the gentleman from Texas (Mr. SESSIONS), the author of this bill, the administration, and the 386 Members of this body who voted for it in the last Congress in supporting this important bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this legislation. But before I proceed with a statement, I do want to acknowledge and commend the bill's sponsor, the gentleman from Texas (Mr. SESSIONS), for his sincere and genuine effort in terms of dealing with this issue. Although he and I disagree, I do want to acknowledge that he has worked cooperatively and hard on this issue, and I know his heart is in the right place. Unfortunately, this is not the right answer. Once again, Congress is taking upon itself the role that it wisely assigned to the sentencing commission to establish appropriate sentences within the sentencing guidelines for a broad range of Federal offenses.

We do have a drug problem in this country, and it is a serious problem. We all recognize that. But serious problems require serious solutions, and this is not the answer. We have absolutely no evidence, no data, and none has been presented, to suggest that cutting by half the amount of methamphetamine it will take to trigger the current 5- and 10-year mandatory minimums will have any measurable effect on the problem. None.

The only thing we can predict with certainty is that lowering the threshold will waste precious resources incarcerating people for relatively minor nonviolent offenses, resources that are needed to lock up offenders. In other words, Mr. Speaker, we will be putting the wrong people in jail.

While it might make sense to impose lengthy sentences on high-level dealers, these mandatory minimums allow for no such distinctions to be made. Whether the offender has 5 grams or 10 grams in his possession does not tell us very much about the situation with which we are dealing, yet these laws allow the judge to consider no other factors in pronouncing sentences and often give no leeway or discretion to the prosecutor in terms of the charging decision. Again, let me suggest that we will be putting the wrong people in jail.

Last year a RAND study of cocaine sentencing policy found that the mandatory minimum sentences are not effective in reducing either drug consumption or drug-related crime. The study concluded that it would be more cost effective, it would make sense, to spend the same money on drug enforcement and drug treatment programs.

Nearly half of the drug offenders sentenced to long mandatory sentences in Massachusetts' state prisons have no record of violent crime. It simply makes no sense to spend $30,000 to $40,000 a year to keep these people in jail, often for terms that are far greater than the times served for criminals convicted of manslaughter, armed robbery, rape and the whole array of violent crimes.

□ 1315

Violent predators are being released in favor of drug addicts. Yet these anomalous results will continue to occur if Congress insists on intruding into the sentencing process wherever the spirit or the polls inspire us to do so. This simply makes no sense, Mr. Speaker. I urge this House to think about that, to think about our present course.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

I simply want to address the concerns some people have said that the bill does not address the simple possession of methamphetamine. Paragraph (a) in the bill addresses the manufacture, distribution or trafficking of meth and the possession of meth with the intent to manufacture, distribute or traffic. Paragraph (b) addresses the importing and exporting of meth or the possession of meth with the intent to import or export. Therefore, under current law, title 18, section 841 and title XXI, section 990 and under this bill, no one could be prosecuted for a simple possession.

Let us be perfectly clear. This bill increases penalties on those who knowingly import, manufacture and traffic a drug that is as insidious as crack cocaine and more dangerous in certain respects. We do not add any new penalties in this bill. We simply put the penalties of methamphetamine up to a level, the same as crack cocaine. We are not adding anything in the broad sense of the law. To a great extent, methamphetamine is a homegrown operation. That is to say, it is made in kitchens and backyard makeshift labs all around the country. It is a fly-by-the-seat-of-the-pants operation posing numerous dangers. The chemicals used to manufacture meth are enormously destructive to the environment, extremely toxic and pose huge dangers to human life. Furthermore, the labs are increasingly booby-trapped, putting the lives of our law enforcement agents on the line. Methamphetamine-related defendants are overwhelmingly white. The administration supports this bill. These increased penalties were called for in the administration's methamphetamine strategy and sent to Congress by Attorney General Reno and Drug Czar Barry McCaffrey.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), the author of this bill.

Mr. SESSIONS. Mr. Speaker, today we are considering H.R. 3898, the Speed Trafficking Life in Prison Act of 1998. Mr. Speaker, clearly we are in the middle of a crisis in our country. Methamphetamine trafficking in this country is at an all-time high and it seems like that we have got to do something about it. That is why I drafted H.R. 3898 which will cut in half the amounts of methamphetamine in the Controlled Substances Act necessary to invoke the most severe penalties.

Many of our colleagues know from their work in the war against drugs, also are aware of this, and sometimes they call methamphetamines other things. It is often known as "speed," "ice," or "crank," and it causes severe side effects and can result in death. After prolonged use, methamphetamine leads to binging, often causing users to consume the drug continuously for up to 3 days without sleeping. Following the binge is severe depression, followed by worsening paranoia, belligerence, and aggression which is known as "tweaking." Then the user collapses from exhaustion, waking up days later simply to begin the cycle again.

The new ephendrine-based methamphetamine is worse, however. It leads to sleepless binges that can last up to 15 days and end in crashes that are far worse than those with regular methamphetamine. These crashes not only cause the loss of life and the spirit in our children, but they bring about violence and disruptive behaviors that endanger families and everyone in America's communities.

I am unwilling to accept this behavior and have begun my fight so that we will not accept this that is happening to our country. I hope that my colleagues are listening and that Americans are with us as we join in this continued fight against drugs in our country.

On July 21, 1997, I held a congressional hearing in my district, the Fifth Congressional District of Texas, at Mesquite High School, to discuss the problem of illegal drug trafficking and what our national, State and local leaders were doing about it. Testimony from the Drug Enforcement Administration, known as the DEA, clearly demonstrated that the new wave of methamphetamine use was attacking our country and also was coming across our borders. According to the 1996 National Household Survey on

Drug Abuse, an estimated 4.9 million people, which is 2.3 percent of the population, have tried methamphetamines at some time in their lives. Data from the 1996 Drug Warning Abuse Network, which collects information on drug-related episodes from hospital emergency departments in 21 metropolitan areas, reported that methamphetamine-related episodes increased 71 percent between the first half of 1996 and the second half of 1996, or, put in numbers, from 4,000 to 6,800.

Too often, I believe we point to foreign countries as the sources of dangerous drugs to our children and Americans. But with methamphetamine, the drug can be manufactured easily within our own borders. It is what I call a "made in America" product. It has catastrophic consequences to our environment and puts first responders, our men and women in law enforcement and firefighters, in grave danger from fires and explosion.

That is why I drafted H.R. 3898, the Speed Trafficking Life in Prison Act of 1998, to put those who manufacture or distribute methamphetamine in prison for as long as possible. Those who abuse drugs should take responsibility for their actions, but there are also victims. They are victims of drug thugs, the killers who put this stuff on our streets and in our communities. It is those people that we are aiming our legislation at.

I hope and urge all of my colleagues to support this reasonable approach to dealing with drugs that are killing our children.

Mr. DELAHUNT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself 1 minute. I want to again commend the gentleman from Texas for bringing this resolution to the floor. Methamphetamine is an increasingly dangerous drug. We are going to have a lot of discussions on the floor of the House in the next couple of days about very dangerous drugs, cocaine, heroin and the like. But we must not forget that those are all grown and we have to worry about controlling those and getting those imported into our country from abroad. We have an enormous task ahead on that score. But methamphetamine, sadly, those drugs can be produced in laboratories, in households around the country. This bill is exceedingly important to get our kids and other folks to stop making this stuff, stop using it. It is dangerous. We need to send a message. We need to send the penalty message that is in this bill on methamphetamine. I strongly urge the adoption of this bill today.

Mrs. EMERSON. Mr. Speaker, I rise in strong support of H.R. 3898, the Speed Trafficking Life in Prison Act. I am proud to be an original cosponsor of this legislation and I would like to thank its author, Representative PETE SESSIONS, and the Subcommittee Chairman, Representative BILL MCCOLLUM, for their hard work on this very serious issue.

Like most Americans, and as a parent, I am deeply troubled by the high rates of violent and drug related crime that has such a devastating effect on our neighborhoods. The drug problem strikes at the very core of a community, putting our young people at risk and undermining our safety, our schools, our peace of mind, our way of life.

The dramatic rise in the manufacture and trafficking of methamphetamine is one of the most disturbing trends. Highly addictive and cheap to manufacture, methamphetamine has become one of the most widely trafficked illicit drugs. The problem is particularly severe in my home state of Missouri, which now ranks number one in the country for clandestine methamphetamine lab busts—more than 700 in 1997—and second only to California in methamphetamine production. Furthermore, of the 290 meth labs that were raided and seized last year in a 5-state radius, over 230 of those were in Missouri. This year alone, there have been more than 88 labs seized in my District in Southern Missouri.

There is much to do to fight the war on drugs, and this legislation is a very important part of that fight. It is a powerful tool to give to prosecutors and also a powerful message to send to drug criminals. It is a clear statement that meth dealers will be met by a swift and severe response, the full force of the law. The new minimum sentencing standards established in the bill will ensure that the thugs putting meth out on our streets will receive a fitting punishment for their crime.

I urge a strong "YES" vote on this important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3898, the Speed Trafficking Life in Prison Act, and I commend the gentleman from Texas, Mr. SESSIONS, for bringing this important piece of legislation to our attention today.

As Chairman of the International Relations Committee, I have long worked to try and keep drugs from entering the United States and I fully support Mr. SESSION'S efforts to increase the minimum jail sentence for those individuals who think that they can get away with manufacturing, trafficking or transporting methamphetamines in this country.

This legislation finally equals the field between methamphetamines, or speed, and cocaine. For many years, young people have tried to justify the use of methamphetamines because they do not believe that they are as dangerous as cocaine or crack. This bill sends a clear message to all Americans that methamphetamines are just as dangerous and deadly as crack cocaine and that those people who manufacture, traffic or transport these drugs should be held to the fullest extent of the law.

H.R. 3898 establishes that 50 grams of methamphetamines triggers a 10-year mandatory minimum prison sentence and five grams triggers a five-year mandatory minimum, equal to the penalties for crack cocaine. Voting for this bill will help to dissuade the trafficking of speed in our country and hopefully will cut down on the number of speed related abuse, trafficking, and deaths. Accordingly, I urge my colleagues to fully support this measure to help keep these dangerous drugs off of our streets.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise today to express strong support for H.R. 3898, the Speed Trafficking Life in Prison Act. This important legislation increases the penalties for manufacturing, trafficking, or importing methamphetamines to the same level as corresponding penalties for crack cocaine.

Methamphetamine is a powerful drug that is relatively easy to manufacture. The use of this dangerous drug is escalating rapidly due to its low cost and highly addictive qualities. The methamphetamine problem in Nebraska is clearly growing at a substantive rate. For example, in 1996, multi-jurisdictional drug task forces made 248 methamphetamine arrests in Nebraska. In 1997, there were 714 arrests. Additionally, according to the U.S. Attorney's office in Omaha, last year, Nebraska led the nation in methamphetamine cases prosecuted in Federal courts with 61 cases involving 98 defendants.

This legislation would reduce by half the amount of methamphetamine necessary to trigger the mandatory minimum sentences established by current law. Under H.R. 3898, an offender possessing 50 grams of methamphetamine would trigger a 10-year mandatory minimum prison sentence. If the offender was convicted of possessing 5 grams of methamphetamine, he or she would receive a 5-year mandatory minimum sentence.

In closing, Mr. Speaker, we must pass this bill in the short time left in this session of Congress. It must also be passed by the Senate with these tough but appropriate sentencing provisions so that it can be sent to the President for signature. The Nation must become serious and effective in combating this very dangerous problem. This bill must become law this year in order to do all we can do to fight the use of this dangerous drug. This Member urges his colleagues to support H.R. 3898.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the passage of this bill, because I believe we should be moving away from the imposition of mandatory minimum sentences, and also because I want to avoid creating further racial inequalities in our Federal drug policy.

This bill lowers the amount of methamphetamine that a person must possess in order to trigger mandatory minimum sentences required under the Federal Sentencing Guidelines. In effect, it cuts that triggering amount in half, giving methamphetamine a status roughly equal to that of crack cocaine.

I am against restricting the role of the judges in the courtroom. Mandatory minimum sentences, like the sentencing guidelines, take discretion away from impartial Federal judges, and put it in the hands of the prosecutors.

The more we allow mandatory minimums to become a part of everyday courtroom life, the more power we place in the hands of prosecutors who have a vested interest in the outcome of the case.

In committee, I expressed concern that this bill would cause us to walk into essentially the same controversy that we had just a few years ago, when it involved African-Americans and the sentencing disparities between crack and powder cocaine. I am especially concerned because there has been some debate whether this bill would disproportionately impact the Mexican-American community in the United States.

The bill was amended in the Judiciary Committee to provide for a report by the Sentencing Commission one year after enactment of this bill, but by then, a significant amount of damage will already have been inflicted.

I do not want to be a part of a bill, which specifically targets a minority group, and then gives an extreme amount of discretion to the federal authorities charged with pursuing them.

I also oppose this bill because it is unnecessary. There have been reports that in the last few years, that we have seen an actual decrease in the use of methamphetamine. For instance, the Substance Abuse Mental Health Services Administration (SAMHSA) reported that emergency room admissions for methamphetamine-related events has decreased one-third.

I oppose this bill because I think we can do better than this. I believe we can win the war on drugs, by stressing treatment and prevention, and without alienating an important group of citizens from our society.

Mr. MICA. Mr. Speaker, today I rise in support of H.R. 3898, the Speed Trafficking Life In Prison Act. Recently, we have witnessed a drastic increase in the use of illegal drugs like cocaine, heroin, marijuana and methamphetamines in this country. The crisis continues and, unfortunately, our children are the victims.

Methamphetamine is currently a popular "designer drug" of choice which causes severe side effects and can result in death. A 1996 National Household Survey on Drug Abuse shows that 4.9 million people have tried methamphetamine at some time in their lives. In a report of combined data from 21-metropolitan areas across our nation, the statistics show that methamphetamine related episodes in hospital emergency rooms increased by 71% between the first and second halves of 1996. That is an increase from 4,000 to almost 7,000 reported incidents over a six month period. The situation is alarming and spinning out of control. We must penalize those that are putting this poison on our streets.

H.R. 3898 strengthens the penalties for manufacturing, trafficking or importing methamphetamine—making penalties equal to those for crack cocaine—and imposes life imprisonment sentences for those that manufacture or distribute methamphetamine. This legislation also reduces the quantity of methamphetamine required to trigger the mandatory minimum sentences by one-half and establishes that 50 grams triggers a 10-year mandatory minimum.

It is time to send a clear message to those drug dealers that threaten our communities. Tough penalties must be imposed on those who deal in destruction of lives and death. I ask my colleagues to join with me in support of this measure as we continue to wage a war on drugs to save our children and every American from the plague of methamphetamines now sweeping across our land.

Mr. McCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the bill, H.R. 3898, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING MARIJUANA

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 117) expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use, as amended.

The Clerk read as follows:

H.J. RES. 117

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of illegal use of Schedule I drugs are well documented, particularly with regard to physical health, highway safety, and criminal activity;

Whereas pursuant to section 401 of the Controlled Substances Act, it is illegal to manufacture, distribute, or dispense marijuana, heroin, LSD, and more than 100 other Schedule I drugs;

Whereas pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration to ensure it is safe and effective;

Whereas marijuana and other Schedule I drugs have not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas the Federal Food, Drug and Cosmetic Act already prohibits the sale of any unapproved drug, including marijuana, that has not been proven safe and effective for medical purposes and grants the Food and Drug Administration the authority to enforce this prohibition through seizure and other civil action, as well as through criminal penalties;

Whereas marijuana use by children in grades 8 through 12 declined steadily from 1980 to 1992, but, from 1992 to 1996, has dramatically increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders, and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th grades;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana, and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine; and

Whereas the rate of illegal drug use among youth is linked to their perceptions of the health and safety risks of those drugs, and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among children and teenagers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana, and other Schedule I drugs, for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration; and

(2) not later than 90 days after the date of the adoption of this resolution—

(A) the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(i) the total quantity of marijuana eradicated in the United States during the period from 1992 through 1997; and

(ii) the annual number of arrests and prosecutions for Federal marijuana offenses during the period described in clause (i); and

(B) the Commissioner of Foods and Drugs shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the specific efforts underway to enforce sections 304 and 505 of the Federal Food, Drug and Cosmetic Act with respect to marijuana and other Schedule I drugs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Today we are about to consider a medical marijuana bill. It is a bill probably with a misnomer because there is no initiative out there in the country that proposes truly medical marijuana, where a doctor's prescription is required, you have to go to the drugstore and get it, or the Food and Drug Administration has approved the smoking of marijuana as a drug and so forth.

But there is an awful lot of confusion in the public mind out there today. I want to call my colleagues' attention to what this resolution actually calls for after all of the sense of Congress is expressed in it. It resolves that the

House and Senate and Congress continue to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration.

I would like to point out at the beginning of this discussion that there is a synthetic drug known as Marinol that contains the same powerful medical ingredients found in marijuana for relieving pain and does not cause the addiction or side effects associated with marijuana. Everybody here today in this body is sympathetic with people who suffer from pain in this country and the many Americans who have been told in some cases that the smoking of marijuana will relieve that pain to them. Nobody is unsympathetic to their cause, particularly those who are terminally ill, but the ingredients that they need the medical profession has already laid forth in medicine that is available and approved and is separate and apart from the question of should we in any way provide for the opportunity to smoke marijuana in a smoke form, which is what is in so many resolutions around the country these days and initiatives.

Secondly, the Food and Drug Administration, which must approve all drugs, has never approved marijuana as a prescription or over-the-counter drug.

Third, no doctor's prescription, under the initiatives that I have seen in the States where this has been proposed and is being proposed today in the 50 States, no doctor's prescription would be required to obtain marijuana. The only thing that would be required is for the doctor to say, "It's okay, I think it's a good idea, I'll sign a piece of paper." But you do not have to go to the drugstore to get it. In fact, you could not get it at the drugstore because the Food and Drug Administration has never approved it.

And fourth, there is a very important health problem that is associated with this in terms of the body's immune system. Regularly smoking marijuana weakens the body's immune system and doubles the speed in which the AIDS-causing virus HIV produces AIDS symptoms.

Having made those statements, I want to discuss H.J. Res. 117 in a little bit more detail. Congressional support, as I have said earlier, for the current legal process is what this is all about: the process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs for medicinal use.

I am pleased to say that the joint resolution we have here today is fully supported by General Barry McCaffrey who is the head of our Office of National Drug Control Policy, and he has a letter dated September 9, 1998 that so states that support.

At the outset, I want also to state that we personally do not possess the medical or scientific expertise to pass judgment on whether marijuana is a medicine. But the Food and Drug Administration does and so does the American Medical Association, the National Institute of Drug Abuse, the American Cancer Society and numerous other organizations. Each of them has concluded that marijuana is not a medicine. It seems to me that their collective expert judgment and the long-established FDA approval process should not be lightly set aside. Either on the basis of scientific evidence and testing or whatever other basis you might come to a conclusion on, marijuana is not a medicine. It has got to be determined by a scientific basis. That is all there is to it. So far it has not been. No opinion poll or State initiative in any way can alter that status.

Simply put, this resolution before us today reflects the view that science cannot be based upon opinion polls. This was the position taken before the subcommittee by General McCaffrey and by numerous other witnesses. Until agencies with the authority and expertise, through established scientific testing and review process, find marijuana to have legitimate medical applications, it should not be legalized by States for medicinal purposes.

This resolution takes that position and provides the House of Representatives as an institution the opportunity to weigh in on this debate that is going on nationally. I believe such a statement is important for a couple of reasons. First it is timely. More than 30 States and the District of Columbia have been targeted for possible medical marijuana initiatives. They have already been passed in California and Arizona.

I might add that the language of this resolution has been crafted in cooperation with the gentleman from California (Mr. COX) and Senator KYL from Arizona.

The resolution is also timely because of the tragic drug crisis engulfing our young people today. The numbers are simply shocking. From 1992 to 1997, drug use among youth from 12 to 17 years of age has more than doubled.

□ 1330

It is up 120 percent. That is an increase of 27 percent in the last year alone. For kids aged 12 to 17, first-time heroin use has increased 875 percent from 1991 to 1996, and from 1992 to 1996 marijuana use increased 253 percent among eighth graders, 151 percent among tenth graders and 84 percent among twelfth graders. Overall among kids aged 12 to 17 marijuana smoking has jumped 125 percent from 1991 to 1997 in that 6 year period. Today in the District of Columbia 96 percent of all youth arrested for crime test positive for marijuana. That is 96 percent of all juvenile arrests.

Marijuana users today are younger than ever before. The most recent survey by the Partnership for Drug-free America found that among children ages 9 to 12 who were surveyed, nearly one-fourth of them were offered drugs during 1996 with marijuana being the most prominent. That is up from 19 percent for the same age group in 1993. The University of Michigan survey for 1996 reports that 23 percent of the seventh grade students said they had tried marijuana, and 33 percent of the eighth grade students had done so. Mr. Speaker, our kids are drowning in a sea of drugs.

The second reason for this resolution is to send a message that cavalier labeling of smoked marijuana as medicine sends an unmistakable message to our youth. How harmful can it be if it is a medicine for any ailment? The polls that have been taken before and after State initiatives clearly demonstrate young people have a more accepting attitude towards marijuana after the passage of those initiatives.

Kids get it. They understand it when civic and cultural institutions and leaders are ambivalent, and I am of the view that future prospects of our young people are too important for such a matter of ambivalence. As a country we need to speak out, and this House needs to speak out.

Third, we need to know much more about marijuana today, and we do no more than we did a few years ago, and the news that we do know is sobering. The potency of marijuana has more than doubled in the last decade through genetic manipulation and cloning. On top of that, the typical marijuana dose is significantly larger than in past years, laced with other drugs. As a result in recent years there has been a dramatic increase in the number of marijuana related emergency room episodes for 12- to 17-year-olds.

Marijuana's troubling gateway effect is now well understood. According to Columbia University, youth between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana. The research clearly demonstrates smoke marijuana impairs normal brain function and damages the, heart lungs reproductive and immune systems. According to the National Institute of Allergies and Infectious Diseases, HIV positive smokers of marijuana progress to full blown AIDS twice as fast as non-smokers and have increased incidences of bacterial pneumonia. In June 1997 the National Institute of Health found that long term use of marijuana produces changes in the brain that are similar to those seen after long term use of other major drugs such as cocaine and heroin. It is with this disturbing back drop that we bring forward the resolution today.

While the substance of the resolution is straightforward, I want to highlight again a couple of points.

The resolution points out that before any drug can be approved as a medication in the United States it must meet extensive scientific standards established by the Food and Drug Administration to ensure its safety and efficacy. The resolution points out that marijuana has been extensively studied, but it has never been approved by the FDA as a medication. In fact because of its high potential for abuse and its lack of any accepted medical use in treatment marijuana is a schedule one drug, which means, of course, it is illegal under federal law to manufacture, distribute or dispense marijuana, heroin, LSD and more than 100 other schedule one drugs.

And let us be perfectly clear. This schedule one rating is not a function of politics, it is a function of the rigorous medical scientific evaluation process of the Food and Drug Administration. The doctors and scientists with the greatest expertise have determined that marijuana is simply not a medicine, however they have approved its active ingredient, THC, in a pill form as medicine.

In light of these facts, the resolution affirms the importance of supporting the existing Federal legal process for determining safety and efficacy of drugs including marijuana and other schedule one drugs. It further states opposition to efforts to circumvent this process by legalizing marijuana and other schedule one drugs for medicinal use without valid scientific evidence and the approval of the FDA, and it calls on the Attorney General and the Food and Drug Administration commissioner to report to Congress on their efforts to enforce the Federal marijuana laws already on the books.

Again, I am as concerned and sympathetic as anyone else about terminally-ill patients, but the scientific evidence does not support the medicinal marijuana resolutions that are running around the country these days, and they do not require prescriptions by doctors of these of marijuana, there has been no approval at all to smoke marijuana by the Food and Drug Administration as a medicine, and it is a highly dangerous thing to do, and we need to condemn it today.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Massachusetts (Mr. FRANK) for yielding this time to me.

As my colleagues know, this is truly a resolution that can be described as a Alice in Wonderland resolution. Up is down and down is up. Marijuana is dangerous for folks who are suffering, who very well may be dying, but cocaine and morphine are okay. In other words, coke and morphine are less dangerous than marijuana. That just does not make any sense whatsoever.

It seems to me, if we are going to ban the use of marijuana in the face of growing medical evidence of its therapeutic value, in cases resistant to other treatments, then we should ban morphine and cocaine as well.

What are the arguments for treating marijuana differently from these other and arguably far more dangerous drugs? I am sure that if we ask anyone from the law enforcement community, they will tell us that violent behavior is far more endemic to the use and the abuse of cocaine and morphine and related drugs than marijuana.

Well, the first argument is that whatever benefits it may have, marijuana is simply too dangerous for us to send a single signal that it is okay. Yet the same signal is sent by, as I said, allowing therapeutic access to cocaine, and yet we allow it nonetheless. If we adopt a different policy with regard to marijuana, what we will be saying is that we are willing to allow patients to suffer excruciating, debilitating conditions so as not to send a signal to others who might wish to use these drugs recreationally. With all due respect, I do not believe that anyone who has watched an AIDS or cancer patient suffer uncontrollable nausea for hours at a time could make such an argument. That is not the signal that we want to send.

Proponents of the resolution are quick to point out that the scientific community is divided over the medical benefits of marijuana. They are less quick to acknowledge that both the benefits and dangers of this and hundreds of other medicinal substances are subject to scientific dispute also.

It is not our role, I would submit, to prohibit scientists and researchers from continuing to develop sound data regarding the safety and efficacy of marijuana as they do with any other experimental treatment.

There is also another reason why Congress has no business legislating in this subject. In November of 1996 Californians approved Proposition 215 which legalized the medical use of marijuana. That same year folks from Arizona supported a measure allowing physicians to prescribe the drug. The Californian measure was approved by a 56 percent majority, the Arizona referendum by 65 percent. I am continually surprised and stunned really at the capacity of some of my colleagues to preach the gospel of States rights while doing everything they can to federalize State prerogatives. In this Congress alone we have had legislation to deny juvenile justice funds to States that do not comply with new Federal mandates to preempt State authority with respect to product liability, tort and security litigation, to curtail State court jurisdiction over class action suits, and to override State and local land use decisions through so-called property rights measures, to name only a few of the more notorious examples.

But if we are determined to override State authority, to really bury the concept of evolution, if we are determined to replace sound medical judgment with our own, at least let us not be hypocritical. Let us take morphine and cocaine off the market as well. Let us make it clear to patients who depend on these drugs to control their pain that they will simply have to suffer so that we can send the right signal about drug abuse. I am sure they will understand.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding this time to me.

Mr. Speaker, this resolution is just another effort by the Republican leadership to substitute slogans for substance. Time after time the leadership has ignored the facts and slapped down the work of States and public health experts because it serves the Republican leadership's political interests, as they see it any way.

First, they are going to take a slap tomorrow at the State of Oregon, and they want to ban here at the federal level, any funding or any attempt to Oregon to have a law for assisted suicide. Yet in spite of this ban, the Washington Post reported last April that Oregon's Death with Dignity Act has profoundly improved the end of life care given the terminally-ill patients.

Now the House also taken a swap at States and cities across the country this spring by banning Federal funding of needle exchange. Needle exchange is preventing AIDS and saving lives in dozens of American cities in over 20 States. The Surgeon General, the National Academy of Sciences, the National Institutes for Health, the American Medical Association all concluded that needle exchanges save lives, prevent AIDS and do not encourage drug use. But do not confuse the Republican leadership with the facts; they are not interested. They want Americans to believe that the government was going to install needle vending machines next to coke machines across the country. They want everybody to know that the greatest wisdom in the country is here in Washington, nowhere else in the Nation. Now the House leadership wants to take a slap at California. The voters of California supported Proposition 215. They support doctors prescribing or recommending marijuana for medical uses. The voters of California have spoken on this issue, and their judgment deserves the respect from this House.

Just as importantly, the National Institutes of Health is calling for more research on medical uses of marijuana, the National Academy of Sciences is due to report on this issue in the next few months, and the AMA, California Nurses Association, California Academy of Family Physicians, the Los Angeles County AIDS Commission all support Proposition 215. But the gentleman from Georgia (Mr. GINGRICH) and the gentleman from Texas (Mr. ARMEY) and the rest of the Republican leadership do not care. They do not want to wait for a report that will give them the facts. They want to deprive seriously ill patients of potential therapies because they have a political agenda. They think we should just say no to sick and dying patients because it looks like we are getting tough on illegal drugs.

Mr. Speaker, this resolution is not about crime, it is not about legalizing drugs, it is not about legalizing marijuana. This is about letting doctors care for dying patients in the best way possible. This is about letting scientific research proceed unhindered by politics.

Mr. Speaker, I urge my colleagues to oppose this resolution, and I want to put into the RECORD a statement from the New England Journal of Medicine. It is an editorial endorsing the physician freedom to determine the medical uses of marijuana.

I urge that we oppose this resolution which is strictly here for political purposes, and it should not be dignified with our votes because it deprives the States and the people from making a decision in the local areas for their own determination.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, as a survivor of cancer twice in my lifetime, let me put to rest this business that marijuana is needed to take care of pain of cancer victims. Marijuana is a dangerous and addictive drug and should not be legalized for medical use or for any other use.

Let me just tell my colleagues as a 20-year Member of this Congress, I fought for States' rights more than any other Member on this floor.

□ 1345

This is not a States' rights issue. The illegality of marijuana is a national law, and State laws do not override national laws. I urge all States' righters to come over here, as I am going to do, and vote "yes" on this legislation.

I find it very disappointing that medical marijuana referenda will appear in five states this November. Nevada, Alaska, Washington, Arizona, and Oregon all have proposals to legalize marijuana as a medicine. This is a sham. The FDA has repeatedly rejected marijuana for medical use because it adversely impacts concentration and memory, the lungs, motor coordination and the immune system.

Why would you give a drug, which has been scientifically proved to weaken the immune system, to a sick person? I think we know the answer to that question and it has nothing to do with compassion!

The simple truth is that the organizations promoting the legalization of this dangerous drug—NORML and the Drug Policy Foundation—are intentionally exploiting the pain and suffering of others as part of their backdoor attempt to legalize drugs.

I agree with Drug czar Barry McCaffrey's recent statement, "This is not the time to use ballot-box ploys to make this drug more readily available. Instead, it is time to pay attention to the science-based information already available about the consequences of marijuana use."

While the people promoting the legalization of drugs would have you believe that this approach is a viable alternative to the war on drugs it is nothing more than a foot in the door to the legalization of all dangerous drugs.

Listen very carefully to what Lee Brown—the former Drug Czar and an African-American himself—said about the effect of legalization on the African-American community.

He said, "When we look at the plight of many of our youth today, especially African-American males, I do not think it is an exaggeration to say that legalizing drugs would be the moral equivalent of genocide."—The moral equivalent of genocide!

He goes on to state, "Making addictive mind altering drugs legal is an invitation to disaster for our communities that are already under siege. Without laws that make drug use illegal, some experts estimate that we could easily have three times as many Americans using illegal drugs. The proponents of legalization would have us believe that crime would go down if drug use was legal, but an honest look at the facts belie this argument."

Mr. Brown went on to state that "statistics tell us that almost half of those arrested for committing a crime test positive for the use of drugs at the time of their arrest. Making drugs more readily available will only propel more individuals into a life of crime and violence.

Contrary to what the legalization proponents say, profit is not the only reason for the high rates of crime and violence that are associated with the drug trade * * *. Drugs are illegal because they are harmful—to both body and mind."

The message is very, very clear. * * * Those who can least afford further hardship in their lives would be much worse off if drugs were legalized.

Crude marijuana contains over 400 different chemicals. Safer and more effective medications are preferred by physicians. We need to support this resolution and reject those who make empty promises to patients with chronic illnesses.

Mr. McCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I have listened carefully to the debate and it occurs to me that those who have been speaking against the resolution have not read it. They have been attacking various public policy positions that some people in America might or might not hold, but they have not been mentioning the resolution. The resolution itself is very, very clear, it is very straightforward, and it is indeed entirely consistent with Proposition 215 in California.

The resolution says the following. First, it declares that Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs. That is the law, it is the existing Federal law, and a vote against this resolution, then, is to take the position that Congress no longer supports the existing Federal legal process for determining the safety and efficacy of drugs.

The second thing that the resolution says is that the Attorney General, the Department of Justice, in other words, shall submit to the Congress a report, a report on the efforts of the Clinton administration to enforce existing laws. Now, perhaps the Congress does not want to know whether or not the administration is enforcing existing laws; perhaps the minority does not wish to know that because the administration has a pretty sorry record on that score.

In 1992, President Bush committed $1.5 billion to drug interdiction. In 1993, President Clinton cut $200 million out of that effort and rolled back significant other involvement by the Coast Guard, the U.S. Customs, Border Patrol and the National Guard. He then further cut his own Anti-Drug Policy Office from 146 persons down to 25. In 1993 and 1994, out of 2,600 speeches and interviews, President Clinton did not speak more than 2 dozen times on the topic. Under President Clinton's watch, marijuana use among youths has more than doubled, more than doubled during the Clinton administration. President Clinton and Vice President GORE and their FDA have raised a lot of hell about tobacco smoking, and that is important, but the FDA cares only about whether or not there is tobacco in that cigarette. Go ahead and put marijuana in it, and that is a different score.

What we are interested in with this resolution is where is the FDA when we put something besides tobacco in a cigarette? The FDA went out of its way in order to claim jurisdiction which Congress had not explicitly given it over tobacco to determine that a cigarette is a medical device. Now, that strains the lexicon a bit, but nonetheless, they made that determination. A cigarette is a medical device and, therefore, the FDA has jurisdiction under our FDA statutes over tobacco. Well, surely, then, if a cigarette is a medical device, the FDA has jurisdiction over marijuana when put in a cigarette and smoked. But the FDA has done nothing to determine the safety and efficacy of marijuana for medical uses.

It is already the law that doctors can prescribe marijuana to sick patients, and that is not what we are talking about here. But what we do wish to do is get the FDA to focus as much as they are focused on tobacco on what happens when we put marijuana in those cigarettes.

Mr. Speaker, the last thing that the resolution does is it asks the FDA, the Commissioner of foods and drugs, to submit to the Congress a report on the specific efforts underway to enforce existing law. That is the entirety of what this resolution does, and a vote against this resolution is a vote against either 1 or all 3 of those things, a position which is untenable if one takes as seriously smoking marijuana as one takes smoking a tobacco cigarette.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute to say there is one part of this resolution that specifically affirms the FDA's current rules for determining not just the safety of a drug, but efficacy.

So if one votes for this and if one has told people in their district that they think the FDA has been too restrictive on certain kinds of drugs, if one thinks they have been too much interfering with people's rights to make their own choices without regard to safety, understand that this resolution contradicts it. Because one of the specific things in this resolution is an explicit endorsement of the rules of the FDA, not just regarding safety, but efficacy.

Now, I know Members have written in and said, oh, yeah, the FDA has been too harsh on this drug and too harsh on that drug. I know Members have told people that they think the FDA has been too restrictive. Understand that this resolution is not just about marijuana; this is an explicit endorsement of current FDA procedures for dealing not only with safety, but efficacy, telling people that the FDA will tell them whether or not they can take a certain substance, even if it is not going to do them any harm.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this questionable election year resolution. I do so as one who chose personally to never experiment with marijuana, either inhaling or not inhaling, and who shares the professed concerns of the supporters of this resolution that we do nothing to glamourize the recreational use of marijuana.

I think that the gentleman from California has just made 2 points that deserve further consideration. One is he suggests that we read the resolution. I have. Not all of the electioneering in the early "whereas" clauses, but what this resolution actually does. All that it does is to ask the Attorney General for some data which a phone call or one 32-cent stamp would probably produce.

The other thing it does is to place Congress on record in telling the States that they ought not to pass anymore initiatives on this subject. I suggest that is going to be about as meaningful as them getting up and making this list of speeches this afternoon as far as the views of people in the individual States.

The gentleman from California also makes an important comparison between marijuana and tobacco. This House has chosen to do absolutely nothing about a much more addictive drug, that being nicotine, that threatens the lives of thousands of our young people each day. This House has chosen, though there have been many statements to the contrary, including by the Speaker, that we have chosen to avoid an opportunity to deal with the very serious public health problem that addicts 3,000 more young people every day to nicotine; it has chosen to avoid that. The only way it has addressed that issue was the unsuccessful attempt last year to pass a $50 billion tax break for the tobacco companies.

But on the specific issue of marijuana use for medicinal purposes, it seems to me that the basic difference that we have on this issue is whether to entrust that decision to the scientific community, to the medical community, or repeatedly to turn to Dr. NEWT. I think that if someone has a serious cancer, a serious case of glaucoma, one of the other uses for which medicinal use of marijuana has been recommended, I would like them to determine whether they might be saved some serious pain and suffering that no other kind of medication attempts to relieve, not based on my opinion, not based on Dr. NEWT's opinion, but based on their doctor and their scientific community as to whether this is an appropriate way to reduce the pain and the suffering that that person has.

I note that the New England Journal of Medicine, one of the most respected publications in the medical community in this country, and a number of oncologists in this country seem to believe that this substance has some benefits, and for this Congress to mingle politics into medicine is a mistake. But perhaps it was put best by a Florida woman who successfully uses marijuana to treat glaucoma in her eye who said, "You cannot outlaw compassion, self preservation, or survival." That is what is proposed as we inject here on the eve of the election Dr. NEWT in a medical decision.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair would point out that Members should not refer to other Members by their first names.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of House joint resolution 117, the sense of Congress on marijuana, and I commend the sponsor of the resolution, the gentleman from Florida (Mr. McCOLLUM) for bringing this measure to the floor at this time.

In recent years, promoting so-called medicinal uses for marijuana has taken hold in several States. In 1996, the voters in both California and Arizona passed referendums in defiance of the Federal law permitting the use of marijuana as a medical device primarily for pain relief.

This resolution, a result of several committee hearings and intensive research, expresses the sense of the Congress that marijuana contains no plausible medicinal benefits and that it is, in fact, harmful to the smoker.

Specifically, the resolution restates congressional commitment to keep marijuana on the roster of Schedule 1 of the Controlled Substances Act and requests 2 reports, one from the Attorney General, on the amount of marijuana seized and destroyed, as well as the number of marijuana prosecutions from 1992 through 1997; and secondly, from the Commissioner of the Food and Drug Administration on the efforts to enforce current laws prohibiting the sale and use of Schedule 1 drugs.

Mr. Speaker, the number of adolescents who have used marijuana has doubled since 1993. It has been well established that marijuana is a gateway drug, the use of which often leads to more serious drug consumption such as heroin and cocaine use. These trends need to be reversed.

Moreover, I believe that it is important for Congress to take a firm stand on the issue of medicinal use of marijuana. This is a poor cover for the larger issue of drug legalization. Accordingly, I urge my colleagues to strongly support this worthwhile resolution.

The SPEAKER pro tempore. The Chair would point out that the gentleman from Florida (Mr. McCOLLUM) has 3½ minutes remaining; the gentleman from Massachusetts (Mr. FRANK) has 7 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), a real doctor.

Mr. PAUL. Mr. Speaker, I am a physician, I am a parent and I am a grandparent, and I am convinced that drugs are a very, very serious problem in this country, not only the illegal ones, but the legal ones as well. Just last year, 106,000 people died from the legal use of drugs. We are drug dependent, on the illegal drugs and on the legal tranquilizers. That is a major problem.

But I have also concluded that the war on drugs is a failed war and that we should be doing something else. I might point out that the argument for the use of marijuana in medicine is not for pain. To say that it has not relieved pain is not what this is about. Marijuana has been used by cancer patients who have been receiving chemotherapy who have intractable nausea. It is the only thing they have found that has allowed them to eat, and so many cancer patients die from malnutrition. The same is true about an AIDS patient. So this is a debate on compassion, as well as legality.

But the way we are going about this is wrong. I am rather surprised in our side of the aisle that champions limited government and States' rights, that they use the FDA's ability to regulate nicotine as an excuse and the legal loophole for the Federal Government to be involved in marijuana. I might remind them that 80 years ago when this country decided that we should not have alcohol, they did not come to the Congress and ask for a law. They asked for a constitutional amendment realizing the Congress had no authority to regulate alcohol. Today we have forgotten about that. Many of my colleagues might not know or remember that the first attack on the medicinal use of marijuana occurred under the hero of the left, F.D.R., in 1937. Prior to 1937, marijuana was used medicinally, and it was used with only local control.

The Federal controls on illicit drugs has not worked and it is not working when it comes to marijuana. Once again, we have States saying, just allow the physician the option to give some of these people some marijuana. Possibly it will help. I think the jury is still out about how useful it is. But for us to close it down and say one cannot, and deny some comfort to a dying patient, I do not think this is very compassionate one way or the other.

The war on drugs has been going on now for several decades. We have spent over $200 billion. There is no evidence to show that there is less drug usage in this country.

□ 1400

I have a program designed, which I cannot present here, that will change our policy and attack the drugs in a much different way.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is hard to believe, at a time when this entire Nation is abuzz about what kind of moral leadership is coming out of Washington, that we even have to consider this resolution.

In my hometown in Fort Wayne and throughout northeast Indiana and throughout this country, kids are dying in the streets, they are dying in automobile wrecks, they are getting shot down as innocent bystanders in drug wars, most of which started in some kind of combination of cigarettes, alcohol, and marijuana.

We have seen a lowering in attitudes about the positive usage of cigarettes. We need to make more gains on alcohol. But we have seen a reversal in the trends on marijuana, partly because the leaders of our country have not spoken out as strongly.

The last thing we need in this House are Members of Congress using the word simultaneously with medicinal use of marijuana when what they actually mean is a component inside marijuana, THC, and giving the implication that somehow this is a medicine, at a time when young people are becoming more lax in their attitudes and in their usage.

Directly to make this point, in California, it is not for cancer patients. It also can be used for such things as memory recall, writer's cramp, corn callouses. It was a back doorway in California and Arizona and other places where misleading commercials were run, funded predominantly by a man named George Soros and two of his allies who have poured $15 million over 5 years into this to oppose the war on drugs.

Among his statements in Time Magazine was, "I do want to weaken drug laws. I think they are unnecessarily severe. The injustice of the thing is outrageous."

The director of Soros' Lindesmith Center said, it is nice to think that in another 5 to 10 years the right to possess or consume drugs may be as powerfully and widely understood as other rights of Americans.

We are at a moral crossroads in this country. The question is, where do we in Congress stand? Are we going to work to protect our kids in this country, or are we going to weaken these laws that we have tried to uphold?

I am very concerned about this trend, and I hope the Members of Congress understand the moral responsibilities of this office.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, while I was glad to hear my friend express such indignation at the large amounts of money George Soros is spending in a referendum, that is the first support we have heard from that side for campaign finance reform, at least in principle.

Of course we have people on that side who think spending unlimited amounts of money is a good thing when they agree with the cause. It only becomes bad when they disagree with the cause.

That is where we are with States' rights. The gentleman from New York who spoke on the left said he was for States' rights, and that is true. I can say now that I know this Republican majority very well. They are for the right of any State to do anything they agree with. But let a State diverge, and that State is going to be spanked.

The gentleman from California (Mr. Cox) who spoke is a little embarrassed, perhaps, because there is a resolution that talks about how dumb his own State is. He said, well, there is nothing in this resolution which criticizes the State.

That is only partially a good description. It is the case, and I will give the majority this, they did recognize that the resolution that they put through committee was a little too explicit in spanking the State.

The Committee on the Judiciary passed a resolution calling the States all kinds of names in effect, and telling the States not to do this, and wagging their finger at the States. They get a little embarrassed about it, but I am going to put it in the RECORD anyway, Mr. Speaker, because I think people ought to know what they were really trying to get at.

So then they cleaned it up some. But they did leave in this telling phrase, "Congress opposes efforts to circumvent this process." They are talking about California's referendum. What effort is that? To circumvent the process. So this resolution does say to the States, "Naughty, naughty. How dare you differ with us?"

The fact is it also goes on to say, and I think this is important for Members to understand, this is not just about marijuana, Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs, all drugs.

I know there have been Members on both sides who have been questioning whether the FDA ought to have the kind of control it has where efficacy is involved. We all believe the FDA should say that is not safe.

Indeed, this Congress passed a bill, I think it was sponsored by the gentleman from Utah and, I know, our former colleague, the gentleman from New Mexico, recently which relaxed FDA control. There were others who wanted to relax FDA control further.

If my colleagues have told constituents that they want to relax some FDA rules on determining efficacy, and if they vote for this resolution, they better write them an apology, because they have just undercut that statement.

The final thing I want to say, in addition to saying that it seems to be that States ought to be able to make some decisions in this matter, and this resolution is clearly an effort to stop the States from deviating from whatever the national orthodoxy is, the gentleman from Texas (Mr. PAUL) who spoke made a very important point. People get up and they talk about how terrible the drug problem is and then talk about the importance of continuing our current policy approach.

There is a great inconsistency here. When we talk about poverty, public housing, welfare, we have a tendency to have people look at the amount of money spent, then look at the fact that the problem has, if anything, gotten worse, and say therefore we must stop. That method of analysis has turned on its head for drugs.

There is a real problem in the way we have fought drugs. Obviously trying to diminish drug use particularly, but not only among young people, ought to be a very high public policy goal. But this current extremely punitive approach, this current approach of not differentiating in this between marijuana use for medical purposes and drugs that are instantly mind altering doesn't work. It undercuts.

One Member complained about the diminution of funds for interdiction. Interdiction seems to me a prime example of money wasted. Given the scope of this country, the size, the commerce, the people who come and go, physically keeping out terribly small amounts of things is fruitless compared to money that could go into law enforcement, that could go into prevention, that could go into education.

So what we have here is the latest, as the previous resolution was, the latest endorsement of more of the same, and a failed policy, a policy that says you can shoot drugs out of existence, you can outlaw them. It did not work for alcohol. It would not work for tobacco. This approach of being exclusively punitive and not allowing any differentiation does not work here.

The document referred to above is as follows:

Referral to the Committee on Commerce extended for a period ending not later than March 18, 1998.

Committee on Commerce discharged; referred to the House Calendar and ordered to be printed.

Resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of addiction to Schedule I drugs are well documented, particularly with regard to physical health, highway safety, criminal activity, and domestic violence;

Whereas marijuana—which along with crack cocaine, heroin, PCP, and more than 100 other drugs, has long been classified as a Schedule I drug—is both dangerous and addictive, with research clearly demonstrating that smoked marijuana impairs normal brain functions and damages the heart, lungs, reproductive, and immune systems;

Whereas before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration, and marijuana has not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas a review by the Annals of Internal Medicine of more than 6,000 articles from the medical literature evaluating the potential medicinal applications of marijuana concluded that marijuana is not a medicine, that its use causes significant toxicity, and that numerous safe and effective medicines are available, which means that the use of crude marijuana for medicinal purposes is unnecessary and inappropriate;

Whereas on the basis of the scientific evidence and the testimony of the American Medical Association, the American Cancer Society, the National Multiple Sclerosis Association, the American Academy of Ophthalmology, the National Eye Institute, and the National Institute of Drug Abuse, marijuana has not met the necessary standards to be approved as medicine;

Whereas the States of Arizona and California, through State initiatives in 1996, legalized the sale and use of marijuana for 'medicinal' use, while the State of Washington in 1997 rejected an initiative to legalize the sale and use of marijuana for 'medicinal' use;

Whereas after the initiative in Arizona, the legislature of the State of Arizona, with the support of a majority of the citizens of the State, passed legislation to prevent the dispensing of any substance as medicine which had not first been approved as medicine by the Food and Drug Administration, thereby preventing marijuana from being dispensed in the State;

Whereas these States and a majority of States in the United States, as well as the District of Columbia, have been targeted by out-of-State organizations which advocate drug legalization for 'medical' marijuana initiatives in 1998 and 1999, and these organizations have provided the majority of the financial support for these State initiatives;

Whereas some individuals and organizations who support 'medical' marijuana initiatives do oppose drug legalization, prominent pro-legalization organizations have admitted their strategy is to promote drug legalization nationally through State 'medical' marijuana initiatives, and, as such, are seeking to exploit the public's compassion for the terminally ill to advance their agenda;

Whereas marijuana use by 8th, 10th, and 12th graders declined steadily from 1980 to 1992, but, from 1992 to 1996, such use dramatically increased—by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders—and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th graders;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine;

Whereas the rate of drug use among youth is linked to their perceptions of the risks which are related to drugs and, in that regard, the glamorization of marijuana and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among adolescents and teenagers;

Whereas surveys taken in the wake of State 'medical' marijuana initiatives indicate a more approving attitude toward marijuana use among teenagers than prior to the initiatives; and

Whereas the evidence of the last 2 years indicates that the more the public learns about the facts behind the 'medical' marijuana campaign, the more strongly opposed the public become to such initiatives: Now, therefore, be it

Resolved, That—

(1) the United States House of Representatives is unequivocally opposed to legalizing marijuana for medicinal use, and urges the defeat of State initiatives which would seek to legalize marijuana for medicinal use; and

(2) the Attorney General of the United States should submit a report to the Committee on the Judiciary of the House of Representatives before the end of the 90-day period beginning on the date of the adoption of this resolution on—

(A) the total quantity of marijuana eradicated in the United States beginning with 1992 through 1997; and

(B) the annual number of arrests and prosecutions for Federal marijuana offenses beginning with 1992 through 1997.

The SPEAKER pro tempore (Mr. SHIMKUS). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

Mr. McCOLLUM. Mr. Speaker, I yield myself the remaining time that I may have.

Mr. Speaker, THC, the active ingredient for medicinal purposes in marijuana, is available widely as a prescription drug known as Merinol for pain and other purposes, that doctors can prescribe anywhere in the United States today.

Unfortunately, smoke marijuana is dangerous to your health. The American Medical Association believes that, the National Institutes of Health believes that, and numerous other organizations, including the American Cancer Society, believe that.

I do not have the scientific expertise, but I have listened to them. I am convinced it is dangerous; that it means those who are HIV-positive will turn AIDS-symptomatic twice as fast if they smoke marijuana regularly than those who do not.

I do not think that any of us want to see smoke marijuana made legal anywhere in this country for any purpose at all that is going to be detrimental to your health, especially when the Food and Drug Administration has never approved it as a drug and where no doctor in this country can prescribe it in the traditional meaning of the word "prescription" because the FDA never approved it.

That is what prescription means. Every drug in the history of this country today, modern times, has to be approved by the Food and Drug Administration before a doctor is allowed to prescribe it. Marijuana cannot be prescribed without FDA approval. FDA has refused again and again and again to approve it in the smoke form.

I encourage my colleagues to adopt this resolution that says simply that we oppose efforts to circumvent the process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration, because to do otherwise is a back doorway of legalizing marijuana. That is all there is to it.

A vote for this resolution today is a vote for the normal process of the Food and Drug Administration approval and doctors' prescriptions being required before any use as medicine. A vote against this resolution is frankly a vote to legalize marijuana for all purposes, because that is what would happen if we were not to use the traditional processes.

Mr. BUYER. Mr. Speaker, Americans take their medicine in pills, shots, sprays, solutions, drops, creams, and suppositories * * * but no medicine in the United States is smoked.

Proponents of marijuana argue that our compassion for those suffering physical ailments should override our common sense and steadfastness in combating illegal drugs.

With regard to cancer, proponents argue that marijuana will decrease the nausea associated with chemotherapy. The Truth is that marijuana contains cancer-causing substances, many of which are in higher concentrations than in tobacco. The National Cancer Institute reports that new drugs have been shown more effective than marijuana.

With regard to AIDS, proponents argue that smoking marijuana will relieve the physical wasting aspects of the disease. The Truth is smoking, whether tobacco or marijuana or crack cocaine, has been shown to increase the risk of developing bacterial pneumonia in HIV-positive immune-compromised patients.

After 30 years of research, we know that marijuana impairs learning and memory, perception and judgement. It impairs complex motor skills and judgement of speed and time. Among chronic users it decreases drive and ambition.

Finally, marijuana use among our young people is increasing * * * alarmingly so. From 1992 to 1996, marijuana use increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders.

We should not let our compassion for the terminally ill and those in chronic pain to deceive us into treating a dangerous drug as medicine. Support the resolution opposing marijuana as medicine.

Mr. NADLER. Mr. Speaker, today we are debating a non-binding resolution that would express the sense of the Congress that because marijuana is a Schedule One controlled substance, and therefore an illegal drug, then its use for medicinal purposes should be prohibited. This is absurd. Medical use of marijuana is a public health issue; it is not part of the war on drugs. Marijuana has been proven to relieve the pain and suffering of seriously ill patients. It is unconscionable to deny an effective medication to those in need.

It would seem that the Speaker of the House and the distinguished Chairman of our own Crime Subcommittee once agreed with that position. In 1981, Representative NEWT GINGRICH and Representative BILL MCCOLLUM, co-sponsored H.R. 4498, a bill introduced by the late Congressman Stuart McKinney, that would allow the medicinal use of marijuana. In 1985, Chairman MCCOLLUM again co-sponsored H.R. 2282, a bill reintroduced by Congressman McKinney, which would have allowed the medicinal use of marijuana. I, along with many others, would be very interested to learn why our colleagues changed their minds.

Mr. Speaker, prestigious groups such as the National Academy of Sciences, the American Public Health Association, and the British Medical Association have endorsed the medical use of marijuana. I would like to refer my colleagues to an article that was published by the Journal of the American Medical Association (JAMA, June 21, 1995–Vol. 272, No. 23) for more detailed information regarding the legislative and medical history regarding the medicinal use of marijuana.

Most recently, a National Institutes of Health report released in August of 1997 urged the federal government to play an active role in facilitating clinical evaluations of medical marijuana. More than 30 medical groups, including the ones I have previously cited, have endorsed prescriptive access to marijuana, under a physician's supervision. Several medical groups, including the American Medical Association and the American Cancer Society have endorsed a physician's right to recommend or discuss marijuana therapy with their patients.

Several published studies have found that the best established medical use of marijuana is as an anti-nauseant for cancer chemotherapy. In addition, these same studies have found that medicinal use of marijuana has helped in treating patients with glaucoma, chronic muscle pain, multiple sclerosis, epilepsy, spinal cord injury, and paraplegia. Tens of thousands of cancer and AIDS patients use medical marijuana, and they report that it is effective in reducing the nausea and vomiting associated with cancer and AIDS treatment. In a 1990 survey, 44 percent of oncologists said they had suggested that a patient smoke marijuana for relief of the nausea induced by chemotherapy.

Mr. Speaker, I would like to address the question of a state's right to implement policy that the voters of those states have supported. Many states have held, or are planning to hold, state referenda on the use of medical marijuana. Two states, California and Arizona, have successfully passed legislation to allow the prescribed use of marijuana for medicinal purposes. The voters of these states have spoken and in our democratic system they must be respected. Those on the other side of the aisle seem to constantly remind us of the power of big government over the ability of states to make their own policies. Who is championing big government now? Where are all the state's rights supporters on this issue?

Finally, Mr. Speaker, permitting the medical use of marijuana to alleviate the pain and suffering of people with seriously ill conditions does not send the wrong message to children or anyone else. It simply says that we are compassionate and intelligent enough to respect the rights of patients and the medical community to administer what is medically appropriate care. It is time for this Congress to acknowledge that a ban on the medicinal use of marijuana is scientifically, legally, and morally wrong.

Mr. DIXON. Mr. Speaker, I rise to express my opposition to H.J. Res. 117. The voters of California have showed their support for allowing doctors to recommend marijuana for seriously ill patients by voting for the state's Proposition 215 in November 1996. House Joint Resolution 117 attempts to infringe upon the decisions of California citizens by expressing Congress' opposition to the medicinal use of marijuana. While I did not support the California initiative, I oppose this resolution which attempts to nullify their choice.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.J. Res. 117 because this bill accomplishes nothing in the war on drug abuse other than highlight the misplaced emphasis of the country's anti-drug efforts. The bill seeks to tell voters how to cast their votes, and disregards the votes of over five million people in my state. It focuses on arrests and prosecution rather than education and treatment as the answer to drug abuse. And it seeks to make criminals of people in pain because of serious illnesses. This is no war on drugs. It is political grandstanding.

H.J. Res. 117 disregards the proven medicinal uses of marijuana, including increasing the appetites of people with AIDS who have wasting syndrome, and reducing nausea and vomiting resulting from chemotherapy.

Opponents of medicinal marijuana argue that there are other ways to ingest the active ingredient in marijuana, including the use of synthetic THC. However we know that the oral drug containing THC does not work for all people. The logic of the authors of this legislation therefore seems to be that a very ill person should be sent to jail because he or she used the smokable form of a drug whose active ingredient is currently licensed for oral use.

Voters in my home state passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided as many as 11,000 Californians who suffer from AIDS and other debilitating diseases with safe and legal access to a drug that makes life a little more bearable. Fifty-six percent of the electorate voted for Prop 215. The voters have spoken, and there is no need for federal intrusion on this matter. Thousands of constituents in my district struggling with AIDS and cancer will tell you that choosing the appropriate medical treatment should be a decision for public health officials, physicians and patients. Congress would do well to stay out of the prescription business.

Mr. Speaker, I look forward to the day when we can pass truly effective measures to address drug abuse in our country. According to the Legal Action Center, over half of federal drug control spending is dedicated to the criminal justice system, and only 18% goes to drug treatment. To effectively fight the war on drug abuse we must get our priorities in order and fund treatment and education. Today's legislation, which encourages making criminals of seriously ill people who seek proven therapy, is not a step towards controlling America's drug problem. I therefore oppose H.J. Res. 117.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the joint resolution (H.J. Res. 117), as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, as amended.

The Clerk read as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Name of office.
Sec. 105. Concentration of Federal effort.
Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 107. Annual report.
Sec. 108. Allocation.
Sec. 109. State plans.
Sec. 110. Juvenile delinquency prevention block grant program.
Sec. 111. Research; evaluation; technical assistance; training.
Sec. 112. Demonstration projects.
Sec. 113. Authorization of appropriations.
Sec. 114. Administrative authority.
Sec. 115. Use of funds.
Sec. 116. Limitation on use of funds.
Sec. 117. Rule of construction.
Sec. 118. Leasing surplus Federal property.
Sec. 119. Issuance of Rules.
Sec. 120. Technical and conforming amendments.
Sec. 121. References.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 201. Findings.
Sec. 202. Authority to make grants for centers and services.
Sec. 203. Eligibility.
Sec. 204. Approval of applications.
Sec. 205. Authority for transitional living grant program.
Sec. 206. Eligibility.
Sec. 207. Authority to make grants for research, evaluation, demonstration, and service projects.
Sec. 208. Temporary demonstration projects to provide services to youth in rural areas.
Sec. 209. Sexual abuse prevention program.
Sec. 210. Assistance to potential grantees.
Sec. 211. Reports.
Sec. 212. Evaluation.
Sec. 213. Authorization of appropriations.
Sec. 214. Consolidated review of applications.
Sec. 215. Definitions.
Sec. 216. Redesignation of sections.
Sec. 217. Technical amendment.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Duties and functions of the Administrator.
Sec. 302. Grants for prevention programs.
Sec. 303. Repeal of definition.
Sec. 304. Authorization of appropriations.

TITLE IV—MISCELLANEOUS AMENDMENTS

Sec. 401. National Resource Center and Clearinghouse for Missing Children.

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

Sec. 501. Delinquency proceedings or criminal prosecutions in
Sec. 502. Custody prior to appearance before judicial officer.
Sec. 503. Technical and conforming amendments to section 5034.
Sec. 504. Detention prior to disposition or sentencing.
Sec. 505. Speedy trial.
Sec. 506. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
Sec. 507. Juvenile records and fingerprinting.
Sec. 508. Technical amendments of sections 5031 and 5034.
Sec. 509. Clerical amendments to table of sections for chapter 403.

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

Sec. 601. Armed violent youth apprehension directive.

TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

Sec. 701. Short title.
Sec. 702. Block grant program.

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

Sec. 801. Special priority.

TITLE IX—GRANT REDUCTION

Sec. 901. Parental notification.

TITLE X—GENERAL PROVISIONS

Sec. 1001. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

“(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;”,

(iii) in subparagraph (C) by striking “juvenile justice” and inserting “juvenile crime control”,

(iv) by amending subparagraph (D) to read as follows:

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;”,

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking “juveniles, provided” and all that follows through “provides; and”, and inserting the following:

“juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

“(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and”,

(vi) by amending subparagraph (F) to read as follows:

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;”,

(vii) by amending subparagraph (G) to read as follows:

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;”,

(viii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”,

(ix) by amending subparagraph (K) to read as follows:

“(K) boot camps for juvenile offenders;”,

(x) by amending subparagraph (L) to read as follows:

“(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;”,

(xi) by amending subparagraph (M) to read as follows:

“(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;”,

(xii) by amending subparagraph (N) to read as follows:

“(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;”,

(xiii) in subparagraph (O)—

(I) in striking “cultural” and inserting “other”, and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

“(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

“(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

“(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

“(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

“(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

“(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

“(R) programs designed to prevent and reduce hate crimes committed by juveniles.”,

(I) by amending paragraph (12) to read as follows:

“(12) shall, in accordance with rules issued by the Administrator, provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;”,

(J) by amending paragraph (13) to read as follows:

“(13) provide that—

“(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;”,

(K) by amending paragraph (14) to read as follows:

“(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

“(II) has no existing acceptable alternative placement available;

“(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

“(iv) detaining or confining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

"(III) for a period preceding the sentencing (if any) of such juvenile;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(P) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1998, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (22) of subsection (a)".

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(15) family strengthening activities, such as mutual support groups for parents and their children;

"(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(18) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) Application.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) Approval of Applications.—

"(1) Approval required.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) Limitation.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) Selection From Among Applications.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

"(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(A) propose to carry out such projects in geographical areas in which there is—

"(i) a disproportionately high level of serious crime committed by juveniles; or

"(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(b) Receipt of Applications.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

"(A) timely received by such unit from eligible entities; and

"(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) Eligibility.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) Review and Submission of Applications.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

"(1) such entity submits to a unit of general local government an application that—

"(A) satisfies the requirements specified in subsection (a); and

"(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) Limitation.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) Research and Evaluation.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another

Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) Statistical Analyses..—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) Competitive Selection Process.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) Implementation of Agreements.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) Information Dissemination.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) Training.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) Technical Assistance.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) Authority To Make Grants.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) Use of Grants.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) Authorization of Appropriations for Title II (Excluding Parts C and E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1999, 2000, 2001, and 2002.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) Authorization of Appropriations for Part C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

"(c) Authorization of Appropriations for Part E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.".

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Technical Amendments.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) Conforming Amendments.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 37891) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem,", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.",

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,", and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted.", and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,",

(2) in subsection (a) by inserting "evaluation," after "research,", and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"'PART E—SEXUAL ABUSE PREVENTION PROGRAM

"'SEC. 351. AUTHORITY TO MAKE GRANTS.

"'(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"'(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1998, is amended by adding at the end the following:

"'(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.' ".

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

''CONSOLIDATED REVIEW OF APPLICATIONS

''SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

''DEFINITIONS

''SEC. 386. For the purposes of this title:

''(1) The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(III) physical and sexual assault.

''(5) The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

''(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking '', shall'',

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting ''shall'' after ''(A)'', and

(B) in subparagraph (B) by striking ''coordinating'' and inserting ''shall coordinate'',

(3) in paragraph (2) by inserting ''for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall'' after ''(2)'',

(4) in paragraph (3) by inserting ''shall'' after ''(3)'', and

(5) in paragraph (4) by inserting ''shall'' after ''(4)''.

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 501. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

''(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

"(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

"(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of justice are best served by proceeding against the juvenile as a juvenile.

"(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

"(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

"(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

"(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

"(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2);

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

"(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

"(f) The Attorney General shall annually report to Congress—

"(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

"(2) the race, ethnicity, and gender of those juveniles;

"(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

"(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

"(g) As used in this section—

"(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

"(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).".

SEC. 502. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

"§ 5033. Custody prior to appearance before judicial officer

"(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 503. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking "The" each place it appears at the beginning of a paragraph and inserting "the";

(2) by striking "If" at the beginning of the 3rd paragraph and inserting "if";

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

"In a proceeding under section 5032(a)—".

SEC. 504. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§ 5035. Detention prior to disposition or sentencing

"(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

"(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.".

SEC. 505. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

SEC. 506. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Disposition

"(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

"(2) Such list shall—

"(A) be comprehensive in nature and encompass punishments of varying levels of severity;

"(B) include terms of confinement; and

"(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.".

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).".

SEC. 507. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

"§ 5038. Juvenile records and fingerprinting

"(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

"(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

"(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

"(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

"(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 508. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking "MAGISTRATE" and inserting "JUDICIAL OFFICER"; and

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 509. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"CHAPTER 403—JUVENILE DELINQUENCY

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings or criminal prosecutions in district courts.
"5033. Custody prior to appearance before judicial officer.
"5034. Duties of judicial officer.
"5035. Detention prior to disposition or sentencing.
"5036. Speedy trial.
"5037. Disposition.
"5038. Juvenile records and fingerprinting.
"5039. Commitment.
"5040. Support.
"5041. Repealed.
"5042. Revocation of probation.".

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

SEC. 601. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term "armed violent youth" means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 701. SHORT TITLE.

This title may be cited as the "Juvenile Accountability Block Grants Act of 1998".

SEC. 702. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

"(1) building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

"(2) developing and administering accountability-based sanctions for juvenile offenders;

"(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

"(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

"(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

"(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

"(A) restitution;

"(B) community service;

"(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

"(D) fines; and

"(E) short-term confinement;

"(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

"(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

"(b) LOCAL ELIGIBILITY.—

"(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

"(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

"(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

"(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Attorney General under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE ALLOCATION.—

"(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Attorney General shall allocate—

"(A) 0.25 percent for each State; and

"(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

"(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Attorney General shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

"(3) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

"(b) LOCAL DISTRIBUTION.—

"(1) In general.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

"(A) the sum of—

"(i) the product of—

"(I) two-thirds; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-third; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(2) Expenditures.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) Reallocation.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) Unavailability of Data for Units of Local Government.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(d) Local Government With Allocations Less Than $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) Direct Grants to Eligible Units.—

"(1) In general.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

"(2) Award basis.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

"The Attorney General shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) Timing of Payments.—The Attorney General shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 180 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

"(b) Repayment of Unexpended Amounts.—

"(1) Repayment required.—From amounts appropriated under this part, a State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

"(2) Penalty for failure to repay.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) Deposit of amounts repaid.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(c) Administrative Costs.—A State, unit of local government or eligible unit that receives funds under this part may use not more than 10 percent of such funds to pay for administrative costs.

"(d) Nonsupplanting Requirement.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) Matching Funds.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) In General.—A State that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part; and

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) designate an official of the State to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) Title I Provisions.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1999;

"(2) $500,000,000 for fiscal year 2000; and

"(3) $500,000,000 for fiscal year 2001.

"(b) Oversight Accountability and Administration.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1999 through 2001 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) Funding Source.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) Clerical Amendments.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"Part R—Juvenile Accountability Block Grants

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.

"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. 801. SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.".

TITLE IX—GRANT REDUCTION

SEC. 901. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(g) INFORMATION ACCESS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

"(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1998, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

"(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

"(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).".

TITLE X—GENERAL PROVISIONS

SEC. 1001. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. CLAY) control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of the time that I control be controlled by the gentleman from Florida (Mr. MCCOLLUM).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2073, which authorizes appropriations for the National Center for Missing and Exploited Children, and I have a substitute which would replace the text of this bill which includes comprehensive reforms to our Nation's programs addressing juvenile crime.

Mr. Speaker, in 1995, juveniles accounted for 32 percent of the arrests for robberies, 23 percent of weapons violations, 15 percent of rapes, 13 percent of aggravated assaults and 9 percent of arrests for murder. These are staggering statistics that should draw our collective attention to the need for meaningful reform over our juvenile justice system.

Last year, the House passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This is an important bill that not only supports making juveniles accountable for their actions, but also provides funds to States and local communities in designing prevention programs to help young Americans turn their lives around.

The House has also passed H.R. 3, legislation from the Committee on the Judiciary to hold juveniles accountable for their actions. Together, these two bills presented a comprehensive approach to addressing juvenile crime in America today.

The Senate passed legislation amending portions of H.R. 1818, specifically amendments to the Missing Children's Assistance Act and the Runaway and Homeless Youth Act.

It is our intent to amend this legislation, S. 2073, to include the provisions of H.R. 1818 and H.R. 3 and to request a House/Senate conference to work out the differences between the two bills.

Mr. Speaker, over the past 2 years, we have seen a horrendous increase in school violence in our country. I believe the number of students who have been killed in our Nation's schools by other students has shocked all of us. The well thought out provisions of H.R. 1818 provide support for States and local communities in addressing issues relating to juvenile crime, including school violence.

It places the design of prevention programs where it appropriately belongs, at the local level. Although it outlines a number of ways in which funds can be used, it does not restrict local innovation.

Earlier this year, the Subcommittee on Early Childhood, Youth and Families held a hearing on understanding violent children. This hearing focused on the factors that are likely to contribute to school violence and explored the backgrounds of children who commit the violent acts.

One key issue was discussed by most of the witnesses testifying at the hearing: The need for early identification of students with a potential for violence and then early intervention and prevention activities directed at those students. Schools could conduct these types of activities using funds provided under this act.

Mr. Speaker, we need to make communities and schools safe. Our goal is crime-free environments where children can play and learn. To reach this goal, we must act now to move legislation addressing juvenile crime. The end of the session is drawing near. We cannot afford to wait any longer. Parents, teachers, counselors and law enforcement personnel cannot continue to wait for us to act. Most importantly, our sons and daughters need our support in making playgrounds and neighborhoods safe again.

I believe we must take advantage of this opportunity to produce legislation which not only provides appropriate punishment for juvenile offenders but which provides a variety of intervention and prevention programs to prevent youth involvement in delinquent activities, and I urge the Members' support.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Florida (Mr. MCCOLLUM).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this Republican ploy to strike the language in S. 2073 and replace it with both H.R. 1818 and H.R. 3.

H.R. 3 is a punitive, controversial measure from the Committee on the Judiciary, which does very little to prevent crime in America's streets. By contrast, H.R. 1818 is a bipartisan measure that includes thoughtful, effective crime prevention measures that will give juveniles real alternatives.

By combining these two House bills, we will virtually obliterate and ensure the obliteration of H.R. 1818's positive prevention measures. H.R. 1818 enjoyed very strong bipartisan support, which was evidenced by its overwhelming margin of passage, 413 to 14. The bill creates a new, more effective and streamline prevention and treatment program for juveniles. It also maintains a Federal role in juvenile justice research and evaluation, and it provides for the separation of juveniles from adults in correctional settings.

☐ 1415

H.R. 1818 was considered under suspension of the rules and was the product of several months of careful negotiation. By contrast, H.R. 3 would result in more juveniles being tried as adults in Federal court because it provides for the mandatory adult prosecution of 14-year-olds charged with serious violent felonies.

This is a far cry from the strong prevention-based philosophy of H.R. 1818. We cannot afford to toss our troubled juveniles into jail and throw away the keys. We must intervene first with the strong and flexible prevention measures that H.R. 1818 provides.

Mr. Speaker, I believe that H.R. 1818's promotion of prevention over punishment, substance over politics, shows what we as elected officials can do to produce fair, bipartisan legislation. Instead of looking to score cheap political points, let us do right by our Nation's troubled children and work to prevent juvenile crime.

Mr. Speaker, the combining of these bills is a Republican ploy to force Members who already opposed H.R. 3 to vote for it now. This amendment is an abuse of the suspension calendar. Members who voted against H.R. 3, or have concerns about the Draconian measures in S. 2073, should vote "no" on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as has been stated previously, contains the elements of two major youth crime bills and an effort to improve our juvenile justice system very dramatically as the work product of two different committees of this House.

Both of these bills in other forms, but very much the same language, have passed this body. H.R. 3, which passed this body some time ago in the last session of this Congress back last year, passed by a vote of 286 to 132. That is what constitutes sections 5 and 6 and 7 of this bill today.

Mr. Speaker, I want my colleagues to fully understand that many, the vast majority, voted for these provisions previously. We have had some difficulty getting the legislation represented by both of these previous bills into law. So, consequently, this is an effort to combine the two and perhaps be able to get something through the other body, as well as ours, and to the President's desk.

First of all, it is extremely important for us to recognize that we have a crisis in juvenile crime today in this Nation. Our juvenile justice system is truly broken because juvenile judges, juvenile prosecutors, juvenile probation officers, are overwhelmed by the caseload that is out there.

We find in the streets of America today young people committing crimes, oftentimes the traditional crimes we think of as going to juvenile court of doing something like spray painting graffiti on a warehouse wall or running over a parking meter, and not even seeing the police officer taking them into the juvenile authorities because the juvenile authorities are so overworked, they have to spend their time on the violent crime that we hear so much about in society today, that they are not focused and cannot take the time to focus on these lesser crimes.

Then when they are taken in, they may or may not receive any punishment at all. We have a lot of reports in some of our major urban areas where they do not receive any punishment, which is the reason why law enforcement hesitates to carry these young people in that commit misdemeanor crimes and wait for the really serious stuff, which may be many, many crimes down the road. Then those who do get some punishment frequently cannot be supervised, because there is no probation officer who has the time to do that and so on down the line.

As a net consequence, what I have learned as chairman of the Subcommittee on Crime in this House over the last 3 or 4 years is that we have a lot of young people who believe that there is no consequence to their juvenile acts when they go out and commit these relatively petty crime. The experts say in that case, since they may commit all kinds of these crimes and never get any punishment, never even be taken into the juvenile authorities, is it any wonder that when they are a little older and rob a 7-Eleven store with a gun that they do not hesitate to pull the trigger because they do not think that there is going to be any consequences.

So, what is in this bill that was in H.R. 3, which is the gist of that bill on juvenile justice reform, is an effort to hold these young people accountable, knowing and recognizing that the vast majority of juvenile justice problems are in the States, not at the Federal level. This is not a Federal bill in that sense. It is, instead, a bill that would provide for some effort to put some accountability in there by a grant program to the States and local communities for the purposes of promoting this accountability.

The funds that would be authorized in this bill are $500 million a year over 3 years for State and local communities to be able to spend for the purposes of increasing accountability in their juvenile justice systems for anything they want to. More judges, more probation officers, more prosecutors, more juvenile detention facilities if that is what they need, but within the framework of juvenile justice for anything they want.

There are only a couple of provisions that they have to assure the Attorney General of the United States in order to get the grant money, the first and foremost of which is that the State would have to ensure that there is a sanction, some kind of punishment, for every delinquent or criminal act of a juvenile and that there will be an escalating greater sanction for every subsequent delinquent act that is more serious.

That is very critical. It does not exist today, unfortunately, in most communities and it needs to exist. That is the real reason for this part of the legislation, why H.R. 3 was passed, and why it is in this bill today. It is a grant program to provide those additional resources so that these overworked juvenile justice systems can be given a jump start, knowing that the States will have to pump even more money into the system, but at least saying we are out there to offer a helping hand of $500 million a year, which is a lot of money, to the States which comply with that.

They also would have to establish a system of records for juveniles adjudicated delinquent for a second offense that would be a felony if committed by an adult, which is a system equivalent to that maintained for adults that commit felonies.

They have to assure that State law does not prevent a juvenile court judge from issuing an order against a parent or guardian of a juvenile offender and from imposing sanctions for violation of that order, which most States already do.

The last one that is often talked about, but that is far milder than has been represented even here today, they have to assure the Attorney General that when juveniles commit an act after attaining the age of 15 years of age that would be a serious violent crime on only one of those four, murder, aggravated, sexual assault, and armed robbery with a firearm if committed by an adult, may be prosecuted as an adult within the discretion of the prosecutor, which is, of course, the law in almost all States today.

The heart of this is that we want money to go to the States to improve their juvenile justice systems. This is a grant program to do that. It is primarily attached to the principal string that they will start punishing and assure us that they are punishing juveniles for their first delinquent acts and then increase that punishment thereafter with the misdemeanor crimes to put consequences back into the law and stop a lot of these kids from committing the violent crimes that they do later. It is a very important bill and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I rise in opposition to the House substitute to S. 2073. Members on the other side of the aisle are politicizing what could have been a bipartisan debate on juvenile justice by incorporating the controversial H.R. 3 in the substitute.

It is certain that the House had bipartisan options at hand. The Senate version of S. 2073 would have reauthorized the Runaway and Homeless Youth Act and the National Center for Missing and Exploited Children. While I am a strong advocate of both programs and support their extension, I do not support H.R. 3, which is an overreaction.

On the other hand, one of the bills that we are using as a substitute to the Senate legislation is H.R. 1818, the Juvenile Justice Crime Control and Delinquency Prevention Act, which also reauthorizes these important programs and represents a truly bipartisan compromise in addressing juvenile justice.

Over a year ago, H.R. 1818 passed the House with near unanimous support. This legislation shows what we can do as elected officials to produce good public policy on a truly bipartisan basis. H.R. 1818 strengthens the vital provisions of the Juvenile Justice and Delinquency Prevention Act, embodied in the four core mandates, while providing flexibility to deal with the real life difficulties of dealing with juvenile offenders.

In addition, a dramatic positive new step is also taken by the creation of H.R. 1818's Community Prevention Block Grant. These funds will provide the vital tools necessary for our local communities to prevent juvenile crimes.

Unfortunately, legislation that lacks the overwhelming bipartisan mandate afforded to H.R. 1818 will also be incorporated in the House substitute to S. 2073. That legislation, H.R. 3, relies on punitive measures rather than the prevention efforts which are more successful and less costly. H.R. 3 espouses an extremist view of addressing juvenile crime, both by calling for the prosecution of more youths as adults and forcing juveniles to be housed with adult offenders.

This is in direct conflict with the provisions of H.R. 1818 which mandate total sight and sound separation of adults and juveniles in correctional facilities. These protections were first enacted in the JJDPA due to the overwhelming evidence that housing adults with youth together in the same correctional facility was dangerous and even lethal for juveniles.

Mr. Speaker, the facts are the suicide rate for youths in adult jails is eight times higher than that for children in juvenile detention centers. Most suicide attempts actually occur within the first hours of incarceration. In addition, youth who come in contact with adult inmates are often physically and sexually abused. I can attest that we could only be promoting recidivism by jailing youth offenders with adults, thus condemning these children to a lifetime of crime.

Therefore, despite myself strong support for H.R. 1818 and the Senate version of S. 2073, I must oppose the legislation before us today. I cannot support any measure that takes the irresponsible and hard-hearted approach to juvenile justice set forth in H.R. 3.

Mr. Speaker, I urge my colleagues to join me in voting against the House version of S. 2073.

Mr. McCOLLUM. Mr. Speaker, may I inquire how much time each side has remaining. I believe I have adopted the time of the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. McCOLLUM) has 10 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 14 minutes remaining.

Mr. McCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be allowed to manage the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass the amended version of S. 2073. The original version of S. 2073 was a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act. This new version has added H.R. 3 and the good, effective crime prevention bill, H.R. 1818, but it is the provisions of H.R. 3 that are most egregious.

Mr. Speaker, it has been two Congresses since we started debating on how best to reduce juvenile delinquency in this country and today we still do not have a Federal juvenile justice policy that will assist States and communities in addressing this persistent problem.

Instead, Congress has elected to go the politically popular route and use sound bites to develop bad juvenile crime policy. Even prominent research organizations such as the RAND Institute finds that the popular sound bite, "You do the adult crime, you do the adult time," has been shown to actually increase juvenile crime.

H.R. 3 has not changed much since it was last considered. Unlike H.R. 1818, it still allows children to be housed in adult prisons with adults, where they are five times more likely to be sexual assaulted, twice as likely to be beaten, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility.

H.R. 3 requires States to prosecute children as young as 14 in the adult court system, which significance research shows will increase crime. Those crimes will be committed sooner and be more violent if we adopt this policy. Incredibly for the juveniles affected, the studies show that the adult time will actually be shorter than the juvenile time. That is right, the adult time will be shorter.

To add insult to injury, in most States the juvenile would be entitled to a preliminary hearing, giving the witnesses and the victims two trials to endure rather than one.

H.R. 3 also represents government intrusion at its worst. It would require 37 States to change their juvenile justice, laws including not only my State of Virginia but also California, Pennsylvania, Ohio, Texas and many others.

It is also important to understand that by bringing up S. 2073 in the House under a suspension of the rules as we are doing today the Senate no longer have to debate juvenile justice. They have a bill in the Senate, S. 10, which is similar to H.R. 3, and it has not been able to reach the floor because it cannot pass the "Light of Day Test," because when daylight hits S. 10, no one likes what they see. It has been criticized by the National Governors' Association, the National District Attorneys Association, the Children's Defense Fund, and even the Chief Justice of the Supreme Court.

□ 1430

Mr. Speaker, this is the wrong way to establish a Federal juvenile crime policy. We should let the center continue to deliberate until they can pass a juvenile crime bill that actually reduces youth crime. Meanwhile, the House should defeat the motion to suspend the rules and, instead, pass a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Acts.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I stand in somewhat of an unusual position today. I serve on the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce and have worked with the gentleman from California (Mr. MARTINEZ) and the gentleman from Virginia (Mr. SCOTT) on this bill, both in the last session of Congress and in this session, and on H.R. 1818, which is a part of this bill. And we were able to develop a bipartisan and important consensus that in reaching out to children, in particularly their juvenile period, that we need to get to try to reach these kids before they get to the level of serious crime and work through that problem; and that they deserve special set-aside counseling, both in prevention and after they have committed a crime.

But this has been merged with another bill, Mr. Speaker, which I also support, which says that for certain actions, such as if a juvenile shoots somebody and kills them, if they rape someone, or if they commit armed robbery with a firearm, and they are 15 years of age, that person is just as dead, just as raped, or had their life just as threatened as if that individual were 18. We have spent too much time worrying about some of these juveniles on the street without thinking about the people, particularly in a lot of our urban centers, who are terrorized by these young people; without thinking of the people working in many fast food places, that are now shutting down in my hometown of Fort Wayne and around this country, where people do not have places to get food, they do not have grocery stores in their area because a few individuals are terrorizing their neighborhoods.

Now, I do not necessarily agree completely with every part of the crime bill section of this, in the sense that I think we need rehabilitation programs. We have had a celebrated case in our State about a young girl who committed a murder. And, clearly, when an individual is 14, 15, 16, 17, they are going through somewhat of a different process. And as has been pointed out, they are going to be released and we need to work with them. But they need to be off the streets and held accountable for their crimes, because for a few people in this society, in many cases, it is questionable, quite frankly, in these rape cases and armed robberies, whether indeed any of the rehab programs are working, and many of these people are not coming off the street.

I am not arguing against prevention. I supported that bill; I helped develop that bill. I believe we have an excellent effort to try to reach more of these young people before they get to that step. But we are getting into a posture, it seems like in this government, where if someone apologizes, if they say they are sorry, if somehow somebody gives them a slap on the wrist or maybe gives them a sensor, that they are not held accountable for their actions in this country anymore. There should be a price to pay if someone shoots somebody, if they rape somebody, or if they use a gun in an armed robbery. They should be held accountable for that crime, and we are not doing it at this time.

Forty percent of people in the juvenile period of 15 until they reach adulthood are not serving sentences, and they are back out on the streets terrorizing the senior citizens in their neighborhood and the other kids. We had a little boy that was gunned down in Fort Wayne, and one a little bit older, as a gang was going through in a random shooting of a house trying to find another drug dealer. Can anybody get that little boy's life back?

I believe the person who pulls that trigger or who threatens to pull the trigger should be held accountable. Then, I also believe while they are in prison, we need to work with them and be sensitive to these young people being raped in prison and how we should separate them. But they should go to jail, they should do the time, and they should be held accountable. Because when they take another life or rape someone or assault someone, they need to be held accountable.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, prior to yielding to the gentleman from Rhode Island, to point out that when the gentleman talks about rape, robbery, and shooting, we need to point out that two-thirds of the juveniles treated as adults today are treated as adults for nonviolent offenses. We are already that far down the list.

There is no State that needs any direction from Congress to decide what to do about people who are shooting, raping and robbing with a firearm. In fact, for those affected by this bill, they will serve less time. And that is, obviously, not the accountability that we want to be talking about.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and I want to salute the gentleman from Virginia for all the good work that he does to preserve sound policy with respect to juvenile crime.

My colleagues, what we are doing today is wrong. We are taking a bill that is supposed to help missing and exploited children and runaway and homeless youth, we are taking this program and we are saddling it with a political agenda. We are taking these most vulnerable children in our society, the exploited children of this society, and we are exploiting them for political gain, and this time it is by the United States Congress that wants to beat its chest and say how tough they are on crime.

Every single knowledgeable person in this country who works in the area of juvenile crime will tell us that the kind of policy that the Republicans are trying to foist on this Congress is policy that simply does not work. How do we know this? The United States Senate will not even take up this draconian bill, a bill that would put 14-year-old children in the same prison as an adult criminal. They are not taking up this bill because they know it is barbaric.

So what are we doing today? We are trying to circumvent the proper process, to allow this Congress an opportunity to debate and fully understand this bill, by putting it on the suspension calendar and hoping no one will know that this Congress is taking missing and exploited children and using their political agenda to attach H.R. 3 onto this bill.

This bill is not about missing and exploited children any longer, it is about a Republican agenda to make themselves look tough on crime when in actuality they are victimizing these poor children once again.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of S. 2073, the reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. This substitute includes H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act, which passed the House Committee on Education and the Workforce on which I serve.

This bill also contains and incorporates a very important provision that I sponsored that provides the National Center for Missing and Exploited Children with funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center, a private nonprofit organization established by Congress in 1984, has been instrumental in locating and recovering missing children and preventing child abductions, molestations and sexual exploitations. The National Center is a vital resource for families and the approximately 17,000 law enforcement agencies in the United States in the search for missing children and the quest for child protection.

The Center has worked for clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations and sexual exploitations. One of the National Center's success stories hit very close to my home. Last year it assisted local authorities in the recovery of two missing Delawarians who were located in Florida.

This bipartisan legislation also provides us with a balanced approach to addressing juvenile crime and endorses a concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message, and assure every family and every law enforcement agency that we are committed to long-term child protection. I urge my colleagues to support passage of this legislation so we can move it to conference with the Senate soon.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. McCARTHY.)

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleague for yielding me this time. I rise in opposition to the motion to suspend the rules and pass S. 2073 as amended.

My work to end violence in this country has shown me that attacking violence requires a wide range of measures, including getting guns out of the hands of our young people. If we want to reduce juvenile crime, we must address guns and how kids get ahold of them. Since the House passed H.R. 3 and H.R. 1818 last year, unfortunately, there have been several tragic incidents of violence in our schools.

Last June, I introduced the Children's Gun Violence Prevention Act, common sense legislation to keep guns out of the hands of children. It has received broad support from both sides of the aisle and would take a major step towards reducing juvenile crime. Sadly, the process we are using today will give either chamber the chance to address my legislation or any steps we must take towards reducing gun violence. That is just not right.

Today may be our last chance to debate the issue of juvenile crime this year. If we fail to address gun violence as part of this effort, we will not be doing our job. If we are serious about reducing gun violence among our youth, and violence in general, then we have to do something about keeping our schools safe. We should defeat this motion, Mr. Speaker.

We want to do the right thing in this chamber, and sometimes, unfortunately, when we rush through things, we are not doing the right thing. I ask my colleagues to defeat this, to go back, and let us really do the right thing for our young people in this country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, it was interesting today to listen to the gentleman from Indiana talk about accountability and referring to some specific incidents. I daresay that if we took the time in this debate and asked the gentleman if those juveniles who committed those crimes were incarcerated, the answer would be in the affirmative. That is because there is some good news out there.

We have certainly not achieved utopia. We have not arrived at the promised land. But as the gentleman from Florida, the chairman of the Subcommittee on Crime of the Committee on the Judiciary is fully apprised of, juvenile crime is down in this Nation. The States are doing some things that work, and it is important to understand that.

In fact, violent crime, which is committed generally by young males between the ages of 15 and 25, is dramatically down all over the country. But if this bill should pass, as amended, 40 States in this Nation are going to have to change their juvenile justice laws so that they can qualify for the hundreds of millions of dollars that would be forthcoming from H.R. 3, which is now part of this bill. They would have to change their juvenile justice laws even if they are working. And let me say that just simply makes no sense whatsoever.

For example, in the Commonwealth of Massachusetts, my home State, in the city of Boston, the capital city of Massachusetts, there has been an incredible drop in terms of juvenile crimes, and Boston is frequently cited as a model for the rest of the Nation. When I first became the district attorney for the metropolitan Boston area back in 1975, within the city of Boston itself there were 140 homicides. In this year it is projected that there will be less than 30 homicides.

So there are some good things happening. Yet, if we pass this particular bill, the Commonwealth of Massachusetts and some 40 other States would have to change their juvenile justice laws that are working to simply qualify for the Federal monies. That is wrong and it makes no sense.

□ 1445

Let me suggest that we vote "no" on this bill and demand a simple reauthorization of the National Center for Missing and Exploited Children as provided for in the original Senate bill.

Mr. SCOTT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who is a former judge, and I want to thank, as she is approaching the podium, the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia for his leadership, and I frankly thank the gentleman from Florida (Mr. MCCOLLUM) for the many times that we have debated this issue.

As he well knows, I was able to join him in the early part of my first coming to this Congress to hear from different communities on the concerns of juvenile delinquency or juvenile issues. I would simply say to the gentleman from Florida (Mr. MCCOLLUM), I would hope that we will have a further opportunity to address his concerns and as well really answer the devastation of juveniles who are facing difficult lives, and by that juveniles who come from dysfunctional families and juveniles who need more than being locked up and incarcerated.

Frankly, let me say to the gentleman from Virginia, knowing his hard work, I am prepared and think we all are prepared to support the original reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. In fact, H.R. 1818 that deals with prevention has the legislation in the right direction. It includes the support of the missing and exploited children which is so important to the survival of runaway children, children who are exploited and does a very fine job, but yet it also matches our concerns as so many Members have risen to the floor of the House to talk about the high numbers of juvenile crime. But what they have not done is recognize that H.R. 3, which is now incorrectly attached to the missing and exploited children's reauthorization, is not the answer but in fact experts will tell us that when we incarcerate children with adults, when we provide no prevention, when we provide no treatment, when we have no support systems for their families, we do not have rehabilitation.

This country is too good, it is too good, and children are too good for us to throw them away. The leading headline of Emerge Magazine said, "Teenagers are not as bad as we paint them." What they need is support systems like Girls and Boys Clubs. They need the Boy Scouts and Girl Scouts of America. They need the foster parent program. They need systems in Houston such as that authorized by Mayor Lee Brown, the after-school programs. They need parks opened.

H.R. 3 does not answer the question, what do we do about prevention? What do we do about a youngster who has been caught up in the web of crime but yet has the ability through treatment to be corrected?

This bill would house youthful offenders in the Federal system in close proximity to adult offenders and will place rigid mandates on the States that will preclude the majority of States from receiving Federal dollars.

One study has shown that juveniles who are waived to adult court recidivate sooner than those juveniles who are retained in juvenile court and are treated.

Let me just say, Mr. Speaker, in conclusion, I want to work with the Republicans. I want to work to bring down juvenile crime. This is a bad bill. We need to support H.R. 1818 for prevention and support the missing and exploited children's reauthorization separate from H.R. 3.

Mr. Speaker, thank you for the time to speak on this suspension bill today. I strongly support the original Reauthorization of Missing and Exploited Children and the Runaway and Homeless Youth Acts. The original Senate bill S. 2073 would provide important assistance to vulnerable children and Families.

However, Republicans are attempting to jeopardize this important reauthorization by attaching the provisions of H.R. 3, the controversial Violent and Juvenile Offender Act. By attaching these provisions, Republicans are attempting to add in conference S. 10, the controversial Violent and Repeat Juvenile Offender Act, that failed to receive Senate approval. This bill would house youthful offenders in the federal system in close proximity to adult offenders and will place rigid mandates on states that would preclude the majority of states from receiving federal dollars for juvenile justice programs.

I opposed this bill in the House once and I will oppose it here again today in this form. I oppose automatically trying any juvenile as an adult, and I believe that a juvenile court judge, not the legislature should make these decisions in a case by case basis. Furthermore, available studies show that transferring juveniles to adult court actually increases crime. One study has shown that juveniles who are waived to adult court recidivate sooner and more severely than juveniles who are retained in juvenile court who were comparable in terms of most serious offense for which the transfer was made, number of prior referrals to the juvenile justice system, most serious prior offense, age, gender and race.

For these reasons, I oppose the Republican's efforts to attach these dangerous provisions to the Senate Bill 2073. Adding H.R. 3 provisions to S. 2073 will only serve to doom the passage of S. 2073 and subvert the regular legislative process for consideration of S. 10. I urge all my colleagues to oppose the substitute version of S. 2073 on the Suspension Calendar today.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) is recognized for 1 minute.

Mr. SCOTT. Mr. Speaker, in closing I would just like to recommend that we review the bill and would notice that the bill started off with a simple reauthorization of the National Center for Missing and Exploited Children and Runaway and Homeless Youth Act. We also had passed here legislation, H.R. 1818, a prevention bill which will protect children and also reduce crime which included the National Center and the Runaway and Homeless Youth Act. We should pass those. But unfortunately we have in this bill the addition of H.R. 3 which has the incredible result of giving children less time and increasing the crime rate with a study showing those increased crimes will be committed sooner and be more violent.

We need to vote "no" on this motion to suspend the rules and then pass the reauthorization of the National Center and the Runaway and Homeless Youth Act and then pass H.R. 1818 and forget about H.R. 3.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a clarification of some things that I think people have perhaps misunderstood about this legislation. It is a combined bill. It is two bills that have already passed the House. One of them is prevention, very heavy, very good, Office of Juvenile Justice, delinquency prevention is reauthorized and a lot of good things have come out of the committee that has jurisdiction over that.

Our committee that has jurisdiction over H.R. 3 is a juvenile justice bill dealing with helping the States to improve their juvenile justice systems that I believe are broken. There is nothing in this bill, nothing whatsoever, that would require or permit the commingling of juveniles who are incarcerated with adult prisoners. That has been a debate in the past, but I want to assure the Members there is nothing in here that does that. In fact, H.R. 1818 which is part of this bill actually has provisions that would prohibit it; and H.R. 3 which is incorporated is silent on that issue because it does not deal with that subject. But there is nothing in here to commingle.

Secondly, we already have passed a bill in the past Congress but it was not all the way through, we passed it in the House and now there is an appropriations that went through last year for $230 million under H.R. 3's auspices, the same basic qualifying language, or very close to it, and every State is qualified. So to say, as I think some seem to believe, that States would not qualify under this bill for the grant program, I think, is mistaken.

Thirdly, this is not a bill to lock people up for a long period of time who are juveniles, though there is a problem with that. This is a bill designed precisely for another reason. The H.R. 3 portion of this, juvenile justice, is to help repair the broken juvenile justice system by making sure the misdemeanor crimes, the spray painting, graffiti, the writing on a wall, the running over of a parking meter, the throwing of a rock through a window, that that type of offense gets the attention that it is not getting today; that kids get consequences back into their system again so that they know when they commit these minor crimes early on that they do not go on to commit greater crimes which is unfortunately the problem now because the juvenile justice systems are overworked.

But the reality is that the result of the system being overworked is that we have more juvenile offenders who are committing violent crimes than ever before. Only 10 percent of violent juvenile offenders, those who commit murder, rape, arson and assault, receive any sort of secure confinement today. Rates of secure confinement for violent juveniles are the same as they were in 1985 and actually decreased last year. Many juveniles receive no punishment at all. Nearly 40 percent of juvenile violent offenders who came into contact with the system the last time we saw the study have had their cases dismissed and the average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. To me that says the system is truly broken in the sense that we are not dealing with the violent ones properly, and we are also not dealing with the ones who are not violent which is the basic thrust of this bill.

The reality, too, is because we are not dealing with the misdemeanor miscreants in this country properly, we get older teenagers, ages 17 to 19, who are the most violent age group of all. There is more murder and robbery committed in that 18-year-old age group than any other group, and teenagers generally account for the largest portion of all violent crime in America. Throughout the next decade, the experts all tell us there is going to be a tremendous upsurge in juvenile crime if we do not do something about it because the demographics show we are going to have a lot more teenagers.

This bill is a good bill. It is a balanced bill between prevention and juvenile justice and it is an effort to put consequences back into the juvenile justice system and help the States repair it. Essentially the H.R. 3 portion of this bill is a grant program already in part implemented by the appropriators last Congress that would go on for the next three years of $500 million a year to the States to do as they see fit with that money to improve their juvenile justice systems, to hire more judges, more prosecutors, have more detention space, more probation officers, whatever they want to do, whatever they need to do, it is their choice. All they have to do to qualify essentially is to provide assurances to the Attorney General that they are punishing those early misdemeanor crimes.

I urge the adoption of this bill. It needs to be passed. It needs to be passed now.

Mr. GREENWOOD. Mr. Speaker, I rise today to support S. 2073, as amended. More than a year ago this House overwhelmingly passed H.R. 3 and H.R. 1818. H.R. 3, the Juvenile Crime Control Act of 1997, sponsored by Congressman BILL MCCOLLUM, focused on the punishment of juvenile offenders. H.R. 1818, The Juvenile Crime Control and Delinquency Prevention Act, provided a balance to punishment by focusing on prevention of juvenile delinquency. H.r. 1818 was designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. The Senate has yet to pass companion legislation and we have a limited number of days remaining in this session. I support the procedure we are using today to allow us to get to Conference with the Senate to produce legislation that provides both appropriate punishment for juvenile offenders and the development of intervention and prevention programs to prevent our children from becoming involved in delinquent activities.

H.R. 1818 is a bipartisan bill—it was the result of many hours of discussions between Congressmen RIGGS, MARTINEZ, SCOTT, and myself. The bill represents good policy. In developing this bill we attempted to strike a balance in dealing with children, young people who grow up and come before the juvenile justice system, and tried to recognize that some of these children, at ages 16 and 17, are already very vicious and dangerous criminals. Other children who come before the juvenile justice system are harmless and scared and running away from abuse at home. It is an extraordinarily difficult task to create a juvenile justice system in each of the states and in each of the counties that can respond to these very, very different young people caught up in the law.

We recognized that we needed to build some flexibility into the system, enough flexibility to allow the local officials to use their own good judgement based on the realities of each situation, and yet not give them so much flexibility that harm could be done to the child. We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to address the over representation of minorities in the juvenile justice system, and determining the correct balance between block granting funds to the states and keeping some strings attached.

I believe we found that balance. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, while protecting scared kids from overly harsh treatment in our juvenile justice system.

A few months ago I chaired a Subcommittee on Early Childhood, Youth and Families hearing on "Understanding Violent Children" for Chairman RIGGS. Most witnesses testified to the need for early intervention and prevention programs directed at students with a potential for violence. This legislation will allow for those activities.

I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2073, as amended.

The question was taken.

Mr. SCOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2073.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4382) to amend the Public Health Service Act to revise and extend the program for mammography quality standards, as amended.

The Clerk read as follows:

H.R. 4382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mammography Quality Standards Reauthorization Act of 1998".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in each of subparagraphs (A) and (B) by striking "1997" and inserting "2002".

(b) TECHNICAL AMENDMENTS.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in subparagraph (A) by striking "subsection (q)" and inserting "subsection (p)", and in subparagraph (B) by striking "fiscal year" and inserting "fiscal years".

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is amended by striking "42 C.F.R. 498 and in effect on the date of the enactment of this section" and inserting "part 498 of title 42, Code of Federal Regulations".

SEC. 4. ACCREDITATION STANDARDS.

(a) IN GENERAL.—Section 354(e)(1)(B) of the Public Health Service Act (42 U.S.C. 263b(e)(1)(B)) is amended—

(1) in clause (i), by striking "practicing physicians" each place such term appears and inserting "review physicians"; and

(2) in clause (ii), by striking "financial relationship" and inserting "relationship".

(b) DEFINITION.—Section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)) is amended by adding at the end the following:

"(8) REVIEW PHYSICIAN.—The term 'review physician' means a physician as prescribed by the Secretary under subsection (f)(1)(D) who meets such additional requirements as may be established by an accreditation body under subsection (e) and approved by the Secretary to review clinical images under subsection (e)(1)(B)(i) on behalf of the accreditation body.".

SEC. 5. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

"(i) a facility that performs any mammogram—

"(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no subsequent mammograms of such patient are performed at the facility, or longer if mandated by State law; and

"(II) upon the request of or on behalf of the patient, transfer the mammogram to a medical institution, to a physician of the patient, or to the patient directly; and".

SEC. 6. DIRECT REPORTS TO PATIENTS.

Section 354(f)(1)(G)(ii) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)(ii)) is amended by striking subclause (IV) and inserting the following:

"(IV) whether or not such a physician is available or there is no such physician, a summary of the written report shall be sent directly to the patient in terms easily understood by a lay person; and".

SEC. 7. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking "certified"; and

(2) by inserting "the certification requirements under subsection (b) and" after "compliance with".

SEC. 8. DEMONSTRATION PROGRAM REGARDING FREQUENCY OF INSPECTIONS.

Section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)) is amended—

(1) in paragraph (1)(E), by inserting ", subject to paragraph (6)" before the period; and

(2) by adding at the end the following paragraph:

"(6) DEMONSTRATION PROGRAM.—

"(A) IN GENERAL.—The Secretary may establish a demonstration program under which inspections under paragraph (1) of selected facilities are conducted less frequently by the Secretary (or as applicable, by State or local agencies acting on behalf of the Secretary) than the interval specified in subparagraph (E) of such paragraph.

"(B) REQUIREMENTS.—Any demonstration program under subparagraph (A) shall be carried out in accordance with the following:

"(i) The program may not be implemented before April 1, 2001. Preparations for the program may be carried out prior to such date.

"(ii) In carrying out the program, the Secretary may not select a facility for inclusion in the program unless the facility is substantially free of incidents of noncompliance with the standards under subsection (f). The Secretary may at any time provide that a facility will no longer be included in the program.

"(iii) The number of facilities selected for inclusion in the program shall be sufficient to provide a statistically significant sample, subject to compliance with clause (ii).

"(iv) Facilities that are selected for inclusion in the program shall be inspected at such intervals as the Secretary determines will reasonably ensure that the facilities are maintaining compliance with such standards.".

SEC. 9. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting "or local" after "State" each place such term appears;

(2) in the heading of subsection (g)(3), by inserting "OR LOCAL" after "STATE"; and

(3) in subsection (i)(1)(D)—

(A) by inserting "or local" after "State" the first place such term appears; and

(B) by inserting "or local agency" after "State" the second place such term appears.

SEC. 10. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) REQUIREMENT.—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) PATIENT INFORMATION.—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require.".

(b) CIVIL MONEY PENALTY.—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as redesignated by subsection (a)(1), is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and".

(c) CONFORMING AMENDMENT.—Section 354(h)(4) of the Public Health Service Act (42 U.S.C. 263b(h)(4)), as redesignated by subsection (a)(1), is amended by striking "paragraphs (1) and (2)" and inserting "paragraphs (1) through (3)".

SEC. 11. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after "Secretary" the first place such term appears the following: "(or of an accreditation body approved pursuant to subsection (e))"; and

(2) by inserting after "Secretary" the second place such term appears the following: "(or such accreditation body or State carrying out certification program requirements pursuant to subsection (q))".

SEC. 12. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking "makes the finding" and all that follows and inserting the following: "has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

"(i) the failure or violation was intentional; or

"(ii) the failure or violation presents a serious risk to human health.".

SEC. 13. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking "accredited" and inserting "certified".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, without question the Mammography Quality Standards Act of 1992 has been an overwhelming success. In May my Subcommittee on Health and Environment heard extensive testimony regarding the Act from program experts and patient groups. Officials from the General Accounting Office reported that the Act has increased mammography facilities' adherence to acceptable quality assurance standards, thus improving mammography services. Before it took effect, 11 percent of facilities tested were unable to pass image quality tests, and now the nationwide figure is 2 percent.

Screening mammography is currently the most effective technique for early detection of breast cancer. This procedure can identify small tumors and breast abnormalities up to two years before they can be detected by touch. More than 90 percent of these early stage cancers can be cured, according to the Food and Drug Administration.

Today, the House is considering legislation to reauthorize this most important act. Last November, the Senate passed its own reauthorization bill by unanimous consent, without discussion or amendment. During the course of my subcommittee's hearing in May, however, we learned that some important issues were not addressed in the Senate bill.

The measure before us, the Mammography Quality Standards Reauthorization Act of 1998, includes language approved by the full Committee on Commerce to address these concerns.

H.R. 4382 differs in two major respects from the Senate-passed bill. First, it provides for direct patient notification of all mammography examinations, in language that is easy for patients to understand. Second, it permits the Food and Drug Administration to conduct a demonstration project to address the feasibility of inspecting high quality mammography facilities at less than annual intervals.

The need, Mr. Speaker, for this legislation is clear. Breast cancer is the most commonly diagnosed nonskin cancer and the second leading cause of cancer deaths among women. Tragically, experts predict that during this decade alone, as many as 1.8 million women will be diagnosed with breast cancer, and 500,000 will die from it.

There is a ray of hope, however, in the use of mammography for early detection of breast cancer. The probability of survival and the avoidance of mastectomy increases significantly when the disease is discovered in its early stages.

Today, the House, Mr. Speaker, can continue to ensure safe and accurate mammography services for women by approving this important bipartisan legislation. I join the gentleman from Virginia (Mr. BLILEY) full committee chairman, the gentleman from Michigan (Mr. DINGELL) ranking member, and the gentleman from Ohio (Mr. BROWN) ranking member of the subcommittee in urging Members' support for passage of the Mammography Quality Standards Reauthorization Act.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. Breast cancer is the second leading cause of cancer deaths in American women. According to the Department of Health and Human Services the incidence of breast cancer has increased by approximately 1 percent per year since the early 1970's. HHS estimates that 44,000 women died from breast cancer last year, more than 180,000 new cases of breast cancer were diagnosed. According to the same HHS report nearly half a million women will die from breast cancer in the 1990's, more than a million and a half new cases will be diagnosed during this same period of time. They are our mothers, our spouses, our sisters, our daughters and our friends.

In 1994 I founded in response to breast cancer rates and incidence being much higher in northeast Ohio than in many other parts of the Nation, I founded the Northeast Ohio Breast Cancer Task Force to increase awareness of the value of early detection of breast cancer. Over and over the task force members have stressed the value of mammographies in this process.

Mammography is considered to be the most effective method for early detection of breast cancer. In women over 50 the detection rate can exceed 90 percent resulting in a decrease in breast cancer deaths among women as much as 30 percent. The Mammography Quality Standards Act was first enacted 6 years ago to ensure that the mammographies performed at approximately 10,000 facilities throughout the United States are safe and reliable.

The GAO stated that the MQSA increased the quality of mammography services while not decreasing access to them. The key to MQSA is its system of annual inspections of mammography facilities by FDA-approved accreditation bodies. These comprehensive examinations and mammography facility equipment and personnel assure the mammographies are of the highest quality. These inspections are funded by using a user fee, so our action is both timely and necessary to the smooth continuation of this important and successful program.

The bill before us today makes some changes and, I believe, improvements in the existing statute.

First, H.R. 4382 contains a provision requiring direct patient notification of the results of mammography test results. Under the current program patients who are self-referred, meaning they were not referred to the mammography facility by a physician, are already notified of the test results directly by the facility. Our hearing earlier this year in the subcommittee of the gentleman from Florida (Mr. BILIRAKIS) showed that some facilities voluntarily directly notify their patients in addition to notifying the referring physician to ensure the patient receives the test results in a timely manner.

This bill is a common sense extension of direct patient notification to all mammography facility patients, self-referred and physician-referred. Good practice guidelines published by the Agency for Health Care Policy and Research spell out in detail the manner for providing direct patient notification. This is a good addition to the MQSA and one which is supported by all breast cancer patient advocacy organizations.

Second, H.R. 4382 authorizes a limit on demonstration project to determine whether inspections may be required less than annually for those facilities with excellent records. Currently violations of standards are ranked into three levels according to their severity with Level One being the most serious, Level Three being the least serious. It is intended that only facilities with minor violations or clean records may qualify for the demonstration program.

Also the authorization is timed such that facilities must compile an excellent record under HHS final rules, not the less rigorous interim rules currently in place. This is an authorization, not a requirement. It is intended that HHS not approve any demonstration program unless it is satisfied that patient safety will not be compromised.

Mr. Speaker, I congratulate my colleagues who have worked hard to make this day happen. I particularly want to thank the chairman of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS) thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), the full committee chair and ranking member, the gentlewoman from Colorado (Ms. DEGETTE) who is sitting here today for her good work in this, and I also want to thank the majority counsel, Mark Wheat, and the democratic staff, John Ford in particular, and Kevin Brennan from my office for their tireless work.

I urge my colleagues' support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BLILEY) the chairman of the full Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased that the House will pass H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998 today. The bill will assure the safety, accuracy and overall quality in mammography services for the early detection of breast cancer. I want to thank the ever diligent chairman of the Subcommittee on Health and Environment, the gentleman from Florida (Mr. BILIRAKIS) the ranking minority member of the full committee, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. BROWN) for their hard work and close cooperation to make this bill a reality today.

Mr. Speaker, breast cancer is the most common cancer among women. Experts tell us each year that 46,000 women die of this disease. We must remember that these women are not mere numbers; they are mothers, daughters, friends and colleagues, and even my own wife. The fact that 1 in 9 women will develop breast cancer at some point in their lives compels us to action. We must act now.

Mr. Speaker, the front line against breast cancer is early detection through mammography, a procedure which can identify small tumors and breast abnormalities up to 2 years before they can be detected by touch. The FDA, the GAO, the College of Radiology and breast cancer patients themselves all agree that mammography provides the best source of detection for the diagnosis and treatment of this deadly disease.

Women who seek mammograms, however, must be assured that their results will be accurate and not misleading. The bill will help to prevent mammograms of poor quality which instill false sense of security in the patient who may be in the early stages of breast cancer.

H.R. 4382 improves current law in two key ways. First, H.R. 4382 provides for direct patient notification, in layman's terms, of all mammography examinations so that women are fully informed of their results. As the August 4 joint letter of endorsement from the American Cancer Society the National Alliance of Breast Cancer Organizations and the Susan G. Coleman Breast Cancer Foundation states, quote:

Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. An increasing number of mammography facilities have begun to report both normal and abnormal findings directly to women as well as her referring physician without disrupting the relationships with her referring provider.

Second, 4382 authorizes the Food and Drug Administration to conduct a demonstration project to determine the merits of inspecting mammography centers of excellence less frequently than once a year so that inspection resources can be freed up to monitor other mammography facilities through it that need greater attention.

Passage of this bipartisan legislation is a critical step in the war on breast cancer. We have already witnessed the success of the Mammography Quality Standards Act of 1992, and I am hopeful that today we will be able to reauthorize the act and continue to improve our efforts to save the lives of many women.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to thank him and the Chair of the subcommittee for their hard work on this very important bill, a bill that had the very special concern of the Congressional Women's Caucus as well.

Mr. Speaker, there was a time when talk of mammograms was for the "cognizentti" the most conscious of women. Today mammography has become the primary engine for a virtual revolution in the battle against breast cancer. Women of all backgrounds and income groups are coming forward in large numbers to take advantage of mammography.

Why has mammography become so important and so widely used? Part of the reason is that women are now convinced that the machinery is safe and reliable and that the people who in fact implement that procedure know what they are doing. The Mammography Quality Standards Act is at the center of this confidence of women and their families.

The bill before us would reauthorize the act to 2002. It is important to have it reauthorized every few years because of changes in science. We who are in the Women's Congressional Caucus, virtually all the women in Congress, are particularly grateful for this bill because we choose this bill among seven as our priority must-pass bills. Already this body has passed four of the seven must-pass bills, provisions of the Violence Against Women Act, the bill that allows Federal employees choices in contraception; a bill that will set up a commission on women and minorities in science and technology, and this most important mammography standards act.

The act is critical because untrained and unqualified physicians and technicians may be people who misread mammograms, may cause more problems than they solve. It is bad enough to suspect having this disease, but false positives are quite intolerable. The bill assures us that equipment and personnel will be FDA approved.

Mr. Speaker, the Women's Caucus had its own hearings this year on tamoxifen, this great new discovery that looks as if it can prevent and cure cancer, but no miracle drugs can be effective without reliable detection. Today's legislation will save lives, it fulfills an important obligation of the 105th Congress. On behalf of the Congressional Women's Caucus, I want to extend my appreciation for those who have worked so hard to bring this bill forward.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act. My special thanks to the gentleman from Florida (Mr. BLILEY), to the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS) and for the ranking members of the full committee, the gentleman from Michigan (Mr. DINGELL) and the subcommittee, the gentleman from Ohio (Mr. BROWN). I also want to commend the gentlewoman from Connecticut (Mrs. JOHNSON). She has worked so hard to ensure passage of this very important legislation, and I want to reiterate the fact that this bill has been one of the list of legislative priorities for the Congressional Caucus for Women's Issues co-chaired by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from the District of Columbia (Ms. NORTON). I am proud to be a co sponsor of this bill which enjoys strong bipartisan support in the Women's Caucus and, as I am certain in, the Congress as a whole.

As my colleagues know, a recent GAO report indicates that facility compliance has expanded significantly under the current mammography facility inspection program. During the first year inspections in more than one quarter of the facilities had significant violations. However during the second year inspection, the number of such violations had dropped to about 10 percent. At the same time, however, GAO found inconsistencies in the way the inspections had been conducted and a lack of procedures to ensure that the expeditious reporting and correction of violations.

Now H.R. 4382 expands the protections in the current law, and it will help us to address some of these concerns.

We have come a long way over the past decade as mammography screening technologies have steadily improved. Indeed exciting progress is being made through the transfer have imaging technology from the defense, space, intelligence and computer graphics fields to improving the early detection of breast cancer. We in Congress must do everything possible to encourage the current partnership among HHS, the Department of Defense, the CIA, Department of Commerce, NASA and other Federal agencies. We must also ensure the collaborations between government and industry are encouraged for the development of new imaging technologies. As we make these strides in screening technologies, it is imperative that facilities and personnel performing these procedures provide high quality services.

This reauthorization bill is also very timely as Medicare coverage of mammography screening has been expanded from every 2 years to annual coverage as a result of last year's Balanced Budget Act, and we all deserve a pat on the back for that. It is incumbent upon us to ensure that high quality screening is available to all women regardless of where they live, their age and their economic circumstances.

□ 1515

This legislation will further this goal by providing additional protections beyond the current law.

Mr. Speaker, I urge my colleagues to vote for this critical legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act.

I want to take a moment to thank the chairman and ranking member of the Subcommittee on Health and Environment for their steadfast commitment to reauthorizing and improving this act in such an expeditious and thoughtful manner. I am particularly grateful to the subcommittee chairman the gentleman from Florida (Mr. BILIRAKIS) for hearing a request from the gentleman from Ohio (Mr. BROWN) and me in July to ensure that the MQSA included the provision we cared so much about on direct patient notification.

Mr. Speaker, few public health initiatives that we have undertaken in this Congress are as vital to American women as the MQSA. Before this test, there were no Federal standards for labs, technicians, physicians and quality controls. Women were subject to inconsistent and nonuniform regulations, depending on what State they lived in. Women were literally putting their health and their lives at risk when they obtained mammograms from unregulated or poorly regulated facilities.

Reauthorizing and strengthening the MQSA has added importance in 1998. Breast cancer today remains the second leading cause of cancer deaths among women. Mr. Speaker, 44,000 women died from breast cancer in 1997, and 180,000 new cases of the disease were reported. In this decade alone, 1.8 million women will be diagnosed with breast cancer, and 500,000 of them will die from it. Congress must continue to help American women attack this devastating disease in its early stages.

We know that surviving breast cancer and avoiding mastectomy depends on early discovery of the disease. But of course, mammography as a tool is only as good as the equipment used to detect the cancer. Therefore, it is absolutely critical that we improve our ability to detect breast cancer by improving the safety, accuracy and overall quality of mammography services.

Strict and frequent certification of mammography facilities is essential to this program's success. I believe that the demonstration project in the bill which examines the feasibility of inspecting high-performing mammography facilities on a less than annual basis is thoughtfully designed and sufficiently limited to protect the best interests of patients. Nevertheless, I want to urge my colleagues to be cautious about expanding this demonstration project until we have more information. MQSA itself has only been fully operational for 3 years, and we want to make sure whatever changes we make still protect the lives and health of women.

As I said earlier, I am very pleased that the chairman and ranking member worked cooperatively to include a provision on direct patient notification. I personally have met too many women who have had mammograms and never received the results. Whether it be physician failure, whether it be clinic failure, they never got a copy of the results. Unfortunately and too often, tragically, women who do not hear anything assume no news is good news. We are making an extremely valuable and potentially life-threatening improvement to MQSA today by including written notification to patients.

Mr. Speaker, I am proud of the Committee on Commerce's hard work on this bill and its commitment to reach a consensus on this vital piece of legislation. I believe while relatively simple, this bill is one of our most important achievements of this Congress, and it will save millions of lives and the health of millions of women.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has already been recognized as being one of the real motivators behind this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of this legislation to reauthorize the Mammogram Quality Standards Act. I want to thank the gentleman from Florida (Mr. BILIRAKIS) and his subcommittee for their thoughtful work on this legislation and for significant improvements in this bill over current law.

This has been a priority of the Congresswomen's Caucus, and we appreciate the commitment of the gentleman from Florida (Mr. BILIRAKIS) for reauthorization and his commitment to improving current law.

The Mammogram Quality Standards Act has given women and their health care providers the assurance that they will receive high quality mammogram services, services meeting the standards set by the National Cancer Institute mammography screening guidelines. Early detection is still our best hope in the war against cancer, and high quality mammograms are still our best tool for early detection of breast cancer.

Prior to the implementation of the Mammogram Quality Standards Act, there was a long history of public and professional concern over the safety and quality of mammogram services. The American Cancer Society and the General Accounting Office found a wide range of image, quality and patient radiation doses from dedicated mammography equipment. In addition, FDA surveys found wide variations in image quality and radiation dosages from site-to-site, and even day-to-day. These studies and surveys confirm the need for national compliance standards.

The MQSA established the first comprehensive quality standards for mammography. Before these standards, the burden was on a woman and the health care providers to determine what health and safety standards applied in their State or geographic area. Only 11 States had comprehensive quality standards, so most women could not be assured that their mammograms were administered safely or interpreted correctly. Facing those facts, it is no wonder that mammograms were not effectively promoted to women who could benefit from early detection.

The Mammogram Quality Safety Act has changed this rather sobering picture. Over the past 3 years, the quality of mammography has improved dramatically. According to a GAO report issued last October, the Mammogram Quality Standards Act has increased mammography facilities' adherence to accepted quality standards which has, in turn, had a positive effect on mammography services. Because of the Mammogram Quality Standards Act, almost all of the Nation's 10,000 facilities have been inspected and accredited. This process has a direct impact on the quality of mammography, as evidenced by the fact that nearly all of the facilities are now passing image quality tests as part of the inspection process.

The Committee on Commerce's bill, under the leadership of the gentleman from Florida (Mr. BILIRAKIS), represents an advance over current law. It gives women an additional protection: the assurance that they will receive direct notification of their mammogram results. This protection is critical to ensure that women do not miss the opportunity for an early diagnosis by assuming that no news is good news, when no news could be bad news.

Mr. Speaker, this addition builds on the guarantee in H.R. 4832 based on a provision in my legislation that women can access an original copy of their mammogram and are notified if a facility has failed its Mammogram Quality Standards Act inspection. I now hope that the Senate acts quickly on the amended House legislation, so that we can reauthorize this legislation before Congress adjourns. We must send the message to women that Congress is taking action to protect the quality of their health care, and that, in fact, we are modernizing current law to keep abreast of our improved knowledge of how to prevent cancer, how to identify it early, and how to assure that women have access to high quality health care services in our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I would inquire of the gentleman from Florida if he has any more speakers.

Mr. BILIRAKIS. Mr. Speaker, I too do not have any further requests for time.

At this point I yield myself such time as I may consume to again express what can be accomplished when people are willing to sit down around a table and give and take, if you will, and to work together. I want to add to the gentleman's previous comments regarding gratitudes to the chairman of the full committee and the ranking member of the full committee, as well as the members of the staff, and the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from Colorado (Ms. DEGETTE), who was really quite a significant player in the workup of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to echo the words of the gentleman from Florida, and I ask for support of the bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. I am proud to have been one of the authors of the Mammography Quality Standards Act (MQSA). Breast cancer remains one of the leading causes of death in women, and its victims are our mothers, sisters, spouses, daughters, or friends. I hope that we will quickly reauthorize the MQSA so that it will continue to provide the incalculable benefit of early detection, with the hope of successful treatment.

Those who administer the MQSA, the Food and Drug Administration's Center of Devices and Radiological Health, and those who benefit from it, patients represented by organizations such as the National Breast Cancer Coalition, the National Alliance of Breast Cancer Organizations, and the American Cancer Society, have judged the MQSA a success and support its reauthorization.

GAO recently reported that the MQSA "has had a positive impact on the quality of mammography services and no effect on access to them." There has been a dramatic decline in facilities that failed to meet the interim regulations. FDA has estimated that the MQSA's benefits have greatly exceeded its costs. Of course, the benefits of early diagnosis and treatment are priceless to patients and their family and friends.

The bill before us contains two important new provisions: First, there is direct patient notification for all mammography patients. Second, it authorizes a demonstration program for less than annual inspections for facilities with excellent compliance records.

Direct patient notification is already provided for self-referred patients, as well as voluntarily by a growing number of facilities in response to widespread patient support. Direct patient notification is in addition to, and not in lieu of, the notification a mammography facility provides to the referring physician. This is an important safeguard. It ensures that patients have the information they need in a timely fashion so that they can take any additional steps warranted by the test. Guidelines promulgated by the Agency for Health Care Policy and Research contain sample communications to patients and other safeguards to assure that direct patient notification is done in a timely, accurate, and sensitive manner. As I noted, direct patient notification is provided today for self-referred patients and for many, many others. The provision in the bill simply extends this to *all* patients of mammography services facilities.

The bill's authorization of a carefully limited demonstration program for less than annual inspections of facilities with excellent compliance records is intended to be carried out at the discretion of the Secretary of HHS under criteria that assure no compromise in patient safety. The demonstration must occur after facilities have compiled a compliance record under the final regulations which have yet to go into effect, not the interim standards in force today.

Mr. Speaker, the Senate has already passed a MQSA reauthorization bill that is somewhat different than the bill before us today. I would like to think that we took that body's product and improved upon it. The bill before us today is endorsed by the major breast cancer patient groups. I fervently hope that we will reauthorize this law this year so that the excellent progress of the MQSA can continue.

Finally, Mr. Speaker, I wish to congratulate my colleagues whose work made this day possible. I especially want to note the efforts of the distinguished Chairman of the Subcommittee on Health and Environment, Mr. BILIRAKIS, as well as the Ranking Member of that Subcommittee, Mr. BROWN. Many other members with passionate and longstanding interests in the MQSA and related issues have also worked hard and I note particularly the bipartisan efforts of my colleagues Representatives NORTON and NANCY JOHNSON.

Ms. DELAURO. Mr. Speaker, as a cancer survivor, I am proud to join my colleagues in expressing my support for the Mammography Quality Standards Reauthorization Act.

This bill improves the high national standards for mammography. It requires breast cancer screening centers to use only radiology technologists and equipment designed for mammography, and to hire only qualified physicians to analyze mammograms. It also requires facility inspections by qualified inspectors to ensure that Health and Human Service mammography standards are adhered to.

The women who will benefit from this legislation are our neighbors, our colleagues, our kids' teachers, the women we stand in line with at the store. Early detection truly gives women a fighting chance against cancer. That's why enforcing the quality standards for a mammograms is essential to winning the battle.

I would also like to take this opportunity to honor the women who are bravely fighting this deadly disease right now, to remember those we loved who have lost that fight, and to renew our commitment to funding a cure.

Many of us have already won the fight of our lives. With the help of early detection we beat a cancer diagnosis. Now we have an obligation to help breast cancer patients win their fights.

Thank you again for the opportunity to speak on this important issue that touches the lives of so many American women and their families.

Mr. RILEY. Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act, which establishes national, uniform standards for mammography. Mammograms are universally recognized as the best chance of discovering the presence of breast cancer at its earliest, most treatable stages. In fact, mammograms can detect breast cancer up to two years before it can be found through self-examination. When breast cancer is found and treated early, a woman has more treatment options and a good chance of complete recovery. Thus, it is important to detect breast cancer as early as possible.

According to the American Cancer Society, it is estimated this year, that 178,700 women will be diagnosed with breast cancer, and 43,500 women will die because of this terrible disease. These women are mothers, wives, daughters, sisters, friends, and neighbors.

We do not know what causes breast cancer, nor can we cure the disease at this time. We do know, however, that early detection and prompt treatment, including mammography screening, represent a woman's best chance of discovering the presence at its earliest, most treatable stages. I urge my colleagues to support H.R. 4382.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4382, as amended.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GLACIER BAY NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3903) to provide for an exchange of lands near Gustavus, Alaska, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Boundary Adjustment Act of 1998".

SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.

(a) IN GENERAL.—(1) Subject to conditions set forth in subsection (c), if the State of Alaska, in a manner consistent with this Act, offers to transfer to the United States the lands identified in paragraph (4) in exchange for the lands identified in paragraph (3), selected from the area described in section 3(b)(1), the Secretary of the Interior (in this Act referred to as the "Secretary") shall complete such exchange no later than 6 months after the issuance of a license to Gustavus Electric Company by the Federal Energy Regulatory Commission (in this Act referred to as "FERC"), in accordance with this Act. This land exchange shall be subject to the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law.

(2) The lands to be conveyed to the United States by the State of Alaska shall be determined by mutual agreement of the Secretary and the State of Alaska. Lands that will be considered for conveyance to the United States pursuant to the process required by State law are lands owned by the State of Alaska in the Long Lake area within Wrangell-St. Elias National Park and Preserve, or other lands owned by the State of Alaska.

(3) If the Secretary and the State of Alaska have not agreed on which lands the State of Alaska will convey by a date not later than 6 months after a license is issued pursuant to this Act, the United States shall accept, within 1 year after a license is issued, title to land having a sufficiently equal value to satisfy State and Federal law, subject to clear title and valid existing rights, and absence of environmental contamination, and as provided by the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law. Such land shall be accepted by the United States, subject to the other provisions of this Act, from among the following State lands in the priority listed:

COPPER RIVER MERIDIAN

(A) T.6 S., R. 12 E., partially surveyed, Sec. 5, lots 1, 2, and 3, NE¼, S½NW¼, and S½. Containing 617.68 acres, as shown on the plat of survey accepted June 9, 1922.

(B) T.6 S., R. 11 E., partially surveyed, Sec. 11, lots 1 and 2, NE¼, S½NW¼, SW¼, and N½SE¼; Sec. 12; Sec. 14, lots 1 and 2, NW¼NW¼. Containing 838.66 acres, as shown on the plat of survey accepted June 9, 1922.

(C) T.6 S., R. 11 E., partially surveyed, Sec. 2, NW¼NE¼ and NW¼. Containing 200.00 acres, as shown on the plat of survey accepted June 9, 1922.

(D) T.6 S., R. 12 E., partially surveyed, Sec. 6. lots 1 through 10, E½SW¼ and SE¼. Containing approximately 529.94 acres, as shown on the plat of survey accepted June 9, 1922.

(4) The lands to be conveyed to the State of Alaska by the United States under paragraph (1) are lands to be designated by the Secretary and the State of Alaska, consistent with sound land management principles, based on those lands determined by FERC with the concurrence of the Secretary and the State of Alaska, in accordance with section 3(b), to be the minimum amount of land necessary for the construction and operation of a hydroelectric project.

(5) The time periods set forth for the completion of the land exchanges described in this Act may be extended as necessary by the Secretary should the processes of State law or Federal law delay completion of an exchange.

(6) For purposes of this Act, the term "land" means lands, waters, and interests therein.

(b) WILDERNESS.—(1) To ensure that this transaction maintains, within the National Wilderness Preservation System, approximately the same amount of area of designated wilderness as currently exists, the following lands in Alaska shall be designated as wilderness in the priority listed, upon consummation of the land exchange authorized by this Act and shall be administered according to the laws governing national wilderness areas in Alaska:

(A) An unnamed island in Glacier Bay National Park lying southeasterly of Blue Mouse Cove in sections 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (D–2), Alaska, containing approximately 789 acres.

(B) Cenotaph Island of Glacier Bay National Park lying within Lituya Bay in sections 23, 24, 25, and 26, T. 37 S., R. 47 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (C–5), Alaska, containing approximately 280 acres.

(C) An area of Glacier Bay National Park lying in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM, that is not currently designated wilderness, containing approximately 2,270 acres.

(2) The specific boundaries and acreage of these wilderness designations may be reasonably adjusted by the Secretary, consistent with sound land management principles, to approximately equal, in sum, the total wilderness acreage deleted from Glacier Bay National Park and Preserve pursuant to the land exchange authorized by this Act.

(c) CONDITIONS.—Any exchange of lands under this Act may occur only if—

(1) following the submission of a complete license application, FERC has conducted economic and environmental analyses under the Federal Power Act (16 U.S.C. 791–828) (notwithstanding provisions of that Act and the Federal regulations that otherwise exempt this project from economic analyses), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–666), that conclude, with the concurrence of the Secretary of the Interior with respect to subparagraphs (A) and (B), that the construction and operation of a hydroelectric power project on the lands described in section 3(b)—

(A) will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this section);

(B) will comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470–470w); and

(C) can be accomplished in an economically feasible manner;

(2) FERC held at least one public meeting in Gustavus, Alaska, allowing the citizens of Gustavus to express their views on the proposed project;

(3) FERC has determined, with the concurrence of the Secretary and the State of Alaska, the minimum amount of land necessary to construct and operate this hydroelectric power project; and

(4) Gustavus Electric Company has been granted a license by FERC that requires Gustavus Electric Company to submit an acceptable financing plan to FERC before project construction may commence, and the FERC has approved such plan.

SEC. 3. ROLE OF FERC.

(a) LICENSE APPLICATION.—(1) The FERC licensing process shall apply to any application submitted by Gustavus Electric Company to the FERC for the right to construct and operate a hydropower project on the lands described in subsection (b).

(2) FERC is authorized to accept and consider an application filed by Gustavus Electric Company for the construction and operation of a hydropower plant to be located on lands within the area described in subsection (b), notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)). Such application must be submitted within 3 years after the date of the enactment of this Act.

(3) FERC will retain jurisdiction over any hydropower project constructed on this site.

(b) ANALYSES.—(1) The lands referred to in subsection (a) of this section are lands in the State of Alaska described as follows:

COPPER RIVER MERIDIAN

Township 39 South, Range 59 East, partially surveyed, Section 36 (unsurveyed), SE¼SW¼, S½SW¼SW¼, NE¼SW¼, W½W½NW¼SE¼, and S½SE¼NW¼. Containing approximately 130 acres.

Township 40 South, Range 59 East, partially surveyed, Section 1 (unsurveyed), NW¼, SW¼, W½SE¼, and SW¼SW¼NE¼, excluding U.S. Survey 944 and Native allotment A-442; Section 2 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and U.S. Survey 945; Section 11 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944; Section 12 (unsurveyed), fractional, NW¼NE¼, W½NW¼SW¼NE¼, and those portions of NW¼ and SW¼ lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and Native allotment A-442. Containing approximately 1,015 acres.

(2) Additional lands and acreage will be included as needed in the study area described in paragraph (1) to account for accretion to these lands from natural forces.

(3) With the concurrence of the Secretary and the State of Alaska, the FERC shall determine the minimum amount of lands necessary for construction and operation of such project.

(4) The National Park Service shall participate as a joint lead agency in the development of any environmental document under the National Environmental Policy Act of 1969 in the licensing of such project. Such environmental document shall consider both the impacts resulting from licensing and any land exchange necessary to authorize such project.

(c) ISSUANCE OF LICENSE.—(1) A condition of the license to construct and operate any portion of the hydroelectric power project shall be FERC's approval, prior to any commencement of construction, of a finance plan submitted by Gustavus Electric Company.

(2) The National Park Service, as the existing supervisor of potential project lands ultimately to be deleted from the Federal reservation in accordance with this Act, waives its right to impose mandatory conditions on such project lands pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797(e)).

(3) FERC shall not license or relicense the project, or amend the project license unless it determines, with the Secretary's concurrence, that the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this Act). Additionally, a condition of the license, or any succeeding license, to construct and operate any portion of the hydroelectric power project shall require the licensee to mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve identified by the Secretary after the initial licensing.

(4) A condition of the license to construct and operate any portion of the hydroelectric power project shall be the completion, prior to any commencement of construction, of the land exchange described in this Act.

SEC. 4. ROLE OF SECRETARY OF THE INTERIOR.

(a) SPECIAL USE PERMIT.—Notwithstanding the provisions of the Wilderness Act (16 U.S.C. 1133–1136), the Secretary shall issue a special use permit to Gustavus Electric Company to allow the completion of the analyses referred to in section 3. The Secretary shall impose conditions in the permit as needed to protect the purposes and values of Glacier Bay National Park and Preserve.

(b) PARK SYSTEM.—The lands acquired from the State of Alaska under this Act shall be added to and administered as part of the National Park System, subject to valid existing rights. Upon completion of the exchange of lands under this Act, the Secretary shall adjust, as necessary, the boundaries of the affected National Park System units to include the lands acquired from the State of Alaska; and adjust the boundary of Glacier Bay National Park and Preserve to exclude the lands transferred to the State of Alaska under this Act. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96-487.

(c) WILDERNESS AREA BOUNDARIES.—The Secretary shall make any necessary modifications or adjustments of boundaries of wilderness areas as a result of the additions and deletions caused by the land exchange referenced in section 2. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96-487.

(d) CONCURRENCE OF THE SECRETARY.—Whenever in this Act the concurrence of the Secretary is required, it shall not be unlawfully withheld or unreasonably delayed.

SEC. 5. APPLICABLE LAW.

The authorities and jurisdiction provided in this Act shall continue in effect until such time as this Act is expressly modified or repealed by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3903 authorizes a conditional land exchange between the State of Alaska and the United States.

The purpose of the exchange is to enable the construction and operation of a small, 800 kilowatt hydroelectric project for the community of Gustavus, which is located in Southeast Alaska on the edge of Glacier Bay National Park. If feasible, the project would also provide low-cost, clean power to the National Park Service.

The committee held a hearing on H.R. 3903 on June 10, 1998. By a voice vote, the bill was ordered reported, with an amendment, on July 22.

This legislation completes several years of negotiation with the Gustavus Electric Company, the State of Alaska, the National Park Service, and local environmental groups. I would like to thank the gentleman from Virginia (Mr. BLILEY) and the work of the Committee on Commerce in expediting House consideration of H.R. 3903.

The need from the bill arises from Gustavus's reliance on diesel generation for its power, which presents air emission considerations, high energy costs, and risks of fuel spills during shipment. To avoid the drawbacks of using diesel fuel, Gustavus Electric Company studied alternative power sources. Hydroelectricity generating at a nearby area called Falls Creek was identified as the city's best option. I believe it also make sense for the National Park Service, too, because the agency relies on a separate set of diesel generations there.

The problem with constructing a hydro-facility is that Falls Creek, the proposed site, is currently located inside the boundary of designated wilderness of Glacier Bay National Park, where such a project is not allowed. To solve this problem, H.R. 3903 authorizes a land exchange that will put the site in State ownership, redraw the park and wilderness boundary, and enable the United States to acquire lands of equal value in Alaska.

When this land exchange was originally proposed, there was concern expressed by the administration and some Alaskans over the potential environmental impact of a hydro project in Glacier Bay National Park. I have never understood why anyone would object to hydropower when the alternative is to continue burning diesel fuel at a national park. Regardless, these concerns have been put to rest.

In the interest of moving forward, I agreed to make the land exchange conditional on a determination by the Federal Energy Regulatory Commission that a hydro facility will have no adverse impact on the Park. In other words, there will be no land exchange, and therefore, no project, if FERC finds there will be any harm.

The bill under consideration today has a minor amendment to the reported bill. The amendment strikes section 4(d) of the reported bill. This action is technical in nature only.

Mr. Speaker, at this time I include for the RECORD correspondence relative to this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 8, 1998.

HON. DON YOUNG,
Chairman, House Committee on Resources, Washington, DC.

DEAR DON: On July 22, 1998 the Committee on Resources ordered reported H.R. 3903, the

Glacier Bay National Park Boundary Adjustment Act of 1998. H.R. 3903, as ordered reported by the Committee on Resources, details the role of the Federal Energy Regulatory Commission ("FERC") and Gustavus Electric Company in a land exchange between the United States and the State of Alaska. As you know, the Committee on Commerce was granted an additional referral upon its introduction pursuant to the Committee's jurisdiction over the generation and marketing of power under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditous manner. I also understand that you have agreed to address this Committee's concern over section 4(d) of the bill as ordered reported in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 3903. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I would seek your commitment to support any request by the Commerce Committee for conferees on H.R. 3903 or related legislation.

I would appreciate your including this letter as a part of the Committee's report on H.R. 3903 and as part of the record during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 9, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3903, the Glacier Bay National Park Boundary Adjustment Act of 1998, a land exchange bill I introduced to help Gustavus, Alaska, construct a small hydroelectric project to provide clean, lower-cost power for the community and for the operation of Glacier Bay National Park.

I appreciate you waiving your additional referral of this bill to allow it to be considered before the House of Representatives adjourns for the year. As your letter states, I plan to offer a manager's amendment which addresses the concerns you raised regarding subsection 4(d) of the bill as reported by striking that subsection. In addition, I will include your letter in the report on the bill and in the Congressional Record during consideration of H.R. 3903 on the Floor. Finally, I will support your request to be represented on any conference on H.R. 3903 in the unlikely event that one becomes necessary.

Thank you again for your cooperation and that of Hugh Halpern of your staff. I look forward to seeing H.R. 3903 enacted into law soon.

Sincerely,

DON YOUNG,
Chairman.

□ 1530

Crafting this bill has taken some time, but the final project advances a sensible local solution to a serious local problem and should be enacted into law without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources for bringing this piece of legislation for consideration by this body.

Mr. Speaker, I rise in strong support of this legislation as it was sponsored and authored by the gentleman from Alaska, also chairman of the Committee on Resources.

It may strike some as unusual for a bill that can lead to a hydro project in what is now a national park wilderness to be acceptable to the National Park Service. But this is a unique case, Mr. Speaker. Both the community of Gustavus, Alaska and the Park Service facilities at Glacier Bay National Park are dependent upon diesel generation facilities for their electrical power. Barging oil poses a threat of spills in park waters. Diesel power generates emissions and is expensive.

Mr. Speaker, the basic purpose of this bill is to authorize a review of whether there are more economical and environmentally benign alternative sources of power for the community of Gustavus. We are not endorsing any specific project in this legislation. Rather, we are empowering the Park Service, as partners with the Federal Energy Regulatory Commission, to study this matter in depth prior to making any decision of whether a small hydroelectric project is either economically feasible or environmentally desirable.

Mr. Speaker, as an additional safeguard for the best interest of the park's resources, we have extended what in effect is veto power for the National Park Service, making any land exchange and FERC license subject to their consent. Many questions remain to be addressed in this process, including concerns raised by the environmental witnesses in hearing testimony before the committee.

But on the balance, Mr. Speaker, I think it is worth determining in a comprehensive public process whether there is a better way to produce power for the community of Gustavus. In this regard, I would note for the record a comment made by the Governor of Alaska, Tony Knowles in a letter to the chairman of the committee, quote, "The State has worked closely with your staff, the National Park Service staff, and the Gustavus Electric Company in the development of this bill; and we believe it is in the public interest to enact such legislation. Most notably, this land exchange would facilitate the development of the Fall Creek hydroelectric project near Gustavus. This project, as you know, has the potential to provide long-term affordable electricity to the people of Gustavus and to the National Park Service facilities. It will reduce State subsidies and replace diesel fuel with a clean, local, and renewable energy source."

Mr. Speaker, a small-scale hydro project and land exchange as contemplated in this legislation may well be in the public interest. However, that will be determined only after a joint environmental Impact Statement conducted by the Park Service and FERC and only if a license is issued by FERC with the consent of the Park Service.

In light of these safeguards, Mr. Speaker, I submit this to my colleagues in the House, and I ask them for their support. Support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise in support of H.R. 3903, the "Glacier Bay National Park Boundary Adjustment Act of 1998." This bill provides for a land exchange in Alaska in anticipation of future development of a hydroelectric project in a remote area of the State. Development of this project will sharply lower the cost of electricity paid by customers in this rural area, which currently relies on high-cost diesel generation.

H.R. 3903 provides a role for the Federal Energy Regulatory Commission in the land exchange. Under the bill, the Commission determines the minimum amount of land necessary for the construction and operation of a hydroelectric project. In addition, the land exchange may occur only if the Commission has conducted economic and environmental analyses that conclude the construction and operation of a hydroelectric project on the exchanged land will not adversely impact the Glacier Bay National Park and Preserve, will comply with the National Historic Preservation Act, and can be accomplished in an economically feasible manner.

Significantly, the bill does not circumscribe the Commission's hydroelectric licensing process. Any hydroelectric project on the exchanged lands must be licensed by the Commission, and the Commission retains jurisdiction over the operation of any such facility. H.R. 3903 does not limit the application of the Federal Power act to the licensing of a hydroelectric project on the exchanged lands. The bill does impose additional conditions beyond those in the Act. For example, the Commission is directed to determine the minimum amount of lands necessary for construction and operation of a hydroelectric project. H.R. 3903 also conditions the license on Commission approval of a finance plan submitted by the applicant, the Gustavus Electric Company. In addition, the bill bars the Commission from licensing or relicensing the hydroelectric project unless it determines the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve. Finally, H.R. 3903 requires that the licensee mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve as a condition of the license.

The Committee on Commerce has jurisdiction over all functions of the Federal Energy Regulatory Commission, including its hydroelectric licensing process. The Committee was pleased to work with the Committee on Resources on this legislation. As indicated in the exchange of correspondence in the report filed by the Committee on Resources, the Committee on Commerce waived referral of H.R. 3903 in order to expedite floor consideration. However, that does not constitute a waiver of jurisdiction.

As reflected in the exchange of letters between the Committee on Commerce and the Committee on Resources, the Committee on Resources has agreed to an amendment to strke section 4(d) from the bill. This amendment clarifies that the licensee must pay all Federal land use fees required under section 10(e) of the Federal Power Act. This exchange of letters also commemorates that the Committee on Resources would support a request by the Committee on Commerce in the event there is a conference on H.R. 3903.

I urge support for the legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers as well, and I yield back the balance of time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3903, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3903, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

OCEANS ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3445) to establish the Commission on Ocean Policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1998".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established under section 4.

(2) COASTAL STATE.—The term "coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

(3) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and nearshore saltwater estuaries;

(B) the continental shelf; and

(C) the Great Lakes.

(4) OCEAN AND COASTAL ACTIVITIES.—The term "ocean and coastal activities" includes activities consisting of, affecting, or otherwise related to oceanography, fisheries, or the management or use of any ocean and coastal resource. The term does not include military operations and training.

(5) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or nonliving natural, historic, or cultural resource or mineral found in the marine environment.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. EXECUTIVE RESPONSIBILITIES.

(a) NATIONAL OCEAN AND COASTAL POLICY.—The Congress and the President, after receiving and considering the report of the Commission under section 4, shall develop and propose a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States, including a plan to meet the resource monitoring and assessment facilities and equipment requirements of Federal ocean and coastal programs.

(b) BIENNIAL REPORT.—Beginning in January 1999, the President shall transmit to the Congress biennially a report that shall include a detailed listing of all existing Federal programs relating to ocean and coastal activities, including a description of each program, the current funding for the program, and a projection of the funding level for the program for each of the following 5 fiscal years.

(c) BUDGET COORDINATION.—Each agency or department involved in ocean and coastal activities shall include with its annual request for appropriations a report that identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities.

(d) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President—

(1) may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate; and

(2) shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 4. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Ocean Policy.

(2) MEMBERSHIP.—(A) The Commission shall be composed of 16 members appointed by the President from among individuals who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(B) Of the members of the Commission appointed under this paragraph—

(i) 4 shall be appointed from a list of 8 individuals who shall be recommended by the majority leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(ii) 4 shall be appointed from a list of 8 individuals who shall be recommended by the Speaker of the House of Representatives in consultation with the Chairmen of the Committees on Resources, Transportation and Infrastructure, and Science;

(iii) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science, and Transportation; and

(iv) 2 shall be appointed from a list of 4 individuals who shall be recommended by the by the minority leader of the House of Representatives in consultation with the ranking members of the Committees on Resources, Transportation and Infrastructure, and Science.

(C) The members of the Commission shall be appointed for the life of the Commission by not later than 90 days after the date of the enactment of this Act.

(3) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(4) CHAIRMAN.—The Commission shall elect one of its members as Chair.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall submit to the Congress and the President, by not later than 18 months after the date of the establishment of the Commission, a final report of its findings and recommendations regarding United States ocean policy.

(2) PUBLIC AND STATE REVIEW.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that the draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) FINAL REPORT CONTENTS, GENERALLY.—Subject to paragraph (4), the final report of the Commission shall include recommendations for the responsible use and stewardship of ocean and coastal resources, including the following:

(A) Recommendations for any modifications to United States laws and regulations, and the administrative structure of the Executive agencies, that are necessary to improve the understanding, management, and conservation and use of, and access to, ocean and coastal resources.

(B) An assessment of the condition and adequacy of existing and planned facilities associated with ocean and coastal activities, including human resources, vessels, computers, satellites, and other appropriate platforms and technologies, and recommendations for investments and improvements in those facilities.

(C) A review of existing and planned ocean and coastal activities of Federal entities, and recommendations for changes in such activities necessary to reduce duplication of Federal efforts.

(D) A review of the cumulative effect of Federal laws and regulations on United States ocean policy, an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving any such inconsistencies. In particular, this portion of the report shall include an examination of the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries Service.

(E) A review of the known and anticipated supply of and demand for ocean and coastal resources of the United States.

(F) A review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities, and recommendations for enhancing the role of State and local governments.

(G) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(H) A review of previous and ongoing State efforts and Federal efforts to enhance the effectiveness and integration of ocean activities, including those occurring offshore and in nearshore saltwater estuaries.

(4) STATE COMMENTS.—The Commission shall include in the final report comments received from the Governor of any coastal State regarding recommendations in the draft report that apply to areas within the boundaries of that coastal State.

(5) CONSIDERATION OF FACTORS.—In making its assessments and reviews and developing its recommendations, the Commission shall give full and balanced consideration to environmental, technical, economic, and other relevant factors, with an equal opportunity for all parties to present a fair and reasonable case for unbiased consideration by the Commission. All recommendations should consider effects on private property. To the greatest extent possible, no recommendations shall have a negative impact on local economies that are dependent on ocean and coastal resources. Any data used by the Commission in making its recommendations for regulations shall be peer reviewed.

(6) LIMITATION ON RECOMMENDATIONS.—The Commission shall not make any specific recommendations with respect to lands and waters within the boundary of any State located north of 51 degrees North latitude, or with respect to lands and waters within the State of Idaho.

(c) DUTIES OF THE CHAIR.—In carrying out the provisions of this section, the Chair of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION.—Members of the Commission shall, subject to the availability of appropriations, when engaged in the actual performance of duties of the Commission, receive reimbursement of travel expenses, including per diem in lieu of subsistence as authorized for persons employed intermittently in the Government service under section 3109 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chair of the Commission may, with the consent of the Commission and without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The executive director shall, subject to the availability of appropriations, be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) DETAILEES.—Upon a request of the Chair of the Commission made after consulting with the head of any Federal agencies responsible for managing ocean and coastal resources, the head of any such Federal agency may detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) EXPERTS AND CONSULTANTS.—To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) MEETINGS.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present written statements or oral statements at the discretion of the Commission on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) NOTICE OF MEETINGS.—All open meetings of the Commission shall be preceded by timely public notice, including notice in the Federal Register, of the time, place, and subject of the meeting.

(3) MINUTES AND OTHER RECORDS.—(A) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to restrictions set forth in section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(B) The Commission shall have at least one meeting in each of the following 6 geographic regions of the United States:

(i) The Northeast.
(ii) The Southeast.
(iii) The Southwest.
(iv) The Northwest.
(v) The Great Lakes States.
(vi) The Gulf of Mexico States.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) OTHER FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal agency or department any information it considers necessary to carry out its functions under this Act. Each such agency or department may cooperate with the Commission and, to the extent permitted by law, furnish such information to the Commission, upon the request of the Chair of the Commission.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(3) ACQUISITIONS.—The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission $2,000,000 for fiscal year 1999 and $1,000,000 for fiscal year 2000. Any sums appropriated may remain available without fiscal year limitation until the Commission ceases to exist.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, today the House is considering H.R. 3445, a bill to establish a National Ocean Commission. Considerable effort has gone into producing the bill that is agreeable to a wide variety of parties that are interested in the conservation, management, and use of our natural, our rich and varied ocean and coastal resources.

The bill reflects an agreement reached before the full committee markup by the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. FARR) and other Members, and further amendments were included to satisfy the concerns of gulf State Members.

It also reflects the willingness of the Committee on Science and the Committee on Transportation and Infrastructure to allow us to move forward in a prompt manner and act on the measure this year, the International Year of the Ocean.

Mr. Speaker, I would like to express my sincere appreciation to the Members of the Committee on Science and the Committee on Transportation and Infrastructure for their consideration.

H.R. 3445 builds upon the foundation established more than 30 years ago with the enactment of the Marine Resources, Engineering and Development Act in the early 1960s. That historic legislation established a Commission on Marine Sciences, Engineering and Resources commonly referred to as the Stratton Commission, which encouraged development of a comprehensive national ocean policy.

As a direct result of the Stratton Commission and their report, the National Oceanic and Atmospheric Administration was formed and created, and the Coastal Zone Management Act was passed by the Congress and established.

By the year 2010, it has been estimated that 127 million people or 60 percent of the American population will live along our coasts. As someone who is proud to represent a coastal district, I have dedicated myself to the health and vitality of our ocean ecosystems.

H.R. 3445 will help assure that health and vitality through the work of the new ocean policy commission. This commission will inform Congress of our current ocean programs and whether or not they are on track, whether or not they need to be changed, and will presumably recommend some improvements.

As a maritime nation, we have always been aware of how crucial oceans are to both our economic well-being and to the well-being of our environment. For instance, the commercial fishing industry alone contributes $111 billion per year to our national GDP. There is always a need to further invigorate our ocean and coastal programs.

During the past 4 years, the Subcommittee on Fisheries Conservation, Wildlife and Oceans, which I chair, has invested a great deal of effort trying to improve U.S. coastal and ocean programs and dealing with persistent management problems facing our fishery resources.

A formal review of all these policies by a group of independent nongovernmental experts will give us a fresh look at these problems, the problems our oceans face, and suggest the potential solutions for the 21st Century.

The bill before us today establishes the National Ocean Commission consisting of 16 Members. Eight will be appointed from Republican nominations and eight from Democratic nominations, making it a true bipartisan commission.

The bill requires extensive public input, including regional public hearings, public review of the draft report, and review of the draft report by the governors of coastal states.

The bill also requires the commission to consider the effects of its recommendations on private property and local economies.

H.R. 3445 is the product of hundreds of hours of deliberation by both Members and our fine staffs. It is an appropriate congressional initiative during 1998, the International Year of the Ocean, and I obviously hope that this bill will pass by a unanimous vote.

Mr. Speaker, I would like to make a special note of the fine efforts of the gentleman from California (Mr. FARR), who together with several other Members have partnered to create a bill and an initiative which I believe is of great significance, and has gone through, frankly, a long and difficult process.

So these bills that come about as a result of a long period of consideration and conversation and dialogue and debate oftentimes produce a very, very good product. I believe that that is the case with regard to this bill, and I would like to thank the gentleman from California (Mr. FARR) for the very important and forward looking role that he played.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. FARR) be permitted to manage the legislation on this side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the role and leadership that the gentleman from New Jersey (Mr. SAXTON) has played in this. We are a Congress that oftentimes emphasizes our partisan differences, and I think on this bill we are emphasizing our bipartisan strengths on a common issue, which is the oceans.

This is the International Year of the Ocean, and it is interesting how that international year has played out. I am joking but I think that we have to realize that in the International Year of the Ocean who knew that the Academy Awards would honor the oceans by granting the Oscar to the movie Titanic? Who would have known, when we began this year, that the New York Times bestseller's nonfiction list would be for a break in the all time record of a nonfiction book about weather, called The Perfect Storm? Who knew, when we began this year, that we were going to have on Larry King Live two talk shows about weather, the El Nino?

So we are finishing this year with Congress responding to all of these issues by enacting a bill that really takes all of those issues into consideration, and that is a bill that puts together a commission that is to look at these Federal programs not as a single sector oriented, which is what we found in our committee discussions. Too much of what we do in the Federal Government over time ends up just trying to solve a single problem. We create a government to administer that problem. We fund the government to deal with that problem and as we grow more complex and more complicated in an area dealing with a body of water that really knows no political boundary, no State political boundary, local boundary, international boundary, these are issues where we have to take a holistic approach to dealing with the problems and that is what this commission is called upon to do. It is called upon to bring back to Congress the conflicts that are out there, the conflicts in our own law, the conflicts between State and local and Federal governments.

So I think that Congress is really putting its best foot forward in enacting this legislation because it is doing something that everybody on each side of the aisle wants to do and that is do a better job with limited resources.

So I really appreciate the bipartisan effort in this creation of this bill. I want to also thank the staff of the Committee on Resources and particularly the subcommittee of the gentleman from New Jersey (Mr. SAXTON), because we have worked together and everybody shared all the information. It has not always been easy because there are some interests here that are very sensitive.

So we are here on the floor with, I think, a good bill that everybody can be proud of.

I just want to point out also that it has been an effort. I represent the coast of California and I have a special interest in it. We have a lot of marine institutions around the bay, 16 to 17 different institutions that relate to the ocean. We call ourselves the Kennedy Space Center of the ocean. A lot of other areas like to claim that title, too, whether it is Woods Hole, Massachusetts, or the San Diego area with Scripps, but we held in the Monterey Bay region the first-ever Presidential Conference on the Oceans. It was attended by Members of both sides of the aisle and they got to speak and participate.

I think we are really on a national realization that if we do not deal with the problems of the ocean, we are going to have a lot of detrimental effects for those of us who want to live on this planet. As far as economic security, national security, environmental security, food security and issues like that, this commission will bring us all together with some comprehensive recommendations to Congress of how we might move forward.

Mr. Speaker, I reserve the balance of my time.

☐ 1545

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, 1998 is the Year of the Ocean. We have heard that mentioned several times. So, it is only fitting and proper that we focus on the ocean this year. And in doing so, I would like to commend the gentleman from New Jersey (Chairman SAXTON) for the outstanding leadership he has provided. He is there every step of the way. It is his inspiration, his innovation that has gotten us to this juncture today.

But, Mr. Speaker, he has not done it alone. The gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. BILBRAY) have all been very active participants in this process.

I think this is very important legislation. We sometimes think that if it is not a major bill providing trillions of dollars of expenditures and a lot of controversy, it is not all that important. Let me suggest that this is very important.

Two-thirds of the world's surface is covered by water, and we have to deal with that water. I was glad to hear the gentleman from California (Mr. FARR), give that recitation of all those things that people did not know about this year; that in 1998, nobody knew that Titanic would get the Oscar. I think that people are properly focusing on the ocean and I think a commission to study the issue and make recommendations to all of us for further action is something that is very right and very proper.

Mr. Speaker, I am here as a colleague who was watching this debate, colloquy more than a debate, in my office and said what they are doing over there is very important and I want to say that to them. I want to express to the gentleman from New Jersey (Chairman SAXTON) and to the gentleman from California (Mr. FARR) and the others who have been involved, "Thank you for what you are doing. I am proud of you."

Mr. Speaker, this is the type of work that day in and day out the House of Representatives is very actively engaged in. It is very important, not just for now but for future generations.

Mr. FARR of California. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose district is surrounded by water.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3445, a bill to establish a commission on ocean policy. Mr. Speaker, we all know that approximately two-thirds of the world's surface is covered by water. Our oceans should be our greatest resource, but for many years for many a number of reasons, oftentimes it has been nothing more than our greatest dumping ground.

Decades ago, the United States and other progressive nations realized that to continue our then current policy would only lead to the destruction of a vital resource. In response, we began the process of establishing a more coherent policy on management of this resource. It was obvious to all those who were involved that the United States alone could not adequately address the problem and through the efforts of the United Nations and many other concerned countries, more aggressive actions were taken worldwide.

Mr. Speaker, over the past 30 years, much progress has been made in the management and use of our oceans. International protocols continue to be developed to the benefit of all nations. This process has not gone smoothly, however, and there have been and continue to be nations which overfish dwindling stocks of fish or hunt species of whale to near extinction. But today the tides have changed, so to speak. A vast majority of the world opposes actions of this nature.

The United States continues to address the problem of overfishing of local stocks off the coast of the eastern United States. This has been a particularly difficult issue because of the long history of fishing in communities which have relied on local stocks for generations. As the yields in these stocks have dwindled over the last decade, increased concern has risen to a sense of despair. This is an ongoing problem which needs continued attention and additional resources.

Mr. Speaker, off the coast of the western United States, the issue of fishing for tuna and the associated killing of dolphins has been discussed for years. I have spoken on this topic at length in the past and do not have the time to go into detail today, but suffice it to say that we recently entered into a new international agreement in an effort to enlist the support of our neighbors to the south to protect dolphins, yet assist them in their economic development by permitting tuna caught in compliance with this international accord to enter the United States for commercial sale. The environmental community and the domestic fishing industry was split on this new law and we will not know for years how well this new arrangement will work. This is another area which could use additional study and resources and even more the reason why we should have a national commission on oceans.

Mr. Speaker, I am most familiar with U.S. interests in the Pacific region. As the largest body of water in the world, the Pacific covers 70 million square miles of the earth's surface and borders or surrounds many countries. It is the source of food for much of the world's population and a significant portion of the world's commerce is transported across its surface.

The United States has considerable interest in this region. Our territory includes the State of Hawaii, the Territories of American Samoa, Guam, and the Northern Mariana Islands. Although now independent, we have continued close relationships with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. We also administer approximately a dozen other islands in the Pacific. While the total land area is relatively small, the area included in our Nation's Exclusive Economic Zone is hundreds of thousands of square miles in the Pacific Ocean.

Mr. Speaker, our Nation alone controls some 2.3 million square nautical miles of Exclusive Economic Zones. Coming from a group of islands who have lived off this natural resource for thousands of years, I welcome this piece of legislation. It is in our national interest to devote additional resources to study of ocean policy.

Mr. Speaker, I urge my colleagues to support this great legislation. I want to commend, again, the leadership and the service of the gentleman from New Jersey (Mr. SAXTON) the chairman of the Subcommittee on Fisheries, Conservation, Wildlife and Oceans for his outstanding performance, not only for the management of this legislation, but certainly as a great friend.

Mr. SAXTON. Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. FARR) has 11½ minutes remaining.

Mr. FARR of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California (Mr. FARR) for yielding me this time, and I certainly would like to begin by congratulating my colleague, the author of H.R. 3445, for his diligent work in bringing this important piece of legislation to fruition. Also, I would like to thank the gentleman from New Jersey (Mr. SAXTON) of New Jersey, the distinguished chairman, for all of his efforts.

Mr. Speaker, one would find themselves hard-pressed to refute the role that the oceans contribute to our daily lives. As has been stated here already, and in other legislative bodies, at conferences and seminars and symposiums, we depend on the oceans for our livelihood. Not just in an economic sense, but also for recreational purposes for tourism and even spiritual as well.

Coastal cities and towns rely on the waters of the sea. Some use it for tourism, others for the transshipment of goods, while other retain a long history perhaps as fishing villages.

As the delegate from the Island of Guam, an island community, our people and our leaders use the surrounding ocean for all these reasons and more.

The ocean represents our historical ties with our ancestors and also provides us with an opportunity for future growth and maintaining and sustaining our way of life in the present.

In all the attention that has been drawn to oceans this year, people have been fond of saying that over half of the country's population lives within 50 miles of the water. Mr. Speaker, I am proud to say that I come from a community where 100 percent of our people live within 4 miles of the ocean. And so we fully recognize the impact and the importance of the ocean in our lifes.

Often we overlook what benefits the oceans bring to our communities when we spend most of our time on land. I know, as the gentleman from American Samoa (Mr. FALEOMAVAEGA), my esteemed colleague here, and I go and crisscross the ocean and we see the great expanse of ocean, we also see the opportunities. We imagine the history of our own islands' peoples, but we also see the economic opportunities and the necessity to protect the resources and the opportunities that the Pacific provides this country and to the world.

The Stratton Commission convened in the 1960s to assess the Nation's marine resources was a good beginning, because it helped bring about a policy that created the National Oceanic and Atmospheric Administration. It provided our country a method to use the ocean and its resources for our gain. However, in our pursuit to travel faster on ocean routes and establish economic advantages and to feed our Nation and the world, I think we have neglected a sound international policy to preserve and sustain the valued resources that the ocean provides.

The formulation of this commission on ocean policy, patterned somewhat after the Stratton Commission, is an opportunity to step forward in the right direction. It helps to establish a new ocean policy focused around properly managing the oceans to produce a healthy, abundant ecosystem. It is a serious approach to create a plan that will ensure the survival of a viable and abundant ocean in the 21st century.

Mr. Speaker, I would also like to take this opportunity to express my support for ratification of the Convention of the Law of the Sea Treaty. This international arrangement, and collaboration with other developed nations that this treaty represents, goes hand in hand with the national policy we are seeking to create. It is possible to have one without the other, but to only develop a national policy and not address the need for international cooperation in our new global village is not quite responsible. The Law of the Sea helps to ensure economic prosperity and military security while preserving and sustaining ocean resources with the cooperation of other countries.

As leaders for the Nation, we carry the burden providing for the present and planning for the future. H.R. 3445, the Oceans Act of 1998, ensures that this responsibility is met. I encourage all of my colleagues to support this measure.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that it is important to point out that there is some major overhaul of Federal law in this bill. This commission, which the President shall appoint with recommendations from Congress, is going to do some things that I think are absolutely essential to us positioning ourselves for the 21st century.

The bill says, and I quote, "A review of all existing or planned ocean or coastal activities of Federal entities and recommendations for changes in such activities necessary to reduce duplication of Federal efforts."

The bill also calls for, "a review of the cumulative effect of Federal laws and regulations on the United States ocean policy and examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving the inconsistencies."

This is a good way of setting some Federal policy that gets us away from just trying to administer item by item, as we have historically.

Then, "a review of all known and anticipated supply of and demand for ocean and coastal resources in the United States, and a review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal policy recommendations."

Probably even the most controversial area of all is to examine the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries so that we do not really just legislate in crisis. We can legislate sound management practices. All of these recommendations will come back to Congress for enactment in the future.

Mr. Speaker, I want to also say that a person on my staff who was here as a Sea Grant Fellow and had to go back to school, but I wanted to point out that but for her work we would not be this far long: Jennifer Newton. Chris Mann on our committee staff, and also the minority staff of John Rayfield, Harry Burroughs, and Sharon McKenna all made this bill possible, and I want to thank them for their effort.

Lastly, wholeheartedly my thanks and appreciation and professional respect goes out to the gentleman from New Jersey (Chairman SAXTON). We have had a wonderful time working together on this bill because we mutually had a vision of where we ought to be going and we stuck with that vision and did whatever was necessary to try to bring it to fruition.

□ 1600

So I have a great deal of appreciation for the gentleman's leadership and he serves his district well.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself the balance of my time and would like to thank the gentleman for his kind remarks.

Mr. ORTIZ. Mr. Speaker, I appreciate the many efforts to bring an oceans policy bill before the House of Representatives today. This is certainly an issue which is extremely important to the future of the United States and deserves our attention.

As H.R. 3445, the Oceans Act of 1998, comes to the floor of the House of Representatives, I am concerned there has not been adequate debate on provisions rejected for inclusion in this legislation which would protect the objective and fair consideration of all interests in offshore resources. It is my desire that we would continue to work to bring a compromise bill on ocean policy to the floor of the House. This is an extremely important issue with far ranging effects which Congress should address thoroughly.

Since we initially considered this issue in the Committee on Resources, I have not heard anyone say that we should not protect our oceans. We all are aware of the inimitable role our oceans play in our future and know we must insure the sustainability of oceanic resources. At the same time, these resources contribute daily to the economies of our communities and support a large segment of our population, both directly and indirectly. While we work to protect the future of these resources, we must insure we adequately protect the diverse interests we have in our oceans.

Mr. SHUSTER. Mr. Speaker, H.R. 3445, the Oceans Act of 1998, establishes a commission to help develop a national ocean policy.

Through its jurisdiction over law and programs regarding the ocean, the Committee on Transportation and Infrastructure has a strong interest in this legislative proposal.

In order to allow this legislation to be brought to the floor today, the Committee on Transportation and Infrastructure agreed to a sequential referral of very limited duration.

However, this action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3445.

If this legislation goes to a House-Senate conference, the Committee on Transportation and Infrastructure reserves the right to request to be included as conferees.

In addition, the chairman of the Resources Committee has assured me that he is willing to work with our committee on any differences the Committee on Transportation and Infrastructure may have with this bill in such a conference, or in the event that there is no formal House-Senate conference on this bill.

I would like to thank the leadership of the Resources Committee for these assurances and for their cooperation throughout the process.

Mr. MILLER of California. Mr. Speaker, I rise in support of the substitute amendment for H.R. 3445. The amendment is, with minor changes, essentially the bill that was reported from the Resources Committee.

It establishes a commission on ocean policy to assess the status of ocean and coastal resources and make recommendations on how we, as a nation, can make the best use of these resources while ensuring their availability to future generations. It calls for the President and Congress, after reviewing the commission's report, to develop a national policy to guide our ocean and coastal activities to those ends.

While I support the bill before the House today, I remain concerned that restrictions placed on the scope of the commission's review may fetter the commission in making a comprehensive assessment of marine resources and the activities that affect them. If this is the result, then the ocean policy to be developed from the commission's recommendations will be the poorer for it. After all, the commission established by this bill will only make recommendations which Congress and the Administration are free to ignore.

Yet up until the last minute there were attempts to further restrict the scope of review, thus restricting the intellectual freedom of the commissioners appointed, because of their expertise, to study our ocean and coastal resources. Particularly disturbing was an attempt to revisit issues dealt with unambiguously and decisively in Committee. Clearly there are those that would prefer that this bill not become law. Afraid to oppose it outright, they have tried to inflict the death of a thousand cuts.

But as a result of the perseverance of Mr. FARR and the gentleman from New Jersey, Mr. SAXTON, those attempts have so far failed. The compromise before the House today preserves the fundamental principles of the bill that was introduced, while going the extra mile to address the concerns of some members about the breadth of the commission's authority.

1998 is the Year of the Ocean and this is bipartisan legislation to promote responsible use and stewardship of these resources. It's been 30 years since the United States had a thorough review of the oceans and Congress should take the lead in establishing an oceans policy for the 21st century.

Again, I commend Mr. FARR and Mr. SAXTON for all their hard work trying to keep this bill on track against long odds.

This is good legislation and I urge the House to support it.

Mr. PALLONE. Mr. Speaker, I join my colleagues today in supporting the passage of H.R. 3445, the Oceans Act. As the world celebrates the International Year of the Ocean, we have an excellent opportunity to initiate a major review of ocean policies in this Nation and to take actions to improve our understanding of ocean systems and the ocean environment as a whole.

As a coastal member and co-chair of the Coastal Caucus, I've always been supportive of protecting our oceans and coasts and realize the tremendous benefits they offer all Americans. Our oceans provide us with jobs, food, recreational as well as education opportunities, medicine, and transportation. Each year an estimated 180 million Americans visit the coast and nearly one third of our nation's Gross National Product is produced in coastal areas. Our oceans also play an important role in determining climate.

But all is not well with our oceans. Today, more than half of all 265 million Americans live within 50 miles of our shores. This has put tremendous pressure on our estuaries, coastal zone, and near and offshore areas. In 1996, nearly 2,200 health advisories were issued against the consumption of contaminated fish. In 1997, over 4,000 beach closings or warnings were issued due to pollution. Harmful algal blooms, like red tides and pfiesteria, have been responsible for over $1 billion in economic damages over the last decade. A 1997 National Marine Fisheries Service report to Congress stated that of the federally managed species for which sufficient data was available, 31% are "overfished." The list goes on and on.

H.R. 3445 attempts to rectify some of these problems by establishing a Commission on Ocean Policy. This Commission, which is similar to the original Stratton Commission of the late 1960's, will report to Congress and the President policy recommendations for how to do better with respect to our oceans, ultimately resulting in a coordinated National Ocean Policy.

While I support H.R. 3445, I am deeply disappointed that the bill before us today is much weaker than what was passed unanimously by the Fisheries Conservation, Wildlife and Oceans subcommittee. Nevertheless, I applaud the efforts of Mr. FARR Mr. SAXTON, and others for working so hard to bring this bill to the floor today.

In closing, Mr. Speaker, I urge all Members to vote in favor of this legislation so that we can go to conference and have it signed into law before the end of the session. Cast a vote for the oceans! Vote yes on the Oceans Act!

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3445, the Oceans Act of 1998. In my capacity as chairman of the National Security R&D subcommittee, I have spent the last several years working to promote ocean protection. I have continued to address the issue of the protection of our seas at the international level through my work as the Chairman of the Global Legislators for a Balanced Environment (GLOBE) Task Force on Oceans, and as the U.S. Vice President for the Advisory Committee on Protection of the Seas.

1998 has been declared the International Year of the Ocean in recognition of the importance of our ocean resources—the ocean's fundamental importance to our economic well being, safety, health, and quality of life. We must continue to work to discover and to learn more about our oceans in order to achieve the long-term goals of fostering an increased awareness of the criticality of the ocean environment and assuring the sustainable use of the ocean for our continued national vitality.

It is clear that we need to get smarter about the ocean. For more than half of the American population, it is truly in our back yards. For the military, it is the primary platform for defense. For the economy, it produces one out of every three dollars of the Gross National Product. We can track the spread of cholera by understanding ocean circulation and we may find a cure for cancer in the biology of the sea. The seabed may be the next place for large-scale mining of precious ores.

We are surrounded by a medium about which we know less than we know about the moon! It is time to change this, and to enlarge our view of the ocean. We have mapped the entire sphere of the moon at resolutions sufficient to reveal geographic characteristics the size of a football field, as well as objects the size of bicycles within those fields. Yet, we have mapped less than seven percent of the ocean floor. Such mapping has been done at resolutions as much as ten thousand times poorer than the precision used for the Moon and Mars. We have yet to image at any resolution vast mountain chains, earthquake faults, shipwrecks, and a multitude of other features that would help us understand major features of the 197 million square miles of planet on which we live.

Clearly, the ocean is more than a beautiful vista for recreation. I urge my colleagues to join me in supporting H.R. 3445 to establish a Commission on Ocean Policy. In this way, we can be more committed to better understanding and protecting our interests in this incredible resource.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3445, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3445, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEM

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2993) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in the National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will not impair the values and resources of the lands and facilities.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104–134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2993 is a bill introduced by my colleague, the gentleman from Colorado (Mr. JOEL HEFLEY). The gentleman from Colorado deserves credit for the work he has put in to develop a bill that provides a new way for the National Park Service and other Federal agencies to collect fees from the motion picture industry who use Park Service and other Federal lands in the making of their movies.

H.R. 2993 repeals the existing Department of the Interior regulatory prohibition on collecting fees at units of the National Park System and the National Wildlife Refuge System for the use of these areas for commercial film productions. H.R. 2993 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on site and the duration of the filming activities. However, this bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the filming occurs, as per the Recreational Fee Demonstration Program established in the 1997 Interior Appropriation Act.

Mr. Speaker, American public lands, especially National Parks, have been serving as the backdrop for many of Hollywood's most famous and profitable productions, including such films as "Indiana Jones and the Last Crusade," "Forrest Gump," "Star Wars" and "Butch Cassidy and the Sundance Kid." Neither the National Park Service nor the Fish and Wildlife Service collected a dime from any of these movies because they are prohibited from establishing fair and reasonable fees from commercial film companies for the use of these lands. H.R. 2993 would remedy this problem while also making the commercial filming fee available directly to the unit involved in the film production.

Mr. Speaker, this is a much needed bill which returns a fair profit to the Federal Government for the use of many of our national treasures. I strongly urge my colleagues to support H.R. 2993.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources for his management of this legislation, and in particular I want to commend the gentleman from Colorado (Mr. HEFLEY) for his sponsorship of this legislation.

Mr. Speaker, this legislation provides for the collection of fees for the making of motion pictures, television productions and sound tracks in the National Park System and the National Wildlife Refuge System. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

Subsequent to our hearing, several meetings and discussions have been held among our staffs, the representatives of the Department of the Interior, the film industry, and other interested parties. I believe these talks were very fruitful and productive.

As a result of these discussions, Mr. Speaker, the Committee on Resources approved the amendment in the nature of a substitute to 2993 and made several significant changes in this legislation. I believe those changes improve the bill, and I will also note that the bill we are sending to the floor today includes one additional change requested by the administration that is consistent with what we are trying to achieve by the provisions of this bill.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for filming. I am greatly encouraged by the bipartisan manner in which legislative agreement was reached on this important issue. I support this bill and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HEFLEY), the author of the bill, who has done great work on this particular legislation.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would suspect that most Americans got their first taste of the West through the classic westerns of John Ford, and most of those films were made on public land. Mr. Ford paid a standard fee for the use of those lands, but for the past 50 years, for reasons that no one can really explain, the Park Service and the Fish and Wildlife Service have been forbidden from collecting fees for commercial filming. The bill before us attempts to correct this inequity.

H.R. 2993 directs the Secretary of the Interior to develop a uniform policy to collect fees for most commercial filming on lands administered by the Interior Department agencies.

The bill directs that the Secretary require that these fees provide a fair return to the government, and that said fees shall not be less than the direct and indirect costs to the government for processing fee applications and for the use of the land and facilities.

The bill also directs development of a fee schedule to be based on such factors as the number of people on the site, duration of their stay, surface disturbances and the use of special areas.

The policy exempts from fees bona fide newsreel or news television productions, and most still photographers, save for those who use models and actors and sets and props, and those that would result in either damage to resources or a significant disruption to normal visitor uses.

The language before us addresses concerns raised by the Justice Department and has been cleared with the minority.

Finally, the bill directs the revenues from this policy to be used in accordance with the existing fee demo program.

This bill is the product of a great deal of cooperation between both sides of the aisle on the Committee on Resources. In fact, I think it is an example of how most of the bills that we have in the Committee on Resources should come out. We worked very hard to make this bipartisan. We worked with the Department of the Interior and we worked with the motion picture industry.

We tried to balance the film industry's need for certainty with the Interior's need for flexibility, and I think we have struck that balance. The film industry wants a certainty. They do not want an arbitrary kind of thing where they never know. And, in fact, if there is an arbitrary approach to it, more and more they will go offshore somewhere. They will go to Australia. They will go other places. There are other pretty places in the world they can go to film movies. They will go somewhere else to do it if they do not have a degree of certainty.

I will not pretend this bill is a cure-all for all of our public land needs but it is a start. It will help. It is an equity thing. Even the film industry thinks that it should pay a reasonable fee for using the public lands.

So this is one of those rare bills where I think everyone has the chance to come out a winner and, therefore, I urge its adoption. I do not believe there is any objection to this. I think we have worked out the kinks and I think it will work very well for us. Again, I would repeat, Mr. Speaker, I urge its adoption.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2993, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2933, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SALE, LEASE OR EXCHANGE OF IDAHO SCHOOL LAND

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land.

The Clerk read as follows:

H.R. 4166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE, LEASE, OR EXCHANGE OF IDAHO SCHOOL LAND.

The Act of July 3, 1890 (commonly known as the "Idaho Admission Act") (26 Stat. 215, chapter 656), is amended by striking section 5 and inserting the following:

"SEC. 5. SALE, LEASE, OR EXCHANGE OF SCHOOL LAND.

"(a) SALE.—

"(1) IN GENERAL.—Except as provided in subsection (c), all land granted under this Act for educational purposes shall be sold only at public sale.

"(2) USE OF PROCEEDS.—

"(A) IN GENERAL.—Proceeds of the sale of school land—

"(i) except as provided in clause (ii), shall be deposited in the public school permanent endowment fund and expended only for the support of public schools; and

"(ii)(I) may be deposited in a land bank fund to be used to acquire, in accordance with State law, other land in the State for the benefit of the beneficiaries of the public school permanent endowment fund; or

"(II) if the proceeds are not used to acquire other land in the State within a period specified by State law, shall be transferred to the public school permanent endowment fund.

"(B) EARNINGS RESERVE FUND.—Earnings on amounts in the public school permanent endowment fund shall be deposited in an earnings reserve fund to be used for the support of public schools of the State in accordance with State law.

"(b) LEASE.—Land granted under this Act for educational purposes may be leased in accordance with State law.

"(c) EXCHANGE.—

"(1) IN GENERAL.—Land granted for educational purposes under this Act may be exchanged for other public or private land.

"(2) VALUATION.—The values of exchanged lands shall be approximately equal, or, if the values are not approximately equal, the values shall be equalized by the payment of funds by the appropriate party.

"(3) EXCHANGES WITH THE UNITED STATES.—

"(A) IN GENERAL.—A land exchange with the United States shall be limited to Federal land within the State that is subject to exchange under the law governing the administration of the Federal land.

"(B) PREVIOUS EXCHANGES.—All land exchanges made with the United States before the date of enactment of this paragraph are approved.

"(d) RESERVATION FOR SCHOOL PURPOSES.—Land granted for educational purposes, whether surveyed or unsurveyed, shall not be subject to preemption, homestead entry, or any other form of entry under the land laws of the United States, but shall be reserved for school purposes only.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of legislation that is very important to the State of Idaho. H.R. 4166, introduced by my distinguished colleague, the gentleman from Idaho (Mr. CRAPO), would amend the Idaho Admissions Act regarding the sale or lease of school land.

Mr. Speaker, when Idaho was granted statehood back in 1890, the U.S. Government designated millions of acres of land within the State as an endowment to Idaho's schoolchildren. This was a common practice at the time, and many other western States, including my own State of Utah, has similar provisions in their statehood act.

These State school lands are, by law, to be managed to provide revenue for the schools. When the lands are sold or leased or whatever, the money goes into a trust fund that produces a stream of income for the schools. This money is very important to the schoolchildren of Idaho.

The people of the State of Idaho have been working on ways to get more revenue from these lands and have found ways to ensure that their trust funds provide a better stream of income. Some of these reforms have been implemented. However, some cannot be implemented until we amend the Idaho Admissions Act to give them the authority to make these changes.

Mr. Speaker, H.R. 4166 would amend the Idaho Admissions Act to give the State of Idaho the flexibility they need to make these changes. The legislation is in everyone's best interest and is in particularly the best interest of Idaho's schoolchildren. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources, for his management of this legislation, and certainly the gentleman from Idaho (Mr. CRAPO) for his sponsorship of this bill.

Mr. Speaker, this bill, as introduced by the gentleman from Idaho, would amend the Idaho Admissions Act to make certain changes regarding the sale and exchange or lease of lands granted to the State of Idaho for the benefit of schools.

The purpose of the exchanges, as I understand them, is to generate additional income for Idaho's permanent endowment fund. The State of Idaho has already modified State law in order to implement these changes; however, the Idaho Admissions Act must also be amended in order to conform to these changes.

Simple as that, Mr. Speaker. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. CRAPO), the author of the bill.

Mr. CRAPO. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, this is a very important bill for Idaho, as has already been said, but it is an interesting opportunity. This is an opportunity for us to generate increased revenues for Idaho public schools, with no tax increase and with simply a reformed management of our public lands.

Before I go further, I want to give my sincere thanks to my colleague, the gentlewoman from Idaho (Mrs. HELEN CHENOWETH) for her strong support and advocacy not only for this legislation but for the young people of Idaho, as we have fought here to make sure our policies in Washington give us the best opportunity for our children in Idaho.

H.R. 4166 is going to provide the State of Idaho the ability to increase funding for public education by at least $20 million, if not much more, annually, by restructuring the management of our endowment lands.

In 1890, when Idaho was made a State, about 3½ million acres of land as a permanent endowment were given to the State to help the children throughout this century and beyond. Today, that endowment has a value of about $2.7 billion, with an accompanying endowment fund worth about another $700 million, a total value of about $3.4 billion. And yet, after evaluation, our Governor found its return was only about 3.3 percent, just barely keeping up with the rate of inflation. If that rate of performance could be increased by just 1 percent, it could generate as much as $30 million of extra dollars for Idaho schoolchildren.

Because of that, Idaho's Governor Phil Batt appointed a Governor's Committee on Endowment Fund Investment Reform to look into what could be done. And that committee, chaired by Doug Dorn, reviewed the current structure of our endowment lands and evaluated what simple commonsense approaches we could find to improve the performance for our school children without raising taxes.

□ 1615

H.R. 4166 is one of the reforms that this committee has suggested. I again have to give credit to Governor Batt, to the gentlewoman from Idaho (Mrs. CHENOWETH) and to the others who have worked so hard to make this legislation a reality today. The changes that are proposed allow Idaho to manage its resources in a more effective way that will benefit the school children of Idaho and give us the ability to more clearly strengthen our future.

Mr. Speaker, it is a privilege to be the sponsor of this legislation. I encourage all of my colleagues here in the House to support this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from Utah for yielding time, and I want to thank my colleague from Idaho for his outstanding leadership on this issue that is very, very important to our State. As my colleague from Idaho moves to other endeavors this next year, we will miss his leadership in this body.

I rise right now in wholehearted support for H.R. 4166, a bill to amend the Idaho Admission Act. The most important commodity that we have, Mr. Speaker, is our Nation's children. By providing our children with the best possible education, we provide our Nation with a future that will allow it to continue to be a leader, the leader of the free world. But that future rests on our children and the kind of work that we can do for them today. H.R. 4166 takes a positive step in that direction in our State.

H.R. 4166 amends the 1890 Idaho Admission Act so that Idaho can better invest the funds gained from the leasing of the State's 2.5 million acres of endowment lands. This change could provide as much as $30 million more for Idaho schools, for construction, for hiring new teachers or wiring classrooms for the Internet without raising new taxes.

As my colleague from Idaho has previously stated, this proposal has been thoroughly debated by all parties and passed nearly unanimously in the Idaho legislature. This bipartisan effort will give education in Idaho a boost without raising taxes. Clearly Idaho's children are the winners here.

I wish to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG) as well as the gentleman from California (Mr. MILLER), the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Oregon (Mr. DEFAZIO) for agreeing to allow this bill to come to the floor in an expedited manner. Most importantly I would like to thank Governor Batt for his diligent efforts on behalf of Idaho's children. Without his vision on how to gain more money for Idaho's schools and without raising taxes on the State's taxpayers, we would not be here.

I urge all of my colleagues to support this very valuable piece of legislation, valuable to our State.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MEMORIAL TO HONOR MAHATMA GANDHI

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4284) to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

The Clerk read as follows:

H.R. 4284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Government of India may establish a memorial to honor Mahatma Gandhi on the Federal land in the District of Columbia.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior or any other head of a Federal agency may enter into cooperative agreements with the Government of India to maintain features associated with the memorial.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c) and 6(b) of that Act shall not apply with respect to the memorial.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The Government of the United States shall not pay any expense of the establishment of the memorial or its maintenance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. H.R. 4284 is a bill introduced by the gentleman from Florida (Mr. MCCOLLUM). The gentleman from Florida is to be commended for working very hard to craft a bill that will recognize and memorialize one of the great world leaders of our time. H.R. 4284 would authorize the Government of India to establish a memorial to honor Mahatma Gandhi on Federal property in the District of Columbia and would be in basic accordance with the Commemorative Works Act. The memorial is to be a gift to the people of the United States as a part of the celebration of India's 50 years of freedom.

Mahatma Gandhi was born in India in 1869. He was best known for his civil disobedience that took shape in nonviolence and passive resistance and was instrumental in helping India achieve its independence from England. He is revered by millions throughout the world for his unending fight for personal freedom and human rights. H.R. 4284 would allow the country of India to create the Mahatma's memorial within the District of Columbia to honor this great man. Furthermore, this bill will also authorize the Secretary of the Interior to enter into cooperative agreements with the Government of India in order to maintain features associated with the memorial. Of note, the Federal Government shall not pay any expenses for the establishment or maintenance of this memorial.

Mr. Speaker, H.R. 4284 is a worthy bill which will recognize an important and great world leader within the boundaries of Washington, D.C.

I urge my colleagues to support H.R. 4284.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4284 is a companion measure to H.R. 1390 as it was introduced by my colleague the gentleman from New Jersey (Mr. PALLONE). I also want to thank the gentleman from Florida (Mr. MCCOLLUM) in providing for this joint measure.

The legislation authorizes the Government of India to establish a memorial to honor Mahatma Gandhi on Federal lands across the street from the embassy of India here in Washington, D.C.

Mr. Speaker, Mahatma Gandhi, as everyone knows, is internationally renowned as a great leader and for his teachings of passive resistance and noncooperation in his native India. Perhaps this may be noted as one of the dark pages of the British colonial rule at the time, the fact that they were very reluctant to grant independence and freedom to the people of India. As some of my colleagues and perhaps even the American public may have seen, one of the great movies ever done on the history of this great man, Mahatma Gandhi, a graduate of Oxford University, started his early practice in South Africa, and an attorney by profession turned, the fact that here was this man who paid a first-class ticket on a train and with this British officer noted that here was an Indian sitting in a first-class cabin was insulting to this British officer. The rest is history, Mr. Speaker, given the fact that Mahatma Gandhi was not only beaten by these British officers, but it changed his entire life and seeing that his people were certainly under suppression by British colonial rule.

This movement of nonviolence, Mr. Speaker, as noted also by my colleagues, had tremendous influence even on the civil rights movement here in America. The fact that the great American Martin Luther King, Jr. was tremendously influenced not only by the teaching but by the example that Mahatma Gandhi had lived for in his life in trying to set the people of India free from British colonial rule.

Mr. Speaker, it was my privilege months ago with the chairman of the Committee on International Relations when we visited New Delhi, India to commemorate the 50th anniversary of the independence of India and to again not only remind the Indian people among the leaders but to see the tremendous contributions that this Indian leader had given not only to his own country but certainly to the world. And the fact that as a result of what Mahatma Gandhi has done, Mr. Speaker, we have 980 million people living in India, the largest or the most populous democracy in the world, is a demonstration of not only the commitment of Mr. Gandhi to see that his people be let free from British colonial rule is an example; and even more so in the fact that our own country was tremendously influenced not only by this man who happens to be an Indian but the fact that Martin Luther King, Jr.'s own writings, own example in the civil rights movement was greatly influenced by this.

Mr. Speaker, I think this legislation is most proper and appropriate and we see that there should be a memorial built here, in the premises here in Washington, D.C.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the sponsor of this legislation.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time. I really appreciate very much the chairman of this subcommittee who has brought this bill to the floor through the urging of several of us and done it in a fine form and fashion.

I rise today specifically to express my support for the passage of H.R. 4284, a bill, as I think all of us know, to allow India to establish a memorial to honor Mahatma Gandhi here in Washington, D.C.

I am joined also in this effort by my good friend and colleague the gentleman from New Jersey (Mr. PALLONE). The gentleman from New Jersey and I cochair the India Congressional Caucus, a bipartisan group that is designed to promote understanding between the United States and India.

As all of us know, India is the world's largest democracy. It has shared our commitment to freedom of speech, democratic values and the rule of law since its inception in 1947. This memorial is a positive reminder of the growing relationship between the world's oldest democracy and the world's largest democracy. The memorial is a gift to the people of the United States from the people of India in celebration of India's 50 years of freedom. It will symbolize not only the strong friendship between the U.S. and India but also the impact that Gandhi had in the United States and in particular on the civil rights movement.

Mahatma Gandhi was known for his acts of civil disobedience which took the form of nonviolence and passive resistance. His efforts were key in helping India to achieve its independence from England and inspired leaders in the United States and throughout the world. His actions prevented unnecessary bloodshed and served as the foundation for peaceful resolution of conflict.

It is fitting that we take on this bill which commemorates the father of the nation of India during the anniversary of India's independence. We have had a growing and strong relationship with India in recent years. In the coming years it appears to me that the need for our alliance will be even greater. We are confronted with so many troubling matters in the world today, including terrorism, including the possibility of threats of chemical, nuclear and biological proliferation, and while we have some disputes with India always, and that will inevitably be the case, for the most part we are on exactly the same track. As a strong ally in the future, India will be a partner of the United States in so many ways in foreign policy that I see. In addition to that, India is an increasingly extremely important trading partner for economic interests with this country and their country. Indian Americans are very strong citizens of the United States who believe deeply in democratic values, values that are shared both in their native country and in their adopted country of the United States.

This particular legislation with this particular memorial that we are setting forth today gives us a way of saying to each other, as nations and as peoples, we have shared values and commitments. We know there are times when we will have disagreements, but those are comparatively very minor to the major agreements that we have and the shared values that we have. It is terribly important that we go forward with this bill and with our continued building of a strong relationship between India and the United States.

The government of India strongly supports the legislation. The memorial will not cost, as has been said, the taxpayers a cent. I do not know of any objections to its construction whatsoever.

Mr. Speaker, for all of the above reasons aforesaid, I urge the adoption of this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding time. I also want to commend and to congratulate the gentleman from New Jersey (Mr. PALLONE) who is chairman of the India Caucus for his sponsorship of this legislation as well as for the effort that he puts to increase the relationship between the United States and India.

A memorial to Mahatma Gandhi is very easy to support. As a matter of fact, as has already been indicated, he led the greatest resistance movement in a nonviolent way that the world had ever seen at that moment. And then, of course, as has already been indicated, he was an inspiration to Dr. Martin Luther King who in our modern era led the most effective nonviolent resistance movement that we have ever seen during contemporary times.

Most importantly, though, this memorial will signal even greater relationships between the two countries, the two democracies, the largest, I believe, as someone said, and the oldest. I think that that in and of itself is a tribute to all of us. And so I very greatly endorse and support this legislation and again commend the sponsor for its initiation.

□ 1630

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me. I am just so very pleased to rise in full support for this resolution H.R. 4284 that is going to allow the country of India to create the Gandhi memorial within the District of Columbia to honor this very great person.

It is true we celebrated the 50th anniversary of India. It is true, as has been stated, that it is one of the greatest democracies along with the United States. It is true that its constitution begins with "we the people," just as our Constitution does. It is true that we have a very active Indian-American caucus here, and I can see the chairman of the caucus is over there.

I want to thank the gentleman from Alaska (Mr. YOUNG) of the full committee, the chairman, for this legislation as well as the gentleman from California (Mr. MILLER), the ranking member; indeed the gentleman from Utah (Mr. HANSEN), who is the chairman of the subcommittee, and the gentleman from American Samoa, (Mr. FALEOMAVAEGA) for this.

As my colleagues know, I used to teach English and American literature, and it was Henry David Thoreau who wrote Walden and also wrote On Civil Disobedience. And in writing Walden, he talked about the mystical waters of India, of the Ganges, and what the spiritualism implied and what it meant. And in Civil Disobedience, where he spent that night in jail because he resisted peacefully something that he believed was wrong, he indicated that he attributed that this was something that was a way that we should resolve conflict.

Mr. Speaker, we know that Mahatma Gandhi looked to Henry David Thoreau when he was involved in civil disobedience in terms of peaceful resistance to what was wrong. We then know that it was Martin Luther King, Jr., who then looked to Gandhi for that continuation of that. So it all comes together in terms of the importance of Mahatma Gandhi in terms of our relationship and friendship with India, in terms of what we believe in in America and what our Indian Americans adhere to as a part of this great country.

So I commend all of the people who have been involved, I thank them very much for this resolution coming out today, and I urge the entire House to support it.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her fine comments, and certainly very appropriate on the occasion of deliberating on this piece of legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), not only the chairman of the India Caucus, but certainly a great leader on this issue.

Mr. PALLONE. Mr. Speaker, I want to thank the chairman of the subcommittee and, as the gentlewoman from Maryland (Mrs. MORELLA) mentioned, the other members of the Committee on Resources for pushing this bill so we could bring it to the floor this day and get it passed and sent over to the Senate.

As my colleagues know, the sponsor of the bill, the gentleman from Florida (Mr. MCCOLLUM) co-chairs the India Caucus with me, and this is a bipartisan effort. We have over a hundred Members in our India Caucus, and this is one of the bills that we have been trying to push on a bipartisan basis throughout most of this year. We are very pleased that it is coming to the floor today.

There is a companion bill offered by Senator MOYNIHAN, who is a former U.S. Ambassador to India, that is being sponsored in the Senate, again on a bipartisan basis, so if we can get it over to the Senate, we will undoubtedly get it signed by the President before the end of this year.

As was mentioned last month, India celebrated actually the 51st anniversary of her independence, and of course the individual most closely identified with the historic and successful effort by the people of India to secure the independence from British colonialism and establish a democracy was Mahatma Gandhi. Gandhi's contributions to the causes of democracy, freedom, and human rights are felt to this day not only in India but throughout the world, including here in the United States. And that is why I think it is particularly important that we have a memorial or a monument to him here in Washington, D.C., which of course is our Capital and the place where we celebrate democracy and the freedoms that we enjoy as the leader of the free world.

I just wanted to say very briefly, Mr. Speaker, when I was in India a couple times, I had the opportunity to go to the Gandhi ashram in Ahmadabad and also to a place where Gandhi spent a number of years in Bombay, and I was incredibly impressed with the way he organized this movement in India. There is really nothing quite like it in terms of the way he took an intellectual idea and was able to expand it to the masses of the people in India and have success in throwing off the yoke of colonialism.

From a practical standpoint, though, I wanted to say that this memorial will be entirely not only an appropriate addition to this city, but it will not cost the Federal Government anything. The legislation specifies that American taxpayers will not have to bear the cost of construction and maintenance. The Embassy of India will bear all costs. The National Capital Memorial Commission and the National Park Service will both have very active consultative roles, ensuring that it will add to the beauty of our capital and blend in well with the surrounding area.

The location of the tract of land where the memorial will be erected is close to the Embassy of India. It has been selected because the location would be in keeping with the Commemorative Works Act for location of commemorative works as subjects of lasting historical significance to the American people, and I wanted to point out that the proposed monument was approved last June by the National Capital Memorial Commission.

So, Mr. Speaker, this city is a city of great monuments and memorials, and we are just very happy on behalf of the India Caucus to have this addition added to those commemorative monuments.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to make another note of the fact that in our Nation we have over 1 million Indian Americans living in our country that make tremendous contributions to their local communities and to the several States, and the fact that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from New Jersey (Mr. PALLONE) are both co-chairs of the India Caucus. I think it is a tribute to the over 1 million Indian Americans that live in our own Nation that show such diversity that we provide to our community and the citizens here.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 4284, a bill to authorize the establishment of a memorial to Mahatma Gandhi here in the nation's capital.

Born October 2, 1869 in Probandar, western India, Mahatma Gandhi was the preeminent leader of Indian nationalism and advocate of nonviolence in the 20th century. Appealing to reason, justice, and tolerance, Gandhi served as a powerful and effective force in bringing about Indian independence through his teaching of nonviolent civil disobedience.

In many ways, India's independence and strength today owes much to the conviction and courage of Mahatma Gandhi. Gandhi's leadership in promoting peaceful social and political change has inspired many around the world and sustained efforts for the improvement of civil and human rights worldwide. He has won the affection of so many, including revered American leaders like civil rights advocate Martin Luther King, for his tireless efforts to improve social equality. In addition to playing a pivotal role in creating modern India, Gandhi's work provides a model for generations to come.

Today's measure builds on earlier Congressional efforts to honor Gandhi. In 1994, on the occasion of the 125th anniversary of Gandhi's birth, I authored a resolution to honor Gandhi's unwavering dedication to India's people and a man whose name has come to symbolize freedom and justice around the world.

On the occasion of the 50th anniversary of its India's independence, it is both fitting and appropriate that we honor Gandhi's legacy with the establishment of a memorial in the nation's capital, where people from all around the world can gather to commemorate and reflect on Gandhi's life and vision. I am proud to join my colleagues in voting for this important measure.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 4284.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2795) to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, as amended.

The Clerk read as follows:

H.R. 2795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irrigation Project Contract Extension Act of 1998".

SEC. 2. EXTENSION OF CONTRACTS.

(a) IN GENERAL.—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of the Missouri River Basin Project identified in subsection (c) until December 31, 2000.

(b) EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT.—If the cooperative agreement entitled "Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska", entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go beyond December 31, 2001. If the cooperative agreement terminates prior to December 31, 2000, the contracts identified in subsection (c) shall be subject to renewal on the date that the cooperative agreement terminates.

(c) CONTRACTS.—The contracts identified in this subsection are—

(1) the contract between the United States and the New Grattan Ditch Company for water service from Glendo Reservoir (Contract No. 14–06–700–7591), dated March 7, 1974;

(2) the contract between the United States and Burbank Ditch for water service from Glendo Reservoir (Contract No. 14–06–700–6614), dated May 23, 1969;

(3) the contract between the United States and the Torrington Irrigation District for water service from Glendo Reservoir (Contract No. 14–06–700–1771), dated July 14, 1958;

(4) the contract between the United States and the Lucerne Canal and Power Company for water service from Glendo Reservoir (Contract No. 14–06–700–1740, as amended), dated June 12, 1958, and amended June 10, 1960;

(5) the contract between the United States and the Wright and Murphy Ditch Company for water service from Glendo Reservoir (Contract No. 14–06–700–1741), dated June 12, 1958;

(6) the contract between the United States and the Bridgeport Irrigation District for water service from Glendo Reservoir (Contract No. 14–06–700–8376, renumbered 6–07–70–W0126), dated July 9, 1976;

(7) the contract between the United States and the Enterprises Irrigation District for water service from Glendo Reservoir (Contract No. 14–06–700–1742), dated June 12, 1958;

(8)(A) the contract between the United States and the Mitchell Irrigation District for an increase in carryover storage capacity in Glendo Reservoir (Contract No. 14–06–700–1743, renumbered 8–07–70–W0056 Amendment No. 1), dated March 22, 1985; and

(B) the contract between the United States and the Mitchell Irrigation District for water service from Glendo Reservoir (Contract No. 14–06–700–1743, renumbered 8–07–70–W0056) dated June 12, 1958; and

(9) the contract between the United States and the Central Nebraska Public Power and Irrigation District for repayment of allocated irrigation costs of Glendo Reservoir

(Contract No. 5-07-70-W0734), dated December 31, 1984.

(d) STATUTORY CONSTRUCTION.—Nothing in this section precludes the Secretary of the Interior from making an extension under subsection (a) or (b) in the form of annual extensions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2795 provides for the extension of certain contracts between the Bureau of Reclamation and irrigation water contractors in Nebraska and Wyoming that receive water from Glendo Reservoir.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT) who is the author of the bill.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me, and, Mr. Speaker, I rise today in full support of H.R. 2795, the Irrigation Project Contract and Extension Act. The bill is vitally important to many, including several irrigation projects in my district.

Let me first thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE), for his work and the work of his staff in bringing the bill to the floor today; also to the gentlewoman from Wyoming (Mrs. CUBIN) and to her staff as well for their diligence and hard work in this matter. Representative CUBIN and I introduced this bill last November, and there have been many days since that we struggled with whether or not the bill would come to the floor. I again thank the gentleman from California (Mr. DOOLITTLE) and others for their work, and that is why I am so especially pleased to encourage my colleagues to support the bill today.

The Irrigation Project Contract Extension Act would extend for 2 years the contracts between the Bureau of Reclamation and several different kinds of water users in Nebraska and Wyoming, and earlier this year a memorandum of agreement was signed by Nebraska, Colorado, Wyoming and the U.S. Fish and Wildlife Service. The MOA requires a study of endangered species' habitats along the Platte River. The water users, including four irrigation districts in Nebraska, will be a part of this study, but the study will not be completed until the year 2000, and during that time the water contracts of course will have expired. Well, this bill provides additional time so that the water users would not have to conduct a separate and superfluous ESA study before the end of the year.

So again I thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE) and I urge my colleagues to support H.R. 2795.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2795. In addition to providing for continued water deliveries to irrigators, this legislation will allow work to continue on the environmental impact statement, our plan to improve wildlife habitat in the central Platte region in Nebraska. Endangered Species Act compliance will also continue during the term of the contracted extension. The committee agreed to the amendments suggested by the administration which ensure that the water contracts are not extended indefinitely. It is my understanding the administration has no objection to the enactment of the bill as reported by the Committee on Resources. I thank the chairman of the Subcommittee on Water Power for his cooperation, and I urge my colleagues to support H.R. 2795.

Mrs. CUBIN. Mr. Speaker, I am pleased that the House is considering this legislation today under suspension of the rules. It is vital that both the House and the Senate act on it and send it to the President in order to ensure that water contracts for the Glendo Unit of the Pick Sloan Missouri River Basin program don't expire.

This legislation is supported by the Administration and by extending the water contracts, H.R. 2795 will improve the Interior Department's ability to complete the environmental impact statement on a plan to provide additional river flow and improve the habitat for the benefit of the whooping crane, interior least tern, piping plover and the pallid sturgeon in the Central Platte Region in Nebraska. In addition, contract extension will enable appropriate consultation to take place consistent with the Endangered Species Act.

I'd like to thank Representative BARRETT for all his efforts on this legislation. He and his staff have worked very hard to get this bill enacted. Thanks also to Representative DOOLITTLE for moving the bill out of his Subcommittee and through the Resources Committee. This is an important initiative and one which merits the support of everyone in this chamber.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. I have no more requests for time, Mr. Speaker, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2795, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2795, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CONSTRUCTION OF TEMPERATURE CONTROL DEVICES AT FOLSOM DAM

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, as amended.

The Clerk read as follows:

H.R. 4079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO CONSTRUCT TEMPERATURE CONTROL DEVICES.

(a) FOLSOM DAM.—The Secretary of the Interior is hereby authorized to construct in accordance with the draft environmental impact statement/environmental impact report for the Central Valley Supply contracts under Public Law 101-514 (section 206) and the report entitled "Assessment of the Beneficial and Adverse Impacts of Operating a Temperature Control Device (TCD) at the Water Supply Intakes of Folsom Dam", a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities. The temperature control device and said associated temperature monitoring facilities shall be operated as an integral part of the Central Valley Project for the benefit and propagation of fall-run chinook salmon and steelhead trout in the American River, California.

(b) DEVICE ON NON-CVP FACILITIES.—The Secretary of the Interior is hereby authorized to construct or assist in the construction of 1 or more temperature control devices on existing non-Federal facilities delivering Central Valley Project water supplies from Folsom Reservoir and necessary associated temperature monitoring facilities. These costs of construction of temperature control device and associated temperature monitoring facilities shall be nonreimbursable and operated by the non-Federal facility owner at its expense, in coordination with the Central Valley Project for the benefit and propagation of chinook salmon and steelhead trout in the American River, California.

(c) AUTHORIZATION.—There is hereby authorized to be appropriated for the construction of a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities the sum of $5,000,000 (adjusted for inflation based on October 1997 prices). There is also authorized to be appropriated for the construction of a temperature control device on existing non-Federal facilities and necessary associated temperature monitoring facilities the sum of $1,000,000 (October 1997 prices). There is also authorized to be appropriated, in addition thereto, such amounts as are required for operation, maintenance, and replacement of the temperature control devices on Folsom Dam and associated temperature monitoring facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of H.R. 4079 is to authorize the construction of a temperature control device on Folsom Dam. The dam is located about 20 miles upstream from the city of Sacramento, California on the American River. A temperature control device is needed to allow the diversion of municipal water supplies from a point higher in the water column in the Folsom Reservoir than is now possible with the existing municipal water intakes. By diverting the water high on the water column, cold water can be released into the lower American River for steelhead and fall-run chinook salmon during the critical July through October period of the year when water temperatures tend to reach their annual highs. I would urge an aye vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4079 which will authorize Federal and non-Federal projects at the Bureau of Reclamation's Folsom Dam Reservoir. These projects are intended to help and control and monitor the temperature of water released from Folsom Dam so the fish may benefit from the releases of cooler water. The amount authorized by H.R. 4079 for the temperature control devices at Folsom Dam is $5 million, although no specific requirements for reimbursing of these costs are set forth in the bill. It is my understanding the Bureau of Reclamation will consider these costs as capital improvements to the CVP project and will allocate the costs among CVP water and power customers in accordance with current CVP cost allocation procedures.

The cost estimate report prepared by the Congressional Budget Office on H.R. 4079 clearly states that, quote, about 4 million, end quote, of the cost of constructing temperature control devices and monitoring apparatus at Folsom Dam would be repaid by the water and power users. With this understanding regarding the reimbursement of costs, the administration has advised us they do not object to this legislation. The control of water temperatures released from dams is a proven and cost-effective method of improving survival of fish.

□ 1645

I thank the chairman of the Subcommittee on Water and Power for his commitment to this legislation, and I urge my colleagues to support H.R. 4079.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 4079, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4079, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONGRATULATING MARK McGWIRE FOR BREAKING THE MAJOR LEAGUE BASEBALL SINGLE-SEASON HOME RUN RECORD

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the resolution (H. Res. 520) congratulating Mark McGwire of the St. Louis Cardinals for breaking the Major League Baseball single-season home run record, and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate on the resolution be confined to 40 minutes, equally divided between myself and the gentleman from Maryland, (Mr. CUMMINGS).

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 520

Whereas the game of baseball is America's national pastime;

Whereas one of the grandest records in baseball, and indeed in all sport, is the record for the most home runs hit in a single Major League Baseball season;

Whereas during the 1998 Major League Baseball season, Mark McGwire of the St. Louis Cardinals and other fine players have challenged the Major League Baseball single-season home run record, bringing great excitement to the 1998 Major League Baseball season and capturing the imagination of the people of the United States and baseball fans around the world;

Whereas Mark McGwire of the St. Louis Cardinals has been subjected to intense pressure and media scrutiny, but has conducted himself with uncommon grace, class, and dignity, and has been a first-rate role model for the young people of St. Louis, the State of Missouri, and the United States; and

Whereas on September 8, 1998, Mark McGwire of the St. Louis Cardinals hit his 62nd home run of the 1998 Major League Baseball season, breaking the Major League Baseball single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Mark McGwire of the St. Louis Cardinals—

(1) for breaking the Major League Baseball single-season home run record;

(2) for bringing great excitement to the 1998 Major League Baseball season; and

(3) for being an inspiration to the youth of America and the world and baseball fans everywhere.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland, (Mr. CUMMINGS), each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 520.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased this afternoon to congratulate my colleague, the gentleman from Missouri (Mr. TALENT), for introducing this resolution.

On September 8, 1998, Mark McGwire broke the Major League baseball record for home runs in a single season and joins such immortals as Babe Ruth and Roger Maris as legends of our national past time. But, Mr. Speaker, when America watched Mark McGwire pursue, and then break, Roger Maris's single-season home run record, we witnessed far more than a spectacular athletic achievement and a sportsmanship achievement. In the apt words of the gentleman's resolution, the gentleman from Missouri, he stated, "Mark McGwire conducted himself with uncommon grace, class, and dignity." At all times he was, as the resolution goes on to say, a first-rate role model for the young people of our Nation.

But it is not just the young people who can learn from this athlete's example. Everyone can and should learn by his achievements and the manner in which he conducted himself.

More memorable than the home run that he hit that night was the grace with which he conducted himself, the joy with which he greeted his young son as he crossed home plate, the great respect he showed for the Maris family, and the friendship that he and Sammy Sosa, who is also challenging the home run record, demonstrated that night and so many millions of Americans witnessed.

It is, therefore, appropriate that Congress commend and recognize Mark McGwire for breaking this record and for the manner in which he did it.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to commend the gentleman from Missouri (Mr. TALENT) for introducing this very, very important resolution. Today we honor 2 true sportsmen, Mark McGwire and Sammy Sosa. Last week Mark McGwire tied, and then broke, Roger Maris's 61st single-season home run record, making him the new major league leader, with 62 home runs. On Sunday, Sammy Sosa hit his 62nd home run, matching McGwire and helping to propel his team to victory in a crucial game against the Brewers.

Last year, this Congress honored the lifetime achievements of another great baseball player: Jackie Robinson. Mr. Robinson would be proud to see how McGwire and Sosa have embraced and supported each other in the race to break Maris's record. McGwire and Sosa are making history, and they are doing it with respect for each other and with dignity and integrity.

Mr. Speaker, House Resolution 520 honors Mark McGwire for breaking the record for the most home runs in a season, and among other things, serving as a true role model for young people. But not only is he a role model for young people, but it has been well stated in the media that he gives somewhere in the area of $1 million per year to lift up children and to make their lives better, and for this we applaud him.

As baseball regains its popularity and more young people flock to ball fields across America, it is important that our major league players set an example of hard work, sacrifice, dignity and respect for oneself and one's other players. Mark McGwire exemplifies all of these.

Parents can speak of McGwire as not only a great ball player, but as a good man. After breaking Roger Maris's record, McGwire took time to acknowledge the Maris family who were sitting in the stands and hugged and lifted up his own son on the baseball field. Those two things, I think, sent a true message to all of us in America, and that is to never forget from whence we came and never forget those who came before us. Those were moments that all Americans could be proud of.

McGwire's contributions to baseball have been memorialized in the National Baseball Hall of Fame in Cooperstown, New York. The ball that McGwire hit his season record 62nd home run, his bat and his St. Louis Cardinals uniform are on display for current and future generations to see. Fathers and sons and daughters who journey to Cooperstown will be able to share a historic moment, a moment that will be further commemorated with this resolution in his honor. What he has done has left a spark in all Americans and has left a very, very, very important memory so that we might cherish it for our entire lifetimes.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. TALENT), the author of this resolution.

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I admire and appreciate the gentleman's eloquence and that of the gentleman from Maryland (Mr. CUMMINGS), and I do not know that there is a lot I can add. I just think that this resolution is important for a number of reasons. They have commented, and I think it bears repeating, on the class that Mark McGwire had throughout this whole season as he chased this record. He showed the affection that he has in his heart for his son; he showed the regard that he has for his competitor, Sammy Sosa; and that was returned time and time again. I really appreciate the gentleman from Maryland (Mr. CUMMINGS) remark because that showed how far baseball has come from the days of Jackie Robinson. Mark McGwire showed the respect that he has for baseball and for the way that he treated the Maris family, and I think all of those things justify this resolution.

I had a personal reason as well for filing it. I was able to share that evening with my 8-year-old son, and to share that moment with him when Mark McGwire hit the 62nd home run, and it struck me that the experience we had together and the way I felt afterwards when my son said it was the best night of his life, was probably shared by millions and millions of families around the country who were together watching this achievement, watching Mark McGwire chase this with such class and achieve it on that night, and they shared that memory then and they will share that memory forever. I think it deserves this memorial.

This is a class individual. None of it was a put-on. It is just the way he is. I am glad the House is taking a few moments to recognize him. I am sure everyone will support this resolution.

Mr. CUMMINGS. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman, and I share his optimism. I want to thank the gentleman from Missouri for bringing this resolution.

Mr. Speaker, let me just first say that I have been a Cardinal fan my entire life, as I am sure my friend from Missouri has been. The night that Mark McGwire hit this home run was indeed a very important night in the life of any Cardinal fan. In fact, I was alone watching it on television and tears streamed down my face as I saw him make this accomplishment.

I think that there is a much larger meaning, however, that comes out of this, in both the case of Mark McGwire and Sammy Sosa. First, they have both shown love for their families, they have shown love for fellow human beings, and they have shown respect for other human beings who have had similar records or their families have had a connection with similar records. Those are very important messages for baseball heroes to send to the people, and I most want to be for this resolution today because of that and because of what that means to Americans and what that means to all of our people. We commend them, we honor them, and we wish them well in the days ahead.

Mr. MICA. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, there is, in fact, baseball yet to be played this year. Perhaps there are more home runs to be hit. We really do not know yet what the new home run record will be. We do not know who will hold that title and that record. What we do know is that Mark McGwire has at all times conducted himself both as a gentleman and as a true sportsman. His athletic achievements are, in fact, a deed to be respected, but the quality of character he has demonstrated throughout this historic baseball season should be honored.

At a time, Mr. Speaker, when values, character, and professional conduct is being challenged both here in Washington and at every level across our land, it is indeed fitting that today Congress recognize a true role model, Mark McGwire.

Mr. Speaker, I ask all Members to vote for this resolution.

Mr. UNDERWOOD. Mr. Speaker, as a lifelong baseball fan, nothing has been more exciting than seeing the home run chase this year for Mark McGwire and Sammy Sosa. Not only has the race brought a great deal of excitement to this year's baseball season, the grace, dignity and good sportsmanship of these two sluggers has brought honor to sportsmanship and sports in general.

While we should salute the achievements of Mark, we must not forget that the season is not over. Indeed, the fantastic weekend performance of Sammy Sosa demonstrates that we still do not know who will be the single season home run king until the last game is played. It also points out how Congress sometimes gets ahead of itself.

The grace of a home run swing (some 124 at last count), the kind words of mutual respect uttered by Mr. McGwire and Mr. Sosa, the thrills that have been experienced by millions of fans remind us all that human achievement brings out the best in us. Diversion and recreation is sometimes the best antidote for tough times. Amidst all the political trauma of the last few weeks, many were happy, even just for a moment, to forget it all and blissfully discuss the home run race. They have also taught us some important lessons like genuine humility which inspires us much more than stirring words. The magnificent performance of Mark and Sammy on the field has only been matched by their outstanding handling of the media attention which has been given to them. They deserve our recognition.

Mrs. EMERSON. Mr. Speaker, whether you were at the game or enjoying the moment elsewhere with family and friends, on the evening of Tuesday, September 8, 1998, America witnessed a milestone. As my hometown newspaper, the Southeast Missourian printed Wednesday morning, "In a nation that demands bigger, more, better, faster, Mark David McGwire is now a name—and an event—to be remembered."

But there is something even more memorable about Tuesday night. More memorable than Mark McGwire hugging his son, Matt, as he crossed home base. More memorable than Mark McGwire taking time to share his accomplishment with the Chicago Cubs own Sammy Sosa; and yes, even more memorable than the touching moments that Mark McGwire shared with Roger Maris' family.

Sure, hitting number 62 was great. And there isn't any Little Leaguer I know who probably didn't drift off to sleep that night thinking about what it would be like to be the "King of Swing." But what truly touched me about Tuesday night was the way the entire country came together in the last days and weeks leading up to this very special event.

When Mark MGwire belted number 62 into the record books, he put a special and indelible mark on history that will remain forever. Tuesday night, Missouri—the Heartland of America and my home—became the hallmark that represents what can be accomplished with dedication, perseverance, hard work and a little help from the Man upstairs. Mark McGwire recognized that Tuesday night and it reminded me of how proud we in the Eighth District are to call Missouri home.

But something even more magical happened when Mark McGwire smacked that ball the last 341 feet into American history. In that instant—and with the help of what ESPN has called "the nation's best fans"—the fans cheering on the Cardinals in Busch Stadium—it felt great to be an American. Again.

Now that may sound strange to some, but in a time when coverage of the examples of poor role models often overshadows the coverage of good role models, it truly is comforting that today all of America has something to be proud of. On Tuesday night, America saw the kindness, honesty and dignity of a man whose character is not measured by numbers and dollars, but by the love of a national pastime and a respect for all of those who play the game. Tuesday night it felt good to be 10-years-old again rooting for your hero. Tuesday night, it just felt good to cheer.

My dad, Ab Hermann, also played professional baseball. Even though he taught me countless lessons about life, I remember two very distinctly. First, you always have to keep your eye on the ball. Second, honesty and character really do matter. Like my colleague, J.C. Watts, another great athlete, says "character means doing what's right when nobody is looking."

Well, Mark McGwire did that. As Mike Jensen of the Standard Democrat noted on September 9, 1998, "That monumental home run will neither solve world hunger nor the issues in the Mideast. But it did remind us that sometimes good guys finish first." And Tuesday night when all America was watching, Mark McGwire, with the class befitting a "Home Run King," wrote his own story in American History. Thank you Mark, for giving all of America a story worth telling.

Mr. GEPHARDT. Mr. Speaker, I rise to salute Mark McGwire and his extraordinary feat in setting a new, single-season home run record.

Throughout this season, Americans have been treated to one of the most incredible sporting achievements of our lifetime. The single-season home run mark of 61 stood as perhaps the most awesome feat in baseball history.

I feel privileged to have been able to witness Mark McGwire in action this year—every baseball fan in America knows that they have seen something special in 1998.

Roger Maris set that record 37 years ago, topping perhaps the most impressive achievement of Babe Ruth, the best all-around player ever to take the field in professional baseball. Watching McGwire's pursuit of 62 home runs, placing him among icons like Ruth and Maris, has been a pure joy to witness.

Mark McGwire is not only an outstanding athlete, he is also a man whose conduct epitomizes good sportsmanship.

He has remained focused on his goal in the face of a media frenzy and a sea of exploding flash bulbs. And he did it with amazing grace and real class.

The chase showed something special about Mark McGwire. But it also showed me something special about the people of St. Louis. The fact that seven very lucky fans gave up progressively larger amounts of money, returning their souvenir home run balls to Number 25, showed that Cardinals fans truly are, as the magazine Baseball America called them, "The Best Baseball Fans in America."

These fans showed their true spirit when they stood and cheered not only for St. Louis' own Mark McGwire, but also for that other great athlete, the Cubs' Sammy Sosa.

Mr. Speaker, I could not be more proud to say I am from St. Louis, and I could not be more proud to say I am a Cardinals' fan. Thank you and congratulations, Mark McGwire.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING SAMMY SOSA FOR TYING THE CURRENT MAJOR LEAGUE RECORD FOR HOME RUNS IN ONE SEASON.

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the Resolution (H. Res. 536) and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate time be limited to 40 minutes, equally divided and controlled by teh gentleman from Maryland (Mr. CUMMINGS) and myself.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 536

Whereas Sammy Sosa of the Chicago Cubs hit two home runs on Sunday, September 13 against the Milwaukee Brewers at Wrigley Field in Chicago;

Whereas these home runs were his 61st and 62nd of the 1998 season, tying Mark McGwire of the St. Louis Cardinals for the current major league record for home runs in one season and moving him past Roger Maris' previous single home run record, which had stood unsurpassed—and barely threatened—for 37 years;

Whereas Sammy Sosa's achievement is one of the most impressive and difficult to accomplish in the history of baseball, placing him in the very exclusive company of the national pastime's greatest home run hitters, including legends such as Babe Ruth, Hank Aaron, Roger Maris, Mickey Mantle, and Willie Mays;

Whereas Sammy Sosa's drive toward the historic home run record is part of one of the best overall performances in baseball history, which will likely include more than 150 RBIs, a batting average of over. 300, nearly 20 stolen bases, exceptional defensive play in right field and providing leadership to the Chicago Cubs in a close race for the playoffs;

Whereas throughout the intense media scrutiny and public attention that has accompanied his historic home run chase, Sammy Sosa has consistently conducted himself with dignity, modesty, and selflessness that has been an inspiration to all Americans;

Whereas as a native of the Dominican Republic, Sammy Sosa has proven to be an outstanding role model and source of pride for all residents of his native country, as well as all Latin Americans and all immigrants to the U.S. from across the globe;

Whereas throughout his record-breaking accomplishments and thrilling head-to-head race with Mark McGwire to surpass the home run milestone Sammy Sosa has embodied the talent, exuberance, team-spirit and determination that Americans associate with the very best qualities of sports and athletic competition;

Whereas while Sammy Sosa is almost certainly not done hitting home runs in 1998, and has two more weeks to amaze all of America with tape-measure shots that delight Chicago's bleacher bums and send Cubs scattering on Waveland Avenue in pursuit of a piece of history, and Sammy Sosa will continue to enhance a proud legacy of Chicago Cubs sluggers in the tradition of Hack Wilson, Ernie Banks, Billy Williams and Andre Dawson;

Whereas on September 13, 1998, Sammy Sosa of the Chicago Cubs hit his 62th home run of the 1998 Major League Baseball season and tied the current single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Sammy Sosa of the Chicago Cubs—

(1) for his amazing accomplishments and thanks him for a summer of unsurpassed baseball excitement.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland, (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 536.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ 1700

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to congratulate the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. YATES), and the gentleman from Illinois (Mr. DAVIS) who are authors and who have introduced this resolution.

This has been indeed, as we have said, a very historic baseball season. We have not only seen Roger Maris' 37-year-old single season home run record broken, we have seen the new record tied within just a few days.

All America has watched with admiration as Mark McGwire and Sammy Sosa have challenged each other to new heights each and every day during one of the most exciting periods of baseball history. We watched as the record fell, and we watched as the new record was tied.

Sammy Sosa deserves the respect and admiration of all baseball fans for his great athletic achievement, but more importantly, Sammy Sosa has earned the esteem of all Americans for the great and dignified manner in which he has conducted himself at all times.

When Mark McGwire became the first to break Roger Maris' record, the St. Louis Cardinals were playing Sammy Sosa's Chicago Cubs. Sammy Sosa was among the first to offer his congratulations, running to congratulate Mark from his position in the outfield. A lesser man would have resented that another man will always be known as the gentleman who broke Roger Maris' record, but not Sammy Sosa.

Reflecting the highest ideals of sportsmanship and character, Sammy Sosa graciously saluted that achievement and embraced Mark McGwire warmly.

I have no doubt, Mr. Speaker, that it was because of Sammy Sosa's character that all Americans cheered when he tied this new record. I am proud to support this resolution to honor an excellent athlete and, in fact, a true gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to congratulate the gentleman from Illinois (Mr. GUITERREZ), the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. YATES) for introducing this very, very important resolution.

Today, this Congress pauses to salute a man named Sammy Sosa. Sammy Sosa of the Chicago Cubs is being honored today for being a fine sportsman and for conducting himself with dignity and modesty while in pursuit of Roger Maris' single season home run record. A native of the Dominican Republic, Sammy Sosa is an inspiration to Americans, Latin Americans, and all who love the game of baseball.

On Sunday, in a critical Cubs-Brewers game, Sosa caught up to Mark McGwire and hit his 62nd home run. At that moment, the Cubs were still behind, and though he was experiencing a personal victory, Sosa did not celebrate until his teammate Mark Grace hit the winning home run to end the game 11 to 10. Sosa carried Grace a few steps to the dugout, and the Cubs carried Sosa. Baseball is a team effort, and Sosa's actions exemplify just that.

Sosa is the player in Cub's history, the only player in Cub's history to hit 30 or more home runs and steal 30 or more bases in the same season. In 1997, he became the third player in team history to hit more than 25 home runs at Wrigley Field more than once. He was the first Cub in 37 years to collect more than 100 runs-batted-in in three consecutive seasons. But these statistics only speak to his athletic abilities.

Sosa supports schools and medical facilities in his homeland. He has a now famous two-finger gesture where he touches his heart for his fans, then blows two kisses, one for his mother, and one for the family and relatives back home whenever he hits a home run or has a major accomplishment in a game. This speaks to Sosa as a man, a man who has never forgotten from whence he came.

He remembers and talks about quite often when he was in the Dominican Republic as a young boy. And like many poor young people, he had to improvise. He would use a crushed up milk carton as a glove and would take a sock and ball it up real tight and use it as a ball to play baseball.

The fact is is that he now remembers those days and consistently and constantly gives back to his native Dominican Republic. He is a man who loves the game of baseball and, just as important, just like Mark McGwire, he cares about people. Sosa is a team player and a gracious winner. He is a true sportsman and is quite deserving of this wonderful and very significant honor.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, it is my distinct pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) who does represent the real shrine of American baseball, Cooperstown, New York.

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding to me, and I thank both of my colleagues and all of my colleagues who are today here paying tribute to Mark McGwire and Sammy Sosa.

All the sporting world knows that they are truly all-stars when they get on the ball field and they hit that ball. But I would suggest to everyone, as we are looking for role models, you could not have two better role models than Mark McGwire and Sammy Sosa. They are all-stars off the field as well.

I would suggest that all of my colleagues read an inspiring story that appears in today's New York Times, written by Bill Dedman. It is the story of Sammy Sosa. Just let me read one quote, because it just says so much about the man.

Sammy says "I don't want to get a big head. I was raised religious, and I'm scared what would happen to me if I did that." That is a quote from Sammy Sosa. It is a wonderful story.

Now, let me tell you, first of all, both of these gentlemen are already represented in the Baseball Hall of Fame in Cooperstown, New York. That is the shrine and mecca for baseball. For those of you who want to go to Cooperstown, and I encourage all of you to do so, take 270 north, and you go to Route 15—no, I will not give you the whole route today.

But I will tell you that, in that beautiful magnificent village of Cooperstown, New York, two very distinguished, very accomplished athletes, two great citizens, fine, decent, caring, sharing individuals are already represented. So I would encourage those who cannot get out to see Mark McGwire or Sammy Sosa play at the ball field. The season is almost over, some of us are hoping that the Cubs will really make it to the play-offs, and I know my distinguished colleague in the well will address that subject shortly.

Forevermore these fine gentlemen will be represented in the shrine of baseball in Cooperstown, New York, and I would encourage people to visit that magnificent facility and see for themselves.

Once again, let me stress that I am a baseball nut, self-proclaimed. I confess it. I am addicted to baseball. It is a wonderful way for my wife and I to sit and relax in the evening, a big bowl of popcorn and some soda and we sit and watch the game, and my Yankees are doing just fine this year, thank you, and I am excited about that.

I have to admit, in two instances recently I had tears to my eyes. One, when I saw Mark McGwire, and then after he hit the home run one of the things that happened that was so moving, Sammy ran in from the outfield, they hugged and they embraced, two great gentlemen. Then when I heard that Sammy Sosa had hit two dingers to catch up with Mark McGwire, I did not even see it, I just heard about it, and it moved me because I have such a passionate feeling about the game and what it means to this great country, but I am so excited because of the great accomplishment of these two fine gentlemen.

So I am pleased to be able to be here and share in this tribute. I thank those who have advanced it. I encourage all of my friends here in this chamber and all around the world to pay proper recognition to Mark McGwire and Sammy Sosa. Please come visit the shrine of all American baseball in Cooperstown, New York.

The article that was referred to previously is as follows:

THE MAN WHO WOULD BE MCGWIRE

HIS RIVAL IS 'THE MAN,' BUT SOSA MAY BE THE HOME RUN CHAMP

(By Bill Dedman)

CHICAGO, Sept. 14—Relaxing at home in his 55th-floor condominium before a game, Sammy Sosa is the same as at the ball park: focused by funny, exuberant but reserved. He is in a strange country, conversing in two languages, but his every movement displays a combination of confidence and humility.

He does not want to talk about his wealth, or his charity, or even to appear to be restraining the impulse. "I don't want to get a big head," he says. "I was raised religious, and I'm scared what would happen to me if I did that."

Staying humble just got harder, as Sosa's glorious weekend put him dead even in the chase for the most glamorous record in sports: most home runs in a single season. After the record had been all but conceded to Mark McGwire of St. Louis, Sosa's four home runs in three days tied him with McGwire. As Sosa's Cubs begin a series tonight in San Diego and McGwire's Cardinals played at home against Pittsburgh, each had hit 62 home runs in 150 games. (McGwire had two singles but no homers in four at-bats tonight.) Two weeks remain in the season.

"I'm rooting for Mark McGwire," Sosa said last week. "I look up to him the way a son does to a father. I look at him, the way he hits, the way he acts, and I see the person and the player I want to be. I'm the man in the Dominican Republic. He's the man in the United States. That's the way it should be."

Sammy Sosa grew up without a father in the back of a converted public hospital in San Pedro de Macoris, a dusty seaside town in the Dominican Republic. His father, Juan Montero, died when Sosa was 5. Sosa shared two bedrooms with his mother, four brothers and two sisters. To help out, he shined shoes for two pesos.

Now, at age 29, Sosa has a four-year, $42.5 million contract. Besides the condo, he has two other homes and was able to give his mother, Mireya, a house for Mother's Day. But ask him about his wealth, and he will find an excuse to leave the room. If prodded to name the favorite of all his automobiles, he will allow, "Probably the Rolls," and change the subject.

In Chicago last week, Sosa entertained guests before a night game at Wrigley Field. Wearing Versace jeans instead of Cubs pinstripes, he offered a glass of white wine and a tour of his condo—really four condos combined into one—in a tower rising above Navy Pier.

In the den, where the windows reveal Lake Michigan, Sosa's two agents occupied the sofa, eating shrimp and fielding offers for an advertising deal in Japan. In the dining room, decorated with a wrap-around view of the Loop skyline, his wife, Sonia, was setting out the good china for a lunch with friends. Their 5-year-old daughter, Keisha, was at school, and the three younger children were finishing their naps. Sammy's brothers were around, back among the eight bedrooms.

When Babe Ruth hit 60 home runs in 1927, his biographer noted his boast, "Sixty, count 'em, 60!" and Ruth's dare for anyone to match his total. Now Ruth has been matched, and bested, by Roger Maris, McGwire and Sosa. Not a braggart in the bunch.

When he came into the major leagues nine years ago, Sosa gained a reputation as a selfish player, as a flashy underachiever, "Sammy So-So." His teammates, coaches and friends say he has grown tremendously, as a baseball player, as a father and as a team player. "Sammy is showing a grace that blows my mind," said Tom Reich, who is one of his agents. "He is so intuitive. He draws everyone into his loop with his good will and generosity."

Back home in San Pedro de Macoris, there is a statue of Sosa with a fountain. In the winter he visits hospitals to deliver presents to children and schools to give new computers. They call him "Sammy Claus." Pesos thrown in his fountain are given to the shoeshine boys of Macoris.

Here in the United States, Reich and his partner, Adam Katz, are taking their time working through offers for endorsements. They will let most of the deals wait until the season is over, so as not to distract Sosa from the task at hand: helping the long-frustrated Cubs make the playoffs for the first time since 1989.

Sosa says he does not mind the greater attention that has been given to McGwire since the season began back at the end of March. As to the suggestion that his dark skin color might account for his lack of acclaim compared with McGwire's, Sosa laughs and says: "What? Come on, man, it's 1998."

The Sosas moved in to their million-dollar home in June from a smaller one a few blocks away. It appears almost unlived in, with little of the debris of life scattered about. The only book is a Spanish-language Bible by a bed. The Sosas' winter home is in Santo Domingo, the Dominican capital, about 40 miles west of San Pedro de Macoris. And they have a stopping-off place in Miami.

A few treasures are on display in the Chicago home: photos of their children. A plaque from friends in the Dominican Republic (including the President, Leonel Fernández Reyna) in honor of Sosa's record-setting 20 home runs in a single month. An award from the Cubs honoring his community service, named for his hero Roberto Clemente, whose uniform No. 21 Sosa adopted.

A plaque rests on a cabinet in the living room: "My house is small, no mansion for a millionaire. But there is room for love and there is room for friends."

Sammy and Sonia met 12 years ago in the Dominican Republic. With the help of a maid, she takes care of the children: two girls, Keisha, 5, and Kenia, 3, and two boys, Sammy Jr., nearly 2, and Michael, almost 1.

On this quiet afternoon, the children woke up just in time for a family photograph and lunch before batting practice. The children know Sosa plays baseball, but they have no idea of his fame. Occasionally, on a replay, they do see the trademark two-fingered kisses that he blows their way.

"They see me on TV and say, 'Papi! Papi!'" he said. "I am very proud of them."

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ), a very distinguished gentleman, who is one of the sponsors of this legislation.

Mr. GUTIERREZ. Mr. Speaker I want to be brief so that my colleagues from Chicago have an opportunity to speak on this resolution. In particular, I look forward to the comments of my friends, the gentlemen from Illinois, Mr. DAVIS and Mr. YATES, original sponsors of this bill, who have worked with me on bringing it to the floor.

This is not the first time that the U.S. House has taken an opportunity to commend an individual who has achieved greatness, but it is perhaps the first time that a resolution has been offered about someone who has chosen to remain so humble in spite of his greatness.

Sammy Sosa is a man who has every reason to be proud of his accomplishments and who would be excused if he chose to be boastful about those facts. Instead, he prefers to go out of his way to talk about the achievements of his teammates and even those of his competitors. This is a man who has proven to young people that it is not simply important to be good at sports but to be a good sport, and who has proven in the most vivid way possible a lesson that bears repeating, that people who come to the United States to share their talents with us add to our country in ways that are profound, in ways that enrich our lives and in ways that make us all proud of this great Nation.

This resolution puts the United States House of Representatives on record that this body commends and congratulates Sammy Sosa for his prowess on the field and for his dignity off the field. In other words, even if Sammy himself will not admit it, the

U.S. Congress is prepared to tell Sammy that he is indeed the man.

Now, we hear a lot about bipartisanship here in Washington. Well, in Chicago bipartisanship has nothing to do with bringing Democrats and Republicans together. In Chicago, bipartisanship means bringing Cubs fans and White Sox fans together. As a Member of Congress who represents both a little of the north side and a little of the south side, the fact that Sammy Sosa has achieved that feat is amazing, but it goes beyond that.

He has helped bring baseball fans all across the country and all across the world together to celebrate this beautiful game, but back to that spirit of civic unity for a moment. I want to quote from someone who worked and lived baseball on both sides of Chicago, a man named Bill Veeck. Bill Veeck put down some important roots in Chicago, literally. In the 1930s Bill Veeck planted the famous ivy on the outfield wall at Wrigley Field. Later in life, Bill Veeck went on to own the Chicago White Sox, and even in the last years of his life he could be found virtually every summer afternoon sitting in the outfield bleachers at Wrigley Field.

Well, there is a quote attributed to Bill Veeck that I think says something we need to know about baseball, maybe even about life. Bill Veeck said, and I quote, "There is no sight more beautiful in the world than a ballpark full of people," and he was right. Unfortunately, Bill Veeck never saw Sammy Sosa play for the Cubs, and if he had he would have learned that there is actually one thing more beautiful than a ballpark full of people. It is when there are so many people wanting to see a game that there are hundreds, even thousands of them waiting outside the ballpark to be part of history.

For someone who has seen the highlights of recent Cub home games knows, there are people hanging out on Waveland Avenue and off the rooftops of Sheffield and all around the park, wanting to be part of the moment, to be part of history. As I say, Sammy Sosa has done more than excite a city. He has excited a country. He has excited people all over the world, especially in Latin America who love this great game.

People often say that baseball says a lot about America. It is about fair play. It is about doing your best and trying, even when the odds are against us, and in the person of Sammy Sosa we are reminded that baseball represents something else. It reminds us that baseball represents the diversity of our Nation, our country, America.

□ 1715

It reminds us that people can come to America and if they have the desire and if they have the will and if they have the optimism, they can succeed in ways that benefit us all.

Baseball shows that a team can be made up of kids from the heartland of America and from the Caribbean or Asia and even as far away as Australia. It was played in the form of stick ball in the crowded streets of Brooklyn and the West Side of Chicago where kids looked up to heroes like Hank Greenberg; by kids in the barrios of Humboldt Park of Chicago who idolized Roberto Clemente. Sammy Sosa has reminded us of that fact.

I read that Sammy Sosa has not only surpassed Roger Maris' record for home runs in a season, he has also surpassed the singer Kate Smith in the number of times someone has said "God bless America" in a single year.

Sometimes it takes someone who was born elsewhere, someone for whom America itself was not a birthright, to sum up for all of us the most patriotic of sentiments.

Mr. Speaker, Sammy is right to recognize the greatness of the United States. Today, the United States Congress recognizes him.

"To you, Sammy."

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), one of the cosponsors of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time. I really want to thank all of those who took the time to come and pay tribute to two great athletes, two great Americans.

Mr. Speaker, I grew up in Arkansas, which was close to Missouri, and so I grew up a Cardinals fan, next to my beloved Brooklyn Dodgers. And I remember Red Schoendienst and Stan Musial and Ray Jablonski and, later on, Curt Flood and Bob Gibson.

I was thinking of the great feat of Mark McGwire, how great it would have indeed been had Harry Caray been around to be able to make the pronouncement and say, "Look at it go." I guess it would probably have still been going even today. But, certainly, Mark is a tremendous athlete and a tremendous human being.

I am also pleased to take note of the great feat and contribution of Sammy Sosa. As has already been indicated, an individual who was content all year to kind of move in the shadows, always behind but knowing that eventually he would catch up. Always behind, but knowing that at some point there would be the evenness. Two men who emerged as great friends, complimenting each other almost on a daily basis, one not really worrying about who is going to be first, but knowing that they were both going to be winners. Because no matter which one ends up with the greatest number, they have combined their efforts to revive and revitalize the game of baseball to excite people all over the world, to put spirit and energy in a game that had lost some of its luster.

Certainly, Sammy indicated that it is not always where one comes from. As a matter of fact, he used to shine shoes, like Isaiah Thomas, the great basketball player who at one time used to shine shoes at Shine King. So, he indicated that it is not always so important where one comes from in life, but what is really important is where one is going. No matter who ends up with the highest number, both of these esteemed gentlemen have, indeed, reached the top.

Mr. Speaker, I am pleased to join with all of my colleagues in saying a hardy "thank you" to Mark McGwire and to Sammy Sosa for revitalizing the game of baseball.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, the odds of one of us of becoming a Member of Congress are actually longer than the odds of becoming a major league ball player. I must confess if I had my druthers, I would choose to be a major league ball player. For me, the ideal job would be to play right field for the Chicago Cubs.

But I learned very early in life, Mr. Speaker, as a ball player in the Little League, that it was probably an impossible dream for me. As hard as I tried, as much as I hustled, I must confess, and perhaps my political consultants would not want me to say this, I stunk as a baseball player.

But as someone who takes vicarious joy in looking at ball players who know how to play the game, I take particular pride that Sammy Sosa happens to play for the Chicago Cubs. And I take also pride as an American in the accomplishments of Mark McGwire.

Wrigley Field is not in my congressional district. I have the parking lots across the street. The gentleman from Illinois (Mr. YATES) has the actual ball park. So when Sammy Sosa hits a home run on Waveland Avenue or goes to right field and hits a home run on Sheffield Avenue, those balls are landing in the district of the gentleman from Illinois (Mr. YATES).

But Chicago happens to be a city of immigrants. I think it is altogether fitting that Sammy Sosa and Mark McGwire both share the record at this point, and one happens to be an immigrant, because the City of Chicago and our country was built by immigrants.

Let me say that in this cynical era where sports is all about big money, and baseball has certainly not been immune to those issues, and in the era of sports agents, it is very refreshing to have two great heroes like Sammy Sosa and Mark McGwire who play the sport for the love of the game.

I do not see Mark McGwire play baseball as often as I see Sammy Sosa, but it is clear to those of us in Chicago who watch him on a daily basis that here is somebody who plays the game the way it ought to be played, who plays it the way they used to play it in the old days, who plays it with great enthusiasm and who has an all-around style of game.

Mr. Speaker, I just would like to commend Sammy Sosa and Mark McGwire, and I would to close by raising a question about Commissioner Bud Selig of baseball. Mr. Speaker, I would say to the commissioner, "Where were you on Sunday, Mr. Commissioner? You should have been in Chicago at Wrigley Field."

Mr. MICA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I enjoyed the comments of all of my colleagues on both sides. I am reminded of the story of Mr. Sosa when he was a young boy about 10 years old. His father died and he was left to help his mother take care of his seven brothers and sisters down in the Dominican Republic. There he got some rags together and some shoe shine polish and would go to the beach and he would shine people's shoes.

As fate would have it, he met a man named Bill Chase who lived on the outskirts of San Pedro, and Mr. Chase was a factory owner. He was so impressed with the shoe shine operation of the Sosa brothers, because he did it with his brother, that he would give them extra tips. He bought Sammy a glove and then he began to watch him play baseball. He was so impressed with them, that he helped them to move forward to a baseball career here in the United States.

There is so much to that story, Mr. Speaker, of how when we work together, when we bond together and lift each other up, how we can make things happen. How when we touch other people with our lives, that we can help them get to where they have to go.

But there is another important lesson in that too. So many Minor League baseball players are playing baseball right now, not knowing whether they will ever have an opportunity to come to the big leagues. But we want to salute all of them, including, of course, our friend Mark McGwire. We want to salute Sammy Sosa with a simple, simple quote. It is from a noted religious scholar named Dr. Charles Swindoll, and I think it epitomizes our two players that we honor today.

Mr. Speaker, Dr. Swindoll says, ". . . men and women of God, servant-leaders in the making, are first unknown, unseen, unappreciated and unapplauded. In the relentless demands of obscurity, character is built . . . [T]hose who first accept the silence of obscurity are best qualified to handle the applause of popularity."

Mr. Speaker, I think that statement by Dr. Swindoll certainly epitomizes and describes our two great baseball players that we honor today. And so as this Congress pauses to salute these great gentlemen, we say to Mark McGwire and to Sammy Sosa, "The Congress of the United States of America salutes you. And we thank you for bringing life to life and lifting all of us up, including our children, so that generations to come will look back on this wonderful, wonderful year and say that we too were a part of it."

Mr. Speaker, I urge all of my colleagues to join in voting for this tremendous and wonderful resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first I want to take a moment to thank the gentlemen from Illinois, Mr. GUTIERREZ, Mr. YATES, and Mr. DAVIS for introducing this resolution to recognize the achievements of Sammy Sosa. I was also pleased to recognize the gentleman from Missouri (Mr. TALENT), who introduced H.R. 520 which we just considered and passed, recognizing the sports achievements of Mark McGwire.

Mr. Speaker, fortunately this year's baseball season is not over. In fact, the Cubs are competing for a spot in the playoffs. This, in fact, is good news for all Americans, for indeed we have more time for Sammy Sosa to display his baseball skills and perhaps to hit a few more exciting home runs.

More importantly, though, it means there is more time for all Americans, especially young people, to learn about grace, sportsmanship, and dignity from gentlemen who have set a great example for sportsmanship.

I think this is really important at this time in our history, because it is critical that young people have role models. Today, we as Members of Congress pay tribute to those who have displayed sportsmanship, great achievement, and helped all Americans have heroes.

Mr. Speaker, I ask my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FREEMAN HANKINS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4002) to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania as the "Freeman Hankins Post Office Building".

The Clerk read as follows:

H.R. 4002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREEMAN HANKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5300 West Jefferson Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Freeman Hankins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Freeman Hankins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4002 was introduced on June 5 of this year by the gentleman from Pennsylvania (Mr. FATTAH), our distinguished colleague who serves as the ranking member on the Subcommittee on Postal Service. Pursuant to the rules of the full committee, this bill enjoys the sponsorship of the entire delegation from the great State of Pennsylvania.

Mr. Speaker, I want to thank the distinguished gentleman for his leadership on this issue, for bringing forward not just this particular renaming, but one that will soon follow. In doing this, I think that the gentleman that has once again upheld the tradition that has been established both in this Congress and in previous Congresses in relegating to those very worthy individuals the honor of having a postal facility named after them.

Certainly, Mr. Hankins is, indeed, a prime example of the kind of individual that has really come to be synonymous with making this country what it has been and what we all hope it will remain to be, the greatest and longest-lived democracy on the face of the Earth.

□ 1730

He was perhaps best known for his service in the Pennsylvania State legislature, first as a Member of the House of Representatives, beginning in 1961, and then as a member of the Pennsylvania Senate in 1967, where he served until his retirement in 1989. During those nearly three decades of service, this gentleman compiled a record that did for his community the kinds of things that all good Americans look to their government for. He did, perhaps most of all, carry forward the legislation in his State to designate Dr. Martin Luther King's birthday as a State holiday.

Over, as I said, the nearly three decades, he received numerous awards, served on so many different boards in service to that State, such as the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Minority Business Development Agency, Lincoln University, and on and on and on.

I know, Mr. Speaker, the gentleman from Pennsylvania (Mr. FATTAH) will have much more to say about the particulars of this individual's achievements, and I do not want to preempt his opportunity. So let me just say that my colleague has done a service to this House, in my opinion, by bringing forward the name of Mr. Freeman Hankins for designation of this post office building, and I am honored to join with him in urging all of our colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Let me, first of all, in a much more perfunctory way, thank the gentleman from New York (Mr. MCHUGH). I think many must realize that this is the person that this Congress has given the burden of being the legislative steward of our postal service. Some 700,000 plus Americans work for the United States Postal Service. It is an extraordinarily important element of our national economy, and which we all pat ourselves on the back for the economic success here in our country, but our economy could not function without a universal system of mail delivery. The gentleman from New York has done so much to help ensure the efficient and effective running of the world's largest and really best postal service. It is the one that is benchmarked by all of our economic competitors around the world.

I want to first of all thank him, mention to the House that we will be having a markup quite soon on some important legislation, and I know that he would like to have the House's attention on, but I take this time to let him know that I truly appreciate the work that he has done. All of us who come to the Congress, obviously, could imagine doing any number of things, but none could imagine a responsibility greater than the role that the gentleman from New York is playing.

Let me say that, obviously, I rise in support of H.R. 4002. I was in the post office that we now are going to be naming after the gentleman that I had an opportunity to follow to the State Senate. He actually preceded me in the State Senate. It is in the heart of the West Philadelphia community, the 7th senatorial district, that Freeman Hankins served for more than two decades. He also, like myself, before his service in the Senate served in the Statehouse.

He led the way, in terms of Philadelphians, and served on the board of the Pennsylvania Higher Education Assistance Agency, which is an agency I eventually had the opportunity to chair the executive board of, and which has helped over a million children in Philadelphia receive financial assistance to go on to college and to obtain a college education. But it was Freeman Hankins who helped create this entity, one of the first of its kind in the country, a State agency governed by a board of legislators. Unlike other boards, and any other board we can find in any other State, it is a State agency governed by lawmakers, with a minority of the appointments made by the governor, eight members in the Statehouse and eight in the State Senate, and is the finest student financing agency anywhere in the country.

Freeman Hankins is credited with passing the Martin Luther King Day Holiday bill but also was the spearhead in helping to develop the Minority Business Development Agency. He served on the Lincoln Board, on which I had an opportunity to later sit in his seat on the Lincoln University Board of Trustees, which is a university that we know has graduated many of the top leaders in our country.

But Freeman Hankins was not just another public servant. He was also a businessman who ran a business in west Philadelphia, a mortuary and a funeral home. He was the leader of a national association of African American funeral home directors. He was a substantially wealthy individual who, nonetheless, dedicated the majority of his time to public service. And I remember as he would take his summer vacation at his beach house in Atlantic City, we just considered that an adjunct to his district and would visit there often to chat with him about important matters.

He was a gentleman and a statesman, someone who gave honor to the State Senate in his service, and we want to take this opportunity to encourage all of my colleagues to favorably consider this bill. He is someone who, in the naming of this post office in west Philadelphia, will remind his constituents long after his passing of his service, and will remind them that the type of public official that comes along every once in a while can truly make a difference in people's lives.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me first of all respond to the gentleman from Pennsylvania on his very gracious remarks. I have always viewed this postal subcommittee as a challenge, not as a burden. Perhaps it could have been a burden had we not had such, I think, admirable cooperation on both sides of the aisle, a recognition I think most prominently displayed by the gentleman from Pennsylvania (Mr. FATTAH) that this is a very important system, one, as he said, that really does bind our Nation together. And we all recognize that this is the kind of activity that deserves our concerted attention and our concerted care, and he has been a leader in ensuring that. I deeply appreciate the opportunity to continue to work with him and thank him for his cooperation, his input, his leadership and his comments.

I would also say, with respect to this particular bill, that we have had the opportunity, and I would argue or certainly assert, the honor to do a fair number of these this year, and I can never recall a single word of opposition to any of them. I say that not because these are automatic or that the naming process is simplistic, but rather that Members think very carefully before they bring to the floor and work on behalf of a particular nominee being designated with this naming honor. And certainly today that is shown again in this bill designating the postal facility in the honor of Freeman Hankins, and I will again say for the bill that follows as well.

So we owe our thanks to the gentleman from Pennsylvania for once again bringing to us a very worthy individual and one that, I think, is fully deserving of this particular honor. And, again, in, closing, I would proudly join with the gentleman in urging all my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4002.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAX WEINER POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4003) to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

The Clerk read as follows:

H.R. 4003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAX WEINER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 2037 Chestnut Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Max Weiner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Max Weiner Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4003, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it may seem somewhat anticlimactic, because this bill is, at least in form, if not identical very similar to the one we just considered. But the individual we seek to honor is truly unique, and once again, as I said, the gentleman from Pennsylvania is to be thanked for his leadership, for his careful consideration of the nominee of Max Weiner for the designation of this particular postal facility at the address of 2037 Chestnut Street in the great city of Philadelphia, Pennsylvania. And, again, as a matter of record, pursuant to the committee rules, this bill enjoys the sponsorship of the entire delegation from the State of Pennsylvania.

Mr. Speaker, Mr. Weiner was truly, by everything that I have seen, a tremendously energetic worker for consumer rights and for consumer protection. He fought hard, so very hard, for literally thousands of Pennsylvanians who might otherwise have found themselves in so many difficult, challenging positions and situations: The loss of their homes, the loss of heat during the extraordinarily cold weather that can sometimes visit those of us who feel lucky enough to live in the northeast. He fought to protect the privacy of the underprivileged and for greater access for them to the mass transit system.

And in his endeavors he did much else as well, Mr. Speaker. He was the founder of the Consumers Education and Protective Association and the Independent Consumer Party. In short, Mr. Speaker, just time and time again the sort of individual who remained in their community, who fought hard, who worked hard not for power or glory, certainly not for money, but because, simply, they cared about their communities, but most of all cared about their neighbors and wished to make their lives a little better today than yesterday and, hopefully, their live a little better tomorrow than it was today.

Again, I will yield to the gentleman from Pennsylvania who has brought this bill to us, and with that I would thank him for his leadership and urge all of my colleagues once again, please, to support this very worthy nomination.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4003.

Mr. Speaker, let me thank the gentleman from New York for his kind remarks, and let me assure him that if Max Weiner was around today and here he would probably be outside protesting all of us for some reason or another.

Literally no less than a thousand times he has been out on the battlefield. He has filed in his lifetime probably more lawsuits against the Philadelphia Gas Works, the Philadelphia Electric Company, the Philadelphia Water Department, every State agency imaginable, fighting aggressively on behalf of individuals, and as class actions, consumers who, by some set of circumstance, based on the review of his organization, had been cheated either by the outcome or by a process, or somehow, nonetheless, even if the decision-making was correct, somehow still could not meet the burden that was being asked of them, and he would fight on their behalf.

For many, many decades he led the Consumer Education and Protective Association of Philadelphia, and one could always be assured that at least on 6 days out of a 7-day-week he would be out in front of city hall with a table, with petitions, for some cause or another. And in his latter years, well into his 70s, he started to actually have some of his greatest success at winning lawsuits against and stopping of rate increases from various utilities, and forcing people to comply with various rules and regulations and statutory requirements that had been put upon them by municipal utilities.

He also exercised his right to vote, but not as a member of the Democratic party or Republican Party. He formed his own party, the Consumer Party, and ran as their standard bearer for every conceivable office that we could imagine that was ever on the ballot in Philadelphia. But he was loved by all. Even those who he opposed knew that in his heart he was speaking on behalf of those who he felt needed someone to speak for them.

Even though he has been gone for many years now, it is his spirit, and the public spiritedness of his work that brings me to the point of offering this bill. I am thankful for having the support of all my colleagues from Pennsylvania. I think all of us probably have in our districts a Max Weiner. And if we do not, we need one, because there is often a necessity for someone to operate somewhat outside of the box and to speak on behalf of those whose voices otherwise may have been marginalized. Max Weiner did that in Philadelphia, and his work and his legacy is something that all of us from the Philadelphia community will always respect and remember.

□ 1745

Again, I am sure he would probably be even somehow railing against this Congress or the State and Senate or the Council if he was with us today about something. In the final analysis, he would probably be right, at least in the spirit of his remarks.

I thank the gentleman from New York for his cooperation and the Speaker and the majority leader to have these bills scheduled and moved. I truly appreciate their efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume. In closing, I could not add to the very eloquent statement of the ranking member. We indeed all need a Max Weiner in our lives. Although we are not obviously in a position to enjoy the guidance and the light that he shed during his very, very illustrious career, we can perhaps through this naming inscribe his name above the pillars of the Postal Service and remind us all of the good things that he did in his life. I thank the gentleman from Pennsylvania (Mr. FATTAH).

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4003.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING VISIT OF POPE JOHN PAUL II TO CUBA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) commending the visit of His Holiness Pope John Paul II to Cuba, as amended.

The Clerk read as follows:

H. RES. 362

Whereas Pope John Paul II earlier this year undertook a first ever Papal visit to Cuba to speak directly to the Cuban people;

Whereas the Pope led the Cuban people in celebration throughout the island, including leading the largest open-air mass since 1959 on the last day of his visit in Jose Marti Plaza;

Whereas the Pope spoke directly with the Cuban people and the Cuban Government about the importance of fundamental human rights and the necessity for "each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association";

Whereas the Pope called for political freedom in Cuba, including a call to release "those who are isolated, persecuted, imprisoned for various offenses or for reasons of conscience, for ideas which though dissident are nonetheless peaceful";

Whereas the Pope called for greater religious freedom in Cuba and a "harmonious social climate and a suitable legislation that enables every person and every religious confession to live their faith freely, to express that faith in the context of public life and to count on adequate resources and opportunities to bring its spiritual, moral and civil benefits to bear on the life of the nation";

Whereas Cuban churches of all faiths supported the Papal visit and emerged from the visit with expectations of greater prominence and freedom to operate in Cuban society;

Whereas the Pope invoked the name of Father Felix Varela y Morales, "an undeniable patriot", who "spoke of democracy, judging it to be the political project best in keeping with human nature", and the name of Jose Marti, "a writer and a teacher in the fullest sense of the word, deeply committed to democracy and independence, a patriot, a loyal friend even to those who did not share his political program";

Whereas the Pope remembered "those people who for various reasons have left the country but still feel that they are sons and daughters of Cuba" and established that "the Cuban people should be the protagonists of their own future and destiny";

Whereas the Pope both called for greater integration of the people of Cuba into the international community and criticized the Castro Government by saying "imposed isolation strikes the people indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living"; and

Whereas the Pope challenged Cuba and the international community of nations by saying "May Cuba with all its magnificent potential, open itself up to the world, and may the world open itself up to Cuba": Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban Government, and his message of hope to the Cuban people; and

(2) urges the international community to join the United States in actively supporting the freedom and democratic reforms for Cuba embodied in the Pope's homilies which have peacefully united Cubans in the common cause of liberty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the most telling moment of the visit by His Holiness Pope John Paul II to Cuba occurred at the beginning of his public mass at Havana. The Pope successively greeted Cuban Cardinal Jaime Ortega, the Church hierarchy, and the priests and assembled faithful to repeated applause from the crowd that filled Jose Marti Plaza.

The Pope then respectfully greeted Fidel Castro. Apart from the tiny sound of polite applause drifting from the stage over the loudspeakers, the sprawling crowd of ordinary Cubans stood in spontaneous, purposeful silence. No one applauded.

While ordinary Cubans were clearly touched by the Pope's message, the Castro regime remains unmoved. Sadly, the Catholic church and other Cuban religious leaders and laity consider to face intransigence and repression. The Cuban regime's State Security apparatus is now arresting more dissidents than were released after the Pope's visit.

In the meantime since the Pope's visit, church officials have publicly criticized the Cuban government for doing little since the Pope's visit to resolve issues that the Catholic church considers essential. Just yesterday, the New York Times reported that:

> The government of President Fidel Castro, which won praise for receiving the Pope has shown little new flexibility since then in response to church requests for greater freedom. Efforts to ease the admittance of foreign priests and nuns have made no apparent progress. Nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad.
>
> Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open space for religious groups in the state-controlled news media have mostly been dashed.
>
> Approval of long-standing requests—to allow the opening of Catholic schools or importation of an offset press to print newsletters and magazines—seems as distant as it did in years past.

While Fidel Castro has refused to let up on the Catholic church in Cuba, here in our own Nation he continues to directly and brazenly attack American interests. The FBI announced in Miami just yesterday that 10 people have been charged with spying for the Cuban government. These Castroite agents were trying to penetrate our Miami-based U.S. Southern Command, MacDill Air Force Base in Tampa, and the Boca Chica Naval Air Station in Key West. This morning, the Washington Post reported in a front page story that U.S. Attorney Thomas Scott "described the activities of the eight men and two women as an attempt 'to strike at the very heart of our national security system.' ".

The FBI has said that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the United States media. I would like to commend FBI director Louis Freeh and the FBI's Miami field office for neutralizing this illegal espionage network.

Great leaders from Franklin Delano Roosevelt to Ronald Reagan have known that good will does not move dictators. I regret that the Clinton administration chose to make a number of unconditional, unilateral concessions to the Cuban government in the wake of the recent visit by the Pope. The United States should instead be leading efforts to help the church and Cuba's internal opposition to lay the basis for a peaceful and democratic transition.

I would like to note that our ranking member the gentleman from Indiana (Mr. HAMILTON) was an initial cosponsor of this resolution and offered a compromise amendment which was approved in our committee. Accordingly, I invite my colleagues to join us in adopting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the resolution.

Mr. Speaker, I want to commend my colleagues the gentleman from New York (Mr. GILMAN) the chairman of the committee, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from California (Mr. GALLEGLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their willingness to work out an accurate and, I think, helpful compromise that we bring to the floor today. I appreciate that this was not an easy process, that there were some difficult decisions made, and I want to thank them for their cooperation and keeping an open mind throughout the process.

I think we bring a good resolution to the floor. It is a straightforward resolution that commends the Pope for his visit. I think you can be for his position on U.S. policy or against it; you can agree with a part of his position and disagree with other parts of it, but it does seem to me we all ought to commend his visit and his message to the Cuban people.

The compromise resolution we have before us reflects the importance of the Pope's visit in a number of ways.

First, it commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban government and, his message of hope to the Cuban people.

Secondly, it urges the international community to join the United States in supporting freedom and democratic reforms for Cuba embodied in the Pope's homilies.

Third, the resolution recognizes the Pope's frank criticism of the Cuban government. The Cuban government is isolating its own people, gravely limiting Cubans' freedoms and basic human rights. This isolation is unnecessary and is counterproductive and it stands in stark contrast to trends throughout the hemisphere.

Fourth and finally, the resolution makes clear that the Pope is critical of U.S. policy toward Cuba, and he has challenged us to consider the costs of that policy. U.S. policy isolates the Cuban people who are made to bear the brunt of our opposition to the Castro regime. That isolation is counterproductive to our shared goal of bringing freedom to the Cuban people.

The Pope was right to do what he did and to say what he said, and we, I think, are right to commend him. He spoke directly to the Cuban people, engaged them, as he did the people of eastern Europe. He is not trying to isolate them or coerce them. On his return, he said that the purpose of this trip was to promote the same changes in Cuba as took place after his trip to his native Poland.

I believe that the Cuban people are more hopeful for change in the aftermath of the Pope's visit, and less fearful in seeking that change. We cannot say that nothing has changed in Cuba since the Papal visit, because it is clear that the Cuban people and their expectations have changed. One only had to see scores of Cubans marching through Havana with their Patron Saint last week, for the first time in more than 30 years, to understand what is changing for Cubans.

What has not changed, unfortunately, is the Castro government. Their actions of the last week confirm what we have known for more than three decades.

We were all informed just the other day that the FBI arrested 10 persons on Saturday in Miami, saying that they are part of an espionage ring that was sent by the Cuban government to strike at the very heart of our national security system and our very democratic process.

I join in the criticism that has been made and certainly will be made of the Castro government which isolates the Cuban people and, of course, has a terrible human rights record. The capricious exercise of power last week, to arrest 13 dissidents and detain them without charge, is exactly what the Pope rightly criticized when he was in Cuba.

But this resolution is about the Papal visit. It is not about the behavior of a government that stands in stark contrast to every other government in the region. The Pope's visit had an impact on the people of Cuba that continues, I think, to return dividends, continues to grant hope and breathes life into Cuba's civil society.

The Pope's trip was a remarkable trip and I think admirable. We should not only commend him for it but we should be wise to follow his example.

I urge support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY) the distinguished chairman of our Subcommittee on the Western Hemisphere.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, eight months ago, His Holiness, Pope John Paul II undertook a historic pilgrimage to Cuba. His primary mission was to reassure the faithful of that island nation that the open profession of their faith and active practice of their religious beliefs was an important right that they as Catholics should not be afraid to exercise. While in Cuba the Pope not only took a number of opportunities to highlight the important role of the church in Cuban society but on several occasions he took the opportunity to point out the failures of the Cuban regime to prevent the free exercise of views and to permit the faithful to practice their religion.

The issue of Cuba is never an easy one around here, Mr. Speaker, but as chairman of the Subcommittee on the Western Hemisphere, I introduced this resolution because I did not feel such an historic event and the potential consequences of such a visit should go unrecognized.

The bill before us today is a compromise effort which received unanimous support in our subcommittee. For that I want to again thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. MENENDEZ) for their cooperation. I also want to commend the ranking member of the full Committee on International Relations my good friend the gentleman from Indiana (Mr. HAMILTON) for his work on this resolution.

Mr. Speaker, this legislation recognizes the Pope's visit as an important milestone in the lives of the Cuban people because the visit did set into motion a change in the relationship between the government of Cuba and the Catholic church. Beyond that, the visit has provided a new measure of hope for the people of Cuba that the church, in due time, could become an important conduit to increased economic, social and political freedom on the island.

Let there be no mistake, however, that while the Pope's visit has provided a new measure of freedom for the church, it has not significantly changed the attitude of the regime toward freedom of expression and assembly for the general population. While it is true that since the Pope's visit, many political prisoners have been released from jail, unfortunately many of those have had to leave Cuba and many others have been taken and placed in prison in their place. Obviously the Cuban regime did not get the message. For this I want to express my strong disappointment in the regime.

Despite the continued repressive attitudes of the regime, I urge my colleagues to pass this resolution to give the Pope the recognition he deserves for his visit to Cuba and to send a message to the Cuban regime that the Pope's message about truth, freedom and religious expression must be honored.

I urge my colleagues to adopt this bill.

□ 1800

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank so much the gentleman from New York (Mr. GILMAN) for his steadfast dedication, for many years of leadership on the cause of freedom and democracy to the people of my native homeland of Cuba, and those are qualities and a direction which is shared by his ranking member, the gentleman from Indiana (Mr. HAMILTON). We thank him for his patience throughout this process, for the gentleman from California (Mr. GALLEGLY), for his leadership, as well for the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. DIAZ-BALART) who also had a significant hand in the drafting of this resolution.

As all of us know, Mr. Speaker, in January of this year, the Pope went on a religious pilgrimage to Cuba to bring hope to a people oppressed, enslaved and tortured by a ruthless dictator, Fidel Castro, and his gang of thugs. It was unprecedented, and it should be recognized as such, but we should be cautious that an acknowledgment of the Pope is not manipulated into praise for a brutal regime. There were great expectations that the visit of His Holiness would somehow bring a sense of humanity to the evil that is Fidel Castro. Unfortunately, of course, it has not.

In the aftermath of this visit, many have tried to distort the Pope's message and the facts in an attempt to seek a weakening of the U.S. position against the Castro regime. These attempts are premised on the contention that the Pope's visit has resulted in significant changes by the Castro regime and has created an opening for the people of Cuba.

But make no mistake. Up to now, nothing has really changed in Cuba. While those who seek a normalization of relations with the ruthless Cuban dictator ignore this reality, the Congress cannot and must not ignore the truth. The actions taken by the Castro regime since the papal visit clearly show that a leopard does not change his spots and a tiger its stripes.

This is the case of Dr. Oscar Elias Biscet and Rolando Illore, directors of the Lawton Foundation of Human Rights in Cuba who were arrested on July 11, 1998, for planning a commemoration of the fourth anniversary of the sinking of the 13 de Marzo tugboats. The whereabouts of these two individuals are still unknown, Mr. Speaker.

Or the case of the members of the Liga Civica Martiana who on March 30, 1998, were arrested by the Cuban revolutionary police during a meeting that was planned to honor the remembrance of the combatants of the Brigade 2506. One of the members, Wilfredo Martinez Perez, was beaten to death and murdered at the police headquarters in Havana.

Or the case of the members of the Partido Pro Derechos Humanos who on February 24, 1998, were in prison for honoring the memory of martyrs of the Brothers to the Rescue. One of them, Jose Antonio Alvarado Almeida, was sent to a local psychiatric hospital as punishment.

I ask you to listen to the Cuban people, those like Oswaldo Paya Sardinas, the national coordinator of the Liberation Christian Movement of Cuba who has stated:

> The Cuban government has made clear that certain spaces or gestures or other allowances to the church or concessions only on the occasion of the Pope's visit.

Or listen to the words of Ramon Humberto Colas, a Catholic political dissident from Las Tunas. Ramon Humberto Colas asserted: "There were 5 days of freedom, but there were just 5 days amid 40 years."

I ask my colleagues to listen to the words of Aurora Garcia Del Busto, an independent journalist in Cuba, when she says: "Cuba does not open up to the Cuban people."

We have had an opportunity to send a clear message to the Cuban dictator that we can see beyond the facade created by opponents of U.S.-Cuba policy. Honor the Pope for his efforts at bringing hope and faith to the Cuban people, but do not allow this Chamber to be used as a platform for Castro's public relations maneuvers.

Despite the Pope's visit, the reality is that the Castro regime has not changed, nor does it ever want to change. Once an oppressive dictatorship, sadly, Mr. Speaker, always an oppressive dictatorship.

Mr. HAMILTON. I have no more speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART) who is one of the sponsors of this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), the gentleman from Indiana (Mr. HAMILTON), the gentleman from California (Mr. GALLEGLY), the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from New Jersey (Mr. MENENDEZ) who have been so helpful with this resolution.

I do support this resolution. I have had in the past, differences with my friend, the gentleman from Indiana (Mr. HAMILTON) on Cuba policy, and yet it is evident and it has always been evident that LEE HAMILTON does not in any way condone or accept nor whitewash, nor much less support, any of the brutality that Castro has been responsible for and continues to be responsible for and has been for 40 years.

Mr. Speaker, I think that this is an important resolution because basically what it does is that it restates the overwhelming support that the United States people, the American people and its representatives and the representatives in Congress have for the right of the Cuban people to be free.

Without any doubt, those were extraordinarily hopeful days in January where the Cubans felt, since the eyes of the world were upon Cuba and that extraordinary figure of this century was present, that they could not be as easily brutalized during those days. Even so, even during those days, we saw the examples of the very brave demonstrators during the Pope's Masses who were dragged off, some even pulled by their hair, young ladies, and in other demonstrations of violence, manifestations of violence by that gangster regime. Even during the Pope's Masses, those things happened.

So the essence of the regime has not changed. I think when we realize that perhaps the most distinguished, certainly the most well known Catholic leader in Cuba today, Catholic political leader in Cuba today, Oswaldo Paya was not even allowed to meet with the Pope, that political prisoners were picked up, were made prisoners, men and women were made political prisoners even during the days of the visit and that the hundreds, and I have a list of 1,500 approximately, political prisoners in my office, that they still languish, they still languish in Cuban prisons, from the most well known to some who have never received publicity. They all deserve and receive our support. We think of them.

And our policy, Mr. Speaker, is well set and is clear, and it is in law. We will maintain our policy of not trading or permitting trade with the Cuban regime as long as all political prisoners are not free, all political parties are not legalized, and free elections are not convoked. That is our policy, it is codified, and we, the American people, will continue to stand with the Cuban people.

I appreciate the opportunity for this intervention and for this resolution to have been filed.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks in support of the resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a member of our committee.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding this time to me.

Mr. Speaker, I rise in temperate support of H. Resolution 392, and I am happy that we were able to come to agreement with the distinguished ranking Democrat, the gentleman from Indiana (Mr. HAMILTON) on the language. However, I think that the events of the past week are evidence of how very little has changed in Cuba since the Pope's January visit. Following a religious procession through Havana, the government launched its most repressive crackdown on political dissidents this year. Thirteen individuals were detained and held by the regime for political activities related to the religious procession and the sentencing by the regime of political prisoner Reynaldo Alfaro.

The resolution accurately reflects the sentiments of Pope John Paul II's visit to Cuba and commends him for a visit that took far too many years to come to fruition. But most importantly, the resolution recognizes the historic significance of the Pope's visit, something each of us can agree with.

Now, while his visit was successful in opening a window of opportunity for the Catholic Church, as we stand here today that window is slowly closing. The absence of world attention on Cuba since his visit is largely responsible for allowing the window to close. Even the Pope has expressed concern and frustration that the initial opening for the Church provided by his visit is quickly receding.

Since January, the Cuban Government has continued to block Church access to mass media, limited public Masses and denied permits for Masses, expelled American priest, Reverend Patrick Sullivan, and forced others to flee under harassment, continued to deny autonomy to Caritas, the Church's humanitarian relief agency, restricted visas for clergy to enter and preach in Cuba, and has severely limited the ability of Cuban Protestants to worship in Cuba.

On January 31 of this year, Ricardo Alarcon, President of Cuba's National Assembly, announced that the regime will, quote, not permit the reopening of Catholic and parochial schools.

It is evident to me that Castro is seeking to undo the progress made by the Pope during his visit and return Cuba to the status quo it has lived under for almost 4 decades.

As a recent article in the New York Times pointed out:

> Efforts to ease the admittance of foreign priests and nuns have made no apparent progress, nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad. Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open up space for religious groups and the State-controlled news media have been mostly dashed.

Without continued calls for democratic change by the international community and the media spotlight on these issues, the opportunity for further change will be lost.

I think it is appropriate that we commemorate Pope John Paul's visit to Cuba and celebrate the religious opening in Cuba created as a result of his visit. But, most importantly, it is essential that the church and the international community build on his visit by refusing to allow the Cuban regime the opportunity to close that window that was open. I hope that we will not let this historic opportunity, the visit of Pope John Paul II, disappear for lack of attention. The people of Cuba deserve this long-awaited opportunity, and we can take advantage of that opportunity. But right now, people in Cuba are still suffering the very realities they were suffering before the papal visit, and while he inspired hope and opportunity, Fidel Castro is quickly closing and snuffing out that hope.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H.Res. 362, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD RENEGOTIATE EXTRADITION TREATY WITH MEXICO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 381) expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico the United States.

The Clerk read as follows:

H. RES. 381

Whereas under the Extradition Treaty Between the United States of America and the United Mexican States, Mexico refused to extradite murder suspect and U.S. citizen Jose Luis Del Toro to the United States until the State of Florida agreed not to exercise its right to seek capital punishment in its criminal prosecution of him;

Whereas under the Extradition Treaty Mexico has refused to extradite other suspects of capital crimes; and

Whereas the Extradition Treaty interferes with the justice system of the United States and encourages criminals to flee to Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should renegotiate the Extradition Treaty Between the United States of America and the United Mexican States, signed in Mexico City in 1978 (31 U.S.T. 5059), so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 381.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from Florida (Mr. MILLER) appealed to me some time ago to move this resolution which he sponsored in response to a heinous murder which occurred in his district in the State of Florida.

I recently received a letter from James Bellush whose wife Sheila was a victim of this brutal slaying, in which he wrote as follows, and I quote:

> On November 7, 1997, Jose Luis Del Toro, Jr., entered my home in Sarasota, Florida and murdered my wife, the mother of 6 children. Jose Luis Del Toro murdered her in front of my 23 month-old quadruplets who watched their mother bleed to death. They were in the house with her dead bloody body for well over 3 hours until my 14 year-old stepdaughter came home from school and found this macabre scene.

Mr. Del Toro is a natural born American citizen wanted in context with this murder, and after confessing to his crimes, he fled to Mexico where he has taken refuge within the Mexican Government's interpretations of the provisions of our bilateral extradition treaty and now within Mexico's judicial system.

□ 1815

The United States-Mexico extradition treaty establishes the Mexican Government may, may refuse to extradite persons for crimes punishable by the death penalty. The words "extradition may be refused" in article 8 of the treaty, these nonmandatory words suggest that the Mexican Government could have returned Mr. Del Toro without delay.

Although the State of Florida, clearly for good reason, wished to seek the death penalty, the prosecutors in the case agreed to waive the death penalty at the Mexican Government's insistence. Now Mr. Del Toro still sits in Mexico, appealing the extradition ruling, while Sheila Bellush's family is grieving, deprived of the justice they truly deserve.

Mexico's insistence of not returning United States citizens to face the death penalty creates a safe haven for the worst criminal elements and clearly interferes with the timely extradition of these criminal suspects to our own Nation. I cannot understand the Mexican authorities' fastidiousness. In this case, they chose to refuse to return one of our own citizens to face justice for a horrific capital crime.

Mr. Speaker, let us send a message to the Mexican Government that Jose Luis Del Toro belongs before a jury of his peers under the laws of the State of Florida where he is alleged to have committed his crimes.

Accordingly, I urge my colleagues to join in strongly supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Mr. MILLER) and other members of the Florida Delegation for bringing this issue to our attention. The murder on November 7, 1997 was a brutal and unspeakable crime. We are certainly right to want to find a way to ease the suffering of the family of the victim.

While I have reservations about the approach taken by this resolution, which I will state in a moment, I do not plan to oppose the resolution.

Mexico is one of a number of countries that demands that criminals they extradite to the United States not be subject to the death penalty. Notwithstanding this restriction, Mexico regularly extradites criminals to the United States, including suspects of capital crimes.

It is my understanding in this case that the Florida prosecutor has given the necessary assurances that Mr. Del Toro will not be subject to the death penalty. It is also my understanding that the Government of Mexico has made clear that they want to extradite Mr. Del Toro to Florida, but that the appeals process in the Mexican judicial system, not the requirement regarding the death penalty in the extradition treaty, is holding up his reckoning with the U.S. judicial system. We would all like to see him before a jury in Florida sooner, not later. Reopening the extradition treaty will not I think hasten the arrival of that moment and will likely, more than likely further complicate this and other extraditions that we would like to see from Mexico.

Mr. Speaker, I might just say that it is my understanding that the administration opposes the resolution. Given the constitutional restrictions on the death penalty in Mexico, there is no flexibility for the Government of Mexico to renegotiate a treaty that will not require reassurances against the death penalty. The administration I think also opposes reopening the negotiations on the treaty for fear of losing what it considers important concessions that we won when the treaty was first negotiated in the 1970s. For these reasons, while I do have some reservations about H. Res. 381, I do not oppose it.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the sponsor of this resolution.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the gentleman for bringing this issue before the Committee on International Relations and having it passed, and that it be brought under suspension of the rules here today and be debated and voted on. It is a very critical and very important issue to my constituents back in Sarasota, Florida, because it was a horrible, horrible crime that was committed last November.

What we are concerned with in this legislation is not so much the case of the murder of Sheila Bellush, but for the great concern we have for the future cases that happen in the future, and we would like to be able to answer that problem now.

I would also like to thank Jamie Bellush, the widower of the murder victim in this case, for his determination and his desire to protect other families from living through this judicial nightmare. It is a sad reality of life that sometimes a tragedy must occur to point out a problem that urgently needs correcting. In this case, that tragedy was the murder of Sheila Bellush, a mother of 6 from Sarasota, Florida.

On November 7 of last year, her 14-year-old daughter returned home to find her mother's body on the kitchen floor. Sheila Bellush had been shot in the face, her throat slashed, and her 2-year-old quadruplets were found crawling in her blood beside her body. It was certainly one of the most gruesome and disturbing murder scenes in Sarasota history.

Overwhelming evidence immediately pointed to Jose Luis Del Toro, a U.S. citizen born and raised in Texas. Del Toro, who had fled to Mexico, was apprehended on November 20 of last year. Sheriff Geoffrey Monge and local law enforcement did an outstanding job in conducting a thorough and expeditious investigation of this case.

This is where the horrifying international saga began. First, Del Toro was scheduled for deportation from Mexico as an illegal alien. Then the Mexican Government, under the authority of Section 8 of the U.S.-Mexico Extradition Treaty of 1978, made a calculated decision to make the death penalty an issue in this case by choosing to switch midstream to lengthy extradition procedures, rather than proceed with the appropriate deportation procedures that were already underway. More than 10 months after the murder occurred, and more than 8 months after our local prosecutor waived the death penalty in this case, Del Toro still remains in Mexico, and the Mexican Government refuses to give us even a broad time frame as to when he will be returned.

Mr. Speaker, this resolution, House Resolution 381, is intended to send a clear and resounding message to both the administration and the Mexican Government: a U.S. citizen who commits a crime on U.S. soil must be subject to U.S. justice.

Mr. Speaker, I wrote letters to Attorney General Reno and I wrote letters to Secretary Albright and no one could do anything to help. By signing the U.S.-Mexico Extradition Treaty of 1978, the U.S. tied our hands behind our back and gave Mexico the right to interfere in our judicial process. This is a loophole that the administration must act to close immediately.

Allow me to share with my colleagues a quote from a district attorney:

> To allow a vicious killer to avoid the most severe punishment by merely crossing the border into Mexico would encourage other murderers to seek refuge there, creating an easily accessible sanctuary for the very worst criminals.

This is not a quote from our State's Attorney in Sarasota, this is a quote from Gil Garcetti, the district attorney of Los Angeles. That statement was made in reference to the extradition case of David Alvarez, who fled to Mexico after allegedly committing multiple murders in California. As in the Del Toro case, Mexico demanded that Garcetti waive the death penalty. An important point to be made about this situation is that it occurred 2 months before the Del Toro case, proving that this is not an isolated situation, and that it can happen again.

Mexico might as well post a sign at the border that says, "Murderers Welcome," and I do not think that is the type of tourist industry Mexico wants to encourage.

Florida State Attorney Earl Moreland and Charlie Roberts, his Assistant State's Attorney, also need to be recognized and commended for their outstanding job on this case, and they have worked professionally and diligently to bring Del Toro to justice in spite of these frustrating and difficult circumstances that we have today.

The people of Florida should have decided whether or not Jose Luis Del Toro's crime warranted the death penalty, not the Mexican Government. As a Member of Congress, I cannot and I will not stand by quietly as Mexico deprives my congressional district of the right to pursue justice. This is an outrage. It is a violation of U.S. sovereignty, and we cannot allow it to happen again.

Mr. Speaker, this resolution sends a clear signal: Eliminate the loophole in this treaty that allows the most dangerous of criminals to escape justice. Sheila Bellush will not have died in vain if we can learn from our lesson with this experience and prevent this situation from happening again.

Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. Mr. Speaker, I commend the gentleman for his eloquent remarks and his strong support for this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of our Committee on International Relations.

Mr. BRADY of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time.

Today I rise in strong support of House Resolution 381, and I am pleased to be a cosponsor of this resolution introduced by the gentleman from Florida (Mr. MILLER).

Mr. Speaker, this resolution is not a debate about the use of the death penalty. Officially United States policy supports the use of the death penalty, and therefore, our agreements ought to reflect it. This does not mean supporters of the death penalty, which I am one of, relish it, but believe that, in fact, in our country, in our criminal justice system, it is in some parts the only measure of justice many victims of violent crime will ever receive. Our extradition agreements ought to reflect that measure of justice.

We have a constitutional responsibility to renegotiate our extradition treaties for our constituents who have to deal with the tragic loss of a friend or family member. As Mr. Bellush writes, and as the gentleman from Florida (Mr. MILLER) talked about earlier today, Mexico unfortunately is setting itself up as a safe harbor for murders and capital criminals that commit crimes in the United States. Mr. Del Toro is an American citizen who killed another American citizen on American soil. Mexico has no business holding on to him any longer.

Mr. Speaker, this is not an isolated case. We find this an obstacle in our efforts to stop violence, money laundering, and drug trafficking across our borders, and the extradition treaty becomes an obstacle to justice in those areas as well. I am proud as a representative from Texas to share a common border with Mexico, and we share many commonalities, but we ought to respect each other's criminal justice system enough to allow the laws and the justice of each country to prevail.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time. I rise in support of this resolution.

I will say that I am a little concerned about the prospect of our engaging in the idea of singling out one country, but I will say that in light of that, it is important for us to recognize that this has happened in other instances in other countries, and it is a problem, it is a very serious problem.

As has been said by several of my colleagues, I just heard the gentleman from Texas (Mr. BRADY) say that this is not an isolated case; there are several instances. I know that the gentleman from Florida (Mr. Miller), with whom I have been privileged to work on this issue for quite a while, did raise the southern California incident of David Spooky Alvarez where we had small children murdered, and again, he fled across the border, and it has been a long and very difficult, painful struggle for many people in southern California.

So we have had instances, as was said in Florida and Texas and other places, and there are other countries too that have been difficult to work with on this.

☐ 1830

But I would just like to say that I believe that this resolution is in order, and it is a very appropriate thing for us to pursue.

Mr. GILMAN. Mr. Speaker, I want to thank the vice chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for his supportive remarks with regard to this measure.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H. Res. 381 expressing the sense of the Congress that the President should renegotiate the Extradition Treaty with Mexico so that the possibility of punishment by the death penalty does not interfere with the timely extradition of criminal suspects from Mexico to the United States.

At this time, I would like to commend my fellow Floridian, Mr. MILLER, for introducing this legislation. As you have all heard, this legislation was introduced after the brutal murder of a mother in Sarasota, Florida. The evidence in this case immediately led to the accusal of Jose Luis Del Toro, a citizen of the United States from Texas. However, when the warrant was issued, Del Toro had already illegally fled the country into Mexico.

Mexican officials captured Del Toro and should have extradited him to Florida immediately to stand trial for the murder of Ms. Bellush. Under the Treaty with the United States, however, they do not have to return individuals, even those who enter their country illegally like Del Toro, when capital punishment remains a possibility.

This case should be of concern to those of us who represent border states. Easy access to Mexico provides the potential of enticing even more criminals to flee the United States in an attempt to avoid punishment for the crimes they commit.

Mr. Chairman, the most disturbing point about this case is that it tarnishes the integrity of our criminal justice system. At a time, when there is a backlog of court cases and our prosecutors are already overloaded, this case has resulted in the unnecessary delay in what prosecutors believe would have been an open and shut case. In addition, our current treaty allows foreign countries to flagrantly disregard the laws of a state because it does not agree with the punishment provided in that state. I was appalled to learn that the United States actually allows Mexico to interfere with our state judicial systems through the Extradition Treaty signed in 1978.

Allowing Mexico the right to continue to deny extradition if the suspect in question is subject to the death penalty is wrong. Our states' laws must prevail in these cases, particularly in murder cases. I strongly encourage the President to renegotiate our Extradition Treaty with Mexico so that more criminals are not allowed to escape the laws of our states.

I urge my colleagues to support H. Res. 381.

Mr. DREIER. Mr. Speaker, I rise to insert into the RECORD information compiled by the Congressional Research Service illustrating that many of the United States' bilateral prisoner extradition treaties include this same exception for fugitives who face the death penalty in the United States.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, March 19, 1998.

To: Honorable David Dreier; Attention: Brian Faughnan.

From: Larry M. Eig, Legislative Attorney, American Law Division.

Subject: Capital Punishment Provisions in Extradition Treaties.

We are sending this memorandum in response to a March 12, 1998, telephone conversation with Brian Faughnan of your staff.

The United States is party to over 100 bilateral extradition treaties.[1] Except for our extradition treaty with Venezuela, those extradition treaties that were signed before 1960 were silent on capital punishment. However, as more countries have barred capital punishment,[2] there has been a concomitant trend toward including capital punishment restrictions in new extradition agreements.[3] Except for recently negotiated agreements with certain eastern Carribean nations[4]—none of which appears to have barred the death penalty under its domestic law—the inclusion of capital punishment restrictions has become standard. We have yet to find a restricted treaty that has been replaced by an unrestricted agreement.

Treaties that include death penalty restrictions[5] include agreements with the following: Argentina; Australia; Bahamas; Belgium; Bolivia; Brazil; Canada; Colombia; Denmark; Finland; Hong Kong; Hungary; Ireland; Israel; Italy; Malaysia; Mexico; Netherlands; New Zealand; Norway; Paraguay; Philippines; Spain; Sweden; Switzerland; United Kingdom; and Uruguay.

We have not exhaustively examined each of our extradition treaties, and the foregoing list is illustrative only. Other extradition treaties also may contain death penalty restrictions. Also, the authorities of a requested State potentially may refuse extradition on humanitarian or similar grounds even absent any specific treaty provision. Finally, there are many countries with which we have no extradition treaty, and those countries are not under any obligation to extradite an individual to the U.S. under any circumstances.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res 381.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to instruct conferees and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Instructing conferees on H.R. 4103, de novo; Instructing conferees on H.R. 4328, de novo; Instructing conferees on H.R. 4194, de novo; House Joint Resolution 117, by the yeas and nays; Senate 2073, by the yeas and nays; and H.R. 4382, by the yeas and nays.

---

[1] See 18 U.S.C. §3181 note.

[2] Amnesty International, The Death Penalty: List of Abolitionist and Retentionist Countries (August 1997), retrieved March 17, 1998, through <www.amnesty.org>.

[3] Not all treaties with death penalty restrictions are with countries that bar capital punishment. For example, our recent treaty with Malaysia has a death penalty restriction even though both Malaysia and the United States retain the death penalty.

[4] These countries include Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Dominica, and Antigua and Barbuda.

[5] Capital punishment provisions in extradition treaties do not outright bar extradition for capital offenses from countries without the death penalty. Instead, the provisions generally authorize the requested State to withhold extradition for an offense that is not punishable by death under its domestic law until the requesting State gives adequate assurances that the death penalty will not be imposed and executed if extradition proceeds.

Without objection, the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on a motion to permit closed meetings of the conference, without prejudice to the authority for further 5-minute votes in this series.

There was no objection.

The vote was taken by electronic device, and there were—yeas 348, nays 61, not voting 25, as follows:

[Roll No. 431]

YEAS—348

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Thomas
Thompson
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates
Young (FL)

NAYS—61

Abercrombie
Bachus
Barr
Bartlett
Bateman
Borski
Brady (PA)
Brady (TX)
Buyer
Callahan
Chambliss
Clement
Coble
Collins
Cubin
Deal
Dickey
Fattah
Fossella
Frost
Gekas
Gibbons
Goode
Goodling
Gordon
Hastert
Hinojosa
Holden
Hostettler
Hunter
Hutchinson
Hyde
Johnson, Sam
Kanjorski
King (NY)
Klink
LaHood
McHugh
Mink
Mollohan
Murtha
Norwood
Oberstar
Pease
Radanovich
Reyes
Rodriguez
Rogers
Ryun
Sisisky
Skelton
Slaughter
Stump
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Visclosky
Weldon (FL)
Wicker
Young (AK)

NOT VOTING—25

Clayton
Davis (VA)
DeLay
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Riley
Schumer
Smith, Linda
Tauzin
Torres
Towns
Velázquez
Wynn

□ 1954

Messrs. YOUNG of Alaska, HOLDEN, BRADY of Texas, HUNTER, ABERCROMBIE, MOLLOHAN and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Messrs. LINDER, BURR of North Carolina, PICKERING, SCARBOROUGH, SMITH of Michigan, ADERHOLT, EVERETT, BONILLA, Mrs. MYRICK and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained and was not present for rollcall No. 431, a motion to instruct conferees to the fiscal year 1999 DOD appropriations bill. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, MCDADE, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, ISTOOK, CUNNINGHAM, LIVINGSTON, MURTHA, DICKS, HEFNER, SABO, DIXON, VISCLOSKY and OBEY.

There was no objection.

RECEPTION FOR RETIRING MEMBERS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, immediately following this series of votes, there is a reception for all retiring Members in Statuary Hall, and I hope that all Members will come over there and join us in saluting our retiring Members. Please join us over there.

REPORT ON H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105-719) on the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. YOUNG of Florida moves, pursuant to rule XXVIII, clause 6(a) of the House rules, that the conference meetings between the House and the Senate on the bill H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

Pursuant to clause 6 of rule XXVIII, this vote must be taken by the yeas and nays.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 27, as follows:

[Roll No. 432]

YEAS—405

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NAYS—2

DeFazio
Waters

NOT VOTING—27

Allen
Clayton
DeLay
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Lowey
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Pickering
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Torres
Towns
Turner
Velázquez
Wynn

□ 1904

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman will state his inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, what is the next vote before the body?

The SPEAKER pro tempore. The next vote will be on, a motion to instruct conferees on H.R. 4328.

Mr. YOUNG of Alaska. By whom, Mr. Speaker?

The SPEAKER pro tempore. By the gentleman from Minnesota (Mr. SABO).

APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4328, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 249, nays 161, not voting 24, as follows:

[Roll No. 433]

AYES—249

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Neal
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Pickett
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Upton
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates

NOES—161

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
Diaz-Balart
Doolittle
Dreier
Duncan
Emerson
English
Everett
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Goodling
Graham
Granger
Green
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McIntosh
McKeon
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Portman
Radanovich
Riley
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (OR)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Young (AK)
Young (FL)

NOT VOTING—24

Clayton
DeLay
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1914

Mrs. CUBIN and Messrs. PAXON, COX of California and PORTMAN changed their vote from "yea" to "nay."

Mr. SHIMKUS and Mr. SANFORD changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, LIVINGSTON, SABO, TORRES, OLVER, PASTOR, CRAMER and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4194, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 1, not voting 28, as follows:

[Roll No. 434]

AYES—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)

Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOES—1

Lewis (CA)

NOT VOTING—28

Clayton
Dickey
Ehrlich
Engel
Ford
Gonzalez
Goss
Harman
Hefner
Hutchinson
Johnson (CT)
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Skelton
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

☐ 1921

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 434, I registered my vote at the very end of the period and it did not record. I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, DELAY, WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, WICKER, LIVINGSTON, STOKES, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina and Mr. OBEY.

There was no objection.

SENSE OF CONGRESS REGARDING MARIJUANA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 117, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the joint resolution, House Joint Resolution 117, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 310, nays 93, not voting 31, as follows:

[Roll No. 435]

YEAS—310

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—93

Ackerman
Allen
Becerra
Berman
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Campbell
Carson
Clay
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Eshoo
Farr
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lantos
Lee
Lofgren
Luther
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney

Meehan
Meek (FL)
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Neal
Oberstar
Obey
Olver
Paul
Payne
Pelosi
Porter
Rahall
Rangel
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Scott
Serrano
Sherman
Skaggs
Stark
Stokes
Tauscher
Tierney
Torres
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Yates

NOT VOTING—31

Ballenger
Boucher
Clayton
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Royce
Saxton
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1929

The Clerk announced the following pair:

On this vote:

Mr. Ehrlich and Mrs. Linda Smith of Washington for, with Ms. Velázques against.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.".

A motion to reconsider was laid on the table.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question of suspending the rules and passing the Senate bill, S. 2073, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2073, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 126, not voting 28, as follows:

[Roll No. 436]

YEAS—280

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sánchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—126

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dixon
Doggett
Doyle
Edwards
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lantos
Lee
Levin
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Morella
Murtha
Neal
Oberstar
Obey
Olver
Pastor
Paul
Payne
Pelosi
Pickett
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Slaughter
Snyder
Spratt
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Yates

NOT VOTING—28

Ballenger
Clayton
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1937

The Clerk announced the following pair:

On this vote:

Mr. Ehrlich and Mrs. Linda Smith of Washington for, with Ms. Velázquez against.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1999, 2000, 2001, and 2002 and for other purposes.".

A motion to reconsider was laid on the table.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4382, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4382, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 32, as follows:

[Roll No. 437]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—32

Ballenger
Chabot
Clayton
Davis (FL)
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Horn
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Stearns
Tauzin
Towns
Velázquez
Wynn

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Florida. Mr. Speaker, during rollcall vote No. 437, H.R. 4382, the Mammography Quality Standards Reauthorization, I was unavoidably detained. Had I been present, I would have voted "yea."

□ 1945

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I inadvertantly voted "yea" on rollcall vote No. 428. If I had been aware of this, I would have changed my vote to "nay" instead of "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4300, WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–720) on the resolution (H. Res. 537) providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4550, DRUG DEMAND REDUCTION ACT OF 1998

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–721) on the resolution (H. Res. 538) providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE CHERRYVILLE AMERICAN LEGION BASEBALL TEAM

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MYRICK. Mr. Speaker, I rise today to honor the American Legion Post 100 baseball team from Cherryville, North Carolina, who last month finished second at the American Legion's World Series.

These 18 young men remind us about what is right in America. Through hard work and discipline, they bested more than 5,000 teams from all over the country. Through it all, they conducted themselves as true gentleman from the Tar Heel State.

In mid-August, they traveled to Tennessee for the Southeast Regional Title Game, and there their pitching was so tough that their opponents could not score a run until Cherryville was leading 9 to nothing. From Tennessee, they traveled to Las Vegas for the national finals. In an exciting final four game, they defeated a team from Danville, California. In the sixth inning, John Mackie broke a 3-3 tie with an inside-the-park home run. And then in the bottom of the eighth, Josh Cobb added an insurance run with an RBI single. Josh's hit proved to be important, because Danville scored a run in the ninth before Cherryville ace Ralph Roberts struck out a batter to end the game.

The championship game against Edwardsville, Illinois did not have such a happy ending. Nevertheless, our boys from Cherryville have made the folks of Gaston and Lincoln Counties quite proud. It is really a feat to finish second out of more than 5,000 teams; and in my congressional office, we switched the TV to ESPN to watch the game.

Mr. Speaker, I am submitting the names of Cherryville's coach and players for the RECORD.

CHERRYVILLE, NORTH CAROLINA AMERICAN LEGION POST 100 BASEBALL TEAM

Bobby Dale Reynolds, Head Coach; A.J. Henley, Assistant Coach; Scotty Heauner, Assistant Coach; Bill Abernathy, Athletic Officer; and Jerry Porter, Post 100 Commander.

Wesley Eugene Anthony, Brandon Chad Cash, Joshua Michael Cobb, Eric James Davis, Eddie Travis Farmer, Ryan Marcus Freeman, Wesley Keith Hudson, Bradley Keith Huffstetler, Christopher Paul Keener.

Brad Michael Lane, John Kemp Mackie, Kenneth John Mosteller, Thomas Ray Pruett II, Ralph Ricardo Roberts, Jason Rush Sain, Justin William Sanford, Brian MacArthur Sigmon, Bryson Dennis Willis.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS' DUTY IS TO UPHOLD THE RULE OF LAW FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we have arrived at a point in our history where we will be called upon to make decisions and judgments that will deeply affect the integrity of the government and our society, the kind of society that we leave to our children and our grandchildren.

That decision now before us is fundamental to our system of government. This country grew to be great because the Founding Fathers provided for the rule of law and not the rule of man. They enshrined this principle forever in the Constitution.

Now, some would ask us to be judged by the rule of man. They are trying to convince us to abandon the principles of our Constitution and the rule of law. They are trying to convince us that public opinion polls are more important than the principles on which our government was founded. They are trying to advocate censure as the only appropriate course of action.

Well, Mr. Speaker, anyone who considers censure, and makes decisions based on the polls, believes in the rule of man, not the rule of law.

We, the Members of the House of Representatives, have been entrusted by our fellow citizens to uphold and preserve the rule of law for all Americans. The basic tenet of the rule of law is that it applies to every American equally. Laws cannot be applied selectively based on some whim or some public opinion.

The very strength of our system of law and government is that every American is evaluated by a common standard, without exception. One set of laws should not apply to high officials and another set of laws apply to the rest of the country. If we begin to make exceptions based on some expediency or some convenience, we reduce ourselves to little more than a loosely organized mob.

Those who advocate censure believe that Congress can resolve this matter by making its opinion a matter of public record. Let me say to my colleagues that I would hope that the people of America already know where we stand on this issue, because Members of Congress have been unambiguous in their condemnation of this type of behavior, and I believe every American, no matter where they stand on the ideological spectrum, shares this view.

A resolution of censure would do nothing more than to allow Members of the House to record their disapproval. While such an approach might appeal to some, the time for that is well past.

It may be that the House decides at some point not to move forward. That is a decision that must be made by the House Committee on the Judiciary and ultimately by the full House. But for now, the House has no choice but to proceed with an impeachment inquiry. We cannot selectively apply the rule of law in the face of such a serious allegation. The Constitution does not bow to polling data and it leaves no middle ground.

Censure establishes the rule of man at the expense of the rule of law. We must never allow America to go down that road. It is the road to ruin. Anyone who doubts that the rule of man gives rise to chaos only needs to look at Russia. There is a country with no rule of law.

Mr. Speaker, I pledge to the Members of this Congress as Majority Whip of the House to fight in no uncertain terms the scheduling of any vote on censure, and I will fight to ensure that censure never sees the light of day in this chamber.

A STABLE RUSSIA OF PRIME INTEREST TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, let me first thank all of those who communicated with me today following my comments yesterday about Russia, indicating that they share my concern that we focus on some critical issues unfolding on this planet, and not be mesmerized and preoccupied exclusively with topic number 1.

Today's New York Times has a headline which I will take as my text: "The Kremlin Brings Gorbachev's Economies Back."

Now, this statement reminds me of a Soviet era story, Mr. Speaker, when on May Day, the tremendous might of the Soviet Union was displayed on Red Square. Vast columns of artillery and tanks and missiles rolled by, and then suddenly, a half a dozen crumbled, not very well dressed, middle-aged men shuffled by. And as the visiting dignitaries were standing atop Lenin's mausoleum, Fidel Castro asked, how did these men get into this parade of power and might? And the Soviet leader responded, they are our economists, and you have no idea how much damage they can cause.

That is what we are seeing today. The new Russian leader Primakov is bringing back the discredited Soviet era, Stalin-era economists for high-ranking positions in this new government. The man who was in charge of central planning in the Soviet Union is now the number 1 economic power in the new Russia. The former head of the central bank is the new head of the central bank, and what we can expect to see is the beginning of the operation of the printing presses, hyperinflation, the continuing deterioration of the Russian economy with devastating consequences for the Russian people.

Now, the question might be asked, Mr. Speaker, why is that important to us? Well, I suggest it is important to us for 2 reasons. Russia still has thousands of nuclear weapons, and as the authority of the central government erodes, as the various provinces are striking out on their own, the likelihood of these nuclear weapons falling into hands unfriendly to the United States increases geometrically.

But we have a second reason to be concerned about the galloping deterioration of conditions in Russia. Not too many decades ago, in the bemired Republic of Germany, as hyperinflation took hold, fascism followed, and so did the Second World War. It is in our prime policy interests to attempt to stabilize the Russian economy, and I suspect it will be one of the serious and substantive debates of this body during the course of coming months to see how we can work with Mr. Primakov to stabilize the Russian economy which, at the moment, is in a free-fall. Goods are disappearing from the stores. People have no access to their bank accounts. Most banks are, in fact, closed. Unemployment is rising. Imports are declining because Russia has no foreign exchange. This gigantic society, Mr. Speaker, of 150 million people and covering 11 time zones has in its central bank $12 billion in foreign exchange reserves. This would be laughable if it were not so serious.

Tax collections, which were bad enough last year, are down by 40 percent, and as the central government in Moscow is unable to collect taxes, the tendency of the regions to break away will accelerate. Of the 89 provinces of Russia, some 75 have been receiving subsidies from Moscow. These subsidies are declining, in many cases disappearing, and the danger of Russia becoming a chaotic society has enormous ramifications for our own safety and security.

Mr. Speaker, I will continue this dialogue with my colleagues and with the American people tomorrow evening.

□ 2000

FAILURE OF ATTORNEY GENERAL TO APPOINT AN INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, for over 2 years now, despite overwhelming evidence, the Attorney General of the United States has refused to follow the law and the recommendations of her FBI director and the chief campaign finance prosecutor to appoint an independent counsel in the campaign finance scandal. She has politicized the office over which she has control, the Justice Department of the United States. Reports about disarray in this investigation at the Justice Department abound.

After 2 years of this investigation, key players such as John Huang and James and Mochtar Riady, close friends of the President, have not been brought anywhere near to justice. White House and DNC officials are almost entirely off of the hook.

The Attorney General and her political advisors have inherent conflicts in making a decision about an investigation involving their boss, the President, and his closest friends. These conflicts are obvious to everyone but the Attorney General and the political appointees by the President made by the President at the Justice Department.

Last December, last December, we learned that FBI director Louie Freeh had recommended an independent counsel for the campaign finance investigation. He wrote that there could not be a more compelling case, there could not be a more compelling case for an independent counsel.

The Attorney General ignored his compelling and sound advice. Then the investigation continued to limp along with the Attorney General failing to focus on any of the key White House and DNC officials or even John Huang, the individual who solicited millions in illegal foreign money after being personally placed at the DNC, the Democratic National Committee, by Bill Clinton.

In fact, the core of the investigation should be focused on all of the foreign money that flowed into the DNC conference from around the world. Illegal campaign contributions from Macao, China, Taiwan, Egypt, Indonesia, and South America.

Yet the numerous 90-day reviews continually ignore this big picture and focus on isolated matters such as the Vice President's phone calls. We clearly had cause for concern even before the LaBella memo became known to the public.

The Attorney General before our committee said that, within 30 days, she would make a decision on an independent counsel. The 30 days have long past, even though our committee passed a contempt of Congress citation against the Attorney General. Thirty days have long since past. She has not appointed an independent counsel. Instead, she has extended by 90 days investigations into Mr. Ickes and the Vice President.

In July of this year, we learned that the chief prosecutor, Mr. Charles LaBella, who was appointed by the Attorney General, also recommended an independent counsel. He provided the Attorney General with a detailed 94-page memo outlining the specific information he had compiled which he informed her mandated by law, mandated the appointment of an independent counsel under the law. Again, the Attorney General ignored his advice. This is the man she personally appointed to head the investigation.

At that point, in late July, the Committee on Government Reform and Oversight subpoenaed both the Freeh and LaBella memoranda in order to fully access the sound legal arguments which the Attorney General was rejecting. The Attorney General refused to provide the memos to the Congress. She refused to provide any legal rationale for her refusal.

On August 6, 1998, the committee held the Attorney General in contempt of Congress for failure to comply with a valid congressional subpoena. The committee still has not received the memos.

Earlier this month, we did have an opportunity to read through a redacted copy. That is where they cross out anything that is related to the Grand Jury investigation. We were able to read through a redacted version of the memorandum and meet with the Attorney General about this important document.

The Attorney General's claims that this redacted version of the LaBella memo would provide a road map to the investigation is simply not true. I read it. There is nothing of a road map to anything in there except the decisions made by the Attorney General which appear to be protecting the President and the Vice President of the United States.

I will not go into the content of the LaBella memo. The memo does confirm, as I said, our worst fears, that the Attorney General of the United States, the one who is supposed to be the chief administrator of justice in this country, is clearly applying a different standard of law enforcement when it comes to the President and the Vice President than she does to any other American citizen. There is truly a dual standard, one for everybody except the President and the Vice President of the United States.

The Attorney General has taken what is obviously the White House position that the President is above the law in a way that no other citizen in this country can expect. There is something extremely wrong with the way that the Reno Justice Department dispenses justice, if you want to call it that. It is unseemly to have an Attorney General putting partisan interest above justice.

As the New York Times observed last December, "Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the Nation's chief prosecutor, ever alert for the signs of infraction, sounds instead like a technicality hunting defense lawyer." This is a quote right out of the New York Times.

Indeed, when we met with the Attorney General regarding the LaBella memorandum, she exhibited this defense lawyer type of mentality or behavior. She refused to allow Mr. LaBella to explain his memo. And even though the public integrity chief Lee Radek, whose illogical views she has adopted as her own, was present at the meeting, the Attorney General refused to allow these individuals to speak for themselves and would not let them describe their reasons why they took the positions that they did.

I mean they were both sitting right there. I asked Mr. LaBella questions, and I asked Mr. Radek questions, and the Attorney General would not let them answer for themselves.

Mr. Radek, it should be noted, told the New York Times that he considers the independent counsel statute an insult and a knife in the back to top Justice Department officials. It is clear that Mr. Radek will continue to recommend that the Attorney General not follow a law which he does not like. What is amazing is that the Attorney General believes she can pick and choose what laws she wants to follow, even though the Congress of the United States has passed it.

Janet Reno did not always hold this position. When she first became Attorney General, she testified to the following regarding the independent counsel statute, and I quote the Attorney General directly: "The reason that I support the concept of an independent counsel is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head." The Attorney General.

The Attorney General serves at the pleasure of the President, so she is convicted by her own statement. There should be an independent counsel without any political influence being exerted on them whatsoever to investigate the President and Vice President.

It has been stated by the FBI director Louis Freeh; the chief investigator of this whole scandal, Mr. LaBella; Mr. DeSarno, the head of the FBI task force investigating it; and her own words. Yet, she still will not appoint an independent counsel.

Certainly the President has to be pleased with the Attorney General's failure to follow the recommendations of the FBI director and the chief prosecutor to appoint an independent counsel to investigate the President's conduct in campaign finance and fundraising.

This refusal places Janet Reno as the first Attorney General since President Nixon's Attorney General John Mitchell to investigate the President who appointed her. Every Attorney General since John Mitchell has turned over such political investigations to someone outside of the Justice Department if for no other reason than to eliminate the appearance of impropriety.

Quite simply, the Attorney General is derelict in her duties to enforce the laws equally. She is giving the President special dispensations that no other citizen could hope to enjoy.

The recent 90-day reviews are merely a smoke screen to avoid following the advice she has been given for 2 years to appoint an independent counsel for the entire campaign finance matter. It is just another delaying tactic to get us past the election.

It is the people in the public integrity section of the Justice Department who has so strongly opposed an independent counsel and have fought the appointment of one from the beginning of the campaign finance scandal and who are conducting these so-called 90-day reviews.

All these latest 90-day reviews accomplish is to push these decisions past the November elections into next January, another partisan act which demonstrates that the Attorney General continues to protect the President time and again during this investigation.

The American people have a right to know that the Attorney General is not following the law. The FBI director and the chief prosecutor in this investigation have said as much in their memos to her concluding that an independent counsel is necessary under the mandatory section of the independent counsel statute.

But it is not only their view. It is not only their view. Listen to others who have recognized the attorney as wrong in her interpretation of the law in this matter. Senator DANIEL PATRICK MOYNIHAN, a Democrat in the other body said recently, "Two years ago, we should have had an independent counsel to inquire into the Chinese attack on our political system through political contributions in the 1996 campaign. How she," the Attorney General of the United States, Janet Reno, "cannot have done that, I do not know." That is a condemnation from the President's own party of the Attorney General.

A person who is not generally a friend of mine and one who disagrees with me quite frequently, columnist Al Hunt, not someone that I usually quote either, said, "The Attorney General is getting terrible advice from Lee Radek from the public integrity section over there at Justice who despises independent counsels."

But Charles LaBella's position here is even more compelling than FBI Director Louie Freeh who came to the same conclusion earlier, about 8 months earlier. If Janet Reno does not name an independent counsel, her credibility as Attorney General is destroyed.

This is from a fellow who normally is very supportive of the administration. Janet Reno's former deputy observed last year, and this is her deputy, "I served in seven administrations," he said "and I have never seen the Justice Department so dominated in the policy realm by the White House. An Attorney General who is dominated by the White House in protecting the President does a disservice to the justice system."

Our committee continues to seek these memos because of the need to inform the American people of the threats to our judicial system by an administration which thinks that it is above the law. No one in this country should be above the law. The law as was said earlier by one of my colleagues from Texas should be administered equally, whether it is the lowest person in the United States or the person occupying the highest office, the President of the United States. The law should be applied equally.

Unfortunately, this politicized Justice Department has one standard for everybody except the President and Vice President; and that is not only unseemly, I believe it is unlawful.

Mr. Speaker, I am happy to yield first to my colleague, the gentleman from California (Mr. HORN), a valued member of our committee.

Mr. HORN. Mr. Speaker, I thank the chairman for reviewing this matter and bringing it up. I think all of us have sat through the hours of testimony of Mr. Freeh and Mr. LaBella. We are really shocked by the treatment of two great public servants who had the courage to put their words in writing to advise the Attorney General. They wanted to go over their memoranda with her, but the letters just sat there. Until recently, they never had an opportunity to go over their memoranda with her.

One of our Members [Mr. SOUDER] asked Mr. LaBella how much new information he had in his memo. Since we could not see the memos, that was the whole issue—what information was still hidden—and that was why a majority voted for contempt, which was agreed in the committee. LaBella replied that the public and we probably only know 1 percent of what was in that memo.

Now that is shocking. That means the American people, elected legislators, and the Committee on Government Reform and Oversight have been blocked from knowing 99 percent of what is behind the tremendous misuse of the law and of the basic campaign finance laws in the 1996 presidential campaign.

Denying us information and truth had been the typical pattern within the administration but it was the first time I had seen the Attorney General engage in that behavior. Such has been the typical pattern since 1993. For those of us who investigated Travelgate, and Filegate, in Government Reform and Oversight and those who investigated Whitewater on Banking and Financial Services were used to the attitude: The attitude was "Don't tell them a thing."

□ 2015

"Stiff them," was the word. And that they did and they were very successful.

When we were in the minority in 1993, 1994, Chairman Bill Clinger of this committee, the predecessor to the gentleman from Indiana (Mr. BURTON) had an instinct, and he was absolutely right, on that White House travel office. Of course, the administration made a major mistake when it picked on that office. The media knew that the Travel staff were good efficient and effective people. They had arranged their trips. Some of the employees were hired during the Kennedy administration.

But the idea was when we sent information requests to the White House or a department, they just never replied. And yet the law authorizes the minority on our committee, when seven or eight sign such a request, the executive branch is supposed to provide the answers.

Mr. Speaker, what the gentleman has described tonight is a very sad commentary. I have had very great respect for the Attorney General. I knew of her before she came to Washington. She has done a lot of good things. But this situation has simply been mishandled from the beginning. The Director of the FBI is a former judge, and Mr. LaBella, one of the best prosecutors in the United States, who headed the campaign task force within the Department of Justice. Both are men of integrity. In fact, Mr. LaBella certainly had the confidence of the Attorney General. She was moving him to San Diego to be United States Attorney. That seems to be off now.

But when Mr. LaBella appeared before us, as did Mr. Freeh, they were speaking from the heart. They were very careful as to what they said. But let me just note another President, or both Presidents, we can talk about President Clinton's views on the independent counsel statute and this is what he said on June 30, 1994:

> Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the Independent Counsel statute has been in the past and is today a force for Government integrity and public confidence."

The President was right when he said that. Whether they were Republicans criticizing reauthorization or Democrats, the fact is we reauthorized it. And we reauthorized it for a very good reason. No matter how able and honest one is, there might well be a conflict of interest in actuality and a conflict of interest in perception. That is why Congress reauthorized the statute.

The reason that is important is that when one is an appointee of the President of the United States, as the Attorney General is an appointee, confirmed by the Senate, the fact is she is investigating the boss. That is not a very credible situation. That is why Congress enacted the independent counsel statute. That act was approved by the President. And the President was right when he signed it. He probably does not have too much respect for it now, in the sense that there are a number of independent counsels who have sent some people to jail. Others have been fined. These independent counsels have generally been uncovering the corruption that has occurred in various parts of the executive branch.

In his testimony before us FBI Director Freeh noted that the appointment of an independent counsel was based on both sections of the law. There is a mandatory section and there is a discretionary section. The first basis for his recommendation was the mandatory section: that an independent counsel must be appointed when there is specific information from a credible source that the President, Vice President, or other high-ranking officials may have violated a Federal criminal law.

The second basis for his recommendation was the discretionary or conflict of interest section. This is what I have been discussing. The Attorney General may appoint an independent counsel when she determines that having the Justice Department investigate the matter might result in a personal, financial, or political conflict of interest.

Let me cite the views of another President, a President for whom I have great respect. He has showed in retirement many fine qualities and he is a highly ethical man. That is former President Jimmy Carter, who said October 20, 1997, [The campaign fund-raising scandal is] "the most embarrassing and debilitating thing I have ever seen evolve in the political structure in our country." [An independent counsel could] "diffuse this big issue . . . get it out of the front pages and get out of these everyday new, minor revelations that are having such a devastating effect."

Now, it is still alive and we still do not know the truth in it. The Thompson Committee on Governmental Affairs in the Senate dealt with this. We dealt with it in the House. And the witnesses who would come before us just stared at us and when we asked them: "Did you do this? Did you know this?" They would answer "Who me?" Or, "Gee, I don't know. I don't recollect what that was."

Mr. Speaker, the gentleman from Indiana (Mr. BURTON) might bring us up to date on the number of witnesses we have sought and the number who have taken the Fifth Amendment, which is their right under the Constitution to not incriminate themselves, and how many have fled the country. Last fall when we held some of these hearings, it was 65. I believe it is over 100 now. Is that correct?

Mr. BURTON of Indiana. It is now 116 people have taken the Fifth Amendment or fled the country, 116.

Mr. HORN. Think of it. Mr. Speaker, 116 people took the Fifth Amendment and/or fled the country. Some of these were American citizens. Some of these were not. But the fact is, Congress has been denied getting the facts. When the administration has the facts, they are not giving them to us. That is why these two memos written by two men of very high integrity are important for this body to review and the Committee on Government Reform and Oversight to review in particular.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California. And I am happy to yield to the gentleman from Virginia (Mr. DAVIS), my colleague and another valued member of the committee.

Mr. DAVIS of Virginia. Mr. Speaker, these are difficult times for this country and I think that political leaders of all stripes should take pains to step above partisanship and move into the realms where the facts can be judged by the American people and the proper investigative authorities.

What concerns me the most in this particular case is that we have really the two only nonpolitical figures that have looked at this, Mr. LaBella, who is the head of their campaign task force, a professional, and Louis Freeh, the President's appointee as head of the FBI, who have taken a look at this objectively and both came to the irrevocable conclusion that the mandatory parts of the statute that would trigger an independent counsel have been met, and that the only option that the Attorney General had would be to appoint an independent counsel.

We are frustrated here at the congressional level trying to get all the facts. The Thompson committee was frustrated in the Senate. But 116 witnesses who have fled the country or taken the fifth amendment, and we do not have the means to go out after them. The Justice Department, in many cases, would. They would be able to grant immunity and be able to reach out. But they have so far been unable or willing to do that in an appropriate fashion. That is of concern to me.

The most important thing I noted when Mr. LaBella and Mr. Freeh came before our committee, both of them were careful to guard the Attorney General's prerogatives. I think in that way they were good servants and good underlings, taking their appropriate place before the committee and recognizing the hierarchy they had to report to.

But these memos have been examined for days by Justice Department officials and neither one of these have been called in at this point to give their point of view. Instead, the Attorney General had called upon the politicians, the political appointees to come in try to poke holes in their argument. It looks almost as if they were looking at a way they would not to have appoint an independent counsel. They could stiff Congress and this thing would go away.

Mr. Speaker, I think it is very clear now with everything else happening that is not going to wash with the editorial boards across this country. It is not going to wash with the American people. And it is certainly not going to wash here in Congress.

Mr. Speaker, the gentleman from Indiana has had an opportunity to review some of these redacted copies of the memorandum, and I understand that some of the excuses they were giving or some of the reasons that were given by the Attorney General for not releasing that was that it was going to be a road map to other prosecutions and so on, and that the gentleman just does not think that lies at this point. Is that correct?

Mr. BURTON of Indiana. Yes, and I am happy that the gentleman from Virginia brought that up. The Attorney General said before our committee that she was afraid that if they even gave us a redacted copy where they crossed out certain grand jury material, that this would still lead to people that they may want to prosecute or question and it might impede their investigation. I read that, and I am not at liberty——

Mr. DAVIS of Virginia. I would not ask the gentleman to divulge that conversation.

Mr. BURTON. Mr. Speaker, I cannot give the information in the memo, but after having read it, along with some of our legal staff on the committee, there is nothing in there that would lead to anybody other than the Attorney General's position of not appointing an independent counsel. In fact, I think that some of the remarks that are made by Mr. LaBella come close to condemnation of the Attorney General for not acting on the mandatory section of the statute.

So, that is the only thing that I found in the memo that she could be concerned about. That is why I believe it should be made available to every Member of Congress and to the American people.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, it seems that we have here a man of high integrity in Mr. LaBella, a thorough professional prosecutor who took a look at this and expressed his frustration in a memo of over 100 pages in length and containing 55 exhibits that really reaches only one conclusion. It is in no way inconclusive or gives policy options.

We have the head of the FBI, another political appointee but someone who I think has the respect and the independence that we would expect from the Nation's top law enforcement officer, making the same strong recommendation; really looking at no other options but that the mandatory sections of the statute are triggered. And we have not heard a peep from the Attorney General or anyone else as to why they take issue with this and an independent prosecutor cannot be appointed.

That is the way it ought to go. It ought to be away from politics. It ought to be away from the floor of the House, away from the partisan structure that we have going into the November elections. It ought to be in the hands of the professionals and let the chips fall where they may, Republicans, Democrats, whatever. That is what ought to happen. I feel from the bottom of my heart, that is the right answer here.

Yet, we are consistently being stonewalled and we are being blocked in every way possible. And it seems to be done by the political appointees, because the professionals have reached their conclusions. Would the gentleman agree with me on that?

Mr. BURTON of Indiana. Yes, I would. And I would like to add that the Attorney General has appointed independent counsels for some of the periphery of this administration, but whenever it gets close to the Oval Office or people close to the Oval Office, there is a reluctance to go ahead and appoint an independent counsel.

Instead of doing this piecemeal, as has been the case by the Justice Department, there should be one independent counsel to look at the whole campaign finance scandal, the money that has come from all over the world illegally.

Mr. DAVIS of Virginia. That would include Republicans and Democrats, whatever.

Mr. BURTON of Indiana. Yes, and we have investigated Republicans as well as Democrats. But we need an independent counsel who is not beholden to anybody to get to the bottom of this whole thing.

Mr. DAVIS of Virginia. Mr. Speaker, I have tremendous respect for the Attorney General and her career. She was a career prosecutor and I know she is under tremendous pressure, it appears to me, right now from the hierarchy in the administration.

But I hope if she reviews this quickly, number one, if she disagrees with the professionals in her own agency as to why this should not move forward, release that information to the public so she can explain why and show the report that we have paid for that basically would indicate otherwise; or if she would rise and have the courage to do the right thing, take this out of the politics and put it in the hands of professionals where it belongs. Not for partisan purposes, but I think in some cases for national security purposes.

Mr. Speaker, I applaud the gentleman from Indiana (Chairman Burton) and others for bringing this to our attention this evening.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. Davis). He is, as I said, a valued member of the committee and he does a heck of a job for his constituents.

The gentleman from Texas (Mr. Sessions).

Mr. SESSIONS. Mr. Speaker, I join in the accolades for the gentleman from Virginia (Mr. Davis) and the gentleman from California (Mr. Horn), members of the committee who care very deeply about the American public getting to the bottom of the truth of this matter.

Mr. Speaker, as the gentleman from Indiana knows, over one month ago the Committee on Government Reform and Oversight, of which I am also a member, voted to hold the Attorney General of the United States, Janet Reno, in contempt for failing to produce two documents to Congress. We are now faced with the decision of whether the entire House of Representatives should vote to hold her in contempt. This would be the first time Congress would use its contempt powers against an Attorney General, and we are well aware of the gravity of this matter.

Our decision to subpoena the Attorney General was not made lightly. It was the result of a great deal of serious reflection. But members of the Committee on Government Reform and Oversight, and many others both inside and outside the halls of Congress, have serious concerns about the way the campaign finance probe has been conducted at the U.S. Department of Justice. What I would like to do is to discuss some of these problems that we have seen.

Statements by senior Department of Justice officials that the independent counsel statute has not been applied consistently.

Statements by senior Department of Justice officials that the White House staff have been treated more leniently than other citizens, and press accounts that some may have not been investigated because of who they are.

Public accounts that senior political officials have weighed in against pursuing prosecution of campaign finance figures, even though the law supports prosecution.

□ 2030

Indications that the Department of Justice has not pursued evidence vigorously.

Needless delays by the Attorney General that will push the start of investigations into 1999, a full 3 years after allegations of wrongdoing were made and known.

Lee Radek, a senior adviser to the Attorney General, gave an unfair advantage to the defense attorney of an important Democratic contributor. When prosecutors, who had evidence of wrongdoing, called Mr. Radek, he refused to take the call.

Complete failure by the Department to follow any evidence, speak to any witnesses, or subpoena any documents in some matters that may indicate improper impropriety by the Democrat National Committee and leading Democrat contributors.

The failure to maintain continuity in the supervision of the Department of Justice investigations. There have been three task force supervisors in 1 year.

and given that, they have all had their own advisers.

A consistent siding with the White House in its failing and sometimes frivolous claims of privilege on a variety of matters.

A failure to recognize that the Attorney General has conflicting legal duties: To keep the President informed of information relevant to national security, and keep information relevant to campaign finance investigation from people under investigation, a category that includes the President of the United States.

Tolerance of top advisers belittling the laws that they are constitutionally bound to uphold. For example, Lee Radek, who was discussed earlier, told The New York Times: "Institutionally, the Independent Counsel Statute is an insult."

Further, providing misleading information about who is covered by the Independent Counsel Statute and who is not covered. One letter provided to the committee seems to indicate that two of the principals of the Clinton-Gore 1996 campaign are not covered by the statute, and the clear language of the statute indicates that there is no doubt that these officials are covered.

Further, providing false information to the public to make congressional demands seem unreasonable. The Attorney General has maintained that Congress has never before asked for information on an ongoing criminal investigation, and this is clearly not the case.

Further, repeated leaks of information that are protected by Grand Jury secrecy and, I might add, leaks that were made for their own political benefit.

Further, repeated attempts to answer requests made by Congress. I repeat: Repeated failure to answer requests made by Congress. For example, 1 month ago our committee asked the Attorney General for permission to speak with the assistant United States attorney most familiar with a case known as the Intriago case, and she has failed to respond to our request.

Further, coordination between the Department of Justice and the minority on this committee are being done for political benefit.

Some of these examples, taken by themselves, would be matters of grave concern. Put together, they indicate that there is something very wrong over at the Department of Justice. The Attorney General is not applying the law correctly. Her own advisers have been telling her this, yet she continues to oversee an investigation of the President of the United States, who appointed her.

In November of 1977, FBI director Louis Freeh prepared a lengthy memorandum on the Department of Justice campaign finance investigation. Director Freeh, former Federal Judge Freeh, who had been advising the Attorney General to appoint an independent counsel since late 1996, concluded that according to the Independent Counsel Statute, 28 USC section 591, the Attorney General was required by both the mandatory and the discretionary provisions of that law to appoint an independent counsel.

My colleagues will also see that I have on this side information that contains other testimony that Director Freeh has given.

This view was shared by the most senior FBI investigator on the investigation, Mr. James DeSarno.

On July 23, 1998, The New York Times reported that the departing lead prosecutor on the campaign finance task force, Charles La Bella, had prepared a 100-page memorandum reviewing the facts gathered during the campaign finance investigation. According to press reports, Mr. La Bella also found that the mandatory and discretionary portions of the independent counsel law required the appointment of an independent counsel. Thus, both Director Freeh and task force head La Bella have repeatedly found specific evidence from a credible source that required the appointment of an independent counsel.

We subpoenaed Director Freeh and Mr. La Bella's memoranda because we believe it is clear that something is seriously wrong. The Attorney General was asked last Thursday, and I quote, "Do you still have confidence in the leadership of President Clinton for both the administration and our country?" This is what she said, and I quote the Attorney General, "I certainly do." And then she said, "He has a sense of what needs to be done. He is doing it."

Well, I, for one, have a problem with what the Attorney General has said for several reasons. The independent counsel, whose staff includes the Department of Justice lawyers and FBI investigators who are charged with enforcing the laws of this country, have recently provided Congress with a referral that says the President of the United States committed perjury in a Federal lawsuit; that he lied to a Federal Grand Jury; that he obstructed justice; and that his actions have been inconsistent with the President's constitutional duty to faithfully execute the laws of this country.

The President has responded by having his private lawyers and government lawyers on the government payroll go out and trash the independent counsel. He has had them go out and make the most absurd legal arguments I believe that I have ever heard. It is so bad that yesterday two top Democrats in the House and the Senate made a public plea for the President to stop the legal obfuscation. And yet the Attorney General, who is in charge of upholding and protecting the law, blithely goes before the American people and tells us that the President has a sense of what needs to be done and he is doing it.

Remember, the Attorney General has signed off on all the things that the independent counsel has done; all of these investigations now for 3 years. It seems, however, that either she does not care about the independent counsel's evidence or she has already rejected the findings of the independent counsel that the President is acting against the principle that everyone is entitled to a fair trial; that he has sent his lawyers out to say that it really does not matter if one lies in these courts. These appear to be of no importance to the Attorney General.

It seems to me that the President has been attacking the rule of law; that he has used and continues to use the most powerful office in the world and to say that one does not need to tell the truth, especially sitting in front of a Federal judge in the oval office. It just does not seem right to me.

It seems to me that the Attorney General should care about this matter. She should care deeply. And that is what her job is all about: Protecting the rule of law. And she is certainly not doing so in the campaign finance investigation, where she keeps giving the President a break.

The Attorney General's words speak volumes, I believe, about her own beliefs, but also they tell us one very important thing: She has a fatal conflict when it comes to investigating the President. This has not been a mystery. If she is willing to side with him before she has even seen the evidence in the Lewinsky matter, how can we possibly expect her to do the right thing when it comes to campaign finance investigation?

For 2 years she has been ignoring what should have been clear to even the most junior lawyers on her staff. The appearance of conflict in the campaign finance investigation is devastating, and it does great harm to the Department of Justice and to the rule of law.

But making a mistake does not rise to the level of misconduct. If that is all that we were here to talk about today, and I do not think it would be the only discussion that we would have, I think that we would have voted for contempt when she failed to turn over the Freeh and La Bella memoranda. Let us focus on some of the issues that have led to my conclusion that something is wrong at the Department of Justice.

First. The Intriago case.

This committee held hearings and was provided documentary evidence that major Democratic National Committee figure Charles Intriago had advised one of his clients how to break U.S. law and give money illegally. There was testimony that someone, and the inference was that this someone was highly placed in Democratic fundraising circles, was giving Intriago advice about where to direct illegal money.

What happened in this case? It was pulled from one of the U.S. Attorney's offices by Lee Radek, one of the Attorney General's advisers, and the statute of limitations was about to expire. The appearance of impropriety is stunning. We asked the Attorney General if we could talk to the lawyer who was preparing the case before it was killed in Washington. We asked over 1 month ago, and the Attorney General has not even gotten around to fulfilling our request.

She is behaving like a defense attorney trying to run out the clock.

Another thing about this case. The adviser who killed this case for the Attorney General would not even take the phone calls of the New York State prosecutors who uncovered the evidence. In our hearing, however, we learned that he did take at least one call from a defense attorney.

How can we believe that the Attorney General's protestations that she has left no stone unturned when the evidence shows that there are boulders right under her nose and her advisers are making sure they are not disturbed.

Another investigation this committee has been conducting involves an elaborate scheme by the Democratic National Committee to break a State law in Kansas. Individuals were given money by a Democratic National Committee organization and told to act as conduits to get the money to another organization. Let me read from a document obtained by this committee, and I quote.

"The Democratic Senatorial Campaign Committee, in an effort to support State Senate candidates, the Democrat party, and their own candidates will contribute $1,000 to each State Senate campaign our office designates. You may keep $200, but then must turn around and contribute $800 to the Senate Victory Fund."

Instructions on how to make conduit contributions does not get much clearer than this. If it had not been illegal, the Democratic Senatorial Campaign Committee would have given the $200 to the candidate and sent the $800 to the place where they wanted the money to go. But they could not do that, so they used decent men and women from their own party to act as straw donors.

This is direct evidence of a plan to use conduits to get money to a third party to help the Democratic National Committee candidates in the 1996 Kansas election. Overall, a third of a million dollars was contributed to Kansas, where the State law limits the contribution from a national party to $25,000.

One would think that this would attract the Attorney General's attention, but public accounts from Kansas indicate that the Department of Justice has made no effort to investigate this scheme. Again, as the Attorney General talks of leaving no stone unturned, certainly we are not being kidded. Far from being a zealous investigator, it appears that she is providing cover for those who broke the United States laws.

The Intriago investigation and the Kansas conduit contributions are two major examples that go right to the Democratic National Committee. Both involve decisions by people who had to know that they were breaking the law. And in both cases the Attorney General of the United States has failed to conduct the necessary investigation.

□ 2045

I think we would not be doing our jobs if we did not make an attempt to find out what is going on over at the Department of Justice. If the Attorney General is going to condone the President's conduct in the Monica Lewinsky matter before she has ever seen the evidence, how can we possibly have her confidence today?

Today I call on the Attorney General to release this non-6(e) material from the Freeh and LaBella memorandum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend for just a moment. The Chair must remind Members to avoid all personal references to the President.

The gentleman from Texas may proceed.

Mr. SESSIONS. Mr. Speaker, I apologize if I have done anything in that regard, and I apologize for using the President's name.

Mr. Speaker, today I call on the Attorney General to release the non-6(e) material from the Freeh and LaBella memoranda so that the American people can see for themselves what has been going on and so that they can judge for themselves whether she is fairly executing the laws which she is sworn to uphold.

I thank the gentleman from Indiana (Mr. BURTON) for allowing me the opportunity to present this information and I appreciate his forthrightness in this matter.

Mr. BURTON of Indiana. Mr. Speaker, let me just say to the gentleman from Texas (Mr. SESSIONS) that I neglected to say that the gentleman likewise is a very valued member of our committee and I really appreciate all the things that he does for this country.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER), another valued member of the committee, who had a great special order last night.

Mr. SOUDER. Mr. Speaker, I thank the chairman, the gentleman from Indiana (Mr. BURTON), for yielding. I thank him for his leadership and his attempts to try to move the Attorney General to action.

Mr. Speaker, I would first like to say a few words in defense, albeit a mild defense, of Attorney General Reno. Her job is not easy. After all, it is not as though she is a nonpartisan person. She is a long-time democrat. She was a staff director at the Florida House Judiciary Committee. She ran for the State legislature and lost. She was a long time State's attorney. She came to Washington as a partisan democrat and these days have to be very hard on the Attorney General, seeing around her all these allegations and all of these challenges. It has to be heart rending to her.

The Attorney General was appointed by a democratic president and can be fired by that democratic president. So she has to look and consider that, even though you try not to when you are Attorney General of the United States. It is a fact. She is surrounded by political staff, democratic appointees. Remember, this White House sent the close Arkansas ally, Webb Hubbell, since in prison, to be her deputy Attorney General.

This bears repeating. It is not every day that the Nation gets a deputy Attorney General who goes to jail while that administration is still in power. That is another thing that clearly made her job not easy.

She has had to appoint special prosecutor after special prosecutor on cabinet member after cabinet member; certainly not an easy thing to do if you are a democratic former candidate, former staff person, former elected official now appointed by a democrat. She now has a special prosecutor on Harold Ickes, who is at the highest levels of the White House. Even higher than that, although it is in a limited way for the Vice President, even Judge Starr, after all that is an Attorney General Reno appointment, but his investigation was limited, and some of us, as the Nation is abuzz about sex, have concern about other matters and have for multiple years and that is what about the campaign finance?

As we have been looking at this, and as we heard the FBI director as the chairman brought him in front of our committee, and Mr. LaBella and others, part of the question, as we look at the FBI as to how they approach drug cases, how they approach other issues, the goal has not been to try to set up and catch the lowest level people. There is a real question going on here.

We see special prosecutor after special prosecutor chasing little bits of a larger picture; yet the training, the training of the people who investigate this type of thing in the FBI and others, is to look at combinations and to see who is behind this. Yet, we have not seen this coming out. There has been, at the very least, a reluctance, if not actually a deliberate attempt, to break up and not pursue the larger questions of why is this person doing this, why is this person doing this, why is this person doing this, why is this person doing this?

People all over the country are debating this in another matter but we see this, as we heard last night, in the Teamsters investigation where the same names start to pop up. We see it in the casinos where the same names start to pop up. We see it in China in technology sales, where the same names start to pop up.

When one sees this, one would think that the Attorney General would say, I better get to the bottom of this and see where it is headed, not where it is down there.

This is not easy. She has a difficult job with it.

One other thing I want to point out, we have had past cases in this House of Representatives far, far, far less serious than this, in fact most of which turned out to be false. Yet, we heard rhetoric on this floor that one would have thought the entire republic was collapsing because there were not special prosecutors.

Now is this curious that this particular notion of shame be advanced by someone who has an ethical cloud over him so big and heavy that dewdrops now glisten on his neo-Victorian halo? Questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as though raised about the complicated affair, which is something that was said about a Member on this floor.

The American people should know where this money came from. Did these donors get anything in return, are there any conflicts of interest, was the high and mighty rhetoric on this floor paralyzing this country in the past, as allegations that have proven to be false even were thrown about.

This cloud grows larger and darker with new questions of ethics violations, another Member said. Another one said, the cloud of alleged improprieties threaten public confidence in this House. Can appointing a special prosecutor remove this cloud of darkness?

We heard this type of rhetoric, and it is just amazing how many of these people are silent. All of a sudden, independent prosecutor, oh, that is not a big deal. All of a sudden, apparently there is a different standard, that it is okay to go after individuals over history here on minor things but when we are questioning whether American technology was sold because of foreign money, when we are questioning whether inside deals were made on decision after decision, whether or not the very national security of this country has been at stake, well, then we do not really want to get into this.

Even though the FBI director says, "Hey, you are a democrat, you have a partisan stake, you do not really have credibility to do this," when her own Justice Department officials say you do not have the credibility to do this, we have to move ahead.

I commend the leader of this committee, the gentleman from Indiana (Mr. BURTON) for pushing to move this ahead.

We have lots of discussions in this country about sex and whether there has been cover-ups and this and that and who did what, but, there is a lot more to this story and we need to get to the bottom of this truth. It is our obligation to do so, and I commend the gentleman for his leadership.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for all the service he gives to his constituents and the country by working so hard on the committee. I really appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I just want to say after living through some of these investigations under both Chairman Clinger and now Chairman BURTON, I did have the idea last year that maybe we need a new Institute of Health at the National Institutes of Health. Its mission would be to test the water that is used on Capitol Hill and in the White House, and do that on a weekly basis and see if any elements in that water have caused the loss of memory that we have heard from so many witnesses when they come before us.

People have said that the Roman leadership died because the pipes were filled with lead. There are many private water dispensers in the legislative branch to keep that from happening.

We need a lot of trained medical doctors who ought to be studying this memory loss that occurs only within the District of Columbia. Washington is probably the only city in the world where nobody can remember what they did when they made a decision.

We, of course, remember. We have roll calls. Apparently they do not have roll calls elsewhere in this city and especially not at the other end of Pennsylvania Avenue.

Getting back to Attorney General Reno, a lot of people have forgotten that she gave Independent Counsel Starr a number of additional assignments. That was cleared with the three judge court. The independent counsel, in essence, is an officer of that court. That is why that person is independent.

In watching what has happened over the last few years and as a student of American history, to my knowledge, this is the first White House staff in the history of the United States, over 200 years, that consciously set up a war room to destroy the reputation of the independent counsel.

When that happened, the President should have stopped it. No president should let that kind of an operation exist in or out of the White House. It is wrong. It is a violation of the civility which ought to exist within the separation of powers. Attacks which have been made to discredit the independent counsel are shameful. It is a shameful act to let those attacks go on and on and yet the have every day. Even with Chairman Clinger, who was recognized as one of the most civil members in the House, people were going through his garbage and all the rest of it, and that type of heat—or psychological stalking—simply because people are doing their duty under the Constitution. That childish behavior should not be part of American politics. We can do better than that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I see that my time has about expired. Let me just end by saying, once again, for my colleagues, that there are 116 people, many friends of the administration, many people who are in the administration, who have taken the Fifth Amendment or fled the country. They do not want to talk to our committee. They do not want to talk to anybody because of the threat of self-incrimination, the threat that they might go to jail for what they have done; 116.

That is unparalleled in American history, as far as any administration is concerned, unparalleled. Millions and millions of dollars have come in from Egypt, from China, from Taiwan, from Macao, from Indonesia, from South America, into the campaign coffers of the Clinton/Gore campaign and the Democratic National Committee. Much of that money has not been returned. The American people have a right to know what was given in exchange for these contributions.

Foreign governments like communist China do not give great sums of money to foreign candidates, like the administration here in the United States, unless there is some reason for it. They do not give those large amounts of money just because they think we are nice. They want something in exchange. That is what we have to get to the bottom of. That is what we have to illuminate for the American people.

Now, they ran out the investigation, they ran out the time on the investigation of Senator THOMPSON in the other body. The investigation of the independent counsel, Mr. Starr, is about to be concluded. Our investigation in the House, I think they hope, would conclude at the end of this legislative session. I want my colleagues to know that we will write an interim report at the end of this month, and should we have the same control next January that we have right now and should I be the chairman of this committee come next January, if the American people have not had all the facts given to them about these illegal campaign contributions that may have jeopardized our national security or compromised our foreign policy, then we will pick up the ball in January and go forward and get the facts for the American people. That is a promise I make to the people tonight.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about Social Security reform. I am going to be joined by the gentleman from Washington (Mr. SMITH), who is here also to talk about the same issue. We may be joined by other Democrats this evening.

This is an extremely important and controversial issue and it deserves more attention than the majority, the Republicans, have been willing to give it in the 105th Congress. I am increasingly concerned about the neglect of Social Security for a number of reasons. For one, Mr. Speaker, there is a lot of disinformation about the Social Security program and its connection to the budget surplus flying around these days and I intend to spend some time talking about that tonight.

While I am concerned about it, I think we can get the truth out there through education. What concerns me far more is the willingness by Republicans to dip into the surplus before we have strengthened the Social Security trust fund. We hear that on Thursday, this Thursday, the Committee on Ways and Means is going to be reporting out a bill by the gentleman from Texas (Mr. ARCHER), the chairman of the committee, that will basically be providing some kind of tax cuts, if you will.

□ 2100

The alleged basis for this is because we have a large surplus and will continue to have a large surplus over the next few years and therefore we can afford to have this tax cut. But what in reality is happening, Mr. Speaker, is that we are taking the money from essentially an unreal surplus, or money that could and should be devoted to make sure that the Social Security trust fund is sound.

In order to explain why what the Republicans want to do is a bad idea for Social Security, I first need to explain the connection between the surplus and the Social Security trust fund.

Mr. Speaker, the Social Security trust fund is funded through payroll taxes and the overwhelming majority of the money collected from payroll taxes goes into a fund called the Old Age Survivors and Disability Trust Fund. The fund also generates money through interest and other methods, including that from taxes on Social Security benefits themselves. But this fund in turn holds all money that is not used to pay benefits and administer the program itself. Federal law, from what I can tell going back to Franklin Roosevelt when Social Security was started, the Federal law requires that this remaining money, or the surplus or extra money, if you will, in the Social Security trust be invested in U.S. treasury securities.

So what this all means is that there is currently a surplus in the Social Security trust fund but the Federal Government uses this surplus to fund other portions of the Federal budget. In fact, if it were not for the surplus in the Social Security trust fund, there would be no budget surplus at all. This is what so many Democrats are saying now, that the true budget surplus is not a surplus at all. It is simply the money that has been borrowed, if you will, from Social Security and that has to be paid back with interest.

Let me just give you an example. The budget numbers for the current fiscal year basically bear this assertion out. According to the Congressional Budget Office, the Social Security trust fund will take in a $101 billion surplus in fiscal year 1998. But the CBO also projects that the total budget surplus for this fiscal year will be $8 billion. So if you take away the $101 billion going into the Social Security trust fund, the Federal budget would actually be in deficit for the year to the tune of $93 billion.

To say it succinctly, Mr. Speaker, were it not for a surplus in the Social Security trust fund, the total Federal budget surplus that everyone talks about here in Congress would not exist. Because that money in effect belongs to Social Security, Congress should not be talking about using a budget surplus for anything else but Social Security at this time. Until such time as this Federal budget can be in surplus without touching the Social Security trust fund surplus, Congress should not spend one penny on anything else.

Now, what we are hearing is that the Republicans want to do and they want to use that money for tax cuts before we preserve Social Security for the long term. That is simply not right. It basically is pulling the wool over the eyes, if you will, of the American people.

It is very important for me to add that Democrats do not just want to stop using the Social Security trust fund to fund the rest of the Federal budget, we want to ensure that the Social Security trust fund is strengthened for the long term. So we want to make sure that when the baby boomers, the generation that we call the baby boomers, are over 65 and are eligible for Social Security that there is enough money in the Social Security trust fund, or in the program to pay out those benefits. We believe this can be done fairly easily if the Congress remains committed to this goal as well.

Right now the Social Security trust fund is currently projected to take in more than it pays out until about the year 2029. The depletion of the trust fund's solvency is expected to begin around 2012 when the baby boom generation starts to retire. By 2019 it will still be taking in more than it pays out, but by 2029 the annual revenue coming into the trust fund will begin to experience a shortfall. So if nothing is done to correct it, in 2029 the Federal Government will only be able to meet about 75 percent of the benefits it currently pays out to Social Security recipients.

I want to emphasize again that this shortfall, Mr. Speaker, I think a lot of people are under the impression that the trust fund would be depleted at this time, and that is not the case. It would be a shortfall, but we have time to correct it. Over the long term, the system would be in balance but we still could fix it.

What we basically are saying is that even though it may not be a while before we face a real crisis in Social Security, that whatever surplus we generate now as a result of general revenues should be used and held, if you will, to pay back what is owed to Social Security, what has been borrowed, if you will, from the trust fund.

I guess basically what we are saying, Mr. Speaker, is that when this Ways and Means bill comes out on Wednesday and when it is reported out, we need to put in some language, if you will, it will be a Democratic substitute, that essentially says that none of these tax provisions click in until the time when there is enough money coming in from the so-called surplus to pay back what is owed to Social Security. That is why I think it is very important right now that we not rush into a situation where we give these tax cuts knowing full well that we still owe a lot of this money back to the Social Security trust fund.

I know it gets a little complicated and I am not trying to succeed in doing that, but I think when I had my town meetings during the August break and I had a few senior town meetings and also others where senior citizens came, they all understood that Social Security, the trust fund in essence was being borrowed by the Federal Government to pay other expenses and that a lot of money was owed back, and they clearly understood that there was not a real surplus that could be spent on tax programs or other budget priorities. We all like to spend money, we all like to give tax breaks if we can because we know that there is a need out there for a lot of things by the American people, but the most important thing, I think, is to shore up the Social Security trust fund so that people at least know that when they are paying into it and they expect that when they retire that they are going to have the Social Security benefits, that it will be available to them.

We could go into this a lot more tonight and I know we will be going into it a lot more over the next few days. I would like to yield now to my colleague from Washington who basically started this debate on the floor this morning and I thought gave an excellent explanation about why we should not move ahead with what the Republican leadership wants to do.

Mr. ADAM SMITH of Washington. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I appreciate his kind words.

I think the important thing to remember in this discussion is there are two things at issue. One is certainly protecting Social Security, but the other is Fiscal responsibility. The two are linked and I think there are two things that we should stand up for and defend in this House, is both Social Security and fiscal responsibility.

In this whole debate that is going to brew in the next month before the end of the session is an excellent argument for taking Social Security off-budget. Let me explain what I mean by that because I think that gets to the heart of the debate. As the gentleman from New Jersey (Mr. PALLONE) explained very well, the way we do our budget right now is any surplus from the Social Security is simply thrown into the pot like it is income. It is counted against our overall deficit or surplus equation. To take it off-budget would basically recognize that we should hold Social Security separate. So if we have $100 billion in the Social Security trust fund and an $80 billion deficit in the overall budget, they are separate and you can look at a sheet and say, "Okay, we've got $100 billion over here but we're still $80 billion in debt over here." That is why I have been a strong advocate as have many others in the House of taking Social Security off-budget so we can have an honest look at the numbers.

It is very, very important to look at these numbers honestly, because with the Social Security budget, the thing to remember is, is it income or is it borrowed money? The way we budget makes it look like income, but it is very clear that it is not. It is very clear because we have to pay it back. That is sort of the way you tell. If someone gives you $10,000 and they give it to you, you can feel free to go out and spend it because you do not have to pay it back. But if they loan it to you, and in fact in this case loan it to you and say, "Plus you will agree to pay 6 percent interest," if you go out and spend the money, you are going to be in trouble because eventually that person is going to want it back. In essence that is what we do with Social Security. If we take the surplus and spend it, we are going to have to pay it back and the money is not going to be there. This is particularly troublesome because we are talking about Social Security. We are talking about something of critical importance that needs to be preserved. So let us take it off-budget and have an honest debate.

I would like to look at this for just a moment in the context of the overall debate. You hear a lot of talk about a surplus and the deficit, but you lose track of the overall debt which is basically the debt that we have accumulated over the last 30 years. That stands at around $5.4 trillion. To truly understand that, one needs to understand that in this year, fiscal year 1998, when we are claiming to have a surplus, we have an interesting situation that arises. One would think if we have a surplus this year, that should mean that the overall debt is going down. That makes perfect sense. If you have got an extra $20 billion, an extra $80 billion, well, the overall debt will go down because you can apply that to that debt. But what happens this year? The overall debt goes up. How is that possible? That is possible because again we are borrowing the money from Social Security and that is debt, that is money we have to pay back. We have to keep that in mind. But, and this is a particularly important point, my colleagues on the other side of the aisle know this. I know that they know this because they are the first ones that started making this argument.

In the late '80s and in the early '90s when they were complaining about the size of the debt, correctly, they bitterly accused the Democratic majority of masking the true size of that debt by borrowing from Social Security. This was just awful. I remember listening to that argument, this was back before I was in Congress or even in the State legislature, and I was very troubled by that argument as a Democrat. I was troubled because they were right. They were right on point. But now I am very disappointed that the Republicans have come into the majority and they have forgotten their own argument and are saying, no, this is a surplus, we can spend it on tax cuts or spend it wherever. It is not a surplus and they know that.

So I guess what I am asking for as a starting point is an honest debate. We have a lot of tough policy choices to make. Just today I had three different groups come into my office and ask for tax cut proposals, none of which are in the Republican proposal, by the way, that sounded like they made sense, sounded like I wanted to do it. I also had three different groups that came in with spending proposals that made a great deal of sense as well, and we want to do this. You want to try to help people. But you have got to be mindful of the future and fiscal responsibility. To spend all the money now is a disservice to future generations. We did it throughout the '80s and into the '90s and it was wrong. Now we are in a position finally, headed in the right direction and yet we want to snatch defeat from the jaws of victory by going back to the old ways. Everybody here knows that.

Let us have an honest debate. Let us stop talking about a surplus. I would urge the American public, any politician that comes up to you and says, "I'm going to do this, that or the other thing with the surplus," stop them right there and say, "You don't have a surplus," which means what you are really saying is you are going to do one of a couple of things: Either, one, you are going to continue to spend us into debt. I guess you could say that makes sense, that it makes sense to borrow money. I do not agree with it, but they can make that argument honestly. Or, two, you are going to have to get the money someplace else. Basically that breaks down into two choices. Either a revenue increase or a spending decrease. That is what they have to do.

So do not let politicians get away with saying, "Well, yeah, that program's really important and I don't want to have to find it someplace else, so I'll get it from the surplus." The surplus does not exist. I would urge everybody on this floor to do that as this debate unfolds over the course of the next month. Let us be honest about the numbers. I really feel that those are critical issues. We have very tough choices to make.

I guess I would close by saying a word to my Democratic colleagues. I think this is an issue of critical importance for Democrats, because we are the ones that believe at times government can have a positive effect on people's lives, in places like Social Security and Medicare and education and protecting the environment and defense and a number of other areas. If we are to be able to go back to the American public and say, we need some of your hard-earned tax dollars to pay for these, we are going to have to show them that government can at least be honest about the numbers. If they cannot look at our budget and truly know how we stand, if we stand up before them and create this mythical surplus to try to make them feel better, then I think in the long run the cynicism will increase about government's ability to be honest and be straightforward. We as Democrats have not always done a wonderful job of this.

I urge us to start right now to do the job that we should do, explain to people honestly how the budget works. I think that will help get confidence back because there are some critical programs we need to fund. The biggest one, and I will end on this point, is Social Security which is what the gentleman from New Jersey (Mr. PALLONE) started off talking about in the first place. We need that program. It is vital to this country. Let us show people that we can manage it intelligently. Let us stop borrowing money from the Social Security trust fund and using it to mask the true size of the deficit. An honest debate would go a long way towards helping this Chamber and this country in many ways.

Mr. PALLONE. I just wanted to, if I could, take a few minutes to develop three points that I thought that the gentleman made that were really excellent. I want to commend him first for what he said because I think he states very succinctly what the problem is that we face with this Republican bill that we are going to have, this tax cut or tax proposal that is going to come up on Thursday.

There were three things that I wanted to follow up on. One is it is, of course, true, I would think, and I ask you this, that if we have this tax cut and it were to pass and it was not linked to some requirement that it would not be triggered until there is a true surplus, the whole point of this money having been borrowed from the Social Security trust, if you will, to pay for current expenses means that we have to pay it back. In other words, the way the Federal law was set up with Social Security, we have to pay it back with interest. So the reality is that if that money is not there, when it has to be paid out in a few years, we would probably have to do a tax increase.

Mr. ADAM SMITH of Washington. That is particularly critical to me. The way Social Security works, I will first be eligible to receive Social Security in the year 2032 which is coincidentally the precise year in which they currently estimate there will be no money.

□ 2115

So I have a personal interest and my constituents have an interest in it as well. Yes, I mean you will have to find the money somewhere, and that is not fair to future generations.

Mr. PALLONE. So the likely result is then of course, the other thing that I was going to say is that, and again following up on your point, is that the economy is good now. It is the best it has been for a while. If it were to turn around and not be so good, it would be even more difficult, it seems to me, to raise the revenue. You would have to have either higher tax increases to make up for this loss. So to me it makes no sense now when the economy is good and we are actually in a position to be generating a little bit of extra money. This is the time to put it back.

Mr. ADAM SMITH of Washington. Absolutely, and let us make one thing clear. It is not the Democrats who are opposed to tax cuts. You know the majority of Democrats in this body voted last year to cut taxes by nearly a hundred billion dollars. It needed to be done, and with the right proposal, with the right offsets, and that is the key point if we wish to cut taxes, if we have a couple of key areas where taxes need to be cut, and I think there are a couple, find some place to offset the money either through changing the revenue so that you have eliminating the deduction or cutting spending somewhere.

But as I see the debate unfold, in the month that we were back in our districts, you know this $80 billion is apparently supposed to just fall out of the sky, and where it is falling from is not the sky, it is falling from the Social Security Trust Fund.

So when anyone makes an argument in here, I am going to give you a tax cut, and you say, well, where is the money going to come from, they say it is going to come from the surplus; that is not true, and I hope we can hold people up to that truth and say where the money is really coming from.

Mr. PALLONE. The second point that you made that I wanted to just develop a little as you talk, and this comes out of my town meetings all the time. As you know, our constituents are pretty intelligent, they understand a lot of these things, and one of the things that constantly came up during the August break at my town meetings was the fact that people are aware that we have this huge debt out there that keeps collecting interest. You brushed upon that. I mean we have been mainly talking about why this Republican tax proposal is wrong because of Social Security, but you could also look at it from the other point of view, which is that we still have this huge debt that we are paying back. When we are told by whatever that there is a surplus this year, that is only a surplus for general revenues for this fiscal year. There is still all this money that we owe from previous years that has to be paid back. So you could use that argument as well to justify why there should not be a tax, why this tax proposal should not go forward.

Mr. ADAM SMITH of Washington. Or, I will emphasize this, or any dramatic increases in spending, because there are certainly a lot of programs; you know, Head Start, a variety of other ideas out there. But if the revenue is not made up somewhere, we should be very cautious about doing that as well, because that too will contribute to the debt. And right now the interest that we pay on the debt is 14 percent of our budget. That means 14 percent of the money that we are spending is simply going to service the debt, it is not going to provide health care for seniors or children in poverty, it is not going to give middle class children access to education, it is not going to protect the environment, it is not going to give us a stronger defense. It is going straight into pay our debt.

And so as that number keeps going up, that 14 percent number keeps going up as well, and that basically puts us in a real bind.

Mr. PALLONE. Sure. And then the last thing I wanted to say, and I think is sort of the true irony, is that the Republicans, of course, during this balanced budget debate over the last few years posed themselves as the conservatives. And the bottom line is that the two of us and others that have taken the position we are talking tonight are the true conservatives from a fiscal point of view.

In reality what the Republican tax proposal is essentially, you know, I do not want to use the term "liberal," but it is just basically fiscally irresponsible. And if you are really concerned about fiscal responsibility and you really are conservative, you take the point of view that you are taking tonight. I think that is ironic, but I have to say it because it is true.

Mr. ADAM SMITH of Washington. Well, I had a friend of mine in college who was a Republican, but he used to say, you know, Democrats are tax and spend, Republicans are just spend. And I think the truth in what I see the Democrat Party becoming and why I am so proud that we supported the balanced budget agreement from last year is spend responsibly. I mean, that is what it is about. There are things in this country that people want done. We want to make sure that our seniors have an adequate pension, that they have adequate health care, that our young people have access to education. Well, let us do it in a responsible manner. Let us make the programs as efficient as possible, and let us pay for them. Let us not just run up a debt to please people in the moment at the expense of the future. And that is really what it is about is just, okay, well, gosh, I make this person happy right now, and you know maybe I will even be out of Congress by the time we have to pay that bill so I will not have to worry about it. But that is a disservice to the country.

And you are right. Part of being conservative to my mind is a pay-as-you-go philosophy, is being fiscally conservative, and I am still optimistic that enough colleagues on the other side of the aisle, having made this same argument that we are talking about here so repeatedly in the past, will rise up to the challenge, make it again in the future even if we are 7 weeks from an election and will make the responsible choice for the future.

Mr. PALLONE. Well, I think you are pointing out another point as well tonight, and I appreciate your bringing it up, and that is that to some extent, I think to a large extent, this is just being done by the Republicans for political purposes because the election is a few weeks away. Because I think we have already heard pretty much from the other body, from the Senate, that they are not going to take this up. And so this is not a proposal that is likely to go anywhere, it is just going to be passed in the House so that Republicans can go back and say, oh, they did this and somehow benefit from it on election day.

Mr. ADAM SMITH of Washington. And I will tell you what my experience has been with my constituents, and we get into this all the time as we come up towards the election. We want to give stuff away. We think that is what is going to make people happy. We will give them a new spending program, we will give them a new tax cut, we will basically, you know, pretend like it is Christmas and pass all kinds of stuff out.

What I found with my constituents is what makes them happy is if we are making sound decisions up here, if we are spending the money wisely, paying as we go, being fiscally conservative and responsible. So I do not even think the tactic of passing out the goodies, as it were, I do not think it works. I think the people are fed up with, you know, record high deficits and record high debt, will want to get back to an age of responsibility, and, like I said, I am optimistic that ultimately that philosophy will win out.

Mr. PALLONE. I think you are right, and I think that we are going to hear more about this over the next few days, but I am glad that we are able to spend some time tonight on it because this is going to be a major part of the debate over the next few days and the next few weeks here.

So thanks again.

GOVERNMENT OVERSIGHT RESPONSIBILITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, let me state at the beginning here a couple of entry points.

One, I talked last night and earlier tonight a little bit on this particular subject, and I do not want to give the impression that that is all that I am focusing on or anybody else here is focusing on. All day long we have been debating multiple bills. I spoke on the juvenile justice bill, on the medicinal use of marijuana bill. We also passed Congressman SESSIONS' methamphetamine bill, many other pieces of legislation. I met for several hours with the Higher Education Conference Committee. We do many things. But one of the things we do have a charge of is government oversight.

It is also very difficult, and I know it seems kind of curious as we discuss some of these matters, that we are under very tight and wise rules about what we can and cannot say, and it is like having a hundred or a thousand or a million pound gorilla out there on one subject right now that we cannot talk about. And we have to be very careful about what we say about the highest leaders in our land and about other Members, and I think those rules are good.

So sometimes if it seems we are a tad evasive at this point, it is not that we are in general, but on this House floor I think we have high standards to meet, we have weighty matters before us, as we have had before in this country's history. And I know many Americans wish this would just go away and that we would not have to deal with these subjects. But in fact we do, that it is not just a question of moral outrage. I have been outraged for an extended period of time, and, like others, I have called for resignation on what I believe is the lack of moral leadership in this country.

But we have high standards that we have to go through here in multiple ways, and it is not just about one aspect of anything, and for those who say cannot you just get this over with, there are lots of questions that we have to explore here.

We need to know whether our government has been for sale. A lot of people think all the matters that have gone on in Washington are related to sex or even about whether or not individuals have told the truth in front of a jury or tried to influence others. But it goes far beyond that, and we need to get to the bottom of the truth, and any kind of interim measure is not going to work because the fact is that it would shut off other questions that need to be investigated as well; questions, as I tried to illustrate last night, that have been stonewalled.

We have had 116 people either flee this country in order to avoid questions, or have pled the fifth amendment. As I illustrated last night, if we put those names across the front, they would cover this entire well, and by House rules I was not able to do that because it would violate House decorum because it would block the whole front of this with the names of people who will not participate in oversight investigation of their country because they might go to jail if they talked.

We have had, and it is a frightening trend, and it is hard to tell where it goes and who, but we have to get to the bottom of this. We cannot have what is in effect like the TV movies, or last night I used an example from the Twilight Zone, where a whole town refuses to talk because if nobody talks, then you cannot ever get to the bottom of the truth.

Earlier tonight we talked about whether there should be a special prosecutor for campaign finance. We cannot just try to lock up the little people and not get to the big people. We had that debate today in juvenile justice, we had that debate, and we will again tomorrow in our drug laws. At what point do you say you are not going to just lock up every end user, if it is against the law you are going to be punished, but that we have got to get to the people who are selling them and the people who are selling them. The question is who is making the decisions that have compromised the integrity across the board in many cases enough that we have five special prosecutors looking at Cabinet members, or have had, we have them looking at White House officials. We have a former second-ranking official in the Justice Department who has been in prison. We have the legal counsel at the White House has committed suicide. We have deep troubles in this country that we need to pursue, and I want to go through tonight, which I only started last night, some of the individuals that we are trying to get to talk and some of the questions.

I want to start with a man named Johnny Chung.

On June 20, 1998, the Washington Post reported stunning allegations made by DNC donor Johnny Chung that he knowingly received $300,000 from a Chinese Army officer, an aerospace official, for the purpose of making political contributions. In March of 1998, Chung pled guilty to orchestrating illegal conduit contributions and other related charges, is now reportedly cooperating with Justice Department officials.

Johnny Chung gave $366,000 to Democrats in the 1996 campaign. Following the 1996 elections, the DNC returned all of these contributions because of doubts about the origins of the money. According to the Washington Post, Chung has told the Justice Department that at least $80,000 of the money he contributed came from Liu Chao Ying, a formal lieutenant colonel in the Chinese Army. Chung further alleged that top DNC officials such as Richard Sullivan, the former DNC Finance Director, continued to solicit donations from him, despite having good reason to believe that the donations were illegal. Chung became prominant as a DNC contributor and frequent White House visitor during the 1995–96 campaign cycle when he presented a $50,000 check to the First Lady's chief of staff, Maggie Williams, on March 9, 1995, inside the White House. This contribution paved the way for Chung to bring a delegation of high-level Chinese business executives to the weekly radio address. Just prior to making this contribution, Chung received a $150,000 wire transfer from the Haomen Beer Company in China. After the event, Chung was informed by Richard Sullivan of the DNC that the photographs that were taken with high officials and Chung's business associates would not be released to him due to the objections of the National Security Council.

One NSC official even referred to Chung as a hustler.

The photos were eventually released to Chung, but only after he contributed an additional $125,000 at an April 1995 DNC fund-raiser in China. Chung has been quoted as saying, quote, the White House is like the subway, you have to put coins in to open the gates, end quote.

Chung's success at a DNC fundraiser gave him unfettered access to the White House. The White House WAVE records show that between February 1994 and February 1996, Chung was admitted into the White House 49 times. In October 1995 Chung escorted the chairman of China Petrochemical Corporation, Mr. Chiang to a series of high-level meetings in Washington.

□ 2130

Arranged meetings for him with the Energy Secretary Hazel O'Leary, Assistant Secretary of the Treasury Lawrence Summers, and DNC Chairman Donald Fowler. Chung then donated $25,000 to Africare, a favorite charity of O'Leary, and introduced him to let us say a high-ranking official at the dinner.

Chung invoked the Fifth Amendment in response to a subpoena to testify before the committee in November 1997. He gave a partial briefing to committee members, including me, behind closed doors on the condition that his statements be kept confidential.

Questions we would like to ask Johnny Chung: Did you donate up to $100,000 to democratic campaigns that came from Liu Chao Ying the head of China Aerospace International and the lieutenant colonel in the People's Liberation Army?

Was Liu Chao Ying hoping to get something specific in return?

Of the $366,000 that Chung donated to the DNC, how much originated outside of the United States of America illegally?

Why did Chung bring senior executives from China Petrochemical Company to meet with the Energy Secretary O'Leary and Assistant Secretary Lawrence Summers in October 1995?

It would be nice if we could ask those questions.

John Huang is a naturalized U.S. citizen. He was a senior executive at Lippo Bank in Los Angeles where he reported to James Riady. He and his wife personally donated over $20,000 to the DNC and DSCC during the 1992 election cycle. He also donated $86,000 to the Presidential Inaugural Committee in January of 1993. One week later, he was reimbursed of the $86,000 by Lippo Bank. Huang left Lippo in June of 1994, after a successful lobbying effort by James Riady to place him in the administration. Internal DNC memorandum show that he was listed as a "must consider" for such appointments at either Commerce, Treasury or State Departments. John Huang was approved for a position as Deputy Assistant Secretary for East Asia and the Pacific at the Commerce Department by the President.

He received a "interim top secret clearance" 6 months before he began his job at Commerce. In his new position, he kept close ties to officials at Lippo Bank in Indonesia, telephoning at least 70 times from his Commerce office, all while receiving at least 37 classified briefings. He also visited the White House at least 78 times between July 1, 1995 and July 3, 1996.

On September 13, 1995, he had attended a meeting in the Oval Office with the highest ranking officials in this country and also staff, including Bruce Lindsey, James Riady, and Joe Giroir. At this meeting, a decision was made to move Huang from the Commerce Department to the DNC where he would target his fund-raising efforts primarily on the Asian American community. Three months later, in December of 1995, he resigned to become a fund-raiser for the DNC. He raised between $3 and $4 million while at DNC. He was a primary contact for Charlie Trie and Pauline Kanchanalak, both of whom have been indicted by the Justice Department in its ongoing campaign finance probe. The DNC has returned more than $3 million he raised. These contributions were returned because they were either illegal or suspicious.

He invoked the Fifth Amendment on February 18, 1997 in response to a House subpoena dated February 13, 1997. Here are some questions we would like to ask him:

It is clear that you and Charlie Trie were working together at some level to raise money for the DNC. We would like to know if you were aware of Charlie Trie's numerous conduit contributions.

We would like to know if John Huang was aware that the $450,000 that he solicited for the Wiriadinatas came directly from Indonesia.

We would like to know if John Huang was aware that the donation by Pauline Kanchanalak came directly from Thailand.

We would like to know if John Huang solicited contributions while he worked at the Commerce Department.

We would like to know if John Huang passed on information he received during classified briefings to anyone at the Lippo Bank, since, while he was receiving the classified briefings, he made 70 calls to Lippo Bank.

We would like to know if John Huang used his influence within this administration to benefit the Riady family in any way.

And once again, as I pointed out last night, remember, it is that family that had concerns about the drilling in the parts of the Escalante wilderness area that had concerns about China, that had concerns about Vietnam.

Ted Sioeng, his family and business associates, contributed over $700,000 into the American political process from 1995 to 1996. The committee has determined that the majority of this money was derived from foreign sources or otherwise legally impermissible. Sioeng's contributions, either personally or through his business associates and family members, were given to a variety of Federal, State and local political organizations and candidates. The largest beneficiary of his contributions was the DNC. The DNC received $400,000 from his business associates and family members, $150,000 of which was also given to Republican causes.

Over 28 witnesses relevant to the committee's investigation of Ted Sioeng have asserted their Fifth Amendment right against self incrimination, left the country, or refused to be interviewed.

He is an Indonesian-born businessman who travels on the Belize passport. His major business is the production and distribution of China's number 1 selling cigarette brand, Red Pagoda Mountain. The committee believes Sioeng improperly directed illegal foreign contributions to the DNC and other political entities and candidates.

The Senate Committee on Governmental Affairs concluded that he had "worked, and perhaps still works, for the Chinese government." The committee has developed substantial evidence to support the Senate's conclusion.

Ted Sioeng left the country in early 1997. Since that time, he has refused to cooperate with the investigations being conducted by the House and the Senate. He is believed to reside in Hong Kong or the People's Republic of China.

Questions we would like to ask him:

Did you ask your daughter to donate $100,000 to the DNC in February 1996?

Why have more than 20 members of your family or circle of business associates either taken the Fifth Amendment that you would incriminate yourself if you testified, or fled the country?

Did Sioeng arrange a scheme in which at least $300,000 in contributions to the DNC were funded from bank accounts in Indonesia and Hong Kong?

James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a $500 billion Asian business empire. James Riady is a permanent resident of the United States. In 1977, he met our current President when he was serving as Arkansas's State Attorney General. James was sent by his father to Arkansas to learn the banking and finance business at Stephens, Inc.

In its report on campaign finance, the U.S. Senate suggests that the

Riady family has had a "long-term relationship with the Chinese Intelligence Agency." James Riady is the deputy chairman of the family's main business, the Lippo Group. The Riady family, including its business and partners, donated more than $700,000 to the Democrats between 1991 and 1996.

Mochtar Riady and his son James have told close associates that they "helped get Huang his Commerce Department position in return for their political support for the President." Other reports have indicated that James Riady has claimed Huang was "my man in the American government." James Riady visited the White House on 19 occasions, 6 of which were to see the deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by this committee in January 1998.

Questions we would like to ask Mr. Riady:

Did you lobby the President to get John Huang's job in the Commerce Department?

Did you ask the top leaders of our country, did you or your father, were you asked by the top leaders of our country to pay $100,000 fee to Webb Hubbell while Hubble was under investigation?

Let me repeat that, because I tripped over that. We want to know whether he or his father, since they paid $100,000 fee to Webster Hubble, which helped in our opinion possibly to keep Webster Hubble from cooperating, did he get asked by anybody at the White House. But we cannot ask him that, because he will not cooperate.

Did the Lippo Group receive any classified information from January Huang while he was at the Commerce Department who we have already documented called that group from the Commerce Department?

What were the Riadys hoping to get in return for the hundreds of thousands of dollars they gave to the Democratic party in the early 1990s? They are very a prominent, practical and capitalist company. It is doubtful they were just throwing their money away.

Ng Lap Seng is a Macao businessman and Charlie Trie's business partner. They jointly owned a Macao company, through which, according to the FBI, Ng wired Trie more than $900,000, part of which Trie donated to the DNC.

Maria Shaw is being investigated for one of the classic cases that we have ever seen: a bunch of Buddhist nuns who gave $100,000 each, but do not understand where the money came from, and where prominent officials of the United States participated in that period where that money was transferred and apparently knew it was a fundraiser. That is under investigation.

Charlie Trie is a long time friend from Arkansas of people in this administration where he ran a Chinese restaurant in Arkansas. He served as a trustee to the Democratic national party and was afforded liberal access to the White House and the top leadership at the White House. Trie was admitted to the White House on at least 45 occasions to visit with Mark Middleton and others. Mr. Trie is believed to have used members of his own family and other associates to funnel over $600,000 in illegal conduit payments to the Democratic National Committee during the 1996 campaign cycle. President Clinton was once quoted as saying, "Charlie has been a close friend of mine for 2 decades."

Trie brought $645,000 in contributions to the President's legal defense fund. Many of them were in sequentially numbered cashiers checks. All were returned after it was learned they were connected to a Buddhist cult in Taiwan.

Trie came into possession of $200,000 in travelers's checks that came from Jakarta, Indonesia. At least $50,000 of this money was used for conduit contributions.

Trie received over $1 million in wire transfers from his patron in Macau. Again, much of this money was used for conduit contributions. In April of 1996, Trie was appointed by President Clinton to the Commission on United States Pacific Trade and Investment Policy, which advised the President on ways to "achieve a significant opening in Japan, China and other Asian and Pacific markets to U.S. businesses."

After his named surfaced in the press in connection to the illegal fund-raising scandal, Trie fled to China. He was reportedly living in Shanghai. In June 1997, NBC news interview with Tom Brokaw, Trie boasted he could stay in China for 10 years. He ultimately did return to the United States following his indictment. Trie quipped, "congressional investigators will never find me."

Charlie Trie initially left the country for a year in 1997. He invoked the Fifth Amendment on May 11, 1998, in response to a March 25, 1998 committee subpoena.

Questions we would like to ask Charlie Trie:

Why did you use conduit donors to make contributions to the Democratic party?

Did the $200,000 in travelers checks come from the Riady family in Indonesia and clearly trying to influence the foreign policy of this country? Why did Trie flee the country in the wake of the campaign finance scandal?

Why was Ng Lap Seng giving Charlie Trie hundreds of thousands of dollars to make illegal contributions here in the United States?

Did the top people in this government who knew Trie from Arkansas ever question where he was getting the hundreds of thousands of dollars that he was giving to their party? They knew him, they knew he did not have the money.

Pauline Kanchanalak, citizen of Thailand, was one of the most prominent witnesses to have fled this country. She recently returned to the United States after she was indicted by a Federal grand jury in Washington on charges of funneling at least $679,000 in illegal foreign contributions to the DNC and State Democratic parties.

The Justice Department has also indicted Kanchanalak's business associate and sister-in-law, Duangnet Kronenberg, who has taken the Fifth Amendment. According to the indictment, Kanchanalak and Kronenberg served at conduits for contributions for foreign companies and individuals into American campaigns. The Justice Department itself has alleged that Kanchanalak and Kronenberg gained access to the top leaders, I will not say who, because of House rules. This access was intended by defendants to impress clients and help their business ventures. In fact, Kanchanalak visited the White House at least 26 times, Kronenberg at least 9 times. Kanchanalak donated $32,000 to the DNC in October 1994, 2 days after the Commerce Department trade officials and John Huang helped arrange the inaugural ceremony for a U.S. Thailand business council at the White House. The 2 also gave a total of $135,000 to the DNC on the same day that Kanchanalak and Huang escorted 3 businessmen into a White House coffee. One businessman did most of the talking about the People's Republic of China.

The DNC has returned $253,000 in illegal contributions from Kanchanalak, but has not returned any of the $105,000 in contributions from Kronenberg. Both were also charged with obstruction of justice shortly after the campaign finance scandal broke. The 2 removed boxes of files from their offices and hired someone to erase the memories of their computers.

A point I want to make about what we were talking about tonight. You have heard me in a number of these cases refer to people who have been indicted. The question is, and this is what was at the core of our insisting on a special prosecutor, because we heard the FBI director and Mr. Labella tell our committee that you cannot get a fair investigation, and to suggest strongly that Democratic appointed officials, as the Attorney General is, cannot be neutral, and that, in fact, there are questions whether they have been going individually after these cases.

☐ 2145

Much like what would happen sometimes in a drug bust in Fort Wayne or in Kendallville or in Huntington we can get excited in our district because it is a big drug bust there, and we close it down. Instead of getting to the next level and the next level.

What I have been suggesting and you have been watching the pictures is this is massive. Let me remind you again, there 116 people; 79 have plead the Fifth Amendment, the rest have fled the country or in one way or another dodged subpoenas.

If I put their names up here 10 at a time, it would cover this whole stage. If I stacked them up here 10 on a board at a time, it would go clear to the top of this ceiling.

This is a massive problem that we are facing. People say, why can you not close this down? Why can you not get to the truth? You are hearing we cannot get fundamental questions answered because people will not cooperate. It is like a whole city being in on something saying we are not going to talk.

We need a few Americans who know the truth to stand up and say what they know so we can continue to move, or we need to start offering immunity to these people. It cannot be done under a partisan Justice Department. That is what the FBI director is saying, and that is what the Justice Department's own career people are saying. And it has to be done.

This is not about sex. The whole country is abuzz about sex. But there are other matters here, too. We have seen a pattern. As we heard last night in the Teamsters, the same names are showing up. The same names are showing up when we start to look at the Indian casino questions. The same names show up in scandal after scandal after scandal.

When are we going to get to who is coordinating this and at what level and who knew about it and when, the basic questions that we heard in Watergate years ago?

A man known as Antonio Pan is a former high-level Lippo executive based in Hong Kong. He was involved in Lippo's business ventures during China. He became an associate of Charlie Trie and was indicted along with Trie on charges related to illegal fundraising on January 28, 1998.

In October of 1995, Trie and Pan invited then Commerce Secretary Ron Brown to attend a fund-raising dinner while on a Trade Mission to China. At this dinner, Trie asked many of the attendees, many of whom were not United States citizens or permanent residents, to contribute to the DNC.

During February 1996, Pan was also active in soliciting conduit contributors for the DNC and reimbursing them with cash on behalf of Trie. Pan sent $25,000 in cashier's checks, via overnight delivery, to Trie's sister, Manlin Foung, in order to reimburse her for contributions to the DNC.

The money is believed to have originated with the travelers checks Trie received from Indonesia. Pan also allegedly received $80,000 in cash in August 1996 from Ng Lap Seng and used most of the money to reimburse straw contributors in Los Angeles that he had persuaded to write checks to the DNC for the President's 50th birthday party in New York City. Pan has left the country and cannot be located.

Questions we would like to ask Mr. Pan: Why did Pan open a savings account at the Amerasia Bank in Flushing, New York with $25,200 in cash, within minutes withdraw $25,000 and then send it to Charlie Trie's sister and her boyfriend in California?

Why did Pan share a bank account with Charlie Trie?

Witnesses have told the House Committee on Government Reform and Oversight that in 1996, Pan withdrew $80,000 in cash and delivered portions of it to individuals in Los Angeles who then sent it to the Democratic Party.

Where did this money come from originally? Who asked him to generate these contributions? Were Antonio Pan and Charlie Trie working on behalf of the Riady family of Indonesia, or were other foreign entities behind their activities?

These are grave questions. I am sure in future days we will be going through other names illustrating this point in other ways. But tonight, I wanted to give my colleagues an idea of the depth of the problem we are facing in this United States government.

The problems that we have been abuzz about over the last few days are not going to just go away. In fact, we have special prosecutors in addition to Judge Starr being appointed; times extended. We are going to have some more.

There is only one way that the problem can go away. But we need to get to the bottom of this. We cannot do any slap on the wrist, any verbal gymnastics here to try to avoid the tough questions.

We have to know, has this government been for sale at the highest levels, especially possibly to foreign influences? Have there been patterns of cover-up throughout this entire government, not knowing what level it gets to? I don't know that. We have 116 people that will not talk to us. And they may turn up other names, if some of them start to talk, of other people we need to go to.

But we have been inching up and inching up. It is clear there is a pattern that is far beyond the political appointee of this White House to solve. We need a special prosecutor. We need to hear that investigation. We need to hear what the gentleman from California (Mr. COX) turns up in his investigation. We need to see what the Committee on the Judiciary turns up. We need to see what the Teamsters investigation of the gentleman from Michigan (Mr. HOEKSTRA) turns up. We need to see how these things come together. If necessary, this House will have to do whatever it needs to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. EHRLICH (at the request of Mr. ARMEY) for after 7 p.m. Today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. DeLAY, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, on September 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McNULTY) and to include extraneous material:)

Mr. KIND.
Mr. MENENDEZ.
Ms. SLAUGHTER.
Mr. HAMILTON.
Mr. KENNEDY of Rhode Island.
Mr. KENNEDY of Massachusetts.
Mr. BLAGOJEVICH.
Mr. UNDERWOOD.
Ms. NORTON.
Mr. LANTOS.
Mr. FRANK of Massachusetts.
Mr. SKELTON.
Mr. BONIOR.
Ms. DeLAURO.
Mr. FILNER.
Ms. STABENOW.
Mr. CONYERS.

(The following Members (at the request of Mr. DREIER) and to include extraneous material:)

Mr. GILMAN.
Mr. DAN SCHAEFER of Colorado.
Ms. ROS-LEHTINEN.
Mr. MICA.
Mr. EVERETT.
Mr. CAMPBELL.
Mr. GILMAN.
Mrs. EMERSON.
Mr. HANSEN.

(The following Members (at the request of Mr. SOUDER) and to include extraneous material:)

Mr. PARKER.
Mr. BROWN of California.
Mr. DELAY.
Mr. BLUNT.
Mr. BURTON of Indiana.
Mr. OBERSTAR.
Mr. RYUN.
Mr. PACKARD.
Mr. BOB SCHAFFER of Colorado.
Mr. PICKERING.
Ms. STABENOW.
Mr. GOODLATTE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10885. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV98-920-4 IFR] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10886. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order [DA-98-08] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10887. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs [Docket No. FR-4321-F-03] (RIN: 2501-AC49) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10888. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System [Docket No. FR-4313-F-03] (RIN: 2577-AB81) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10889. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy [Docket No. NHTSA-98-4358](RIN: 2127-AG75, 2127-AG80, 2127-AG94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10891. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District [CA 009-0090a FRL-6142-3] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10892. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ashton, Idaho and West Yellowstone, Montana) [MM Docket No. 97-200, RM-9144, RM-9313] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10893. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York) [MM Docket No. 98-8, RM-9178] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10894. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—— Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97-234] Reexamination of the Policy Statement on Comparative Broadcast Hearings [GC Docket No. 92-52] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10895. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule Regarding Use of Negative Option Plans by Sellers in Commerce [16 CFR Part 425] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10896. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— 1998-99 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AE68) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10897. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 081498A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10898. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements [Docket No. 980112009-8196-02; I.D. 110697B] (RIN: 0648-AK36) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Security Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-114] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska [COTP Western Alaska -98-003] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Suisun Bay, Sacramento River, San Joaquin River, San Francisco, CA [COTP San Francisco Bay; 98-021] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Connections Unlimited Fireworks, New York Harbor, Upper Bay [CGD01-98-123] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; San Juan Harbor, San Juan, PR [CGD07-98-023] (RIN: 2115-AE84) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: KENNEDY Fireworks, New York Harbor, Upper Bay [CGD01-98-113] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Baptiste Collette Bayou from Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters; Correction [Docket No. 97-SW-18-AD; Amendment 39-10126; AD 97-19-06] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Lake Champlain, VT [CGD01-98-124] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington D.C. [CGD05-98-017] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fireworks displays within the First Coast Guard District [CGD01-98-127] (RIN: 2115-AE46) received August 26, 1998, pursuant to 5 U.S.C, 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with Rolls-Royce Model RB211-52G/H Engines [Docket No. 98-NM-194-AD; Amendment 39-10715; AD 98-17-13] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Series Airplanes [Docket No. 98-NM-86-AD; Amendment 39-10714; AD 98-17-12] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 3180, SA 318B, SA 318C, SE 3130, SE 313B, SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters [Docket No. 98-SW-36-AD Amendment 39-10716; AD 98-16-02] (RIN 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming and Teledyne Continental Motors Reciprocating Engines [Docket No. 98-ANE-27-AD; Amendment 39-10713; AD 98-17-11] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan [Docket No. 27744; SFAR 67] (RIN: 2120-AG56) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Sudan [Docket No. 29317; SFAR 82] (RIN: 2120-AG67) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of the Legal Description of the Memphis Class B Airspace Area; TN [Airspace Docket No. 98-AWA-1] (RIN: 2120-AA66) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Security Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-115] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clinton, IA [Airspace Docket No. 98-ACE-26] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hartford, KY [Airspace Docket No. 98-ASO-10] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Savannah, TN [Airspace Docket No. 98-ASO-7] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Financial Responsibility Requirements for Licensed Launch Activities [Docket 28635; Amendment No. 98-1] (RIN: 2120-AF98) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10922. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Mentor-Protege [48 CFR Part 1819] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10923. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Disaster Loan Program [13 CFR Part 123] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Disaster Relief [Announcement OGI-116078-98] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Former Indian Reservations in Oklahoma [Notice 98-45] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate and Gift Tax Marital Deduction [TD 8779] (RIN: 1545-AU27) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner, 69 F.3d 1044 (10th Cir. 1995), rev'g 102 T.C. 777 (1994) [T.C. Docket No. 18464-92] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Barry I. Fredericks v. Commissioner No. 96-7748 (3d Cir., Filed September 11, 1997, amended September 18, 1997), rev'q T.C. Memo. 1996-222 T.C. Dkt. No. 16442-92—received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision [McCormick v. Peterson CV93-2157 (E.D.N.Y. 1993), 94-1 USTC 50, 026] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10930. A letter from the Director, Defense Security Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98-52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 98-54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10933. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 1998, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

10934. A communication from the President of the United States, transmitting the annual report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

10935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters [Docket No. 94-SW-29-AD; Amendment 39-10717; AD 98-18-01] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10936. A communication from the President of the United States, transmitting the annual report on the Nation's achievements in aeronautics and space during fiscal year 1997, pursuant to 42 U.S.C. 2476; to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; with an amendment (Rept. 105-714). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1481. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; with an amendment (Rept. 105-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Resources. H.R. 2812. A bill to provide for the recognition of certain Native communities under the Alaska Native Claims Settlement Act, and for other purposes (Rept. 105-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Resources. H.R. 4079. A bill to authorize the construction of temperature control devices at Folsom Dam in California (Rept. 105-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee on Appropriations. H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105-719). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 537. Resolution providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries (Rept. 105-720). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 538. Resolution providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs (Rept. 105-721). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3445. A bill to establish the Commission on Ocean Policy, and for other purposes, with an amendment; referred to the Committees on Transportation and Infrastructure and Science for a period ending not later than September 15, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(q) and (n), rule X, respectively (Rept. 105-718), Part 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Virginia:

H.R. 4566. A bill to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself and Mr. MCGOVERN):

H.R. 4567. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia:

H.R. 4568. A bill to make technical and clarifying amendments to the provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997 relating to the reform of certain District of Columbia retirement programs; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALLAHAN:

H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. HANSEN:

H.R. 4570. A bill to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE:

H.R. 4571. A bill to amend the Food Stamp Act of 1977 to eliminate additional funds authorized to be appropriated for fiscal years 1999 and 2002 for employment and training programs, and to require the Secretary of Agriculture to purchase additional commodities for distribution under section 214 of the Emergency Food Assistance Act of 1983 for fiscal years 1999 through 2002; to the Committee on Agriculture.

By Mr. GEKAS (for himself, Mr. MCCOLLUM, and Mr. MICA):

H.R. 4572. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on the Judiciary.

By Mr. PAYNE:

H.R. 4573. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Mr. SNOWBARGER (for himself, Mr. MORAN of Kansas, Mr. RYUN, and Mr. TIAHRT):

H.R. 4574. A bill to amend the Railroad Retirement Act of 1974 to assure that merchant marine service during World War II that the Secretary of Veterans' Affairs deems to be active military duty by reason of a determination by the Secretary of Defense is considered to be creditable service in the computation of retirement benefits to the same degree as other active duty service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 4575. A bill to authorize the Secretary of the Interior to acquire interests in real property for addition to the Chickamauga and Chattanooga National Military Park; to the Committee on Resources.

By Ms. WATERS:

H.R. 4576. A bill to amend section 106 of the Child Abuse Prevention and Treatment Act and subpart 1 of part B of title IV of the Social Security Act to require States receiving funds under such provisions to have in effect a State law providing for a criminal penalty on an individual who fails to report having knowledge of another individual's commission of a crime of violence or a sex crime against a person under the age of 18; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. DAVIS of Illinois, Mr. YATES, Mr. FAWELL, Mr. LIPINSKI, Mr. RUSH, Mr. PORTER, Mr. EWING, Mr. JACKSON of Illinois, Mr. SHIMKUS, Mr. HYDE, Mr. BLAGOJEVICH, Mr. HASTERT, Mr. POSHARD, Mr. CRANE, Mr. MANZULLO, and Mr. LAHOOD):

H. Res. 536. A resolution congratulating Sammy Sosa of the Chicago Cubs for tying the current major league record for home runs in one season; to the Committee on Government Reform and Oversight.

By Ms. WATERS (for herself, Mr. STOKES, and Ms. PELOSI):

H. Res. 539. A resolution expressing the sense of the House of Representatives that a national HIV surveillance system should be expeditiously implemented; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors where added to public bills and resolutions as follows:

H.R. 297: Mr. SANDERS.

H.R. 299: Mr. MARTINEZ.

H.R. 453: Mr. SAWYER and Ms. LOFGREN.

H.R. 696: Mr. MALONEY of Connecticut.

H.R. 857: Ms. DANNER.

H.R. 979: Mr. MCCOLLUM.

H.R. 1223: Mr. GILMAN.

H.R. 1232: Mr. SMITH of New Jersey and Mr. FARR of California.

H.R. 1401: Mr. POMBO, Mr. ALLEN, and Mr. MARKEY.

H.R. 1450: Mr. LAMPSON.

H.R. 1483: Mr. MANTON and Mr. FORBES.

H.R. 1516: Mr. BONIOR.

H.R. 1542: Mr. LEWIS of Kentucky.

H.R. 1991: Ms. DUNN of Washington.

H.R. 2174: Mr. MARKEY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, and Mr. BAESLER, H.R. 2273: Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. SPRATT, Mr. ROMERO-BARCELÓ, Mr. FOX of Pennsylvania, Mr. FOLEY, and Mr. MCCOLLUM.

H.R. 2397: Mr. TORRES, Mr. FOSSELLA, Mr. KENNEDY of Rhode Island, Mr. PACKARD, Ms. GRANGER, Mr. MEEKS of New York, Mr. MCHUGH, Mrs. MYRICK, and Mrs. FOWLER.

H.R. 2409: Mr. BENTSEN.

H.R. 2524: Mr. MILLER of California.

H.R. 2733: Ms. WATERS, Mr. RODRIGUEZ, Mr. LUCAS of Oklahoma, Mr. DIAZ-BALART, Mr. BOYD, Mr. SHERMAN, Mr. HOYER, Mr. HAYWORTH, Mr. MENENDEZ, Mr. CAMPBELL, and Mr. GALLEGLY.

H.R. 2821: Mr. DIXON and Mrs. MYRICK.

H.R. 2868: Mr. OLVER.

H.R. 2882: Mr. HUTCHINSON.

H.R. 3008: Mr. KINGSTON.

H.R. 3125: Mr. BURTON of Indiana.

H.R. 3320: Mr. ROTHMAN, Mr. BORSKI, and Mr. ORTIZ.

H.R. 3514: Mr. MINGE.

H.R. 3876: Mr. BOSWELL.

H.R. 3879: Mr. LOBIONDO, Ms. LOFGREN, and Mr. SAXTON.

H.R. 3880: Mr. MENENDEZ.

H.R. 3898: Mr. SHADEGG.

H.R. 3915: Mr. FRANK of Massachusetts.

H.R. 3949: Mr. HERGER.

H.R. 4019: Mr. HASTINGS of Washington.

H.R. 4031: Mr. KUCINICH.

H.R. 4126: Mr. SANDLIN.

H.R. 4197: Mr. SHADEGG.

H.R. 4203: Mr. WEXLER, Mr. HINCHEY, Mrs. ROUKEMA, Mr. BORSKI, Mr. SHERMAN, Mr. KING of New York, Mr. ACKERMAN, and Mrs. MORELLA.

H.R. 4204: Mr. SESSIONS.

H.R. 4229: Mr. MCHUGH.

H.R. 4236: Ms. DUNN of Washington.

H.R. 4252: Mr. BALDACCI.

H.R. 4300: Mr. SKEEN.

H.R. 4339: Ms. HOOLEY of Oregon.

H.R. 4349: Mr. RAMSTAD and Mrs. NORTHUP.

H.R. 4399: Mr. PAUL.

H.R. 4404: Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. TALENT, and Mr. WALSH.

H.R. 4427: Mr. GIBBONS.

H.R. 4449: Mr. TURNER and Mr. HALL of Ohio.

H.R. 4465: Mr. FORBES, Mr. FROST, and Ms. DANNER.

H.R. 4509: Mr. PICKERING and Mr. GOODE.

H.R. 4522: Mr. FROST and Mr. PAPPAS.

H.R. 4536: Mr. SOUDER, Ms. GRANGER, Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. KENNEDY of Rhode Island, and Mr. FORBES.

H. Con. Res. 210: Mr. CANADY of Florida.

H. Con. Res. 290: Mr. CHRISTENSEN, Mr. ADERHOLT, Mr. OXLEY, Mr. LIPINSKI, Mr. MCHUGH, and Mr. SUNUNU.

H. Con. Res. 317: Mr. DEAL of Georgia, Mr. MENENDEZ, Mr. SANDLIN, and Mr. WATT of North Carolina.

H. Res. 304: Mr. COLLINS and Mr. TAYLOR of Mississippi.

H. Res. 313: Ms. FURSE, Ms. STABENOW, and Ms. ROS-LEHTINEN.

H. Res. 520: Mr. COSTELLO.

H. Res. 532: Mr. NEY, Mr. STEARNS, and Mr. EHRLICH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Citizens of the several States, relative to the Partial-Birth Abortion Ban Act; to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names during the week of September 7, 1998, to the following discharge petition:

Petition 4 by Ms. SLAUGHTER on House Resolution 473: Barney Frank, William J. Jefferson, and James P. Moran.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 2: Page 3, line 9, insert "(A)" after "to" and, in line 15, insert before the semicolon the following: ", or (B) any dispensing or distribution of a controlled substance which is lawful under State law".

H.R. 4300

OFFERED BY: MR. MCCOLLUM

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Western Hemisphere Drug Elimination Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of policy.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

Sec. 101. Expansion of aircraft coverage and operation in source and transit countries.
Sec. 102. Expansion of maritime coverage and operation in source and transit countries.
Sec. 103. Expansion of radar coverage and operation in source and transit countries.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

Sec. 201. Additional eradication resources for Colombia.
Sec. 202. Additional eradication resources for Peru.
Sec. 203. Additional eradication resources for Bolivia.
Sec. 204. Additional eradication resources for Mexico.
Sec. 205. Miscellaneous additional eradication resources.
Sec. 206. Bureau of International Narcotics and Law Enforcement Affairs.
Sec. 207. Report on transferring international narcotics assistance activities to a United States law enforcement agency.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE AND MYCOHERBICIDE RESEARCH AND DEVELOPMENT

Sec. 301. Alternative crop development support.
Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
Sec. 303. Master plan for mycoherbicides to control narcotic crops.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

Sec. 401. Enhanced international law enforcement academy training.
Sec. 402. Enhanced United States drug enforcement international training.
Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

Sec. 501. Increased funding for operations and equipment.
Sec. 502. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

Sec. 601. Authorizations of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown

by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from $1,647 in 1992 to $966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from $123 to $104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) support policies and dedicate the resources necessary to reduce the flow of illegal drugs into the United States by not less than 80 percent by December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries, as follows:

(1) For procurement of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, the total amount of $430,000,000.

(2) For the procurement and deployment of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone, the total amount of $150,000,000.

(3) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $23,500,000.

(4) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(5) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone, $23,500,000.

(6) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(7) For construction and furnishing of an additional facility for the P–3B aircraft, 6,000,000.

(8) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Colombia, $6,000,000.

(9) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Bolivia, $2,000,000.

(10) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Peru, $6,000,000.

(11) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions, $25,000,000.

(12) For purchase and for operation and maintenance of 3 Schweizer RU–38A observation aircraft (to be piloted by pilots under contract with the United States), the total amount of $16,500,000, of which—

(A) $13,500,000 is for procurement; and

(B) $1,000,000 for each such fiscal year is for operation and maintenance.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 Slick aircraft.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) OPERATING EXPENSES.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there are authorized to be appropriated to the Secretary of Transportation $129,000,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.—

(1) IN GENERAL.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there are authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the following:

(A) For maritime patrol aircraft, $66,000,000.

(B) For acquisition of deployable pursuit boats, $3,500,000.

(C) For the acquisition and construction of 15 United States Coast Guard 87-foot Coastal Patrol Boats, $71,000,000.

(D) For the reactivation of 3 United States Coast Guard HU–25 Falcon jets, $7,500,000.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters, $16,300,000.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and Caribbean Basin, $4,000,000.

(G) For acquisition or conversion of maritime patrol aircraft, $17,000,000.

(H) For acquisition or conversion of 2 vessels to be used as Coast Guard Medium or High Endurance Cutters, $36,000,000.

(I) For acquisition or conversion of 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations, $20,000,000.

(J) For construction of 6 United States Code Coast Guard medium endurance cutters, $289,000,000.

(2) CONTINUED AVAILABILITY.—Amounts appropriated under this subsection may remain available until expended.

(c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC–170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries, as follows:

(1) For restoration of radar in the Bahamas, the total amount of $13,500,000, of which—

(A) the total amount of $4,500,000 is for procurement; and

(B) $3,000,000 for each such fiscal year is for operation and maintenance.

(2) For each such fiscal year for operation and maintenance, for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, $300,000.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia, as follows:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia, $6,000,000.

(2) For the purchase of DC–3 transport aircraft for the national police of Colombia, the total amount of $2,000,000.

(3) For acquisition of concertina wire and tunneling detection systems at the La Picota prison of the national police of Colombia, the total amount of $1,250,000.

(4) For the purchase of minigun systems for the national police of Colombia, the total amount of $6,000,000.

(5) For the purchase of 6 UH–60L Black Hawk utility helicopters for the national police of Colombia, the total amount of $60,000,000 for procurement and an additional amount of $12,000,000 for each such fiscal year for operation, maintenance, and training.

(6) For procurement, for upgrade of 50 UH–1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia, the total amount of $70,000,000.

(7) For the repair and rebuilding of the antinarcotics base at Miraflores, $2,000,000.

(8) For providing sufficient and adequate base and force security for any rebuilt facility at Miraflores, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit, $6,000,000.

(b) COUNTERNARCOTICS ASSISTANCE.—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of the enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication and interdiction of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site at Puerto Maldonado, Peru, to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, the total amount of $3,000,000, and an additional amount of $1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) DEPARTMENT OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A–37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia, as follows:

(1) For each such fiscal year for support of air operations of the Red Devils of Bolivia, $1,000,000.

(2) For each such fiscal year for support of riverine operations of the Blue Devils of Bolivia, $1,000,000.

(3) For each such fiscal year for support of coca eradication programs, $1,000,000.

(4) For the procurement of 2 mobile x-ray machines with maintenance support for placement along the Chapare highway, the total amount of $5,000,000 and an additional amount of $1,000,000 for each such fiscal year for operation and maintenance.

SEC. 204. ADDITIONAL ERADICATION RESOURCES FOR MEXICO.

(a) IN GENERAL.—

(1) AUTHORITY TO PURCHASE HELICOPTERS.—Contingent on the agreement of the Government of Mexico to approve full diplomatic immunity for Drug Enforcement Administration personnel serving in Mexico with privileges granted to United States Government officials to carry weapons necessary for the performance of their duties, the Secretary of State, subject to the availability of appropriations, shall purchase 6 Bell 212 high altitude helicopters designated for opium eradication programs in the Mexican states of Guerrero, Jalisco, and Sinaloa, for enhancement of drug-related eradication efforts in Mexico.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State during the period beginning on October 1, 1998, and on ending September 30, 2001, $18,000,000 to carry out paragraph (1).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

SEC. 205. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of $500,000.

SEC. 206. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) QUALIFICATIONS FOR SERVICE.—Notwithstanding any other provision of law, any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement, or intelligence.

(b) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the implementation and processing of the counternarcotics foreign military sales request shall be the sole responsibility of the Department of Defense, which is the traditional lead agency in providing military equipment and supplies abroad.

(2) ROLE OF STATE DEPARTMENT.—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

SEC. 207. REPORT ON TRANSFERRING INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES TO A UNITED STATES LAW ENFORCEMENT AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committees a report, which shall evaluate the responsiveness and effectiveness of international narcotics assistance activities under the Department of State during the preceding 4 fiscal years.

(2) RECOMMENDATION AND EXPLANATION.—The study submitted under paragraph (1) shall include the recommendation of the Director and detailed explanatory statement regarding whether the overseas activities of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State should be transferred to the Department of Justice.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office on National Drug Control Policy $100,000 to carry out the study under this section.

(c) DEFINITIONS.—In this section, the term "appropriate committees" means—

(1) the Committees on Appropriations, Armed Services, Foreign Relations, and the Judiciary of the Senate;

(2) the Committees on Appropriations, International Relations, National Security, and the Judiciary of the House of Representatives; and

(3) the Select Committees on Intelligence of the House of Representatives and the Senate.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs, as follows:

(1) For startup costs of programs in the Guaviare, Putumayo, and Caqueta regions in Colombia, the total amount of $5,000,000 and an additional amount of $5,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Ucayali, Apurimac, and Huallaga Valley regions in Peru, $50,000,000.

(3) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Chapare and Yungas regions in Bolivia, $5,000,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) In General.—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, $23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) $5,000,000 shall be used for crop eradication technologies.

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) $1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) $10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) Criteria for Eligible Entities.—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seedborne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) In General.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally .

(b) Coordination.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) Report.—Not later than March 1, 1999, the Secretary of Agriculture shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) Enhanced International Law Enforcement Academy Training.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities, as follows:

(1) For the establishment and operation of an academy, which shall serve Latin America and the Caribbean, the total amount of $3,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia, the total amount of $2,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(3) For each such fiscal year for the establishment and operation of an academy in South Africa, which shall serve Africa, $1,200,000.

(b) Maritime Law Enforcement Training Center.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, $1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, $1,500,000.

(c) United States Coast Guard International Maritime Training Vessel.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels, as follows:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets, the total amount of $7,500,000.

(2) For each such fiscal year for support of the United States Coast Guard Balsam Class Buoy Tender training vessel, $2,500,000.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) Mexico.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of $2,000,000 for each such fiscal year.

(b) Brazil.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of $1,000,000 for each such fiscal year.

(c) Panama.—

(1) In general.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of $1,000,000 for each such fiscal year.

(2) Eligibility to receive training.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) Venezuela.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, $1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) Ecuador.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, $500,000.

(2) For each such fiscal year for the Department of the Treasury, $500,000.

(f) Haiti and the Dominican Republic.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) Central America.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) In General.—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than $100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) Additional Requirement.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) Drug Enforcement Administration.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For support of the Merlin program, the total amount of $8,272,000.

(2) For support of the intercept program, the total amount of $4,500,000.

(3) For support of the Narcotics Enforcement Data Retrieval System, the total amount of $2,400,000.

(4) For support of the Caribbean Initiative, the total amount of $3,515,000.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts, the total amount of $40,213,000.

(b) Department of State.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of $20,000,000.

(c) Department of the Treasury.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For refurbishment of 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet, the total amount of $3,500,000.

(2) For purchase of 9 new interceptor vessels in the Caribbean maritime fleet, the total amount of $2,000,000.

(3) For the hire and training of 25 special agents for maritime operations in the Caribbean, the total amount of $2,500,000.

(4) For purchase of 60 automotive vehicles for ground use in South Florida, $1,500,000.

(5) For each such fiscal year for operation and maintenance support for 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone, the total amount of $10,000,000.

(6) For purchase of 5 CTX-5000 x-ray machines to enhance detection capabilities with respect to narcotics, explosives, and currency, the total amount of $7,000,000.

(d) Department of Defense Report.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

H.R. 4300

Offered By: Mr. Hastert

Amendment No. 2: Strike section 303 and insert the following:

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) In General.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) Coordination.—The Director shall develop the plan in coordination with—

(1) the Department of Agriculture;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) Report.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

H.R. 4300

Offered By: Mr. Markey

Amendment No. 3: In section 501(c)(6), strike "5 CTX-5000 x-ray machines to enhance" and insert "advanced transmission x-ray machines determined by the United States Customs Service to provide the greatest overall advantage in terms of cost, capabilities, safety to inspection personnel, efficiency, and proven operational reliability in airport environments, for the purpose of enhancing".

H.R. 4300

Offered By: Mr. McCollum

Amendment No. 4: Page 5, line 25, insert the following:

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority;

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war, (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations), (3) exercises and training, and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance);

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States;

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States;

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs;

(19) The conduct of counter-drug activities has the potential for contact with hostile forces;

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

H.R. 4300

Offered By: Mr. McCollum

Amendment No. 5: Strike section 502 and insert the following:

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should revise the priorities for the allocation of Department of Defense assets under the Department of Defense policy referred to as the Global Military Force Policy so that the priority established for the counter-drug activities mission of the Department of Defense is equal to or higher than the priority (which is currently the second highest priority) for the mission of military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations).

H.R. 4300

Offered By: Mr. Shaw

Amendment No. 6: At the end of the bill add the following new title:

TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county, port authority, or other local jurisdiction to conduct criminal background checks on employees, or applicants for employment, at any port under the jurisdiction of such State, county, port authority, or other local jurisdiction.

SEC. 702. DEFINITION.

As used in this title, the term "port" means any place at which vessels may resort to load or unload cargo.

H.R. 4300

Offered By: Ms. Waters

Amendment No. 7: Strike section 201.

H.R. 4300

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Strike section 204(a).

In section 204(b), strike "(b) SENSE OF CONGRESS.—".

H.R. 4550

OFFERED BY: MR. LATHAM

AMENDMENT NO. 1: Page 49, after line 19, insert the following:

TITLE IV—DRUG DEALER LIABILITY

SEC. 401. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1998".

SEC. 402. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring an or maintain an action under this section unless all of the following conditions are met:

"(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

"(2) The individual has not used an illegal controlled substance within the 90 days before filing the action.

"(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action.".

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability.".

H.R. 4550

OFFERED BY: MR. RAMSTAD

AMENDMENT NO. 2: At the end of title I, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle H—Addiction Reduction Through Treatment

SEC. 181. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Addiction Reduction Act of 1998".

SEC. 182. FINDINGS.

Congress finds the following:

(1) Substance abuse, if left untreated, is a medical emergency.

(2) Parity should apply to benefits for treatment sought voluntarily, including treatment for substance abuse.

(3) Nothing in this subtitle should be construed as prohibiting application of the concept of parity to substance abuse treatment provided by faith-based treatment providers.

SEC. 183. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS UNDER THE PUBLIC HEALTH SERVICE ACT.—(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) EXEMPTIONS.—

"(1) SMALL EMPLOYER EXEMPTION.—

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

"(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

"(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) DEFINITIONS.—For purposes of this section—

"(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

"(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

"(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

"(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services but only insofar as such treatment services are abstinence-based.

"(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

"(A) Inpatient treatment, including detoxification.

"(B) Non-hospital residential treatment.

"(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

"(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

"(f) NOTICE.A group health plan under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.".

(2) Section 2723(c) of such Act (42 U.S.C. 300gg-23(c)), as amended by section 604(b)(2) of Public Law 104-204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) The amendments made by subsection (b) apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2000.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

H.R. 4569

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

IMF INDUSTRY IMPACT TEAM

SEC. ____. (a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry;

(D) the textile and apparel industry; and

(E) the jewelry industry;

(2) to monitor the effect of the Asian and Russian economic crises on these industries;

(3) to collect accounting data from Asian and Russian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

H.R. 4569

OFFERED BY: MR. PITTS

AMENDMENT NO. 2. In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $345,000,000 shall be made available for infant and child health programs".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

In section 576 (relating to authorization for population planning), after the first dollar amount, insert the following:

"(decreased by $100,000,000). Provided, that the limitation in this section includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available".

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 3. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF THE CONGRESS

SEC. 701. It is the sense of the Congress that—

(1) countries receiving funds from the International Monetary Fund should fully cooperate with the investigations by the Department of Justice and the Congress into violations of campaign finance laws in connection with the 1996 presidential election campaign, in deference to the sacrifice and wishes of United States taxpayers;

(2) such cooperation should include—

(A) complying with requests by investigators for extradition of suspects in criminal cases;

(B) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual by or on behalf of investigators;

(C) coordinating the provision of any witness, document, or physical evidence requested by investigators; and

(D) granting investigators such access to the country as may be necessary to further the investigation; and

(3) the refusal of dozens of witnesses to cooperate with such investigations and their flight to other countries, some of which benefit from International Monetary Fund funds which are derived in part from funds provided by United States taxpayers, continues to hinder the effort to preserve and maintain the integrity of the electoral process of the United States.

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 4. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

USE OF APPROPRIATED FUNDS FOR THE INTERNATIONAL MONETARY FUND CONDITIONED ON ENACTMENT OF JOINT RESOLUTION APPROVING A CERTIFICATION THAT ALL COUNTRIES ELIGIBLE TO RECEIVE IMF FUNDS ARE COOPERATING FULLY WITH CONGRESSIONAL AND JUSTICE DEPARTMENT INVESTIGATIONS INTO THE FINANCING OF THE 1996 PRESIDENTIAL ELECTION CAMPAIGN AND HAVE DISCLOSED THE IDENTITY OF ALL COMMERCIAL ENTITIES IN THE COUNTRY THAT WOULD BENEFIT FROM THE PROVISION OF THE FUNDS

SEC. 701. (a) IN GENERAL.—None of the funds made available in this Act may be obligated or made available to the International Monetary Fund unless the certification described in subsection (b) has been made and the Congress has enacted a joint resolution approving the certification.

(b) CERTIFICATION.—

(1) IN GENERAL.—The certification described in this subsection is a certification by the Attorney General and the Secretary of State to the Speaker of the House of Representatives and the President pro tempore of the Senate that each country eligible to receive funds from the International Monetary Fund—

(A) is cooperating fully with any congressional or Justice Department investigation into the financing of the 1996 presidential election campaign, including by—

(i) complying with any request by investigators for extradition of suspects in criminal cases;

(ii) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual, by or on behalf of investigators;

(iii) coordinating the provision of any witness, document, or physical evidence requested by investigators, and

(iv) granting investigators such access to the country as may be necessary to further the investigation; and

(B) has disclosed to the Attorney General the identity of any commercial entity with operations in the country that would benefit from the provision of such funds.

(2) CONSULTATION AND REPORT REQUIRED BEFORE CERTIFICATION.—Not fewer than 30 days before making the certification described in paragraph (1), the Attorney General and the Secretary of State shall, subject to other law—

(A) provide a written report to the Speaker of the House of Representatives and the President pro tempore of the Senate that contains all information of which the Attorney General and the Secretary of State are then aware with regard to the matters described in paragraph (1); and

(B) consult with the Speaker of the House of Representatives and the President pro tempore of the Senate about the intent of the Attorney General and Secretary of State with regard to making the certification.

H.R. 4569

OFFERED BY: MR. STEARNS

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF CONGRESS CONCERNING THE TRANSITION TO A DEMOCRATIC NONMILITARY GOVERNMENT IN INDONESIA

SEC. 701. It is the sense of the Congress that the United States should support a complete transition that will lead immediately to a democratically-elected, nonmilitary government in Indonesia which includes—

(1) the release of political prisoners;

(2) legalization of political organizing activities;

(3) international monitoring of human rights conditions;

(4) roundtable all-party discussions;

(5) a transitional government of national unity;

(6) democratic elections;

(7) a truth commission to address past political crimes; and

(8) recognition that past injustices require redress.

H.R. 4569

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES

SEC. 701. Funds appropriated or otherwise made available by this Act may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided; or

(3) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 4569

OFFERED BY: MR. WOLF

AMENDMENT NO. 7. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives,and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Each member of the commission who is not an employee of the government shall be paid at a rate equal for the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are appropriated $2,000,000 for fiscal year 1999 to carry out the provisions of this section.

EXTENSIONS OF REMARKS

TO AMEND TITLE X, U.S.C. RELATING TO THE COMPENSATION OF RETIRED MILITARY PERSONNEL

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to place the following Senate Resolution from the State of Rhode Island into the RECORD.

SENATE RESOLUTION MEMORIALIZING CONGRESS TO AMEND TITLE TEN, UNITED STATES CODE RELATING TO THE COMPENSATION OF RETIRED MILITARY

Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

Whereas, Career military personnel endured hardships, privation, the threat of death, disability and long separations from their families in service to our country; and

Whereas, Integral to the success of our military forces are those soldiers and sailors who have made a career of defending our great nation in peace and war from the revolutionary war to present day; and

Whereas, There exists gross inequity in the federal statutes that denies disabled career military equal rights to receive Veterans Administration disability compensation concurrent with receipt of earned military retired pay; and

Whereas, Legislation has been introduced in the United States Congress to remedy this inequity applicable to career military dating back to the nineteenth century; and

Whereas, The injustice concerns those veterans who are both retired with a minimum of 20 years, are denied concurrent receipt of hard earned military longevity retirement pay and Veterans Administration awards for service connected with disability; and

Whereas, Career military earn retirement based on longevity of twenty years for honorable and faithful service and rank at time of retirement; and

Whereas, Veterans administered compensations serve a different purpose from longevity retired pay and are intended to compensate for pain, suffering, disfigurement, chemicals, wound injuries and a loss earning ability and have a minimum requirement of 90 days of active duty; and

Whereas, The prevailing idea that military retirement pay is "free" is false. There is a contribution to retirement pay, which is calculated to reduce military base pay and retirement pay by approximately seven percent when pay and allowances are computed and approved by Congress; and

Whereas, Traditionally, a career military person receives a lower pay and retirement than his or her civilian counterpart and has invested a life of hardships and long hours without the benefit of overtime pay and lack of freedom of expression through the unions; and

Whereas, The Veterans Administration awards dependents allowances to disabled veterans with a thirty percent (30%) disability or more for each dependent, which allowances are increased with the amount of disability; and

Whereas, The Department of Defense deducts the entire amounts of dependents allowance, essentially leaving the disabled military retiree with no dependents allowance and that extends the discrimination to the families of military longevity retirees; and

Whereas, It is unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar for dollar basis in the Department of Defense; and

Whereas, No such deduction applies to similarly situated federal civil service or Congressional retirement benefits to receive Veterans Administration compensation; and

Whereas, A statutory change is necessary to correct this injustice and discrimination in order to insure that America's commitment to national and international goals be matched by the same allegiance to those who sacrificed on behalf of those goals; now therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the United States Congress to amend title ten, United States Code relating to the compensation of retired military, permitting concurrent receipt of military retired pay and Veterans Administration compensation, including dependents allowances; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the President of the United States, Secretary of Defense, Senate Majority and Minority Leaders of the U.S. Congress, Speaker of the House, Committee Chairman of the Senate Armed Forces Committee and Veterans Affairs Committee, House Committee Chairman, National Security and Veterans Affairs Committee, and each member of the Rhode Island Delegation to Congress.

IN MEMORY OF KIRK O'DONNELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. LANTOS. Mr. Speaker, I would like to pay tribute to the memory of Kirk O'Donnell, who passed away last week at the age of fifty-two. Throughout his three decades in public service, both as an aide to Speaker Thomas P. "Tip" O'Neill Jr. and Boston Mayor Kevin White and as an advisor to some of our nation's most influential officials, Kirk served his country with an abundance of dignity and integrity that could be matched only by the fullness of his patriotism.

In sharp contrast to many of today's political "spin doctors" who nurture cynicism in exchange for votes, Kirk's wisdom rested in his ability to communicate his principled desire for a better America, a moral society with opportunity for all and poverty for none. His contributions toward achieving this end were immeasurable.

Kirk was also a very dear personal friend, Mr. Speaker. I worked closely with him when he served as counselor to Speaker O'Neill, but our friendship continued, and even grew warmer, after he left public service when Tip O'Neill retired. He was committed to decency and fairness, and I had great respect for his compassion for the less fortunate.

Mr. Speaker, Boston Globe columnist Thomas Oliphant wrote an eloquent tribute to Kirk O'Donnell that eloquently articulates the outstanding character traits that I and so many others admired in him. I submit Mr. Oliphant's column to be placed in the RECORD. I invite my colleagues to join me in remembering the life of Kirk O'Donnell and extending our heartfelt condolences to his wife of 26 years. Kathryn Holland O'Donnell, and his two children, Holly and Brendan.

[From the Boston Globe, Sept. 10, 1998]

HE STOOD FOR POLITICS AT ITS BEST

(By Thomas Oliphant)

WASHINGTON.—He was arguably the best mayor Boston never had, among a handful of people who mattered most to the turbulent city of the 1970s.

No one did more for the House of Representatives over the last generation who was never elected to it; no history of national affairs in the 1980s is complete without his large thumbprint.

The last four presidents have known all about his special gifts and felt their impact; the two Democrats (the completely different Jimmy Carter and Bill Clinton) had more than one occasion to depend on them big time.

On an average day he could get your brother a fair shot at the police force, help repair Social Security, broker the biggest tax bill of modern times, keep the Big Dig's cash coming, and still make it home for supper.

All across the intersections where politics and government meet in the interests of real people, the shock and pain at Kirk O'Donnell's death over the Labor Day weekend is the only recent event to unite Republicans, congressional Democrats, and Clintonites in this season of shame and ugliness.

You'd think all this emotion concerned a senior statesman passing on after a long lifetime of service, the occasion for a proud-sad moment to celebrate a life lived magnificently.

But the shock and pain arrived like a rusty blade in the gut because O'Donnell was only 52; he did things in his 30s and 40s that big shots in their 60s never accomplish. But the best was still ahead of him, and the sky was the limit; if the Democrats ever elect another president, a Cabinet post or chief of the White House staff would have been lateral movements for him.

This is the kind of death that shakes your faith, making it all the more important to reaffirm it. And the fact is this blend of Dorchester and D.C., of Boston Latin and Brown was a walking reaffirmation of faith in the potential of public service, a shining example of the silent majority who don't broker votes for cash, check their principles at the front desk, ignore their families, welsh on their commitments, indulge their whims and their urges, lie, and shirk. His life demonstrates that at the end only two things matter—whether your word's any good and how you treat others.

Two stories: Kevin Hagen White gets the credit for discovering him in the early years of decentralized innovation and leadership and hope for the racially polarized town. By 1975, the young political junkie who could explain Boston by precinct or by parish was entrusted with White's third-term reelection campaign.

It was the roughest, ugliest, closest fight in modern Boston times. The people involved, despite all they've done since, still get together to tell the old stories and refight the old shouting matches. The one reputation that was enhanced by the bruising experience was O'Donnell's, for focusing like a laser beam on organizing the White vote and focusing on Joe Timilty's lack of a clear alternative.

After it was over and he was down in Washington with Tip O'Neill, it was increasingly clear that his former boss had lost his fastball. Again and again, from the shadows of the speaker's rooms in the Capitol, O'Donnell saw to Boston's interests. He would happily recount to me the stories of program formulas rejiggered to benefit the cities, of special items in appropriations bills (worth billions of dollars over time) as long as I understood that if I used his name in public he would rip my lungs out.

Just for the record, O'Donnell was more than enough of a city lover and urban scholar to know about subway analogies in politics. But he was the guy, in 1981, who called Social Security the third rail of American politics; few lines have been ripped off more. But he did it to make a point—that Ronald Reagan had touched it by reaching beyond his mandate to try to slash future benefits in a partisan initiative. With the help of the worst recession in 60 years, he and Speaker O'Neill pounced on that goof to effectively end the Reagan Revolution.

But that same skill was then put to use on the speaker's behalf to help broker a bipartisan repair job that has lasted 15 years and made the next stage of generational common sense possible. He was to Congress in the 1980s what Jim Baker was to the Reagan White House.

He was a big guy, with a big voice he rarely used except to laugh. Everyone trusted him. There are tears being shed today in saloons and salons, in boardrooms and in back rooms. Kirk O'Donnell's life demonstrates the power of the haunting challenge made famous by the Kennedys, that all of us can make a difference and that each of us should try.

HONORS REVEREND JUAN MARTINEZ FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. DELAURO. Mr. Speaker, I am honored to rise today to pay tribute to the Reverend Juan Martinez of New Haven, Connecticut. Reverend Martinez has spent thirty-six years developing and enriching his community, ministering to our souls and nourishing our spirits.

Reverend Martinez arrived in the United States from his native Puerto Rico in 1950, and served his country in our military in the Korean War. Upon his arrival in New Haven in 1962, he established the Pentecostal Church Door of Salvation. Through this church, Reverend Martinez has selflessly devoted himself to the Hispanic community and to the entire city of New Haven. He is the eldest Hispanic minister pastoring in New Haven, and serves as Executive Treasurer for the International Latin American Council of Churches. He is the founder of the New Life Corporation Housing Development Corporation, and is the cofounder of the Associacion Ministerial Evangelica Hispanica de New Haven.

Reverend Martinez has contributed so much to our New Haven that it is difficult to know how to begin to describe his dedication and service. He embodies the values of commitment to family and dedication to neighbors, and is a role model to us all. He is a powerful voice of justice and equality for the Hispanic community, and therefore for our city. He has worked with four mayors of New Haven to improve housing for the needy. He has organized an annual food drive, and founded a community youth and children's program which serves over 120 children, nurturing their minds, enriching their spirits, and giving them a safe place to play and learn.

For thirty-six years, Reverend Martinez has been a force in his community for all that is right and good. It is with great pride and honor that I join with his family, friends and community to say thank you and congratulations.

IN MEMORY OF CASPER BUONOCORE, JR. AND JOHN J. BRACKEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. MENENDEZ. Mr. Speaker. I rise today to honor the memory of two brave police officers, Casper J. Buonocore, Jr., and John J. Bracken, who were killed in the line of duty twenty-five years ago. They are being honored today at the New Jersey Central Railroad Terminal at Liberty State Park. The City of Jersey City is celebrating the dedication of the Buonocore-Bracken Memorial Building at 60 Collard Street.

P.O. Buonocore, an NTF officer assigned to the West District Scooter Unit, was leaving the scene of a routine arrest on Armstrong and Ocean Avenues on September 12, 1973, when he was shot by a man on a roof and died at the Jersey City Medical Center the same day. The incident was triggered when another man refused to move a car that was double parked. During his tenure of almost three years, Buonocore was the recipient of a Commendation for Armed Robbery award and a Special Letter Class C Award.

P.O. Bracken, an NTF officer assigned to the East District Motorcycle Unit, was struck by a drunk driver who had run a stop sign on September 1, 1973. He died at the Jersey City Medical Center on September 12 of that year. Bracken was responding to a priority call on his motorcycle with lights and siren on when the accident occurred. Also a veteran of almost three years on the force, Bracken won two Commendation Awards.

I know my colleagues will join me in saluting the memory of these two brave officers, Casper J. Buonocore, Jr. and John J. Bracken.

TRIBUTE TO FORMER ALABAMA GOVERNOR GEORGE C. WALLACE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. EVERETT. Mr. Speaker, I wish to pay tribute to the memory of one of America's political legends and one of my home State's greatest sons, George Corley Wallace.

The 79-year-old former four-term Alabama Governor and Presidential candidate passed away on September 13 in Montgomery after a sudden illness. Governor Wallace was a native of Clio in my congressional district.

There are few names which engender more passion in American politics than that of George Wallace. While the former Governor is remembered by many for his strong and controversial views on a number of social issues during a very difficult period in our Nation's history, his greatest legacy—his role in laying the foundation for modern conservatism—is often overlooked.

As Alabama political columnist Bob Ingram points out, Wallace was quite fond of a 1980 New York Times editorial stating that Ronald Reagan "sailed into the White House on the tide that George Wallace discovered."

The famous "Reagan Democrat" phenomenon was a likely result of the growing conservative political culture which George Wallace expertly marshalled during his bids for the White House more than a decade earlier. Many of George Wallace's stands on State's rights and less government helped to pave the way for the eventual shift of southern Democrats to the modern Republican party.

As a newspaper reporter and later as a publisher in Alabama at the time of Wallace's tenure as Governor, I reported some of the history that he helped create. While, I didn't always agree with the Governor, I never lost respect for his remarkable political skills.

His brave recuperation from an assassination attempt and his remarkable reconciliation with his former political rivals of the Civil Rights era certainly galvanized George Wallace's role in history as one of America's most adept politicians.

The legacy of George Wallace's popular conservatism is very much alive today. I am glad that he was able to see his commonsense government ideals rise to the top of the national agenda even though fate did not allow the skilled political boxer from Barbour County, AL, to fight the last round.

IN HONOR OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD WINNERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Sister Alice McCoy, Margaret Murtha and Maria Nolan for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

The award, which was initiated by the United Way of Hudson County in 1990, recognizes those who exhibit a deep commitment to human service as exemplified by Congresswoman Norton in her 13 terms in the House of Representatives (1925–1950). The Congresswoman was a forward-thinker who advocated for government action to help address issues we are still grappling with today, such as day care, fair employment practices, health care for veterans and the inclusion of women in high levels of government service.

Sister Alice McCoy, a member of the Sisters of St. Dominic, has served Hudson County as an educator, counselor and advocate for the needy for twenty-five years. She has been a teacher at the primary, secondary and collegiate levels. In 1980, as a Pastoral Associate at Our Lady of Sorrows Parish in Jersey City, she helped establish an emergency food and clothing program to aid needy families. Sister McCoy helped found Hudson Hospice, a program which helps the terminally ill and their families by providing emotional support, financial aid, bereavement support, information and referral assistance. In 1994, she became co-producer and host of a cable television program called "Oasis." The program features people from all walks of life and is designed to help inspire others to serve the community.

Margaret Murtha has spent her life advocating for a better quality of life for the mentally ill, HIV/AIDS patients and needy children. Currently, she is the Director of the Hudson County Division of Catholic Community Services (CCS), the social services agency of the Archdiocese of Newark. In this capacity she administers the CCS's homeless shelter system, juvenile crisis intervention, and the Mentally Ill Chemical Abuser (MICA) and HIV Outreach programs. Margaret graduated from Caldwell College and received her masters degree in social work from Fordham University. She holds many certifications and professional memberships in the areas of marriage and family therapy, alcoholism counseling, social work and elementary education.

For the past 23 years, Maria Nolan has been one of the nation's best high school volleyball coaches for Secaucus High School, compiling an outstanding record of 420–68 and capturing 12 state championships. In fact, she was recently chosen as Disney's National Coach of the Year. She was chosen out of a field of 15,000 coaches in all sports. Maria has developed successful teams by helping her players build their self-confidence, work as a team and develop strong character. In 1983, Maria founded and became President of the Hudson County Volleyball Coaches Association. She is married to Tom Nolan and is the mother of two children, Joe and Andrea.

These three deserving recipients embody the life work of Congresswoman Mary T. Norton. They have dedicated their lives to the needy, the mentally ill, the terminally ill and to the education of children. On behalf of my colleagues in the House of Representatives, I congratulate Sister Alice McCoy, Margaret Murtha and Maria Nolan for their outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. OBERSTAR. Mr. Speaker, during the consideration of suspension bills yesterday, and a motion to instruct conferees this morning, my vote was not recorded on several roll call votes.

Had I been present, I would have voted "aye" on S. 2206 (Roll Call 426); I would have voted "aye" on H. Con. Res. 304 (Roll Call Vote 427); I would have voted "aye" on H. Con. Res. 254 (Roll Call Vote 428); I would have voted "aye" on H. Con. Res. 185 (Roll Call Vote 429); I would have voted "aye" on the previous question on the motion to instruct conferees for H.R. 4101 (Roll Call Vote 430)

TRIBUTE TO GENERAL WILLIAM W. HARTZOG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. SKELTON. Mr. Speaker, it is my pleasure to pay tribute to a great soldier on the occasion of his retirement. After over 35 years of more than honorable service, General William W. Hartzog, Commander of the Army's Training and Doctrine Command, retires on 14 September. Over the course of those 35 years, he has demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Army. His many significant and exemplary achievements have gained him the utmost respect in the military and civilian communities both in the United States and abroad. Throughout his entire military career, General Hartzog has tempered mission accomplishment with a deep, committed concern for the welfare and professional development of the soldiers he has led. Let me just provide a few examples from his very impressive career.

His leadership contributed immeasurably to the success of Operation Just Cause, the United States' invasion of the Republic of Panama to bring to justice Manuel Noriega and install a legitimate and democratically elected government. General Hartzog crafted a masterful plan for military operations that not only accomplished the mission of restoring democracy quickly, but also did so with limited loss of life and property. During a period of continual regional crisis, he remained sensitive to the demands of the geopolitical arena while crafting the United States security assistance policies for the region.

In August 1993, General Hartzog became the Deputy Commander in Chief (DCINC) and Chief of Staff of the United States Atlantic Command (ACOM). His in-depth knowledge of and experience with joint organizations, planning, and operations were indispensable to the formation of the then fledgling command. While still forming the staff of this new command, he was called on to begin the planning process for Operation Uphold Democracy in the Republic of Haiti. Starting with a blank sheet of paper, General Hartzog stimulated the staff planning process for Uphold Democracy with his personal involvement, tireless determination, and positive attitude. His efforts resulted in a highly flexible plan that could be changed from forced entry to permissive entry on a moment's notice.

In October 1994, General Hartzog assumed command of the United States Army Training and Doctrine Command (TRADOC). His first mission was to insure that the command was focused on its core mission of training soldiers and leaders in basic and advanced combat skills. Partnering with training units in the Army Reserve, he set about to create a program designed to ensure that all Army institutional training, regardless of component, was done to the same standards. At the same time he made sure that the instruction at all Army schools was relevant, with an eye on the work being done for the Army of the future.

Capitalizing on the groundwork laid by his predecessor, General Hartzog began the Force XXI process in earnest by developing the concepts for the operation and organization of the Army's digital division. Calling on his skills as a planner, General Hartzog developed the concept of using Advanced Warfighting Experiments (AWEs) as a means of testing new concepts and ideas for the digitized force. Through the use of AWEs, General Hartzog was able to test new concept for doctrine and equipment at a more rapid pace than was possible under the traditional system, thus ensuring that the digital force would not be obsolete before it is fielded.

Throughout his career, General Hartzog has made singular and unique contributions at each level he was assigned. In his final assignment, he brought to bear the accumulated experience and dedication of a career spent serving the Nation and our soldiers by bringing to fruition the ideas and concepts of our future force, setting the stage for the evolution of our Army over the next twenty years. He has provided continuity for the profession of arms—integrity, loyalty, dedication, mentorship, vision, and the willingness to take the risks associated with advocating and implementing change while envisioning even more change in the future. General Hartzog's distinguished performance and far reaching impact on the future of the Army and its soldiers reflect great credit upon him, those who mentored him, and the United States Army.

TRIBUTE TO CESAR PELLI FOR OUTSTANDING COMMUNITY DEVELOPMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. DELAURO. Mr. Speaker, I am proud to stand before you today to honor a citizen of Connecticut who has graced the New Haven area and the world with his architectural achievements. Over his long and illustrious career, Cesar Pelli has literally changed the landscape of our cities and our nation with his socially responsive and uplifting designs.

Anyone who has flown into the new terminal designed by Cesar Pelli for the Washington National Airport can appreciate the genius of Pelli's designs: his belief that each building should be shaped by its location and purpose; his sense of space, light and harmony; and his commitment to creating gracious, accessible buildings which facilitate public use, enjoyment, and interaction. Each of Pelli's designs complements and emerges from the existing cityscape, yet transcends and elevates the surrounding structures. His architectural projects across the world serve diverse purposes and peoples, including the Pacific Design Center in Los Angeles, the United States Embassy in Japan, the Commons of Columbus in Columbus, Indiana, the New York World Financial Center and Winter Garden, the More and Stiles Colleges at Yale University, the International Finance Center under construction in Hong Kong, and the renovation of the New York City Museum of Modern Art.

New Haven has been fortunate to have Cesar Pelli call it home since 1977, when he became the Dean of the Yale University School of Architecture. It is fitting that tonight in New Haven, Mr. Pelli is being honored at Casa Otonal, the residential community for the elderly whose inner city campus of workshops, residences, and on-site services and intergenerational programs, was designed by Cesar Pelli twenty-two years ago. Pelli's campus fosters a sense of community among residents and the surrounding inner city neighborhood, reaffirming Casa Otonal's mission and enhancing its success. It is this commitment to city landscape and life which has earned Mr. Pelli more than 100 awards for design excellence, including the American Institute of Architects 1995 Gold Medal for a lifetime of distinguished achievement and outstanding contributions.

Cesar Pelli, we thank you for your commitment and contribution to our cities and to urban life. It is my great honor and privilege to join with the residents and staff of Casa Otonal, and with your family and friends, to pay tribute to your remarkable achievements.

DRUG ABUSE IN RURAL INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Tuesday, September 15, 1998 into the CONGRESSIONAL RECORD.

DRUG ABUSE IN RURAL INDIANA

Last month I held a series of meetings around the Ninth Congressional District to discuss drug abuse in Southern Indiana. These meetings were held in followup to a recent report, Rural Indiana Profile, I commissioned describing the drug abuse problem in rural Indiana, and were aimed at giving local, state, and federal officials as well as community leaders an opportunity to visit about the scope of the drug challenges in our communities and about efforts to combat them. What follows is a summary of the major findings of those meetings.

Scope of problem: Community leaders agreed that drug abuse ranks as one of the toughest challenges they now confront. They are pleased that much good work is being done by many persons and groups to rid our communities of drug abuse, but they also agree that much more needs to be done. Most people know someone who has a drug abuse problem or has been the victim of a crime related to drugs. Among youth, rates of use for alcohol, tobacco and most other drugs are higher in rural Indiana than elsewhere in the state and the nation.

Rural Indiana pays a large price for drug abuse. According to recent statistics, 80–90% of local criminal cases in southern Indiana are drug-related, and drug-related illnesses and treatment account for nearly one-fourth of health care costs.

Response to problem: Community leaders recognize that drug abuse is a complex problem requiring a multifaceted response.

Education and Prevention: Attendees at the meetings all stressed that leaders must say with one voice that there will be zero tolerance for drug abuse in our communities. To reach youth on the harms of drug abuse, we must send this message of zero tolerance repeatedly to our young people, first at the earliest ages and then through grade school and high school. Many communities have drug awareness programs in place in their schools, but local leaders agreed that more could be done, at all levels of government, to expand anti-drug education and prevention efforts.

Joint Response: The response to the drug problem must include more than just law enforcement and the criminal justice system if it is to be successful. It must also include representatives from our schools, prevention centers, treatment facilities, employers, clergy, community organizations, government officials and the media.

Local Coordinating Councils: Every county in Indiana has already established Local Coordinating Councils (LCCs). These councils are intended to coordinate anti-drug efforts in our communities, and their responsibilities include: identifying community drug programs; coordinating community initiatives; designing comprehensive, collaborative community strategies; and monitoring anti-drug activities at the local level. The LCCs have not been around very long, and those who attended the meetings agreed that LCCs are a good idea which require more nurturing, support, and funding. At the county level, there is funding available through fees levied on alcohol and other drug related offenders—but in many rural counties, where the number of drug offenses is relatively small, funding is limited. Community leaders believe that additional funding might come from large employers, civic organizations, grants, and joint LCC efforts.

Treatment: The lack of drug treatment facilities is a concern in every county in southern Indiana. Access to outpatient facilities are generally limited, while access to in-patient, long-term treatment is almost non-existent. Long-term treatment, while often effective, is expensive, and communities must rely on scarce federal dollars for such treatment efforts. LCCs and other community leaders will most likely have to develop local and private funding sources as well as collaborate with neighboring counties in order to expand treatment opportunities for their residents.

Criminal Reporting System: Local law enforcement and prosecutors stress the importance of establishing in Indiana an electronic reporting system, which would provide an easily accessible record of criminal offenders. Indiana is now in the process of developing such a system. Local leaders note that without such a system, it is difficult to identify and clean up "hot spots" where there is a lot of drug activity, build meaningful partnerships among jurisdictions, or obtain funding for particular initiatives.

Drug Courts: Most local courts in Indiana that routinely deal with alcohol and drug offenses have created various evaluation and treatment programs through their probation departments. There have been few drug courts established, however, to deal specifically with the growing docket of drug abuse cases. Many jurisdictions around the country are turning to drug courts, which generally place non-violent drug abusing offenders into intensive court-supervised treatment instead of prison. The City of Lawrenceburg is attempting to open a juvenile drug court for Dearborn and Ohio counties. This will be the first rural drug court in Indiana, and will serve an estimated 50 to 60 juveniles in the first year of operation.

Conclusion: Our communities in Southern Indiana are diverse, but they face similar challenges in fighting drug abuse and many are adopting similar strategies in dealing with the problem. Short-term goals include: better coordination through the Local Coordinating Councils, better evaluations of programs and access to evaluations, more youth initiatives, and more public-private initiatives. Long-term goals include: inpatient facilities within reasonable driving distance for residents, development of multi-jurisdictional drug courts, and expanded education programs for children and youth.

Community leaders also recognize that schools, the court system, and other local institutions can only do so much in combating drug use in southern Indiana. Fighting drugs, they say, really starts at home. Parents must set the example of drug-free living if children are expected to accept a similar lifestyle, and must talk to their children about the dangers of drug use. We must all work hand-in-hand, from the home to the schools to the courthouses, if we are to achieve drug-free communities in Indiana.

Rural Indiana Profile is available on the Internet at the following address: www.drugs.indiana.edu/publications.

A TRIBUTE TO CHIEF PHILLIP MARTIN

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PICKERING. Mr. Speaker, I rise today to pay tribute to a man whose leadership and hard work has made the Mississippi band of

Choctaw Indians a success story—that man is Chief Phillip Martin.

Chief Martin has served the tribe for over 40 years—during that time he has strived to improve the health, wealth and welfare of the tribe by promoting self responsibility, self reliance and self governance. His mantra has been "Choctaw self determination."

Rather than rely on the Federal Government to address their needs, Chief Martin began to instill the values of self reliance in his tribal members and educate American businesses and industries about the economic opportunities available to them on tribal lands.

As the Democratically elected leader of the Mississippi Band of Choctaw Indians, he has pursued a "dual track" to ensure that the tribe he leaves behind will be better than the one he was born into.

First, Chief Martin has made enormous investments ensuring educational opportunities for the children of the tribe—including state of the art classrooms and scholarships for college-bound students.

Next, he cultivated a business-friendly environment on tribal lands and developed more than a dozen commercial enterprises. These businesses now provide over 6,000 jobs to tribal members and their neighbors in the surrounding area—making the Choctaws the fifth largest employer in Mississippi and virtually eradicating unemployment among the Mississippi Choctaws.

By believing in the abilities of the tribe and engaging businesses in the local economy, Chief Martin has proved that "Choctaw self determination" has worked.

CONGRATULATIONS TO GEORGIA WARE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BLUNT. Mr. Speaker, anyone who has been an employer can tell you the difference great employees can make on behalf of a business or organization. Exceptional employees are the foundation of exceptional endeavors, happy clients or customers, successful businesses and extremely pleased bosses. It's true—great employees make their bosses look good!

When Georgia Ware retires from her job as Peter Herschend's Administrative Assistant at Silver Dollar City this October, Peter is going to have to work harder to keep up his image. Georgia has made him and Silver Dollar City in Branson, Missouri look really good for almost twenty years.

Many people only know Georgia Ware by telephone. When people call Peter Herschend, the Vice Chairman of Silver Dollar City, Inc.—the internationally—known family-oriented attraction in Branson—Georgia is who they talk to first and first impressions are important.

Georgia is more than an assistant. Her voice has the ultimate sound of hospitality blended with just the right amount of authority needed to represent a very busy and very sought after boss, as he tends to this unique family-owned business. She knows how to respond to CEO's, family friends, local business leaders, Governors, and even Congressmen—with just the right touch. Georgia is the perfect diplomat, ambassador and empathizer. Even "no" sound pretty good when she says it.

Georgia will be leaving Southwest Missouri to move closer to her only son, Jerry, his wife, Debbie and their daughter, Mindy. We know they look forward to her arrival and she surely is ready to be closer to them.

Silver Dollar City and all of us who work with them will sorely miss her contributions to their every day efforts. My best wishes and many thanks to Georgia—she is exceptional.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. RYUN. Mr. Speaker, I was unavoidably detained for rollcall vote no. 426 on S. 2206, the Human Services Reauthorization Act of 1998. Had I been present, I would have voted "yea."

TRIBUTE TO SERGEANT KENNETH R. HOBSON, II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. SKELTON. Mr. Speaker, I invite my colleagues to join me in paying tribute to the memory of one of our Nation's brave young soldiers who gave his life in service to this country. Sergeant Kenneth R. Hobson, II lost his life in the tragic bombing of the U.S. Embassy in Nairobi, Kenya.

This 27-year-old hero from Nevada, MO, was assigned to the U.S. Army Defense Attache, Kenya, in April 1998 as an administrative specialist. He dedicated almost ten years of his life to serving our country in the U.S. Army, enlisting in July 1989. Sergeant Hobson was a soldier whose bravery and skill were tested during the Persian Gulf War. As a result of his commitment to duty and freedom in that conflict, he was awarded the Southwest Asia Medal with two bronze service stars and two Kuwait Liberation Medals. He also served our Nation proudly in Germany during two previous tours there.

Sergeant Hobson was an accomplished soldier—the recipient of the Army Commendation Medal, the Army Achievement Medal, three Good Conduct Medals, the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Air Assault Badge, and the Expert Marksmanship Badge.

Sergeant Hobson loved his country and believed in our Nation's tenets and principles. His beliefs were manifested in his dedication to the duties he was charged with and the commitment he displayed in service to our Nation, half a world away. Although his life was cut short by a terrorist's cruel attack, it is my sincere hope that his values and beliefs, instilled in him by his parents, Kenneth and Bonnie Sue, will be carried on by his wife, Deborah and daughter, Megan.

I invite my colleagues to join me in remembering Sergeant Kenneth R. Hobson, II and his family. I pray that we all let his courage and selfless commitment guide our public service and that we ensure his memory will never be forgotten.

TRIBUTE TO ORLANDO COONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor Mr. Orlando Coons who passed away on September 7, 1998. Mr. Coons was born in Clark County, Ohio on November 1, 1915 to Grace and Blaine Coons. He moved to Los Angeles at an early age, where he attended and later graduated from Jefferson High School. While at Jefferson High School, Orlando ran track, played football, and taught himself gymnastics.

After graduating from high school, Orlando joined the Civilian Conservation Corps which eventually brought him to San Diego where he met and married Nellie Margaret Cheaves. In 1936, Orlando enrolled into San Diego State College, and majored in Engineering. He eventually transferred to the University of California at Berkeley where he earned a Bachelor of Science Degree in Engineering. Orlando Coon's lifelong occupation was as an Aeronautical and Aerospace Engineer for the Federal government at the North Island Naval Station in San Diego for 37 years.

While at San Diego State College, Orlando competed in track and field and gymnastics. He was very successful as a gymnast, earning honors including the California College Athletic Association Championship in 1939 when he won an astounding six individual events. Orlando was the CCAA "All-Around" gymnastic champion in 1939 and 1940. In four gymnastic meets, Orlando Coons amassed the amazing total of ten firsts, two seconds, and two thirds, all attained against top competition.

As a reward for his performance, San Diego State College Dean C.E. Peterson appointed Orlando Coons as the Head Coach of the Gymnastics Team, making him the first African-American coach at San Diego State College. His team went on to win hundreds of awards. He won a 6th place medal at the United States Gymnastic Championships which automatically made him a member of the prestigious United States Gymnastic Team—thus becoming the first African-American ever on the United States team. Orlando Coons was invited to participate in the Pan American Games and was later appointed as an alternate on the United States Olympic Team.

For over a decade, Orlando Coons was considered the best gymnast on the West Coast. He was honored by the National YMCA for more than 50 years of community service as a gymnastics coach.

Orlando provided a tremendous amount of love and caring, discipline and love to his family and community. Orlando and wife Nellie had four children, and all received college and university degrees in higher education. He will be truly missed by family, friends and a grateful community.

A BIPARTISAN PROCESS SHOULD BE FUNDAMENTALLY FAIR TO ALL PARTIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. CONYERS. Mr. Speaker, there was much discussion, in the media and in the halls of Congress, about how Congress would handle Independent Counsel Kenneth W. Starr's report on President Clinton. While members on both sides of the aisle agreed to work on a bipartisan basis, there remained an important area of contention. The failure to resolve that issue resulted in a process that is fundamentally unfair to the subject of the report, the President.

The President's private attorney, David Kendall, requested from Mr. Starr that he allow the President's legal team to see a copy of the report before transmitting it to Congress. Mr. Starr denied Mr. Kendall's request and delivered the report to Congress without including the President's views. There was, however, another opportunity for the President to be given a chance to read the report and submit any additional views. Speaker GINGRICH claimed repeatedly that there was no precedent for letting the President review the report even before it is released to the public. I respectfully disagree. There are several precedents for granting the targets such a period of review.

First, in August of 1993, the judges who supervised Special Prosecutor Lawrence Walsh's Iran-Contra investigation gave the targets of the investigation 30 days to read the report and submit comments. After releasing to the public in unclassified portions of the report and the subjects' comments, the court sent the classified portions of the report and the comments to Congress. The subjects' rebuttals to the allegations in Mr. Walsh's report were, in fact, twice as long as the report itself.

Second, when the Speaker was charged with filing inaccurate and misleading information that resulted in his paying a fine of $300,000, he received an advance copy of the statement of allegations. In addition, the Speaker was quoted as saying that Investigator Cole's report should be made public only after the Speaker had time to review it.

Also, in 1985, during the Judiciary Committee's investigation into the Justice Department's withholding of EPA agency documents from Congress, the Committee permitted the persons whose conduct was being investigated to review the draft and submit rebuttal information.

Even in Watergate the Judiciary Committee received grand jury evidence in closed-door hearings for seven weeks with the President's lawyer in the same room. The materials received by the Committee were not released to the public until the conclusion of this evidentiary presentation, well after the White House had full knowledge of the material being considered by the Committee.

Three of the examples above concerned matters of a magnitude far less than an impeachment inquiry. Even in those instances, the subjects were given the opportunity to include their comments in the report before the report went to Congress. I find it highly objectionable that the President would not be given rights that were given to other targets in less historic investigations. I urge my colleagues to be fundamentally fair to all of the parties involved in this matter, including the target.

REMARKS ON THE NOISE PROBLEM AT DIA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address a persistent problem that has plaqued many of my constituents, namely, the 24-hour a day noise from Denver International Airport (DIA). Since the airport opened in 1995, the hard-working people of Colorado's Eastern Plains have been subjected to daily intrusions by the noise of arriving and departing aircraft. Compounding this problem is the fact that Denver city officials, and bureaucrats at Federal Aviation Administration, have failed to adequately address the noise problem. My constituents have been caught in a bureaucratic catch-22. The city of Denver claims only the FAA has the power to adjust take-off and landing patterns, while the FAA maintains any changes must be done at the behest of the city and airport officials. Sadly, my constituents are the ones caught in the middle.

Beginning in 1996, Congress placed a prohibition on federal funds for the construction of a sixth runway at DIA. This prohibition was the direct result of the city of Denver's and the FAA's unwillingness to address the noise issue. The hope was withholding funds would compel serious solutions for those affected by airport operations. It is unfortunate this step was necessary, and I would have preferred an amiable discussion, but after trying to work with the FAA and Denver officials, it became clear a confrontational approach was the only way to secure results.

Last spring, a study was released on the noise from aircraft operations at DIA, Buckley Air National Guard Base, and Centennial Airport. This study was commissioned by several front range counties, and relied on computer modeling to predict the possible impact of various air routes, and the possible addition of a sixth runway. While some have argued this justifies the lifting of the funding ban on the sixth runway, the report itself makes it clear further work is needed. Quoting from the report, "This study should be viewed as but a first step in analysis of possible aircraft-route modifications in the Denver area."

Lifting the ban on funding the sixth runway took off of the table the one tool that has proven effective in forcing the city of Denver to straightforwardly face the noise issue. This problem has lingered for too long, and the only positive strides that have been made are the direct result of the funding prohibition on the sixth runway. Mr. Speaker, I encourage the Congress, the FAA and the city of Denver to vigorously pursue solutions to DIA noise suitable to the residents of Colorado's Eastern Plains.

HONORING THE MISSISSIPPI BAND OF CHOCTAW INDIANS' COMMITMENT TO TRIBAL SELF-GOVERNANCE AND PROSPEROUS TRIBAL ECONOMIES

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am proud to rise today to join my colleagues in honoring the extraordinary leadership of Chief Philip Martin and commending the successes of the Choctaw Tribe.

As a member of both the Congressional Native American Caucus and the Resources Committee, I have dedicated many hours to the promotion of tribal sovereignty and have met with numerous tribal leaders across the country to determine ways to jump start tribal economies. The Choctaw achievements and record in these two areas is truly exceptional.

Chief Martin's commitment to tribal self-determination, tribal sovereignty and the development of tribal economies has brought about enormous positive change to the Choctaw Reservation and the surrounding communities in Southeastern Mississippi.

By rebuilding the tribal government, educating its tribal members and constructing the basic infrastructure to maintain a very modest manufacture-based economy, the Choctaws were able to carve out a place for the tribe in the mainstream economy in the late 1970's. Over the last twenty years, Chief Martin has been able to expand the economy and create manufacturing jobs for members and the surrounding communities. This progress has allowed the tribe to improve the reservation infrastructure, construct single family homes for tribal members, and strengthen education and training among Choctaw citizens.

This diversified economy has also enabled the tribe to become entirely self-governing. Revenues from the Choctaw enterprises are used to operate their own courts, fire departments, police force, reservation school system, housing authority, utility commission and health care system.

The resurrection of the Choctaw Tribe is a remarkable story. It is a model from which our Nation's Indian tribes can learn from and try to replicate. It is also a story lawmakers should look toward when considering legislation that affects native Americans. The Choctaws are indeed a tribe worth emulating, and their experiences exemplify what strong tribal governments can achieve.

TRIBUTE TO THE 75TH ANNIVERSARY OF ST. CLAIR COUNTY COMMUNITY COLLEGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BONIOR. Mr. Speaker, from universities to elementary schools, I am proud of the educational excellence that is represented in my home state of Michigan. The citizens of Michigan have a long history of defending quality schools and programs. On September 19, 1998, the residents of St. Clair County will celebrate the founding of St. Clair County Community College.

In the early 1920's, Michigan state law stated that only cities with a population of at least 30,000 people were permitted to have Junior Colleges. According to the 1920 census, the City of Port Huron only had 25,000 people. But thanks to the commitment of local officials, the Port Huron Parent-Teacher Association, Superintendent H.A. Davis and State Senator John Smith, the law was changed and in 1923 Port Huron Junior College became a reality.

Since 1923, Port Huron Junior College has grown from thirty-four students into St. Clair County Community College serving 9,200 students annually. For seventy-five years, the College has been a place where students have had the opportunity to pursue a career and extracurricular activities. Drama, music, art and sports are just a few of the areas where students have enhanced their educational experience.

Throughout the past seven and a half decades, St. Clair Community College has been a stepping stone for students throughout St. Clair County. It has been a place where students have the opportunity to enrich and improve their lives through education. I applaud the staff and faculty of St. Clair County Community College for their seventy-five years of dedicated service to the education of their students.

TRIBUTE TO COLONEL ROBERT L. "LARRY" DAVIS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to Colonel Robert L. "Larry" Davis who is leaving the Los Angeles District of the Army Corps of Engineers, and will be taking on the Chief of Staff position at Fort Leonard Wood, U.S. Army Engineer School in Southern Missouri.

Colonel Davis has held various positions in the Army Corps of Engineers, including serving as an exchange officer to the Australian School of Military Engineering and participating in Operation Desert Storm in Saudi Arabia. Colonel Davis also participated in Operation Desert Shield in Kuwait and Operations Restore Hope and Continue Hope in Somalia. In the United States, Colonel Davis took part in the Hurricane Andrew Relief Operations in the Miami area.

Colonel Davis has had an extraordinary career. His long list of awards and decorations include the Legion of Merit, Bronze Star Medal, Meritorious Service Medal with three campaign stars. He has also earned the Parachutist and the Air Assault Badges. Last, but certainly not least in Larry Davis' long list of accomplishments, is his dedication as a husband and father of two children, Kimberly Anne and John.

I have enjoyed working with Colonel Davis over the years in addressing various Army Corps issues in my district. I will surely miss his attention, and that of his staff, to matters of importance to me.

Mr. Speaker, I would like to thank Larry for his hard work and dedication. I would also like to wish him and his wife Barbara continued success and happiness in Fort Leonard Wood, Missouri.

PERSONAL EXPLANATION

HON. CHARLES W. PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PICKERING. Mr. Speaker, I was unable to return to the House floor because I was unavoidably detained and missed the following rollcall votes:

(1) Rollcall vote No. 426, S. 2206. Had I been present, I would have voted "yea."

(2) Rollcall vote No. 427, H. Con. Res. 304. Had I been present, I would have voted "yea."

(3) Rollcall vote No. 428, H. Con. Res. 254. Had I been present, I would have voted "yea."

(4) Rollcall vote No. 429, H. Con. Res. 185. Had I been present, I would have voted "yea."

THE OMNIBUS NATIONAL PARKS AND PUBLIC LANDS BILL OF 1998

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. HANSEN. Mr. Speaker, it is with great pleasure that I introduce today the National Parks and Public Lands Omnibus Bill of 1998. This is a very good and necessary bill that addresses a variety of important concerns and issues dealing with National Parks, wild and scenic rivers, heritage areas, National Forests, and many other public lands. This bill is a compilation of a number of resource related bills, most of which have gone through individual hearings and followed the legislative process. Numerous Members of Congress are to be commended and congratulated for their hard work on the single parts of this bill which, together, make this a landmark piece of legislation. The far-reaching Omnibus National Parks and Public Lands Bill accomplishes many goals and addresses a multitude of public lands concerns to assure that our cherished parks and public lands, many of them national treasures, are protected, expanded, and improved. It also creates new and important historic sites, heritage areas, and wilderness areas so that the American public can enjoy, benefit, and use these extraordinary natural and historic resources.

Furthermore, the wonderful natural and significant historic areas that the Omnibus National Parks and Public Lands Bill protects and creates, span the breadth of this great country of ours. In fact, it deals with resource issues and areas in over 305 States—from wild and scenic rivers in Massachusetts, to creating wilderness areas in California, to studying Midway Island, far out in the Pacific Ocean, from the Everglades of Florida to Mount St. Helens in the State of Washington.

Of equal breadth and scope is the variety of issues and areas that this bill addresses. For example, the Omnibus Bill will assure a fair and equitable land exchange dealing with hundreds of thousands of acres of school trust lands in Utah while also authorizing an innovative approach to land management in Utah's spectacular San Rafael Swell area. It will create new trails across the United States and authorize the construction of a trails interpretive center. These trails will bring years of enjoyment to those who wish to hike across the entire United States or for those who just want to take a few steps on trails that the American pioneers made on their courageous treks to settle this country.

In addition, this bill establishes new affiliated units of the National Park System, like a historic site which will honor America's most prominent landscape artist, Thomas Cole. Other affiliated areas include the unique and innovative Eastside Tenement Museum in the heart of New York City and the important Casa Malpais Indian ruins in the middle of picturesque rural Arizona.

This bill also re-authorizes and extends a number of Commissions which were established to better manage many of our park units or affiliated areas, like the Delaware Water Gap and the Illinois-Michigan Heritage Corridor. Moreover, it expands many of the existing National Park units, like the unique and beautiful Arches National Park in Utah, the Cape Cod National Seashore, the Fort Davis Historic Site in Texas, the Morristown Historic Site in New Jersey, the George Washington Boyhood Farm in Virginia, and Abraham Lincoln's Birthplace in Kentucky.

The Omnibus National Parks and Public Lands Bill of 1998 provides for many land exchanges which help Federal agencies better manage their resources, it authorizes a memorial to a great world leader, Mahatma Gandhi, it establishes a cave and karst research center. In addition, this bill makes needed technical corrections to previous laws, it establishes new heritage areas and new historic sites and even authorizes construction of a new visitor's center for the Independence Mall so that the public can better interpret and marvel at the history and people behind founding of this great country.

The paragraphs above outline just some of the many things that this bill accomplishes. In fact, the Omnibus National Parks and Public Lands Bill of 1998 does more than any other single piece of legislation could, in order to ensure that the management and creation of America's parks and public lands remains a top priority of this Congress. It creates new National Park units, new wilderness areas, new historic sites, and new heritage areas. It expands existing National Parks, authorizes land exchanges and conveyances, and makes numerous and necessary technical changes to existing laws so that parks can operate more efficiently. In short, this bill assures that our country's magnificent historical, cultural, and natural resources and areas will be protected and managed effectively now and in the future.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday I was not present due to important business in my home district and missed four rollcall votes (426, 427, 428 and 429). If I had been present, I would have voted "aye" on all four votes.

SALUTE TO VIOLET THOMPSON

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. SLAUGHTER. Ms. Speaker, I rise today to pay tribute to an outstanding citizen of my district and the state of New York, as well as an outstanding American: Ms. Violet Thompson. Ms. Thompson will be honored on October 20, 1998, in St. Louis, Missouri by the National Industries for the Blind as the 1998 Peter J. Salmon National Manufacturing Employee of the Year. Ms. Thompson overcame a difficult childhood punctuated by repeated stints in foster care to raise a family and pursue a career.

Ms. Thompson's birth-related blindness was not detected until she was in the sixth grade. By then, Violet had fallen far behind the other students both in her academic work and her sense of self-esteem. Through her own perseverance and hard work, the help of an attentive teacher, the encouragement of her stepfather, and large print books, Violet learned to read and write and graduated from high school at the age of 20.

Ms. Thompson married soon after and settled down to raise a family of four daughters and seven grandchildren. Seven years ago, Ms. Thompson decided to take on a new challenge and return to work. She learned about the Association for the Blind and Visually Impaired-Goodwill Industries in Rochester, New York and joined the workforce on the production line. Ms. Thompson's dedication and skill allowed her to move rapidly through the various manufacturing stations and in time she reached her present position of Production Supervisor. In her position, Ms. Thompson benefits from a number of assistive technologies, including a Visual-Tek closed circuit television as well as hand held magnifiers.

Violet Thompson is a hard working American who has seized the opportunity offered by the Javits-Wagner-O'Day Act (JWOD) to expand her horizons through meaningful employment. For six decades, JWOD has acted as an effective and cost-efficient catalyst to open jobs to people who are blind, like Violet Thompson. Today, not only is Ms. Thompson helping to support herself and her family, she is working in an environment that has helped to nurture her sense of self-worth and productivity. "I feel equal at ABVI-Goodwill . . . I've worked [at] other places and wasn't treated the same way," says Ms. Thompson. "I really, really love my job."

Mr. Speaker, please join me in acknowledging and congratulating a fine American whose hard work and perseverance are honored by this award.

STATEMENT OF THE HONORABLE TOM DeLAY REGARDING THE SUCCESSES OF THE CHOCTAW INDIANS OF MISSISSIPPI

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. DELAY Mr. Speaker, I rise to salute a true economic success story—the Choctaw Indians of Mississippi.

Lead by the dynamic Chief Phillip Martin, the Choctaw Indians, using the power of the free market and the philosophy of individual freedom, have improved the life of the members of the tribe and the surrounding community.

For over 150 years, the tribe was mired in the deepest poverty imaginable. Unemployment was often as high as 75 percent. Life expectancy was only 45 years and local education stopped at the sixth grade.

But lead by Chief Martin, the Choctaw Indians have seized the power of self-determination and economic freedom. By relying on the power of the market and not the power of government the Choctaws have become an economic powerhouse. Through their ingenuity and hard work, Chief Martin and the Choctaws have established a new paradigm of success for all Native Americans.

I urge other citizens who wish to better their lives to view the tribe as a model for success. The Choctaws are a powerful example of the miracles that personal freedom can work in the lives of all Americans.

CHIEF MARTIN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PARKER. Mr. Speaker, it is with great pride that I come to the floor today to pay tribute to one of Mississippi's finest and most dedicated leaders, Chief Phillip Martin of the Mississippi Band of Choctaw Indians. The special vision of Chief Martin has enabled the Choctaw tribe to rise out of deep poverty to become a thriving economic force in my state.

As Representative from the 4th District of Mississippi, I have been able to get to know Chief Martin and observe firsthand his dynamic leadership and entrepreneurial savvy.

Chief Martin is known for his hard work to move the Choctaw Tribe closer to a self-reliant, self-empowerment tribe. Chief Martin is convinced that through private enterprise, the Choctaw Tribe will continue to prosper.

It is an honor for me to stand here today to praise and thank Chief Martin and the Choctaw Indians for their contributions to the great state of Mississippi.

TRIBUTE TO BOETTCHER SCHOLARSHIP WINNERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise in recognition of the 1998 Boettcher Foundation Scholarship winners. Each year the Boettcher Foundation grants 40 merit-based scholarships to superior young people from Colorado high schools. Begun in 1952 as a statewide competition recognizing scholarship, leadership and achievement by young men and women, the program seeks to reward outstanding high school seniors who demonstrate the potential to make significant contributions to Colorado. Since the program's inception, the Foundation has awarded 1779 scholarships. The Boettcher Scholarship Program is budgeted at $1,600,000 annually and is one of the largest private scholarship programs in the state, and one of the leading merit scholarship programs in the nation.

These awards cover virtually all college expenses for recipients who choose to further their education in their home state of Colorado. The scholarships consist of full tuition, fees, and book allowance, and a $2,800 annual stipend for living expenses. The scholarships are granted for eight semesters at either a public or private four-year college or university within the state as long as the scholar maintains a minimum GPA of 3.0.

Selection is strictly "merit-based," allowing all seniors in Colorado to compete based upon their individual accomplishments. This year's scholarship winners were selected from approximately 750 applicants on the basis of their academic performance, demonstrated ability, outstanding character and their participation and leadership in both school and community activities. The minimum eligibility requirements to apply include the following: Students must rank among the top 5% of their graduating class, have a score of at least 1200 on the SAT or 27 ACT, be a U.S. citizen and a Colorado resident for their junior and senior year of high school.

I congratulate all the 1998 Boettcher Foundation scholarship winners and their parents, and hereby recognize those residing in my district: Ryan Avery of Ft. Collins, son of Mark and Cynthia Avery; Kristin Bjornsen of Ft. Collins, daughter of Robert and Mary Ann Bjornsen; Charity Hermes of Elbert, daughter of Steven and Rose Hermes; Ryan Johnson of Eaton, son of John and Deanne Johnson; Jennifer Malers of La Junta, daughter of Ralf and Linda Malers; Regina Mattie of Trinidad, daughter of Anthony and Lucille Mattie; Susan Nicholson of Aurora, daughter of Roger and

Mary Kathleen Dykstra; Scott Wilkinson of Ft. Collins, son of Eric and Janice Wilkinson; and Jordan Willeke of Otis, son of Leland and Denise Willeke,

The Trustees of Boettcher Foundation are: Mrs. Charles Boettcher, II, E. Atwell Gilman, A. Barry Hirschfeld, Edward Lehman, Harry T. Lewis, Jr., Claudia Boettcher Merthan, John C. Mitchell, J. William Sorensen and George M. Wilfley.

Mr. Speaker, I congratulate the Boettcher Foundation Scholarship winners on their successes and look forward to their leadership of Colorado.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Ms. DELAURO. Mr. Speaker, it is my pleasure to rise in support of the bipartisan Community Opportunities and Educational Services Act, which reauthorizes and strengthens some of our most important programs to help needy families: Head Start, LIHEAP, and the Community Services Block Grant.

I am pleased that the Committee has chosen to drop counterproductive, controversial amendments that would have undermined the quality of Head Start programs, and instead has emphasized efforts to improve the quality of services the program offers. I am particularly pleased that the Early Head Start 0–3 program is being expanded, although I would urge the conferees to adopt the 0–3 set-asides in the Senate bill. Recent scientific discoveries have highlighted the importance of the highest possible quality care in the early years of life. Under the Senate legislation, only one in every 25 eligible babies would be served by the Head Start program; the House bill provides $185 million less over five years than the Senate-passed legislation.

I am also pleased that the Committee is reauthorizing the Low Income Home Energy Assistance Program, which has assisted so many needy families in my home state of Connecticut and throughout the country. Too many seniors and families with children are forced to go without food or prescription drugs during the winters' coldest days because they do not have enough money to pay their heating bills and other necessities. And who can forget the deaths in the midwest last year caused by the heat. Seniors who owned air conditioners but were too afraid of the bills to turn them on suffered heat-related illnesses and even died simply because they didn't have the money to pay their energy bills. As we reauthorized the LIHEAP program at $1.1 billion, I call on the House to reject the Labor-HHS appropriations bill which eliminates funding for LIHEAP for next year, and provide full funding for this important program.

The Community Services Block Grant also provides vital services to low income families, including child care, weatherization assistance, home delivery of meals to seniors, and other vital programs. This block grant, which is administered by community groups throughout the country, helps to create a safety net for our most vulnerable citizens.

I commend the Committee for its bipartisan legislation, and urge my colleagues to support this bill.

HONORING ROSANN WISMAN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. NORTON. Mr. Speaker, the District of Columbia is fortunate to have many good people who dedicate their lives to improving the common good. One such person is Ms. Rosann Wisman who, for the past 14 years has served as president and chief executive officer of Planned Parenthood of Metropolitan Washington. During Ms. Wisman's 23 years of experience in family planning management, she has built a local and national reputation for her commitment to the highest standards in reproductive health care.

Planned Parenthood of Metropolitan Washington grew significantly during Ms. Wisman's tenure—both in number of people served and programs offered. Today, over 20,000 women, men, adolescents—more than three-quarters of whom are very poor with little or no access to other medical care—rely on this non-profit's seven family planning clinics. The three Planned Parenthood clinics in the District are located at 2811 Pennsylvania Avenue, SE; 2513 Alabama Avenue, SE; and 1108 16th Street, NW.

Ms. Wisman expanded clinical services to include abortion, the diagnosis and treatment of sexually transmitted diseases, including HIV testing and counseling, and primary care. Today, Planned Parenthood, now in its 62 year, is the largest provider of family services to Washington area low-income women and the District's largest provider of first-trimester abortion services.

Since 1990, as a result of a bilingual outreach program spearheaded by Ms. Wisman, Planned Parenthood has also become a major provider of bilingual, culturally-sensitive family planning services to Latino women and families in Washington and the surrounding area. And, in 1992 under her leadership, Planned Parenthood established a partnership with African-American churches in the District to help reduce unplanned teen pregnancies. This partnership effort led to the opening of a Planned Parenthood family planning clinic at the Allen Chapel A.M.E. Church in Southeast Washington.

Rosann Wisman's commitment to access to reproductive health care services springs from her belief that every child should be a wanted child. Toward that goal, Ms. Wisman advocates freedom of choice—that no woman should be pressured to continue a pregnancy against her will by the government, religion or society. Ms. Wisman has testified frequently on allowing the District of Columbia the freedom to use its local revenue to fund abortions for the city's poor women, and on other birth control and reproductive rights issues before Congressional and local legislative committees.

Throughout Ms. Wisman's 14 years of leadership at Planned Parenthood of Metropolitan Washington, she has helped demonstrate that access to family planing medical services and birth control education reduces the need for abortion, lower infant and maternal deaths, and combats the cycle of poverty and teen childbearing.

Rosann is leaving Washington to move with her family to Japan. It is with special pride that I salute Rosann Wisman and wish her farewell. She will be missed.

PAYING TRIBUTE TO SISTER ALICE ANNE LANE

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to honor and congratulate Sister Alice Ann Lane, who will be celebrating her 70th Jubilee as a member of the Sisters of Charity of the Blessed Virgin Mary.

Sister Alice Ann has devoted 57 of her 86 years to guiding and educating America's youth. She taught in Iowa for 32 years, before sharing her knowledge and wisdom with the children in Northwest Chicago for 25 years. Today, even in her retirement, this vibrant and loving woman dedicates her time to volunteering for the Department of Aging and tutoring students in need of her help.

In a time when education is at the forefront of Congress' agenda, Sister Alice Ann provides what we as legislators already know—that a strong education, including dedicated teachers like Sister Alice Ann, is the cornerstone of a strong democracy and a strong America.

On behalf of the constituents of the 5th district of Illinois, I would like to thank Sister Alice Ann for her devotion and commitment to teaching, to helping others and to touching the lives of so many.

TRIBUTE TO ANGELO R. MUSTO JR.

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to one of East Boston's most beloved and dedicated public servants. Angelo R. Musto Jr., who died on July 4, 1998, left an inspiring legacy of bettering the lives of all he knew throughout the Commonwealth of Massachusetts.

In more than eight decades on earth, there was no arena of community life neglected by Angelo Musto. Politics, social services, business development, youth programs—wherever there was a need, Angelo filled it. In his professional career, Angelo demonstrated the same spirit of selfless service, particularly in steering troubled youngsters towards a brighter future.

He began his career in the depths of the Great Depression with the National Youth Administration. He later became a counselor with the East Boston Camps and joined the Goodwill House in Jeffries Point, eventually rising to executive director in charge of a wide array of social, educational, and recreational services.

In recognition of his expertise, the late Governor John A. Volpe made Angelo a special assistant in the Boston Municipal Court in 1957 and later appointed him to the Massachusetts Advisory Committee on Corrections to help the criminal justice system mend broken lives more effectively. He was later appointed to the Suffolk County Courthouse Commission. In 1965, Angelo was appointed Deputy Commissioner of Probations and 13 years later rose to become First Deputy Commissioner.

Angelo actively worked with the East Boston Chamber of Commerce for over 40 years and received its Man of the Year Award in 1973. He also served on the boards of the United Fund, the Kiwanis, the Mental Health Area Board, the East Boston Savings Bank and the East Boston Social Centers. Among his many accomplishments, perhaps the most notable was the creation of the Goodwill House Day Program in Jeffries Point, which to this day serves as a national model for urban day camps.

Throughout his years of service, Angelo remained firmly committed to improving the lives of our youth. His work as the general director of the East Boston Camps and as a member of the East Boston Athletic Board helped give city kids a reprieve from the streets and taught them the values he embraced—discipline, compassion and strength of body and mind. By the time I launched my first campaign for Congress in 1986, Angelo Musto had already cultivated the talents of three generations of East Boston's youth and drew on those far-reaching ties to create a formidable political presence in East Boston.

During that first campaign, he drew extensively on his detailed knowledge of the history of the community, reaching back to the arrival of the Kennedys in East Boston. Angelo knew the history, but most importantly he knew the people and the issues they cared about—quality health care, good schools, decent housing, access to college, and protection from outside forces that have long sought to sacrifice East Boston's quality of life to the airline industry.

The eager volunteers that fanned out across East Boston in 1986 quickly learned the rules of politics as taught by Angelo. I recall one incident in which one of the higher-profile members of my campaign team upbraided a volunteer in our East Boston headquarters. Angelo stepped in, and with the persuasive skill he had acquired through years of politicking, calmed the rising tension, gently rebuked the bigwig and at the same time made it clear that the Kennedy team in East Boston would never be a house divided.

Throughout the years that followed, Angelo Musto remained an invaluable member of my Congressional team. As my East Boston District Representative and 8th District Coordinator for Seniors from 1987 until his retirement in 1992, he served as a vital link to the community—attending meetings, fielding constituent calls, and working to fund worthy projects. His dedication to the comfort of East Boston's senior citizens resulted in such accomplishments as securing federal support to renovate the Don Orione Nursing Home.

With Angelo's passing, my heart goes out to his daughter Faith, his brothers Louis and Vincent, his sisters Lucille, Emma, and Theresa, and to his grandchildren George and Lisa.

The truth is, we were all a part of Angelo Musto's extended family, which reached across lines of age and party and profession to include the great sweep of those whose lives he touched and served.

FREDERICK DOUGLASS DAY IN NEW BEDFORD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, as the Representative of New Bedford, Massachusetts for nearly six years, I am always pleased to have the opportunity to discuss the city's remarkable history. Indeed, New Bedford's marvelous heritage has been recognized by the U.S. Congress with the passage in 1996 of the legislation establishing a National Park in the city to commemorate its role as an international whaling center. A lesser known, but also important, element of New Bedford's history is its role as a way station on the Underground Railroad. That legacy will be celebrated in the city on Thursday, September 17, the 160th anniversary of the arrival in New Bedford of Frederick Douglass and his wife. As part of that celebration, New Bedford Mayor Frederick Kalisz, Jr. has issued a proclamation designating September 17 as "Frederick Douglass Day" in the city.

Frederick Douglass (who took that surname after arriving in New Bedford), is of course known to history as one of the prominent escaped slaves and abolitionists. However, he also lived and raised a family for four years in New Bedford before his personal and political journeys took him elsewhere. Though we are today many decades removed from both his arrival in New Bedford and from the terrible period in our history when slavery existed in this nation, the issue of race relations remains a major problem in this country. And I believe it is important for us to keep the memory of that time alive for several reasons. Obviously, we must never forget either the absolute violation of every conceivable notion of human rights that slavery represented or the stirring achievements of those who traveled on, or helped other travel on, the Underground Railroad, at an extraordinary risk to their lives. But is also important for us to focus on the past because the lessons of that period in our history are still with us today, and as we attempt to alleviate the racial inequities which still exist in our society, we must not forget what came before.

For these reasons, I am very pleased that, as part of the ongoing work of the New Bedford Whaling National Historical Park, the National Park Service has been helping improve our understanding of the city's role in the Underground Railroad. This effort will be supplemented in many valuable ways now that the President has signed into law the National Underground Railroad Network to Freedom Act, a bill I cosponsored and strongly supported. These two initiatives, along with the continued fine work of the many residents of New Bedford who have done so much to keep the Underground Railroad legacy alive for years without federal assistance, will ensure that this important history is preserved for future generations. Though I regret that I am unable to join in the celebration in person because the House will be in session on the 17th, I am especially pleased that New Bedford will be taking the time to publicly celebrate the 160th anniversary of this important date in the city's and our country's history, and I ask that the Mayor's proclamation on Frederick Douglass Day be reprinted here.

PROCLAMATION

FREDERICK DOUGLASS DAY

Whereas: New Bedford was an important station on the "underground railroad" and

Whereas: Frederick and Anna Johnson arrived in New Bedford on September 17, 1838 via the underground railroad and

Whereas: Frederick and Anna Johnson were given refuge by Nathan and Mary Johnson at their 21 Seventh Street residence and

Whereas: Nathan Johnson was responsible for giving Frederick his last name of DOUGLASS and

Whereas: Frederick received one of his first jobs as a freeman, on the wharves of New Bedford and

Whereas: Three of the Douglass children were born in New Bedford, Rosetta, Lewis, and Frederick Jr. and

Whereas: Frederick Douglass gave his first speech in New Bedford, at the Third Christian Church and

Whereas: The Douglass family resided in New Bedford until 1842 and

Whereas: September 17, 1998, marks the 160th anniversary of the escape of Frederick Douglass from slavery to New Bedford.

Therefore, I, Mayor Frederick M. Kalisz Jr., hereby proclaim Thursday September 17, 1998, as FREDERICK DOUGLASS DAY and urge all its citizens to appropriately commemorate this day.

THE PASSING OF BERNICE GLASS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform our colleagues of the passing of a truly remarkable resident of my 20th Congressional District of New York.

Bernice Glass was only 75 years young, but she not only witnessed the incredible civil rights revolution which took place during her lifetime, she immensely contributed to it.

Born in Virginia, the granddaughter of slaves, Bernice moved with her family to Nyack, NY, at the age of two. She heard from her parents and grandparents of the injustice and inhumanity of Jim Crow, and vowed that future generations would not have to endure such indignities.

Accordingly, Bernice founded the Racial Equality Movement in Rockland County in the 1950's, at a time when Americans were only beginning to become conscious of the need for civil rights for all. She became the first Afro American woman to serve as a police matron, in 1960. She was active in the NAACP, and witnessed the historic contributions made by Rosa Parks, Dr. Martin Luther King, Jr., and the other giants who courageously fought for civil rights.

In the 1970s, she became the first Afro American Court Officer in the County Clerks office, and was appointed to represent the County Legislature on the Rockland Community Action Council. She also became active with the Housing Authority of the Village of Nyack, and became known as that Village's "unofficial Mayor."

Ms. Glass founded the O'Grady-Brown Memorial Scholarship Fund in 1981, in honor of the two law enforcement officers slain during the infamous Brink's Robbery in her home community earlier that year. This scholarship is awarded to promising students desiring to pursue a career in law enforcement.

Ms. Glass also served as Political Action Chairman of the NAACP, as Legislative Committee Chairman for Women's Issues, as a Member of the Democratic Party Committee, as a parishioner at the First Immanuel Baptist Church in Nyack.

Despite Ms. Glass' contributions—which were truly awesome—perhaps Bernice will be most remembered as a living link with a bygone time: a time when racial justice was not a reality but a dream in the hearts of a few. Bernice shared this dream, and vowed early to dedicate her life to eradicating hatred, prejudice, and bigotry from her community and our nation. She did it through her sterling example, through her diligent work for all people, through education and persuasion, and most importantly of all, through love.

We extend our condolences to her daughter, Fannetta; her sisters, Mary, Nancy and Helen, and her five grandchildren.

Bernice Glass was part of a generation which witnessed the greatest advances in the cause of civil rights in all our nation's history. Let us bear in mind that these advances came about through the efforts and courage of Bernice Glass and people like her throughout our nation.

Bernice Glass will long be missed.

PUNJAB PEOPLE'S COMMISSION MUST BE PRESERVED

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BURTON of Indiana. Mr. Speaker, the effort by political leaders in Punjab to shut down the People's Commission is very disturbing. This commission was formed after the Akali Dal Government in Punjab, which promised to expose the genocide against the Sikhs, said that it would not appoint a commission to do so after all. In fact, the Chief Minister, Parkash Singh Badal, proudly boasts that his government has taken no action to punish any of the police officers responsible for this genocide.

This commission is not solely a Sikh organization. It was established by the Coordination Committee on Disappearance in Punjab, led by a Hindu human-rights activist, Ram Narayan Kumar. The three commission members are respected former Justices of the Indian Supreme Court, and two of the three are Hindus. And you might recall Mr. Speaker, it was the Indian Supreme Court that described the situation in Punjab, Khalistan as "worse than a genocide."

From August 8–10, 1998, the commission investigated 90 cases of genocide during its first meeting, and, as result, has requested those involved to bear the responsibility of their actions. Currently, the commission is investigating 3,000 more cases. In a country where over 250,000 Sikhs have been extrajudicially murdered by the police and other agents of the government since 1984, it is no wonder that the authorizes don't want the truth to get out. They are afraid that when the light of truth shines on them, they will be exposed as collaborators in the genocide against the Sikhs.

America is the moral conscience of the world. We must not let this effort to bury the genocide and evade responsibility for these crimes succeed. It is our solemn duty to do whatever we can to make sure that the People's Commission is able to complete its work, and that the people responsible for these murders, abductions, and other acts of torture are exposed and brought to justice. Mr. Speaker, I call on the President to instruct our Ambassador to India to intervene on behalf of the commission. I further urge my colleagues to impose tough sanctions on India until the commission has completed its efforts to expose the genocide; and I urge the United States of America to go on record for self-determination for the Sikhs of Punjab, Khalistan, so that they can decide their own fate in a free and fair election. That way, the repressive actions of the police can finally come to an end and real democracy can come once and for all to Punjab, Khalistan.

On September 3, 1998, the Hindustan Times ran a very informative article on the effort to close the People's Commission. I am placing it in the RECORD for the information of my colleagues. I hope we all will read it and consider the information therein.

THE HINDUSTAN TIMES 09/03 GOVT'S DISREGARD FOR PEOPLE'S PANEL IRKS RIGHTS ACTIVISTS

NEW DELHI: Human rights activists are irked by the Government's disregard bordering on disdain, for the People's Commission that has been hearing complaints of human rights violations in Punjab since the time when the State was in the thick of terrorism.

"How can the Government ignore the necessity to determine the facts," wondered Mr. Ram Narayan Kumar, convener of the committee for Coordination on Disappearance in Punjab. He was particularly livid that the commission was sought to be branded as "extra-judicial" by official agencies.

The commission is the brainchild of Justice (Retd) Kuldip Singh, who is a member of the Coordination Committee that functions as an umbrella organisation of Punjab-based human rights groups. The People's Commission was constituted, as a follow-up to the committee's first convention in December last year, as a functional-forum to defend human rights guaranteed under the Indian laws.

The complaints the People's Commission has been hearing, Mr. Kumar claimed, were based on facts revealing disappearances, custodial deaths and police torture. "The truth must come out. The incidents cannot be dismissed as forgotten past," he averred.

Mr. Kumar has to his credit two books providing a historical perspective to the human rights situation in the border State.

According to him, the political leaders, bureaucratic and intellectuals were indifferent to the problem of civil liberties and human rights.

"Nobody is interested in fact finding. But the facts cannot be suppressed. Thousands of those whose kin have disappeared are awaiting justice," Mr. Kumar said. Speaking on behalf of the committee, he claimed that the cases under scrutiny were based on extensive research work, "We want to propose reforms on the strength of facts and the existing law. Any attempt to vitiate the atmosphere might prove to be dangerous."

The Akali Dal had promised, before coming to power, that it would have a detailed inquiry conducted into the human rights violations. "But now they want to forget the past," he said.

During its first three-day session starting Aug. 8, the People's Commission heard complaints about alleged human rights violations at the time when Punjab was in turmoil. The "Bench" comprising three retired judges—Justices D.S. Tewatia, Justice H. Suresh and Justice Jaspal Singh—took up complaints of illegal abductions, custodial deaths, disappearances, summary executions and en masse illegal cremations.

The programmes adopted by the committee are aimed at countering, through an informed public opinion, the ongoing campaign for immunity for policemen charged with human rights violations; initiate a debate on vital issues of State power; organise compensation for the victims, and bring about change in domestic laws in conformity with the United Nations' instruments on torture and enforced disappearances.

Mr. Kumar dismissed the claims that the commission has been acting on the basis of one-sided stories. "We are willing to go into cases presented by widows of policemen killed by militants, we would be equally keen to study the instances they have documented," he said.

The commission's next sitting is scheduled from Oct. 23–25 in Ludhiana. However, the legal validity of its actions is doubted by experts.

MICROSOFT LITIGATION

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. CAMPBELL. Mr. Speaker, in recent months, I, along with several other members of Congress, have been visited by representatives of Microsoft, and high technology companies allied with and against Microsoft. The topic of the discussions has been the pending U.S. Department of Justice lawsuit against Microsoft. It has been my practice never to attempt to influence a matter in litigation, and I will follow that practice in this case. However, I do feel compelled to state that, whether the case that the Department has alleged ultimately proves successful in court or not, the Department of Justice in my view is on very solid antitrust ground in the theories it has advanced. I make that conclusion as a Professor of Law at Stanford University, as a former Director of the Bureau of Competition, the antitrust enforcement arm of the Federal Trade Commission, as a former member of the Council of the Antitrust Section of the American Bar Association, and as a former expert witness in several antitrust matters.

The Department's case is brought under a well established antitrust doctrine known as tying. A firm with a large share of one market can choose to utilize its market power to compel consumers to purchase another product that would be more properly viewed as in a separate market. Such cases are easily 80 years old in antitrust. Numerous decisions of the United States Courts of Appeals and the United States Supreme Court have dealt with this doctrine. It is absolutely safe to conclude that the tying of the sale of one product to the purchase of another, conduct compelled by a firm with market power, is a garden variety violation of the antitrust laws. Indeed, it is a per se violation of the antitrust laws. (I hasten to add that, as an academic, I have spoken and written against the use of per se theory in many areas of antitrust; preferring instead a more careful analysis of the comparative benefits and harms to consumers from practices too readily condemned under the per se rubric. I would urge such a comparison here.) But what remains beyond reasonable disagreement is that the Department of Justice has premised its case on conservative antitrust principles, long upheld by the courts. Whether the Department can prove that the facts involved in Microsoft's marketing practices meet the legal standard for illegal tying, of course, remains to be proven in court.

The Department has also intimated that its case might be premised on a monopolization count: namely, that Microsoft's actions have had the purpose, and likely effect, of deterring the development of a new technology which, if allowed to develop, would render obsolete the very product, operating systems software, in which Microsoft currently has a dominant market position. Once again, such a theory is well known in antitrust, with examples from many industries from newspapers to petroleum, where companies have been taken to task under the antitrust laws for deterring customers from going to an alternative product.

I offer the foregoing statement at the request of several constituents who have asked my view on the matter. I do not anticipate any legislation on this matter, nor are my foregoing comments to be taken as any indication as to how I might vote should a legislative matter be presented that involves the kind of practices alleged here.

EMERGENCY FOOD ASSISTANCE ENHANCEMENT ACT OF 1998

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Emergency Food Assistance Enhancement Act of 1998. My bill increases the mandatory commodity purchase account from $100,000,000 to $120,000,000 and is still expected to save the taxpayers over $200,000,000 over the next 4 years.

It is unfortunate, Mr. Speaker, that there is a need for food banks. Even though our farmer and ranchers are the most productive and efficient in the world, the need for food banks continues. Food banks often meet the needs of their communities by managing donations from the government and the private sector. Most government donations are the product of the emergency food assistance program. It is a unique program that has the ability to provide nutritious domestic agriculture products to needy Americans while at the same time providing support to the agriculture community. In the welfare reform bill, Congress made TEFAP commodity purchases mandatory because of the integral role this program has in the provisions of food assistance to needy families.

This program is a quick fix, something to get families through tough times. It gives them the support they need, but it doesn't ensnare them into a cycle of dependency for which other federal assistance programs are infamous. TEFAP purchases also provide much needed support to the agriculture community. While other food assistance programs are much larger, TEFAP has a more direct impact for agriculture producers, while at the same time providing food for those in need.

To pay for the $20,000,000 increase for the TEFAP program, this bill strikes the provisions for new funding and spending conditions in the Food Stamp Employment and Training (E+T) Program that were included in the Balanced Budget Act of 1997. The bill gives TEFAP an additional $20,000,000 a year and returns the rest to the U.S. treasury. In addition, it strikes the mandate that 80% of both new and previous Employment and Training funds must be used to provide state work or training slots for able-bodied adults without dependents who are subject to the work requirements within three months of receipt of food stamps.

Many states report that declines in the able bodied adults without dependents caseload has declined more dramatically than the overall food stamp caseload rate. In some states the able bodied adults without dependents caseload decline is ten times the rate of decline for the total food stamp caseload.

Due to the declining number of able bodied adults without dependents cases, restrictions on state spending of federal Employment and Training funding are leading to dramatic imbalances in the amount of funds available and services to this population and the rest of the food stamp recipients. For example, the state of Texas estimates that it will have over 12 times more money available for able-bodied adults without dependents than for anyone else on food stamps. In real dollars, for example, that breaks down to $491 for a single 23 year old male that is on food stamps compared to just $40 for a 23 year old mother of four participating in the same program.

The able-bodied adults without dependents constitute only 25% of all employment and training program participants yet 80% of all the employment and training money is reserved for them. It is obvious that the needs of the able bodied adult without dependents and everyone else in the Employment and Training programs would be better served if the states could address the needs of all participants on an equal basis and promote self-sufficiency for all recipients.

Mr. Speaker, I am hopeful that the Emergency Food Assistance Enhancement Act will enjoy resounding and rapid support from the full House of Representatives. It is important that we increase authority for this important program and stop the wasteful spending on Food Stamp Employment and Training programs for people who refuse to participate. It is equally, if not more important, to send a message to the conferees assigned to the Agriculture Appropriations bill for fiscal year 1999 that TEFAP is a vitally important program and should be funded to its fullest extent.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. STABENOW. Mr. Speaker, on rollcall vote No. 426, had I been present I would have voted "yes"; on rollcall vote No. 427, had I been present I would have voted "yes"; on rollcall vote No. 428, had I been present I would have voted "yes"; on rollcall vote No. 429, had I been present I would have voted "yes"; and on rollcall vote No. 430, had I been present I would have voted "yes.'

SENATE—*Wednesday, September 16, 1998*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we claim Your promise given through Isaiah, "Your ears shall hear a word behind you saying, 'This is the way, walk in it' "—Isaiah 30:21. We humbly ask for that kind of clear guidance for everything we do today. We know that it comes as a result of seeking Your direction, listening carefully to Your answers communicated through our thoughts, and being faithful in following Your leading. We confess anything that may stand in the way of receiving Your inspiration. Make us clear channels for the flow of Your spirit. Maximize our native intelligence with Your wisdom, our analytical skills with Your discernment, and our agendas with Your priorities. You know how pressured life becomes. Therefore, give the Senators clear minds and trusting hearts. You have called them to greatness through Your grace and goodness. With them, we dedicate all that we have and are to You and our beloved Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

Mr. DOMENICI. Thank you, Mr. President.

SCHEDULE

Mr. DOMENICI. Mr. President, for the information of all Senators, this morning the Senate will resume debate on the Interior appropriations bill with Senator BOXER being recognized to offer an amendment regarding oil royalties. There will be 3 hours for debate on the amendment. At the conclusion or yielding back of time, the Senate will proceed to a vote on a motion to table the Boxer amendment. Following that vote, it is expected that further amendments to the Interior bill will be offered and debated. Therefore, Members should expect rollcall votes throughout today's session and into the evening in relation to the Interior bill or any other legislation or executive items cleared for action. The leader expresses his thanks to colleagues for their attention.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. ALLARD). The Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

Mr. DOMENICI. Mr. President, we are awaiting Senator BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from California is recognized to offer an amendment related to oil royalties in which there shall be 3 hours for debate equally divided.

The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

AMENDMENT NO. 3594

(Purpose: To strike the section delaying issuance of a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN and Mr. WELLSTONE, proposes an amendment numbered 3594.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DOMENICI. Reserving the right to object, is it a short amendment?

Mrs. BOXER. Pardon me?

Mr. DOMENICI. Is it a short amendment?

Mrs. BOXER. Yes.

Mr. DOMENICI. I would like it read.

Mrs. BOXER. That is no problem with us at all.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 74, strike lines 13 through 20.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I said it was a short amendment. It is in fact a short amendment. It is a very straightforward amendment. It would actually strike a rider that has been placed in this bill that deals with oil royalty payments that are due Federal taxpayers.

Mr. President, Senator BUMPERS, Senator DURBIN, Senator DASCHLE and Senator WELLSTONE are joining me today to offer an amendment to repeal a special interest rider that has been attached to the Interior appropriations bill. And I think, to put it in very, very straightforward terms, the taxpayers are being robbed. Now, that is a pretty strong statement, but I can back it up. They are being robbed to the tune of $5.5 million a month, and that is a lot of money, Mr. President. It adds up real fast to many, many millions of dollars, and over years, hundreds of millions of dollars.

If any one of us were standing outside on the street and we saw someone's purse being snatched, and we saw somebody grab that purse and take the money out and pocket it, we would act like good Samaritans and we would say that is wrong. Well, I think it is wrong when we see the most powerful companies in this country—only 5 percent of the oil companies in this country are doing this—not paying their fair share of royalty payments.

How do I know this is a fact? Because there have been lawsuits, Mr. President. All over this country the oil companies have, in fact, settled and admitted—admitted—they underpaid their royalties.

I am very pleased that the Senator from Illinois has wound his way over here because he and I have worked on this together, as well as Senator BUMPERS and Senator WELLSTONE. I was very proud that in the committee my motion to remove this rider got the support of Senator BYRD. And that is because wrong is wrong and right is right. It is wrong for the powerful oil companies, with teams of lawyers, to be able to take away the rightful funds of taxpayers.

Now, what does this rider do?

The rider prevents the Interior Department from acting to ensure that oil companies pay their fair share of royalties for oil drilled on public lands.

Now, if you are asking what a royalty payment is, it is very simple. It is like a rent payment. The oil companies drill on Federal land, they have to pay a royalty payment, 12.5 percent of the value of the oil that they find on Federal land. What do we do with it in the Federal Government? It goes straight to the Land and Water Conservation Fund, which is the fund that purchases parks, to the Historic Preservation Fund, and a share of it goes to the States. What do the States do with it? They do with it what State law requires. In the case of my State of California, those royalty payments go directly to the schools.

So this amendment that I am offering, if we are fortunate enough to pass it and we can strip this rider out, will mean more money for schoolchildren and more money for the Land and Water Conservation Fund.

Now, this royalty payment is not a tax. It is a payment that the oil companies sign on to pay. They sign on to an agreement, just as you do if you lease an apartment. It says:

> The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

Keep that in mind. The oil companies have signed on to a lease that says that their royalty payments "shall never be less than the fair market value of the production."

What has been happening? A small percentage of oil companies are paying a royalty not on the fair market value of the production, but on a made up price. A price that they, themselves, make up. I will explain that later. As a result of this phantom price system, they value the oil at a lower price than the market price. Taxpayers, therefore, are getting 12.5 percent of a lower price. Taxpayers are getting robbed, plain and simple. Only 5 percent of the oil companies are doing this, 95 percent are not. We want to make sure those 5 percent, the bad actors, pay their fair share.

That is what our amendment will do. It will strip out a rider that says to the Interior Department, "Stop what you are doing to fix this problem." The rider in this bill says to the Interior Department, essentially, "Stop what you are doing to fix this problem." The Interior Department is trying to get millions of dollars back for taxpayers. They are being stopped by a rider in an appropriations bill.

It is a very simple issue. Believe me, it will be contorted to make it look complicated, but it isn't complicated. For years, oil companies have been cheating the American taxpayers out of millions, if not billions, of dollars. The Department of Interior took action to stop the cheating. And now, the Senate Appropriations Committee, pretty much on a party line vote, said to the Interior Department, "You can't fix the problem." What we are doing in our amendment is saying, "Yes, you can, Interior Department, fix the problem. Do it in a fair way, go after the 5 percent of the oil companies that are cheating the people. Fix the problem."

Now, how do we know that they are cheating? First of all, common sense will tell you. We have a chart that shows the difference between the posted price and the market price. We know that the Interior Department has already billed 12 companies over $260 million for past royalty underpayments. So we know there is a problem. The Interior Department wouldn't do that if they didn't think they had proof that there has been cheating. There have been settlements in five States on royalty underpayments. California has collected $350 million; Alaska, $2.5 billion; Texas, $17.5 million; Louisiana collected $10 million; New Mexico collected $8 million. So the States are ahead of us on this. They are suing the companies because the States know they are being cheated, and they are collecting.

Just 2 weeks ago, Mobil Oil paid an additional $56.5 million in settlement. Now, oil companies would not have settled for these large sums of money if they truly believed they could justify their royalty payments. You don't go and say, "Here are millions of dollars. I'm really innocent, but let's just get this over with." I don't know of any company that would turn over $56 million, or $2.5 billion, if they didn't think they were liable for it.

Here is the issue. This chart shows ARCO as an example. This is the market price of oil in the west Texas market, in the blue on this chart. This is what ARCO said the price was. It is very easy to see the chart and see the difference, the area where we should be collecting money. Another chart shows the Koch Oil Company, the same thing. This is the market price in the blue line in the Louisiana market, and the red line is what they said the market price was.

We also know that in February 1998 the Department of Justice intervened in a lawsuit under the False Claims Act, accusing five major oil companies of knowingly undervaluing oil extracted from public land and thus paying lower royalties. The suit was originally filed in the U.S. district court in Lufkin, TX, by three private parties. The Justice Department entered the suit because of the overwhelming evidence against the companies. These lawsuits are still pending, and the Justice Department is continuing its investigation of the remaining seven companies that have been billed by the Interior Department. Under the False Claims Act, the United States may recover, on behalf of taxpayers, three times the amount of its losses plus civil penalties.

If anyone comes on this floor and says there is no cheating—and they will—if anyone comes on this floor and says, "There is nothing there, Senator BOXER; what is the fuss?" I will show them exactly what the fuss is all about. And that is the underpayment of royalties that the oil companies promised to pay. Remember:

> The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

And we know what the fair market value is because there is an open market on these prices.

Who benefits from this rider that is on this appropriations bill that Senator DURBIN, Senator WELLSTONE, Senator BUMPERS, and I, and others are trying to remove? Who wins? Five percent of the oil companies.

If you hear someone come on this floor and say this is an attack on small oil companies, this is an attack on the mom-and-pop oil companies, that is just not true. Five percent of the oil companies, the biggest oil companies, are the only ones who are affected by this rule; 95 percent of them are not, and there is no change. So we are talking about a rider that protects 5 percent of the oil companies—namely, the biggest oil companies in the country who make billions of dollars and who are not paying their fair share of royalties and basically have admitted it in lawsuit after lawsuit after lawsuit—maybe not technically, but when you settle for those amounts of money, you know they don't want to go to court about it.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the companies who are affected by this rule.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Companies	(Oil and gas J.)	(Oil and cond.)	Paid vs. revenue (percent)	Under the rule	Liability v. revenue (percent)
Shell Total	$29,151,000,000	$213,008,437	0.73	$19,459,159	0.07
Exxon Corp. USA, Total	134,249,000,000	154,531,037	0.12	7,993,222	0.01
Chevron USA, Inc. Total	43,893,000,000	159,611,684	0.36	7,111,509	0.02
Texaco Exploration & Prod., I Total	45,500,000,000	87,370,721	0.19	6,375,000	0.01
Marathon Oil Company Total	16,356,000,000	53,593,234	0.33	5,225,380	0.03
Mobil Explor. & Prod. U.S. Total	81,503,000,000	55,511,623	0.07	3,978,051	0.00
Conoco Inc. Total	20,579,000,000	30,562,431	0.15	2,444,738	0.01

Companies	(Oil and gas J.)	(Oil and cond.)	Paid vs. revenue (percent)	Under the rule	Liability v. revenue (percent)
Phillips Petroleum Co. Total	15,807,000,000	10,527,634	0.07	2,334,420	0.01
BP Exploration and Oil Inc. Total	17,165,000,000	46,819,366	0.27	2,138,002	0.01
Amerada Hess Corporation Total	8,929,711,000	12,271,849	0.14	1,446,901	0.02
Amoco Production Company Total	36,112,000,000	31,030,184	0.09	1,427,185	0.00
Pennzoil Products Co. Total	2,486,846,000	23,858,522	0.96	1,416,140	0.06
Unocal Exploration Total	9,599,000,000	36,205,793	0.38	1,358,282	0.01
Murphy Oil Company U.S.A. Total	2,022,176,000	16,445,805	0.81	778,351	0.04
Arco Western Energy Total	19,169,000,000	50,363,676	0.26	718,384	0.00
Coastal Oil & Gas Corporation Total	12,166,900,000	4,364,577	0.04	470,939	0.00
Total Petroleum, Inc.—Oil Total	34,526,000,000	3,059,110	0.01	364,045	0.00
Koch Oil Co. Total	Unavailable	3,214,012	....	342,222	....
Fina Oil & Chemical Company Total	4,078,502,000	1,393,795	0.03	156,560	0.00
Hunt Oil Company Total	Unavailable	8,256,498	....	125,731	....
Howell Petroleum Corporation Total	712,501,000	1,581,010	0.22	122,669	0.02
Frontier Oil & Refining Co. Total	3,379,000	486,634	14.40	47,853	1.42
Giant Refining Company Total	Unavailable	945,403	....	46,854	....
Citgo Petroleum Corp. Total	Unavailable	600,941	....	45,755	....
Navajo Crude Oil Mktg Co. Total	Unavailable	2,598,096	....	45,063	....
BHP Petroleum (Americas), I Total	135,180,000	6,266,511	4.64	34,020	0.03
Barrett Resources Corp. Total	202,572,000	306,239	0.15	32,719	0.02
ANR Production Total	Unavailable	402,039	....	13,801	....
Petro Source Total	Unavailable	919,725	....	12,049	....
Berry Petroleum Company Total	57,095,000	132,733	0.23	9,711	0.02
Sinclair Oil Corp. Total	Unavailable	181,480	....	5,949	....
Ashland Exploration, Inc. Total	13,309,000,000	47,270	0.00	3,825	0.00
Big West Oil & Gas Inc. Total	Unavailable	1,877,664	....	3,415	....
Sun Refining & Marketing Co. Total	Unavailable	73,075	....	2,683	....
Pride Energy Company Total	Unavailable	113,116	....	2,389	....
Cenex, Inc. Total	Unavailable	140,119	....	2,267	....
Sunland Refining Corp. Total	Unavailable	4,034	....	1,919	....
Diamond Shamrock Ref. & Mktg. Total	Unavailable	6,805	....	226	....
Montana Refining Company Total	Unavailable	2,923	....	213	....
Gary-Williams Energy Corp. Total	Unavailable	27,848	....	8	....
Grand Total—40 Companies	....	....	....	66,097,612	....

Mrs. BOXER. Mr. President, let the RECORD show that we have 1½ pages of companies that are affected by the rule, and we literally have 34 pages of all the companies that are not affected by this rule. So we, in this amendment, are going after only the 5 percent of oil companies that are cheating the taxpayers, and 95 percent of them are unaffected by this rule. So the only one that is benefited by this rider, as it stands in the bill, is big oil.

The delays caused by this and other riders will cost taxpayers—hold on to your hats—$82 million in taxpayer money lost by this rider—$5.5 million a month for 15 months, from June of 1998 when the rules were expected to be finalized and this problem was supposed to be taken care of.

I would like to share with you an editorial in the USA Today about this issue. I am going to read it because I think it is worth reading. It is one thing when I say this; it is another thing when an USA Today editorial says it.

> Today's debate: oil, politics and money.
>
> Time to clean up big oil's slick deal with Congress.
>
> Industry's Effort to Avoid Paying Full Fees Hurts Taxpayers, Others.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

> According to government and private studies, that's the sweet deal the oil industry is fighting to protect: the right to extract crude oil from public land and pay the government not the open market price, but a lower posted price based on private deals the oil companies can manipulate for their own benefit.
>
> Big oil has contributed more than $35 million to national political committees and congressional candidates in that time—a modest investment in protecting the royalty pricing arrangement that's enabled the industry to pocket an extra $2 billion.

This is USA Today speaking. I don't associate myself with that thought. I think there are people here who are not motivated by this. But I think it is interesting that that is the perception of USA Today. They go on about the lost payments:

> That's millions missing in action from the battle to reduce the Federal deficit and from accounts for the land and water conservation, historical preservation, and several Native American tribes. In addition, public schools in 24 States have been shortchanged. States use their share of Federal royalties for education funding.
>
> But the taxpayers have been getting the unfair end of this deal for far too long. One major producer, Atlantic Richfield, has already adopted market pricing for calculating its royalty payments.

In other words, Atlantic Richfield has stepped out and done the right and corporate-responsible thing.

> Instead of protecting industry recalcitrants and campaign contributors, the Congress should protect the public interest.

I want to identify and associate myself with that thought. I know colleagues believe it is in the best interest of America to stop the Interior Department from moving ahead with their rule. But if you really look at it and you see that we are being shortchanged by $6 million—$5.5 million to be exact—every month, that hurts taxpayers. As I said, it is just the same as seeing a purse being snatched and a little lady running after the criminal saying, "Give me back my money." Well, we can do a cartoon here of the oil companies—only 5 percent of them, the bad actors here—snatching the taxpayers' purse to the tune of $66 million each and every year, and having the taxpayers say, "Wait a minute, that's ours. You signed a royalty agreement and you said it shall never be less than the fair market value of the production."

I know there are many others who wish to speak, Mr. President, so I will soon conclude my remarks. But I want to make one point about why this is happening. The big oil companies are so large that they have affiliates to whom they sell. The problem is that if they sell to their own affiliates, that is called a "non-arm's-length transaction." So if I have a product to sell on the market, because I don't own an affiliate, it is a very easy way to calculate the royalty. You go out on the marketplace, sell it to the highest bidder—you know what the market price is—and you pay a royalty payment of 12.5 percent on that price. If you own your own affiliate, you can pay whatever you want. So they sell it at a lower price because they control the price, and then they go ahead and pay the royalty payment on the lower price that they control. It is very much like what the USA Today said about being able to manipulate the price. They say, "Imagine being able to compute your own rent payments and your own grocery bill." That is a pretty good deal.

But if you are the landlord and you pay yourself rent, you could pay yourself any amount and you won't evict yourself. That is what is happening here. They are selling the oil at a lower price because they control the affiliate, and then they pay the royalty payment on the lower price. Whereas, the oil companies that are smaller, that don't own the affiliate, have to go by the market price.

Let's show that chart one more time. Here you have a case of a company that owns its affiliate and sells to its own affiliate at the posted price—the red line—when the market price that all the smaller companies have to pay is up here. The difference between the red and blue lines is the area of cheating. That is what we are trying to recover.

So, Mr. President, I am honored that I have been able to offer this amendment. I am very pleased that Senator GORTON showed me great courtesy in allowing me to open up the debate this morning because it is an issue that is very important. Frankly, when it came up in the Appropriations Committee, we had to struggle to even get a minute or two to discuss it. It was almost as if people didn't want it to be discussed. I am very proud today that we now have time so Senator DURBIN can speak on its behalf, as well as Senator WELLSTONE, and others, and some on the other side can have a chance to be heard.

In concluding this portion of my remarks, let me thank my colleagues for their interest. Let me say that there aren't too many straightforward issues around here, and people are going to tell you this isn't straightforward. But for over 2½ years the Interior Department has tried to come up with a fair way to make sure the oil companies pay their fair share of royalty payments. They have done so.

In my next series of remarks I will read you the accolades the Interior Department is getting for the way they went about this. And what do we do in the face of finally straightening out a mess that has caused lawsuits, has meant that kids in California are not getting payments into the classroom, has meant that the Land and Water Conservation Fund and Native Indian tribes and the Historic Preservation Fund have been cheated out of funds? We get a rider that says to the Interior Department: Sorry, we don't like what you are doing. Stop short right here, and let's not do anything to recover these royalty payments.

Mr. President, I think that is wrong. I would like to see the Interior Department be allowed to do its job and, therefore, we offer this amendment with the best of intentions to allow the Interior Department to move forward on this rule.

I yield the floor.

I will later participate in the debate. Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me ask the Senator from California, Is there any urgency on her side to conclude her remarks? We can wait. We have others who want to speak.

Mrs. BOXER. There are several others.

Mr. DOMENICI. The Senator from California has 1½ hours. We have 1½ hours. I am not sure we will use all of ours. I don't know whether the Senator from California will use all of theirs. I have a few Senators who want to speak.

Mrs. BOXER. I think we will be using our time.

Mr. DOMENICI. Mr. President, I yield myself just 5 minutes for some opening remarks.

From our standpoint, I would like very much the distinguished Senator from Louisiana to take a few minutes of my time because the Senator from California spoke longer than 5 minutes. I will yield time to the Senator from Louisiana for his comments.

First of all, Mr. President, it is too bad that the MMS, the Federal agency that is establishing these rules, doesn't have better credibility with those that they are proposing rulemaking against. You need not have the industry that you regulate think that you are totally against them—arbitrary, or somewhat capricious—in order to get your job done.

As Senator BOXER has indicated on at least three occasions, this only affects 5 percent of the oil companies. That is MMS's view. That is the agency of the Federal Government that thinks these rules are wonderful.

From my standpoint, I would like to tell you what the independent producers say. Frankly, I believe this is as valid as an MMS evaluation. The IPAA—that is the independents across America—say that the percentage of oil producers impacted by the oil royalty rule is 100 percent. In fact, this is their principal concern this year, that these proposed regulations, if adopted, will have a serious impact on many, many independent producers. Frankly, I believe that is the case.

First all, MMS, the regulating agency, has permitted so broad a latitude under the rubric of unreasonable that I believe they can do almost anything. It is not certain what the rules will be when they are completed. They will be very uncertain. Litigation will not disappear. It will become more rampant.

I would like the statement from the independent oil and gas producers—many of them from my home State, many very small, many going broke today because of low oil prices—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Percentage of Oil Producers Impacted by Oil Royalty Rule: 100 percent

It's time to debunk the mistruths surrounding the proposed oil royalty rule. Opponents of the oil industry and the Minerals Management Service claim that America's independent oil producers will not be affected by the proposed rulemaking. Not true.

RULEMAKING WILL CRIPPLE INDEPENDENT PRODUCERS

Before exposing the sham on this issue, it's necessary to state the position of independent producers on the proposed oil royalty rulemaking. Under the current proposal, no oil producer will be certain that royalty payments to the government are final. In other words, the Interior Department will have license to knock on the doors of independent producers years down the road and demand additional tax payments for oil drilled on federal lands. Not only is the rule a violation of the lease contract between government and industry, it will badly impact the health of independent oil companies who are already on its knees because of the devastatingly low oil prices.

The proposed rulemaking will most certainly lead to years of litigation and audit. In fact, IPAA's Board of Governors, who represent over 8,000 independent oil and gas companies, voted yesterday to pursue options to litigation should this rulemaking be implemented. A proposed rule promoting more government and less certainty should not be finalized. Fighting it in the courts is an expensive proposition, but independents are impacted by the rule and will have no choice but to pursue costly litigation for survival.

DEBUNKING MORE LIES

Opponents of the oil industry claim the industry-backed moratorium is anti-environmental. Not true. In 1997, the oil industry generated more than $4 billion in revenues from oil and natural gas production on federal lands, much of which is used for the Land and Water Conservation Fund. The rulemaking affects accounting procedures, not the environment.

Opponents claim the moratorium will cost taxpayers and school children $60 million per year. Not true. Interior has the ability under the current rules to collect all they believe is due and owing regardless of a moratorium.

ALL INDEPENDENT OIL PRODUCERS IMPACTED

Many changes. Like new duty to market at no cost.

Second guessing, moving producers to alternative pricing.

Chasing arm's-length prices away from the lease.

Mr. DOMENICI. Mr. President, we are here on the floor of the Senate, it seems to me, proposing a set of rules that would like to gouge for oil bucks, gouge for oil royalties.

Let me state for the Senate a couple of facts about oil production in the United States and about the cost of oil that I believe are startling.

First of all, about 3 weeks ago—I don't know what the exact measurement is today—one of my staff members drew some comparisons in terms of what oil is worth today, what gasoline is worth today for our automobiles and for our Nation. If you go to a supermarket, I say to my friend from Illinois, or if your wife does, and she buys bottled water, she will pay more for a gallon of bottled water than Americans are paying for gasoline for their cars. That is good economics for America, but it is bad economics for America's oil independents, for America's independent producers. Because, just as that truism indicates that gasoline and oil producers have been at an all-time low for the last 5, 6 or 7 years, oil production is going down in the United States. Many independents who have been stalwarts are literally saying they do not know if they can make their bank payments for 1 additional month.

Here we come to the floor with an amendment that is saying, let the regulators impose new regulations, and we sing the praises—at least the Senator from California does—that it is going to get more money out of the oil companies. That sounds wonderful. In fact, it is kind of alleged here this morning that, you know, they—these oil companies—are just taking money out of somebody's purse so we ought to go after them like we would go after somebody who took a purse away from somebody.

Mr. President, if you are going to take more money from the oil producers of this country—and we are already becoming more and more dependent on foreign oil, and the price of oil is going down and down—I ask you, won't you in about 3 or 4 or 5 years get less by way of oil royalties than you are getting today by shutting off American production and causing some more of them to get closed? Where will the royalty come from as we produce less oil, rather than more?

So whether it is $60 million, $70 million, $80 million or $100 million that allegedly will come in, that is not the test of whether the rules are fair. If we imposed those kinds of regulations on any industry we regulated, could we stand up and say we just got $50 million from the patent applicants of the United States because we just increased the fee? But you have to ask, what is fair, what is right, what is just, not just are the regulators right because they picked up more money.

Before we are finished, we will go through a litany of arbitrary, confusing regulations that they intend to pursue. They are just looking for a little window—I can tell you these regulators are—because there is a moratorium right now. They are hoping against hope that they will get an 8- or 10-day window when there is no moratorium so they can slap on these.

I want to tell them here and now that they are going to have a hard time doing that, because I believe we will prevail today, and I believe we will make sure that any bill that goes to the President for signature is going to have this on it.

Having said that, I reserve the remainder of my time, excepting I would yield whatever amount of time that Senator BREAUX from Louisiana desires.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you.

The PRESIDING OFFICER. Who yields time to the Senator?

Mrs. BOXER. I yield time to the Senator, 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mrs. BOXER. Mr. President, how much remaining time do I have?

The PRESIDING OFFICER. The Senator has 56 minutes remaining.

The distinguish Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague from the State of California.

Let me say at the outset that this is about more money for California schools. It is about more money for land and water conservation, which funds the acquisition of park space and green space across America. It is about more money for historic preservation. It is about more money for Indian tribes, Native Americans, who receive benefits from these royalties. This is about a matter of principle on which the Senator from California is taking the floor to lead the fight. I salute her at the outset, and say to those who are listening to this debate that we are fortunate to have people of the caliber of Senator BOXER from the State of California who are willing to wage these battles, because, you see, it would have been so easy for us to really kind of look the other way with a wink and nod and let this one slip by.

This is not an issue that went before a committee with a lot of investigation, witnesses and hearings so that America could tune in and be part of the debate. This was done on a disaster bill for tornado victims—a bill that was also designed to buy emergency funds for our troops in the Middle East.

You say, What could that possibly have to do with the royalties oil companies pay for drilling on Federal land? The honest answer is that it had nothing to do with it. It was put on at a late moment with no hearings and with little publicity.

I have been around legislatures for about 32 years—State and Federal. I can tell you there are two things to keep your eye open for toward the close of business: find out if there is something that just got popped on a bill without any hearings, and find out whether it benefits some large special interest group. Guess what? Bingo. That is what we are talking about here. Senator BOXER caught it, brought it up in the Appropriations Committee, and said to her colleagues, Please don't do this. At least for the taxpayers of this country, take a close look at what is going on here.

I salute her for doing that. Her leadership is important, and this issue is important. It is about $66 million a year. And I guess by Federal standards people say, wait a minute, in a budget that is dealing with $1.5 trillion, what does this mean?

Well, it means a lot, because for schoolchildren in her State and a lot of other States and for the people I mentioned earlier who are dependent on these royalties, this is an important amount of money.

I think what is more important than the money involved is the principle that is involved in this. Consider for a moment, you own a piece of property and someone comes to you and says, "I want to rent from you under one condition, and that is I decide how much rent I am going to pay you." Well, you say, "Well, at least let's have some standard. Let's have some objective standard." And they said, "Yes, I will tell you what the objective standard will be. I will ask my Uncle Louie what's fair." And you say to yourself, "Why would we sign such a lease?"

That is what has happened here. The land that they are drilling for oil on is land that we own, ladies and gentlemen. It is the land of the people of the United States. It is not land owned by oil companies. They come on our land with our permission to drill oil from our land to make profits for their companies. That is what this is all about. And we say to them, "Make a profit. That's fine. That's the American way. But we want one-eighth of your profit. We want one-eighth of the cost of the oil." Those who are involved in the oil business know that is not an unusual request. The owner of the land gets an eighth.

The problem here is that the oil companies have said, "We will determine an eighth of what. We will determine what Uncle Louie says is an eighth." And in this situation they won't take a market price that they are supposed to take. They take a price they have absolutely fabricated. They have made it up. They trade among themselves. They post prices and say, "This is the price," and we know better.

The charts the Senator from California brought to us make it clear the taxpayers are being cheated, because a handful of oil companies are declaring a price that they are basing the royalty on which is a phony, false price. State after State has turned around and sued them successfully for this sort of cheating. And now we are trying to promulgate a law here on Capitol Hill in the Senate which condones this cheating, saying, "Keep on reaching in Uncle Sam's pocket, pull out all the money you need, play us for Uncle Sucker, and we are going to look the other way."

I do not think we should do that. I do not think that is fair to a lot of people. And I really am, in a way, surprised that a lot of oil companies that have extraordinarily good business reputations would be involved in this chicanery.

I listened to the Senator from New Mexico give a speech. His speech is, as far as I am concerned, very accurate. The oil industry in this country does suffer some problems, particularly independent producers. They come from my State. Illinois is not a major production State, but we have a lot of producers there who have come to see me. And it is a fact that the price of oil and the products of oil are so low that many of them cannot survive. It has domestic and international ramifications; I don't question that. But to argue that that situation with the oil industry in general means that we should give a handful of oil companies, 5 percent of them, an opportunity to reach in the Federal Treasury and pull more money out at the expense of taxpayers begs the question. If you let this 5 percent turn around and absolutely drill the oil for free and not pay the taxpayers a penny, it would not create a recovery in the oil sector. I am afraid that is what the other side is arguing. We are dealing with a small percentage here.

And let me tell you what these royalties mean to these large companies that are drilling on taxpayers' land. The additional royalties represent approximately 1–100th of 1 percent of the $461 billion in 1996 revenues for these companies. We have crocodile tears in the Chamber here about these struggling oil companies at a time when we look at their balance sheets, and many of them are making billions of dollars and would say to the taxpayers of this country, "No, we can't pay you a royalty based on the real market price; we want to create some fiction." And so not in the dark of night but in the darkness of a conference committee room, along comes a provision which basically says the Department of Interior may not investigate, may not determine whether there is fairness in the price that is being charged. No. The Senate of the United States will shut them down and tell them, keep their noses out of these corporate boardrooms.

Mrs. BOXER. Will the Senator yield for 1 minute?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. I wanted to know if the Senator was aware, when the Senator from New Mexico read from the independent oil producers, the director of the Minerals Management Service sent us over an announcement that I am going to put on everyone's desk that says:

> We understand that information is being provided to Congressional Members indicating that the proposed Federal oil valuation rule will put independent oil companies out of business. This is untrue. The rule will have no impact on independents who sell on the open market.

And it goes on that only 5 percent of the companies will be impacted.

The reason I interrupted my friend was to see if the Senator had seen this, because I think this is the key part of the debate. We know that the companies that are impacted in fact have billions of dollars of revenue. I just wanted to make sure that Senator DURBIN from Illinois had seen this, and we will be putting it on everyone's desk.

Mr. DURBIN. I am happy that the Senator from California brought up the point, and I have this in my possession. I do not believe we can allow these major oil companies to hide behind the skirts of these independent oil producers who are struggling to survive.

A letter from Secretary Babbitt that was sent to USA Today on this subject says that his data tells an entirely different story.

> Business is booming in the Gulf of Mexico. The industry recently paid more than $1.3 for new deep water leases in the gulf. Published reports claim there are more jobs available than workers to fill them.

This is hardly an industry on its knees. And we are talking here about those who will come on our land, the taxpayers' land, the Federal land, draw oil from our land to make a profit, who are unwilling to pay a fair share of that profit back to the taxpayers of this country.

Right outside of this Chamber in the corridor is the bust of a man who I consider to be a real inspiration in public life, Theodore Roosevelt. I would like to hear Theodore Roosevelt in this debate. If you take a look at this bust here, if you have a chance to see it, it looks like he is about to charge right off the pedestal; that is the kind of man he was. And then when you read the sign below it, it says they picked the more common, thoughtful pose; there was one that was more aggressive. I can imagine Theodore Roosevelt in this Chamber talking about the public lands and the exploitation of these lands by special interest groups and big corporations at the expense of the taxpayers of this country.

I might say to my friend from New Mexico, I believe that that Senator, if he were one, would have been on your side of the aisle making our argument, and thank goodness he was there to set the tone in this century for the profit relationship between corporations and the public good. Thank goodness the Senator from California has the courage to stand up here and take on the oil giants when it comes to this issue.

This is simple and straightforward. Will the taxpayers receive a fair amount from those who would come on our land to drill oil from the taxpayers' resources and whether or not this is going to pass.

I say to my colleague from California and those who support her that she has taken on an important issue, one that is critically important not just for the money for those who would receive it but one principle: If this position that is being espoused by the other side is so right and so good, why did we not have a hearing? Why did this not come before us with witnesses so that all could hear both sides of the stories, that the oil companies' executives who are making these billions of dollars could sit there in the chairs before the cameras and the microphones and explain it?

They could not face the music. They could not take that kind of scrutiny, and neither can this program. Let the Department of the Interior go forward on behalf of the taxpayers. Let them make sure that we receive a fair amount for those who would take profits from America's lands.

I yield back the remainder of my time. I yield the time back to the Senator from California.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield to Senator BREAUX from Louisiana as much time as he desires.

Before I do that, I just want to make an observation. I just read a most authentic history of Theodore Roosevelt, and my observation to the Senator from Illinois is he wouldn't take this case so he wouldn't be down here arguing on anything because he would look at the facts, and he would say I don't want to be on the wrong side of the facts. He wouldn't be down here anti-anything. He would leave the argument to somebody else.

I yield to the Senator.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, it is interesting. During the time I have been in the Senate and Congress, a lot of times when you don't have the facts on your side you have to create an enemy and talk about the enemy. I think this is exactly the case here. It is easy to find an enemy in the oil and gas industry. The oil and gas industry are the first people in the world to admit that they, on any kind of a popularity chart, would probably be right at the bottom—or probably right above the Members of Congress. The oil industry right in front of us, and we would be at the bottom.

The point is, if you do not have the facts, you have to get somebody to argue against, somebody who people don't generally like. And I agree, people don't generally like oil and gas companies. So, let's make them the big bogeyman in this and argue about how bad they are. Fortunately, that is not the issue in this case. The issue in this case is really very simple. The issue is, how do you determine the proper value for oil that is discovered on Federal lands, and what is the royalty that companies who explore and develop should pay the Federal Government? It is very clear that companies do not determine how much they have to pay—we do. We passed the OCS Lands Act in 1976 and innumerable other Federal acts in Congress to determine what royalties should be. Congress makes that decision and we have made it many times.

The question before the Interior Department in which they, I think, made a mistake is how do you determine the value of the oil. We know what the percentage is. Interestingly, companies made a proposal to the Federal Government and said let us quit fighting over what the value of the oil is; let us just give you the oil. If you are entitled to 15 percent of the oil, and we have 100 barrels, let us just give you 15 barrels of oil and let you go sell it and you determine what the price is by selling it in the marketplace.

The Federal Government said we don't want to do that. We think that is too complicated—and it is complicated. The problem before this Congress is what do we do, in trying to work with the Interior Department, in helping to determine what is the proper value. How do we find the proper value for oil?

Someone said we ought to have hearings on this. We did. We had a hearing. We had two hearings. We had hearings in the Senate Energy Committee. We had hearings in the House Resources Committee. Minerals Management Service came and testified, members of the oil and gas industry came and testified and talked about how they were trying to work this problem out. I also hosted, along with Senator HUTCHISON from Texas, Senators DOMENICI and BINGAMAN from New Mexico and Senator LANDRIEU from my State and others, meetings between oil industry representatives and Interior officials to try to get them to sit at the same table and try to come to a resolution of the very complicated technical problem of determining how do you find out what the proper value of a barrel of oil.

The oil is brought to the surface in the middle of the Gulf of Mexico. You can determine what the price is, if you look at what it is at the wellhead. One problem in this proposed rule is that we look at different prices and at a different time to determine the value. We don't look at what its value is in the middle of the Gulf of Mexico, but we look at it after it is brought onshore. How do you determine what are the legitimate transportation deductions in reaching the royalty value of crude oil? And, should companies have to pay all of the costs to this point onshore. If it is the Government's oil, shouldn't the Government pay the transportation cost of its share? Therefore, one of the real conflicts is how do you determine a proper transportation deduction?

Companies will argue that the entire pipeline system is part of the cost of transporting oil. They say, "If we do not have this elaborate system out there, we cannot transport it to the place onshore where the Government takes ownership, so that should be deductible." Minerals Management says "No, you should not deduct all of that; it should be less." So this is a battle of what you should deduct and how you reach a legitimate price. There is nothing mysterious about this. Nobody is trying to rob anyone of anything.

Oil and gas companies have paid more in royalties to the Federal Government than they have received in the price of oil they have taken from the Federal lands in terms of taxes they have paid and royalties that they have paid over the years since we have had an offshore oil and gas industry—companies have paid more to the U.S. Treasury than they have made in finding oil in the Gulf of Mexico. Eventually, in the future, it will turn around. They will start making more money than they have paid. That is why they are in the business. Up until this point they have still paid more to the Federal Treasury in royalties and taxes and benefits to the U.S. Government than they have made in selling the oil that they have found.

We tried to have meetings with Minerals Management Service to resolve this. This rider is not the best way to handle it. I would admit that. But I think it is appropriate that when Congress sees something happening that is not consistent with what is good policy and what is the law, then Congress has an obligation to say "hold it," "stop," "slowdown," "let's continue to try to work this out." That is exactly what an appropriation rider has done. We have told Interior Department, in the Interior appropriations bill, that this rule is fundamentally flawed. It is not correct. It is not right. It does not allow for the legitimate deductions in the costs of transportation that should be allowed, and therefore don't go forward with a rule that is fundamentally flawed. Give Congress and the Interior Department time to come to an agreement on what is appropriate and proper.

That is the argument. That is the issue. We can talk about how bad the oil companies are. That is a easy thing to say if you don't like oil companies. I happen to like them. They employ hundreds of thousands of people in my State and provide the energy for people to drive to work in the morning. It is part of our national economic security and part of the national defense in our country. They do an important service for this country of ours. So the issue is not whether or not you like oil companies. The issue is very simple, Is this a good rule? The answer is no. Should it be stopped? The answer is yes. Should this amendment be tabled? The answer is also yes. I think when this amendment is tabled it will allow the administration and the Department to continue to work with those who are interested in trying to resolve this and come to a resolution that makes sense. Companies will continue to pay.

It is interesting, when they had the hearings over in the House, when the administration testified concerning this argument about how much we are losing in lost revenue. The Director of the Minerals Management Service, when she testified at the House Resources Committee on February 26, 1998, said that these regulations "are intended to simplify the royalty payments, make valuation methods reflective of modern market conditions, offer the industry more flexibility, reduce administrative costs, and maintain revenue neutrality."

When MMS proposed the rule, as flawed as it was, it wasn't to increase the amount of money they would get. At least that is what they said. It is simply to "maintain revenue neutrality." Now the argument is we are losing millions of dollars every month. The whole purpose of the rule was to make the way we determine the value of the oil simpler and reflect modern market conditions. It doesn't do that. Therefore we should say stop, slowdown, let's continue to negotiate to come up with something that makes sense.

That is what the bill before the Senate does. It should not be changed, and the amendment should be tabled.

I yield back the time to the distinguished Senator from New Mexico.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota. Who yields time?

Mr. WELLSTONE. Mr. President, Senator BOXER stepped out. She yielded me 15 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I ask the Senator, may I ask a parliamentary question, please?

Mr. WELLSTONE. Yes.

Mr. DOMENICI. Mr. President, how much time has been used by each side?

The PRESIDING OFFICER. The Senator from California, Senator BOXER, has 55 minutes. The Senator from New Mexico has 74 minutes.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Boxer amendment would simply let the Interior Department do its job, which is making sure that oil companies pay full royalties for the oil they are drilling on Federal or Indian lands. That is what this amendment does.

Right now, some of these companies are not paying the money that they owe, and several are being sued for it. Amazingly, there is a rider in this bill, the same rider put in during the conference committee on this spring s supplemental appropriations bill, that stops Interior from doing its job. That is what this is about. This rider stops Interior from issuing rules to collect these royalties. No wonder Senator BOXER has sounded the alarm.

As a Senator from Minnesota, I am glad that we have Senators who are willing to stand up to oil companies. There are not that many Senators who will do so. The Senator from California has the courage to do so.

This kind of sweetheart deal—and that is exactly what it is—is simply outrageous. It is corporate welfare of the worst kind. And even worse, in many cases this money is being taken away from our children's schools. In 24 States, the State's share of the royalties is used to fund public education, so when the oil companies underpay their royalties, education is the loser.

In addition, the Federal share of these royalties goes to the Land and Water Conservation Fund and the National Historic Preservation Fund.

If the Boxer amendment is adopted, the money will go where it should be going—to public education, the environment, historic preservation, and to Native American communities—instead of corporate bank accounts.

Mr. President, this is an unbelievable story. The Interior Department's Mineral Management Service—MMS—simply wants to collect the money these companies owe the public. Interior Secretary Babbitt says:

> Many of the industry's largest companies are underpaying royalties.

Just recently, Mobil Oil agreed to a $56.5 million settlement of Federal and State lawsuits alleging underpayment of royalties. That is what has been going on. And there has been a flurry of such settlements: $2.5 billion in Alaska, $350 million in California, $17.5 million in Texas, $10 million in Louisiana, and $8 million in New Mexico. MMS has now billed 12 of these companies $260 million for overdue royalties. Now the Justice Department has joined a lawsuit under the False Claims Act alleging fraud. According to Justice, several of these oil companies have been deliberately underpaying their royalties.

Remember, this oil belongs to the public and to Native American tribes. We are leasing the mineral rights to them, but only under one condition. We are saying, "Go ahead, take the oil; all we ask is a 12.5 percent cut on the fair market value." I don't think that is too much to ask. Nor do the people of this country think it is too much to ask. But apparently the oil companies do.

Let me be clear about one thing. This has already come up in the debate. Senator DURBIN spoke to it, and Senator BOXER spoke to it as well. We are not talking about all the oil companies. We are not talking about mom-and-pop independents. We are talking about the large integrated companies who sell to affiliates at undervalued prices. They make up only 5 percent of all the oil companies drilling on Federal land, but they account for 68 percent of all Federal production.

For over 2 years, the Interior Department has been developing regulations to put a stop to this highway robbery. This is not new authority. Interior already has statutory authority to collect royalties on the "fair market value" of this oil, but the new regulations would keep oil companies from manipulating "fair market value" to underpay their royalties. The oil companies don't like that.

Here is the question I ask colleagues: Do these companies, do these huge integrated oil companies, really deserve our sympathy? I don't think so. They have been caught—let me repeat that—they have been caught underpaying their royalties.

Since when do we have such tremendous sympathy in the U.S. Senate for people who are cheating the public? It is interesting to me. We pass crime bills all the time. Now we have the Juvenile Justice Act—a crackdown on children. Very little sympathy there. Put children in adult corrections facilities; very little sympathy for these children.

We passed a welfare bill. We don't really know what is happening. We know women have been taken off the welfare rolls. We know the children have been taken off the rolls. But we don't know what kind of jobs they have, what kind of wages. We don't know whether there is good child care for those children. Very little sympathy for these families either.

We tried to bring an amendment to the floor to increase the minimum wage so that working people can make a decent living. There is very little sympathy on the floor of the Senate for any of these folks.

But in through the door walks a CEO from one of these oil companies—large integrated oil companies that have been underpaying their royalties, oil companies who happen to be heavy campaign contributors—and all of a sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden it is, "At your service, sir. What can we do for you, sir? How can we serve you better?"

These companies have been caught red-handed. The cops are after them. Law enforcement is closing in. They are in deep trouble, and they are desperate for someone to come to their rescue, and fast.

So who do they call? They call their friends. They call the U.S. Congress. And guess what. Congress answers the call without a moment's hesitation. With a rider in this bill, Congress comes to the rescue and rewards them with a "get out of jail free" card.

The Boxer amendment would revoke this sweetheart deal that lets oil companies keep ripping off the public, lets them keep shortchanging education, even after they have been caught cheating. If there ever was a time to be tough on crime, this is it. In fact, I say this is a time for zero tolerance. The rider in this bill sends law enforcement on paid holiday. The Boxer amendment puts the cops back on the beat.

I say to my colleagues, we have to ask ourselves a question: What is our purpose here? Are we elected to fight for people or for the oil companies? Were we elected to fight for good government or for corporate welfare? Are we going to do what the public wants us to do, or are we going to do what the oil companies want us to do?

I urge my colleagues to join in a broad coalition that opposes this $66 million corporate welfare giveaway. That is what this amendment speaks to. That is what this debate is all about, and all of us will be held accountable.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes left.

Mr. WELLSTONE. With the indulgence of my colleagues, I ask for a couple of minutes. I have been trying to give a speech for 3 days on what is happening in Burma. It will take me about 4 minutes. I ask unanimous consent that I have 4 minutes as in morning business.

Mr. DOMENICI. At this moment?

Mr. WELLSTONE. I am not taking near the 15 minutes.

Mr. DOMENICI. And you are not going to take the rest of the 15 minutes?

Mr. WELLSTONE. No. I thought my colleague wanted to hear me repeat the statement.

The PRESIDING OFFICER. If there is no objection, the Senator is recognized for 4 minutes.

Mr. WELLSTONE. I think this is a statement with which every single Senator will agree.

BURMA

Mr. WELLSTONE. Mr. President, I rise to express my outrage at threats toward Burmese opposition leader Aung San Suu Kyi made Tuesday in the government-controlled press in Rangoon. Completely without justification the press called for Aung San Suu Kyi to be deported from Burma. The regime has again made the ridiculous charge that Aung San Suu Kyi is not entitled to Burmese citizenship. This charge is made on the xenophobic and insulting basis that she married a foreigner. The regime has long tried to discredit Aung San Suu Kyi with the Burmese people with this type of nonsense—it hasn't worked.

The Burmese people voted for Aung San Suu Kyi's party overwhelmingly in 1990—electing opposition candidates to 80 percent of the parliament seats. She remains the hope of a repressed people longing for democracy and human rights. The military regime, which used to call itself the SLORC, has tried to improve its image by changing its name to the State Peace and Development Council. But it is the same regime. It has had to prevent Aung San Suu Kyi from speaking publicly because she was drawing huge crowds to the front of her home. It has had to prevent her from traveling freely to visit her supporters since they fear her popularity.

Far from being a foreigner, Aung San Suu Kyi embodies the very history of Burma. She is the daughter of the founder of the Burmese army and the leader of Burma's independence movement, General Aung San. Like her father, Aung San Suu Kyi has devoted years of her life to the Burmese people at great personal sacrifice.

The Burmese people strongly identify Aung San Suu Kyi with her father's legacy and his struggle to bring independence and ethnic unity to Burma. In fact, displaying pictures of General Aung San has become a symbolic act of defiance and show of support for the opposition. University students began demonstrations in 1996 and again in 1998 by displaying portraits of Aung San as a rallying signal. The authorities can't take action against those displaying his picture since he is also revered by the regime as the nation's founder.

The regime rightly fears the power of these symbols but their attempts to separate Aung San Suu Kyi from her legacy and deprive her of citizenship will fail. The Burmese people see through it. The people clearly do not want her deported.

I urge the regime to treat this courageous woman with the respect she deserves and to ensure that no harm comes to her. She has stood up to the repressive tactics of the military regime for over 10 years now. In recent months, she has sacrificed her personal comfort and risked her health facing down the authorities. When denied the ability to travel freely she spent 10 days waiting in her car for the authorities to allow her to move. Her exceptional fortitude and her commitment to challenging the regime through nonviolent actions are an inspiration to those working for human rights around the world.

I also express my concern about recent detentions of several hundred of Aung San Suu Kyi's supporters. Last week, the regime reacted with typically heavy-handed tactics to prevent her party from convening the members of parliament elected in free and fair elections held in 1990. The regime has never allowed the parliament elected in 1990 to take office because the voters overwhelmingly elected opposition members. Aung San Suu Kyi recently called on the regime to convene the parliament. When that request was ignored her party decided to convene a "People's Parliament" on its own. The reaction of the military junta was predictable. They simply rounded up any opposition politician who might attend the planned events and "detained" them. Hundreds of party members are still being held.

This outrageous tactic violates the rights of the Burmese people to exercise freedom of assembly and political expression. Although this behavior is nothing new or unexpected for this repressive regime we must persist in condemning it. I call on the regime to immediately release all opposition party members detained and to enter into genuine dialogue with the opposition and ethnic minority group about restoring democracy to Burma.

And, again, I call on the military regime to treat Aung San Suu Kyi with respect as the legitimate leader of the opposition and to withdraw the threat of deportation and respect her rights as a Burmese citizen.

To reiterate, Mr. President, I want to go on record. I express my outrage, and I think it is outrage of Democrats and Republicans, at the threats toward the Burmese opposition leader, Aung San Suu Kyi, made last Tuesday by a Government-controlled press. They are now talking about the possibility of deporting her from Burma.

She is a very, very courageous woman. The people overwhelmingly elected her in 1990. What has happened since is that this military regime, which used to call itself SLORC, which has now tried to improve its image by calling itself the State Peace and Development Council, has been just full of brutal repression for the people there.

I rise to express my concern about what is happening to this very courageous woman who has been trying to travel, has been trying to have an opportunity to speak out in her country and meet with other people. She spent recently 10 days just in her car trying to cross a bridge to meet with people, to speak with people in her own country. This regime really has her under house arrest.

In addition, this past week, what happened is that many of the people in her party decided that they would convene a people's parliament, since their elections were nullified when this repressive military government took over. They held a meeting, and hundreds of them have been rounded up and are now in prison.

I come to the floor of the Senate today to simply say that this is an outrageous practice of repression by this Government. I condemn it on the floor of the U.S. Senate. It is not always that I think I speak for almost every single Senator, but I believe Democrats and Republicans agree on this. I call on this military regime to treat this courageous woman with respect as a legitimate leader of the opposition and to release people whom they have unlawfully put in jail.

Aung San Suu Kyi is a courageous woman. She stands for the very best of what our country stands for, which is respect for human rights and democracy. We need to speak out on the floor of the Senate, and we need to send a message to this repressive Government in Burma, that not only will we not do business with you as usual—and we are not doing that—but we, as a Government, we as the U.S. Senate, will continue to speak out and condemn your actions, and we will continue to support people in Burma, those people who stand up for democracy and stand up for human rights.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI addressed the Chair.

AMENDMENT NO. 3594

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. DOMENICI. Mr. President, I would like to ask Senator BOXER—we have been going back and forth. Senator MURKOWSKI just wants to speak for 3 minutes, and I wonder if we could then have Senator THOMAS speak for up to 10 minutes.

Mrs. BOXER. Absolutely.

Mr. DOMENICI. Then we would go to your side.

Mrs. BOXER. Fine.

Mr. DOMENICI. I yield to the two Senators in that order.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I rise as chairman of the Committee on Energy and Natural Resources. I would like to advise my colleagues that we had an oversight hearing in June on the MMS oil valuation issue. The results of that hearing indicated that we should initiate a dialogue with the principals. That dialogue was entered into. I felt gratified that we were making progress relative to this complex issue and was chagrined to find at a later date that the advances we thought we were making simply had been overturned by the policymakers of the Department of the Interior and the administration.

As a consequence, this conversation about corporate welfare, big oil, and big business is incorrect because we are talking about small companies in many cases. The oil and gas industry has lost a quarter of a million jobs. This is an industry that now finds itself moving overseas where there is a favorable climate for exploration and production.

As evidence of that, Mr. President, in 1973 and 1974, we were 37-percent dependent on imported oil; today, we are 52-percent dependent. The Department of Energy suggests we are going to be 66-percent dependent in the year 2004 or 2005.

The amendment offered by Senator DOMENICI and Senator HUTCHISON during committee markup would delay the implementation of the final rules on Federal oil valuation until October 1999, or until a negotiated rule can be achieved.

The oil and gas industry is struggling in a declining market. This is an industry where we have lost a quarter of a million jobs. We are talking about implementation of regulations that would drive this industry out of the United States and make us more dependent on imported oil. It is unconscionable. The taxes paid by this industry and mortgage payments made by industry employees in their communities are contributions being overlooked in this general climate of "well, throw it out—because somehow big business is cheating," if you will. And that is simply unconscionable, Mr. President.

As Senator DOMENICI and Senator HUTCHISON indicated, they personally met twice with Interior Department officials and industry executives to resolve what amounts to a handful of issues concerning the rulemaking. It is rather interesting, because if you look at the MMS proposal, it attempts to set the oil royalty away from the lease; that is, downstream, almost near the burner, not as required by law, and set it on the value added by the companies through their extraordinary efforts to market the product. And by denying the companies an allowance for reasonable marketing costs, MMS unnecessarily and artificially raises the price of oil on which the royalty is based. That is what they are doing here.

So, Mr. President, do not be misled by these generalities that somehow this is corporate welfare. This is an effort to help an industry be competitive. The policy of the Department of the Interior to mandate royalty valuation, through rulemaking, would be detrimental and not resolve the issue, and would leave many unanswered questions relative to the industry's ability to be internationally competitive. It is beyond me, Mr. President.

I thought when the Interior officials met, they were going to meet in good faith. It appears that Interior did little more than pay lipservice to that effort. The rule is just as unfair now as it was when discussions of it took place. Only now, Interior is trying to put its spin on the issue by saying, "We gave the industry its meeting. We addressed their concerns. Why do we need to have any further delay?"

Mr. President, it appears the Interior Department is going to continue to base its oil royalty on market factors away from the lease. Any attempts to strip the Domenici amendment away should be opposed. And there are three specific reasons. Then I will conclude.

First, contrary to what Interior claims, the amendment was scored by CBO as having zero effect on the current baseline. Interior's claim that it will save $65 million a year is simply puffery and nothing more.

Second, with world oil prices depressed, we do not need to add what amounts to a new tax on this industry, particularly the independents, the small oil companies. Do not talk to me about big business.

Third, delaying oil valuation rules is nothing new. Congress did it in 1987. Delay will allow better public policy to be formulated.

So I urge my colleagues to join in opposing the removal of the oil valuation amendment from the Interior appropriations bill.

I yield the floor to Senator THOMAS.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise in strong opposition to the Boxer amendment. Contrary to what we have heard over there about withdrawal and cheating and all these things, there are some real issues here, issues that many of us, particularly those of us who live in public land States, have been working on for a very long time.

That is the question—how do you have regulations that extract one-eighth of the value of Federal oil into the Federal Treasury? Nobody objects to that. That is the law. Nobody argues with that. There are some real issues here.

For instance, what is the value in Chugwater, WY, as compared to Oklahoma City? What is the value when you are close to a collection point as opposed to having to carry the oil for a very long time? Where do you apply the value? Do you have to pay for the transportation to where it is going in order to have one-eighth of it? There are some real issues here, and we have not been able to come together with the bureaucracy to have a satisfactory solution. And that is why this amendment is there—to have a moratorium on time so that this can, indeed, be resolved.

I have been involved in some of these meetings here in which we have tried to find a solution. I, by the way, have not seen any of my friends from the other side of the aisle there participating in trying to find a solution. All they do is come up and complain. I am, frankly, a little offended at the idea that seems to be promoted that somehow if you are not for this it is because you may have gotten a contribution from an oil company. I am offended by that.

People believe in what they are doing here. They believe it is important to their communities and to their States. They believe there ought to be jobs. They believe we ought to have a domestic oil industry. These are beliefs. I do not hear anyone saying they are where they are because the environmentalists are having TV ads to support their candidacy. I suppose you could say that. I do not think that is a great idea.

What we have is some real confusion. Let me give you a little example. We had an independent who was brought back before the agency because they did what someone in the agency told them to do. They did what the employee told them to do. And the director of MMS says, "Well, you can't go by that because that might not be what the Assistant Secretary meant to happen." Give me a break. You mean a citizen who goes to an employee of an agency cannot rely on the information they get there because it might not be consistent with what someone said who is Assistant Secretary? That is the kind of thing we are dealing with here and the kind of thing we need to get resolved.

We have met with MMS on a number of occasions. I must tell you, I have been working with this since I was in the House 4 years ago, where I suggested, and would suggest again, that the States do the actual collection of the mineral royalty and share it with the Feds. We are duplicating it now.

MMS is one of the most inefficient agencies we have in this Government in terms of their cost. It is not clear what it is that they are doing. It is clear that it is not a workable situation. When you take the NYMEX and apply it to a place in Oklahoma City, and out in Wyoming, that is not a workable way to determine what the market value is. We need to do something about that.

Mr. President, I do not think we ought to be fooled by arguments of the proponents that they are not getting a fair share of the royalties. This amendment is not about reasonable valuation, collection. This amendment is not about schoolchildren. This amendment is quite simply one that wants to attack the oil industry by those who are critical of business, those who think that this is some kind of an environmental question. And it is not.

It is important that the MMS rule be understood, that it does not only impact large petroleum producers. If that were the case, why would the independents be involved? Why would the independents be interested in bringing some kind of court action? It is because they are very much impacted.

We have also heard over the last several days that the Governors are not for this. I just bring to the attention of my colleagues a letter by the Governor of Wyoming.

> . . . I strongly object to Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill. . . . The amendment would allow the Department to implement new and untested federal royalty crude oil pricing regulations.

And it goes on, in opposition to that.

Minerals Management has proposed rules that are complicated, that are unworkable, that result in hardship to the producer, result in a loss of jobs, a loss to the economy of our State of Wyoming, and I think a security issue to this country when we have 55, nearly 60 percent of our oil imported. We have an opportunity here.

Simply put, this valuation rule is a job killer. We ought not to go forward without having some time to make it work.

I think the current language in the appropriations bill is fair and reasonable. Instead of taking reckless actions and getting up in broad generalities and talking about the evils of business, we ought to craft some rules that work. We can, in fact, do this.

Again, I urge my friends in the Senate to vote against the Boxer amendment and continue to resolve the question in a way that is workable and a way that really deals with some regulations that will cause us to be able to collect these royalties, as we are all willing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, as we agreed before, I will speak 5 minutes now and then I will yield 20 minutes to Senator DORGAN.

There were many misstatements made here, but I will start from the top. The Senator from Wyoming said that he didn't see me or any Members on this side at some closed-door meetings that were held between oil companies, the Department of Interior, and Members of the Senate.

A, I was never invited to even one of those meetings. B, had I been invited, I wouldn't have gone, because I don't think it is right for Senators to meet with regulators and companies that are being regulated by those regulators. A, I wasn't invited; and B, I wouldn't have gone, and I would have expressed my opinion as to why I declined the invitation.

There were comments made by the Senator saying those of us who oppose the rider in this bill are antibusiness. I want to make something clear: 95 percent of the oil companies are doing right by the American people. They are paying their fair share of royalties. I applaud that. As a matter of fact, Atlantic Richfield has stepped away from the big oil companies and said, "You know what? We will be a good corporate citizen. We are going to pay the right royalty based on the market price."

So, please, let no one say that this Senator is antibusiness when I support 95 percent of the oil companies in this particular matter.

I also want to point out that we have a letter addressed to Senator BINGAMAN, which I ask unanimous consent to have printed in the RECORD, from a number of commissioners of public land, including New Mexico, Texas, Arkansas, South Dakota, Montana, North Dakota, Colorado, and Robert Hight from California, who support the Boxer amendment, as well as a letter to Senator GORTON.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WESTERN STATES
LAND COMMISSIONS ASSOCIATION,
September 4, 1998.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We, the undersigned Lands Commissioners who are members of the Western States Lands Commissions Association, urge your support for Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill, S. 2237, to allow the Department of Interior to implement new federal royalty crude oil pricing regulations. The Department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision which continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers $5 Million per month.

The state agencies that are members of the Western States Land Commissioner's Association have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The member states of the Association share in the revenues collected by the Department of Interior. The failure of the oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department's Mineral Management Service (MMS) has been eminently fair in proposing its new regulations. MMS has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, MMS has revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, MMS has revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain Area.

The proposed MMS regulations are very reasonable. If oil companies sell royalty crude on arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil on arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Oil companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies less than the market value of those crudes. In contrast, the market prices proposed by MMS to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

MMS' proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) Arco, since the early 1990's, uses spot prices as the basis of payments of royalties throughout the country;

(3) The recent State of Texas Chevron and State of Texas Mobil settlements rely on the use of spot prices for royalty valuation purposes.

Mobil recently settled for $45 million a case brought by The United States Department of Justice that Mobil had underpaid federal royalties throughout the United States.

The Department's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. MMS, numerous states and more recently the General Accounting Office (GAO) have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases which produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than are presently generated.

Thank you for your consideration.

Sincerely,

Ray Powell, Commissioner of Public Lands, New Mexico State Land Office; Curt Johnson, Commissioner, South Dakota Office of School and Public Lands; Jeff Hasener, Administrator, Montana Department of Natural Resources & Conservation; Robert C. Hight, Executive Officer, California State Lands Commission; Garry Mauro, Commissioner, Texas General Land Office; Charlie Daniels, Commissioner, Arkansas Commissioner of State Lands; Robert J. Olheiser, North Dakota Commissioner of University and School Lands; John Brejcha, Deputy Director, Colorado State Board of Land Commissioners.

DEPARTMENT OF NATURAL RESOURCES,
Olympic, WA, September 3, 1998.

Hon. SLADE GORTON,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GORTON: I'm writing to urge your support for Senator Barbara Boxer's amendment to the Department of the Interior's Appropriations Bill, S. 2237, to allow the Department of the Interior to implement new federal royalty crude oil pricing regulations. The department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision that continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers $5 million per month.

The members of the Western States Land Commissioners Association, of which the State of Washington is a member, have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The association's member states share in the revenues collected by the Department of the Interior. The failure of oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department of the Interior's Mineral Management Service has been eminently fair in proposing its new regulations. The service has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, the service revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, the service revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain area.

The proposed Mineral Management Service regulations are very reasonable. If oil companies sell royalty crude by means of arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil by arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Many companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies and are set at a level lower than the market value of those crudes. In contrast, the market prices proposed by the Mineral Management Service to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

The service's proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) ARCO, since the early 1990s, uses spot prices as the basis of payments of royalties throughout the country; and

(3) The recent State of Texas/Chevron settlement relies on the use of spot prices for royalty valuation purposes.

The Department of the Interior's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. The Mineral Management Service, numerous states, and, more recently, the General Accounting Office, have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases that produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than is presently generated. In addition, it makes sense to evaluate the results of the current Mineral Management Service demonstration program before requiring an approach nationwide to locations that are likely to lose money.

The bottom line for states is: These are assets that belong to the beneficiaries of the states' trust lands and they should be fairly compensated when those assets are sold. Thank you for your consideration of my position on Senator Boxer's amendment.

Sincerely,

JENNIFER M. BELCHER,
Commissioner of Public Lands.

Mrs. BOXER. Mr. President, I also will read into the RECORD the groups that support the Boxer amendment: American Association of School Administrators, American Bioenergy Association, Americans for Clean Energy, American Wind Energy Association, Arkansas State Lands Commission, California State Lands Commission, California State Superintendent of Public Instruction, Colorado State Board of Land Commissioners, Council of Chief State School Officers, Friends of the Earth, Global Biorefineries, Inc., Montana Department of Natural Resources and Conservation, National Association of State Boards of Education, National Education Association, National Parent-Teachers Association—the PTA—National School Boards Association, The Navajo Nation, National Trust for Historic Preservation, New Mexico State Lands Commissioner, Project on Government Oversight, Public Citizen, Safe Energy Communication Council, South Dakota State Lands Commissioner, SUN DAY Campaign, Taxpayers for Common Sense, Texas State Lands Commissioner, U.S. Public Interest Research Group, The Wilderness Society, and the Washington State Lands Commissioner.

Later, after Senator DORGAN has finished and colleagues on the other side have had a chance to speak, I want to read what the States are saying as to how they view this rule and how they support the fact that there is a process going on to make sure that the largest of the oil companies—5 percent—pay their fair share of royalty payments so that the taxpayers get what is due them.

Those who are supporting the Boxer amendment are standing with the taxpayers. That is very, very clear. I am very honored to have been able to offer this amendment.

Again, I want to thank Senator GORTON for his indulgence in allowing us to have adequate time to debate this amendment.

I yield up to 20 minutes to Senator DORGAN.

Mr. DOMENICI. Senator BOXER, I thought when I proposed that we go next, that I had little statements, not 20-minute ones, and three of them could go because they were short.

Mrs. BOXER. If Senator DORGAN would yield—I thought it was only two.

Mr. DOMENICI. I wanted Senator BURNS to discuss his 5-minute statement.

Mrs. BOXER. I ask unanimous consent, when Senator BURNS completes his statement, Senator DORGAN get 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Montana is recognized.

Mr. BURNS. I thank my friend from New Mexico. I will not be long, I say to my friend and neighbor from North Dakota.

I want to put some things in perspective. Yes, the lands belong to the United States of America and are held in trust for the citizens of this country. But the citizens of this country and the taxpayers in this country do not participate in the expense of drilling the well. There is no argument on the eighth that is the royalty that goes to the surface owner. After all, the oil companies did buy the leases. They paid hard money for those leases. If there is a resource—in this case, oil—under the ground, they go and find it.

That is not to say that every well they put in the ground is successful. We have more dry wells than we have wells producing. The American people did not make any investment in drilling that so-called dry hole, and they didn't even participate in footing the bill; the expense of putting the well down is a producer's.

There is no argument with the eighth. I can simplify this very easily. "In kind" would be right. If you want to participate in the value added to compute your royalty, as the chairman of the Energy Committee said is being attempted by MMS, then MMS should participate in the transportation and the cost of the value added. That is only fair.

Now, if that is not fair, then I suggest that the Interior Department go out to the well site, take their truck, and every eight buckets of oil that come out of the ground, they get the eighth one, put it in their truck, and do with it whatever they want to do with it—go on open markets, like the independents or even the big companies do. It doesn't make any difference. That is their eighth. They have been paid. The market goes up, the market goes down; the risk is the same for the surface owner as it is for the one who is bringing it up. That is very simple. No argument with the eighth.

What we are saying is: Fair is fair. If you want to collect the royalty on the value-added product, then there has to be expense incurred by those who want to participate in that part of the process of getting oil to gasoline and the energy that we need in this country.

Senator DOMENICI brought up the point a while ago that people are paying more for their bottled water in the grocery store than they are for their gasoline. There is another aspect of this—and I think Senator DORGAN from North Dakota will agree with this—in this economy today, nobody who produces a raw product is making any money. Our farmers understand that. I will give my old "F-U" line here, old farmers union line they call it: Go and price Wheaties at the grocery store at $3.75 a pound and the farmer can't even get $1.75 for a 60-pound bushel of wheat.

Something is out of whack here. So we are not arguing about the eighth. We are arguing where do you take the eighth and what our investment or our part of the expense should be. You can't let everybody else pay all the expenses and you just participate in the harvest of those dollars. It is a very, very simple thing. There is nothing difficult about understanding that. But I think that is what we ought to do. Yes, we are worried about children in schools. I sure am. I am worrying about the children of those folks who work awfully hard in the oil patch to feed their families, participate in their communities, and take care of the obligations they have as citizens of the United States of America.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate.

Mr. DOMENICI. Mr. President, if the Senator will yield briefly, I ask unanimous consent that the next speaker on our side be Senator NICKLES and he be allowed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate that likely will get very little attention, given the proclivity of the press to cover other things going on in our country these days.

I rise today to support the amendment offered by Senator BOXER. There is a charming quote from Abraham Lincoln that came during his debates with Douglas. At one point, very exasperated because he simply could not get Douglas to understand a point he was making, Lincoln turned to Douglas and said, "Tell me, how many legs does a cow have?" Douglas said, "Four, of course." Lincoln said, "Now, assume that the tail were a leg; how many legs would the cow have?" Douglas said, "Five." Lincoln said, "You see, that's where you are wrong. Just calling it a leg doesn't make it a leg at all."

As I heard members discuss this amendment on the floor of the Senate, saying this amendment affects independent oil companies, I thought it was easy to say, but it was totally removed from the facts. This bill has no impact on independent oil companies. It does not have an impact on independent oil companies. It has nothing to do with the fact that commodity prices are collapsing which is true on the farm and true for energy companies. It has nothing to do with that either. In fact, the lower the price for oil, the less royalty fee would be required to be paid by the oil industry. So that is not what this issue is about.

A lot of folks want to confuse the issue. It is not about that. It is not about independent oil companies who are not affected, and not about the price of oil. When the price of oil goes down, royalty fees go down.

Let me describe what it is about. It is very simple. The companies who drill for oil on Federal lands pay a 12-percent royalty to the American people for the privilege of doing that on the oil that they bring up out of those lands and sell. They are required, because they are drilling on lands that are owned by the American people, to pay a royalty fee. That is fair. I suppose some think they ought to drill and keep all the money. But it is fair.

Over many years, we have decided that if they are going to get something the public has, they will pay a fee. That is the 12-percent royalty fee. A fair portion of that fee that goes to the States is used for education. That is an important part of the revenue base of our States. A large part, no, but an important part. How much do we get from these royalties? When someone wants to produce oil on public lands, how much do we get from the royalties of 12 percent? Well, it is 12 percent of the price of the oil. What is the price of the oil with respect to the independent oil companies that produce it and sell it? That sale price is the price of the oil. They are then required to pay a royalty fee on the price of the oil. So an arm's length transaction between a willing buyer and a willing seller establishes the market price for oil. That is not a problem. That is not a matter of contention.

But what about a company that is a large integrated company that produces oil and then, as a producer, sells it to itself as a wholesaler or a retailer and it produces the oil and prices it and sells it to itself? What about that company? What then is the price of the oil, and how much in royalty payments do the American people get from that transaction? The answer is, the price of that oil in a large integrated oil company is whatever the company says the price of the oil is.

What if they say, gee, well, the price of our oil is $4 a barrel, and you get 12 percent of that? Are we being cheated if, in fact, oil is selling for $12 a barrel and they say, "Ours is only worth $4 because we are selling it to ourselves, and we have artificially priced it because we want to avoid paying your fees, avoid paying our fair share to the American people?"

Are we being cheated? Of course we are being cheated. The question is, Who cares about that in here? Does anybody care? Does anybody care if the American people get taken to the cleaners by somebody that wants to underprice something they sell to themselves and, as a result, pay the American people something less than they were supposed to pay? Does anybody care about that? A few of us do. We will have a vote on it to see who cares.

So what is the royalty fee we get? It is 12 percent times the value of the oil. Who establishes the value of the oil? In most cases—95 percent of the cases, with all of the independents and some others—it is the fair market value, a willing buyer and a willing seller in an open market transaction, which establishes a price upon which a 12-percent royalty payment is made.

This amendment isn't even a close call, by any standard. I want to use this example to talk about two other things that relate exactly to this, which give me as much concern as this does. In fact, this is not a very large issue. It is an issue of $66 million a year; $66 million is a lot of money, but in the construct of a trillion dollars, or a trillion and a half—the $1.6 trillion budget that we have, and the $135 billion of revenue here and there—I mean, it is not that big an issue. Yet, they are waging a fight; the major integrated oil companies are waging a fight, and you would think you were taking away their last oil truck.

Let me tell you about an exact replica of this debate. We lost it on the floor of the Senate. We have the exact same issue on taxation—corporations, especially foreign corporations, but domestic as well, that sell to themselves and then tell us at what price they sell the product to themselves, a wholly owned subsidiary, and therefore how much profit they made and how much income tax they will pay to the Federal Government. And 65 percent of the foreign corporations doing business in this country, most of whose names you will recognize, do tens of billions of dollars of business in America and pay zero in income tax—not a penny. Zero. How do they do that? Let me give you one example. A company sells a piano to its affiliated subsidiary and prices it at $50. Would you like to buy a piano for $50? It is exactly the same thing we are talking about with pricing oil you sell yourself—undervalue it and pay a tax, or in this case, a royalty, based on evaluation that is artificially low so you can avoid paying the royalty, or as in the case I described, avoid paying the income tax.

How about a tractor tire? I don't know if anybody in here buys and sells tractor tires. Probably not, but $7.60 is the price of a tractor tire in a transaction between a corporation—a foreign corporation—and its wholly owned subsidiary in the U.S. Why $7.60? The company artificially prices it low so that it doesn't pay income taxes in the U.S. We voted on that. We voted on something that corrects that problem. We have people in this Chamber, sufficient numbers, who have said, "We don't want to correct that. We don't even want to debate whether it is cheating. We don't want to deal with it because big business doesn't want that to be changed."

We don't intend to change it. It is the same principle here. Big, integrated oil companies sell to themselves, underprice what they are selling to themselves, and, therefore, cheat the American people out of royalty payments that they ought to be making. Then members come to the floor of the Senate and say to us, "Gee, you are being unfair." We are not being unfair. We are required to stand up for the interests of the American people. They own that land. They own that land on which drilling takes place. They are owed the 12-percent royalty based on a fair computation of the price of that oil.

I will tell you one more story. I served in State office before I came here. In our State, we assess a tax on railroads. It is exactly the same principle we are talking about here today. We assess a tax on railroads. When I assumed office as Tax Commissioner, which was an elective office, and assumed responsibility for that tax, I asked one of the folks who were responsible for that tax—which is an ad valorem property tax on the railroad system—"How do you do that?" He said, "Sit down and I will show you." He said, "Because the railroads aren't bought and sold, you look at all of the stocks and all of the debt. Assuming you bought all of their stock and debt, that is the value of the railroad." I said, "Tell me a little more about that." He said, "Here is the stock. I sell you this railroad. Here is the stock." I said, "Gee, what price are you using, par value?" "Par value," he said.

Remember, we have been doing that for 25 years. The railroads indicated to us that that is the value. Using the par value, of course, is absolutely ridiculous. Par value has nothing to do with the value of the railroad stock. But the industry had convinced the people in our State who value railroads to use an artificially low, absurd value for the railroad stock. They were fat and happy for dozens of years underpaying their taxes. They loved it. The minute I decided to change it, they said "Holy cow. What are you doing to us? Why on Earth are you being unfair to us?" I said, "I am not being unfair. I am asking you to do what every other American does—pay your fair share of the taxes."

That is the principle and the issue on which we will be voting. The principle and the issue here is not about ma and pa. It is not about independents and not whether you support the oil industry. I do. I have cast a lot of votes on behalf of the independents, and support the majors as well, because I think they play an important contributing role for this country in providing energy for our future. But in cases like this where you have integrated companies who are undervaluing their oil so they can underpay the royalty fee they owe to the people of the United States, I say let's correct it.

Some of my colleagues say that underpayment is not happening.

Let's take a look at the rates. Alaska settled with the oil companies for over $2.5 billion. Is that because somebody was making arithmetic errors? I don't think so. California, $350 million; Texas, $17.1 million.

My point is that the States have been plodding their way through this issue with respect to royalties owed to the States. Can we not have the strength to stand up here and say to the integrated oil companies, "You have a responsibility to be fair to the people of the United States? We are not asking for more than you owe. Your oil prices have declined. Therefore, you should pay the new price." We understand that. "We are not asking for more than you owe; not a penny more. We are asking you on behalf of the people of this country to pay your fair share."

What is happening today—and in this bill that came to the floor of the Senate—is an attempt to intercept a rule that will require these folks to pay their fair share of royalties. And a bunch of folks here in the Senate stand up and say, "No, no, no. We want to protect the old order." The old order is to let people sell oil to themselves, to underprice it, undervalue it, and avoid paying the American people what they owe them in royalty fees. That is what is wrong.

If we turned out the lights and voted on this, people in this Chamber would express that view. I hope when we have a vote on this we will all decide that there is a right and wrong answer. The right answer is to just ask the integrated majors who sell oil to themselves to price it fairly and abide by the new MMS rules. They have been studied and worked on and they are fair. Do this the right way.

The Senator from California is not on the floor trying to attack an industry. The Senator from California is not offering an amendment that in any way affects the independent oil producers. Ninety-five percent of the oil producers in this country will be unaffected by this amendment, 95 percent of them. In fact, some of those who have been unaffected have been convinced to send us letters saying that they are going to be affected by it. I assume they have been convinced by their bigger cousins, or bigger uncles. But the fact is, it is wrong. Calling a tail a leg doesn't make it a leg at all, as Lincoln said. Saying this affects independents doesn't make it affect independents. It does not. It is a very simple, direct approach to say to the integrated oil companies who sell oil to themselves that they have a responsibility to price oil fairly so that the American people get what they deserve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. DOMENICI. Mr. President, will Senator NICKLES yield for an inquiry?

Mr. NICKLES. Certainly.

Mr. DOMENICI. Mr. President, I would like to state for anybody who would like to speak in opposition to the Boxer amendment that we have a few minutes left. I would like to ask unanimous consent that on our side, when appropriate, that the following order for our speakers be the order: Following Senator NICKLES, who will speak for 10 minutes, the Senator from Louisiana will speak for up to 5 minutes; then Senator HUTCHISON for 25 minutes. That will leave some additional time for additional Senators, or for me. We would like to do it in that order pursuant to the rotation from one side to another.

I ask unanimous consent that be the order.

Mrs. BOXER. Mr. President, may I ask the Senator? That sounds fine to me. In other words, all of your three speakers will include Senator HUTCHISON, and we will finish up with our time. Is that what the Senator is suggesting?

Mr. DOMENICI. I don't want to do that. I said that Senator NICKLES will go next. If you have somebody, they will be next. If you don't, Senator LANDRIEU will go next, and back and forth. But our times are now set for three Senators. As Republicans are recognized, they will speak in that order.

Mrs. BOXER. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to compliment my colleague, Senator DOMENICI, as well as Senator HUTCHISON, for their leadership on this issue.

Mr. President, I want to correct what I hear from my colleagues, the proponents of this amendment, and make a couple of statements that I think are factual.

One, I think I heard somebody say on the other side—Senator DURBIN—that there were not any hearings. We had a hearing. I conducted the hearing. I don't conduct hearings very often, but when this issue came up, I knew a hearing was needed. Some people have demagogued this issue and tried to use it for whatever purposes, political or otherwise. I wanted to know the facts. I am chairman of the relevant subcommittee in the Energy Committee so we scheduled a hearing. We had the hearing, I believe, in June of this year.

There are just a couple of points that I would like to make. One, in testimony before the House subcommittee, the director of MMS said the purpose of the regulations were not to raise money. She said, that the regulations are to be revenue neutral. I hear all of the list of the groups who are supposedly proponents of the Boxer amendment—schoolboards and so on—thinking they are going to get a lot more money. The proposed regulations are supposed to be revenue neutral. It is not supposed to raise any money. Proponents are saying, "Oh well. If we don't pass this amendment, the schoolboard is going to be out of some money," and so on. That is false. It is not the case. It is contrary to what the director of MMS has testified to.

I don't happen to agree with the director of MMS, or the Assistant Secretary of the Interior in proposing this oil valuation regulation. I think they have gone too far. I happen to like Mr. Armstrong. But I don't think their regulation makes sense. That is one of the reasons we had hearings.

One of the things we don't do enough of in the Senate and House is we don't have oversight over our various agencies. A lot of times the agencies propose rules and regulations, and sometimes those rules and regulations don't make sense. They may be well intended, and they may have stated goals of simplicity, clarity, and definability, but they may do just exactly the opposite.

Unfortunately, the regulations that MMS has come up with—at least according to the people who work in the industry—the regulations won't clarify anything. They won't even raise the Government any money—maybe not as much money as they are raising right now. What they will raise is litigation. That doesn't help anybody. That doesn't help the Government. That doesn't help the schoolboard. That doesn't help the tribes. That doesn't help the States or anybody, except for maybe the lawyers who are involved in the litigation.

Some of us have looked at this. This is one of the regulations that we need to review. I mentioned that we had a hearing. Several of us have had meetings with members of the administration, the Department of the Interior, and MMS proponents of this regulation, and people who work in the industry. We tried to pull them together.

Both Senators from Louisiana, both Senators from New Mexico, Senator HUTCHISON from Texas, and myself have met with MMS and said, "Can't we figure this out? Can't we come up with workable, definable, clearly understandable regulations on how to determine royalty evaluations?" We have had interesting meetings. But, unfortunately, sometimes it appears that MMS is not really listening to some of the complaints and really hasn't made the necessary changes to the regulations to make them workable.

I would take issue with some of my colleagues who said, "Well, these big oil companies, they are cheating, they are selling to an affiliate, and they lowball the price, and they make more money, and the Government is being cheated."

I do not think that is the case. If it is the case, the government has every right to take the company to court, and maybe they can win.

What we want to do is have clarity. We want to have definability. We want people to pay exactly what they owe in royalties—not a dime more, not a dime less. And that is our objective. It is easier said than done. And the MMS came up with some proposed regulations. They said, "Oh, well, we will put out some prices that are on the exchange, and that will be what the royalty will be based on, on that given date."

But wait a minute. What if there is an arm's length transaction where somebody actually bought and sold? Maybe they didn't buy or sell at the same price posted on the exchange. Market valuation on some exchanges is based on some transactions, but you have some transactions below it and some above it; you have some transactions that might be a little higher because of a little different weight of oil or different grade of oil or a transportation problem or a little different sulfur content. There are lots of variables in the equation.

So to have some bureaucrat say, well, I am going to pick this market index or this posted price somewhere and that will be the value of what the Federal Government will be paid on instead of the actual value of an arm's length transaction, that doesn't make sense. I will tell you, in my own State we have several different prices on different types of oil. We have Texas crude; we have Oklahoma sweet, Texas sweet; we have Cushing prices; we have a lot of different prices, posted prices, and so on.

So I just mention to my colleagues, I don't think the oil companies are trying to cheat anybody. I think the proposed regulations are not clear; they need to be clarified. We need to work with MMS to try to come up with better regulations that are clear and work. They haven't done it yet. And their proposal leaves a lot to be desired. Their proposal would result in more litigation, and that is not going to help any schoolboard in the country.

And so I think we have the responsibility in Congress as maybe the countervailing branch of Government, the branch of Government that listens to our constituents when we find a regulatory agency that is not listening, that is not working, that is not promulgating regulations that will work, to get their attention. We have an obligation to make them work with us to come up with something that is reasonable and sound. And if they continue to come up with regulations that will not work, that do not make sense, then we should stop that. This is called checks and balances. It is called balance of power. We cannot allow regulatory agencies to run amok.

And so I think we have a constitutional responsibility to try to make some progress in this area. If we find regulatory agencies that are not doing what they are supposed to be doing, we should hold them in check. That is what this provision, that the Senator from California is trying to strike, strives to do. This provision doesn't say that MMS cannot go further on their proposed regulations. It basically says let's put out regulations that are reasonable and sound. And many of us have tried to facilitate meetings to make that happen.

My colleagues on the other side said that this proposed rule exempts 95 percent of the companies. Independents are not covered. Independents tell me they are covered. The regulations are written for all oil producers; 100 percent of all oil producers are covered by these regulations. Some of my colleagues have said: Oh, no; it just applies to those companies who are selling to marketing affiliates. Guess what. More and more companies today are selling into a company that maybe they have a little piece of or something—a natural gas marketing company, an oil marketing company, and so on. They are banding together in these types of organizations. And so this regulation certainly reaches, I would say—I don't know what percentage, but according to the independent petroleum producers—I happen to think they would know more about it than anybody else—it says 100 percent. The independent producers say in a memo, "Percentage of oil producers impacted by the proposed oil royalty rule, 100 percent." I happen to think they know what they are talking about.

And so again I compliment my colleagues, Senator HUTCHISON and Senator DOMENICI, for including this provision in this bill. I think they are right in doing so. I think MMS needs to work with Congress and with the affected parties to make sure that every company pays exactly what they owe—no more, no less.

If colleagues are interested in trying to raise money, they should try to raise the royalty rate, and we can have a debate on that. That is certainly within their rights. I don't think they will be successful, but they have the right to try that. But to try to raise the royalty rates by changing the regulations or trying to change the regulations in a way so that they will raise money is a tax increase by a regulatory agency, I reject that emphatically. Congress has the power to raise taxes, not some unelected bureaucrat in the Minerals Management Service.

To all the arguments that our colleagues from California and others made, that this proposed regulation is going to raise so much money and it is going to help schools, and so on—no; what we have to do is make sure that every company pays exactly what they owe—no more, no less. The current system is not correct. It needs to be improved. However, the regulations proposed by the MMS do not fit the bill. They need to be revised. We are trying to get their attention so they will revise those rules in a workable, definable, understandable way that is clear, so that everyone will know exactly what should be paid and will pay that much and no more.

Mr. President, again I thank my colleagues for their efforts, and I urge my colleagues to support our effort to defeat the amendment of our colleague from California.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California.

Mrs. BOXER. I would like to yield 10 minutes to my colleague from Arkansas, Senator BUMPERS, but I want to just make a point on the comments of Senator NICKLES.

We have here a chart that shows how many meetings were held before this rule was put into place. I want to make sure that colleagues understand there were actually many, many months of proposals. That it is a fact that the purpose of this rule is not to raise additional revenue. But, if companies pay their fair share, the Mineral Management Service has shown us, if they do in fact pay the royalty payment on the market price rather than a made-up price when a company sells to its own affiliate, taxpayers will receive $66 million in additional revenue. That is why all these various schoolboards are for it and many state land commissioners.

I wanted to point out, when the rule was beginning, there were very, very favorable comments from Louisiana, Wyoming, New Mexico, Alaska, and there is a reason for it. We see that these States have had to sue in the past, I say to my friend from Oklahoma, for the fair share of the royalty payments that they believed they were owed. And I think that the States are saying to us: "We don't want to go this route. We don't want to be litigious. We don't want to be in court every day. We want a fair rule." I know my friend from Oklahoma wants a fair rule. The issue is, How do you go about it? Do you go about it by shutting down the ability of the Interior Department to proceed on what many in the States are saying is fair, even New Mexico? The Tax Revenue Department said, "The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties."

We can see that the oil companies settled for $2.5 billion in Alaska; in New Mexico, $8 million; in California, $350 million; in Texas, $17.5 million. The fact is, oil companies are settling because they are not in a strong position. When you pay a royalty payment based on a made-up price and not a market price, you open yourself up to lawsuits.

I also wanted to point out that if you really look at the companies that are affected by this—and we have put this in the RECORD—they make in the billions of dollars, and these royalty payments are a tiny percent. As a matter of fact, what we have learned is that one of the companies, Shell Oil, which would see the greatest increase in their royalty payment, that great "increase" is equal to 7-100ths of 1 percent of Shell Oil's revenue every year.

So, we are not talking about huge sums of money to these giant oil companies. What we are really fighting about here is the principle, the issue that they should pay their fair share. And even if $66 million does not look like a lot of money to some of my colleagues, it is a lot of money when it goes into various States and into classrooms.

I yield 10 minutes to Senator BUMPERS at this time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I thank the Senator from California for yielding to me.

Mr. President, just to put this thing in perspective, I call on all of my colleagues to recall the number of times they have appeared before their local chamber of commerce and Rotary Clubs and told them that, once they get to the U.S. Senate, or even the House of Representatives, it is going to be a new day. They are going to protect the people's rights. They are going to take care of their money. We have pledged: "I will treat your property and your money as though it were my own."

I have made that speech, and I daresay 99 other Senators have made it as well. So I say, we have to ask ourselves, are we fulfilling our commitment and our solemn vow to the people back home? Ask yourself this question: If you had an oil well, and you discovered that your lessee was selling your oil to an affiliate or a wholly-owned subsidiary, and they were selling it at a price considerably less than published spot prices of that oil—would that be acceptable to you as a private landowner? Let's assume your lessee is selling your oil to an affiliate for $12 a barrel, but the spot price of that oil is $14 a barrel—if you were the royalty owner, wouldn't you question that? Would you tolerate it?

I read a story in USA Today from which I quote:

> States, native American tribes and landowners are suing for the full, open-market price fees, and a few oil companies have begun to cut settlement deals from Alabama to New Mexico, rather than face trial. According to the Watchdog Project on government oversight, there is more than $2 billion in uncollected Federal royalties at open-market prices, and the total grows by $1 million every week.

When you vote against Senator BOXER's amendment, are you keeping faith with the people back home who own this oil? It does not belong to the U.S. Senate, it belongs to the taxpayers of America. When the Secretary of the Interior signs a lease with Exxon, Mobil, or whoever, the lessees agree to pay a royalty, usually 12.5 percent, on the oil they take from the Federal land. However, having agreed to that, they now are not paying that. While I appreciate that oil prices are currently low, that does not provide justification to cheat the taxpayers of America out of the fair royalty on their oil.

If this case did not have any merit, why did Mobil recently settle with the U.S. Government for $45 million on this very issue? They have essentially agreed to the very same thing Senator BOXER is saying they owe. Why are Native Americans suing for royalties? Why are States collecting big, big settlements with the oil companies? Precisely for the very reason Senator BOXER brought this amendment up. All she is saying is let's collect on the lease for what the oil brings, not for some fictitious price created by selling to yourself, by selling to an affiliate. If you are going to treat the taxpayers' money as though it were your own, ask yourself what would you do? Why, you wouldn't tolerate this for 10 seconds, would you, if you found out that the oil company that had the lease on your land had been selling oil to a wholly-owned affiliate at $2 under the spot price for which they could have sold it?

This reminds me of a coal case. We found out that Ohio Power Company, a utility company in Ohio, had been buying coal from one of its wholly owned affiliates for 100 percent more than they could have bought it on the open market. You talk about a cozy relationship. This was a slightly different situation, but I am just telling you, these things happen. So, if you vote against Senator BOXER's amendment, don't go home and tell people how you are treating their property as if it was your own, because you wouldn't tolerate it for a second.

Mr. President, the Minerals Management Service is the agency we depend on to manage royalties on Federal lands leased for oil and gas. We expect them to get the most for it they can get. Congress has set the royalties on oil here. We say the Secretary of the Interior cannot lease it for less than 12.5 percent, and then say to the Minerals Management Service, "But if you catch the oil companies pulling shenanigans, don't do anything about it"? If Senator BOXER's amendment fails, that is what we are saying.

So I regret that the price of oil is low, and the Senator from Texas has made that point a number of times; oil prices are low. Most of you know I have spent 9 years trying to make the Federal Government make the hard rock mining companies pay royalty on the land we give them for $2.50 an acre. I faced it. I am leaving here at the end of this year. I don't know what will happen after that, but I can tell you one thing, I tried for 9 years. I stood where I have been standing right now for 9 years and squealed like a pig under a gate, saying the same thing I am saying now: You are cheating the American taxpayers.

You think about us giving away 3.2 million acres of land in this country for the last 130 years for $2.50 an acre, land that had billions and billions of dollars of minerals under it, and what did the taxpayers get back? They got 557,000 abandoned mine sites that are going to cost them $70 billion to reclaim. Royalties? Zip. Nothing. Not a dime. I lose it every year, and the people who vote against me go back to the Chamber of Commerce and say, "Oh, I'll treat your property just as though it were my own." If you believe that is the truth, you ought to be in a mental institution. If that is your idea of treating property the way you would treat it if it were your own, you need a guardian. The situation here is essentially the same thing.

The other day when I tried to raise another issue, just an environmental issue on how we are going to mine these hard rock minerals, I lost. I got 40 votes. I knew I was going to lose. The same people who voted against me will go back home and say they are environmentalists, even though they do not want the Interior Department to regulate how we mine and how we reclaim the land after we mine. I just got killed on it, 58 to 40. As I say, I am leaving, so the other side won. I know a couple of people here who I think will take it on, and it will be in capable hands, but I forewarn you: "It ain't an easy battle." That is the most egregious case I have ever run across in my life—billions in gold and palladium and silver taken off the land over the years and taxpayers don't get a nickel for it. All they get is a big environmental Superfund site.

Mr. President, in this case I will plead with my colleagues, the States favor this. I understand Wyoming has kicked the traces over, but the rest of them favor this amendment, and they are cutting deals with the oil companies right now. Senator HUTCHISON said no, the United States is not going to cut a deal; if the Indian tribes and the States want to, that is their business, but oil prices are low, and we are just not going to bother with it.

Gold prices are low, too, and I know that.

Mr. President, I will close by simply reminding my colleagues that I have heard in the last 24 hours that one of the principal candidates planning to run for President says he is reconsidering because he doesn't know whether he wants to subject his family to what goes on up here.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. He says he doesn't want to subject his family to the kind of things to which politicians are being subjected. There are two sides to that story, and I understand that.

When I ran for Governor 28 years ago—I won the Democratic primary almost 28 years ago today—I had a slogan: "Let's get our State together." We had been bickering and nothing was happening in the State. I said, "Let's get our State together," and when I was Governor, I called people together, Republicans and Democrats, and we worked well together. We had 4 great years, if you will pardon a self-serving statement.

I always said politics is a noble profession. My father said it a long time before Jack Kennedy did. He believed it. He served in the legislature. He wanted his two sons to go into politics. How long has it been since a parent has said they want their son or daughter to go into politics?

In any event, he didn't say all politicians are noble, he said public service is an honorable, noble profession. I have always believed that. I think it still is. I think what a tragedy it is that the country is in the situation it is right now and the effect that has on people and their willingness to serve and their wanting to serve as I did. I think about us voting on things here where it is obvious to me—I don't want to seem arrogant about this, but this is not even a debatable amendment about what is fair and what is right. We all know what it is. So I plead with you, do your duty. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. DOMENICI. I ask the Senator if she will yield for 2 minutes.

Ms. LANDRIEU. Yes, I yield.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BUMPERS, in particular I speak of the last 2 minutes of his statement. I commend him for what he said and his concerns about the condition of our country, and in particular—I use a different word—but the cynicism that is generating by leaps and bounds about politicians and people in public life. We can't have our democracy and have that continue indefinitely. It will go right to the heart of it.

Having said that, I was going to say something a little bit more jovial and just suggest that your eloquence is going to be greatly missed, but the fact that you keep losing, could it mean that you happen to be wrong? I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I say to my wonderful colleague from Arkansas before I get into the substance of my remarks, I have tremendous respect for him for his tremendous fight over such a long period of time on issues like this. Yesterday, we were together in our arguments because we have very similar feelings, which I think is shared by many in this body, about paying the taxpayer their fair share when it comes to minerals. I say to Senator BUMPERS, he is going to be missed. I am going to pick up the fight, as I told him before, on hard rock mining, but there are some big differences between what we talked about on mining yesterday and what we are speaking about today.

One of those big differences is in hard rock mining there are no royalties paid. It is a system that cries out for reform and change. In this instance—and I know you say, "Well, there is LANDRIEU; she's from an oil and gas State. We knew she was going to say this." Trust me, when this issue first came up, I didn't know what I was going to say, for a number of reasons. Maybe I should say something about that first.

Before you came here, you were a Governor, but I was a State treasurer and I managed a billion dollars that came from the Outer Continental Shelf. Because we are a poor State, because we haven't managed our resources as well as we could have in the past, and because of other issues—we didn't have computers in the classrooms—I managed that money more carefully than I manage my own. It came from these royalties, and I treasured every single penny, because with every dime, we could then hire a new teacher or put a computer in a classroom or buy software for kids. I am there with you on that 100 percent. We had that billion dollars, and it is growing every day and we are happy for it in Louisiana.

I believe as deeply as I can express that we want the taxpayers to receive their absolute fair share to the penny because these dollars can be put to good use, and I hope they will be put to better use, because the other point I want to make is I am getting ready to introduce—I hope with Senator BUMPERS and others and Senator HUTCHISON from Texas—a bill that will help redistribute these royalties that we get and have been getting since 1955 to the tune of $120 billion, which the Federal Government has received from these royalties; to redistribute it in a better way; to invest it in our environment; to invest it in the expansion of our national parks; to invest it for the expansion of our urban parks; to prevent species from becoming endangered, a real investment in our environment, a real payback in the right and noble sense to the taxpayer.

I am 100 percent on the record for just royalties being paid, for substantial royalties being paid when appropriate, so I don't want there to be a question—and I so much respect the Senator for his fight—but this issue is about really litigation and lawsuits and unclear regulations. It is not necessarily an environmental or antienvironmental issue, and it shouldn't be a drilling or a nondrilling issue.

It is about whether we should adopt a rule that is either going to stop the litigation, or we are going to adopt this new rule that isn't going to stop the litigation. The rule that we have to consider for which we are now asking for a suspension is not going to do anything, as much respect as I have for Senator BOXER, in stopping the litigation.

To put this in perspective, let me say to my colleagues that last year, Minerals Management Service received $6 billion from royalties. At issue here is $66 million, which is less than 1 percent of the total. This isn't about oil companies not wanting to pay royalties. I say to the distinguished Senator from California, they sent to the Federal Treasury $6 billion last year, and the year before it was $4 billion, and since 1955 it has been $120 billion. They are not opposed to sending their fair share, but because the regulations are complicated, they are difficult—the oil industry is reorganizing itself, driven by technology and the pressures—may I have 2 more minutes?

Mr. DOMENICI. I yield 2 more minutes.

Ms. LANDRIEU. The oil industry is reorganizing itself in such a way that all it is asking for, I say to the Senator from California and others, is a fair rule that is clearly understood so that they can pay their fair share, get out of the courtrooms, cut their cost of their lawyers and accountants, pay the taxpayers their fair share, and get on with their business.

It is in nobody's interest for this to continue in this way—not for business, not for jobs, not for the taxpayer. That is what this argument is about, with all due respect to everyone who has said, I think, very tough things about oil companies wanting to cheat.

Most of the oil companies I know do not want to cheat. Most of the oil companies are happy to pay their tab, they just would like a clear signal about what tab it is that they owe. And they do not want to spend their time in court.

I am afraid if we let this rule go through, we are going to spend more time in court, waste more taxpayer money and not move us 5 feet down the ballfield on this subject. So that is why I am opposing Senator BOXER's amendment and supporting to give us additional time to work out some language so that everybody can pay their fair share, and the taxpayers can benefit, and we can all get out of the courtrooms and get on to running our businesses.

Thank you so much.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Thank you very much.

I thank my dear colleague from Louisiana for giving us her perspective from her State. And I greatly respect it. I want to pick up on something she said. She said, "It's in nobody's interest to continue in this way." And what is "this way"? This way is lawsuit after lawsuit after lawsuit. And she is right, we should not continue in this way.

We have seen Louisiana sue the oil companies and collect $10 million because the oil companies are cheating on their royalty payments. They settled. The oil companies would not have settled for these large sums were they not cheating. Alaska settled for $2.5 billion; California $350 million so far; New Mexico, $8 million so far; private royalty interests $15 million so far; and Texas $17.5 million so far.

In other words, given the current status, without a change in the rule, which Interior is trying to put into place, we will continue in this way—lawsuit after lawsuit. And no one can say—I mean, you would have to be born on another planet to say that oil companies would settle for over $2.5 billion if they had not been making a mistake on their royalty payments which they send to the taxpayers of this great Nation.

I think the issue here is: Do we want to continue in this way, which is what the rider does? It keeps us for another 12 months, for a total delay of 15 months, in this way of litigation and lawsuit and aggravation and all the rest.

What we are saying with our amendment is: It is time to change the way we do things. And my friends are saying, "Oh, all we need to do is meet and we'll fix it up," and so on. "Everything will be fine. We know we can resolve this. We can negotiate it."

This rule started back in December of 1995. We are headed toward the end of 1998. There were 14 pubic hearings, 5 solicitations for comment, all sorts of things, to resolve this matter. The basic issue is this: Companies that sell to their affiliates are paying a royalty on a made-up price, a phantom price, rather than paying it on the fair market price—which 95 percent of the oil companies are doing.

Just 5 percent of the oil companies are involved in this and will have to pay a fair share. It is not the mom and pop folks. It is a list here, a page and a half long, compared to 34 pages long of those unaffected. Shell makes $29 billion a year in total revenue, Exxon $134 billion. We are talking about the biggest corporations who, in fact, themselves are admitting by settling all these myriad of lawsuits, that they have not paid their fair share to the States or to the Federal Government.

The PRESIDING OFFICER. The Senator has used her 3 minutes.

Mrs. BOXER. I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Here is where we are. Here is the market price, the real price. You know, this is a capitalistic system. I am stunned by my friends on the other side of the aisle. I used to be a stockbroker, so I know what supply and demand means. A market price is supply and demand. It is the fair price. When the market price goes down, the royalty payment goes down. When the market price goes up, the royalty payment goes up.

But they are not paying on the market price, these 5 percent of the companies who own their affiliates and sell to their affiliates. They make up the price and they pay a royalty on that price. How would you like to be able to do that in your life? It is a pretty sweet deal; and it is wrong. I think that the various States are saying, thank you very much to the Minerals Management Service for moving forward. All of them here are saying: We commend you. "The Minerals Management Service must be complimented," said Wyoming's Governor in 1997. Louisiana said it, Alaska said it.

I withhold for the remainder of the debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 25 minutes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator from Texas permit me to use a minute off our time?

Mrs. HUTCHISON. Of course.

Mr. DOMENICI. Not off your time; off the bill.

Mr. President, let me just say, immediately after Senator LANDRIEU spoke, I wanted to get up, but I did not timely, so Senator BOXER spoke. But I commend her. I think she made a very brief statement today, but I think it was right on point. For those who are looking for a succinct wrap-up of what this issue is about, that 5 minutes is a very good summary.

The issue is whether the new set of rules is going to solve the problem of litigation and of making things clear and reasonable and easy to understand, or is it going to invite more litigation? And I think the industry, small and large, come down on the side that it is too complex, leaves too much to the subjectivity of the Mineral Management Service, and has a number of rules that are so arbitrary and onerous that this is not going to help us out of the mess we are in. I am saying it my way; I think Senator LANDRIEU said it her way. But before we are finished, we will talk about that some more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to answer some of the arguments that have been made earlier in the debate. First, it keeps being said that the oil companies are not paying their fair share, that they are in lawsuits about it, and that they have been settling the lawsuits and therefore they must be guilty. All of this is totally separate from the amendment before us today.

There is a disagreement between the oil companies and several States about how the valuations under the present regulation have been made. I want the oil companies to pay their fair share. So does the Senator from California, so does the Senator from New Mexico, so does the Senator from Louisiana. These matters are in court, and they will be settled in court. They have nothing to do with the amendment before us today. In fact, as the Senator from New Mexico and the Senator from Louisiana have said, the oil royalty valuation process is very complicated.

The new MMS proposal is very complicated. In fact, I would make the case that we do not change anything in the process as far as making it clear what is owed. It is just a matter of the Mineral Management Service raising the rates on oil companies at a time when oil prices are at an all-time low. That is the issue.

A second argument has been made that this only affects big oil companies. I would just say that I have received a memo from the Independent Producers Association of America that represents the small independent oil producers. And what they say is: "Percentage of oil producers impacted by proposed oil royalty rule—100 percent." Because everyone who is in this industry knows that whatever is the standard for royalties on public lands is also the standard throughout the industry.

So to say that we are only talking about 5 percent of the large oil companies in America is absolutely untrue. We are talking about small producers, independent producers, and we are talking about marginal producers. Those are the ones that are drilling 15 barrels or less a day. They are operating at very low margins. With the oil prices at 11- and 12-year lows, they are not even making a profit in many instances. So we are affecting oil jobs in our country.

Now, it was said by the Senator from Illinois that the amendment delaying the rule was put on an emergency supplemental appropriations bill. That is true. It was put on an emergency supplemental appropriations bill and passed by both Houses of Congress and signed by the President. The reason it was put on is because the Bureau of Mineral Management Services announced they were going to finalize a rule without going through the congressional process that they had been told they must do. There was no alternative but to immediately stop that. Otherwise, they were going to implement a rule without reporting to the appropriate congressional committees.

Of course, Congress exercised its prerogative to say no, that is not what we told you to do. After all, we do make the laws and the policies of this country. Raising taxes is the prerogative of Congress for a very good reason—because we are accountable to the people. If we are going to set the policies of this country, we must consider many things. We must consider jobs, we must consider crises, we must consider security, how much of our oil needs to be imported, is there a security issue in our country. The reason that elected representatives make policy is because we are accountable. We look at other factors such as how much of our oil we are importing, how many jobs are going to be affected, and what is the overall situation in the economy of our country.

I want to talk about the first part of a policy decision that Congress considers, and that is jobs. Oil prices are at a 12-year low in this country. I refer to a chart for the jobs at risk in our country if we now raise the cost of drilling on oil companies. Let's take some examples: In California, 115,000 jobs are at stake; in Missouri, 31,000 jobs are at stake; in Montana, over 9,000; New Hampshire, over 3,000; New Jersey, almost 30,000; Nevada, over 7,000; Ohio, 54,000; Pennsylvania, 48,000; Texas, 253,000; Virginia, almost 30,000.

Now, those are the jobs at stake.

Let me just read to Members recent articles that talk about the job layoffs that are occurring right now because, of course, the industry is on its knees.

August 28, 1998:

> J. Ray McDermott, a builder of offshore petroleum platforms, has laid off 41 employees in Houston [Texas], cutting about 10 percent of that office's staffing.
>
> [McDermott] left open the possibility that more layoffs could result if the oil market remains in a slump.

August 29, 1998, Halliburton lays off 100:

> The state of the oil industry is being blamed for the layoffs of about 100 employees at Halliburton Energy Services [in Oklahoma.]

August 12, 1998:

> Schlumberger laid off several hundred people in the second quarter and plans further cuts, as falling oil prices lower demand for its services and products.
>
> Schlumberger's news comes as a number of oil-field-service companies have been cutting staff in recent months. The industry is struggling with some of the lowest crude oil prices in 12 years.

Oil and Gas Journal, August 3, 1998:

> Triton Energy Ltd., Dallas, laid off 65 employees from its Dallas office as a part of a corporate restructuring and cost-reduction plan. The move cuts Triton's Dallas staff by more than one third.

August 18, 1998:

> Low prices particularly hurt small producers who rely on marginal, or stripper, wells producing less than 10 barrels of oil a day. Some 74 percent of New Mexico's 24,000 wells are considered marginal.
>
> Some small producers have cut back or eliminated new drilling projects. . . .
>
> Others have shut-in wells—stopping pumping, a solution intended to be temporary but which often results in permanent loss of production.
>
> Tom Dugan of Dugan Production Corp. in Farmington [New Mexico], said, "Essentially our income has been cut in half within the last six or seven months."
>
> Dick Frank, the state Department of Labor's area director in Lea County [New Mexico], said the unemployment rate in the oil rich county has been climbing, reaching 6.7 percent in June.

Oil and Gas Journal, July 20, 1998:

> An independent Petroleum Association of Mountain States survey has found that the plunge in oil prices is forcing marginal well shut-ins in the U.S. Rocky mountains. Twenty producers have shut in more than 200 marginal wells. . . .

Big U.S. Independent Union Pacific Resources said it will slash its rig count from 49 to 18 for the balance of the year, further depressing an already shaking North America land rig market.

Oryx Energy battened down the hatches, July 28, saying it will cut its 1,000-worker payroll costs 20 percent, or $14 million a year, and sell another 35 million of properties in response to continued weak oil prices.

I think it is very important that we look at the impact on people, on their families, their lives, on States that are not going to have sales tax revenue if people don't have jobs in States that will have to start paying unemployment compensation because people don't have jobs.

Yesterday, in the debate on the mining bill, Senator Harry REID from Nevada said, "These are the best blue-collar workers in America," and he was talking about gold prices being the lowest in years. I can make the same arguments today. The Senate voted for keeping the mining industry intact yesterday. As Senator BUMPERS said, he lost his argument.

The same arguments apply today. We have oil prices at their lowest in 11 years and we have the best blue-collar jobs in America. In fact, oil and gas jobs are among the highest paid in our economy. In Montana, for example, the average oil and gas jobs pay $32,380 compared to $20,500, which is the average of jobs in Montana. Every oil industry job creates an average of 2.3 service-related jobs.

This is a very important issue for jobs in our country. As you can see, almost every State is affected. It not only creates jobs in the industry, but over two jobs in the service industry are related to oil production in our country. What could be bad about that? Yet, we are talking about raising fees and taxes on the companies that are on their knees, with low prices, that are laying people off as we speak. It doesn't make sense.

The other side has said, "We are losing $5.5 million a month." In fact, I thought Senator LANDRIEU made a very important point. We are talking about $6 billion in revenue to the Federal and State Governments, and they want to tear it down, saying they are going to add $5 million a month. You would jeopardize a steady stream of revenue from an industry that is on its knees, that is shutting down wells as we speak, to try to gain $5.5 million a month. Even if you thought you were going to get $5.5 million a month, you would have to assure that the companies are going to stay in business.

If they go under, you are not going to get $5.5 million a month; you could lose $5.5 million a month, and those are jobs that we now have in place. Why would we jeopardize those and risk losing revenue, when you hope they will stay in business and gain revenue? That is not a very good hope when the industry is on its knees.

Let's talk about the policy of raising taxes. In fact, we have shown, both in Congress and in 13 States, that lowering the taxes on the oil and gas industry have actually increased revenues. In fact, the Congress passed the Offshore Drilling Deep Water Royalty Relief Act in 1995. They gave tax relief, they gave tax breaks, lowered taxes, to companies that would go out and do the expensive drilling in the water, especially the Gulf of Mexico. For doing this, the Government has received $3.1 billion in bids on those leases in the gulf. This has created over 3,500 direct jobs to manage the increased activity. In fact, it has created $3 billion in revenue. So we have shown that when we lower revenue, we increase the amount that comes into the Federal Government.

When we lower taxes, we increase revenue. This has been duplicated in my State of Texas, where they have given tax relief to drill the marginal wells which are less than 15 barrels a day in Texas. Or if someone goes in and unplugs a plugged well, they will get a tax break. Here is what that has done in Texas: 6,000 wells were returned to production; $1.65 billion came into the Texas economy; 10,000 direct and indirect jobs were created every year; and $22 million more went into the Texas treasury—$22 million by giving a tax break. Thirteen States have inactive well recovery programs that are doing the same thing.

Yet, the amendment before us today would go in exactly the opposite direction. It would increase the amount that the oil companies would have to pay, putting many of these small producers in jeopardy because that will be the industry standard, creating a loss of jobs and, I submit, a loss in revenue.

I have a chart that shows the economic effect of the abandonment of marginal wells just in 1997. The lost revenue to California was $45 million; Kansas, $24 million; Louisiana, $8 million; New Mexico, $19 million; Oklahoma, $29 million; Texas, $97 million. These are lost revenues because marginal wells went under. They had to plug the wells. This doesn't even address the lost jobs or the lost sales tax revenue to these States.

So I think we have the evidence that raising taxes is going to cost revenue to the Federal Government, not raise revenue to the Federal Government, because so many of the wells in this country are marginal; they produce under 15 barrels a day. So if they go under, these States are not going to get more money for their schoolchildren, they are going to get less. That is what the amendment before us would do.

Let's talk about another policy issue that Congress must address when we increase taxes on an industry. We import over 50 percent of the oil that we need in this country—the oil we need to drive our cars to work, the oil we need to operate our plants, the oil we need to produce fuel for every home in America. Fifty percent is imported. This is a national security issue. It is an economic issue.

Does anybody remember what it was like when we had the severe oil shortage several years ago and people had lined up for 5 hours to get gas for their cars? They could not fill them up; they were limited. They were limited in the amount or the number of gallons they could put in because we had an oil shortage.

This country cannot depend on imports if we are going to have control of our own economy. How could we be talking about shutting down wells and causing our dependency to become greater? It does not make sense. It would be highly irresponsible of this Senate to do something that would jeopardize every person driving a car in this country, every plant that operates, and every home that depends on oil or gas for its energy. We should not be even considering something so irresponsible.

I have letters of support from many organizations. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 10, 1998.

Hon. ——— ———,
U.S. Senate
Washington, DC.

DEAR SENATOR: On behalf of the 600,000 members of Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service (MMS) proposed new oil valuation rules that would eventually raise taxes on producers. The rulemaking effort has involved several revisions to the original proposal, but remains ambiguous, unworkable, and would create even greater uncertainty and unnecessary litigation.

Passage of this provision in the Interior Appropriations Bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides. The taxpayers have a vested interest in this issue, because the rule proposed by the MMS would lead to an unnecessary administrative burden for both the government and the private industry as auditors, accountants, and lawyers attempt to resolve innumerable disputes over the correct amounts due.

Please take this opportunity to prevent the current proposed rule, which benefits no one, from being implemented. We urge you to oppose any amendment to strike the provision for delay of final valuation rule in the Interior Appropriations Bill as it reaches the floor for debate in the full Senate this week.

It is my hope that you give this suggestion serious consideration. If I can be of further assistance, please do not hesitate to contact me.

Regards,

COUNCIL NEDD II,
Director, Government Affairs and Grassroots.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, September 11, 1998.

DEAR SENATOR: I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to S. 2337, the Interior Appropriations bill. This amendment allows the Executive branch to operate unchecked in its efforts to legislate through regulation.

Our members have long opposed the reckless regulating that is consuming some federal agencies. Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities. Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the federal government operate within the bounds of the law, and it will have the ultimate effect of increase the cost of oil and gas for every American. The appropriators have attempted to support sensible environmental policy through the appropriations process. The Boxer amendment will reverse their sensible policies.

As the Senate considers S. 2337, I ask you to consider the effect the Boxer amendment will have on consumers and their wallets and vote to defeat the Boxer amendment.

Sincerely,

MATT KIBBE,
Executive Vice President.

NATIONAL BLACK
CHAMBER OF COMMERCE,
Washington, DC, June 10, 1998.

Re Oil Royalties.
Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: The membership of the NBCC wants to applaud you for your courageous stand taken against the Minerals Management Services attempt to totally control the method (or madness) of collecting oil royalties. Your leadership is certainly pro-business and ensures us of a continued prosperous economy.

The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should

> certainly be involved as they truly represent the people, not bureaucrats.
>
> Thank you for your strong position and consider us your ally on this issue.
>
> Sincerely,
>
> HARRY C. ALFORD,
> *President and CEO.*

> PEOPLE FOR THE USA,
> *Pueblo, CO, September 4, 1998.*
>
> Hon.——— ———,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR: We understand that when the full Senate debates the Interior Appropriations bill next week, there may be an effort to remove the provision which prevents the Minerals Management Service (MMS) from issuing a new ruling on oil royalty valuations until Oct. 1, 1999. On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.
>
> We feel very strongly that this provision will be critical to helping devise a royalty collection system that is truly fair to the federal government and the oil industry. The provision requires the MMS to take the time to develop a more workable rule and not undermine Congress by changing yet another law through bureaucratic regulation.
>
> The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. Please oppose any amendment that would strip this provision out of the Interior Appropriations bill. Our members and their communities are counting on you.
>
> Respectfully yours,
>
> JEFFREY P. HARRIS,
> *Executive Director.*

Mrs. HUTCHISON. First is Citizens Against Government Waste. In part, they write:

> On behalf of the 600,000 members of the Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service proposed new oil valuation rules that would eventually raise taxes on producers.

They go on to say:

> Passage of this provision in the Interior Appropriations Bill will provide the time necessary for MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides.

Here is a letter from the Citizens for a Sound Economy:

> I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to the Interior Appropriations bill. . . . Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities.

Of course, it makes sense that if we are going to raise the rates that producers have to pay, it is going to raise the price of every gallon of gas that you buy at the pump.

> Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the Federal Government operate within the bounds of the law, and it will have the ultimate effect of increasing the cost of oil and gas for every American.

This is in a letter from the National Black Chamber of Commerce:

> The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should certainly be involved as they truly represent the people, not bureaucrats.

This is from the People for the USA:

> The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. . . .
>
> On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.

Mr. President, we are talking about tax policy in this country. If you vote for the amendment before us today, we are saying that the Mineral Management Service can walk away from Congress and the congressional intent and congressional mandate that they report to us about any kind of fees or increases.

If they do this—and if we allow them to do this—we will shut down marginal wells throughout our country, which we have already seen happening because of the low prices. Thousands of people will be out of jobs. We will lose revenue in our States and our Federal Government, hurting the schoolchildren of our States when they are not able to have that income stream that is now steady—$6 billion worth of steady income stream—which will become shaky from marginal producers because they cannot make ends meet. They are laying off people every day because of the low price of oil.

This is not the time to raise prices. We should not let unelected bureaucrats do it, and we should not jeopardize the energy independence of our country by allowing a bureaucracy to raise taxes when that is the prerogative of Congress.

Thank you. Mr. President, I thank Senator DOMENICI for his leadership, along with the bipartisan group that is trying to make sure we keep jobs and energy independence and gasoline pumps filled throughout our country.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time does Senator BOXER have and how much time do I have?

The PRESIDING OFFICER. The time remaining for Senator BOXER is 7 minutes 15 seconds. The time remaining for the Senator from New Mexico is 13 minutes 10 seconds.

Mr. DOMENICI. Thank you. Mr. President, I thank Senator BOXER for agreeing to this unanimous consent. I very much appreciate it for some personal reasons.

I ask unanimous consent that when all debate time is consumed, or yielded, that the amendment be set aside until the hour of 5:50; and, at that time, there be 10 minutes for debate for closing remarks prior to the vote on the motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, since I have considerably more time than the distinguished Senator from California, I would like to make a few remarks and then save a few minutes for Senator GORTON, the manager of the bill.

Mr. President, fellow Senators, first of all, there has been a lot of talk about lawsuits that are out there that have been going on for years on end. Essentially, fellow Senators, the reason that a new set of regulations and rules were supposed to be adopted was so we wouldn't have all of that litigation; so that we have a more clear-cut definition of what is market value for oil and gas, rather than leave so much to subjectivity, to arguments and disputes.

Let me suggest, if that is the case, that I can almost promise the U.S. Senate that if the rules that the Minerals Management Service is proposing to adopt are adopted that they will all be back in court over and over again, because they are unintelligible. They leave many opportunities for the Minerals Management Service to second-guess. They leave at times many opportunities to go back in an audit and even undo the market value as determined by a company upon the advice of people from the MMS.

Mr. President, when I was a Senator in the middle of the Iranian-prompted crisis where we had lines—Senator HUTCHISON's statement was that they even shot at each other in New York in one of those lines early in the morning because somebody thought one car was moving ahead of them. You might have been Governor, I say to the occupant of the Chair, when that happened. You may remember that.

During that period of time, a gentleman in my State, who is currently one of the most successful and marvelous businessmen in the retail marketing of oil and gas products in my State, was down in a little office where his business was beginning. He begged me to come and see him. I went to see him. And a grown man was on the brink of falling apart. Whenever he would talk, he would cry, because the then-U.S. Government Energy Department had been told by Congress to enforce some very vague rules about gouging.

Here comes auditors to that man's office. He can't give them enough. They come back month after month, and his business is floundering. And they want more information. They want to go back further in time. They want him to bring in his customers and let them talk to the enforcing agency about the various arrangements.

I pledged to him right then that, not knowing the facts, I would see that he was treated fairly. He was. He succeeded in getting around that, and is surviving, as I have just indicated, bountifully.

Mr. President, what we don't want to let happen is we don't want a new set of regulations that permit a bureaucracy, however much we must rely on them—the MMS—to go into American energy producers in the manner that I have just described for my good friend down in Artesia, NM.

I contend that is what is going to happen, because, pursuant to congressional requests, some of us, Democrats and Republicans, sat down at the table with the MMS and the industry. And it is absolutely a cinch based upon the disagreements that occurred around that table and the failure on the part of the MMS to consider what many of us thought to be a very reasonable request; that if we let these get adopted, we haven't seen anything yet with reference to tying up this money in litigation and arguments. As a matter of fact, there is even a position in these new rules where the MMS can actually contend that a company would sell below market value to avoid the 12.5-percent royalty. Does that make sense to anyone? When you sell below market and give something away, you are giving away 12.5 percent to the Government, but you are keeping 87.5 percent of your own money. Right? But there is something in here to make sure they don't sell below market. There are so many nuances. I am not sufficiently expert. Again, I think I know when I see something that isn't going to work.

Let me conclude. Industry is not to blame for the current rule. The MMS wrote it. All producers are affected by it—not 5 percent. Under current law, MMS can collect the royalties that are fair market value. Nothing is stopping them. Anybody thinking we are going to stop collecting royalties is mistaken. We are going to keep on collecting them under a set of rules that are very unreasonable and complicated. But why substitute another set that we think is going to do equally as bad and maybe move even more arbitrarily against the producers of energy in this country? There is a concept within it that you are guilty until proven innocent. There is, as I said before, a notion that producers will sell cheaply to avoid a royalty. Why would anybody do that? I just explained that to the Senate.

There is extensive opportunity for second-guessing. The scourge of the regulated is to have regulators second-guess. That is the scourge. You have one answer and you thought you were abiding by it. But they second-guess it and you get audited. And there is another set of rules. These rules are unworkable. One well, 10 different valuation calculations for on-shore oil; one well, 8 different valuation calculations for off-shore.

For whatever has been said here today about who we are working for in opposing the Boxer amendment, actually what I believe is happening is we are saying to a bureaucracy of the U.S. Government that we have had a good view of how you make rules, we think you are doing it in an unreasonable manner, and we would like you to do it better, so we are not going to give you any money to enforce what you have proposed to do.

Essentially, all the arguments have been made about how important gas and oil production is for our Nation. We understand that. But this is not an issue about anybody cheating. It is an issue about whether a new set of rules is better than the old ones when we firmly believe they are not.

I reserve the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes 15 seconds.

Mrs. BOXER. I would like to ask my friend if it is OK if when we come back I close the debate with 5 minutes. Would that be all right with the Senator from New Mexico?

Mr. DOMENICI. We each get 5 minutes.

Mrs. BOXER. Yes. I would like to close. I ask unanimous consent that I get to close the debate.

Mr. DOMENICI. When we do our 5 minutes each.

Mrs. BOXER. Yes.

Mr. DOMENICI. Of course.

Mrs. BOXER. I thank the Senator so much. I just want to say to my friends, Senator DOMENICI and Senator GORTON, again, how much I appreciate their courtesies. This is a very important issue.

Mr. President, I ask if you would advise me when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will advise the Senator when she has used all but 2 minutes of her time.

Mrs. BOXER. Mr. President, I have really enjoyed this debate. I was saying to Senator GORTON I thought it was very important to have it because when it was raised in committee, it was a truncated debate. This has given us a chance to really show both sides.

I think another reason I have enjoyed the debate is because it goes to the heart and soul of why I want to be in the Senate; and that is to look out for real people, the real people who make this country go, who get up every day and go to work and save to get a car and hopefully save to get a condominium or a home and to get the American dream.

I think there is another part of that American dream that sometimes gets overlooked, and that is our heritage; that we have much more as Americans than our personal possessions, important though they are. We own the parks. We own the waters, the coastal waters. And others cannot destroy those because they belong to us.

I think it is important for us to note that we are talking about the most powerful oil companies—5 percent of oil companies, some of which make in the many billions of dollars. And I pointed this out before. For example, Exxon, in 1996, generated $134 billion in revenue from oil and gas. And the vast majority of the oil companies impacted by this rule are huge. The impact on Exxon, for example, would be one one-hundredth of 1 percent of their revenue.

My friend from Texas says that is going to cause a disaster. Well, the one good thing about royalty payments, as they are owed to the hard-working Americans of this country, because it is, in fact, oil drilled on their land which they own, that we all own as Americans, is that the royalty payments go down with the price of oil. So it is very fair. And here you see, again, the lease that is signed by the oil companies wherein they promise to pay a fixed royalty which is a percentage of the value of the production, and therefore when oil prices are up, the American people get more. It is a rent that is basically paid on a floating basis depending on the market price of oil.

Now, my friend from New Mexico, for whom I have the greatest respect and admiration, says it is very complicated to figure out what is the market price of oil. And as I said before, I was a stockbroker in a former life, and I know that oil prices are posted and listed every day. I would place into the RECORD this publication, "Platts Oil Price Report." If you look at it, you will see every single day, every single market. The market price listed here reflects the price of oil. So when my colleague worries that the Interior Department is off on the wrong track, I would say I agree with the New Mexico Tax Revenue Department which said:

> The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties. They should also be commended for recognizing an issue and following through with it to resolution, in an environment where litigation abounds, unfounded criticism is made public and political mechanisms are used to mandate positions.

You cut through that and what they are saying is very clear, that the MMS is, in fact, working hard to come up with a solution to this problem.

Now, I showed before, I think, the most telling chart of all. Mr. President, this is where we are. The oil companies sign a lease with us, the American people, promising to pay rent, in essence, for drilling on Federal lands. It is supposed to be based on market price, and here you see with ARCO in the west Texas market, the market price very clearly shown and the ARCO posted price, which is their, in essence, made-up price.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mrs. BOXER. I thank you, Mr. President. I will take another 30 seconds and withhold. What we are going after is this difference. We think the taxpayers deserve to have the fair royalty payment paid. That is why I raise this issue.

I will reserve the remainder of my time to close this debate.

Mr. DOMENICI. I yield 3 minutes to Senator GORTON and the remaining time to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I have been in the Chamber through most of this debate as I am the manager of the bill under discussion now. I believe that I am the only one, at least on this side of the issue, who has no immediate constituent interest in the subject. But I do have certain observations from listening to the debate on the part of others.

The Senator from Oklahoma, Mr. NICKLES, mentioned at one point that the Minerals Management Service had said that this was a revenue-neutral proposal, although in fact it seems not to be that case. The proponents of this amendment emphasize that there is a lot of money involved here for schools and for parks and for other purposes.

It occurs to me that if this is a debate over revenues to the Federal Government, we are in effect talking about a tax, a tax on certain companies engaged in the oil business. And if we are speaking about a tax, it seems to me we ought to be deciding that question here in the Congress of the United States. Under our Constitution, taxes are not levied by regulatory agencies of the Government. They are determined and they are levied by the Congress.

If, in fact, this amendment will produce tens of millions of dollars for various governmental purposes, then it is inevitable that someone is going to pay for those purposes. One of two things is going to happen, it seems to me. And one of my colleagues can correct me if I am wrong. Either it will be reflected in the price of gasoline and other petroleum products that every consumer in the United States pays and will be in effect an increase in the gas tax, or if these companies can simply import more and produce less domestically, it will simply drive American producers out of business because their cost of business will be increased.

But one of those two consequences seems to me to be inevitable. Either this is going to be a tax on the American people by increasing the cost of their gasoline, or it is going to increase our dependence on foreign oil and drive American producers out of business. I think that conclusion is absolutely inevitable. I think that is a policy decision that should be made by the Congress of the United States and not by an obscure Federal agency, and for that reason I oppose the amendment.

Mr. DOMENICI. Mr. President, I send a letter to the desk and ask unanimous consent it be printed in of the RECORD from the Revenue Department of New Mexico indicating they support the oil moratorium.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
TAXATION AND REVENUE DEPARTMENT,
Santa Fe, NM, July 20, 1998.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for giving me the opportunity to comment on your appropriation rider placing a moratorium on MMS oil valuation regulations. After careful consideration, we have determined that the moratorium would allow MMS and the industry more time to reach a consensus, therefore we are in favor of the moratorium.

If I can be of further assistance, please contact me.

Sincerely,

JOHN J. CHAVEZ,
Secretary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. I congratulate my colleagues, especially my dear colleague from New Mexico and my fellow Senator from Texas, for doing an outstanding job. I think anybody who has listened to the debate, and who started the debate with an open mind that was not totally empty, would conclude that you are right and this amendment should be tabled.

My opposition to the amendment is very simple. Congress should make decisions about collecting fees and imposing taxes. Article I, section 8, clause 1 of the Constitution says, "The Congress shall have the power to lay and collect taxes, duties, imposts and excises."

We should not be granting our constitutional powers to faceless bureaucrats who have agendas that may not reflect the will of the American people. If our colleagues wanted to mandate by law that we raise royalty fees, that would be one thing. But to simply set a process in place where bureaucrats are going to effectively raise taxes, I think, is fundamentally wrong. So I want to urge my colleagues to reject this amendment, and I want to especially congratulate those who I believe have made an excellent case in opposition to the amendment.

I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. There is little time remaining. I just want to say again what the USA Today editorial said, because I think it sums it up beautifully and it doesn't come up with the same conclusion that the Senator from Texas, Mr. GRAMM, comes up with. It comes up with another conclusion, and that is, "Industry's effort to avoid paying full fees hurts taxpayers and others."

Since 1920 when Congress passed the Mineral Leasing Act, the MMS has been acting to set the rules that guide the payments of royalties. So, now, all of a sudden we have a move to say this is wrong. I think is kind of interesting, all of a sudden it is wrong, something that has been in place since 1920. This is what the MMS is supposed to do. So I think this editorial really says it.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure that nothing threatened to change that cozy arrangement.

And they basically say, "Taxpayers have been getting the unfair end of this deal for far too long."

Mr. President, I say to Senators, we have an opportunity to end this cozy deal today. I know some of my colleagues feel they need more time, they want to work on a more fair way to collect these royalties. I cannot imagine, as someone who knows supply and demand—I am an economics major, I was a stockbroker—it is pretty simple. You have the market price. Pay the royalty based on the market price. This is a capitalistic system. We do not have industry executives sitting in and deciding what the market price is in the dead of night in the back of their corporate headquarters. These 5 percent of oil companies, the oil giants, are the ones who are getting away with thievery. Let's end it now. Support this amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, has all time now been used on this amendment?

The PRESIDING OFFICER. All but 8 seconds.

Mr. GORTON. We yield back that 8 seconds.

What now is the order before the Senate?

The PRESIDING OFFICER. The amendment is set aside until 5:50, at which time there will be 10 minutes equally divided between the parties for debate.

AMENDMENT NO. 3581

Mr. GORTON. Then what is the matter before the Senate at this point?

The PRESIDING OFFICER. The matter before the Senate at this time is the Daschle amendment to S. 2237.

Mr. DASCHLE addressed the Chair.

QUORUM CALL

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER (Mr. THOMAS). Objection is heard.

The assistant legislative clerk continued to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. SANTORUM). Objection is heard.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Allard
Ashcroft
Baucus
Bond
Boxer
Burns
Conrad
Craig
Daschle
Domenici
Dorgan
Faircloth
Frist
Gorton
Gramm
Gregg
Hagel
Harkin
Hutchinson
Inhofe
Jeffords
Kempthorne
Kennedy
Kyl
Leahy
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Reed
Roberts
Santorum
Smith (OR)
Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Breaux

NOT VOTING—5

Bumpers
Helms
Hollings
Sessions
Shelby

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, the Senate has been on this Interior bill now for 6 session days and has not really scratched the surface of the bill. This is the 11th appropriations bill that the Senate has considered in preparation for the end of the fiscal year, which is September 30.

Members will recall last week we spent most of our time on the campaign finance reform issue. This week there have been farm amendments as well as other amendments that are unrelated to Interior that are waiting in the wings. It looks like it will be very hard to keep focused on the Interior appropriations bill itself and get it completed. And, of course, that will affect the next two appropriations bills.

AMENDMENT NO. 3581

I offered a consent agreement to debate the pending amendment for 2 hours. That is the amendment that Senator DASCHLE offered, with no action occurring, and then lay aside the amendment to consider a Kempthorne amendment relative to the Endangered Species Act. I understand some discussions are still going back and forth on the ESA amendment. That agreement has not been worked out and there are various reasons that it has been objected to.

Therefore, I ask for the yeas and nays on the pending amendment, 3581.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

Mr. LOTT. I now call for regular order with respect to the child custody bill.

The PRESIDING OFFICER. Pending is a motion to proceed postcloture.

Is there further debate?

Mr. LOTT. Mr. President, our manager is on his way to proceed with this.

QUORUM CALL

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER (Ms. COLLINS). Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). In the Chair's capacity as the Senator from North Carolina, I object.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. BENNETT). The Senator objects to the quorum call being rescinded?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham
Akaka
Baucus
Bennett
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Coats
Collins
Daschle
Dodd
Dorgan
Durbin
Enzi
Faircloth
Feingold
Ford
Frist
Gorton
Gramm
Gregg
Hagel
Harkin
Inhofe
Inouye
Kempthorne
Kennedy
Kerry
Lautenberg
Leahy
Lott
Mack
Reed
Rockefeller
Roth
Santorum
Specter
Stevens
Torricelli

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Breaux

NOT VOTING—2

Helms
Hollings

The motion was agreed to.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

SUPERFUND RECYCLING EQUITY ACT

Mr. LOTT. Mr. President, over the past three decades, concern for our environment and natural resources has grown—as has the desire to recycle and reuse. You may be surprised to learn that one major environmental statue actually creates an impediment to recycling. Superfund has created this impediment, although unintended by the law's authors.

Because of the harm that is being done to the recycling effort by the unintended consequence of law, the distinguished Minority Leader, Mr. DASCHLE, and I introduced The Superfund Recycling Equity Act (S. 2180). This bill removes Superfund's recycling impediments and increases America's recycling rates.

We had one and only one purpose in introducing the Superfund Recycling Equity Act—to remove from the liability loop those who collect and ship recyclables to a third party site. The bill is not intended to plow new Superfund ground, nor is it intended to revamp existing Superfund law. That task is appropriately left to comprehensive reform, a goal that I hope is achievable in the 106th Congress.

While the bill proposes to amend Superfund, Mr. President, it is really a recycling bill. Recycling is not disposal and shipping for recycling is not arranging for disposal—it is a relatively simple clarification, but one that is necessary to maintain a successful recycling effort nationwide. Without this clarification, America will continue to fall short of its recycling goal.

S. 2180 was negotiated in 1993 between representatives of the industry that recycles traditional materials—paper, glass, plastic, metals, textiles and rubber—and representatives of the Environmental Protection Agency, the Department of Justice, and the national environmental community. Similar language has been included in virtually every comprehensive Superfund bill since 1994. In fact, the original agreement, upon which the bill is based, has remained intact for five years. With over 40 Senate cosponsors, support for the bill has been both extensive and bipartisan. The companion House bill has almost 300 co-sponsors.

Mr. President, since Senator DASCHLE and I introduced S. 2180, some have argued that we should not "piecemeal" Superfund. They argue that every part of Superfund should be held together tightly, until a comprehensive approach to reauthorization is found.

I generally agree that keeping popular, non-controversial provisions in an omnibus bill makes the more controversial provisions easier to swallow. And given the broad-based support for the recycling piece across both parties, some think it should be held as a "sweetener" for some of the more difficult issues. Superfund's five-year history suggests, however, that the recycling provisions—as sweet as they are—have done little, if anything, to help move a comprehensive Superfund bill forward. Rather, "sweeteners" like brownfields and municipal liability are what keep all parties at the table.

Holding the recyclers hostage to a comprehensive bill has not helped reform Superfund, and continuing to hold them hostage will not ensure action in the future. What it does ensure is that recycling continues to be impeded and fails to attain our nation's goals.

Mr. President, this recycling fix is minuscule compared to the overwhelming stakeholder needs regarding Superfund in general, but so significant for the recycling industry itself. It is easy to see why this bill has achieved such widespread bi-partisan support among our colleagues.

S. 2180 address only one Superfund issue—the unintended consequence of law that holds recyclers responsible for the actions of those who purchase their goods.

Therefore, S. 2180 does not address the very contentious and important issues of cleanup standards or natural resource damages.

It does not deal with orphan shares or municipal liability. The goal of this bill is to remove the liability facing recyclers, not to establish who should be responsible for those shares if the unintended liability is removed.

It does not deal with municipal liability specifically, but if municipalities ship materials for recycling, they would be treated the same as any other recycler. Thus, municipalities are provided some relief under S. 2180 for recycling transactions.

It does not deal with owner/operator liability because such liability was intended by Superfund. Any changes in owner/operator liability should be considered within the context of comprehensive Superfund reform.

Likewise, issues of relief for generators who ship for disposal, rather than for recycling, are not addressed by S. 2180. Waste disposal—indeed proper, environmentally sound waste disposal—is a basic tenet of Superfund. Reforms should be considered within the context of comprehensive Superfund revisions.

Senator DASCHLE and I have heard from various parties who want to add minor provisions outside the scope of the bill. Although many have presented interesting and often compelling arguments, I find that none of these parties has been able to demonstrate the broad base of support that has made the Superfund Recycling Equity Act so unique. No group has been able to demonstrate the support of the broad-based, truly non-partisan group that has long recognized the need for recycling reform. I will continue to ask that any party wishing to enlarge the narrow focus of S. 2180 show support on both sides of the aisle, as well as from the Administration and the environmental community.

Mr. President, much time, energy and expertise went into crafting an agreement where few thought it was possible. That agreement has been maintained through three separate Congresses where all sorts of attempts to modify it have failed. Congress should accept this delicately crafted product.

S. 2180 shows Congress' commitment to protect and increase recycling.

S. 2180 repeats what we all know and support—that continued and expanded recycling is a national goal.

S. 2180 removes impediments to achieving this goal, impediments Congress never intended to occur.

Mr. President, the 40+ Senators who have already co-sponsored this bill recognize the need to amend Superfund for the very important purpose of increasing recycling in the public interest. Let's act this year.

TRIBUTE TO VIVIAN DUBREUIL

Mr. LOTT. Mr. President, a constituent of mine, Vivian Dubreuil from Jackson, MS, passed away this morning. Vivian worked for Senator Jim Eastland for more than 22 years. She also worked for the Secretary for the Majority's Office and the Secretary of the Senate. After a long and successful career in the Senate, she retired to care for her mother in Jackson. She was very much a lady who performed many kindnesses for all who came in contact with her. She will be missed by her friends here in Washington and her family and friends in Jackson.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I join baseball fans everywhere in congratulating Mark McGwire of the Cardinals and Sammy Sosa of the Cubs on already breaking the single season home run record this year. I hope that the House will soon pass the bill that we named for another extraordinary man, who once wore number 21 for the Cardinals. Coincidentally, Curt Flood wore number 21, which is Sosa's uniform number, and played for the Cardinals, which is the team for which McGwire now plays. The Curt Flood Act, to end what is left of baseball's antitrust exemption has passed the Senate and is awaiting action by the House. Baseball's resurgence is being fueled by the outstanding efforts of a number of players should be aided by enactment of our legislation.

I came to the Senate floor in early July to note the possibility that the single-season record for home runs might be broken this year. I noted that at this year's All-Star break, Mark McGwire had 37 homers, Ken Griffey, Jr. 35 and Sammy Sosa 33, as they headed toward Roger Maris' record 61. I urged the Senate to find inspiration in the outstanding seasons that these and other players and teams were having and to improve the Senate's effort in meeting its responsibilities with respect to judicial vacancies.

I went on to compare the Senate's pace in confirming much-needed federal judges to Mark McGwire's home run pace. It is time for an update. Today, McGwire's season total stands at 63. Over the weekend Sammy Sosa thrilled Chicago and baseball fans everywhere by passing the marks set by Babe Ruth and Roger Maris and totaling 62. Ken Griffey, Jr., now leads the American League with 52 homers, making this first season in major league baseball history in which three players have hit as many as 50 home runs.

Unfortunately, the Senate confirmation total is stalled at 39. As recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session. As Chief Justice Rehnquist correctly observed in his year-end report last year: "The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994."

The Senate has not even kept up with normal attrition over the past two years, let alone made a real difference in filling longstanding judicial vacancies. Both the Second Circuit and the Ninth Circuit have had to cancel hearings due to judicial vacancies. Chief Judge Winter of the Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their 3-judge panels. Recently, he has had to extend that certification of emergency.

Yet in spite of that emergency, the Senate continues to stall the nomination of Judge Sonia Sotomayor to the Second Circuit. Her nomination has been stalled on the Senate calendar for over six months. Chief Judge Winter's most recent annual report noted that the Circuit now has the greatest backlog it has ever had, due to the multiple vacancies that have plagued that court.

For a time Judge Sotomayor's nomination was being delayed because some feared that she might be considered as a possible replacement for Justice Stevens, should he choose to resign from the Supreme Court. Perhaps now that the Supreme Court term has ended and Justice Stevens has not resigned, the Senate will proceed to consider her nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay.

When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit. Just as Sammy Sosa is a source of great pride to the Dominican Republic and to Latin players and fans everywhere, Judge Sotomayor is a source of pride to Puerto Rican and other Hispanic supporters and to women everywhere.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly support by Senator MOYNIHAN and Senator D'AMATO.

Ironically, it was Judge Sotomayor who issued a key decision in 1995 that brought an end to the work stoppage in major league baseball. If only the breaking of the single season home run record could signal the end of the work stoppage in the Senate with respect to her nomination.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unexplained and anonymous "holds" become regular order.

I began this year challenging the Senate to maintain the pace it achieved in the last nine weeks of the last session when 27 judges were confirmed. Instead, the Senate has confirmed only 39 judicial nominees in 24 weeks in session. Had the Senate merely maintained the pace that it set at the end of last year, the Senate would have confirmed 72 judges—not 39 judges—by now.

Last week The Washington Post included an editorial critical of the Senate for holding nominees without a vote on the Senate calendar. It was right to do so. We have 12 qualified nominees on the Senate calendar awaiting action. Including those still pending before the Committee, we have a total of 45 judicial nominations awaiting action, some of whom were first received over three years ago.

The Senate continues to tolerate upwards of 74 vacancies in the federal courts with more on the horizon—almost one in 10 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future.

The Judiciary Committee needs to do a better job and the Senate needs to proceed more promptly to consider nominees reported to it.

Unfortunately, the only record that the Senate is on pace to set this year with respect to judicial nominations is the record for the amount of time it takes to be confirmed once the nomination is received by the Senate. For those few nominees lucky enough to be confirmed as federal judges the average number of days for the Senate confirmation process has continued to escalate. In 1994 and 1995 judicial nominees took on average 86 or 87 days from nomination to confirmation. In 1996, that number rose to a record 183 days on average.

Last year, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, the time is still growing and the average is still rising to the detriment of the administration of justice. The average time from nomination to confirmation for judges confirmed this year is 259 days. That is three times the time it took before this partisan slowdown began in earnest.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil this constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

The federal judiciary's workload was at least 60 percent lower than it is today when the Reagan-Bush administrations took office. The federal court's criminal docket alone is up from 28,921 cases in 1980 to 50,363 last year. That is an increase of over 70 percent in the criminal case filings in the federal courts.

During the Reagan and Bush administrations, Democratic and Republican Senates promptly considered and confirmed judges and authorized 167 new judgeships in response to the increasing workload of the federal judiciary. While authorized judgeships have increased in number by 25 percent since 1980, the workload of the federal courts has grown by over 60 percent during the same period. That is why the prolonged vacancies being perpetuated by delays in the confirmation process are creating such strains within the federal courts.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

In the early and mid-1980's, vacancies were between 25 and 34 at the beginning of each session of Congress. By the fall of 1983, the vacancies for the entire federal judiciary had been reduced to only 16.

With attrition and the 85 new judgeships created in 1984, vacancies reached 123 at the beginning of President Reagan's second term, but those vacancies were reduced to only 33 within two years, by the fall of 1986. A Democratic Senate in 1987 and 1988 reduced the vacancies still further to only 23 at the end of the 100th Congress.

It was not until additional judgeships were created in 1990 that the next significant increase in vacancies occurred and then, again, the Democratic Senate responsibly set about the task of helping fill those vacancies with qualified nominees. Although President Bush was notoriously slow to nominate, the Democratic Senate confirmed 124 nominees in President Bush's last two years and cut the vacancies in half.

With respect to the question of vacancies, it is also important to note that in 1997 the Judiciary Conference of the United States requested an additional 53 judgeships be created and the Republican Congress has refused to consider that workload justified request. My bill to meet that request, S. 678, the Federal Judgeship Act of 1997, has received no attention since I introduced it over a year ago. Had those additional judgeships been created, as they were in 1984 and 1990 under Republican Presidents, current judicial vacancies would number 127 and total almost 14 percent of the federal judiciary.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 39 confirmations could be seen as an improvement. The President has been doing a better job of sending the Senate scores of nominees more promptly. Unfortunately, qualified and capable nominees are still being delayed too long and stalled without action.

In commending Mark McGwire, Sammy Sosa and the others major league players who have inspired the nation with their achievements, I pledge to continue to work for comparable achievements by the Senate in connection with judicial confirmations.

NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER

Mr. THOMAS. Mr. President, I rise to discuss a project that is extremely important to the city of Casper and the State of Wyoming. The National Historic Trails Interpretive Center, located in Casper, is a unique project designed to showcase the importance of Wyoming as a center for a number of historic trails in the West. The site selected for the Center overlooks the place where the Oregon, California, Mormon and Pony Express Trails cross the North Platte River. In addition, the head of the Bridger Trail and a fork of the Bozeman Trail can be seen from the spot.

The city of Casper and the State of Wyoming have been working very hard to build an interpretive center that will attract visitors from throughout the nation and provide them with a quality recreational and educational experience. The facility will showcase the important role historic trails played in the development of the West and the incredible hardships faced by settlers as they migrated to all of the western states. The project is strongly supported throughout Wyoming and would be funded through a unique "public/private" funding program using local, state and federal sources.

Wyoming's congressional delegation has been working on obtaining federal funds for the Historic Trails Center for many years. Throughout my time in the Senate, as well as my years serving as Wyoming's only Congressman, I have worked hard to obtain planning and architectural money for the Center and requested assistance from the Appropriations Committee in obtaining the roughly $5 million in federal funds needed to complete the project. Unfortunately, construction funds have never been included in the appropriations bill.

This year, the House of Representatives has included $2.6 million in the fiscal year 1999 Interior appropriations bill for completion of the National Historic Trails Center. Although this is only half of the money necessary to complete the project, I am extremely pleased the House took this action and recognized the importance of constructing this facility. Currently, the Senate version of the Interior appropriations bill does not include funds for the Trails Center. I understand the difficult funding choices faced by the Interior Appropriations Subcommittee as this bill was crafted, but I am extremely disappointed that the Senate version of this legislation did not provide funds for the Center.

As the Senate completes its work on the Interior appropriations bill and this legislation moves to a conference with the House, I plan to do everything I can to ensure that funds for the Historic Trails Center are included in the final bill. Clearly, this project has merit and would be a valuable addition to our nation's cultural and historic landmarks. Over the coming days, I plan to work with Senators GORTON and BYRD to ensure that the House funding level is protected during the conference on this legislation.

The National Historic Trails Interpretive Center is a worthy project. I urge the Senate to recede to the House language on this important measure and begin the process of completing this outstanding facility.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 15, 1998, the federal debt stood at $5,511,724,391,342.63 (Five trillion, five hundred eleven billion, seven hundred twenty-four million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents).

One year ago, September 15, 1997, the federal debt stood at $5,375,122,000,000 (Five trillion, three hundred seventy-five billion, one hundred twenty-two million).

Five years ago, September 15, 1993, the federal debt stood at $4,388,003,000,000 (Four trillion, three hundred eighty-eight billion, three million).

Ten years ago, September 15, 1988, the federal debt stood at $2,598,251,000,000 (Two trillion, five hundred ninety-eight billion, two hundred fifty-one million).

Fifteen years ago, September 15, 1983, the federal debt stood at $1,354,786,000,000 (One trillion, three hundred fifty-four billion, seven hundred eighty-six million) which reflects a debt increase of more than $4 trillion—$4,156,938,391,342.63 (Four trillion, one hundred fifty-six billion, nine hundred thirty-eight million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents) during the past 15 years.

CHILD CUSTODY PROTECTION ACT

Mr. COVERDELL. Mr. President, I rise today in support of S. 1645, the Child Custody Protection Act. This bill makes it a federal offense to knowingly transport a minor girl across state lines to circumvent her home state's parental consent or notification laws and obtain an abortion. This bill sends an important message that we will support those states that have tried to protect minors from making a decision of this magnitude without the involvement of the parents. We should do everything we can to ensure that parents are able to exercise the responsibilities of guiding and protecting their children, and I applaud Senator ABRAHAM for his leadership on this issue.

A few of my constituents raised some concerns about S. 1645 that I would like to address. First, the bill imposes no burden on the right to an abortion, and it adds no new provisions or restrictions on state laws. S. 1645 is designed merely to preserve the integrity of parental involvement laws in states that have chosen to enact them. Second, the legislation does not violate the constitutional right to travel. Like the recently enacted Deadbeat Parents Punishment Act, the Child Custody Protection Act only punishes travel that is undertaken with the intent of dodging legitimate state laws. Third, in cases where teenagers are afraid to tell their parents, there are judicial bypass procedures to address these situations. A study performed by the American Journal of Public Health of these bypass procedures found that only 1 out of 477 girls was denied judicial authorization. Fourth, S. 1645 recognizes the role of states in ensuring that legal abortions are safe—to allow valid state laws to be avoided is to undermine the safety of the procedure and endanger the health of those minors. Fifth, parental involvement laws enjoy the support of 74 percent of Americans according to a 1996 Gallup poll. While S. 1645 does not alter any state's laws regarding abortion, it does ensure that states that do have these popular laws have a more realistic chance of enforcing them.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 157

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

MESSAGES FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2993. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 3445. An act to establish the Commission on Ocean Policy, and for other purposes.

H.R. 3898. An act to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4002. An act to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania, as the "Freeman Hankins Post Office Building".

H.R. 4003. An act to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

H.J. Res. 117. Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mr. LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4194) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. DELAY, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. WICKER, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. SABO, Mr. TORRES, Mr. OLVER, Mr. PASTOR, Mr. CRAMER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KOLBE, Mr. WOLF, Mr. ISTOOK, Mrs. NORTHUP, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. MCDADE, Mr. HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. MCDADE, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. MURTHA, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKY, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. YOUNG of Florida, Mr. CUNNINGHAM, Mr. WAMP, Mr. LATHAM, Mr. LIVINGSTON, Mr. SERRANO, Mr. FAZIO of California, Mr. HOYER, and Mr. OBEY as the managers of the conference on the part of the House.

At 5:57 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4300. An act to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6942. A communication from the Special Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities" (Docket R–0982) received on September 15, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6943. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing Coverage of Federal Sector Labor Relations Laws to the Executive Office of the President" received on September 10, 1998; to the Committee on Labor and Human Resources.

EC–6944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 12–420 dated July 7, 1998; to the Committee on Governmental Affairs.

EC–6945. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of two rules governing electronic filing by presidential candidates (11 C.F.R. 9003.1 and 9033.1) received on September 14, 1998; to the Committee on Rules and Administration.

EC–6946. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in the Southeastern States; Increased Assessment Rate" (Docket FV98–953–1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6947. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; Increased Assessment Rate" (Docket FV98–927–1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6948. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Regulatory Program" (No. AR–030–FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC–6949. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (No. ND–032–FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC–6950. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-In, First-Out Inventories" (Rev. Rul. 98–48) received on September 14, 1998; to the Committee on Finance.

EC–6951. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest on Bonds to Finance Certain Exempt Facilities" (Rev. Rul. 98–47) received on September 14, 1998; to the Committee on Finance.

EC–6952. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation Equity Act for the 21st Century; Implementation of Guidance for Discretionary Program Funds for National Scenic Byways" (RIN2125–ZZ03) received on September 14, 1998; to the Committee on Environment and Public Works.

EC–6953. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Guidance for Fiscal Year 1999 Interstate Discretionary (ID) Funds" (RIN2125–ZZ02) received on September 14, 1998; to the Committee on Environment and Public Works.

EC–6954. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding Pennsylvania's enhanced I/M SIP revision (FRL6160–8) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6955. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Georgia: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6161–5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6956. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL6160–6) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6957. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding requirements for standards of performance for new fossil-fuel fired steam generation units (FRL6159–2) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6958. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Alaska Petition for Exemption From Diesel Fuel Sulfur Requirement" (FRL6159–1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6959. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions of Air Pollution From Nonroad Diesel Engines" (FRL6155–3) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6960. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production" (FRL6157–1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6961. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propyzamide; Pesticide Tolerances for Emergency Exemptions" (FRL6022–5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6962. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerances for Emergency Exemptions" (FRL6025–1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6963. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Desmedipham; Extension of Tolerances for Emergency Exemption" (FRL6026–4) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6964. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma Harzianum Strain T–39; Exemption from the Requirement of a Temporary Tolerance" (FRL6022–1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC–6965. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Geographic Partitioning and Spectrum Disaggregation for the 220–222 MHz Service" (Docket 93–252) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6966. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding the Commission's Finder's Preference Rules" (Docket 96–199) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6967. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Designated Critical Habitat; Green and Hawksbill Sea Turtles" (I.D. 110797B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6968. A communication from the Director of the Office of Executive Assistance Management, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations" (RIN0605–AA09) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6969. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Inc., Piston Pins Installed on Teledyne Continental Motors Reciprocating Engines" (Docket 97–ANE–37–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6970. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200 Series Airplanes" (Docket 97–NM–54–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6971. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes" (Docket 97–NM–144–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6972. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR72–212A Series Airplanes" (Docket 98–NM–159–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6973. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fitchburg, MA" (Docket 98–ANE–93) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6974. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bennington, VT" (Docket 98–ANE–94) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6975. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56–3, –3B, and –3C Series Turbofan Engines" (Docket 98–ANE–44–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6976. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines" (Docket 97–ANE–50–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6977. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines" (Docket 98–ANE–02–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6978. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10 Sailplanes" (Docket 93–CE–24–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6979. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bowman, ND" (Docket 93–CE–24–AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6980. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Withdrawal of Radiation Protection Program Requirement" (RIN2137–AD14) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6981. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Low Stress Hazardous Liquid Pipelines Serving Plants and Terminals" (RIN2137–AC87) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6982. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model G–V Series Airplanes" (Docket 98–NM–230–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6983. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes" (Docket 98–NM–167–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6984. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes"

(Docket 98–NM–01–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6985. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes Equipped with Rolls-Royce Model RB211–535E4/E4B Engines" (Docket 98–NM–183–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6986. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200 Series Airplanes" (Docket 98–NM–242–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6987. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Expansion of Restricted Area R–6002, Poinsett-Sumter, SC" (Docket 94–ASO–9) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6988. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29322) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6989. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–90–30 and MD–88 Airplanes" (Docket 98–NM–10–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6990. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Johnson City, TX" (Docket 98–ASW–33) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6991. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; San Antonio, Kelly AFB, TX" (Docket 98–ASW–35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6992. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Morgan City, LA" (Docket 98–ASW–36) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6993. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cameron, LA" (Docket 98–ASW–37) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6994. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pascagoula, MS" (Docket 98–ASW–38) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6995. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Refugio, TX" (Docket 98–ASW–34) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6996. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation and Huges Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, 269D, and TH–55A Helicopters" (Docket 96–SW–10–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6997. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes" (Docket 98–NM–255–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6998. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98–NM–18–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6999. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Goodland, KS" (Docket 98–ACE–35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7000. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Crosby, ND" (Docket 98–AGL–42) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7001. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction of Class E Airspace; Akron, CO" (Docket 98–ANM–10) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7002. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB20 and TB21 Airplanes" (Docket 95–CE–64–AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7003. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Sheboygan River, WI" (Docket 9–98–003) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7004. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; City of Clarksville Riverfest; Cumberland River Mile 125.5 TO 127.0, Clarksville, TN" (Docket 8–96–058) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7005. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Rising Sun Regatta; Ohio River Mile 505.0–507.0, Rising Sun, IN" (Docket 8–98–051) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7006. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Prairie Du Chien, WI" (Docket 98–AGL–32) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7007. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Theodore, AL" (Docket 98–ASW–39) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–542. A petition from a citizen of the State of Texas relative to a proposed term limits Constitutional Amendment; to the Committee on the Judiciary.

POM–543. A petition from a citizen of the State of Texas relative to the processing of petitions and memorials addressed to the United States Senate; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. GRAHAM): S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

By Mr. GORTON:

S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

By Mr. LEAHY:

S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 2482. A bill to amend the Internal Revenue Code of 1986 to designate certain entities organized to participate in States workmen's compensation assigned risk insurance plans as tax-exempt entities; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2485. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

By Mr. KERREY:

S. 2486. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2487. A bill to amend The Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Mrs. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID):

S. Res. 278. A resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Con. Res. 118. A concurrent resolution authorizing the use of the Capitol Rotunda on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Mandela; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCTED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Government Affairs.

CIVIL SERVICE LONG-TERM CARE INSURANCE BENEFIT ACT

• Mr. GRASSLEY. Mr. President, today I introduce the Civil Service Long-Term Care Insurance Benefit Act. This legislation is an important first step in helping Americans prepare for their long-term care needs.

I am pleased to have my colleague Senator GRAHAM of Florida join me as a cosponsor of this legislation, which has also been introduced in the House of Representatives by Representative JOHN MICA.

The Civil Service Long-Term Care Insurance Benefit Act will establish a program under which long-term care insurance may be obtained by current and former employees of the federal government. The premiums will not be subsidized by the government and will be paid for entirely by the employee or retiree. However, this legislation will make long-term care insurance more affordable to by using the government's purchasing power to negotiate volume discounts.

It is my belief that the participation of a large employer such as the federal government in the long-term care insurance market will act as a catalyst to encourage other large employers to offer similar plans. This legislation will establish a larger market for long-term care insurance and help ensure the availability of competitively priced, high quality insurance products.

This measure will encourage Americans to be pro-active and prepare for their long term care needs by making insurance more widely available and affordable. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Service Long-Term Care Insurance Benefit Act".

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.
"9001. Definitions.
"9002. Availability of insurance.
"9003. Participating carriers.
"9004. Administrative functions.
"9005. Coordination with State laws.
"9006. Commercial items.

"§ 9001. Definitions

"For purposes of this chapter:

"(1) EMPLOYEE.—The term 'employee' has the meaning given such term by section 8901, but does not include an individual employed by the government of the District of Columbia.

"(2) ANNUITANT.—The term 'annuitant' means—

"(A) a former employee who, based on the service of that individual, receives an annuity under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government (disregarding title XVIII of the Social Security Act and any retirement system established for employees described in section 2105(c)); and

"(B) any individual who receives an annuity under any retirement system referred to in subparagraph (A) (disregarding those described parenthetically) as the surviving spouse of an employee (including an amount under section 8442(b)(1)(A), whether or not an annuity under section 8442(b)(1)(B) is also payable) or of a former employee under subparagraph (A);

but does not include a former employee of a Government corporation excluded by regulation of the Office of Personnel Management or the spouse of such a former employee.

"(3) ELIGIBLE RELATIVE.—The term 'eligible relative', as used with respect to an employee or annuitant, means each of the following:

"(A) The spouse of the employee or annuitant.

"(B) The father or mother of the employee or annuitant, or an ancestor of either.

"(C) A stepfather or stepmother of the employee or annuitant.

"(D) The father-in-law or mother-in-law of the employee or annuitant.

"(E) A son or daughter of the employee or annuitant who is at least 18 years of age.

"(F) A stepson or stepdaughter of the employee or annuitant who is at least 18 years of age.

"(4) GOVERNMENT.—The term 'Government' means the Government of the United States, including an agency or instrumentality thereof.

"(5) GROUP LONG-TERM CARE INSURANCE.—The term 'group long-term care insurance' means group long-term care insurance purchased by the Office of Personnel Management under this chapter.

"(6) INDIVIDUAL LONG-TERM CARE INSURANCE.—The term 'individual long-term care insurance' means any long-term care insurance offered under this chapter which is not group long-term care insurance.

"(7) QUALIFIED CARRIER.—A carrier shall be considered to be a 'qualified carrier', with respect to a State, if it is licensed to issue group or individual long-term care insurance (as the case may be) under the laws of such State.

"(8) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

"§ 9002. Availability of insurance

"(a) IN GENERAL.—The Office of Personnel Management shall establish and administer a program through which employees and annuitants may obtain group or individual long-term care insurance for themselves, a spouse, or, to the extent permitted under the terms of the contract of insurance involved, any other eligible relative.

"(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

"(1) the only insurance protection provided is coverage under qualified long-term care insurance contracts; and

"(2) the insurance contract under which such coverage is provided is issued by a qualified carrier.

"(c) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(8), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

"(d) COVERAGE NOT REQUIRED FOR INDIVIDUALS WHO WOULD BE IMMEDIATELY BENEFIT ELIGIBLE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be immediately benefit eligible.

"§ 9003. Participating carriers

"(a) IDENTIFICATION OF PARTICIPATING CARRIERS.—The Office of Personnel Management shall, before the start of each year—

"(1) identify each carrier through whom any long-term care insurance may be obtained under this chapter during such year; and

"(2) prepare a list of the carriers identified under paragraph (1), and a summary description of the insurance obtainable under this chapter from each.

"(b) APPLICATION REQUIREMENTS, ETC.—In order to carry out its responsibilities under subsection (a), the Office shall annually specify the timetable (including any application deadlines) and other procedures that must be followed by carriers seeking to be allowed to offer long-term care insurance under this chapter during the following year.

"(c) INFORMATION TO PERMIT INFORMED DECISIONMAKING.—The Office shall in a timely manner before the start of each year—

"(1) publish in the Federal Register the list (and summary description) prepared under subsection (a) for such year; and

"(2) make available to each individual eligible to obtain long-term care insurance under this chapter such information, in a form acceptable to the Office after consultation with the carrier, as may be necessary to enable the individual to exercise an informed choice among the various options available under this chapter.

"(d) POLICY OR BENEFIT CERTIFICATE.—The Office shall arrange to have the appropriate individual or individuals receive a copy of any policy of insurance obtained under this chapter or, in the case of group long-term care insurance, a certificate setting forth the benefits to which an individual is entitled, to whom the benefits are payable, and the procedures for obtaining benefits, and summarizing the provisions of the policy principally affecting the individual or individuals involved. Any such certificate shall be issued instead of the certificate which the insurance company would otherwise be required to issue.

"§ 9004. Administrative functions

"(a) IN GENERAL.—Except as provided in section 9003, the sole functions of the Office of Personnel Management under this chapter shall be as follows:

"(1) ENROLLMENT PERIODS.—To provide reasonable opportunity (consisting of not less than one continuous 30-day period each year) for eligible employees and annuitants to obtain long-term care insurance coverage under this chapter.

"(2) WITHHOLDINGS.—To provide for a means by which the cost of any long-term care insurance coverage obtained under this chapter may be paid for through withholdings from the pay or annuity of the employee or annuitant involved.

"(3) CONTRACT AUTHORITY RELATING TO GROUP LONG-TERM CARE INSURANCE.—To contract for a qualified long-term care insurance contract (in the case of group long-term care insurance) with each qualified carrier that offers such insurance, so long as such carrier submits a timely application under section 9003(b) and complies with such other procedural rules as the Office may prescribe.

"(b) LIMITATIONS ON AUTHORITY.—Nothing in this chapter shall be considered to permit or require the Office—

"(1) to prevent from being offered under this chapter any individual long-term care insurance under a qualified contract therefor; or

"(2) to prescribe or negotiate over the benefits to be offered, or any of the terms or conditions under which any such benefits shall be offered, under this chapter.

"§ 9005. Coordination with State laws

"(a) IN GENERAL.—The provisions of any contract under this chapter for group long-term care insurance may include provisions to supersede and preempt any provisions of State or local law described in subsection (b), or any regulation issued thereunder.

"(b) DESCRIPTION.—This subsection applies with respect to any provision of law which in effect carries out the same policy as section 5 of the long-term care insurance model Act, promulgated by the National Association of Insurance Commissioners (as adopted as of September 1997).

"§ 9006. Commercial items

"For purposes of the Office of Federal Procurement Policy Act, a long-term care insurance contract under this chapter shall be considered a commercial item, as defined by section 4(12) of such Act.".

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

"90. Long-Term Care Insurance .... 9001".

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect beginning on the first day of the first applicable pay period beginning on or after January 1, 2000.•

• Mr. GRAHAM. Mr. President, I am pleased to join my colleague, Senator GRASSLEY, today in introducing legislation that will give many Americans a better chance of financial security in retirement, and make the Federal Government a role model for American companies.

The issue is long term care insurance. When starting to work on this legislation, several facts seemed most important:

In 1995 the average cost of nursing home care in the United States was $37,000 per year. In some urban areas of the country, that cost can reach $70,000 per year. Medicare provides short-term care coverage, but the average nursing home stay is two and one-half years. In fact, Medicare paid for only five percent of national nursing home costs.

Not all long term care occurs in nursing homes—85 percent of nursing home care is nonskilled care. Again, Medicare does not cover nonskilled care, so all of these costs must be covered by the patient and his or her family members.

Medicaid will provide nursing home and some nonskilled care coverage, but an individual must be extremely low income, or become low income, to qualify for Medicaid. This program currently pays for over half of nursing home expenses in the United States. But who wants to see their lifetime savings, and their children's inheritance, wiped out to pay for the cost of a catastrophic long term illness.

Unfortunately, many of us will face this circumstance. It is estimated that the majority of women and one-third of men who reach the age of 60 will need nursing home care before the end of their life. Many of the baby boom generation are already facing this issue as they deal with their parents' needs.

Long term care is one of the most important retirement security issues facing us today. According to a 1997 survey sponsored by the National Council on the Aging, more Americans (69 percent) were worried about how to pay for long term care than were worried about how they would pay for their retirement (56 percent). This level of concern was true for all age groups and income levels among those surveyed.

Although many companies are considering offering this insurance to their employees, as of 1996 only 13.2 percent of long-term care plans were employer-sponsored.

Today, Senator GRASSLEY and I are moving the Federal Government into a leadership role by creating a model long term care insurance program for Federal employees. I am very pleased to be working, once again, with Senator GRASSLEY to develop another proposal in our ongoing efforts to improve retirement security for all Americans.

We are introducing today the Civil Service Long-Term Care Insurance Benefit Act, a companion to the legislation by our colleague in the House, Representative JOHN MICA of Florida.

We will offer private companies the opportunity to compete to provide long-term care insurance to Federal employees. Our plan will not be at a high cost to taxpayers; premiums will be fully paid by Federal employees—however, by pooling the numbers of workers in the federal government, lower group rates are achieved.

Only plans qualified under the Health Insurance Portability and Accountability Act of 1996 may offer this insurance to Federal workers through our legislation, but beyond that, we will let the marketplace determine the cost and services of plans employees may purchase. Flexibility is important in this relatively young industry as insurance companies are still in the process of determining how to most effectively provide this product. Competition among the various carriers, group discounts and volume of sales will keep these premiums affordable.

Eleven million individuals, including employees and retirees, their spouses, parents, and in-laws would be eligible under our proposal. This bill is just a first step, but an important one. In encourage your support as we continue to improve retirement security, in all of its aspects, for all Americans.●

By Mr. GORTON:

S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

MOUNT BAKER SNOQUALMIE NATIONAL FOREST LEGISLATION

● Mr. GORTON. Mr. President, in recent years, I have become increasingly frustrated with the inability of the Forest Service to complete work on several small hydroelectric projects located on the Mount Baker/Snoqualmie National Forest in my State. The Service's inability to make important decisions on these renewable energy resources is based on an inaccurate interpretation of the President's Northwest Forest Plan ("ROD") which has stopped these projects from going forward.

The President's Northwest Forest Plan states clearly that multipurpose uses of the federal forests are not precluded, and that the plan must follow existing law applying to such uses. Yet, since its adoption in 1994, the Forest Service has and continues to paralyze the development of small hydroelectric projects by ignoring laws applying to multipurpose. This inaction has delayed and stifled review of such projects by the Federal Energy Regulatory Commission—the agency responsible for issuing federal licenses for hydroelectric projects.

Forest Service interpretation of the ROD intrudes directly on the ability of the Commission to perform its hydroelectric licensing function of balancing development and nondevelopment issues. Both the Commission, when determining consistency with the purpose of a national forest under Section 4(e) of the Act, and the Forest Service, when determining whether to issue a special use permit, must apply existing law fairly. Forest Service inaction on pending projects (some of which have been under review for over a decade) prevents FERC from completing its licensing responsibilities.

In terms of federal forest management, the six small hydroelectric projects proposed for the Mount Baker/Snoqualmie National Forest are virtually inconsequential. All are located well above areas affecting anadromous fish, and would occupy a total of 10 to 40 acres each, with most of the sites being untouched except for the portions needed for project facilities. Adverse impacts to fish, wildlife or other environmental resources are subject to mitigation by FERC and the Forest Service.

Project proponents in my state have spent millions of dollars to secure approval of six projects located in the Mount Baker/Snoqualmie National Forest, including project design and environmental analysis necessary to gain approval from the Forest Service and FERC. In spite of the fact that the 1994 ROD instructs the Forest Service to use "transition" provisions to approve pending projects, it has not done so, and continues to add project review requirements not allowed by the ROD or existing law. As a result, the Forest Service is stopping FERC from making timely licensing decisions on these projects. Shifting standards of review an delay by the Forest Service have deprived project proponents of their right to rely upon clear standards for project approval before expending funds in reliance on such standards.

Many aspects of these projects were found to be in compliance with prior forest regulations and other environmental laws, and are being subjected to duplicative and inconsistent review. Provisions of the ROD developed for application to extremely large-scale timber harvest are not meant to impact small-scale hydroelectric projects. Timber management regulations are totally disproportionate with the scale of any potential environmental impacts of small-scale hydroelectric facilities. In fact, the ROD itself explicitly recognizes that uses other than timber harvest do not require the same level of restrictions.

The Forest Service continues to use the ROD as a reason for imposing new study requirements, increasing mitigation demands, and ignoring agreements on project compliance with forest plan standards and FERC requirements. Each new requirement adds onerous financial burdens on project proponents, delays project approval, and undermines the regulatory need for an end to project review so a final licensing decision can be made by FERC.

Actions by the Forest Service have placed that agency in direct conflict with FERC, a result not intended by the ROD. FERC's jurisdiction over hydroelectric project licensing is unaltered by the ROD, which itself calls for increased interagency cooperation, not confrontation.

Mr. President, I have tried in recent years through my position as Chairman of the Senate Interior Appropriations Subcommittee responsible for funding the Forest Service's annual budget to get some answers from this agency as to why it was holding up these hydroelectric projects. In 1995, I inserted language directing the Forest Service to "conduct an expeditious review" of projects covered by the ROD. In subsequent hearings, I have continued to ask agency witnesses for a status report. To date, none of the responses from the Forest Service have satisfied my concerns or adequately addressed this issue.

For this reason, I am introducing legislation today that would expedite the hydroelectric project review process. It will require the Forest Service to convey to permit holders and license applicants for these projects at fair market value the parcels of land necessary for development of these projects. While I would prefer and am still hopeful that this issue can be resolved in negotiations between the project proponents and the agency, clearly this process is broken and needs to be fixed. This legislation should serve as a catalyst for resolving outstanding hydroelectric project review issues. Project proponents deserve at least that much.●

By Ms. SNOWE:

S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING AND TECHNOLOGY DEVELOPMENT ACT

● Ms. SNOWE. Mr. President, today I am introducing legislation to create a commission on the advancement of women and minorities in science, engineering and technology development. The House version, H.R. 3007, introduced by my good friend, Congresswoman MORELLA, passed the House under suspension of the rules on Monday.

Six years ago, I testified before the House Education and Labor Committee in support of this legislation, as cochair of the Congressional Caucus on Women's Issues. It was a priority for the Caucus in 1992, and it remains one of the top seven priorities for the Caucus this year.

Since the 102d Congress, when Congresswoman MORELLA first introduced this bill on behalf of the Caucus, we have learned more about the barriers facing women and minorities when they try to enter nontraditional jobs, such as engineering and research, but unfortunately the general facts haven't changed much.

For example, the National Science Foundation's 1996 report, "Women, Minorities and Persons with Disabilities in Science and Engineering," found that even those women who have obtained a degree and are teaching in science and engineering still face barriers to climbing up the ladder to success. The report found that a substantial salary gap exists between men and women with doctorates in science and engineering. It also found that among doctoral scientists and engineers, women are far more likely to be employed at 2 year institutions and, are far less likely to be employed in research universities, and are much more likely to teach part-time.

And the National Research Council's 1995 report, "Women Scientists and Engineers Employed in Industry: Why so Few?," found that women are still facing paternalism, sexual harassment, allegations of reverse discrimination, lower salaries and different standards for judging the work of men and women.

The purpose of the 11 member Commission created under this bill is to review the information on the problems facing women and minorities in moving into the areas of science and engineering and make recommendations for changes in policy that would remove these artificial barriers which currently prevent women and minorities from entering and excelling in these fields.

We are all aware of the important role that technology plays in our economy today, and for the nation, a workforce possessing technological skills is more than just an earnings issue—it's an issue of meeting national employment needs. Today, experts agree that more than half of the new jobs being created require some form of technology literacy. And by the year 2000, six out of every 10 new jobs will require computer and networking skills currently possessed by only 22 percent of the labor force. We must bridge the gap between "skills demanded" and "skills known" if our Nation is to even fill the jobs that will be available just four years from today.

In order to meet those demands—which are crucial to the future economic growth of our country—we must ensure that women and minorities have access to, and are not kept from, jobs in the science, engineering and technology fields. The bill I am introducing today will help us find ways to level the playing field and take down artificial barriers that are keeping women and minorities from careers in these areas.●

By Mr. LEAHY:

S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE INVASIVE PEST CONTROL ACT OF 1998

● Mr. LEAHY. Mr. President, today I introduce legislation to prevent additional introductions of invasive pests. Last fall, the Northeastern states were startled by reports of an Asian longhorned beetle infestation in Brooklyn and Amityville, New York. This summer, we heard of additional infestations in Chicago and the beetle has been found in wood packing material in South Carolina, California, New Jersey and Texas. Although the beetle has been found primarily in port cities, the shipment of wood packing materials across state lines could lead to the spread of this insect into forested areas across the country.

This beetle is a serious pest of hardwood trees in its native environment in China, where it has few natural enemies. Here, it has none. If this pest becomes established in our forests, it could turn into the gypsy moth of the 21st century. And, as we learned from the spread of the gypsy month along the East Coast, repeated introductions of the Asian Long-Horned Beetle and its spread could have a staggering economic and ecological impact on our forests.

It also seems that the beetle has a sweet tooth—attacking mostly Norway and sugar maples. As Vermont and the Northeast begin the leaf peeping season this fall, the threat of an Asian longhorned beetle invasion has us all checking our trees for possible signs of the pest. Not only is the sugar maple the source of our world famous Vermont maple syrup, but it is also what turns our treasured Green Mountains brilliant yellow, orange and red each year. It is what attracts so many visitors to our state this time of year. The wood is also highly prized for furniture, paneling and wood flooring.

Without immediate attention, spread of this insect into forested areas of New York, Vermont and Massachusetts could threaten the important maple sugar and fall foliage industries of the Northeast. These things can chew trees into sawdust. The last thing I want to see in my backyard is one of these bark-eating, sap-sucking intruders from Asia.

What is even more alarming is that we do not yet have a way to treat this pest. The only way to get rid of it is by destroying all the infested trees. The best way to fight this pest, and similar non-native wood borers, is to make sure they do not get into our country in the first place. That is why I am introducing legislation today to prevent additional introductions of the beetle and other invasive pests into the United States.

The "Invasive Pest Control Act" will stiffen the requirements for treatment of imports that use solid wood products and wood packing material like pallets and crates. It will require that these imports either be debarked, kiln-dried or fumigated, depending on size, before they enter the United States. After five years, the use of these packing materials will be prohibited. This will give importers plenty of time to find alternative materials to ship their products. It will also give us a long-term insurance policy against future pest introductions.

I want to make clear that the Asian longhorned beetle is only one of many invasive pests that present a serious threat to our forests. Spruce bark beetle and Mediterranean pine engraver beetle are two other invasive pests that we should be concerned about. My legislation will help prevent all of these stowaways from sneaking into our ports and then into our forests.

This legislation is only a first step in preventing future introductions of these pests. We also need to increase funding for the Animal and Plant Health Inspection Service to increase the number of inspectors at our ports and improve shipping information on imports to track the source of these pests. We also need to launch a public awareness campaign to help detect any infestations within our country. In Vermont, we have beetle-identification cards to help the public spot the beetle in their backyards or sugarbushes. We need to do this in all the high-risk areas.

All of these steps will help protect our forests and forest economies from the Asian longhorned beetle and other pests that could wreak havoc if they get their antennas in the door.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 2480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Invasive Pest Control Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the importation of unprocessed logs, lumber, and other unmanufactured wood articles into the United States may result in the introduction of nonindigenous pests and pathogens to native North American forests;

(2) when environmental conditions are favorable, nonindigenous pests and pathogens may prey on and devastate native North American tree species, devastate habitat, disrupt other native species and the environment, and disrupt the economy of affected forest areas;

(3) the Comptroller General of the United States has reported that the potential economic disruption to communities affected by nonindigenous pests and pathogens entering the United States, including forest pests, costs an estimated $41,000,000,000 annually in lost production and expenses for prevention and control;

(4) commercial forestry is estimated to lose forest products valued at $4,000,000,000 each year due to infestations of nonindigenous pests and pathogens;

(5) once introduced into the United States on unprocessed logs, lumber, and other unmanufactured wood articles, nonindigenous

pests and pathogens are unintentionally or unknowingly transported and introduced into inland forests and habitats by truck transport and train shipment to mills, consumers, and producers and by a variety of other means, including wind, water, and wildlife;

(6) examples of nonindigenous pests and pathogens infesting forests of the United States that have caused or have the potential to cause adverse economic and ecological effects include—

(A) Dutch Elm disease, which—

(i) was introduced into the United States in the 1920's with a shipment of European logs delivered to the Port of New York and then forwarded to the Midwest by train;

(ii) has spread throughout the United States, now to an estimated 1,000,000 trees; and

(iii) has decimated the American and other native elm species;

(B) the Gypsy Moth, which—

(i) has no natural predators in the United States;

(ii) spread rapidly and now infests Northeast forest in approximately 200,000 square miles, with smaller infestations occurring in several other areas from the Carolinas to British Columbia; and

(iii) feeds on hundreds of different tree species and during outbreaks can defoliate many hardwood and shrub species in their path, seriously weakening trees and stunting the growth of, and eventually killing, many of the trees;

(C) the Asian Long-Horned Beetle, which—

(i) is a new exotic pest that has been discovered at ports across the United States;

(ii) has no natural enemies and has attacked mostly Norway and sugar maples, some of the most valuable trees in the Northeast; and

(iii) is considered a serious threat to the maple sugar industry, lumber industry, homeowner property values, and tourism in the Northeast; and

(D) more recent nonindigenous pests and pathogens that have become established in the forests of the United States and are causing economic and ecological degradation with respect to the natural forest resources of the United States, including the Port Orford Cedar Root Rot, the Pine Wilt disease, the Eurasian poplar rust fungus (discovered on the West Coast), and the pine shoot beetle (introduced in the Great Lakes area); and

(7) if preventive management measures are not taken in a timely manner throughout the United States to prevent nonindigenous pests and pathogens from entering the United States on unprocessed wood products or to control their entry, further introductions and infestations of nonindigenous plants and pathogens will occur.

SEC. 3. PURPOSES.

The purpose of this Act are—

(1) to prevent the unintentional introduction and dispersion of nonindigenous pests and pathogens into forests of the United States through the importation of unprocessed logs, lumber, and other unmanufactured wood articles;

(2) to preserve and protect the health of the forests of the United States, the forest-dependent economy of the United States, native North American tree species, and irreplaceable habitat from the potentially devastating effects of nonindigenous pests and pathogens;

(3) to coordinate federally conducted, funded, or authorized research, prevention, control, information dissemination, and other activities regarding forest pests and pathogens; and

(4) to understand and minimize the economic and ecological impact of nonindigenous pests and pathogens.

SEC. 4. DEFINITIONS.

In this Act:

(1) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(2) Treatment.—The term "treatment" means—

(A) in the case of—

(i) a wood article that is greater than 14 centimeters in diameter at the broadest point; and

(ii) wood chips, sawdust, wood mulch, and wood shavings;

debarking and heating the wood article until the core reaches at least 71.1 degrees Celsius for at least 75 minutes; and

(B) in the case of a wood article that is less than 14 centimeters in diameter at the broadest point—

(i) fumigation with an effective fumigant;

(ii) kiln drying according to the Dry Kiln Operator's Manual, Agriculture Handbook No. 188; or

(iii) pressure treatment with an effective chemical preservative.

(3) Wood article.—The term "wood article" means a log, lumber, whole tree, cut tree or portion of a tree (not solely consisting of leaves), flower, fruit, bud, seed, bark, cork, lath, hog fuel, sawdust, painted raw wood product, excelsior (wood wool), wood chip, wood mulch, wood shaving, picket, stake, shingle, pallet, wood packing material, humus, compost, or litter, that is unprocessed or has received only primary processing.

SEC. 5. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, WOOD ARTICLES, AND MEANS OF CONVEYANCE.

(a) In General.—Except as provided in subsection (b), the Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, wood article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dispersion of a nonindigenous pest, pathogen, or noxious weed.

(b) Imported Wood Articles.—Each wood article (other than a pallet, solid wood packing material, or dunnage) to be imported into the United States shall be—

(1) subject to treatment not more than 24 hours prior to importation, in the exporting country or a hold aboard a ship during transport; and

(2) subject to treatment not later than 24 hours after importation at the United States port of entry.

(c) Pallets and Solid Wood Packing Materials.—

(1) Treatment during interim period.—During the 5-year period beginning on the date of enactment of this Act, each pallet, solid wood packing material, and dunnage composed of wood used to import an article into the United States shall be—

(A) subject to treatment in accordance with its dimensions prior to first importation into the United States; and

(B) marked with an international symbol designating the treatment method.

(2) Prohibition after interim period.—Effective beginning on the date that is 5 years after the date of enactment of this Act, the importation into the United States of a pallet, packing material, or dunnage composed of wood is prohibited.

SEC. 6. PLANT HEALTH AND ECOSYSTEM PROTECTION TASK FORCE.

(a) In General.—There is established a "Plant Health and Ecosystem Protection Task Force".

(b) Membership.—The membership of the Task Force shall consist of—

(1) the Secretary of Agriculture or a designee;

(2) the Administrator of the Animal and Plant and Health Inspection Service;

(3) a representative of each Federal agency with responsibility for managing natural resources (as determined by the President), appointed by the head of the agency, including—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service;

(E) the National Oceanic and Atmospheric Administration;

(F) the Agricultural Research Service;

(G) the Agricultural Marketing Service;

(H) the Natural Resource Conservation Service; and

(I) the Environmental Protection Agency;

(4) a representative of the agency of each State responsible for managing natural resources in the State, appointed by the Governor of the State;

(5) a representative of each nongovernmental organization with an interest or expertise in plant health and ecosystem protection (as determined by the President), appointed by the head of the organization, including representatives of—

(A) public interest environmental groups;

(B) affected industry representatives;

(C) ecologists; and

(D) scientists in relevant disciplines.

(c) Duties.—The Task Force shall develop criteria for establishing precautionary phytosanitary procedures to minimize the likelihood of the introduction or dispersion of nonindigenous pests and pathogens in the course of international or interstate commerce or travel.

SEC. 7. FEES.

The Secretary of the Treasury shall—

(1) require a person that imports a wood article into the United States to obtain a permit before the article may be imported into the United States;

(2) require the person to pay an application fee for the permit, in an amount determined by the Secretary of Agriculture; and

(3) transfer all fees collected under paragraph (2) to the Fund established under section 8.

SEC. 8. PEST REDUCTION IN WOOD ARTICLES FUND.

(a) Establishment.—There is established in the Treasury of the United States a revolving fund, to be known as the "Pest Reduction in Wood Articles Fund", to be used in accordance with this section (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) Transfers to Fund.—There are appropriated to the Fund amounts equivalent to amounts collected as fees and received in the Treasury under section 7.

(c) Expenditures From Fund.—

(1) In general.—Subject to paragraph (2), on request by the Secretary of Agriculture,

the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary to support the costs of certifying treatment facilities and conducting research to develop appropriate technology for the control of the importation of nonindigenous species on unprocessed logs, lumber, and other unmanufactured wood articles.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available in each fiscal year to pay the administrative expenses necessary of carrying out this Act.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.•

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

THE PUBLIC BUILDINGS REFORM ACT OF 1998

• Mr. BAUCUS. Mr. President, today I am introducing the Public Buildings Reform Act of 1998. Let me start by expressing my thanks to the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and the Chairman of the relevant subcommittee, Senator WARNER, for their support of this bill.

Mr. President, the Public Buildings Reform Act will go a long way to helping Congress make wise decisions on public buildings construction. It will help Congress achieve some discipline with respect to the cost of new Federal buildings and courthouses. Specifically, the bill will bring some sanity to the Federal building and courthouse construction program.

I have been working on Federal building issues for a number of years. And the more I have learned about the issue, the more concerned I have become. It is very important that we reform the Federal building and courthouse construction program. This bill will do just that.

Why do we need reform? Because of the amount of funding that is devoted each year to new courthouse and other Federal building projects. We need to spend this money wisely and only on those projects that are truly needed.

The Public Buildings Reform Act will help do just that. It accomplishes two major goals—prioritization of courthouse projects and other Federal buildings projects; and gaining control of the courthouse construction design guide.

The Public Buildings Reform Act of 1998 is similar to legislation I introduced a few years ago. At that time, the Environment and Public Works Committee unanimously passed this legislation—which then went on to pass the entire Senate.

However, the House failed to act on this legislation. So we find ourselves in the position of trying again. I and my colleagues introduce this legislation at this time so that the debate on public buildings reform will continue.

I have been pleased that GSA and the Administrative Office of the Courts have made numerous improvements to the public building approval process since 1995. But these improvements must be codified so that there is no question that they will be continued in the future. Also, there are further steps that need to be taken in the area of Federal Government asset management.

It is my hope that in the coming months, Congress will look hard at the public buildings approval process and will prepare legislation that can be enacted in the next Congress.

Working with GSA, the Courts and others, I am confident we can take the steps necessary to assure the taxpayers that there are appropriate cost controls in place. That is our job.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Buildings Reform Act of 1998".

SEC. 2. SITE SELECTION.

Section 5 of the Public Buildings Act of 1959 (40 U.S.C. 604) is amended by adding at the end the following:

"(d) CONSIDERATION OF COSTS.—In selecting a site for a project to construct, alter, or acquire a public building, or to lease office or any other type of space, under this Act, the Administrator shall consider the impact of the selection of a particular site on the cost and space efficiency of the project.".

SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILDINGS PROJECTS.

(a) IN GENERAL.—Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended—

(1) in subsection (a)—

(A) by striking the last sentence;

(B) in the first sentence, by striking "In order" and inserting the following:

"(2) PREREQUISITES TO OBLIGATION OF FUNDS.—

"(B) APPROVAL REQUIREMENTS.—

"(i) CONSTRUCTION, ALTERATION, AND ACQUISITION.—In order";

(C) in the second sentence, by striking "No" and inserting the following:

"(ii) LEASE.—No";

(D) in the third sentence, by striking "No" and inserting the following:

"(iii) ALTERATION.—No";

(E) by striking "SEC. 7. (a)" and inserting the following:

"SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED PROJECTS.

"(a) IN GENERAL.—

"(1) PUBLIC BUILDINGS PLAN.—

"(A) IN GENERAL.—Not later than 15 days after the President submits to Congress the budget of the United States Government under section 1105 of title 31, United States Code, the Administrator shall submit to Congress a public buildings plan (referred to in this subsection as the 'triennial plan') for the first 3 fiscal years that begin after the date of submission. The triennial plan shall specify such projects for which approval is required under paragraph (2)(B) relating to the construction, alteration, or acquisition of public buildings, or the lease of office or any other type of space, as the Administrator determines are necessary to carry out the duties of the Administrator under this Act or any other law.

"(B) CONTENTS.—The triennial plan shall include—

"(i) a 5-year strategic management plan for capital assets under the control of the Administrator that—

"(I) provides for accommodating the office space and other public building needs of the Federal Government; and

"(II) is based on procurement mechanisms that allow the Administrator to take advantage of fluctuations in market forces affecting building construction and availability;

"(ii) a list—

"(I) in order of priority, of each construction or acquisition (excluding lease) project described in subparagraph (A) for which an authorization of appropriations is—

"(aa) requested for the first of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the 'first year');

"(bb) expected to be requested for the second of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the 'second year'); or

"(cc) expected to be requested for the third of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the 'third year'); and

"(II) that includes a description of each such project and the number of square feet of space planned for each such project;

"(iii) a list of each lease or lease renewal described in subparagraph (A) for which an authorization of appropriations is—

"(I) requested for the first year; or

"(II) expected to be requested for the second year or third year;

"(iv) a list, in order of priority, of each planned repair or alteration project described in subparagraph (A) for which an authorization of appropriations is—

"(I) requested for the first year; or

"(II) expected to be requested for the second year or third year;

"(v) an explanation of the basis for each order of priority specified under clauses (ii) and (iv);

"(vi) the estimated annual and total cost of each project requested in the triennial plan;

"(vii) a list of each public building planned to be wholly vacated, to be exchanged for other property, or to be disposed of during the period covered by the triennial plan; and

"(viii) requests for authorizations of appropriations necessary to carry out projects listed in the triennial plan for the first year.

"(C) Presentation of information in plan.—

"(i) First year.—In the case of a project for which the Administrator has requested an authorization of appropriations for the first year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a prospectus that meets the requirements of paragraph (2)(C).

"(ii) Second year and third year.—

"(I) In general.—In the case of a project for which the Administrator expects to request an authorization of appropriations for the second year or third year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a project description.

"(II) Good faith estimates.—

"(aa) In general.—Each reference to cost, price, or any other dollar amount contained in a project description referred to in subclause (I) shall be considered to be a good faith estimate by the Administrator.

"(bb) Effect.—A good faith estimate referred to in item (aa) shall not bind the Administrator with respect to a request for appropriation of funds for a fiscal year other than a fiscal year for which an authorization of appropriations for the project is requested in the triennial plan.

"(cc) Explanation of deviation from estimate.—If the request for an authorization of appropriations contained in the prospectus for a project submitted under paragraph (2)(C) is different from a good faith estimate for the project referred to in item (aa), the prospectus shall include an explanation of the difference.

"(D) Reinclusion of projects in plans.—If a project included in a triennial plan is not approved in accordance with this subsection, or if funds are not made available to carry out a project, the Administrator may include the project in a subsequent triennial plan submitted under this subsection.";

(F) in paragraph (2) (as designated by subparagraph (B))—

(i) by inserting after "(2) Prerequisites to obligation of funds.—" the following:

"(A) In general.—Notwithstanding any other provision of law, the Administrator may not obligate funds that are made available for any project for which approval is required under subparagraph (B) unless—

"(i) the project was included in the triennial plan for the fiscal year; and

"(ii) a prospectus for the project was submitted to Congress and approved in accordance with this paragraph."; and

(ii) by adding at the end the following:

"(C) Prospectuses.—For the purpose of obtaining approval of a proposed project described in the triennial plan, the Administrator shall submit to Congress a prospectus for the project that includes—

"(i) a brief description of the public building to be constructed, altered, or acquired, or the space to be leased, under this Act;

"(ii) the location of the building to be constructed, altered, or acquired, or the space to be leased, and an estimate of the maximum cost, based on the predominant local office space measurement system (as determined by the Administrator), to the United States of the construction, alteration, or acquisition of the building, or lease of the space;

"(iii) in the case of a project for the construction of a courthouse or other public building consisting solely of general purpose office space, the cost benchmark for the project determined under subsection (d); and

"(iv) in the case of a project relating to a courthouse—

"(I) as of the date of submission of the prospectus, the number of—

"(aa) Federal judges for whom the project is to be carried out; and

"(bb) courtrooms available for the judges;

"(II) the projected number of Federal judges and courtrooms to be accommodated by the project at the end of the 10-year period beginning on the date;

"(III) a justification for the projection under subclause (II) (including a specification of the number of authorized positions, and the number of judges in senior status, to be accommodated);

"(IV) the year in which the courthouse in use as of the date of submission of the prospectus reached maximum capacity by housing only courts and court-related agencies;

"(V) the level of security risk at the courthouse in use as of the date of submission of the prospectus, as determined by the Director of the Administrative Office of the United States Courts; and

"(VI) the termination date of any lease, in effect as of the date of submission of the prospectus, of space to carry out a court-related activity that will be affected by the project."; and

(G) by adding at the end the following:

"(3) Emergency authority.—

"(A) Overriding interest.—If the Administrator, in consultation with the Commissioner of the Public Buildings Service, determines that an overriding interest requires emergency authority to construct, alter, or acquire a public building, or lease office or storage space, and that the authority cannot be obtained in a timely manner through the triennial planning process required under paragraph (1), the Administrator may submit a written request for the authority to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Administrator may carry out the project for which authority was requested under the preceding sentence if the project is approved in the manner described in paragraph (2)(B).

"(B) Declared emergencies.—

"(i) Lease authority.—Notwithstanding any other provision of this section, the Administrator may enter into an emergency lease during any period of emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any other law, or declared by any Federal agency pursuant to any applicable law, except that no such emergency lease shall be for a period of more than 5 years.

"(ii) Reporting.—As part of each triennial plan, the Administrator shall describe any emergency lease for which a prospectus is required under paragraph (2) that was entered into by the Administrator under clause (i) during the preceding fiscal year.";

(2) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) Increases in Costs of Projects.—

"(1) Increase of 10 percent or less.—The"; and

(B) by adding at the end the following:

"(2) Greater increases.—If the Administrator increases the estimated maximum cost of a project in an amount greater than the increase authorized by paragraph (1), the Administrator shall, not later than 30 days after the date of the increase, notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the amount of, and reasons for, the increase.";

(3) in subsection (c), by striking "(c) In the case" and inserting the following:

"(c) Rescission of Approval.—In the case"; and

(4) by striking subsection (d) and inserting the following:

"(d) Development of Cost Benchmarks.—

"(1) In general.—The Administrator shall develop standard cost benchmarks for projects for the construction of courthouses, and other public buildings consisting solely of general purpose office space, for which a prospectus is required under subsection (a)(2). The benchmarks shall consist of the appropriate cost per square foot for low-rise, mid-rise, and high-rise projects subject to the various factors determined under paragraph (2).

"(2) Factors.—In developing the benchmarks, the Administrator shall consider such factors as geographic location (including the necessary extent of seismic structural supports), the tenant agency, and necessary parking facilities, and such other factors as the Administrator considers appropriate.".

(b) Reports to Congress.—Section 11 of the Public Buildings Act of 1959 (40 U.S.C. 610) is amended—

(1) by striking "Sec. 11. (a) Upon" and inserting the following:

"SEC. 11. REPORTS TO CONGRESS.

"(a) Reports on Uncompleted Projects.—Upon"; and

(2) in subsection (b)—

(A) by striking "(b) The Administrator" and inserting the following:

"(b) Building Project Surveys and Reports.—

"(1) In general.—The Administrator";

(B) in the second sentence of paragraph (1) (as so designated), by inserting before the period at the end the following: ", and shall specify whether the project is included in a 5-year strategic capital asset management plan required under section 7(a)(1)(B)(i) or a prioritized list required under section 7(a)(1)(B)"; and

(C) by adding at the end the following:

"(2) Inclusion of requested building projects in triennial plan.—The Administrator may include a prospectus for the funding of a public building project for which a report is submitted under paragraph (1) in a triennial public buildings plan required under section 7(a)(1).".

(c) Technical and Conforming Amendments.—

(1) Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by striking "Committee on Public Works and Transportation" each place it appears and inserting "Committee on Transportation and Infrastructure".

(2) Section 11(b)(1) of the Public Buildings Act of 1959 (as amended by subsection (b)(2)) is further amended by striking "Committee on Public Works and Transportation" and inserting "Committee on Transportation and Infrastructure".

SEC. 4. FEDERAL GOVERNMENT ASSET MANAGEMENT.

Section 12 of the Public Buildings Act of 1959 (40 U.S.C. 611) is amended—

(1) by striking "Sec. 12. (a) The Administrator" and inserting the following:

"SEC. 12. FEDERAL GOVERNMENT ASSET MANAGEMENT.

"(a) Duties of Administrator.—

"(1) IN GENERAL.—The Administrator";

(2) in subsection (a), by adding at the end the following:

"(2) REPOSITORY FOR ASSET MANAGEMENT INFORMATION.—The Administrator shall use the results of the continuing investigation and survey required under paragraph (1) to establish a central repository for the asset management information of the Federal Government.";

(3) in subsection (b)—

(A) by striking "(b) In carrying" and inserting the following:

"(b) COOPERATION AMONG FEDERAL AGENCIES.—

"(1) BY THE ADMINISTRATOR.—In carrying";

(B) by striking "Each Federal" and inserting the following:

"(2) BY THE AGENCIES.—Each Federal"; and

(C) by adding at the end the following:

"(3) IDENTIFICATION AND DISPOSITION OF UNNEEDED REAL PROPERTY.—

"(A) IDENTIFICATION.—Each Federal agency shall—

"(i) identify real property that is or will become unneeded, obsolete, or underutilized during the 5-year period beginning on the date of the identification; and

"(ii) annually report the information on the real property described in clause (i) to the Administrator.

"(B) DISPOSITION.—The Administrator shall analyze more cost-effective uses for the real property identified under subparagraph (A) and make recommendations to the Federal agency concerning the more cost-effective uses.";

(4) in subsection (c), by striking "(c) Whenever" and inserting the following:

"(c) IDENTIFICATION OF BUILDINGS OF HISTORIC, ARCHITECTURAL, AND CULTURAL SIGNIFICANCE.—Whenever"; and

(5) in subsection (d), by striking "(d) The Administrator" and inserting the following:

"(d) REGARD TO COMPARATIVE URGENCY OF NEED.—The Administrator".

SEC. 5. ADDRESSING LONG-TERM GOVERNMENT HOUSING NEEDS.

(a) REPORT ON LONG-TERM HOUSING NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and the end of each 2-year period thereafter, the head of each Federal agency (as defined in section 13(3) of the Public Buildings Act of 1959 (40 U.S.C. 612(3))) shall review and report to the Administrator of General Services (referred to in this Act as the "Administrator") on the long-term housing needs of the agency. The Administrator shall consolidate the agency reports and submit a consolidated report to Congress.

(2) ASSISTANCE AND UNIFORM STANDARDS.—The Administrator shall—

(A) assist each agency in carrying out the review required under paragraph (1); and

(B) prepare uniform standards for housing needs for—

(i) executive agencies (as defined in section 13(4) of the Public Buildings Act of 1959 (40 U.S.C. 612(4))); and

(ii) establishments in the judicial branch of the Federal Government.

(b) REDUCTION IN AGGREGATE OFFICE AND STORAGE SPACE.—By the end of the third fiscal year that begins after the date of enactment of this Act, the Federal agencies referred to in subsection (a)(1) shall, to the maximum .extent practicable, collectively reduce by not less than 10 percent the aggregate office and storage space used by the agencies (regardless of whether the space is leased or owned) on the date of enactment of this Act.

SEC. 6. DESIGN GUIDES AND STANDARDS FOR COURT ACCOMMODATIONS.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts, shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that specifies the characteristics of court accommodations that are essential to the provision of due process of law and the safe, fair, and efficient administration of justice by the Federal court system.

(b) DESIGN GUIDES AND STANDARDS.—

(1) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts and after notice and opportunity for comment, shall develop design guides and standards for Federal court accommodations based on the report submitted under subsection (a). In developing the design guides and standards, the Administrator shall consider space efficiency and the appropriate standards for furnishings.

(2) USE.—Notwithstanding section 462 of title 28, United States Code, the design guides and standards developed under paragraph (1) shall be used in the design of court accommodations.

SEC. 7. DESIGN OF FEDERAL COURTHOUSES.

The Act entitled "An Act establishing a Commission on Fine Arts", approved May 17, 1910 (36 Stat. 371, chapter 243; 40 U.S.C. 104), is amended by inserting after the second sentence the following: "It shall be the duty of the commission, not later than 60 days after submission of a conceptual design to the commission for a Federal courthouse at any place in the United States, to provide advice on the design, including an evaluation of the ability of the design to express the dignity, enterprise, vigor, and stability of the American Government appropriately and within the accepted standards of courthouse design.".●

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

THE EARLY HEARING LOSS DETECTION, DIAGNOSIS AND INTERVENTION ACT OF 1998

● Ms. SNOWE. Mr. President, today I introduce the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998, which will serve as a companion bill to H.R. 2923, introduced in the House by Representative JIM WALSH. I am pleased to have, as the lead cosponsor, my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired.

We have a tendency to associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the other end of the spectrum, however, approximately 1.5 to 3 out of every 1000 children—or as many as 33 children per day—are born with significant hearing problems. According to the National Institute on Deafness and Other Communication Disorders, as many as 12,000 infants are born each year in the U.S. with some form of hearing impairment.

In the last several years, scientists have begun to tell us that the first years of a child's life are crucial to their future development. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve. Currently, the average age of diagnosis of hearing loss is close to three years of age. Yet it is believed that speech and oral language development can begin as early as 6 months of age. Without early diagnosis and intervention, these children are behind the learning curve—literally—before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

There are many causes of hearing loss, and in many states a newborn child is screened only if the physician is aware of some factor that puts that baby in a risk category. Our four states—Rhode Island, Hawaii, Colorado, and Mississippi—currently require the screening of all newborns. In 16 other states, babies are screened only if they are believed to be a risk. This screening process, while important, detects only 50 percent—or half—of the hearing problems in young children.

Universal screening is not a new idea. As early as 1965, the Advisory Committee on Education of the Deaf, in a report of the Secretary of Health, Education and Welfare, recommended the development and nationwide implementation of "universally applied procedures for early identification." In 1989, former Surgeon General C. Everett Koop used this year 2000 as a goal for identifying 90 percent of children with significant hearing loss before they are one year old. And just last year, the National Institutes of Health convened an expert panel at the National Institute on Deafness and Other Communication Disorders, and the panel made a recommendation that the first hearing screening be carried out before three months of age to ensure that treatment can begin before six months of age.

It is time to move beyond the recommendations and achieve the goal of universal screening. In addition to the four states that require screening, the Bureau of Maternal and Child Health, in conjunction with the Centers for Disease Control, is helping 17 states commit to achieving universal hearing screening by the year 2000. This plan will lead to the screening of more than 1 million newborns a year, but it still leaves more than half the states without universal screening programs.

The purpose of the bill I am introducing today is to provide the additional assistance necessary to help all the states in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get help. Specifically, the bill:

(1) Authorizes $5 million for the Secretary of Health and Human Services to work with the states to develop early detection, diagnosis and intervention networks;

(2) Authorizes $5 million for the Centers for Disease Control to provide technical assistance to State agencies and to conduct applied research related to infant hearing detection, diagnosis and treatment/intervention; and

(3) Authorizes $3 million for the National Institutes of Health to carry out research on the efficacy of new screening techniques and technology.

A baby born today will be part of this coutnry's future in the 21st century. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join me and Senator HARKIN in supporting the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998.●

● Mr. HARKIN. Mr. President, I am pleased to introduce, along with my colleague, Senator SNOWE, the "Early Hearing Loss Detection, Diagnosis, and Intervention Act of 1998."

The Early Hearing Loss Act would help States establish programs to detect and diagnose hearing loss in every newborn child and to promote appropriate treatment and intervention for newborns with hearing loss. The Act also would fund research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

Every year, about 12,000 children in the United States are born with a hearing impairment. Most of them will not be diagnosed as hearing imparied until after their second birthday. The consequences of not detecting early hearing impairment are significant, but easily avoidable.

Late detection means that crucial years of stimulating the brain's hearing centers are lost. It may delay speech and language development. Delayed language development can retard a child's educational progress, minimize his or her socialization skills, and as a result, destroy his or her self-esteem and confidence. On top of all that, many children are diagnosed incorrectly as having behavioral or cognitive problems, simply because of their undetected hearing loss.

In 1988, the Commission on Education of the Deaf reported to Congress that early detection, diagnosis, and treatment were essential to improving the status of education for people who are deaf in the United States. This Act is our opportunity to finally implement that common-sense recommendation.

Mr. President, this Act would help states develop programs that many of them already are working on; it would not impose a single federal mandate. Eight states already have mandatory testing programs; nine others have legislation pending to establish such programs. Other states have achieved universal newborn testing voluntarily. These programs can work; they deserve federal help.

One of the highlights of my Congressional career, indeed, of my life, has been working on policies and laws to ensure that people with disabilities have an equal opportunity to succeed in our society. This is especially meaningful to me, because my brother Frank became deaf as a child.

I watched Frank grow up, and I saw how few options and support services were available for people who were deaf. I remember the frustrations and challenges Frank faced, and I told myself early on that I would do all I could to break down the barriers in our society that prevented people who were deaf from reaching their potential. By supporting early screening, diagnosis, and treatment programs, this Act would go a long way toward accomplishing that goal.

I would like to thank Senator SNOWE for her hard work and support of this Act, and I hope our colleagues will join us in this worthy effort.●

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

SAFE SCHOOLS, SAFE STREETS AND SECURE BORDERS ACT OF 1998

Mr. LEAHY. Mr. President, today, joined by Senators DASCHLE, BIDEN, MOSELEY-BRAUN, MURRAY, and other Democratic Senators, I am introducing comprehensive crime legislation, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, to keep the crime rate in this country going down. Past Democratic anti-crime initiatives, such as the 1994 Violent Crime Control and Law Enforcement Act, have resulted in an historic decrease in crime rates in the United States. The FBI reports that violent crime in 1996 was at the lowest level since 1989, and that the overall crime rate was lower than any year since 1984. Preliminary figures for 1997 show that serious crime dropped an additional four percent last year. These are very good numbers.

Yet, according to recent reports in the Los Angeles Times, people still feel that crime is the number one public policy issue that needs attention. Americans still feel vulnerable to becoming crime victims, and want policy makers to do more. Thus, even with the decrease in crime rates, this is not the time to stop working on additional ways to reduce crime. Senate Democrats want to do more. We must do more to ensure that the crime rates continue their downward trend next year, the year after, and the years after that.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 builds on the successful programs we have implemented in the 1994 Crime Law and addresses emerging crime problems. The bill is comprehensive. It is realistic. It is fully funded, without reaching into any cookie jars. It is designed to be enacted, without partisan or ideological controversy. In fact, the bill contains a number of initiatives that enjoy bipartisan support. We have tried to avoid the easy rhetoric about crime that some have to offer in this crucial area of public policy. Here is a chance to actually make a difference. It is a "Can Do" Act.

The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers in the battle against street crime, international crime and terrorism. The Act represents an important next step in the continuing effort by Senate Democrats to enact tough, commonsense and balanced reforms to our criminal justice system. That is why the International Brotherhood of Police Officers has endorsed this bill.

The bill has ten comprehensive titles to address crime in our schools, crime on our streets, and crime on our borders and abroad. I should note that the bill contains no new death penalties and no new or increased mandatory minimums. We can be tough without imposing the death penalty, and we can ensure certain punishment without removing all discretion from the judge at sentencing.

Title I of the bill deals with proposals for combating violence in schools and punishing juvenile crime. This title has four subtitles dealing with assistance to schools, reform of the federal juvenile system, assisting States on prosecuting and punishing juvenile offenders and reducing juvenile crime, and protecting children from violence, including violence from the misuse of guns.

Assistance to Schools. Americans are dismayed and grief-stricken at the recent shootings at schools across the country. While homicides at American schools have remained relatively constant in recent years, the number of students who have experienced a violent crime in school increased 23 percent in 1995 compared to 1989. We need to make sure our children attend school in a safe environment that fosters learning, not fear.

The bill would provide COPS grants for school-based partnerships between schools and law enforcement to combat school-related crime. It contains a proposal developed by Senator BINGAMAN to establish a School Security Technology Center using expertise from the Sandia National Labs, and provide grants from the Safe and Drug Free Schools Program enabling schools to access technical assistance for school security.

Federal Prosecution of Serious and Violent Juvenile Offenders. The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bill, S. 10, is that it would—in the words of Chief Justice Rhenquist—"eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary." The Chief Justice has raised concerns about "federalizing" certain juvenile crimes and has urged that "federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts." The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Among other reforms, the Safe Schools, Safe Streets, and Secure Borders Act would allow federal prosecution of juveniles when the Attorney General certifies that the State cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug or firearm offense.

Prosecutors would be given sole, nonreviewable authority to prosecute as adults 16 and 17 year olds who are alleged to have committed the most serious violent and drug offenses. Limited judicial review is provided for prosecutors' decisions to try as adults 13, 14 and 15 year old juveniles, and 16 and 17 year olds, who are charged with less serious federal offenses. These juveniles are permitted under strict time limits to ask a judge for a "reverse waiver" and transfer to juvenile, rather than adult, status.

Assistance to States for Prosecuting and Punishing Juvenile Offenders, and Reducing Juvenile Crime. The bill would authorize grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent of available money), providing graduated sanctions, reimbursing States for the cost of incarcerating juvenile alien offenders, and a pilot program to replicate successful juvenile crime reduction strategies.

Protecting Children from Violence. The bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Given the recent tragic shootings committed by children, Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, I certainly do not want to demonize guns or the legitimate use of guns for protection and security or for sport.

The bill would impose a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It would require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill would enhance the penalty for possessing a firearm during the commission of a crime of violence or drug offense and for violation of certain firearm laws involving juveniles. In addition, the bill would authorize competitive grant programs for establishment of juvenile gun courts and youth violence courts.

Title II of the bill addresses the problem of gang violence. We all share a concern about the growing gang problem in our cities and in rural areas of this country. More than 665,000 gang members belong to 23,000 youth gangs in the United States, and the numbers are growing.

This part of the bill would crack down on gangs by making the interstate "franchising" of street gangs a crime. It will also increase penalties for crimes during which the convicted felon wears protective body armor or uses "laser-sighting" devices to commit the crime. The bill also doubles the criminal penalties for using or threatening physical violence against witnesses and contains other provisions designed to facilitate the use and protection of witnesses to help prosecute gangs and other violent criminals. For example, the bill would clarify that the federal gratuity statute does not apply to cooperation agreements, contrary to the Tenth Circuit's recent Singleton decision. The Act also provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity.

Title III of the bill would set forth a number of initiatives in nine subtitles to combat violence in the streets. The Safe Schools, Safe Streets, and Secure Borders Act continues successful initiatives in the 1994 Crime Act by putting more police officers on our streets, providing for the construction of more prisons, preventing juvenile felons from buying handguns, and increasing the security of women and children against domestic violence. Specifically, the bill would extend COPS funding into 2001 and 2002; increase the state minimum for Violent Offender Incarceration grants from .25 to .75 percent, establish a state minimum of .75 percent for Truth-in-Sentencing grants, and extend both these grant programs into 2001 and 2002; extend authorization for the Violence Against Women Act (VAWA) funding and local law enforcement grant programs.

A significant problem that arose this year was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Departments of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected officials and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, "I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard."

The Safe Schools Act provides a reasonable and limited protective function privilege so that in the future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state. This title of the bill includes a number of provisions to address the following matters:

Domestic violence: In addition to extending authorized funding for VAWA, the bill would punish attempts to commit interstate domestic violence, expand the interstate domestic violence offense to cover intimidation, and punish interstate travel with the intent to kill a spouse.

Protecting Law Enforcement and Judiciary: The Act recognizes that law enforcement officers put their lives on the line every day. According to the FBI, over 1,000 officers have been killed in the line of duty since 1980. The Safe Schools, Safe Streets, and Secure Borders Act contains provisions to protect the lives of our law enforcement officers by extending the Bulletproof Vest Partnership grant program through 2003. It also establishes new crimes and increases penalties for killing federal officers and persons working with federal officers, including in the prison context, and for retaliation against federal officials by threatening or injuring their family members. The Act enhances the penalty for assaults and threats against Federal judges and other federal officials engaged in their official duties.

Cargo/Property Theft: The bill also contains an important initiative proposed by Senator LAUTENBERG to deter cargo thefts.

Sentencing Improvements: This subtitle doubles the maximum penalty for manslaughter from 10 to 20 years, consistent with the Sentencing Commission's recommendation, applies the sentencing guidelines to all pertinent federal statutes (such as criminal prohibitions in statutes outside titles 18 and 21 of the United States Code), and other improvements.

Civil Liberties: The bill includes the "Hate Crimes Prevention Act," which was originally introduced by Senator KENNEDY and has the strong bipartisan support of over twenty Members, and other initiatives designed to bolster support for enforcement of civil rights.

These program initiatives are funded by extending the Violent Crime Reduction Trust Fund for two more years—from downsizing the Federal Government and not from touching the projected Federal budget surplus.

Title IV of the bill outlines a number of prevention programs that are critical to reducing juvenile crime. These programs include grants to youth organizations and "Say No to Drugs" Community Centers, reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program suggested by Senator BINGAMAN to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) similarly to H.R. 1818, which passed the House by an overwhelming majority last year. This section creates a new juvenile justice block grant program and retains the four core protections for youth in detention, while adopting greater flexibility for rural areas and modifies the membership of the state advisory groups.

The Republican juvenile crime bill, S. 10, would gut these core protections for juveniles in detention. Republican sponsors of this bill have scrambled to change this bill since they refused to fix it during Committee mark-up, but even as revised this bill remains seriously flawed. A letter sent just last week from the National Collaboration For Youth (comprised of the American Red Cross, Big Brothers, Big Sisters, Boy and Girl Scouts of America, United Way, the YMCA and the YWCA, and other prominent voluntary health and social welfare organizations), criticized the revised S. 10 for being "ill-conceived" and for exposing youngsters "to increased risk." According to these experts who work intensively with children, S. 10 as revised "could ironically lead to more juvenile crime—not less—if enacted." The Democratic crime bill puts ideology aside, and follows the advice of these experts.

Title V of the bill contains six subtitles on combating illegal drug use. Illegal drugs are too often at the heart of crime. This Act would help break the cycle of drug use by criminals, requiring States to test prisoners for drugs and to provide drug treatment programs, so that the convicts would not return to the streets still addicted, and still caught up in a cycle of crime. It would protect our children by increasing penalties for selling drugs to kids and drug trafficking in or near schools, and crack down on "club drugs." It would go a step further and encourage pharmacotherapy research to develop medications for the treatment of drug addiction, a proposal Senator BIDEN has urged. It would fund drug courts, which subject eligible drug offenders to programs of intensive supervision. This title also would reauthorize the Drug Czar/Office of National Drug Control Policy, as Senator BIDEN has recommended in legislation he has introduced with bipartisan support.

Title VI of the bill deals with criminal history records and the use of new technologies for law enforcement purposes. We can not underestimate the usefulness of criminal history records, which can help solve crimes and help prevent crimes. The bill contains the "Interstate Identification Index"(III) Compact to decentralize the FBI's maintenance of the national criminal history database and provide access to criminal history records for noncriminal justice purposes in accordance with state rules. This provision has bipartisan support and has already passed the Senate.

The compact is a reciprocal, voluntary system of sharing criminal history records (including juvenile records) for noncriminal justice purposes among the States and FBI that is efficient, more accurate than the current system, promises to save money, and allows each participating State to effectuate its own access policies.

In addition, this title contains the "Crime Identification Technology Act," to provide $250 million each year for five years in grants to States for identification and communications systems and forensic labs. This legislation has strong bipartisan support and has also already passed the Senate and is pending in the House.

Title VII of the bill is intended to increase the right of victims who unfortunately become involved in the criminal justice system. The criminal is only half of the equation. We would guarantee the rights of crime victims. All States have some victims' rights laws on the books, but they lack the training and resources to make those rights a reality. This bill provides a model Bill of Rights for crime victims in the federal system, and makes available to the States grants to fund the hiring of State and Federal victim-witness advocates, training, and the technology necessary for model notification system. This bill would make victims' rights a reality.

Specifically, this title reforms federal law and evidence to enhance victims' participation in all stages of criminal proceedings by giving victims a right to notice of detention hearings, plea agreements, sentencing, probation revocations, escapes or releases from prison, and to allocution at hearings, as well as grants for obtaining state-of-the-art systems for providing notice. In addition, this title would provide grant programs to study effectiveness of restorative justice approach for victims and to study crimes against persons with developmental disabilities and for development of strategies to combat such crimes.

Title VIII of the bill details provisions for combating money laundering. Crime increasingly has an international face, from drug kingpins to millionaire terrorists, like Usama bin Laden. The money laundering provisions of this bill hit these international criminals where they live - in the pocketbook.

These provisions would prove to be a key tool in winning the war on drugs. We must have interdiction; we must have treatment programs; we must tell kids to say "No" to drugs. But we have to do more, and taking the profit away from the drug lords is an effective weapon. This Democratic crime bill would strengthen these laws.

FBI Director Freeh recently testified at a hearing before the Judiciary Committee that enhanced money laundering provisions would be an important tool against the likes of international terrorists, such as bin Laden. FBI Director Freeh praised the following provisions set forth in this title of the bill.

Fugitive Disentitlement to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts at the same time they are evading our laws.

Immediate seizure of U.S. assets of foreign criminals, so terrorists and drug lords will not be able to keep their money one step ahead of the law enforcement.

Limits on Foreign Bank Secrecy to stop criminals from hiding behind foreign bank secrecy laws while they use U.S. courts.

These and other money laundering provisions in the bill should find bipartisan support for quick passage before the end of this Congress.

Title IX sets forth important proposals for combating international crime. In particular, the bill would punish violent crimes or murder against American citizens abroad, deny safe havens to international criminals by strengthening extradition, promote cooperation with foreign governments on sharing witnesses and evidence, and streamline the prosecution of international crimes in U.S. courts. Provisions include: giving the FBI authority to investigate and prosecute the murder or extortion of U.S. citizens and state and local officials involved in federally-sponsored programs abroad; providing for extradition under certain circumstances for offenses not covered in a treaty or absent a treaty; giving the Attorney General authority to transfer and share witnesses with foreign governments, and obtain and use foreign evidence in criminal cases; prohibiting fugitives from benefitting from time served abroad fighting extradition; adding serious computer crimes as predicate offenses for which wiretaps may be authorized; and providing court order procedures for law enforcement access to stored information on computer networks.

Finally, Title X contains provisions to strengthen the air, land and sea borders of this country. The bill would punish violence at the borders, increase authority of maritime law enforcement officers at the borders, increase penalties for smuggling contraband and other products, strengthen immigration laws to exclude foreign fleeing felons, and persons involved in racketeering and arms trafficking. Specific sections include: punishing "port-running," which is driving or crashing through Customs entry ports; sanctions for not cooperating with maritime law enforcement officers by obstructing lawful boarding requests and commands to "heave to"; and denying admission into the U.S. of persons whom consular officials have reason to believe are involved in RICO acts, arms trafficking, or alien smuggling for profit, or are fleeing foreign prosecution.

The Safe Schools, Safe Streets, and Secure Borders Act is a comprehensive Act. Nothing in this bill is just for show or rhetorical flourish. Keeping our schools safe, keeping our streets safe, keeping our citizens safe when they go abroad, and keeping our borders secure are matters on which we can and should make progress. I look forward to working for passage of as many parts of this bill as possible in this Congress.

Mr. DASCHLE. Mr. President, today Democrats in the Senate are introducing a bill—The Safe Schools, Safe Streets, and Secure Borders Act of 1998, which builds on a legacy of success Senate Democrats have had in the area of anti-crime legislation.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 continues successful initiatives in the 1994 Crime Act, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, ensures the rights of crime victims, and provides valuable tools to law enforcement officers as they battle international crime and terrorism.

While this bill goes a long way to fight crime in our communities and protect our borders, today I want to speak about the horrific and tragic acts of violence that have occurred in no less than 14 of our nation's schools over the past 18 months, most recently as schools were preparing to close for summmer recess, less than 100 miles from our Nation's Capitol—in Richmond, Virginia—and how this bill targets this school-based violent crime.

Over the past 18 months, 18 children and four adults have been killed as a result of school shootings.

When is it going to stop? The nation had seen enough when two students in Jonesboro, Arkansas, ages 11 and 13, began shooting during a false fire alarm. Four girls and one teacher died on that terrible day in March. Since then, 8 more have fallen prey to these school killings.

The number of students who have experienced a violent crime in school continues to rise, with a 23 percent increase between 1989 and 1995.

Mr. President, if we are looking for reasons why our schools erupted in gunfire this year, we need only look at the annual survey released recently by the PRIDE organization, a respected non-profit group that works with young people and their families and communities to create drug-free and safe environments. Their annual PRIDE surveys have been used by 5,500 schools, the Office of National Drug Control Policy's Performance Measures of Effectiveness, and this Congress to monitor student drug use.

The results of the latest PRIDE survey are appalling. Almost a million students—some as young as 10—carry guns to school.

Even worse, half the students carrying guns are also carrying grudges—over half said they had threatened a teacher, and almost two-thirds had threatened to harm another student.

What's more, these students are bringing other problems.

Nearly two-thirds are monthly users of illicit drugs, such as cocaine, heroin, marijuana, and methamphetamine. According to Dr. THOMAS J. Gleaton, one of the authors of the study, this means that, on average, for every classroom in every school building in America, one student showed up with a gun this year. Out of these students, two-thirds were using drugs regularly and carrying grudges. Add together this volatile mix of drugs, guns, and hostility, and the result is what we have seen this year.

If you are not moved by the statistics, look at the shootings. Look at the horror visited on those school children in Rhode Island, Oregon, Washington, Arkansas, Virginia, Kentucky, and Tennessee. Look at Texas, or Mississippi, Missouri or California, or the tragic events last year in Alaska. This is a national plight afflicting all our communities. As leaders of our nation, we should all be saddened and discouraged by our lack of attention to this critical problem.

How many more children must die before we face up to this crisis?

How can we provide our children with hope for tomorrow if they fear for their life today?

I can think of no other issue closer to the hearts and minds of the American people than the safety of our children.

Mr. President, we know some things work to prevent youth violence, and we have included these measures in our bill.

This bill will establish partnerships between schools and local law enforcement agencies to put specially trained community-oriented officers in schools. We know from the success of the COPS Program that a positive relationship between the community and law enforcement is critical to successful crime prevention. This approach will also benefit schools by providing additional protection and adult supervision to curb violence in schools. In addition, this bill creates a School Security Technology Center to serve as a national resource to local schools trying to make their schools as safe as possible for students.

The PRIDE survey contained some hopeful news as well, Mr. President. While drug use is still dangerously high, this past school year, for the first time in seven years, the use of alcohol, tobacco, and other drugs by young people decreased across the board. Students who were heavily involved in after-school activities were more than twice as likely to stay away from drugs than students who never participated in these activities.

Mr. President, we should support after-school programs. Let's give our kids coaches and mentors now—and they won't need wardens and judges later.

Our bill will protect children from becoming crime victims by providing additional funding for proven prevention programs in crime-prone areas and creating after school "safe havens" where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training.

We recognized the importance of community involvement when we passed a bill that I joined my colleagues in introducing—the Drug-Free Communities Act. That bill recognized that the entire community must become involved to prevent the proliferation of drugs.

This year, let's increase our support and encouragement for prevention programs that include parents and children, law enforcement and teachers, mentors and coaches.

I wish the events of the last 18 months told a different story, but unfortunately it has become evident that some safeguards are needed. If you doubt that, look at what happened in Greensboro, North Carolina, just four months ago when Carlos Gilmer was accidentally shot and killed at his sixth birthday party after he and his four-year-old playmate found a loaded gun in a purse.

No new crime bill program, by itself, will solve this problem of youth violence. But, we can do something. We know some things that work.

How will we feel if there is another Jonesboro, or Springfield? How will we look at ourselves if we have not done everything in our power to prevent such a tragedy? Let us act now, so we won't have to face those questions. The Safe Schools, Safe Streets, and Secure Borders Act of 1998 will go a long way to prevent future acts of school violence.

There is much that divides our two parties. But the issue of our children's safety is—or should be—one area on which we can agree. We must protect our children from violence and prevent our children from becoming violent.

• Mr. KERRY. Mr. President, I want to voice my strong support for the tough, common sense approach to fighting crime that is embodied in the "Safe Schools, Safe Streets, and Secure Borders Act of 1998". I want to urge every one of my colleagues—Democrat and Republican—to stand behind this bill and in the closing weeks of this Congress to pass these measures to protect Americans from the crime in our streets, in our schoolyards, and around the world. With lives on the line, there is no time to wait, no time to hesitate, and no time to be partisan.

Four years ago we came together and passed a crime bill that was tough on crime and smart on prevention. I am proud to have helped lead the fight four years ago to put 100,000 cops on the street, and now it's working. Crime is down 22% in Massachusetts and communities tell you it's because we've restored the notion of community policing. In Boston, juvenile crime is down to levels we haven't seen since the 1950's—and Mayor Tom Menino is proving that a combination of tough punishment and outreach to at-risk young people is a prescription for safety, a prescription for crime prevention. None of this would have been possible if this Senate hadn't come together to get serious about crime. Now in America we need to get serious again about crime prevention.

This crime bill continues to build on the achievements of the 1994 Crime Bill, focusing on the new epidemic of crime in our schools, flaws in the juvenile justice system, the crisis of gang violence, and the sale and use of illegal drugs. We wrote this bill keeping in mind both those we are fighting for and those who lead the fight in our streets—that's why it enhances the rights of victims and gives more tools to law enforcement officers as they take on international crime and terrorism.

From expanding the COPS Program, providing additional funds for prisons and jails, helping the fight against violence against women, and creating partnerships between schools and law enforcement agencies, this bill targets resources on the ground where they're needed the most. This bill is smart and tough when it comes to building a better juvenile justice system—giving federal prosecutors the authority to prosecute some juvenile criminals as adults when they commit the most heinous of crimes; banning gun purchases by juveniles who have been convicted of violent crime; and providing the badly needed funds for youth violence courts. These measures respond to the demand from those brave social workers, prosecutors, and police working on juvenile crime at ground zero with inadequate resources.

This bill also represents a critical response to the crisis of international crime and terrorism. Mr. President, we are facing a threat that is global in nature: transnational crime organizations that closely resemble multinational corporations; terrorist organizations that have pledged to send more and more Americans home in bodybags. This bill does more than send the message that we won't tolerate terrorism—it makes it clear that we're going to give our law enforcement personnel the tools to stop terrorists dead in their tracks.

Mr. President, the clock is ticking on this Congress. But even louder is the ticking time-bomb of crime in our schools, violence in our streets, and terrorism abroad. This Senate has the chance to act decisively to pass the "Safe Schools, Safe Streets, and Secure Borders Act" to fight crime, to defuse the threats before this nation. We have no reason to stall. The time is now to move forward with measures that are smart, tough, and effective.•

• Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join my colleagues, Senators DASCHLE, BIDEN and LEAHY, in introducing the Safe Schools, Safe Streets, and Secure Borders Act of 1998. This comprehensive legislation, which will add to the success of the 1994 Crime Bill, is based on a tough, common-sense strategy: Put more police officers on the street, build more prisons for violent offenders, take guns out of the hands of felons, and protect families from the scourge of domestic violence.

In the wake of the historic 1994 Crime bill,.we have seen a dramatic decline in crime rates across the nation. In 1996, we experienced the lowest violent crime rate since 1989. On the whole, the overall crime rate was lower than any year since 1984. And it appears that we will continue in this success: Preliminary figures released by the Federal Bureau of Investigation show that nationwide, serious crime dropped an additional four percent in 1997.

While these numbers are impressive, recent events have shown that there is still much that must be done in order to equip our nations law enforcement agencies and local communities with the tools they need to address the latest scourge of violence in our schools, in our nation's embassies around the world, and at our borders. This multifaceted legislation has many well-written, well-thought out proposals which I believe greatly help our nation continue winning the fight against crime and terrorism in our ever-changing world.

Among the many parts of this legislation, I am most excited about additional funding for continuing the fight against domestic violence. We first took up this issue with the historic passage of the Violence Against Women Act. This legislation, which improves on our commitment to fighting against violence against women, will provide additional grants dedicated to the arrest and prosecution of batterers, shelter for 400,000 abused women and their children, and continued access to the National Domestic Violence Hotline. These initiatives are paramount in ensuring safety from crimes committed within the home.

And there are other parts of this legislation that I believe are especially poignant given the latest outbreak of violence in our nation's schools. This legislation finally brings the juvenile justice system up to date with the juvenile crime of the day, by giving Federal prosecutors sole, nonreviewable authority to prosecute 16 and 17 year olds as adults when they are alleged to have committed the most serious federal violent and drug offenses. It would also provide grants to States to incarcerate violent juvenile offenders, establish graduated sanctions, and encourage pilot programs to replicate successful juvenile crime reduction strategies. A proposal to further curb the threat of gang violence and crime and to reduce the drug-related crime has also been included in this bill. Finally, this legislation would provide grants for juvenile gun and youth violence courts, and for truancy prevention and comprehensive delinquency prevention activities.

I am most pleased, however, that this legislation contains two provisions that were included in my Safe Communities and Schools Act, which I introduced early this month. That legislation, which has been incorporated into this bill, will help put an additional

25,000 police officers on the street and create new grants under the COPS program for school and local law enforcement efforts against school-yard violence.

As you know, the COPS program has played a vital role in reducing our nation's crime rate. Since inception of the program in 1994, the Department of Justice has authorized an additional 76,000 police officers to walk the beat. These additional police officers have been instrumental in helping reduce crime and making people feel safe in their communities.

For example, in my home state of Illinois, the COPS program, which has put 4,113 police officers on streets across the state, has been extremely effective. Between the time that the Crime Bill was passed and the end of last year, serious crime fell by 17 percent. Recent statistics show that for the first six months of 1998, serious crime throughout Illinois is down 2.8 percent over 1997.

Despite the positive gains that have been made in the wake of the 1994 Omnibus Crime bill, the latest influx of violence in our nation's schools is evidence that their is still much work to be done. Although we are seeing record reductions in the incident of youth-on-youth crime, the extremely violent nature of crimes now being committed by juveniles is nothing short of stunning. Extending the COPS program and making more funds available to communities to combat school violence will free the hands of local law enforcement and give them the opportunity to develop new and innovative ways of reducing youth crime.

Finally, this legislation seeks to place reasonable, Constitutional restrictions on gun purchases and gun ownership. It would ban prospective gun purchases by juveniles who have been adjudicated delinquent or convicted of violent crimes and would require gun dealers to make gun safety devices available for sale or have their licenses revoked. It would also impose tougher penalties for possession of guns during the commission of a crime of violence or drug offense.

Overall, this bill provides a holistic response to the varied nature of crime being committed at home and abroad against American citizens. It is a sensible approach to a devastating problem. I urge my colleagues to support this legislation, and to push for its immediate passage.●

● Mr. BINGAMAN. Mr. President, I rise in support of the Safe Schools, Safe Streets, and Secure Borders Act of 1998 introduced by my colleague, Senator LEAHY. I urge all my Senate colleagues to support it as well.

Mr. President, there no doubt are many issues that are on the minds of Americans. Certainly, crime, particularly juvenile crime, delinquency and drug and alcohol abuse, are issues that I hear most about when I am in my home state of New Mexico. Although recent crime statistics shows a clear downward trend in crime on our nation's streets, crime reduction must remain a priority at the federal level.

This bill comprehensively addresses the problem of juvenile crime, and it strikes a balance between the need to deal with serious juvenile offenders in a swift and meaningful way and the clear, practical necessity to prevent our youth from getting in trouble in the first place.

I am delighted that the managers of this bill have included two separate bills which I previously introduced, and I thank Senator LEAHY for his accommodation. The first, my Truancy Prevention and Juvenile Crime Reduction Act, deals with the problem of truancy, which long has been neglected as a root cause of juvenile crime. The second, my Safe Schools Security Act of 1998, addresses the problem of school violence and provides resources, such as technical expertise and security technology, to schools that are experiencing the most serious problems in their schools.

I first want to discuss truancy, which not many people realize is the top-ranking characteristic of criminals. High rates of truancy directly are linked to high daytime crime rates, including violence, burglary and vandalism. As much as 44 percent of violent juvenile crime takes place during school hours, and as much as 75 percent of children ages 13 to 16 who are arrested and prosecuted for crimes are truants. It is startling to know that some cities report as many as 70 percent of daily student absences are unexcused, and the number of absences in single city can reach 4,000.

Moreover, society pays a very heavy social and economic price due to truancy. Only 34 percent of inmates have completed high school education, and we all are well aware of the staggering costs associated with incarcerating an individual. Sadly, as many as 17 percent of youth under the age of 18 that enter adult prisons have not completed eighth grade, 75 percent have not completed 10th grade.

Most studies indicate that when parents, schools, law enforcement and community leaders all work together to prevent truancy, to intervene at its early stages, and to create meaningful accountability, we can increase school attendance and reduce daytime crime rates.

One such program is the Daytime Curfew Program in Roswell, New Mexico, and the Truancy Intervention Project in Fulton County, Georgia, administered by Judge Glenda Hatchett. Another successful program included in this Act is the Grade Court, which is Farmington, New Mexico, administered by Judge Paul Onuska. All of these programs integrate parental involvement with schools, law enforcement, judiciary, and other community stakeholders in a collaborative effort to reduce truancy and juvenile crime. These are the kinds of programs I believe we should be encouraging, but unfortunately we in the Congress have not yet met the challenge.

This Act authorizes $25 million per year targeted at building upon integral partnerships between local government, schools, law enforcement, and the courts. Without a doubt, $25 million is a very small price to pay when you consider the dividends we expect when young people stay in school and out of trouble.

The Youth Law Center, the Children's Defense Fund, and the National Network for Youth, which has more than 500 community youth-serving organizations and personnel nationwide all agree with the importance of combating truancy and enthusiastically have voiced their support for this initiative.

The second provision of this bill I would like to discuss deals with the safety of our public schools. We spend a great deal of time here talking about improving academic achievement of our nation's school children, and I believe we are making great progress. I also believe, however, that we cannot expect a child to perform up to his or her potential in an environment in which they cannot feel safe and secure. Obviously, a learning environment has to be a safe environment. However, recent tragedies in Mississippi, Arkansas, Kentucky, Pennsylvania, and Oregon, for example, strongly suggest that we can and should do much more to keep our school safe.

Recently, the Department of Education released the results of a comprehensive study called Violence and Discipline Problems in U.S. Public Schools: 1996–97. The study shows that 10 percent of schools surveyed had at least one serious violent crime during the 1996–97 school year. Also, during the 1996–97 school year, approximately 4,000 incidents of rape or other types of sexual battery were reported in public schools across the country. Additionally, there were approximately 11,000 incidents of physical attacks or fights in which weapons were used and approximately 7,000 robberies in schools that year.

As grim as the statistics are, we also must recognize the emotional effect that school crime has on our children. According to a separate study, 29 percent of elementary, 34 percent of junior high, and 20 percent of high school students say they are worried about becoming victims of crime at school. Seventy-one percent of children ages 7 to 10 say they worry they might get shot or stabbed at school. I cannot imagine how a child can be expected to achieve up to his or her potential if they are worried about their physical safety.

Clearly, we must respond, and I believe this is an area in which we can make a significant difference, and we should take advantage of the resources we presently have to address this problem.

Many people are familiar with the fine work of our National Laboratories, which for decades have been leaders in energy and defense research and development. These Labs have many years of experience supporting and helping to protect high-risk facilities and assets for the Department of Energy, the Department of Defense, the Department of State, and many other federal agencies in some capacity, through the use of security technology. The result of this capability is that our nation's government facilities enjoy some of the finest security and safety programs in the world. This expertise should be fully utilized to improve the safety of our schools.

Alreacy Sandia Laboratories has taken the initiative. Two years ago Sandia began a pilot project at Belen High School in New Mexico, whereby Sandia security experts implemented a security regimen and installed a variety of security technology. Sandia is the first to admit that they do not know the first thing about running a public school, and Belen readily will admit to a lack of expertise in security. Nevertheless, the match was perfect. Working together, Sandia and Belen high school officials changed the school by utilizing a comprehensive security design and technology, including cameras, metal detectors, and sensors.

The results are very impressive. Since the pilot project was implemented at the school, on-campus violence is down 75 percent, truancy is down 30 percent, theft from vehicles parked in the school parking lot is down 80 percent, vandalism is down 75 percent. These statistics are compelling, and with this level of success already demonstrated, the effort should be expanded to allow more schools to access the expertise and technology.

This technology is not cheap, and schools already are challenged to purchase basic educational materials and equipment. However, I believe that with the right technical assistance and technology, not only will this help schools become safe for the children, but schools will save money. Incredibly, the Belen school principal, Ron Marquez, reported to me that before the pilot went into effect, Belen high school had approximately $50,000 per year in losses due to stolen school property. One year after the pilot, Belen has had only $5,000 in insurance claims. The savings translates into, for example, less cost to repair vandalized property, or property that has been defaced by graffiti.

We must take advantage of this success and put this expertise to use where it certainly will have very positive results.

One other provision in this bill that I believe will make a tremendous difference to communities that are struggling to reduce juvenile crime is the provision that allows communities to replicate proven juvenile crime reduction strategies. Specifically, this bill provides resources to communities that collaborate with local, state, and federal agencies to address the juvenile crime problem. In my state of New Mexico, we are helping bring together community leaders, schools, judges, law enforcement agencies, prosecutors, and grass-roots community organizations in order to develop and implement the Boston Strategy to Reduce Juvenile Violence. As anyone would agree, when community leaders work and communicate with one another on a common problem, usually good things. The City of Boston has had great success in reducing its violent crime rate. For example, after being at or near the top of the list among cities in terms of homicide, Boston's juvenile homicide rate dropped to zero, and its overall homicide rate dropped by sixty percent between 1995 and 1997.

There is clear value to helping communities do the same kinds of things, and this bill helps in a substantial way.

I thank Senator LEAHY for his hard work to craft this important legislation and Senator DASCHLE for his leadership, and I am very pleased to support it.•

By Mr. GORTON:

S. 2485. A bill to amend the title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

CHILDREN'S HEALTH EQUITY ACT

• Mr. GORTON. Mr. President, last year, Congress and the President agreed to provide $48 billion over the next 10 years as an incentive to states to provide health care coverage to uninsured, low-income children. To receive this money, states must expand eligibility levels to children living in families with incomes up to 200% of the federal poverty level.

Washington State has a strong record of ensuring that its low-income kids have access to health care. Four year ago, my state decided to do what Congress and the President have just last year required other states to do. In 1994, Washington expanded its child Medicaid eligibility level to 200% of the federal poverty level (FPL) all the way through to the age of 18.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they should be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the $230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of poverty. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels.

The bill I am introducing today, along with Senator MURRAY, corrects this technicality and is a top priority for the Washington State delegation as we near the end of the 105th Congress. Congresswoman DUNN has also introduced a companion measure in the House of Representatives that is cosponsored by the entire Washington delegation.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much-needed assistance to children currently at-risk. Rather than simply changing the effective date included in the BBA, this initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

This bill does not take money from other states nor does it provide additional federal subsidies for children the state is now covering, it simply allows Washington to continue to do the good work they have already started by focusing on new, uninsured children at low income levels first.•

• Mrs. MURRAY. Mr. President, I am pleased to join with my colleague Senator GORTON in introducing legislation to improve access to health insurance for low income children in Washington State. This bill would amend the State Children's Health Insurance Program (SCHIP) to allow our State access to their allotment of federal funds to provide health coverage to an additional 90,000 eligible children.

This is not an effort to supplant state funds. This does not take funds from other states. It simply allows Washington to access their allotment of SCHIP funds to cover those children who currently lack any health security. Because of their lack of access to health insurance, these children have little or no access to health care and no access to preventive services.

These are children whose parents work hard but do not have access to health insurance or cannot afford the cost of premiums. These parents work hard and pay taxes, unfortunately they have little discretionary income to provide important health security for their children.

Last year, this Congress made a commitment to cover the 10 million uninsured children in this country. The Balanced Budget Act of 1997 included an expansion in children's health insurance benefits as a down payment on meeting the needs of these 10 million vulnerable children. This Congress took the right step in working to achieve the goal of guaranteeing every child in this country a healthy childhood. What we are attempting to do in this legislation that we are introducing today, is to honor this commitment to the children in Washington State.

In 1994 Washington State stood up for our vulnerable children. We implemented an expansion in our Medicaid program to cover children up to 200% of poverty. We knew at the time that it was a huge undertaking, but we recognized that investing in our children's health was a wise investment. Because of the final language adopted in the Balanced Budget Act, Washington could not access their SCHIP funds to cover newly enrolled children below the 200% of poverty threshold and above the federal Medicaid requirement.

As a result, Washington State was penalized for being a leader in children's health. We are here today proposing a technical fix that rewards Washington State and allows them to cover an additional 60,000 to 90,000 children. This is not done at the expense of other States, but rather by using Washington's existing allotment.

I can assure my colleagues that Washington State will honor our commitment to our children. But without access to these funds, enrolling these children will be almost impossible. If we all share the same goal of insuring these 10 million children, we must enact this legislation. The health care needs of low income children in Washington are just as great and just as important as they are for low income children in other states.

I am hopeful that we can act on this legislation. This technical remedy will go a long way in meeting our shared goal of guaranteeing access to quality, and affordable health care for all children.•

By Mr. ASHCROFT:

S. 2487. A bill to amend the Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

EQUAL ACCESS IMPROVEMENT ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a bill that furthers an important object of government—promoting religious liberty and the free exercise of religion. Specifically, I rise to introduce the Equal Access Improvement Act, a bill that would ensure that benefits currently provided to non-curricular school groups and community groups be extended on a non-discriminatory basis to all groups without regard to the religious nature of the organization.

This bill reflects and reinforces an important principle that pervades the Supreme Court's decisions concerning religious liberty—the principle of nondiscrimination. The Supreme Court has recognized again and again that neutral laws that provide benefits without regard to the religious nature of recipients do not run afoul of our constitutional traditions. What is more, laws that specifically exclude religious entities from a class of beneficiaries are inconsistent with our Constitution's guarantee of the free exercise of religion. Laws that discriminate against specific religions or against religious organizations in general are incompatible with our nation's founding document and with a fundamental respect for people of faith.

The bill would ensure that student prayer clubs are provided the same access to school facilities as other noncurricular school clubs. Our schools reflect many of the problems that plague our larger culture. Just as in the larger culture, prayer can play an inimitable role in dealing with violence, drugs, and the other challenges in the schools. Denying access to school facilities for student prayer groups, while similar groups are granted access, sends precisely the wrong message. Prayer is an answer. Prayer is not the problem. There is no reason to deny benefits to a group because they engage in prayer or because they have some other religious component.

Nothing in this bill provides any special treatment to religious groups. The bill removes discrimination against religious groups and religious activities. It does not introduce any new discrimination in favor of religious groups. The bill enshrines the principal of neutrality that is at the heart of the Constitution's guarantees of religious liberty.

The Equal Access Improvement Act builds on the work of the 98th Congress, which passed the original Equal Access Act. The bill extends those provisions to reflect subsequent Supreme Court and lower court decisions and to reflect the experience we have had with the Equal Access Act in the last fourteen years. I have consulted with organizations and individuals who have litigated cases under the Equal Access Act and incorporated many of their suggestions for improving the law.

Specifically, the bill extends the existing law's provision ensuring equal access to meeting space to include equal access to school facilities, including expense reimbursement. Just as a school prayer club should not be denied access to a class room when it is open to the chess club, so too if the school pays to print a newsletter or pays for refreshments for one club, it should not discriminate on the basis of the religious content of the group's speech or activities. In the same way that the original Equal Access Act extended and reinforced the Supreme Court's decision in *Windmar* v. *Vincent*, 454 U.S. 263 (1981), beyond the public university context, this legislation would extend and reinforce the Supreme Court's decision in *Rosenberger* v. *Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995).

The legislation also guarantees students a right to distribute literature without regard to the religious content of the literature. It guarantees access to community groups to school facilities on an equal basis without regard to the religious character of the group. Finally, the legislation extends equal access guarantees to intermediate school students.

Let me emphasize that this bill, like the original Equal Access Act, creates no obligation for a school to provide meeting space or other facilities to any non-curriculum based group or any community group. The legislation simply provides that if a school does make its facilities available to non-curriculum based groups or to community groups, then the school cannot discriminate against other groups on the basis of the religious content of their speeches or activities. What is more, the legislation expressly preserves the ability of schools to enforce content-neutral policies denying or limiting access to all groups.

Passage of this legislation would have many benefits. However, none more important than to reinforce the principle that nothing in the Constitution requires—or permits—the government to discriminate against groups on the basis of the religious nature of their speech or activities. As the Supreme Court recognized long ago, when the government accommodates religious practice and eliminates discrimination based on religion "it follows the best of our traditions." *Zorach* v. *Clauson*, 343 U.S. 306, 314 (1952). I believe this bill also follows the best of our traditions, and I look forward to working toward its enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Access Improvement Act".

SEC. 2. EQUAL ACCESS TO EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended—

(1) by redesignating subsections (d) through (f) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (c), the following:

"(d)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

"(A) receives Federal financial assistance;

"(B) maintains a limited open forum as described in subsection (b); and

"(C) provides for the reimbursement of the expenses of one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities;

to deny equal treatment, to any student group or student, respectively, seeking reimbursement for similar expenses, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

"(2) Nothing in this subsection shall be construed to prevent a public intermediate school or secondary school from granting or denying a reimbursement request pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student seeking the reimbursement.".

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in subsection (a), is further amended—

(1) in paragraph (3), by inserting after "beyond" the following: "the reimbursement of expenses on a nondiscriminatory basis as provided for in subsection (d), and payment of";

(2) in paragraph (4), by inserting "or activity" after "meeting" each place it appears; and

(3) in paragraph (5), by inserting "or activities" after "meetings".

SEC. 3. EQUAL ACCESS FOR DISTRIBUTION OF MATERIALS.

Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (d), as added by section 2, the following:

"(e)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

"(A) receives Federal financial assistance;

"(B) maintains a limited open forum as described in subsection (b); and

"(C) permits one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to distribute newsletters or other written materials;

to deny equal treatment, to any student group or student, respectively, seeking a similar opportunity to distribute newsletters or other written materials, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

"(2) Nothing in this subsection shall be construed to prevent a public intermediate school or secondary school from granting or denying a request to distribute newsletters or other written materials pursuant to a neutral policy that—

"(A) is administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student making the request; and

"(B) imposes reasonable time, place, and manner restrictions on the distribution of newsletters or other written materials consistent with the first and 14th amendments to the Constitution.".

SEC. 4. EQUAL ACCESS FOR COMMUNITY GROUPS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (e), as added by section 3, the following:

"(f)(1) Subject to subsection (i), it shall be unlawful for any public elementary school, intermediate school, or secondary school that—

"(A) receives Federal financial assistance; and

"(B) has a limited community forum with respect to noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities as described in paragraph (2);

to deny equal access to, or discriminate against, any community group or any individual from the community, respectively, who desires to conduct a meeting, or otherwise use school facilities, within that limited community forum, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such community group or individual, respectively.

"(2) In this subsection, a public elementary school, intermediate school, or secondary school has a limited community forum if such school grants an offering to or opportunity for one or more noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during noninstructional time.

"(3) Nothing in this subsection shall be construed to prevent a public elementary school, intermediate school, or secondary school from granting or denying a request by a community group or individual from a community to meet on school premises or otherwise use school facilities pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activities engaged in by the community group or individual.

"(4) In this subsection, the term 'elementary school' means a school that provides elementary education, as defined by State law.".

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in section 2, is further amended—

(1) in paragraph (3), by inserting "or meetings initiated by a community group or individual from a community" after "student-initiated meetings"; and

(2) in paragraph (6), by inserting "or community groups" after "groups of students".

SEC. 5. EXTENSION OF EQUAL ACCESS GUARANTEES TO PUBLIC INTERMEDIATE SCHOOLS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by striking subsections (a) through (c) and inserting the following:

"(a) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that receives Federal financial assistance and that has a limited open forum with respect to noncurriculum-related student groups or students pursuing noncurriculum-related activities to deny equal access or a fair opportunity to, or discriminate against, any student group or student, respectively, who wishes to conduct a meeting, or otherwise use school facilities, within that limited open forum, on the basis of the religious, political, philosophical, or other content of the speech or activity at such meetings.

"(b) In this subsection, a public intermediate school or secondary school has a limited open forum if such school grants an offering to or opportunity for one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during noninstructional time.

"(c) Schools shall be deemed to offer a fair opportunity to student groups and students who wish to conduct a meeting, or otherwise use school facilities, within its limited open forum if such school uniformly provides that—

"(1) the meeting or use of facilities is voluntary and student-initiated;

"(2) there is no sponsorship of the meeting or use of facilities by the school, the government, or its agents or employees;

"(3) employees or agents of the school or government are present at religious meetings or activities involving the use of facilities only in a nonparticipatory capacity;

"(4) the meeting or use of facilities does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

"(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups or students.".

(b) DEFINITIONS.—Section 803 of the The Equal Access Act (20 U.S.C. 4072) is amended by adding at the end the following:

"(5) The term 'intermediate school' means a public school that provides education to students in grade 6 or higher and that does not provide education to students in grade 5 or lower.".

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

THE NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT

• Mrs. MURRAY. Mr. President, I rise today to join my colleague in the House, Representative JACK METCALF, to introduce the Northwest Straits Marine Conservation Initiative Act.

Mr. President, I have always believed that the best way to solve problems is to bring people together and find consensus on an issue. The Northwest Straits Marine Conservation Initiative Act is the direct outgrowth of just such an approach.

The Northwest Straits include the marine waters of the Strait of Juan de Fuca, the San Juan Islands, and the northern portion of Puget Sound. It is a scenic and unique ecosystem critical to a broad array of sensitive fish and wildlife, including orcas, sea birds, salmon, bottom fish, and bald eagles.

Recognizing the importance of this precious marine ecosystem, the Northwest Straits were proposed for inclusion in the National Marine Sanctuaries program in some capacity as far back as 1979 when the National Marine Sanctuary Program was in its infancy. Although the Northwest Straits lie entirely within state waters, the National Oceanic and Atmospheric Administration (NOAA) spent the next seventeen years evaluating the inclusion of this special area into the marine sanctuary program. This process involved substantial public participation. In recent years, it became clear there was insufficient local support to move forward with a Northwest Straits Marine Sanctuary designation for the area.

In response to these local concerns, Rep. METCALF and I included a provision in the 1996 reauthorization of the Marine Sanctuaries program barring final designation of a Northwest Straits Marine Sanctuary without Congressional approval. Having thus put the marine sanctuary process on hold, in the Spring of 1997 we established a Citizen's Advisory Commission (the Commission) to identify the key marine resources and values of the Northwest Straits, as well as the threats to them, and recommend appropriate protective measures and a means of coordinating related federal, state, and local actions. The Commission is broadly representative of local interests including County and Port Commissioners, environmental and conservation groups, shipping interests, academics, and Indian Tribes.

The Commission met diligently for eighteen months to fulfill their mission. In addition to the Commission members, a representative of Governor Gary Locke participated in meetings and federal, state, and local agencies provided information and technical assistance. All Commission meetings have been open to the public and interested parties. The Commission has researched and reviewed the issues surrounding the Northwest Straits exhaustively and presented their formal recommendation to Representative METCALF and myself on August 20.

The Commission has concluded that the very fabric of the Northwest Straits is unraveling, manifesting problems and trends that cross geographic and jurisdictional lines. While the ecosystem is complicated, the trends are simple: bottom fish, sea birds, invertebrates, salmon, and even some marine mammals have declined precipitously since 1980. This depletion of marine resources has hurt economies and communities around the Northwest Straits and further degradation portends far more serious impacts in the future. Existing management schemes, while sufficient in terms of legal authority, have failed to achieve the coordination and focus to change these trends.

While the Commission has not reached a consensus to endorse or reject any future alternative management scheme, the Commission recommends a set of steps that would not displace current management responsibilities but seek to compliment them by supplying key missing ingredients for success: sound science and broad support for solutions. These steps include the establishment of a network of local, county-based Marine Resources Committees (MRCs) committed to making all possible progress at the local level to protect and conserve the resources of the Northwest Straits using existing state and local authorities, and based on sound scientific information and the overall needs of the Northwest Straits ecosystem. The MRCs will coordinate activities through a Northwest Straits Commission consisting of representatives of the MRCs, Indian Tribes, the scientific community, and state agencies. The Commission will provide technical assistance, integrate science, develop an ecosystem-level coordination, and coordinate funding.

In addition, the Commission will assess the performance of the MRCs against a series of benchmarks. These Benchmarks of Performance shall include the assessment and establishment of a scientifically-based regional system of Marine Protected Areas, the assessment and establishment of a scientifically-based regional system to protect nearshore habitat, a net gain in open shellfish harvest areas, and discernable increases in bottom fish and other key marine indicators. Should these benchmarks fail to be met, further consideration of alternative approaches, including a marine sanctuary designation may be resumed.

In addition, this bill calls for a review of the effort after 5 years by the National Research Council, with particular emphasis on the achievement of the Benchmarks of Performance. With the authorization for this "Local Marine Conservation Initiative" expiring in 6 years, this NRC report will help us assess the accomplishments of this effort to determine whether it should be continued.

Mr. President, the Northwest Straits Marine Conservation Initiative Act represents the right way to address environmental challenges. By pulling all of the interested parties together to analyze and research not only the issue, but each other's perspectives, partnerships can be forged that will provide long-term benefits. This pragmatic and achievable proposal will truly improve resource protection in the Northwest Straits. It is an innovative, exciting way to address the marine conservation challenges before us. I am excited about this approach and the way it empowers local communities and local citizens to take the initiative to protect their home waters. In many ways, this approach is a test or experiment. The local leaders have the next several years to demonstrate that a coordinated, informed, and empowered local decision-making process can provide true protection for the Northwest Straits. I believe they can meet this challenge. I look forward to Congress' timely consideration of this legislation.

Mr. President, I ask unanimous consent that a list of commission members and a letter from Governor Gary Locke be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MURRAY/METCALF NORTHWEST STRAITS LOCAL CITIZEN'S ADVISORY COMMISSION MEMBERS

Lew Moore, co-facilitator.

Dan Evans, co-facilitator.

Brain Calvert, Friday Harbor Port Commissioner.

Donn Charnley, former State Legislator.

Dwain Colby, former County Commissioner.

Jim Darling, Executive Director, Port of Bellingham.

Kathy Fletcher, People for Puget Sound.

Dave Fluharty, University of Washington/School of Marine Affairs.

Don Hopkins, Port of Everett Commissioner/Longshoreman.

Harry Hutchins, Steam Ship Operators.

Cheryl Hymes, former State Legislator/Evergreen Freedom Foundation.

Phill Kitchel, Clallam County Commissioner.

Mac McDowell, Island County Commissioner.

Andrew Palmer, local marine conservationist.

Doug Scott, Friends of the San Juans.

Terry Williams, Northwest Indian Fisheries Commission/Tulalip Tribes.

Dennis Willows, University of Washington/Friday Harbor Marine Labs.

TECHNICAL SUPPORT

Kelly Balcomb, Center for Whale Research.

Tom Cowen, Puget Sound Water Quality Action Team.

Daniel Farber, WA State Parks and Recreation Commission.

Todd Jacobs, NOAA—Olympic Coast Marine Sanctuary Manager.

Dan James, Pacific Northwest Waterways Association.

Eric Johnson, WA Public Ports Association.

Bob Nichols, Governor Gary Locke's Office.

Lisa Randlette, WA State Dept. of Natural Resources.

Terry Swanson, WA State Dept. of Ecology.

Kathy Soudere, Naval Air Station—Whidbey Island.

Shirley Waters, Office of Clallam County Commissioners.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, WA, August 20, 1998.

Hon. PATTY MURRAY,
Hon. JACK METCALF,
Northwest Straits Citizens Advisory Commission,
Padilla Bay National Estuarine Research Reserve, Mount Vernon, WA.

DEAR SENATOR MURRAY, CONGRESSMAN METCALF, AND ADVISORY COMMISSION MEMBERS: I am writing to congratulate you on your success in developing a thoughtful, broadly-supported framework for restoring the marine resources of northern Puget Sound and the Strait of Juan de Fuca—the regional gem we call the Northwest Straits. I also want to express my appreciation for your willingness to dedicate so much of your time and talent over the last year-and-a-half to this effort.

This Commission's report has special credibility and value because its preparation engaged high-level community leaders representing a wide spectrum of interests. In joining forces across the political aisle to solve pressing regional problems, the convenors have followed the highest and best tradition of the Washington Congressional delegation.

I am pleased to see that the Commission has approached the problems of the Northwest Straits in a thoughtful and strategically targeted manner. Instead of proposing a new regulatory authority or layer of bureaucracy, you have wisely sought to complement the roles of existing federal, state, and local authorities by bringing in additional science and creating a forum to build the broad support necessary to advance resource protection.

Again, I want to commend you for your work in developing this proposed partnership to restore and protect the magnificent marine resources of the Northwest Straits. My administration and I look forward to working with you as you develop a congressional proposal and work to implement the report's recommendations.

Sincerely,

GARY LOCKE,
Governor.●

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To- Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 842

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 842, a bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

S. 852

At the request of Mr. MACK, his name was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from Utah (Mr. HATCH), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2202

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2291

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2291, a bill to amend title 17, United States Code, to prevent the misappropriation of collections of information.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

At the request of Mr. MACK, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2296, supra.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2395

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2395, a bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence.

S. 2426

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2426, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. CONRAD), and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 260, a resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day."

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

SENATE CONCURRENT RESOLUTION 118—AUTHORIZING THE USE OF THE CAPITOL ROTUNDA ON SEPTEMBER 23, 1998, FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO NELSON MANDELA

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is authorized to be used on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE RESOLUTION 278—DESIGNATING THE 30TH DAY OF APRIL OF 1999, AS "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. BINGAMAN, Ms. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Ms. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 278

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children.

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Dia de los Ninos: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children;

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 1999, as "Dia de los Ninos: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the Untied States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 1999, that include:

(1) Activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) Activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) Activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) Activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) Activities that provide opportunities for families within a community to get acquainted; and

(6) Activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

● Mr. HATCH. Mr. President, today I offer the following statement on behalf of myself and my colleagues KAY BAILEY HUTCHISON, JOHN MCCAIN, PETE V. DOMENICI, SPENCER ABRAHAM, CHRISTOPHER S. BOND, and CHARLES E. GRASSELY. Our purpose is twofold: to join our colleagues in recognizing the start of Hispanic Heritage Month, an to submit a resolution designating April 30, 1999, as "Dia de los Ninos: Celebrating Young Americans."

Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic Americans to the history, strength, security, and development of our great nation. This year, we once again embark on this month-long celebration. It is right to honor more than five centuries of contributions by Hispanics to the development not only of our great nation, but of the Western Hemisphere and the world. It is also imperative that we recognize that the health and vitality of the Hispanic American community is pivotal to the strength and future of this nation.

Our own experience has shown us that Hispanic Americans are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government.

I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American Dream.

Jaime Escalante, a high school mathematics teacher, has been helping an unprecedented number of Hispanic students prepare for and pass advanced placement tests in calculus. Amalia V. Betanzos, president of an alternative high school with tremendous success rates, has helped us all see what faith and encouragement can do for the soul. And Abraham Chavez, who established the El Paso Symphony, shares his musical talent with children on both sides of the U.S. border. Even with limited funds, he finds various ways to put instruments into the hands and music into the lives of young children.

Such great recording artists as Celia Cruz, Tito Puente, Los Lobos, the late Selena, Freddy Fender, and Gloria Estefan have brought joyous Latin rhythms into our homes and our hearts. Great authors, like Luis Valdez, Victor Villasenor, Nicholasa Mohr, and Luis Rodriguez and great screen artists like Andy Garcia, Jimmy Smits, Edward James Olmos, Rita Moreno, Martin Sheen, and the late Raul Julia have entertained while they inspired us.

The patriotism and courage of great Americans like Alfred Rascon, who immigrated to the United States from Mexico, should also be recognized. At age 20, a lawful permanent resident, he volunteered to serve in Vietnam. As a paratrooper combat medic, he twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept working until he collapsed, so hurt that a priest at the scene gave him last rites.

Dr. Antonia Novello, former U.S. Surgeon General, Raul Izaguirre, President and CEO of National Council of La Raza, Carmen Zapata, director and cofounder of the Bilingual Foundation of the Arts, and Astronauts Ellen Oschoa and Franklin Chang Diaz have helped lead the way for our children as they enter the 21st century.

Of course, Sammy Sosa, Rebecca Lobo, Nancy Lopez, ChiChi Rodriguez, Pedro Morales, Gigi Fernandez, and Trent Dimas are but seven of the many great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. When they win, all America cheers and shares in their victory.

Most importantly, let us not forget the many, many other Hispanic Americans, whose daily contributions often go unrecognized, but whose legacy continues to demonstrate the viability of the American dream.

But for all their contributions to the strength of our nation, many Hispanics have not yet fully shared in the dream. The national drop-out rate for Hispanics exceeds 30 percent (for non-Hispanics the rate is 11 percent, and for blacks, the rate is 12 percent), the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. We must do better.

As the youngest and fastest growing minority community in the nation, Hispanics must share equally in the benefits and opportunities of this great nation, so that our country grows stronger and can better compete in global markets. Indeed, by 2050, according to the latest census projections, one in four Americans will be of Hispanic descent. One thing is clear, the health and vitality of this nation depends in large part on the degree to which Hispanic Americans are prepared to meet the global market demands of the next century.

For this reason, in 1987, Senator JOHN CHAFEE and ORRIN G. HATCH established the U.S. Senate Republican Conference Task Force on Hispanic Affairs, which now numbers 27 senators. The task force provides a unique forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment and health. The task force is aided by a bipartisan, volunteer advisory committee, for whose service we are very grateful. We acknowledge their tremendous contributions, commitment, and dedication to this effort. We thank each of the members publicly for they are truly great Americans.

It was with their help and guidance this Congress that we were able to make small advances in addressing the needs of the Hispanic community, including providing access to health insurance to large numbers of children in poverty, making changes to the Higher Education Reauthorization Act, and supporting increased appropriations to strengthen institutions that provide higher education to low income and disadvantaged students, and reforming job training programs to better serve the latino community. We were also able to establish a federal charter for the American GI Forum, a national Hispanic Veterans organization. Indeed, we owe no small debt of gratitude to the men and women who have sacrificed and continue to sacrifice daily to preserve our freedoms and democratic government. Hispanic Americans are very proud of their record of military service—the highest number of medals of honor earned per capital for any ethnic community.

Additionally, we submitted an "English Plus" Resolution, encouraging citizens to master not only the English language, but other foreign languages. Enhancing our linguistic abilities will make for a more skilled and competitive labor force, and improve our communications. We hope to be able to pass the resolution before the end of the Congress.

It was our Advisory Committee that recommended we join the National Latino Children's Institute in calling upon the nation to designate April 30, 1999, as "Día de los Niños: Celebrating Young Americans"—a recommendation with which we wholeheartedly concurred.

In contributing to the celebration of Hispanic Heritage Month, we think it is most fitting to introduce a resolution calling on the citizens of our great nation to join with other nations of the world, and especially those of the western hemisphere in setting a day aside to honor our children. Much in the same way that we celebrate Mother's Day and Father's Day, we urge the American people to set aside a day to uplift children, to encourage them to dream, and help them to acquire the skills necessary to make those dreams come true. It is a custom throughout Latin America to celebrate "Día de los Niños" on the 30th of April each year. Let us share in this tradition.

Indeed, if we take time to listen, to encourage children to read, to stay in school, to dream, to plan and work hard to achieve their dreams, then America's future is guaranteed to be brighter. Latinos have made great strides, and they continue to progress. They have joined the ranks of public officials, managers, CEOs and presidents of corporations, teachers, doctors, lawyers, and congressmen. But there is much yet to be done. Let us take pride in the contributions of Hispanics to the history of this nation, let us recognize their gifts to America—their patriotism, devotion to family, love of God, and faith in the American dream—and let us invest in the dreams of their children. Let us extend Hispanic Heritage Month to include a day to honor and celebrate the gifts of all of the nation's children, a day in which we devote ourselves to uplifting and encouraging them to pursue their dreams. We invite our colleagues to join us as co-sponsors of this worthy resolution designating April 30, 1999, "Día de los Niños: Celebrating Young Americans."

Mr. President, I ask unanimous consent that the names of the volunteer advisory committee be printed in the RECORD, in recognition of their contributions.

there being no objection, the names were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE REPUBLICAN CONFERENCE TASK FORCE ON HISPANIC AFFAIRS—105TH CONGRESS ADVISORY COMMITTEE

The Members of the U.S. Senate Republican Conference Task Force on Hispanic Affairs wish to record their high esteem, gratitude and appreciation for the members of the advisory committee to the task force (listed below), for their expertise, hard work, and dedication to assisting task force Senators in better meeting the needs of the nation's Latino community.

Loretta Adams; Antonio Amador; George Antuna; Rodolfo Arredondo, Jr.; Patricia Asip; Zulma X. Barrios; Richard Bela; Philip Vincent Bernal; Rudy M. Beserra; Victor G. Cabral; Lorenzo Cervantes; Roxana Chahin; Adam Chavarria; Ana Colomar-O'Brien; Elaine Coronado; Mariam Cruz; Rafael Davila; Chris Diaz; Guarione Diaz; Rita DiMartino; Ingrid Duran; Alma Rojas Esparza; Rafael Franchi; Tony Gallegos; Jane C. Garcia; Rafael Garcia; President; San F. Garza; Mary George; Steve John Gonzalez; Arthur Granado; Sheila Guaderas; Carmen Hansen-Rivera; Alida Hernandez; Farah Jimenez; Ed Juarez; Ben Lopez; Mimi Lozano Holtzman; Raymond Lozano; Herminio A. Martinez; J.V. Martinez; Julian Martinez; Kenneth A. Martinez; Robert Martinez.

Zaida L. Martinez, Ph.D.; Teresa McBride; John Medina; Denise Mendoza; Mike Montelongo; Velma Montoya, Ph.D.; Dionicio Morales; Isreal Moran; Emma Moreno; Pete Moreno; Anna Muller; Alfonso J. Perez; John Perez; Juan Perez; Jaime Ramon; Grace Ramos; Jorge Ramos; Salvador Ramos; Ramon E. Rasco; Ana Rivas-Beck; Jose Rivera; Nena Robreno; Ana Rodriguez de Sanchez; Edwin A. Rodriguez; Eric Rodriguez; Fred Rodriguez; M.J. Rodriguez; Marcos "Mark" Rodriguez; Mark Rodriguez; Rene F. Rodriguez; Rose Marie Rodriguez; Nelson Roman; Phil Roman; Margo Salazar; Celia M. Salomons; Orlando Sanchez; Angelica Santacruz; Marta Sotomayor; Thomas Tewksbury; Esteban Torres; Joyce Valdez; Diana M. Valverde; Selso Vargas; Octavio J. Viveros, Jr.; Sofia Garcia-Conde Zuckerman.●

● Mr. BINGAMAN. Mr. President, today with my colleague from Utah Senator HATCH, I submit, "Día de los Niños: Celebrating Young Americans."

I am glad to be joined by my cosponsors, Senators BOXER, DASCHLE, DODD, HARKIN, KERRY of Massachusetts, LANDRIEU, LAUTENBERG, MIKULSKI, MOSELEY-BRAUN, REID of Nevada, ABRAHAM, BOND, HATCH, and MCCAIN.

This bipartisan resolution recognizes this nation's most important asset—our children—with the designation of a day in their honor. Many nations throughout the world celebrate Día de los Niños, including Japan, Korea, Turkey, and Mexico. Closer to home, local communities, such as San Antonio, Texas and Minneapolis, Minnesota have paid similar tributes to America's children with their own Día de los Niños celebrations.

Día de los Niños is an occasion to recognize that children need to be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit.

In a word, they are la promesa, the promise, of a better tomorrow. It has fallen to this newest generation of Americans to right the wrongs of their parents' and grandparents' generations.

It is an enormous burden to inherit at such a young age, and if we do not begin to take seriously their future roles in society and the obstacles that they will encounter along the way, it will be a long and difficult journey for all involved.

In recognition of the prominence children should be given in society and in the family, Día de los Niños borrows from the traditions and customs of the over 10 million Americans of Hispanic descent currently in the United States.

Hispanics, as the youngest and fastest growing ethnic community today, have a long and rich history of honoring their children, not only on one special day per year, but every day of their lives.

Traditional Hispanic family life is centered largely on its children; and those children, in turn, are part of an extensive network of siblings, parents, grandparents, aunts, uncles, cousins, second cousins, and so on—all of whom serve to reinforce and encourage children's development and confidence in themselves.

Coupled with an external network of local communities, churches, and other significant groups, the Hispanic model gives all of us a different perspective on how to raise our children.

No family is immune from all of life's difficulties, and there is certainly no one right way to raise our children, but the Hispanic culture is an important example from which we all could learn something new.

The focus on children as the center of family life is an important first step toward their realization of a better tomorrow. There are still numerous hurdles to clear, including educational obstacles.

For example, every year, more than 500,000 children drop out of school. The overall dropout rate is 11 percent, and it is an unacceptably high 30 percent for Hispanic youth.

Literacy rates are also unacceptably low for all children. So many of these problems could be solved if we were only able to focus more time and resources into the enabling of families and communities to assist in the education of our children.

So much of what a child learns in life is shaped by family and community interactions. The goals of family and the goals of the country in educating our children do not have to be mutually exclusive.

Rather, we should all be focusing our messages to inspire our children and to encourage their belief in themselves.

Not every child is going to become a doctor or a lawyer or a scientist, but that is something that every child should come to know on his or her own. It is not our place to limit their future roles in society.

I have heard a Spanish expression in New Mexico, which I believe captures the essence of what I am trying to say.

It goes, "Nuestros niños son los mensajes vivientes que nosotros mismos nunca veremos."

The translation is, "Our children are the living messages we send to a time that we ourselves will never see."

The message we send out today is a message of hope for a brighter future, and so I would now like to send a message in Spanish to the millions of American children for whom Spanish is their home language. At the end, I will translate for the benefit of everyone:

Si todo lo que oyen ustedes es, "no pueden hacer esto," o "no pueden ser eso," muy pronto van a empezar a creerlo.

El Día de los Niños reúne a gente de todos oficios de la vida, de todas generaciones, para decirles a ustedes, "Sí, lo pueden."

Permitánme ser bien claro, éste no es sencillamente un día para que la gente hispana regocije y se sienta orgullosa de sus niños—éste es un día para que todos los americanos reconozcan que entre la comunidad hispana hay una tradición de la cual nosotros todos podemos aprender mucho de cómo honrar y apreciar a nuestros niños.

Invito a todos mi colegas y a todos los Americanos a que se unan conmigo en honrar la promesa de nuestra nación—nuestros hijos.

To translate: If all you ever hear is "you can't do this" or "you can't be that," then pretty soon you are going to begin to believe it.

Día de los Niños brings together people of all walks of life, from every generation, to say, "Yes, you can."

Let me be very clear, this is not simply a day for Hispanic people to rejoice and be proud of their children—this is a day for all Americans to recognize that the Hispanic community has a good tradition from which we all could learn much about the way to honor and cherish our children.

I call on all my colleagues and on all Americans to join me in honoring the promise of our nation—our children.●

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BOXER (AND OTHERS) AMENDMENT NO. 3594

Mrs. BOXER (for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN, and Mr. WELLSTONE) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 74, strike lines 13 through 20.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, September 16, 2:00 p.m., Hearing Room (SD–406), regarding the use of methyl tertiary-butyl ether (MTBE) in gasoline and S. 1576.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 am to hold a joint hearing with the Caucus on International Narcotics Control.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 a.m. to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 10:00 a.m. to receive testimony on S. 2288, the Wendell H. Ford Government Publications Reform Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the

Senate on Wednesday, September 16, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "INS Oversight and Reform: Detention."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, September 16, 1998, at 2:00 p.m. for a hearing on "GAO Report on High Performance Computers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Wednesday, September 16, 1998, at 9:30 a.m. for a hearing on the topic of "The National Cancer Institute's Management of Radiation Studies."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION/ MERCHANT MARINE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, September 16, 1998, at 2:30 p.m. on "Fatigue: Trucking and Rail Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATING KARL OHS

• Mr. BURNS. Mr. President, I rise today to congratulate Karl Ohs, who will receive the Federal Bureau of Investigation's highest honor later this month for his part in ending the 1996 Freemen standoff in Montana. A quiet, unassuming rancher from Harrison, Montana, Karl has displayed uncommon courage and leadership not only during the Freemen incident, but throughout his life as a public servant and community leader.

Born and raised in the farming town of Malta on Montana's Hi-Line, Karl was surrounded by agriculture from his birth. After graduating from Montana State University with a degree in agriculture, he began farming and ranching in Harrison. Karl quickly became an active member in the community, serving on the board of the local hospital and on the Harrison School Board.

Karl's dedication to his community and agriculture led him to run for the Montana House of Representatives in 1994. After only one term, his peers selected Karl to serve as the majority whip for the 1997 legislative session. In this capacity, Karl led fights to cut administrative costs, increase investment in Montana for our long-term growth, and save the historical sites of Virginia City and Nevada City, which otherwise would have been lost, destroying important reminders of our great state's heritage.

Unlike some of today's political leaders who preach virtues publicly while defying them privately, Karl has shown great courage and morality while not standing in front of a microphone or television camera. When Karl was approached by a friend to intervene in the Freemen standoff, he did so without a second thought. As a mediator during the standoff, Karl repeatedly put himself into dangerous situations because of his concern for human life, both of the Freemen and law enforcement officers. In the end, he was able to gain the trust of the Freemen and jumpstart negotiations that led to the end of the standoff. Without his invaluable service, a violent end to the situation would have been inevitable.

In a nation that is suffering from a lack of moral leadership, I am happy to know that we have people like Karl taking an active role in their communities. Karl serves as an example for all of us.

Again, Karl, congratulations on your award. We can all learn a lot from your model of courage and service, and I want you to know that you have my gratitude and that of the Nation.•

THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

• Mr. LEVIN. Mr. President, I ask that the following joint statement of myself and my colleague from Michigan, Senator SPENCER ABRAHAM, be printed in the RECORD.

The joint statement follows:

JOINT STATEMENT OF SENATOR LEVIN AND SENATOR ABRAHAM IN RECOGNITION OF THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

Mr. President, we are pleased to join today in recognition of the hundreds of thousands of people gathering here in Washington and in every state in the country on Saturday, September 26, 1998 for The March . . . Coming Together to Conquer Cancer.

Statistics tell us that cancer will affect the lives of virtually every American. According to the American Cancer Society, American men have a 1-in-2 lifetime risk of developing cancer, and American women have a 1-in-3 lifetime risk. It is estimated that more than 1.2 million new cancer cases will be diagnosed this year, and cancer kills Americans at a rate of more than 1,500 per day. In our state of Michigan, cancer is the second leading cause of death for all people, and is the leading cause of death for people between the ages of 35 and 49. In 1995, cancer took the lives of nearly 20,000 Michigan residents. What statistics cannot show us are the real people behind the numbers whose lives have been forever changed by cancer. They are parents and children, husbands and wives, sisters and brothers, friends and colleagues. They are counting on us, and on policymakers at all levels, to renew our commitment to the effort to develop a cure for this deadly disease.

We are proud that our home state of Michigan is a national leader of The March and in cancer research and treatment. The Karmanos Cancer Institute, one of the premier cancer treatment facilities in the country, is coordinating Michigan's March-related activities. The Michigan March will be held in Lansing to coincide with The March in Washington on September 26th. A steering committee, coordinated by the Karmanos Cancer Institute, is working hard to ensure that people from every corner of Michigan participate in The March in Lansing. Organizers are expecting 10,000 people in Lansing on September 26th, including cancer survivors, friends and family of survivors and of those who have lost their lives to cancer, health care professionals, government leaders, and many others. We know that even though they will be divided by geography, the 10,000 people in Lansing will feel a sense of unity with the hundreds of thousands of others gathering in cities throughout the country for a common purpose.

Mr. President, we have all been touched by cancer in one way or another. We all have friends, family, or loved ones who have been its victims. The March will give a voice to those whose voices have been silenced by cancer, and it will serve as a call to action in the war against this deadly disease. We are pleased to stand with those participating in The March in Lansing and in Washington, and encourage our colleagues to join us in expressing our profound respect and gratitude to The March participants for their courageous action.•

CELEBRATING 7 YEARS OF INDEPENDENCE FOR THE REPUBLIC OF MACEDONIA

• Mr. COATS. Mr. President, I rise today to express my support to the Government of the Republic of Macedonia which on September 8th celebrated seven years of independence.

Many of us are encouraged with the activities the Government has enacted with respect to democracy, human rights and international peace.

Although a small nation of approximately two million people and the size of Vermont, the Republic of Macedonia, located in the very unstable region of the Balkans, has established itself as an example of peaceful, constructive, good neighborly country and our reliable ally.

The Republic of Macedonia is the only country that, following the dissolution of former Yugoslavia in 1991, gained independence in a peaceful and legitimate manner, by a way of a referendum and a new Constitution, refusing to take part in the war that was waged in the other parts of former Yugoslavia, thus showing that at the threshold of the 21st century, it is possible to become independent without bloodshed.

Not only did the Republic of Macedonia opt against policies of territorial aspirations, forceful changing of borders and ethnic cleansing, but also made it very clear that such policies are the cause for conflicts and wars in the ethnically intermixed Balkans.

Over the seven years of its independence, the Government of the Republic of Macedonia has instituted a series of economic reforms to control inflation, reduce debt, increase exports and foster growth.

Recently, many American investors have started to see South-Eastern Europe as an economic area of large potential with more than 60 million people, and the Republic of Macedonia as the most strategically located in the center of this large market.

The United States must continue its support for the Republic of Macedonia, especially having in mind the recent developments in neighboring Yugoslavia.●

RECOGNITION OF THE U.S. NATIONAL COMMISSION ON LIBRARIES

● Mr. DODD. Mr. President, I rise today in recognition of the efforts recently made by the U.S. National Commission on Libraries to mobilize resources for the purpose of curbing youth violence in this nation.

Youth violence in America is, undeniably, a serious and frightening problem today. The recent string of highly publicized school shootings has made this all too clear; over the last ten months, 15 people have died and 42 have been wounded. This terrifying epidemic has spread across the country—from Mississippi to Pennsylvania to Washington. As a result, cities such as Jonesboro, Arkansas, and Springfield, Oregon, will remain burned in the public mind, forever associated with terror, heartbreak, and inexplicable tragedy. When faced with the all too horrifying reality of children killing children, teachers, even parents, the nation is shaken to its core, as common associations of youth and innocence are violently broken. Citizens are left to mourn and to ask the inevitable question: Why?

But wondering why is not enough. Innovative action is required if future tragedies are to be prevented. And the U.S. National Commission on Libraries and Information Science is leading the way, having committed itself to just such action. The Commission is a permanent, independent agency of the federal government charged by Congress to advise the President and the Congress on national and international library and information policies and plans. On July 8, 1998, the members of the Commission unanimously approved a resolution that urges all of society—community officials, educators, parents, role models—to support efforts made by libraries to assist adults, youth, and children in finding, through valuable learning resources and experiences, solutions to this outbreak of violence. The Commission's recognition of the important and constructive role libraries can play in the lives of America's children is commendable. It is commitment like this that may help to curb the terrifying tide of violence—both in the school and in the home.

Mr. President, I ask that the Resolution of the Commission be printed in the RECORD and serve as a model to all of us and our community organizations as we struggle to come to terms with violence among our youth.

The Resolution follows:

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Resolution in Recognition of the Important Role of Libraries in the Lives of American Children.

WHEREAS we have seen the recent outbreak of children venting rage and anger by killing parents, teachers and schoolmates,

WHEREAS we know that mental development, positive socialization and emotional stabilization must begin at birth if children are to grow up with full success,

WHEREAS we are concerned about the needs of tens of thousands of young persons now in corrections or on probation who may return to destructive behaviors if they receive no redirection,

Be it Resolved, That the U.S. National Commission on Libraries and Information Science urges that our society—officials and educators at all levels, community leaders, parents and other adult caregivers, confidantes and role models—utilize the vast potential of libraries and support the current and potential abilities and efforts of librarians in assisting adults, youth and children to seek positive outcomes through wise use of information, and

Be it Further Resolved, That, in seeking solutions through better parenting and learning experiences for young children and redirection for troubled older children and adolescents, libraries can be a major delivery point.●

NATIONAL ENDOWMENT FOR THE ARTS

● Mrs. FEINSTEIN. As the Senate considers appropriations for the National Endowment for Arts and the Humanities Act, the primary source of federal support for the arts, humanities and museums, I wish to express my support for these programs.

ARTS AS PART OF OUR HISTORY

Mr. President, throughout this nation's history, the arts have been an integral part of our background and heritage. Over the years, music, dance, art, and personal expression have evolved to reflect our changing culture and attitudes. In a country of great diversity, from education and socioeconomic background to political perspective and religious views, all people should have the opportunity to experience America in its many forms, including the arts.

NEA IS A SUCCESS

In 1966, when Congress created the National Endowment of the Arts, the mission was to expose all people, across the nation, from California to Maine, from New York to North Dakota, of all backgrounds and origins, to music, dancing, theater, art and literature. Since then, the NEA has more than succeeded with its mission. The NEA helps support community festivals, rural chamber music, arts centers, galleries, arts libraries, town halls, children's organizations, and other social and civic institutions where families can experience the arts. NEA-sponsored programs build bridges of understanding among diverse groups of Americans.

ECONOMIC BENEFITS

The arts also stimulate local economies. By attracting tourist dollars, the arts stimulate business development, encourage urban renewal, attract new businesses, and improve the overall quality of life for our cities and towns. Nationally, nonprofit arts organizations generate an estimated $37 billion in economic activity and return $3.4 billion in federal income taxes to the U.S. Treasury each year. In other words, for every $ 1.00 dollar spent by the NEA, $34.00 are returned to the United States. Every $1.00 spent by the NEA attracts $12.00 to the arts from other sources.

INCREASED JOB OPPORTUNITIES

The arts also create job opportunities for more Americans. More than 1.7 million Americans are employed in the non-profit arts industry. This number is higher than any other profession including legal services, police and firefighting, mining, advertising, and forestry and logging. Since 1970 the number of artists employed in the U.S. has more than doubled. Even with this increase, the United States still spends nearly fifty times less on the arts than any of its major allies.

CREATES STATE AND FEDERAL PARTNERSHIPS

To ensure that people across the country have access to arts programs, the NEA promotes partnerships between the state and arts agencies, schools and local organizations. This cooperative system of arts support links local, state and regional associations in order to ensure that support and assistance is provided to organizations that work with culturally diverse populations, older adults, people with disabilities, and individuals living in institutions. Before the NEA, only 5 states had state-funded arts councils. Today, all 50 states do. Currently, the NEA sustains 25 partnerships with federal agencies including the Departments of Education and Justice, the Center for Substance Abuse Prevention, and the National Science Foundation.

EDUCATION BENEFITS

The arts can improve learning and be part of a well-rounded education. Research from 1995-97 from the College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-arts students on the Scholastic Aptitude Test, the SAT. Children with a piano background have also scored better on math tests.

The NEA and the state arts agencies provide $30 million in annual support for more than 7,800 arts education projects in more than 2,400 communities. In 1997, the NEA invested $8.2 million, 10 percent of its annual grant dollars, in kindergarten through grade 12 arts programs. Arts education improves life skills including self-esteem, teamwork, motivation, discipline, and problem solving that help young people compete in a challenging and high-tech workforce.

NEA AFFECTS CALIFORNIA AND STATES NATIONWIDE

Cutting funding means cutting programs. NEA has supported many California efforts: programs such as the I Do Dance Not Drugs program in South Central Los Angeles that works with latch-key kids would be demolished; a grant to the Pacific Symphony Association in Santa Ana, California funds Class Act, 95 a program which supports and enhances music education for up to 17,000 students at 20 elementary schools in Orange County through a series of activities, including repeated interaction with an Orchestra musician and direct exposure and interactive experiences with the Orchestra and the music it performs, would not be possible without NEA funding; to support a comprehensive education program at Berkeley public elementary schools, the Berkeley Symphony Orchestra will help train teachers in music, encouraging student interaction with the composer, an introductory orchestral concert, classroom visits, and a culminating presentation at which students perform side by side with Berkeley Symphony Orchestra professional musicians; the California Arts Council supports arts education and the partnership project with the California Assembly of Local Art Agencies to strengthen the State's local art agencies; programs which support Native American artists in Eureka, California to put on workshops for students and citizens on art could be terminated.

PUBLIC SUPPORTS NEA

By a margin of 3 to 1, Americans support government-funded arts programs. Moreover, a 1996 Lou Harris poll states that 61 percent of Americans said they would be willing to pay $5.00 more in taxes to fund the arts. This is important because private donations tend to support larger arts organizations, not smaller, independent projects and groups. The NEA works hard to fund a wide range of expression.

NEA REFORMS

With reforms now requiring grantees to adhere to strict guidelines, trying to address the concerns of some who worry that some projects are objectionable can rest assured. National panels of private citizens select grantees in a rigorous, democratic review process.

In conclusion, Mr. President, I would like to remind my colleagues that the total for arts and humanities-related spending for the 1997 fiscal year was less than 1% of the total budget. The National Endowment for the Arts costs each American about 36 cents per year. Arts institutions have affected millions of Americans. Whether its been watching a famous play, wandering through a beautiful museum, or having the opportunity to live a dream by singing on stage in a local theater company, the NEA fosters an excellence, diversity, and vitality of the arts in the United States which could never be matched by any other institution. It represents a national commitment to excellence our nation's culture, heritage, and, most important, its people. The NEA benefits our citizens, educational institutions, economy, and our spirits. We cannot, in good faith, deny Americans access to such an national treasure.●

75TH ANNIVERSARY OF ST. ROSE HIGH SCHOOL

● Mr. TORRICELLI. Mr. President, I rise today to recognize St. Rose High School as it celebrates its 75th Anniversary. This year marks the 75th year the high school will provide quality education to students in and around the Belmar area. It is a pleasure for me to recognize this important milestone.

St. Rose exists to educate high school age men and women so that they may realize their spiritual, academic, and social potential. St. Rose's mission, since beginning as a parish school in 1923, emanates from a tradition of Roman Catholic education administered by the Sisters of St. Joseph of Chestnut Hill. The staff of religious and lay faculty is responsive to the needs of a changing world. They have created a safe, supportive, disciplined atmosphere and curriculum that honors and nurtures the dignity, worth and capabilities of each student. The alumni go on to assume positions of leadership within their communities and professional fields.

This school has become an extraordinary educational institution that has improved the quality of life for the citizens of New Jersey, and it has long been an example of the standard that we set for our nation's high schools. Through hard work and dedication, the faculty have illustrated their commitment to building the leaders of tomorrow, and their success over the past 75 years serve as an inspiration to all educators.

I am proud to recognize St. Rose on its anniversary, and I look forward to another 75 years of quality education from this institution.●

HISPANIC HERITAGE MONTH

● Mr. REID. Mr. President, I rise to pay tribute to Hispanic Americans, as we begin to celebrate Hispanic Heritage Month. Events will occur throughout the Nation during this month—which extends from September 15th to October 15th—to applaud the achievements of Hispanics everywhere.

The diverse contributions of Hispanics to society, culture, academics, and the economy of our Nation have greatly enriched America. For example, the first two Hispanic Americans to win the Nobel Prize, biochemist Severo Ochoa and physicist Luis Alvarez, in their gain of worldwide acclaim, added to America's greatness in their respective fields. Dr. Ochoa of New York, was awarded the Nobel Prize in Medicine in 1959 for his discovery of ribonucleic acid (RNA). According to a New York Times article of November 3, 1993, Dr. Arthur Kornberg shared the Nobel Prize with Dr. Ochoa and said upon his death that Dr. Ochoa was "a fine teacher, a person of great enthusiasm and optimism." The Nobel Prize in Physics was awarded to Dr. Alvarez in 1968 for discovering a subatomic particle that can exist for only fraction of a second. He was born in California and later died in Berkeley, California in 1968.

Another great American, Franklin Chang-Diaz, became the first Hispanic American in space when he flew on a 1986 space shuttle Columbia mission. Ellen Ochoa became the first Hispanic female astronaut when NASA selected her for that duty in 1990, after receiving her Masters and Ph.D. degrees in electrical engineering from Stanford University. These Americans have presented themselves as ideal role models for other Hispanic Americans aspiring to excel in science and technical fields.

Our country's Armed Forces have also been proud to have Hispanics serve to protect America's freedom and liberty. The U.S. Congressional Medal of Honor Society has so far presented 38 Hispanic Americans with the distinguished Medal of Honor for their valor and great bravery. Without the integrity and spirit exemplified by these individuals, Americans everywhere would be facing a less secure world. Latinos have been with us through the Revolution, expansion to the West, and every conflict we have faced as a Nation; more than 400,000 Hispanics served the U.S. during World War II, and nearly 25,000 served during the Persian Gulf War.

The leadership of this country is augmented by the voices of our Hispanic elected officials, many who have joined forces in the Congressional Hispanic Caucus. The Caucus has been working very hard to advance relevant legislation and educate their colleagues about the needs of the Hispanic community. As we review Congressional history, we discover that the first Latino to serve in Congress, Joseph Marion Hernández, entered our halls as a Delegate from Florida in 1822. Our body welcomed Octaviano Larrazolo as the first Hispanic U.S. Senator in 1928. Currently, I am honored to have the only Hispanic Chief of Staff in the U.S. Senate, my good friend Reynaldo Martinez. I feel that we should see more of these success stories as we reach the next millennium.

In the state of Nevada, Hispanics have shown their influence in all areas, especially in education, business, and politics. Nevada continues to be the fastest-growing state in the Nation, and Nevada's Hispanics have increased from 124,408 people out of 1.2 million in 1990, to 253,329 people out of 1.7 million in 1997, according to Census Bureau figures released last week. This is a large increase from 10.4 percent of the state population in 1990 to 15.1 percent in 1997.

Hispanics have been the largest minority in Nevada for years and will become the largest minority in the rest of the country in 2005. Overall in the U.S., Hispanics number more than 30 million people. Along with some of my colleagues, I worked to address urgent needs of this quickly growing segment of our U.S. population, forging inroads with various Hispanic organizations through our Senate Hispanic Working Group. The Working Group has met regularly throughout the past year, encouraging a two-way learning process in which we have come to better understand important concerns that Hispanic Americans have, while expressing to the Hispanic community our earnest desire to address these concerns. The group has forged ties with Hispanic organizations such as the National Council of La Raza, League of United Latin American Citizens, National Association of Latino Elected Officials, American GI Forum, Mexican American Legal Defense and Educational Fund, National Latino Children's Institute and MANA A National Latina Organization. I am very pleased that our Leader, Senator DASCHLE, asked me to work with Senator BINGAMAN and Senator JOHN KERRY in this effort.

Practical, everyday issues Democrats have worked to address for Hispanic Americans are many in number and quite varied. For instance, we united to pass an amendment to the education IRA bill which I offered, along with my colleague from New Mexico, Senator BINGAMAN, to help reduce the alarming number of high school dropouts in this country. Although the amendment was added to the bill, it was regrettably stripped in conference.

This effort was particularly aimed at addressing the disproportionately high rate of Hispanic high school dropouts—a rate which has hovered at 30 percent. This is by far the highest rate compared to all other racial and ethnic minority groups—a rate that is simply unacceptable. Nevada has also seen dropout rates among Hispanics of more than 16 percent. We must continue to find out why these students are left behind, and eventually feel compelled to curtail their learning opportunities. These are opportunities that could help these disenfranchised young people begin a career, support their families now and in the future, and make something of their lives.

My own life was transformed by the power of education. My father never received an education higher than elementary school and my mother never graduated from high school. But because I was lucky enough to have access to educational opportunities, the support of good teachers, and a supportive community, I was able to accomplish what my parents had dreamed for me. Democrats want to make sure that every American has the opportunity to obtain a good education and realize their full potential.

We have also been trying very hard to reform our health care system. Millions of Americans worry every day about health care as they fight all manner of illness and disease, or care for a loved one who is sick. Many Americans, including Hispanic Americans who make up almost one in every four uninsured individuals in the U.S., wonder about how they will obtain the care they need when they need it, how they will pay for it, whether or not the care is quality care, and how much control they will have over their own health care decisions. We have managed to elevate on the national level one comprehensive solution to many families' health care worries in Patients' Bill of Rights legislation. We did this because people want to change the way managed care works, or more accurately, doesn't work. Regrettably, partisans have fought against full consideration of managed care reform in the Patients' Bill of Rights that would address issues at the heart of Americans' health care concerns. Democrats will continue pushing to increase patient protections for all Americans.

We have also, time after time, come to this floor to talk about strengthening retirement security for current and future generations. I hear our young people's anxiety about their retirement—that nothing will be available to help them when it's time to leave the workforce. Unfortunately for Hispanics, out of the one in ten who are part of the workforce, only one in three or 32 percent of the 13.2 million working Hispanic Americans participate in employee pension plans. The participation rate for other minorities is 44 percent and for white Americans, 51 percent. The situation is bleaker for Hispanic women, who earn on average only 57 cents for every dollar earned by men and are thus unable to build savings or save for retirement.

Our solution is the Retirement Accessibility, Security, and Portability Act of 1998, a comprehensive pension bill that includes a wide range of proposals designed to help Americans prepare for a secure retirement. This legislation would expand pension coverage, strengthen pension security, promote pension portability, and increase equity for women. We are also working to save Social Security—a program that has succeeded in keeping millions of older Americans out of poverty, helping people who don't have pension plans or inadequate pensions, and serving as a necessary safety net. Americans shouldn't face great anxiety in their golden years and should rather be free to enjoy their grandchildren, second or third careers, and as active a lifestyle as they desire.

We have accomplished other things with the support of Hispanic Americans during this Congress, such as halting an assault on the Disadvantaged Business Enterprise (DBE) program. During Senate consideration of ISTEA II, the comprehensive highway funding bill, Democrats succeeded in protecting the DBE program which helps to ensure that minority- and women-owned small businesses have a fair opportunity to compete for Federal-aid highway and transit construction projects. In my state, $26.6 million or 11 percent of 1997 contracting dollars coming into Nevada went to minority- and women-owned businesses. In 1996, the DBE program brought in $4.2 million for minority-owned firms, or 7.3 percent of Federal contracting funds. It is imperative that we continue our diligence in helping these businesses fight against discrimination and flourish in their respective industries.

This year, we fought for a restoration of Food Stamps to legal immigrants who unfairly lost their benefits. As my colleagues recall, the Republican welfare bill in 1996 introduced several provisions harmful to legal immigrants, including a prohibition that cut 935,000 individuals from the Food Stamp program alone. Although eligibility later was restored in 1997 for certain immigrants in selected Federal assistance programs, many others remained ineligible for necessary benefits in the Federal safety net that helps poorer families. We included a partial, $818 million restoration in the agricultural research bill conference report, defeating a motion to recommit the conference report with instructions stating that Food Stamp benefits be restored only to refugees and asylees who were lawfully residing in the U.S. on August 22, 1996. Immigrants were inequitably subjected to an arbitrary cutoff of benefits that hurt them dearly and took food out of the mouths of young children. We made sure that at least part of this injustice was reversed.

I hope that a similar range of issues will be addressed in a statewide Hispanic Leadership Summit—the second one in a series—which will take place in Nevada this October. The first Hispanic summit I helped arrange in 1997 served as a catalyst for discussions in issue forums on education, health care, crime and community health, business and employment, and political awareness, and this year's summit will spur discussion on the same issues. In addition to identifying Nevadans to serve in leadership roles for the community in these areas, summit participants proposed solutions to various problems, such as educational programs to address high school dropout rates, alternatives to gangs, improved adult education and bilingual education/English as a Second Language programs, and better access to higher education. I encourage my colleagues to hold events such as this one in their own states, as a way to further encourage solidarity and real progress as the Nevada summits did for the Hispanic community in my state.

Many accomplishments of Hispanic Americans came to light at the summit, and Hispanic Heritage Month presents us a terrific opportunity to celebrate those accomplishments once again. For example, as Hispanic consumers grow in number and purchasing power, producers, retailers and advertisers are recognizing Hispanics' strong economic muscle and finding selective marketing to Hispanics increasingly important. The Hispanic share of total buying power in my state grew from 6.4 percent in 1990 to 8.2 percent in 1997—an increase from $1.38 billion to $3.17 billion in less than a decade. Nationally, Hispanic buying power rose from 5.2 percent or $210 billion in 1990 to 6.1 percent and $348 billion in 1997, according to the Selig Center for Economic Growth at the University of Georgia. Hispanic Americans are helping to grow the economy.

Hispanic entrepreneurs are also becoming a significant force in Nevada's economy, and the U.S. as a whole. Nevada's 3,900 Hispanic-owned firms earned $484 million in sales and receipts in 1992—double the number of firms existing in 1987 (1,767 businesses) and triple the sales and receipts logged in 1997 ($142 million), according to the Census Bureau. As of 1996, there were an estimated greater than one million Hispanic-owned businesses in the U.S. Also growing in number around the country are Hispanic Chambers of Commerce—which numbered 169 in 31 states in 1995, according to Hispanic Business, Inc. This included the Latin Chamber of Commerce of Nevada in Las Vegas and the Hispanic Chamber of Commerce in Reno. I am encouraged to see that these businesses have come a long way and that they are projected to grow even more dramatically in the next five to ten years.

In closing, Hispanic Americans have much to celebrate this month. I feel there is no better occasion than now to personally congratulate a few winners who have made the Silver State quite proud. The Latin Energy Dancers of Carson City, Nevada are being recognized this week by the National Latino Children's Institute—my warm congratulations go out to this group on being declared as one of the institute's La Promesa Award Winners 1998. Congratulations to Father Omar Botia for being this year's recipient of the Humanitarian of the Year "Adelante" Award. Father Omar, my friend, has contributed much to the Hispanic community in Reno, not only in the spiritual realm, but also in recognizing the need for improvement of their temporal situations. Also, MANA, A Latina Organization recently opened a new chapter in my state in Las Vegas—I wish them the best in their new endeavor. Let this month be a celebration for achievements and honors like these, through which the Hispanic community will continue to grow and flourish. Hispanic Heritage Month will be a time for us to remember the contributions that the Hispanic community has shared with us and has given to this, only adding to its greatness. We are reminded this month that the United States is a country of true diversity, which revels in the differences of its individuals, and rejoices in the common strains that unite us as Americans.●

HISPANIC HERITAGE MONTH

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Latino community. As we celebrate Hispanic Heritage Month, I want to recognize the contributions made by millions of Latinos in our nation. New Jersey is a truly multi-cultural state and I am honored to help represent this vigorous community in the United States Senate.

Mr. President, this month we celebrate a community with leadership which is notable in every facet of our society; which continually commits to family, education and business; and which is a vital force in our economy. Latinos have persevered, often under difficult situations, yet remain hopeful even as they strive for change. Hispanic elected officials and community leaders work to increase involvement in the electoral process, break the cycle of poverty and improve people's lives. Many Latino soldiers have made the ultimate sacrifice in giving their lives for the common good of our country. Today, I want to honor these brave Americans and their families. And I also want to honor Latina/o heroes and heroines like the late Julia de Burgos, Arturo Alphonso Schomburg, Cesar Chavez, Roberto Clemente, Puerto Bibliophile and Don Pedro Albizu Campos among others. These teachers, advocates, athletes, and activists have brought pride to their community, enriched our country, and provided role models for all of us to emulate.

I commend the Latino community for its courage and persistence and want to warmly acknowledge the talent and vitality its expanding population brings to our nation. I thank the community for leading by example, and for promoting a national policy agenda which highlights very basic human necessities that should be the right of every American.

Mr. President, a democratic and prosperous society, such as ours, should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future and they should be able to participate fully in the American experience. We should not cut off benefits to children, the elderly, and disabled immigrants who entered our country legally and may have no other means of survival. Quality child care, early childhood development and work training initiatives are also critical investments that can make all the difference to Latino children.

Mr. President, I am proud to honor New Jersey's Hispanic community today and to have the opportunity to ensure that Latino contributions, insights and sacrifices do not go unnoticed.●

TRIBUTE TO THE HONORABLE C. CLYDE ATKINS

● Mr. GRAHAM. Mr. President, I join the citizens of South Florida in celebrating the distinguished career of Federal Judge C. Clyde Atkins, a man held in the highest esteem by his peers in the community and within the legal profession.

Born in Washington, D.C., Judge Atkins began his legal career when he attended the University of Florida where his law studies—which he supported by working at campus jobs—earned him a legal degree in 1936. He practiced law in Stuart, Florida before moving to Miami where his distinguished legal performance was highly recognized. He served as President of the Dade County Bar Association from 1953 to 1954, and as President of the Florida Bar Association in 1960.

In 1966, he was appointed a United States District Judge for the Southern District of Florida, having been nominated by President Lyndon Johnson. He served as Chief Judge from 1977 to 1982, during which time he was appointed by United States Supreme Court Chief Justice Burger as Chairman of the Judicial Conference Committee on Operation of the Jury System. Additionally, President Jimmy Carter appointed him a member of the National Commission for the Review of Antitrust Laws and Procedures, on which he served from 1978 to 1979. In his present position on the federal bench, Judge Atkins has served 32 outstanding years, longer than anyone there presently.

Integrity and fairness are words synonymous with the characteristics and judicial talents Judge Atkins has exhibited in serving the public. He is particularly credited with ending segregation in Dade County's schools; preserving the rights of the homeless; vigorously upholding the tenets of free speech; and granting the equal treatment of refugees. As an affirmation of his legal acumen, the University of Miami School of Law established the C. Clyde Atkins Moot Court Series, where law students are able to hone their own legal talents.

A driven and conscientious worker, Judge Atkins has been highly praised by his colleagues and associates, and has garnered the highest respect from within and beyond the legal community. He has been recognized by numerous community organizations, especially the Catholic Church to which he has held a strong and abiding devotion during his lifetime. Judge Atkins has been President of the St. Augustine Diocesan Union of Holy Name Societies and President of the Miami Archdiocesan Council of Catholic Men, as well as receiving the National Conference of Christians and Jews Outstanding Catholic Award. He has been honored by the Anti-Defamation League of B'nai B'rith and the Greater Miami Jewish Federation awarded him with the Lifetime Achievement Award.

Amidst these impressive accomplishments, I believe that Judge Atkins would cite his 61 year marriage to the former Esther Castillo as the most cherished, treasured, and important part of his life. Together, as lifetime partners, they raised three children and have enjoyed the pleasures of grandparenting, as much as my wife Adele and I have.

Mr. President, I join all those who honor Judge Atkins for his lifetime of commitment to the people of our state. His competence, unswerving integrity and devotion to the bench, his mild and gentle manner, and his consummate respect for the law have given the people of Florida a person who serves as a role model for all to emulate.

We cherish his service and wish him well as he continues to provide judicial leadership and inspiration to future generations.•

SUBMITTING CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for continuing disability reviews subject to the limitations in section 215(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act.

The revisions follow:

	Budget authority	Outlays
Current Allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,209,000,000	265,037,000,000
Violent crime reduction fund	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	831,738,000,000	854,642,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	+425,000,000	+377,000,000
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+425,000,000	+377,000,000
Revised Allocation:		
Defense discretionary	271,570,000,000	266,635,000,000
Nondefense discretionary	255,634,000,000	265,414,000,000
Violent crime reduction fund	5,800,000,000	4,953,000,000
Highways		21,885,000,000
Mass transit		4,401,000,000
Mandatory	299,159,000,000	291,731,000,000
Total	832,163,000,000	855,019,000,000•

MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment until 9:30 a.m. on Thursday and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will then go to the unanimous consent agreement we had with regard to bankruptcy. The first 2 hours will be debated, equally divided, on minimum wage, and then we will go to the bankruptcy bill after that. Beginning tomorrow afternoon at 2 p.m., we will go to the veto override issue on the partial-birth abortion ban. That is not a unanimous consent request. It is an announcement of our intent.

Mr. KENNEDY. Mr. President, parliamentary inquiry. When the Senate convenes tomorrow, what will be the unfinished business? Will the remaining time be allocated under the cloture motion, which entitles Members to speak for up to an hour in the post-cloture period?

The PRESIDING OFFICER. Under the unanimous consent, the Senator is correct.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, could the Chair state what the business will be when we come back in the morning, whether it will be the unexpired time on the cloture motion, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. It will require consent to move off that to consider other business, is that correct?

The PRESIDING OFFICER. It will require either consent or disposition of the clotured item.

Mr. KENNEDY. Would that be a time for Members who have been waiting here for 5 hours this afternoon and denied the right to speak—at that time would they have an opportunity to object to further Senate business until they have had an opportunity to address the Senate? Would that be in order?

The PRESIDING OFFICER. Any Senator has the right to object.

Mr. KENNEDY. Mr. President, I want to indicate that I will object at that time.

The PRESIDING OFFICER. The majority leader.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I believe the yeas and nays have been asked for, and there was a sufficient second.

The PRESIDING OFFICER. Regular order is the question on agreeing to the motion.

The clerk will call the roll.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. I don't believe I have the floor to yield, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Hollings

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The motion was agreed to and at 6:27 p.m., the Senate adjourned until Thursday, September 17, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1998:

THE JUDICIARY

WILLIAM J. HIBBLER, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE JAMES H. ALESIA, RETIRED.

MATTHEW F. KENNELLY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE PAUL E. PLUNKETT, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

JOHN H. SIEMENS, 4199
WILLIAM R. PERRIN, 8309
MICHAEL J. SKIRCHAK, 0461
ROBERT E. DUNN, 2126
WILLIAM S. CHEEVER, 4699
COLLIN S. CAMPBELL, 1537
TIMOTHY L. BELTZ, 8866
DAVID G. WESTHOLM, 2869
JOHN M. HOLMES, 5159
BRIAN M. SALERNO, 9984
CYNTHIA A. COOGAN, 5470
MICHAEL G. WALLACE, 5012
RANDOLPH C. HELLAND, 5950
JOHN A. SCHOTT, JR., 4250
GARY F. GREENE, 2547
GEORGE E. HOWE, 8092
THOMAS W. SPARKS, 2664
CATHERINE M. MCNALLY, 3637
BLAINE D. HORROCKS, 9766
PETER L. SEIDLER, II, 1966
PHILLIP J. HEYL, 2171
ROBIN K. KUTZ, 3271
ROGER D. GIBSON, 0564
RICHARD F. BESELER, 8899
DAVID GLENN, 6219
JOSEPH L. NIMMICH, 4100
RAYMOND E. SEEBALD, 6712
KEVIN E. SCHUMACHER, 8003
JAMES M. HASS, IV, 6847
DAVID P. PEKOSKE, 8824
PAUL F. ZUKUNFT, 8589
ARTHUR L. HALVORSON, 7079
RICHARD P. YATTO, 5944
JEFFREY Q. GAMBLE, 7438
MICHAEL R. MOORE, 6202
ROBERT S. BRANHAM, 1485
EDWARD S. CARROLL, 2193
RONALD B. HOFFMAN, 5844
DALE E. WALKER, 2172
KEITH G. JOHNSON, 1074
CRAIG E. BONE, 3638
ROBERT L. MCLAUGHLIN, 0725
LARRY E JAEGAR, 8642
SCOTT E. HARTLEY, 0009
ROBERT L. LACHOWSKY, 0833
KEVIN P JARVIS, 2687
THOMAS R. RICE, 2857
MARK J. CAMPBELL, 5411
ERNEST W. FOX, 4187
JOHN C. MIKO, 3771
BURTON S. RUSSELL, 7946
MICHAEL P. SELAVKA, 1567
DOUGLAS D. WHITMER, 7782
EDWARD D. NELSON, 8491
THEODORE P. MONTGOMERY, 5108
DAVID S. BRIMBLECOM, 1149
BRUCE A. DRAHOS, 6283
ROBERT C. PARKER, 6188
RONALD E. KILROY, 4018
FRANCIS X. OBYRNE, JR., 1290
JOHN S. BURHOE, 6101
JEFFREY K. KARONIS, 2473
DAVID M. ILLUMINATE, 7596

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. CANAVAN, 1461

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. SCHUSTER, 8090

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE DIRECTOR, NATIONAL IMAGERY AND MAPPING AGENCY DESIGNATED AS A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 441 AND 601:

To be lieutenant general

MAJ. GEN. JAMES C. KING, 5063

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 14502:

To be captain

THOMAS E. KATANA, 3506

HOUSE OF REPRESENTATIVES—*Wednesday, September 16, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 16, 1998.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With the psalmist of biblical times we wish to begin our day by making a joyful noise to You, O God, by serving You with gladness and by coming into Your presence with singing. We know too that there are times when there is no singing, no gladness and our voices are muted with uncertainty. At all the moments of life may we sing the words of Isaac Watts, "O God our help in ages past, our hope for years to come." O God, may Your good spirit of thanksgiving and gladness enter each person's heart and may Your reconciling blessing touch us day by day with peace and mercy and love. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. MENENDEZ) come forward and lead the House in the Pledge of Allegiance.

Mr. MENENDEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

THERE ARE CONSEQUENCES OF FORGIVEN SIN

Mr. SHIMKUS. Mr. Speaker, there have been numerous discussions on God's ability to forgive sin. All sin. Forgiveness through Christ is complete. Absolute.

However, the bible is replete with the consequences of forgiven sin. Follow the children of Israel as they take their 11-day journey to the promised land, only to be turned back, forced to wander for another 40 years. King David's illicit relationship with Bathsheba ended in the death of his child and the challenge to the throne by another child. The thief on the cross asked and received forgiveness, but he still died on the cross for his transgression.

There are consequences of forgiven sin.

SAUDI ARABIA MUST TAKE RESPONSIBILITY FOR THEIR DEBTS

Mr. MENENDEZ. Mr. Speaker, Hill International is a New Jersey company who has sought to resolve a $55 million claim with the Kingdom of Saudi Arabia dating from the 1970s for work performed on a power and desalinization plant.

There is no question that the work was finished, because the plant is in operation today. The issue is whether or not the Kingdom of Saudi Arabia and Prince Bandar will step forward and pay for the services they received.

Now, I come to the floor today, with many of my colleagues, out of sheer frustration. After 3 years of asking, Members have not been able to get a meeting with Prince Bandar. Our government should stand up for U.S. companies and citizens who are economically hurt by foreign countries.

How long will Members of Congress have to wait before we can have a meeting? Prince Bandar and Crown Prince Abdullah will be in Washington in just a few days. I hope that they will honor our long-standing request for a meeting and, more importantly, I hope that Saudi Arabia will meet its obligation to pay for what work was done, as is observed under international rules and law.

Saudi Arabia should pay the claim of this U.S. company who did the work and should be paid.

HILL INTERNATIONAL DESERVES TO BE PAID FOR WORK DONE

Mr. SAXTON. Mr. Speaker, just as the previous speaker, I rise on behalf of one of my constituents, Hill International, a company which has fought for over a decade to collect a debt from the Kingdom of Saudi Arabia. It is an unpaid debt which has been unfairly withheld.

In the early 1980s, a subsidiary of Hill International, Gibbs & Hill, successfully completed a desalinization plant in Yanbu City, Saudi Arabia, yet were never paid the $55 million due them for the work. Despite all the work put in by Members of Congress to encourage the settlement of this claim, and despite repeated promises that the claim would be paid, the kingdom of Saudi Arabia has yet to pay this overdue bill.

I also find it troubling that our own administration has been unable or unwilling to actively assist the U.S. company against a foreign government. Where is the State Department in this fight?

Fifty-five million dollars may seem like spare change to the Saudis, but it means something to Hill International, just as it would any hardworking company of the United States. I rise to say that I will not rest until the debt is paid.

SAUDI ARABIA NEEDS TO RESOLVE U.S. COMPANY'S CLAIM OF UNPAID DEBT

Mr. DEUTSCH. Mr. Speaker, I, too, join my two previous colleagues on the floor this morning, really out of absolute frustration. I came to the House 6 years ago and was involved in trying to help resolve this claim by Hill International with the Saudi Government. And here, for me personally, 6 years later, we are still at that point.

This is the only one of 19 claims filed against the Saudi Government by American companies in the 1980s that still remains unpaid. Over the last 5 years, literally dozens of Members of Congress have vocalized their support for resolution of this final claim but have received nothing but empty promises from Saudi Arabia's Ambassador to the United States, Prince Bandar.

A former member of this chamber, Bill Emerson, in 1995, met with Ambassador Bandar and was asked to broker a compromise agreement to the claim. Despite Representative Emerson's diligent efforts to implement this compromise before his passing, Ambassador Bandar has refused to honor this gentleman's agreement.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Over the last year, Prince Bandar has repeatedly committed to meet with the gentlewoman from Missouri (Mrs. JO ANN EMERSON) in an effort to conclude this matter, but has been unwilling to set a date. How long must this American company continue to wait? We need to get this settlement resolved.

AMERICA NEEDS A NATIONAL MISSILE DEFENSE SYSTEM

Mr. GIBBONS. Mr. Speaker, there are few issues which separate liberals and conservatives in dramatic fashion. Taxes, of course, is one; and crime is another. But defense and national security issues also illustrate two sharply different visions, different world views, which distinguished conservatives from liberals.

Liberals just love arms control agreements. They put almost boundless faith in a piece of paper between America and countries which are hostile to everything we hold dear, and they take great comfort in the ability that these agreements are going to keep America safe.

Conservatives, on the other hand, look at all of human history and are skeptical of such agreements, instead placing stronger and greater faith in a strong and secure defense.

Given these two world views it is time to reexamine our current vulnerability to ballistic missile attack. There is a piece of paper that exists to assure us that America is safe from a ballistic missile attack, but this is deliberate policy of vulnerability to ballistic missile attack and it is both foolish and dangerous.

It is time that conservatives act with prudence and demand that Americans be protected by building a strong national missile defense system.

NEW REPORT INDICATES WHAT U.S. STUDENTS DO NOT KNOW

Mr. TRAFICANT. Mr. Speaker, a new report says that American students just do not know: 70 percent do not know the name of the Vice President; 40 percent do not know the three branches of government; 25 percent do not know what the fifth amendment means; and only 2 percent know the name of the Chief Justice of the United States Supreme Court.

On the other hand, 99 percent know Michael Jordan, 99 percent know Mark McGwire, and 60 percent of American teenagers can cite all three names of the Three Stooges. Is it any wonder American students rank 14th around the world in achievement test scores?

Beam me up, Mr. Speaker. It is a sad day when more teenagers know Monica Lewinsky than Judge Rehnquist. And it is a sadder day when more teenagers know Larry, Moe, and Curly than reading, writing, and arithmetic.

Think about that one.

DOLLARS TO THE CLASSROOM

Mr. WELDON of Florida. Mr. Speaker, we are all concerned about educating our Nation's children. For 30 years the Federal Government has been creating big Federal programs to try to improve education. It has resulted in lower scores and more bureaucracy.

Federal education dollars should go directly to the classroom and to teachers, not to State and Federal education bureaucracies. By passing H.R. 3248, Dollars To The Classroom, we can send these dollars to teachers who know the names of our kids.

The Dollars to the Classroom Act block grants 35 K-through-12 education programs and requires that 95 percent of these funds are made available to kids and teachers in the classroom. Under the Dollars to the Classroom Act, $800 million more will be spent directly on classrooms in America. That is almost $10,000 per school, $425 for each classroom.

Just imagine what our teachers could do with an additional $425 to spend directly on their students' learning each year. Pass Dollars to the Classroom.

AMERICAN PEOPLE SHOULD BE ASKING CONGRESS WHAT THEY ARE NOT DOING

Mr. WISE. Mr. Speaker, there are 37 members of the Committee on the Judiciary, about 8 percent of this Congress. That leaves 398 Members of the House that could be working on some other matters. Yet today, September 16, 2 weeks before the end of the Federal fiscal year, incredibly, there is no budget. Months late.

Over 70 percent of the American public are in some kind of managed care plan, and yet this Congress has not passed a meaningful Patients' Bill of Rights to protect them.

Russia is falling apart, the Asian economy is in the tank, South America is teetering, and every American who has a stock thrift plan has seen their retirement drop 15 to 20 percent in the last few weeks, and yet no congressional action.

The Committee on the Judiciary's job may be to investigate whether something was done, but the American people should be looking at Congress and asking about what is not being done.

USING SOCIAL SECURITY SURPLUS FOR TAX CUTS IS WRONG

Mr. NEUMANN. Mr. Speaker, I rise this morning to talk about a very important issue. I just left a Republican conference, and they talked about a dynamite tax cut bill, and I think most Americans would support this tax cut proposal with the exception of one very important detail: Instead of finding spending reductions so we can reduce spending and reduce taxes, this time, for the first time since I have been here, they are going to use Social Security surpluses for tax cuts.

There is no business in America that would go to their pension fund, take money out of the pension fund, and use it for pay raises. So why does Congress think that they can use Social Security surpluses for tax cuts? This is a totally unreasonable proposal.

I would like to make it very clear that this is different than the 1997 tax cut package. In 1997, we reduced spending and we reduced taxes. That is good. But in 1998, we are about to reduce taxes by utilizing Social Security surpluses that belong put away for the safety and security of Social Security for our senior citizens, and that is wrong.

I conclude this morning by asking the Republican leadership to reconsider asking for a vote that is going to put Members in this Chamber in a position where they have to choose between protecting Social Security for our seniors and cutting taxes for American people, both very good objectives.

SO-CALLED FEDERAL BUDGET SURPLUS IS FUTURE SOCIAL SECURITY TRUST FUND

Mr. DEFAZIO. Mr. Speaker, to follow on the comments of the person preceding me in the well, there will be much fanfare this September about the looming budget surplus, no end of ideas on how to spend these monies. That side of the aisle is going to promote tax cuts, with the exception of the gentleman who spoke before me.

Let us get some facts: 73 percent of the American people pay more in Social Security taxes than income taxes. We all pay this tax, knowing it goes to support our parents, our grandparents, the disabled, and, hopefully, ourselves, when we retire. This year Social Security will have a $90 billion surplus.

Guess what? The so-called Federal budget surplus is the future Social Security trust fund. If we spend it today on tax cuts, it will not be there tomorrow for America's retirees.

We better step back and think about that before we jam this bill through in an attempt to get reelected and be popular in an election year at the cost of the future of Social Security.

THERE IS NO REAL SURPLUS TO GIVE TAX CUTS

Mr. PALLONE. Mr. Speaker, I want to follow up on what the previous speaker said, not only my Republican colleague from Wisconsin, but also my Democratic colleague from Oregon.

Seniors understand, when we talk to them and when we have town meetings, that there is essentially no surplus; that the so-called surplus that we talk about is essentially what is owed to Social Security, and that we have to pay back a lot of money to the Social Security trust fund over the next 5 or 10 years if we are to have enough benefits to pay out to Social Security recipients.

That is why this Republican tax proposal is really the wrong way to go. What will happen, essentially, is that we will, in fact, increase the debt and, ultimately, may have to raise taxes in order to provide the benefits that Social Security recipients need.

So what I say is we spent a lot of time last year on a bipartisan basis to pass a Balanced Budget Act. We have a balanced budget, but we still have this problem that we have to pay back Social Security. We do not have a surplus. We do not have one to spend.

Let us not, in the few weeks we have here in this Congress, waste our time trying to kid the American people that somehow we are going to give them tax relief. It is not really there to spend.

□ 1015

FEDERAL ROLE IN EDUCATION

Mr. ALLEN. Mr. Speaker, I oppose the so-called Dollars to the Classroom Act which would turn critically important elementary and secondary education programs into one giant block grant.

Republicans want to eliminate 31 programs that work, including the Eisenhower professional development grants, women's educational equality, school-to-work, and gifted and talented education grants.

In the last Congress, Republicans tried to eliminate the Department of Education. Today they are trying to kill any chance of Federal leadership in education. Education is primarily a State and local responsibility. But the President and the Congress must provide national leadership on national issues and no issue is more important than improving education for our kids. Instead of focusing on what works, reducing class size, improving school facilities, raising standards and improving the training of our teachers, the Republicans want to destroy critically important programs. Do not let them succeed. Oppose H.R. 3248.

SOCIAL SECURITY

Ms. STABENOW. Mr. Speaker, Social Security is a 60-year success story that all Americans should be proud of. Prior to Social Security enactment, over 50 percent of our retirees were in poverty. Today it is less than 10 percent. We have an opportunity now to take the next step to protect Social Security for today, for tomorrow, for the future generations to come. But we are in jeopardy this week. We have heard from my colleagues this morning about efforts to take future Social Security trust fund dollars and place them into tax cuts. We last year all voted together, a majority of Republicans and Democrats, to provide a $95 billion tax cut within the context of a balanced budget. I supported that. I want to move forward and continue to do that. But I will not vote for tax cuts that remove critical dollars from the future of Social Security. That is irresponsible. I call upon my colleagues to save Social Security first before any effort is made to proceed on tax cuts. The future of Social Security is just too important to all Americans.

90–10 TAX CUT PLAN

Mr. TIAHRT. Mr. Speaker, the chairman of the Committee on Ways and Means the gentleman from Texas (Mr. ARCHER) has just released a bold new tax cut package for this Congress. It is called the 90–10 tax cut plan. It will improve the health of Social Security and cut taxes.

First we will set aside 90 percent of the surplus, to save Social Security, a surplus that will total about $1.4 trillion, and then we will use 10 percent of the surplus to cut taxes now. It is important to emphasize that we must cut taxes now. Already the liberals have ideas how they want to spend your money. Those who love big government do not think that the middle class ought to have tax relief. In fact they are against the whole idea of tax cuts, always and everywhere.

This tax package contains marriage tax penalty relief, it makes health care more affordable for many of those who cannot get it today, and it gives hard-hit farmers assistance at a difficult time. We were told that we could not balance the budget and cut taxes at the same time, but we did, just as we will save Social Security and cut taxes this time.

SOCIAL SECURITY

Mr. BONIOR. Mr. Speaker, I rise to answer my friend from Kansas if I might for just a second.

Democrats believe America deserves tax relief but the money should not come from the Social Security trust fund.

Now they are going to fool around this week and try to create a separate piece of legislation to bank this money, but the reality is what they want to do, the Republican plan is a sneak attack, it is reckless, it is short-sighted and it is irresponsible. It is a raid on the Social Security trust fund. It spends the so-called surplus that does not exist and it endangers the retirement security of future generations.

We have a clear responsibility. Save Social Security first. We need to strengthen the Social Security system. It is the only sensible and responsible course of action.

I encourage my colleagues to be opposed to anything that will dip in and raid the Social Security surplus in order to provide the program that they are advocating.

WELFARE REFORM

Mr. GUTKNECHT. Mr. Speaker, I have had the chance to visit a number of schools in my district. After one visit, I was surprised by one of the teachers who told me that she appreciated the welfare reform that this Congress passed back in 1996. So I asked her to tell me about that. And she said, well, there was this boy in her class, she said, let us call him Johnny. All of a sudden Johnny started to behave better. He had a better attitude, he was a better student. Everything about Johnny was better. Finally she asked Johnny, "Is there something different at your house?" And Johnny responded, "Yeah, my dad got a job."

Mr. Speaker, a job is more than the way you earn your living. A job helps to define your very life. Despite what some of our liberal friends claim, the real purpose of welfare reform was not so much to save money. It was about saving people. It was about saving families. It was about saving children from one more generation of poverty, dependency and despair. It has certainly made a difference in Johnny's life.

Mr. Speaker, what a difference a Republican Congress has made.

SOCIAL SECURITY

Ms. DeLAURO. Mr. Speaker, Social Security, the most successful domestic program in our Nation's history, is under attack. Sadly, this attack is coming from within. It is a sneak attack, coming from the Republican leadership, under the guise of tax cuts. Two-thirds of our country's elderly depend on Social Security for over half of their income. The Republican sneak attack will take $80 billion that we need to shore up the Social Security trust fund. They would rob the Social Security surplus. We cannot allow a sneak attack on Social Security while the Nation is preoccupied. That is what the Republican leadership is hoping for. We cannot let them get away with it.

Democrats support tax cuts, but tax cuts should not come from the Social Security trust fund. Our Nation's elderly depend on Social Security. Our children depend on it. Working families depend on Social Security. The $80 billion sneak attack will hurt all of them.

Mr. Speaker, let us save Social Security first.

STAND FIRM AGAINST TERRORISM

Mr. PITTS. Mr. Speaker, the Administration ought to be commended for taking strong action against Osama bin Laden and his many followers who are behind the recent terrorist attacks on American embassies in Tanzania and Kenya. Osama bin Laden is a traitor to Islam, and he has betrayed the commandments of his faith.

Chapter VI, verse 151 of the Koran states, "Take not life, which God hath made sacred, except by way of justice and law."

Terrorist attacks on our embassies have taken the lives of hundreds of innocent people, Americans and non-Americans alike. Osama bin Laden, like all terrorists, has engaged in a cowardly act and he does violence to the very religious principles he invokes. He offends the millions of devout followers of Islam who do not believe that the killing of innocent people has any role in a civilized society.

The Administration should stand firm against terrorism and strike back against the cowardly murderers who are a threat to free peoples everywhere.

SOCIAL SECURITY

Mr. McDERMOTT. Mr. Speaker, when I came to this House 10 years ago, the Republicans spent a lot of time telling us that we used the Social Security money to balance the budget. They said, "You're masking the deficit by moving that money over and using it to balance the budget."

Under President Clinton's leadership, we have brought the budget back into balance and there appears to be some surplus on the horizon. What do the Republicans want to do now? They want to take that money, not pay back Social Security but give it away in tax relief.

Now, when the chairman of the Committee on Ways and Means tomorrow rolls out this three walnuts game that you see at the county fair, where is the pea, the American people are going to watch their Social Security moved around so fast in two different bills, it will be designed to confuse them. They will put out a bill that says we want to put lots of money into balancing the Social Security, and then we just want this little teeny bit out here for a tax cut.

The first money that we have in surplus should go to pay for Social Security.

WE NEED ANTIMISSILE DEFENSE

Mr. CUNNINGHAM. The gentleman fails to remember that it was the Democrats that increased the tax on Social Security in 1993 and it was the Republicans that saved us from dipping out of the trust fund so it would not go bankrupt.

But I am here to talk about the missile that North Korea fired and its importance. Most of the press reports that the missile can reach the United States, some 3,300 miles. That is true. But tactically the THAAD and the Upper Tier, the Upper Tier is the Navy antimissile defense program, THAAD with the Air Force, any time we have a ship, say if South Korea is invaded, we cannot bring our carriers north of Cheju which is on the southern tip. That means they can be hit. Our forces deploy out of Japan and Taiwan. They can be hit there as well. So it is not just the threat of a missile reaching the United States. It can reach all of the ports to where we deploy against any country. That is important. That is another reason why we need antimissile defense.

APPOINTMENT OF CONFEREES ON H.R. 4104, TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HOYER. Mr. Speaker, have the conferees been appointed?

The SPEAKER pro tempore (Mr. UPTON). Not quite yet.

Without objection, the Chair appoints the following conferees: Messrs. KOLBE, WOLF and ISTOOK, Mrs. NORTHUP, and Messrs. ADERHOLT, LIVINGSTON, MCDADE and HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY.

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I ask unanimous consent to offer a motion to instruct.

The SPEAKER pro tempore. Is there objection to the gentleman from Maryland offering a motion at this time?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 4104, be instructed to insist on the House position providing $2,828,000 for forensic and related support of investigations into missing and exploited children.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 30 minutes and the gentleman from Arizona (Mr. KOLBE) is recognized for 30 minutes.

Mr. HOYER. Excuse me, Mr. Speaker, I apparently had two motions in my hand. That is the incorrect motion.

Mr. Speaker, I ask unanimous consent to withdraw the incorrect motion and to offer the correct motion.

The SPEAKER pro tempore. The gentleman withdraws the motion. The Clerk will report the second motion.

The Clerk read as follows:

> Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 4104, be instructed to insist on the Senate position providing $3,250,000,000 for emergency expenses relating to Year 2000 conversion of Federal information technology systems.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland to offer this motion to instruct?

Mr. KOLBE. Mr. Speaker, I reserve the right to object at this point, under my reservation, Mr. Speaker, we have gone through a little bit of backing and forthing on this motion. I was quite prepared on the last one, which is one that we had had some discussion about, to accept that.

☐ 1030

But I am not inclined to accept a unanimous consent agreement on this particular motion. I would be willing to, on the one that was previously offered, to accept a unanimous consent agreement.

Mr. OBEY. Mr. Speaker, would the gentleman yield under his reservation of objection?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, before the gentleman reaches that conclusion, I would urge him to consult with the central office of the committee. I have been asked routinely to approve unanimous-consent requests to facilitate the needs of the majority and have given that unanimous consent on numerous instances, sometimes over the objections or at least in the teeth of concern of our own party leadership. We can rapidly have that kind of cooperation come to an end, if that is what the other side prefers.

Mr. KOLBE. Reclaiming my time and further reserving the right to object, I would say to the gentleman from Wisconsin (Mr. OBEY) that I appreciate the assistance that the minority has given in facilitating our consideration of the appropriation bills and the motions to instruct conferees and to get us moving to conference as quick as possible, but I do not think that is the question that we have here. The motion was not made in a timely fashion, it is one that I object to, and it is not one, is not our position, does not represent our position.

Mr. OBEY. Mr. Speaker, will the gentleman continue to yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to point out that just yesterday I agreed to a motion to roll a number of votes in order to facilitate the Republican conference. The gentleman from Maryland (Mr. HOYER) was in our conference. We have a rather serious issue before this House, and I think it is understandable that people be pulled in different directions. But if procedural cooperation is going to break down on a minor matter like this, we are going to have a terrible time getting to the right conclusion on appropriation bills before October 1.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to say to my friend, the gentleman from Arizona (Mr. KOLBE), with all due respect, obviously I had two papers in front of me, thought I had picked up this motion, and very frankly I want to tell my friend he thought that I was offering the motion there now.

Mr. KOLBE. Reclaiming my time, Mr. Speaker, the gentleman is correct.

Mr. HOYER. And, Mr. Speaker, the gentleman from Arizona did not offer objection. I made a mistake in picking up the wrong piece of paper, having thought the staff had already handed it to the desk, the proper motion. When the incorrect motion, the motion the gentleman and I also discussed, was read, my staff pointed out that I had handed the incorrect paper.

Mr. Speaker, I want to tell my friend I understand his problem. But I also want to tell my friend that we are now cutting a very fine point in terms of knowing full well that I had talked to the gentleman about the motion, I picked up the wrong piece of paper, and I would hope my friend would not put me in a position or the House in a position of an inadvertent picking up of the wrong piece of paper puts us in a position where procedurally we will now be, I think, responding in a way that I think is not going to facilitate the work of the House.

Mr. KOLBE. Mr. Speaker, reclaiming my time under my reservation of objection, the gentleman is correct. Only moments, not even minutes, almost seconds before we began this discussion we got the revised or the new motion to instruct, and it was obviously different than we have been led to believe earlier. And it is true that when the gentleman from Maryland (Mr. HOYER) went down with the piece of paper I did think it was going to be the revised motion to instruct, however I was considering at that moment whether I should object to that. I did not. This gives me another opportunity to at least raise this.

I would like to at least ask either the gentleman from Maryland or the gentleman from Wisconsin about whether or not we would be able, if we are going to use this motion, this revised motion dealing with Y2K, whether we would be able to expedite the discussion on this so that we would not require a lot of time here on the floor this morning.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, although I have not consulted with our ranking member, the gentleman from Wisconsin (Mr. OBEY) I think I speak for Mr. OBEY, and he is here, he can speak for himself obviously, but it is not our intention to debate this at any length. Very frankly, we think this issue is known to the House, known to the Senate, and we believe this ought to be done very quickly.

Am I correct?

Mr. OBEY. Mr. Speaker, will the gentleman continue to yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I have not even yet seen the motion of the gentleman from Maryland. I trust his judgment on it, and I understand the thrust of it, and I agree with it. But there are some other fairly important issues that all of us have to tend to these days, and I think we all need to give each other a little bit of running room on these questions.

Mr. KOLBE. Mr. Speaker, I would agree with that, and I think that is what I want to accommodate and I am trying to accommodate here, and if there is an understanding that we can expedite this discussion making, and we had a full discussion on this, I might add, on the floor during the debate on the bill on this exact issue, and if we can understand that there would not be the gentleman's suggestions of other procedural road blocks being thrown up at this point, then I would withdraw my objection if that is agreeable with both sides.

Does that understanding conform to the gentleman from Wisconsin as well?

Mr. OBEY. Yes, and I appreciate the gentleman's removal of his objection.

Mr. KOLBE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The Clerk read as follows:

> Mr. HOYER moves that the managers on the part of the House at the Conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill H.R. 4104 be instructed to insist on the Senate position providing $3,250,000,000 for emergency expenses relating to Year 2000 conversion of Federal information technology systems.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) will be recognized for 30 minutes and the gentleman from Arizona (Mr. KOLBE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to thank the gentleman from Arizona (Mr. KOLBE) for his consideration. Frankly, I did not stand up in time, we all know that, and that was my fault. But the issue that has been raised is a serious one. The gentleman is correct, we have discussed it at length. There is an emergency situation as it relates to making sure that in the year 2000 that our computers in the Federal Government whether they be FAA comptrollers or whatever else they may be, are ready to make that transition from this century to the next. The Senate has obviously tried to accommodate that and ensure that both the Defense Department and all other departments of government have sufficient resources to accomplish that objective. We believe the Senate was correct, and we would urge the House to agree with the Senate's position and so instruct the conferees.

Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE).

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct and that I might include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the.

There was no objection.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that this issue was completely debated on the floor of the House when our bill was considered in July. It is, as the gentleman from Maryland (Mr. HOYER) has suggested, an extraordinarily important issue. When we say "Y2K" we are talking about the transition of our electronic and computer systems to the new millennium. We have shortened that terminology to an acronym, Y2K. I tell you this so that those who are listening or reading this debate at a later time might understand what we mean when we say "Y2K".

There is no question that the debate over how we handle Y2K is extraordinarily important. It is also a difficult issue for the Federal Government and for the private sector. I think that we have much on our side to commend itself. The United States is probably well ahead of where many other countries are. We are behind in government efforts compared to the private sector, particularly the banking industry. But we are ahead of the efforts of other governments.

On the other hand, we get constant revisions in the amount of money that is going to be required for this program. Let me just review for my colleagues the estimates the Office of Management and Budget, which has the overall responsibility for this problem. Here is what they have estimated, going back, not very far, to May of last year. In their first quarterly report in May of 1997 they said the fix was going to take about $2.8 billion. They revised that the next quarter, in August, to $3.8 billion; that was an increase of 1 billion. They revised that in the third quarter, in November, to 3.9 billion; that was an increase of only $100 million. They revised it in the fourth quarter to $4.7 billion, an increase of 800 million. They revised that in the fifth quarterly report, in May of this year, to $5 billion. Now we saw an increase of another $300 million. And now we have in this sixth quarterly report an estimate of $5.6 billion, another $460 million increase.

And so, Mr. Speaker, I would just point out that we have a lot of money that is involved in this issue. What we have decided, what the Republican leadership has decided, I think wisely so, is to include this with all of the other issues dealing with emergency supplemental appropriations. I know the gentleman from Maryland was with us yesterday when the Members of the House Committee on Appropriations listened to the State Department talk about the requirements for embassy security. So, we have funds for embassy security facing us as an emergency supplemental. Then, we also have farm aid as a possible emergency appropriations, we have Bosnia, and then we have the Y2K. So all of these issues are clearly going to have to be dealt with before this Congress adjourns, before the 105th Congress becomes history.

We have begun those discussions with the Senate, with our counterparts in the Senate at the subcommittee level. Discussions are occurring at the chairmanship level, and it is happening at the leadership level. We know this matter must be dealt with. We recognize it is something that must be dealt with, but we also believe that it ought to be dealt with in an emergency supplemental that is separate from this appropriation bill so that we can look at these issues separately.

So I would just urge my colleagues to defeat this motion with a full understanding that none of us, none of us, are making light of the seriousness of this matter. Indeed some of us have made it very clear that we believe the Office of Management and Budget and the White House has not given this matter the consideration that it deserves, and we have been urging them to give it more attention.

But I do not believe that this motion to instruct helps us to move along the path where we need to get in order to have a resolution of this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the chairman has articulated the issue very well. I explained it as well. The reason this motion is being offered at this time, however, is fairly straightforward.

The reason is that we had this debate in July. That is now some 2 months ago, 60 days ago. We were told that this matter was going to be resolved and that agencies would have appropriately the expectation they would have sufficient resources to meet this challenge.

I tell my friend that this is not solved. The Senate has tried to solve it, but we have not solved it on this side, and we are 60 days later, some 2½ weeks or 3 weeks with I guess about 12 legislative days left in this session supposedly, at least until we adjourn subject, perhaps, to the call of the Chair. We are only a few short legislative days from adjournment.

This matter must be resolved. We must address it. The Committee on Appropriations, the gentleman's subcommittee, Mr. Speaker, and the full committee recommended that we resolve it in exactly the way that the Senate has proposed. Exactly. It is my understanding the Republican leadership, the chairman of our committee and our subcommittee took this action. This is exactly what we proposed.

Now I say to my friend, the gentleman from Arizona, A, I appreciate his allowing us to move forward on this issue, but B, that it is time for us to ensure that this objective is accomplished. If it is not, the losers will be the American public, and the reason we have offered this motion is because contrary to the intention that I think was a good-faith intention expressed by the majority leader on the floor that this would be resolved before the August break, it was not, and we must resolve it.

I would hope the Members of this House, therefore, would approve this motion and that in committee and in conference, Mr. Speaker, we could exceed to the Senate position, which is, I believe, the responsible position to meet this emergency.

☐ 1045

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Maryland (Mr. HOYER) has the right to close.

Mr. HOYER. Mr. Speaker, I think I just did, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 537

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by Representative Hastert of Illinois, and a Member opposed to the bill. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendments, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule makes in order as an original bill for the purpose of amendment, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, and considers it as read.

The rule waives clause 7 of rule XVI, prohibiting nongermane amendments, against the amendment in the nature of a substitute.

Yesterday, the Committee on Rules met and granted a modified open rule for H.R. 4300, the Western Hemisphere Drug Elimination Act.

The rule provides for 1 hour of general debate equally divided between the gentleman from Illinois (Mr. HASTERT) or his designee, and a Member opposed to the bill. The rule provides a 3-hour time limit on the amendment process.

The rule permits the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

The rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first series of questions shall not be less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, teenage drug use in this country is now a national crisis. Since 1993, drug use among teenagers has doubled in the United States. Among high school seniors, marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent. It is time our country made this drug crisis a national priority. As the mayor of Charlotte, North Carolina, I attended far too many funerals for children who were killed by drug violence. I do not want to attend another one.

This week, we will continue this Congress's serious campaign to win the war on drugs. We have committed to win this drug war in 4 years, like we won World War II in 4 years. This week, we will consider several pieces of legislation to both reduce the domestic demand for drugs and to stop the flow of drugs into the country.

The Western Hemisphere Drug Elimination Act will beef up our drug interdiction efforts by providing for the purchase of additional planes and ships to stop drugs at the borders. In addition, the bill provides anti-drug assistance to the Governments of Colombia, Peru, Bolivia, and Mexico. If they have our help, they have been proven to do a good job in giving the support necessary to stop those drugs from leaving their country.

H.R. 4300 is a good, noncontroversial bill. It will reduce the supply of drugs in America, it will drive up the price, making it harder for teenagers to buy.

Mr. Speaker, I urge my colleagues to support this rule and support the underlying legislation. This is an open rule with a generous time cap on amendments.

Mr. Speaker, I would like to enter into the RECORD a statement of the gentleman from California (Mr. MCCOLLUM), who is also very active in this work.

Mr. Speaker, this is the statement of the gentleman from Florida (Mr. MCCOLLUM):

> Mr. Chairman and members of the Committee,

he is speaking regarding a bill introduced by he and his colleagues on the Speaker's Task Force for a Drug-Free America.

> The purpose of H.R. 4300 is to supply a comprehensive supply eradication and crop substitution program in the narcotics source countries of Colombia, Peru and Bolivia, as well as to fund enhanced drug interdiction efforts in the transit countries in the Caribbean, Central and South America.
>
> H.R. 4300 was introduced on July 22 of 1998. It was referred to the Committee on International Relations; in addition, the bill was referred to the Committees on Ways and Means, Judiciary, National Security, and Transportation. The respective chairmen of all of these committees, as well as the chairman of the Agriculture Committee, have sent waiver letters to the Speaker on H.R. 4300. Substantial efforts have been made in developing H.R. 4300 with the full and informed participation of committee staff from each of the six affected committees, as well as the Task Force for a Drug Free America led by Chairman Hastert.
>
> The Congressional Budget Office has conducted a preliminary assessment in coordination with the House Budget Committee and has determined that there are no pay-as-you-go issues contained within H.R. 4300. We expect a full written assessment from CBO on the costs associated with the bill by the end of the week.
>
> Some of the major provisions of H.R. 4300:
>
> It provides approximately $2.3 billion through the fiscal years of 1999, 2000 and 2001.
>
> It significantly expands U.S. aircraft, maritime and radar coverage and operations in drug source and transit zones.
>
> It substantially enhances the counternarcotics capabilities of the Customs Service, the Coast Guard and the DEA in terms of personnel, equipment and training.
>
> It funds increased drug eradication assistance to Colombia, Peru, Bolivia and Mexico.
>
> It funds increased drug interdiction assistance to Brazil, Colombia, Bolivia, Peru, Ecuador, the Caribbean and Central America.
>
> It encourages the use of new technologies to detect narcotics in transit and to destroy coca and opium poppy in the source zones.
>
> It funds alternative crop development in Colombia, Peru and Bolivia.
>
> It supports the establishment of international law enforcement academies for Latin America and the Caribbean, Asia and Africa under the auspices of the Justice Department.
>
> It supports the establishment of an international maritime law enforcement training center under the auspices of the Coast Guard and the Customs Service.
>
> It advocates a new prioritization for the Defense Department to treat international drug interdiction to be as important as peacekeeping.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time, and I yield myself such time as I may consume.

This resolution 537 is a modified, open rule. As my colleague from North Carolina has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the gentleman from Illinois (Mr. HASTERT) or his designee and a Member opposed to the bill.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. However, the amendment process is limited to a 3-hour limit.

Mr. Speaker, illegal drug use is widely considered to be a major problem in our country. More than 11 million Americans buy illegal drugs and use them more than once a month. These drugs contribute to crime, lower productivity, and health problems.

This bill authorizes $2.3 billion over 3 years for equipment, personnel, and training to reduce the flow of illegal drugs into the United States.

This bill spends money to buy aircraft for the U.S. Customs Air Wing and for helicopters for the Colombian National Police. The bill also spends money to establish an air base to support U.S. counternarcotics operations and for international law enforcement academies.

Mr. Speaker, I join my colleagues on both sides of the aisle in supporting the war against drugs, and I hope that this bill will make a meaningful contribution. However, I believe that this legislation would have been improved if it had gone through the normal committee process, and though it was referred to five different committees, none held hearings, received formal administration comment, issued a report, or even received a cost estimate from the Congressional Budget Office on this bill.

Had hearings been held, a number of issues might have been raised, such as: Could some of the money end up supporting foreign military forces accused of human rights abuses? Was the bill fully coordinated with existing Federal anti-drug programs? Where will the money come from to pay for these new programs?

Mr. Speaker, these are serious questions, and I would be more comfortable if they were addressed through the normal committee process, considering the enormous amount of money that we are spending. At least under the rule, Members will have 3 hours to raise these and any other issues that are important to them and to their constituents.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mrs. MYRICK. Mr. Speaker, I yield so much time as he may consume to the gentleman from Illinois (Mr. HASTERT), who is the head of the Speaker's drug task force for a drug-free America.

Mr. HASTERT. Mr. Speaker, I thank the gentlewoman from North Carolina and certainly the gentleman from Ohio who are bringing this rule to the House floor.

Mr. Speaker, this process was kind of complicated. We crossed the jurisdictions of about six different committees. There have been years of various testimony in hearings that have gone on over the last 3 years that I have been involved in this issue.

Certainly there have been multiple visits to sites, in this case, in this bill, south of our border in places like Mexico and Colombia and Peru and Bolivia and other areas such as Puerto Rico and the Bahamas and other areas, even in Europe as we see drugs being moved across and actually traded by terrorists across the Middle East and also finding their way into our markets.

It is a very complex thing. It is a lot of work by the FBI and the DEA and other law enforcement agencies. The people who do the work beyond our borders are Americans who give up their time and are away from families to fight the scourge of drugs in this country.

When you start to look at the whole issue of cutting off supply, which is really in harmony with the whole issue of demand reduction, we have to have both sides of the equation, try to stop demand, and we are going to debate that bill later on today, but to cut off supply is really cost effective. You can stop supply in places like Colombia and Bolivia and Peru and Afghanistan and even places like Myanmar.

Certainly it is the cost effective and the most effective way you can do it and least expensive. It goes back to the old adage of an ounce of prevention is certainly worth a pound of cure. I think we tried to do that for this bill.

This is an open rule. People have the time to be able to debate this and bring their ideas to the floor, and I certainly welcome it. I appreciate the gentleman from Ohio and certainly the gentlewoman from North Carolina in bringing this rule to the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, let me say I take a back seat to no one on the issue of drug control. I support all serious initiatives to rid our country in the hemisphere of the scourge of illegal drug trafficking and drug use.

I rise, however, as the ranking minority member of the House Committee on National Security to express grave reservations over the process, over the process under which this important bill is being considered. But I also consider myself a jealous guardian of the process and the rights and responsibilities of the Members of our institution as well as the committees they are on.

This bill has major and far-reaching national and international implications, along with a staggering $2.3 billion price tag. Yet, incredibly, House committee consideration has been totally eliminated from the process in which the bill is being brought to this floor.

No fewer than five committees, unfortunately, waive their jurisdiction over elements of the bill; and I for one would like to go on record as saying that this is an incredibly dangerous precedent to set here in the House.

My colleagues with whom I am privileged to serve on the House Committee on National Security on both sides of the aisle have made it their serious and thoughtful business to develop an expertise in matters of defense policy, including drug policy.

The same can be said of the expertise of other committee members in their areas of jurisdiction. We have a right and we have a responsibility to use the expertise in the careful consideration of any legislation which is referred to our committee, especially one so far-reaching as this bill.

The Chairman of the Committee on National Security, my good friend, my colleague, the gentleman from South Carolina (Mr. SPENCE) has made his reservation known to the Speaker by letter, and I thank him for that. But the waiver, nevertheless, has been granted, and now we usher in a process by which a task force is being formed and laid in the legislative cycle which circumvents all committees of jurisdiction and brings a major initiative to the floor.

There is no reason to believe that this will not occur again and more often in the future as the process succeeds today. As ranking member of my committee, I am greatly concerned that legislative consideration by task forces instead of by committees which has expertise in various areas on comprehensive measures will begin to supersede the normal process and degrade the purpose of service on our respective committees.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the past 2 years, there have been numerous hearings on significant opponents of H.R. 4300 in each of the committees of referral: the Committee on the Judiciary, Committee on International Relations, Committee on National Security, Committee on Ways and Means, Committee on Transportation and Infrastructure, as well as the Committee on Government Reform and Oversight.

I would just like to mention that, in the full Committee on International Relations in February of 1998, there was a hearing on U.S. narcotics policy to Colombia. March 31 of 1998, there was also another hearing on U.S. narcotics policy to Colombia; June 24 on Colombia and heroin. March 26, 1998, there was a markup, and it was for providing three Black Hawk utility helicopters to the Colombian national police to fight the war on drugs.

The GAO issued a report in February of 1998, drug control U.S. counternarcotics efforts in Colombia face continuing challenges. Then the Subcommittee on the Western Hemisphere on drug issues had two hearings, one in July of 1997 on antidrug efforts in the Americas and one August 6, 1998, which was a Colombia insurgency hearing.

So there have been hearings in these various committees, and it has had that hearing process adequately applied.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I, too, share the reservations of the gentleman from Missouri about interrupting the normal committee process with a major new initiative. However, the normal committee process, in my judgment, was a part of this task force from start to finish.

As chairman of the Subcommittee on The Coast Guard and Maritime Transportation, over the last almost 2 years, we have held several subcommittee hearings on the Coast Guard's ability to work with other agencies with the Defense Department, even with other countries to figure out a plan to interdict drugs coming into the Caribbean area, the Eastern Pacific, and the United States. I think what we have done is create a plan that needs to move forward. We can interdict drugs on the high seas.

At this point, I am convinced, this might sound astounding, but I am convinced that we as a country by about the year 2005 or 2006 can interdict 80 percent of the illegal drugs coming into this country across the high seas. It is possible to do that. We have the technology, the will, the initiative, and this is the first step in that direction. So I urge my colleagues to vote "aye" on this rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to House Resolution 537 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4300.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HASTERT) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is one part of the solution to the most insidious national security threat that we as a Nation face today. International drug trafficking is rampant across our borders, and unfortunately this does not affect our borders. It affects our street corners. It affects our neighborhoods. It affects our communities. It affects our children. It affects people in our workplaces. It affects people in our highways and our schools.

This bill is dedicated certainly to the 14,218 Americans, most of them are youth, who died last year directly from drugs and drug violence.

This bill aims to shut down drug growers and drug processors in places like Colombia, Bolivia, Peru, Mexico and Myanmar. Over the past 5 years, first-time use of heroin by kids ages 12 to 17 rose by 875 percent, an 875 percent increase. That means for every one child who tried heroin in 1992, more than 8 children tried it in 1997. That kind of explosion in drug use, in heroin, methamphetamine, marijuana and cocaine, is intolerable. It is immoral, destructive and fundamentally un-American. Worst of all, it is a tragedy of our own making.

Deep cuts, billions of dollars in cuts, are the hallmark in the early part of this administration. In 1993 alone, the White House slashed a billion dollars from drug interdiction programs. Today, our children, in their schools, on playgrounds, in after-school environments, are reaping the deadly harvest of those ill-advised cuts. This nation is awash in these poisons.

This bill does not solve the whole problem. A second major drug bill that will be up today, a prevention bill, focusing on drug prevention and treatment, is also a key to having long-term success in stopping drugs in this country and actually moving toward a drug-free America.

This bill, H.R. 4300, is the blueprint for reasserting U.S. dominance over drug traffickers and permanently shutting down the international drug trafficking cartels.

In summary, the sections of this supply-reduction bill do the following: They reduce drug use by enhancing aircraft, maritime and radar coverage in the source and transit zones by providing aircraft for the Customs Service; aircraft and ships for the Coast Guard; and by improving relocatable-over-the-horizon radar capabilities, especially in the Mediterranean and southeastern Pacific area.

This bill enhances the source country eradication capabilities by providing sorely needed aircraft to the Colombian National Police, as well as additional resources for Peru, Bolivia and Mexico. It enhances alternative development programs through the United States Agency for International Development for Colombia, Peru and Bolivia, and it also enhances counternarcotics research efforts at the Department of Agriculture.

International law enforcement training is enhanced by establishing international law enforcement training centers serving Latin America, Asia and Africa. Additionally, it provides for a United States Coast Guard international maritime training vessel to enhance law enforcement training and maintenance in the Latin American and Caribbean nations. The training provided under this bill is designed to foster cooperation under international law enforcement agencies which in turn will create more efficient counternarcotics efforts and intelligence in the regions.

□ 1115

Moreover, this bill also requires the submission of a report examining options on replacing Howard Air Force Base in Panama for use and support of counternarcotics in the source and transit zones.

This bill has been carefully drafted to address the shortfalls in the current counterdrug efforts. This is an important piece of legislation that will enable our law enforcement agencies to meet head on the surge of drugs flowing into the country and into our neighborhoods.

Mr. Chairman, I am proud to serve as an original cosponsor on this piece of legislation, and I commend my colleagues on their hard work in drafting this bill. Most specifically, I commend the work of the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. GOSS) in this area of trying to stop drugs flowing into our country and across our borders.

Mr. Chairman, one of the things we face today is a huge cost to our society, a cost in dollars. Almost $50 billion a year going off our street corners and school yards into the pockets of drug salesmen. That money flows through a system and ends up in the pockets of drug lords in other countries. We need to stop that. But we need to stop it by stopping the drugs moving into our country.

Certainly, if we can stop a pound of coca in Peru or a kilo of heroin on the mountain tops in Colombia, it is much more cost-effective and certainly proves the old adage of an ounce of prevention is worth a pound of cure. This is the design of this bill, to save the lives of those 14,000 kids who die over year on our street corners, the $90 billion of cost to our communities, our States, and this Nation to adjudicate and incarcerate, and all of those things that we have to do in the drug process.

This bill cuts across the jurisdictions of seven committees. It is a huge, holistic approach in trying to stop drugs coming across our border. It is time that we do this. It is important to do this, and it is probably one of the biggest threats to our national security.

Mr. Chairman, let me leave my colleagues with this one thought. If we lost 14,000 young men and women to an action by Saddam Hussein, if we lost 14,000 young men and women to an action in Bosnia or some place else on the face of the earth, this country would respond and would respond with all the vitality and all the vigor and all the energy that we could muster.

Well, we have lost 14,000 kids last year and every year and will in the years in the future. We need to stop it. We need to be strong. We need to address it, and this bill addresses part of that problem.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4300, the Western Hemisphere Drug Elimination Act. However, I want to caveat my support by noting my deep regret and the frustration with this measure in that it circumvented the committee process, including the Committee on International Relations on which I sit, and the four other committees to which it was referred.

All five ranking Democrats requested consideration and made clear that they were willing to work expeditiously in order to see H.R. 4300 reach the floor. These requests were ignored.

We have reached out to the majority over the last 2 years to work out a bipartisan policy that has received meaningful input from General McCaffrey. I do not understand why the majority did not work with us over the last 2 years to pass a bill and why it has sprung it on us in the last minute. By using this approach, our ability to get the funding to fulfill the promises in this bill is seriously diminished.

So, what we have before us is a rushed measure that makes many important policy changes and funding allocations with regard to a key U.S. national interest, sending it to the House Floor without consideration by the committees of jurisdiction. We have a bill that provides a highly detailed blueprint for equipping and training a number of countries, for establishing counterdrug centers and significantly revamping the process for making policy and assistance decisions in the counternarcotics area, but the legislative committees have been entirely bypassed in making these important decisions.

Second, the open attacks on the administration in the findings section are, I believe, intentionally incendiary and unhelpful. Our counternarcotics policy is something to be taken seriously. It is irresponsible to play partisan politics with such an important issue. All Members of Congress, Republican and Democratic alike, share the desire to rid the plague of narcotics from our schools and streets. This is not a way to conduct U.S. foreign policy or U.S. drug policy. Some may believe it is good politics, but it does not serve the American people well.

Mr. Chairman, on the substance of the bill, having spoken about process, I want to say that I have long said that we needed to get serious about what we continuously call a war on drugs. In essence, to put our money where our mouth is. This bill does make an important step in that direction.

The bill authorizes extraordinary amounts for counternarcotics programs. The bill provides unprecedented funds for drug interdiction and eradication, including enhanced air and seacraft coverage to combat drug transiting, crop substitution, which is crucial to the long term success of any policy, and enhanced international law and drug enforcement training.

I would like to note that I find it unfortunate that we have to spend $10 million for research into mycoherbicides when a potent and reliable source exists, Tebuthiuron, better known in the United States as Round-Up. I learned of this product and its effectiveness on coca crops in Colombia last year touring those areas of crop elimination and saw the success of. Yet it turns out that Tebuthiuron's producer, DowElanco, has refused to sell it to Colombia or make it available to the State Department for drug eradication for reasons I do not believe are particularly valid.

My sole reservations about this bill, other than process, are whether it is implementable and where we will be taking the funds from to fund this $2.3 billion measure. I certainly hope that in the process of doing so, that remind ourselves that we cannot bankrupt those domestic programs geared to reducing drug demand at the same time that we seek to do interdiction. This is clearly an effort that needs to have various aspects to it to be successful: Interdiction, reducing demand, and dealing with education and drug treatment.

Mr. Chairman, while I have some concerns with the bill, I fully agree with the sentiments and with the goals behind it. We must be aggressive in working to shut off the supply of illegal drugs. Supply reduction is an important component of a comprehensive drug policy and demand reduction.

In addition to the measures taken in this bill, we need to enhance our domestic efforts on reducing drug addiction and fund programs to provide children with alternatives to a potential life of crime, such as some of our afterschool programs, and we need our partners in the Western Hemisphere to join with us in a meaningful assistance.

I am a strong supporter of working with and supporting professional, honest, and effective law enforcement forces throughout the hemisphere. We must give the President the tools that he needs to effectively and comprehensively address illegal drugs and the havoc drugs wreak in the community, in the United States, and throughout this hemisphere.

Mr. Chairman, for these reasons I intend to vote for the bill. I hope to work to improve it as it moves through the legislative process so that this bill will serve as a realistic, effective, and comprehensive blueprint for U.S. supply reduction efforts.

Mr. Chairman, I submit for inclusion into the RECORD the statement of the administration's position which we received only moments ago, which basically says it supports the objective of the bill but has a series of concerns with reference to the bill and unless those concerns are addressed, opposes the bill as currently drafted.

OFFICE OF MANAGEMENT AND BUDGET
Washington, DC, September 16, 1998.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 4300—Western Hemisphere Drug Elimination Act.

The Administration supports the objectives of H.R. 4300 and shares the Congress' commitment to reducing the supply of drugs coming into the United States from other countries in the Western Hemisphere. However, the Administration opposes H.R. 4300 as currently drafted. Some of the Administration's concerns include:

Funding enhancements that are not tied to a coherent strategy. The bill simply enumerates a series of specific procurement and funding actions without indicating how they relate to one another or to existing drug interdiction activities. The Administration has proposed a comprehensive and integrated approach to reducing the flow of drugs into the Untied States in its National Drug Control Strategy.

Proposing authorizations that are far in excess of expected appropriations and the President's Budget without specifying where these funds will come from. H.R. 4300 would authorize $2.6 billion to appropriations in addition to those already authorized for FYs 1999–2001. To date, Congress has not appropriated funds for many of the Administration's anti-drug abuse requests. As one example, the House has provided the Coast Guard with approximately $82 million less than requested for FY 1999 to maintain current operating levels.

Infringing on the authority of the President and the Secretary of State. H.R. 4300 would infringe on the President's appointment powers and the Secretary of State's flexibility in personnel matters and intrude upon well established procedures for providing foreign military assistance.

Suggesting the transfer of the Bureau of International Narcotics and Law Enforcement Affairs (INL) from the State Department to the Drug Enforcement Administration. The clear assumption of Section 207 is that certain foreign assistance activities of the State Department could be better carried out by a law enforcement agency. This assumption is neither substantiated nor soundly based. INL is a central and highly-regarded component of the interagency counter-narcotics effort.

Imposing inflexible requirements that could quickly become useless. The bill would authorize funds for two mobile x-ray machines to be placed along a specific highway in Bolivia. The locations of such machines should not be specified by statute but left to the discretion of the commanders on the ground.

Reducing the effectiveness of law enforcement agencies by consolidating joint interagency task forces (JIATF). Consolidating all JIATFs would reduce Defense Department support to law enforcement agencies attempting to disrupt the flow of drugs from Asia and the Southwest Border.

The Administration looks forward to working with the Congress to implement a drug control strategy that is realistic, comprehensive, coherent, and flexible.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTERT. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. MCCOLLUM), a Member who has taken a great deal of time and effort and skill in helping put together this legislation.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Illinois (Mr. HASTERT) for yielding me this time. I first want to thank the gentleman for all the work that he has done in the drug task force and helping put together a comprehensive plan on both the demand and the supply side questions involved.

Mr. Chairman, we all are concerned about the question of how do we get this whole drug question in the United States under control. It is not a simple matter. It is demand and supply. It is treatment. It is prevention. It is all of those things we talk about.

But the fact of the matter is that we have doubled the teen drug use in the United States since 1992 over the last 6 years. Doubled it. The fact of the matter is there is more cocaine and heroin on the streets of this country today at cheaper prices than at any time in our history.

The fact of the matter today is that we have our law enforcement community domestically, and we have our people in our schools and in our communities who are working on drug prevention and drug treatment programs, overwhelmed by this supply of cocaine and heroin and unable to do the kind of job that we need to see done to get our kids' lives protected again.

The reason for that is manyfold. If we look into the Pacific Ocean of the United States, off our coast, and off the coast of Mexico, between the Colombia and us in the eastern Pacific, there is not one plane or one ship today of the United States Government out there interdicting any drugs coming our way or going to Mexico. Not one.

In the area of the Caribbean and the Gulf of Mexico we have two-thirds less resources at work trying to see if there is somebody shipping drugs our way from Latin America than we did 6 or 7 years ago. It is absolutely a tragedy that this is the case and we have to ask ourselves why are we in this sorry state of affairs.

Well, the reasons are multiple. First of all, our military, which has a primary responsibility it should be exercising to be involved in the drug war, is doing a de minimus job of that. Back several years ago when we were actively patrolling, interdicting drugs in the corridors coming our way from Bolivia, Colombia, and Peru, we had multiple ships and planes of the Army and Navy and Air Force out there with a lot of their effort going into interdiction.

In the intervening year, with Desert Storm and Bosnia and other things, our military has sort of disappeared. Customs has taken planes it had down in the area of the source countries in Colombia, Bolivia, and Peru and put them on the Mexican border and things are not working well.

We also have a lack of will in many ways to do this right. This bill is setting the record straight, because if we look into the countries where this is happening, where these crops are being grown, where this evil product is being produced, and talk to the people on the ground who work for our government fighting the drug effort, talk to the people with the DEA, with the Department of State, with the Department of Defense, with our CIA, with everybody who is involved, we will find out they were never tasked with a question or two about how they could, if they were asked, go about reducing the flow of drugs to the United States by, say, 80 percent, which this bill suggests by the next 3 years.

Mr. Chairman, they were never even asked if this could be done. Some of us went down a few months ago and we asked that question. We asked first of all, could they, if they were given all the resources that they could imagine, could they reduce the flow of cocaine and heroin coming out of this country, the country they are in today serving the United States and its people, could they reduce it by 80 percent within 3 years? The answer was unanimously, by all of the key players in country, yes. Unequivocally, yes.

Then we asked them whether they had ever been tasked, whether anybody ever asked them to develop a plan, the answer was no. Well, we asked them what would they do, and that is what is in this bill, H.R. 4300. What our people on the ground in those countries have told us they need.

First of all, they told us that President Fujimori has done a wonderful job in Peru, which he has, in a policy of forcing down planes leaving that country with coca crop. The net result of that, since that has been in operation 2 or 3 years, a 40 percent reduction in the coca crop in Peru, a country where the majority of coca was grown before that policy was implemented. It could not have worked, and it is not working as well as it should today, had it not been for our aircraft that had radar on it to detect those planes providing information to President Fujimori who could implement that policy.

□ 1130

And what we have discovered as well is that that same type of policy could be implemented and could have been implemented a long time ago in Colombia, where virtually all the crop that is produced in the Amazon, one-third of the country region, has to be taken even in its refined form. And most of the cocaine that is produced in that southern part of Colombia, wherever it is grown, it has to be taken by a small plane across mountains to the coastal areas of Colombia to be shipped out by boat or to be further transported to Mexico, the United States or wherever. If we had a force-down policy in Colombia, we would not solve the entire problem, but we would make great progress in it. But there are no planes, there is no radar, there is no ability for the Colombian forces to go do anything about it that way.

We have talked to the Bolivians and we have asked them what could we do. They have one highway from their crop-growing region into the community where this stuff is refined, and they have two highways out with a refined product. They do not have the equipment down there to stop the flow. They do not have the x-ray machines we have on the Mexican border, and so on. Very simple things they need to have, that our people know, and that is what is in this bill.

We are providing the radar planes, some 20 of them to the Customs folks, that can do the look-down; we are providing the chase planes we need, because we are not chasing; we are providing new intelligence equipment, because intelligence gathering, to know when and where and how this stuff is being shipped and who is making it, is very important; we are providing the helicopters so that the Colombian forces can go up into the mountains of Colombia and actually take out the poppy crop, which they should have been doing a long time ago. If they cannot grow it, we can eradicate it. There is no heroin.

Sixty percent of the heroin that comes to the United States is grown in Colombia. Just shutting that down alone would be an enormous success. But for the equipment, it cannot be done. But we want to provide that in this bill, and we are providing that in this bill.

We need to have what is in the legislation before us today to solve this problem. The bottom line is that our own people have said if we give them this equipment, and we have the cooperation of the governments involved, and I can assure my colleagues the leadership of those countries involved are willing to cooperate in every way possible. They want our assistance and they want the things in this bill. They want to be able to reduce the flow. They want to stop the drug production and trafficking in their countries. They want their economies to thrive and their people to be able to work at decent wage-paying jobs and other means, and be able to farm crops they can sell that are productive and useful and not deadly, like these. They want all of that. If we have their cooperation, as we will, then the only missing link is the administration getting with it and making all of this happen.

Last but not least, I want to point out that we do not have today the right kind of asset allocation by the Department of Defense of its resources for the effort on drugs. They have had a drug mission for years. It is not just the fact they have moved stuff over to Bosnia or somewhere. If we have a war to fight, then that comes first. But in the order of things that they have in their asset allocation orders that the Joint Chiefs of Staff and the Department of Defense put out, they have about four priorities of category to send their equipment, their men, their whatever to do. One is war; number two is activities that are somewhat similar to war, where people are under threat of bodily harm, like peacekeeping and so forth; number three is training and exercises; and number four is everything else, which includes humanitarian assistance and anti-narcotics efforts.

In this bill we provide for moving up the priorities, encouraging them to do that. We cannot do that, but we will say to the Department of Defense, get with it. We want them engaged in this war on drugs, at least supplying the minimal material required for our Southern Command to do its job, and we want them to move up their priorities so that the anti-narcotics efforts are at least parallel and equal to the number two priority of peacekeeping in Bosnia.

Our kids are dying on the streets of the United States. We should at least provide as much military effort in fighting this war on drugs for that cause as we are around the world in far-reaching places like Bosnia.

And in conclusion, I would say, my hat is off to the Coast Guard in particular. They have been fighting with their arms tied behind their backs. We have new equipment and ships coming out for them, Coast Guard cutters, so they can do their job. When they went to Puerto Rico a couple of years ago, they did a magnificent job of shutting down the drug traffic coming through Puerto Rico. But while they were there, it came out of other places because they did not have the equipment, they did not have the resources to take care of it somewhere else. They are now working in the Dominican Republic, where a lot of the drug trafficking is coming. We are providing in this bill resources to them as well.

It is extraordinarily important that this legislation be passed. I encourage my colleagues to enact H.R. 4300. Let us get a truly bipartisan drug policy that says, once and for all, here is the equipment, here is the resources, here is what they need; they have asked for it, they need it in the field, in essence the troops in the field, and Colombia, Bolivia and Peru have asked for it, and let us reduce the flow of drugs in this country by 80 percent over the next 2 or 3 years.

It can be done. For the sake of our kids, it must be done. And we have an obligation and an opportunity today to do that by passing H.R. 4300.

Mr. MENENDEZ. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I will be offering an amendment today relative to utilization of our military at our border. It has been stripped from the defense authorization bill. It is probably the major debate that exists on this issue.

This is a good bill. I will support it. But there is still one glaring weakness: strong border security to ensure a strong reduction of narcotics.

Theories are theories. Our drug program is heavy on theory, lightweight on substance and factual data to, in fact, measure outcome indicators that reduce the presence of narcotics. Period.

One hundred percent of heroin comes across our border. One hundred percent of cocaine comes across our border. America does not domestically produce these economic giants that have destroyed our neighborhoods. It is the border. But because of politics, we protect and secure our border with only a civilian law enforcement presence.

This is an indictment on Congress. Not a mistake, not an oversight, an indictment. And I want to give credit to the majority party. They are willing to engage in the debate. Enough is enough. We cannot stop drugs at the border with more cops. We cannot stop and reduce reduction with more halfway houses, more counselors, more psychiatrists, more psychologists, more professors, more courses in school. They are all great. We have been doing it for years. Our streets have so much narcotic, a 14-year-old in New York can get it as easy as he can get aspirin. Shame, Congress. Shame.

I have to say this. The administration is in left field on this. They are wrong. In America the people govern. I do not want those troops to be making arrests, I want them to join forces with the civilian law enforcement entity and let the drug cartels know that we are going to wage a real war.

So I will offer my amendment today. I am going to ask my colleagues for support, and I want my colleagues to go beyond politics. There is nothing demeaning in this to Central American nations. There is no intent to demean any ethnic group. My God, every ethnic group in the cities has been decimated by narcotics. If we are going to have a program, by God, let us have one. And if this President is going to veto it for that, let him veto something with substance.

We are too concerned about perception in the Congress of the United States, and we have not been doing the people's jobs. It took me 11 years to change the burden of proof in a civil tax case because the White House did not want it, Treasury did not want it, IRS did not want it. But, my colleagues, the people wanted it. Thank God for the gentleman from Texas (Mr. BILL ARCHER), and thank God for the Republicans.

I have been working on this for 7, 8 years. Here is all I am saying. The American people do not want our soldiers cashing a check in Tokyo and going to the theater, cashing a check in Frankfurt and going to dinner. They want them to participate in securing our border. It is not a line between Pennsylvania and Ohio. It is time to do it.

I will be offering that amendment today. I am hoping to have the support of this House.

Mr. HASTERT. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), the vice chairman of the committee of jurisdiction on drug enforcement, certainly a person who has spent a lot of time and certainly heartfelt effort in this.

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. HASTERT) for his leadership, and also the Speaker, who forced this on to the national agenda, because we actually are making some progress.

I first want to make the point, because we are constantly hearing what else does Congress do; all they do down there is talk about sex. We have had over 30 hearings and sex never came up once. We have been in Hollywood talking about the drug problem. We have talked to the record industry. We have been all across this country, in the district of the gentleman from Texas (Mr. SESSIONS), in Dallas; down in Orlando with the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. MICA), where the heroin has devastated our children. And among the things we have learned is it will take a concerted effort on both the interdiction and the demand reduction sides to do this. This bill in front of us deals with interdiction.

A lot of people say this is a lot of money to spend on that. The fact is, when this President took over the government, he cut that budget. We saw an immediate increase in supply, reducing the price on the street and increasing the purity and potency of those drugs. It is no wonder we are seeing the problems we have right now in our country. If we cut drug use 50 percent among our young people right now, we will only be back to where it was when the President took office.

We have to take these efforts. And we know where the drugs come from, as the gentleman from Ohio (Mr. TRAFICANT) pointed out. In this bill is one provision that we have been battling for 3 years. There is a war going on in Colombia. I have the hat they gave me of Colonel Gallego, who was a Colombian patriot, who leads Dante, the anti-drug division of the Colombian National Police. They are dying fighting the drug war to keep those drugs out of here.

In Colombia, we not only have the number one source of cocaine and heroin that is pouring into our Nation, but they have seen the narco-traffickers spill into the Darien Peninsula of Panama, putting potentially the canal at risk as we transfer power. They are near the Venezuelan border, our now number one source for oil. It is not the middle, it is Venezuela.

We are looking at national security risks in Colombia and we have people dying to fight them, and we for 3 years have been trying to get Black Hawk helicopters so they can get into the high elevations to fight and we have been blocked by this administration. This bill will give six Black Hawk helicopters to the Colombian national police. It upgrades 50 Hueys. They have helicopters going up. They have had a base blown apart in the last month or two. They are constantly fighting with helicopters that do not work. We need to get upgrades.

If we do not help the Colombian National Police, we will have our young men and women down there fighting the drug war, fighting to protect the canal, fighting to protect our oil interests. We should be helping the people who are willing to fight. It is not like Vietnam, where we did not see enough people. Look, here we have people fighting and dying. We need to get them the help. This has been silly. It has been downright silly.

We also have aid going to Peru for crop substitution and eradication where they have a shoot-down policy, all of a sudden the cocaine growers cannot get their crops to market. And they are saying now, they did not want to before, but they are saying, hey, maybe we will plant something else. We need to encourage that.

Same thing in Bolivia, where they have been aggressive. We have help. And in Mexico we have some assistance for them. The gentleman from Illinois (Mr. HASTERT) and I have been to Colombia three times; we have been in Peru and Bolivia multiple times; Chile; Mexico; met with President Zedillo. We have also been over in Thailand. They have a problem over there with heroin spreading around the world from Afghanistan to Vietnam. The base of this bill has a training center for that.

We, today, will also be dealing with the treatment programs, the prevention programs, and all the local crime enforcement. But in Fort Wayne, Indiana, and across this country, they cannot solve the problem if the cocaine and heroin is pouring in in great quantities, and with the purity, if it can be found anywhere.

Number one, we have to get control of our borders, get control of what is coming in, help the governments that are willing to fight. And in South America and Central America and in Asia they are seeing what it is doing to their economies as well. It is our obligation to get it and support those while we can before it is too late.

□ 1145

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

I just want to point out to my colleagues who several times there have been references to the Administration cutting interdiction money. Several points I think need to be made. Number one is those moneys were used for other drug policy purposes, such as demand reduction. We have even heard some of the speakers on the other side suggest that as much as we also need to deal with interdiction, and I agree with that, we also need to deal with demand reduction.

Also the majority has had the opportunity since they took control at any time during that process, in the appropriation process, to rise to the level that they presently offer in this legislation today.

So I would just caution that as some seek to make a point that may be perceived as political in nature, the policy reality is, is that we have voted on the budgets that have been passed, we have had opportunities through the appropriation process to increase interdiction moneys to the levels that we thought were appropriate, and we now have in this bill today a very significant increase in interdiction. Now, that is fitting and appropriate. But I also think it is important in terms of keeping this debate intellectually honest that in fact there was significant assistance given to demand reduction and agreed that this is not just a one-sided war, that there are multiple aspects, different fronts to this war and if we are to be successful, we need to be attacking all of those fronts.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTERT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I would like to just speak to the gentleman from New Jersey and remind him that we have authorized money in our budget the last two years to do this very thing, and the Administration has yet to spend them.

We should all be aware that our Nation's drug problem is a poison eating away at our country. It is invading our streets and our schools. Statistics show an ever increasing number of drug users within our Nation. Here is a startling fact. Heroin use alone has reached historic levels among 12 to 17-year-olds. Unfortunately these drugs are coming from our neighbors to the south. Now more than ever we need to focus more effort on source country eradication and interdiction to prevent drugs from entering the United States.

To my dissatisfaction, the Clinton administration has resisted congressional attempts, as I said, to assist these source countries as they wage their war on drugs. In general, President Clinton has made our Nation's drug problem a very low priority. As I said, the money was in the budget but they refused to spend it. The good news is that we have drafted an effective drug elimination plan. H.R. 4300 would provide the necessary assistance to countries like Colombia, Peru and Bolivia to strengthen eradication and interdiction strategies and enhance alternative crop developments. As a member of the Committee on International Relations Subcommittee on the Western Hemisphere and the Speaker's drug task force, I have witnessed firsthand the ill-equipped police and military forces as they attempt to fight the war on drugs alone. Specifically I have traveled to Colombia on numerous occasions only to be saddened by their lack of support from the Nation that creates the highest demand for illegal drugs, the United States. I am most pleased that a provision in H.R. 4300 would produce 50 "Super Huey" helicopters for the Colombian National Police. These are rebuilt and cost roughly 10 percent of what a new one would. It is money well spent. It is that helicopter package that is essential to the Colombians' ability to fight the increasingly well-funded, well-armed narcoguerillas and to eradicate an increasing number of coca and poppy plants.

Let us support a plan that embodies our role in the war on drugs and at the same time will assist in freeing us from the constricting hold drugs have on our Nation.

I ask for support for H.R. 4300.

Mr. MENENDEZ. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman from New Jersey (Mr. MENENDEZ) for yielding time. I rise, Mr. Chairman, to state my concern with H.R. 4300, the so-called Western Hemisphere Drug Elimination Act. I just really want to talk about a problem that I am aware of. I lived in Latin America in Colombia when I was a Peace Corps volunteer. A lot of Members do not realize that in 1991, we signed the Andean Trade Preference Act, ATPA. What we did in signing that act which President Bush brought to Congress where the act was intended to allow an alternative, a diversity of moving from growing coca and drug plants to growing flowers. Since that time, the Colombian and Andean trade pact countries have duty-free flowers coming into the United States. What has happened? They have now 70 percent of the American flower market. Who has been hurt by that? American flower growers. I mean really hurt. This is a noncompetitive advantage that we have. Any other flowers that we import from Asia or import from Europe have to pay a tariff. It is only the Andean trade pact countries that do not.

So my concern with the bill is we are authorizing in the bill $10 million to urge Colombian farmers and others to stop growing crops that may be used to create illegal drugs. I think we need to deal with this issue that we have opened up in the Andean trade pact and not give them another $10 million until we have gotten something back like requiring them to pay tariffs on their imports. There is not an equal playing field here. I know this is not what the committee intends. I hope that we can in conference committee work these things out. Because frankly the American flower growers cannot be more adamant about the problems that have been created, the unintended consequences of the Andean trade pact on American growers.

Frankly, the $10 million authorization is more than we are giving to the farmers in Texas and to the farmers in the Northeast and in the Midwest for all their droughts. Essentially we are helping farmers in foreign countries more than we are helping our own. I would hope that the committee would be sensitive to this so that we might be able to take a look at a quid pro quo in this bill that will equal the playing field and still result in the intended consequences of diversity away from coca crops. If the committee will look at that, I would appreciate it. I would urge my colleagues to be aware of that as this bill goes into conference.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST) who has been at the forefront of working with the Coast Guard and making sure that it is a viable force.

Mr. GILCHREST. Mr. Chairman, I would like to make a comment about the gentleman from California (Mr. FARR) and the noncompetitive nature of some of the deals that have been made in the past to find some alternative crop to grow in Latin America that we are keenly aware of those facets and we will continue to work to make sure that farmers in this country, whether they grow flowers or vegetables or chickens or whatever, are on a very level playing field with the international marketplace. We do not want to give anybody a particular advantage over another.

I also want to emphasize that this is not a rush piece of legislation. The information that has gone into this legislation has come from various committees over two years. There was a two-year operation in the Caribbean called Frontier Shield in which the Coast Guard worked not only with the Defense Department and other various agencies of this government but they worked with the international community in the Caribbean and European countries. They showed very, very clearly that they could put a net around the island of Puerto Rico and reduce significantly the amount of drugs coming into that particular island. So what we want to do is expand this program.

Just for a second, if people will in their mind imagine the United States and its coastal areas, the Pacific, the Atlantic, the Caribbean and the Gulf. This is a finite region. It is not infinite. We have without a doubt the expertise, the technology, the manpower to cut off drugs coming into this country. We can create a web, a steel web that will interdict these drugs before they reach our shores. We have the expertise, the technology, the manpower. This piece of legislation gives us the will. It is without a doubt a moral imperative for responsible adults to enter into this rather large program to reduce drug use in the United States.

Do we need treatment? Yes. Do we need education? Yes. Do we need hospitals? Yes. Do we need drug interdiction? The answer is yes. I urge my colleagues to vote for the legislation.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART) certainly somebody who has been on the prosecutor side of this, very strident in trying to rid our country of drugs.

Mr. DIAZ-BALART. Mr. Chairman, I think it is about time that finally we are exerting the leadership in this Congress to get assistance to those heroic fighters for the interests not only of their own countries, the peoples of their own countries, in Colombia, in Peru and in Bolivia, but our young people here who are the victims of the poison that is coming in every day from South America. It is those Colombian National Police heroes as the gentleman from Indiana (Mr. SOUDER) was talking about that we cannot even get helicopters to. The Administration has held them up even when we have financed them. So this bill does very important things in addition to trying in multiple ways to get to the core of the problem.

Mr. Chairman, I need to point out something that continues to be a reality. I have in my office on video a customs agent who is on the front lines every day fighting drugs. He says that over 50 percent of the cocaine that comes in through the Caribbean comes through or from Cuba. The Clinton administration continues to deny and ignore and thus cover up the Cuban dictatorship's participation in drug trafficking. Out of frustration, the U.S. Attorney in that office, the Southern District of Florida, leaked an indictment that is prepared, and it has been prepared since 1993 that charges the Cuban government as a racketeering enterprise for a 10-year conspiracy to send tons of Colombian cartel cocaine through Cuba to the United States.

Now, that indictment has been put in a drawer due to an order from Washington. Out of frustration it was leaked to the press; as was leaked, also, an investigation of a drug dealer who in 1996 after having been arrested, agreed, due to the fact that he had had multiple drug dealings with the Cuban government, to go back in under surveillance and do another deal with the Cuban government, with the Cuban dictatorship. That continues to be covered up.

So there is an inconsistency. There is an inconsistency between what the people on the front lines are saying and what the higher-ups are saying, even to us here in Congress, where I maintain, Mr. Chairman, we have been lied to and we continue to be lied to.

The Clinton administration cannot continue this cover-up. We are going to continue investigating and pressing this issue, because the poison that is coming in to kill our young people in this country is not acceptable and a policy that covers up the importation of that policy is at the very least unconscionable as well as unacceptable.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to make a statement as it relates to one of the issues that we have consistently heard about and suggesting that the Administration has cut our overall drug efforts. In essence what we had here was a readjusted strategy. We found that the Administration through its fact-finding found that over the Mexican border, much more was coming through in terms of illicit drugs than from some of the Caribbean aspects, so it reallocated moneys to domestic law enforcement, and our overall budget remained the same. In the 1997 fiscal year, we are talking about 52 percent went to domestic law enforcement, because it understood the intention and the need to deal with what was coming over our border and it reallocated for that purpose. And then 12 percent went for interdiction and 35 percent went for demand. What we are doing, we are taking that 52 percent for domestic law enforcement which was geared at the border, the most porous place in which the ability to transverse drugs into the country was created and now here we are going to try to raise the interdiction part. There are many of us who support that. But we need to characterize it in the appropriate way.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) who has been extremely active over many years in the House and former chair of what was a select committee on narcotics.

□ 1200

Mr. RANGEL. Mr. Chairman, I appreciate the opportunity to come to the floor to support this initiative.

It did not come as a surprise to me that the first person I would see on the floor would be my old and dear friend, the gentleman from New York (Mr. GILMAN). It has been over a quarter of a century now that he and I recognize this threat to our Nation's national security. We have been around the world with the most bipartisan groups we would have in the Congress and in local government and law enforcement. We have been around the world talking with people, and more often than not in recent years we would look at each other and say, whether it was at the United Nations or in committees in this Congress, it looks like this is where we started.

Mr. Chairman, the reason for it is that we all agree that demand is such an important part of this struggle where kids have to not just say no, but have hopes and dreams for the future so that addiction and crime and violence and jail is no longer an option for them, and we have to invest in education if we are going to get a handle on this. We need local law enforcement, of course, so that those who venture to make profit at the expense and misery of others would know that if they commit the crime, they do the time.

We have to protect our borders against this poison that comes in, and we have to let every Nation know that those that venture out and traffick and use their countries for transshipment, that it violates everything that this country stands for, and that we are not going to tolerate that.

Mr. Chairman, we have to talk about corruption, not that we do not have more than our share in this country, but we cannot tolerate it with the countries that we are sending resources to and find that it is not reaching those people that dedicate their lives each and every day to fighting the drug traffickers and those that support them.

I remember the day so vividly when the gentleman from New York (Mr. GILMAN) and I were on the streets of Bogotá and saw what amounted to their Federal Bureau of Investigation headquarters with a big hole blasted into it as the drug traffickers sought to destroy the very institution of their government. How many funerals we have been to with Colombian law enforcement people; how many trust funds have we set up for their families?

So some people say, well, we tried that, and it has not worked, and so give up. No, we cannot give up. This is not a problem that our great Nation can give up. This is the type of problem where there are no parties, there is no Republicans, there is no Democrats. It is our kids, it is our future. And we have to be able to say at the same time, the same way that we wrestled Communists to the ground, that we are going to wrestle this threat to our security to the ground.

Mr. Chairman, I support this, I support the bipartisan nature in which we come to deal with this.

This administration, be placed on notice, that from the time I came here we have engaged in each 4 years with a new war on drugs, and each time we have not even seen the bang of a flag out of a pop gun in terms of dealing with this tragic problem. I remember that we set up the drug czar, and that was supposed to coordinate all of the efforts. But in setting up the drug czar, we lost the voice of each and every Secretary, whether the Secretary of State, Secretary of Education, Secretary of Health and Human Services, Secretary of Defense. All of these things are necessary when the Commander in Chief and President of the United States declares war.

So let me congratulate the original authors of the bill, and let me say that regardless of which side of the aisle we are on, America will never be free and our legacy will never be clean until we say that on our watch we eliminated this threat to our national security.

Mr. MENENDEZ. Mr. Chairman, in the spirit of the bipartisanship I was talking about, I yield 4 minutes to the distinguished gentleman from New York (Mr. GILMAN) chairman of the Committee on International Relations, someone who has focused a lot of time of his work and efforts here in the Congress on the issue of combating drugs in our country.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this worthy legislation. It is intended to improve our Nation's fight against drugs at their source before they ever reach our shores to destroy our communities and our children.

Yes, it is important we fight this battle on both reducing supply and reducing demand and doing it simultaneously, and this is an important aspect of reducing demand.

I want to commend the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HASTERT) our Drug Task Force chairman, for these outstanding efforts, bipartisan efforts, to turn around the serious source-nation neglect by this administration, neglect abroad, I might add, which is already having disastrous consequences at home and in rising drug use among our young, especially with Colombian heroin.

And I am pleased that we are joined today in support of this bill by my good friend and a longtime drug fighter, the gentleman from New York (Mr. RANGEL), who is still fighting the good fight. He chaired, and I recall we had an excellent House Select Committee on Narcotics that he chaired, and we worked together in a bipartisan effort to fight drugs both here and abroad.

As my colleagues know, the fight has not changed one iota, and the problem has not changed. The war on drugs is not a partisan issue; it is, as the gentleman from New York (Mr. RANGEL) noted, it is about our children, and I am so pleased that we have a measure before us which can help substantially.

The most recent drug use data reflects extensive damages. For example, for the first time heroin use is at an all time high: 171,000 teens used heroin for the first time in 1996, the latest statistics we have available. It is way above the 1995 levels. Yes, we are in a crisis with drug use at home, especially heroin, in part due to our neglect abroad. In the last 5 years we witnessed a startling 875 percent increase of heroin use by teenagers 12 through 17, and not long ago a poll of our Nation put the issue of stopping drugs from entering our Nation high atop our U.S. foreign policy goals. At a June 24 Committee on International Relations hearing on the growing Colombian heroin crisis in our Nation, where a startling 75 percent of the heroin on the streets now originates, an FBI witness testified on the best way to tackle this crisis, and he stated and I quote:

"Eradication of the opium poppy in South America seems to be the logical point of attack in order to curb the increasing flow of Colombian heroin into the growing Northeast market."

This wise approach favored by the FBI to fight Colombian heroin was also shared by our DEA and by our Customs Service witnesses. Our front-line Federal law enforcement agents know best how to fight drugs, and that is at the source.

A recent Ocala, Florida Star-Banner editorial said it best when arguing for more efforts abroad to fight drugs in places like Colombia, and I quote: "We face a choice. Pay a little now or a lot more later."

This bill before us starts the process. It authorizes better high-performance helicopters for the Colombian National Police anti-drug unit which has an excellent record both fighting drugs and respecting human rights. And General Serrano, the incorruptible head of the CNP, has lost over 4,000 officers, 4,000 in the past 10 years in the Colombian eradication fight. The CNP was responsible for ridding the world of drug lords like Pablo Escobar. They deserve our support to halt the flow of drugs to our young people. I have long advocated these means to first take the fight against Colombian heroin to the high Andes where the opium poppy grows and eradicate it before it reaches our shores.

In addition, this bill removes the outmoded limits on our DEA's ability to provide nonlethal and drug-related assistance like radios and transport vehicles to cooperative anti-drug police agencies abroad. Low cost, nonlethal, anti-drug aid would be provided more quickly by the DEA to their counterparts under this proposal.

This bill also fixes a major problem with the State Department's Bureau of International Narcotics and Law Enforcement inability to effectively process and expeditiously handle foreign military sales cases for counter-narcotics-related military aid abroad.

The bill also ends the need to create whole new files, hire additional officers and bureaucracy to handle FMS anti-drug related cases within the State Department and at local U.S. embassies. The Department of Defense will now process MFS cases after the order is negotiated by the State and the local security agents in their fight against drugs.

This reform avoids duplication, it takes advantage of our military experience and know-how in promptly providing military aid for counter-narcotics assistance related to the foreign police, to military and other security agencies.

So in closing, let me say the long, bitter experience in Colombia, where inexperienced State Department officials cannot process and move along expeditiously vital counternarcotics aid under FMS in the middle of our raging narco-based war, should never be repeated.

Mr. Chairman, these and many other excellent provisions of the source nation bill before us will improve the fight against drugs abroad and at their source as the American people want, expect, and have a right to from their Federal Government. Accordingly, in the interests of effectively fighting the drug war, I urge adoption of this measure.

Mr. Chairman, I rise in strong support of this open and fair rule for the House's consideration of H.R. 4300. My committee waived jurisdiction over H.R. 4300 "The Western Hemisphere Drug Elimination Act". As this session nears conclusion, we are in a serious crisis on the drug front as a result of Administration's neglect in both source nation and interdiction efforts in the war on drugs. We need bold, broad and coordinated action, H.R. 4300 sets out to do this.

The supply of pure, and low cost drugs from abroad increases daily, while corresponding demand and use rises here at home, especially heroin among our young people.

A good case in point of this neglect is Colombia, which produces 80% of the world's cocaine, and most recently has captured the heroin market here in the U.S. (75% in fact).

Our committee has held an extensive set of hearings on drugs in Colombia, and we also had the GAO report on the crisis there.

We have conducted extensive analysis of the critical need for more and better assistance including high performance helicopters, and an overall reform of our war on drugs being waged abroad.

Most recently, events turned for the worse in the fight against drugs at the source in Colombia. U.S. law enforcement is in agreement that the best place to fight drugs, is at the source in places like Colombia. The war on drugs is now on hold in Colombia. Without good helicopters, opium eradication has been cut 50% and the results in the U.S. from the influx of Colombia heroin are indeed frightening. In addition, the narco-guerillas' recently destroyed the Colombian National Police's forward drug fighting base in Miraflores. Fear of attack on their key anti-drug operations base at San Jose del Guaviare, forced the withdrawal of the CNP's few remaining operational Vietnam era Huey helicopters. Coca and cocaine lab destruction have also decreased.

This de facto cessation of the war on drugs in the major source nation in our hemisphere is having impact here at home. More and more in the U.S., the price of hard drugs fall, while the purity rises. The most recent National Household Survey data released while we were on recess, showed 171,100 teens for the first time used heroin in 1996. Heroin use in the U.S. now exceeds the late 1960s, early 1970s historic levels, and the future is not bright. On the cocaine front, prices fall, as purity rises, with use on the rise. We are witnessing a major failed demand only driven drug fighting strategy, which will reverse all of the major Reagan/Bush gains in the war on drugs.

H.R. 4300 is an excellent bill. it sets out a three-year plan to reverse this serious neglect at both the source, and in the area of drug interdiction.

As this drug crisis threatens our youth, and nation, it requires our immediate action before the session adjourns. Accordingly, under these extraordinary circumstances, I am without prejudice to the Committee's ongoing jurisdiction over the subject matter, willing to waive jurisdiction on this bill so the full House can act on it. I urge the adoption of the rule. A vote yes, is a vote to fight drugs at the source.

Mr. MENENDEZ. Mr. Chairman, I just yield myself such time as I may consume very briefly, and then I will yield back.

I think I want to echo comments of my colleague from New York (Mr. RANGEL) which I think very vividly express the sentiments of those on this side of the aisle about our commitment to this fight, understanding that there are many aspects to this fight, many fronts to be fought on. Today we are focusing on one of those fronts, and appropriately, in an appropriate manner.

But I just hope that my colleagues, in the ensuing debate that will take place on the amendments, will understand that in that process, as we deal with interdiction, which is an incredibly important element of this, we need not to forget demand reduction and we need not to forget about education and treatment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in opposition to this bill, which attempts to implement various plans aimed at reducing the flow of illicit drugs into the United States through drug interdiction programs in North, Central, and South America, as well as the Caribbean.

Although I cannot in good conscience support this bill, I applaud the effort because it serves as an acknowledgement that the war on drugs cannot be fought on our soil alone. It will take the efforts of the global community, working together, to defeat this scourge and leave a drug-free legacy for our posterity. For this recognition, I applaud the House leadership.

However, there are certain principles that we as legislators must abide by when passing legislation. This bill violates many of them, and for that reason, I oppose the passage of this bill.

This bill contains no human rights or anti-corruption conditionality on assistance, except in the case of Columbia, where the inclusion of that condition threatens the delicate balance of their peace process. As a Founder and Chairperson of the Congressional Children's Caucus, I will not allow federal funds to go to oppressive governments, especially when there is a good chance that those very funds could be used to dehumanize the people of their country.

I also oppose this bill because it represents a failure of the deliberative process. Although the ranking members of several committees, including the Judiciary upon which I serve, requested H.R. 4300, jurisdiction of the bill was waived by the respective Republican Chairperson, essentially blocking Democratic input until it reached the floor of the House this morning. There have been no hearings on this bill, and no markups. That means the bill was not subjected to the scrutiny of elected lawmakers. The representatives who were voted in by the people of the United States to protect their interests. I cannot be a party to that.

Furthermore, the goals of this bill, while laudable, are unrealistic and unattainable, especially in light of the low amount of funds authorized for its implementation. For this reasons, the Office of National Drug Policy also opposes this bill.

We all know that this bill will not be fully funded. Our appropriations for this year are gaunt, and this bill unfairly raises the expectations of the American people. I would love to see an 80-percent reduction in drug trafficking, but I know that this goal is not attainable without the enactment of a truly comprehensive drug bill, wrought through the legislative process, and with due consideration for our longstanding foreign policy objectives.

It is a fact that a tremendous amount of drugs cross our borders every year, and I acknowledge that it is a problem of enormous magnitude. But we cannot leave our common sense and legislative know-how behind as we chase the holy grail of a drug-free America. I vow to remain vigilant in protecting our children the best way I know how, by passing effective legislation that can, realistically and not theoretically, win us the war on drugs.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of H.R. 4300, and commend the efforts of my colleagues to bring this bill to the floor.

As chairman of the Transportation and Infrastructure Committee, I have urged the administration to take a more balanced approach to drug control by increasing Coast Guard drug interdiction resources.

The reason that this is so important is simple: Aggressive interdiction of illegal drugs raises the street price for drug users.

Raising the street price of illegal drugs deters casual drug users, especially teenagers, from using drugs.

Research shows that if people do not use drugs as teenagers, they are unlikely to acquire a drug habit later in life.

Sadly, the latest news on teenage drug use in this country is bleak.

Last month, the administration released the findings of the most recent national household survey on drug abuse.

For young people ages 12–17, the survey found a 32-percent increase in drug use, primarily marijuana, during the last year alone.

We must act immediately to reduce drug use in this country by providing the resources necessary for law enforcement officials to fight the war on drugs.

The drug interdiction funds authorized in H.R. 4300 will allow the Coast Guard to respond aggressively to drug smugglers before they reach our borders.

Billions of dollars of television advertisements are no substitute for tough law enforcement to keep drugs off American streets and out of the hands of American children.

I urge Members to support H.R. 4300.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the "Western Hemisphere Drug Elimination Act." As a cosponsor of this important legislation, I am proud to speak in favor of its provisions.

I think we are all aware of the enormity of the drug problem.

More than eleven million Americans buy illicit drugs and use them more than once a month, spending as much as $150 billion annually.

Studies indicate that the addictive nature of drugs, their high cost and their illegality play a role in half of the street crime in the United States.

And we all can attest to the debilitating effect drug use has on communities, neighborhoods and families.

Measured in dollar value, at least four-fifths of all the illicit drugs consumed in the U.S. are of foreign origin, including virtually all the cocaine and heroin.

But let's be honest with ourselves—there has never been a real war against drugs in this country. In fact, in recent years we have been waving the white flag of surrender. Drastic cuts to budget of the Drug Czar, reductions in military interdiction efforts, and removal of important radar sites around our borders have had real consequences.

With a brief review of the basic economic doctrine of supply and demand, it is not hard to understand that the more drugs that enter this country, the cheaper the street price is, and the more likely that a young person—maybe a first-time user—will experiment with drugs.

So what can we do to slow the flow of drugs?

First, we must enhance our surveillance efforts to detect and monitor drug traffickers on the high seas or in the skies above. The Western Hemisphere Drug Elimination Act accomplishes this by authorizing funds for source and transit country aircraft and improved radar coverage.

Second, we must intensify eradication and interdiction in the primary source countries. The legislation at hand addresses this as well by authorizing funds for these activities in Bolivia, Colombia and Peru.

Third and finally, we must focus on international law enforcement training and making sure that our law enforcement agents have the tools they need to fight this war. The legislation before us today recognizes the importance of these resources: it funds three international law enforcement academies, a U.S. Coast Guard training vessel, and a joint maritime law enforcement training center.

While the price tag on this package is significant, I believe it is time to get serious about our war on drugs. Halting the cultivation and transportation of these lethal substances deserves our strong support.

Mr. Speaker, let me close with one last thought. If a large quantity of anthrax was being transported from South America to the United States what would we do? Drugs are just as deadly. And we must be just as vigilant to protect all Americans from the scourge of drug abuse as we would any other national security threat.

I urge adoption of this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I rise today in support of this bill and would like to take this opportunity to thank Mr. HASTERT for his hard work in expeditiously moving it to the floor. I would also like to thank him for his cooperation in accommodating our concerns with regard to those portions of the bill which fall within the jurisdiction of the House Agriculture Committee.

I would like to speak specifically to the title III of the bill. This title of the bill authorizes a very innovative approach to tackling our drug problems in this country and across the world involving agricultural research. The phenomenal discoveries that USDA and the private sector have developed will be used to literally stop the production of drugs at the initial source by introducing diseases directly into the plants that produce these drugs.

Earlier this year, we passed and the President signed into law a reauthorization of our agricultural research programs. This bill was the result of about a year of work in which Mr. Combest's subcommittee conducted thorough review of agricultural research programs and worked hard to increase efficiencies and improve the performance and results of our agricultural research programs. Within that debate a lot of discussion occurred regarding the vital importance of strong agricultural research to help American farmers and ranchers meet the increasing demands of an ever competitive world marketplace. Frustration was expressed about the lack of appreciation in most of our society for the benefits that we enjoy resulting from agricultural research. This project is a perfect example of agricultural research producing benefits for our everyday lives. Agricultural research will play an integral role in stemming the production of deadly drugs which have been such a detriment to our society.

Also in title III of the bill is an authorization for work by USDA's Agricultural Research Service and the U.S. Agency for International Development to assist producers who have relied on the production of drug producing plants to support their families in switching to alternative crops. This is a vital aspect of this program which needs to be present to make the program successful. I would like to make it clear that the crops which will be encouraged as alternatives for these producers are not major, traditional crops which are widely grown in the United States. Examples of these alternative crops are calca, which is the bean which is used to produce chocolate, and bananas. Therefore, U.S. producers should not be concerned that this project will affect the supply on the world market for the crops that they produce.

Again, I appreciate the work of Mr. HASTERT and others in bringing this bill to the floor and I am glad to support its passage.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in reluctant opposition to this bill.

I agree with the sponsors of this bill that we must do more to combat the trade in illegal drugs. We need to increase our interdiction efforts. We must step up our efforts to eradicate drugs at the source. We should increase our cooperation with other nations and assist them in proper training of law enforcement officers. I also support redoubling our crop substitution efforts.

However, the substantial changes in U.S. policy made by this bill deserve proper consideration by the authorizing committees. This bill was initially referred to five committees, none of which held a hearing or a mark-up. This bill was re-drafted behind closed doors this week and was shared with Democrats only at the last minute.

Seat-of-the-pants legislating may make for good politics in an election year, but it also makes bad law. For example, this bill authorizes new equipment purchases but fails to adequately fund its operation or maintenance. Oversights like this can be easily addressed by the authorizing committees if they are given the chance.

Furthermore, I am opposed to the provisions in this bill which further reduce the role of the State Department in this growing international problem. Specifically, this bill will transfer the Bureau of International Narcotics Control and Law Enforcement Affairs from the State Department to the Drug Enforcement Agency.

It may be true, as the sponsors claim, that narcotics control assistance is better conducted by law enforcement agencies than by the State Department. But I do know that the State Department is better equipped to deal with issues of international stability and diplomacy. For example, this bill threatens a tentative peace by withholding assistance if the Colombian government agrees to a demilitarized zone with its insurgents. Disrupting the peace process will weaken the Colombian government and will hamper its ability to effectuate strong, sensible narcotics control programs. It is critical that the State Department retain its seat at the table if we are to adequately consider the effects that our drug control policy has on the stability of other nations and the ability of those nations to cooperate with us as partners in these efforts.

Finally, Mr. Chairman, I wonder about the timing of this bill. We always seem to consider major counter-narcotics authorization bills just prior to election day. I'm sure that it is merely coincidental, but I wonder why we've chosen to focus on these authorization bills when the real problem we face in narcotics control is that Congress fails to adequately fund existing programs. If no one proposed full funding of counter-narcotics programs when we considered the Commerce, Justice, State Appropriations Bill just six weeks ago, does anyone really think passing this bill will result in greater appropriations and greater counter-narcotics efforts?

For these reasons, I urge my colleagues to oppose this bill.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for not more than 3 hours.

The amendment in the nature of a substitute, numbered 1, printed in the CONGRESSIONAL RECORD, is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4300

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Western Hemisphere Drug Elimination Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of policy.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

Sec. 101. Expansion of aircraft coverage and operation in source and transit countries.

Sec. 102. Expansion of maritime coverage and operation in source and transit countries.
Sec. 103. Expansion of radar coverage and operation in source and transit countries.
TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES
Sec. 201. Additional eradication resources for Colombia.
Sec. 202. Additional eradication resources for Peru.
Sec. 203. Additional eradication resources for Bolivia.
Sec. 204. Additional eradication resources for Mexico.
Sec. 205. Miscellaneous additional eradication resources.
Sec. 206. Bureau of International Narcotics and Law Enforcement Affairs.
Sec. 207. Report on transferring international narcotics assistance activities to a United States law enforcement agency.
TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE AND MYCOHERBICIDE RESEARCH AND DEVELOPMENT
Sec. 301. Alternative crop development support.
Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
Sec. 303. Master plan for mycoherbicides to control narcotic crops.
TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING
Sec. 401. Enhanced international law enforcement academy training.
Sec. 402. Enhanced United States drug enforcement international training.
Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.
TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT
Sec. 501. Increased funding for operations and equipment.
Sec. 502. Sense of Congress regarding priority of drug interdiction and counterdrug activities.
TITLE VI—RELATIONSHIP TO OTHER LAWS
Sec. 601. Authorizations of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from $1,647 in 1992 to $966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from $123 to $104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) support policies and dedicate the resources necessary to reduce the flow of illegal drugs into the United States by not less than 80 percent by December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries, as follows:

(1) For procurement of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, the total amount of $430,000,000.

(2) For the procurement and deployment of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone, the total amount of $150,000,000.

(3) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $23,500,000.

(4) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(5) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone, $23,500,000.

(6) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(7) For construction and furnishing of an additional facility for the P–3B aircraft, 6,000,000.

(8) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Colombia, $6,000,000.

(9) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Bolivia, $2,000,000.

(10) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Peru, $6,000,000.

(11) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions, $25,000,000.

(12) For purchase and for operation and maintenance of 3 Schweizer RU–38A observation aircraft (to be piloted by pilots under contract with the United States), the total amount of $16,500,000, of which—

(A) $13,500,000 is for procurement; and

(B) $1,000,000 for each such fiscal year is for operation and maintenance.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 Slick aircraft.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) OPERATING EXPENSES.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there are authorized to be appropriated to the Secretary of Transportation $129,000,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.—

(1) IN GENERAL.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there are authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the following:

(A) For maritime patrol aircraft, $66,000,000.

(B) For acquisition of deployable pursuit boats, $3,500,000.

(C) For the acquisition and construction of 15 United States Coast Guard 87-foot Coastal Patrol Boats, $71,000,000.

(D) For the reactivation of 3 United States Coast Guard HU–25 Falcon jets, $7,500,000.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters, $16,300,000.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and Caribbean Basin, $4,000,000.

(G) For acquisition or conversion of maritime patrol aircraft, $17,000,000.

(H) For acquisition or conversion of 2 vessels to be used as Coast Guard Medium or High Endurance Cutters, $36,000,000.

(I) For acquisition or conversion of 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations, $20,000,000.

(J) For construction of 6 United States Code Coast Guard medium endurance cutters, $289,000,000.

(2) CONTINUED AVAILABILITY.—Amounts appropriated under this subsection may remain available until expended.

(c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC–170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries, as follows:

(1) For restoration of radar in the Bahamas, the total amount of $13,500,000, of which—

(A) the total amount of $4,500,000 is for procurement; and

(B) $3,000,000 for each such fiscal year is for operation and maintenance.

(2) For each such fiscal year for operation and maintenance, for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, $300,000.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia, as follows:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia, $6,000,000.

(2) For the purchase of DC–3 transport aircraft for the national police of Colombia, the total amount of $2,000,000.

(3) For acquisition of concertina wire and tunneling detection systems at the La Picota prison of the national police of Colombia, the total amount of $1,250,000.

(4) For the purchase of minigun systems for the national police of Colombia, the total amount of $6,000,000.

(5) For the purchase of 6 UH–60L Black Hawk utility helicopters for the national police of Colombia, the total amount of $60,000,000 for procurement and an additional amount of $12,000,000 for each such fiscal year for operation, maintenance, and training.

(6) For procurement, for upgrade of 50 UH-1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia, the total amount of $70,000,000.

(7) For the repair and rebuilding of the antinarcotics base at Miraflores, $2,000,000.

(8) For providing sufficient and adequate base and force security for any rebuilt facility at Miraflores, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit, $6,000,000.

(b) COUNTERNARCOTICS ASSISTANCE.—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of the enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication and interdiction of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site at Puerto Maldonado, Peru, to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, the total amount of $3,000,000, and an additional amount of $1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) DEPARTMENT OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A–37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia, as follows:

(1) For each such fiscal year for support of air operations of the Red Devils of Bolivia, $1,000,000.

(2) For each such fiscal year for support of riverine operations of the Blue Devils of Bolivia, $1,000,000.

(3) For each such fiscal year for support of coca eradication programs, $1,000,000.

(4) For the procurement of 2 mobile x-ray machines with maintenance support for placement along the Chapare highway, the total amount of $5,000,000 and an additional amount of $1,000,000 for each such fiscal year for operation and maintenance.

SEC. 204. ADDITIONAL ERADICATION RESOURCES FOR MEXICO.

(a) IN GENERAL.—

(1) AUTHORITY TO PURCHASE HELICOPTERS.—Contingent on the agreement of the Government of Mexico to approve full diplomatic

immunity for Drug Enforcement Administration personnel serving in Mexico with privileges granted to United States Government officials to carry weapons necessary for the performance of their duties, the Secretary of State, subject to the availability of appropriations, shall purchase 6 Bell 212 high altitude helicopters designated for opium eradication programs in the Mexican states of Guerrero, Jalisco, and Sinaloa, for enhancement of drug-related eradication efforts in Mexico.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State during the period beginning on October 1, 1998, and on ending September 30, 2001, $18,000,000 to carry out paragraph (1).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

SEC. 205. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of $500,000.

SEC. 206. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) QUALIFICATIONS FOR SERVICE.—Notwithstanding any other provision of law, any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement, or intelligence.

(b) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the implementation and processing of the counternarcotics foreign military sales request shall be the sole responsibility of the Department of Defense, which is the traditional lead agency in providing military equipment and supplies abroad.

(2) ROLE OF STATE DEPARTMENT.—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

SEC. 207. REPORT ON TRANSFERRING INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES TO A UNITED STATES LAW ENFORCEMENT AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committees a report, which shall evaluate the responsiveness and effectiveness of international narcotics assistance activities under the Department of State during the preceding 4 fiscal years.

(2) RECOMMENDATION AND EXPLANATION.—The study submitted under paragraph (1) shall include the recommendation of the Director and detailed explanatory statement regarding whether the overseas activities of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State should be transferred to the Department of Justice.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office on National Drug Control Policy $100,000 to carry out the study under this section.

(c) DEFINITIONS.—In this section, the term "appropriate committees" means—

(1) the Committees on Appropriations, Armed Services, Foreign Relations, and the Judiciary of the Senate;

(2) the Committees on Appropriations, International Relations, National Security, and the Judiciary of the House of Representatives; and

(3) the Select Committees on Intelligence of the House of Representatives and the Senate.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs, as follows:

(1) For startup costs of programs in the Guaviare, Putumayo, and Caqueta regions in Colombia, the total amount of $5,000,000 and an additional amount of $5,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Ucayali, Apurimac, and Huallaga Valley regions in Peru, $50,000,000.

(3) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Chapare and Yungas regions in Bolivia, $5,000,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, $23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) $5,000,000 shall be used for crop eradication technologies.

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) $1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) $10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) CRITERIA FOR ELIGIBLE ENTITIES.—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seed-borne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally .

(b) COORDINATION.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Secretary of Agriculture shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities, as follows:

(1) For the establishment and operation of an academy, which shall serve Latin America and the Caribbean, the total amount of $3,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia, the total amount of $2,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(3) For each such fiscal year for the establishment and operation of an academy in South Africa, which shall serve Africa, $1,200,000.

(b) MARITIME LAW ENFORCEMENT TRAINING CENTER.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, $1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, $1,500,000.

(c) UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels, as follows:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets, the total amount of $7,500,000.

(2) For each such fiscal year for support of the United States Coast Guard Balsam Class Buoy Tender training vessel, $2,500,000.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) MEXICO.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of $2,000,000 for each such fiscal year.

(b) BRAZIL.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of $1,000,000 for each such fiscal year.

(c) PANAMA.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of $1,000,000 for each such fiscal year.

(2) ELIGIBILITY TO RECEIVE TRAINING.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) VENEZUELA.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, $1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) ECUADOR.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, $500,000.

(2) For each such fiscal year for the Department of the Treasury, $500,000.

(f) HAITI AND THE DOMINICAN REPUBLIC.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) CENTRAL AMERICA.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) IN GENERAL.—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than $100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) ADDITIONAL REQUIREMENT.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For support of the Merlin program, the total amount of $8,272,000.

(2) For support of the intercept program, the total amount of $4,500,000.

(3) For support of the Narcotics Enforcement Data Retrieval System, the total amount of $2,400,000.

(4) For support of the Caribbean Initiative, the total amount of $3,515,000.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts, the total amount of $40,213,000.

(b) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of $20,000,000.

(c) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For refurbishment of 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet, the total amount of $3,500,000.

(2) For purchase of 9 new interceptor vessels in the Caribbean maritime fleet, the total amount of $2,000,000.

(3) For the hire and training of 25 special agents for maritime operations in the Caribbean, the total amount of $2,500,000.

(4) For purchase of 60 automotive vehicles for ground use in South Florida, $1,500,000.

(5) For each such fiscal year for operation and maintenance support for 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone, the total amount of $10,000,000.

(6) For purchase of 5 CTX–5000 x-ray machines to enhance detection capabilities with respect to narcotics, explosives, and currency, the total amount of $7,000,000.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. McCOLLUM:

Page 5, line 25, insert the following:

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority;

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war, (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations), (3) exercises and training, and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance);

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States;

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States;

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs;

(19) The conduct of counter-drug activities has the potential for contact with hostile forces;

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

Mr. McCOLLUM. Mr. Chairman, I wanted to speak for a few minutes about the issue that we talked about briefly in the general debate on the priorities that are set by our Department of Defense. They have a particular terminology they use over there about global military force policy in the Department of Defense. It is not a legislative matter; it is a matter of how they do a lot of things that perhaps we do not need to discuss here today on the floor, but one of those things is to set some priorities for the allocation of assets, military assets, presumably equipment, everything else. Unfortunately, today the way this works, there are things that just simply are not right with respect to this in my judgment.

The Department of Defense has a mission of anti-narcotics. But that anti-narcotics mission is way down the pipeline, and as a consequences of that, our Southern Command, which is in charge of all of our military forces in the Caribbean and Latin America principally concerned about the anti-narcotics effort, though there might be other defense measures and needs, our Southern Command is not able to provide the equipment and the manpower and the effort that Congress envisioned years ago when we designated a role for the military in the anti-narcotics effort.

Now I realize the Department of Defense budget has declined in real terms for 14 consecutive years, and I am one of the strong proponents of a tough and stronger military. I think we have let it deplete terribly. I think we have a problem with the absence of a ballistic missile defense system in this country. We should have deployed one a long time ago, and we should be deploying one today, especially in light of the Rumsfeld report where we know that there may be missile capabilities from some of our potential adversaries that can even reach our shores in the next 2 or 3 years with nuclear, chemical or biological weapons aboard.

□ 1215

I know that our young men and women are stretched beyond where they should be in deployments in far-reaching parts of the world today and peacekeeping missions like in Bosnia. The threat is certainly there for not only terrorism acts, but more serious matters even than that for our military with respect to the Middle East and Near East and so forth.

It is a dangerous world we live in out there and we very badly need to readdress our defense strategy and our defense resource allocation by this Congress. It is desperately in need. I am a former JAG officer in the Navy and I spent 20 more years in the Reserves after that, and I am around a lot of folks who have been on active duty and are today, and I know the morale is not good, the maintenance stream is not good, and while we have the finest men and women we would ever want out there serving, we have a lot to do.

So I can sympathize with the fact that DOD does not want to provide, because it does not think it has the resources, what it needs to, to SOUTHCOM in the antinarcotics efforts because it has a higher priority charge. But therein lies the problem.

The priorities that are currently set out in this global military force policy set of priorities says that there is, indeed, a 4-pronged measuring rod of how we allocate. Number 1 is in case of war, nobody disputes that. Number 2, for military operations other than war that might involve contact with hostile forces such as peacekeeping operations, and training; and number 4, operational tasking other than those involving hostilities. So we have the exercises in training coming ahead of the number 4 one, and number 4 includes counterdrug activities and humanitarian assistance.

The amendment I am offering today are findings to go along with the sense of the Congress that is already in this bill. We have expressed a sense of the Congress in this bill, in the last portion of it, which calls upon the Department of Defense, the Secretary of Defense and the Joint Chiefs of Staff to change these priorities, and to put the counterdrug activities up into the number 2 slot in priorities, not way down at the bottom along with humanitarian assistance. So that SOUTHCOM and our folks out there fighting the effort on the drug front can have what resources they need, at least competitively equal with those that are being sent to Bosnia or elsewhere for peacekeeping operations.

We are losing young men and women every day to drugs in this country. We need to be engaged in a war on drugs, a true war on drugs. That does not necessarily mean invading another country, but it means going in and assisting in every way possible, with airplanes and with ships, with manpower, with training and things like that, that we are simply not doing today, and to have a higher priority that they have in some of the things they are engaged in today I just do not agree with, and I do not think this Congress should agree with. That is why the Sense of the Congress resolution in the bill calls for those changes in priority to be made, asks them to be made.

Mr. Chairman, the amendment I am offering today would put findings of fact into the RECORD to support that by stating in the RECORD, the first part of it, that the Department of Defense has been called upon to support the counterdrug efforts, which we have done legislatively in the past, and all of the bases for this, in fact.

The CHAIRMAN. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, the findings of fact involve, as I said, the statement of the fact that the Department of Defense has been called upon to support the counterdrug efforts; the fact that we have this global military force policy that has these 4 different provisions in it, in the order of priority with regard to asset allocation.

The next one is that the use of the Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs, and the next one is that the placement of counterdrug activities in the fourth and last list of priorities for the allocation of assets has resulted in the serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow.

The next finding says that at present, the United States faces few, if any, threats from abroad greater than the threat posed to our Nation's youth, which I think is certainly true.

The next finding says the conduct of counterdrug activities has the potential for contact with hostile forces.

The final one says the Department of Defense counterdrug activities missions should be near the top, not among the last of the priorities, and that is what we do in the Sense of the Congress resolution.

So my amendment is simply a finding of fact that supports the Sense of the Congress resolution and sets forth the argument so everybody can read it, hopefully the Secretary of Defense will read it and hopefully the President will read it, about why we need to see them reorganize their priorities and put counterdrug efforts much higher at the top.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise in support of the amendment of the gentleman from Florida (Mr. McCOLLUM), the chairman of the Subcommittee on Crime, to make the war on drugs a high priority at the Defense Department.

Make no mistake about it. This is a war we are fighting, fighting with drugs. Mr. Chairman, 15,000 deaths annually, 12 million property crimes annually, 70 percent of our violent crime, drug-related. More than half of our prisons are filled with those who either use, possess, or traffic in drugs. Clearly, U.S. national interest is at stake: fighting drugs which come from abroad and threaten our well-being. One President after another has said that this is a national security risk.

If Saddam Hussein was responsible for killing 15,000 Americans each and every year, we would clearly declare war on Iraq. I say it is time to declare a war on drugs and put our Defense Department on the front lines fighting this scourge.

Our Nation produces no cocaine, we produce no heroin. All of these poisons come from abroad, and we need our hard-working and over-extended law enforcement communities to have the full benefit, the full support and assistance of our outstanding military in doing their difficult tasks.

Accordingly, I commend the gentleman from Florida (Mr. McCOLLUM) for his amendment in making our drug war a national priority, and I urge its adoption.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for his support.

I want to make the comment that we have now received a few thoughts about what SOUTHCOM may need specifically, and we look forward to working with the Department of Defense in the coming year in the new Congress to develop even more new initiatives that may be helpful to them.

I want to thank the gentleman for his support. This reorganizing of priorities, our effort to give them new resources will not do any good if they do not reorganize their priorities.

Mr. GILMAN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. McCOLLUM) for focusing attention on this very critical problem.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the nature of the gentleman's concern and effort, but I am concerned about the potential consequences that he may unintentionally have by virtue of the amendment.

In essence, the crux of the amendment is to make it very clear that the Department of Defense should change its priorities to raise the priority of, and therefore, the resource allocation to, counterdrug activities, and that is an admirable goal. However, it seems to me that when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, who I think are eminently better positioned to determine what in essence are the needs of the Nation's defense, they need to analyze risks to the national security of the United States, and it seems to me that they, not the Congress, are the individuals who ought to make this decision.

In that respect, I am concerned. I look at the nature of the amendment, and the amendment talks about placing this as a priority above that established under the provisions of the global military force policy, which talks about missions of military operations other than war that might involve contact with hostile forces. Now, my understanding is that includes, for example, the efforts of the military under counterterrorism. We equally believe, obviously, that counterterrorism is an incredibly important function. Are we to say that using the military second only after war for drug intervention is more important than counterterrorism? I do not know. I do not think that we should be in that position.

So I think the amendment is somewhat arbitrary. It is not based on any factual assessment of the Department of Defense's needs, nor does it take into consideration the Department of Defense's priorities that this policy would have.

Mr. Chairman, I think it is important that we give flexibility, particularly in dealing with this grave threat, but I am not sure that we are in a position to analyze the threat to the national security at any given point in time better than those who have all of the intelligence resources and who have all of the readiness and understanding of what our military forces are capable of at any given moment.

Our military confronts threats around the world, doing more with less as they confront increasingly sophisticated and complex enemies. It seems to me that the experts and the proven military leaders who we put our faith and trust in in terms of the Nation's defense need to make these assessments. I do not know that we can make those decisions from this chamber on where our troops are needed in terms of equipment and resources. It appears to me that our military leaders ought to do that.

Now, certainly we want to be able to have the armed forces of the United States play a greater role in interdiction, but the amendment in essence says that it is the sense of the Congress that the Secretary of Defense should revise the priorities for the Department of Defense, and that this would be equal to or higher than the priority for the mission of military operations, other than war, that might involve contact with hostile forces. Well, if that includes counterterrorism, as I understand that it does, I am not sure that we can make those statements.

We have seen the vulnerability that the United States has, or for that matter any country in the world: recently the bombings in Africa. I am not quite sure, while we want to make an important statement, that the goal of the gentleman is best achieved in the manner in which he has offered it, and I think that there are some serious concerns in that regard.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Narcotics is terrorism. Narcotics in America is the most serious terrorist threat we face. Narcotics coming across our border have basically not only challenged the spirit of American freedom, they have eroded not only our health and our youths' initiatives, but they have attacked us at the very fiber of our republic.

Individual freedom is being all that we can possibly be. I support this amendment. The tragedy in Congress is that I believe we do not even go far enough.

I will be offering an amendment that will, in fact, complement the McCollum amendment to ensure that at least the matter of narcotics is treated very seriously and at the highest levels of priority.

I think it is time to recognize that we do not have to hold a gun to someone's head to simply destroy their life. Narcotics have certainly torn away of the fabric of the quality of life in America. They have destroyed literally communities. They have destroyed our youth, they have corrupted our youth, and we have not done everything we possibly can.

So I think this is a mild measure, to a degree, but it is the beginning. The gentleman from Florida (Mr. McCOLLUM) works that way, and he is to be given credit for his legislative gains incrementally. I am glad to support it and I recommend a strong vote on behalf of the McCollum amendment.

Mrs. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

I rise today in strong support of H.R. 4300, the Western Hemisphere Drug Elimination Act.

Between 1992 and 1995, there has been an increase in teen drug use of 105 percent. Now, let me repeat that staggering statistic. Mr. Chairman, a 105 percent increase in teen drug use in just 3 years. We can no longer just stand by and let this happen. It is our obligation to our children to address this issue.

Florida, the State which I represent, is one of our main entries for drugs coming into our country. The children in Florida are standing at the front door of this crisis. This bill will cut off the supply of drugs coming into not just Florida, but into our whole country, which means there will be less drugs on the street and the price will increase dramatically.

Mr. Chairman, this is simple economics. If the cost is outrageously high, then our youth will not be able to afford to purchase such drugs. We have to get serious about winning the war on drugs, and this bill does get us going in the right direction. By enhancing our interdiction efforts and through international eradication, we can win the war.

I was recently in Colombia, Guatemala and Costa Rica, and I met with the Presidents of those countries, 2 of whom are brand-new. All 3 of these men are honest. They are committed to their country's efforts to stop the narcotrafficking.

□ 1230

But they need our assistance. They need further enhanced assistance from our country. This is truly a war, which if we lose, then it will cause a continued loss of thousands of our young people. We are losing 14,000 to 15,000 a year now, and we need to stop this loss of life due to this gouge.

Mr. Chairman, I urge my colleagues to think of our American children's future and indeed the future of our country and support the Western Hemisphere Drug Elimination Act.

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support, not only of this amendment, but in support of the direction that the gentleman from Florida (Mr. MCCOLLUM) has taken on this issue. It just seems to me that, when we say Department of Defense, that we are talking about national security, we are talking about priority, we are talking about what threatens our Nation.

No one can challenge the fact that this poison that has been pouring into the United States by the tons each day has been a threat to everything that our country stands for and especially the protection of our youth.

Every President that I know, and more particularly President Reagan and President Bush, has made this a national foreign policy priority. Certainly the Department of Defense has no reason why they should not volunteer to make this a priority.

Certainly the equipment that we have to protect the United States against foreign foes can be used to protect us against the flow of drugs into this country since we have such sophisticated equipment against drug traffickers that are using sophisticated equipment.

I would like to say that, as we have this amendment that asks the Secretary of Defense to make this a priority, I would be supporting each and every amendment that would make this a priority with every Secretary of every branch of government.

Why should not the Secretary of Education make drug control and reduction of demand a priority? Why should not the Secretary of Health and Human Services make drug treatment and drug prevention a priority? Why should not the Secretary of State as relates to dealing with foreign countries make this a priority? Why should not the Secretary of Transportation say that all of those that are involved in transportation should be drug free and have it as a priority?

There is no question that the Secretary of Defense should mean exactly what the words say, defense of our great republic against any foes that could destroy her.

So let me congratulate those that worked so hard on this bill and to be able to say that whatever resources we have in the military, no matter what branch of the military, and even the CIA should be involved in determining what can they do to make our country more safe against the scourge of drugs.

So while I support this effort, I hope we continuously see in every committee, in every subcommittee, in every cabinet position, in every agency, in every department that we say this should be a priority. What is the good of a sound economic policy if our young people do not have the health in order to enjoy it?

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today the chickens have come home to roost. I say that because I want to review with you just for a minute where we have been on this issue. I was active as a Senate staffer some years ago on this issue when the Reagan administration created most of the laws and took an active and strong stand towards the question of illegal narcotics.

I say the chickens have come home to roost because we today see the results of a policy that has failed and that has put our Nation and our children at risk. We see a policy that was adopted by a President in 1993 that put in place as the chief health officer of our Nation, the Surgeon General, an individual who said just say maybe to drugs.

We have seen the destruction of the laws which we put on the books to certify drug producing countries and make a joke of them. We have seen the highest officer of the land say, if I had it to do all over again, I would inhale.

Mr. Chairman, we see the chickens have come home to roost. Let me read a few of these statistics. Current Illicit Drug Use Among Our Nation's Youth Continues to Skyrocket. This is a report of August 21 of 1998. Youth aged 12 to 17 using illegal drugs has more than doubled, 120 percent, a 27 percent increase from 1996 to 1997.

For kids 12 to 17, these are the latest statistics, first time heroin use, which is proven to kill, surged a whopping 875 percent from 1991 to 1996. The overall number of past month heroin users increased 378 percent from 1993 to 1997.

I submit the chickens have come home to roost. When we have a policy and we have an administration from 1993 to 1995 that cut our interdiction programs, that decimated our source country programs, that reduced the military involvement in stopping drugs come into this country, which destroyed the Coast Guard's ability to protect our coast and areas like Puerto Rico, the chickens have come home to roost, and we see the results.

This bill by my colleague the gentleman from Florida (Mr. MCCOLLUM) is the antidote. It is what the doctor has ordered. It directs our resources to the source countries. We know where the drugs are coming from, heroin and cocaine. They are coming from Colombia. They are coming from Peru. They are coming from Bolivia. And they are being transited through Mexico.

This puts the resources to stop drugs at their source, the most cost effective means of stopping drugs. So we have got to put Humpty Dumpty back together again. He has fallen off the wall. He has been destroyed. But it is going to take this legislation and subsequent legislation that we will hear today and tomorrow by this country to refocus our energy to stop drugs at their source.

I do not want to see another headline in my district with another teenager, a record number killed, dying a horrible death in central Florida, my peaceful central Florida that the gentleman from Florida (Mr. MCCOLLUM) shares with me. A fluent area, not a ghetto, not an urban blighted area, but the suburbs, the heart and core of this Nation has now been affected.

So it is something that really is important that we pass this legislation, this cost effective measure that is produced, not only to stop drugs at their source by our efforts, but also training those who are involved in producing drugs at their source to help us interdict this death and destruction that is plaguing our streets and our children.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly support what the gentleman from Florida (Mr. McCOLLUM) is doing. One of the things is, we talk about terrorism and we talk about drug use. When one talks about 14,000-plus kids and other Americans dying on our street corners every year, that is some kind of terrorism. That is a terrorism that we face day in and day out.

I have a brother who teaches in a middle school in Aurora, Illinois, who had children killed out of his classroom last year because of drugs and gang violence. That is certainly a terrorism that we face.

In reality, when one looks at the international side, one cannot separate drugs and terrorism because the narcotraffickers of South America and especially Colombia today, who were once ideologues that believed in the fight for a political reason, today are using almost $100 million a month in revenue from drugs to be able to move their causes.

So one cannot separate this type of terrorism of kidnapping and murder and things like that that goes on in Colombia and Bolivia from terrorism or drugs. They are intertwined. When one talks about bin Laden in the Middle East, there have been reports that there has been trafficking through Afghanistan and other Middle Eastern countries perpetrated by these folks and the profits that they made from drugs actually go for terrorism. So really we cannot separate terrorism and drugs because they are intertwined.

We need to allow the armed services, as the gentleman from Florida (Mr. McCOLLUM) has done in his amendment, to weigh this evidence and try to make decisions that are good decisions, decisions that protect Americans, decisions that stabilize peace and tranquility not only in this country but other nations, and I really salute the gentleman from Florida (Mr. McCOLLUM) for doing that.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to make a clarification, a comment for the gentleman from Illinois (Mr. HASTERT) and anybody else here, and that is my amendment today is not affecting the actual bill. The underlying bill has the sense of the Congress resolution in it that says that the question of asset allocation to the Department of Defense should be given the same priority as is given to the peacekeeping operations just after war, but it does set forth the findings of fact that form that predicate. I think we need to state that.

I think the gentleman has accurately and correctly stated the fact that we need to treat this on a wartime footing. It is the same as terrorism. It is our kids whose lives are being lost, and while if we were really at war against some nation, obviously we would be mobilizing and so forth, and that would be a little different and we do not ask that people put that over there at the Department of Defense on the same level but we are asking in the sense of the Congress that is in the bill and supporting it with this amendment findings of fact, that the Department of Defense recognize that it does have a high priority. It should be up there at least equal to those things they are doing elsewhere in the world that are short of war, and I think that is very justifiable.

I was not going to earlier but eventually I intend to ask for a recorded vote on this so we can go on the record on it and make sure that it does work.

Mr. Chairman, again, I thank the gentleman from Illinois (Mr. HASTERT) for yielding to me.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment offered by the gentleman from Florida (Mr. McCOLLUM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 537, further proceedings on the amendment offered by the gentleman from Florida (Mr. McCOLLUM) will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. HASTERT. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTERT. Mr. Chairman, I think that this is a substitute motion, and I am not sure how we can proceed with other amendments if this motion is not voted on.

The CHAIRMAN pro tempore. The larger amendment in the nature of a substitute pending is the original text under the rule. What was just postponed was a request for a vote on an amendment thereto.

AMENDMENT NO. 2 OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HASTERT:

Strike section 303 and insert the following:

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) COORDINATION.—The Director shall develop the plan in coordination with—

(1) the Department of Agriculture;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

Mr. HASTERT. Mr. Chairman, my amendment is a very simple amendment. It is a technical amendment. It came at the request of the chairman of the Committee on Agriculture, I think at the request of the Secretary of Agriculture. What we have done is asked the director of the Office of National Drug Control Policy to develop a 10-year master plan for the use of mycoherbicides to control narcotic crops of coca, poppy and cannabis in the United States and internationally, that is, to do the research.

Before, the original text of the bill asks the Department of Agriculture to do it. We think that this keeps it in more the focus of the ONDCP and it gives them authority to develop that 10-year plan for herbicides and we think that this is probably a correction and something that should be done in the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. HASTERT).

The amendment was agreed to.

□ 1245

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of title V add the following new section:

SEC. 503. PROVISION OF ASSISTANCE BY THE ARMED FORCES TO THE IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

The Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members of the Armed Forces to assist—

(1) the Immigration and Naturalization Service in preventing the entry of drug traffickers and narcotics into the United States; and

(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Ohio?

Mr. MENENDEZ. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will continue.

The Clerk continued reading the amendment.

Mr. TRAFICANT. Mr. Chairman, we just supported the McCollum amendment, and I congratulate the gentleman for incremental gains in securing America from illegal narcotics.

International narcotics traffickers are international terrorists. Period. Our borders have been overwhelmed by tons and tons of narcotics. One hundred percent of all the heroin, 100 percent of all cocaine is a stone cold import coming across not only our Mexican border but, contrary to what is the popular thought around here, our Canadian border as well, that can be assured, and through our many ports of entry and other security check points.

It has been pointed out that 14,000 kids die in America each year and the majority of them are victims of international narcotic traffickers who made available powerful drugs.

Mr. Chairman, who speaks today for the youth of America with noses running, eyes watering, stomach cramps, bowels breaking loose, pain and suffering, because no one really has ever really waged a war on drugs, as far as I am concerned?

There are some in the Congress that want to hand out free needles to make this destruction somewhat safer. Beam me up, literally. There is no intelligent life left here. Demand reduction is great. I would say to the gentleman from Illinois (Mr. YATES) education is great. Treatment? Cops? More cops, great. Psychiatrists? Psychologists? Absolutely marvelous. Slogans? Slogans are good. I am for them. Counselors? Teachers? Yes, we can use more. Chemotherapy? Methadone, use of narcotics to blunt the effect of narcotics? It has its place. Halfway houses? Hospitals? Free clinics? All great, I support them. Task forces? How many more blue ribbon panels will we support? I support them. They are all good; they are not good enough.

There was an amendment to the national security bill that the other body would not accept. It was abandoned, and I surely accepted that. It took 11 years to change the burden of proof in a civil tax case. Frankly, in my opinion there is not enough balsam in the United States Senate to do anything about this.

Mr. Chairman, I think the House of Representatives has been right on target. We have troops receiving a check from Uncle Sam in Frankfurt, cashing that check, going to the dinner theater. All the Traficant amendment says is the Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members to the respective divisions to give it a hand. Now, if that is earth shattering, so be it. But I am going to ask a for vote again.

Mr. Chairman, we are not waging a war on drugs if we are continuing to treat addicts. It is time to deal with the supply side of this issue. The greater the supply, the lower the price. The lower the price, the younger the initiate. The younger the initiate, the greater the problem.

We can rehabilitate a 40-year-old alcoholic. How do we rehabilitate a 15-year-old heroin addict? It is not about rehabilitation, it is about habilitation. We are wrong. It is time to do something.

I am glad to see that the gentleman from New York (Mr. RANGEL) former chairman of the narcotics committee of the United States Congress, supports the initiative. I believe everybody with some common sense is beginning to recognize that all facets of our government have to assist with this tremendous problem.

Mr. Chairman, I am going to ask the Congress to once again stand up, the House of Representatives, and take the lead on straightening out this problem in our Nation.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman's amendment is a good amendment. It is very straightforward. It simply says the Department of Defense and the military shall assist, and the word is "assist," no particular details to it, the Immigration and Naturalization Service and Customs in their efforts at antinarcotics.

Mr. Chairman, I think that is extremely important, particularly with regard to the Customs question. In this bill what we are proposing to do is to, in essence, put into the hands of Customs the full force of the air control and surveillance that we want to have, not only at our direct border but also over the source country region and in the transit zone, in the sense that they would get 10 planes, specifically designed P-3s with AWACS-type radar on them, to be the eyes that can look down and survey the area of the waters, that before these planes that might be coming to the United States with drugs can get here in the air over the source countries of Colombia, Bolivia and Peru, to keep track of all these craft that might be coming our way by air or maybe even by sea, since those planes have some of that capability too.

We are asking them to take care, Customs to take charge of all of this. We are giving them 10 more chase planes as well, a different form of the P-3 plane, adapted a little differently, asking them to go out and chase anybody that they find who is coming across with these drugs or coming our way from the source countries. They are not necessarily going to be as up to speed on doing all of the work in this regard as we would like them to be, because in the past, AWACS planes, the big radar planes, are and have been a military asset. They have been part of our Department of Defense inventory. Occasionally now, and in the past very often, but occasionally, like one-half a day a month I am told, an AWACS plane is on loan for our Southern Command to go down and take a little survey run to see if they can spot any of these planes flying around, trafficking in drugs.

Mr. Chairman, what Customs is going to have is a fleet of planes. It is going to have the money in this bill to be able to man those planes and operate those planes 24 hours a day around the clock over the source countries of Bolivia, Colombia and Peru, in the region, in the Atlantic, in the Pacific, in the Gulf of Mexico and the Caribbean, wherever that is needed; to fly that region; to map every single small, private plane flying in the region and keep track of it at all times; to be able to identify those planes, and then be able to communicate with other intelligence that information needed by the source countries in order for them to be able to force down planes that are identified as drug trafficking planes and to give our Customs forces, their adjunct sister force, the ability to go chase any of those planes that are coming across open waters or coming across our borders.

Now, that is an awesome task. In the past, to whatever extent that task has been performed, Customs has done some of it, but our Department of Defense has done a lot of it. So it is very appropriate that the gentleman from Ohio (Mr. TRAFICANT) is offering this amendment today that says that the Department of Defense shall assist Customs in its effort at antinarcotics, because that assistance may well be training. It may well be helping them with the details of what they need to know and how to do these things. It may well be some minor, albeit not large and expensive, item of equipment that they need on an emergency basis for assistance.

We do not know what it may be, but there needs to be in this bill, and I think the gentleman is making a great addition, an explicit direction to do this. This is different from the amendment we just took a vote on on the asset allocation reprioritization. That is very important too, that they make a policy change to do that so that there are assets available and other things that we do not know what equipment it might be, manpower or whatever of the Department of Defense itself. That priority needs to be changed so it cannot get lost down there somewhere.

This is different. This is saying they shall go forward and assist in these ways so they have specific authorization, if it is not already clear in law, and I do not know that it is, that they will help Customs do these things and, to some extent, Immigration and Naturalization and Customs.

Mr. Chairman, I support the gentleman's amendment. I thank him for offering it. We need to wage a real war against drugs, and only if we have the Department of Defense at least involved in assisting can that be done.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, back when I was a freshman in this institution, we passed on the floor an amendment that I put forth, and that was to strike the provisions which prevented the military from getting involved in law enforcement, with a specific reference and specific thought towards what they have since contributed since we have modified the posse comitatus laws of this country. That is a giant step forward.

Before we passed that particular amendment in this Congress, and the final passage was in the next Congress because we could not talk the Senate into such a radical position, can my colleagues imagine where we would be now without even the surveillance activity of the Armed Forces with the sophistication that the bad guys are using to bring drugs into this country?

There is no question in my mind that any country in this world that protects or refuses to cooperate in harboring the drug dealers and the drug industry, whether they be growers or processors, they are terrorist nations by allowing these things to continue within their own borders.

Actually, I would like to see at a future date, and I believe we will see at a future date, going further than what the gentleman from Ohio (Mr. TRAFICANT) wants to do in this particular amendment, Mr. Chairman, when we can go in and take out laboratories that are producing weapons of mass destruction, germ warfare, chemical warfare, all of these things, where we are going in and stopping the spread of it in Iraq or Libya, wherever we see it on the face of this globe. What is more terrifying to the future of this country or more destructive to our youth than the processing of drugs and then turning a blind eye as they come into our shores?

I think it is a good amendment. Anything we can do to further the role of the military in this regard is to the advantage of our country and I would urge the acceptance of the amendment.

Mr. REYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the purposes of understanding the gentleman's amendment, I would ask the gentleman from Ohio (Mr. TRAFICANT) for clarification. Can the gentleman tell me, is he proposing what he has proposed in the past, that the Secretary of Defense shall assist by placing troops on the border? What exactly did the gentleman have in mind?

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, it does not specify exactly what that assistance is. It just makes in order the understanding that the Congress of the United States wants the Secretary of Defense and our military to be one of the participants in the effort and to assist where they can. It does not make specifications.

It differs from the previous amendment, which called for specific training, specific activities when assigned; the training, the law enforcement aspect. This just calls for an assistance in a broad term and broad form, and a commitment to assist, and a direction and mandate of the Congress that the Defense Department shall assist where they can and where it is acceptable to do so.

PARLIAMENTARY INQUIRY

Mr. REYES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. REYES. Mr. Chairman, what I would like to know is what is the procedure to amend the amendment to make sure that we are talking about assistance from the Department of Defense by way of what the gentleman from Florida (Mr. MCCOLLUM) mentioned in terms of equipment, in terms of being able to track planes and those things, and specifically not troops on the border?

□ 1300

The CHAIRMAN pro tempore (Mr. QUINN). The Traficant amendment is subject to amendment, so the gentleman from Texas would have to draft an amendment and, of course, send it to the desk.

Mr. REYES. And Mr. Chairman, what is the time frame for that? Do I have to do it immediately?

The CHAIRMAN pro tempore. The time frame is very soon; during the debate of the amendment that the gentleman from Ohio (Mr. TRAFICANT) has offered, which is right now.

Mr. REYES. I thank the Chairman, and I thank the gentleman for clarifying for me his amendment.

Part of the concern that I have is we just recently settled with the family in Redford, Texas, $1.9 million for the death of their son, who died as a result of an incident along the U.S.-Mexican border which, unfortunately, was involved with specifically military units on the border patrolling in assistance to law enforcement.

I have the background of 26½ years of Federal law enforcement on the U.S.-Mexican border. I am very concerned about periodically the attempts in this House, in the people's House, to put forth a policy, a law, a procedure, or a process where we would make such a situation where military troops would be on our border to help law enforcement.

I am reminded of the analogy where we have a very rich dessert that looks good, it tastes good and it feels good. But although while we are eating it we think it is good for us, it does not have any nutritional value. It adds fat content to our body, and, ultimately is very detrimental to us. And that is exactly the point I want to make here this afternoon about putting troops on the border.

If the amendment is to bring military assets, such as radar, such as being able to track airplanes, such as being able to assist law enforcement in identifying routes but specifically excluding military patrols on the border, then I do not have any objection to it. In fact, in the past it has been a very effective policy. I worked on the border. I worked in south Florida. I can attest to the fact that we do need that kind of capability.

One other concern that I want to bring forth here is that we cannot possibly have it both ways. I just came here from a hearing where we listened to testimony from U.N. Inspector Scott Ritter about the situation in Iraq. Part of the concern and the testimony that we are hearing now is the readiness factor that we have right now and our inability at this point, and the concern from the national security perspective, that we would not be able to do a Gulf War type operation today.

So we cannot have it both ways. We cannot continue to bring forth, because it sounds good, because it feels good, a proposal to have the military participate in the war on drugs and then expect them to do and carry out their mandates.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the gentleman's amendment. I have been working on this not as long as some, but the last 4 years, and we see in the eastern Pacific where cocaine would come up from Mexico or would come up from Colombia or would come up from Peru unfettered, unstopped. Why? Because we have not one ship, Navy ship, Coast Guard ship, or anything else in the eastern Pacific to stop trainloads of cocaine in the bottom of fishing boats and luxury liners and freighters and cargo containers. Even though we have the intelligence to do it, we cannot do it. The resources are not there.

I have seen classified programs in the eastern Pacific and the Caribbean, both in the western Caribbean and the eastern Caribbean, dropped. They are not there. Why? We do not have the resources to do it. Meaning we have literally tons and tons, and hundreds of tons of cocaine and marijuana and, in some cases, heroin coming up through our island chains through the Bahamas, through Puerto Rico, through the Dominican Republic. Why? Because we do not have the resources.

The gentleman from Florida (Mr. McCollum), who spoke before, talked about having an AWACS one-half a day a month. If there are 30 days in a month, round it off, and we have a half a day, that means that any narco-trafficker, moving narcotics by air or by sea from Mexico or Colombia or through the Mediterranean or through the eastern Pacific, has 59 out of 60 chances of success because we do not have the AWACS to do that.

Now, do we need AWACS? No, all the AWACS are in the Middle East or they are up in Alaska. Fine. But we do have P–3s. I was in Monthan Davis Air Force Base last winter just to see what inventory we had there. We have P–3s by the score, with the radar domes and everything else we see sitting on the ground. They are there. The resources are there. Why not be able to use the resources that we already have to put eyes in the sky and stop the drugs?

Finally, I have to address the problem that the gentleman just talked about. I was in Texas. I spent 4 long days in Del Rio and Eagle Pass; talked to a lot of people; talked to ranchers; talked to people who have kids in school. It was 115 degrees. And I tell my colleagues, that is a tough place to live. Walking out in that desert, and whatever else it is, there is something that will either scratch you, bite you or eat you. Unfortunately, we are losing scores of people who are dying in that desert, being brought across the border by what they call "coyotes," and are forced to swim and they are drowning. They are moving through that desert and they are dying, but a lot of those people are dying with backpacks on their back with illegal narcotics.

Now, we can have observers helping law enforcement sitting there watching. I had ranchers tell me, a group of about 50 ranchers that came and sat and we had a long discussion one evening, it was in Del Rio, Texas, and they were saying, "We do not understand." They feel the United States Government has abandoned them. Those were their words. They feel we do not care because we have taken the troops away from the border. And they are saying that they cannot leave a tractor sit out in their field, these ranchers right along the Rio Grande River, because people come over at night, steal the tractors, steal the parts, and they are gone.

They talked about people shooting into their houses, into their ranches. And these are people that have been there for five and six generations and are losing the ability of having the right of their land, the right of their homes, because there is nobody there to protect them.

Now, what has happened, and this meeting was set up by the Border Patrol to sit down and be able to talk to these people, the same people the gentleman worked with over the years. And I am not sure if the outcome of the meeting was what the outcome of the meeting was intended, but this was the story that rolled out. These people feel that they are abandoned American citizens because there is nobody there to protect them. The Border Patrol can do some things, but they are rolling along. They are not sitting there and being observers hour after hour.

We need the help. If the Secretary of Defense deems it necessary, if he deems it wise to do, we need to give people the options to do these things.

AMENDMENT OFFERED BY MR. REYES TO THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. REYES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Reyes to the amendment offered by Mr. Traficant:

On line 7, strike "members of".

On line 14, add the following new sentence, "Nothing in this amendment shall be construed to authorize the deployment of the Members of the Armed Forces in contravention of United States law for the purposes of this amendment."

Mr. REYES. Mr. Chairman, first of all, in my 5 minutes I wish to address some of the comments my colleague from Illinois made.

I just want to, first of all, tell my colleagues that one of the things we need to understand and remember here is that if the intent is to control and to stop the flow of narcotics into this country, then we have to realize that 90 percent of the drugs that flow across the U.S.-Mexican border, 90 percent of the drugs that flow across the U.S.-Mexican border, come through the ports of entry. Statistics show us that only 10 percent come in between the ports of entry, and have nothing to do with some of the concerns that the gentleman raises.

That is point number one. Point number two is that we in this Congress, for the last several years, and for 2 or 3 years henceforth, have taken it upon ourselves to increase the number of resources specifically intended for the United States Border Patrol. We have doubled their force. By the year 2001, we are going to have a Border Patrol force that will exceed 10,000 officers.

I am a cosponsor of a bill that was introduced, bipartisan bill introduced by the gentleman from California (Mr. Hunter) that states that we want to take the Border Patrol up to 20,000. I think that if we will continue on that course, giving the United States Border Patrol the resources necessary to do the job, it does several things.

First of all, we have trained, professional Federal law enforcement agents that understand and are recognized as being part of the law enforcement presence along the border. They understand the culture, they are bilingual, they are expected to be there, and it makes sense. That is part of what I think we ought to be about in terms of addressing the strategy in between the ports of entry.

Second thing is that I am also a cosponsor of a bill that will give additional resources to Customs. We have to understand that in order to be successful at the ports of entry, we have to do two things. First of all, we have to send a strong law enforcement presence; and, secondly, we have to facilitate commerce. That has been part of the argument and part of the frustration that I have faced here, and other Members from the southern border, from the U.S.-Mexican border have faced here in this Congress, is that we want and expect people to settle for different rules between the United States and Mexico and between Canada and Mexico. That was the premise of the argument in section 110.

So what we are trying to do is put forth some public policy and resources that, first of all, do the job; secondly, do not endanger border communities; and, third, have people understand that there is a better way of doing things.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Will the gentleman be addressing the amendment that the gentleman has offered as well?

Mr. REYES. Yes, I will.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. REYES TO THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. REYES. Mr. Chairman, at this point I want to ask unanimous consent to make a technical modification to my perfecting amendment to change the last word "amendment" to say "section".

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. Reyes of Texas to his amendment:

Strike out the word "amendment" in both places that it appears and insert in lieu thereof "section".

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentleman from Texas (Mr. Reyes)?

There was no objection.

Mr. REYES. Mr. Chairman, what is my remaining time?

The CHAIRMAN pro tempore. The gentleman has 1 minute of time remaining.

Mr. REYES. Again, in summary, and again concluding as to the perfecting amendment that I have before this House, I hope that this body understands that there is a reasonable way to address the problems that we face against narcotics trafficking and against those that would perpetrate criminal acts against border residents.

I understand. I spent 26½ years working the area. I understand what my colleague from Illinois is talking about. But I think that we have to respect a process that takes into account the fact that border residents are United States citizens also, and they deserve and should expect the same kinds of protections and the same kinds of rights and privileges that the rest of the country has.

□ 1315

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in opposition to the perfecting amendment, or the secondary amendment. Basically a couple of things. The gentleman from Texas said that 90 percent of all the drugs go through ports of entry. We are doing a better job quite frankly because we have given Customs better and more technical equipment and this bill does that, too. So we have a parallel interest here. But as you start to shut down the ports of entry and do a better job, especially in places like El Paso and Laredo and on and on down the line, the next place and the next porous area along the border is the Del Rios and the Eagle Passes and the place where there are no ports of entry, so these are the areas where they are coming through and it is tougher to do it. You do not bring it through by a truckload, you put it in backpacks on 20 people and have them march across the river, go through the desert to the next highway. That is what is happening. That is a fact. When they do that, they trample across people's property. They are outlaws in the first place. They are taking and shooting at people's homes, moving them out, terrorizing people along there.

We are just saying, a simple fact, that if the Secretary of Defense is asked and has an option to put people down there to help observe and help the Border Patrol, it was interesting because my discussions with the Border Patrol and especially in Del Rio and Eagle Pass is that they thought they worked well with the military observers that were there.

Mr. Chairman, I regretfully oppose this amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak against the Reyes perfecting amendment and in support of the Traficant amendment.

Mr. Chairman, we have lived in a land of "maybe" for 5½ years now. We have lived in a land of we should do this and we should do that but we have not done this or that. Ladies and gentlemen, we have seen again the results, and I do not want to repeat them, but the results are devastating on our children and on the flow of drugs and illegal narcotics into this country.

The question before us is, shall we use the military along our borders to protect our borders in the interest of national security? I strongly support the gentleman from Ohio (Mr. TRAFICANT). Mr. Chairman, if this Nation has ever been under attack, it is now. If you do not count 15,000 deaths per year and add up in the last 5½ years the number of innocent Americans and mostly young people who have died on the streets and in our neighborhoods and in our communities, you cannot say that is not war. The total is more than the casualties, the fatalities in the Vietnam War and the Korean War and in the Persian Gulf War. I submit that we have 2 million Americans in prison behind bars locked up at public expense. Any sheriff, any law enforcement officer will tell you that 70 percent of them are there because of use of illegal narcotics. If this is not a national security threat, if we have not seen enough lives destroyed in our communities, whether it is Plano, Texas; Los Angeles, Detroit or my central Florida, I do not know when we will recognize the problem. And here we are in our Nation's capital, the United States of America, Washington, the District of Columbia. I have been coming here for 18 years. And every week I have read the obituaries. Every year 3 to 400 young black Americans have been slaughtered in the streets here because people will not stand up and take a stand against illegal narcotics and trafficking. That is thousands of lives lost in this Nation. And here we are debating "shall" or "should." It is time to stop playing games. The gentleman from Ohio (Mr. TRAFICANT) is correct.

Fifty percent of the drugs have come in from Mexico. Here are the reports, we have held hearing after hearing. Here are the reports. There are facts. The drugs are coming in across the borders. We must use every possible means to stop them. In this poll-driven city, everyone relies on polls. Here is a poll taken September 15, 1998, 60 percent of Americans say the use of military patrols along the border to stop drugs is either an excellent or very good idea. So hide behind polls but do what we need to do, because if drug dealers were to lob missiles across our borders, they could not do any more damage than they have done to this Nation's capital, to the streets of America. So do not come up with these last-minute "should," "maybe" or "possibly." This is a time for action. We need to defeat the Reyes amendment. We need to support our colleague on the other side of the aisle and let us go forward and stop this travesty on our youth and this Nation.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words. That was a very passionate speech. Let me just talk about the fact that we do have a real serious problem in this country, but part of that seriousness is taking an obligation that we also have a problem in this country, in this country in terms of what exists in our area and providing that assistance to those individuals. I would ask to those individuals who stand up here and talk to also inquire how many times they are willing to fund those programs that are out there and those youngsters that are in need of those programs to be able to respond to some of their concerns and some of the problems that they have.

Mr. Chairman, as a member of the Committee on National Security and a member representing communities along the U.S. border, I represent two counties right on the border in the Rio Grande. I oppose the amendment offered by the gentleman that would allow the troops to go in there and I support the amendment, the substitute that is being submitted by the gentleman from Texas (Mr. REYES). An increase of U.S. troops on the border with Mexico is a dangerous proposal that would put border residents in danger and reduce military readiness. I would repeat that again. It is going to reduce military readiness. Our military is the world's best trained fighting force. They are not police officers. They are not Border Patrol agents. They are trained to fight. We put our own citizens at risk by deploying them on American soil. I represent two counties, as I indicated, right on the Mexican border. In the town hall meetings that I have had during the month of August, I had 11 town hall meetings during the month of August, not once did anyone raise that this is a key issue that we need to do. In fact most of my constituents do not approve putting troops on the border. We do have existing troops that are working there now that are working directly with the Border Patrol, that are working there directly with the Customs. Those individuals are doing a tremendous job. But to put them in the way that we have had them in the past that has created problems is not the way that we should approach this.

Again I would indicate to the gentleman that spoke before, it is fine to scapegoat other countries, but we have a responsibility to take and fight it here at home, also, because our citizens are the ones that are also choosing to also take those drugs. Border residents just like everyone else want to stop the influx of illegal drugs. They believe in stopping the flow of undocumented immigrants. But the solution they support is more Border Patrol that are well qualified, more Customs Service agents which we have failed to put enough money to assure that we have those Customs individuals. The Customs Service is the one that opens those trunks, is the one that looks into those cars. Those are the individuals that we should be supporting. Those are the individuals that we should be increasing their budgets. That is where the trade has increased and doubled and tripled in the last few years, but we have failed to put enough resources for the Customs where it is needed.

In the last two years, an 18-year-old young man, an American citizen, was shot to death by a Marine on the border in Redford, Texas. That particular case after it came out, and this was a tragic incident that highlights the complexity of this issue, and places our soldiers on the border and the potential harm to other residents. The military itself has come back after the settlement, has indicated that it was a very serious mistake to even put those Marines there on the border. They were there in camouflage as they worked the border. They shot this innocent young man who was in high school and he was out there herding his goats. They shot him. They indicated there after the settlement, and it is no wonder, that the Department of Defense and the Department of Justice and the Immigration and Naturalization Service, all of them, oppose this process. The Border Patrol, they have nearly 8,000 agents patrolling the national borders. Congress has authorized an additional 1,000 agents up to the year 2001. We are going to have an additional 1,000 agents on the border. Last year the San Antonio Express-News pointed out that the Redford incident may be isolated but the warning against deploying soldiers into an area lawfully and peacefully used by private citizens needs to be seriously looked at.

Mr. Chairman, again let me inform my colleagues that I serve on the Subcommittee on Military Readiness of the Committee on National Security. At the time when readiness concerns are at their highest and with troops sent for extended periods to Bosnia and elsewhere, we cannot afford to pull additional men and women away from their posts to do work that Border Patrol agents should be doing. It is unfair to our fighting men and women and it does harm to our national interests.

I ask that we support the Reyes alternative.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when this issue last came before the House in May, I said it was a wrongheaded measure. My sentiments have not changed, not one iota in the intervening months. As I said when I spoke at that time, all of our budgets are tight. I certainly have been trying to find precious dollars for items that I deem of much higher priority than this, items such as funding higher education, programs which are badly needed throughout the country.

As a member of the Committee on Education and the Workforce, I can vouch for that. Now, the gentleman from Ohio (Mr. TRAFICANT) is proposing asking us to fork over tens of millions of dollars for a program that is not only costly but unnecessary. Putting troops on our borders is simply a bad use of government resources and taxpayer dollars. These funds could better be used for training our armed forces for military readiness, not performing the jobs of Border Patrol agents.

This country already benefits from the work of highly qualified, highly trained Border Patrol agents who courageously and skillfully enforce our Nation's laws and protect our borders on a daily basis. I have said it before and I will say it again, to replace these INS agents with military troops is simply a bad idea.

For that reason, Mr. Chairman, I urge all my colleagues to vote against the Traficant amendment today.

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding. One of the things that my colleagues will recall, Mr. Chairman, I started out by asking my colleague from Ohio specifically what he intended or what the intent of his amendment was. Based on that conversation, I offered my perfecting amendment. The issue here, and this should be of concern to all of us, are those that think that we here in this body should adhere to a quick fix at any price. We have already seen one young man killed on the Texas-Mexico border as a result of military troops on the border. I would ask my colleagues that are so intent on protecting the neighborhoods, does that mean that they are willing to deploy United States military resources to the neighborhoods in Washington, D.C. and Florida and Kansas and Illinois and the areas that they represent? I think not. We cannot afford it. We should not subject neighborhoods to that kind of military presence. Yet that is the very thing that they are proposing in the context of the amendment that is offered that they are opposed to a perfecting amendment that would preclude border neighborhoods from seeing and having to deal with troops on our borders.

Part of the process of understanding those that want that quick fix, because of what we need to clarify here is that it is not inconsequential that those of us who represent border communities are opposed to military troops in our communities and along our borders, the areas that we serve, the areas that we represent. No one should be enamored with a quick fix. No one should say, it is okay to put U.S. soldiers in jeopardy both professionally, legally and personally by deploying them to the border to do counterdrug operations.

□ 1330

That is not what they were trained for, that is not what they want, that is not what anyone wants that is involved in drug enforcement. INS does not support it, the Attorney General does not support it, the administration does not support it. Those of us that know and understand and have worked, not have gone for 3 or 4 days and suffered 115 degree heat and the bites of insects and everything else, those of us that have worked that area, in my case 26½ years, and in the cases of America's finest law enforcement officers that are serving us very well today, day in day out, 24 hours a day, they do not want troops on the border to complicate an already complicated and controversial part of the legacy of this country.

We should understand that there are no quick fixes. Quick fixes come with a tremendous cost. It has already cost the life of an 18-year-old high school student in Redford, Texas. I would submit that those of us that are so concerned about the deaths in this country throughout the neighborhood should take that into account.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to propound a question to the author of the main amendment, if he would be willing to respond. He and I have discussed this on many, many occasions, and I understand the seriousness of the problem that we are dealing with here, and I support the gentleman's amendment, as I have in the past on other times, that we have this debate before us.

But I listened to the debate of the gentleman from Texas (Mr. REYES), and I would have to tell my colleagues that I have tremendous respect for him, I have listened to his debates at great length, not only today but at previous times. He and I have the privilege of serving together on the Board of Visitors at the Air Force Academy, and his presentations are always very well thought out, very sincere, and his questions are right on target.

But today I have this question, I want to confirm this. It is my understanding that the Traficant amendment does not specify that there would be U.S. troops placed on the border.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman if he would respond to that.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment does not mandate troops on the border but does not limit any action taken by the Secretary of Defense and our military to assist in drugs crossing our border.

So under the Traficant amendment, if the administration had so chosen, it has the option of using every asset they have to combat this problem. Under the Reyes amendment, they would limit it and take away the assignation of troops, if they would wish to assign to our borders, and I believe it is a killing amendment, I believe it is designed to simply kill the total flexibility of the Pentagon to aid in the matter.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's response, and I maintain my support for the gentleman's amendment and in opposition to the amendment to his amendment.

But, Mr. Chairman, I would also like to point out that as I read the bill and as I read some of the substitutes and some of the amendments that will be offered, there are quite a few references to the Department of Defense, the transfer of assets and the distribution of authorizing funds from a Defense Department account to a nonDefense Department account. And I just wanted to make the case to my colleagues that yesterday we appointed conferees to go to work with the Senate on the defense appropriations bill, and as we talk about any legislation that authorizes additional spending, we need to know that as we go to conference with the Senate now, we are approximately $5 billion apart between the two houses, and we do have, as my colleagues know, a cap that was set by the budget agreement of last year. And so we need to be very careful about what types of mandated Defense Department spending that we deal with here.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a member of the Committee on National Security, and I do not know how many of my colleagues have had a chance to look at the military report that came out just recently. A military report earlier this month found that the marines involved in the fatal shooting on the border were not adequately trained for antidrug operations that place combat-ready troops amongst civilians. The report found that the mission appears to have been viewed at every level of Marine Corps command as more of a training opportunity than a real world deployment. The failure to appreciate the difference has tragic consequences.

Mr. Chairman, I not only served in the military, I was in law enforcement for 14 years, and there is a difference being sheriff, with all due respect to my good friend, we both were sheriffs, in middle America than being a sheriff in a district that is very, very close to Mexico.

We talk about drug trafficking, we talk about illegal aliens coming into this country. What have we done about consumption? If we do not have consumption, and it is not only the United States, other countries are beginning to experience, and at one point they were considering only as being transshipment points. But it has changed now. Now Columbia, Costa Rica and other countries are beginning to have problems with consumption as well.

Mr. Chairman, this is something that we are going to have to work on together.

So, I have a lot of respect for my good friend, the gentleman from Ohio (Mr. TRAFICANT) but I do not think that the answer is putting troops on the border, even at the discretion of the Secretary of Defense.

So at this time I would just ask my colleagues to look back and see what has happened. Read the military report and see what it says. The training, my colleagues, is totally different.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Chairman, as my colleagues know, it was an unfortunate situation, tragic situation, that happened in Redford, Texas. I do not think anybody debates that. But we have tragic situations all over this country in my district, in my colleagues' districts, everywhere we are where kids are getting killed either by gang violence tied with drugs or by drugs themselves. So the teenager in Redford, Texas, who actually shot three times at the servicemen who were doing observations there, that was unfortunate. But there was three shots fired at those troops.

But let us look at and talk about this. What this allows is JTF–6 has basically suspended intelligence operations along the border. Last year they did 350 surveillance operations in conjunction with the Border Patrol and Customs and everybody else that made this system work, and now that action is largely suspended.

And if we talk about education, we should spend dollars for education, we can spend a lot of dollars for education, but as long as those kids have drugs in the classroom and those schools are in jeopardy of being shot up, I will tell my colleagues all the dollars in education does not do any good, at least where my brother teaches, in Aurora, Illinois.

Mr. SHAW. Mr. Chairman, in the time that I have remaining, I would like to underscore what the gentleman from Illinois said in opposition to the amendment to the Traficant amendment.

We have technical equipment out there, sophisticated defense-oriented equipment out there, that really needs the people in the Defense Department, our troops, to be able to monitor them and to operate and to be able to work in concert with law enforcement officials. And there is nothing that says that we cannot train some of our military personnel in law enforcement. We do it all the time with our military police. There is no reason we cannot cross-train these people.

The Traficant amendment does not mandate troops to the border; let us get this out of the way. But if my colleagues want to mandate that we can not in any way use our troops along the border, then support the amendment to the Traficant amendment which, as the gentleman from Ohio (Mr. TRAFICANT) says, is a killer amendment. It is a poison pill to the Traficant amendment, and I think it would certainly kill this amendment which is well thought out, when it is put in place. It does not mandate the placement of troops, and I would hope that we would defeat the amendment to the Traficant amendment and then support the Traficant amendment.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join my colleague from Texas (Mr. REYES) in supporting his amendment to the Traficant amendment. I know my colleague, my other colleague from Texas who is here, the gentleman from Texas (Mr. ORTIZ), was a former sheriff like my colleague from Ohio is a former sheriff; but the background that I know of Congressman Reyes, and I knew of him long before he decided to run for Congress, he was an INS officer not only in the El Paso district, but also in south Texas a few years ago, and he showed us how we can handle the problem with illegal immigration.

He created the hold-the-line program that now INS is doing in California, and they are doing in south Texas and the Rio Grande Valley without military presence. He showed us how to do it, and that is why it is so important that we listen to his expertise in law enforcement and not necessarily even my colleague from Texas or my colleague from Ohio, because as my colleague from Texas (Mr. ORTIZ) mentioned, it is different to be a sheriff in middle America or even a sheriff in Texas than it is to be a law enforcement officer charged with the border protection that the INS does.

The hold-the-line was successful without military personnel. We have military personnel now on the border, and we know the tragedy that happened. That was just one tragedy, and one tragedy is too many, particularly the incident. And I know I heard from my colleagues that that young man took a couple of shots at somebody that was following.

Well, I also know, coming from Texas, the difference between a 22 rifle that a young man a 16-, 17-, 18-year-old may be using and someone carrying an M–16. So we know the difference between a 22 shell that does not have the velocity or the threat that maybe a bigger weapon does.

The concern I have is that we already have them for detection. They need to have more oversight there, more civilian cooperation, but that is why I support the Reyes amendment. We have the way that can be done, the success that can be done, and this Congress has passed every session more INS agents to go to the border and to institute hold-the-line from the Rio Grande all the way out to the Pacific Ocean. We just have to put the resources there and not bring our military to have to guard our borders.

The United States has a great tradition of military only being used in national emergencies. Now I know the gentleman from Ohio (Mr. TRAFICANT) will make that case, and I have some constituents who are concerned about illegal immigration, but we have a way to solve it using civilian personnel without using the military.

And one last thing before I yield to my colleague from Texas. We also have a concern that our military is being overutilized or used in functions that they should not be done, not only around the world, but I think this is another case that we may be over-extending the military commitment that our country needs in using it to be a border patrol, and we can do that with civilian authority and keep our military highly trained to protect our Nation from terrorists and from foreign enemies and not just do civilian police work.

Mr. Chairman, I yield to my colleague, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I also wanted to add, I think of anyone here I think I am probably the only one that has worked as a case worker. I had a caseload of over 60 heroin addicts, and I worked for about 3 years with them. I worked about 2 years with adolescent substance abuse, and we do have a very serious problem. And one of those areas is in our backyard where we really need to come down, and I am going to give my colleagues one example:

In Bexar County during the 1970s, it was occasionally, every time the D.A. came up for reelection, most of my addicts were picked up, in all honesty, and those were some of the individuals that, yes, they might have been selling and, yes, they might have been using. But they were the ones that were fixing, they were not the ones who had the money, they were not the ones making the big profits.

There is a need for us to really look at our own backyards and go after those individuals that are making those millions. When that money comes in, there is someone there that is capable of dishing out several million dollars to get involved. Those are the ones that we need to get after, those are the ones that we need to make sure that we go after.

The other thing that I wanted to share with my colleagues, I think there has been some discussion talked about the fact that the military can provide assistance, and they are. They are doing a great job there with the Customs, they are doing a great job there in the form of assistance, but not in the form of troops.

We have a real serious situation with the budget, and it is time, as the gentleman from Texas (Mr. ORTIZ) has indicated, and I am also in the Committee on National Security, and we recognize the importance of the fact that we are real tight when it comes to the budget. But putting troops on our border is extremely costly and is a bad use of our scarce resources, and I would ask for support.

□ 1345

Mr. GALLEGLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Reyes amendment and in support of the Traficant amendment.

Mr. Chairman, I support H.R. 3400, the Western Hemisphere Drug Elimination Act. However, I do with some disappointment over how the bill was handled.

As chairman of the Subcommittee on the Western Hemisphere, our subcommittee did not have the normal opportunity to hold hearings on this bill or to spend some time discussing the various provisions of the bill. That being said, I am still cosponsoring this legislation.

I certainly support any effort we can make to enhance our fight against illegal narcotics. I do not know of any Member in this body who would be opposed to making resources available for this effort. H.R. 3400 aims to reduce the drug flow into the United States by 80 percent over the next 3 years. This legislation is vital if we are going to stem the flow of drugs into our country and to protect our citizens.

This bill is plain and simple. It provides increased resources for international interdiction and eradication programs of the antinarcotics effort. This bill provides increased funding for alternative development programs which must be provided to convince coca growers that they can make a livelihood by producing other products.

Finally, the bill provides much-needed assistance to primary source nations such as Colombia, Peru and Bolivia to help them fight drugs. Demand reduction and domestic law enforcement are important parts of our anti-drug strategy, but we can no longer allow eradication and interdiction to lag behind.

We need to get back on track with a balanced anti-drug program that makes attacking drugs at their source and stopping their shipments a top priority.

This legislation will clearly help make a dent in the fight on drugs, and I urge its support.

Now, despite my strong support for this effort, there is one provision in this legislation which I am very uncomfortable with and one which I would have preferred further discussion on, at least before it was included in the McCollum substitute.

I believe this is one of those provisions which slipped into the legislation precisely because there was no committee consideration of the bill. That provision is found in section 201 regarding aid to Colombia. This provision, which may border on interference in Colombia's internal affairs, stipulates that if the Colombian government negotiates certain agreements in its attempt to end the bloody civil war which has engulfed the nation for the past 40 years, then we will cut off all antinarcotics assistance to that nation.

Now, Mr. Chairman, I agree that we do not want to see any peace agreement in Colombia which gives the guerrillas a free hand to continue to produce and ship lethal drugs into this country. But I do not believe we should be instructing or threatening the president of Colombia in a bill such as this in what the provisions of their peace agreement should be.

President Pastrana has only been in office now for 1 month, Mr. Chairman. He was elected with a mandate to end the civil war. He has made this his top priority. His job is a very difficult one. But for us now in this bill to threaten to tie one arm behind his back could jeopardize the peace negotiations before they even begin. This provision is premature. We have a very tough certification process, and if the Colombian government does negotiate a treaty which includes provisions which we cannot accept because they impact on the war on drugs, then Colombia could face decertification and their funds would be cut off. But let us give the new president of Colombia a chance. Let us not threaten or try to dictate what he should do to end the civil war.

Again, Mr. Chairman, I support the overall thrust of this bill. I applaud its authors; I am a cosponsor. But I would have preferred that this bill have gone through the regular order and the committees of jurisdiction have the opportunity to work on the provisions of the bill in more detail. Nevertheless, Mr. Chairman, I urge the adoption of the bill.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned about those who would portray the debate as some who would be softer on fighting the interdiction of drugs into this country and others who would be tougher, and who can outtough who? The fact of the matter is that for those of us who are supporting this bill, as myself, we want to take a very tough stand on the question of interdiction.

The gentleman from Texas (Mr. REYES) raises a serious concern. Now, I have heard the language that has been used with reference to the Traficant amendment, but the language that has been used is not the words of his amendment. I have heard here about observers. Fine. I have heard here about AWACS, fine. I have heard about helicopters. Fine. I have heard about surveillance. Fine. I have heard about intelligence. Fine. All of those things are fine. But to suggest that this amendment does not specify the use of troops on the border is not to read the amendment at least the way I read it.

What does it say? The Secretary of Defense shall assist in keeping illegal drugs out of the United States, by doing what? By assigning members of the armed forces, by assigning members of the armed forces to do what? To assist the INS in preventing the entry of drug traffickers into the United States. Where is that? Along the ports and borders. And the United States Customs Service' and inspection of cargo vehicles and aircraft, at what? At points of entry into the United States.

Therefore, although one can say in debate that this does not mean that troops will go at the border, the amendment says the Secretary of Defense shall assist in how? By assigning members of the armed forces. And where? At the points of entry to the United States. That means U.S. troops on the borders.

Now, I asked my colleagues. I have heard those who are involved in the Committee on National Security, which I am not. I have listened to them and their expertise. I asked my colleagues. We have passed bills over the last several years for 1,000 new border patrol every year for the next 10 years. That means 10,000 new border patrols on the borders of the United States. I voted for that. I support that. But now, in addition to those 10,000 border patrols, we are talking about placing armed forces of the United States at the border.

No one has suggested, and the gentleman from Ohio (Mr. TRAFICANT) did not offer in his amendment nonlethal forces, which is what everybody talks about, but that is not what the amendment provides for. We could have provided for nonlethal forces so that we could have the surveillance, the intelligence, the helicopters, the AWACS and all of that, but that is not what is being provided for here.

Mr. Chairman, I would urge my colleagues who do, in fact, have a sense of what the national security of the United States is in the context of the number of troops that we need across the world, what are we doing? We have troops in Bosnia. We have troops in Macedonia. We have troops in Kosovo. We have troops in the Gulf, in north and south. We have troops in South Korea. We see the need to respond to terrorism in the recent attacks that took place in Afghanistan. We do not know where the next threat comes from, and we need to have the ability to respond to those threats.

Now, does anybody here want to fight drugs more than the next? No. My 2 children, I am concerned about them, as my colleagues are for their children and the children of the district my colleagues represent. But let us be honest. The fact of the matter is that we have a finite set of resources. Mr. Chairman, 52 percent of all of our monies right now are being used in domestic police protection along the borders. We are going to add to that another 1,000 border patrol a year for the next 10 years, 10,000 more.

Yes, we can have the ancillary services of the armed forces to assist that effort. But should we now take from all of the other efforts we need throughout the world, from our counterterrorism efforts that only have to increase because we are all the more susceptible, should we now take those troops and put them in lethal positions on the borders of the United States? That is what the legitimacy of the gentleman from Texas (Mr. REYES)'s point is.

We can support the amendment of the gentleman from Ohio (Mr. TRAFICANT) in the context of saying that the ancillary forces of the nonlethal aspects should be in fact used, but we should support the gentleman from Texas (Mr. REYES) in the context that lethal forces with our troops are already stretched throughout the world and the necessity to respond in what I have heard Members here speak so many times of 2 different theaters in the world in which our troops need to be able to respond.

Mr. Chairman, look what we are asking them to do: Respond in 2 different places in the world at the same time. All of the peacekeeping missions we have, all of the places we want them to support, all of the antiterrorism efforts we want to address, and in addition to all of that, we want to put them on the borders of the United States. We do want to fight drugs, but let us be intelligent about the way that we do it.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

We are not sheriffs today, we are lawmakers. I support the bill and the tremendous effort of the gentleman from Illinois (Mr. HASTERT) and the process that was developed to eliminate drugs in the Western Hemisphere. That is the bill.

I want to compliment the gentleman from New Jersey (Mr. MENENDEZ). He is a most capable leader on our side of the aisle, and certainly advancing himself up the ladder.

I want to talk about the Reyes amendment.

I have great respect for the gentleman from Texas (Mr. REYES). I support his bill to amplify and increase Customs. I support the bill of the gentleman from California (Mr. HUNTER) to increase border patrol. Increased border patrol, increased Customs is not going to eliminate drugs from the Western Hemisphere.

Let us talk about what the Traficant amendment would do. The Traficant amendment would allow the Secretary of Defense, after consultation with the White House and the administration and congressional leaders, to do everything in their power to mitigate and eliminate narcotics from our country. The Reyes amendment would limit the White House and the Secretary of Defense if they chose to take a specific course and allow for troops on our border.

The tragedy of Esequiel Hernandez cannot be overlooked. FBI agents have been killed in wrongful death shootings. American soldiers have been shot by their own company men. Do we throw out the army? Do we defund the FBI?

We are today targeting narcotics. The Traficant amendment is not targeting immigration.

Now, we have had that whole sphere constantly brought into this matter. We have painted anyone who takes this stand as having some sinister ethnic bias. That is very foolish. Very, very foolish.

I support every initiative on our borders to be fair, but I will say this to Members of Congress. We have not really engaged in a war on drugs. The gentleman from Florida (Mr. SHAW) knows that; the gentleman from Florida (Mr. MICA) knows that. We all know that. We are now debating the politics of how the Pentagon can assist us.

The Reyes amendment says, even if we want to, we cannot. The Traficant amendment says, we do not have to do anything but assist, but we want you to assist and we do not limit you in any way.

Now, I want to talk about 14-year-olds in Youngstown, Ohio who buy brown Mexican heroin every day. If, and I say this to the Committee on National Security, if 5 tons of heroin can be brought across our border, is it not a fact that a nuclear warhead can come across our border?

□ 1400

I am asking that question today. Our border is a national security checkpoint. It should be treated as such. We should not limit the Secretary of Defense in any of his capacities.

So if we vote for the Reyes amendment, we vote technically to put a limitation on what we do and how we do it as a Nation. I think it is time to take the shackles off. I think it is time to let our Nation truly engage in the battle against drugs. We need the help like the gentleman from New York (Mr. RANGEL) said of all of our departments.

I do not mandate it. But let it be well known the Traficant amendment allows for every military asset to be used if so chosen by our administration and our leadership because the Congress is allowing them to do so. In America, the people govern. We are not outtoughing one another. The gentleman from Texas (Mr. REYES) is awfully tough. We might differ; but on this, he would kill our efforts.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, this is a very serious debate about a very serious issue that can potentially have very serious consequences on communities along the border.

Again, let us one by one separate fact from fiction. My colleague, the gentleman from Ohio (Mr. TRAFICANT) talks about 5 tons of heroin coming across the border and asked the rhetorical question: If 5 tons of heroin can come across the border, cannot a nuclear weapon come across the border? Yes. Absolutely.

But I can tell my colleague from Ohio, there has never been one incident on the U.S.-Mexican border where 5 tons of heroin have come across the border. There has never been one single incident where 1 ton of Mexican brown heroin has come across the border. I know because I worked it, I lived it, I did it. I fought the war on drugs.

Part of what we need to understand here is to get a grip on what the facts are and what all the rhetoric is and separate these two things. First of all, heroin is introduced into this country in very small quantities because it is a very valuable commodity, and drug smuggling organizations do not want to risk millions of dollars on one intercepted package.

Secondly, fact from fiction. My colleague, the gentleman from Ohio talks about my perfecting amendment limiting the power and the authority of the White House, the President of the United States. I want to tell this body and I want to tell my colleague, the gentleman from Ohio, that if there is a national emergency, the President already has that authority. He can deploy every single soldier wherever he wants if there is a national emergency. So I think the argument about my perfecting amendment limiting us in the war on drugs is ludicrous.

Fact from fiction. I mentioned earlier let us separate our ability for instant gratification and for that all-satisfying quick fix. There is no quick fix. I made mention that there are currently two bills that will increase the resources of customs, that will increase the resources of the United States border patrol; and, conceivably, we will have a United States border patrol of as many as 20,000 agents, trained, profession, bilingual officers that work on the border, that are expected to be on the border, and would never confront an 18 year old by shooting at him. Those are the facts. Those are the kinds of things that repeatedly get ignored here.

I listened to my colleagues, and they all say they have a tremendous amount of respect and all of the nice things that they say about me in the context of the job that I did for 26½ years. But that is not what this is about.

What this is about is listening, listening and understanding the impact that a proposal like this would make on communities along the border. Again, I ask this House to consider, is it not strange that all those that propose and support this kind of an effort, that want to sound tough on the war on drugs, that want to sound like they want to protect communities all across this country do not live nor do they represent the border? I find that kind of strange.

All of us that represent border communities understand the implications. All of us understand the consequences. All of us understand and live with constituents that do not want the danger. They do not want this kind of proposal coming out of the people's House.

Listen to the argument. Listen to the consequences, and then understand that the military is not a solution. The military trains for warfare. We need the military to be ready to defend us in a completely different context, not patrolling the border, not in our border communities, and not jeopardizing the residents that live along that border. They have an expectation to have the same kinds of protections that the rest of the communities along this great country have.

Those are the issues. Those are the facts. Ultimately, if this thing passes, and ultimately, time and time again, as we argue and debate this thing, ultimately if it passes, those are going to be the consequences. Yes, we are going to be talking about settling with families whose children have been killed, settling with communities that are not understanding why this body would put troops in their communities.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I speak in support of the Reyes amendment and against the Traficant amendment, and I would start by reading something. "El Paso, August 11. The federal government will pay $1.9 million to the family of a teenager who was killed by a Marine patrolling the U.S.-Mexico border," according to the family's attorney. "The controversy over the May 27, 1997, shooting led to the suspension of military patrols along the Rio Grande. Esequiel Hernandez, Jr., 18" years of age "was killed while herding goats near Redford, Texas, 200 miles southeast of El Paso, by Marines who said the youth fired on them."

"After a long battle over what happened, the Hernandez family has signed a settlement agreement with the Justice Department and the Navy."

"The settlement is 'one more piece of evidence that there was total wrongdoing in this case by various arms of the government,' said the Reverend Melvin LaFollette, a Redford activist. 'Innocent parties don't pass out millions gratuitously.' ".

We did that last year because this Congress told the armed forces to send troops to the border. One of the first things that happened was an American citizen lost his life, an 18-year-old American citizen.

The Traficant amendment says not only shall we go back to that failed policy but we will require that the Department of Defense do it, not in its discretion do it but require that we do it.

The gentleman from Ohio (Mr. TRAFICANT) says that if we pass the Reyes amendment and not his amendment we are going to throw out the Army, we are going to defund the FBI and that the Reyes amendment would put a limitation on our Nation's ability to fight drugs.

Let me read what the Reyes amendment says and see if any of that can be found. Nothing in this section shall be construed to authorize the deployment of the members of the armed forces in contravention of United States law for the purpose of this section.

The only thing the Reyes amendment says is, let us continue to follow the law that says that we will not have various forces, military and quasi-military forces, doing the job that is not assigned to them. That is the only thing the Reyes amendment says.

Now, what does the Traficant amendment say? It says the Secretary of Defense shall, shall assist, in keeping illegal drugs out of the United States by assigning the armed forces to assist the INS and the Customs Service; shall.

I want to make a note. "Shall" is written in by hand. Stricken right below it in type, the original form of the amendment was "should," "should assist," which is what the gentleman from Ohio (Mr. TRAFICANT) has been saying; discretion.

The Traficant amendment originally did provide the Department of Defense, the President of the United States and Congress with discretion to proceed. Someone struck that, I suspect it had to be the gentleman from Ohio (Mr. TRAFICANT), it is his amendment, and now it is "shall."

So contrary to what the author of the amendment, the gentleman from Ohio (Mr. TRAFICANT) is saying, this provides no discretion to the President, no discretion to the Secretary of Defense, no discretion to the Secretaries of the Army, Navy or Marines. They must do this. That is what "shall" means. It is not "may" or "should."

We can stand here and talk all about this, but the only person who really has a right to tell us what really is best for the border is the gentleman who spoke earlier, the gentleman from Texas (Mr. REYES), who spent more than 20 years of his life doing exactly that, patrolling the border. Many of us could continue to talk and we will.

I shudder to think what the men and women who actually are on the border, carrying the guns, doing the surveillance, having to stop drugs, having to stop people from coming into this country illegally, are saying as they listen to this debate; we must not be very good officers, they must be thinking, that they believe that now we must send down the troops to help them do their job. Not give them more resources to hire more INS officers and Customs officers to do the job, but, no, send the armed forces, which is trained not to surveil, not to guard, not to interdict but to kill.

What a statement we are sending to the men and women who day after day put their lives on the line trying to do what we say we need to have the Army do. If one really believes we need to put more on the border, and we do, then give the INS Border Patrol, give the Customs agency more resources to hire people who are trained to do exactly that. Do not try to have our men and women who are trained to do something different in the armed forces all of a sudden go into a foreign atmosphere and now try to do the work, because when you do, what happens? Folks like Esequiel Hernandez are killed. And what else? The taxpayers are told, give me $2 million because we have to pay off this family for having killed people like Esequiel Hernandez.

Are we destined to travel down that same path? Are we destined to repeat history? I urge my colleagues to vote for the Reyes amendment and against the Traficant amendment.

Mr. LaHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. LaHOOD. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there have been a couple of misrepresentations here and I would like to clarify them. With the legislative intent by the author of those provisions, the Secretary of Defense shall assist in keeping illegal drugs out of the United States by assigning members of the armed forces to assist the Immigration and Naturalization Service and the United States Customs Service. It does not limit the assistance but it does not say it must be patrolled, either. It is at the discretion of the Secretary of Defense, in consultation with what I had assumed to be the brain trust of our country.

Let me just close out and make this statement: American troops, as we speak, are guarding borders all over the world. The only border our military is not guarding is the United States of America border. We have a civilian law enforcement service that is doing a respectable job, but we are guarding foreign borders, we are not guarding our own.

Second of all, one other thing, I think it is time to stand up for number one, and I do not apologize for wanting to bring in every asset that the Pentagon has to have us keep illegal drugs out of the country.

So I want to close by saying, the first vote evidently in this series will probably be the vote on the McCollum amendment. Then the second vote would be the Reyes substitute.

Let there be no mistake, the Reyes substitute strikes the use of members of the armed services for patrols. That, it does. The Traficant amendment allows for it and allows for the Secretary of Defense to do everything in his power to help us with the problem.

With that, I would hope that the Members would vote for McCollum, defeat Reyes, and give me a vote on my amendment.

The CHAIRMAN pro tempore (Mr. Burr of North Carolina). The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. Reyes), to the amendment offered by the gentleman from Ohio (Mr. Traficant).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 537, further proceedings on the amendment, as modified, offered by the gentleman from Texas (Mr. Reyes), to the amendment offered by the gentleman from Ohio (Mr. Traficant) will be postponed.

The point of no quorum is considered withdrawn.

☐ 1415

AMENDMENT NO. 6 OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. Burr of North Carolina). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Shaw: AT THE END OF THE BILL ADD THE FOLLOWING NEW TITLE:

TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county,

Mr. SHAW. Mr. Chairman, today I rise to offer an amendment to H.R. 4300. This amendment would allow local and State governments the ability to access Department of Justice information for the purpose of doing criminal background checks on port employees or applicants to become port employees. I had previously introduced this amendment as a bill entitled the "Drug-Free Ports Act," H.R. 3975.

Mr. Chairman, I am offering this amendment because of the increasingly high incidence of collusion between drug traffickers and port employees. These "internal conspiracies" at ports are becoming a major avenue for bringing illegal drugs into the United States. To lessen the chance of future internal conspiracies, my amendment would simply allow the local governing body to conduct Federal criminal background checks at their discretion on port employees and applicants to become port employees.

The subject of this amendment was discussed at length at a hearing of the House Subcommittee on National Security, International Affairs and Criminal Justice last year which I attended on an ex-officio basis.

Internal conspiracies are clever in the way they help smugglers. They have been known to "innocently" swing a container in front of a surveillance camera in order to allow another container filled with drugs to pass through undetected. They also have been known to tip off smugglers regarding the routines of Customs officials to maximize the chance of success in bringing in the illegal contraband.

According to James Milford, a former head of the DEA in Miami, Florida, "Longshoremen are a source of frustration for us, particularly in South Florida. One of the things that concerns us is the ability of longshoremen to be utilized successfully in pulling cocaine shipments out of cargo and moving it out of the port with impunity."

In response to the reports about internal conspiracies at Florida's ports in the press, I requested that the Customs Service do a random sample of arrest records of longshoremen at the Port of Miami and the Port Everglades in the Ft. Lauderdale/Hollywood area. The results are quite disturbing.

Of a random sample of 50 Port of Miami longshoremen, 36 had arrest records. Of these 36 arrest records, they had a total of 213 arrests, including 68 on drug charges. In a random sample of 38 Port Everglades longshoremen, 19 had arrest records. Of these 19, they had a total of 73 arrests, including 14 drug arrests.

Mr. Chairman, consider the arrest records from the following two subjects: Subject 1, from the Port of Miami: Arrested for robbery, assault and battery, carrying a concealed firearm, possession of a firearm by a convicted felon, aggravated assault, possession of heroin with intent to distribute, possession of cocaine with intent to sell, possession of heroin with intent to sell, grand theft, petty theft, uttering a forged instrument, forgery of a U.S. Treasury check, possession of cocaine, simple battery, aggravated battery, and petty theft. This is one person.

Subject 2, from Port Everglades: Arrested for robbery, assault with intent to commit murder, breaking and entering, disorderly conduct, shoplifting, burglary, dealing in stolen property, possession of cocaine, sale of cocaine, and domestic violence.

Mr. Chairman, since 1993, the Waterfront Commission of New York Harbor had been conducting criminal background checks on certain employees and their system has worked well. I believe that that particular port is in the jurisdiction, or in the district of the gentleman from New Jersey (Mr. MENENDEZ).

This is a federally chartered port and these ports have access to Federal records. Considering the torrent of drugs and other contraband that moves in and out of our ports, I do not consider it unreasonable for the local government, or a port authority, to require clean records for the people who work on the docks, the people who are actually on the front lines, the people that are handling the cargo.

For that reason, I would urge support of this amendment. Quite frankly, all we are asking is to have the same privilege, that the ports in the district of the gentleman from New Jersey already have, in the Port of Miami, Port Everglades, the Port of Boston, Norfolk, New Orleans, Charleston, all over this country. It has worked in New York and New Jersey and it will work elsewhere.

The incidence of drugs coming into this country through ports is increasing tremendously. We need to cut this off and it is only common sense that we do not have criminals or do not have the foxes guarding the hen house.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I recognize the intentions of the gentleman from Florida (Mr. SHAW). I want to express, however, some reservations.

Port employees overwhelmingly are hard-working and honest people who have a strong commitment to doing their jobs and serving their Nation. Also not only in terms of moving the trade that we always talk about in this Chamber, 95 percent of all the Nation's commerce moves through ports like the ones that I represent, but also in their efforts to eradicate illegal drug importation.

Mr. Chairman, I represent the largest port in the Eastern seaboard. I clearly understand the need to fight the entry of illegal drugs through the ports of entry. In fact, port workers cooperate with the Customs Department in a program that they work together called the "Dock Workers Against Drugs Initiative." They are not coerced or force to do this. Rather, they participate voluntarily.

Now, this bill imposes a Federal mandate in an area where local efforts are already underway. Criminal background check records of the Port of New York and New Jersey workers, including ancillary workers, are already examined thoroughly. The port already does what this amendment offers. The Waterfront Commission of New York Harbor did this without a mandate from the Federal Government.

My concern is the extent in which the amendment is written. It says upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to that entity all of these rights to have criminal background checks on employees or applicants for employment at any point under the jurisdiction of that otherwise State, county, port authority, or other local jurisdiction.

Now, my sense is I am not quite sure whether by "local jurisdiction" we mean port authorities or what is the extent of that entity. I am concerned that the extent, the broad net that is being cast here, provides no safeguards to prevent the distribution of sensitive information to those with no connection to port operations.

This amendment provides no limits to the information that can be collected and records can be released to a wide variety of entities, as I think are described here, that may not in essence accomplish our goals. The protection of the integrity of our borders and stopping the entry of illegal drugs is a worthy goal. The gentleman from Florida clearly has a worthy goal.

The workers at our ports I know, and I have spoken before the International Longshoremen's Association, I have heard from them their efforts and their commitment. These are working men and women who clearly understand the consequences to their families and to the communities in which they live.

But I am concerned, and I just raise the caution and concern here in terms of the potential overbreadth of the way that this amendment has been written. In that context, I raise those concerns and hope that we can, as this bill moves, seek to make sure that the purposes of the gentleman from Florida can be tailored in such a way that we reach his goals, but provide certain protections.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SHAW). I am not an expert on longshoremen. I live in the corn fields of Illinois and we see the products that are moved through our ports. It happens in our schools and our towns and our villages and the little country towns where those narcotics are available.

We know that most of those narcotics come across the Southwest border, something we have just talked about. We also know that about 40 percent of those narcotics come through our ports of entry into this country, our seaports and airports. It is pretty important, I think just common sense, it is pretty important that the people who handle the luggage, the people who handle the containers, the people who load the boats, who onload the ships, who load the trucks, who maneuver cargo through the railroads, those people need to be trusted. They need to be screened.

It would surely be wonderful if it was always voluntary, but we understand those people who have been able to infiltrate, and it happens in this country and it is rampant throughout this country. They are not law-abiding citizens. They would hide the fact.

Mr. Chairman, I just think we ought to be able to screen them. The facts show themselves. Out of the scores of people that were finally arrested, and we found that we had 200 to 300 arrests for that score of people, we ought to do that screening. If we are going to protect our children, if we are going to protect our families and we are going to protect our communities against drugs, we need to be able to make sure that the ports of entry, those people handling cargo and those poisons coming from across the oceans, that they are people that we can trust and that we have faith in and that will do the right job.

Mr. Chairman, I insert the following letters for printing in the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 14, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. I understand that it is the desire of the Leadership to take H.R. 4300, the "Western Hemisphere Drug Elimination Act," and H.R. 4550, the "Drug Demand Reduction Act," to the floor without this committee reporting these bills.

In the interest of the Leadership's desire to move expeditiously on these bills, I will agree to Judiciary Committee's being discharged from further consideration of these bills. However, this should not be construed as a relinquishment of the Committee's jurisdiction as to these matters generally, or as to any further amendments relating to them. I also request that the Committee's rights to have our Members named to any conference committee on these bills or any similar bill be protected.

Sincerely,

HENRY J. HYDE, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 11, 1998.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: On July 22, 1998 the bill H.R. 4300, the "Western Hemisphere Drug Elimination Act of 1998," was introduced in the House. Amendments made to this bill fall within the jurisdiction of the Committee on Agriculture.

Knowing of your interest in expediting this legislation, the Committee on Agriculture will agree to waive jurisdiction and will not seek a sequential referral in order to speed its consideration of the floor. In so doing, the Committee on Agriculture does not waive any future jurisdictional claim over this or similar measures. Furthermore, the Committee reserves the right to seek appropriate representation in the event the measure should go to conference.

Thank you very much for your courtesy in this matter and I look forward to continuing to work with you on this important project.

Sincerely,
ROBERT F. (BOB) SMITH, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, September 15, 1998.
Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 4300, the Western Hemisphere Drug Elimination Act, the Committee on National Security agrees to waive its right to consider this legislation. As you know, H.R. 4300, as introduced, addresses subject matter that falls within the legislative jurisdiction of the Committee on National Security pursuant to House Rule X.

The Committee on National Security's waiver of its right for further consideration is taken with the explicit understanding that the text H.R. 4300 will be modified on the floor by a manager's amendment incorporating changes agreed to between the Committee and sponsors of the legislation. Further, this action is taken with the understanding that the Committee on National Security's jurisdiction over the provisions in question is no way diminished or altered, and that the Committee's right to appointment of conferees during any conference on the bill remains intact.

Finally, while I commend and appreciate the willingness of the sponsors of the legislation to work with the Committee to address the various jurisdictional concerns associated with the introduced bill, I still hold reservations over portions of the legislation that express the need to alter the Global Military Force Policy of the Department of Defense. This fundamental policy question deserves careful and thorough consideration as it has the potential to alter how limited defense resources are allocated among the many worthy and critical national security priorities, including the Department's counterdrug efforts. Further, this matter is currently being negotiated with the Senate as part of the conference on H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999 which I hope to bring back to the House within days. As the likely conference outcome on this issue differs from the text contained in H.R. 4300, I believe this matter will require further consideration in conference or any subsequent consideration of this legislation.

With warm personal regards, I am
Sincerely,
FLOYD D. SPENCE, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 11, 1998.
Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: One of the bills scheduled for consideration before the Committee on Rules next week, H.R. 4300, the Western hemisphere Drug Elimination Act, was referred to several Committees, including the Committee on Transportation and Infrastructure. I strongly support H.R. 4300, and, in order to expedite its passage, do not object to the Rules Committee granting a rule for Floor consideration next week. This should not be deemed to be a waiver of this Committee's jurisdiction over the subject matter contained in H.R. 4300, or our right to be appointed as conferees should this bill go to conference with the Senate.

The problem of drug use among teenagers in this country has reached crisis proportions. H.R. 4300 will authorize funds to allow the Coast Guard to aggressively pursue drug smugglers and protect our country's borders from illegal contraband. We must act now to provide the funds necessary to deter America's teenagers from using illegal drugs.

Although I agree that time does not allow us to proceed through the normal Committee process for this legislation, in the future, the Committee on Transportation and Infrastructure will continue to exercise its jurisdictional responsibilities over all Coast Guard drug interdiction issues, and all related legislation.

With kind personal regards, I am
Sincerely,
BUD SHUSTER, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 14, 1998.
Hon. NEWT GINGRICH,
The Speaker,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing concerning consideration of H.R. 4300, the Western Hemisphere Drug Elimination Act. Sections 101(a) and 501(e) contain authorizations for appropriations for the U.S. Customs Service for drug interdiction and, as such, fall within the jurisdiction of the Committee on Ways and Means.

As you know, the House recently passed, by an overwhelming margin, H.R. 3809, the Drug Free Borders Act. This bill greatly increased authorization levels for the U.S. Customs Service for drug interdiction, particularly along the southwest border.

I have long been concerned that Customs have adequate resources to fulfill its responsibilities for drug interdiction, particularly along the southwest border, as well as the facilitation of legitimate trade, and these priorities have been reflected in H.R. 3809. I understand that since the passage of H.R. 3809, certain serious needs have come to light for which you seek additional authorizations for the U.S. Customs Service in H.R. 4300. I understand, however, that you fully support the funding priorities authorized in H.R. 3809. I further understand that you do not seek in any way to diminish those funding levels by the new authorizations in H.R. 4300 but that you intend to seek supplemental appropriations to fund the bill.

In order to expedite the consideration of this important legislation, I do not believe that a markup of H.R. 4300 by the Committee on Ways and means will be necessary. However, this is being done only with the understanding, first, that this does not in any way prejudice the Committee's jurisdictional prerogatives on this measure or any similar legislation; second, that it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future; and, third, that you will support the funding priorities and levels in H.R. 3809.

Thank you for your consideration of this matter.

With best personal regards,
BILL ARCHER, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 9, 1998.
Hon. NEWT GINGRICH,
Speaker,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: It is my intention to waive committee jurisdiction over H.R. 4300 "The Western Hemisphere Drug Elimination Act". As this session nears conclusion, we are in a serious crisis on the drug front as a result of Administration's neglect in both source nation and interdiction efforts in the war on drugs. The supply of pure, and low cost drugs from abroad increases daily, while corresponding demand and use rises here at home, especially among our young people.

A good case in point of this neglect is Colombia, which produces 80% of the world's cocaine, and most recently has also captured the heroin market here in the U.S. (75%). Our committee has held an extensive hearings on drugs in Colombia, and we also had the GAO report on the crisis there. We have conducted extensive analysis of the critical need for more and better assistance including high performance helicopters, and overall reform of our war on drugs.

Most recently, events turned for the worse in the fight against drugs at the source in Colombia. U.S. law enforcement is in agreement that the best place to fight drugs is at the source. The war on drugs is now on hold in Colombia. Without good helicopters, opium eradication has been cut 50%, and the results in the U.S. from the influx of Colombia heroin are indeed frightening. In addition, the narco-guerrillas' recently destroyed the Colombian National Police's forward drug fighting base in Miraflores. Fear of attack on their key anti-drug operations base at San Jose del Guaviare, forced the withdraw of its remaining few operational Vietnam era Huey helicopters, so coca and cocaine lab destruction are also down.

The results from this de factor cessation of the war on drugs in the major source nation in our hemisphere are becoming more and more evident in the U.S. as the price of hard drugs fall while they purity rises. Most recent National Household Survey data released while we were on recess, showed 171,100 teens for the first time used heroin in 1996. Heroin use in the U.S. now exceeds the late 1960s, early 1970s historic levels, and the future is not bright. On the cocaine front, prices fall, as purity rises, with use on the rise. We are witnessing a major failed demand only driven drug fighting strategy, which will reverse all of the major Reagan/Bush gains in the war on drugs.

H.R. 4300 sets out a three-year plan to reverse this serious neglect at both the source and in the area of interdiction. The bill provides vital anti-drug assistance like high performance helicopters for the excellent and effective Colombian National Police to help eradicate opium and coca, as well as take down and destroy the production laboratories making these drugs for the U.S. market. It also increases aid to other drug producing nations in the region, and increases our interdiction capacity to prevent these drugs from every reaching our shores.

As this drug crisis threatens our youth, and nation, it also requires our action before the session adjourns. Accordingly, under these extraordinary circumstances, I am without prejudice to the Committee's ongoing jurisdiction over the subject matter, willing to waive jurisdiction on this bill so the full House can act on it.

With best wishes.

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, in the minute that is left I would like to say that I think that I would say to the gentleman from New Jersey (Mr. MENENDEZ) that I do believe without question that the language is sufficiently tight. What we are talking about, people who are either working in ports or apply for positions in ports, are going to get their background checked. I think the language is very clear that only the jurisdiction controlling the port can pull up this information and pull it up on these particular people.

Right now, they can pull up the State records as in Broward County, they passed a county ordinance that required this. In Dade County, they have done the same. But now they can only get to the State records. We should have the same privilege that the Port of New York has and the Port of New Jersey, and that is to be able to tap into the Federal records. That is all this does.

It certainly makes sense to have the honest people be the ones that are handling the cargo. They have the greatest opportunity to assist the drug smugglers and assist the drugs smuggled into this country, and we know that drugs are a huge problem. Mr. Chairman, I ask the approval of the amendment.

Ms. LEE. Mr. Chairman, I rise to express my opposition to the Shaw amendment to H.R. 4300. The amendment would allow any state, county, port authority or any local government entity to utilize information collected by the U.S. Justice Department about working men and women at our nation's ports. This draconian measure was introduced in response to drug smuggling activities of a few longshore workers in the State of Florida.

The longshore and port workers in my district work hard. They are a proud lot. They are proud of their affiliation with the International Longshore and Warehouse Union—a union dedicated to democracy, economic security for all workers and a peaceful world.

The Shaw legislation is a dagger in the heart of these patriotic Americans. Port workers perceive this legislation as questioning their character and honesty. The legislation would affect workers on the West Coast even though there are no documented cases of longshore workers on the West Coast involved in the international drug trade. It is blatantly offensive to single these workers out because of a few bad apples in one state. The Constitutional right to privacy is cherished by the American people, and there are no extraordinary circumstances that would warrant local government officials rifling through FBI and Justice Department files on a select group of individuals.

There are no safeguards in the Shaw amendment to prevent the dissemination of sensitive information on individuals to use material for selfish political ends, blackmail, or any other nefarious activity. Surely, there is a better way to fight drugs than to invade the privacy of a proud group of workers.

Mr. MENENDEZ. Mr. Chairman, the amendment before us labels a whole class of workers guilty until proven innocent. I rise to express my strong opposition to this amendment. It automatically considers any worker at a port suspect, and it only targets port workers. Port employees are hard-working and honest people who have a strong commitment to doing their jobs and serving their nation in its efforts to eradicate illegal drug importation. This amendment does not account for those facts.

Let me emphasize that I represent the largest port in the eastern seaboard. I understand the need to fight the entry of illegal drugs at our ports of entry. There's no doubt we need to continue in those efforts.

The U.S. Customs Service with other government agencies does a valiant job in trying to seize narcotics at New Jersey's ports. They could not accomplish this without the assistance of the Port's workers. Here are some examples: in July 1998 under Operation Brass Ring the U.S. Customs Service seized 700 pounds of cocaine at Port Newark/Port Elizabeth, New Jersey; and in June 1998 the Customs Service seized 1,300 pounds of cocaine concealed in a shipment at Port Newark/Port Elizabeth. I cite these examples to demonstrate ongoing narcotics fighting efforts at the Port; efforts which the Port's workers aided.

Port workers have their own initiatives to fight illegal drugs with programs like the Dock Workers Against Drugs initiative. They are not coerced or forced to do this; rather they participate voluntarily.

This amendment imposes a federal mandate in an area where local efforts are already underway. The criminal background records of the Port of New York and New Jersey's workers, including ancillary workers, are already examined thoroughly. The ports of New Jersey and New York already do what this amendment offers. But the Waterfront Commission of New York Harbor did this without a mandate from the Federal government.

This amendment violates workers' privacy. It does not provide any safeguards to prevent the distribution of sensitive information to those with no connection to port operations. This amendment provides no limits to the information that can be collected, and records could be released that date back years and have no relation to the work of port employees. The information could be used in inappropriate ways.

Protecting the integrity of our borders and stopping the entry of illegal drugs is a worthy goal and the workers at our ports support this effort wholeheartedly. Mr. Chairman, we need to fight the entry of illegal drugs coming into our ports. In New Jersey we have established rigid background checks to ensure our workers can function in the port environment, but we did it without a mandate from the Federal government. We shouldn't use this bill as a means to violate the privacy rights of our workers. The International Longshoremen's Association, the AFL–CIO, and the International Longshore and Warehouse Union all oppose this amendment. We should use this bill as an opportunity to provide the resources to stop illegal drugs at their source.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

Strike section 201.

Strike section 204(a).

In section 204(b), strike "(b) SENSE OF CONGRESS.—".

Ms. WATERS. Mr. Chairman, I would first like to thank the gentleman from Illinois (Mr. HASTERT) for working with me to accommodate me and give me the opportunity to get this amendment up, who happens to be the chair of the Republican Drug Task Force.

I would also like to thank the gentleman from Florida for the work that he has put into this legislation. I do have some concerns that this legislation did not travel the traditional course and have the oversight of all of the committees that should have seen it. However, I am one of the cosponsors on the legislation.

Mr. Chairman, having said that, I would like to make it absolutely clear that one of the priorities of the Congressional Black Caucus is the eradication of illegal drugs in our country. The Congressional Black Caucus, in formulating its agenda at the beginning of the 105th Congress, made this a priority simply because we were tired of sitting around and waiting for someone else to make this happen.

We have put millions of dollars into the eradication of illegal drugs in our society. We have had presidents and elected officials for years now talking about the eradication of drugs, and to tell the truth, those drugs continue to show up in our communities.

☐ 1430

And the gentleman is absolutely correct; too many lives are lost, too many families are destroyed, too many dreams and hopes unrealized because, in fact, these drugs continue to flow.

And let me tell the gentleman what a lot of the young people say. They say, "Ms. Waters, we don't have any planes, and we don't have any boats, and we don't have the money to go out and buy huge shipments of drugs to bring them into our community. Why don't you go and get the big boys? Why don't you do something about interdiction? Why don't you do something to stop the flow of drugs into the communities?" And this bill attempts to do something of that nature.

This amendment is simple, direct and crucial, and I join with my colleagues on the other side of the aisle to do something about the eradication. However, I am simply asking that we strike two provisions that currently give direct military aid to the Colombian National Police and army as well as the Mexican military. I believe this is a crucial amendment due to the disturbing and most recent revelations about the involvement of the Colombian and Mexican military and police in drug trafficking.

The first part of the amendment strikes section 201, which gives additional eradication resources for the army and national police of Colombia, the section which gives $165 million of direct military aid to these forces at a time when they are being alleged to have ties and providing protection for Colombian drug cartels.

The second part of the amendment strikes section 204 that gives direct military aid to Mexican military forces at a time when they are being implicated for their ties to drug cartels. In fact, just today in The New York Times, we have reports that elite Mexican drug officers are said to be tied to traffickers. The Washington Post ran an article last week on reports of those supposedly incorruptible anti-narcotics police who were taking suitcases full of cocaine and walking around the drug-sniffing dogs in Mexico City's airport and then placing the suitcases back on the luggage racks for the cartel agents to pick up.

Other similar revelations have surfaced regarding the Colombian military. A June 22 New York Times editorial wrote of the ties between the paramilitaries in Colombia and drug cartels. Colombia's investigative police say Carlos Castano, a top paramilitary leader, heads a drug cartel. According to reliable sources, his paramilitary drug cartel is also receiving protection from Colombian police and security forces.

In fact, the Colombian military and anti-narcotics police units based in Guaviare have been recently implicated in supporting Carlos Castano and his paramilitary when they carried out a massacre that took place from October 18 through October 20, the day before our own General Barry McCaffrey landed at the capital at San Jose del Guaviare.

Mr. Chairman, I ask for support on this amendment to make sure we stop dumping our dollars, our taxpayer dollars, into corrupt police officers who are part of the drug problem in Mexico and Colombia.

October 29, 1997.

Hon. MADELEINE ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: We are writing to you regarding the human rights situation in Colombia. We have just received credible information that military and anti-narcotics police units based in Miraflores, Guaviare actively supported a paramilitary massacre that took place from October 18 through October 20, the day before Gen. (ret.) Barry McCaffrey landed at the capital at San Jose del Guaviare.

According to the Public Ombudsman's office, on October 18, heavily armed men calling themselves the Autodefensas del Sur (Southern Self-Defense Group) entered Miraflores and executed four men, identified in press reports as Jose John Gordillo Daza, Pablo Quejoa Menza, Silvano Batioja Castro, and Florentino Torres. Apparently the paramilitaries had a list of names that they used to search out their victims. In the formal complaint, witnesses said that they overheard the men say, "Who said we couldn't come to this town? From here on, we give the orders here." Over the course of three days, at least six people were reported executed.

Miraflores has the permanent presence of three security force units: the army's "Joaquin Paros" Battalion, the navy, and the anti-narcotics police. Although the surrounding countryside is controlled by guerrillas, the town itself is heavily militarized.

Eyewitnesses reported that security force personnel did not leave their barracks until 45 minutes after the first three people had been killed. Then, their only activity was to collect the bodies left in the street. According to our information, they did nothing to apprehend the paramilitaries, who were still in town searching for more people on their list. One more person was killed that day and two more on October 20.

On the afternoon of October 18, our information indicates that army soldiers provided an escort for two of the gunmen to the army-controlled airstrip. Eyewitnesses also claim that soldiers summoned a private airplane with an army radio, which arrived shortly thereafter, boarded the gunmen, and left. Subsequently, Miraflores mayor Edgar Emilio Lozano and many other residents fled Miraflores out of fear.

We are also concerned because the security forces have not impeded this paramilitary group's free movement in the region using a DC–3 airplane. According to local residents, Autodefensas del Sur landings are frequent and notorious. The group is also implicated in the October 16 killings of Jorge Puerto and his mother, Maroa, near the town of Puerto Trujillo, Meta.

Paramilitaries led by Carlos Castano publicly identified the department of Guaviare as a military objective a year ago. Like the attack in Mapiripon, Meta in July, which left seven confirmed dead, the Miraflores massacre appears to be part of a paramilitary plan to expand their operations into areas historically dominated by guerrillas. Although the role of the security forces in the Mapiripon massacre is not clear, eyewitnesses have provided compelling testimony about the role of Colombian units in the Miraflores attack.

We know you must share our dismay at the apparent role played by the Colombian military and anti-narcotics police in the Miraflores massacre. If confirmed, security force assistance in the massacre would constitute a serious human rights violation. It would also challenge the United States decision to permit anti-narcotics aid to be sent to units operating in the department of Guaviare, according to the August end-use monitoring agreement.

We ask you to carry out an immediate inquiry of the Miraflores massacre, and particularly the reported involvement of the Colombian military and anti-narcotics police. We also request that U.S. intelligence relevant to the incident be shared with the Fiscaloa and Procuraduroa, to aid them in their on-going investigation. Finally, we urge you to ensure that appropriate action is taken with regards to the provision of U.S. assistance to units operating in Guaviare and Meta under the guidelines laid out in the Leahy amendment.

Thank you for your attention to this urgent matter.

Sincerely,

JOSE MIGUEL VIVANCO,
Executive Director,
Human Rights Watch/Americas.
COLETTA YOUNGERS,
Senior Associate,
Washington Office on Latin America.
GEORGE VICKERS,
Executive Director,
Washington Office on Latin America.
JAMIE FELLNER,
Associate Counsel,
Human Rights Watch.

[From the New York Times, September 16, 1998]

ELITE MEXICAN DRUG OFFICERS SAID TO BE TIED TO TRAFFICKERS

(By Tim Golden)

WASHINGTON.—An ambitious effort to overhaul Mexico's corrupt law-enforcement system has been thrown into turmoil by the disclosure that top investigators of an elite American-trained police unit may have ties to drug traffickers, American officials say.

The disclosure emerged after recent lie-detector tests administered, at Mexican authorities' request, to Mexican police agents by American Government experts.

Officials said at least some of those investigators whose tests indicated collusion with traffickers had been chosen for their posts after elaborate screening devised by Americans.

American officials said they were just beginning to assess the damage that corrupt investigators might have wrought, a task that will take weeks. Most senior officials in the unit were implicated by the lie-detector tests.

Officials said they feared that much of the sensitive information that American law-enforcement agents had shared with the Mexican unit during the last year might have been compromised.

"You have to assume that everything we've been giving them has ended up in the hands of the traffickers," said a senior United States law-enforcement official who, as did others, insisted on anonymity.

"It's a disaster."

Other officials were more cautious about the significance of the tests. But they said they expected that American collaboration with the unit to be suspended until the Mexican Attorney General's office undertook an investigation of the case.

A senior Mexican law-enforcement official said tonight that the accusations were serious, but did not necessarily mean that senior investigators had been working for traffickers. He said, though, that an administrative inquiry was under way and that one senior investigator had been reassigned.

"This vetting process was not the one we agreed to; the questions were not clear and they were not the ones we authorized," the official, who insisted on anonymity, said of the American conclusions.

"Failing a polygraph does not mean that these people committed crimes or took money, and there may be a lot of reasons why they did not tell the truth, he said, in a telephone interview from Mexico City. "But the law is very clear. To work in this unit you have to pass the polygraph."

The possible penetration of the unit, apparently by powerful drug gangs, in the latest in a series of such calamities.

Last week The Washington Post reported that Mexican officials were investigating allegations of corruption against dozens of army soldiers who had been stationed at the Mexico City airport as part of the armed forces' American-supported involvement in the fight against drugs.

For 10 years, as successive Administrations in Washington have sought to work more closely with the Mexican authorities, both to fight the flow of illegal drugs to the United States and to strengthen the rule of law in a strategically vital neighbor, American officials have publicly embraced senior Mexican prosecutors, police commanders and other officials who have later been revealed, one after another, to have taken bribes from major drug smugglers.

In the most serious case, the Mexican Government announced early last year that its drug-enforcement chief was in fact working secretly with the man then considered the biggest cocaine trafficker in the country, Amado Carrillo Fuentes. Days earlier the official, Gen. Jesús Gutiérrez Rebollo, had been basking in the praise of the Clinton Administration's drug-policy director, Gen. Barry R. McCaffrey.

General McCaffrey and other Administration officials vowed that such a debacle would not occur again. They pressed for a sweeping reorganization of how the United States gathers and disseminates intelligence about trafficking. The reorganization plans have run into wide opposition among Mexican law-enforcement officials.

But more important for Mexico, American law-enforcement officials also provided extensive help in writing a new law against organized crime, in setting up an investigative unit to enforce the law and in screening hundreds of other police agents assigned to drug enforcement.

Prospective members of the Organized Crime Unit were submitted to extensive background and financial checks, lie-detector tests and psychological evaluations. Most of those chosen also received training from the Federal Bureau of Investigation, the Drug Enforcement Administration or both.

But after a year and a half, in which the team of more than 200 investigators, prosecutors and intelligence analysts has been responsible for investigating many of the most important drug-trafficking and kidnapping cases, its record is mixed.

Mexican and American officials praise the unit for what they say was its role in the arrests of a handful of important smugglers and the dismantling of a kidnapping ring that terrorized central Mexico while receiving protection from state officials.

In particular Dr. Samuel González Ruiz, 37, a former law professor who heads the unit, has won wide respect from American officials for what they say is honesty and courage. Dr. González Ruiz was one of three top unit officials who were said to have passed the lie-detector tests.

Increasingly, though, American officials have grown critical of the unit for the same basic failing of the special forces that came before it. Despite issuing dozens of arrest warrants, the squad has been unable to capture leaders of the biggest trafficking gangs, despite having access to some of the most sensitive intelligence that Washington has ever given the Mexican Government.

As part of the law on organized crime that went into effect in November 1996, the unit has pioneered the use of protected witnesses and plea bargaining in criminal cases. Among other actions, Dr. González Ruiz arranged this year for testimony before a Federal grand jury in Houston by a former Mexican federal police chief who agreed to cooperate with authorities in return for a reduced prison sentence on corruption charges.

But the unit's handling of its witnesses has sometimes left a lot to be desired. A highly valued informer who implicated senior military officials in drug corruption, Tomás Colsa McGregor, was murdered last year after having left the custody of the unit, American officials said.

Another informer, a former federal highway police officer, Jaime José Olvera, was kidnapped from a street in Mexico City on Thursday, after having been in the protective custody of the unit. He was found dead on Friday.

American officials said Officer Olvera had provided crucial information about the most important drug gang, which he had once worked for, providing security.

Three officials said the lie-detector tests were partly a response to informers. But other experts said Americans screened agents in countries like Bolivia, Colombia, Peru and Thailand.

According to two officials, the testing, led by the F.B.I. and the Drug Enforcement Administration, focused in part on whether senior investigators had passed information to drug traffickers.

PARLIAMENTARY INQUIRY

Mr. HASTERT. Mr. Chairman, I have a parliamentary inquiry.

I understood the rule to say that preprinted amendments have a preference. I also understood the gentlewoman from California to stand up and ask to strike section 201.

I think what has happened is there is a combination of two amendments here. I just want to know what rule are we going under? Has there been a change in the amendments? Because I did not hear a unanimous consent request.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The rule allows for any sections of the bill to be stricken by amendment because the bill is open to amendment at any point, and the gentlewoman's amendment has, in fact, done that.

Mr. HASTERT. My question, Mr. Chairman, was based, and I understand we are going to hear these amendments, but there are independent issues on each side of this bill, or these two pieces of legislation. The preprinted amendments, which was the rule, asked that those amendments have preference.

The CHAIRMAN pro tempore. The gentlewoman's amendment is in order. It is the Chair's understanding that the gentlewoman's amendment is one amendment, as reported by the Clerk.

Mr. HASTERT. I am just trying to get straight what we are debating here. My understanding is the preprinted amendments, which were the rule and as the rule was passed, had two different provisions, two different amendments. And now we are going from preprinted preference to rules that are just reported by the Clerk. I do not quite understand.

The CHAIRMAN pro tempore. The Chair's understanding of the rule was that the preprinted amendments received discretionary preference on their order. The rule did not require that all amendments be preprinted to be offered.

Mr. HASTERT. So would we not have to offer the two preprinted amendments first?

The CHAIRMAN pro tempore. The Chair's understanding is that the gentlewoman from California chose not to offer the preprinted amendments.

Mr. HASTERT. I thank the Chair. I would just say to the gentlewoman from California (Ms. WATERS) I misunderstood that. If she is to take both these together, it is a little more complex issue when she combines them.

The CHAIRMAN pro tempore. The gentleman's time on his inquiry has expired.

Mr. HASTERT. Mr. Chairman, I rise in opposition to this amendment.

What this combined amendment asks is basically to do a couple of things. First of all, what the text of the bill says is that our law enforcement agencies that work in Mexico ought to have the protections that anybody who works in an embassy should have. And in exchange, people who work in Mexican law enforcement, who have duties in this country, ought to have those same types of privileges.

Also, the black tar Mexican heroin that is now coming into our street corners in Los Angeles and Chicago and New York, some of the cities in New Jersey, and certainly Denver and other places, comes from the high mountains in Mexico. The only way that we can eradicate that black tar heroin is from helicopters that have the ability to reach high altitudes.

Now, we need to be able to provide, in cooperation with explicit actions from the Mexican Government that we require, we need to be able to provide those helicopters. We need to have our agencies and agents in Mexico to have the same protections that other people in our embassies have, and that is basically, on the Mexican side of this issue, that is that part of the amendment. That is what we afford. Why should we take that away from our people, law enforcement agents that work in Mexico?

The second part of this deals with Colombia. The law enforcement agency in Colombia that is in charge of drugs, that we have worked with, is the Colombian National Police. They have an extraordinary record on human rights. And as a matter of fact, the 18 people that got killed, that the gentlewoman from California talked about, right before General McCaffrey was there, were Colombia National Policemen. They were ambushed and killed. As a matter of fact, there has been 400 Colombian National Policemen killed in the last year; 4,000 over the last 10 years. These are people who have fought and struggled to stop drugs being produced in Colombia and have given a lot of their life and talents, for those people who have been wounded and others, to try to fight this battle.

They need help. That country is at the brink, absolute brink of chaos. If they do not have help, if they do not have the ability to fight within their own country, we will see Colombia being the first Democratic nation in the southern part of this Western Hemisphere become a narco-state. That is the danger that we are in, my colleagues.

Both of these amendments, combined, first strike at our ability to work with Mexico, which has been, at times, a difficult country to work with; and also try to get things straight with the ability to move this process and to stop narcotics flowing into our neighborhoods from Colombia. We need to have the helicopters, we need the eradication, we need to be able to do the job with the Colombian National Police who are vetted and who have wonderful human rights' records. Why destroy that? Why take that ability to deal with those folks away?

I just question why are we doing this in this amendment? I strongly oppose these amendments and would ask other Members of this body to vote "no".

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding and I rise in strong opposition to the gentlewoman's amendment to cut off aid to Colombia.

Let the record reflect the aid in this bill for Colombia primarily goes to the Colombian National Police to fight drugs at their source. General Jose Rosso Serrano is the director general of that outstanding organization. His Colombian National Police antidrug unit, the Danti, is the recipient of most of the drug fighting funds for Colombia.

In March of this year, our House passed H. Res. 398 to provide Blackhawks. for the Colombian National Police. It was passed out of our House Committee on International Relations with bipartisan support. There was no major opposition to that resolution.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. HASTERT) has expired.

(On request of Mr. GILMAN, and by unanimous consent, Mr. HASTERT was allowed to proceed for 2 additional minutes.)

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, let me read some parts of that resolution:

> Whereas the Colombian National Police is led by the legendary and incorruptible General Jose Serrano, who has dedicated his life to fighting drugs, and whereas the elite anti-narcotics union of the Colombian National Police, the Danti, is one of the best and most effective anti-narcotics police forces in the region and the world.

That was the preamble to that measure. The CNP have had 4,000 police officers killed over the last 10 years fighting drugs in Colombia, before they reach our streets and before they kill our children. They destroyed the Cali and Medellin cartels, and killed the violent notorious drug dealer Pablo Escobar in a shoot-out. So let us understand who we are giving funds to and who deserve it.

There is no corruption in the CNP antidrug unit nor is there any history of human rights' abuses by the Danti antidrug unit. In fact, the Ambassador to Colombia, Myles Furchette, told our committee staff of the Congress not long ago that in the 10 years of providing U.S. assistance to General Serrano's antidrug unit, there have been no allegations of human rights' abuse.

The amendment to delete antidrug aid to Colombia and especially the Colombian antidrug police is ill-founded and lacks merit. Accordingly, I request our colleagues to defeat the Waters amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

First of all, I want to say I have a great deal of respect for the gentlewoman and particularly for her concerns about the corrupt activities that take place in Mexico and in Colombia, particularly with reference to the narcotics trade. And I think it is a legitimate concern. We have concerns about human rights' abuses, but most particularly by the military aspects of those countries, and it is a legitimate concern. But I must respectfully and strongly oppose her amendment.

The fact of the matter is that I would suspect that we would have all of the end use monitoring that we have had under what is known as the Leahy amendment, and that we would continue to have that. The fact of the matter is that it is in the national interest of the United States and the national security interest of the United States to assist these countries because, ultimately, assisting these legitimate efforts helps us in the interdiction and eradication of those drugs that would transverse our borders into our country, into our communities and, ultimately, to our children and those who are the most susceptible.

☐ 1445

So, in fact, as someone who traveled last year to Colombia with the Committee on International Relations and who boarded a helicopter in the jungles of Colombia and who went with the Colombian National Police in the jungle to see their eradication and who in the process ended up catching, in the very fields of the jungles a laboratory which refined these products and saw all of the work and the risk that was engaged and who talked to members of the Colombian National Police who were harmed and injured, and to their leadership which our own U.S. ambassador in Colombia has talked about time and time again, both in our visit there and as the chairman of the full committee has just suggested before the committee in terms of the degree of integrity that they have, not to suggest that for so long as there are human beings in any entity there is not a risk, but ultimately when we focus on the Colombian National Police, for example, we are more likely than not to have the type of resources flowing to an entity that is legitimately dedicated to combating narcotics trafficking. So it makes a lot of sense to have these provisions.

If we without any limitation go ahead and strike these provisions, then Colombia and Mexico clearly will not have the wherewithal, particularly in Colombia, will not have the wherewithal to go ahead and be able to have any enforcement efforts. You also have to understand that in Colombia, we have very difficult consequences. We have guerillas who seem to lack any ideological perspective, but you have guerillas who use the narcotraffickers as their enforcement and the narcotraffickers use the guerrillas to fuel economically their efforts. So the bottom line is you have a synergistic relationship, none of them ultimately for any good purposes, and obviously for purposes that are incredibly detrimental to the interests of the United States and the national security of the United States in our efforts to combat drugs.

I share the gentlewoman's concerns on the questions of corruption and human rights. But this broad swath of cutting I think would not meet our interests.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentlewoman from California.

Ms. WATERS. I thank the gentleman for yielding. Let me just say, Mr. Chairman, we are being laughed at. I want to call my colleagues' attention to when our drug czar went down to Mexico and wrapped his arms around Drug Czar Gutierrez Rebollo, a week before it was revealed that he was on the payroll of the Juarez cartel.

I want to draw my colleagues' attention to Colombia, when people were saying that the National Police were clean. I will tell you what happened to Pablo Escobar. They were supporting him until we put so much heat on them, and they tried to make it look as if they were better, they killed him. But these are the same National Police that we are talking about putting more money in their hands. This is above and beyond the current appropriations.

I am simply saying, we need money to fight drugs in this country. We need good interdiction. What we do not need is to keep talking about giving our money to dope dealers under the banner of their police. Our own officers that we send down there to train them are disgusted and they are saying we are the laughingstock. I know that we need to get up in those mountains, but I think we need to go up there ourselves and stop giving our money.

Mr. MENENDEZ. Reclaiming my time, I simply will say that I understand the gentlewoman's concerns, but unless we are going to send armed forces into another sovereign country which has all other types of ramifications, I think it is very, very dangerous and I would urge a "no" vote on the gentlewoman's amendment.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words. First off I know the gentlewoman shares a deep concern about the heroin and cocaine on the streets of Los Angeles and in Fort Wayne in my hometown, but she maligned the name of the National Police.

This hat belongs to Colonel Gallego who personally took down Pablo Escobar. He did not take him down because he was in on some kind of drug deal. They were trying to take out the Medellin cartel and then the Cali cartel. It has been difficult. You cannot make just random allegations about individuals.

There are problems in Colombia. We know there are problems in Colombia. None of us are going to stand here and defend Mexico. She mentioned it. But she is failing to distinguish between the Colombian National Police and their defense units.

General Wilhelm, the head of SouthCom, said that in Colombia, it is the number one priority in his command. I outlined earlier this afternoon the importance not only directly in Colombia but to the oil from Venezuela and the Panama Canal.

DEA Administrator Tom Constantine said after his visit that General Serrano and the Colombian National Police are the first line of defense in the war on drugs. He called these policemen heroes.

I know that while I may have a general reputation as a conservative among many people, I am still viewed in many places as kind of a liberal, open-minded guy. For example, Ambassador Frechette when I was in Colombia in particular asked me if I would go over and meet with the Human Rights Watch people and the people who had the concerns about the Colombian National Police and the Defense Department. In going through the particulars, they had no complaints on record, this was not this year but last year, with the Colombian National Police narcotics unit in particular but they do have them with the military. That is why this bill specifies specifically that the Black Hawks go to the Colombian National Police and the 50 Hueys go to the National Police.

The incident that she referred to earlier, there is a difference between the Danti, the Colombian antinarcotics group, and the National Police as a whole. It is on this hat. It says antinarcotics. You are accusing Colonel Gallego of not participating in the takedown of a paramilitary organization when he only has jurisdiction over antidrug issues and was in an antidrug raid at the time. You cannot mix apples and oranges and that is an incorrect statement on the House floor.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I will let you get additional time when I am done with my points.

Ms. WATERS. We have documentation.

Mr. SOUDER. You have documentation that he did not participate, not that he participated and took somebody down.

I want to illustrate what is at stake here. We have Huey helicopters that we would not allow Americans to ride in. Our only line of defense now in Colombia to keep the cocaine and heroin from our streets are these helicopters that are grounded. I personally visited in the hospital in Colombia some of the people in some of these Huey helicopters that have crashed. It is a tragedy that we are putting these old junkers out right now that will not work and we are trying to say that this is the only way we are going to protect our kids and families in America? If we do not make sure that the National Police have these helicopters and the ability to get up to the higher elevations with the Black Hawks and the Black Hawks can carry larger loads of people to protect the people who are trying to eradicate the drugs, let me assure you, if we do not do this, my son and daughter and your sons and daughters are going to be down there in Colombia trying to fight this war directly.

We have people out there, Colonel Gallego has a multimillion-dollar price on his head and his family is in hiding. General Serrano has even more millions of dollars' price on his head. If they are with the drug dealers, why are they trying to kill them? Why have they killed the equivalent of 30,000 American police officers in the last few years trying to fight this? These people are dying. These people deserve our praise and credit. I understand and am concerned about the corruption, too, and that is specifically why we are not allowing these funds to go into places where we are concerned they are going to be misused. But if we do not stand with those people who are fighting this war, we are going to have to fight it because our national security is at stake and our kids' lives are at stake.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman's concern.

I have here a letter from the very people that he referred to in the Human Rights campaign. Jose Miguel Vivanco, Executive Director, Human Rights Watch; Coletta Youngers, Senior Associate, Washington Office on Latin America; George Vickers, Executive Director, Washington Office on Latin America; and Jamie Fellner, Associate Counsel, Human Rights Watch, raising these questions about the National Police.

I have great sympathy for the fact that you have a relationship and that you certainly are pointing to someone who lost their life. Yes, a lot of people have lost their lives; however, we cannot stop them from dumping these drugs in our country.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 30 additional seconds.)

Mr. SOUDER. Mr. Chairman, the point here is that the gentlewoman alludes to allegations. There is one specific point, it is well known publicly, that is, that the National Police antinarcotics unit did not participate in stopping a paramilitary group. That is different than alleging human rights abuses.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in opposition to the amendment because I know the gentlewoman from California, a colleague of mine, does fight in every way she can to remove drugs from the streets. I think her heart is in the right position on this particular amendment. I do see it a little bit differently and I would like to go through why we have those differences.

Almost every family in this country has been affected negatively by drugs one way or another, including my own, not only from usage but sale of drugs. I want to tell you how disappointing, how hurtful it is and how damaging it is to the family. It is not easy to deal with those kinds of things. We have had a lot of activity, President Reagan, President Bush, President Clinton. I think President Reagan and President Bush made more of a dent in antidrugs than many of the other Presidents, but we have never really had a war, a real war on drugs. That is what it is going to take. It is across the lot of broad fronts. Is it education? Absolutely. Interdiction. Border control where most of it is coming from. The cargo containers. That is why one of the reasons we did not want Long Beach Naval Shipyard to fall to the Communist Chinese because they have been known to sell drugs along with AK-47s and the rest of it. Diplomatic, trade agreements ought to include these things and be real tough, and also penalties. Many times we come to the floor to penalize the people that are really selling these poisons to our neighborhoods and many people feel differently, that we should not do that.

Mr. Chairman, you remember a man named Enrique Camerino, a Border Patrol guy just east of my district and the district of gentleman from California (Mr. HUNTER). He was buried alive after being tortured by Mexican officials. Yes, Mexico does have a problem. But I want to tell my colleagues, I live down on the border. There are citizens in Mexico that feel the same as we do, they are fed up, they are exasperated. They want drugs out of their country and they do not want drugs being sold to other countries. There are law enforcement agents in Mexico that feel the same that we do. There are politicians that feel the same.

Are there problems? Yes. But I would say to the gentlewoman, if we are going to have this war, first of all we need to make sure that the resources go to where it is going to do the good and not pilfered. But if we take away those resources with the gentlewoman's amendment to people that we think are really fighting this war, then we are going to have problems. Because there are people in every one of those countries that are good citizens, whether they are law enforcement, politicians or just citizens.

I would remind my colleagues, it was right here in the House when we closed the Post Office, there were members, not Members of Congress but there were individuals selling cocaine right here in the Capitol of the United States. We have the Mayor of Washington D.C. that went to jail for cocaine.

Does it affect a lot of people? Is it in the political world? Is it individual? Every Member is being affected. I would say with the most humility, the gentlewoman's heart is in the right place in this amendment. I just happen to disagree with the amendment itself.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the recognition that the gentleman has for the concern of the Congressional Black Caucus and myself as we try and deal with the issue of drugs and he is right. It has touched an awful lot of lives. But as a fiscal conservative, I know that you would not throw your money away time and time again. You talk about, for example, the war on poverty and you make the case, well, what do we have to show for our money, you say?

I can show you more there than you can show me in terms of advancements that we have had, given the money we have been throwing down this rathole. I am saying to you as a fiscal conservative, you should not want to keep doing the same old thing. You have got to try something new. When you find time and time again and you have an article even in today's newspaper that says once again, these are the very people that we are funding to help fight the war on drugs are the drug dealers themselves and they are protecting those who are trafficking in drugs. You ought to want to change. You should not want to keep on doing the same old thing.

Mr. CUNNINGHAM. Reclaiming my time, I am a strong fiscal conservative. That is where the disagreement is. We feel that to fight this war and give it to the people that are very effective is the best that we can do, because it saves a lot of money in our own country and other countries fighting this. I think that is where the difference is, that we feel that there are people in Mexico and Colombia that are fighting this war effectively. If we accept the gentlewoman's amendment, then we lessen that war.

□ 1500

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentlewoman from California (Ms. WATERS) for supporting this bill. She has been a strong proponent of H.R. 4300, been an original sponsor of it, and I am very pleased that she joined in it. With all due respect, I do disagree with her over her amendments. I am only going to briefly remark on those because they have been discussed considerably here, but one point I do want to make is that the only aid to Mexico in this bill would be in the form of six helicopters, if this were adopted, this bill were adopted, and that is contingent upon granting Mexico, granting our Drug Enforcement Administration the same diplomatic immunity that we have for the FBI and the same right to carry arms, which they have been very reluctant to do because of the incidents surrounding some drug enforcement agents. But we think that is terribly important, those helicopters are important, but nobody would deny the Mexicans, and currently the Mexican Government is embroiled in considerable problems with respect to the people down there who are running their operation, and we are all disturbed by that.

Columbia, as has been stated, is a different scenario completely. The Columbian National Police are extraordinary folks. All of the money in here, all of the equipment in here, goes strictly for their purposes, not to the Columbian military as such. In the 10 years the United States has been assisting the Columbian National Police in their efforts against narcotics, they have sustained 4,000 casualties. The Columbian National Police have given up 4,000 lives to try to destroy the drug operations in that country. General Serrano, when he came to office in taking charge of this group, purged 7,000 of his police officers because of human rights violations, and an incredible screening operation has gone on since then.

So I, with all due respect, must oppose the gentlewoman's amendment in that regard.

I also want to point out, though, in the closing moments of the debate here, as we get near the end of the bill, the very important bill itself that the gentlewoman supports, this bill is to provide some direction in conformance with what our people in Bolivia, Columbia, Peru, and in our military at the lower levels in SouthCom who are on the front lines of the effort against narcotics have told us that they need, that they want; and if they have it, that they could produce, with the cooperation of the three key governments involved, and our own government, of course, at the highest leadership levels, they could produce a reduction in the flow of drugs out of those three countries into the United States by 80 percent within 3 years.

That would be truly remarkable. When we consider the fact we have had double the teen drug use in this country in the last 6 years since 1992 and the fact that the administration's drug plan calls for a 10-year plan to simply reduce drug use and drugs imported into this country by 50 percent in 10 years, this is a very, very significant thing we are trying to do in this bill, and we very much need to come to a closure on giving them the resources. That is, the planes; there are a lot of planes in here that go to Customs, new planes so we get the radar we need to be able to see down. We need to have the Coast Guard equipment, we need to have the resources that are here. Most of all, we need to do what this administration has not done, and that is to fight a real war against drugs and to end all of this now that we need to be doing.

So I urge in the strongest of terms the adoption of this bill at the conclusion of the amendment process and, of course, the defeat of this amendment.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by commending the gentleman from Illinois (Mr. HASTERT), the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Ohio (Mr. PORTMAN), and all the different Members who have spent so much time working on this. Let me commend all the Members in the Democratic Party who have been active on this issue and who know that drugs have been a disaster for this country, who know that a great deal of the violence we are now facing is violence that either comes directly from the use of drugs or comes from drug dealers or from people fighting over drug territory.

Since 1992, we have seen an 80 percent increase in marijuana use among high school seniors. Since 1992 we have seen an 80 percent increase in cocaine use among high school seniors. Since 1992 we have seen a 100 percent increase in heroin use among high school seniors. For kids 12 to 17, first-time heroin use has surged 875 percent from 1991 to 1996. Heroin is killing kids in Texas, in New York, in Florida, in California.

And make no mistake about it. Heroin, cocaine, marijuana, are not problems of the inner city, they are not problems of minorities, they are not problems of the poor; these are problems that affect every American in every town in this country.

To stand in Iowa and be told that one of the two biggest issues in Iowa this fall is methamphetamines and the traffic coming in from Mexico and coming up the interstate in the smallest towns in Iowa, clearly that is a problem. What makes it a tragic problem is not only that it destroys young people, that it ruins their lives, but that it is avoidable.

From 1980 to 1992, we had a dramatic decline in drug use in the United States. It is very important to understand that. From 1980 to 1992, drug use kept coming down. It is ironic to me that we have living proof, as an historian, occasionally these things happen, and we kind of wonder how did we get there.

As an historian, I know that in the summer of 1992, by any reasonable standard, we were winning the war on drugs. Cocaine use in that period was down dramatically, marijuana use in that period was down dramatically, heroin use in that period was down dramatically, I think largely for two very different reasons, both of which this bill seeks to work on.

First because, led by Nancy Reagan, there was a just-say-no program that the experts laughed at but the American people listened to, and it turned out that when 7,- 8,- 9,- 10-, 11-year-olds hear just say no, when they hear it on television and advertising, when they hear it in school, when they hear it at church or synagogue or mosque, when they hear it from their parents, when they hear it from authority figures they respect such as President Reagan, they say, I guess that is right. And they said no, and we saw a dramatic impact over a 12-year period. And drug use was declining, and it was reasonable to project in the summer of 1992 that we were going to win the war on drugs. Literally win the war. We were on the way.

Then for a variety of reasons, and I do not want to go into the partisan background, and I am not going to make any partisan attacks here, for a variety of reasons, the war on drugs got off track and drug use went back up over the following 6 years.

So here we are in 1998. This is not the bill I wish we were passing. The bill I wish we were passing would have been written by General McCaffrey with the total support of the Pentagon, with the strong support of the State Department, with the strong support of the Justice Department, with the strong support of the Treasury Department, with the open hand of the Office of Management and Budget, and with the enthusiastic public speeches by the President and the Vice President. That is the bill I wish we had here.

That bill does not exist. General McCaffrey is not given the authority to write that bill, the Pentagon will not cooperate in writing it, the State Department will not pay attention in writing it, the Treasury Department will not think through the problems of our border, the Justice Department is itself busy, and the Office of Management and Budget will not approve the funds.

So the Congress is writing a bill.

I just talked to General McCaffrey a few minutes ago, and I assured him that when this bill passes the House and when it passes the Senate and when we meet in conference, we will be glad to sit down with him and work out any practical details he is concerned about. But what we will not do in this Congress is have the administration fail to show leadership, fail to provide a successful plan, fail to provide the resources.

For example, there are no ships in the eastern Pacific. That is not the Congress's fault. So to be told we do not solve all their problems, which by the way they do not solve either, is a nonstarter. Why are there no ships in the eastern Pacific? Because this administration did not think it was a high enough priority. To be told, on the one hand, we do not have the airplanes today and, on the other hand, under our bill they will not get them for 2 years, so that 2 years from now we will have the airplanes; but if we do not pass our bill, 2 years from now they will not have the airplanes and they will say, well, they will not get them for 2 years.

So the answer all too often downtown has been, let us not talk about it, let us not address it, let us not solve it, let us not pay for it, let us not do it, let us not plan it. And then our children use drugs. And our children die.

This bill is a step in the right direction. It is a step on prevention, it is a step on rehabilitation, it is a step on interdiction. All three steps need to be taken simultaneously.

It is a good bill, it is an important bill, and it says in the right direction we are going to do what it takes to win the War on Drugs.

And let me just say one closing thing. I see the chairman of the Committee on International Relations is here. We have Members from every committee that deals with this, from the Committee on Appropriations, from the Committee on Ways and Means, from the Committee on the Judiciary, from the Committee on Government Reform. Every committee that has a piece of this action is involved, because we think saving our children is important enough to transcend the bureaucracies and transcend the territorialities and get the job done.

I commend in particular the gentleman from Illinois (Mr. HASTERT) who has led the task force that has brought everyone together. And we stand ready, as soon as this is done, to go right to the administration, to sit down with every part of the bureaucracy that needs to be involved, to work in good faith in our children's behalf and to make sure that we get the best possible bill to dramatically strengthen our ability to tell the kids not to do it, where the gentleman from Ohio (Mr. PORTMAN) has been such a great leader, to help rehabilitate those who are doing it, and to help interdict those who would come and destroy our children.

I urge a strong "yes" vote on final passage.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman is recognized for 1 minute.

Mr. FORD. Mr. Chairman, I rise in support and really I thank the gentleman from Georgia (Mr. GINGRICH), I thank the gentleman from Illinois (Mr. HASTERT) and I thank the gentleman from Florida (Mr. MCCOLLUM) for the leadership as well as those others, the gentleman from Ohio (Mr. PORTMAN), the gentlewoman from California (Ms. WATERS) and others who have supported this substitute offered by Mr. MCCOLLUM.

But sections 201 and 204, striking them would not do violence to what the Speaker has just talked about. I even applaud his work in this area. But I would remind the Speaker, as he decried the fact that the administration has not been as supportive as he would like on these issues, I would remind him that the administration is also supporting using the surplus for Social Security, and the other side would like to use it for tax cuts, and that has not stopped the other side from pushing a tax cut bill.

The Speaker has spoken so eloquently about education over the past several months. He has decried efforts in the public arena to educate kids. That did not stop him from pushing a voucher program because he thought that our public schools were not educating our kids. We have evidence, ample evidence, that much of the money that we are spending in these areas is not actually being used to fight drug trafficking. All of us on this side support all efforts, interdiction and domestic efforts, to fight at every point of entry in this Nation, every point of entry in all of our communities and neighborhoods. But we cannot continue going down a path where we are getting a door slammed in our face. It is clear that moneys we are spending now are being used by drug traffickers. It is clear that what we are doing now, moneys are being spent with agencies who are apparently purportedly out to attack drug traffickers who are actually complicit in working with drug traffickers.

Let us do the right thing, strike 201 and 204, and let us pass this Western Hemisphere Drug Elimination Act and do something positive.

The CHAIRMAN pro tempore. The time for consideration of amendments in this bill having expired, the Chair must now put the question on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 537, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

The point of no quorum is considered withdrawn.

□ 1515

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 537, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from Florida (Mr. MCCOLLUM); the amendment, as modified, offered by the gentleman from Texas (Mr. REYES) to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT); the amendment offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 362, noes 61, not voting 11, as follows:

[Roll No. 438]

AYES—362

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sánchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—61

Allen
Barrett (WI)
Bateman
Berman
Blumenauer
Brown (CA)
Carson
Chenoweth
Clay
Conyers
Davis (IL)
DeFazio
Dicks
Dingell
Dixon
Dooley
Ehlers
Ehrlich
Farr
Fazio
Filner
Frank (MA)
Furse
Hamilton
Harman
Jackson (IL)
Kanjorski
Kennedy (RI)
Klink
Lee
Lewis (GA)
Lowey
McDermott
Miller (CA)
Minge
Moran (VA)
Nadler
Oberstar
Obey
Olver
Paul
Payne
Pelosi
Pickett
Porter
Rush
Sabo
Sanders
Sanford
Scott
Skaggs
Stark
Stupak
Tauscher
Torres
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Yates

NOT VOTING—11

Engel
Gonzalez
Goss
McHugh
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Towns

□ 1538

Messrs. MINGE, VISCLOSKY, DOOLEY of California, VENTO, BROWN of California and MATSUI changed their vote from “aye” to “no.”

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Ms. DANNER, and Messrs. HINOJOSA, COYNE, BERRY, ABERCROMBIE, BECERRA and MATSUI changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 357, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed for further proceedings.

The Chair also intends to put the question on the Traficant amendment immediately after the vote on the Reyes amendment to the Traficant amendment. If a recorded vote is ordered on the Traficant amendment, it will be taken immediately, and it will also be a 5-minute vote.

AMENDMENT, AS MODIFIED, OFFERED BY MR. REYES TO THE AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Texas (Mr. REYES) to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 11, as follows:

[Roll No. 439]

AYES—167

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Edwards
Ehrlich
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kingston
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lee
Lewis (GA)
Lofgren
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHale
McIntosh
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pease
Pelosi
Pomeroy
Rahall
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Skaggs
Skelton
Slaughter
Snyder
Souder
Stabenow
Stark
Stokes
Stump
Stupak
Thompson
Thornberry
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—256

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Manton
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sánchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Engel
Gonzalez
Goss
McHugh
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Towns

□ 1548

Mrs. KENNELLY of Connecticut changed her vote from “no” to “aye.”

So the amendment, as modified, to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 291, noes 133, not voting 10, as follows:

[Roll No. 440]

AYES—291

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel

English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink

Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond

Regula
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Salmon
Sánchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—133

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Carson

Chenoweth
Clay
Clayton
Conyers
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehrlich
Evans
Farr
Fattah

Fazio
Filner
Frank (MA)
Furse
Gejdenson
Green
Gutierrez
Hamilton
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)

Kennelly
Kilpatrick
Kleczka
Kolbe
Lee
Lewis (GA)
Linder
Lofgren
Markey
Martinez
McDermott
McGovern
McHale
McIntosh
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Mink
Mollohan
Morella

Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Parker
Pastor
Paul
Payne
Pelosi
Pombo
Porter
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sanford
Sawyer

Scott
Serrano
Skaggs
Slaughter
Snyder
Stark
Stokes
Stump
Stupak
Thompson
Thornberry
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Gonzalez
Goss
McHugh
Meeks (NY)

Poshard
Pryce (OH)
Riggs
Schumer

Smith, Linda
Towns

☐ 1558

Mr. ROTHMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. WATERS

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 67, noes 354, not voting 13, as follows:

[Roll No. 441]

AYES—67

Abercrombie
Barrett (WI)
Bonior
Brady (PA)
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
DeFazio
Doggett
Farr
Fattah
Fazio
Filner
Ford
Furse
Gephardt
Hamilton
Hilliard
Hinchey
Hinojosa

Jackson (IL)
Jackson-Lee (TX)
Kilpatrick
Kleczka
Lee
Lofgren
Lowey
Luther
McCarthy (MO)
McDermott
McKinney
Meek (FL)
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey

Olver
Owens
Pastor
Paul
Payne
Pelosi
Rivers
Roybal-Allard
Sabo
Sanders
Scott
Stabenow
Stark
Stokes
Thompson
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Woolsey
Wynn

NOES—354

Ackerman
Aderholt

Allen
Andrews

Archer
Armey

Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English

Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)

Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Conyers
Gonzalez
Goss
Kaptur
McHugh
Meeks (NY)
Poshard
Pryce (OH)
Radanovich
Riggs
Schumer
Smith, Linda
Towns

☐ 1607

Mr. NEAL of Massachusetts and Mr. RUSH changed their vote from "aye" to "no."

So the amendment was rejected.

The vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Chairman, I was unavoidably detained for rollcall vote 441. Had I been present, I would have voted "yes."

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. BURR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, pursuant to House Resolution 537, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. DREIER). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTERT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 39, not voting 12, as follows:

[Roll No. 442]

AYES—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodrigues
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sánchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—39

Bonior
Carson
Chenoweth
Conyers
Davis (IL)
DeFazio
Filner
Frank (MA)
Hamilton
Jackson (IL)
Jackson-Lee (TX)
Lee
Lewis (GA)
Lofgren
McDermott
Miller (CA)
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Reyes
Sabo
Sanders
Sanford
Scott
Skaggs
Stark
Torres
Velázquez
Vento
Visclosky
Watt (NC)
Woolsey
Yates

NOT VOTING—12

Gonzalez
Goss
Horn
Martinez
McHugh
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Towns

☐ 1628

Ms. WOOLSEY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4300, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1995

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1995.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DRUG DEMAND REDUCTION ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by Representative Hastert of Illinois or a designee and a Member opposed to the bill. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1630

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the proposed rule is a modified open rule providing for 1 hour of general debate equally divided between the gentleman from Illinois (Mr. HASTERT) or a designee of Mr. HASTERT's and a Member opposed to the bill. After general debate, the proposed rule provides for a 3-hour time limit on the amendment process.

House Resolution 538 further provides, prior to the consideration of any other amendment, for the consideration of the amendment printed in the report of the Committee on Rules if offered by a Member designated in the report. This amendment shall not be subject to demand for division or to amendment and shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent.

Mr. Speaker, finally, the proposed rule provides that should the amendment be adopted, the bill, as amended, be considered as original text for the purpose of further amendment.

The proposed rule provides that the Chairman of the Committee of the Whole may accord priority in recognition to Members who preprint their amendments in the CONGRESSIONAL RECORD. The proposed rule also allows the Chairman of the Committee of the Whole to postpone votes on amendments and reduce to 5 minutes the minimum time for electronic voting on any postponed votes provided voting time on the first in a series of questions is not less than 15 minutes.

Finally, the rule provides 1 motion to recommit, with or without instructions.

This rule was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the underlying legislation, the Drug Demand Reduction Act of 1998, is intended to intervene and reduce the demand for illegal drugs and the inappropriate use of illegal drugs in this country. The Drug Demand Reduction Act of 1998 complements other anti-drug legislation like H.R. 4300, the Western Hemisphere Drug Elimination Act, and seeks to interdict drugs before they reach the United States. This proposed rule will allow ample time for the House to consider this measure, any amendments to it; 1 hour for the proposed rule, 1 hour of general debate and 3 hours on the amendments; a total of 5 hours devoted to the debate regarding H.R. 4550 and the Drug Demand Reduction Act of 1998.

The underlying bill is a recent product of the Drug Task Force headed by the gentleman from Illinois (Mr. HASTERT). However, the provisions of the underlying bill have been under consideration for the past year. Most of the provisions contained in the bill can be found in our bills, bills that have been thoroughly considered in other committees.

I am not happy to note that illegal and illicit drug use in this country have doubled in the last several years. As a former police officer, Mr. Speaker, as somebody who has been on the street and somebody who understands illegal drugs, as somebody who has dealt with illegal drugs on a firsthand basis in my law enforcement days, I can tell my colleagues that this is a situation that is a serious, serious situation, and the Members ought to support this rule and move on to address the substance of this legislation. And it is my forecast the majority of our colleagues on this House floor will, in fact, support this bill because we share a common thread, and that thread is, cut out the illegal drugs.

I think the Republicans have worked very strongly on this issue, an issue that has been driven in our Republican conference for a long period of time, and finally we are bringing it to some time of fruition.

As Members noted in the earlier debate on the Western Hemisphere Drug Elimination Act, for kids 12 to 17, first-time heroin use, which has been proven to kill, surged 875 percent from 1991 to 1996. There is a problem out there, and it is a big problem. We, the Congress, have got to address this drug problem in this country. The Drug Demand Reduction Act of 1998 seeks to address the prevailing attitude towards drugs and shift that attitude.

As a father of three children, actually three teenagers, two now in college and one that is now a junior in high school, I can tell my colleagues firsthand, we deal with lots of issues in our family discussions; but the one that concerns my wife Laurie and I the most is, what about illegal drugs? And constantly we have conversations with our children, as my colleagues do with theirs, about how deadly these things can be, how any kind of enjoyment on them, if it is there, is temporary at best, and the damage is long term. These discussions should be amplified by everybody in this country, and this bill helps our country move towards that War on Drugs. It is critically, critically important.

The Drug Demand Reduction Act of 1998 seeks to intervene and send that message that drug use is not only dangerous, it is wrong, it is illegal, and it is illegal for a purpose. It is illegal because it gets people nowhere.

I like the advertisement on TV with the gentleman who says, "Intervene any way that you can." I will talk about that a little bit later on, but I think that is a message that we should do here. This is one way that we can intervene. As he says, "Get between your kids and those illegal drugs." This bill is a step in that direction. It helps us intervene any way we can.

And we should not spend a lot of time on semantics. We know what it does, this bill is clear. Contents of this bill have been in front of a number of committees. We have put it together as a model, it is ready to go, and I encourage my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend from Colorado (Mr. MCINNIS) for yielding me the customary 30 minutes.

Mr. Speaker, illegal drugs are the scourge of American society. Illegal drugs damage or destroy not only the individual using them, but they impose a tremendous cost on the American society as a whole, a cost that is just too high for our society to continue to pay.

No one, nobody in this Congress, holds a monopoly on deploring what drugs have continued to do to the millions who use these poisons.

But, Mr. Speaker, I am sure this bill will pass, as indeed it should. We all want to do whatever it takes to stop illegal drug use in this Nation.

But I must take this opportunity to address the process or the lack thereof that surrounds this bill.

This legislation has been drafted behind closed doors, by a task force composed almost entirely of Republican Members, with little opportunity for input from the other side of the aisle. And what that means, Mr. Speaker, is that the ideas of all but a very few Democratic Members were not a part of the discussion when this bill was created. It also means that we are today considering a bill that was introduced only last Thursday and then referred to six committees; referred to six committees, Mr. Speaker, none of which has taken any action on this bill.

This bill has had no hearings, it has not been subjected to the scrutiny by experts in the field of drug abuse; yet, Mr. Speaker, it will be touted as a major anti-drug initiative. It will be managed on the floor not by the chairman of the committee of original jurisdiction, but by the head of the Republican task force that drafted it.

This is not the way we should be proceeding with an issue as important to our Nation as combating the War on Drugs.

My concerns, Mr. Speaker, may be the ultimate inside baseball; however, I think that when the Congress is addressing what may be one of our most pressing, what may be one of our most critical social problems, that we would all be better off and we would all be better served if all points of view were part of this process.

Again, I must point out that no one among us holds a monopoly on condemnation of the use of illegal drugs. We might, however, differ in our views in which way to approach reducing the demand and the use of them. We do have a committee process, Mr. Speaker, and I think had this bill been considered under regular order, it might have far more to offer in our national struggle against the use of illegal drugs.

Mr. Speaker, I am not saying this is not a good bill. It is a good bill as far as it goes. I am especially pleased that the bill includes authorization for the creation of a model substance abuse treatment program for men and women in our prisons.

The relationship between drugs and crime is alarming. The Office of National Drug Control Policy says that as drug use increases, so does the number of crimes that a person will commit. The National Drug Control Policy Office also points out that a 1992 survey of chronic drug users not in treatment found that during the 30 days prior to enrollment in that study, more than 50 percent of both male and female drug users were involved in some kind of illegal activities.

Drug use has led to the substantial growth in the prison and jail population in this country so that today we have, and this is very important, today we have more people behind bars in our prisons in this country than we have men and women in our entire Armed Forces. Clearly this should be our national policy, to use the time substance abusers are behind bars to expose them to treatment in the hopes that they will not return to a life of drugs and crime once they are free.

But again, Mr. Speaker, it should be our policy to keep our children away from drugs in the first place, and while this bill provides $195 million for a national anti-drug media campaign and $30 million in authorization for parent involvement programs, it ignores a proposal made by the administration to create a pilot program that would provide 6,500 schools around this country with drug prevention counselors. It also ignores alcohol abuse in teenagers and ignores under-age smoking, both gateway behaviors that can lead to later illegal drug use.

Mr. Speaker, this bill also ignores making more treatment beds available around the country. In fact, an amendment by the gentleman from Minnesota (Mr. RAMSTAD) to address this very important component of drug control was voted down by the Committee on Rules Republicans. The Ramstad amendment, based on a bill which has 92 cosponsors, would help alcoholics and would help addicts who are working and who have health insurance get treatment by requiring health insurers to treat alcoholism as an addiction, as diseases on a parity with other covered diseases. This amendment is a good one, for if we are to combat and confront addictions on both alcohol and drugs, we have to make sure that the treatment is available, we have to make sure that it is affordable.

□ 1645

But unfortunately, Mr. Speaker, the House will not get any opportunity to vote on this very important issue.

Mr. Speaker, there are no easy answers to this very crushing problem. I only wish that my Republican colleagues had included more Democrats in their deliberations. Had they used the tried and true committee process, perhaps the more Democratic voices might have been heard. This is a national crisis requiring the efforts of every American.

I will vote for the bill, Mr. Speaker, but I think it would have been a far better product had it been created in a truly bipartisan manner.

Mr. Speaker, I reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. I have great respect for the gentleman from Massachusetts, and I know that from a personal standpoint he is very adamant about our involvement in the war against drugs, but he also represents the views of some people perhaps who have come to him and complained.

Let me point out a couple of things that I think are important that the gentleman brought up in his statement.

Number 1, anybody who does not like this is free to vote "no." Number 2, the Democrats, when they controlled the Congress, they controlled the Senate, they controlled the House, and they had the current President as President of the United States, they could have put this bill through overnight. It took the Republicans, frankly, who only control the House and the Senate, we do not control the presidency, it took us to push this thing forward. And at that, we are making it bipartisan. The bill itself is constructed from the components of a number of other bills.

This is a good bill. This takes on the illegal drugs out there. I am a parent. I used to be a cop. I know what we need to do. Carroll O'Connor, as I said earlier in my testimony, said, get in between the drugs, intervene any way we can. The Democrats did not do it when they had the House and the Senate and the presidency. This bill does, and it is a bipartisan bill.

Now, there was some comment made about one of my colleagues here did not get his amendment put in order. It was not the content of the amendment that caused the problem, it was that the amendment was not germane to the bill. We agreed to an open rule; we are going to have lots of time for debate. In fact, Mr. Speaker, the time we are allowing for debate here is exceptionally generous.

The basics of the bill are pretty simple. We have 4 or so amendments, we have one hour of general debate and several hours for the amendments, but we have to keep it germane, we have to keep it on subject, and that is what we were attempting to do there.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I said I was not opposed to the bill, I was opposed to the process. We have a committee process in the Congress. The Congress meeting in committee is the Congress working. I mean all of a sudden just to set that committee process aside and create a task force, why do we not just do away with all of the committees and make a task force; in fact, get rid of the Committee on Rules and just get a task force. Things would be done much quicker, but I am not sure that being quick about some of these pieces of legislation is the best way to go.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of one of the committees that was bypassed in this process.

Mr. DINGELL. Mr. Speaker, one can tell this is an election year, because with this wonderful piece of legislation we have authorized a lot of programs which are now in effect and which are now working. A remarkable exercise.

Having said that, this is the most curious process. The bill was introduced Friday last, and essentially, according to the reports that we have been able to get from the departments, authorizes a series of programs that are now in place and that are now working just fine.

The bill was apparently referred to the Committee on Commerce as well as the Committee on Government Reform and Oversight, Committee on Small Business, Committee on Transportation and Infrastructure, the Committee on the Judiciary, Committee on Education and the Workforce. None of them ever had hearings, never did anything on it, because they did not have time. It just came up here Friday.

There are a lot of questions my Republican colleagues need to address. Did any of the committees report on this bill? Did any of the committees have hearings? Did any of the committees take testimony from any citizen or from any governmental agency? The answer is no, they did not. Did any of these committees have hearings on the bill? No. How was this bill drafted? Well, I gather that it was drafted by a Republican task force. Clearly, that is hardly adherence to the regular procedures and orders of the House, or indeed, a proper following of the rules of this body.

Were any outside groups involved in the drafting of this bill? Were there consultations with any government agency or any private anti-drug agency? How did the task force function? Did they comply with the requirements of the sunshine rules? Did they comply with the Rules of the House? How did they decide what outside groups would appear and would testify, or which would not?

The bill has a very interesting proposal and provision in it. It strengthens and lengthens the exclusivity period for antiaddiction drugs by 6 months. Was there any consultation on this matter with the Food and Drug Administration, the Department of Health and Human Services, or the Patent Office? The answer is none.

But interestingly enough, what does this do? It says, if one has an antiaddiction drug that one will get an extension on any period of exclusivity on any drug which one happens to have in one's drug inventory. Not necessarily the one on which one has the antiaddiction drug, but on any others. And according to the Food and Drug Administration, this could even extend to drugs on which the period of exclusivity has expired, a most remarkable provision. So that a drug owner, or rather a patent holder may then extend his period of exclusivity on any drug in his inventory if he so chooses, even if the period of exclusivity has expired.

Was there any consultation with the Justice Department, the Patent Office, the Food and Drug Administration on this? Absolutely not. But, after all, this is an election year, and this matter should be rushed to the floor so that it may be voted upon, even though almost all the provisions of this bill are now being funded and being implemented and on which programs are now in fact in place.

Now, let us look at some of the requirements of the distinguished gentleman from Ohio (Mr. PORTMAN), who is the principal author of this bill and who is the author of provisions of the rules which relate to requiring the government to take certain actions. For example, did the Congressional Budget Office calculate the cost of the provisions with regard to patients who use antiaddiction? The answer is no, the Congressional Budget Office did not. Was there any estimate of the windfall to the drug companies involved? Absolutely not, none.

Now, let us talk about secrecy. When this Congress adopted the government sunshine amendments to the House rules, something which my Republican colleagues made great hay about, it was promised that television cameras would be allowed in the markups of all bills so that the public would be allowed to watch how our bills are written, and to hear what is said by citizens, by government, by business, by special interests. Was anything of that kind happening here? Absolutely not. It was done by a task force.

Now, I find, after careful reading of the rules and after some 40 years and more service in this place, no mention in the Rules of the House of Representatives with regard to task forces or behavior of task forces or requirements for openness or other good behavior.

Why was this bill written in a task force? Why was it written in secrecy? Why was it written outside the scrutiny of the public? Has the bill ever been reviewed by the administration? The answer to all of the above is no. Has the bill ever been reviewed by health experts, by Food and Drug, by the Attorneys General of the States or of the United States? Has the bill ever been reviewed by any of the drug-opposing agencies like DEA or FDA, or the National Institutes of Health, or the parts of NIH which address the questions of drug abuse and drug addiction? The answer again is no.

Were any members of the public permitted to comment on this legislation to say whether it was good or bad or whether it should be changed, have more or less money? The answer is no. Are any government analysts in on the drafting of the bill? The answer to this question is no. Does this bill require waivers of the House rules? If so, what rules does it require? Does the bill require waivers of the Budget Act? We do not know. It is not said in here, and the Rules of the House do not apply to this because it was never reported by a committee, it was reported by task force, whatever that happens to be.

Mr. Chairman, I think the question we really ought to ask is, why do we not use the regular order? Why do we not follow the Rules of the House? Is there any information or evidence in the hands of the authors and the sponsors of this legislation that this body would not have considered this bill fairly, speedily and expeditiously? The answer to that question is, there is none.

Why is this bill being brought to the floor in such an extraordinary fashion without hearings, without markup? Is there any frustration with the leadership of the committees? Is there any

CBO estimate as to the cost or budget impact? Are there any inflationary impact statements required by the Rules of the House? The answer is, there is none. Is there any regulatory impact statement? The answer is, there is none. Are there any requirements which are imposed on reported bills complied with here, as in the case of reports on unfunded mandates, as required so capably by my good friend who is the author of this bill who seems in some curious fashion to be anxious to evade the requirements of an imposition which he has put into the rules.

There is no evidence whatsoever that there has been any evasion of the responsibilities of the committee's right by good Republican Members like the gentleman from Virginia (Mr. BLILEY), my friend; it is just that this, my dear friends, is an election year. This is a wonderful opportunity to rise and say, we are doing something about drugs, and what are we doing? We are doing something which first of all evades the rules, second of all evades the ordinary practices of the House, and third, which evades any requirement that we have proper consideration of this legislation, and which puts on the floor proposals which are already being implemented by the Government of the United States and for which Members of this body have already voted money for the implementation thereof.

Mr. Chairman, I think this is the most curious process. It is perhaps excusable by the fact that my Republican colleagues do not want to point out the fact that these things are already being done. And I can understand why they would not, because if they are going to pass a piece of legislation which is essentially a bill to celebrate an oncoming election by passing a piece of legislation that does not mean anything, one does not want to have any committee scrutiny which shows that the bill does not do anything. That is the problem that we have here.

The rules of this House have served this body well. The Rules of the House work. They say that they will consider legislation well. They say we will know when there are windfalls for special interests, like as in this legislation which provide for a windfall for God knows who for the Lord only knows how much and for any product which they put on the market which is protected by exclusivity.

This is a most remarkable exercise. It is one which I would assume my Republican colleagues would practice only in an election year, because that is the only time that this kind of slovenly chicanery, sloppy legislation and irresponsibility needs to be practiced, unless my colleagues on the other side also choose to do so in odd-numbered years.

☐ 1700

Having said this, reject the rule. Let the committees look at the bill. Give the committees opportunities to consider the things in this legislation in the light of the expertise of the committees. The committees are run by Republicans. There is no mention of task forces in the rules of the House.

Bring the people into the process. Let us let sunshine work. Let us find out what the legislation does. Let us not go home and kid the people and say we passed a great piece of legislation without admitting that almost all of it is now being implemented by law and this whole exercise is related to the fact that the election is 7 weeks off.

Follow the rules of the House of Representatives. They have been crafted by wiser men than any who sit here, and they work and they see to it that the public is well served in the light of day by careful consideration of the views of all the people and an understanding of what the legislation would do.

Reject the rule, send it back to committee, let us have a proper look at it, and we will bring you a piece of legislation of which my colleagues could be proud instead of having to sneak home and lie to our people about how something was done which in fact was not done.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Of course, the gentleman's verbal assault that we have just listened to for the last 7 minutes if anything indicates it is an election year. It is his words. Put all that aside.

Obviously, we are not disobeying the rules of the House. If we were disobeying the rules of the House or if we were not following the rules of the House, the Speaker would rule us out of order. It is within the rules of the House of exactly what we are doing, and we are dealing with the drug problem.

I know that the gentleman is concerned; that he claims this was done in secrecy. This was not done in secrecy. This is not a defense secret. This is done in the public. We see it. We see everybody in the streets, the problem.

The gentleman has every right to vote against this bill. The gentleman has every right to get the Members on his side of the aisle who, by the way, did not pass this kind of legislation, who did not do something about this, in my opinion, when they controlled both Houses and the Presidency.

Instead, when we do, we get a few Members over there that take a verbal assault on what I think is a well-intended bill with lots of substance in it.

Let us talk. The gentleman there spent 2 or 3 minutes on something about the provisions in the bill dealing with market incentives to pharmaceutical manufacturers. If the gentleman would read the manager's amendment and if the gentleman would vote the first amendment up, all his concerns spent in the first 3½ minutes of that verbal assault will be taken care of like that. That amendment handles it.

It was a legitimate point that the gentleman brought up, but the staff needed to tell him, sir, this is covered in the first amendment if we vote for the first amendment, which I think will pass by a strong majority. It is taken care of. That is why we have that manager's amendment. We want to cleanse this bill to get it out there. But we do not want to delay the bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois (Mr. HASTERT) who has put a remarkable amount of time into this. We appreciate it very much. The gentleman understands this issue. He understands the significance of it. I think it is important we hear from him for a few minutes.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

Mr. Speaker, certainly what we have before us this evening is the other half of a very important piece. If we are going to look at the totality of drug abuse in this country, we certainly have to look at the supply side where drugs come from, how they come across our borders, but we also have to look at the other issue, and that is the issue of demand, and how do we stop demand in our schools, in our neighborhoods, on our highways, in our prisons. How do we get at that?

The gentleman who is the former chairman of the Committee on Commerce went at great length, and I think he has great concern, but we are trying to solve the problem. As the gentleman would know, this covers across the jurisdictions of six committees.

Have there ever been hearings? Yes. I will tell my colleagues, in the Committee on Government Reform and Oversight, we have had multiple hearings on this issue.

This bill does entail areas and titles that deal with the National Youth Anti-Drug Media Campaign Act. Yes, it is time that we probably ought to authorize something that we have appropriated for. That is the rule, and that is the law, and that probably ought to be done.

We talk about a Drug-Free Workplace Act. That is certainly one of the components that we want to have in this country. We talk about Drug-Free Teenage Drivers Act. We talk about the Drug-Free Prisons and Jails Act, Drug-Free Schools Quality Assurance Act. We talk about Drug-Free National Clearinghouse Act, a Drug-Free Parents Empowerment Act, and go on to Antiaddiction Medication Development Act, and also a Commission on Role of Medication Education in Reducing Substance Abuse.

We all talk about Congressional leadership and community coalitions, and we talk about reduction and rejection of drug legalization that is rampant in this country and certainly moving further and further by some interest groups into our cities and the reorganization of the Federal demand reduction efforts.

Yes, this bill certainly does have a wide jurisdiction. It covers a lot of issues. It covers cross-jurisdictional areas. We have been very pleased to have the chairmen of those committees have input, have their staffs have input, and to work through and make sure the resources are there to get this job done.

But I have to tell my colleagues, the gentleman from Michigan does bring up the exclusivity of drugs. We have taken that out. It is not in the bill. It is not in the manager's amendment and exonerated from there.

I think that the process certainly has worked. We have perked up some of those issues. What we need to do now is move forward and to try to put together a holistic anti-drug program so that we can really have a drug-free America.

What is a drug-free America? There is seven or eight areas that we have to look at. We have treatment. We have to deal with treatment. It is sad that those folks who already have been addicted by drugs need to be able to have the treatment.

It also reduces demand. We need to do the community prevention that the gentleman from Ohio (Mr. PORTMAN) has worked on for years and has been a leader in this Congress in doing prevention and community prevention and school prevention. Years of work.

We also have looked at the whole area of law enforcement. Yes, we need to have better communication between our law enforcement agencies, people working together and communicating together.

We have to do a better job on our borders, and we talked about that in a bill earlier today. We have to do work on areas where these drugs come from.

One of the things that neither this bill or the other bill does but we have to deal with, and it will be coming on the floor of the House because it did go through multiple committees and we hope to have that bill on the floor before it is too late to move it, but it is money laundering.

We would not have people growing coca plants or heroin through poppy plants, we would not have them manufacturing it, we would not have them smuggling it, we would not have them remanufacturing in Colombia and Mexico, we would not have them moving across the border, we would not have them distributing it, all those things cost a lot of money, if they did not get $50 billion or $60 billion off our street corners every year and half; that profit ending up in the pockets of drug lords outside this country.

What would we have to do? The next step, and it is not in these two bills, is money laundering; and we have people working on that as well. But we have to look at the holistic approach.

If we are going to stop drugs and we are going to be serious, instead of blathering about what is not in the bill, if we are going to be serious about stopping drugs in this country, we need to take a holistic approach, we need to do the demand side, which the gentleman from Ohio (Mr. PORTMAN) has done a great job at, but we have to do the supply side as well.

So I commend the Committee on Rules for bringing forth this rule. I commend the gentleman from Ohio (Mr. PORTMAN) and other Members of the task force for putting in hours and days for trying to put a quality piece of legislation together. I certainly hope that we can pass this rule and pass legislation.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a gentleman who has spent a lot of time on this. He is very knowledgeable on this subject, and I think a lot of merit goes to him for the substance he has put together on this bill.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Colorado for yielding to me.

Mr. Speaker, I wish that our colleague, the gentleman from Michigan had stayed around to hear a response to his many concerns on the legislation. But since my friend, the gentleman from Massachusetts is here, maybe he will pass along some specific answers to his questions.

This may give him some comfort, or it may not, because the question is: Are we serious about this drug effort or not? If we are, I think we have got to try to be, not just bipartisan, but nonpartisan, and move forward and do the right thing.

There are six committees of jurisdiction that we talk to on this issue. It would have been impossible, frankly, to go through those six committees and come up with this legislation in this legislative year. We thought it was an important issue, one that needed to come to the floor. We did consult with them extensively.

In fact, the provisions in this bill which are cosponsored by my friend, the gentleman from Wisconsin (Mr. BARRETT), Democrat, and myself are the result of a year-long consultation period, including with the Office of National Drug Control Policy, the drug czar's office.

There are other Democrats who are original cosponsors of the legislation. Committees waived their jurisdiction because, frankly, we solved their problems.

The gentleman from Michigan (Mr. DINGELL) focused on the anti-addiction medication provision, which he found to be inappropriate.

I will say two things about it. Number one, it is not in the legislation because his committee objected to it and instead there is a report, so we took the responsible course there along the lines that he would recommend. I will also say, though, that the National Academy of Sciences and the National Institute on Drug Abuse have both recommended the provision we had in the bill, and I hope that his committee will get busy on that kind of legislation because we do need to give companies more incentives to provide for anti-addiction medication.

With regard to unfunded mandates, the point that he made, I will say that there are no unfunded mandates in this legislation and we have, indeed, checked with the Congressional Budget Office on that. Because the gentleman from Michigan (Mr. DINGELL) said that we had not, I thought it was important to set the record straight on that.

I found it very curious that the gentleman from Michigan (Mr. DINGELL) went on and on about how we need to stick to the Rules of the House and yet complained that in this legislation we are authorizing appropriations. That is what we are supposed to do, and that is why the drug-free media campaign, which is a $195 million expenditure, is being authorized for 4 years so that there is a sustained effort and a commitment by this House to move forward on that very important initiative.

I think that is the right thing to do. It also happens to be within the Rules of the House, and I would think that instead of criticizing us for that and complaining that we are not following the rules, my friend, the gentleman from Michigan, and others on that side of the aisle would be pleased that we are indeed following the rules.

The drug-free workplace language is one example that has gone through this House already. We put it in this legislation because, frankly, we want it to pass not just the House but also the Senate and be enacted into law by signature from the President. We think this is a better place for it. This is a vehicle that probably will go somewhere. So I think that is the responsible thing to do.

I would just end by saying that we brought this legislation up under an open rule and I commend the Committee on Rules and the gentleman from Colorado (Mr. McINNIS) for doing that so that Members would have an opportunity on the floor if they wanted to bring up any germane amendments to the legislation, and we will see some today, but I would also say that this issue must be addressed.

I do think that this is going to be a nonpartisan exercise in the end, and I think that is the way, again, we must address this issue for the sake of our kids and future generations.

Again, I want to commend the Committee on Rules for bringing this to the floor with an open rule to allow opportunity for amendment and comment.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me just point out that the problems that the gentleman from Michigan (Mr. DINGELL) pointed out, I think, were misrepresented by the Republicans on the other side.

Basically, what the gentleman from Michigan (Mr. DINGELL) was saying, and I agree, is that there is not very much in this bill that is not already the law, and that it is being brought up at this time to try to give the impression during an election year that somehow the Republican majority is doing something significant with regard to this issue with regard to drug addiction.

Secondly, he pointed out that we do have included in this bill a special interest provision which thankfully he caught and now the Republican side is saying that they are going to take out in a subsequent amendment.

Let me say the problem with that is the mischief that we see when a bill like this does not go before the committee, does not see the light of day, does not have the opportunity for public debate and for input from the public. That is when we get these kinds of special interest provisions that thankfully were caught.

What else might be in this bill because it did not go through the regular process? That is the point that he made.

Let me just reiterate again the problem with this special interest provision if it is not taken out and if somehow this body does not approve to take it out, basically what it allows is an extension of this exclusivity for 6 months and what that means is that those who might want to produce these antiaddiction drugs in a generic sense, as a generic drug, would not have the opportunity to do so because of the extension of the exclusivity.

What that means is that these drugs become more expensive, and the big issue before this House with regard to health care in general and certainly with regard to drugs is their affordability. People cannot afford a lot of drugs. They do not have access to them if they cannot afford it.

One of the points we are making is if there was that extension of exclusivity it would not allow generics and others to come in and produce a drug in a way that is less expensive and more available to the public. So this was a special interest provision that was put in there that was anti-consumer, anti-public interest, and I am glad that it is now being taken out.

What other mischief is in there that we have not had an opportunity to look at because of the fact that this did not go through the committee of jurisdiction and did not have an opportunity for hearing? That is the problem. We are not against the bill per se but we are against the way that the Republicans went about this.

☐ 1715

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New Jersey (Mr. PALLONE) surprises me. If the gentleman thinks there is mischief in the bill, he should vote "no." The gentleman says on the one hand there is mischief in the bill, and then says that he is not going to vote against this bill. If what the gentleman is saying is true, he ought to vote against it. He has an obligation to vote against it.

Mr. Speaker, the reason the gentleman is not going to vote against it is because there is not mischief in the bill. The gentleman knows that this bill is a good bill that helps us fight this problem on the streets, and that is the drugs.

Now, as far as the process, and we go back again, the gentleman from Michigan (Mr. DINGELL) earlier, and now the gentleman from New Jersey, are suggesting some type of secret process. Hey, this is our fight. It is a Democrat fight. It is a Republican fight. We are all together on this. Our common enemy here are the illegal drugs on the street.

This is not a battle in secret. The secrets are held by the drug cartels. We are going after them and we want the help of our colleagues on the other side of the aisle, and I hope they support us today and help us in that battle.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, the gentleman from Massachusetts (Mr. MOAKLEY), made a point earlier after my introduction that he was going to vote for the bill, and that is correct. I did not want to imply that he was not.

I understand from sitting in the Committee on Rules and listening to the gentleman from Massachusetts last night, there is no question about his commitment to fight these drugs and to do whatever will effectively fight them, and I want to make sure that is of record.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4550.

☐ 1717

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HASTERT), or his designee, and a Member opposed each will control 30 minutes.

Mr. HASTERT. Mr. Chairman, I designate the gentleman from Ohio (Mr. PORTMAN) to control my time.

Mr. BARRETT of Wisconsin. Mr. Chairman, though I am not opposed to the bill, I ask unanimous consent to control the 30 minutes of general debate time.

The CHAIRMAN. Is there objection of objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. PORTMAN) is recognized for 30 minutes.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Illinois (Mr. HASTERT) for allowing me, as his designee, to manage the legislation. The gentleman from Wisconsin (Mr. BARRETT), who is going to control the time on the other side, is my original cosponsor on this legislation, and I want to thank him, particularly after we just saw a little display of something less than nonpartisanship. I guess we would call it partisanship.

Mr. Chairman, I thank the gentleman from Wisconsin for being willing to step up to the plate to address the concerns that we have all heard expressed this afternoon and this evening on the rising problem of illegal drugs in this country and for his willingness, frankly, to show leadership on this issue over the years and to cosponsor this important legislation.

Mr. Chairman, the rising tide of teenage drug use in this country is indeed a national tragedy, and I do not think there is anything this Congress could be doing this week that is more important. The facts speak for themselves, and we have heard a lot about them today. From the period of 1979 to 1991, we had a 72 percent reduction of teenage drug use in this country. Since that time, teenage drug use has more than doubled.

Actually, it is worse than that in the sense that it is among younger and younger kids. We have a lot of data on that. The number of fourth through sixth graders, kids in elementary school, experimenting with marijuana has increased 71 percent just since 1993.

Today, teenagers say they can obtain drugs within a day. LSD, marijuana, crack cocaine, methamphetamines and other drugs are more available now than ever.

This translates into more addiction, more ruined lives, more lost dreams. And, of course it also leads to more violent crime, more school dropouts, more health problems, and many other quantifiable costs to our society.

But this is not about statistics and numbers. It is about people. It is about people's lives. I am sure each Member in this Chamber knows constituents, maybe a friend, maybe a family member who has fallen into the trap of addiction and suffered the consequences.

Mr. Chairman, shortly after I was elected 5 years ago, a 16-year-old in my district died of a combination of smoking marijuana and huffing gasoline. His name was Jeff Gardner. Jeff's mom came to see me in Washington and she had a very simple question for me: "What are you going to do in my community to help me and other families so that they do not have to go through the pain that I am experiencing?" I told her about the billions we were spending on criminal sanctions, on interdiction efforts that are so important to keep drugs out of the country. She asked me again, "What are you doing in my school? In my neighborhood?"

Mr. Chairman, I have got to say, I was not satisfied with the answer that I could give her. I got involved in this issue both at home through community coalitions and here through legislation in large part because I could not give her the response she deserved.

The real tragedy is that based on sound research, we know what drives increases in drug use. It is not only the availability, but it is the attitude kids have about the dangers of drug use and the extent to which they believe that society, that society has accepted drug use.

Wherever our kids turn for entertainment, TV, movies, music, they find drug use glamorized. And whenever they seek role models, professional athletes, Hollywood stars, musicians, they all too come away with the perception, not accurate, but the perception that drug use is accepted and there is no real consequences.

Even here in Washington, young people have not been hearing a clear, consistent moral message that drugs are dangerous and that they are wrong. I am not trying to suggest that the White House, this Congress, or any national figure can be held responsible for the drug habits of our children. But it is clear that we have not had the kind of sustained national moral leadership on this issue that was critical to the substantial reduction in teenage drug use back in the 1980s.

We have also lost ground on the home front. Surveys show that many parents of the baby boom generation, my generation, approach this issue and approach their kids with great ambivalence. With all of these mixed messages, it should be no surprise to us that teenage drug use is on the rise.

But there is a solution. In fact there are multiple solutions. The gentleman from Florida (Mr. McCOLLUM), and the gentleman from Illinois (Mr. HASTERT), who spoke just a moment ago, have done a great job today in articulating the need to do more with regard to what is referred to as the "supply side," such as enhanced interdiction, tightening border patrols, and eradicating drugs in source countries.

The bill that we are discussing now, the Drug Demand Reduction Act of 1998, recognizes that restricting supply is important, but it also recognizes that the supply efforts alone can never solve our problems here at home.

Why? Well, first, of course, methamphetamines and other drugs can be produced in someone's basement. Marijuana can be grown in the backyard. But second and more importantly in my view is that as long as the demand is there, drugs, even those from outside our borders, will find their way onto our streets and into our neighborhoods.

While the supply efforts are a very important part of the balanced approach, we as a Congress must do whatever we can to stop the growing demand for drugs. This bill does that. It takes steps toward that by expanding and increasing prevention, education, and treatment.

Mr. Chairman, I believe this is an area where the United States Congress can and must help and play an important role. I think we have three important roles:

First, as we did last year with the Drug-Free Communities Act that we are building on today, we can empower parents, teachers, local law enforcement, local communities, to address the drug problem and give them some of the tools that they need to do so at the grassroots.

Second, Congress can ensure that the existing Federal anti-drug prevention and treatment programs work more effectively by reducing red tape and duplication, targeting funds to programs that really work, finding the best practices around the country and funding those practices.

Finally, I think Congress has a very important role to play in sending that clear and consistent message that drug use is dangerous and wrong. Again, it has worked before. From 1979 to 1991, we saw a 72 percent reduction. We need to look back at that. Why did that happen? We had a clear and consistent national message at that time. The "Just Say No" campaign was not just a slogan; it was a national movement and it included at the grassroots engaging parents, engaging teachers, coaches, law enforcement. That resulted in a substantial reduction of drugs because we changed attitude.

The act before us today is intended to reengage those parents, teenagers, teachers, and employers, law enforcement, health care professionals, and others to make existing Federal programs more effective and more accountable and to send that clear and unequivocal message again on the dangers of drug use.

Among other features, the legislation will: Reinvigorate the parent movement that worked so well in the 1980s through targeted grants, training at work, and access to information that parents need.

It will implement new initiatives to keep drugs out of schools and workplaces.

It will give States incentives to require kids to be drug-free in order to get their driver's licenses. Nothing is more important to a 16-year-old.

It will give parents and other role models one-stop shopping, one national clearinghouse where they can go to get information. One 1-800 number where any parent can call, any drug counselor can call, find out the answer to their question, and be connected with a local anti-drug organization or find substance abuse counselors in that person's area.

As the next step, we require the President's drug czar, the Office of National Drug Control Policy, to recommend to Congress specific ways to eliminate duplication, to further streamline the Federal anti-drug bureaucracy which is currently spread, incidentally, over 54 different agencies and departments.

Finally, at a time when 80 percent of the inmates in our jails and prisons are there because of substance abuse, and 50 percent of State parole and probation violators are under the influence of drugs, alcohol or both when they committed their new offense, this bill will put us on track toward eliminating the drug problem that festers in our jails and prisons. For the sake of our neighborhoods, and for the peace of mind of our constituents, we have to get at the revolving door of substance abuse in our criminal justice system.

Mr. Chairman, the provisions of this bill, as I said earlier, were developed over the past year with the help of the President's drug czar, General Barry

McCaffrey. They were also developed in conjunction with the Speaker's Task Force on a Drug-Free America, chaired by the gentleman from Illinois (Mr. HASTERT). Members on both sides of the aisle had input from the relevant committees, and some people had good ideas who were not on the committees.

Very importantly, we got a lot of input from outside groups, those groups that work in the trenches day in and day out on this issue. That would include CADCA, the Community Anti-Drug Coalitions of America; PRIDE, the Parents's Resource Institute for Drug Education; the Institute for a Drug-Free Workplace; CASA, Joe Califano's Center on Addiction and Substance Abuse; the Drug-Free America Foundation; the Partnership for a Drug-Free America; the National Council on Crime Prevention. These and other groups gave critical input to the legislation and we all owe them a tremendous debt of gratitude.

Mr. Chairman, the Drug Demand Reduction Act is not the end of the road in our effort to reduce the demand for drugs in this country. It is not a cure-all, but it is an important next step building on the Drug-Free Communities Act that this Congress passed, again on a nonpartisan basis last year, to ensure that our national drug control policy continues to focus on what we know works: Effective treatment, effective education, and effective prevention. Doing so at the local level, but doing so with a strong and unequivocal message from the national level.

Mr. Chairman, if we keep the pressure on, if as a country we can maintain our vigilance, I am convinced that we can reverse the troubling trends of teenage drug abuse in this country. We can do so and in doing so we will save lives, we will restore dreams, and we will strengthen our communities for the next century.

Mr. Chairman, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to express my support for this anti-drug legislation. I would like to thank the gentleman from Ohio (Mr. PORTMAN) for his diligent work on an issue that is critical to the future of our Nation.

Each year drug abuse kills 14,000 Americans and costs taxpayers nearly $70 billion. But beyond these statistics, drug abuse has caused immeasurable pain for millions of Americans of all ages, races, and income levels.

This bill will focus the attention of Americans on this tremendous problem. Whether it is children when they are watching TV, parents when they go to work, or prison inmates when they are a captive audience.

The drug-free prison and jails portion of this bill takes a significant step to reducing crime in our Nation's streets.

□ 1730

The National Center on Addiction and Substance Abuse at Columbia University has reported that approximately 80 percent of the 1.7 million inmates in American prisons and jails were either high on drugs when arrested, stole property to buy drugs, or had a history of drug and alcohol abuse.

Because we know that even inmates who receive severe penalties for their crimes will eventually be released into our communities, we owe it to the people who live in those communities to ensure that these inmates are treated for their addictions when we have the opportunity. A Bureau of Prisons report released earlier this year indicates that Federal inmates who received drug treatment are 73 percent less likely to be arrested in the first 6 months after their release than inmates who did not receive treatment. This bill will create a demonstration program to create and evaluate model programs to test and treat inmate addictions. It is my hope that these programs will then be replicated throughout the Nation. I have sponsored separate legislation with the gentleman from Michigan (Mr. CONYERS) to provide funding to do just that.

Mr. Chairman, I am very pleased this bill includes a component to authorize the National Youth Anti-Drug Media Campaign. We know that young people who reach age 21 without using illegal drugs are unlikely to ever do so. The Media Campaign uses realistic hard-hitting messages to convince young people that drugs are the wrong way to go, and to encourage parents to talk to their children about this critical issue.

I joined the Nation's drug czar, General Barry McCaffrey, in pushing for the creation of this program last year. And since then, the campaign has been running in 12 pilot cities, including the City of Milwaukee in my Congressional District. We are already starting to see the campaign's impact in these cities. And just last month the campaign went nationwide. By the end of the year the Anti-Drug Media Campaign will be running at full force, with at least four advertising exposures reaching targeted audiences every week of the year.

It is important this Congress shows its lasting commitment to keeping kids off drugs by authorizing this program. This bill will support the program through the year 2002.

Through the inclusion of the Drug-Free Workplaces Act in this legislation, the bill will also provide drug-free working environments. This bill will create a demonstration program to make grants to nonprofit organizations that have expertise in this area. These organizations will then work with small businesses to develop comprehensive drug-free workplace programs. Because a majority of adults who use drugs are employed, and small businesses employ a majority of our Nation's work force, the workplace will be a critical battleground in our efforts against drugs.

It is important to note that this bill will require that employees have access to treatment options. We must ensure that drug-free workplace programs allow and actively encourage American workers who have addiction problems to seek treatment. Drug-free workplaces should be focused not on punitive measures, but on helping employees overcome drug addictions.

Mr. Chairman, this bill will not end all drug abuse in America. It is not a Mark McGwire bill or a Sammy Sosa bill. One swing and a home run will not win this game. But this legislation will take steps to de-glamorize drugs in the eyes of young people, to give parents the tools to keep themselves and their children drug free, and to keep drug-addicted prisoners from continuing the cycle of drugs, crime and violence.

While I support efforts to interdict drugs and to strengthen our borders, the real drug war is not being fought only in Colombia, it is not being fought only in Mexico, it is also being fought in the hearts and minds of children in the school yards and the parents at home. We will not drive down drug abuse unless we commit ourselves to a comprehensive approach of prevention, education, treatment and interdiction. We owe it to our constituents to take this comprehensive approach to drug use. I urge my colleagues to pass this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT), the chairman of the Speaker's Task Force on a Drug-Free America, and a real leader on this issue both on the supply and the demand side.

Mr. HASTERT. Mr. Chairman, I want to thank the gentleman from Ohio for yielding me this time. I want to take a minute, I will not take long, and talk about the substance of the bill because I think the quality of this bill stands on its own.

I just want to thank the gentleman from Wisconsin, who is cosponsor. He sits with me on a subcommittee of the Committee on Government Reform and Oversight, and we have had hours and hours and hours of hearings on this.

I also want to acknowledge the gentleman from Maryland (Mr. ELIJAH CUMMINGS), who is not here; that gentleman certainly has a passion about what are the problems in his area; the gentleman from Ohio (Mr. ROB PORTMAN), who has done a wonderful job, and the other members, such as the gentleman from Indiana (Mr. MARK SOUDER), and others on our committee who have worked at this not just days and months, but literally years to get something done.

I think we are finally coming to fruition. There are two pieces to this issue, certainly the supply side, but the most important for our communities, so moms and dads and teachers and preachers can get together and get the job done, and that is demand.

I salute all these gentlemen and look forward to voting on this bill.

Mr. PORTMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, a leader on this issue for many years. We heard from him earlier today on the supply side.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 4450, the Drug Demand Reduction Act, and I want to commend the gentleman from Ohio (Mr. PORTMAN) for his extensive work in preparing this measure, authoring it, and offering it today for our consideration.

The threat posed by illegal drugs is one of the most critical national security threats confronting our Nation, and this is not mere rhetoric but the cold truth. The vast majority of illegal drugs in this Nation comes from overseas, and the sooner we recognize that drugs are as much a foreign as domestic problem, the more effective our response will be.

There are many who say we, as a Nation, spend too much on combating drugs. I argue that those critics ignore the true cost of drug use on our society. In addition to the cost of supply and demand reduction, drug use costs billions each year in health care costs, lost productivity. Drug use also has intangible costs in terms of broken families and destroyed lives, many of them young lives.

As chairman of our House Committee on International Relations, I have long been dedicated to fighting the scourge of illegal drugs. Regrettably, currently this is a battle which we as a Nation have been losing. Too many of our young people are following the seductive message advocating drug use only to find out too late that message leads to a future devoid of hope. Yes, drugs are not recreational and drugs are deadly.

During the 1980s we made remarkable progress in reducing illegal drug use, eliminating the perception that drugs and drug abuse were socially acceptable. Between 1979 and 1992, there was a 50 percent drop in "past month" drug users from over 25 million to just over 12 million. Our focus during that period was twofold and followed a dual-track of reducing both supply and demand.

Regrettably, the current administration abandoned that approach and focused on reducing demand. The result has been a sharp increase in the supply of drugs, the highest purity levels ever encountered, and a resurgence of teenage drug use. From 1992 to 1996, teenage marijuana use doubled. More distressing is the data showing a significant rise in heroin use among our teenage population.

In essence, this administration's policy of focusing on demand reduction is being overwhelmed by the current state of the drug market. And with many of our cities literally awash in heroin, the drug dealers are using supply to create demand.

In order to effectively combat the problem of illegal drug use, we are going to have to employ a balanced approach of reducing supply and reducing demand and doing it simultaneously. It also requires efforts from all levels of government and society.

H.R. 4450 addresses the demand side of the drug equation by establishing several very important programs designed to reduce drug usage by children and adolescents. It does this through promoting anti-drug, anti-addiction medications, renewing a national anti-drug message using key public figures, and providing parents with additional resources to combat drug usage in their communities through organizations created for that purpose.

The third component is the most important part of this bill. Everyone knows the vital role parents play in instilling a sense of morals and values in their children. Government cannot solve the drug problem by itself. We need to return to the formula which worked in the 1980s, aggressive interdiction efforts at our borders and abroad, and a visible national "zero-tolerance" message here at home.

Accordingly, Mr. Chairman, I urge my colleagues to support this worthy legislation. For too long we have had a disjointed approach to combating illegal drug use. If we as a Nation are willing to reduce the use of tobacco, certainly we can do the same for the use of illegal drugs.

This bill provides significant assistance in reducing demand by targeting an Anti-Media Campaign, by a Drug-Free Workplace program, by a Drug-Free Teenage Drivers Act, by a Drug-Free Prisons and Drug-Free Jails Act, by a Drug-Free Schools Quality Assurance Act, by a Drug-Free Information Clearinghouse Act, and by a Drug-Free Parent Empowerment program. Excellent ideas and excellent programs. Certainly by working on all of these, along with supply reduction, we can win this war against drugs.

Mr. PORTMAN. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. SOUDER), a good friend and expert on this issue who handles the drug-free schools part of this for the Speaker's Task Force on a Drug-Free America so well.

Mr. SOUDER. Mr. Chairman, I want to thank the gentleman from Ohio for his leadership, as well as the Speaker, who by putting this at the top of his agenda and our Republican agenda, has forced us and enabled us to work in multiple different ways.

I also want to pay tribute to former Congressman and chairman of the Committee on National Security, Mr. Bill Zeliff, who when the Republicans took over Congress, began these hearings 4 years ago, of which we have had over 30 in that subcommittee and have worked to follow up many years of effort of the gentleman from New York (Mr. GILMAN), when he was with the Narcotics Select Committee. This is not something that just popped up in an election year. Many of us have been working for years and years.

I want to illustrate, too, it is not just in this bill. Earlier we had the impression that, well, this is a few last-minute things thrown together. But, in fact, I have been working over in the higher education bill where we have a major breakthrough in student loans, where we are going to hold students accountable. If they are found guilty of using drugs, they can lose their loan for 1 year. They can get back by testing free during two drug tests. But then if they have a second drug offense, they lose it for 2 years. The third time and they are out. This is a major breakthrough.

We also have in that bill awards, where we have worked with the gentleman from Massachusetts (Mr. JOE KENNEDY), to establish some awards for colleges that have drug and alcohol abuse programs that are national models.

We have had several bills in the Committee on Education and the Workforce where we have included anti-drug education as one of the things that we need to do with parents. As the Speaker said, this needs to be a full court press everywhere, and we are trying to do that in prevention and treatment efforts.

In juvenile justice, as we heard in yesterday's debate, where we had accountability and prevention programs, the appropriations subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS), included additional money for drug courts, a very creative effort to work with these different youth.

The gentleman from Ohio (Mr. PORTMAN) had one of the most creative initiatives, which we just this past week have had the first grants for community-wide drug efforts, and we worked that through different committees.

There was a reference earlier today, that we had not had hearings. There is a section in this bill, drug-free workplace, which is one of the largest sections. I know the subcommittee I chair is a small committee, it is called empowerment, it is dealing with people who do not have much power and how we can address these things. It is part of the Committee on Small Business that tends to get run over by some of the bigger committees, but the fact is we had a hearing, and we passed it through. The committee came in front of the House, but it is deadlocked in the Senate. And the only way to move that bill is to put it inside this bill. But just because we are not the Energy and Commerce Committee does not mean we did not have hearings.

We also have a provision in here for the Safe and Drug-Free Schools Act, an award that deals with schools. Now, that authorization is not up. We have the money in the Labor-HHS. I have one perfecting amendment later in this that we have worked with the gentleman from Pennsylvania (Mr. GOODLING), but it is an interim step. Clearly, we are in the process of revising and need to work with the major reauthorization.

The point here is that we are working for a comprehensive effort. I commend the gentleman's leadership. This bill also deals with the media, which is an important thing, which we have heard from the impact of Hollywood and the impact of the music industry, and I am proud to be associated with this. This is only part of a much larger effort but a part that if we did not put it here, it was not going to move.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), a good friend who has also been involved in the task force.

□ 1745

Mr. BLUNT. Mr. Chairman, I want to thank the gentleman from Ohio for his leadership in this critically important bill. Earlier today we addressed the other side of this problem, the supply side of this problem. The truth is if we were able to do everything we wanted to do in sealing our international borders, we would still have a drug problem. The truth is that the methamphetamine problem, the other domestic drug supply problem, is so great that no matter how effective a job we do on the important work we committed ourselves earlier today, we have to deal with this issue of demand. This is a great follow-up on the Drug-Free Communities Act that was passed last year. I was glad to hear our friend the gentleman from Indiana (Mr. SOUDER) mention that many of the things in this bill are things that we have given some funding to but have not fully authorized. And other things in this bill are items that have had hearings and have passed the House but have not gone further. We need to take all of those things and put them in such a powerful package that they can no longer resist becoming part of an overall effort to help parents, to help communities, to help schools in the fight against this problem.

This is a problem that Americans pay a dramatic price for every single day. This kind of approach to the demand side from a media campaign to schoolhouses, to parental involvement, is the kind of approach it takes to make that difference. This is the kind of commitment this Congress needs to make. It is the kind of commitment we need to direct the Federal Government to make, and it is the kind of commitment the country needs to understand how broad and how deep the commitment has to go. I believe this legislation does that. I am proud to be part of it and certainly proud to really recommend it to my colleagues and encourage the great efforts of the gentleman from Ohio (Mr. PORTMAN) here.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), another active member of the task force who also happens to have been the mayor of a major city in America and has seen these problems firsthand.

Ms. GRANGER. Mr. Chairman, I rise today in strong support of the Drug Demand Reduction Act of 1998. This common sense proposal has an uncommon approach to the battle against drugs. In the past we have focused our attention on stopping the supply of drugs but this legislation would reduce the demand for drugs. How does it work? It works by providing incentives to States to encourage teenagers to be drug-free before getting their driver's license. Who does it help? It helps parents by creating an 800 number that parents can call to learn about how to talk to their children about drugs. Why is it needed? Because approximately 80 percent of all crimes committed in this country are drug-related. And why will it work? Because we are empowering local communities to deal with their local drug problems in their own local way.

When I was mayor of Fort Worth we mapped out a strategy for fighting drugs that worked in Fort Worth. But it might not work in Fort Wayne or Front Royal. Each community is different and each situation is distinct. The great thing about this bill is that it gives each community enough support to carry out the war on drugs but enough flexibility to fight their own battles in their own way.

As I close, I remind my colleagues that Henry Kissinger once said of guerilla war, "Your enemy wins if he does not lose." For too long we have been losing the war on drugs simply and only because we have not had the courage to win it. By attacking both the supply and demand side of this issue and by giving local officials the tools they need, we can win the war on drugs for our community, for our children and also for our future.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I want to commend my distinguished colleague from Ohio, a fellow Dartmouth alumnus, who has had the foresight to bring forward a bill that is as important and good as this one. I represent a rural New Hampshire district, but drugs are a problem there just as much as they are in any other district around the country.

I have a story here, just a couple of weeks ago from New Hampshire: Heroin, A Deadly Problem Statewide. We all share the same problems with drug abuse. As the father of a 7-year-old who has just entered the second grade at the Peterborough Elementary School and a son who is 4, it is shocking for me to understand now that children are first exposed to drugs and drug information when they enter the fourth grade.

As the father of two children, I am particularly interested in the provision of the bill that provides for $10 million in each fiscal year after 1995 for community-based parent organizations to get grant money to help provide parent training for individuals. Mr. Chairman, parents are in denial in many instances as to the problems that their children face.

As a Member of Congress in this last term, I have been able to offer at least two major conferences involving many members of communities with bringing parents in to teach them how to deal with drugs in their families and in their homes. I am hopeful that this particular provision, which is of great importance to me, will prevail, because parents just as much as children need to understand the problems of drug abuse, how to communicate with their children and how to keep their children off drugs. I strongly commend the individuals who have worked on this bill. I am proud to be a cosponsor. I rise in strong support of its passage.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time. I guess my message is, Drug dealers, while the economy is good, while there are jobs out there, you better start looking for another job, because here comes some aggressive legislation that is going to be serious about the war on drugs. These bills that we are passing today are going to be the beginning of a serious effort to get rid of a serious problem in this Nation.

I have been holding drug forums across my district in Charlotte, in Battle Creek, in Jackson, in Adrian, in Hillsdale and Branch counties. What has impressed me the most is that if communities get involved, if parents start taking action, then it happens. We cannot do it just here in Washington, D.C., and that is why the Drug-Free Communities Act, that is why this kind of legislation that starts empowering local communities and parents makes a huge difference.

Just a couple of statistics. If a youngster does not use drugs before they are 19 years old, then there is a 90 percent chance that they will never have a drug problem. If parents talk to their kids about the dangers of using drugs, then you reduce the chances of those kids ever having a drug problem by 33 percent. Parents might think they are talking to their kids but when you ask those kids, only one-third of those kids say their parents talk to them seriously about the problems of using drugs.

I met a father at one of my drug forums. He said, "My son was an athlete. He was on the starting line-up for the football team. He was getting A's. Then he got into drugs. Now, he is not in sports. He is moping around, doing bad in everything to do with school."

Drugs and alcohol are a major cause of crime, they are a major cause of a student not learning to their full potential. Parents and communities, just do it, get involved. This kind of legislation does it.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), my distinguished colleague and friend on the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this legislation, because it takes concrete, practical steps that will help us reduce the demand for drugs in our country. It will better fund the antidrug message being televised in 12 pilot cities across the country. And it provides funds to parent groups and other community-based groups to provide parent training on how to deal with drugs not only in their homes but also in their communities. If we are going to win the battle against drugs, we must involve parents, businesses, whole communities in the antidrug effort. And we must better understand, be more honest, be dead honest about the nature of addiction and the importance of treatment. Admitting that you have an addiction problem is the first and hardest step to overcoming chemical dependency. We should ensure that those who take this tough step have access to the resources they need to meet their goal successfully. That is why I also support the amendment that the gentleman from Minnesota (Mr. RAMSTAD) plans to offer to this bill.

Since 1956, the AMA has recognized alcoholism and drug addiction as diseases. Some 26 million, or 10 percent of the population, suffer from these diseases. According to the Bureau of Labor Statistics, in 1995 roughly 80 percent of American workers' health plans covered a minimum level of treatment for addiction. More than 70 percent of those using illicit drugs and 75 percent of alcoholics are employed.

Substance abuse treatment saves health care dollars. It saves lives. It strengthens our work force. Companies that provide treatment have already achieved savings. Chevron reports saving $10 for every $1 spent on treatment.

Mr. Chairman, I strongly support this bill and I urge Members' support of the Ramstad amendment.

Mr. PORTMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS) another member of the task force who has started a successful antidrug coalition in his own area.

The CHAIRMAN. The Chair would advise that the gentleman from Ohio (Mr. PORTMAN) has 1 minute remaining.

Mr. PORTMAN. Mr. Chairman, I would like to indulge my colleague and cosponsor and see if perhaps we could get an additional 2 minutes on this side.

Mr. BARRETT of Wisconsin. I would agree to a unanimous consent for an additional 2 minutes on each side.

The CHAIRMAN. Without objection, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Wisconsin (Mr. BARRETT) each will control 2 additional minutes.

There was no objection.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to express my support for the Drug Demand Reduction Act of 1998. Shortly after the Speaker established his Task Force for a Drug-Free America, we drafted an aggressive legislative agenda to win the war on drugs. To reach our goal of a drug-free America by 2002, we need to fight this battle on three fronts: Stopping the supply, increasing accountability and deterring demand. H.R. 4550 helps in ending the demand for drugs in our communities. It will fight that battle in the school yard, workplace and the prisons.

Last year, I started the Heartland Anti-Drug Coalition. Our mission is to bring together the grassroots antidrug organizations in my district so we can combine our efforts and resources to educate our youth about the dangers of drugs. Just as the Heartland Coalition has been successful in creating a unified effort to keep our children drug-free, H.R. 4550 will end the demand for drugs by combining many existing efforts. Specifically H.R. 4550 establishes an aggressive antidrug media campaign and assists organizations that provide the necessary tools for parents to help keep their children drug-free. The bill also consolidates information clearinghouses to provide a single source of information on fighting drug abuse. Earlier today we passed legislation to increase our efforts to prevent the entry of illegal drugs into the U.S. Now, let us take another important step to win the war on drugs by passing H.R. 4550.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN) who has been a real fighter on our side of the aisle and I think in the entire House on this issue.

Mr. LEVIN. Mr. Chairman, to the gentleman from Wisconsin (Mr. BARRETT) and to the gentleman from Ohio (Mr. PORTMAN) who with others including myself have taken a leading advocacy position on this issue, I congratulate all of them. This is a fight worth fighting. This is a fight we cannot lose. This fight against drug use is in danger of spreading to parts of the Nation which have not fully seen this, though in a sense every sector has seen it. There has been a denial on the part of many people that the problem exists. Hopefully this bill will be another step to take away that denial and to realize that this is a national problem that requires national action. Most of the work is going to have to be done in our communities, but surely we can lead.

The most recent surveys indicate the depth of the problem that the use of some hard drugs is increasing. There is much misunderstanding within our country about marijuana use. There is more and more evidence that it is harmful. This bill draws on elements of the national strategy document put together by General McCaffrey. I have had the privilege of working with him on a number of drug issues, and I am proud to stand by his side. The record has not been perfect, but it has been a record of action.

□ 1800

This bill enhances elements of programs that were started before. One is the National Youth Anti-drug Media Campaign. I had the privilege of helping to launch it in my home district with the help of K-Mart. We had a number of youths there, and it was encouraging to have them stand up and talk about the dangers of drugs and to talk about the need for us to meet head on this problem with the youth of America.

I saw the ads. I believe they are effective ones. The youth who were there thought they were effective, some more than others. But I remember them dramatically, I remember the reaction dramatically, and this bill will help us use the power of the media to give a clear message to kids and to ask them for their support.

This bill also addresses the problem of drug abuse in our prisons. We need to address that. We need to make sure that people who go into prison in so many cases with a drug problem, when they leave, if they do, that their drug problem has been addressed.

This bill also includes reference to a resolution regarding community antidrug coalitions. The gentleman from Ohio (Mr. PORTMAN) and I have been privileged to represent two districts that have been used as models; in the case of Cincinnati, a comprehensive program that the gentleman from Ohio (Mr. PORTMAN) has helped to spark. In the case of the 12th District, it is a different model, of efforts from the grass roots up, and our office and our staff have tried to facilitate those coalitions.

And I say this without any hesitation: All of the Members of this Congress should get involved in anti-drug coalitions in their community. Our staff goes to meetings of every one of those anti-drug coalitions, and I am proud to have been associated with all of these efforts.

So, in a word, this bill is one not only worth supporting, it is worth advocating, and it is worth implementing. It is worth our personnel commitment to take a piece of legislation, take it back home and help make it work, and there is no greater responsibility.

The world has changed since my generation went to school. We did not know these problems. We have no choice but for this generation, for my grandchildren's generation, that we help America address this problem. As I said before, this is a fight worth fighting, this is a fight that we must win. Let us vote for this bill and then help to implement it.

Mr. BARRETT of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

In closing on this side, Mr. Chairman, I simply want to say that I think this is a bill that does some good things. For me, the most important part of this legislation is allowing us to have a new program in prisons so that we can treat prisoners before they get out on the streets. It does a very good job as well in creating incentives for drug-free workplaces, and I think it is extremely important for us to authorize the media campaign that is currently going on.

For those reasons, I would again ask my colleagues to support this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume.

I would like to in closing again thank my friend from Wisconsin (Mr. BARRETT) for being willing to cosponsor the legislation, help improve the legislation and get it to the floor today. I also want to thank the gentleman from Michigan (Mr. LEVIN) for the work he has done in the Drug-free Communities Act and in implementing that legislation. As he indicated, that sometimes is the most important thing we do here is being sure that we can back home and make sure this legislation actually works.

Let us take a step back for a moment, if we could, and reflect on what we are doing here this evening. And I think Bill Bennett wrote very articulately about the problem of substance abuse, and I would like to quote from him, former drug czar Bill Bennett. He said:

> Using drugs is wrong not simply because drugs create medical problems, it is wrong because drugs destroy one's moral sense. People addicted to drugs neglect their duties, they want to neglect God, family, children, friends and jobs, everything in life that is important, noble, and worthwhile, for the sake of drugs.

As a parent and as a colleague, I would urge all the Members of this House to support this nonpartisan legislation that really will make a difference in terms of taking commonsense steps to rid our society of the devastating impact of illegal drugs.

Mr. PACKARD. Mr. Chairman, I rise today in support of H.R. 4550, The Drug Demand Reduction Act. Out nation's children are our most precious resource and we must protect them from the negative effects of illegal drugs.

Mr. Chairman, the sad truth is, 50% of state parole and probation violators are under the influence of drugs, alcohol or both when they commit new offenses. This is unacceptable! The Drug Demand Reduction Act will take steps to reduce drug abuse in prisons and increase the effectiveness of drug treatment programs. H.R. 4550 is a step in the right direction. We can not waste more time or more young lives on ineffective drug programs.

The issue of drug abuse can not be stopped from Washington, D.C. alone. It is critical that we involve communities. Parents know best what their children's needs are—not bureaucrats in Washington. The Drug Demand Reduction Act will empower parents, teachers, and communities to address the increased concern of teenage substance abuse. This legislation will go right to the heart of the drug problem by reducing the demand for drugs through prevention, education and treatment at the local level.

Drugs not only burn the minds of those who use them, but they also scorch the lives of the abuser's families and loved ones. Mr. Speaker, I rise to support H.R. 4550, and protect our nation's children and families. We must put a stop to the use of these life destroying substances.

Mr. WAXMAN. Mr. Chairman, whatever its merits, the consideration of this bill at this time constitutes a gross dereliction of the care and due diligence this House owes to the consideration of our laws.

The bill was introduced on Friday. It was referred to six committees for hearings and deliberations. But here it is, after just three working days, up for a vote by the full House.

This bill is badly in need of scrutiny by the committees of jurisdiction. Let me give you an example of a very troubling, coercive provision. The Teen Drivers incentive program is intended to promote the voluntary drug testing of applicants for drivers licenses.

But there is nothing voluntary about having to choose between taking the test or having the State inform your insurance company that you've refused to take the test. There is no question the insurance company will raise the rates on anyone—whether an adult or minor, drug user or drug-free citizen—who refuses to take a drug test.

This is fundamental question of civil liberties. There are ample and leigitmate reasons why a citizen with no history of illicit drug use and who constitutes no threat to public safety, might wish to decline a drug test.

If this provision were stricken, the States would still be free to develop model programs, with or without a notification requirements. If a State desires such a requirement, so be it. But we in Congress should not dictate the approach taken by the several States in such a sensitive and vital area of civil liberties and personal privacy. We should allow the States to develop programs without dictating only one model designees in Washington as if one size fits all.

Mr. Chairman, I also want to give another example of why this bill should be sent back to the committees of jurisdiction, consistent with the regular order.

The original Title II of his bill was a multi-billion dollar boondoggle. Any company which developed a new anti-addiction drug would receive an additional 6 months of market exclusivity on any drug of its choice.

That is an unbelievable gift to the drug industry. I can understand wanting to provide modest incentives for a worthy cause. But H.R. 4550 would have sucked literally billions of dollars out of the pockets of American consumers and taxpayers. It would have given a blank check to the drug industry.

At the last minute, Title II was changed by a manager's amendment. A study was substituted—a study, I might note, that duplicates two studies which are already done. Was the provision struck because people caught it in time and threatened to expose it for the boondoggle it was? I don't know. But I do know this is the wrong way to develop legislation.

I support the War on Drugs and I support programs which end illicit drug use. But I cannot support legislation developed in this manner.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Ramstad amendment which would prohibit group and individual health plans from imposing treatment limitations or financial requirements on the coverage of alcohol and substance abuse benefits if similar limitations or requirements are not imposed on medical and surgical benefits. I am pleased to be an original cosponsor of this legislation which creates a level playing field for the provision of alcohol and drug treatment services.

Alcohol and substance abuse are diseases just like cancer, diabetes, and heart disease, and alcohol and substance abuse can be effectively diagnosed and treated. Alcohol and drug treatment reduces health, criminal justice, and welfare costs. For example, data for the Center for Substance Abuse Treatment's (CSAT) Pregnant and Postpartum Women and Infant's programs in 1996 found that after treatment 67.4% of women were not using drugs or alcohol, 90.3% of women were not involved with the criminal justice system, 86.5% of children were living with their mothers, and employment of women increased by 820%.

Unfortunately, unlike other medical conditions, health coverage discrimination against alcohol and substance abuse treatment services is widespread. Currently, just 2% of the 16 million alcoholics and substance abusers covered by health insurance plans are actually receiving treatment, notwithstanding the purported "coverage" of chemical dependency treatment by the plans. This important legislation would provide for nondiscriminatory coverage for alcohol and substance abuse treatment services under private group and individual health plans. It would not require insurers to offer a standard benefit; it would instead establish parity coverage for those plans that offer substance abuse treatment coverage.

I urge my colleagues to support the Ramstad amendment. Let us take this important step to improve health insurance coverage for alcohol and drug treatment.

Mr. PORTMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105–721 if offered by a Member designated in the report. That amendment shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of the amendment, the provisions as then perfected shall be considered as original text for the purpose of further amendment and, without objection, considered as read.

There was no objection.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. PORTMAN

Mr. PORTMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105–721 offered by Mr. PORTMAN:

Page 10, line 9, insert "treatment," after "referral,".

Page 11, strike line 6 and all that follows through page 14, line 2, and insert the following:

Subtitle C—Drug-Free Teen Drivers

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug Free Teenage Drivers Act".

SEC. 122. MODEL PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a model program to provide for the voluntary drug testing of all teenage applicants for a driver's license and, if a State adopting the model program elects, other first time applicants for a driver's license regardless of age.

(b) MINIMUM ELEMENTS.—The model program established under this section shall provide, at a minimum—

(1) that information respecting an applicant's choice not to take a drug test under the program or the result of a drug test on the applicant will be made available to the applicant's automobile insurance company, if any, or the parent of a teenage applicant, or both, as determined by a State that adopts the program; and

(2) if an applicant tests positive in the drug test, the State will not issue a license to the applicant and will require the applicant to complete a drug treatment program approved by the State and not test positive in a drug test before reapplying for a license.

(c) ADOPTION BY STATES.—The States may adopt and implement the model program established under this section. If a State adopts the model program, the State shall in carrying out subsection (b)(2) provide the treatment described in such subsection to low-income individuals who apply for drivers' licenses.

SEC. 123. INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish an incentive grant program to assist States in improving their laws relating to controlled substances and driving.

(b) GRANT REQUIREMENTS.—To qualify for a grant under subsection (a), a State shall meet each of the following requirements:

(1) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the driver has any measurable amount of an illegal controlled substance in the driver's body. Individuals who are convicted of a violation of such law shall be referred to appropriate services, including intervention, counseling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the ability of the driver to operate the vehicle is impaired by an illegal controlled substance. The State shall provide that in the enforcement of such law the driver shall be tested for the presence of an illegal controlled substance when there is evidence of impaired driving. Individuals who are convicted of a violation of such law shall have their driver's license suspended and shall be referred to appropriate services, including intervention, counseling, and treatment.

(3) Enact, actively enforce, and publicize a law that requires the suspension of the driver's license of an individual who is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that individuals applying for, and individuals renewing, a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) USE.—A State may use a grant under subsection (a) only to implement, enforce, and publicize laws described in subsection (b).

(d) GRANT AMOUNTS.—The amount of a grant made to a State under this section in a fiscal year shall be determined by multiplying the total amount of funds made available to carry out this section for such fiscal year by the ratio of the amount of funds made available to the State under section 402 of title 23, United States Code, for such fiscal year to the aggregate amount of funds made available to carry out such section 402 for such fiscal year to all States to which grants will be made under this section in such fiscal year.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) CONTROLLED SUBSTANCES.—The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) ILLEGAL CONTROLLED SUBSTANCE.—The term "illegal controlled substance" means a controlled substance for which an individual does not have a legal written prescription.

SEC. 124. TECHNICAL ASSISTANCE.

The Secretary of Transportation shall provide to the States technical assistance for—

(1) training law enforcement officers in the standardized field sobriety testing techniques to detect impaired drivers;

(2) expanding drug information and training by involving prosecutors in community drugged driving prevention programs; and

(3) promoting uniform sanctions for drugged driving offenses, referring drugged driving offenders to assessment and treatment programs, and involving judges in community drugged driving prevention programs.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle for fiscal years 1999 and 2000.

Page 30, strike line 19 and all that follows through page 36, line 15, and insert the following:

SEC. 203. REPORT REGARDING INCENTIVES FOR DEVELOPMENT OF ANTIADDICTION DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), in collaboration with the officials specified in subsection (b), shall conduct a study for the purpose of determining whether there is a need to establish particularized incentives for the development of drugs to treat dependence on alcohol or on any controlled substance as defined in section 102 of the Controlled Substances Act (referred to in this section as "qualifying antiaddiction drugs").

(b) COLLABORATION AMONG AGENCIES.—For purposes of subsection (a), the officials specified in this subsection are as follows:

(1) The Commissioner of Food and Drugs.

(2) The Director of the National Institute on Alcohol Abuse and Alcoholism.

(3) The Director of the National Institute on Drug Abuse.

(4) The Director of the National Institute of Mental Health.

(5) The Administrator of the Substance Abuse and Mental Health Services Administration.

(c) CERTAIN ELEMENTS OF STUDY.—If in conducting the study under subsection (a) the Secretary determines that there is a need to establish particularized incentives for the development of qualifying antiaddiction drugs, the Secretary shall determine whether the incentives should include one or both of the following:

(1) Providing for increased cooperation among the agencies referred to in subsection (b) in order to facilitate the development and approval of such drugs.

(2) Establishing under the Federal Food, Drug, and Cosmetic Act particularized financial incentives for the development of such drugs.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the

Secretary shall complete the study required in subsection (a) and submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study.

Page 40, line 24, strike "the presence" and all that follows through line 25 and insert "the presence of six of the members appointed under subsection (c)(2).".

The CHAIRMAN. Pursuant to House Resolution 538, the gentleman from Ohio (Mr. PORTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, as we discussed earlier, the manager's amendment made in order by the rule provides for some technical and clarifying amendments and accommodates the concerns of two of the committees that have jurisdiction over aspects of this legislation. In the drug-free workplace provision, the amendment makes clear that an employee assistance program should offer access to treatment for employees.

The Committee on Transportation and Infrastructure staff provided a substitute for our drug-free teen drivers provision in the bill that clarifies the organization of the program established under the legislation and provides an explicit authorization for appropriations under that part of the legislation.

The Committee on Commerce had requested that we replace the incentive for the development of anti-addiction medication, an issue that came up earlier in our debate, and we have indeed replaced the legislation that we had with regard to anti-addiction medication with a study for the need for such incentives. The amendment, therefore, grants their request.

Finally, the amendment sets the quorum for meetings of the Commission on Medical Education that is in the legislation so that the meetings of the Commission can take place without any concern of not having a quorum present.

Those, Mr. Chairman, are the changes in this manager's amendment. They are straightforward, they are technical and clarifying in nature, and I would hope that my colleagues would support them.

Mr. Chairman, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very briefly, and I will not use the whole 5 minutes, I think that this is a good amendment, it addresses some of the concerns that have been raised, in particular the one pertaining to the anti-addiction medications, and for that reason I support it.

Also I should note that it also makes clear that treatment is an option in the drug-free workplace program.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume. Again I want to thank my colleague for helping perfect this legislation, and that includes this manager's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. PORTMAN).

The amendment was agreed to.

The text of H.R. 4550, as amended by the amendment printed in House Report 105-721, is as follows:

H.R. 4550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Drug Demand Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

Sec. 101. Short title.
Sec. 102. Requirement to conduct national media campaign.
Sec. 103. Use of funds.
Sec. 104. Reports to Congress.
Sec. 105. Authorization of appropriations.

Subtitle B—Drug-Free Workplace Act

Sec. 111. Short title.
Sec. 112. Findings; purposes.
Sec. 113. Sense of Congress.
Sec. 114. Drug-free workplace demonstration program.
Sec. 115. Small business development centers.
Sec. 116. Contract authority.

Subtitle C—Drug-Free Teen Drivers

Sec. 121. Short title.
Sec. 122. Demonstration program.
Sec. 123. Incentive grant program.
Sec. 124. Technical assistance.

Subtitle D—Drug-Free Prisons and Jails

Sec. 131. Short title.
Sec. 132. Purpose.
Sec. 133. Program authorization.
Sec. 134. Grant application.
Sec. 135. Uses of funds.
Sec. 136. Evaluation and recommendation report to Congress.
Sec. 137. Definitions.
Sec. 138. Authorization of appropriations.

Subtitle E—Drug-Free Schools Quality Assurance

Sec. 151. Short title.
Sec. 152. Amendment to Safe and Drug-Free Schools and Communities Act.

Subtitle F—Drug-Free National Clearinghouse

Sec. 161. Short title.
Sec. 162. Establishment of clearinghouse; functions.
Sec. 163. Director.
Sec. 164. Cooperation by national drug control program agencies.

Subtitle G—Drug-Free Parents Empowerment

Sec. 171. Short title.
Sec. 172. Drug-free parents empowerment.

TITLE II—PRIVATE SECTOR ANTI-DRUG PARTNERSHIPS

Subtitle A—Antiaddiction Medications

Sec. 201. Short title.
Sec. 202. Facilitation of approval for commercial distribution of antiaddiction drugs developed by National Institute of Drug Abuse.
Sec. 203. Incentives for development of qualifying antiaddiction drugs.

Subtitle B—Commission on Role of Medication Education in Reducing Substance Abuse

Sec. 211. National Commission on the Role of Medical Education in Reducing Substance Abuse.

TITLE III—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

Sec. 301. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

Sec. 311. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

Sec. 321. Report on streamlining Federal prevention and treatment efforts.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Media Campaign Act of 1998".

SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the "Director") shall conduct a national media campaign for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use the funds appropriated pursuant to the authorization in section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SEC. 103. USE OF FUNDS.

(a) AUTHORIZED USES.—The funds authorized to be appropriated in section 105 for the support of a national media campaign may be used to fund—

(1) the purchase of media time and space;

(2) reimbursement of out of pocket advertising production costs for agencies that provide all creative development on a pro bono basis;

(3) the negotiated fee for the contract buying agency; and

(4) the evaluation of the effectiveness of the national media campaign.

(b) PROHIBITIONS.—None of the funds authorized to be appropriated in section 105 may be obligated or expended for the following purposes:

(1) To supplant current anti-drug community based coalitions.

(2) To supplant current pro bono public service time donated by national and local broadcasting networks.

(3) For partisan political purposes.

(4) To fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives

and the Senate and the Committee on the Judiciary of the Senate.

(c) Matching Requirement.—Funds appropriated pursuant to the authorization in section 105 shall be matched by an equal amount of non-Federal funds for the campaign, or be matched with in-kind contributions to the campaign of the same value.

SEC. 104. REPORTS TO CONGRESS.

The Director shall—

(1) submit to Congress on a quarterly basis a report on the activities for which funds appropriated pursuant to the authorization in section 105 have been obligated during the preceding quarter, and on the specific parameters of the national media campaign; and

(2) not later than one year after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Office of National Drug Control Policy to carry out this subtitle $195,000,000 for each of fiscal years 1999 through 2002.

Subtitle B—Drug-Free Workplace Act

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Workplace Act of 1998".

SEC. 112. FINDINGS; PURPOSES.

(a) Findings.—Congress finds that—

(1) 74 percent of adults who use illegal drugs are employed;

(2) small business concerns employ over 50 percent of the Nation's workforce;

(3) in over 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use drugs increase costs for businesses and risk the health and safety of all employees because—

(A) absenteeism is 66 percent higher among drug users than nondrug users;

(B) health benefit utilization is 300 percent higher among drug users than nondrug users;

(C) 47 percent of workplace accidents are drug-related;

(D) disciplinary actions are 90 percent higher among drug users than nondrug users; and

(E) employee turnover is significantly higher among drug users than nondrug users.

(b) Purposes.—The purposes of this subtitle are to—

(1) educate small business concerns about the advantages of a drug-free workplace;

(2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and

(3) assist working parents in keeping their children drug-free.

SEC. 113. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) businesses should adopt drug-free workplace programs; and

(2) States should consider financial incentives, such as reductions in workers' compensation premiums, to encourage businesses to adopt drug-free workplace programs.

SEC. 114. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

The Small Business Act (15 U.S.C. 636 et seq.) is amended by—

(1) redesignating sections (30) and (31) as sections (31) and (32), respectively; and

(2) inserting the following new section:

"SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

"(a) Establishment.—There is established a drug-free workplace demonstration program, under which the Administration may make grants to eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to start a drug-free workplace program.

"(b) Eligibility for Participation.—An intermediary shall be eligible to receive a grant under subsection (a) if it meets the following criteria:

"(1) It is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from tax under section 5(a) of such Act, a program of such organization, or provides services to such organization.

"(2) Its primary purpose is to develop comprehensive drug-free workplace programs or to supply drug-free workplace services.

"(3) It has at least 2 years of experience in drug-free workplace programs.

"(4) It has a drug-free workplace policy in effect.

"(c) Requirements for Program.—Any drug-free workplace program established as a result of this section shall include—

"(1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;

"(2) training for at least 60 minutes for employees and supervisors;

"(3) additional training for supervisors and employees who are parents;

"(4) employee drug testing; and

"(5) employee access to an employee assistance program, including assessment, referral, treatment, and problem resolution.

"(d) Authorization.—There are authorized to be appropriated to carry out the provisions of this section, $10,000,000 for fiscal year 1999 and such sums may remain available until expended.

SEC. 115. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (R) by striking "and";

(2) in subparagraph (S) by striking the period and inserting "; and"; and

(3) by inserting after subparagraph (S) the following new subparagraph:

"(T) providing information and assistance to small business concerns with respect to developing drug-free workplace programs.".

SEC. 116. CONTRACT AUTHORITY.

The Small Business Administrator may contract with and compensate government and private agencies or persons for services related to carrying out the provisions of this subtitle.

Subtitle C—Drug-Free Teen Drivers

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug Free Teenage Drivers Act".

SEC. 122. MODEL PROGRAM.

(a) Establishment.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a model program to provide for the voluntary drug testing of all teenage applicants for a driver's license and, if a State adopting the model program elects, other first time applicants for a driver's license regardless of age.

(b) Minimum Elements.—The model program established under this section shall provide, at a minimum—

(1) that information respecting an applicant's choice not to take a drug test under the program or the result of a drug test on the applicant will be made available to the applicant's automobile insurance company, if any, or the parent of a teenage applicant, or both, as determined by a State that adopts the program; and

(2) if an applicant tests positive in the drug test, the State will not issue a license to the applicant and will require the applicant to complete a drug treatment program approved by the State and not test positive in a drug test before reapplying for a license.

(c) Adoption by States.—The States may adopt and implement the model program established under this section. If a State adopts the model program, the State shall in carrying out subsection (b)(2) provide the treatment described in such subsection to low-income individuals who apply for drivers' licenses.

SEC. 123. INCENTIVE GRANT PROGRAM.

(a) In General.—The Secretary of Transportation shall establish an incentive grant program to assist States in improving their laws relating to controlled substances and driving.

(b) Grant Requirements.—To qualify for a grant under subsection (a), a State shall meet each of the following requirements:

(1) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the driver has any measurable amount of an illegal controlled substance in the driver's body. Individuals who are convicted of a violation of such law shall be referred to appropriate services, including intervention, counseling, and treatment.

(2) Enact, actively enforce, and publicize a law that makes unlawful throughout the State the operation of a motor vehicle if the ability of the driver to operate the vehicle is impaired by an illegal controlled substance. The State shall provide that in the enforcement of such law the driver shall be tested for the presence of an illegal controlled substance when there is evidence of impaired driving. Individuals who are convicted of a violation of such law shall have their driver's license suspended and shall be referred to appropriate services, including intervention, counseling, and treatment.

(3) Enact, actively enforce, and publicize a law that requires the suspension of the driver's license of an individual who is convicted of any criminal offense relating to drugs.

(4) Enact a law that provides that individuals applying for, and individuals renewing, a driver's license will be provided information about the laws referred to in paragraphs (1), (2), and (3) and will be required to answer drug-related questions on their applications.

(c) Use.—A State may only use a grant under subsection (a) only to implement, enforce, and publicize laws described in subsection (b).

(d) Grant Amounts.—The amount of a grant made to a State under this section in a fiscal year shall be determined by multiplying the total amount of funds made available to carry out this section for such fiscal year by the ratio of the amount of funds made available to the State under section 402 of title 23, United States Code, for such fiscal year to the aggregate amount of funds made available to carry out such section 402 for such fiscal year to all States to which grants will be made under this section in such fiscal year.

(e) Definitions.—In this section, the following definitions apply:

(1) Controlled substances.—The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) Illegal controlled substance.—The term "illegal controlled substance" means a controlled substance for which an individual does not have a legal written prescription.

SEC. 124. TECHNICAL ASSISTANCE.

The Secretary of Transportation shall provide to the States technical assistance for—

(1) training law enforcement officers in the standardized field sobriety testing techniques to detect impaired drivers;

(2) expanding drug information and training by involving prosecutors in community drugged driving prevention programs; and

(3) promoting uniform sanctions for drugged driving offenses, referring drugged driving offenders to assessment and treatment programs, and involving judges in community drugged prevention programs.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this subtitle for fiscal years 1999 and 2000.

Subtitle D—Drug-Free Prisons and Jails

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Prisons and Jails Act of 1998".

SEC. 132. PURPOSE.

The purpose of this subtitle is to provide model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by States and local units of government through a comprehensive evaluation.

SEC. 133. PROGRAM AUTHORIZATION.

(a) ESTABLISHMENT.—The Director of the Bureau of Justice Assistance shall establish a model substance abuse treatment program for substance-involved offenders by—

(1) providing financial assistance to grant recipients selected in accordance with section 134(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

(b) GRANT AWARDS.—The Director may award not more than 5 grants to units of local government and not more than 5 grants to States.

(c) ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant award made pursuant to this subtitle may be used for administrative costs.

SEC. 134. GRANT APPLICATION.

(a) CONTENTS.—An application submitted by a unit of local government or a State for a grant award under this subtitle shall include the following:

(1) STRATEGY.—A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government or the State, as the case may be, developed in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) CERTIFICATION.—Certification that—

(A) Federal funds made available under this subtitle will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) REVIEW AND APPROVAL.—Subject to section 133(b), the Director shall approve applications and make grant awards to units of local governments and States that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 135.

SEC. 135. USES OF FUNDS.

A unit of local government or State that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following—

(1) tailored treatment programs to meet the special needs of different types of substance-involved offenders;

(2) random and frequent drug testing, including a system of sanctions;

(3) training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities;

(4) clinical assessment of incoming substance-involved offenders;

(5) availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities;

(6) education and vocational training; and

(7) a substance-free correctional facility policy.

SEC. 136. EVALUATION AND RECOMMENDATION REPORT TO CONGRESS.

(a) EVALUATION.—

(1) IN GENERAL.—The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) EVALUATION CRITERIA.—The Director, in consultation with the Directors of the appropriate National Institutes of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include—

(A) reducing substance abuse among participants;

(B) reducing recidivism among participants;

(C) cost effectiveness of providing services to participants; and

(D) a data collection system that will produce data comparable to that used by the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration and the Bureau of Justice Statistics of the Office of Justice Programs.

(b) REPORT.—The Director shall submit to the appropriate committees of Congress, at the same time as the President's budget for fiscal year 2001 is submitted, a report that—

(1) describes the activities funded by grant awards under this subtitle;

(2) includes the evaluation submitted pursuant to subsection (a); and

(3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SEC. 137. DEFINITIONS.

For purposes of this subtitle:

(1) SUBSTANCE-INVOLVED OFFENDER.—The term "substance-involved offender" means an individual under the supervision of a State or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who—

(A) violated or has been arrested for violating a drug or alcohol law;

(B) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(C) stole property to buy illegal drugs; or

(D) has a history of substance abuse and addiction.

(2) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance;

(3) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior and any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

(4) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term "appropriate Congressional Committee" means the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 138. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (Public Law 103-322) (42 U.S.C. 14211)—

(1) for fiscal year 1999, $30,000,000; and

(2) for fiscal year 2000, $20,000,000.

(b) RESERVATION.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 136.

Subtitle E—Drug-Free Schools Quality Assurance

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Schools Quality Assurance Act".

SEC. 152. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Subpart 3 of title IV of the Elementary and Secondary Education Act of 1965 is amended by adding at the end the following:

"SEC. 4134. QUALITY RATING.

"(a) IN GENERAL.—The Secretary shall develop a rating system, or allow State educational agencies, to determine if a public school has a drug program that meets the qualification described in subsection (b).

"(b) CRITERIA.—The criteria to determine if a school has a quality drug program shall include, at a minimum, the following:

"(1) NEEDS ASSESSMENT.—A thorough needs assessment before implementation of a drug program.

"(2) RESEARCH.—Implementation of a research-based program.

"(3) PARENT AND COMMUNITY INVOLVEMENT.—Involvement of parents and community members in program design and review of existing community drug programs before implementation of a school program.

"(c) REQUEST FOR QUALITY RATING.—A school that wishes to receive a quality rating shall submit a request and documentation of compliance with this section to the Secretary.

"(d) PUBLIC NOTIFICATION.—Not less than once each year, the Secretary shall report in the Federal Register the names of schools that have received a quality rating as described in this section. The Secretary shall also ensure that a list of programs that received a quality rating is readily available to any individual who requests it from the Department of Education.".

Subtitle F—Drug-Free National Clearinghouse

SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Drug-Free National Clearinghouse Act of 1998".

SEC. 162. ESTABLISHMENT OF CLEARINGHOUSE; FUNCTIONS.

(a) ESTABLISHMENT.—(1) There shall be established in the Office of National Drug Control Policy an office to be known as Drug-

Free National Clearinghouse (in this subtitle referred to as the "Clearinghouse").

(2) The Clearinghouse shall be established pursuant to paragraph (1) not later than 90 days after the date of the enactment of this Act.

(b) FUNCTIONS.—The functions of the Clearinghouse shall be—

(1) to consolidate and assume the drug prevention and drug treatment information clearinghouse roles currently performed by National Drug Control Program agencies (as that term is defined in section 1010(6) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1507(6))); and

(2) to ensure that drug prevention and drug treatment information is effectively disseminated by such agencies to individuals, State and local governments, and nongovernmental entities involved in demand reduction (as that term is defined in section 1010(4) of such Act (21 U.S.C. 1507(4))).

SEC. 163. DIRECTOR.

(a) APPOINTMENT.—There shall be at the head of the Clearinghouse a director, who shall be appointed by the Director of the Office of National Drug Control Policy in consultation with the Director of the National Institute on Drug Abuse.

(b) DUTIES.—The director of the Clearinghouse shall—

(1) encourage consultation between any National Drug Control Program agency that conducts or sponsors research on drug prevention or drug treatment, and any National Drug Control Program agency that disseminates such information;

(2) encourage, as appropriate, National Drug Control Program agencies to develop and implement drug prevention and drug treatment information dissemination plans that specifically target individuals, State and local governments, and nongovernmental entities involved in demand reduction; and

(3) coordinate the dissemination of drug prevention and drug treatment information by such agencies to individuals, State and local governments, and nongovernmental entities involved in demand reduction.

SEC. 164. COOPERATION BY NATIONAL DRUG CONTROL PROGRAM AGENCIES.

Each National Drug Control Program agency shall cooperate with the director of the Clearinghouse in carrying out the provisions of this subtitle.

Subtitle G—Drug-Free Parents Empowerment

SEC. 171. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Parents Empowerment Act".

SEC. 172. DRUG-FREE PARENTS EMPOWERMENT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants to support the efforts of parent organizations to develop and promote efforts to reduce illegal drug use among children in their communities.

(b) REQUIREMENTS.—A parent organization may receive a grant under subsection (a) only if the following conditions are met:

(1) The organization is a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The organization is governed primarily by parents of children who reside in the community involved.

(3) The organization has not less than five years experience in training, informing, and involving parents in substance-abuse prevention activities within such community.

(4) The application submitted pursuant to subsection (c) by the organization includes a strategy for increasing the involvement of parents in prevention activities, including parent training, that are carried out in such community and that complement the work of other parts of the community regarding such activities.

(5) The application contains an agreement by the organization that the organization will not expend more than 10 percent of the grant for administrative expenses involved in carrying out the purpose for which the grant is made.

(6) Such application has been approved pursuant to a process of peer review established by the Secretary.

(c) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(d) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) for a fiscal year may not be made in an amount exceeding $20,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1999 through 2001.

TITLE II—PRIVATE SECTOR ANTI-DRUG PARTNERSHIPS

Subtitle A—Antiaddiction Medications

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Antiaddiction Medication Development Act".

SEC. 202. FACILITATION OF APPROVAL FOR COMMERCIAL DISTRIBUTION OF ANTIADDICTION DRUGS DEVELOPED BY NATIONAL INSTITUTE OF DRUG ABUSE.

(a) IN GENERAL.—The Commissioner of Food and Drugs and the Attorney General of the United States shall, respectively, promptly provide to the Director of the National Institute on Drug Abuse a response to any request described in subsection (b) that is submitted to the Commissioner or the Attorney General by the Director regarding a drug—

(1) that is being developed by the Director as a maintenance or detoxification treatment for addiction to one or more narcotic substances;

(2) for which clinical trials are being or have been conducted to determine the safety and effectiveness of the drug; and

(3) for which the Director seeks or has approved a private entity to submit for the drug an application under section 505(b) of the Federal Food, Drug, and Cosmetic Act; and

(4) that likely will be added to one of the schedules of controlled substances pursuant to section 201 of the Controlled Substances Act.

(b) DESCRIPTION OF REQUEST.—For purposes of subsection (a), a request by the Director is a request that, with respect to a drug described in subsection (a), the Commissioner and the Attorney General exercise their discretion under the Federal Food, Drug, and Cosmetic Act, and the Controlled Substances Act, to accomplish one or more of the following (as applicable under the request):

(1) To carry out promptly section 201(b) of the Controlled Substances Act with respect to the drug (relating to the decision regarding on which of the schedules of controlled substances a drug is to be included).

(2) To advise the Director, and the sponsor of the application under section 505(b) of the Federal Food, Drug, and Cosmetic Act, on the actions that can be taken by the Director and the sponsor to facilitate the approval of the application.

(3) To designate the drug as a fast track product for purposes of section 506 of such Act.

(4) To provide the drug to physicians who request the drug for treatment purposes under section 561 of such Act (relating to the provision of investigational new drugs to patients who are not participating in clinical trials).

(5) To advise the Director and the sponsor of the application on the actions that can be taken to facilitate the designation of the drug under section 526 of such Act as being a drug for a rare disease or condition (commonly referred to as an orphan drug).

(c) PROCEDURES REGARDING SUBMISSION OF REQUEST; RESPONSE TO REQUEST.—

(1) REQUEST.—In making a request described in subsection (b), the Director shall—

(A) provide such information as the Commissioner or the Attorney General (as applicable) determines is necessary with respect to the request; and

(B) if the request is described in any of paragraphs (3) through (5) of such subsection, state the reasons underlying the determination of the Director that the drug involved may qualify for the status described in the paragraph involved.

(2) RESPONSE.—In providing a response to a request described in subsection (b), the Commissioner and the Attorney General shall state the reasons underlying the response, including as applicable, the reasons underlying any determination by the Secretary that providing a status described in any of paragraphs (3) through (5) of such subsection for the drug involved would be inconsistent with applicable law.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Commissioner" means the Commissioner of Food and Drugs.

(2) The term "Director" means the Director of the National Institute on Drug Abuse.

(3) The term "Attorney General" means the Attorney General of the United States.

SEC. 203. REPORT REGARDING INCENTIVES FOR DEVELOPMENT OF ANTIADDICTION DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), in collaboration with the officials specified in subsection (b), shall conduct a study for the purpose of determining whether there is a need to establish particularized incentives for the development of drugs to treat dependence on alcohol or on any controlled substance as defined in section 102 of the Controlled Substances Act (referred to in this section as "qualifying antiaddiction drugs").

(b) COLLABORATION AMONG AGENCIES.—For purposes of subsection (a), the officials specified in this subsection are as follows:

(1) The Commissioner of Food and Drugs.

(2) The Director of the National Institute on Alcohol Abuse and Alcoholism.

(3) The Director of the National Institute on Drug Abuse.

(4) The Director of the National Institute of Mental Health.

(5) The Administrator of the Substance Abuse and Mental Health Services Administration.

(c) CERTAIN ELEMENTS OF STUDY.—If in conducting the study under subsection (a) the Secretary determines that there is a need to establish particularized incentives for the development of qualifying antiaddiction drugs, the Secretary shall determine whether the incentives should include one or both of the following:

(1) Providing for increased cooperation among the agencies referred to in subsection (b) in order to facilitate the development and approval of such drugs.

(2) Establishing under the Federal Food, Drug, and Cosmetic Act particularized financial incentives for the development of such drugs.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made in the study.

Subtitle B—Commission on Role of Medication Education in Reducing Substance Abuse

SEC. 211. NATIONAL COMMISSION ON THE ROLE OF MEDICAL EDUCATION IN REDUCING SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish an advisory commission to be known as the National Commission on the Role of Medical Education in Reducing Substance Abuse.

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a study for the purpose of determining the manner in which programs of initial and continuing medical education can be modified to improve the efforts of health professionals in preventing, diagnosing, and treating cases of substance abuse.

(2) DATE CERTAIN FOR COMPLETION.—Not later than one year after the date of the enactment of this Act, the Commission shall complete the study required in paragraph (1).

(3) REPORT.—Upon completing the study required in paragraph (1), the Commission shall prepare a report describing the findings made as a result of the study. The report shall be submitted to the President, to the appropriate departments and Federal agencies, and to the appropriate committees of the Congress. The Commission may include in the report any recommendations of the Commission regarding administrative or legislative actions. The Secretary shall disseminate the report to the public health officers of the States with the request that the States disseminate the report to public and private programs within the State that provide education in the health professions.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 10 voting members appointed in accordance with paragraph (2) and the nonvoting, ex officio members designated under paragraph (3).

(2) APPOINTMENT OF NON-FEDERAL INDIVIDUALS.—Subject to paragraph (3), the voting members of the Commission under paragraph (1) shall be appointed by the Secretary, and shall be appointed from among individuals who on the day before being appointed were not officers or employees of the Federal Government. Of such members—

(A) one shall be a representative of the American College of Physicians;

(B) one shall be a representative of the American Medical Association;

(C) one shall be a representative of the Association of Professors of Medicine;

(D) one shall be a representative of the American Academy of Pediatrics;

(E) one shall be a representative of the Association of American Medical Colleges;

(F) one shall be a representative of the Association for Substance Abuse Medicine;

(G) one shall be a representative of the American Society of Addiction Medicine;

(H) one shall be a representative of the American Academy of Family Physicians;

(I) one shall be a representative of the American Academy of Neurology; and

(J) one shall be a representative of the American College of Preventive Medicine.

(3) EX OFFICIO MEMBERS.—Each of the following officials (or the designees of the officials) shall serve as the ex officio members of the Commission under paragraph (1):

(A) The Director of the National Institutes of Health.

(B) The Director of National Drug Control Policy.

(C) The Director of the Center on Substance Abuse Prevention.

(D) The Director of the Center on Substance Abuse Treatment.

(E) The Surgeon General of the Public Health Service.

(d) CHAIR.—The Commission shall, from among the members appointed under subsection (c)(2), designate an individual to serve as the chair of the Commission.

(e) TERMS.—The term of a member of the Commission appointed under subsection (c)(2) is for the duration of the Commission.

(f) VACANCIES.—

(1) AUTHORITY OF COMMISSION.—A vacancy in the membership of the Commission does not affect the power of the remaining members to carry out the duties under subsection (b).

(2) APPOINTMENT OF SUCCESSORS.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(3) INCOMPLETE TERM.—If a member of the Commission does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(g) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chair or a majority of the members. The Commission shall meet no fewer than four times.

(2) QUORUM.—A quorum for meetings of the Commission is constituted by the presence of six of the members appointed under subsection (c)(2).

(h) COMPENSATION; REIMBURSEMENT OF EXPENSES.—

(1) APPOINTED MEMBERS.—Members of the Commission appointed under subsection (c)(2) shall receive compensation for each day (including traveltime) engaged in carrying out the duties of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS-15.

(2) EX OFFICIO MEMBERS.—Members of the Commission who are designated under subsection (a)(4) may not receive compensation for service on the Commission in addition to the compensation otherwise received for duties carried out as Federal officers or employees.

(3) REIMBURSEMENT.—Members of the Commission may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(i) STAFF AND CONSULTANTS.—

(1) STAFF.—

(A) IN GENERAL.—The Commission may appoint and determine the compensation of such staff as may be necessary to carry out the duties of the Commission, including an executive director. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

(B) LIMITATION.—Staff members appointed under paragraph (1) may not be compensated in excess of the maximum rate of basic pay payable for GS-15, except that the executive director may not be compensated in an amount exceeding the maximum rate of basic pay payable under the General Schedule for positions above GS-15.

(2) CONSULTANTS.—The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission may determine to be appropriate in carrying out the duties under subsection (b). The Commission may not procure services under this subsection at any rate in excess of the daily equivalent of the maximum annual rate of basic pay payable under the General Schedule for positions above GS-15. Consultants under this subsection may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred for activities carried out on behalf of the Commission pursuant to subsection (b).

(j) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall, on a reimbursable basis, provide for the Commission such quarters and administrative support as may be necessary for the Commission to carry out the duties under subsection (b).

(k) DURATION OF COMMISSION.—The Commission terminates 45 days after the date on which the report under subsection (b)(3) is submitted under such subsection.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Commission" means the National Commission on the Role of Medical Education in Reducing Substance Abuse.

(2) The term "Secretary" means the Secretary of Health and Human Services

(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for fiscal year 1999, to remain available until the termination of the Commission under subsection (k).

TITLE III—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

SEC. 301. SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) Illegal drug use is dangerous to the physical well-being of the Nation's youth.

(2) Illegal drug use can destroy the lives of the Nation's youth by diminishing their sense of morality and with it everything in life that is important and worthwhile.

(3) According to recently released national surveys, drug use among the Nation's youth remains at alarmingly high levels.

(4) National leadership is critical to conveying to the Nation's youth the message that drug use is dangerous and wrong.

(5) National leadership can help mobilize every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

(6) As of September 1, 1998, 76 Members of the House of Representatives were establishing community-based anti-drug coalitions in their congressional districts or were actively supporting such coalitions that already existed.

(7) The individual Members of the House of Representatives can best help their constituents prevent drug use among the Nation's youth by establishing community-based anti-drug coalitions in their congressional districts or by actively supporting such coalitions that already exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the individual Members of the House of Representatives, including the Delegates and the Resident Commissioner, should establish community-based anti-drug coalitions in their congressional districts or should actively support such coalitions that already exist.

Subtitle B—Rejection of Legalization of Drugs

SEC. 311. SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) Illegal drug use is harmful and wrong.

(2) Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense.

(3) The greatest threat presented by such use is to the youth of the United States, who are illegally using drugs in increasingly greater numbers.

(4) The people of the United States are more concerned about illegal drug use and crimes associated with such use than with any other current social problem.

(5) Efforts to legalize or otherwise legitimize drug use present a message to the youth of the United States that drug use is acceptable.

(6) Article VI, clause 2 of the Constitution of the United States states that "[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.".

(7) The courts of the United States have repeatedly found that any State law that conflicts with a Federal law or treaty is preempted by such law or treaty.

(8) The Controlled Substances Act (title II of Public Law 91–513; 21 U.S.C. 801 et seq.) strictly regulates the use and possession of drugs.

(9) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Treaty similarly regulates the use and possession of drugs.

(10) Any attempt to authorize under State law an activity prohibited under such Treaty or the Controlled Substances Act would conflict with that Treaty or Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several States, and the citizens of such States, should reject the legalization of drugs through legislation, ballot proposition, constitutional amendment, or any other means; and

(2) every State should make efforts to be a drug-free State.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

SEC. 321. REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the Federal Government to reduce the demand for illegal drugs in the United States are frustrated by the fragmentation of those efforts across multiple departments and agencies; and

(2) improvement of those efforts can best be achieved through consolidation and coordination.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committee a report evaluating options for increasing the efficacy of drug prevention and treatment programs and activities by the Federal Government. Such option shall include the merits of a consolidation of programs into a single agency, transferring programs from one agency to another, and improving coordinating mechanisms and authorities.

(2) RECOMMENDATION AND EXPLANATORY STATEMENT.—The study submitted under paragraph (1) shall identify options the Director deems have merit, and an explanation which options should be implemented.

(3) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated to the Director of National Drug Control Policy $1,000,000 for contracting, policy research, and related costs.

(c) APPROPRIATE COMMITTEE DEFINED.—In this section, the term "appropriate committees" means the Committee on Appropriations, the Committee on Commerce, and the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations, and Committee on Labor and Human Resources of the Senate.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word, and I rise in support of the bill.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ROS-LEHTINEN:

Page 26, line 16, strike "$20,000" and insert "$50,000".

Ms. ROS-LEHTINEN. Mr. Chairman, as an educator and as a parent of two daughters, I know firsthand that children learn most from their parents. Educating parents to teach children about the dangers of drugs has always been and continues to be the single most effective way of preventing children from using drugs.

Nancy Reagan, as a mother and as a First Lady, became an active and vocal crusader to empower the parent. By 1991, with the help of involved parents leading the war against drugs, Mr. Chairman, drug use dropped by 50 percent. Since then, drug use has once again increased despite the many funds we continue to pour into fighting this battle.

One of the problems is that we have failed to understand and take seriously the role of the parent as the leader in the drug war, and we have failed to identify the parent as the person in power.

I thank my colleague, the gentleman from Ohio (Mr. PORTMAN), for taking the initiative in introducing legislation that will authorize funds and encourage States to get parents involved in our battle against drugs. The gentleman from Ohio (Mr. PORTMAN) is regarded by the Congress as the leader in getting grass roots involvement in the drug battle. We all appreciate our colleague's effort and leadership. His bill merits an increase in limitation funds for grants awarded, and that is what my amendment would do. It would increase the competitive grant limitation amount from 20,000 to $50,000 to establish and improve programs that seek to educate and prepare parents to teach their children about the hazard of drugs. In the past, the lack of funding and proper training has inhibited the parental empowerment movement. Parents are our first line of defense in this national drug war, and so I ask my colleagues to support this amendment to bring us one step closer to victory.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want my colleagues to know that this side accepts the amendment.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Briefly, Mr. Chairman, I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her help on this legislation. She is a champion for the parent movement around the country, and I think this is an improvement to the legislation. My colleague agrees, we support the amendment, and we urge our colleagues to do the same thing.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Wisconsin:

Page 10, line 7, insert after "employee drug testing" the following: "by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, or the College of American Pathologists, and each positive test result shall be reviewed by a Licensed Medical Review Officer".

Mr. BARRETT of Wisconsin. Mr. Chairman, this amendment simply makes the language in this bill identical to the language in a bill passed earlier this year, the Drug-free Workplace Act of 1998. That bill passed the

House on June 23 by a 402-to-9 vote. It makes it clear that in those drug-free workplace grants that companies obtain or that nonprofits obtain, that the employee drug testing has to be done by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, the College of American Pathologists, and each positive test result shall be reviewed by a licensed medical review officer. Those are quality concerns.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

I would just say, Mr. Chairman, that I very much support this amendment. I think it again improves the legislation. It clarifies the intent of the legislation. It also is consistent, as the gentleman from Wisconsin (Mr. BARRETT) says, with the changes which were made in the previous authorization which did pass the House with an overwhelming bipartisan margin.

So we would certainly accept that amendment, and I appreciate the gentleman's help in improving it.

□ 1815

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

The Clerk read as follows:

Beginning on page 21, strike lines 7 and all that follows through page 22, line 9, and insert the following:

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency shall—

"(1) establish a standard of quality for drug prevention programs implemented in public schools in the States in accordance with subsection (b); and

"(2) identify and designate, upon application by a school, any public school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of alcohol, tobacco, and drugs by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug or alcohol related offenses;

"(3) the effectiveness of the program as proven by research;

"(4) the involvement of parents and community members in the design of the drug prevention program; and

"(5) the extent of review of existing community drug prevention programs before implementation of a public school program.

"(c) REQUEST FOR QUALITY PROGRAM DESIGNATION.—A school that wishes to receive a quality program designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program designation in accordance with this section.".

Mr. SOUDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BARRETT of Wisconsin. Mr. Chairman, I withdraw my point of order.

Mr. SOUDER. Mr. Chairman, I rise today to offer a perfecting amendment to this bill.

Let me be perfectly clear. I support the bill as it is currently drafted, and I am one of 14 original cosponsors. I believe, however, that the bill could be perfected with the minor adjustment my amendment offers.

As the bill stands now, the subtitle that amends Safe and Drug Free Schools would allow the Secretary of Education to develop a rating system to determine whether a public school has a quality drug program. My perfecting amendment would change this provision to require that States, rather than the bureaucrats inside Washington, establish their own standard of quality for drug prevention programs within their borders.

My rationale in offering this change is simple. It would ensure that authority over education programs be maintained where it should be: at the State level.

It is important to keep in mind that while this amendment would require States to establish their own standards, my amendment would still require modest criteria to be considered by States in their determination of quality. At a minimum, the criteria required would be the following:

The rate of illegal use of alcohol, tobacco or drugs by the students enrolled in the school; the rate of suspensions or expulsions of students enrolled in the school for drug or alcohol-related offenses; the effectiveness of the program as proven by research; the involvement of parents and community members in the design of the drug prevention program; and the extent of review of existing community prevention programs before the implementation of a public school program.

While not being overly prescriptive for States, I believe these criteria will encourage schools to rely on necessary tools that will help them craft effective programs, such as: parental and community input into their drug prevention programs; an accurate assessment of the scope and the frequency of the problem in their school districts; and reliance on reliable research.

Additionally, my amendment continues the bill's current emphasis on the importance of publicly disclosing and highlighting effective programs. The amendment would require State authorities to open up for public inspection at least once per year the names of all schools that have been designated as having formulated quality drug programs.

As we all work in our home districts and our home States, we see that one of the things we need to encourage is the development and widespread dissemination of those programs that have been effective at tackling the problems.

In requiring public notification, I believe we close that loop of what we are trying to accomplish. Public notification is a vital part of the process.

Additionally, open information will facilitate the dissemination of the message to students that the use of illicit drugs and illegal alcohol and tobacco use will not be tolerated, either in schools or outside of them.

I believe my perfecting amendment, which I worked on with the gentleman from Pennsylvania (Mr. GOODLING) of the Committee on Education and the Workforce, and much of this was developed at his suggestion and his leadership, is in the process of formulating a highly effective piece of legislation. The students of America deserve nothing less.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from Indiana would engage me perhaps on a couple of questions, I would request of the gentleman to tell me a little bit more about what his intent is, what his problem is with the current law.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the discussion we had as part of this process in not going through the full Committee on Education and the Workforce, I talked with the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, as did the gentleman from Ohio (Mr. PORTMAN), and we tried to work this out yesterday and did not get to the Committee on Rules in time, because there is a strong feeling that this decision should be at the State level and we should encourage each State to develop the standards with these guidelines. It is a pattern that we have done in the Committee on Education and the Workforce, is to set national guidelines of what we expect, but leave the final decision-making to the States rather than the Department of Education.

Mr. BARRETT of Wisconsin. Mr. Chairman, reclaiming my time, could the gentleman inform me as to his problem with the current system?

Mr. SOUDER. Mr. Chairman, if the gentleman will continue to yield, we do not have a current system. This is just an amendment to the new bill that we have in.

In that bill, in our first draft we had the Department of Education doing it, and we felt, consistent with everything else we have been doing, it would be better to encourage the States to do it. It is not just saying hey, come up with a word. It is saying, here are the criteria. The criteria did not change. We merely moved the agency where the public dissemination will occur and where the awards will be given to the governors as opposed to the Secretary of Education.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, let me just try to further clarify.

I think under the legislation it is fair to say that the Secretary had the discretion either to do it at the Federal level or the State level. This change would say that indeed, it should be done at the State level, which I think is consistent generally speaking with the legislation in the sense that we are trying to focus on State and local communities. It also happens to be something important to the chairman, and he gained a waiver. This is something that was raised with me.

This is a good provision. The quality assurance is going to enable parents to know whether these schools are using drug-free school money appropriately and forces them to have a needs assessment and forces them to bring parents in and have research-based programming. The question is just whether that will be a requirement at the State level or something at the Federal level.

Our legislation frankly left it open originally, and this would say it should be done at the State level.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, just briefly, I think it is also consistent with how we do the Safe and Drug Free Schools Act and this brings it all together. It is not that the other was bad, that is why I was an original cosponsor of this. It just clarifies it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

Add at the end of the bill the following title:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. DRUG TESTING AS CONDITION OF FEDERAL EMPLOYMENT.

Each individual appointed to an employment position with the Federal Government after the date of the enactment of this Act is appointed with the employment condition that the individual is subject to random, unannounced testing for the illegal use of any controlled substance (as defined in section 102 of the Controlled Substances Act).

Mr. TAYLOR of Mississippi. Mr. Chairman, earlier today we voted to increase the effort on the war on drugs by about $2 billion. We have in different States, including my home State of Mississippi, some of the toughest laws on Earth with regard to drug dealers, a law that with others I helped pass in Mississippi, which says that if one sells 2 ounces of cocaine, 2 ounces of heroin, 100 pills or 10 pounds of marijuana over the course of a year, if one is caught and convicted, one will spend the rest of one's life in prison.

I have flown counterdrug missions with the Colombian National Police, the helicopters that go out and fly cover for the crop dusters. We have SEALs and special forces on the ground in Central America right now training their people in counternarcotics operations. We have a riverine school in Iquitos, Peru, using our Marines and our SEALs to train them in drug interdiction. We have had submarines off the coast, P-3s, E-3s, AWACS, just about everything in the American inventory involved in the war against drugs, and it is not working.

The reason it is not working is that we have this incredible double standard in America where we say, it is bad to sell drugs, but somehow it is all right to use them. It is not all right to use them.

I happened to enlist in the Coast Guard about the time that our armed forces hit rock bottom as far as drug usage. It was fairly common every night for our barracks to smell like the Marrakesh Express. Incidentally, almost every barracks around the world where there were American troops back then smelled like the Marrakesh Express, it was so common for marijuana and other illegal narcotics to be used.

By 1973 or so the military got serious about it and they implemented drug testing. First, it was a fairly lenient program that says, if we catch you, we are going to put you through treatment, we are going to give you a second chance, maybe even a third chance. That over the years has gotten tighter now to where if they catch someone using drugs, they are immediately removed from the force.

Guess what? The closest thing we have in America to a drug-free society is the American military, because they know that justice is sure and it is swift and if they are caught using drugs, they are going to be removed from the military.

Mr. Chairman, I do not think anyone who works for our Nation should be using drugs, illegal drugs, taking their Federal paycheck, paid for by the taxpayers of this country, and buying illegal drugs. I think this is a first step towards sending the message that we are not going to tolerate drug use in America.

For this reason I offer this amendment. I think it is just a first step. It would allow the supervisors to, if they have reason to believe one of their employees is using drugs, to demand a drug test. It does not call for them to be fired. But I would hope that the executive branch of the government would follow this up with hard and fast rules calling for treatment, calling for some way of getting people off drugs, and eventually tighten up those rules to where people who are caught using drugs, after adequate warning, are removed from the Federal payroll.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment, although well intentioned, is clearly unconstitutional. The courts have consistently held that when addressing the privacy considerations of Federal employees, that they have to be measured in a context that provides for a reasonable search. And in making the determination as to whether the search is reasonable, they look at the security risks. That is why when the gentleman from Mississippi talked about the military, there clearly is a security risk dealing with military personnel.

Just last year there was a case, Stigile v. Clinton, decided by the United States Court of Appeals for the District of Columbia, decided April 15, 1997, and in that case, the Court held that employees of the White House who worked with the President and the Vice President on security could be subject to random drug searches. But it also went on to talk about the need for a nexus.

Clearly, there is no nexus provided by simply being a Federal employee and having the drug test. There has to be a nexus, there has to be a test as to whether it is reasonable. Simply working for the Federal Government, being an employee for the Federal Government in and of itself does not provide that nexus.

So this provision is clearly unconstitutional. It violates individuals' Fourth Amendment right to privacy, and it would be a huge mistake for this House to adopt this amendment. It not only would be unconstitutional, but I am sure it would doom this bill, and I ask my colleagues to strongly defeat this measure.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to point out that I do not think this is a good idea for various constitutional reasons and other reasons. Also, we have to think about the cost, the fact that there would be a high error ratio; the fact that there would be retesting that would be necessary. It is the kind of issue we have discussed before and have stricken, and I think that it should be stricken again.

Because of the camaraderie, conviviality, nonpartisan situation in this Congress that I hope for, I yield to the gentleman who is the sponsor of this amendment, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentlewoman from Maryland, particularly for giving her thoughts on this measure.

□ 1830

In response to what has been said earlier, we are getting ready to have drug testing of teenage drivers just to get a driver's license. We are encouraging private sector employers through this bill, which is the main thrust of this bill, because are encouraging private sector employers to test their employees for drugs.

Ladies and gentlemen, we are the largest employer in America. Why on Earth would we tell all the other smaller employers that we think this is a great idea for them if we do not think it is a great idea for us?

There is a real war being fought on drugs. I visited a Colombian Lansero, that is their word for Ranger, battalion in February on a Thursday. They went out the following Tuesday. There was 125 of them. By the following Thursday, only 18 of them were still alive or not captured. It is a real war.

You read in the paper of American crop dust pilots in training accidents over Colombia. Who is kidding who? They were shot down because there is a bounty on people who fly the crop dusters to eradicate the heroin in the coca fields, $5,000 a plane. If you are a Colombian peasant, $5,000 looks like a heck of a lot of money, and it is certainly worth taking a few potshots at an American pilot for.

It is a real war. I do not think it is fair to ask some Americans to put their lives on the line when we are not even going to ask other Americans who worked for this Nation to just be subject to a test to let us know that they are on our side, not on their side, on our side, that they are living within the law.

That is what the congressional inquiry into the President is all about: Is the highest elected official living by the law? Yes? No? I think every single Federal employee, Congressman, every one of us ought to live by the law and be subject to testing to make sure that we are living by the law.

That is why I offered this amendment. It is not enough to send troops all over Latin America, because when you solve the problem in Peru, it goes to Colombia. When you fix it in Colombia, it is going to go to Belize.

A lot of the heroin has come out of southeast Asia. We have tried to go over there and tell them our will. They did not like the idea. I do not think anyone is a proponent of sending more Americans over to Southeast Asia right now.

The problem is in America. It is not in Colombia. It is not in Peru. It is not in Belize. It is not in Thailand. It is here in America. I think the way we start solving the problem in America is by telling our employees, the people that work for America, do not use illegal drugs. It is real simple.

All the death sentences and drug kingpin laws are not going to do anything because there is so much money to be made; because if you go after this kingpin, he is just going to be replaced by another.

The way you solve the problem is one at a time when you start telling Americans we are not going to tolerate drug use. The bill says to the private sector we are going to encourage you, we are going to give you grants, we are going to do all these great things for you if you will ask your employees to quit using drugs.

Doggone it, if it is a good idea for them, it is a good idea for us. The bill is clearly constitutional. We have drug testing for any number of reasons in this country. I think everyone who works in our government in some way contributes to our national security.

The amendment has been ruled in order by the Parliamentarian, and I will be asking for a vote on it.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the sponsor of the amendment a question, and I will yield to him in a moment once I get the question asked.

I read the amendment. During the gentleman's discussion, he said that the way this thing would work is that if a supervisor had some kind of cause to believe, I think he said, and he can correct me if I am wrong, to believe that someone might be using drugs, that that might be the reason for a drug test, so that might be the cause; is that correct?

Mr. Chairman, I yield to the gentleman from Mississippi (Mr. TAYLOR) to answer that question.

Mr. TAYLOR of Mississippi. Mr. Chairman, right now, we have no means of asking someone who shows up at work apparently stoned out of their mind, there is absolutely nothing right now their supervisor can do. I would like to give him the opportunity to say, I think you ought to take a drug test.

Let me make this perfectly clear. In order to make it constitutional, since the gentleman did have a question, this is for new hires as a subject of a condition of employment. When someone walks in, from the passage of this bill forward, they know that if they accept a job with the Federal Government, as a condition of employment they are subject to drug testing. That is clearly constitutional, because it is done every day in the private sector as a condition of employment.

Mr. CUMMINGS. Mr. Chairman, I reclaim my time for another question. I guess the gentleman is still not answering my question. What I am going to ask is exactly the practicality of how this works.

In the gentleman's amendment, it talks about random unannounced testing. I am just asking, is there something; but in the gentleman's statement of explanation of the amendment, he talked about having some kind of cause to believe that this person, and he just did it again, as having some cause to believe that this person is using drugs.

I guess my question is, when the gentleman talks about random and unannounced, as I read this amendment, that means that we do not even have to have any kind of cause. I mean, is it one or the other, or is it both? Is the gentleman following me?

First of all, I believe that the gentleman's intentions are good, and I know the gentleman is concerned, because I know we have talked about this subject before. I guess I am trying to look at the practicality and trying to make sure that when the Members vote on the amendment, they understand what they are voting for.

It is one thing if the gentleman is saying that having some kind of a reasonable belief that this person is using drugs, that is one thing; to say that it is just random and unannounced for anybody at any time, that is a whole other thing.

So I am asking the gentleman for clarification so that all of us will know what we are voting on, what the gentleman's intent of the amendment is.

Mr. Chairman, I will yield to the gentleman to answer.

Mr. TAYLOR of Mississippi. Mr. Chairman, it can be done at any time as a condition of employment, just as my daughter, the college athlete, is subject to a random drug test and it is on a regular basis a condition of an athlete at the college.

Mr. CUMMINGS. Mr. Chairman, I reclaim my time. So the gentleman is telling me, contrary to what he said a little bit earlier, there does not have to be any kind of cause. There does not have to be any kind of reason for believing or suspecting that that person may be using drugs. Is that correct?

Mr. Chairman, I yield to the gentleman from Mississippi to answer.

Mr. TAYLOR of Mississippi. Mr. Chairman, this is a democracy. We are a work in progress. If during the course of the debate of this bill, if during the conference the gentleman thinks it needs to be perfected, I would welcome that. But we have to start somewhere.

Mr. CUMMINGS. Mr. Chairman, reclaiming my time, the reason why I ask those questions is because, when the gentleman talked about having a reasonable belief that the person may be using drugs, I think that is a very, very tough determination to make.

I mean, it is one thing when somebody comes in stoned; it is another thing if somebody perhaps wants, and I have seen this in my State where there has been random drug testing and testing for cause, the kind of cause that the gentleman talked about a little bit earlier and what happened. There has been some abuse of that where a supervisor may have wanted to get rid of an employee or whatever, that kind of thing.

The other thing that I am concerned about is, once they discover the person is on drugs, having some kind of way so the person does not lose their job, I know that is the gentleman's intent, so that the person can get some type of treatment as opposed to that person losing their job.

We have seen that come up, like I said, in many instances in our Workman's Compensation laws in Maryland.

Mr. Chairman, I yield to the chairman of the subcommittee, the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to make it clear that this bill does not require drug testing for other employees. What it does have is it has a voluntary program, a demonstration program. In that program, companies who take advantage of it as one of the components must have a drug testing provision, but it does not necessarily apply to all employees. It does not necessarily apply to new employees. It can be simply enacted for repeat offenders for an individual who has a drug problem. So let me make it very clear that this bill does not require drug testing for anyone who is in an employment situation.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment came as a surprise to us today. I just listened to the debate carefully and I have to say a couple of things. One is, I am very sympathetic in general to the idea that has been raised by the gentleman from Mississippi (Mr. TAYLOR), which is to have drug testing at the Federal Government level.

We already have drug testing, as I think my colleagues know, for safety-sensitive positions in the Federal Government. There are some concerns that have been raised today, including the fiscal impact. We would have not only a bureaucracy to administer this but we would have, I think necessarily, an employee assistance program. I certainly would think that that would be required. We would have to have some treatment options, which is in the legislation for the small business aspect of this. We would also have to have the costs of the test borne by the taxpayer.

I know CBO has not yet done an estimate of this legislation, but I would like to see what those costs are. I think that would be appropriate for the Congress to review before we acted on it.

The constitutional issues have been raised. I think there is some gray area here, but probably there would be a constitutional issue based on the case law that we have seen, looking at the issue of drug testing here in this Chamber. So I think that is a real issue, certainly. I am not saying that that is a reason not to do it. It would then become a test case, but it is certainly not clear at all.

In the legislation, we have the ability for small businesses to get technical assistance to put in place drug testing, but the legislation only requires that it be some kind of testing, including pre-employment drug testing, including employment drug testing for cause; in other words, after there has been an accident where there is some suspicion of use that there be drug testing. It would not require the small companies that took advantage of the program have unannounced or random drug testing. So this does go further than the legislation before us in that respect.

I guess what I would say to my friend, the gentleman from Mississippi (Mr. TAYLOR), who I am sympathetic with on this issue, I would like to work with him on it. Maybe there is something we can put together through a more thoughtful process where we look at some of these issues, get the costs, figure out whether there is a way to narrow it so it is more targeted. Yet, I think to add it to this legislation at this time is not something that I personally would be able to support.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too want to say that I am very much in sympathy with this and, generally speaking, since the time I was a staff member in the other House and worked with Senator COATS in drafting the first drug testing in schools, allowable use of it for safe and drug-free schools, it is working in the drug testing clause in the higher ed bill that we are moving through right now and through my subcommittee we moved the workplace bill.

Among the things we heard in the hearings, however, is that unless the chief executives were being tested along with their employees, there was sort of a double standard. This obviously raises another question in the bill offered by the gentleman from Texas (Mr. BARTON) about drug testing Members of Congress. What I have learned as I have had myself drug tested, that in putting these things in, we cannot even use our staff allowances to do the drug testing.

It is not clear in this bill, and I understand why the gentleman from Mississippi (Mr. TAYLOR) does not have it, that we do not have it for the heads of the agencies rather than just the people coming in.

In addition to the concerns that the gentleman from Ohio (Mr. PORTMAN) read, I have to sort through what I am going to do on the bill, but I am concerned that we might wind up in a situation where we actually set back drug testing, when I ultimately agree with the gentleman's point that what we want to do is advance how we effectively do this.

When we drug test, it is the best prevention program. It is the way to have people be clean. Because the larger companies in this country are, in fact, doing drug testing, abusers have moved to the smaller companies. If we are not careful, they are going to move into Federal employment.

Like the gentleman has mentioned in his statement, that is one of the reasons the military has become clean. I am very empathetic to the gentleman's point, but I wish we could work together in trying to figure out how to do this in the most effective way. I remain uncertain how I am going to vote, but I am very sympathetic with the goals, and I want to make sure we can do it in the most effective way and make sure we actually have drug testing programs that work.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to thank the gentleman from Ohio (Mr. PORTMAN) for his excellent work on the base bill. He has done a tremendous job.

I am rising specifically to support the amendment of the gentleman from Mississippi (Mr. TAYLOR). The gentleman from New York (Mr. SOLOMON) and I have been working in this Congress to implement the House rule that says all Members of Congress and the congressional staff shall be drug tested. We have a House rule that is ready to come to the floor. We have to honor the Speaker's request that there be a Republican conference on the proposed implementation of the House rule before we bring it to the floor, and I am still hopeful that we can hold that conference and bring that rule, House rule, to the floor in the next 3 weeks.

In the meantime, the amendment of the gentleman from Mississippi (Mr. TAYLOR) that would require as a condition of employment all Federal employees to be drug tested is a giant step in the right direction.

I have a drug testing plan in my office for myself and my congressional staff. I have had it since 1989. I have extensively worked with the business community, the social welfare community, on making sure that any drug testing plans, first that they are accurate, and second that they are confidential, and that they are implemented in a fair fashion.

☐ 1845

As has been pointed out, drug testing does work. It identifies the people that have the problem. It also in most plans gives an opportunity to go into drug counseling rehabilitation. And if we were to pass the Taylor amendment, which I will enthusiastically support, it would help combat the drug problem that faces our country.

So, again, I want to commend the gentleman from Ohio (Mr. PORTMAN) for bringing the base bill to the floor, and I thank the gentleman from Mississippi (Mr. TAYLOR) for taking the advantage of putting the amendment on, and I hope that we adopt this by unanimous consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BARRETT of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RAMSTAD:

At the end of title I, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle H—Addiction Reduction Through Treatment

SEC. 181. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Addiction Reduction Act of 1998".

SEC. 182. FINDINGS.

Congress finds the following:

(1) Substance abuse, if left untreated, is a medical emergency.

(2) Parity should apply to benefits for treatment sought voluntarily, including treatment for substance abuse.

(3) Nothing in this subtitle should be construed as prohibiting application of the concept of parity to substance abuse treatment provided by faith-based treatment providers.

SEC. 183. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS UNDER THE PUBLIC HEALTH SERVICE ACT.—(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) EXEMPTIONS.—

"(1) SMALL EMPLOYER EXEMPTION.—

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

"(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

"(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) DEFINITIONS.—For purposes of this section—

"(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

"(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

"(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

"(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services but only insofar as such treatment services are abstinence-based.

"(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

"(A) Inpatient treatment, including detoxification.

"(B) Non-hospital residential treatment.

"(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

"(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

"(f) NOTICE.A group health plan under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.".

(2) Section 2723(c) of such Act (42 U.S.C. 300gg-23(c)), as amended by section 604(b)(2) of Public Law 104-204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) The amendments made by subsection (b) apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2000.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

Mr. HASTERT. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. RAMSTAD. Mr. Chairman, I rise to offer a critical missing component to the bill before us today. In an attempt to overcome germaneness hurdles, I have modified this amendment so it will not amend ERISA. However, I am aware that other parliamentary concerns have now been raised and I may be forced to withdraw my amendment.

Mr. Chairman, let me say this. While the goals of this anti-drug package before us today are certainly laudable, we will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans out there tonight suffering the ravages of drug and alcohol addiction. Twenty-six million American addicts already today.

Since 1956, as we all know, the American Medical Association has said addiction is a disease. We all pay lip service to it, but only 2 percent, only 2 percent of the 16 million Americans covered by health insurance plans which purport to cover chemical dependency treatment are able to get effective treatment. Ninety-eight percent of those covered by insurance plans cannot get effective treatment.

Mr. Chairman, that is because treatment for addiction is discriminated against, unlike treatment for any other diseases. Barriers to chemical dependency treatment that the insurance companies erect include discriminatory caps, artificially high deductibles and copayments, as well as other restrictions on treatments such as limited treatment stays that are not imposed on other diseases.

In fact, the average treatment stay allowed by health insurance plans is from 2 to 7 days. Every treatment professional in America, and every one of the 1.7 million Americans who are recovering from addiction, knows that no one can get effective treatment in less than one week. It is a fraud on the American people.

Truly, to reduce illegal drug use in America we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. That is what this amendment does. It just says we should not discriminate against alcohol and drug addiction treatment any more than we would discriminate against treatment for diabetes or kidney failure, renal failure, heart disease, or any other disease.

We have all the empirical data in the world and all the actuarial studies to prove that parity for chemical dependency treatment will actually save money. For every dollar that we invest, it will save $7 down the road. Health care costs for untreated alcoholics and addicts are 100 percent higher, as all the studies show, than for the cost of those who have been treated.

Mr. Chairman, we can build all the fences on our borders that money can buy. We can hire all the border guards that we can find. But simply dealing with the supply side of this problem and paying lip service to the demand side will not solve the problem of addiction.

Mr. Chairman, we are going to continue to be back here year after year with drug bills and we are not going to make a dent in the problem.

Mr. Chairman, as a recovering alcoholic myself, I know firsthand the value of treatment. As someone who stays close to other recovering people and addicts, alcoholics and addicts, I am alarmed by the dwindling access to treatment in America. Sixty percent of the adolescent treatment beds over the last 10 years are gone. Fifty percent of the treatment beds for adults over the last 10 years are gone because we continue to allow this discrimination, these barriers against treatment.

That is why we have, and I say "thank you" to them, my 93 colleagues, cosponsors from across the ideological spectrum here who have cosponsored this bill. Twenty called my office in the last 2 days to speak on this important amendment to provide access to treatment.

We must, Mr. Chairman, at some time listen to the experts, the experts about our Nation's number one public health and public safety problem. Addiction in America must be addressed before we will ever make significant progress in the illegal drug and alcohol abuse problem.

Mr. Chairman, we need to listen to the 93 colleagues who are cosponsors of my treatment parity legislation. We need to listen to General Barry McCaffrey, who said this is the single most important element in addressing the illegal drug problem. The single most important element is substance abuse treatment parity.

We need to listen to President and Mrs. Ford, who came to Washington to plead with us to pass drug and alcoholism treatment parity. We need to listen to the 17,000 treatment professionals who comprise the National Association of Alcohol and Drug Abuse Counselors, treatment professionals in the trenches and the field every day dealing with sick people who need help.

We need to listen to the physicians of the American Society of Addiction Medicine who support treatment parity, physicians like Navy Captain Ronald E. Smith and Captain Joseph A. Pursch, who support treatment parity.

Mr. Chairman, this is a life-or-death issue for 26 million Americans. This is not another political issue, and it should not be that. It clearly should be included in this package. I am deeply saddened that as we consider the bill designed to reduce demand for drugs in this country, I cannot offer this amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in support of Representative RAMSTAD's amendment which prohibits health insurance plans from providing lower levels of benefits for substance abuse treatment services than for medical and surgical benefits.

Illegal drug use is taking an enormous toll on our society—both financially and emotionally. Over 26 million Americans suffer from alcoholism and drug addiction and illegal drug use and alcohol abuse reduces workplace productivity, devastates families and contributes to a high crime rate. We must address this serious problem

Today, we are considering a number of bills intended to end the scourge of drugs. A great deal of effort is focused on eliminating the flow of drugs into this country. But ending the flow of drugs is not enough. If we are truly committed to a drug-free society, we must also stop the demand for drugs. This means educating people, especially our children, on drug prevention. It also means treating those who are already suffering from drug and alcohol addition. As a nurse, I know substance abuse addiction is a complicated disease. But I also know that treatment programs work. For every dollar invested in treatment, there are significant savings in health care costs. The statistics are clear—addicts who undergo treatment are less likely to require emergency room visits or hospitalization. They are also less likely to suffer the long-term medical complications that accompany drug and alcohol abuse. And treatment not only reduces health care costs, it reduces crime and increases workplace productivity.

Comprehensive substance abuse treatment just makes sense. But treatment is only effective if it is affordable and accessible. That is why I support Representative RAMSTAD's amendment. By extending parity in health care plans for substance abuse treatment to the private sector, Representative RAMSTAD's amendment reinforces the overall goal of H.R. 4450. It ensures that all people who are suffering from the ravages of alcoholism or drug abuse have access to effective medical treatment.

As a nurse, I know that substance abuse treatment works. If we are truly serious about winning the war on drugs in this country, we must ensure that all addicts have access to effective treatment. That is why I urge all of my colleagues to support this important amendment.

Mr. SOUDER. Mr. Chairman, I rise in support of this amendment, which I believe will take an important first step toward ensuring that Americans have more meaningful and effective access to substance abuse treatment through their private insurance plans.

I am a cosponsor of the gentleman from Minnesota's bill because I believe that substance abuse treatment is an essential component of our overall drug strategy. As I said in this morning's debate on the drug interdiction bill, I have traveled to several of the major drug source countries and had the opportunity to have extensive discussions with the leaders of those countries whose citizens are fighting and dying to keep drugs out of the United States. And a major theme that keeps coming up in these discussions is the concern of those leaders that America also has to do its part to stop the demand for drugs that is creating the international drug trade.

Effective treatment is one of our most critical tools to help people who have become addicted to drugs stop the cycle of abuse. I recently visited the Northeastern Center in Kendallville, Indiana in my district. The patients told me without exception how the treatment had made a powerful difference in their lives and enabled them through fellowship and therapy to understand their addictions and learn how to resist the temptations to go back to drug abuse that come back hour after hour, day after day. For them, the struggle to stay away from substance abuse was constant, and that only the help they had received in treatment programs gave them the tools to stay away from drugs.

Many of the people who enter treatment have had their lives so destroyed by drugs that they are almost literally at the end of the line. Many patients face jail or losing their jobs if they could not successfully complete the program. Others have had their families and family life completely destroyed by their drug abuse. Some work in positions of critical public safety, like airplane pilots.

I believe that this amendment is an important first step toward improving the availability of substance abuse treatment. I want to make clear that neither this amendment or the gentleman's bill on which it is based would force any company or insurer to provide coverage or benefits for substance abuse treatment. Instead, it only says that those health plans that do include substance abuse benefits cannot place discriminatory caps, limits, or other conditions on treatment that they do not place on the other benefits in their insurance package. And the amendment before us today would not even go that far, because for parliamentary reasons it would only apply to between 20% and 35% of the insured population—those who are not covered by federal regulation under ERISA.

This amendment is necessary because many patients who seek treatment cannot receive a full and effective treatment program because of policy limits even though their insurance covers drug treatment and would not put the same limits on a hospital stay. Because of this, the dedicated patients who are devoted to treatment will go as far as selling their cars and other assets in order to be able to afford it. The less dedicated patients will give up on the treatment altogether and continue to abuse drugs.

This amendment will be an important first step—a demonstration of the benefits of facilitating access to substance abuse treatment. Some have raised legitimate issues for discussion on the question of whether we yet have effective means to make sure that we fully track the effectiveness of drug treatment outcomes, as well as questions about the most effective methods of treatment and problems with recidivism. All of these are important matters that we should continue to review and discuss as we go forward. But there can be little doubt that helping at least a few people have better access to ways of saving them from drug abuse is far better than doing it for none.

Mr. RAMSTAD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 4, after line 13, insert the following subsection:

(c) ACTIVITIES REGARDING ALCOHOL ABUSE.—The national media campaign under subsection (a) shall include media activities for the purpose of reducing and preventing alcohol abuse among young people in the United States.

Page 4, line 6, strike "drug abuse" and insert "drug and alcohol abuse".

Page 5, line 4, insert "and anti-alcohol" after "anti-drug".

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PORTMAN. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a very simple amendment to offer. This measure would require the Office of National Drug Control Policy to include alcohol abuse in its $195 million media campaign against drugs.

Mr. Chairman, the fight against substance abuse is a never-ending battle and in waging this campaign, we must not cede ground on any front to end the scourge that costs America so many lives and wastes so much human and economic potential. The fact is that while waging a $10 billion annual war on drugs, we risk losing sight of the biggest drug threat to our health and safety and that is alcohol. In this war, we simply must include alcohol in the campaign by the Office of National Drug Control Policy to raise the awareness of drug abuse.

Mr. Chairman, this amendment would require the agency to target alcohol abuse in its $195 million ad campaign. Every day it seems that there is another reminder in the headlines of our newspapers, or on the evening news, reporting on the dangers of alcohol abuse. Alcohol is the number one killer of individuals in this country under the age of 24. It is the number one killer. It kills more people than all other illegal drugs combined. We spend $10 billion fighting a war on drugs, and yet the number one drug of choice by young Americans is alcohol.

We say, oh, no, alcohol is somehow different because it is legal. But the truth of the matter is there are over 21 million Americans that claim that they are addicted to alcohol. Of those, there are about 4.5 million children that are addicted to alcohol.

Alcohol is the number one drug of choice of young people in America. It is also, in a bizarre world that we live in today, the one drug that we allow to be advertised in an unfettered manner on our television sets telling my sons, telling everybody's kids across America, that if they want to get a pretty girl or a good looking guy, if they want to be the first on the mountain, if they want to win a bicycle race, if they want to play touch football what should they do? Go out and have a drink.

Mr. Chairman, a lot of kids listen to those ads and they go out and have a drink and as a result we have so many kids that are finally addicted to alcohol.

If we are going to go ahead and anoint a campaign to get rid of drugs, then let us not take some arbitrary differentiation that says this is a legal drug and this is an illegal drug, so we are not going to go after the legal drug, despite the amount of carnage that is left on our streets, the amount of young people that are killed in driving accidents, the amount of people across our country that are arbitrarily killed as a result of people that drink and drive or use heavy equipment and drink.

What I am trying to suggest is that it is very, very important that America as a Nation comes to grips with the not-talked-about abuse of drugs that is centered around alcohol abuse. I believe very, very strongly that not only is this a position that I hold, but it is a position that I just have got off the phone with General McCaffrey, that he holds as well.

I understand that there are a lot of forces at work in this Capitol that have the ability of limiting the amount of legislation or the kind of legislation that gets passed. The alcohol companies have more clout in this city than just about any other lobby. Particularly, when we recognize the fact that they not only have power themselves, but they have the power of convincing the television stations, the radio stations, the newspapers and everybody else to join up with them. So, we cannot get to a point where we can include alcohol abuse in a national advertising campaign on drugs, because if we do that it could threaten the whole bill.

Mr. Chairman, that kind of logic is the kind of bizarre logic that gets the whole country to think that everybody in Washington has got their head screwed on wrong. But nevertheless, that is what we are up against. So, I have been asked to not follow through and call for a vote on this amendment because it will threaten the entire package. I think it is hogwash. I do not think it is the truth. But I recognize that if we call for this vote and we end up in a situation where everybody does what always happens around here, which is that we lose to the alcohol lobby, then in fact we will take a step backwards.

So, with that I yield to the gentleman from Ohio (Mr. PORTMAN) if he has something nice to say about my amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Does the gentleman from Ohio (Mr. PORTMAN) wish to insist on his point of order?

Mr. PORTMAN. Mr. Chairman, I reserve my point of order.

The CHAIRMAN. The gentleman may proceed.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Briefly, I want to thank the gentleman from Massachusetts (Mr. KENNEDY) for what he has done, not just today but over the years, to focus on the alcoholism issue. He has been particularly involved in college campus alcoholism and he has taken this issue around the country and he is to be commended for that.

Mr. Chairman, in this legislation we do address alcohol. I was looking through the various provisions. The Drug-Free Parent Empowerment Act would include alcohol in the sense that it is for illegal substances, which of course would include alcohol for minors. In the Drug-Free Communities Act this Congress passed last year it was not just illegal drugs, it was illegal substances which would include alcoholism.

Many of the groups and organizations that will benefit from this legislation are involved also in teenage alcohol abuse. All of the various things we do here to try to make the Federal prevention effort work better, including a national clearinghouse, would be involved in alcoholism for our young people.

So, it is very much addressed in this legislation. The question is whether under subtitle (a) the anti-drug media campaign should be broadened to include alcohol. The gentleman is right, there are a lot of forces at work. They are not the alcohol forces, pro or con. It is the people at the Office of National Drug Control Policy, the President's capable Drug Czar, Barry McCaffrey; it is the appropriators here in this Congress; it is those of us on the authorization side who are trying to make this anti-drug media campaign work.

It is very simple. We want this to focus primarily on drugs so that it makes a difference. That is what the $195 million has been appropriated for and all we did in this bill was finally authorize that appropriation and make it last for 4 years. Earlier today there was some discussion about whether that was necessary. I think it is absolutely necessary for this Congress to go on record supporting the campaign and being sure that it is indeed sustained over time, because if it is not it will not make a difference.

Mr. Chairman, I commend the gentleman for what he is doing and I would tell him that alcoholism is addressed in various ways here, I think even indirectly in the media campaign that General McCaffrey is heading up, but because the language in this legislation has been carefully crafted with General McCaffrey, with the appropriators, we would not be able to accept an amendment to change it at this time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Massachusetts.

□ 1900

Mr. KENNEDY of Massachusetts. I would just like to point out that I did, on the gentleman's advice, go and talk with General McCaffrey, and he, I think, would be the first to recognize the fact that the gentleman has personally been involved in attempts to try to broaden and expand and recognize the whole issue of alcohol abuse in the country.

However, I should point out that we are spending, on the lowest estimate I have ever read, $10 billion fighting a war on drugs. More like $40 or $50 billion, if we count all the other dollars that go into the war on drugs. None of those dollars are spent dealing with alcohol abuse. And, in fact, what we do in this country is we expand and promote alcohol use on our airwaves.

So my point is that while, yes, it is important to fight illegal drugs, and I do not mean to in any way diminish the fight against illegal drugs, but if we are sitting there and there is one drug that is killing more people than all of the other illegal drugs combined, then to have an advertising campaign that just focuses on illegal drugs is a little bizarre when so many more people are addicted to alcohol and so many more people are ultimately killed as a result of alcohol abuse, and there is nothing coming across our airwaves telling kids in America that they should not drink. That is what the real problem is, I believe.

But I very much appreciate and understand the limitations that my friend, the gentleman from Ohio (Mr. PORTMAN), has outlined. I would just say that General McCaffrey indicated he very much wants to include alcohol in this campaign, but recognizes, I think, some of the limitations that I was referring to as a reason why he could not support this at this time.

Mr. PORTMAN. Reclaiming my time, Mr. Chairman, I would ask the gentleman, will he continue to press for the amendment?

Mr. KENNEDY of Massachusetts. I have indicated that I am willing to withdraw it, but if someone else wants to speak about the amendment, I would be happy to have them speak on it.

Mr. PORTMAN. Mr. Chairman, how much time do I have?

The Chairman pro tempore (Mr. GIBBONS). The gentleman from Ohio (Mr. PORTMAN) has approximately 30 seconds remaining.

Mr. PORTMAN. Mr. Chairman, I would just say that if the gentleman has already withdrawn the amendment, I will withdraw my point of order, and I appreciate the dialogue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I did not withdraw my amendment as yet, but I only did not because I thought the gentlewoman from Texas wanted to speak on it.

The CHAIRMAN pro tempore. First, the Chair will ascertain if the gentleman from Ohio (Mr. PORTMAN) is going to reserve his point of order.

Mr. PORTMAN. I suppose I must, Mr. Chairman, until the gentleman withdraws his amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I first of all rise to support the Drug Demand Reduction Act of 1998, but I wanted to come to the floor and join my colleague, the gentleman from Massachusetts (Mr. KENNEDY), and also the words of the gentleman from Minnesota (Mr. RAMSTAD) on this very important issue dealing with alcohol.

As I look at the Drug Demand Reduction Act, I cannot disagree both with my good friend the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Ohio (Mr. PORTMAN) that we have an obligation to again get back on the record with America dealing with a media effort to say no. Obviously, as we move from the Reagan era, I believe that we looked at other issues which this bill still does not address, and I want to mention those as I rise in support of the gentleman's amendment on alcohol.

First of all, I think a key element is treatment, and although this bill works very well with telling people what not to do, it is difficult not to match this with treatment. It also is difficult when I see the very large numbers. On that premise, the fact that this is a "say no" bill, I think the reasonableness of the Kennedy amendment makes so much sense.

Though we do not have hard liquor on our airwaves, we do have them on our billboards. And in my community in particular, in the 18th Congressional District in Houston, an inner city district, we have them on our radio programs. We have them hosting various good neighbor events. And let me say to all the good friends in the alcohol industry that I do not condemn them as public servants, but their message is everywhere.

If we are going to talk about eliminating the devastation of driving while intoxicated, whether an individual is intoxicated through drugs or through alcohol, I think it is important to match those enormous dollars with the recognition that alcohol is killing people in America. And to do that, it is likewise important to have an alcohol-free workplace. It is important to get teenagers not to drive while taking alcohol.

This subtitle C is a very important incentive to get teens to take a drug test and to determine that they are drug free. At the same time, I think it is key that we have the opportunity to do that with alcohol. Drug-free schools, drug-free prisons, this whole idea of anti-addiction medication is a unique provision that deals with the question of trying to get medicines not to be addictive, such as some of the over-the-counter medicines that appeal to those who take drugs, but they appeal also to those who take alcohol.

I would only say to the authors of this bill, it will be hard to say no to the bill, but I raise the question of concern of this very serious issue with the treatment question. I wish General McCaffrey would have come and we could have embraced an encompassing bill that talks about prevention and treatment. One of the reasons, of course, is that part of this whole aspect of drugs in inner-city communities. And this is not an inner city bill, I recognize this is a bill for America and I am supporting it, but there are unique concerns in our urban centers, and one of them happens to be HIV that happens to be transmitted by dirty needles. I wish General McCaffrey had been able to see the light on the dirty needles issue and that the Drug Demand Reduction Act could have included a viable policy that has been excluded.

And lastly, as I close, let me say it is important we not ignore, not ignore the devastation of alcohol and that we come again around the circle, whether it is General McCaffrey, or maybe we need a drug czar on alcohol. I am sorry to hear we might have had our friends in the alcohol lobby that disagree with us, because responsible drinking is important, but we cannot do it without the backdrop of explaining to people the devastation of drinking. Kids can go get 12 cans of beer, a six pack, let me not exaggerate, and be just as high as if they were using drugs.

So I would thank the gentleman from Massachusetts. I thank the proponents of this bill. I hope, Mr. Chairman, that we will come around to making this a complete bill in the years to come, but I do support the legislation.

Mr. Chairman, I rise to speak on behalf of this bill, which authorizes funds to be used to reduce the demand of drugs throughout the country through the use of innovative programs.

This bill represents a strong attempt to tackle the drug problem at its most important stage, the beginning. It includes a $195 million anti-drug media campaign, to further encourage our young children and teens to stay away from drugs.

H.R. 4550 also seeks to protect our children by instituting a voluntary drug testing program, to be used in conjunction with the issuance of driver's licenses to teenagers. This is an important element to this piece of legislation, simply because it places an extra, precautionary step in the process of giving a car, which we all know can be extremely dangerous in the hands of an intoxicated person, to a teenager.

Furthermore, this bill authorizes funds to be used by schools and non-profit parent groups for the purposes of reducing the use of drugs amongst children and teens. This measure is extremely important because it puts further power in the hands of the people that directly supervise our children—parents, and school authorities who stand in loco parentis.

Children are not the only beneficiaries of this bill. H.R. 4550 also includes a $10 million commitment to prevent the use of drugs in the workplace, and especially in small businesses. This is important because it gives small business owners incentive to enact some of the same programs and policies being used effectively by larger businesses and government entities around the country.

I also strongly support this bill because it shows a newfound committment to drug treatment. Treatment and recovery programs are crucial to fighting the war on drugs. Not only does it help stem the recidivism that plagues our criminal justice system, and therefore, save the taxpayers their hand earned money, it also stays true to the concept that we do not leave our wounded on the battlefield of this terrible war.

I firmly believe that to have a strong, comprehensive, and national drug policy, we must fully engage in efforts to prevent children and adults from wanting to take drugs in the first place. We must also extend our hands to help our fellow citizens whose momentarily lapse of strength has led them to drugs, and who want to recover to be participants in our society once again. I believe that this bill does all of those things, and urge you all to vote in favor of this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LATHAM:

Page 49, after line 19, insert the following:

TITLE IV—DRUG DEALER LIABILITY

SEC. 401. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1998".

SEC. 402. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring an or maintain an action under this section unless all of the following conditions are met:

"(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

"(2) The individual has not used an illegal controlled substance within the 90 days before filing the action.

"(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action.".

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability.".

Mr. BARRETT of Wisconsin. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

The gentleman from Iowa (Mr. LATHAM) is recognized.

Mr. LATHAM. Mr. Chairman, as a member of the Speaker's Task Force

For a Drug-Free America, I commend my good friend, the gentleman from Ohio (Mr. PORTMAN), for providing a platform to address the national tragedy of drug trafficking and abuse. Unfortunately, this is a growing trend across the Nation. For years, the Midwest States thought themselves immune from the drug problems on America's coasts and in the big cities. However, that is no longer the case.

In fact, nowhere is the drug problem growing faster than in America's heartland. As the Speaker noted earlier today, my home State of Iowa is experiencing an unprecedented influx of methamphetamine from Mexico and regional clandestine laboratories.

Meth is as addictive as crack cocaine and the stimulation, or high, is sustained much longer. Violent crime, destruction of families, and the greater likelihood for damage to the fetus of a meth-abusing mother make this an epidemic that has much more severe monetary costs as well, creating additional problems and challenges for law enforcement and human service providers in the Midwest.

Drug-addicted babies are clearly the most innocent and vulnerable of those affected by illegal drug use and are often the most physically and mentally damaged due to the existence of the illegal drug market in a community. For many of the addicts, babies and adults alike, the only hope is extensive medical and psychological treatment, physical therapy, and special education.

All of these potential remedies are very expensive. These babies, through their legal guardians and through court-appointed guardians, should be able to recover damages from those in the community who have entered and participated in the marketing of the types of illegal drugs that have caused their injuries.

The amendment I am offering today, based on my bill H.R. 4204, The Drug Dealer Liability Act, is modeled after similar legislation recently enacted in the States of California, Arkansas, Illinois, Michigan, Utah, Georgia, Louisiana, Indiana, Hawaii, South Dakota and Oklahoma. The amendment is intended to provide a civil remedy for damages to persons in a community injured as a result of illegal drug use. These persons include parents, employers, insurers, health care and drug treatment providers, as well as drug-addicted babies. This amendment would enable them to recover damages from those persons in the illegal drug market who profited from their pain or loss.

It is my hope that the prospect of substantial monetary loss made possible by The Drug Dealer Liability Act would also act as a deterrent to entering the narcotics market. In addition, this amendment would establish an incentive for users to identify and seek payment for their own drug treatment from those dealers who have sold the drugs to the user in the past. While this legislation is not intended to be a silver bullet, it is another tool to combat and deter drug abuse and trafficking.

Today, in 39 States, it is not clear under established law that families who lose a child to drugs or a drug baby needing treatment and special education can compel dealers to pay for the injuries they cause. This is true even though in most States a producer of a product that injures a consumer can be liable for the injuries resulting from the use of that product. The Drug Dealer Liability Act fills the gap to make drug dealers liable, under civil law, for the injuries to the families of drug users.

The first lawsuit brought under a drug dealer liability law resulted in a judgment of $1 million in favor of a Michigan drug baby, and more than $7 million to the City of Detroit's expenses for providing drug treatment for the city's prison inmates.

In addition, this bill could fill a possible gap in asset forfeitures by law enforcement resulting from the decision handed down by the U.S. Supreme Court in June that may, under some circumstances, rule total forfeiture of a defendant's assets as an excessive fine under the eighth amendment's excessive fines clause.

Let us pass this amendment and give the victims of the illegal drug market an opportunity to hold the dealers of this poison accountable under criminal and civil law.

Again, I urge my colleagues to support the Latham amendment.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. BARRETT) insist on his point of order?

Mr. BARRETT of Wisconsin. Yes, I do, Mr. Chairman. It is not germane to this bill, and I cite clause 7 of rule XVI. The subject matter of civil liability is not broached by the underlying bill and, consequently, this amendment is not germane to the bill.

The CHAIRMAN pro tempore. Does the gentleman from Iowa (Mr. LATHAM) wish to be heard on the point of order?

Mr. LATHAM. Well, I will concede the point of order, Mr. Chairman. But, quite honestly, when we look at the entire situation we have, we have to find some way of holding people accountable for their actions.

I think this is an opportunity that we will be missing by this point of order to hold people who are destroying children, babies, people all over this country, with no consequences as far as their civil liability. They are able to profit. Unfortunately, I understand the point of order, but I think it really is very unfortunate that it be insisted upon.

The CHAIRMAN pro tempore. The gentleman concedes the point of order? Does any other Member wish to be heard on the point of order? Hearing none, the point of order is conceded and sustained.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was hoping to rise before the point of order was ruled upon to support the amendment offered by my colleague on the Drug Task Force, the gentleman from Iowa (Mr. LATHAM).

Under current Federal law, individuals who are injured by the Federal drug trade have only one remedy and that is criminal prosecution. The problem with this is that while the drug dealer goes to jail, the victim or victims have no personal civil remedy. The Latham amendment would have changed that. The gentleman's amendment introduced the concept of civil liability to the Federal drug code.

□ 1915

The amendment is modeled after civil liability laws in 11 States. In those States not only do the dealers face jail time, they open themselves up to civil judgments every time they sell drugs. Parents of drug users, drug babies, employers, health insurers and local governments in those 11 States now have legal standing to recover the negative costs associated with drug use. Under this law, as the gentleman from Iowa stated, the city of Detroit recently was awarded $7 million in damages for drug treatment expenses in its jails.

Mr. Chairman, earlier today we passed the Western Hemisphere Drug Elimination Act. I was a cosponsor of that bill because I believe we need to dedicate more resources to the interdiction of drugs before they get to the United States. But I also believe that Congress needs to focus more attention on reducing the demand for drugs stateside. One way to address the drug demand is to ensure that drug dealers are punished more severely, both criminally and personally. The Latham amendment does that. It says to the drug dealer that you will be held both criminally and civilly liable for the drugs you deal.

This amendment is not about abdicating the responsibility of the drug user. Under this amendment, a drug user could pursue a civil remedy, a civil suit against the drug dealer only if the user cooperates with authorities, has not used drugs within the 90 days prior to the filing of the lawsuit and remained drug-free during the duration of the lawsuit.

Mr. Chairman, the Latham amendment reduces the incentive for individuals to become involved in the drug trade. It was a good amendment. It is a good amendment. I would hope that it will receive further attention and widespread support.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I, too, want to commend the gentleman from Iowa (Mr. LATHAM) for his efforts on the task force and also for his amendment today which I think would provide an additional reason for people not to get involved with drugs and it would be a powerful remedy for victims of drug abuse. I understand that the point of order has been sustained, but I wanted to add to what the gentleman from Washington (Mr. NETHERCUTT) said about the importance of this legislation. Perhaps we can work on it in the future.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday the majority decided to subvert the legislative process and turn a much supported and noncontroversial bill, the reauthorization of the National Center for Missing and Exploited Children, into a controversial bill grounded in bad juvenile crime policy. Today we find ourselves about to pass another allegedly noncontroversial bill, the Drug Demand Reduction Act, but without the opportunity for public review or comments so we cannot be sure whether it is controversial or not.

Yesterday when we passed the bill that increased the number of juveniles to be treated as adults, we ignored the fact that the adult time that the juveniles will get for their adult crime will for the affected juveniles be actually less time as an adult rather than more time as an adult.

We need to subject these ideas to public scrutiny and comment rather than basing our decision solely on soundbites. Needless to say, this bill has been introduced very recently. It was referred to the Committee on the Judiciary, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on Small Business, the Committee on Education and the Workforce and the Committee on Transportation and Infrastructure, but none of those committees have had hearings. There has been no opportunity for our people to subject the bill to scrutiny. No input from criminologists or medical doctors or sociologists or victims or budget analysts. No opportunity to prioritize this spending as opposed to other ideas that people may have.

Because there might be some good ideas, I am going to vote for the bill, but it is no way to legislate.

AMENDMENT OFFERED BY MR. PORTMAN

Mr. PORTMAN. Mr. Chairman, I offer an amendment on behalf of the gentlewoman from New Jersey (Mrs. ROUKEMA).

The Clerk read as follows:

Amendment offered by Mr. PORTMAN:

Page 39, after line 8, insert the following the following subparagraphs:

(K) one shall be a representative of the American Psychiatric Association;

(L) one shall be a representative of the American Academy of Child and Adolescent Psychiatry; and

(M) one shall be a representative of the American Academy of Addiction Psychiatry.

Page 38, line 3, strike "10 voting members" and insert "13 voting members".

Page 39, line 6, strike "and" after the semicolon.

In section 211(g)(2), strike "the presence of" and all that follows and insert "the presence of 7 members.".

Mr. PORTMAN. Mr. Chairman, this is a very simple amendment to add to the Commission on Medical Education three psychiatric group representatives whose opinions and views will be very important to the commission. This commission is established under our legislation which in essence helps bring together the representatives from all the leading medical groups to help study and report on methods to enhance prevention, diagnosis and treatment of substance abuse by medical professionals through initial and continuing medical education.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, we have reviewed this amendment and it is acceptable to our side.

Mr. PORTMAN. I thank the gentleman. I appreciate his working with us on this. I think this is a very important aspect of the legislation to help medical professionals diagnose and treat addiction, and I think it is appropriate and important that we add the perspective of the psychiatric groups. I thank the gentlewoman from New Jersey (Mrs. ROUKEMA) for bringing this to our attention.

Mrs. ROUKEMA. Mr. Chairman, I am most pleased that Representative PORTMAN offered my amendment since a television interview preceded my being on the floor, my amendment would add three important groups to the Commission created in this bill that is charged with studying the role of medical education in reducing substance abuse.

The National Commission is responsible for making recommendations on how medical education can be improved to better respond to the needs of patients with substance use disorders.

My amendment would add the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry and the American Academy of Addiction Psychiatry to this Commission.

The American Psychiatric Association is the national medical speciality society representing more than 40,000 psychiatric physicians. Through education, training, and clinical experience psychiatrists are among those on the front lines of the diagnosis and treatment of substance use disorders.

The second organization, the American Academy of Child and Adolescent Psychiatry, is the national organization representing more than 6,000 physicians with at least 5 years of additional training beyond medical school in both general and child and adolescent psychiatry.

And the third organization, the American Academy of Addiction Psychiatry, is the national organization representing more than 1,000 board certified psychiatrists who have specialized in addiction psychiatry.

All three of these organization make vital contributions to the diagnosis and treatment of substance use disorders across the general population, as well as in particular at risk populations such as children and adolescents.

As a result, this Commission would be well-served to have the benefit of input from these three commendable organizations.

The CHAIRMAN pro tempore (Mr. GIBBONS). The question is on the amendment offered by the gentleman from Ohio (Mr. PORTMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 281, not voting 30, as follows:

[Roll No. 443]

AYES—123

Aderholt
Bachus
Ballenger
Bartlett
Barton
Bilbray
Bilirakis
Bishop
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cunningham
Deal
Dickey
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Gallegly
Gibbons
Gilman
Goode
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hayworth
Hefley
Herger
Hilleary
Hostettler
Hunter
Inglis
Istook
Jenkins
Jones
LaHood
Largent
Latham
LoBiondo
Maloney (CT)
McCollum
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Nussle
Packard
Pappas
Parker
Paxon
Pease
Pickering
Quinn
Radanovich
Riley
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Traficant
Turner
Upton

Walsh
Wamp
Watkins
Weldon (FL)
Weller
White
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—281

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Christensen
Clement
Collins
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Goodlatte
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Sensenbrenner
Serrano
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tanner
Tauscher
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)

NOT VOTING—30

Bateman
Blunt
Boswell
Brady (TX)
Clay
Clayton
Clyburn
Danner
Dicks
Fazio
Gejdenson
Gonzalez
Goss
Harman
Hefner
Horn
John
Lantos
Meeks (NY)
Peterson (PA)
Poshard
Pryce (OH)
Riggs
Schumer
Stokes
Tauzin
Towns
Waters
Wexler
Yates

□ 1943

Messrs. LINDER, LEWIS of California, BERRY, DIAZ-BALART and WATTS of Oklahoma changed their vote from "aye" to "no."

Messrs. PARKER, DICKEY, ADERHOLT, GILMAN, GALLEGLY, JONES, BARTLETT of Maryland and INGLIS of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1945

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, illegal drug use is the single most serious problem facing the United States and I am proud to support this bill which will reduce the demand for illegal drugs in this country.

Strong interdiction and law enforcement programs alone cannot win the war on drugs. We must possess an effective effort to reduce the demand for illegal drugs and I commend Mr. Portman for moving this very important bill.

This bill enhances the ability to test employees for illegal drugs.

This bill also improves the effectiveness of drug awareness programs in schools and ensures that the money we spend to make children aware of the dangers of illegal drug use is used wisely.

Illegal drug use is the common denominator in the problems facing America. Illegal drugs are the reason why our health care costs are so high—with emergency room visits from drug overdoses and the victims of drive-by shootings.

Thousands of babies are born each year addicted to illegal drugs and illegal drug use contributes to the rapid spread of AIDS.

Illegal drug use is also behind most of the violence in this country. Over 50% of all men arrested for homicide test positive for illicit drugs at the time of arrest and illegal drugs are a factor in half of all family violence, most of it directed against women and children.

Illegal drugs are also the single most serious problem facing America's educational system. It has always bewildered me how President Clinton can claim to be the education President when drug use by school age children has doubled since he was elected president.

There is an obvious connection between the increase in illegal drug use which has occurred since President Clinton first took office and the educational problems facing our nation.

Illegal drug use has doubled since this President took office and according to the most recent reports drug use is still on the rise among eighth graders.

A person who uses illegal drugs is five times more likely to drop out of school than a non drug user. Scientific studies show that illegal drugs—including marijuana—rob students of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning.

A recent study of 11th graders in our major cities showed that over half of the heavy drug users dropped out—twice the rate of those who are drug-free.

During the Reagan/Bush years drug use dropped, from 24 million in 1979 to 11 million in 1992. These hard fought gains were wasted by President Clinton.

There is not a parent in America who sends their children off to school without worrying that they will become exposed to illegal drugs. And it is not just teenagers anymore. Parents now need to be very concerned about 7th and 8th grade children getting involved with illegal drugs.

Today in America one third of all high school kids smoke marijuana.

Today, more than half of all high school seniors have admitted to using illegal drugs. Since President Clinton was first elected the trends of casual drug use for high schools students have reversed and increased for virtually every illegal drug, including heroin, crack, cocaine, LSD and marijuana. This rise in teenage drug use also correlates closely with rising violence in our schools.

A recent study has also shown that students with the lowest grades were four times more likely to use marijuana in the past month than those with the highest grade point average.

Since 1992, marijuana use has jumped 150% among 12 and 13 year old students and 200% among high school students. Nearly 1.5 million more middle school and high school students use illegal drugs than when President Clinton was first elected.

I repeat, you cannot claim to be a President who cares about the education of our youth and not care about the illegal drug problem in this country. And President Clinton has demonstrated by his words—or lack of words—and by his deeds that he is not serious about winning the war on drugs. And our school systems have the casualties to prove it!

I commend Congressman PORTMAN for his find work on this demand reduction legislation and ask my colleagues to support the bill.

The CHAIRMAN pro tempore (Mr. GIBBONS). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DICKEY) having assumed the chair, Mr. GIBBONS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs, pursuant to House Resolution 538, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair would put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 9, not voting 29, as follows:

[Roll No. 444]

AYES—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—9

Conyers
Dingell
Frank (MA)
Nadler
Obey
Paul
Scott
Skaggs
Waxman

NOT VOTING—29

Bateman
Bereuter
Blunt
Brady (TX)
Buyer
Clay
Clyburn
Danner
Dicks
Fazio
Gejdenson
Gonzalez
Goss
Harman
Hefner
Horn
John
Lantos
Meeks (NY)
Poshard
Pryce (OH)
Riggs
Schumer
Stokes
Tauzin
Towns
Waters
Wexler
Yates

□ 2006

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUNT. Mr. Speaker, on rollcall No. 444, I was inadvertently detained. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4550, DRUG DEMAND REDUCTION ACT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4550, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4550.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLILEY, OXLEY, TAUZIN, COX of California, WHITE, DINGELL, STUPAK, and Ms. ESHOO.

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, because of the visit from Energy Secretary Bill Richardson in my district, I missed roll call votes 426 to 430. Had I been present, I would have voted yes on roll call 426; yes on roll call 427; yes on roll call 428; yes on roll call 429; and yes on roll call 430.

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION, FY 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

ELECTION OF MEMBER TO COMMITTEE ON SCIENCE

Mr. PALLONE. Mr. Speaker, at the direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 540) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives: Committee on Science, Mr. Sherman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENFORCING SECTION 907 OF THE FREEDOM SUPPORT ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROGAN) is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, the United States has a two-centuries old tradition as the standard bearer of freedom, democracy and the promotion of human rights abroad. When the liberty of men and the expression of their ideals have been threatened, our Nation has waged political, economic and military battles against the oppression. We in Congress must be mindful of this obligation and continue to enforce the Freedom Support Act of 1992.

For 9 years, the government of Azerbaijan has enforced a cruel and inhuman blockade of Armenia and Nagorno Karabagh. This embargo is still in effect today. As a result of the economic choke-hold, a bipartisan group of legislators included a provision to the Freedom Support Act known as section 907. This clause prohibits U.S. aid to Azerbaijan until its government takes steps to lift the blockade.

Mr. Speaker, tomorrow the House will consider the Foreign Operations Appropriations bill. This measure includes language that will repeal section 907, thereby lifting U.S. sanctions against those who chose to block the free market expression and expansion of other nations. I urge my colleagues to reconsider striking this important provision.

We in Congress have an obligation to the Constitution and to our own conscience. We must do our duty to promote the cause of democracy, while sending the message that human rights violations and actions that compromise the expansion of democracy simply will not be tolerated.

□ 2015

PRINCIPLED LEADERSHIP IN AMERICA

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I want to take a few minutes tonight to offer my perspective on the importance of principled leadership in America today.

It is always helpful to reflect on lessons learned from the rich history of our country. We have thrived as Americans because of the principles upon which our Nation was founded: truth and justice, freedom and responsibility. These principles are sacred. They are inspired and they represent eternal significance.

Truth has always been the cornerstone of a civilized Nation. Justice and the rule of law are essential for those who want to live together in peace. And freedom, of course, depends upon personal responsibility. If we really think about it, this is what America is all about and we are nothing without it.

If we do not stand for truth, then by our silence we condone lies. If we do not stand for justice, then by our silence we condone injustice.

The struggle to preserve these American ideals has taken place on battlefields around the world and it is a struggle that takes place each and every day in America in our homes, in our workplaces, and in our courts.

Parents do their best to teach their children to be honest and trustworthy. Moral behavior is important to parents across America. This does not mean that we are perfect. It does mean we want our children to grow up with a sense of how important the truth is and how damaging immoral behavior can be, how damaging it can be to our children and to others.

Truth and justice are also very important in the American workplace. Relationships between men and women in the workplace have become more and more complicated. Sexual relations between employees, particularly between supervisors and employees, which in times past might have remained secret, today have become more public. Why? Because there are times when these relationships impact justice and fairness in the workplace.

If a workplace sexual relationship results in a promotion or a demotion, or involves using peers or subordinates to facilitate, conceal, or lie about a relationship, it is no longer a private matter. It involves basic justice and fairness in the workplace. Which leads me to one of the key battlefields for truth and justice in America: That is the courts.

Lying under oath is a serious crime, so serious that it is a felony under Federal law. Since Bill Clinton became President in 1993, 323 Americans have been sentenced to prison in United States District Court for committing perjury. These 323 Americans have been sentenced to an average of 2½ years in Federal prison.

Why is lying treated so severely under Federal law? Because justice is at stake. We want our citizens to respect the law and not trivialize it. Honesty is so important, it simply cannot be brushed aside. Without honesty and trust, the whole system begins to break down.

Mr. Speaker, in the past several weeks I have heard over and over again from some people that we should simply forgive bad behavior and get on with the business of the country. The truth is, when some people say we should forgive bad behavior, they are really asking us to tolerate bad behavior. There is a world of difference between the two. Forgive? Yes. Tolerate? No.

There are those who are hoping that the things we are going through today will make us stronger. But to claim that somehow this is good for America is just plain wrong. Can we learn from this situation? Yes. But the cause of the damage cannot be relied upon to lead us through the healing process.

The time has come for President Clinton to resign. If he is unwilling to do so, there is a constitutional process to address the matter at hand. I have every confidence that my colleagues and I can and will work to ensure that respect for truth and justice will ultimately prevail.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 2 OF HOUSE RESOLUTION 477

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act of 1974, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the 302(a) allocation for the House Committee on Appropriations, pursuant to section 2 of House Resolution 477, of $3,713,000,000 in additional new budget authority and $21,000,000 in outlays for fiscal year 1999.

As reported by the House Committee on Appropriations, H.R. 4569, a bill making appropriations for Foreign Operations, Export Financing, and Related Programs Appropriations Bill for Fiscal Year 1999, provides $3,361,000,000 in budget authority and $0 in outlays for the international Monetary Fund and $352,000,000 in budget authority and $21,000,000 in outlays for arrearages for international organizations.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address an important topic, that is that we want to make sure that we eliminate breast cancer in our lifetime.

Mr. Speaker, studies predict that one in nine women will develop breast cancer in the course of their lifetime. Breast cancer is the second leading cause of cancer deaths among American women. Last year, approximately 44,000 women died from it.

Mr. Speaker, the best hope women have to detect breast cancer and ultimately survive is a screening mammography, an X-ray procedure that can detect small tumors and breast abnormalities up to 2 years before they can be detected by other means. Congress wisely enacted the 1992 law to promote the use of mammograms.

Over 90 percent of the cases of breast cancer in these early stages can be cured. The original bill required that mammography facilities use only radiological technologies and equipment designed for mammography; use only qualified physicians able to interpret mammogram results; establish quality assurance and control programs to assure the reliability, clarity, and accurate interpretation of mammograms; to undergo inspections by qualified inspectors on an annual basis; and be subject to accreditation by a Health and Human Services-approved organization.

Mr. Speaker, the Centers for Disease Control and Prevention, CDC, reports that among women aged 50 and older, the proportion receiving mammograms in the past year has increased from 26 percent to 57 percent. Among women aged 40 to 49, the increase over the past 2 years was from 59 percent in 1990 to 66 percent in 1995.

So I commend the House this week for approving legislation that I support, which is the Mammography Quality Standards Reauthorization Act, which establishes national uniform standards for mammography and adds the following key provisions this year:

It clarifies the responsibility of the mammography facility to retain mammogram records for at least 5 years, or at least 10 years if the facility performs no subsequent mammograms, in order for women to obtain their original mammogram; it establishes that both State and local government agencies have inspection authority; and, it ensures that patients and referring physicians will be advised of any mammogram facility deficiencies; and, requires that direct patient notification be written in layman's terms.

Mr. Speaker, in conclusion, we can cure breast cancer in our lifetime, but we must encourage our grandmothers, our mothers, our wives, our sisters and daughters to get annual mammograms and continue our work to double the NIH budget, the National Institutes of Health, so we can have the research, the education, and the testing so that we can cure breast cancer in our lifetime.

PRESERVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to discuss the need to strengthen Social Security for the long term. I just wanted to say that I think a lot of people are not aware of how successful the Social Security program has been.

Of course it was created by Franklin Roosevelt quite a long time ago in the wake of the Great Depression, but it has been our most successful domestic program in the Nation's history.

Just to give some examples, Social Security has kept millions of retired seniors from living in poverty by providing a guaranteed cash benefit with a lifetime protection against inflation. For about two-thirds of beneficiaries, Social Security provides about half of their annual income; and, for 30 percent of beneficiaries, Social Security provides 90 percent of their annual income.

Social Security is the only source of income for one in every six older Americans. And in large part, Social Security relieves today's workers of the economic burden of supporting their aging parents.

In addition, the comprehensive benefits provided by Social Security saves millions of families from financial disaster in the event a worker's death or disability. Finally, 39 percent of all Social Security benefits are paid to workers who become disabled, survivors of deceased workers, and spouses and children of retired and disabled workers. So this, again, is our most successful program in the Nation's history.

That is why I think that it is so important that all Americans be aware of what the Republican leadership wants to do with the projected Federal surplus. They are supposed to vote on this in the House Committee on Ways and Means as early as tomorrow. I think that young people and seniors alike should be concerned with the Republicans' intention to use budget surpluses for tax cuts, instead of saving that money until we have developed a way to protect Social Security for the long term.

What we are hearing from the Republican Leaders that is going to be voted on in committee tomorrow is a tax cut plan that would cost $80 billion. That sum is so large that it could not be financed without dipping into the budget surplus, which incidentally we do not even have. We have not seen it yet.

We talk about, and the media talks about a budget surplus, but we do not really know exactly what it consists of or whether it is real. The CBO, the Congressional Budget Office, in fact estimates that were it not for a surplus in the Social Security trust fund, the total Federal budget for this year would indeed be in a deficit.

So what we really know is that without the application of the trust fund, the money from the Social Security Trust Fund, in fact, there would be no surplus at all. That is why we need to guard against what the Republicans are proposing to do tomorrow. I will explain it a little more, and I have the gentleman from Texas (Mr. GREEN), who is going to join me as well.

Mr. Speaker, as many people are aware, and I hear this a lot at town hall meetings and the senior forums that I have in my own district, particularly during the August recess, the Federal Government uses the surplus in the Social Security Trust Fund to fund other government programs. In effect, the government borrows from Social Security. So if there is excess money or surplus in the Social Security Trust Fund, it is essentially lent to the Federal Government and the Federal Government uses it for other purposes.

Now, it seems only logical then that when the Federal budget realizes a true surplus, in other words when the general revenues are in surplus, that that surplus be used to pay back what has been borrowed from Social Security. That is what Democrats have been saying ever since we realized that the Federal Government may have a surplus sooner that was expected.

Let me say again in a few more words that when we passed the Balanced Budget Act last year, we did not anticipate that there was going to be a surplus for some time. But because the economy has been good this year on an annual basis, we understand that there may in fact be a surplus. But that is only in general revenues. That has nothing to do with the Social Security money that people pay, wage earners pay in their taxes on a regular basis when they earn a certain income.

So even though there may be a slight surplus in general revenues at the end of this year, we have borrowed so much money from the Social Security Trust in the past, and we will continue to do so this year, that that little surplus in general revenue does not make up for the money that we have borrowed from the Social Security Trust Fund.

So what we are saying is that if we add that money borrowed from Social Security, in effect we have no surplus since we have to pay that money back. Whatever money is generated annually through general revenues should be applied ultimately to pay back what is owed to Social Security.

Back in January, the President said in his State of the Union address that he believed that Congress should not touch whatever surplus and revenues are generated this year until lawmakers come up with a plan to shore up Social Security for the long-term. We know that 20 years from now, there is not going to be enough money in the Social Security Trust to pay the beneficiaries at that time because a lot more younger people, the baby boom generation, will be retiring at that point and we will need more money in the Social Security Trust Fund. In addition to that money, that has to be paid back. The President believes, as I do, that protecting Social Security should be a bipartisan goal and he recently made a radio address stating that Republicans and Democrats alike must maintain fiscal discipline, setting aside the surplus until we save Social Security.

Let us talk a little bit about this bill. A number of my colleagues and I, going back to February after the President's State of the Union address, a number of our Democratic colleagues back then in February introduced H.R. 3027. This establishes a fund called the "Save Social Security First" reserve fund to hold all Federal budget surpluses.

□ 2030

It literally says the funds shall be used to save budget surpluses pending Social Security reform.

This is a very simple bill that was introduced by a lot of the Ways and Means members back in February. And if the Republican leadership would just bring this bill up on the floor tomorrow, which they could do, then we could easily pass it, it could be signed into law, and we would know for sure that any action that was taken in terms of taxes or spending would, in effect, require first that the surplus go into Social Security.

Obviously, the Republicans are not bringing up that bill and, instead, what we are hearing is that they are going to bring up this tax cut that is going to cost the surplus $80 billion. And that, of course, will really have an impact on the Social Security Trust Fund because it will mean that we have $80 billion less that we can apply towards Social Security.

I would like at this time, there is a lot more that I could say on this, but I will at this time yield to my colleague, the gentleman from Texas (Mr. GREEN), who has expressed concern about this issue before on the floor, and who is here with me tonight, so we can try to get a little more light on this subject to the American people and our colleagues.

Mr. GREEN. Mr. Speaker, I want to thank my colleagues from New Jersey for requesting this time tonight. I know it is 8:30 on the East Coast, but it is 7:30 in Texas and our folks are just getting up from the dinner table, so we can let them know what is happening in Congress. I heard some of my colleagues in earlier 5-minute special orders, and I agree that truth and righteousness should have the first place in our society and our halls of Congress and our Government. But what I am concerned about is all the smoke and the fire on what is happening with the President's problems may be masking what may be happening over the next week or 2 here with this tax cut bill that comes up.

I am glad the gentleman pointed out that there really is no budget surplus; that until we pass legislation to remove the receipts of Social Security from the unified Federal budget, that we will not have a surplus because Social Security receipts, those that are paid in by employees and employers, are part of the general revenue, supposedly, of the Federal Government, even though it cannot be used for our other programs. So it is masking the deficit.

Sure, we have a balanced budget using funny numbers. Or we have a surplus this year, at the end of this month, using funny numbers, but the American people ought to deserve the truth. We talk about truth from the President, let us tell them the truth here.

In fact, I remember when our Republican colleagues were not in the majority that there was a bill that they were talking about that would remove the Social Security Trust Fund from the budget. I agree with that. In fact, why do they not bring that bill up tomorrow? They could do it without committee meetings or committee hearings. They have done that so often this year with bills anyway. We can bring a bill up that removes the Social Security receipts from the Federal budget and we will have actual honest budgeting.

That would be a great bill, and I would hope that we would have a majority on each side to pass it, and the Senate, and send it on to the President. Maybe that is the honesty we need to have on ourselves and to say let us be honest with the American people about the real Federal budget deficit, or the Federal debt.

We talk about a surplus this year. The economy is good. More people are paying taxes, welfare rolls are down, and that is great, but it is masking the Federal deficit for this year because of Social Security receipts. It is not honest budgeting and we ought to fix it. I am saying that as a minority member because I cannot bring up a bill on the floor of the House, but my Republican colleagues can, and so they ought to do that.

I have town hall meetings, like everybody else does, and I have heard even my Republican colleagues and leadership about how they want to safeguard Social Security first and to pay down the debt. I agree with that. Why do we not do that? Why do we not give a tax cut? They say, well, we are going to give two-thirds to Social Security. That is not the case. That is smoke and mirrors, because that money, until we actually have an honest Federal budget, that money is Social Security. That money is Social Security receipts that is being paid for by employees and employers so they will have a retirement income. Maybe not enough to buy them a Cadillac but maybe enough to buy them a used Chevy when they retire.

Social Security was established 60 years ago after our Great Depression to combat poverty and, most importantly, to protect the elderly. Today, two-thirds of our elderly rely on Social Security to keep them out of poverty when they retire. It is estimated that 44 million workers and their families across the country receive Social Security benefits. Knowing the vital role it plays in our lives and many Americans, how can we even consider risking its future?

We have this surplus, the first one on an annual basis since 1969, although, again, it is masked. In 1969, we did not include Social Security receipts into the Federal budget. Sometime in the seventies, Congress did that to mask the Federal deficit. And now, because we have that, that is the first step we ought to make instead of giving tax cuts, even with smoke and mirrors by saying two-thirds is going to the Social Security, because it is not. Every penny we take out is taking away from the Social Security Trust Fund.

In 1993, we recognized that the financial solvency of Social Security would be a major challenge. And that is when we were in the majority, by the way. We also recognized that in order to protect its financial security we had to balance the budget. Fortunately, today, we are closer to that balanced budget and are, hopefully, heading in the right direction. But to say that we have a surplus and so let us go shopping is really outrageous.

And that is, I think, the truth and honesty that we are worried about in our country. We need to have truth and honesty on the floor of this House and when we are talking to our constituents and the American people about what is being done with their tax dollars and these budget gimmicks that we are living with today.

According to my Republican colleagues, we have a surplus. Does that mean we can then provide tax cuts while at the same time continuing to borrow from Social Security, which is what we are doing? I am not a mathematician, but I know that if we borrow money, it is because we do not have that money left over to pay our bills. So we are continuing to borrow from Social Security.

In my district, the average income is a little over $20,000 a year. Few of them will benefit from the proposed tax cuts, but many of them would be devastated if they lost their retirement income in Social Security. Let us not kid these people. Let us not say that we are safeguarding Social Security with two-thirds of this imaginary surplus, because every penny of that is Social Security money masked and it is hidden. Again, I think we need to have some truth in taxation, truth in tax cutting, and we have a responsibility to save Social Security first.

We have a responsibility to continue our efforts for a balanced budget. We have no right to risk the retirement future not only of my father, who is 83 years old, but also of the generation who are 50, and 40 today, or the generation of individuals who are 30 and 40 who are paying into Social Security not only for their parents and their grandparents but also for their income so they will not be destitute when they retire. This means putting 100 percent of this surplus into the Social Security Trust Fund.

I remember my colleagues on the other side agreeing that their first priority, again, was to save Social Security. Well, now we hear, and we do not know what the bill may say until the bill comes out of the Committee on Ways and Means, but now they are saying, well, it is our first priority, that two-thirds of this will go to Social Security. It is not two-thirds of it. All of it should go to Social Security because it is Social Security receipts that they are giving back as tax cuts.

Again, what worries me is that in the year 2020 or 2029, when we say we will run out of money, we may have to reduce Social Security payments in 2020. I wonder how many people will look back at 1998 and say if the Republican Members of Congress had made some financially correct decisions, then we would not be in the shape we are today. I do not want to wait until 2020, because I may not be here, and neither will the gentleman from New Jersey, and, frankly, most Members of Congress may not be.

We need to make some reasonable decisions today and this week and before October. And again I call on my colleagues, instead of worrying about tax cuts, and I would like to have a tax cut, I would like to get my constituents a tax cut. That would be great. There are some things in that bill, I have heard, that actually is a bill that I introduced to give tax reductions for people who pay their insurance premiums when their employer may or may not provide insurance, may not provide their whole insurance premium. I would like to see that happen, but I would like to see it without jeopardizing Social Security, and that is what I worry that my colleagues on the Republican side are doing. They are willing to take the money and run and mask this deficit in smoke and mirrors, and that is what I worry about.

If we see that they are committed to putting Social Security at risk, they are playing with the lives of those individuals who have already paid into the system. Americans pay into the program and they have the right to rely on that for their retirement. Our first priority should be to strengthen Social Security and protect its solvency. We cannot do this without a real balanced budget. And I say a real one, not one that is using Social Security receipts to mask the budget deficit.

I am proud that this year, for the first time since the 1970s, we actually will have a balanced budget. But, again, it is not a balanced budget. There is no surplus until we not consider Social Security receipts. Again, I ask where that bill is.

I saw a poll that was mentioned today in Congress Daily that said 41 percent of the people surveyed would prefer to put all surplus funds into the Social Security Trust Fund. Another 28 percent would pay off the Federal debt. So 41 and 28, and only 23 percent favored using the money for tax cuts. But, again, when we ask another question and say, okay, wait a minute, if we have a surplus and two-thirds of the surplus goes to Social Security do you support it then? That question was badly worded because they did not say it is not real surplus, it is Social Security receipts that is causing that surplus and it is not honest budgeting.

So this poll our colleagues may be relying on may get a surprise when they see "the rest of the story", as Paul Harvey says; that over 70 percent of the American people want Social Security saved first and then pay down the deficit.

We have a $5 trillion debt that has been built up over the last 50 years, and yet we are not going to pay any part of that on the deficit. Again, we can only provide our own experiences in the real world, whether it is the gentleman's own personal life or the business that I help run. If we had a good year, we tried to pay off some of our equipment that we had borrowed on. Same thing. If we have a real surplus, let us safeguard Social Security first and then let us start paying down that $5 trillion plus debt that exploded in the 1980s when Congress gave tax cuts and increased spending at the same time. Bad fiscal management.

Let us do not make that same mistake in 1998 and try to have our cake and icing before we actually take care of the meat and potatoes of people's security in their retirement.

With that, I thank my colleague. I see my colleague from the Midwest is here, and I know it is good tonight to be able to talk about this, but I will be glad to thank my colleague for yielding the time to me.

Mr. PALLONE. Let me first thank the gentleman from Texas for the comments that he made. I would like to yield to the gentleman from Wisconsin, but let me, if I can, comment briefly on what the gentleman from Texas said, because I think it is so important.

The gentleman stressed how we were so successful and it took so long to get to the Balanced Budget Act, which was passed last year, and I think it is, in part, because of that and because we are not creating more deficits that our economy continues to be strong. Because I believe very strongly, I do not know what economists I can cite for it, but I am sure there is a lot of commentary to suggest that as we continued to build these deficits in the last 10 or 20 years, it had a negative impact on the economy. I think that a good part of the reason why the economy is doing well is because the Balanced Budget Act was passed and we are not creating more deficits.

But we have to go further with this because the bottom line is that we still have this money that is owed to the Social Security Trust Fund. And when that has to be paid back, and it has to be paid back with interest, the money has to come from somewhere, and I am concerned. And the gentleman talked about a good economy. We have to deal with this problem about how to pay back this money over the long term, which really has not been addressed yet.

In fact, if the economy gets worse, future generations may have to pass a tax increase to make sure they are paying the money back to the Social Security Trust Fund for the benefits to be there in 10, 20, 30 years when the need arises. What are the consequences if we do not have the money to pay back? And there may not be the will to pass a tax increase to pay for that in a few years. Then what happens to the benefits? They may not be there. They may cut back on the benefits as an alternative.

So this is really crucial in terms of where this Social Security program goes. We need to put that surplus in there to make sure that we are paying back this borrowed money, otherwise it may not be there for future generations.

I think the gentleman made the point well when he said that this is the time to think about it, when the economy is good, and not to just go head over hog in dealing with some tax relief program that puts us further into debt and does not solve the Social Security problem. So I just wanted to thank the gentleman again for that input.

I would like to yield now to the gentleman from Wisconsin (Mr. KIND).

□ 2045

Mr. KIND. Mr. Speaker, I thank my friend from New Jersey for yielding.

I want to commend both of my colleagues here tonight for staying this evening and talking about an issue that is incredibly important for the future of the country. We are at a pivotal moment as far as fiscal policy is concerned as a Nation. This time of year when it comes down to budget crunch time and the passing of the 13 appropriations bills, some crazy things happen. Although I am a new Member, I have had a chance to live through one budget cycle already and it is very discouraging to hear some of the comment, some of the talk that is happening, especially what might occur tomorrow in the Committee on Ways and Means, the tax-writing committee in this House, in regards to the tax cut and how that tax cut is going to be paid for.

When I was running for Congress and wanted to serve and represent the people in western Wisconsin, I made a promise to them then that I was going to be a fiscal watchdog, that I was going to keep an eye on their tax dollars and try to make fiscally responsible decisions. One of the proudest moments I have had so far as a freshman in this 105th Congress was the hard work that all of us put in, a lot of Members on both sides of the aisle, in negotiating a good bipartisan balanced budget agreement that we were finally able to come to agreement on last year that set a good blueprint for the next five years on fiscal decisions and tax policy in this country. It amazes me as a new Member that no sooner is the ink dry on those type of agreements that there are proposals out there that would virtually violate all the hard work and all the effort that went into reaching that agreement. That is what is coming up right now with this tax cut proposal. I think it could be incredibly harmful for the country.

Mr. Speaker, let me just amplify a few important points that the gentleman from New Jersey and the gentleman from Texas (Mr. GREEN) were talking about earlier. First of all, and the American people get this. The people back home on the main streets in Wisconsin, they get this. There is no budget surplus, not unless we are going to continue with the fraud and the tricky accounting procedure that has been perpetrated on the American people over the past few years about robbing from the Social Security trust fund in order to finance other government operations or tax cuts within the budget. They understand that. That is why they get a kick when I am back home talking about fiscal issues, they get a kick about all this talk about budget surpluses for the next 10, 15 years or so. They all know that there is this robbery going on with the Social Security trust fund. We need to take that off-budget, we need to set that money aside to anticipate the baby boomer generation that is going to start retiring early next century and we need to stop these budget accounting games that are going on right now. They find it funny that there is all this talk about a surplus. They are very supportive of protecting that trust fund in order to bolster and shore up the Social Security system.

It is amazing that the proponents, the advocates of this $80 billion or so tax cut that is going to work its way through the Committee on Ways and Means are admitting that what they are going to do is finance at least part of that tax cut by continuing to rob from the Social Security trust fund. That is just plain wrong. It is misguided policy. But at least they are acknowledging the fact that they are going to do that. They are up-front with the American people. I guess that is what elections are all about, surrounding issues such as this.

Another point that the gentleman from New Jersey already raised, that is, that the Social Security trust fund is there, not only to protect that and if we can move it off-budget, that is great, but by moving it off-budget, what we would in essence be doing, starting to pay back the $5.5 trillion national debt that has been accumulated throughout the many years of this republic. There is a golden opportunity that we face right now in order to do that, in order to get the trust fund off-budget and start going to work on paying off that $5.5 trillion national debt. It is an amazing price tag that we pay every year on just interest payments on that national debt. It is the third largest spending program in the Federal budget of roughly $250, $260 billion every year going to pay the interest payments on our national credit card for this $5.5 trillion in debt.

We face a great opportunity to do right with our senior citizens in the country, by protecting the Social Security system, but also by doing right for our children and grandchildren and future generations by starting to tackle this $5.5 trillion national debt, rather than trying to pass some election year tax cut gimmick. Because everyone knows that in an election year, people love to hear about tax cuts. But hopefully the American people are going to see through this, I am confident they are, because they already get the budget gimmick that is going on with the trust fund already and they are going to say no. They are going to agree with the President in his State of the Union address and what he has said consistently from day one on this issue, that is, not a new nickel, not a new dime for any new programs or any new tax cuts until we first shore up the Social Security system. I think that is a very wise and prudent policy.

Finally, the third point I want to raise, and again the gentleman from New Jersey touched on this, is that there is no guarantee that we are even going to see this surplus materialize over the next five or 10 or 15 years as CBO is attempting to calculate right now. It is very hard to calculate with any accurate projection what the fiscal numbers are going to look like a couple of months from now, let alone five or 10 years. When you wake up, America, and start taking a look around us and the international financial crisis that we are facing right now, I think that this highlights the concern that many economists have in this country that things can slow down dramatically as far as economic growth and productivity in this country because of the impact of the financial crisis in Asia and in Russia and in eastern Europe and the domino effect that that might have. We are seeing some very disturbing signs now in Latin America and in South America. All this is going to have an impact on the U.S. domestic economy as well. One-third of the growth that we have experienced over the past few years in this country has been export-related. If those markets dry up because of the financial crisis in those countries, that is going to have a tremendous slowing effect. The revenue projections are going to get thrown way off. But if we this year in an attempt to please voters in an election year try to pass this tax cut gimmick, then we are locked in on that. Everyone knows it is going to be virtually impossible to have to increase revenues at some later date to make up for a shortfall. We may have a repeat of what happened during the early 1980s. Our memory is young enough to remember what happened then when the Reagan administration came in and promised huge tax cuts that did pass in the first year of his administration, but the problem with that economic package was those tax cuts were not offset in the Federal budget. In fact, spending increased, primarily in defense-related projects. When you have a shortfall in revenues because of the tax cuts and an increase in spending, that led to the annual structural deficits that happened throughout the 1980s, early 1990s and now fortunately in this administration we have had six consecutive years of deficit reduction, we are heading in the right direction, we are starting to make the corner when it comes to true fiscal responsibility and doing right with the Social Security program, having a chance to pay back the national debt.

I read the other day that roughly 83 percent of the entire national Federal debt that we have today, the $5.5 trillion, roughly 83 percent of that was accumulated during the 1980s and early 1990s. This is a relatively new phenomenon in our Nation's history that we are laden with this very heavy national debt, we are paying this exorbitant national interest rate every year in the Federal budget, $250 billion every year in the budget to help finance the national debt. If we go down this road again, if we are going to be willing to take our chances with the economy with so-called surpluses and projected surpluses over the next five and 10 years, we could very easily find ourselves slipping back into those annual structural deficits again. That would be disastrous.

Two of the most credible voices when it comes to monetary and fiscal policy in this country today, Secretary Rubin of the Treasury Department and Alan Greenspan, Chairman Greenspan of the Federal Reserve, are in agreement on this issue. Both of them are on record. Chairman Greenspan and Secretary Rubin were just on Capitol Hill again today but both of them are on record as saying we need to be extremely cautious in how we deal with this so-called budget surplus. Obviously Secretary Rubin is in agreement with the President when he says no new tax cuts, no new spending coming out of the surplus until we first protect the Social Security program. Chairman Greenspan has reiterated time and time again when asked by Members of Congress in the Senate and the House what would be the best use of the surplus, and he said, "Let me tell you what you shouldn't do." This was about a month and a half ago when he was testifying on Capitol Hill. "What you shouldn't do is start spending the so-called surplus on any new programs or any new tax cuts before that surplus materializes." That was a point he has emphasized again and again and again. In fact, he is on record as saying the best use of any surplus, if you call it a surplus, is to start paying down this $5.5 trillion national debt, because of the economic activity that it is going to generate, the increased investment in capital, the increased production we are going to get out of the American workers by investment activity because it is going to lead, he said, to a lowering of long-term interest rates by the Federal Reserve. That ultimately is the big tax cut that everyone is going to benefit from. If we can maintain fiscal discipline, if we can continue reducing the deficit and move the trust fund off-budget, start paying back the $5.5 trillion national debt, that is going to give confidence in our financial markets, it is going to give confidence in the Federal Reserve Board to lead them to reduce long-term interest rates even further which is going to be a boon to the economy with increased investment and productivity, but also any American that has a credit card, that has to make house payments or car payments, are going to realize savings because of reduced interest rates. That is really where we should be going with our fiscal policy in this body, not jeopardizing the future of the Social Security program and the future of our children by hoping these surpluses are going to materialize. That would be disastrous.

Finally, let me just comment on some feedback that I received from the constituents in western Wisconsin who are very fiscally conservative. That is why I have so much fun representing them, because I come from the same cloth, I come from the tradition of Senator Bill Proxmire who was a fiscal hawk in the Senate for decades before that term was in vogue, before anyone was real concerned about deficits and Federal spending. I did a survey earlier this year asking my constituents what they think would be a wise use of the so-called budget surplus. The response was overwhelming, over 4,000 people responding on this simple survey back in the district. Over 80 percent of them, of my constituents said before we spend a nickel on a new program, before we have a nickel go to a tax cut, let us first shore up Social Security and start paying down the national debt. That was a very loud, a very resounding statement that the people at least in Wisconsin were sending to this representative in this body. I would hope that Members now pushing for this tax cut wake up and finally get that message from the rest of the American people because I do not think Wisconsin is all that different from what the average working person in this country is thinking in regards to these so-called surpluses.

Mr. PALLONE. Let me say to the gentleman that what he said about Wisconsin is certainly true in New Jersey. I had over 20 town meetings, forums during the August break. Particularly senior citizens are very much aware of the fact that we do not have a surplus because we are borrowing from Social Security and feel the same way, along the same lines that you have articulated. The other thing I wanted to say and I think is very important that you raised which really has not come up from what I have heard from the Committee on Ways and Means, certainly not from the Republicans who are pushing for this tax cut, is that we not only have to worry about the Social Security money that has to be paid back but we also have this huge national debt that was accumulated over the years. A lot of people are not aware of the fact that it is only in this one year that we are balancing the budget. We still have to pay back this debt with interest for all those years. So even for those who feel that we should not spend this surplus on a tax cut because of what is owed to Social Security, there might be just as many hopefully that think that we should not be spending it because we have to pay back the national debt. Both of those are very legitimate reasons that you have pointed out.

Mr. KIND. Just another point in regards to the Social Security program. What we are going to hear is that we are just borrowing a little bit from the Social Security trust fund, that roughly 10 percent of the $80 billion tax cut would be financed from the Social Security trust fund. What that means is basically we are going to be collecting payroll taxes from hard-working men and women throughout the country. We are going to be taking those payroll taxes from them and redistributing it into the pockets of selected Americans through this tax cut. It just seems ridiculous to have a tax cut package that will do this. Even if we were to take the entire Social Security trust fund off-budget and not touch any of that money and could stop borrowing from it, it is still not going to solve the long-term challenge that we face with the Social Security program. So even a 10 percent drain from the trust fund is going to make it even more difficult to preserve Social Security well into the future. It is making our job all the harder when we take on the almost daunting challenges that we are going to be facing in the very near future and, that is, trying to find some long-term fixes to preserve the Social Security program. That is another reason why I think this tax cut is misguided. Even though it is just a little bit coming out of the trust fund, even a little bit is going to make it a lot more difficult for us to do right with the Social Security program, again to do right with the seniors in this country and future generations who would like to see that program still existing when they become eligible.

Mr. PALLONE. I would like to just develop a little of what you just said. That is, the way that we pay for Social Security, which is really not a progressive tax. I mean, it is basically a tax that wage earners pay at a certain rate. If you have to rely on that as a means of raising this revenue, we know that a few years ago, I think it was in the 1970s that the FICA, which is the tax that you pay on your earnings that pays for Social Security, was actually increased in order to generate more money that would be needed because it was estimated that we need more money for future beneficiaries. If we five or 10 years from now have to raise that FICA tax again in order to correct the problem that this money has not been paid back, not only would we be raising taxes again in order to have enough money for Social Security, but again it is not a progressive way of financing the program, as you say, paid for really on the backs of working people, strictly working people. That is not really a fair way to go about it.

I think it is also true that we are hearing all these proposals now about not having the Social Security COLA, raising the age before you get benefits. The effort to try to do those kinds of things will be increased. The pressure will be increased because the money will not be there.

□ 2100

We have not figured out a way to pay this money back. This possible surplus that is being generated now is really the only thing that is on the table that has a real possibility of paying some of this money back that has been borrowed. All the other alternatives that I can think of are not very desirable.

So I appreciate your bringing that up as well.

I think that we probably talked enough about this tonight, but I know we are going to be talking about it a lot more over the next few days, and I am just hopeful that we can get not only most, if not all, the Democrats to support this idea of Social Security first and not implementing this tax cut until the Social Security Trust Fund has been paid back, but maybe get some Republicans as well.

Mr. KIND. If the gentleman would yield, let me just raise final concern on this subject is that there has been a lot of talk here in the halls of Congress lately that the $80 billion tax cut is only the beginning, that early next year they are going to come back and take a look at it, and instead of just taking 10 percent of the Social Security Trust Fund, it is going to a hundred percent of the Social Security Trust Fund with a massive tax cut. And if we go that route and suddenly there is a slowdown in the economy and those surpluses do not materialize, we are looking at massive Federal deficits for many years to come, and that would be a tragedy.

Mr. PALLONE. Because I think that if we do not get our point across now that this is a problem and this passes, then what is to stop it, you know, if the lesson is not learned?

Mr. NEUMANN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. My only fear listening to this, most of what you said I agree with wholeheartedly, as you well know, is that this becomes very partisan, and Social Security is too important to become partisan. Many of us Republicans also feel that it is inappropriate to use Social Security money for tax cuts, and I think it is important rather than get into a partisan bickering situation that we, you know, instead of me taking the next hour and coming back and bashing Democrats, this is not about Democrats and Republicans, it is about what is happening in Social Security in our country.

Many of us on our side of the aisle feel that it is inappropriate to use Social Security money. We support tax cuts, and I suspect that if we ask you if we could lower taxes by reducing wasteful government spending or by utilizing a portion of the surpluses from the general fund, not Social Security, as we are also paying down the debt, that that probably might be something that we on both sides of the aisle might find to be acceptable. Many of the Republicans do feel very strongly, as you are suggesting here tonight, that it is inappropriate to use Social Security surpluses for tax cuts, and I think you will see that unfold.

Mr. PALLONE. No, I appreciate the gentleman.

If I could just reclaim my time briefly?

I wanted to make it clear, emphatically clear, that this proposal that is before the Committee on Ways and Means is essentially coming from the Republican leadership, and I know that there are many Republicans, and I heard you speak this morning on this subject, that share the viewpoint that we have been expressing here that we should not have this tax cut until the Social Security money is paid back and until and that the really is not a surplus.

So I appreciate your comments.

I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I do not want to leave tonight leaving the impression that we are against tax cuts per se. I mean we are for responsible tax cuts that could be offset within the Federal budget. That seems to be a more fiscally responsible way of doing it.

Tax cuts are great. I am a believer in providing tax relief in this country so long as we can pay for it and find some offsets in some other areas in the budget in order to pay for it so that we have some fiscal honesty as we move forward here on up, and I appreciate my friend's remarks from Wisconsin and the position he has taken in regards to the Social Security Trust Fund as well, and it should not be a partisan issue. It really should not, and hopefully it will not be because when you take on Social Security, both parties are going to need to lock arms together on this if we are going to have any progress and do right by the American people, and that is an extremely important point, and I appreciate my friend's comments in that regard.

Mr. PALLONE. I honestly believe, and I will say this now, that I think that the opportunity does exist over the next few days to get a number of our Republican colleagues to join us on this and to defeat this effort to try to spend the alleged surplus. But of course I have to say that it is true that the idea is coming from the Republican leadership, and that is why so many of us on the Democratic side are speaking out against it.

Mr. NEUMANN. If the gentleman would yield, I would hope that we would also lock arms to prevent additional spending in the same way we are talking about the tax cuts here because, as I understand it, we also have a proposal coming at us to do what is called emergency spending, and emergency spending means effectively we are going outside the spending caps and just starting new programs.

So I would hope that we are equally committed to controlling emergency or spending beyond the caps so that if we do have true emergencies out there, as I know exists in some areas of the ag in particular, the ag industry, I would hope that we would find other programs that are less important that we eliminate so that we can pay for or reprioritize the dollars to these other programs rather than just going and spending more money because that new spending also is Social Security money. If we just go and spend more money, that comes out of Social Security too.

So I hope we have the equal commitment here to both hold the line on spending and hold the line on using Social Security money for tax cuts.

Mr. PALLONE. I appreciate the gentleman's comments, and if I could say, and out of no disrespect, that we are going to yield back the balance of our time and you can start your hour so we can go home.

SOCIAL SECURITY AND DISBELIEF OF POLLS ON TV SAYING 60% OF THE AMERICAN PEOPLE SUPPORT THE PRESIDENT

The SPEAKER pro tempore (Mr. COOK). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I do want to continue the conversation that is started down here on the floor tonight, and I want to talk specifically about Social Security, and I want to talk about both sides' commitment to Social Security, but before I do there is something that has bothered me a lot during the last few days here as the Clinton situation is unfolding, and that is I keep seeing these polls on TV that 60 percent of the people support the President. And I frankly cannot quite figure that out because I have read the information, and I just honestly do not believe that 60 percent of the American people find what HAS happened here to be acceptable.

So in our own office we did some counting today, and we have had 1500 contacts to our office either over the phone or E-mail or letters in a short four-day period of time. This is the largest number of contacts we have ever had in our office for any issue. The calls are 82 percent to ask for the President to resign or that he should be impeached. The calls are right now 1294 suggesting that we ask for his resignation or call for his impeachment and 281 that basically say get off his back and forget about it and get on with stuff.

So wherever those polls are coming from, I would like the American people and I would like my colleagues to know what is going on in my office. In my office it is about 8 and a half to 1 against the President at this point.

And when I found these numbers this afternoon, I started asking some of my friends what exactly is the situation in your office, and I am just bringing you back factual information. Every single one I talked to had the same sorts of numbers in their office as what we have in ours.

So I frankly do not understand where the poll numbers are coming from. I know there is a lot of people that feel both ways in this issue out there in America, and I know my colleagues feel differently depending on where you are at on this particular issue. But I do think it is important that we report back some of the things that are happening in our congressional offices and what we are hearing at the grass roots level from our constituents.

So I thought it would be important that we at least start with that particular piece of information, and, going on from there, I would like to ask all my colleagues a question tonight, and I think it puts this whole Social Security discussion into perspective.

If President Clinton had testified truthfully 90 percent of the time, so 90 percent of everything he said was absolutely true, would that make his testimony under oath okay and acceptable?

And I suspect that most of my colleagues would answer that question: No. If he testified 90 percent of the time truthfully and 10 percent of the time untruthfully, that would not be acceptable.

Now what does that have to do with Social Security?

We currently have a plan out here called a 90 10 plan where 90 percent of the Social Security money coming in, over and above what we are paying back out to seniors—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). The gentleman will suspend. As the Chair reiterated on September 10, 1998, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

Mr. NEUMANN. My apologies, Mr. Speaker, but back to the Social Security issue:

If we have 90 percent of the money that is coming in for Social Security over and above what we are paying back out to seniors in benefits and 90 percent of that money is set aside and 10 percent is used for tax cuts because that is the proposal out here; this proposal is not that they take 10 percent of the tax cut money out of Social Security, they are taking all of the tax cut money out of Social Security, and the question would be: Would they find that acceptable? And I suspect the answer to that question is the same as it was to the previous question.

So I kind of start there with an understanding that in my mind at least the money that is coming in from Social Security over and above the money that is going back out to seniors in benefits ought to actually be set aside for Social Security the way any business would be required to set aside their pension money. It seems to me that any business in America would be required to put real money into their pension fund so that their employees could reasonably expect to get their pension when they got to retirement, and that really is the Social Security discussion that we are having today.

If there was a business in America today that took the pension money and used it to give pay raises, those folks would be in deep trouble. So why is it that our government can think about taking the Social Security Trust Fund money, pension money if you like, and use it for something other than Social Security?

Now, I would like to go a little bit further on what some of my colleagues from the other side, because all of a sudden I am hearing an awful lot of this Democrat-Republican stuff starting here, and I think it is important we put this in perspective for any of them pointing fingers over here at that Republicans that Republicans want to use Social Security money for tax cuts. Let us just put this thing in perspective right now so we get a little better handle what this place has been like for the last 40 years.

We have not had a balanced budget for 40 years, for 30 years. Since 1969 every single nickel of the Social Security money was used for spending. It was not used for tax cuts, it was used for spending. And it is every bit as bad to take that Social Security money and use it for spending as it is to take it and squander it on something else just because we happen to find, and I personally find, tax cuts much more desirable than new spending programs.

I brought this chart with me because I think it is very important to understand what is going on in this city right now today. In 1993 we had serious problems facing our country. We had had the promises of the 1980's that we are going to balance the budget, and those promises were broken. And in 1990 we had taxes increased, and we got to 1993, and we had this huge deficit, and America woke up and realized we had a problem, and the people in Washington decided that the right answer to their problem was to raise taxes.

I brought this chart along because it shows the growth of spending in this government in 1993. This blue column shows the growth of spending. Well, what is growth of spending? If you spend a hundred dollars one year, and you spend $102 the next year, that is a 2 percent growth of spending. In 1993 we had the spending growth rate down to 2 percent. So in this city they raised taxes, they said we have got to get this budget balanced and even do something about Social Security, and when we raised taxes in this city, immediately what happened is Washington spending went up.

So this is not a holier than thou kind of situation where all of a sudden Republicans are bad guys for proposing tax cuts where the other side is the good guys. The facts are for a lot of years here what has been going on is that extra money that was coming in that was supposed to be set aside for Social Security was lost in the spending increases.

All right. So we got past 1993. We saw the tax increase, and of course higher taxes simply means more Washington spending as this chart shows. We went through 2 years of that, and the American people said enough of this stuff, we do not want higher taxes, we wanted less wasteful government spending. So they sent a new group of people to Washington, D.C.

And when we got out here, look what is happening to the spending growth rate. You will notice instead of being here, that spending growth rate is starting to go back down again. That is the accomplishment, and that is what has led us to this balanced budgeted and our first surpluses.

But let us make no mistake about it. Let us make no mistake whatsoever. We would not have a balanced budget, we would not have a surplus, we would not be talking about what to do with this surplus, whether it goes in Social Security or tax cuts or new spending; none of that would have been going on if this had not happened and we reduced the growth of government spending.

Now when we reduced the growth of government spending, we literally were in a position where we could both balance the budget and start putting the Social Security money aside and reduce taxes.

Now a lot of my colleagues, and I hope my Republican colleagues are listening tonight because a lot of what I am hearing out here is, well, the tax cut of 1998 is no different than the tax cut of 1997. And I want to tell you that is wrong, that is fundamentally wrong on the basic premises of what it means to be a Republican.

It seems to me when I became a Republican and when I came to this city, I came here for purposes of reducing the size and scope of this government so we could reduce the tax burden on working Americans at the same time we restored Social Security and paid off the debt.

I have got with me two sheets of paper that will not show up on the screens tonight. On one piece of paper is the 1997 tax cut. I have got the number circled in red, it is a hundred billion dollars. The net tax cut 1997 was a hundred billion dollars. The other sheet of paper I had is the corresponding spending reductions. In 1997 we did this the Republican way. We cut spending and we cut taxes. We did not go into Social Security money to pay for the tax cuts, we cut taxes, we cut spending. The number over on the spending side is $127 billion.

So again let me reiterate. In 1997, when the Republicans brought this first tax cut out here, the $400 per child, the 1500 to help pay for college tuition, the capital gains from 28 to 20 and going to 18, removing the taxation on virtually any home sale in America, all of the Roth IRA, all of those good things that were brought forth in 1997, we did the tax cuts and we did the spending cuts.

That is the Republican way. We cut taxes and we cut spending and that is the right way to go about this.

What we did not do, what we did not do, is we did not go into the Social Security surplus and use that money that belonged set aside for Social Security for purposes of tax cuts. Again, I want to point back to this chart because it is so important.

Those tax cuts were paid for by bringing this growth rate of government spending down. That is the right way to solve the taxation problem facing this country.

I am probably going too strong. I feel very strongly about this. We can tax cuts in this city at the same time we set aside the Social Security money and pay down the debt if we will just do it the right way by controlling the growth of government spending as opposed to just surrendering and saying, government does not waste any more money.

Is there anyone in America that honestly believes there is not enough government waste out here to offset a nice tax cut package that we could pass yet this fall? Why in the world are we not, as Republicans, going about this the right way, saying we are going to reduce taxes because the tax burden is too high, and we are going to reduce spending to offset the reduction in revenue?

That is the Republican way of doing things and it is what we ought to be doing out here right now.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin, for yielding.

Mr. Speaker, I realize the passion with which the gentleman is dealing with this issue and has dealt with this issue over the last couple of years, and really appreciate that because I think it is one of the things that has really enabled us to in 15 days or 14 days end the fiscal year the way Washington counts, with our first surplus since 1969, recognizing that perhaps all or most of that surplus will be attributable to the surplus that we have in Social Security revenues.

I really want to build off on this. I was watching in my office the gentleman's dialogue with his counterpart, the gentleman from Wisconsin, and in that dialogue I really felt that there was one point that was missing, and the gentleman was just talking about it.

I think that the gentleman and I agree that as we end up 1998 and as we prepare for 1999, the last thing this Congress ought to be doing is a $90 billion spending plan. It is being talked about as an $18 billion, $19 billion spending plan, emergency spending, but what the gentleman and I both know, being on the Committee on the Budget, as soon as we put that $18 billion in there for 1999, it becomes part of the baseline for 2000, 2001, 2002, 2003, 2004.

It is not emergency spending that goes out here somewhere and says, that is a 1-year emergency. All of a sudden it is a built-in emergency as part of that budget each and every year so we are on the verge, or the rumors are because we have not seen anything yet and I think some of our other colleagues are saying if we are going to spend this $18 billion this year we ought to find offsets, but the worst case scenario would be that in the next 3 or 4 weeks we do an $80 billion to $90 billion spending increase, a spending bill. That is the wrong way to go.

The gentleman was talking with his colleague from Wisconsin, and the gentleman was talking about that increasing spending was the wrong thing to do. I think the gentleman got agreement, but I am not sure it is what he and I agree with, that the tax burden is too high, that when the American people between the local, State and Federal government taxes are working Monday and Tuesday for the government, 40 percent of their income they are paying to taxes, the gentleman and I want that lowered. The gentleman and I agree on that. I am sure they did.

The thing that I was hoping that the gentleman would get agreement on is that they would join the gentleman and I in identifying wasteful, ineffective, inefficient spending of taxpayer dollars here in Washington.

We are spending $1.6 trillion to find, what? To find a $16 billion, a $20 billion tax, we have to find what? How much is that, less than 1 percent?

Mr. NEUMANN. Reclaiming my time just for a minute, I am sure after the impassioned speeches we heard this evening basically condemning Republicans for even proposing a tax cut idea because it uses Social Security money, I am sure everyone listening and all of their colleagues on their side will understand that new spending is money coming out of Social Security, too.

We need to understand, we have a triangular fight going on here. The fight is between those who want to use Social Security money for tax cuts, without offsets, and those who want to use Social Security money for new spending, and those of us who think Social Security money belongs in the pension fund like any other business in America would be required to do with their pension money.

I hope, after we heard those impassioned speeches over there, that we are going to find them supporting our efforts to not allow the Social Security surplus to be used for new spending either, but as the gentleman said, I am not 100 percent sure that is what I heard but I think I at least heard that from my colleague from LaCross, Wisconsin.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, we do know that in many cases we can have the best of both worlds. We proved it in 1997, and we can prove it again that we can reduce spending. Excuse me, we can just slow the rate of growth. We as Republicans have done nothing to cut the size of government. All we have done is slow the growth of government. If we go back and we just take a look at the wasteful spending, I have taken a look at the Education Department, I have taken a look at the Labor Department. There are billions to be found. It does not mean that spending on education is not important, but the way that we are spending on education, where a dollar comes in to Washington and only 60 to 65 cents gets back to a classroom, I believe that means that we are wasting 30 to 35 cents.

We were in Milwaukee. We have been around the country listening to people at the local level about education. They are saying, we like your money but the rules and the regulations just dampen our enthusiasm and they stop us from doing what we would like to do.

Mr. NEUMANN. Reclaiming my time, I want to take just a couple of minutes and I just want to walk slowly through this Social Security debate because I think it is so important that people actually have the facts about what this whole debate and what this surplus is all about.

I want to walk through the surplus and how it relates to Social Security and what is actually happening. Social Security this year is collecting about $480 billion from workers' paychecks. So we are getting $480 billion in. We are paying back out to seniors in benefits about $382 billion.

Now, let us put this in perspective so everyone understands. If someone had a checkbook and they had 480 bucks in their checkbook and they wrote out a $382 check, their checkbook would be all right. In fact, they would have 98 bucks left in their checkbook when they got back. That is Social Security today. It is collecting more money than it is paying back out to our seniors in benefits. As a matter of fact, this year, there is $98 billion left over.

Now, that has been going on since 1983 and when my colleagues on the other side talk about this, we better get rid of the holier than thou attitude because since 1983, every year that they collected more money than they paid out to our seniors in benefits, the extra money has been going into the big government checkbook. If one thinks of this as the $98 billion, it goes directly into, think of this as the big government checkbook called the general fund. Well, if they spend all of the money, they write checks out of the big government checkbook, they spend all the money out of that general fund.

Now, the checkbook has been overdrawn every year since 1969. So they get to the end of the year and they spend all that money, including the Social Security money, and there is no money left. So what has been going on over here is they are simply writing IOUs to the trust fund.

Now, again, I would like to go back to the real world for a minute because I had no political experience before coming here, and in the business I ran, if I would have taken my employees' pension money, put it in my business checkbook, spent all the money out of the business checkbook and then at the end of the year written an IOU to my pension fund, my employees would not have tolerated that, and the American people are not willing to tolerate that out of their government either.

So we wrote a bill. I want to make this clear how this bill would work. We would simply take that $98 billion, the extra money, and we would put it directly into the Social Security trust fund.

Now, that may not seem like a brilliant idea to most people but the facts are in this city that is a very different policy. The money coming in from Social Security then would actually go into Social Security.

I have drawn a line here. Make believe that is the law, because what we are trying to do is keep this money out of the big government checkbook so that it cannot get spent on other things, even other good things like tax cuts.

So if we could get this money into Social Security, that leaves us then with the government general fund.

Now, let us think about the next step here because we are about to go into surplus not only in Social Security but also in the general fund. To my Republican colleagues and to my Democratic colleagues that were here earlier this evening that were talking about paying off the debt, let us complete this picture of what we ought to be doing.

Again, I am not smart enough to understand all the politics of this thing. I come from the business world. This is what we would do in the business world. First, the pension money actually goes into the pension fund. You do not touch that for other spending in your business. You do not give it for pay raises. You do not give it for new cars. You do not spend that money. It goes into the pension fund. So that is first.

Then we look over here at the general fund. When our general fund goes into surplus, okay, walled off from Social Security, when the general fund goes into surplus, good news. We are there now. It is just starting right now as we stand here speaking.

When the general fund goes into surplus, we take part of that surplus and use it to repay debt, and part of that surplus and use it to lower the tax burden.

So in that scenario, what we are doing is putting aside the Social Security money the way we should be, and we are going to the general fund and out of that general fund surplus we are funding additional tax cuts and they can be massive tax cuts in the near future because the economy is so strong as it is.

So we go to the general fund and we fund the tax cuts and we make payments on the debt.

Now, I have written a bill that does exactly this. There are two of them. The Social Security Preservation Act forces the Social Security money to actually go into Social Security, and we also wrote a bill called the National Debt Repayment Act which would pay off the Federal debt much like one would pay off a home mortgage, and whatever is left after our mortgage payment, well, that comes back to the people in tax cuts.

Now, I have an interesting provision here, and it is this picture for my Republican colleagues who got this in the mail while they were over break. If the economy stays not as strong as it is but close to as strong as it is, we would wind up with a $1.5 trillion tax cut over the next 10 years, simply following this suggested plan that I have just laid out here.

Now, the problem with this is that it only happens if the economy stays strong. We do not go out and spend the tax cuts or spend the money in something different before we actually have it in our hands. The tax cuts only occur after the revenue is actually in hand.

What does it do? Well, it actually would pay off our entire Federal debt inside of 30 years. It would lower the tax burden on working Americans by $1.5 trillion. That is 1,500 billion dollars. That is huge. It is almost 20 times what they are talking about here. We do it the right way. We do not use Social Security money for tax cuts. We look at the general fund and we look at reduced government spending to go make those tax cuts happen.

Mr. Speaker it is my honor and privilege to have with us here this evening one of our most distinguished Members, my friend, the gentleman from New York (Mr. Solomon).

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to say to the gentleman from Wisconsin I appreciate him yielding. We certainly concur with everything the gentleman and my good friend are saying here.

Mr. Speaker, apropos to that I am going to send to the desk three privileged reports from the Committee on Rules for filing under the rule, one of which is a 10-day continuing resolution that will keep the government functioning, keep the Social Security checks going out, in case we have not finished our business by September 30.

I salute the gentleman for all of his hard work in bringing some fiscal sanity to this chamber.

Mr. NEUMANN. Mr. Speaker, I would ask the gentleman, does that continuing resolution fund the government at 100 percent of last year's level?

Mr. SOLOMON. It has to fund it at 100 percent of last year's level, which actually saves money, as the gentleman knows.

Mr. NEUMANN. I was just going to say, that does not mean 101 or 102 or 103 percent? Is the gentleman sure he would not like to make it longer?

Mr. SOLOMON. I would love to.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague from Wisconsin for yielding.

Mr. Speaker, I think as we take a look at this, number one, what we have to recognize is the significant amount of progress that we have made. Again, listening to some of the comments earlier about what happened in the eighties, the tax cuts and spending, the problem in the eighties was spending, and when we go back to the gentleman's earlier chart, I mean spending just went up, up, up, up.

In 1995, when my colleague joined us here in Washington, we started to cut the growth. Again, we did not cut spending; we just cut the growth, projected growth of spending.

☐ 2130

Where we are this year, and I do not know if my colleague has his latest estimate, but the gentleman has been about our most accurate forecaster in Washington, but we are very close to actually being able to have a surplus in the general fund. I am not sure we are going to quite get there, so I will yield to the gentleman.

Mr. NEUMANN. Mr. Speaker, the facts for this year are that we may in fact have the $98 billion. It is close. It is some place between on the bottom end probably 79 or 80, and on the top end about 103 or 104 billion. The surplus is right in-between there. Right now we may in fact have all of the Social Security surplus.

But the important thing to note is that if we have another year, not as good as this year, but nearly as good as this year, that we are not in a major recession, we are going to have surpluses in both of these accounts. I keep going back to that. For my Republican colleagues who are so anxious to cut taxes, we are so close to doing this thing the right way where we can actually put the Social Security money aside and have surpluses in the general fund. That is literally where we are right now today, if we have one more year that is just not as good as the last year, but close to as good. When that happens, we are now able to put this money away in Social Security like we should.

When we look at the surpluses up here in the general fund, we can make that mortgage payment and start paying off the debt so our kids can inherent a debt-free Nation, and we can lower taxes. We can do both of these things simultaneously.

One more thing. As we start making that payment on the Federal debt, part of the Federal debt is the money that has been taken out of Social Security over all of these years. So as we make payments on the Federal debt with that general fund surplus, another thing that is happening is that we are paying off these IOUs that are in Social Security.

It seems to me from a business perspective, this is not an overly complicated topic in terms of understanding what we need to do in the right way. If we are just a little bit patient, we are here. We are literally at the point where we can put the Social Security money aside and run significant surpluses in the general fund, so that we can both lower taxes and pay down debt. For any seniors, my colleagues who have many seniors in their district, as we pay down that debt, all of that money that has been taken out of Social Security literally gets put back in.

This is the course of action that we should be taking as a Congress, and I, for one, intend to work very, very hard to see to it that this is the direction we go.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, a couple of points. Number one, all of those years from 1969 where our colleagues on the other side, and I hope they join us on slowing the growth so that we can get some tax cuts; but from 1969 when we reported, or the Democratic Congresses reported $200 billion deficits, that $200 billion did not identify Social Security, did it? If we would have taken the Social Security surplus out of there, we would have been at $250 billion or $300 billion deficits annually.

Mr. NEUMANN. Mr. Speaker, on that point, if I could just reclaim my time for a minute, yes, those deficits that the American people and my colleagues talked about all through the late 1980s and the early 1990s, they took all of that Social Security surplus, they put it all in the big government checkbook, they wrote out checks out of the big government checkbook, overdrawing the checkbook by $200 billion a year, and that included spending all of the Social Security money. That is why they kept putting these IOUs down here. That has been going on for years and years and years, before we got here and turned this thing around in terms of getting spending growth under control.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, Members on the other side of the aisle who are blasting us now for perhaps even considering some of these things, from at least 1969 on, were burying these Social Security surpluses into more spending and understating the deficit each and every year as those numbers continued to go up.

Mr. Speaker, if we go to the budget, I saw the budget proposal for redoing the budget process today, and I do not know if the gentleman has seen that or not, but if the gentleman goes back to his chart that he had up there, the wall that he drew in, if we are going to talk about honest budgeting, I am thinking this is going to be a bipartisan effort because of the work that the gentleman has done in helping to communicate this very issue.

But under budget process reform, we are going to take the tax dollars collected for Social Security that go into the Social Security Trust Fund, we are going to take that wall there and we are going to pull those two circles and that green arrow, if the gentleman would point them out, we are going to pull them out of this equation. In the future, when we are talking about this, we are going to be talking about a Social Security chart, and we are going to be talking about a general fund chart, and we are going to start doing this more like the way we should than the way we have been. So that we can talk about Social Security, we can talk about how much the debt is, and then we can talk about the general fund.

The other thing that we are going to put in there, because this is such a convoluted budget process, but nowhere in our budgeting process today do we account for the other accrued liabilities that the Federal Government has. Nowhere do we identify the pensions that are payable to Federal employees.

So the new budget process number 1, is going to do exactly what the gentleman has proposed on that chart, and what the gentleman has proposed in his legislation which is to say, we are going to take Social Security and Social Security revenue and expenditures, and we are going to take it out of the general fund, and we are going to have really 2 accounts. If we want a unified budget, we can go and add those 2 charts together, but we are going to be working off of 2 separate accounts here. That is a huge step forward, and the gentleman has spent a lot of time educating the rest of this House about why that needs to happen. I think we have a real opportunity to make that happen and begin that process yet before we go home.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, the song One Step at a Time comes to mind. Just think where we have come in 3 short years. In 3 short years, by getting spending under control, we are now running a surplus.

In 1969 when we ran a surplus it was $3 billion. The surplus this year is 80 plus, so we are talking about the most significant surplus perhaps in the history of this country this year. That has come about because we got government spending under control, coupled with a strong economy.

A lot of times people say, well, the strong economy did it all. I have been out to a lot of town hall meetings all over Wisconsin and I ask them all a question out there in Wisconsin, and the question goes like this: Which one of these 2 things do you think is more likely to happen? A martian spaceship lands outside and comes in and joins us; they go back to Mars, and they snicker, and I tell them not to jump to conclusions. Because the second choice is that Washington gets $100 billion of unexpected revenue and does not spend a nickel of it. Then they all snicker and they take the martians in most cases. In fact, that has happened out here.

When we look at this controlled government spending, it is important to know that that controlled government spending occurred in the face of a very strong economy, which meant additional revenues coming in. So in the face of $100 billion of unexpected revenue, we literally held the line on spending. That is a pretty monumental change in the way things are going on.

In my town hall meetings when I look at their faces, there is kind of an appearance of disbelief. If anyone out there would like to check this out or my colleagues would like to check it out, and I am sure somebody on the other side of the aisle might want to check this out, in 1995 if you look at our budget resolution, what we projected we were going to spend in 1997, and if you look at our 1995 budget resolution what we projected for revenue, you will find that $104 billion of unexpected revenue came in, while we underspent our projected spending by $26 billion.

With the Internet and everything today, that is not a very complicated thing to check out. People can pull up these resolutions pretty easily and find out that these numbers are in fact true.

It really leads us back to this picture. I am glad to hear that the Committee on the Budget, I was not at that meeting today, we had others going on, but I am glad to hear that we are going to pull Social Security out. That is really what we are talking about.

Mr. Speaker, my fear is that over the next 3 or 4 weeks we are going to get so bogged down in a fight that they are going to say is using tax cuts for Social Security. Again, I would point out the difference between this and our tax cuts in the past. When they accused us of using Social Security for tax cuts in the past, we simply went and got our sheets of paper and said, wait a second. There is $100 billion of tax cuts, here is $127 billion of spending reductions. No, no. We are reducing spending and we are reducing taxes. That is the Republican way.

But this time, when they say we are using Social Security for tax cuts, they are going to be right, because we now only have 1 of these pages. That is the tax cut page. We have somehow lost that willpower to find that other page that goes with tax cuts, and that is spending reduction. I just cannot emphasize for my colleagues how important it is that we recommit ourselves to that basic principle and that basic premise. Tax cuts are good, but tax cuts should not come out of Social Security. Tax cuts should come by reducing or controlling government spending, or, and I have now laid out a second option that was not even considered 3 years ago, because we did not have a chance at this.

The second option for tax cuts is when our general fund, with Social Security walled off, when that general fund goes into surplus, we are then in a position to make payments on the Federal debt, and remember, as we pay down the debt we are paying off the Social Security IOUs, and we can use the balance of that general fund surplus to again lower the tax burden on Americans.

Mr. Speaker, a lot of my colleagues say, wait a second, what are we going to campaign on with all that stuff. I say, most of the American people do not even know about the 1997 tax cut, that tax cut where we cut taxes and reduced spending to pay for it, that tax cut most of them do not even know about yet. It might be wise here to talk about the impact to some of our families of the 1997 tax cut so folks do know about it.

If one has a child and is a middle income Wisconsin family, and one has a child under the age of 17, one gets a tax refund next year of $400. So if one has a child 17 or under, when one does their taxes next year, there is going to be a check back in the mail to them for $400 for each one of those kids. If one has a child in college, one is going to get up to $1,500 to help pay that college tuition. Paying college tuition today is tough for parents.

Rather than developing some big new government education program where bureaucrats get the money, we simply allowed for a tax refund to go back to those families with college kids. But it did not stop there.

When I go to meetings and I ask how many people own a stock or a bond, almost every hand in the room goes up. When you sell, instead of paying 28 cents on the dollar to the government, you are only going to pay 20. As a matter of fact, that number is going to 18 very shortly. There are a lot of folks in lower income brackets that own stocks and bonds, and for them it is going from 15 down to 10.

Mr. Speaker, this is good news for America. Taxes were reduced, and again, I keep going back to in 1997 when we reduced those taxes, we reduced spending. This is good news for Americans.

The Roth IRA. My own kids are starting Roth IRAs. It scares me to think that I have kids that are in their early 20s that are now taking advantage of this tax cut package that we passed last year. Young people in America can now put money into the Roth IRA to buy their first home. When they take out the money it is tax free for the down payment.

When they put money in the Roth IRA if they decide to return to school, they can take money out of their Roth IRA tax-free to return to school. Equally important, if one is in their 40s and they are now looking to what it is going to be like when one is in one's 60s and ready to retire, you should start asking yourself, should I put money into the Roth IRA. You put the money in, interest builds and accumulates until you reach retirement, and you pay no taxes when you take it out at retirement.

This is a huge, tremendous encouragement for people to save to take care of themselves. The tax cut package of 1997 was a phenomenally good package for virtually all Americans.

A lot of times I talk to senior citizens and they say, what did I get out of it. Well, a lot of you sold your homes when you took the one-time, age 55 exclusion and you bought a smaller home and you are now ready to sell that smaller home. Well, the fact is there are no more taxes on that smaller home even if you took the one-time, age 55 exclusion.

Equally important for seniors is the Medicare reforms, because rather than just going and saying we are going to collect more taxes for Medicare, what we did is looked at Medicare and came up with ways to make Medicare better for seniors that was also more cost-effective. I just want to give one specific example, and that is diabetes.

In the past if a senior citizen wanted screening for diabetes, it was not covered under Medicare. What would happen is lots of seniors got diabetes and they got very sick and it destroyed their lives and it also was extremely expensive to deal with the problem after they got sick. So we included diabetes screening, which is not only cost-effective, but more importantly, it provides a better life for our senior citizens. There are many, many aspects of Medicare that have changed in that manner for senior citizens.

So when we look at that overall 1997 package, and again, I go back to the Republican way: tax cuts coupled with spending controls and spending reductions, that is the Republican way of doing things and it benefited literally all Americans.

I would be happy to yield to my friend from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding.

I think it is important for us to come back and say, what was the trigger, what was the trigger that enabled all of these positive things to happen? I really come back to exactly that. That chart; the chart that said, we believe Washington is big enough and has enough; as a matter of fact, we think Washington has too much of your money and we have set our growth rates too high, and all we want to do is scale back the rate of growth. And when we did that, it enabled us to get to a surplus budget.

Remember, a year ago we were debating, because people were saying, get to a surplus budget by 2002? Never make it, never happen. But by controlling the growth of spending and when revenues came in higher, we were able to get to that. We are going to get to that surplus, and we were able to do all kinds of other positive things.

When we in Washington say, enough is enough, we have had enough and we have to learn to live within our means; as a matter of fact, again, I keep saying cut, but it is not. All we need to do is to learn to grow a little bit smaller.

□ 2145

Mr. NEUMANN. Mr. Speaker, I have got a question for the gentleman from Michigan. Has the gentleman from Michigan ever been in one of his town hall meetings and asked the question: How many people think government spending should go up faster than the rate of inflation? And they just look at you and laugh. They say of course government spending should not go up faster than the rate of inflation.

But when I point back to this chart, we are seeing government spending going up nearly twice as fast as the rate of inflation. What they call a cut in spending in Washington, what they actually mean is they are bringing the growth rate of government spending back to about the rate of inflation.

A lot of people would like to see it grow slower. Then I always have somebody stand up and go, we cannot do that say because, because, because; and they come up with some program that has got to grow faster than the rate of inflation.

Let me give you an example. The baby boom generation is headed toward retirement. So when we look at Social Security with cost of living adjustments, plus additional seniors going into Social Security, Social Security is, in fact, going to go up faster than the rate of inflation.

My answer to them very simply is, look, if we have got a program that has to go up faster than the rate of inflation why do we not find a program that is not as important as that program and reduce spending in that program that is less important, so we can keep the overall spending growth rate of government at or below the rate of inflation. Then they all nod their head.

It just seems to me logical that we ought to be able to keep the growth rate of government spending at or below the rate of inflation. If I had my way, as my colleague well knows, it would not be at the rate of inflation. It would be slower than the rate of inflation, because we would find all kinds of waste. When we cut the waste out, the savings would be used to reduce taxes as we did in 1997.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I am happy to yield.

Mr. HOEKSTRA. What happens through this process is what you outline. We get to a surplus in 1998, or we get to a balance or close to a balance without taking into account Social Security, which is a very, very positive step. When I first came here in 1993, we were looking at increasing taxes, and we were looking at increasing spending, and we were looking at deficits of $300 billion as far as the eye could see.

Mr. NEUMANN. With Social Security, do not forget.

Mr. HOEKSTRA. With Social Security. So taking Social Security out, it would have been close to $400 billion annually.

So we get almost a real surplus, and next year we probably will. We are able to do all of those tax cuts that the gentleman outlined, the $400 per child, the Roth IRA, the Hope scholarships, the scholarships for students. We go through all of that, which is a real benefit to American families each and every day.

We are then on the verge of next year, with continued economic growth, of getting to a real surplus, taking Social Security out, which then enables us to do even more good things, which is more tax cuts and paying down the debt and putting the dollars back into Social Security.

Also, by doing and getting to where we are financially today, the Members now will have the courage to go through and do the right thing on budget process. Because a few years ago, they said we cannot change the budget process because then people will really know that the deficit, instead of being $200 billion is really $298 billion. It has really been liberating and has changed the dynamics and changed the debate here in Washington for us to do a lot of good things and move us in the right direction.

Mr. NEUMANN. Mr. Speaker, if I can reclaim my time, I would like to ask my friend, the gentleman from Michigan another question that I think kind of puts this all into perspective.

If we look at this chart over here, and we see that spending was going up at this rate before, and now spending is only going up at this rate and even slower yet, if the government had spent this much more money instead of doing tax cuts, so the government spends it instead of leaving it in the pockets of the American people, is there anyone in this country that honestly believes that, by spending this much more money, the government would have done a better job spending that money than our families would out there in Wisconsin or in Michigan or anywhere else in America? Does one honestly believe that the government here in Washington knows how to spend that money better than the people out there in America?

I think what is real important here is to understand that, if we had not done the tax cuts, that we were actually getting this money back to the people, and we could not frame it in this framework of, well, listen, we are going to do one of two things, we are either going to spend it here in Washington or we are going to let our families keep it themselves, it was that framework, it was that idea that we could allow the American people to keep the money instead of Washington spending that has helped us control this growth of government spending.

It is that idea, that understanding that families in Janesville, Wisconsin can spend their own money better than we can spend it out here in Washington that has allowed us to get these spending growth rates back under control.

Because if we just say we want to cut spending, there is not much incentive to do it. But if we say we want to cut the growth rate of government spending so we can allow our families in Wisconsin to keep more of their own money, it becomes a winning argument. In fact, that is how we have been winning these arguments out here for the 3 years I have been here, almost 4 years now.

Mr. Speaker, I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, it is not the winning argument, it is the right thing to do.

Mr. NEUMANN. That is correct.

Mr. HOEKSTRA. The gentleman is absolutely right. When I go to my town hall meetings and talk to my constituents and say, would you like the growth rate to be a little bit more than inflation, because we are really doing good things with your money out here in Washington, it is kind of like they look at you and say no, because we just have way too much evidence of you doing the wrong thing in Washington with our money. We do not have a high degree of confidence that you need all of this.

As a matter of fact, most of my constituents, I would believe, think that we have too much of their money and ask them for too much of their money each and every week when they look at their little pay stub; and they say, wow, this is some money that I probably could spend better than what Washington could spend it.

The gentleman has identified we have got the silly little spending out there, the cow, the methane gas study that is going on.

Mr. NEUMANN. Mr. Speaker, would the gentleman fill my colleagues in on that, because that was very quick. That amendment that I brought to the floor to end the cow gas study was very quickly accepted down here. Some of our colleagues may not even be aware that we were spending lots of money, the taxpayers' money to study cow gas out here before this year.

Mr. HOEKSTRA. Mr. Speaker, I do not know all the specifics on it. The gentleman highlights it. We are glad that the gentleman goes through the budget and he finds that. I do not remember the exact amount of money, but the gentleman looked at it and said, is this really what we need the federal government doing is paying for someone to study the cow gas.

Mr. NEUMANN. It smells like government waste to me.

Mr. HOEKSTRA. It smells like government waste. So we have got to stop.

Mr. NEUMANN. Mr. Speaker, we are kind of making light of that, but there are hundreds and hundreds and hundreds and hundreds of these sorts of programs.

We can start with the Russian monkeys where we were sending millions of dollars of taxpayers' money to Russia to launch monkeys into space, for heaven's sakes. We did this every year. Or the ice buckets that were delivered to our office doors every morning, even though we all had freezers.

For goodness sakes, they started delivering ice buckets in the 1800s. In the 1930s, when they put refrigerators in the office, nobody ever told them to quit delivering ice. So they kept spending $500,000 a year delivering ice to our doors every morning.

I might add, in the House of Representatives, we got that stopped in my first year here. The Senate did it 3 years later. So it only took them 3 more years to figure out it was not such a hot idea over in the other side of this body.

But the list of this sort of thing goes on and on. The military plane that flew a cat back from I believe it was France to Colorado Springs at a ridiculous cost to taxpayers. Hundreds of government employees that we can do without.

This list is so extensive. Then you add to that corporate welfare. We are going to talk later this week. Did the gentleman know we were using tax dollars to teach anglers, fisherman, how to guide for fishing, but not in America, but Ireland?

Think about this for a second. Think about the logic of this program. I just found this one today, so it is kind of fresh on my mind. We are taking taxpayers' money out of Janesville, Wisconsin. We are getting it out here in Washington. We are then sending it over there to Ireland so Ireland can train fishermen how to guide for fishing expeditions properly.

If someone can help me understand the logic of this, then maybe I will concede that it is not such a hot idea to continue our efforts to control the growth rate of government spending.

But I have to tell my friend the gentleman from Michigan and my colleagues, I honestly believe we can do tax cuts this year if we just get our nerve back to control wasteful government spending. There is no reason in the world not to offset tax cuts with the elimination of wasteful government spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield. Just a simple question. What department was this angler training program in for Irish fishermen?

Mr. NEUMANN. Foreign operations. We just found it today. There are a series of other things in the same bill that are just fascinating. That is the only thing I can say is it is fascinating. It is equally fascinating as the cow gas study.

When you start looking at what the government spends the taxpayers' money on, it is almost as if somehow the people out here forgot that it is not their money. It is the people's money. It is the family of five in Janesville, Wisconsin with two kids at home and a freshman in college that next year is going to get a tax refund of $400 per child and $1,500 for that college tuition, $2,300. That family of five, two kids at home and a freshman in college is literally going to get a tax refund of $2,300 next year.

We could have trained more fishermen, I guess, in Ireland or maybe in England or somewhere else; I do not know. We probably could have done some of those things; but, shoot, it seems to me that those families out there in Janesville, Wisconsin and all over this country could spend that money better than if we sent it overseas to train fishermen or launch monkeys into space for that matter.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, I asked the gentleman the specific question about the anglers in Ireland only because I chair an oversight subcommittee on the Committee on Education and the Workforce, and we asked a very simple question of the Executive Branch about a year and a half ago as we began a project called Education and Our Crossroads.

We said, this is the Executive Branch. We kind of surveyed their documents and tried to answer the question. How many education programs are there? The answer came back, and a lot of study, and it is 740, 760. We finally said, if you take it all, and this is not all K through 12, it is all kinds of different education programs, and this one might be in there, and if it is, I am sorry we did not catch it and identify it before the gentleman did, but it is like 760 programs.

We thought hallelujah. Now we know why there is an education department, to coordinate 760 programs. We then took a look at it and said wrong; 760 programs, 39 different agencies. We found things like, we, the people in the gentleman's district, the people in my district pay for closed captioning, think about this, closed captioning of Bay Watch, of the Ricki Lake Show. American taxpayers are paying for closed captioning of Bay Watch.

It is kind of like take a look at where we are spending our dollars. This is why, when we go to our town meetings and say, do you think we should grow at a rate faster than inflation, they said no, kind of like maybe we should decrease spending, which we have not done.

Mr. NEUMANN. Mr. Speaker, I just want to bring this back to the discussion we are in the middle about here right now. I hear this cry from my Republican colleagues and some from the other side as well that we should somehow take the Social Security surplus and use it to cut taxes. Why can we not do it the same way we did last year?

We started talking about these waste programs. Why can we not cut taxes and eliminate government waste? Why do we not reduce spending and reduce taxes at the same time so we are not using Social Security money for tax cuts? Why can we not do this the right way? Is there anyone that honestly believes there is not plenty of waste still in this government that we can get rid of so we can provide tax relief for the American taxpayer and do it without taking the Social Security money?

Why should we surrender and say we cannot do this anymore? We can do it. There is plenty of waste still in this government. For goodness sakes, we can start on the audit where they went looking for ships. Out of, I do not remember the numbers exactly, it was about 72 ships, they could not find 22 of them, for heaven's sakes.

We start finding that the Forest Service Department could not find $215 million. How in the world do you lose $215 million? If somebody would have come back to me and my building company and said I lost $250, I mean that would have been grounds for serious consideration for dismissal or at least serious ramifications. But $215 million that they cannot find in this audit.

We have got plenty of places in this government where we can still eliminate wasteful government spending. If we are real serious about providing tax relief, and I think we should be, let us do it the right way.

Let us go after tax relief and spending reductions to pay for it, and let us leave the Social Security money alone so our senior citizens in this country can start getting up in the morning again, understanding that their Social Security is safe.

There are a lot of people, there are a lot of senior citizens in America that just plain cannot afford to make it without that Social Security. They have gone through their whole life expecting Social Security to be there. The government has made that promise to them. Their government has made that promise to them.

They cannot go back and relive their life and start a Roth IRA like many of us are doing now. They cannot do that. It is too late for that for them, because they are relying on that Social Security check.

Why can we not do this the right way? Let us put the Social Security money aside. We are there. The general fund is in surplus as well. Let us wait for that surplus to get big enough to do a legitimate tax cut.

If we want to do tax cuts this year, shoot, let us not take the social security money and do it, let us do it the right way and reduce spending to correspond to the tax cut that we want to do out here. That is what we ought to be doing in this city.

By the way, that teaching fishermen how to guide fishing trips properly in Ireland that we are paying for with American tax dollars, I do not think that is on your list of education programs. It never even occurred to me that that is a course in education program. It never even occurred to me that that is education. I am sure that is not on the list. Maybe we expanded the education list to 761.

Mr. Speaker, I am happy to yield to my friend, the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for leading this discussion. I think the real focus here is on controlling spending. Even the gentleman was using the term reducing spending. We are not reducing spending.

The best we can hope for is to slow the growth of spending. If we can slow the growth of spending, we save Social Security, we pay down the debt, we can reform the budget process, and we can provide tax relief. It really opens up and changes the debate in wonderful ways here in Washington.

Mr. NEUMANN. Mr. Speaker, I just want to kind of conclude this conversation this evening with just kind of a summary here. A lot of times what has happened and what is going to happen over the next couple of weeks is this House is going to be divided. We are going to hear the Democrats saying Republicans are proposing tax cuts paid for with Social Security money.

□ 2200

We are going to see some Republicans, myself included, going, "We cannot use that Social Security money for tax cuts." And there is going to be a fight going on. But we need to keep the big picture in mind. For goodness sakes, in 3 years we have gotten to that balanced budget that was not promised to be here until 2002. We have got our job done.

The only reason we are having this fight at all is because we have gotten to a balanced budget and we are running surpluses, not in 2002, like the Republicans promised when the Republicans took over in 1995. That is not what happened. We did not get there in 2002. We got there in 1998.

It is about time I think that some of the people that are responsible for this get some of the credit for doing it. By controlling government spending, we brought a tax cut about first time in 16 years. We brought about the first balanced budget since 1969. These things have happened and the credit for these things ought to be given out here so that as we are having these fights that are currently going on, we realize that had we not turned this spending growth rate around, we would not be having these discussions at all. There would not be any fight about tax cuts using Social Security money. That fight would not be going on if we had not done our job properly.

So as we have these disagreements amongst thinking people that can disagree, we should also remember to put credit where credit is due. Because without the people that are leading this Congress today, certainly we would not be in a position to have this discussion. And it is a great, great discussion to be having.

Think if somebody would have told us 4 years ago, or 3 years ago that we would be standing here on the floor of the House in 1998 fighting about whether or not we should use the surplus for tax cuts or for Social Security or, as we are beginning to hear about, new spending. What a wonderful fight. Nobody would have dreamed we could have had that fight.

Mr. Speaker, I think it is important that we keep in perspective just how far we have come in this country in such a short period of time so we recognize what our potential is as we move forward.

Shortly we are in a position where we can put aside all the Social Security money and start paying back the money that has been taken out of Social Security, and our seniors can again get up in the morning understanding that Social Security is safe.

We are in a position that the general fund is in surplus as well, so we can make payments on the Federal debt and pay it off much like any American would pay off their home mortgage. Thirty years from now, 25 years from now, if we will just do that, we can give America to our children debt free. When we think of goals for a generation, would it not be a wonderful goal for our generation to make those payments on the debt and give America to our children debt free?

At the same time that general fund is in surplus, let us make our mortgage payment and take what is left over and use it for tax cuts. We can do that. We can pay off the debt, we can lower taxes, and we do not have to use Social Security money to do it.

Mr. Speaker, I conclude tonight by encouraging my colleagues to support tax cuts, because the tax burden is too high. But let us not, for goodness sakes, do tax cuts with Social Security money when we are right on the verge of being able to fix Social Security at least from now through 2030, start paying off the debt, and still provide significant tax relief to the American people. That is the direction that we should be heading with our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). Members are reminded to refrain from characterizing Senate action or inaction.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 128, CONTINUING APPROPRIATIONS, FY 1999

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)) from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–724) on the resolution (H. Res. 541), providing for consideration of the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)), from the Committee on Rules, submitted a privileged report (Rept. No. 105–725) on the resolution (H. Res. 542) providing for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. SOLOMON (during the special order of the gentleman from Wisconsin (Mr. NEUMANN)), from the Committee on Rules, submitted a privileged report (Rept. No. 105–726) on the resolution (H. Res. 543) providing for consideration of the bill (H.R. 3248) to provide dollars to the classroom, which was referred to the House Calendar and ordered to be printed.

RESHAPING THE INSTITUTIONS OF AMERICAN SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, first of all, let me apologize for keeping you here after 10 o'clock at night. Also, let me apologize to the staff. I do not ordinarily talk to myself in an empty room, as the other two gentlemen have been doing for an hour. But there is something tonight that I feel I simply have to get off of my chest.

Mr. Speaker, I intended to speak tonight to address some of the institutional failures that I believe are besetting this country as we deal with the matter involving the President. The Speaker's recently announced guidelines about what comments are permissible about the Starr report that we voted to release, and the President's conduct, prevent me from saying on the floor certain things that I wanted to say. In deference to those guidelines, I will honor them. But the whole text of what I intended to say will be available in my office.

Mr. Speaker, Friday night after 2 hours of reading, after our vote on Friday, I began to wonder about the correctness of my vote earlier that day in light of my concerns about the appropriateness of what should be electronically directed into people's homes in this country. Taking a break from my reading, I turned on the TV to see, as an unreconstructed Cubs fan, if I could find out whether Sammy Sosa had hit another home run again. The tube came on, and within seconds I heard a CNBC reporter using language that I never expected to hear on the Nation's national news programs, or what passes for them these days. And at that moment I reached the same conclusion that millions of Americans have probably reached. I have had it. Not just with this story, but with something far more disturbing.

What I felt was a conclusion that has been building within me for months, even years. I was overwhelmed with the feeling that our society and our country is faced with nothing less than the accelerating failure of institutions that are central to our functioning as a decent society and as a democracy that works the way our Founding Fathers wanted it to work.

Mr. Speaker, please do not misunderstand. This is a great country. In many ways, it is a good country. There is much that is good in our society and we have had much good economic news in recent years. Nonetheless, I believe that most crucial institutions and institutional arrangements in this country and in this society are failing in their responsibilities. That failure is affecting our economy, our culture, our political system, our long-term environmental security, and even our own spirituality.

The evidence of the failure of our most important institutions is all around us in this and other events. At the moment our Nation is transfixed on this episode, global challenges face us everywhere. The world's economy is in turmoil. We have almost no tool but persuasion to move the Japanese Government off a course of economic and fiscal impotence and incompetence that threatens the economic health of all of Asia and indirectly threatens our own economic health as well.

International financial institutions such as the International Monetary Fund are being overwhelmed by changes in the world economy, changes in currency relationships, changes in capital flows that each day weaken the ability of the major institution the world has to stabilize economic relationships between nations, the IMF.

The Nation with the largest arsenal of nuclear weapons that could possibly one day be arrayed against us, Russia, is experiencing political and economic chaos. Much of Europe is focused on that chaos, but here in America we give it only intermittent attention and analysis.

The most irrational, paranoid, and dangerous government in the world, North Korea, is facing military, political, and economic instability that could easily threaten the lives of 50,000 American servicemen and women stationed in South Korea, and hundreds of thousands of other human beings.

Our ability to prevent the spread of nuclear weapons has been brought to the edge of failure by events on the Indian subcontinent and in Korea. And yet the discourse in this country about how to deal with that issue is shallow and in some cases down right dangerous.

The best chance in a generation for peace in the Middle East is slowly but surely sliding away, and this decade has produced the hottest known global temperatures in years with huge potential consequences for worldwide agriculture, fisheries, economic dislocation, public health, and environmental stability. And yet commercial disputes about profit levels are threatening our ability to take even marginal action to minimize potential catastrophe.

On the home front, the Supreme Court, the institution that we in the end rely upon more than any other to preserve the balance of forces that protect our democratic processes and our liberty, has handed down two very different sets of decisions that have crippled the ability of our political system to function as a democracy should.

First, the spectacularly myopic decision by the Court in the Paula Jones case that the government would not be distracted if that case went forward now rather than 2 years from now and the President was out of office.

Second, the mind-bogglingly naive decision that the constitutional rights of Americans to have a political system that functions for them would be protected by a series of naively libertarian decisions that equate money with speech, establish absurd legalisms about campaign financing that have no relationship to reality that have turned politics into a money chase and political campaigns into the competition of dollars rather than ideas.

Other domestic institutions are also failing in their fundamental responsibilities. Large sections of corporate America are making economic decisions devoid of any values except the maximization of financial benefit to the management and investment elite of this country, in almost total disregard of the impact of those decisions on low workers, their families, and their broader communities which have nurtured them.

These decisions and policy decisions by government have together produced the greatest disparity between the economic well-being of the wealthiest 5 percent of our people and everyone else in the modern history of our country. If we as a people are concerned with moral outcomes, should we not be just as concerned about how the Nation deals with poor people and sick people as we are about how we deal with each other on matters of sexual intimacy?

The political elite has largely debased what passes for political dialogue on many crucial issues. It has allowed its reliance on the community of pollsters and consultants to produce the lowest common denominator discourse in which winning and holding power drive out almost any consideration of the need to educate and enlighten the public on every front.

Is there no length to which we will not go to hold or seize power? Is there no amount of pain we will not inflict on each other for political gain?

More and more individuals are entering Congress and other political institutions who see issues not as problems to be confronted, but concerns to be manipulated and toyed with around the margins in order to seize and hold power.

So many debates are split along party lines and driven by the ideological enforcers, the modern-day American counterparts of Mikhail Suslov, the old guardian of the purity of Soviet orthodoxy, that when bipartisanship does occur, we are almost startled by its appearance.

The focus and limits of much of that debate is set by political elites in both parties who rub shoulders with the financial and economic elites of the Nation far more often than they do with everyday working people. The press itself, with all too few lonely and valiant exceptions, some of whom work in this building, has fallen into the same bad habits it legitimately criticizes in the politicians it covers.

The press too, especially the electronic media, drawn by the realities of the marketplace has often become little more than the public affairs entertainment division of profit-making corporations who will do almost anything to preserve market share instead of responding to the public's needs to understand the substance of issues before the country.

The press, driven by market surveys and polls, produces story after story that portray politicians as gladiators and celebrities, rather than problem solvers, responding to and strengthening some of the most unhealthy public biases on the landscape.

For every question that I get from a reporter on the substance of an issue, I get five from other reporters about the politics of that same issue, reflecting both a laziness and a shallowness that this country simply cannot afford. And worst of all, some reporters cannot resist using any device to win a point, no matter how much damage they do to the country and innocent individuals in the process.

One need look no further than the reporter who last Sunday on a Sunday talk show in an interview with a guest snidely asked that guest what his wife's definition of sex was. That reporter owes his own profession, his viewers, and the wife of that guest a public apology for his own inability to resist his Dennis the Menace impulses which have increasingly made that reporter a caricature of himself. Is there no length to which some members of the press will not go in order to humiliate other human beings, all in the name of news values? I wonder.

Even religious institutions have allowed themselves to fail the Nation in too many instances and have allowed politicians to manipulate religious concerns more to find political advantage than to find spiritual answers.

□ 2215

Debates and discussions about the nature of humankind and our origins, our purpose and our relationship with our creator are essentially conversations about the unknowable, at least in this life. Yet the certitude with which some political and religious figures attack those who have legitimate differences of belief are disheartening and appalling and border on the sacrilegious. Too many political and religious leaders alike have allowed religion or the superficial reference to religion to be used for nonreligious purposes. They wrap political, commercial and ideological preferences in religious ribbons and desecrate both religion and politics in the process. The 10 Commandments represent a guide for living and for the treatment of others. They are not supposed to be a road map for human beings or politicians to destroy each other. They are not a political program or an economic program. As Mario Cuomo once said, "God is not a celestial party chairman." To the best of my knowledge, God has not yet taken a position on capital gains or other tax plans. But you would never know it by listening to some of the self-promoting political manipulators who pass themselves off as the clergy of the tube. Politicians have no special qualifications to judge the private lives of other people. In the end, only God can do that. The nuns at St. James taught me a long time ago that we have enough to do worrying about the stewardship of our own souls to pass judgment on the private lives of others. Neither do religious leaders have any special competence to judge the specific mechanisms by which elected officials in a democracy accomplish decent public ends. Those of us in public life owe due consideration to their opinions, but we have, after all, taken an oath to uphold the Constitution in accordance with the dictates of our own conscience, not someone else's. That is our own sacred public duty under the Constitution. We religious and political leaders alike have allowed debates about religious truths and values to be used all too often as weapons to inflict pain and gain political advantage rather than as tools to find moral answers that take decent account of the moral values of others as well as ourselves. We have all too often allowed the substitution of moralizing for morality, and have allowed the search for God to become a journey that develops hatred and contempt rather than love for our fellow searchers.

Example. On abortion, an issue which we will be debating again for the thousandth time tomorrow, perhaps the most agonizing, troubling and divisive of all moral debates in the public realm. On that issue, both sides have allowed their own certitude about the will of God or their dedication to unbending individualism, their desire for tactical advantage, to get in the way of their responsibility to recognize good intentions and honest nuances of conscience. And so that debate has become more and more a political manipulation of the legislative process rather than a search for areas of agreement that would reduce the world's acceptance of abortion at the same time that it recognizes the dignity of individual conscience.

All of these institutional failures, I believe, are rooted in two fundamental shortcomings: One simply, a lack of knowledge or understanding about how the world and institutional relationships are changing; the other is the triumph of a me-first rampant materialistic individualism that prevents the leaders of almost all of our social, political, commercial, informational and religious institutions from really focusing on the answers to one simple question: In addressing whatever decisions confront us, how can I or we take into fair account the needs, concerns and interests of those who are not just like us in social or economic standing, cultural outlook or political or religious beliefs? That is the important question.

We desperately need to address our key institutional shortcomings, because institutions are the major tools available to any culture, to any nation, and to any society to shape its future. Yet we continue to be transfixed on the Starr-Clinton-Lewinsky soap opera. The Nation has been moved to this focus because of two people largely. First, Mr. Starr. On a number of accounts, Mr. Starr represents the overreaching zealotry of a personally upright but ideologically and politically partisan individual who before he was appointed special prosecutor was already contemplating filing a court brief on behalf of Paula Jones and who had indicated he was planning to join Pepperdine Law School, an institution financed in large part by a person who has contributed millions of dollars to try to bring down the President. Mr. Starr from all reports is a fine, upstanding human being. But a person of his partisan and ideological mind-set should in my view never have been appointed to a position that calls for, above all, unquestioned fairness, balance and judgment. President Clinton is the second person. Up to this point he has been the most personally talented politician of his generation. He appears to be a person of good heart and courage who wants to do good things for the country. But it has often been noted in the press that the President's causes have been both promoted and crippled by a tendency to use language in ways that are technically in conformance with the truth but often result in obscuring rather than clarifying.

As frustrating as I feel about parsing of language in this episode, I am even more unhappy about the lack of candor demonstrated by both the President and congressional leaders in jointly obscuring the real effect of the budget agreement they both sold to the Nation last year on our ability to meet our domestic responsibilities in strengthening education, health, environment, housing and social service. Why does that frustrate me more? Because the second was a public event which had direct, substantive consequences for American citizens and their families on questions that we will be voting on every day.

At this point, some things are clear to me and some things are not. I cannot really reach a final judgment on this depressing matter until I have had an opportunity to have all of the appropriate information. But my first impressions are these. First, after four years and the expenditure of over $40 million since Mr. Starr was first appointed to review the facts surrounding the Whitewater land deal in Arkansas in the 1970s, we still have no finding of illegal conduct by the President in Whitewater, no finding of illegal conduct by the President in the investigation of the White House travel office which Mr. Starr subsequently undertook, no finding of illegality by the President on the matter relating to the FBI file case. At this point all of the Nation is focused on something which had not even occurred when Mr. Starr was first appointed independent prosecutor.

At this point, Mr. Speaker, I intended to comment on some of the concerns I had about both Mr. Starr and the President, but I am precluded by the Speaker's guidelines from doing so. The complete text of what I had to say on this point will also be available in my office, but I will not address them here.

As we ask the question, what is the proper action for Congress to now take, I will say that this episode in many ways is very different than Watergate. The actions in Watergate involved burglarizing and wiretapping political opponents, attempting to use the IRS to intimidate political opponents, financial payoffs to defendants in criminal cases, and other uses of the levers of governmental power to subvert the very democratic processes that underlie the essence of America. In considering an appropriate action for the Congress to take, I would urge the House to consider the course it took in another case a year earlier. At this point, what is important for us to determine is what is the best thing for the country. A congressional reprimand or other sanction may prove to be the most appropriate action, especially if it allows Congress to end this matter in a much shorter period of time so that the Congress and the presidency can refocus our attention and activities from issues of the past to the future public needs of the Nation and the people we are supposed to represent. I do not know how this sad chapter will end, but I do know that this episode and the way it has been handled by the leadership circles of our major institutions demonstrates a desperate need to examine how we can renew those crucial institutions.

In two years, the millennium will draw to a close. This Nation's institutions are simply not ready to lead the country into a new one. I would never in three lifetimes call for a new constitutional convention, because this generation of political leadership in my judgment is highly unlikely to improve on the work of the Founding Fathers. It is much more likely to muck it up. But I do believe we need to have millennium conventions convened for the purpose of examining ways to reshape, redirect and refocus almost all of our institutions, economic, corporate, political, communication, religious and even our international institutions, such as the IMF, the U.N. and NATO. In the political arena, we need special attention paid to the presidential nominating process to try to find ways to reduce the importance of candidates' media skills and increase the role of peer review by people who know the candidates best if both parties are to produce candidates with the qualities necessary to lead this country.

I do not know how we can change the human heart, but we do need to find ways to reshape the major institutions of this society so that there are more incentives to produce a new focus on selflessness. That is the major task we each face as individuals on life's journey. We need more help and less hindrance from the institutions that dominate our lives along the way.

ISSUES SURROUNDING REPORT OF INDEPENDENT COUNSEL

The SPEAKER pro tempore (Mr. COOK). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, like most if not all Republicans in the House, I have refrained from making speeches or public statements about the current scandal gripping the White House. I have said on numerous occasions that there are more important issues I would rather the public focus on, like, for example, using American technology to upgrade Communist Chinese rockets, thus putting millions of American lives at risk of nuclear incineration. That is something I would like the American people to pay attention to. I would rather see investigative journalists tracking down the details of Communist Chinese money that was laundered into the last presidential campaign. I never did understand how those impoverished Buddhist monks ever got those $5,000 checks to turn over to the President's reelection effort. We never did find that out, did we? I wonder where that came from.

Anyway, there are other things that are much more important than the current scandal that seems to be gripping onto everybody's attention. We Republicans have done our best to let the Starr investigation run its course without adding to the shrillness of the voices heard throughout the land.

□ 2230

Most of us honestly believe that it is a tragedy that a young lady who asked for an apology for ungentlemanly conduct did not get those words of apology that she sought, and had that happened, had she received the apology she was looking for, there would have been no civil case, there would have been no depositions, there would have been no lying under oath, there would have been no need to seek information to see if the offending actions were or were not part of a pattern of personal abuse. This country would have been spared all the humiliation and the spectacle of it all. Well, except for the fact that arrogance came to play and there was a refusal to apologize for offensive behavior. But for that, this thing would have gone away.

But this disgusting scenario has played itself out, and it has been all too public, and it has played itself out without the prodding of Republican Members of Congress. We have, for the most part, tried to maintain decorum, we have tried to maintain our position so that, if necessary, we would be ready to deal with the worst eventuality if we were called to make judgments.

One of the most respected leaders of this body admired by Republicans and Democrats alike is HENRY HYDE, chairman of the Committee on the Judiciary. He, more than any other, has attempted to remain aloof from the bitter rhetoric and accusatory language that swirls throughout the land due to this ever growing scandal.

Today many of us were horrified to hear that the gentleman from Illinois (Mr. HYDE) was the target of a vicious personal attack and that that personal attack has all the appearances of an effort to intimidate not only Mr. HYDE, but other Members of Congress.

Upset with Mr. HYDE's leadership even before the hearings begin, a media outlet saw fit to disclose an indiscretion, an affair Mr. Hyde committed 30 years ago.

The smearing of Republican Congresswoman HELEN CHENOWETH disclosing an indiscretion of 15 years ago, and now the trashing of the chairman of the Committee on the Judiciary, HENRY HYDE, is a blackmail message to every member of Congress. It is an ugly and possibly illegal tactic designed to cower Republicans.

Yes, no one is perfect, no one in this body is per, either Republicans or Democrats; we understand that. And there is no jury in the world that ever goes to try someone in court which is composed of perfect individuals either. But there is a difference between an indiscretion or something that someone has an imperfection, and there is a big difference between that and lying under oath and asking others to lie under oath in order to thwart a civil suit that was itself a product of misconduct.

The vicious attack on Mr. HYDE underscores that the issue at hand in Washington is the abuse of power, of arrogance and of a willingness to act without shame in having one's own way.

Those people who pushed this story of a 30-year-old indiscretion have strengthened the resolve of the Republicans to stand tough. Not one of us is perfect, or not one of us has, you know, has a situation where we do not have something in our past that we would prefer not to be made public. But we will not be intimidated.

Years ago in the Nixon administration Charles Colson, a legal counsel to the President, showed one-half of one FBI file to a journalist. That file contained derogatory information about a critic of the administration. For that repulsive and undemocratic personal attack Mr. Colson was convicted of a felony and sent to Federal prison.

Now we all know that in this administration hundreds of FBI files made their way into the hands of a democratic opposition researcher who was on the White House staff. No one has ever been held accountable for these hundreds of FBI files that were so abused. And an enormous effort was made to throw dust into the air and confuse the issue and obscure it from public scrutiny until it was forgotten, just like perhaps those $5,000 checks from those Buddhist monks are now forgotten or just a distant memory.

By the way, whatever happened to those things? Whatever happened to the FBI files? Who was accountable for that? These are things that have never been answered, but it is forgotten now because so much dust is in the air.

We have seen from this administration a willingness to destroy any adversary, far beyond anything that Richard Nixon ever dreamed of. Richard Nixon, yes, had an enemies list. It was a list of names with whom the White House would not cooperate. These were people who, the enemies list were people who would not be invited to luncheons or to special briefings or given any special type of treatment. That is what the enemies list was under Richard Nixon.

This administration seems to have a hit list of people who are targeted for personal character assassination. Paula Jones was mistreated and then disparaged and brutalized for asking for an apology. Now we see attacks on Members of Congress. DAN BURTON was investigating, Congressman DAN BURTON was investigating, campaign corruption, had nothing to do with any other personal things that are going on, any other scandals that are going on, but he was investigating campaign corruption, and his own personal shortcomings of long ago were rubbed in his face. He, too, will not be intimidated. He, too, is standing tough.

The public does not expect us to be perfect, it does not expect it. Does not expect DAN BURTON to be perfect, does not expect me to be perfect, does not expect any Republican Member or any Democrat Member to be perfect because none of us are. But it is not hypocrisy for those of us who are not perfect to look into the abuses of power, to look into felony obstruction of justice, or perjury, of lying under oath, and we should be able to do that without someone threatening to disclose some information about an indiscretion of years ago.

It appears that the House of Representatives may soon be called upon to judge evidence and make determinations. Any attempt to blackmail or intimidate us, to make us cower for fear of personal embarrassment, will not work. And if it is found that these attacks can in any way be traced to those under investigation, it will be the last straw.

The American people are tolerant, sometimes to a fault. They are long suffering and slow to anger. But those who would tamper with the jury, blackmail and intimidate and conduct the most vicious type of personal attack on one's adversaries, will feel the wrath of the American people and will unify this Congress. On both sides of the aisle we will come together because we believe, as Members of this body, that this is an American institution that is dedicated to the proposition that we are better than that, better than they that do things in other more totalitarian, less democratic countries. We are better than that here in the United States of America, and in the capital and in the Congress of the United States we will hold to a higher standard.

Mr. Speaker, this is an issue of utmost importance. It took my breath away today when I heard that HENRY HYDE had been attacked in this way. As I say, we had seen this with HELEN CHENOWETH and DAN BURTON before. We had seen critics of the administration suffer these type of personal attacks, and we have heard stories of things that happened in the past to critics, and it is something that goes beyond the bounds.

This cannot be tolerated. It is a crossing of the line. Mr. HYDE is a well-respected, a very well-respected Member of this body, and not only have they shown they can do this to Mr. HYDE, but they have done this to others, and they can do to the chairman of the Committee on the Judiciary this? If we let this go by, it is just admitting that our standards of our country have sunk to that level, and we cannot let that happen, and I would yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleague from California.

Mr. Speaker, I would say tonight, ladies and gentlemen who join us here in this Chamber and those who watch these words coast to coast and beyond through the facilities of C-Span and other satellite networks, that sadly a scourge has descended on this Federal capital district, on this capital city, a scourge borne of a cynicism, a scourge borne of a scorched earth policy. And, Mr. Speaker, my colleagues, I think it is important to note some basics at this hour of need in our Nation.

First and foremost, every Member of this body, as well as those who serve in elective capacity within the Executive Branch and those in the Judiciary, take an oath of office to uphold and defend the Constitution of the United States. And at this hour in this place at a time of grave national concern we would do well to remember the words of our founders in Article 2, Section 4, when it comes to discussion of the Executive Branch. Our founders write, and I quote:

> The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

Those are the words of our founders. Those are the words of the document which Katherine Drinker Bowen characterized as the miracle at Philadelphia. Those are the words to which we took an oath of office to protect, uphold and defend.

And I share my colleague from California's amazement and outrage that in this city, at this time, there are those who would pursue a scorched earth policy to try and convince the American people that, quote, everybody does it.

Well, Mr. Speaker, no. Everyone does not do it.

□ 2115

Everyone does not lie under oath. After making a promise to God, after making a promise to the citizens of this nation, after swearing an oath to uphold and defend the Constitution of the United States, at long last, have they no dignity? Have they no sense of honor?

Those who through the media and who through whispered comments and who through telephone calls would besmirch the dignity of those who serve in this branch under the cynical and sick notion that everyone does it, Mr. Speaker, I give the American people far more credit.

I understand the burdens that confront the average American family. Indeed, we have seen it here and my colleague from California will attest, I have come to this well, as has he, and as have others, to point out that the median American family today surrenders well over a quarter of its income in taxes to the Federal Government as opposed to the median American family in 1948.

I understand the workload that confronts moms and dads around this country, where one spouse chooses to work not voluntarily but out of necessity, to pay the tax bill.

I understand the stresses and strains on average Americans simply to pay their taxes and to feed and educate and clothe their children and yet I understand what our founders meant in this document. Let there be no mistake, to those cynics who offer the tactics of smear and fear, the citizens of this great country and those who serve in this body will not be intimidated. Freedom has come at far too great a price.

The Constitution is far too valuable for those peddlers of petty gossip to sustain a position of supremacy.

Mr. Speaker, their actions speak clearly. They have no decency. They hold no harbor for the rule of law, and they certainly fail to adhere to the edicts of the Constitution, but our founders, in their prescience, in their foresight, in their resolve, offered constitutional remedies to this House and to this nation. No one approaches these remedies with glee, for our oath is to the Constitution, not to partisan political advantage.

As my colleague from California points out, the peddlers of gossip, cynicism and despair continue to wage their sinister tactics.

Would that it were not so. Would that we could come to this chamber to discuss policy differences, earnestly held, sincerely championed. Yet, even though there are grave concerns that confront this nation, from the concept of providing for the common defense, as my colleague from California pointed out, to the challenge of making sure that American families hold on to more of their hard-earned money and send less of it to Washington, even with those pressing concerns, not to mention the concerns of education that confront every family, there is no more pressing need, Mr. Speaker, than to champion the adherence to the rule of law in this constitutional republic, at this time, in this place, Mr. Speaker, the most hallowed of American institutions.

To those, Mr. Speaker, who would weave a cynical web of gossip and cynicism, we say, shame, shame on your cynical tactics, shame on your crawling into the gutter, shame on your cheap, reprehensible notions that you can claim simply that everyone does it.

For, Mr. Speaker, even though as I stand as a human, as the Apostle Paul said, all have sinned and fallen short of the glory of God. Even as we understand the difference between mistakes, so, too, Mr. Speaker, do we note the distinction of crimes. If we are to suggest that, one, for whatever reason, is excused from the oath before God and man, not of high office but simply to tell the truth in interpersonal matters, then we have abandoned the rule of law and we have surrendered that which makes this constitutional republic the last best hope of mankind. It transcends party. It transcends personality. It goes to the core of what it means to be an American.

Mr. Speaker, again, to those who would crawl into the gutter, who would whisper to the magazine writers, who would whisper to the television journalists, Mr. Speaker, in all sincerity and all humility I must ask, have they no shame? At long last, have they no shame.

Worse, Mr. Speaker, have they no reverence for our constitutional republic and the concept of freedom, which is every American's, conditional upon the rule of law?

These are not tranquil times. No matter the Dow Jones industrial average, no matter the rate of return in the bond market, if we face a crisis of personal integrity in the social will to tell the truth, then we indeed face a crisis. If we continue to hear from the punditocracy that the rule of law makes no difference, then we confront a crisis as grave as the missiles that may be aimed at us, a crisis of spirit.

Mr. Speaker, I reject that notion. I know full well from hearing from the constituents of the Sixth District of Arizona, to whom I have listened in the past few months, in knowing of the concerns of my colleague and others on both sides of the aisle, we know full well what is at stake and we heap disdain on those who would try to change the subject through cheap gossip.

Mr. ROHRBACHER. Reclaiming my time, Mr. Speaker, if the gentleman would like to stay we can have a colloquy on this. I would just like to point a few things out.

I worked in the White House for 7 years under Ronald Reagan, and I worked in all of his presidential campaigns. I was very close to President Reagan. I was, in fact, a speech writer for President Reagan and special assistant to the President and was privy to many, many internal discussions about how to confront various challenges to the administration.

At no time during my many, many years with Ronald Reagan did I ever hear anyone ever suggest that we launch some type of personal attack on an adversary, especially dealing with Congress, especially dealing with the chairman of a committee like the Committee on the Judiciary. At no time did I ever hear a suggestion in the Reagan White House that we should leak some negative information about somebody's personal life to a reporter. Never did I hear that.

In the 10 years since I have been here, let me just say, even the most aggressive fights that we have had on the floor here of the House of Representatives, never has anyone from the other side of the aisle or anyone on this side of the aisle that I have heard of, talked about, well, let us get that person by leaking some personal information about them, about some indiscretion they had years ago or some sort of personal problem that they might have. It just does not happen.

We have a comity here that speaks well of democracy. There has to be a certain degree of goodwill in democracy. Those standards of goodwill and comity are especially important at times of crises as we are now facing in the Nation's capital.

I never heard it when I worked at the White House and I have not heard it here but yet today we hear, after hearing stories of the gentlewoman from Idaho (HELEN CHENOWETH) of 15 years ago, the gentleman from Indiana (DAN BURTON) of long ago and now the chairman of the Committee on the Judiciary has had some indiscretion he committed 30 years ago made public.

It is a message to all of us here. It is a message to say, either go along or we are going to find something on you.

We have a Member of our body here, the gentleman from Pennsylvania (Mr. MCHALE), who was on television and announced that he was no longer supporting the President's position in terms of this scandal.

What happened? People tried to leak negative information. Geraldo Rivera on TV tried to bring up some negative personal story about the man that proved to be false. The story itself was incorrect. Even if it was correct, is this the right tactic to use to try to bludgeon people into submission and not to criticize?

Now, when I was a reporter, I was a reporter for about 10 years, that is my profession, I am a writer, and during that time period, we journalists, and the gentleman from Wisconsin (Mr. OBEY) spoke about journalism before he came here, before we got up and talked about people who have to say negative things about other people, but not all journalists are that way. A lot of times, it is not relevant.

Sometimes personal things are relevant, and they are brought out and they are not just brought out for a mean spirited thing. It is because they are relevant. I remember when someone came to me when I was a journalist in Los Angeles and talked about a public figure, an office holder in the Democratic Party, who had been arrested, when he was very young, in some kind of a homosexual act.

They said, this is going to be a big story and you are going to have a chance to break it. This was not the Republican Party, I might add, who was telling me this. I will not go into who it was but it was not someone associated with the Republican Party and it was not a Republican Party office holder. In fact, it was another journalist.

I said, no, I am not going to do this. This was long ago and this has no relationship to this person today and I am just not going to do that. That story never did come out, because I am sure that that story probably went to several other journalists in Los Angeles. I can say right now if that would have been a conservative Republican that story would have come out, and the message from some of the things that are happening right now is that if someone goes up against the President on this issue, they are going to get it.

Now, whoever is going to be dishing it out, we do not know who it is but the message is there. When we have someone of the stature of the gentleman from Illinois (Mr. HYDE), who is dragged through the mud, and the gentleman from Illinois (Mr. HYDE) is beloved on both sides of the aisle, he is respected on both sides of the aisle, integrity does not mean that you are a perfect human being. Jesus Christ was a perfect human being, but that is the only person I know that ever traipsed upon the earth that is a perfect human being.

To instead of argue a case, instead of arguing the merits of one's position, to go after people like this and to disclose embarrassing information and just to get up here and say this and to challenge this, of course, opens me up to that kind of attack and if we try to get together and do something tomorrow, every one of us will know that we are opening ourselves up to that kind of an attack, but I will state right now for the record, and I am sure my colleague from Arizona will agree, that these tactics will not intimidate the Members of the House of Representatives.

□ 2300

I think it will draw us closer. I think the Members of the Democratic side of the aisle will reject and they will condemn this type of practice and will, in doing so, be drawn closer to those of us on this side of the aisle and our commitment to have an honest hearing of all of the facts that will come to us and make an honest decision. For whatever decision we are called upon to make, we are going to have an honest decision.

Now, we have held our tongues and have not used this floor as a means to manipulate or attack or to use for political purposes this scandal that has been sweeping through our country. We have tried our best, and sometimes we slip a little bit because it is of interest, but we are trying our best. And for some to suffer this kind of personal abuse, and to see a hero, one of our heroes, and by the way, I have had my disagreements with the gentleman from Illinois (Mr. HYDE) too. I had a big fight with him, and my friend, the gentleman from Arizona (Mr. HAYWORTH) was on my side in that fight on the patent issue.

But even in the middle of that fight, I remember how much I respected the gentleman from Illinois (Mr. HYDE).

Mr. Speaker, I am happy to yield to my colleague.

Mr. HAYWORTH. Mr. Speaker, as I hear my colleague from California recount honest policy differences, I am struck by the words of that great and good man, Dwight David Eisenhower, the supreme allied commander in Europe, and later the President of the United States who, Mr. Speaker, instructed all of us, all of us when we have a political dispute, to understand that those who might hold differing views honestly want what is best for the country. This is the distinction we draw tonight, Mr. Speaker.

To those small-minded, sinister, purveyors of the perverse, we say tonight, Mr. Speaker, shame. Shame on you and your tactics. Shame on you and what you attempt to do. For in your attempt, you bankrupt any innovative policy of those who have chosen to stray from constitutional guidelines, those have chosen to stray from the conduct of simple human decency, and those who may have chosen to stray from the rule of law.

That is the statement we make tonight, well aware that those small and sinister minds may work overtime with journalists of their choosing and publications of their philosophy to try and lower us to the muck and mire, and yet Ike's example is there for every American.

To quote the former President and a member of the other body in bygone times, "I am not going to climb into the gutter with that guy," said President Eisenhower. And those of us of both parties join in the example of Ike to say, no, it is not time to climb into the gutter. Instead, it is a time to champion the truth, the constitutional remedies at our disposal for the people, because principle outstrips polling and outstrips malicious gossip any day at any time, and especially in this place.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, the gentleman brought up Eisenhower. I think it would be interesting to those reading the CONGRESSIONAL RECORD, listening over C-SPAN and our colleagues who are listening at home and in the body, to note a quotation from Adlai Stevenson.

Mr. Speaker, Eisenhower and Stevenson fought a very tough battle for the presidency, not on 1 occasion, but on 2 occasions. And Adlai Stevenson is quoted as saying, my favorite quote from Mr. Stevenson is, "He who throws mud will generally lose ground."

I am afraid that those people who have launched these personal attacks on the gentlewoman from Idaho (Mrs. CHENOWITH) and the gentleman from Indiana (Mr. BURTON) and now the chairman of the Committee on the Judiciary, those people who have tried to destroy Paula Jones when she was asking for an apology for ungentlemanly conduct that was thrown at her, that those people will not be tolerated by other members of the media and other Members of this body. I think that especially now, this attack on the gentleman from Illinois (Mr. HYDE), tomorrow we will see that our colleagues will rally to the gentleman from Illinois, and we will tomorrow reconfirm to one another that that is unacceptable, and that there shall be no more of this, and that this indeed may be the last straw, but if this tactic continues, and if this tactic is traced back to anyone who is under investigation, that that will be the last straw.

There are reports, there are some reports right now that this may well have been something that came out of this White House. Again, just like the charges that we were asked to investigate, let us wait and see. I am not going to state that that is the case because all I have done is hear some television reports. But if the gentleman from Illinois (Mr. HYDE), as the chairman of the Committee on the Judiciary, is faced with some sort of conspiratorial action to have a personal, a vile personal attack against him to disclose some information from 30 years ago, while we are trying to investigate, and again, trying to investigate charges of what? Charges that someone lied under oath, charges that someone has asked other people to lie under oath and things such as that, if we cannot look into this seriously and take that job seriously without having it threatened, that we are in some way going to have some little thing that we have done wrong, and all of us have done things that are embarrassing in our lives, then we have let the standards slip.

This is the United States of America. We are supposed to be better than that here.

There was a movie a few years ago, I do not know if my friend remembers that movie, and it was about somewhere here in Washington, and I think it was the President's choice of a certain ambassadorial job or something, and some personal information was leaked about that person that he had had some homosexual affair or something like that, and the man ended up committing suicide. I forget what the name of that movie is right now. Advice and Consent, that is exactly what it was.

In that movie, I think that it really brought home for those of us who had never been in Washington, when I first saw that I had never been in Washington, and of course it was a wonderful book by Mr. Drury, was it? What that brought home was the fact that we are people here. We are human beings, and we have feelings, and certainly we get mad and angry. I know I got mad today and said a couple of things to somebody I did not want to say.

But this was not an action of anger. What we are talking about is the activity taken against the gentleman from Illinois (Mr. HYDE) was cold and calculated and as low as one can get in this town. We are supposed to be above that.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, indeed, those tactics, Mr. Speaker, are tactics of desperation and depravity, for they fail to make the moral distinction between mistakes, sins, and possible crimes. There is a clear distinction in our society, especially for the latter category. That is why for over 200 years we in this constitutional republic have had an adherence to the rule of law. Yet, Mr. Speaker, there are those who, through their scurrilous actions, would try to muddy the waters, try to change the distinctions, try to mitigate the circumstances for what could possibly be crimes.

Let us state clearly and unequivocally, Mr. Speaker, for those who join us in this chamber; for those who may watch around the world, a failure to tell the truth under oath is a crime. Not a mistake, not an indiscretion simply, and not simply a sin. It is a crime.

□ 2310

Mr. HAYWORTH. That is the crux of what confronts us at this time, in this place, in this city, and indeed across the Nation.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, we of course are seeing that is what the issue is. That is to be determined. We are not saying right now that a crime has been committed.

Mr. HAYWORTH. Indeed.

Mr. ROHRABACHER. But what we are saying is that that is what the underlying tension in this city today is as we are moving forward to investigate a crime. We have done everything that we can do.

My colleagues have not seen me on the floor, and my colleagues have not seen the gentleman from Arizona on the floor. We both would like to speak, and we are politically oriented. We are in the middle of the year. My colleagues have not seen some of the other great, great speakers on the Republican side of the aisle down in the well and making political hay out of this. We are not.

We have not been doing that because we know that that this body has to determine, as the gentleman showed in the Constitution, it is up to us to uphold that standard and determine if a crime has been committed.

God will judge people's sin and morals. It is up to us to make that judgment if a crime has been committed. To have in the middle of this now, to have this word go out that anybody who gets too tough, even the chairman of the Committee on the Judiciary is going to find themselves the subject of a smear. Anything they have ever done wrong is going to be spread all over the newspapers.

This is unconscionable. We cannot let that be the standard here in Washington, D.C. This is all we are really talking about is upholding the standards, the standards that were written down by our Founding Fathers in that Constitution.

There is a lot of talk about moral standards, and I think that is an important issue of discussion; that is not what we are talking about here. We are talking about the law.

By the way, if a simple apology would have been made to someone who was mistreated, and that is all that person was really asking for, everything else had been decided, this need not have come to a head. There did not need to be depositions. There did not need to be someone to be asked an investigation to find out if this kind of conduct was something that was a personal habit that was going on, an ongoing thing rather than just one little incident. That would not have been necessary then.

The lying under oath and trying to protect oneself, it would not have happened except the fact that somebody did not get an apology when they asked for it because they were a simple person, just a simple person who believed that she had been treated not like a lady.

In this country, even a simple person has a right. No matter who that other individual is, no matter what high office they may hold, they cannot treat a citizen in a way without legal recourse.

One note. In Los Angeles, I remember the story of an Arab, rich Arab Sheik that came into town and had lots of money. He was a king or something. Maybe he was a prince or whatever he was. He was a pretty big shot in his own country.

He checked into a hotel, and the bellman was late with delivering something by 5 minutes or something, and this man slapped the bellman. The bellman looked at him and he said, you cannot do that. This is the United States of America. He said, you are a bellman. He said, get out of here.

No, in the United States of America, that bellman has the rights and can have his dignity protected just like that young lady, Paula Jones, had a right to have her dignity protected.

If that prince would have apologized, it probably would have been okay. But he did not, and he was arrogant. In the end, that prince, worth hundreds of millions of dollars, perhaps billions of dollars, had to flee this country because of a civil suit filed by that bellman.

I am proud to live in the United States of America where these people are protected. But it is only the rule of law that protects them. It is only a certain amount of respect that we have for the average person.

Yes, when the average person sues the high and mighty, there are depositions that have to be taken and people have to give testimony under oath in order to investigate personal conduct that may prove that there is some kind of a pattern, a personal pattern in that abuse.

If someone lies during that civil matter, that is a violation of the law. We have to determine whether the law has been violated, whether that happened in this case. We take that seriously.

I am not saying I am in favor of impeachment or if I believe that there is any crime that absolutely has been committed, but we can say that there is enough evidence for us to look into this matter, and we must look into this matter without outside pressures trying to intimidate us to back away or to cower because someone's going to say something bad about our background. It is wrong.

What happened to the gentleman from Illinois (Mr. HYDE) was wrong. What happened to the gentleman from Indiana (Mr. BURTON) was wrong. What happened to the gentlewoman from Idaho (Mrs. CHENOWETH) was wrong.

We are not going to let it happen. We are not going to be intimidated. We are not going to let that happen. We are going to find out whether this could be traced back to the people who are under investigation. We are going to find that out.

Again if it is, if this can be traced back to the person under investigation, this is the straw that breaks the camel's back.

Mr. Speaker, I am happy to yield to the gentleman.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from California for yielding to me. I would simply stand in support of all that he has said. It is important to make the distinction between charges and crimes. I thank him for that distinction.

I thank the gentleman also, Mr. Speaker, for explaining in his own unique fashion the creed that is inscribed on the magnificent temple of law across the street here in Washington, D.C., Mr. Speaker. For outside the chamber of the Supreme Court of the United States, as one gazes at that edifice, one sees the words "Equal Justice Under Law."

Who among us would alter that notion? Who among us, Mr. Speaker, would perverse or pervert that dynamic, that all who live in this Nation, that all who are blessed with citizenship in this constitutional republic are equal under law? That is the question that confronts us, not the high jinks or tomfoolery or gossip that accompanies the charges that are there, but, instead the simple notion, Mr. Speaker, that no one, no one, no prince, no potentate, no President is above the law.

For in this constitutional republic, if we abandon that notion, then one should simply take a match to this document or tear it asunder. For the rule of law will crumble as will this last best hope of mankind.

Mr. ROHRABACHER. Let me just note this, if the gentleman from Illinois (Mr. HYDE) was being accused of perjury and saying that he had committed perjury in the past, how can he now investigate and have a perjury investigation? If the gentleman from Illinois (Mr. HYDE) was being accused of obstruction of justice, that would be something else. We probably would say maybe there is a point here, and someone has a built-in situation where he should not be that chairman or something.

That is not what the gentleman from Illinois (Mr. HYDE), what they brought up. That is not what they brought up on the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Indiana (Mr. BURTON).

Let us say that the gentleman from Indiana (Mr. BURTON) had been accused of all sorts of campaign violations, and of course he is looking into campaign violations himself, these things.

☐ 2320

These things, hypocrisy is something that someone can talk about and charge with someone. Someone has a double standard and things such as that. But that is not what has happened here. And, of course, we do know that Mr. Starr, and I have not personally commented on this. This is the first time that I have publicly commented on this. That Mr. Starr, of course, the investigator himself, has been brutalized over and over and again these last few years.

When I was in the Reagan White House, Ronald Reagan was committed to seeing that the communists would not take over Central America. And as much as people do not like to admit that, that was the core issue that was going on. Ronald Reagan was going to stop the Sandinista government, which had billions of dollars of military equipment from the Soviet Union, from expanding and put them on the defensive.

We did that until the Soviet Union collapsed. Because had the Sandinistas started expanding their role, it would have been a terrible thing. Probably communism would not have collapsed because they would have thought they were going to win.

Anyway there were some mistakes made by people in the White House and elsewhere, and we helped the Contras at a time when some Members of Congress felt that it was not legal for us to do so. Let me add, I personally believe that no laws were ever broken in that situation. I personally believe that it was perfectly legal for the President to, although it was not advisable what he did in terms of Iran, but it was perfectly legal for him to try to make those contacts with Iran and there was residual money that was left over that was then transferred to the Contras.

Mr. Speaker, that was a big crisis in the Reagan administration. That was as big as a crisis and upsetting of the natural order of things here as what we are going through now, based on this current scandal. But at no time do I remember that the special prosecutor in that case, that we tried to do anything like is being done to Mr. Starr to the special prosecutor that went after Mr. Reagan.

And, by the way, that special prosecutor spent more money and had more people working for him, I believe, or at least an equal amount, and a number of people, and I do not remember seeing anything in the paper about whether seeing if people believed in the special prosecutor's words as they do now. They have polling as, "Who do you believe? Clinton or Starr?" That did not happen during the Reagan years.

I think Mr. Starr, and believe me, I do sympathize somewhat with the idea that prosecutors should not just have a blank slate and be able to come in and investigate anything in anybody's life until they find something. I understand that. But that is not what the situation is today. We have some specific things that we have to decide here, very specific things about specific statements made under oath that we believe that may well not have been truthful.

Mr. Speaker, we have to investigate that because it was made under oath and involving a civil legal matter. If we do not say that, we just say across the board that it is okay to lie under oath in civil cases. Now we cannot say that. We cannot permit that standard to sink that low.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOK). The Chair must remind members not to discuss charges against the President.

Mr. ROHRABACHER. Mr. Speaker, I have not mentioned the President when discussing any particular charge. And in fact, some of the charges, some of the things that we have been discussing have no relationship to the President whatsoever. And, in fact, relate more perhaps to some of the President's staff or perhaps to other people in the executive branch. Or perhaps some of the things that we are discussing are aimed more at people who are liberal activists in the news media.

So, although obviously some of the things we are discussing may have some impact on the President, we are not addressing this specifically at the President.

Mr. HAYWORTH. Mr. Speaker, lest there be any doubt, we come to this Chamber, and indeed in the next few trying weeks this should be our cause. This, Mr. Speaker, should be our mission not to address the impending crisis as Republicans or as Democrats, but as Americans. Americans concerned about the future of the rule of law. Americans who understand that our adherence to the rule of law is both central and elemental to our survival in a constitutional republic. Adherence to the rule of law for all, regardless of title, regardless of job, regardless of economic standing, regardless of race, religion, color or creed. This is the essence of what it means to be an American in the late 20th century. To understand that adherence to rule of law is everything. For if we lose that, then, Mr. Speaker, we have nothing. I yield to my colleague.

Mr. ROHRABACHER. In conclusion, let me say that I am pleased that my friend from Arizona joined me here tonight. Actually I am sure he saw me on C-SPAN and decided to come over, working late in his office. He was probably working in his office after 11 o'clock at night and came over here, and I know that has happened to me at times as well.

Mr. Speaker, we are both concerned, and I think that tomorrow that we will see in this body a great deal of concern about this vicious personal attack on the chairman of the Committee on the Judiciary the gentleman from Illinois (Mr. HYDE). And I would hope that it is a source of unity for this body, that we unify tomorrow and say that this is over. This is beyond the pale. This is over the bounds of acceptability. And we will stand together to uphold the standards of law because that is true, both Democrats and Republicans, we realize that like in that movie about the young boys who were on the island, remember that? Somebody else is going to have to help me with this. Lord of the Flies, in that movie Lord of the Flies, I remember I read the book as well, come to think of it. There was a conch that was the symbol of respect for law. But once that respect for whoever held that conch so the people would be quiet and listen to them and they could discuss the issues, once that was destroyed, there was a degeneration into a type of life, a savagery that came out. We will maintain the comity of this body. We will maintain goodwill. Goodwill among free people, goodwill among people who believe in democracy and constitutional government.

What happened with the gentleman from Illinois (Mr. HYDE) was not in keeping with that spirit, and it will not, and let us just state once and for all, we will not be intimidated. Justice will be served. We will make an honest determination of everything that comes before us and personal attacks on us must stop and they will not be tolerated.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

June 16, 1998

H.R. 824, An act to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building."

H.R. 3565, An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

June 23, 1998

H.R. 1847, An act to improve the criminal law relating to fraud against consumers.

June 24, 1998

H.R. 3811, An act to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

July 14, 1998

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 652, An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 848, An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

H.R. 1184, An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

H.R. 1217, An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

July 16, 1998

H.J. Res. 113, Joint resolution approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capital.

H.R. 960, An act to validate certain conveyances in the City of Tulare County, California, and for other purposes.

H.R. 2202, An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

H.R. 2864, An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2877, An act to amend the Occupational Safety and Health Act of 1970.

H.R. 3035, An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

H.R. 3130, An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

July 21, 1998

H.R. 1635, An act to establish within the United States National Park Service the National Underground Railroad Network to Freedom program, and for other purposes.

July 22, 1998

H.R. 1316, An act to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

H.R. 2676, An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

July 29, 1998

H.R. 1273, An act to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

H.R. 1439, An act to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California.

H.R. 1460, An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779, An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 2165, An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217, An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841, An act to extend the time required for the construction of a hydroelectric project.

H.R. 2870, An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

H.R. 3156, An act to present a congressional gold medal to Nelson Rolihlahla Mandela.

August 5, 1998

H.R. 39, An act to reauthorize the African Elephant Conservation Act.

August 7, 1998

H.R. 643, An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 1151, An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 1385, An act to consolidate,. coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

H.R. 3152, An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 3731, An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium".

H.R. 4354, An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

August 12, 1998

H.R. 434, An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 1085, An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

H.R. 3504, An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 4237, An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

August 13, 1998

H.R. 765, An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872, An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

August 14, 1998

H.R. 3824, An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the house that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

June 16, 1998

S. 1605, An act to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.

June 19, 1998

S. 423, An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason.

S. 1244, An act to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

June 23, 1998

S. 1150, An act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

S. 1990, An act to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

July 7, 1998

S. 2069, An act to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

July 14, 1998

S. 2282, An act to amend the Arms Export Control Act, and for other purposes.

July 16, 1998

S. 731, An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

July 21, 1998

S. 2316, An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride.

July 29, 1998

S. 318. An act to require automatic cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

August 12, 1998

S. 2344. An act to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

August 13, 1998

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 1800. An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse".

S. 2143. An act to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

August 14, 1998

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAUZIN (at the request of Mr. ARMEY) for September 10, 14, and 15 on account of illness.

Mr. GOSS (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. MCHUGH (at the request of Mr. ARMEY) from 12 noon until 6 p.m. today on account of official business.

Mr. BEREUTER (at the request of Mr. ARMEY) from 7:30 p.m. and for the balance of the evening on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. ROGAN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. KIND.

Mr. ROTHMAN.

Mr. NEAL of Massachusetts.

Mr. SKELTON.

Mr. SANDERS.

Mr. KUCINICH.

Mr. MILLER of California.

Mr. CONYERS.

Mr. MCDERMOTT.

Mr. VISCLOSKY.

Mr. MCGOVERN.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous material:)

Mr. FORBES.

Mr. SMITH of Michigan.

Mr. CRAPO.

Mr. ROGERS.

Mr. HILLEARY.

Mr. GILMAN.

Mr. WOLF.

Mr. FOX of Pennsylvania.

Mr. DELAY.

Mr. STEARNS.

Mr. DOOLITTLE.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous material:)

Mr. DINGELL.

Mr. ROTHMAN.

Mr. FORBES.

Mr. TIAHRT.

Mr. GEJDENSON.

Mr. BALLENGER.

Mr. MCINNIS.

Mr. COSTELLO.

Mr. BLILEY.

Mr. ETHERIDGE.

Mr. BOB SCHAFFER of Colorado.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, September 17, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10937. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing [Docket No. FR-4280-F-03] (RIN: 2501-AC45) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10938. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, Fulbright-Hays Faculty Research Abroad Fellowship Program, and Fulbright-Hays Group Projects Abroad Program (RIN: 1840-AC53) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10939. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 Concerning the Commission's Finder's Preference Rules [WT Docket No. 96-199] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10940. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules To Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service [PR Docket No. 89-522] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10941. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule— Risk-Informed Inservice Testing—received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10942. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach For Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing [Regulatory Guide 1.175] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10943. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Migratory Bird Harvest Information Program; Participating States for the 1998-99 Season (RIN: 1018-AE96) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10944. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— MIGRATORY BIRD HUNTING; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998-99 Early Season (RIN: 1018-AE93) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10945. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Arkansas Regulatory Program [SPATS No. AR-030-FOR] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10946. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—North Dakota Regulatory Program [SPATS ND-032-FOR, Amendment No. XXII] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10947. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Criteria for State Observational Surveys of Seat Belt Use [Docket No. NHTSA-98-4280] (RIN: 2127-AH46) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10948. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 98-NM-136-AD; Amendment 39-10719; AD 98-18-03] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10949. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-500M Gliders [Docket No. 98-CE-31-AD; Amendment 39-10671; AD 98-15-20] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10950. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98-CE-54-AD; Amendment 39-10584; AD 98-12-31] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10951. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 98-NM-49-AD; Amendment 39-10449; AD 98-15-23] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10952. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Willits, CA [Airspace Docket No. 96-AWP-26] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10953. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of VOR Federal Airways; WA [Airspace Docket No. 97-ANM-23] (RIN: 2120-AA66) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10954. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dallas-Fort Worth, TX [Airspace Docket No. 98-ASW-42] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10955. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class E Airspace and Establish Class E Airspace; Springfield, MO [Airspace Docket No. 98-ACE-20] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10956. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lawrenceville, IL [Airspace Docket No. 98-AGL-2] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10957. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbus NE; Correction [Airspace Docket No. 97-ACE-32] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10958. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction [Airspace Docket No. 97-ACE-34] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10959. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL [Airspace Docket No. 96-ASO-20] (RIN: 2120-AA66) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10960. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 Series Airplanes [Docket No. 98-NM-21-AD; Amendment 39-10425] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10961. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 520, 560, 680, 681, 685, 690, 695, and 720 Series Airplanes [Docket No. 97-CE-69-AD; Amendment 39-10437; AD 98-07-17] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10962. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes [Docket No. 97-NM-331-AD; Amendment 39-10538; AD 98-11-11] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10963. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 Powered Gliders [Docket No. 98-CE-27-AD; Amendment 39-10670; AD 98-15-19] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10964. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act For The 21st Century; Implementation Of Guidance For Discretionary Program Funds For National Scenic Byways—received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10965. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 98-NM-54-AD; Amendment 39-10525; AD 98-10-13] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10966. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 97-ANE-05; Amendment 39-10563; AD 98-12-07] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10967. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines [Docket No. 97-ANE-40-AD; Amendment 39-10514; AD 98-10-03] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10968. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes [Docket No. 97-NM-321-AD; Amendment 39-10444] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10969. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models K 8 and K 8 B Sailplanes [Docket No. 98-CE-02-AD; Amendment 39-10721; AD 98-18-05] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10970. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest on bonds to finance certain exempt facilities [Revenue Ruling 98-47] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10971. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98-48] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10972. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 98-46] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10973. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 1999, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—587); to the Committee on Appropriations.

10974. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a cost comparison of the Air Force Research Laboratory support functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10975. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a multi-function cost comparison of the Civil Engineering functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10976. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Material Command is initiating a multi-function cost comparison of the Communications and Telephone Services functions at Wright-Patterson Air Force Base (AFB), Ohio, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10977. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Travis Air Force Base (AFB), California, has conducted a cost comparison to reduce the cost of the Military Family Housing Maintenance function, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10978. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board for calendar year 1997; to the Committee on Banking and Financial Services.

10979. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10980. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10981. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation; to the Committee on the Budget.

10982. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 20–98 which constitutes a Request for Final Approval for Amendment 1 to the Memorandum of Understanding between the U.S. and Germany concerning cooperative production of the MK–31 Guided Missile Weapon System which is known as the Rolling Airframe Missile (RAM) Block 1, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10983. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany (Transmittal No. DTC 38–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10984. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report regarding the terrorist attacks on the American Embassy in Nairobi, Kenya and the American Embassy in Dar es Salaam, Tanzania; to the Committee on International Relations.

10985. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations by the General Accounting Office to the House and Senate Leadership; to the Committee on Government Reform and Oversight.

10986. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report for the Ala Kahakai Trail in Hawaii; to the Committee on Resources.

10987. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, and for other purposes; jointly to the Committees on Veterans' Affairs and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on Revised Suballocation of Budget Totals for Fiscal Year 1999 (Rept. 105–722). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3381. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co.; with amendments (Rept. 105–723 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 541. Resolution providing for consideration of the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes (Rept. 105–724). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–725). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 543. Resolution providing for consideration of the bill (H.R. 3248) to provide dollars to the classroom (Rept. 105–726). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 3381 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3381. Referral to the Committee on Agriculture extended for a period ending not later than September 16, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DINGELL:

H.R. 4577. A bill to amend title 49, United States Code, to improve air carrier service; to the Committee on Transportation and Infrastructure.

By Mr. ARCHER:

H.R. 4578. A bill to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 4579. A bill to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. BARRETT of Nebraska (for himself, Mr. Moran of Kansas, Mr. Ewing, Mr. Pickering, Mr. Blunt, Mr. Leach, Mr. Cooksey, Mr. Nethercutt, Mr. Smith of Michigan, Mr. Bereuter, Mr. Chambliss, Mr. Hill, Mr. LaHood, Mr. Ryun, Mr. Lewis of Kentucky, Mrs. Emerson, Mr. Bunning of Kentucky, Mr. Weller, Mr. Crapo, Mr. Lucas of Oklahoma, and Mr. Watts of Oklahoma):

H.R. 4580. A bill to amend the Agricultural Market Transition Act to provide supplemental payments to farm owners and producers who have entered into production flexibility contracts under that Act; to the Committee on Agriculture.

By Mr. CRAPO (for himself, Mr. Cannon, and Mr. Stump):

H.R. 4581. A bill to amend the Federal Trade Commission Act to provide that certain advertisements of a dietary ingredient or dietary supplement shall not be considered to constitute an unfair or deceptive practice, and for other purposes; to the Committee on Commerce.

By Mr. DUNCAN:

H.R. 4582. A bill to provide that in determining the income of beneficiaries for purposes of the so-called minimum-income widows program for certain surviving spouses of military retirees, the Secretary of Defense shall exclude monthly insurance benefits under title II of the Social Security Act; to the Committee on National Security.

By Ms. DUNN of Washington (for herself, Mr. White, Mr. McDermott, Mr. Dicks, Mr. Nethercutt, Mr. Hastings of Washington, Mrs. Linda Smith of Washington, Mr. Metcalf, Mr. Adam Smith of Washington, Mr. Ramstad, Mr. Sabo, and Mr. Peterson of Minnesota):

H.R. 4583. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid Program; to the Committee on Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. Miller of California, Mr. Brady of Pennsylvania, Ms. Norton, Mr. Clay, Mr. Bonior, Mr. Filner, and Ms. Pelosi):

H.R. 4584. A bill to promote environmental justice, public health, and pollution reduction efforts; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. METCALF:

H.R. 4585. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Resources.

By Mr. REDMOND:

H.R. 4586. A bill to provide for the issuance of a congressional gold medal to persons who, while members of the Armed Forces, participated in an activity resulting in risk of exposure to nuclear radiation; to the Committee on Banking and Financial Services, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOB SCHAFFER (for himself, Mr. Radanovich, Mr. Norwood, Mr. Hall of Texas, Mr. McIntosh, Mr. Tauzin, Mr. Boucher, Mr. Bass, Mr. Christensen, Mr. Ryun, Mr. Horn, Mr. Nethercutt, Mr. Smith of Michigan, Mr. Baker, Mr. Bartlett of Maryland, Mr. Istook, Mrs. Cubin, Mr. HOSTETTLER, Mr. MCINNIS, Mr. SKEEN, Mr. REDMOND, Mr. KOLBE, Mr. HINOJOSA, Mr. MORAN of Kansas, Mr. KNOLLENBERG, Mr. SANDERS, Mr. MCHUGH, Mr. CRAPO, Mr. BLUNT, Mr. SOLOMON, Mr. INGLIS of South Carolina, Mr. FORBES, Mr. WICKER, Mr. MASCARA, Mr. PAPPAS, Mr. STUMP, Mr. COOKSEY, Mr. PAUL, Mr. LUCAS of Oklahoma, Mr. BOEHLERT, Mr. WOLF, Mr. CANNON, Mr. BURR of North Carolina, Mr. ENGLISH of Pennsylvania, Mr. LATHAM, and Mr. BARCIA of Michigan):

H.R. 4587. A bill to amend the Internal Revenue Code of 1986 to provide that the dollar limitation on the deduction for family-owned business interests does not apply to interests in farming businesses; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.J. Res. 128. A joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

By Mr. PAUL:

H.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. PALLONE:

H. Res. 540. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia:

H.R. 4588. A bill for the relief of Irma Vladimirovna Koulimar; to the Committee on the Judiciary.

By Ms. SANCHEZ:

H.R. 4589. A bill for the relief of the Boyd family by clarifying the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Ms. PELOSI, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. ALLEN, and Mr. BAESLER.

H.R. 23: Mr. MEEKS of New York.

H.R. 98: Ms. KILPATRICK.

H.R. 322: Mr. WICKER.

H.R. 536: Mr. GILCHREST.

H.R. 699: Mr. CONDIT and Mr. LOBIONDO.

H.R. 716: Mr. TAUZIN.

H.R. 1018: Mr. BROWN of Ohio.

H.R. 1126: Mr. PAUL.

H.R. 1134: Mr. MOLLOHAN.

H.R. 1176: Mr. THOMPSON and Mr. MALONEY of Connecticut.

H.R. 1375: Mr. TAYLOR of North Carolina, Mr. JONES, Mr. BOB SCHAFFER, Mr. MEEHAN, Ms. DUNN of Washington, and Mr. KLECZKA.

H.R. 1404: Ms. WOOLSEY.

H.R. 1449: Mr. CONYERS.

H.R. 1636: Mr. GILCHREST.

H.R. 2026: Mr. ENGEL and Ms. LEE.

H.R. 2660: Mr. MILLER of California, Ms. WOOLSEY, and Mr. MORAN of Kansas.

H.R. 2819: Mr. DIXON.

H.R. 2882: Mr. SENSENBRENNER, Mr. NUSSLE, and Mr. GOODE.

H.R. 2900: Mr. PRICE of North Carolina.

H.R. 3043: Ms. NORTON.

H.R. 3127: Mr. SPRATT.

H.R. 3181: Ms. CARSON.

H.R. 3458: Ms. RIVERS.

H.R. 3500: Mr. MORAN of Virginia.

H.R. 3503: Mr. LAFALCE, Mr. STENHOLM, and Mr. SANFORD.

H.R. 3524: Mr. COSTELLO.

H.R. 3531: Ms. ROYBAL-ALLARD.

H.R. 3567: Mr. FROST.

H.R. 3610: Mr. GILMAN, Mr. ENSIGN, Mr. HALL of Ohio, and Mrs. LOWEY.

H.R. 3688: Mr. TIAHRT.

H.R. 3732: Mr. WATKINS.

H.R. 3783: Mr. METCALF, Mr. GORDON, Mr. DAN SCHAEFER of Colorado, Mr. NETHERCUTT, Mr. ISTOOK, Mr. TAYLOR of North Carolina, Mr. PETERSON of Minnesota, and Mr. HOEKSTRA.

H.R. 3802: Mr. MOAKLEY, Ms. LEE, Mr. GUTIERREZ, Mr. WYNN, Mr. FARR of California, Ms. NORTON, Mr. MCNULTY, and Mr. MILLER of California.

H.R. 3831: Mr. WALSH and Mr. KENNEDY of Rhode Island.

H.R. 3879: Mr. HILL.

H.R. 3890: Mr. EVANS, Mr. BORSKI, Ms. FURSE, Mr. PORTER, Mr. CLAY, and Mr. SHAYS.

H.R. 3932: Mr. WAXMAN.

H.R. 4064: Mr. DIAZ-BALART, Mr. ABERCROMBIE, and Ms. FURSE.

H.R. 4070: Ms. LOFGREN.

H.R. 4092: Ms. KILPATRICK, Mr. BENTSEN, Ms. CARSON, Mr. MCDERMOTT, Mr. MEEHAN, Mr. FILNER, Mr. KILDEE, and Mr. MCNULTY.

H.R. 4135: Ms. SLAUGHTER.

H.R. 4140: Mr. HOUGHTON.

H.R. 4204: Mr. PAPPAS.

H.R. 4213: Mr. BOEHNER and Mr. NORWOOD.

H.R. 4220: Mr. GORDON.

H.R. 4258: Mr. NEY and Mr. UPTON.

H.R. 4285: Mr. LEACH and Mr. MCCRERY.

H.R. 4291: Ms. DELAURO, Ms. JACKSON-LEE of Texas, and Mrs. MALONEY of New York.

H.R. 4357: Mr. TRAFICANT, Mr. MCHALE, Mr. HOLDEN, Mrs. WILSON, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. SOUDER, and Mr. WELLER.

H.R. 4433: Mr. LIPINSKI.

H.R. 4472: Mr. MOAKLEY.

H.R. 4508: Mr. HEFNER, Mr. FORD, Mr. TANNER, and Mr. HALL of Texas.

H.R. 4522: Mr. DUNCAN.

H.R. 4542: Mr. BURTON of Indiana, Mr. LUCAS of Oklahoma, Mr. EHLERS, and Mr. CALVERT.

H.R. 4550: Mr. BASS and Mr. SMITH of Michigan.

H.R. 4567: Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. HOUGHTON, Mr. ENGLISH of Pennsylvania, Mr. SHAW, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. CANADY of Florida, Mr. REDMOND, Mrs. WILSON, and Mr. WEYGAND.

H. Con. Res. 258: Mr. ALLEN, Mr. PETERSON of Minnesota, Ms. LEE, Mr. GUTIERREZ, Mr. WYNN, Mr. WEXLER, Mr. FARR of California, Mr. OBERSTAR, and Mr. KING of New York.

H. Con. Res. 295: Mr. MEEHAN and Mr. DEUTSCH.

H. Con. Res. 317: Mr. BAKER, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BONILLA, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. COBURN, Mr. COOKSEY, Mr. CRANE, Mrs. CUBIN, Mr. DAVIS of Virginia, Mr. DREIER, Mrs. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. FOLEY, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. HASTINGS of Washington, Mr. HILL, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mrs. KELLY, Mr. KLUG, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. NEUMANN, Mr. PACKARD, Mr. PAPPAS, Mr. PICKERING, Mr. PITTS, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Ms. ROS-LEHTINEN, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. SESSIONS, Mr. SHERMAN, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SNOWBARGER, Mr. SOUDER, Mr. TALENT, Mr. THORNBERRY, Mr. UPTON, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ARCHER, Mr. BONIOR, Mr. CUMMINGS, Mr. RUSH, and Mr. BOB SCHAFFER.

H. Res. 212: Mr. HINCHEY and Mr. DELAHUNT.

H. Res. 479: Ms. RIVERS and Mr. WAXMAN.

H. Res. 519: Mr. BACHUS, Mr. FOSSELLA, and Mr. WELDON of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1995: Mr. MCKEON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4569

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF INDIA

SEC. 701. None of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF INDIA

SEC. 701. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF INDIA

SEC. 701. Notwithstanding title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, none of the funds appropriated or otherwise made available in this Act in title II under the heading "DEVELOPMENT ASSISTANCE" may be made available to the Government of India.

H.R. 4569

Offered By: Mr. Campbell

Amendment No. 11: In title II, in the item relating to "INTERNATIONAL DISASTER ASSISTANCE", after the first dollar amount, insert the following: "(increased by $30,000,000)".

In title II, in the item relating to "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS", after the first dollar amount, insert the following: "(decreased by $30,000,000)".

H.R. 4569

Offered By: Mr. Deutsch

Amendment No. 12: In title II, in the item relating to "MIGRATION AND REFUGEE ASSISTANCE", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading, not more than $70,000,000 may be made available for contributions to the United Nations Relief and Works Agency in the Near East (UNRWA)".

H.R. 4569

Offered By: Mr. Deutsch

Amendment No. 13: In title II, in the item relating to "MIGRATION AND REFUGEE ASSISTANCE", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading, not more than $630,000,000 may be obligated and expended unless the Secretary of State certifies to the Congress that the primary and secondary educational textbooks acquired and distributed by the United Nations Relief and Works Agency in the Near East (UNRWA) do not promote anti-Semitism".

H.R. 4569

Offered By: Mr. Fox of Pennsylvania

Amendment No. 14: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

Sec. ____. None of the funds appropriated or otherwise made available by this Act may be used by the Department of State or the United States Information Agency to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

H.R. 4569

Offered By: Mr. Gilman

Amendment No. 15: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

REPEAL OF CONTINGENCIES PROVISION IN FOREIGN ASSISTANCE ACT OF 1961

Sec. 701. (a) Repeal.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(b) Conforming Amendments.—(1) Section 634A(a) of such Act (22 U.S.C. 2394-1(a)) is amended in the first sentence by striking ", chapter 5 of part I,".

(2) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking "451 or".

H.R. 4569

Offered By: Mr. Gilman

Amendment No. 16: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961

Sec. 701. (a) Repeal of Contingencies Provision.—

(1) In general.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(2) Conforming amendments.—(A) Section 634A(a) of such Act (22 U.S.C. 2394-1(a)) is amended in the first sentence by striking ", chapter 5 of part I,".

(B) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking "451 or".

(b) Special Authorities Provision.—Section 614(a)(4)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)(C)) is amended by striking "$50,000,000" and inserting "$35,000,000".

H.R. 4569

Offered By: Mr. Goodling

Amendment No. 17: In title II, in the item relating to "Other Bilateral Economic Assistance, economic support fund", after the first dollar amount, insert the following: "(decreased by $14,000,000)".

In title III, in the item relating to "Funds Appropriated to the President, international military education and training", after the first dollar amount, insert the following: "(decreased by $1,400,000)".

H.R. 4569

Offered By: Mr. Houghton

Amendment No. 18: In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", strike the last proviso (relating to the prohibition on assistance for the central Government of the Republic of South Africa).

H.R. 4569

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 19: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE FOR SCHOOL OF THE AMERICAS

Sec. 701. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 4569

Offered By: Mr. Klink

Amendment No. 20: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE FOR THE INTERNATIONAL MONETARY FUND

Sec. 701. None of the funds made available in this Act may be used to provide funds to the International Monetary Fund until the Secretary of the Treasury certifies to the Committees on International Relations, on Banking and Financial Services, and on Commerce of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate that the United States Governor of the International Monetary Fund shall vote against any proposed amendment to the Articles of Agreement of the International Monetary Fund that would expand the jurisdiction of the International Monetary Fund over capital account liberalization.

H.R. 4569

Offered By: Mr. Kucinich

Amendment No. 21: Page 111, strike lines 7 through 10 (and redesignate the subsequent paragraphs accordingly).

H.R. 4569

Offered By: Ms. McKinney

Amendment No. 22: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE FOR THE INTERNATIONAL MONETARY FUND

Sec. 701. (a) In General.—None of the funds made available in this Act may be obligated or made available to the International Monetary Fund unless—

(1) there is in effect a written certification, made by the Secretary of the Treasury to the Committees on International Relations, on Banking and Financial Services, and on Appropriations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate, that the International Monetary Fund has adopted such rules as may be necessary to ensure that the International Monetary Fund—

(A) shall not be a party to any agreement, or provide loans which are to be used in whole or in part to finance the implementation of any agreement, which requires the government of any of the 100 poorest countries to pay an amount that exceeds 10 percent of the annual export earnings of the country towards the servicing of foreign loans; and

(B) shall publish the policy described in subparagraph (A) in printed materials of the International Monetary Fund, and prominently display the policy on any web site which the International Monetary Fund maintains on the Internet; and

(2) the Congress has enacted legislation approving the cetification.

(b) Rule of Interpretation.—Another law shall not be held to supersede or modify this section except to the extent that it does so expressly.

H.R. 4569

Offered By: Mr. Miller of California

Amendment No. 23: In section 601(a)—

(1) strike "policies" and all that follows through "conditions" and insert "policies that provide for—

"(1) conditions";

(2) redesignate paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indent such provisions an additional 2 ems to the right; and

(3) insert "; and

"(D) maintain efforts to enforce environmental protection laws, ensure that the proportion of government spending for environmental protection programs does not decrease relative to government spending for other programs, and make available to the public such spending figures;

"(2) the making of loans by the International Monetary Fund subject to adherence to and enforcement of the principle of environmental sustainability as provided for in the Convention on Biological Diversity with regard to parties thereto and in Agenda 21 of the 1992 United Nations Conference on Environment and Development with regard to subscribers thereto;

"(3) the availability to the public of all information of the International Monetary

Fund relating to the effects on the environment of past and current International Monetary Fund lending programs;

"(4)(A) the preparation by the International Monetary Fund, in consultation with the relevant international and national environmental agencies, of environmental impact statements and biological assessments of—

"(i) International Monetary Fund policy requirements and alternatives; and

"(ii) proposed non-emergency loans, emergency loans made after the date of the enactment of this Act, and a sample of loans made before such date of enactment, by the International Monetary Fund,

with the public given (in the case of non-emergency loans, advance) notice of, and a meaningful opportunity to comment on, such statements and assessments;

"(B) the use in such statements and assessments of full cost accounting for natural resource management, so that such statements and assessments meet the Environmental Assessment standards of Operational Directive 4.01 of the International Bank for Reconstruction and Development, and Article 14 of the Convention on Biological Diversity for nations party to the Convention;

"(C) the completion of such statements and assessments—

"(i) in the case of policy requirements and alternatives and non-emergency loans, before the policy is adopted or the loan is made; or

"(ii) in the case of emergency loans, not later than 6 months after the first disbursement is made under the loan; and

"(D) the Executive Board of the International Monetary Fund to be responsible for determining whether a loan is an emergency loan and to be required to make public any such determination;

"(5) the accounting by the International Monetary Fund for environmental depletion and degradation in the system of national accounts, as recommended by the International Monetary Fund, the International Bank for Reconstruction and Development, the United Nations, the Organization for Economic Cooperation and Development, and the Commission of the European Communities-Eurostat in section XXI.D of the "System of National Accounts 1993", as further developed in the 1993 report by the United Nations Statistical Division, entitled "System for Integrated Environmental and Economic Accounting", and as demonstrated in the definition of "Genuine Saving II" in the report by the International Bank for Reconstruction and Development, entitled "World Development Indicators 1998", the use of such information in the analysis by the International Monetary Fund of economic performance (and of the effects of past International Monetary Fund programs), and the public availability of such environmental accounting; and

"(6) consultation with the relevant domestic and international agencies to ensure that the policies proposed for any International Monetary Fund loan agreement do not reduce or undermine domestic environmental standards or processes nor diminish compliance with nor the effectiveness of international environmental agreements" before the period.

H.R. 4569

Offered By: Mr. Neumann

Amendment No. 24: Page 13, line 25, after the dollar amount, insert the following: "(reduced by $1,000,000)".

H.R. 4569

Offered By: Mr. Paul

Amendment No. 25: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

Sec. 701. None of the funds appropriated or otherwise made available by this Act may be made available for—

(1) population control or population planning programs;

(2) family planning activities; or

(3) abortion procedures.

H.R. 4569

Offered By: Ms. Pelosi

Amendment No. 26. On page 23, line 19 after "(IAEA)," insert, "a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO),"

On page 24, line 12, after "Agency:", insert: *Provided further*, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provbided further*, That such funds may be obligated to KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; (4) North Korea has terminated its nuclear weapons program; (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law and (6) the United States has satisfactory access to facilities that would be necessary to assure compliance with the Framework Agreement:"

Provided further, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further*, That whenever the waiver included in the previous proviso is exercised, the President shall submit to the appropriate congressional committees a report which shall include a detailed explanation of why the certification requirements in the sixth proviso could not be met: *Provided further*, That no funds may be obligated for KEDO until 30 calendar days after submission to Congress of the waiver permitted under the sixth proviso: *Provided further*, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations:

H.R. 4569

Offered By: Ms. Pelosi

Amendment No. 27. On page 32, line 17, strike "42,500,000" and insert "92,500,000".

H.R. 4569

Offered By: Ms. Pelosi

Amendment No. 28. On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

H.R. 4569

Offered By: Ms. Pelosi

Amendment No. 29. On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

On page 117, strike line 11, and all that follows through the end of line 18 on page 141, and insert:

SECTION 605. SHORT TITLE.

Sections 605 through 617 of this chapter may be cited as the "International Monetary Fund Reform and Authorization Act of 1998".

SEC. 606. FINDINGS.

The Congress finds that—

(1) the International Monetary Fund (IMF) was conceived at Bretton Woods, New Hampshire, to promote a sound and open world economy and a stable international financial system;

(2) while the international financial system has evolved significantly since the IMF was founded fifty years ago, its core mission remains focused on providing advice on macroeconomic and exchange rate policy and highly conditional financial assistance, including appropriate economic and governance reforms, to countries facing balance of payments or liquidity problems;

(3) the IMF includes elements in structural adjustment programs that affect industrial and labor policies, which have profound social and political ramifications;

(4) the IMF has intervened in financial markets in situations of extreme uncertainty and crisis to restore investor and lender confidence, which may result in partially relieving such lenders and investors of the negative consequences of imprudent lending and investment decisions;

(5) the expanded conditionality which accompanies IMF funding has profound domestic consequences in the United States;

(6) the United States, as the leading power of the post-cold war world, has a greater interest than any other country in a strengthened IMF that multilateralizes the financial support for ongoing economic reforms in countries important to United States interests and that can respond to threats to the international financial system so that the United States does not end up serving as the world's lender of last resort;

(7) the United States is the only country with veto power over major IMF decisions;

(8) to sustain its capabilities, the IMF needs to sustain its strength relative to a rapidly expanding global economy characterized by exponential growth of global capital markets;

(9) the United States financial commitment to the IMF leverages several times as much from other countries, and its general resource financing is not scored as a budgetary outlay;

(10) the ongoing currency and banking crisis in the Far East has affected United

States financial markets and may result in a decline in United States economic growth by as much as one and one-half percent, and the United States has a vested economic and national security interest in utilizing the IMF and other multilateral mechanisms to help stabilize certain Asian economies;

(11) neither the IMF nor the international financial system predicted or was adequately prepared for the domestic financial instability that has developed in East Asia, particularly the excessive short-term borrowing the private sector institutions, and therefore significant reforms of the IMF and the international financial system are needed to ensure that the world is better prepared to prevent and cope with similar crises;

(12) the United States also has an interest in not contributing to "moral hazard", the belief by private investors and lenders that public credit will be used to bail them out of the consequences of imprudent credit decisions;

(13) in establishing the terms for its financial support, the IMF must strike a balance between contributing to the stability of the Asian economies and ensuring that the private creditors who contributed to the crisis by their imprudent lending also make a significant contribution to the resolution of such crisis; and

(14) with respect to some East Asian countries, some observers believe that—

(A) the IMF has often imposed tight monetary and fiscal policies designed for countries in other parts of the world that follow excessively expansionary fiscal and monetary policies, despite the fact that, by the IMF's own account, the monetary and fiscal policies of the East Asian countries have not contributed to the financial difficulties faced by such countries;

(B) the rationale for such strategy has been the need to attract foreign capital and provide the means to earn foreign exchange;

(C) in the absence of solutions to the short term debt overhang problem which requires a rollover of such short term maturities by private creditors, and to the unfettered flow of capital into and out of markets without regard to maturities or purpose, as an integral part of the IMF program, no interest rate is high enough to attract such capital;

(D) a tight monetary and fiscal austerity program, combined with industrial restructuring and labor market flexibility measures where they are also a part of an IMF program, may excessively depress the local economy, creating potentially explosive social and political problems;

(E) such a strategy could also create excessive pressure to export and reduce imports, eroding support in the United States for a more open international trading and investment regime, as export markets collapse and a flood of imports puts downward pressure on U.S. wages and employment; and

(F) there is a consequent need for the IMF, other international financial institutions, the United States, and other countries, as appropriate, to fashion programs and policies that are adapted to local conditions and integrate private creditor contributions.

SEC. 607. PARTICIPATION IN QUOTA INCREASE.

(a) In General.—The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. QUOTA INCREASE.

"(a) In General.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

"(b) Subject to Appropriations.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.".

(b) Effectiveness Subject to Certification.—The amendment made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks make a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

SEC. 608. NEW ARRANGEMENTS TO BORROW.

(a) In General.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking "and February 24, 1983" and inserting "February 24, 1983, and January 27, 1997"; and

(B) by striking "4,250,000,000" and inserting "6,712,000,000";

(2) in subsection (b), by striking "4,250,000,000" and inserting "6,712,000,000"; and

(3) in subsection (d)—

(A) by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and

(B) by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

(b) Effectiveness Subject to Certification.—The amendments made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks make a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

SEC. 609. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

(a) In General.—Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

"SEC. 1503. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

"(a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

"(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

"(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

"(A) appropriate liberalization of pricing, trade, investment, and exchange rate regimes of countries to open countries to the competitive forces of the global economy;

"(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

"(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

"(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

"(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

"(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

"(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

"(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

"(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

"(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destablizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

"(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

"(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

"(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

"(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

"(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

"(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources;

"(H) the International Monetary Fund accompanying the provision of funding to countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits; and

"(I) in the context of International Monetary Fund responses to international financial crises, vigorously promote consideration of appropriate ways in which debtors and private creditors, in consultation with central banks, can be encouraged voluntarily to take steps to achieve resolution of outstanding debts, and to do so in a manner that provides for an appropriate degree of burden-sharing.

"(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

"(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large 'show case' projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

"(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

"(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

"(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

"(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights;

"(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the effect of labor market flexibility measures on core worker rights in such countries; and

"(D) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

"(10) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4))).

"(11) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

"(12) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, including by working independently and with the multilateral development banks to encourage countries to correct market failures and pursue macroeconomic stability while promoting policies for sustainable development and environmental protection.

"(13) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

"(14) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

"(15) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 1701(c)(2)) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

"(16) Vigorously promote, in the context of the International Monetary Fund's policy dialogue with its member countries, measures to protect the rights and land of indigenous peoples, including the Penan of Borneo, Malaysia, the Dayaks of East Kalimantan, Indonesia, and the indigenous communities of Irian Jaya, Indonesia.

"(17) Vigorously promote policies such that the International Monetary Fund, in considering loan programs and assistance, takes into account the extent to which the recipient government has demonstrated a commitment to—

"(A) providing accurate and complete data on the annual expenditures and receipts of the armed forces;

"(B) establishing good and publicly accountable governance, including an end to excessive military involvement in the economy; and

"(C) making substantial reductions in excessive military spending and forces, including domestic security forces.

"(18) Structure International Monetary Fund debt relief programs so that the programs do not impose unfair conditions on heavily indebted poor countries, increase the amount of debt relief available to poor countries, and decrease the time required to qualify for debt relief.

"(b) COORDINATION WITH OTHER EXECUTIVE DEPARTMENTS.—To the extent that it would assist in achieving the goals described in subsection (a), the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.".

(b) ADVISORY COMMITTEE ON IMF POLICY.—Section 1701 of such Act (22 U.S.C. 262p–5) is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE ON IMF POLICY.—

"(1) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this subsection referred to as the 'Advisory Committee').

"(2) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

"(A) 2 members shall be representatives from organized labor.

"(B) 2 members shall be representatives from banking and financial services.

"(C) 2 members shall be representatives from industry and agriculture.

"(D) 2 members shall be representatives from nongovernmental environmental and human rights organizations.

"(3) DUTIES.—Not less frequently than every 6 months, the Advisory Committee shall meet with the Secretary of the Treasury or the Deputy Secretary of the Treasury to review, and provide advice on, the extent to which individual country International Monetary Fund programs meet the policy goals set forth in this Act regarding the International Monetary Fund.

"(4) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.".

SEC. 610. AVAILABILITY OF INTERNATIONAL MONETARY FUND LETTERS OF INTENT REGARDING AGREEMENTS REQUIRED IN ORDER TO RECEIVE ASSISTANCE.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is further amended by adding at the end the following:

"SEC. 1504. AVAILABILITY OF INTERNATIONAL MONETARY FUND LETTERS OF INTENT REGARDING AGREEMENTS REQUIRED IN ORDER TO RECEIVE ASSISTANCE.

"Within 3 business days after the United States Executive Director at the International Monetary Fund receives a letter of intent from a country regarding structural adjustment or an economic, social, or other agreement required by the Fund in order to receive assistance from the Fund, the Executive Director shall provide to the Secretary of the Treasury a copy of the letter and any related memorandum of understanding. Within 7 days after receiving the copy, the Secretary of the Treasury shall make the copy available to the public (by electronic or other readily publicly accessible means) except to the extent that the Secretary determines that doing so would—

"(1) endanger the national security of the country or of the United States;

"(2) disrupt markets; or

"(3) be contrary to the obligations of the United States as a member of the International Monetary Fund.".

SEC. 611. ENFORCEMENT OF INDONESIAN COMPLIANCE WITH REFORMS REQUIRED BY THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the United States Executive Director at the International Monetary Fund will oppose further disbursements of funds to Indonesia unless the Indonesian government complies with the terms of its International Monetary Fund reform package.

SEC. 612. SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of the Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

SEC. 613. SENSE OF THE CONGRESS ON THE ROLE OF JAPAN IN RESTORING REGIONAL AND GLOBAL ECONOMIC GROWTH.

(a) FINDING.—The Congress finds that deteriorating economic conditions and ongoing financial market turbulence in Asia makes it more important than ever that Japan play a leadership role in helping to restore confidence and serve as a crucial engine of regional and world economic growth.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Japan should assume a greater regional leadership role, which would coincide with Japan's goal of promoting strong domestic demand-led growth and avoiding a significant increase in its external surplus with the United States and the countries of the Asia-Pacific region.

SEC. 614. SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2) is amended by adding at the end the following:

"SEC. 1704. REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

"(a) IN GENERAL.—The Secretary of he Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. The reports shall include the following:

"(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

"(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform measures required by the International Monetary Fund, including—

"(A) ensuring full respect for the commercial orientation of commercial bank lending;

"(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

"(C) the passage of appropriate financial reform legislation;

"(D) strengthening the domestic financial system, through financial sector restructuring, as well as improved transparency and supervision; and

"(E) the opening of domestic capital markets.

"(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

"(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

"(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

"(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

"(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

"(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

"(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

"(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

"(9) A description of any pattern of abuses of core worker rights in recipient countries.

"(10) The amount, rate of interest, and disbursement and repayment schedules of any fund disbursed from the stabilization fund established under section 5302 of title 31, United States Code, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

"(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

"(b) TIMING.—Not later than October 1, 1998, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).".

SEC. 615. REPORTS ON REFORMING THE ARCHITECTURE OF THE INTERNATIONAL FINANCIAL SYSTEM.

(a) FINDINGS.—The Congress finds that, in order to ensure that the International Monetary Fund does not become the global lender of last resort to private sector corporations and financial institutions, and in order to help prevent further threats to the international financial system, the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, working with their counterparts in other countries and with international organizations as appropriate, should—

(1) seek to establish a broad set of international transparency principles on accounting and disclosure policies and practices covering, in particular, private sector financial organizations;

(2) promote improvements in the provision by both borrowers and lenders of timely and comprehensive aggregate information on cross-border financial stocks and flows;

(3) seek an international accord establishing uniform minimum standards with respect to robust banking and supervisory systems, which individual countries should be required to meet as a condition for the establishment of subsidiaries, branches, or other offices of banking institutions from their countries in the jurisdictions of the countries participating in the accord;

(4) immediately initiate with appropriate representatives of the countries that are members of the International Monetary Fund discussions aimed at securing national treatment for United States investors in such countries; and

(5) seek to establish internationally acceptable bankruptcy standards and should work particularly to have International Monetary Fund recipient countries adopt such standards.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare 3 reports on progress made toward achieving the objectives outlined in subsection (a), which shall describe the steps taken by the United States, other members of the world community, and the international financial institutions to strengthen safeguards in the global financial system, including measures to promote more efficient functioning of global markets, by—

(A) helping to develop effective legal and regulatory frameworks, including appropriate bankruptcy and foreclosure mechanisms;

(B) increasing transparency and disclosure by both the private and public sectors;

(C) strengthening prudential standards, both globally and in individual economies;

(D) improving domestic policy management;

(E) strengthening the role of the international financial institutions in financial crisis prevention and management; and

(F) ensuring appropriate burden sharing by the private sector, particularly commercial banks and financial institutions, in the resolution of crises.

(2) TIMING.—The Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and

the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate 2 interim reports on the matters described in paragraph (1), the first of which is due by October 1, 1998, and the second of which is due on April 1, 1999, and a final report on such matters, which is due on October 1, 1999.

SEC. 616. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is further amended by adding at the end the following:

"SEC. 1705. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

"(a) Reports.—Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 1503.

"(b) Testimony.—After submitting the report required by subsection (a) but not later than October 31 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

"(1) any progress made in reforming the International Monetary Fund;

"(2) the status of efforts to reform the international financial system; and

"(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.".

SEC. 617. AUDITS OF THE INTERNATIONAL MONETARY FUND.

Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is further amended by adding at the end the following:

"SEC. 1706. AUDITS OF THE INTERNATIONAL MONETARY FUND.

"(a) Access to Materials.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the Secretary has instructed the United States Executive Director at the International Monetary Fund to facilitate timely access by the General Accounting Office to information and documents of the International Monetary Fund needed by the Office to perform financial reviews of the International Monetary Fund that will facilitate the conduct of United States policy with respect to the Fund.

"(b) Reports—Not later than June 30, 1999, and annually thereafter, the Comptroller General of the United States shall prepare and submit to the committees specified in subsection (a) a report on the financial operations of the Fund during the preceding year, which shall include—

"(1) the current financial condition of the International Monetary Fund;

"(2) the amount, rate of interest, disbursement schedule, and repayment schedule for any loans that were initiated or outstanding during the preceding calendar year, and with respect to disbursement schedules, the report shall identify and discuss in detail any conditions required to be fulfilled by a borrower country before a disbursement is made;

"(3) a detailed description of whether the trade policies of borrower countries permit free and open trade by the United States and other foreign countries in the borrower countries;

"(4) a detailed description of the export policies of borrower countries and whether the policies may result in increased export of their products, goods, or services to the United States which may have significant adverse effects on, or result in unfair trade practices against or affecting United States companies, farmers, or communities;

"(5) a detailed description of any conditions of International Monetary Fund loans which have not been met by borrower countries, including a discussion of the reasons why such conditions were not met, and the actions taken by the International Monetary Fund due to the borrower country's noncompliance;

"(6) an identification of any borrower country and loan on which any loan terms or conditions were renegotiated in the preceding calendar year, including a discussion of the reasons for the renegotiation and any new loan terms and conditions; and

"(7) a specification of the total number of loans made by the International Monetary Fund from its inception through the end of the period covered by the report, the number and percentage (by number) of such loans that are in default or arrears, and the identity of the countries in default or arrears, and the number of such loans that are outstanding as of the end of period covered by the report and the aggregate amount of the outstanding loans and the average yield (weighted by loan principal) of the historical and outstanding loan portfolios of the International Monetary Fund.".

; and amend the report accordingly.

H.R. 4569

Offered By: Mr. Pitts

Amendment No. 30: In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $345,000,000 shall be made available for infant and child health programs".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

In section 576 (relating to authorization for population planning), after the first dollar amount, insert the following: "(decreased by $100,000,000)".

In section 576 (relating to authorization for population planning), add at the end before the period the following: ": *Provided*, That the restriction under this heading shall apply to all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available".

H.R. 4569

Offered By: Mr. Porter

Amendment No. 31: In title V, strike section 579, relating to the repeal of Section 907 of the FREEDOM Support Act.

H.R. 4569

Offered By: Mr. Radanovich

Amendment No. 32: In title V, strike the section relating to the repeal of section 907 of the FREEDOM Support Act.

H.R. 4569

Offered By: Mr. Royce

Amendment No. 33: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROPOSAL TO ELIMINATE INCOME TAX ALLOWANCES PROVIDED BY THE INTERNATIONAL MONETARY FUND

Sec. 701. The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. ELIMINATION OF INCOME TAX ALLOWANCE.

"The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present to the Fund's Executive Board, and work for the adoption of, a proposal to amend the Fund's bylaws to disallow the Fund from issuing a tax allowance to the Governors, the Executive Directors, their alternates, the Managing Director, or any other officer, employee, or staff member of the Fund.".

H.R. 4569

Offered By: Mr. Sanders

Amendment No. 34: Page 118, line 9, insert "(a) In General.—" after "606.".

Page 118, after line 26, insert the following:

(b) Authority to Participate in the New Arrangements to Borrow Conditioned on Certification.—The authority provided in amendments made by subsection (a) to make loans under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow, shall not take effect until the Secretary of the Treasury certifies that the bylaws of the International Monetary Fund provide that the International Monetary Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing by government or private borrowers, unless the private creditors, investors, and banking institutions which had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, and the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

H.R. 4569

Offered By: Mr. Sanford

Amendment No. 35: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

ELIMINATION OF SPENDING CAP ADJUSTMENTS FOR INTERNATIONAL MONETARY FUND FUNDING INCREASES

Sec. ____. (a) Amendment to the Congressional Budget Act of 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

(b) Amendment to the Balanced Budget and Emergency Deficit Control Act of

1985.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking subparagraph (D) and by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

H.R. 4569

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

AMENDMENT NO. 36: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

REQUIREMENT THAT FOREIGN COUNTRIES THAT ARE PROVIDED UNITED STATES FUNDS THROUGH THE INTERNATIONAL MONETARY FUND FOR THE PURCHASE OF AGRICULTURAL COMMODITIES USE SUCH FUNDS FOR THE PURCHASE OF SUCH COMMODITIES FROM UNITED STATES PRODUCERS

SEC. ____. Title XIV of the International Financial Institutions Act (22 U.S.C. 262n–262n–2) is amended by adding at the end the following:

"SEC. 1404. REQUIREMENT THAT FOREIGN COUNTRIES THAT ARE PROVIDED UNITED STATES FUNDS THROUGH THE INTERNATIONAL MONETARY FUND FOR THE PURCHASE OF AGRICULTURAL COMMODITIES USE SUCH FUNDS FOR THE PURCHASE OF SUCH COMMODITIES FROM UNITED STATES PRODUCERS.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to oppose the provision by the International Monetary Fund of any assistance to a country for the purchase of an agricultural commodity unless the country has entered into an agreement with the International Monetary Fund under which the United States portion of the assistance, in lieu of being disbursed to the country, is disbursed in the manner described in subsection (c), and the country remains obligated with respect to the assistance as if the assistance had been disbursed directly to the country.

"(b) UNITED STATES PORTION OF ASSISTANCE TO A COUNTRY.—In subsection (a), the term 'United States portion of the assistance' means the total amount of the assistance, multiplied by the percentage of the assets of the International Monetary Fund that are attributable to United States contributions to the International Monetary Fund, and interest earned by the International Monetary Fund on such contributions.

"(c) DISBURSEMENT OF UNITED STATES PORTION OF ASSISTANCE.—On the making of a contract between the country and a United States producer of an agricultural commodity under which, among other things, the country has agreed to purchase a quantity of the commodity from the producer at a price in United States dollars that is not less than the average price in United States dollars for the commodity on the world market during calendar year 1995, and the producer has agreed to consider payment by the International Monetary Fund for the commodity to be payment by the country, the International Monetary Fund shall disburse to the United States producer, from the United States portion of the assistance referred to in subsection (a), an amount sufficient to make the purchase.".

H.R. 4569

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 37: In section 517, add the following new subsection at the end:

(g) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for the Government of Russia unless—

(1) the President has reported to Congress that the government of Russia has developed and is implementing a credible plan to meet its obligations as outlined in the Annex to the Agreement Among the Government of Canada, Governments and Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed on January 29, 1998, and Article 3 of the Memorandum of Understanding Between the National Aeronautics and Space Administration of the United States of America and the Russian Space Agency Concerning Cooperation on the Civil International Space Station; and

(2) the Secretary of the Treasury has reported to Congress that Russia has developed and is implementing a plan that will succeed in funding the obligations described in paragraph (1).

H.R. 4569

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 38: Page 8, line 10, after "services" insert the following:

; and that any such voluntary family planning project shall meet the following requirements: (1) the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, acceptors of a particular method of family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or any other form of compensation or reward, monetary or nonmonetary, to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving any numerical goal or quota; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; (5) the project shall provide a reasonable range of options of methods of family planning, including natural methods; and (6) the project shall ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits; and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation

H.R. 4569

OFFERED BY: MR. WELDON OF PENNSYLVANIA

AMENDMENT NO. 39: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA

SEC. 701. The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. PRINCIPLES GOVERNING INTERNATIONAL MONETARY FUND ASSISTANCE TO RUSSIA.

"(a) CONDITIONS AND LIMITATIONS OF ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund—

"(1) to not provide any assistance to the government of the Russian Federation or of any political subdivision of the Russian Federation, or to any other entity in the Russian Federation, until there is in effect a Russian federal law that implements the economic reforms described in subsection (b); and

"(2) to provide assistance to the Russian Federation or a political subdivision of the Russian Federation only to aid the implementation of such reforms.

"(b) ECONOMIC REFORMS.—The economic reforms described in this subsection are the following:

"(1) Land reform, including private ownership of land.

"(2) Further privatization of state-owned industrial enterprises.

"(3) Tax reform, including increased collection of tax obligations.

"(4) Development of effective commercial law, including the ability of individuals to seek enforcement of contracts by an effective judicial system.

"(5) Establishment of residential mortgage financing system for middle class individuals residing in the Russian Federation.

"(6) The development of criteria for evaluating the effectiveness of regional economic reform programs in the Russian Federation, and the use of such criteria to assure that Western resources are provided to the political subdivisions of the Russian Federation on an equitable basis, taking into account the necessity to provide incentives for political subdivisions to implement viable economic reforms and to reward those that have made progress in implementing such reforms.

"(7) The development of steps to make the recipients of Western resources in the Russian Federation accountable for the use of such resources.".

RUSSIAN-AMERICAN FINANCIAL OVERSIGHT COMMISSION

SEC. 702. (a) IN GENERAL.—The Speaker of the House of Representatives and the President of the Senate shall seek enter into negotiations with the State Duma of the Russian Federation for the establishment of a commission which would—

(1) be composed of 8 Members of the United States Congress and 8 Deputies of the State Duma;

(2) monitor expenditures of the funds provided to the government of the Russian Federation or a political subdivision of the Russian Federation by the United States or the international community, for the purpose of evaluating that the funds are used for only for the purposes for which provided; and

(3) create a working group of financial experts tasked with developing a comprehensive program to reform, privatize, or close

industrial enterprises in the Russian Federation that are bankrupt and are (or would be) not competitive under conditions of a market economy without significant government financial support.

(b) MEMBERSHIP.—On the successful conclusion of negotiations under subsection (a), the Speaker of the House of Representatives and the President of the Senate are jointly authorized to appoint 8 Members of Congress to the commission established pursuant subsection (a).

SENSE OF THE CONGRESS ON ESTABLISHMENT OF JOINT UNITED STATES-RUSSIAN FINANCIAL EDUCATION PROGRAM

SEC. 703. It is the sense of the Congress that the United States and the government of the Russian Federation should conclude an agreement under which students in the Russian Federation would enroll in colleges and universities in the United States at undergraduate and graduate levels for the purpose of developing a network of financial specialists in the Russian Federation, and students so enrolled would, on completion of their studies in the United States, be required to return to the Russian Federation and work for the federal or a regional government in Russia.

IMF REFORM COMMISSION

SEC. 704. The Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to urge the Fund to create a commission, composed of prominent international financial experts, for the purpose of drawing up recommendations for reforming the Fund, with a view to achieving more transparency in the structures of the Fund and increasing the effectiveness of Fund programs while decreasing financial risk.

RUSSIAN HOUSING LOAN PROGRAM

SEC. 705. (a) LOAN PROGRAM.—There is hereby established a pilot housing loan program for the people of Russia, with such funds as may be made available, as the means by which the average Russian citizen may attain affordable home ownership.

(b) RESTRICTIONS.—None of the funds under this section may be made available—

(1) for transfer to the Government of Russia; or

(2) for the purposes of providing Russian military housing.

(c) ESTABLISHMENT OF ADMINISTERING CORPORATION.—Funds appropriated under this section shall be administered in the following manner:

(1) Such sums as may be made available for this pilot Russian housing loan program shall be administered directly through a nonprofit corporation (hereinafter the "Corporation"), consisting of a 13-member Board of Directors, the members of which shall be appointed by the President of the United States from lists provided by the following individuals:

(A) Two members from a list provided by the Speaker of the United States House of Representatives.

(B) One member from a list provided by the minority leader of the United States House of Representatives.

(C) Two members from a list provided by the majority leader of the United States Senate.

(D) One member from a list provided by the minority leader of the United States Senate.

(E) Two members appointed by the President of the United States at his discretion.

(F) Four members from a list provided by the President of the Russian Federation.

(G) One member from a list provided by the Chairman of the Russian State Duma.

(2) The President of the United States shall select a Chairman of the Board of Directors from among the 13 board members. The Chairman shall serve a single 2-year term. The entire Board of Directors shall serve a 2-year term and have the authority to select other officers and employees to carry out the purposes of the Fund and the program.

(d) LOAN SIZE AND TYPE.—Since it is the intent of the housing loan program to provide loans for the average middle-income potential Russian home buyer, loans shall range between the equivalent of $10,000 to $50,000 (U.S.). This amount shall be determined by the Corporation and shall fluctuate in accordance upon market conditions. Loans shall be for a term of 10 to 30 years and may be prepaid at any time without penalty. Loan payments shall be amortized on a basis of level monthly payments.

(c) WORKING GROUPS.—The Corporation shall have the authority to establish working groups comprised of Russian and American experts, for the purpose of making recommendations on topics essential to the success of the program, including, but not limited to—

(1) the preparation of the necessary legal and regulatory changes;

(2) the involvement of United States housing trade and labor associations in providing materials, training, and joint venture capital;

(3) ensuring adequate offsite infrastructure for new housing sites; and

(4) other issues as deemed appropriate by the Corporation.

H.R. 4569

OFFERED BY: MR. WOLF

AMENDMENT NO. 40: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives,and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS–15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

EXTENSIONS OF REMARKS

THE FRIENDLY SKIES RESTORATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. DINGELL. Mr. Speaker, today I rise to introduce H.R. 4577, the Friendly Skies Restoration Act, in order to protect the American public from unfair practices in the airline industry and to ensure that the traveling public has access to reasonable airfare. Monopolistic attitudes and unprecedented levels of market concentration have caused consumers' pocketbook balances to nosedive while airline profits have soared. Congress should act to bring the benefits of full competition to the Nation or else other relief must be brought to bear. This legislation will do that. Consumers deserve policies that will achieve affordable airfare and accessible service.

There is growing public interest and concern over the issue of predatory conduct by major air carriers. Such practices eliminate competition in the air travel industry and create formidable barriers for entrepreneurs to break into the market. As an example of some suspect conduct, one has only to look back to when Northwest Airlines cut its fare from Detroit to Boston to as low as $69 from an average of $259 when Spirit Airlines entered the market in 1996. Coincidentally, once Spirit was pushed out of the market, the average fare went up to $267, exceeding even the original level. More recently, Northwest ran an upstart, Pro Air, out of the Detroit-Milwaukee market and is engaged in some curious behavior in the Detroit to Baltimore market. To provide a level playing field, vigorous competition must be permitted to take root. Unfair exclusionary practices that eliminate that competition must be rooted out.

When carriers respond to new competitors with severe price drops and capacity expansion in order to run the new carrier out of the market, it is not good for consumers in the long run because it diminishes the number of options consumers will have by further consolidating the strength that the major dominant air carriers have over the markets today. After a new entrant is grounded, the major carrier simply retrenches and raises fares higher still in its resumed control. This leads to a markedly worse situation for consumers.

Congress expressly gave the Department of Transportation authority to stop any "unfair or deceptive practice or unfair method of competition." Further, Congress has directed the Secretary of Transportation by statute to consider "preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation" as being in the "public interest and consistent with public convenience and necessity." The Department of Transportation's action under this authority has been woefully lacking. The federal government should do its job to help the public.

The Secretary of the Department of Transportation should take real action to advance the pro-competition policy objectives of the Congress. That action includes ensuring that the Department of Transportation's guidelines, which it is currently developing to deal with predatory activity, are effective. As proposed, the guidelines would permit the Secretary to impose sanctions if a major carrier should respond to a new entrant into a market in an unfair or exclusionary manner. More tools are needed and this bill provides them.

The bill would permit the Secretary to require that any air carrier deemed to be engaged in an unfair method of competition or unfair exclusionary practice, as a condition of continued service on the route involving the violation, to maintain the same levels of capacity and fare pricing that was deemed exclusionary for a period not to exceed two years. Such a tool should give a carrier pause for thought before implementing any activity that would unfairly respond to legitimate competition. Additionally, the bill would increase the monetary penalty for such unfair methods of competition under the U.S. Code from the current $1,000 to $10,000 for each day the violation continues or, if applicable, for each flight involving the violation.

There are presently proposals before the Department of Transportation that would combine the Nation's six largest carriers into three alliances with strengthened control over the United States market. The bill would give the Secretary of Transportation the authority to review joint venture agreements or cooperative working arrangements between major air carriers to ensure that such cooperation and integration among air carriers does not result in unfair or deceptive practices or unfair methods of competition that would harm the public.

At the four slot-controlled or high-density airports, the vast majority of the scheduled take off and landing slots are controlled by the major carriers at these key hub airports. The airports are: New York's Kennedy and LaGuardia Airports, Chicago's O'Hare, and Washington's National Airport. For meaningful competition to take root, new entrant carriers must have a real opportunity to provide service in those markets. Of the more than 3,100 domestic air carrier slots at these four airports, fewer than forty-five slots are held by all the new entrant air carriers combined. Moreover, foreign air carriers have more than twice as many slots as domestic new entrant air carriers combined. Most of these slots were grandfathered to the major carriers more than a decade ago. The slots are government property, and it is time that the federal government use them to benefit the public rather than just a handful of airlines.

In order to remedy this barrier to competition, the bill would give the Secretary the authority to create, withdraw, and, as a last resort, auction slots at each slot-controlled airport for assignment to new entrant air carriers and other carriers with very limited access. If there is a withdrawal of slots for an auction, the Secretary may not auction more than ten percent for the first auction and five percent for each succeeding auction. Auctions may not take place earlier than two years from each preceding auction. Income from any auctions would finance taxpayer relief and improved airport infrastructure for the American public. Further, as recent evidence makes quite clear, strikes at hub airports can ground thousands of flights and hundreds of thousands of passengers, even on a daily basis. The bill would permit the President to authorize other air carriers to use the slots and related gates and other such facilities of another carrier which are not in use because of a work stoppage.

Slot possession at the four key airports where such controls are in place is a major issue, but questions like long-term exclusive gate leases at other airports represent just as nearly insurmountable obstacles to real competition in the airline industry. For that reason, it seems to make good sense that such arrangements be reviewed. The bill would direct the Secretary to issue a study on the ability of and proposals for new entrant air carriers and those with limited access at major hub airports to obtain gates and other facilities at airports on terms substantially equivalent to the terms provided to the major carriers already using airport facilities. The airfield must become a level playing field for competition.

It is important that the American public have access to useful information about the market and who in the industry is providing the best consumer value. Various studies by the General Accounting Office and private organizations have shown that concentration in the domestic airline industry continues to grow and is at extraordinarily high levels. Where such concentration exists, fairs have increased with a significant impact on residents and businesses in those communities. In order to evaluate consumer value and review potential implications of market concentration at hub airports, the bill would require the Secretary to prepare two quarterly reports for the public. One would rank the top and bottom ten domestic routes with regard to their average cost to the passenger, and the second would rank the large hub airports by market concentration and identify the market share of each airline operating at each of those airports. As has been said, sunlight is the best disinfectant. Let's let it shine on the airline industry.

At best, the promises of deregulation have not been fulfilled. The traveling public is still captive to monopolized routes and airports. Since 1978, the Nation has had unregulated monopoly, instead of regulated monopoly in this industry. While I fully support the goals of competition, two decades of experience only reveal consolidation, diminished choice, and higher prices in many markets. As a last resort, wherever there is insufficient competition

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Secretary of Transportation must be empowered to change unreasonable airfares. Such conditions exist where there are less than two carriers in full competition or one carrier controls more than sixty percent of the market share on any route that the public flies. Where deregulation has failed, the Congress should respond and give consumers the relief they deserve.

The American public has been held hostage by the poor service and inordinate fares at the hands of the cartels in the air for too long. That is why I am pleased to introduce this bill to generate legitimate competition and secure reasonable prices for air travel for the country's consumers.

BILL TWEET—SAN DIEGO COUNTY BUILDING AND CONSTRUCTION TRADES COUNCIL 1998 LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize Bill Tweet, the Business Manager/Financial Secretary-Treasurer of Iron Workers Local 229, as he is honored by the San Diego County Building & Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet as the 1998 Labor Leader of the Year.

Bill is a native San Diegan and was educated in local schools. Following his education at San Diego City College, he served in the United States Army and was stationed in Germany.

He began his career as an Ironworker in November 1967 and graduated from the Iron Workers Apprenticeship Program in 1971. During his tenure, Bill has worked on many of the San Diego County highway bridges on Interstates 5, 8, 805 and S.R. 163 and has contributed his talent to the erection of major high rise projects in downtown San Diego.

Bill first became active in Ironworkers Local 229 when he was elected Vice President of the Local in 1982, a position he held until begin elected to the Executive Board and the District Council of Iron Workers. He served in that position for two terms before his election to the office of Business Representative.

In 1994, Bill was elected to his current position of Business Manager/Financial Secretary Treasurer of Ironworkers Local 229 and was re-elected in 1997. In addition to his duties at Local 229, Bill also serves as Delegate to the District Council, Trustee of the District Council, State of California and vicinity, and Trustee of the California Field Ironworkers Trust Funds.

Organized labor at large in San Diego has benefited from Bill's tenure as Delegate of the Imperial County Building and Construction Trades Council, as a Member of the Executive Board of the San Diego-Imperial Counties Labor Council and currently as President of the San Diego County Building and Construction Trades Council.

The local community has also benefited from Bill's endless efforts. He dedicates his energies to the youth in his community by serving as a "T-ball" coach and serves on the Clairemont Town Council. He has donated his time and trade skills to the community by organizing members of local 229 to join him in volunteering their skills to erect new score boards at the University of San Diego and Mission Bay High School, constructing a new building for the Boys and Girls Clubs of National City and by building the walkway at the San Diego Children's Museum.

Bill Tweet exemplifies the high values, standards and principles of a real community leader. It is very appropriate that his many efforts on behalf of his local community and of working men and women throughout San Diego County are recognized by this award.

My congratulations go to Bill Tweet for these significant contributions. I admire his dedication and commitment and believe him to be highly deserving of the San Diego County Building and Construction Trades Council's 1998 Labor Leader of the New Year Award.

IN HONOR OF BERNIE FIELDS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Bernie Fields, a constituent of mine who passed away on August 16, 1998 at his home in Middletown, Connecticut. He will be deeply missed by all of us who knew him.

Bernie distinguished himself as a businessman, a community activist, a husband and a father. He came to Connecticut in 1950 and opened Bernie Fields Jewelers. This family-owned business stayed in downtown Middletown for almost five decades. When many businesses moved out to mega-malls and the suburbs, Bernie remained committed to downtown. His store is like an anchor in downtown Middletown, a familiar site to generations of residents.

Mr. Speaker, Bernie Fields did much, much more than keep his business in downtown. He worked on behalf of his community in countless other ways.

Bernie founded Connecticut's very first Big Brothers/Big Sisters chapter in Middletown in 1961. He went on to help establish eight other chapters around the state.

He served as Director of the local American Red Cross Chapter, the American Cancer Society, the Lions Club and the Big Brothers of Hartford. He was a trustee of the Mount Saint John School. For twenty years he rented out a theater every December and showed free movies for young people.

He won the Connecticut Sports Writers Alliance Good Guy Award, was named the Salvation Army's Man of the Year, and received the American Legion Americanism Award, the Boy Scouts' Good Scout Award, and the Masons' PierPoint Medal. He was also the recipient of this institution's Congressional Volunteer of the Year Award.

Bernie Fields is survived by his wife of 58 years, Helen, his son Martin, his daughter Harriet, eight grandchildren, and one great grandchild. Although all of us who were lucky enough to call Bernie a friend will miss him, we will always remember how much he did to make Connecticut a great place to live.

A TRIBUTE TO THE PENNYSAVER NEWS OF BROOKHAVEN ON ITS 40TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FORBES. Mr. Speaker, I rise today in the People's House to ask my colleagues to join me in honoring the Pennysaver News of Brookhaven and Island Shopper, as publisher Gary Smith and his staff of dedicated employees celebrate this nationally acclaimed publication's 40th anniversary.

Over the past four decades, the Pennysaver News has grown from its humble origins to become the dominant shopper in Suffolk County, Long Island. The growth of the Pennysaver News and Island Shopper is typical of so many American success stories, inspired by elements of talent, work ethic and the good fortune to come of age in the dynamic Long Island business market. Founded by Gary Smith's brother Robert as an 8,000-circulation paper in Bay Shore, the Pennysaver News now has 32 editions with a circulation of 270,000, employing 75 talented staff members in printing, mailing, graphic arts and sales.

In the fiercely competitive Long Island market, the Pennysaver News and Island Shopper are highly regarded industry leaders of National renown. This year alone, the Pennysaver and Island Shopper received three national awards for advertising excellence from the Association of Free Community Papers, while also garnering the First Place award for excellence from the FCPNY.

While the publication has grown in size, readership and stature, Pennysaver News remains family owned and operated, with Robert's son Tim and Gary's daughter Delee now part of the team. This strong sense of family inspires an equally strong devotion to support so many schools, Boy Scout troops, churches, and chambers of commerce throughout the 65 hamlets in the six Suffolk County Townships the Pennysaver and Island Shopper serve.

The success of our national economy depends less upon government programs or multinational companies than upon the hard work and entrepreneurial spirit of small business owners like Gary Smith and his late brother Robert. The Smith's success is predicated on an unwavering commitment to customer service, producing results that increase their advertisers' sales and providing their readers with a valuable resource on local businesses.

So Mr. Speaker, I ask that my colleagues in the U.S. House of Representatives to join me in honoring the Pennysaver News and Island Shopper and the entire Smith family for 40 wonderful years of service to the Long Island businesses community and all their readers.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 435, 436, and 437 on September 15, I would have voted "yea." I applaud the leadership for bringing these important bills to the floor for a vote.

HONORING NANCY J. SCHILLING

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Nancy J. Schilling, a dedicated civil servant in Evansville, Illinois, in my Congressional district.

Nancy serves as the City Clerk for the Village of Evansville and as the Randolph County Civil Defense Director. While her husband, Danny and two children, Roxie and Ryan have always known what a great wife and mother they have, Evansville has been equally blessed in benefiting from Nancy's dedication to her community.

During the flood of 1993, the citizens of Evansville realized just how fortunate they were to have Nancy Schilling as their City Clerk. At a time when Evansville was under great strain facing the damage from the flood, she became the organizing force in re-building the community. Nancy coordinated efforts with the National Guard, Army Guard and Coast Guard to assist in a rapid response flood relief plan. She was also instrumental in securing state and federal grant money to provide critical additional support for Southern Illinois.

What is most notable about Nancy Schilling is her willingness to meet any challenge presented to her with a friendly smile and determined spirit. Nancy Schilling recently recognized her as their Citizen of the Year. I commend Nancy for this well deserved tribute, honoring her integrity, compassion and outstanding commitment to Evansville.

Mr. Speaker, I ask my colleagues to join me in recognizing Nancy Schilling for the fine example she has set for us all.

ENGLISH LANGUAGE FLUENCY ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English and for other purposes:

Mr. UNDERWOOD. Mr. Chairman, there are very few people in this body who can claim to be not only a parent of children in bilingual education, but who worked in bilingual education. I am proud to be associated with bilingual education and its implementation on a nationwide basis.

There are legitimate arguments about the implementation of bilingual education and whether it fits some communities. The existing Bilingual Education Act allows for this. It does not force bilingual education on anyone, and if some communities do not want it, they do not have to have it.

There is a legitimate discussion about the length of time in bilingual instruction, and there is legitimate debate about the age factors involved in language learning.

These are important considerations and they should be discussed between parents and educators within the communities throughout the country, in the best tradition of local control and responsiveness.

These are the arguments that are not legitimate. An impression will be given (clearly unsubstantiated and based on anecdotes recirculated to mythical proportions) that bilingual education is not about acquiring English. It is, and those of us who support bilingual education support and acknowledge the fundamental truth that life in America without English is a life without economic options and access to the full benefits of American public life.

It is bilingual education that will provide this access to our children and young adults, and the termination of this program in our Nation's educational system will certainly be detrimental to limited English proficient (LEP) students.

On the other hand, this bill we have before us today will take us several steps backward in educating LEP students. The so-called English Language Fluency Act contains provisions unacceptable to me as a Member of Congress, as a former educator, and as a parent.

H.R. 3892 disregards the authority of parents and local schools. This legislation mandates that LEP students entering kindergarten must master English by the end of the first grade. In addition, LEP children must be moved out of specialized classrooms in 2 years, not exceeding 3 years. Because you see, if LEP students need further assistance in learning the English language, and even if school administrators and parents believe further Federal assistance is necessary, after 3 years, this bill will not give these students the educational resources they will require. Common sense would have us believe that children in different age groups will have different educational needs. H.R. 3892 says no. It requires the 3-year limit on specialized learning and will effectively slam the education doors on LEP students needing further assistance.

H.R. 3892 is a violation of the voluntary compliance agreements between the Office of Civil Rights, local schools, and parents if these agreements involve bilingual education. Parties to these agreements will not even be consulted nor will individual consent degrees be examined. These compliance agreements ensure access to quality education for LEP students and protects their civil rights under title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1974.

Voiding these arrangements is another affront to the authority of local schools and robs students of the opportunity to excel in other school subjects. H.R. 3892, with its main focus on English learning, ignores the priorities just as vital to the development of LEP students, such as the basic comprehension of other school subjects like math and science.

Even the funding plans under H.R. 3892 are problematic. Instead of providing funds for the most efficient programs, H.R. 3892 will utilize formula grants for each school district. This legislation means not providing funds to the neediest students, or rewarding the best efforts.

We will soon be considering the reauthorization of the Elementary and Secondary Education Act (ESEA). Assessment of the Bilingual Education Program should take place within this context of comprehensive school reform. To initiate legislation at this time, which is what H.R. 3892 would do, is simply rash and foolhardy. We owe it to our children and youth to carefully evaluate and analyze the effects of bilingual education.

My colleagues, I urge you to oppose the passage of H.R. 3892. It is a shortsighted proposal which will serve more to harm LEP students rather than aid them. Although the intentions of this legislation are notable, the language in this bill will simply not serve its purpose for it disregards the other educational priorities of LEP students, for their parents and for their teachers.

Vote "no" on H.R. 3892.

SALUTE TO DANIEL F. HALL UPON THE OCCASION OF HIS RETIREMENT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ROGERS. Mr. Speaker, the men and women who serve this nation as the employees of the federal government are sometimes the forgotten foot soldiers that keep our federal programs running day in and day out. Today, I want to pay tribute to one of these committed public servants, whose upcoming retirement will leave the Nashville District of the Army Corps of Engineers with tremendously large shoes to fill. Daniel Hall has been the Nashville District's Chief of Construction-Operations Division since 1992, but in October he will retire after 37 years of dedicated service to this nation.

He began his career after he graduated cum laude from Vanderbilt University in 1961 with the Bachelor of Engineering degree in Civil Engineering. As a distinguished graduate of Vanderbilt's Army ROTC program, he was commissioned as a Second Lieutenant in the U.S. Army Corps of Engineers. His first assignment was as Platoon Leader and Company Executive Officer for the 299th Engineer Battalion in Hoecht, Germany.

After active duty, Mr. Hall joined the Vicksburg District Corps of Engineers as a civil engineer intern and was later assigned to the

Operations Division. In 1965, he transferred to the Nashville District, where he has been a tireless and ardent engineer. He was handed the honor and responsibility of Chief of Construction-Operations Division in 1992.

Over the years, Mr. Hall has been recognized several times for his outstanding work and service. He received the Meritorious Civilian Service Award. He was twice selected as the Nashville District's Employee of the Year in the Engineer and Scientist Category. He was named Engineer of the Year by the Tennessee Society of Professional Engineers. He was decorated by the Secretary of the Army, who awarded him the Decoration for Exceptional Civilian Service for his exceptional leadership and technical abilities.

Over the years, Mr. Hall has made an enormous impact in many of the communities in Kentucky's 5th Congressional District that are regularly flooded during times of heavy rains. He has worked on tremendous flood protection projects in Harlan, Pineville, Barbourville, Middlesboro and Williamsburg, which will help save people's lives, homes and property, and promote economic development in one of the poorest regions of the nation.

Today, I want to commend Mr. Hall for his outstanding and effective leadership. His work with the Army Corps of Engineers has made a difference in the lives of so many people, who routinely face the mud and floods of Mother Nature's fury. I wish Mr. Hall all the best as he embarks upon this new phase of his life. Certainly, he has earned the right to retire, but he will be sorely missed.

INTRODUCTION OF THE DIETARY SUPPLEMENT FAIRNESS IN ADVERTISING ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. CRAPO. Mr. Speaker, I rise to introduce legislation to reaffirm Congress' intent in enacting the Dietary Supplement Health and Education Act (DSHEA). In enacting DSHEA, Congress intended to ensure that all Americans have access to factual information about vitamins and other dietary supplements so that they can make informed decisions about their health.

Among other things, DSHEA requires the Food and Drug Administration (FDA) to promulgate reasonable guidelines to regulate the content of dietary supplement labels. The expressed goal of this requirement is to ensure that the labels give consumers information necessary for them to make informed decisions on whether they want to take a particular supplement. The information on the labels is to be factual and cannot make claims regarding medical or disease benefits (which are reserved for FDA-approved drugs), but can inform consumers of the benefits and effects of the supplement. After some fits and starts, the FDA has complied with DSHEA, and consumers are benefiting.

It seems only logical that the same information the FDA allows on the label of a dietary supplement should be permitted for use in advertising of that same supplement. However, the Federal Trade Commission (FTC) is seeking to regulate the advertising of dietary supplements by denying consumers some of the very information that DSHEA required the FDA to let them have. Not only is it unfair to require the manufacturers of these products to work under two sets of contradictory regulations, but it also repudiates the intent of Congress that consumers have accurate and helpful information in making decisions about their health.

Mr. Speaker, the legislation that I am introducing would require the FTC to allow the same information in advertising of dietary supplements that is allowed on labels of the same products. It simply forbids one federal agency from adopting requirements for an industry that Congress prohibited another agency from adopting.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. TIAHRT. Mr. Speaker, on September 14th, I was unavoidably detained and missed four recorded votes on the following bills: S. 2206, The Community Opportunities, Accountability, and Training and Educational Services Act; H. Con. Res. 304, Expressing the Sense of Congress regarding the Culpability of Slobodan Milosevic for War Crimes, Crimes against Humanity, and Genocide in the Former Yugoslavia; H. Con. Res. 254, Calling on Cuba to Extradite to the United States Convicted Felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; and H. Con. Res. 185, Expressing the Sense of Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the United States to the Principles Expressed in the Universal Declaration. Had I been present I would have voted yea on all four bills; roll call numbers 426–429.

DONALD ROSS BROOKS—SAN DIEGO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL 1998 RETIRED LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Donald Ross Brooks as he is honored by the San Diego County Building and Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet for his contributions on behalf of working men and women and his community.

Donald Ross Brooks is a native of Nebraska and came to San Diego from Kansas. At nineteen years of age, he joined the Navy hoping to see the world and was stationed at San Diego's North Island Naval Base. Following his three and one half years in the Navy, Donald worked as a police officer for the City of Coronado.

In 1958, he joined the International Brotherhood of Teamsters, Local 36 and worked as a truck driver for twenty years. In 1981, then-Teamsters Secretary-Treasurer Arkie Spoon appointed Brooks to the position of Business Representative for his local. During his ten year tenure in this position, he worked diligently to represent the interests of the construction drivers and warehousemen. He offered encouragement and advice to the Business Representatives of the various Building Trades Unions and served as mentor to his fellow Union brothers and sisters.

While raising his family of four boys, Donald also volunteered his time, energy and skills to the Cowles Mountain Little League. He shared his patience, knowledge and team-spirit with Little League players as he helped to build Little League Fields, served as league president, acted as player's agent and coached teams.

Donald exemplifies the high values, standards, and principles of the work of the late John S. Lyons in community service. I join in adding my sincere thanks to him for his many contributions that have earned him the San Diego County Building and Construction Trades Council's 1998 Retired Labor Leader of the Year Award.

CONCERNING HILL INTERNATIONAL, INC.

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to add my full support for the settlement of outstanding claims filed by U.S. companies against the Kingdom of Saudi Arabia.

In the early 1980's dozens of American companies filed claims totaling hundreds of millions of dollars for debts owed to them by the Kingdom. Following the creation of a formal claims resolution process by Congress in 1993, each of these claims have been settled, save one—the claim filed by Hill International, Inc., a New Jersey company to whom Saudi Arabia still owes over $55 million.

The merits of Hill International's claims are not in dispute. Our own State Department has promised its full support and has even pledged to aid Hill International in their fight to collect what is owed to them. Dozens of my colleagues on both sides of the aisle have made an appeal for fairness on this issue and have urged Saudi Arabian authorities to settle this final claim promptly. But sadly, to this day, no movement has been realized on this important issue.

Perhaps the government of Saudi Arabia believes their efforts to settle outstanding claims have been "close enough." Mr. Speaker, I want to send a message to Saudi Arabia that as a friend of the United States they should lead by example and pay this final debt.

HONORING DR. MALIK HASAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. McINNIS. Mr. Speaker, I'd like to take a moment to applaud and honor an individual of enormous skill, dedication, and achievement who I am lucky enough to count as one of my constituents. His work, which has already been widely recognized, deserves to be mentioned here on the House floor.

Dr. Malik Hasan, who lives in Pueblo, Colorado, is considered one of the finest neurologist's in Colorado, if not the nation. Dr. Masan has worked at the Parkview Medical Center since 1975 and gone to extraordinary lengths to enhance patient care and service in a geographical area in dire need of assistance.

Just a few of his accomplishment over the past twenty-three years at Parkview Medical Center include: establishing and developing a Neurology Services department; establishing a Neuro Intensive Care Unit equipped with the area's first CT SCAN; setting up extensive outreach programs in such communities as Alamosa, Walsenburg, Trinidad and Raton; revitalizing the EEG Lab and beginning an EMG Lab; and donating nearly $175,000 to help fund Parkview's expansion in order to bring quality health care to those in need.

It is this type of community involvement and unselfish dedication to making the world a better place that has earned Dr. Masan the admiration and appreciation of so many. His deep personal commitment to improving the lives of those who are less fortunate, and to providing the best medical care possible, speaks volumes about the true character of this remarkable man.

Dr. Hasan immigrated to the United States in 1971 with only $32 to his name, but has a wealth of desire and passion to succeed in his chosen field. His numerous honors and achievements are too lengthy to list, Mr. Speaker, but suffice to say that he is a man of tremendous accomplishment and vision.

Not content with what he has already done for health care, Dr. Hasan is now in the process of designing health care for the next century and beyond. This bodes well for the residents of Southern Colorado.

Mr. Speaker, Dr. Hasan is not only a credit to Parkview Medical Center, but to his community and his country as well. His record of success and achievement is one that should inspire us all to improve our own lives as well as of those around us. I am proud to stand here today on the House Floor and talk about this man, his efforts, and all that he has done to touch the lives of so many.

TRIBUTE TO VICTIMS OF THE EMBASSY BOMBINGS IN KENYA AND TANZANIA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. SKELTON. Mr. Speaker, I am sure all of my colleagues in the House of Representatives were horrified by the tragic loss of life in the bombings of our embassies in Nairobi and Dar es Salaam. Twelve Americans and nearly 300 Africans were killed and more than 5,000 people were injured.

We extend our deepest sympathy and condolences to the families of those who died and to those who were injured. The nation owes an enormous debt of gratitude to the men and women who serve our interests overseas, and to their families. We mourn their loss.

For the benefit of my colleagues, the following is a list of the names of the individuals who served in our embassies in Kenya and Tanzania who died as a result of the blasts.

EMBASSY EMPLOYEES WHO DIED IN THE NAIROBI BOMBING

Sgt. Nathan Aliganga, Julian Bartley, Jay Bartley (dependent), Jean Dalizu, Molly Hardy, Ken Hobson, Prabhi Guptara Kavaler, Arlene Kirk, Louise Martin, Ann Michelle O'Connor, Sherry Olds, Tom Shah, Hindu O. Idi, Tonny Irung, Joel G. Kamau, Lucy N. Karigi, Tesia Warimu Kionge, Joe Kiongo, Dominic Kithuva, Geoffrey Kalio, Peter K. Macharia, Francis W. Main, Cecilia A. Mamboleo, Lydiah M. Mayaka, Francis Mbogo, James Mathenca Migui, Namayi Moses, Catherine Mukeithi, Kimeu N. Ngamga, Vincent Nyoike, Johnson Kimeo Nzioka, Francis O. Ochilo, Obias Ochola, Maurice Okach, Hudson Nyamber Omae, Edwin A.O. Omori, Evans Onsongo, Eric Onyango, Mungasia (Rachel) Pussy, Farhat M. Sheikh, Shah Umanlal, Phaedra Vrontamitis, Josephat K. Wachira, Adams Wamai, and Frederick M. Yafes.

EMBASSY EMPLOYEES WHO DIED IN THE DAR ES SALAAM BOMBING

Abdalla Mohamed, Abbas William Mwila, Yusuf Shamte Ndange, Bakari Nyumhu, Mtendeje Rajabu, Mohamed Mahundi Ramadani, and Doto Lukua Romadhani.

TRIBUTE TO MR. WALLACE "WALLY" JOHNSON

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize the outstanding efforts of Selectman Wallace "Wally" Johnson. For thirty-nine years Mr. Johnson has worked diligently to further the best interests of his community, Sutton, Massachusetts. Mr. Johnson's incredible career is unfortunately coming to a close since he recently announced that he will not seek re-election when his current term expires.

Wally Johnson has lived in Sutton since the mid-1930s. His first job after high school was with the clean-up crew after the Hurricane of 1938. At a time when people were trying to put their lives back together, Wally Johnson was there to help. Wally worked on his family's farm, as well as giving his neighbors a helping hand when they needed one. Even as a young man, Mr. Johnson displayed his fervent desire to make Sutton, Massachusetts a better place.

Before being elected to the Board of Selectman, Mr. Johnson served his country for four years during World War II. From 1942–1946, Mr. Johnson, along with is fellow brave American soldiers, defended the American way of life, ensuring us the right to live free. The strength of character that Mr. Johnson needed to fight in World War II has stayed with him to this day.

In a time when many people in the United States are trying to expand into every rural area, Mr. Johnson has remained steadfast in his conviction that Sutton retain its old town character. He demanded that the new Town Hall be placed on the exact site of the old Town Hall and he has recently decried local urbanization efforts which he feels would bring hardship to the residents of his town. He believes that the old way of doing things is the better way and he has dedicated his career to keeping the morals and values of his youth alive in Sutton.

His service, dedication, and strong character have made Wally Johnson an indispensable member of his community. I am proud to count Wally Johnson as one of my constituents and feel honored to represent a person of his quality in Congress.

TRIBUTE TO JOHN W. "RED" LARSEN BY HIS WIFE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. HILLEARY. Mr. Speaker, please enter into the RECORD today the enclosed material written by Mrs. Betty Larsen and sent to me by Mrs. June Griffin of Dayton, Tennessee.

John W. "Red" Larsen was born in Charleston, South Carolina, on September 13, 1927 to George Oliver and Marguerite Hochslander Larsen. He spent part of his childhood in Sommerville, South Carolina. His great-grandfather, whom he knew while a child, was a shipwright, which may have had some influence on his choice of the Navy for his military service.

His parents separated, and his mother took Red and his two older brothers, Herman and George, to New York City. Red spent his teen years in what was known as "Hell's Kitchen" and became big city street-wise. This area has since been torn down and replaced with what we know today as Lincoln Center for the Performing Arts.

Red enlisted in the Navy near the end of World War II. He worked in communications as a signalman, worked for some time as a submariner, and was trained in underwater demolition. He eventually gained the rank of CPO. He was in the Navy for 13 years, traveling to many different places throughout the world, and also saw service in the Korean War.

In the early 1970's, Red became concerned with the legitimacy of several aspects of our government's actions, especially pertaining to the federal income tax. He spent considerable time and effort studying, researching and talking with various sources. He also assisted several persons with tax difficulties. One of the results of his studies was an 83 page book, written in the late 1980's, Slavery, American Style. The book discusses in some detail the unconstitutional nature of our current income tax system.

Another interest was our individual rights and freedoms as American citizens, including property rights. Red also made a significant contribution to several communities in demonstrating the unconstitutionality of zoning laws.

In 1944, Red moved to Tennessee for its warmer weather and excellent state constitution. The first article in the Tennessee State Constitution is its Bill of Rights. He continued his studies and contacts with other patriots, and was starting to publish a series of newsletters entitled "Truth Bird Reports." Only one report had been published at the time of his death on July 7, 1998.

A memorial library which will contain many of Red's books and papers will be established in Altamont, New York, at the home of a long time friend.

RECOGNIZING THE MANASSAS EXPRESS SOFTBALL TEAM FOR WINNING THE BABE RUTH SOFTBALL NATIONAL CHAMPIONSHIP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. WOLF. Mr. Speaker, I rise today to recognize the accomplishments of a talented and dedicated group of young women from Manassas, Virginia. The Manassas Express 12-and under girls' softball team represented the Commonwealth of Virginia in Houma, Louisiana, last month at the Babe Ruth Softball National Championship and earned the title of National Champions.

The Express team is formed from the all-stars of the Greater Manassas Softball Association (GMSA) league which is affiliated with the Babe Ruth organization. The GMSA league has two seasons: Spring, which is competitive and standings are kept on wins and losses; and fall, which is instructional in nature and no wins and losses are counted. The league was established to promote fast-pitch softball for girls in the Manassas-Prince William County area.

The members of the team are: Stephanie Gaynord, Katie Lee, Laura Hundemer, Courtney Bures, Kesha Robinson, Julianne Sudduth, Kristin Windle, Lydia Sumner, Kelli Rotter, Alyssa Kemmerer, Alexis Hochstrasser, Brittany Alexander-Smith, Jasmine Davenport, Katie Speaks, and Ashley Demaret. They are coached by Mike Windle, Mike Bures, and Donald Alsberry; and their scorekeeper is Tony Gaynord.

Through their hard work, the Manassas Express members have been ambassadors of sportsmanship for Manassas, Prince William, and all of Virginia. On behalf of the citizens of the 10th District, we say to them, congratulations.

HONORING PHILADELPHIA DIVA PATTI LABELLE AND BROADWAY STAR DOUGLAS SILLS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor two outstanding entertainers who are being recognized for their talents and their dedication to charitable causes.

On Thursday evening, September 24, Ms. LaBelle will receive the "1998 Distinguished Arts Award" by Pennsylvania Governor Thomas Ridge as part of the Governor's Awards for the Arts.

Broadway superstar, Douglas Sills, currently the Tony Award nominated star of The Scarlet Pimpernel at the Minskoff Theatre on Broadway is being honored by the Leukemia Society of America with the "Shining Star Award" in recognition of his commitment to charitable causes as well as his enormous talent. Among his theatre credits are the Los Angeles production of Tim Rice's Chess, the national touring company of Into the Woods, by Stephen Sondheim, the First National Tour of The Secret Garden and regional programs throughout the Nation. On television he has had roles on "Coach," "Empty Nest," "Models Inc.," "Party of Five," "Sisters," "Sliders," and "Women of the House." His film credits include Funny About Love, The Swan Princess II, Escape from Castle Mountain.

Mr. Sills holds degrees in theatre from the University of Michigan and the American Conservatory Theatre. He is a two-time Dramalogue Award winner and a charter member of the Antaeus Project at the Mark Taper Forum and Produced Dinah Was in Los Angeles. His role of Percy in The Scarlet Pimpernel has brought him numerous honors including the 1998 Theatre Award for Best Actor and the Drama League Award for Outstanding Artists. He was also nominated for the 1998 Best Actor Tony Award and as Best Actor for the Outer Critics Circle Award, FANY Award and the Theatre World Award.

Patti LaBelle is a musical sensation, dazzling audiences for an incredible 37 years. Born in Philadelphia, Ms. LaBelle has been singing all her life, first as a child in the Beulah Baptist Church gospel choir and then, as a teenager, in the legendary girl group Patti LaBelle and the Bluebells. In 1961, the Bluebells hit the charts with its first single, "I Sold My Heart To The Junkman" which went gold. The group recorded a number of songs which made the top 40 and played the best R&B venues in the Nation including the Apollo Theatre in Harlem, the Uptown in Philadelphia and the Regal in Chicago.

In 1970, a dynamic change in image, sound, costume, management and message gave birth to the renamed trio—Labelle. The group's sound blended soul, funk, rhythm and blues, gospel, pop and high-intensity rock-and-roll, while their futuristic costumes and theatrical staging made an unforgettable impact. Labelle's gold album, Night Birds, yielded the number-one single of 1975, "Lady Marmalade."

On October 6, 1974, Labelle made history as the first black vocal group to appear at the Metropolitan Opera House where thousands of audience members included Bette Midler and Jackie Onassis.

Patti LaBelle made her solo debut in 1977 when she played to overflow audiences in New York, Chicago, Washington, DC, and a dozen other cities. Since then, Patti LaBelle has gone from triumph to triumph and strength to strength. Her one-woman Broadway shows have shattered box office records, she has starred in her own prime-time television special and weekly TV series, "Out All Night." She starred in the national tour and Broadway revivals of the gospel musical Your Arms Too Short To Box With God and the role of a nightclub singer in the motion picture, A Soldier's Story, which was created especially for her.

Over the past 21 years, Patti LaBelle has recorded more than 50 albums and established herself as a major solo recording artist with classics like "You Are My Friend," and "If Only You Knew." She has garnered 10 Grammy Award nominations and the 1992 Grammy Award for Best R&B Vocal Performance; seven NAACP Image Awards (including the coveted "Entertainer of the Year Award"), three Emmy Award nominations, two American Music Awards and a Cable Ace Award. In 1996, Boston's Berklee College of Music presented Ms. LaBelle with an honorary doctorate. Her autobiography, Don't Block The Blessings, was a national best seller and earned the NAACP Image Award for outstanding literary work. A cookbook, LaBelle Cuisine: Recipes to Sing About should be released soon.

Ms. LaBelle is also well known as a humanitarian. She serves as spokeswoman for the National Medical Association, the Minority AIDS Council's "Live Long Sugar" campaign, the National Cancer Institute and the American Diabetes Association. The National Cancer Institute will receive $90 million in additional research funding and $10 million a year over the next five years for education and outreach programs if The Laurie Beechman Memorial Act, which I was proud to author, becomes law.

Mr. Speaker, these two extraordinary artists are a clear example of the spirit of the entertainment community when it comes to helping those in need. Patti LaBelle has a long record of working for a variety of causes and has been an outstanding member of the Greater Philadelphia community for many years. Douglas Sills is a young man with a bright future ahead of him. An excellent singer, Douglas has also shown a keen acting skill which will allow him to do both singing and non-singing roles. Two years ago, the "Shining Star Award" was given to a constituent of mine, Laurie Beechman.

Another reason I am so proud to stand here and tell you about these brilliant performers is that they are both scheduled to perform in a tribute concert—Let The Memory Live Again! A Musical Celebration For Laurie Beechman—on November 30 at the historic Walnut Street Theatre in Philadelphia to raise money for GILDA'S CLUB®. These two outstanding entertainers are just a couple of the many talented artists who will join together to raise funds to battle ovarian cancer, the disease which took the life of Laurie Beechman in March after a nine-year struggle against the disease.

I am amazed that all these wonderful performers are willing to give what little time off they have to help others. But, it seems to be a Broadway tradition to reach out like this because Laurie Beechman performed at many events of this kind. In fact, just two years ago, she and Sam Harris performed at Rainbow and Stars to raise money for the battle against

AIDS. Now, Sam will be co-hosting the tribute to Laurie, a woman he called his "musical soulmate," along with Ms. LaBelle.

Mr. Speaker, I am proud to be associated with Patti LaBelle and Douglas Sills who represent the heart and soul of the entertainment industry which has dedicated itself to the battle against these afflictions and have reached out a hand to those in need. As a result of the Laurie Beechman Tribute Concert, GILDA'S CLUB® will be able to reach out to more people with cancer and their families.

November 30 will be a night of stars at the Walnut Street Theatre and none will shine brighter than Douglas Sills and Patti LaBelle. But, I'm sure they would be the first to tell you that the real stars that night will be Laurie Beechman and the long struggle against ovarian cancer she wages even after her death.

I insert these comments in the RECORD so all may know of the accomplishments of these two fine performers in the hopes it will awaken a similar dedication to humanity in each of us.

PROMOTION OF A DRUG-FREE AMERICA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to promote the Drug-Free America Blue Ribbon Campaign. As part of a resolution detailing how our children are at risk, the U.S. House of Representatives has declared September 13–19, 1998, as Blue Ribbon Week. This selected week, shortly after most children return to school, allows Americans to join together in waging a strong campaign to win the War on Drugs by the year 2002. We must protect our children from drugs and we must support our law enforcement community in the fight to keep our streets safe.

The efforts to reduce the incidence of substance abuse, including abuse of alcohol and illicit, drugs is a major public policy issue in the United States. An estimated 52 million Americans experience a mental health or substance abuse problem every year, with less than half obtaining treatment. According to the state health department, 343,000 residents of North Carolina are in need of comprehensive substance abuse treatment. Over the last 30 years, Congress has initiated a variety of federal efforts supporting the prevention and treatment of, and research relating to, substance abuse and mental illness.

The Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the Department of Health and Human Services, is responsible for supporting mental health and substance abuse prevention and treatment services throughout the country by providing technical assistance, categorical grants, and block grants to the states. This vital agency was created in 1992 and provides funds to states for alcohol and drug prevention, treatment, and rehabilitation programs and activities.

Providing sufficient funds to states for drug prevention is vital to winning the war on drugs. Without adequate funding, states will not be able to provide the necessary treatment and assistance to those in need. The Administration has requested a proposed funding level of $17.1 billion next year in National Drug Control Funding, a 6.8% increase over the estimated $15.9 billion provided in Fiscal Year 1998. In addition to increased funding, the Administration has also proposed a National Drug strategy. The drug initiatives in the new strategy build on five goals: (1) Motivate youth to reject illegal drugs & substance abuse; (2) reduce drug-related crime and violence; (3) reduce health, welfare, and crime costs resulting from illegal drug use; (4) shield the U.S. frontiers from the drug threat; and (5) break foreign and domestic drug supply sources. Congress must do its part and support the Administration's efforts.

Protecting our children from drugs and supporting safe streets and communities are top priorities for me. I strongly believe we must not retreat in our battle to save people from the scourge of alcohol and drugs that destroys so many precious lives. As the former two-term Superintendent of North Carolina's public schools, I know firsthand the importance of strong anti-drug abuse programs. I supported and worked on the Safe and Drug Free Schools Program during my tenure as Superintendent, and I oppose the effort of some Republican Members to terminate Safe and Drug-Free Schools.

As the Representative of the Second District of North Carolina, I am committed to continuing to work to protect our nation from the dangers of drug abuse. I am also strongly committed to assisting the state and grassroots organizations in my district who know first hand how to combat the devastation of drug use. I believe that it is vitally important to keep an open line of communication with hospitals, treatment programs, and other grassroots organizations to gain valuable input into how we can move forward together in this fight to erase drugs from our streets.

Since taking office, I have been honored to visit many groups and organizations in the Second Congressional District who are diligently working to rid their communities of drugs. In order for us to claim victory in this effort, we must break the cycle of drugs and crime and help state and local governments implement drug testing and treatment for drug abusers. In December of last year, I met with the Sanford Chamber of Commerce Drug Action Committee located in Sanford, North Carolina. This group, comprised of concerned citizens, meets on a regular basis to coordinate programs and provide information to combat the substance abuse problems in Lee County. The group's goals include involvement of local students to increase community awareness and communications with area legislators to keep us informed of breakdowns in the judicial system and sentencing for offenders.

Earlier this year, I met with staff and toured the Triangle Residential Options of Substance Abusers (TROSA), located in the Research Triangle Park of North Carolina. TROSA is a two year residential self-help initiative serving drug and alcohol abusers. For some, TROSA serves as an alternative to incarceration. The only program of its type in the Triangle, TROSA serves men and women at no cost to the individual. Residents reside in a highly structured environment for two years. The initiative emphasizes vocational training, education, and interpersonal communication skills. There are three major rules governing all TROSA residents: there is to be no use of drugs or alcohol; no threats of violence; and no acts of violence. TROSA is known throughout North Carolina for its success rate and works closely with North Carolina universities to provide valuable educational and self-help programs for its residents.

In July of this year, I joined the Johnston County Drug Action Coalition (JCDAC) in the National Drug Control Policy Town Meeting Anti-Drug Campaign with the President and the Director of the Office of the Office of National Drug Control Policy (ONDCP) General Barry McCaffrey. JCDAC, which is located in Smithfield, North Carolina and is run by Dr. Judith Coats Kolcum, joined the Johnston Community College family, law enforcement officials, drug groups and students in this national discussion on drugs. JCDAC's mission includes a comprehensive, long range educational approach addressing not only problems but offering solutions. Its their belief that the use of illegal drugs, the abuse and/or misuse of alcohol affects every citizen of their County and the state. The ugly results of addictions are seen through the loss of health, lost of income, increase in crime, broken homes and quality of life in general. As a solution, JCDAC offers that the cycle of addiction and drug abuse can be broken, by providing effective prevention policies to assure that addiction treatment is available and accessible to all who need it.

Also participating in the Town Meeting was the Day By Day Treatment Center. The Day By Day Center is located in a peaceful rural area of Johnston County, just outside of the town of Selma, North Carolina. Day By Day is a grassroots organization that has been instrumental in delivering treatment services to those individuals struggling with substance abuse issues. The Center is a modern facility which offers an intensive concentrated program of drug and alcohol addiction recovery education, based on the traditional Twelve Step Programs of Alcoholics Anonymous and Narcotics Anonymous. At this time, I ask unanimous consent to enter into the record a statement prepared by Ed Ward, Executive Director of the Day By Day Treatment Center of Johnston County, Inc.

Many believe that legalization is the answer to efforts to control drug use. I strongly disagree with this observation, and based on recent polls 70% of Americans also disagree with drug legalization. According to the ONDCP Director General McCaffrey, lacking the present combined social disapproval, illegality, and law enforcement efforts against illicit drugs, the number of chronic addicts would skyrocket from an estimated 4 million or less addicts today to 15 to 20 million. I strongly agree with General McCaffrey, and believe that drug legalization would increase drug use in the public schools, create higher numbers of drug addicts and overdoses, and more drug-related crimes.

The House is expected to vote this week on legislation to promote an agenda of zero tolerance of drugs. These bills which I strongly support, take necessary steps to win the War on Drugs. They are as follows:

H.J. Res 117, Opposing Medicinal Marijuana. The measure expresses the opposition of Congress to legalizing marijuana for medical use.

H.R. 4006, Lethal Drug Abuse Prevention Act. The measure revokes the right to prescribe drugs for doctors who have dispensed drugs for the purpose of assisting a suicide.

H.R. 4300, Western Hemisphere Drug Elimination Act. The bill is expected to strengthen international efforts to combat the trafficking of illegal drugs into the United States.

H.R. 4550, the Drug Demand Reduction Act. The measure would authorize funds for a national anti-drug media campaign; creates programs to promote drug-free workplaces, prisons and schools, and to reduce drug use by teenage drivers; provides market incentives for drug companies to develop anti-addiction medications; and consolidates certain Federal anti-drug programs.

Mr. Speaker, I'd like to close by saying that we have a tough battle ahead in order to reach our goal of total eradication of drugs by the year 2002. We must work with school groups, civic organizations, and anti-drug coalitions to increase public awareness about America's drug crisis and establish a consistent "no-use" drug message. I pledge to do my part in supporting legislation that will further our goals, and protect our nation from the perils of drugs. I urge my colleagues to join this effort and show the world that we are committed to work together on a bipartisan basis to wipe out drug use in America.

A great number of reliable statistical studies* show and prove that addiction disease (alcohol and drug dependency) is our nation's number one health problem. Approximately 18 million Americans are addicted to alcohol. Almost 13 million Americans over 12 years old have used illegal drugs within the last month and another 11 million abuse tranquilizers and other psychotropic medications. Addiction disease costs every citizen of our nation about $1,000 a year for unnecessary health care, added law-enforcement, automobile wrecks, crime, and lost productivity. The tragedy that the disease inflicts upon the emotions and psychological well-being of families is immeasurable.

Public policy toward addressing addiction disease is aimed too heavily at cutting supply rather than toward prevention, education and treatment. Addiction disease continues to be viewed with stigma, its victims seen as morally weak, often criminal or bad rather than sick people suffering from a chronic biopsychosocial illness.

In my own district, I'm brought face to face with the reality of untreated addiction disease and the difficulty of persons getting appropriate treatment. I recently conversed with representatives from Day By Day Treatment Center located in Selma, North Carolina who informed me that the treatment facility faces tremendous economic pressure due to cutbacks in Medicaid funding, managed care denials of appropriate services, ongoing stigma, and other adversities. This occurs when there is great need and existent studies pointing to the reality that treatment works.

Without appropriate treatment, victims of addiction disease are cost shifted to the criminal justice system or more expensive medical care to address other diseases such as cirrhosis of the liver which are secondary to untreated addiction disease.

It costs about $6000 to treat a victim of addiction disease as an inpatient at Day By Day Treatment Center or about $2500 for an outpatient program when appropriate. The tragedy is that our health care system cost shifts to the criminal justice system where the cost is up to $37,000 annually to keep one person in prison who wouldn't be there in the first place had addiction disease been addressed initially.

As a nation we must:

Treat addiction disease on an equal basis with treatment of other diseases.

Provide for a more well educated citizenry in addiction disease from layman to professional.

Provide for more research aimed at better treatment and more appropriate outcome studies.

Today, so many of our society's ills can be traced directly to addiction disease. Let us all not only be acutely aware of the tremendous amount of work that needs to be done in addressing addiction disease, but also of the enormous opportunity and possibility to enhance all of our lives if we will make the effort.

INTRODUCTION OF BIPARTISAN LEGISLATION TO ENSURE WASHINGTON STATE USES ITS SHARE OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM FOR COVERAGE OF ADDITIONAL CHILDREN UNDER THE MEDICAID PROGRAM

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. McDERMOTT. Mr. Speaker, the entire Washington State Delegation today introduced legislation that would allow our state to participate in the State Children's Health Insurance Program (SCHIP). The legislation we crafted represents the culmination of more than a year's worth of effort to ensure Congressional action on this issue.

I ask that you exercise your leadership of the Congressional majority to expedite the passage of this measure in a non-controversial manner.

To illustrate the vigor of our Delegation's commitment to advancing this issue, I have attached for your information the text of the following letter which the entire Washington Delegation today sent to The Honorable Donna Shalala, Representative TOM BLILEY, and Senator WILLIAM ROTH:

We are writing to share with you legislation we introduced today that addresses an issue of critical importance to Washington State and its ability to participate in the State Children's Health Insurance Program (SCHIP).

Washington State has a strong record of ensuring that its low-income kids have access to affordable health care. In 1994, Washington raised its child Medicaid eligibility threshold to 200% of the federal poverty level (FPL). The SCHIP program was developed with this objective in mind by expanding Medicaid funding to states that extend eligibility to provide quality health care to additional children.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they should be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the $230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of FPL. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels. Correcting this technicality is the top priority for our delegation as we near the end of the 105th Congress and we plan to push for legislative action in the next few weeks to pass this non-controversial measure.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much-needed assistance to children currently at-risk. Rather than simply changing the effective date included in the BBA, our initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

We respectfully request that you join our efforts to move it through the legislative process. We look forward to working with you during the remaining days of this Congress to ensure that Washington's SCHIP funds are used to increase the health of our children, not wasted due to an unintended technical oversight.

Thank you for your cooperation in this effort and please do not hesitate to contact us if we can provide you with additional information.

Sincerely,

Slade Gorton, U.S. Senator; Jim McDermott, Member of Congress; George Nethercutt, Member of Congress; Patty Murray, U.S. Senator; Jack Metcalf, Member of Congress; Norm Dicks, Member of Congress; Rick White, Member of Congress; Linda Smith, Member of Congress; Adam Smith, Member of Congress; Jennifer Dunn, Member of Congress; Doc Hastings, Member of Congress.

REAR ADMIRAL MIKE SULLIVAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Admiral Mike Sullivan, United States Navy, as he retires on October 1, 1998, upon completion of over 31 years of honorable and faithful service to our Nation.

---

*Note that some statistical references were obtained from: Treatment Addiction/Advancing the Common Good a Join Together publication.

Rear Admiral Sullivan, a Supply Corps Officer, has performed in a consistently outstanding manner under the most challenging of circumstances. As the Principal Deputy Assistant Secretary of the Navy (Research, Development and Acquisition) he was responsible for advising the Navy's Acquisition Executive on business and programmatic matters concerning Navy and Marine Corps major weapon systems programs. He also provided policy and oversight for the Naval procurement system which encompasses over 900 activities contracting for more than $40 billion in weapon systems, supplies and services annually.

Mike, no stranger to anyone in uniform, can reflect on several successful operational tours in both the Atlantic and Pacific theaters. He came to his current position after being the Deputy Assistant Secretary of the Navy for Acquisition and Business Management. His wide range of experience also included, among others', tours at Naval Sea Systems Command, Naval Air Systems Command, the Government Operations Committee of the House of Representatives, and Competition Advocate General of the Navy. And Central Missourians too, know him well: for four consecutive years he traveled to their neighborhood—my congressional district—to counsel and assist small businesses about the requirements of the federal contracts.

A graduate of the University of Kansas, he completed his MBA degree at the University of North Carolina at Chapel Hill. He also attended the Industrial College of the Armed Forces and Carnegie Mellon University's Program for Executives. His personal decorations include the Legion of Merit (three awards), the Meritorious Service Medal (two awards), Joint Service Commendation Medal, and the Navy Commendation Medal (two awards). Married to the former Pam Ross of Leavenworth, Kansas, the Sullivan's have one son, Brian.

The Department of the Navy, Congress, and the American people have been defended and well served by this dedicated naval officer for over 31 years. Rear Admiral Mike Sullivan will long be remembered for his leadership, service and dedication. I am proud to call him my friend. Let me wish him, his wife Pam, and their son Brian our very best as they begin a new chapter in their life together.

A SALUTE TO DR. BILLY TAYLOR, ONE OF THE GREATEST MUSICIANS OF JAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. CONYERS. Mr. Speaker, today I rise to honor Dr. Billy Taylor—one of the greatest pianists ever, who has touched the lives of many during his fifty years plus in jazz, not only as a pianist, composer, author, activist, teacher, lecturer, and actor, but also as a radio and television personality. Though Dr. Billy Taylor is seventy-seven years old, he's more than young at heart. His current schedule is chock full of performances while he also serves on the faculty at the University of Massachusetts, where he received one of fifteen other honorary doctorates. His series Jazz at the Kennedy Center, an ongoing series of demonstrations-discussions of the history of jazz, is wonderful. He hosts intimate sessions of performance and conversation which enables participants to gain insight into jazz by hearing the music, memories and unique philosophies of some of the greatest musicians jazz has produced.

In 1971, Billy Taylor became the first African American to lead a band on a talk show when he fronted an ensemble of all-stars on the David Frost Show for four years. I know from personal experience, that aside from being a stupendous musician, he's also an incredible human being. He has great respect for other people, and has a wonderful aura of niceness and gentility.

Dr. Taylor founded Jazzmobile, which brings free performances to hundreds of thousands of people. His awards include two Peabodys, an Emmy, and the first Certificate of Recognition given by the U.S. Congressional Arts Caucus and it is with immense pleasure that in this tribute I join the ranks of those saluting the great Dr. Billy Taylor.

TRIBUTE TO CARL TRAICOFF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to one of the leading citizens of Indiana's First Congressional District, Mr. Carl Traicoff, of Highland, Indiana. After serving as one of Northwest Indiana's most distinguished, compassionate, and dedicated teachers for twenty-seven years, Carl announced his retirement on Saturday, August 22, 1998.

A 1956 graduate of Lew Wallace High School in Gary, Carl enrolled as a student at Kansas State University, which he attended for one year. In 1958, he transferred to Culver-Stockton University where, in 1960, he earned a Bachelor of Arts degree in Physical Education and Health. Carl continued his education at Northeast Missouri, now Truman State, earning a Master's degree in Physical Education, Health, and Administration. While attending graduate school, Carl also worked as a girls basketball coach, beginning his long and distinguished coaching career.

From 1960 through 1966, he served as a basketball coach at the high schools of Louistown, Clarence, and Centralia. In 1966, he moved back to Indiana's First Congressional District and began teaching and coaching at Calumet High School, in unincorporated Calumet Township, Lake County, Indiana. As Calumet High School's coach, Carl posted 417 wins, for a career total of 477 wins. Indeed, along with these wins, his teams won four Sectional Titles, and he was honored by his fellow coaches as Coach of the Year six times. Though Carl is acknowledged for his coaching ability, his teaching successes have often been overlooked. He made his mark on the Calumet High School curriculum by instituting a Life Management course and influenced nearly every student that attended the Calumet High School by teaching this class, as well as Health, annually. This legacy, more than any coaching award, is what will live as Carl's greatest achievement. Indeed, his dedication and caring is represented through his four Teacher of the Year Awards, as well as his Inland Steel Teacher of the Year Award.

Carl was always a dedicated and caring coach and teacher. Though he spent must time and effort on his players and students, this did not diminish his devotion to his wife, Margie, and their daughter, Karen. His professional success was complemented by an even more rewarding family life. Now that he has retired, Carl plans to spend much of his time with Margie and Karen, who now works for NASA. He also, he continues to serve as a member of the National Association of Basketball Coaches, the Indiana Basketball Coaches Association, as an instructor and local basketball camps, and as a teacher at Purdue University Calumet.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Carl Traicoff for his lifetime of dedication, service, and leadership to the students and faculty of Calumet High School, as well as the people of Northwest Indiana. Carl's efforts as an educator and a basketball coach blended together to help kids make the most of their potential and earn their success in the world. Northwest Indiana's community has certainly been rewarded by the true service and uncompromising dedication displayed by Carl Traicoff.

IN HONOR OF SAINT WENDELIN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to the parish community of Saint Wendelin Church as they celebrate their ninety-fifth year in Cleveland's Ohio City neighborhood. For almost a century, Saint Wendelin's has served as a spiritual refuge, opening its doors to any soul in search of peace.

Originally serving the Slovak community of Cleveland's near west side, the ministry of Saint Wendelin's began in 1903. It was on May 3rd of that year that the community received permission to found Saint Wendelin Parish. A small church was soon erected, and on December 6, 1903, Father Koudelka celebrated Saint Wendelin's first mass. Not long after, the Sisters of Notre Dame established Saint Wendelin's School. The order would continue to provide quality Catholic education for the next seventy years.

In 1925, the current church and school complex was dedicated. Non-territorial, Saint Wendelin's welcomes all believers to join in worship. It is a testament to the Saint Wendelin's ministry that Catholics from all corners on the city answer the call to celebrate at the little church on Columbus Avenue.

Cleveland's strong tradition of Catholic education continues at Saint Wendelin's under the direction of Ursuline Sisters with their operation of Urban Community School. Saint

Wendelin's facilities serve as a second home to the 300 students of Urban Community. Saint Wendelin's also serves as the headquarters for Heartbeats, Inc., a ministry operated by the Sisters of the Humility of Mary, supporting women from third world countries.

My fellow colleagues, please join me in honoring the parish community of Saint Wendelin Church and its pastor, Rev. Jerome Lajack, as they celebrate mass with Bishop Anthony Pilla in commemoration of 95 years in service to God. A community bound by its faith, the believers of Saint Wendelin's are committed to doing justice, both in the church's surrounding neighborhoods and the world beyond. Let us pray that Saint Wendelin parish continues as a beacon of Christian charity as we enter into the next millenium.

A TRIBUTE TO JOSEPH M. GOMES—"MR. SAN PABLO"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in celebrating the life of a truly remarkable individual, Mr. Joseph M. Gomes. I know of no other person who has had such an all encompassing influence on his community. Joe's name is synonymous with the city he represents, and he cannot be denied the moniker, "Mr. San Pablo".

Joe has made San Pablo his home for the greater part of 70 years. It is where he and his lovely wife, Mary, chose to settle and raise their family. Joe spent 35 years with American Standard and another 9 years with Phoenix Iron Works, before ending one career to pursue another. In 1980, Joe was elected to his first term on the San Pablo City Council, and a life of public service was born. Over the past two decades, Joe's leadership on the Council has guided San Pablo through a transformation from a small, isolated community to a thriving urban city—a city which celebrates its cultural diversity, neighborhood spirit and livability.

But Joe is not content to simply fulfill the role of elected official. His commitment extends to active participation in virtually every local club or organization, from the Chamber of Commerce, the Exchange Club, the Eagles and the Moose Lodge to the Salesian Boys & Girls Club and the Brookside Community Health Clinic. Joe's work has always been led by his heart, his concern and caring for all members of his community. Through his selfless service and tireless involvement, Joe has personally touched the life of each and every resident of San Pablo.

I am personally honored to call Joe Gomes a friend and a mentor. On behalf of the United States House of Representatives, I would like to salute him and his work.

50TH BIRTHDAY OF THE VERNON HILL AMERICAN LEGION POST NO. 435

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. McGOVERN. Mr. Speaker, I rise today in honor of the 50th year that the Vernon Hill American Legion Post has served the community and honored our veterans in Worcester. To commemorate this event, I would like to enter into the CONGRESSIONAL RECORD the history of Post No. 435 as recounted by Past Commander, John F. O'Connor. This post of the American Legion has a unique history, and I believe that Mr. O'Connor's account clearly shows that the group of men and women involved with the Vernon Hill Post are true American heroes.

The text of his history follows.

In the fall of 1947, a group of young veterans were standing in front of Joe's Spa, across the street from Vernon Hill Park, getting ready to start a touch football game. There, they were approached to attend a meeting at 9 Ames Street at the home of long-time legionnaire, James B. Lawless, to discuss forming an American Legion Post on Vernon Hill.

Somewhat reluctantly, the young veterans gave up their touch football game and walked to the Lawless home two blocks away, and signed the request to the Worcester County Commander, Bill Blanchard, for permission to create the Vernon Hill Post American Legion. He denied the initial request because Worcester already had 16 American Legion Posts, more than an adequate number. Commander Blanchard sent word that if the Vernon Hill Veterans wanted to join, there were plenty of nearby posts to accommodate them. In typical Vernon Hill fashion, the group of reluctant joiners now became determined to have their own post.

Mr. Lawless, a World War I veteran, with Edward F. Wall, presented the Post's case before the Worcester County Council meeting in Upton. Their persuasiveness and persistence paid off, and a charter was granted in the Spring of 1948 to the Vernon Hill Post American Legion #435.

That was the inauspicious debut of what is now the second largest American Legion Post in Worcester County, numbering almost 600 members in the fiftieth year of its existence.

The Post needed quarters, but we also needed a treasury to pay the rent. Ed Wall, and another member, the late Chester G. Trembowicz, the only ones that were working at the time, lent the Post the money to rent our first quarters in a vacant store at 35 Granite Street for $35 a month. Finally having a "Home", the Post started to raise funds. A bar was constructed with a can of beer selling for 20 cents. A ping-pong table was installed in the cellar and one of the first television sets in the neighborhood was purchased with proceeds from a minstrel show. A huge safe (still being used today) which almost caused the demise of member Billy Reynolds, was donated from its old home on Lamartine Street to Granite Street. In 1951, the Vernon Hill Post purchased a home at 154 Vernon Street for the sum of $16,500. The Post continued to grow in its new home that featured what the late Joe Fitzgerald called the "Chinese room."

As the post grew and prospered, so did its social functions. Who can forget the New Year's parties at the old "Johnny Hynnes Ballroom"? How many can remember the Past Commanders' banquets that graduated from an upstairs loft at Alaries Tower House on the Cherry Valley/Worcester Line, to the Towncrest on Lake Avenue, to Jimmy O'Day's Edgemere Lodge? How many present can recall the sumptuous steak dinner arranged by Tim Mara and the late Ed Piliski at Thompson's Lodge in Westboro? Everyone present at the banquet marveled at the deal our two chairman had arranged—until they got the bill that almost bankrupted our meager treasury.

Who among us can forget the first New Year's Eve party held in these quarters before we had tile on the floor? We danced on the cement floor and had black legs for a week. A great time was had by all on that first occasion in our own hall, the first of many great times in this room.

The state convention in 1948 was held in Worcester, a rather huge affair at the time . . . World War I veterans joined by World War II veterans just blending into civilian life. Who can forget the huge parade in downtown Worcester featuring superlative marching bands and handsome Governor, Maurice Tobin, in a Panama suit? The new Post Vernon Hill, now about 30 strong, marched in the back of the host delegation behind a huge banner that read "Worcester's Baby Post, Vernon Hill American Legion #435, watch us grow". How prophetic. John McDavitt, a navy veteran, now residing in Brookfield, was dressed as an infant, albeit smoking a cigar and possessing a can of the beverage of moderation, pushed in a baby carriage by his "father", the late Bill Wall, and his "mother" Connie Brosnihan, now residing in Enfield, Connecticut.

In 1966, a bright young navy veteran brought what many older, more experienced, more mature members thought was a preposterous proposition to construct a hospital in Vietnam to honor the boys and girls of Worcester County who lost their lives in this faraway conflict. In 1967, after much effort and preparation by the initiator of the project, the day arrived when all of the "Doubting Thomases" became firm believers in Past Commander Frank Carroll. We became such believers that if Frank said Pope John Paul II is expected to attend tonight's affair, we would keep an eye on the door.

Who could ever forget this fabulous extravaganza? General Westmoreland, the commissioner of baseball, General Eckerett, and Under Secretary of State Katzenbach drank coffee in the kitchen right in these quarters with Jim Donahue and many other dignitaries. At the bar, the late Gordon McCrea told stories about his football days at Gaskill Field. Who among us doesn't have an avid memory of the affair at the Memorial Auditorium? Present were the celebrities on stage with Marilyn Mayes. There was security everywhere, and the pride of our membership was unmistakable. This humanitarian gesture to assist Dr. Turpin of Project Concern to construct a hospital in the Central Highlands of Vietnam was motivated by an American Legion Post in Worcester led by its imaginative, fearless, persistent, young Commander, Frank Carroll.

The vast number of volunteers, plus the organizational genius called Frank Carroll, made the project a huge success. The Vernon Hill Post American Legion was brought into the spotlight and our post became the most recognizable and envied Veteran's organization in the entire state.

This organization is also extremely active in youth and community affairs. The post's generosity to all who are deprived and unfortunate is well known, but its finest hour is its magnanimous support of the blind children in Ashburnham, Massachusetts.

This post is deeply involved in civil affairs coupled with the welfare of our own community and state. In 1969, an issue of deep concern to all our citizens was automobile insurance. Does that have a a familiar ring? In this very room a forum was held to inform our members and all our citizens about a new form of auto insurance. One of the panelists who was proposing the system was a young State Representative from Brookline who went on to some degree of fame and notoriety, Michael Dukakis.

And what American Legion Post in the world had its own basketball and softball leagues where everyone who played had to be a member? Shea's Tavern, Leavitt Drugs, Old Timers, The Associates, and the Livewires were all winners. Does anyone remember the classic confrontation in a gym not far from here between the late Past Commander Bob Bruso and a young Priest, Father Ed Tinsley, now the Vicar General of the Diocese of Worcester?

Even when we didn't have much of a treasury, the post sponsored a team in the Gehrig-Ruth League which continues to this day. This late Jim Spaulding and child welfare chairman, the late Past Commander Ed Cove put together the finest charitable program of an American Legion Post anywhere. In addition to baseball, our post has an unparalled record in the area of programs for our youth. The scholarship program has aided innumerable sons and daughters of Post members to secure education at the colleagiate level. The Boys State Chairman Past Commander John F. O'Connor and many members have participated in the mock trial at the convocation of Boys State.

Who could ever forget the "Minstrel Show" assisted by the late Bob Brady and the spontaneous with of the Past Commander, the late James Spaulding. These various musical delights features many talents, now departed, included John "Blue Eyes" Mahoney. In recent years, we were entertained by our Vernon Hill Legionaries, led by Past Commander Howard Harvey. Who can't reflect on the many occasions that our talented, dedicated choristers, George Handley, Mike Donovan, Pat Carmody and our own little girl now grown to a young lady, Kristen Carlstrom, enthralled us and the always full-capacity audiences?

Our own St. Patrick Day "Hooleys" were always great affairs. Does anyone here remember the Irish Tenor, Tom Riley? The fabulous corned beef and cabbage meals put out mainly by Chet Mills and and the late Dick Mitchell were something?

Speaking of food, does anyone remember the sumptuous meals of Duffy Caterers and his Harvard beets? How many can remember the wonderful evenings of superb music of Townsmen and the gifted Janie Morin, fresh from her appearance at Fenway Park in 1967? Down through the years we also had some superb Italian and Polish nights.

What veteran's organization holds its own Memorial Mass and breakfast honoring its deceased members? Recently, the Mass breakfast have been held right here in these quarters with great success and numbers. Citizens of Worcester who have made a contribution to the well-being of our community are honored with an award each year. The award is now highly coveted and respected in this city.

The Vernon Hill Post was the first group of any sort to go on record in favor of the construction of the Worcester Civic Center, now known as the Centrum. Where would Worcester be if we didn't have the Centrum now? The Vernon Hill Post was also the first to endorse the connecting highway from downtown Worcester to the Massachusetts Turnpike in Millbury, a vital link to the economic well-being of our city.

This last December 11th, over 200 senior citizens who ordinarily wouldn't have a joyous Christmas season were our guests here for the 20th year. Howard Harvey and his chorus, the chefs, the waitresses and waiters, the people who contribute their talents, time and resources, are to be commended for their charity and concern.

On occasions, the boys at Nazareth Home in Leicester have been the guests of the Post at the circus, the Red Sox, and the Celtics? Our Honor Guard, especially Bud Hall, has always been present at parades, funerals and other functions. Our antique fire truck is always at the disposal of children of this region.

When you mention names, you run the risk of neglecting someone who has made a sizable contribution to this Post. None the less, we would be remiss if we didn't name some men who have passed on who have made this a great Post. They must be looking down from their heavenly perch with pride; the founder, James B. Lawless, Past Commanders, John C. Wall, Chester C. Trembowitz, Raymond Jermyn, Robert Bruso, Albert Spring, James Spaulding, George Naum, Ed Cove, Bob Coakley, Ed Bulleus, and Red Cochran. We have come a long way in the last five decades from that initial gathering on Ames Street!

We are now the second largest in membership of any American Legion Post in Worcester County. However, by all standards and criteria, the Vernon Hill Post is universally recognized and acclaimed as the finest, most active contributing veteran's organization anywhere. One of our own Past Commanders, Byron McCluskey, was a Department Past Commander, bringing great honor to this post.

This night should serve as a tribute to a great many men who have worked together to make this occasion possible. The cooperation that has made this evening a success has been the hallmark of this group over the years.

In the Preamble to the American Legion Constitution, it says "that we must consecrate and sanctify our comradeship by our devotion to mutual helpfulness". May we always continue to look after our fellow human beings with care, concern and compassion.

"Happy Fiftieth Birthday, Vernon Hill Post #435."

TRIBUTE TO THE LEGACY OF WENGER FARM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to acknowledge the history and legacy of one of Colorado's oldest historic farms, the Wenger Farm, and to pay tribute to all of those that worked to create, operate and protect it. Patented in 1894, the land has been in the family ever since. At the Colorado State Fair, the Wenger family received the Centennial Farm Award in recognition of their history with the land. Located near Yuma, Colorado the farm was homesteaded by Fred Wenger. Bob Wenger and his wife Kathryn took over the farm after Bob served an illustrious duty to his country in the Marine Corps in World War II. Now their son Dick continues to operate the farm where he raises cattle and grows corn. The Wengers are fine examples of what good stewards of the land Colorado farmers have been. Mr. Speaker, the Wenger Farm has left a lasting legacy for their family, and all of their friends and neighbors in Yuma County. I salute them, and all of the good people who worked to preserve that legacy. We all have a lot to gain from preserving our history and preserving the farming way of life.

TRIBUTE TO ANGELO CATANI

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. STEARNS. Mr. Speaker, I wanted to take this opportunity to say a few words about Angelo Catani, a fellow Floridian, who will be retiring next month.

Angelo distinguished himself in a variety of positions throughout his 30 plus years of service, including his initial employment with the American Machine & Foundry, where he was responsible for installation of the hydraulic lift system on the Titan missile program.

He followed up that position by joining General Electric Co. where for the next 12 years he was involved in engineering programs such as the update of the Possidon fired control systems, Launch Complex-34 propellant transfer system at Kennedy Space Center and the Saturn V, S–IVB stage support equipment.

Following a successful career at General Electric, Mr. Catani joined Aerojet Ordnance Company as Vice President, Ammunition and was responsible for the development of Aerojet's 25mm ammunition programs. In 1983, he joined Olin as Vice President and General Manager of its Defense Production operation. Subsequently, in 1987 he was also appointed President of the Ordnance Division; then in 1993 was elected to the position of Corporate Vice President, of the Olin Corporation; and, finally, in 1997 he was elected Vice President of PRIMEX Technologies, Inc.

Among his many other accomplishments, Mr. Catani was an active member of the Association of the United States Army (AUSA), and the National Defense Industrial Association (INDIA). In 1997, Mr. Catani was inducted into the U.S. Army Ordnance Corps Hall of Fame.

Mr. Catani also serves with distinction on the Board of Trustees at the University of Tampa, and is Chairman of the Tampa Bay Watch Foundation. I wish Angelo and his wife, Paige, all the best as they look forward to their years of retirement, in which they will split their time between Florida and their home in Durango, Colorado.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

SPEECH OF

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SANDERS. Mr. Speaker, I rise in strong support of the Postal Employees Safety Enhancement Act and in support of safe workplaces across our nation.

This important legislation extends the ability of the Occupational Safety and Health Administration to regulate the U.S. Postal Service as it would for any private business. This is welcome legislation for the over 2,000 postal employees in the State of Vermont, and the hundreds of thousands in the country.

This bill is supported by the American Postal Workers Union, the National Association of Lettercarriers, the Mailhanders (Laborers International), and the Rural Lettercarriers Association—every union that represents our postal employees. We should listen to our postal workers who desire the full protection of OSHA.

Mr. Speaker, OHSA is a vital piece of our social contract. It was passed in response to unsafe working conditions that were found throughout the United States, and it has prevented countless injuries and fatalities on the job. Now, 27 years after the passage of the Occupational Health and Safety Act, we should continue our commitment that every worker in America has the right to a safe workplace.

What we have before us today is legislation that says to many of the federal government's most valued employees—those who process and deliver the mail and keep our country on the move: We honor your work and we will protect you from workplace hazards.

Mr. Speaker, every American deserves the full benefits of an OSHA compliant workplace. I urge strong support for our nation's hard working postal employees. Pass this legislation for them, for the people who love them, and for the country that employs them.

RECOGNIZING THE ACHIEVEMENTS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

Mr. DOOLITTLE. Mr. Speaker, as a member of the House Resources Committee, I have worked to advance and strengthen tribal self-governments and promote private enterprise on our Nation's reservations. One tribe that has been a national leader in exercising its self-determination to build a strong tribal government and reservation-based economy is the Mississippi Band of Choctaw Indians.

Through the vision of Chief Phillip Martin, the Tribe used its sovereignty to develop a tribal economy to foster a highly responsive approach to providing traditional government services on the reservation. When Chief Martin became leader of the Tribe, he knew that the tribal government had to assume responsibility of government functions rather than they rely on the Bureau of Indian Affairs to take care of its members.

Dramatic gains have occurred during the past 20 years on the Choctaw Reservation. The average educational level of adult tribal members has jumped from sixth grade in the 1970s to twelfth grade today. Life expectancy has also increased by nearly twenty years, and infant mortality has declined substantially. Through the efforts of the Choctaw Housing Authority, housing for tribal members has risen above substantial levels.

The tribal members of the Choctaw Tribe have worked extremely hard to achieve their vastly improved living standard. The innovative approach to eradicating poverty on the reservation by reaching out to private businesses to invest in the tribe has been very successful for the Choctaws.

I commend Chief Martin for believing in his tribe and taking the risk to develop the enterprises on the Choctaw Reservation. The restoration of the Choctaw Indian tribe is a great American success story of self-reliance and sheer determination that we all can be proud.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of S. 2206, the "Community Opportunities, Accountability, and Training and Educational Services Act of 1998." Title III of the legislation reauthorizes the Low Income Home Energy Assistance Program (LIHEAP) through fiscal year 2001, and authorizes $1.1 billion in funding for fiscal year 2000. The legislation also extends the authorization for the President to release contingency funds to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. The LIHEAP program is a State block grant program that provides assistance to 4.3 million low income households to help families pay their heating and cooling bills. It is a sound program and should be reauthorized.

On the whole, the legislation does not make significant changes to the LIHEAP program. However, the bill does make one improvement to the program, by clarifying the circumstances under which the President can release contingency funds to meet the additional needs arising from a natural disaster or emergency. There have been problems releasing emergency LIHEAP funds in the past. For example, after ice storms in New England earlier this year the President was constrained by the provisions of the Low Income Home Energy Assistance Act regarding the release of contingency funds, since the Act does not define "natural disaster" or "emergency." The bill defines these terms in order to expedite the future release of contingency funds.

The Committee on Commerce has jurisdiction over the Low Income Home Energy Assistance Act of 1981. As indicated in the exchange of correspondence in the report filed by the Committee on Education and the Workforce, the Committee on Commerce waived referral of the legislation reported by the Committee on Education and the Workforce, H.R. 4271, the Community Services Block Grant Amendments of 1998, in order to expedite floor consideration. However, that does not constitute a waiver of jurisdication. The exchange of letters also commemorates that the Committee on Education and the Workforce will support a request by the Committee on Commerce for conferees in the event there is a conference.

I urge my colleagues to support S. 2206.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 17, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:00 a.m.
Environment and Public Works
To hold hearings on S. 2470, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).
SR-253

Veterans' Affairs
To hold hearings to examine the quality of care in the VA health care system.
SR-418

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine issues with regard to the BP/Amoco merger.
SD-226

SEPTEMBER 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine public and private forestry issues.
SR–328A

Indian Affairs
To hold hearings on H.R. 1833, to provide for further self-governance by Indian tribes.
SD–562

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD–406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

10:00 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To resume hearings on information security issues.
SD–342

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Kazakhstan, and Robert Patrick John Finn, of New York, to be Ambassador to the Republic of Tajikistan.
SD–419

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine United States commercial space launch industry activities.
SR–253

2:30 p.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the proposed consolidation of the Patent and Trademark Office.
SD–406

SEPTEMBER 24

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD–342

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to examine recent Midwest electricity price spikes.
SD–366

2:00 p.m.
Indian Affairs
To hold hearings on H.R. 1805, to amend the Auburn Indian Restoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.
SR–485

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD–342

SEPTEMBER 29

10:00 a.m.
Armed Services
To hold hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy.
SH–216

SEPTEMBER 30

9:30 a.m.
Indian Affairs
Business meeting, to mark up S. 1870, to provide the National Indian Gaming Commission with resources to monitor and regulate certain Indian gaming operations, H.R. 1805, to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and H.R. 1833, to provide for further self-governance by Indian tribes; to be followed by hearings on S. 2010, to provide for business development and trade promotion for Native Americans.
SR–485

OCTOBER 1

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Forest Service cabin fees.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 24

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD–366

SENATE—*Thursday, September 17, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Levi Shemtov, Rabbi, Director of the Washington Office, American Friends of Lubavitch, Washington, DC. Glad to have you with us.

PRAYER

The guest Chaplain, Rabbi Levi Shemtov, Director of the Washington Office, American Friends of Lubavitch, offered the following prayer:

Almighty God, our Father in Heaven, bless and grace this august body, the United States Senate. Fill this Chamber and through it the Nation with the strength of Your sovereignty and the power of Your comfort. May the Members of this body and its officers strive always to glorify Your name and through their devotion to You and true service to the inhabitants of the Nation.

As the Jewish New Year (Rosh Hashanah) approaches, commemorating the anniversary of Your creation of man, we stand before You while You sit in judgment. May this feeling of our ultimate need for mercy pervade our lives, and may we judge each other at least as favorably as we would like to be judged ourselves.

As our Nation faces tremendous challenges, we also possess a deep, enormous faith and capacity for healing. The Senate, reflecting the Nation, comprises men and women from various political, cultural, and religious backgrounds. We are thankful for the freedom to bring various views, but as we debate the significant issues of the day, let us remember the words of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, of blessed memory, who taught, "the only way to soothe the differences between two sides is to seek how we are ultimately all on the same side."

Three hundred years ago, the Great Baal Shem Tov, founder of Chassidism, taught us that in every experience lies Divine Providence, giving man the ability to find and develop divinity in seemingly everyday activities. As the officers and Members of the Senate and their staffs go about their noble task of legislating the path for our Nation, with the will of the people, please let them see in their work not just mere political activity but divine endeavor, nothing less than partnership with God in perfecting the world, bringing redemption to all of mankind.

A happy and a healthy new year.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

THE GUEST CHAPLAIN'S PRAYER

Mr. LOTT. Mr. President, on behalf of the Senate, I thank the rabbi for being with us this morning and for his prayer. We know this is a holy season for those of the Jewish faith, and we are pleased that you would join us and give us your prayer and ask for the Lord's blessings.

ORDERS FOR TODAY

Mr. LOTT. Mr. President, I ask unanimous consent the Journal of Proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. Mr. President, we are still consulting with both sides to see if we will be able to go forward this morning. It is Thursday morning and it seems to me this would be a good time to make some legislative progress on the people's business. We had great difficulty yesterday, trying to schedule votes around Senators' own interests which I thought, in many instances, were inappropriate. I urge my colleagues to not put their own conveniences over the interests of the people's business or their other 99 colleagues.

Also, while there are obviously distractions and disagreements on what should be the business of the Senate, there are some things that we can do and should do. Unfortunately, yesterday we were not able to even go forward with debate because we could not get an agreement as to how to proceed on the issues. We have a unanimous consent agreement that we reached last Thursday that seemed to be fair and satisfactory to one and all on how to proceed on the bankruptcy reform legislation, including, at the insistence of the Senator from Massachusetts, a vote on a minimum wage.

We agreed that we would have a vote as soon as we took up the bankruptcy bill, we would have 2 hours of debate on minimum wage and then a vote. The Senator indicated he had hoped we would do that in the morning, rather than late at night, and we have wanted to try to accommodate that. But when we said, OK, good, Thursday morning, we will start at 9:30, we will do the debate, have a vote at 11:30 on minimum wage, he indicated he didn't want to do that.

So I don't know. I understand maybe he has a press conference at the White House, but he has to make a decision here. You know, are we going to go for press conferences, or are we going to go for the vote on something he says is very important to him, the minimum wage issue? I assume he will be here later and we will get something worked out as to how to proceed on that. In the meanwhile, I hope we can go ahead and go forward with bankruptcy, bankruptcy amendments. We have a list that we agreed to, amendments that are not subject to second-degree.

There was a misunderstanding about one of them, and the sponsor of that amendment has very graciously agreed to not offer that amendment, Senator HATCH, on the intellectual properties issue. And there are some other controversial issues that we are going to work together on in a bipartisan way.

So I hope we would try to make some progress on that. Senator DURBIN is here, one of the sponsors of the bankruptcy reform bill. Senator GRASSLEY is right here ready to go. So as soon as we can get a confirmation that we were able to get together on that, we will make that announcement to Members.

I might say, we should expect votes on amendments throughout the day. And, from 2 to 6 this afternoon, we will have the debate on the partial-birth abortion ban veto override. And then we hope to come back to the bankruptcy after that, and then have a couple of votes tonight on amendments—one or two or three, whatever—that we can stack, so that Members will know when those votes would occur.

Let me read here now the unanimous consent that we have worked out.

UNANIMOUS CONSENT AGREEMENT—S. 1301 AND THE VETO MESSAGE TO ACCOMPANY THE PARTIAL-BIRTH ABORTION BILL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1301 under the provisions of the consent agreement of September 11. I further ask that at 2 p.m., the bill be laid aside and there be 4 hours for debate, equally divided, on the veto message to accompany the partial-birth abortion bill, with speakers alternating between the proponents and opponents.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I further ask that at 6 p.m. the Senate resume consideration of S. 1301.

Finally, I ask unanimous consent that at 8:30 a.m. on Friday, September 18, there be 1 hour for debate, equally divided, on the abortion veto message and a vote occur at 9:30 a.m. on the question: Shall the bill pass, the objections of the President to the contrary notwithstanding?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate the cooperation getting this time agreed to.

Mr. President, before I yield the floor to the managers of the legislation, I do want to take just a moment of leader time to make a plea for Senators, once again, to consider very carefully how they will vote this afternoon on the partial-birth abortion ban issue.

The vote will be close. We need 67 Senators to override that veto. I believe there is no more important issue that we will vote on this entire year. I don't see how any Senator can defend this procedure.

I took the time while I was home, about a year ago, to talk to Dr. Julius Bosco, the OB/GYN who delivered both of my own children. Originally from Brooklyn, NY, he was in the Air Force as a doctor, came to Keesler Air Force Base, married a local girl, and we couldn't get rid of him—he stayed. He is a great doctor and a great man. I asked him, Dr. Bosco, are there any circumstances at any time, any justification for this procedure being used? And he said, "Never."

Three Senators hold the results of this veto override in their hands, and it will weigh on their conscience. I hope that the Senate will override this veto.

I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3595 TO AMENDMENT NO. 3559

(Purpose: To provide for dismissal of a case when a debtor abuses the provisions of the Bankruptcy Code)

Mr. GRASSLEY. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DURBIN, proposes an amendment numbered 3595 to amendment No. 3559.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, our procedure today is we have the managers' amendment pending. We will lay this amendment aside from time to time as Members come over to offer amendments. I am going to visit with Senator DURBIN on procedure. So, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2489 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We hope very much that Members on both sides of the aisle will come to the floor and offer amendments on the bankruptcy bill. Both sides have reached an agreement on the number of amendments to be offered. All we have to have is time agreements on those amendments, and if a vote is necessary on those amendments, have a vote.

Senator DURBIN has worked very hard with me for his part, for the Democratic Members, as I have for the Republican Members, to get a very good bankruptcy bill before this body. It was hard work for the last year putting a bill together. I really appreciate his cooperation, including getting it through the Judiciary Committee by a vote of 16–2, then additionally accommodating some other Members who are not on the Judiciary Committee, the committee of jurisdiction over bankruptcy.

We accommodated several Members, both on the Judiciary Committee and not on the Judiciary Committee, through the consideration of their amendments in some negotiating sessions we had last week to limit the number of amendments, also to accept, as I have indicated, in the managers' amendment many of the ideas that people have.

So since Senator DURBIN and I have worked together in a cooperative and very much bipartisan way on this legislation, we hope that at these almost midnight hours of this session, as well as midnight hours of the consideration of this legislation through the process of a year and a half, that we would not have Members stalling by not coming to the floor and offering their amendments.

So we hope very much that people will come over and do that. We are ready for those considerations. The floor leaders of both parties very much want to see this legislation pass. And we ought to do that because, as Senator DURBIN and I have described for the Members of this body, there is very much a need for this legislation, and particularly since we have this tradition of bipartisanship on the issue of bankruptcy, not only between Senator DURBIN and myself but historically over the last decade and a half between his predecessor, Senator Heflin, now retired from the Senate, and myself. We want to keep that tradition going. There is just now the one simple process of Members coming over here and offering amendments that we have all agreed should be considered.

There is no controversy at this point, except should an amendment be adopted or not. There is no controversy of whether or not this bill should eventually come to a vote. There is no controversy about what amendments should be offered. Hopefully, there is no controversy over how long we should discuss these amendments—a thorough discussion but with time limits—and eventually get this bill passed and get it to the conference committee. There Senator DURBIN and I are going to need a lot of time.

There is a tremendous difference between our bill and the House bill. Senator DURBIN and I need the rest of this session. And we hope that the rest of this session that we are talking about isn't October 1. We hope it is from this date of September 17 to the end of the session to work out the differences between the House and Senate. So that is why we want Members to come.

In the meantime, I say to Senator DURBIN, I thought I would —yes, let me yield to Senator DURBIN.

Mr. DURBIN. I note September 17 is an important date in the history of the world, because it is the birthday of the Senator from Iowa, and I think it is appropriate that we acknowledge that on the floor of the Senate, and also give him a great birthday gift by moving this bill along in an efficient manner.

Mr. GRASSLEY. Thank you.

Mr. DURBIN. I have called the Democratic Senators who have told me they have pending amendments and asked them to come to the floor as soon as possible so that we can start the amendment consideration. There is one amendment which the Senator from Massachusetts, Senator KENNEDY, would like to offer relative to the minimum wage which does not relate directly to this bill, but there has been an agreement that he will have that opportunity. I think he will be here within an hour, and we can discuss exactly when that amendment might come up.

I just say, as I have said before on the floor, it has been a pleasure to work with Senator GRASSLEY and his staff. I think the way that we resolved over 30 amendments on this might be a good way to legislate. Because literally Senator GRASSLEY and I, with our able staff members, and people from the administration, sat in a room and worked through some 30 different amendments.

We now have pending about a dozen that were unresolved that we think should be the subject of floor votes. Once those have been voted on, we are prepared, I hope, with a good work product to move forward, to pass a bill, and move to conference to consider a very complicated and complex area of the law but one so critically important to over a million Americans each year who file for bankruptcy in the United States.

We want to make certain that we keep those bankruptcy courts available for those who have truly reached the end of the rope and have absolutely nowhere to turn; and that, I think, describes the vast majority of people who come to the bankruptcy court. But we also hope to tighten the procedures to eliminate those abuses, petitioners who come to court who should not, those who were in court and engaged in tactics that, frankly, we do not think should be acceptable.

We are also going to try to address in the course of the amendments to this bill questions relative to the whole offering of credit cards to Americans. I think virtually everyone here today can tell me that when they go home tonight and open up the mail, they are going to find another credit card solicitation—I see heads nodding in the gallery—if you are a normal American. And I am sure they are nodding at home as well.

We want to make sure that the credit that is offered in America is credit available to everyone. The democratization of credit in this country has been a positive thing. But we also want to say to those who offer credit: Do it in a responsible way. Be honest in terms of describing the credit arrangement that you are seeking. Be certain that the people you are dealing with are truly capable of incurring more debt and can get involved in this process with a clear understanding of their obligation. Make your monthly statements intelligible so people who pay a minimum monthly amount have some idea when it might come to an end. Disclose some peculiarities of credit. Am I taking a security interest every time I use my credit card—for the toaster I just purchased? All of these things, I think, are relevant and will be raised during the course of this.

One of the Senators is going to offer an amendment which basically says we can declare "time out." If we are tired of credit card solicitations, we ought to be able to call a number and tell them to cease and desist, stop bothering us with all these solicitations. I think there is a right in America to be left alone. One of the amendments that will be offered will address that particular issue.

I thank the Senator from Iowa. I am going to make some phone calls and encourage our colleagues to come to the floor quickly.

Mr. GRASSLEY. Mr. President, we probably have fewer Republican Members with amendments to offer, but I have also been on the phone to talk to those people, as well, to come to the floor to expedite this process. The Senate majority leader and Senator minority leader really want this bill to be passed.

As I said, we need a long time to conference—our bill is quite a bit different from the House bill—to work out the differences and get a bill to the President before we adjourn.

Mr. President, I would like to discuss several provisions of the consumer bankruptcy reform act which will greatly enhance the ability to collect child support from people who owe child support. When the Judiciary Committee marked-up the Consumer Bankruptcy Reform Act, I joined with Senators HATCH and KYL to add an amendment to the bill which would protect and enhance the status of child support claimants during bankruptcy proceedings.

The bill, which were reported out of the committee on a bipartisan vote of 16–2 now provides that child support obligations must be the first obligation paid during any bankruptcy proceeding. Under current law, child support is paid 7th so that often there just aren't funds available to pay to ex-spouses and children. I think that this bill will be tremendously helpful for those who are owed child support.

And the National district Attorneys Association agrees with me. This organization represents more than 7,000 local prosecutors throughout the United States, many of whom must enforce child support obligations under title IV–D of the Federal Social Security Act.

On September 2nd, 1998, NDAA President John R. Justice wrote me to express the association's belief that this legislation will "substantially assist" efforts to collect child support for the children and spouses of debtors who have filed for bankruptcy. This letter went on to note that association supports the act because S. 1301 contains "enormous enhancements to support collection remedies" and represents a "major improvement to the problems facing child support creditors in bankruptcy proceedings."

The reason it's important to put child support claimants at the top of the list during a bankruptcy proceeding is that most bankrupts don't have enough money to fully pay all their creditors. So, somebody's not going to be paid. This bill makes it more certain that child support will be paid in full before other creditors can collect a penny. That's real progress in making sure that children and former spouses are treated fairly.

Also, the amendment accepted by the committee provided that someone owed child support can enforce their obligations even against the exempt property of a bankruptcy. This means that wealthy bankrupts can't hide their assets in expensive homes or in pension funds as a way of stiffing their children or ex-spouse. This is another example of how this legislation will help, not hurt, child support claimants.

Outside the bankruptcy context, when there are delinquent child or spousal support obligations, State government agencies step in and try to collect the child support. S. 1301 exempts these collection efforts from the automatic stay. The "automatic stay" is a court injunction which automatically arises when anyone declares bankruptcy and it prevents creditors from collecting on their debts.

But, now, if this legislation passes, State agencies would be in a much better position to collect past due child support. In practical terms, this means State government agencies attempting to collect child support can garnish wages and suspend drivers licenses and professional licenses. Mr. President, clearly, this bill will help State governments catch deadbeats who want to use the bankruptcy system to get out of paying child support.

Taken together, these changes will significantly advance protection for child support claimants in the context of bankruptcy proceedings. This is why the National District Attorneys Association, an organization which represents many of the prosecutors who must enforce child support obligations, supports this bill. And these changes provide yet another compelling reason to support S. 1301.

Mr. GRAMM. Mr. President, I requested some morning business time. It is my understanding that our colleague from Minnesota came over and asked unanimous consent to speak as in morning business. I also had checked with our dear friend, the Senator from Iowa, about the possibility of doing the same. If I wouldn't be delaying the important business of the Senate, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

EMERGENCY APPROPRIATIONS AND THE SURPLUS

Mr. GRAMM. Mr. President, I wanted to express some concern about what is happening in terms of Federal spending this year; about the fact that now, for two weeks, we have not passed an appropriations bill; about the fact that it is clear from watching the process now that the minority, operating strictly within its rights, has held up the passage of any of the remaining appropriations bills by simply drowning these bills in riders and amendments.

We are beginning to hear talk, both in the administration and the Congress, about the need for a massive expansion in spending.

I decided earlier this week to sit down and look at all the proposals that have been made under the name of "emergency spending." That is important because, as my colleagues know—the public may not fully understand—while we have a binding budget, there is a gigantic loophole in that budget. That gigantic loophole is, if the President and the Congress agree to designate an expenditure "an emergency," it doesn't count.

Since President Clinton has been in office, we have had $31.5 billion worth of emergency spending. During election years, that level of emergency spending has ballooned to a whopping $8.6 billion per election year.

Now, in looking at where we are and in looking at the threats of vetoing appropriations bills if we don't appropriate as much money as the President has called for, I put together the following list of emergency requests that have been made by the President or have been discussed in the Congress.

The first is $2.9 billion for natural disasters. I remind my colleagues that we know at the beginning of every year that we are going to have disasters.

Now, we don't know exactly where they are going to be. We don't know whether they are going to be earthquakes in California, or hurricanes in Texas and South Carolina and North Carolina, or floods in the Dakotas. But we know, based on experience, that every year we are spending about $5 billion on disaster relief. But instead of putting the money in the budget so that it is there, instead of setting priorities, as any family would, what we do is wait until a disaster occurs and then we designate it as an emergency, so we can spend beyond our budget. In the President's own words as he stood before the Congress in the State of the Union Address, he said: "Save Social Security first, don't spend one penny of the surplus, and don't give any of it back in tax cuts."

But what we declare spending to be an emergency, it means that we are, in fact, spending the surplus and taking money away from Social Security.

Let me go over this list of what is now being called "emergencies." The next item on the list is the fact that we are about to enter a new century and a new millennium and, in the process, we are going to incur a computer problem called the "Y2K problem." In other words, the year 2000 is coming and we are entering a new millennium. Now, is that a surprise? Is anybody shocked that every day we get closer to the year 2000? Is it news to anybody that we have a potential computer problem in the Federal Government? Yet, while we have known about this—in fact, we have known from the beginning of the calendar of Julius Caesar that we were going to reach the year 2000. We have known it since the ancient Greeks. We certainly have known that we had this problem for the last 5 or 6 years. Yet, suddenly, we have a proposal saying that there is an emergency, the year 2000 is coming and there is going to be a new millennium, so the Federal Government needs an additional $3.25 billion to $5.4 billion. How can anybody say that that is an emergency if it is obviously a problem we knew we would have to face? It is something that we are going to have to face in the year 2000. But why should it not be dealt with within the context of the ordinary budget?

Now we hear talk of emergency funding for the census. We are required by the Constitution to do a census every 10 years. Surely it doesn't come as a shock to anybody that we have known since 1787 that we are going to make preparations for doing a census in the year 2000. Yet, there it is, as if somehow there is an emergency in that suddenly we have realized that we have been grossly underfunding the census in order to fund other programs, and now we have a funding problem in the census. But is that a shock or an emergency? I would say no.

Suddenly it has been realized that all these cuts we have made in defense are having a detrimental impact on defense. That hardly comes as a shock to me, since I and others have spoken out for the last 10 years about the level of cuts in defense readiness. But now we are looking at a potential emergency supplemental appropriation for defense readiness of between $3 billion and $4 billion this year.

Now the shock of all shocks: We have troops in Bosnia. You would think that as long as we have had troops in Bosnia, the President would have put in his budget this year funding for the troops in Bosnia. But what is going to happen in the next 3 weeks is that we are suddenly going to be awakened to the fact that we have troops in Bosnia and the President wants an additional $1.9 billion of funding that will be designated as an "emergency." I submit that it is no emergency that we have troops in Bosnia. I submit that it is not a shock that we have troops in Bosnia. Everybody knows we have troops in Bosnia, and everyone has known we have troops in Bosnia. Yet, we are looking at an emergency supplemental to fund it.

We are also seeing requests—our Democrat colleagues have proposed busting the budget by $7 billion to help agriculture. Others on my side of the aisle are talking about $2.7 billion to $3 billion or more. The bottom line is this. When you add it all up, we now have serious discussion at the White House and in the Congress about raising the total level of spending this year by almost $20 billion. That is $20 billion that we may spend over the level of the budget that we set out just last year.

I simply want to make several points. First of all, I have, because of the work I have done on Social Security, concluded that we would be well advised not to create any new spending and not adopt a tax cut until we have taken action to fix Social Security. And it is my hope that we can fix Social Security early next year, and the funds that are not required in the surplus to fix Social Security could be given back to the taxpayer in the form of substantial tax cuts.

My problem is that, having concluded that it would be best to hold the money in the surplus to fix Social Security first, I now see the specter of the Congress and the President spending that money. I want to remind my colleagues that for the $20 billion of "emergency spending" that we are looking at this year, we could repeal the marriage penalty; we could give full deductibility for health insurance to all Americans who either don't get it provided by their employer or are self-employed; we could provide a change in the Tax Code so that farmers could income average and better shield themselves against the kinds of fluctuations in agriculture income that we have; we could repeal the earnings test under Social Security. All of those things would cost less as a tax cut than the money we are talking about spending on an "emergency basis."

So I want to conclude by making the following points. No. 1, I intend to resist these emergency spending items. If somebody wants to sit down and come up with a real emergency, I am willing to look at it. But if we are talking about this kind of spending where we knew it was coming but decided to call it an emergency—and I now understand that the President is considering designating research and education spending as an emergency—if we are talking about this level of spending, I intend to resist, and we are going to have to have 60 votes in the Senate if this kind of spending is to occur.

Secondly, I have been among those who have publicly stated that we should set aside the budget surplus this year, not spend the money, not give it back in tax cuts, until we fix Social Security. But if the other side decides that we are now suddenly going to start spending massive amounts of money, I would much rather give it back to working Americans by cutting their taxes than to see the Federal Government spend it, although my first choice is to save the money for Social Security. I remind my colleagues that the tax burden on working families in America at the Federal, State, and local levels is at the highest level in American history.

So my two points are: No. 1, I intend to resist this effort to begin a massive spending spree, the likes of which we have not seen in a decade. No. 2, if this effort continues to have the government spend the surplus, the argument that we must wait to do tax cuts is over. If we are going to see one group in Congress try to spend the surplus, while asking those of us who believe it should be safe for Social Security but who also believe that giving it back to the taxpayer is a much higher and better use than seeing the Government spend it, then that argument is over.

So I wanted to alert my colleagues to this problem. I hope that we can serve the public better than we would be if we simply ignite a new spending spree, because for the first time since 1969 we have a surplus.

I think that is wrongheaded policy.

Let me say also to the threats that the administration might veto appropriations bills if we don't spend enough money that I think the Congress should stay in session, pass appropriations bills at reasonable and responsible levels, and, if the President wants to veto them, let him veto them. And then we can be here and we can pass them again; then pass them again, pass them again. I believe at some point that the public would awaken to the fact that this is a debate about how much money is being spent, and thats what we are seeing here is a very subtle blackmail where the administration says, "If you do not spend more money, I am going to veto bills, and I am going to shut down the Government."

I believe, if we will stand our ground on fiscal principle, if we will save the surplus for Social Security, that we will serve the public interest well. But, if the money is going to be spent—if that is the alternative—then I would much rather move ahead with a major tax cut and give the money back to the American worker than to see the Government spend it.

I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, for our majority leader, I make this request: I ask unanimous consent that pursuant to the consent agreement of September 11, at 10:30 a.m. on Tuesday, September 22, the Senate resume S. 1301, and Senator KENNEDY be immediately recognized to offer his amendment relative to the minimum wage. I further ask that at 2:15 on Tuesday there be 5 minutes equally divided, to be followed by the vote on the motion to table that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. REED. Mr. President, I also ask unanimous consent to lay aside the pending managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3596 TO AMENDMENT NO. 3559

(Purpose: To prohibit creditors from terminating or refusing to renew an extension of credit because the consumer did not incur finance charges)

Mr. REED. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3596 to amendment No. 3559.

Mr. REED. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title IV, insert the following:

SEC. 4 . PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

"(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit—

"(1) refuse to renew or continue to offer the extension of credit to that consumer; or

"(2) charge a fee to that consumer in lieu of a finance charge.".

Mr. REED. Mr. President, my amendment would prohibit credit card companies from terminating a customer's account or imposing a penalty solely because the customer pays his or her bill on time and in full each month. It seems amazing but there are actually some companies out there that will terminate credit because the borrower, the debtor, pays the full amount each and every month on time.

This amendment is narrowly tailored and would not otherwise affect the ability of the credit card company to terminate accounts or charge any fees or do anything with respect to penalties, but it would restrict and, indeed, eliminate this practice of terminating the best creditors that they have simply because they are not making any money on finance charges.

I am offering this amendment in response to this very troubling practice which finds many credit card companies discriminating against the most responsible borrowers, those who pay their balances on time each and every month. Specifically, several companies have started to terminate a customer's card or impose a penalty if the customer pays his or her credit card bill in full each month.

For example, in my home State of Rhode Island, many consumers with a credit card issued by a popular national discount store were alarmed to receive letters which stated:

> Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive, and as a result, in accordance with the terms of your cardholder agreement, we are not reissuing your credit card.

One couple who received this letter has been married for 49 years and had never been late on any mortgage payment or denied any loan or been late in any type of credit arrangement that they had. Yet, with this note, the company was informing them that they were effectively being denied credit solely because they were responsible borrowers.

Now, the message from credit card companies in this case is if you are too good a risk we won't give you any credit. That is illogical and, I think, should not be the practice of these companies. In fact, this practice is contrary to the goals of S. 1301, which is to promote responsible borrowing practices and reward those who are responsible in their borrowing practices. By penalizing borrowers who pay off their bills each month, it seems that some credit card companies are, in fact, advocating the type of behavior which S. 1301 is designed to discourage.

I am not moved by the claims of these companies that say they need to cancel accounts which do not incur financial charges because the cost of servicing these accounts is prohibitive. Industry data suggests it costs issuers about $25 annually to service an account. But issuers are able to offset this cost through an interchange fee of approximately 2 percent charged to merchants on each transaction. Each year, on average, $3,000 is charged to a credit card. This 2-percent interchange fee on these charges equals about $60 which would seem to more than cover the cost of these accounts. Moreover, with Americans holding over $450 billion in consumer debt and with an average interest rate on credit card balances at 17.7 percent, the overall profitability of credit card lending is obvious and apparent.

This amendment is a narrowly crafted measure which is designed to prohibit credit card companies from discriminating against the most responsible borrowers. For this reason, the amendment would clearly advance the goals of S. 1301 to promote more responsible credit card practices.

I see no reason why my colleagues would oppose it. I therefore ask my colleagues to support this amendment. At the appropriate time I will ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, because we have about 12 amendments pending on this bill, I want to thank the Senator from Rhode Island for coming over here and helping to expedite the process of the Senate on a very important bill. I thank Senator REED for coming over and doing that.

Having said that, knowing the personality of the Senator from Rhode Island, that he is very sincere about his position and very sincere in determining that this is a problem to needs to be dealt with, I suggest there are two issues relating to this amendment. One would be the immediate issue of whether or not it is needed; second, the extent to which this really falls in the jurisdiction of the Senate Banking Committee.

I don't find fault with the Senator from Rhode Island offering this amendment to my bill, but a reason for my opposition is that I do not like to usurp the authority of other committees.

I think experience has shown that price controls, as indicated in this amendment, are counterproductive. In the end they are very harmful to the people they are trying to help, particularly the consumer, and in addition to that, somewhat harmful to the general economy.

I feel this amendment should be opposed. This amendment has the destabilizing effect of imposing price controls on credit card lenders by prohibiting the imposition of a fee or canceling the account of an account holder because the account has not incurred financial charges.

The credit card industry is extraordinarily competitive. People might not realize it—on the other hand, they might realize it because they get so many of these solicitations—but in the banking industry alone, there are 6,000 credit card issuers. They are all in competition, competing with each other for new credit card holders. Everybody here on the Senate floor right now is in somebody's computer and in a few days they will get some sort of a solicitation. That is how competitive it is. Whether that is right or wrong is another thing, but the competitive environment makes that determination.

This intense competition provides consumers with enormous benefits. For instance, it has resulted in a decline of the average credit card interest rate in the past several years. Just as important, the competition results in industry choice for the consumer. As I said, consumers can choose from literally thousands of different cards, each with a different array of pricing and benefit features.

As a result, the extraordinarily competitive environment in which credit card issuers operate, consumer credit actually dictates credit card prices much more efficiently than we can do through almost any Federal law. Any lender who offers undesirable pricing features will swiftly fall behind the competition because the consumers can and will choose other products. By contrast, this amendment would harm consumers by restricting consumer choice.

In addition, we have a record going back to 1991 when another Senator—still a Member of this body—tried to impose price controls on lenders and it precipitated a severely negative impact on the stock market. For example, in 1991, when the Senate opposed price controls on credit card lenders in the form of an interest rate ceiling, the stock market reacted, dropping 120 points in a single day. Clearly, in this time of already volatile market activity, we don't want to repeat things of that nature. I am not suggesting that would be what would happen in the case of the amendment that is before the Senate, but, obviously, we should be very cautious.

Now, probably a more important point for Members to consider in supporting or not supporting this amendment would be, as I said, whether it is in the jurisdiction of the Senate Banking Committee. We have the Senator from North Carolina, Mr. FAIRCLOTH, chairing the Subcommittee on Financial Institutions of the Banking Committee. He has indicated to me that he will hold hearings on credit card solicitation practices and also on lending practices.

I know many Members feel the credit card companies have been sloppy and overly aggressive in the way they offer credit. I say there is substance to that argument. That is why I have appreciated my comanager of this bill, Senator DURBIN, bringing this to our attention as part of this legislation. I think it has been amply discussed, and I share some of those concerns as well. I do think it is more appropriate for the committee of jurisdiction to do that. I am certainly not here to tell Members that credit card companies have been totally responsible in the way that they offer credit. But the fact is that these are issues which need to be explored by the authorizing standing committee and its subcommittee.

The amendment of the Senator from Rhode Island is a Banking Committee issue. We happen to have before the Senate a bankruptcy bill which came out of the Judiciary Committee where we don't have the expertise that we ought to have on this issue. I would like to follow the regular order of the Senate and let the subcommittee with real expertise examine this.

I have a letter from Senator FAIRCLOTH that I wish the Senator from Rhode Island would consider. It is addressed to me.

> It is my understanding that a number of amendments relating to credit cards will be offered to S. 1301. Most, if not all, of these amendments will relate to matters in the jurisdiction of the Banking Committee. I Chair the Financial Institutions Subcommittee of the Banking Committee.
>
> I share the concerns that many have regarding multiple credit card solicitations and solicitations to minors. In fact earlier this year, my Subcommittee held a hearing on bankruptcy issues, with representatives of the credit card industry testifying. I have requested and received GAO reports on such practices as high loan to value loans and the sending of "live" loan checks.
>
> As for many of the proposed amendments relating, however, none have been passed by the Committee. In fact, none have been considered by the Committee. Further, none of the proponents of the amendments have requested hearings on any of their legislative proposals.
>
> During consideration of the bankruptcy bill, please know that I would be more than willing to hold a hearing or hearings on any of these proposals in my Subcommittee where they rightfully should be considered under regular order.
>
> Sincerely,
>
> LAUCH FAIRCLOTH,
> *Chairman,*
> *Subcommittee on Financial Institutions.*

I give that to my colleagues for consideration. Again, I thank the Senator from Rhode Island for coming.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Iowa for his comments and for his leadership, along with our colleague from Illinois, Senator DURBIN. I have a few comments in response to his very thoughtful commentary.

First, the jurisdiction of the committee when it gets to the floor, it has been my limited experience, is somewhat fluid. In fact, in this bill we are amending the Truth in Lending Act, which has ramifications in both the Judiciary Committee and the Banking Committee. I think, to be very scrupulous about jurisdictional responsibilities here, we missed the opportunity to do something which most of our colleagues, I hope, would recognize is an appropriate thing to do—preventing the termination of credit to people who simply pay their bills on time.

The second aspect of this debate, which I think is appropriate to have in this bill, is that the driving force for this legislation comes very powerfully from the credit card industry. They are concerned that many individual consumers seek bankruptcy because of their huge credit card debts, and they feel that they are currently disadvantaged with the present system. So, again, I don't think it is inappropriate as we look at this bankruptcy system and, in many respects, test the credit card industry and look at some of their practices. This practice is particularly disturbing—again, that somebody's credit would be terminated simply because they paid on time.

Another aspect that the Senator from Iowa mentioned was the suggestion that this is, in some way, price controls. I think that is a very, very long stretch—to look at this amendment which says you can't terminate an individual because they pay on time—that is a far cry from imposing limits on how much could be charged in terms of fees, penalties; and, clearly, I make no attempt to do that. I would never suggest that we do that in this amendment. I point out that in fact there are existing situations, in State law certainly, usury statutes, which do impose fees and caps on what a credit card company can charge. That is not the intent nor the specificity of this amendment.

This simply says that it should not be permissible for a company to terminate an individual who has paid promptly, solely for the fact that that individual has paid promptly. If the individual is in arrears, if the individual has done something else to violate the agreement, then that is grounds, but not prompt payment; that should not be grounds.

Ultimately, let me get back to the initial point I made. At the heart of this legislation—and, again, the Senator from Iowa and his colleagues have done much to make sure this was at the core—was to try to reinstill a sense of responsibility among borrowers that we will not tolerate people who game the system, who use bankruptcy as a shield for their irresponsibility. To me, it is extremely ironic that we would be talking about a situation here where I am attempting to recognize and protect the continued extension of credit to the most responsible borrowers we have in the country, the ones who pay on time every month and don't use this system to be irresponsible.

So I hope my colleagues can recognize the merits within this particular amendment and support it.

On a final point, I note that today is the birthday of the Senator from Iowa. I thank you for working overtime on your birthday on this measure, Senator.

I yield the floor.

Mr. GRASSLEY. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that at 12 noon today the Senate proceed to a vote on or in relation to the Reed amendment number 3596. I further ask that at 11:55 there be 5 minutes for debate equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by the Senator from Rhode Island.

Recently, some credit card issuers have started to discriminate against people who pay off their account balances each month, and, therefore, don't incur finance charges for the credit card purchases. These issuers charge such customers a monthly fee, or they actually terminate the customer's account.

The Reed amendment would prohibit credit card issuers from charging a fee, or terminating an account based solely on the customer's failure to go into debt to incur finance charges.

Let me tell you why I think this is a good idea.

Industry experts have concluded that many issuers of these cards have been actively discouraging consumers from paying off balances by lowering their monthly minimum payments, and, in some cases, requiring as little as 2 percent of the balance on their credit card debt each month. Think of how long it would take to pay off your credit card under such circumstances. At such a rate, it could take 34 years, in fact, to pay off a $2,500 credit card balance, with payments totalling 300 percent of the original principal.

In fact, about 40 percent of American credit card holders pay their balances in full each month, thus incurring no interest charges. Such "convenience users" are considered freeloaders by these credit card companies—even deadbeats. They want people to go into debt. They want us to pay finance charges as much as possible every single month. Some credit card companies charge annual fees and other techniques to discourage this type of credit card use.

I think the amendment offered by the Senator from Rhode Island is a good one. I will support it on the floor. I believe that the credit card companies should understand that if some people are unable to make their monthly payments, and thus, incur additional expenses, so, too, there are people who really do pay off their debts as they are incurred, and in so doing these people should not be penalized.

I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, as I look about at my distinguished colleagues seated in the august Senate chamber, I find myself mentally transported to another gathering of distinguished leaders, in another elegant chamber, that occurred exactly two hundred and eleven years ago today.

The date was Monday, September 17; the setting, the Philadelphia State House. It had been a long, hot summer, and only 38 of the 55 delegates attending the Constitutional Convention were still in attendance. One can imagine the commingled sense of pride, nervous excitement, and exhaustion that filled these men as they filed into the State House chamber and took their seats. For awaiting them that day was a task that they must have eagerly anticipated for several months—and that many of them feared might never arrive. It was to be the fruition of their diligent, patient, frustrating summer of debate, discussion, and dispute. Finally, they would put their signatures to the document, freshly copied on parchment in neat script, that they had spent the summer composing. And so it was that, after a protracted and at times painful labor, on September 17, 1787, the Constitution was signed. Today, this document, little changed since its creation in Philadelphia, celebrates its 211th birthday.

Before the signing ceremony took place, Benjamin Franklin rose to speak one last time to his colleagues. Some of them still had reservations about the document that the Convention had drafted, and Franklin, as he had so often that summer, used his customary self-deprecating charm and understated wisdom to try to win them over. Acknowledging that the draft Constitution might well contain some "faults," Franklin added, however:

> I doubt too whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an Assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel. . . .

Mr. President, I, too, continue to be astonished at the perfection of this document. The more I study it, the more I see it in action—as we all do here, on a daily basis—the more I marvel at the handiwork of those 55 men in Philadelphia. What transpired that summer in Philadelphia's State House was truly one of the great events in the history of this Republic—it is not a democracy; it is a Republic—or in the history of the world. Indeed, it is no stretch to call this Constitution, as Gladstone did, "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Part of the strength of the Constitution lies in its ability to accommodate situations and developments that the Framers could never have anticipated. Just as Seneca tells us that the test of a strong man is adversity, so the true test of the Constitution may be how well it handles the unexpected. So far, Mr. President, the Constitution has passed that test with flying colors. It has seen us through two centuries of staggering technological, economic, social, and political transformations.

We may well be entering a new period of upheaval which will further test the Constitution's strength and elasticity. Some have even suggested that we are entering "a constitutional crisis." I, for one, have greater faith in the Framers' handiwork. The Constitution sets up a clear process for investigating and resolving allegations of wrongdoing by the Executive and other civil officers. The House is assigned the power of impeachment and the Senate the power to try impeachments. The current situation may well not result in impeachment, but if it does—and that is just one possibility—then I am confident that, as long as we in the House and the Senate fulfill our constitutional duties solemnly and judiciously, we will see the nation through this and any future difficulties.

Sadly, just as current events reaffirm the importance of knowing and following constitutional processes and procedures, a new poll indicates that America's youth are largely ignorant of the Constitution and its origins. It seems that every few months a new poll appears which plumbs the depths of ignorance among some of our children. Each time, we hope that we have finally reached the bottom of the abyss; each time, we are disappointed when a new survey a little later indicates that the depths are deeper and darker than we ever realized.

The latest sounding of the depths comes to us through the courtesy of a poll by the National Constitution Center, which shows that while American teenagers are Rhodes Scholars in popular culture, in many instances many are sadly deficient in matters constitutional. The study found that by a wide margin, 59 percent to 41 percent, more American teenagers can name the Three Stooges than can name the three branches of government. Less than 3 percent of teens could name the Chief Justice of the Supreme Court, while almost 95 percent could name the television actor who played the "Fresh Prince of Bel-Air." And less than one-third could name the Speaker of the House, while almost 9 of 10 could name the star of the T.V. show "Home Improvement."

It gets worse, Mr. President. Why, just one-quarter of the teens could name the city in which the Constitution was written! Only one-quarter knew what the 5th Amendment protects. Only 21% knew how many Senators there are. And less than half knew the name given to the first ten amendments.

These should not be difficult questions to answer. This is not a matter of knowing whether the Constitution allows states to grant letters of Marque and Reprisal—it doesn't—or citing cases over which the Supreme Court has original, rather than appellate, jurisdiction. One should not need a degree in constitutional history, or a course in constitutional law, to know the name of the Speaker of the House. Indeed, answering many of the questions I cited requires only a cursory familiarity with current events. What's more, over half of the teens interviewed said they read or listen to the news for at least 15 minutes daily, over half said their teachers discuss politics at least a few times a week, and yet, only a handful could recall the names of Newt Gingrich or William Rehnquist.

Where does the fault lie, Mr. President? With our schools, for failing to provide students with the most rudimentary background in civics and government? With the media, for its shallow and trivializing coverage of important issues? Or with parents, for failing to prepare their children for their responsibilities as citizens? With the entire national culture, for placing greater emphasis on the fashion tips of supermodels and the escapades of rock stars than on the accomplishments and heroics of great men and women of the past and present?

Perhaps all of these entities must share some responsibility for this sad state of affairs. But my purpose today, Mr. President, is not to cast blame. I speak not in anger but in sadness, out of a concern for the welfare of our country and the future generations which will assume its leadership. This country will not long continue to occupy its unique position among the nations of the world if it does not adequately prepare its children to pick up the reins of power that the older generations currently wield. We need to prepare our children to be active, informed, involved citizens. We need to make them aware of how our governmental system operates and what part they play within it. We need, in short, to teach them about the Constitution.

For it is the Constitution that lays out the Federal system of government. It is the Constitution that establishes the separation of certain powers and the sharing of other powers among three distinct but overlapping branches of government, and between one Federal and multiple State governments. The Constitution is the secular bible of this Republic, and, given its importance, its brevity, and its accessibility, it is not too much to expect that every citizen have at least a passing familiarity with it.

Even this is not enough, however. The Constitution, as I suggested at the beginning, is the product of a particularly momentous course of events. Simply reading the words of the Constitution without knowing something of those events is like learning about World War I by reading the Treaty of Versailles. We cannot teach our children to understand and respect this document unless they learn its history. They must learn about the considerable intellectual and physical energy that those 55 men at Philadelphia expended in drafting this document. They should read some of those debates, and they should read The Federalist Papers and discover for themselves the principles, hopes, and fears that motivated the Framers.

For the Constitution was not simply handed down to us as the Old Testament God handed down the Commandments to Moses. To believe that would be a disservice to the remarkable men who toiled long and hard to produce the document. The Constitution is our tangible connection with those men, and with the founding events of this Republic some two centuries ago.

So, I close where I began: with 38 men gathered in a room at the Philadelphia State House some 211 years ago. While they may not have fully appreciated the moment of the occasion—how could they?—they had some inkling of it. And, of course, it was Franklin again who best captured the spirit of the moment. Gazing at the back of the President's chair, upon which the sun had been painted, Franklin commented:

> I have often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun.

Today, 211 years later, that sun continues to be in the ascendant. I hope and pray that it will remain so for another 211 years.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3596

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate equally divided on the Reed amendment, No. 3596. Who yields time? The distinguished Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, this amendment is a very straightforward one. It would prohibit credit card companies from penalizing or terminating customers who pay their bills on time.

The core principle of this bankruptcy legislation that we are debating today is responsible borrowing, and being responsible for your debts. Here, we have a population of the most responsible borrowers, those who pay their bills timely and full each and every month. But what is happening is that there is a growing movement among credit card companies to penalize these individuals or to terminate their credit arrangements. I think it is wrong and I think we should do something about it here today.

The credit card industry claims it is too expensive to maintain these accounts. Frankly, if you look at the charges that they receive from merchants on each transaction, the very substantial interest rate that they charge for outstanding balances, and also the membership fees which now seem to be ubiquitous, those claims seem to be very hollow. Indeed, this should be an issue about not only responsibility but fairness, and also about whether we really do believe that if people conduct their lives appropriately, pay their bills on time, are responsible, that they should end up being penalized.

If we are talking, today, in this legislation, about responsible borrowing, how can we allow the most responsible borrowers in our society, ones who pay their bills each and every month, to be punished by these credit card companies?

I urge adoption of this amendment. I retain the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I consume.

We have the chairman of the appropriate subcommittee willing to work with Senator REED to address this problem in the Banking Committee. My opposition to this is not so much a matter of substance but of procedure and not usurping the authority of that committee. It does need to be studied. I can tell you that in the Grassley-Durbin amendment, we have enhanced disclosure requirements to help consumers.

While I respect the Senator's view on price controls, my view is that forcing a credit card company to offer credit when it has made a business determination that it would lose money will only force increased prices on other consumers. This is something that the Banking Committee needs to take a very serious look at and do it before we do something that may help some but may also hurt others.

Mr. President, I am going to ask that this amendment be tabled after the Senator from Alabama speaks. I yield my remaining time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 58 seconds.

Mr. SESSIONS. Thank you, Mr. President.

The effect of this will be to require mandatory lending at no possible profit for a credit card company. We have 6,000 credit card issuers today. They are all providing different services; some charge a fee and you have to pay monthly, others don't. It is just not right for us, without a hearing, to even impose on a credit card company a duty to lend money in a way in which they will never be able to make a return.

I don't think we need to be entering into wage-and-price controls. We have a very vigorous free market, and, for the first time, interest rates are beginning to come down because we do have a lot of credit card companies competing out there. I think we ought not to intervene at this time. This is an unwise amendment. I understand the motivation behind it. It is not appropriate, and I oppose it strongly at this time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-nine seconds.

Mr. REED. Thank you, Mr. President.

The credit card companies make a great deal of money even on those individuals who pay their bills on time. They have membership fees, fees from merchants when the transaction is processed, and they have additional ways to acquire fees.

I do not think it is a question of forcing an enterprise to give money away. What it is is a situation in which the credit card companies have come to us and said, "There are all these irresponsible borrowers out there; we have to amend the bankruptcy laws so we are protected." Yet, when we point out they are punishing responsible borrowers, they rise up and say, "That is an imposition on us."

If we believe in responsible borrowing, we should support this amendment.

I yield back my time.

Mr. GRASSLEY. I move to table the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3595, offered by the Senator from Rhode Island, Mr. REED. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—47

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)

Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Hollings

The motion to lay on the table the amendment (No. 3596) was rejected.

Mr. REED. I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3596) was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I ask unanimous consent we now move to the D'Amato amendment, regarding ATMs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. As soon as this is disposed of—which we don't think will take very long—we will move to the Dodd amendment.

The PRESIDING OFFICER. Will the Senator restate his unanimous consent request.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we now move to the consideration of Senator D'AMATO's amendment to the bankruptcy bill, and immediately upon disposing of that, which we hope to do fairly shortly, we move then to the Dodd amendment, and we would have 40 minutes on the Dodd amendment, evenly divided.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and to inquire of the managing Member, there would be no second-degree amendments.

Mr. GRASSLEY. That is in the agreement. We have to certify which amendment it is.

Mr. DODD. Mr. President, I notify the managing Member that it is the amendment on the credit card age limit.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, is there going to be a time limitation on the D'Amato amendment?

Mr. GRASSLEY. We felt that Senator D'AMATO would offer his amendment, and then I will move to table.

Mr. DURBIN. Is there a time limitation?

Mr. GRASSLEY. There is not.

Mr. DURBIN. Mr. President, reserving the right to object, we are supposed to conclude by 2 p.m. to take up another matter.

Mr. GRASSLEY. I ask unanimous consent that we have 15 minutes for the D'Amato amendment and 5, which probably won't be used, by the opposition prior to the motion to table.

Mr. DODD. Reserving the right to object, I would like 2 or 3 minutes on the D'Amato amendment.

Mr. GRASSLEY. I will give the Senator my time.

Mr. D'AMATO. Mr. President, I ask unanimous consent that we have 20 minutes for the proponents. I have a number of people who would like to speak. It is an important amendment and one we have tried to have considered by the full body. Then if the opposition wants 5 minutes, that is fine. That would still keep it under a half hour.

Mr. GRASSLEY. Mr. President, that is OK—with a motion to table at the end of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 3597 TO AMENDMENT NO. 3559

(Purpose: To amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. CHAFEE, Mr. DODD, Mr. BRYAN and Ms. MOSELEY-BRAUN, proposes an amendment numbered 3597 to amendment No. 3559.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

Mr. D'AMATO. Mr. President, this amendment would end the monopolistic, anticonsumer, anticompetitive practice of ATM double charges once and for all. It is cosponsored by Senators CHAFEE, DODD, HARKIN, BRYAN, and MOSELEY-BRAUN.

The amendment corresponds to my bill, S. 885, called the Fair ATM Fees for Consumers Act, which currently has 11 cosponsors. It would amend section 903 of the Electronic Fund Transfer Act to prohibit ATM surcharges imposed by ATM operators directly upon noncustomers using their machines.

The big banks would have you believe that if this amendment passes, ATMs are going to disappear. Absolute nonsense. Hogwash. It is simply not true. If they get rid of ATMs, then they are going to have to open up more branches and hire more people, and it is going to cost banks more money. Well, a transaction performed by a teller at a bank branch does cost more money.

Let's take a look at the genesis of the ATMs. When they were initially introduced to the consumer, great promises were made. Indeed, the banking community, I believe, had the support of just about everybody, including consumer groups, when they said: Look, we're moving into the modern era and the utilization of ATMs will save consumers money, it will reduce transactional costs.

Those benefits, indeed, were supposed to be passed on to the consumer. It made sense. Indeed, a network was set up—a network owned by Cirrus and Plus, really owned by the large money center banks. Interestingly, in order to induce others who may have started rival networks, they said: Don't worry, use our network, use the ATMs that we establish, because we will prohibit a double charge, a surcharge on top of an initial fee. So, therefore, those who might go into competition, such as the credit unions, the small community banks, and others, do not have to go through the cost and expense of setting up your own ATMs, because we will let your customers use our ATMs without any additional charge.

Indeed, up until April 1, 1996, the networks prohibited double charges. That was a self-imposition to see to it that all of the financial services that were offered in the banking community would be available, there would be one charge that the consumer's own bank could impose and pass along the money to the ATM operator. The bank would be compensated, but there would not be any additional charge for those who used an ATM that was not their bank's.

Let me say that the Congressional Budget Office reported that there were more than 122,000 ATMs in the United States before double charges were permitted nationwide. So this rubric, this nonsense, this incredible claim that, "Oh, we are concerned about consumers and their choices, and we're concerned that they won't have these ATMs," that is just a lot of nonsense. Look at the facts—122,000 of the existing ATMs, or 74 percent, were in place before double charges.

Now, at last count, there were 165,000 ATMs. So in the past 2 years, you have had approximately 43,000 new machines come into use. That means that 74 percent—three-quarters of all the ATMs in the United States—were in place before they were allowed to double charge.

Now, under the amendment, which has been cosponsored by many of my colleagues, ATMs would still be profitable. They have been raking in huge profits.

The banks were saving money because they saved a dollar for each transaction performed at an ATM rather than at a bank branch—and they made a profit on the use of the ATMs. But they weren't satisfied with that. Oh, no. They had to say that: On top of that, we are now going to add another charge. Guess what we are going to tell the consumer? A little flag goes up and says you will pay $1.25 more.

What is a person who, at lunchtime, has to take out $20, $30, or $40 supposed to do? Go running around looking for an ATM that doesn't have a double charge? No. The people are stuck. They are running late, or maybe it is getting dark. Are you going to go searching for an ATM that doesn't have that little flag going up? Or are they going to look for one that doesn't exist, because their bank, under the inducement years ago that they need not participate and open up their own ATMs, they said, "We will rely on the network rather than try to find that mythical one"?

If you tried to find one in Washington, DC, you would not find one. Ninety percent of them in this region double charge. If you don't go to the institution where you do your banking, you are going to get whacked. This whacking costs the American people more than $3 billion more—$3 billion. The average family that uses another bank's ATM six times a month is going to pay about $200 a year more.

Do you know who it hurts? It hurts the little guy. It hurts the person who draws out that $30, $40 or $50, because the surcharge, which averages about $1.27, is paid in addition to the initial charge. Consumer groups have estimated the two charges average about $2.68 together.

Here is somebody trying to get out their $20 or $30 or $40—a senior citizen, a college student—and there is a $2.68 charge. That is a lot of money coming from the little guy. That is a heck of an interest rate. Years ago that would be called "usury"—usury to get your own money. That is really incredible.

That is why we have come forth with this amendment. Some people say, "Why are you getting into the private sector?" I will tell you why. What you have today is anticompetitive. Banks say consumers always have a choice to use an ATM that does not double charge. That is a joke. Seventy-nine percent of the ATMs are now double charging. I predict that by the end of the year that number will be over 90 percent. This is a situation where the consumer has little, if any, choice.

Many of my colleagues have said to me, "What is the big deal? It is only a couple of dollars." It may not be a big deal to us to pay an extra $3 when you are taking out $100 or $200. But it is a very big deal to senior citizens, to students and to working families who take out $20, $30 or $40 at a time.

ATM surcharges account for more than $3 billion a year. The fees themselves are skyrocketing out of control. The most common surcharge has increased from $1 to $1.50. That is right, when they introduced it, it started at $1. It is now $1.50. Forty-four percent of the ATMs charge $1.50 or more. It is going to go higher and higher unless Congress acts to stop it now. Keep in mind that this is a charge on top of a fee that the consumer is already paying to his or her own bank. It is a hidden bank fee. But they are paying.

A recent U.S. PIRG survey found that 83 percent of the banks charge their own customers an average of $1.18 per transaction whenever they use another ATM. When you add the most common charge to the average fee, that is $2.68. That is about $200 a year for a family that uses an ATM six times a month. That is outrageous.

Several States, including Connecticut—the State of my colleague, Senator DODD—Iowa, and Massachusetts are waging battles to ban double charges at the State level. But there is a question as to whether these measures would apply to federally chartered banks.

That is why Congress has to act. It has to act in order to preserve competition—in order to see to it that this monopolistic practice does not deprive people of real choice.

Mr. President, I hope my colleagues will look to help the little guy. This is an opportunity to give them the protection they so desperately need.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, how much time remains on the amendment of the Senator from New York?

The PRESIDING OFFICER. Ten minutes 29 seconds.

Mr. DODD. Mr. President, I ask that I use, say, 5 minutes and be notified when 5 minutes have transpired so that the author of the amendment has some additional time at the end to conclude his remarks.

Mr. President, there is little question that the surcharges seem to have become the No. 1 complaint by many consumers and consumer groups all across the Nation. Part of the reason for the increasing complaints in this area is the speed with which the surcharges have become attached to the ATM machines.

Frankly, I say to the Chair, and my colleagues, I was not an early supporter of the prohibition of these fees. When it was first proposed by the Senator from New York, I argued that we ought to let the market dictate how these fees would be set, convinced, as had happened with the credit card issue, that competition within the marketplace actually had the desired effect of creating a good level, a less decent level, and an understandable and rational level for fees and surcharges and grace periods, and the like, when it comes to credit cards.

It was my hope that would occur here with the ATM issue. The problem is that it just hasn't happened at all. We have had the opposite effect, in fact. Banks seem to have become more interested in acting like sort of an electronic Jesse James—taking their cut when the consumer wants to get access to their money. In fact, the Congressional Budget Office puts this a little more seriously in their study, noting:

> Paradoxically, the increase in supply of ATM machines has not led to the kind of reduction that would generally follow from supply and demand solutions.

This is the Congressional Budget Office testimony. My concern over the practice of surcharging was augmented by some other developments as well.

First was the decision by a major national bank to sue the State of Connecticut, my home State, to overturn my State's ban on surcharges. This demonstrated to me that the banking industry was unwilling to allow the individual States to make their own public policy decisions about this practice. As a result, it has become very clear that only Federal legislation would allow my State of Connecticut to maintain the protections for its citizens that it has chosen to enact.

In fact, the attorney general of my State, Richard Blumenthal, came to

Washington and testified strongly in favor of the D'Amato amendment. Let me quote him. He said:

> Federal legislation is vitally necessary to clarify our State's ability [a State rights issue] to enact such a prohibition. In addition, Federal legislation is necessary to ensure that consumers are protected from such fees whenever they use an ATM.

Also, let me note that despite Connecticut's ATM surcharge ban, the largest bank in my State announced, on July 14, that it was going to close some branches and open more ATMs around the State. The results rebut the argument that banks won't open new ATMs if this amendment passes. This is a living example where you have a ban, a moratorium on any new surcharges, and, yet, they are expanding the ATMs in my State.

So, clearly this ban, this legislation that is being offered by the Senator from New York, would not produce the results that its opponents are claiming.

Second, community banks in my State have expressed deep concerns that ATM surcharging could be used to give large banks with extensive proprietary networks an unfair advantage over community banks with fewer machines. Smaller banks are worried about this—not only consumers, but smaller banks are. This is particularly troublesome because of the regulatory and legislative decisions that allow banks to use the ATMs in the first place where, based upon the concept of universal access to the network, the large banks are reneging on that commitment. That is how they got this in the first place. This was going to be universal access. They have basically backed off that commitment.

Lastly, I have become very concerned over changes in bank underwriting standards for commercial loans and for credit card companies, which I have raised before and which was the subject of a front page Washington Post article today. It is a great concern where you have now these normal banking fees being replaced by surcharges and the like as a way of offsetting lowering the standards for credit. This ought to be a great concern of all of us. And the Washington Post article highlights this. You can lower your standard on credit card allocation, because you can make up whatever the losses would be in this area. I think putting this issue aside is a very dangerous road for us to be going.

As I reviewed the materials in preparation for the Banking Committee hearing, I couldn't help but be struck by the fact that loan standards and credit card underwriting standards have slipped as revenues from fees, which are almost pure profit, have escalated. I can't help but wonder whether the profit from these fees—$3 billion in ATM fees and $1.1 billion from fees charged their own customers when someone else bounces a check—aren't giving bank officials a false sense of security about their lending practices. If true, then this may be the most corrosive effect aspect of the recent boom in consumer banking fees of all types.

For those reasons, Mr. President, I believe the D'Amato amendment deserves to be adopted by this body. I urge my colleagues to do so.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I yield 2 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from New York. I congratulate and commend the Senator from New York for his leadership in this area.

Mr. President, I am proud to be a cosponsor of this amendment to ban ATM surcharges. Over the past two years, the Banking Committee on which I serve has held numerous hearings on this issue. I think it is important to note that every time we have one of these hearings, more studies confirm what we have said all along: the practice of surcharging is anticompetitive, it exploits consumers and it should be banned.

When I was in law school at the University of Chicago, I was taught that competition in a free market is supposed to be all about lowering prices and providing better services to your customers in order to maintain market share. However, competition in a world of surcharging is like Alice in Wonderland, where nothing is as it should be. Surcharging actually encourages the abuse of a dominant position in the marketplace, promoting predatory prices. Competition in this instance is not about providing the best services for the best prices, rather it is about forcing your rivals out of the marketplace by raising their costs.

And these costs are spreading. ATM surcharges have soared since 1995, and consumers paid between $2.5 and $3 billion in surcharges last year. This figure is in addition to the almost $1 billion in interchange fees already collected for these same transactions. Seventy percent of all banks currently impose a surcharge, and the most common surcharge has risen from $1 to $1.50 over the last year.

If current trends continue, few ATMs will remain that have no surcharge, and consumers, despite surcharge warnings most institutions post on the computer screen or on the machine, will truly have no alternative but to be charged twice for the same transaction—especially now that some institutions are surcharging their own customers.

I am aware that there are some costs to convenience. The number of ATM machines has more than quintupled over the last decade. Americans used ATM machines billions of times last year, accessing their bank accounts and other financial services 24 hours a day, seven days a week. However the practice of surcharging has actually resulted in less convenience for many customers. The result of surcharges is "the incredible shrinking ATM network," far less convenience, longer searches and longer waiting lines for those who seek to avoid these double fees. As the Federal Reserve Bank of New York concluded, "to avoid surcharges, many consumers are likely visiting ATMs that are less convenient than those used previously." I know there are costs associated with deploying these new machines, handling increased transactions, and other maintenance and safety issues. However, consumers are paying quite a bit for the marginal "convenience" of these additional machines. According to David Balto of the Federal Trade Commission, assuming that surcharging has lead to the deployment of 40,000 new ATMs, the more than $2.5 billion in surcharges last year means that customers paid over $60,000 for each new ATM. Furthermore, banks do not just surcharge on new ATMs in remote locations, but on all of their machines. Therefore, many customers who may never use one of these new, remote ATMs pay for the "convenience" of having it exist.

Moreover, it should not be forgotten that banks moved customers to ATMs because, compared to teller transactions, ATMs were cheaper. According to a 1996 Mentis Corporation study, an ATM cash withdrawal from an in-branch ATM costs an average of 22 to 28 cents, while the cost of a teller transaction is 90 cents to $1.15. And in some cases, banks charge customers for completing transactions with a teller if those transactions could have been completed at an ATM.

Certainly ATMs are a convenience for customers, but the truth is that banks have deployed more ATMs because it means lower costs to banks.

I remember when banks paid their customers for the use of their money. Today, however, it's increasingly expensive for the average working family to manage even a simple banking account. Americans who make timely credit card payments, or no payments at all, face higher fees. Americans who avoid special banking services are considered unprofitable customers, and face higher fees.

Now, with ATM surcharges, Americans are discovering that they must pay banks more than an additional $155 each year simply to access their own money.

The market is out of whack. The public knows this is unfair, and their visceral reaction is a response to market excess.

I am hopeful that the financial industry will take the necessary steps to remedy this problem. If they do, I do not believe this provision should become law. Banks in some states have demonstrated a willingness to address this issue. I call on the rest of the industry to follow their lead. Otherwise, the government has a duty to correct the abuse of double charging people for accessing their own hard-earned dollars. In an era of unprecedented bank profits, it is clearly a case of greed over need. I strongly support this amendment and urge all of my colleagues to do the same.

Mr. President, there are sound economic reasons why this proconsumer amendment ought to be passed. Whether you care about consumer issues or banks, you ought to support Senator D'AMATO's amendment, which I am proud to cosponsor.

I thank the Chair. I thank Senator D'AMATO. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not know if there is anyone here ready to speak in opposition.

I see the Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I know this is a good-sounding and popular-appearing bill, but I am not one who enjoys going to banks and going in banks. Over the years, I have thoroughly enjoyed the opportunity to obtain the cash I need on a daily basis from ATM machines. In fact, it allows you to carry less cash in your pocket, and you can find ATM machines everywhere. They are exploding to every corner of America. Businesses have them. Grocery stores have them. And they cost money—$30-, $40-, $50-, $80,000 to put in one of those machines.

So it has been a remarkable, wonderful advancement for the people of America, that they can obtain money on virtually any corner of a city, at their grocery store, at their bank, at their gas station, and so forth. This has been a wonderful advancement.

It seems to me particularly odd that we would say that a bank which is servicing someone who is not their customer, who does not have an account at their bank, and yet they might have spent $50,000 to put in this ATM machine, cannot charge a fee for it; that someone can use their machine without being able to charge a fee. It seems to me that would be an unreasonable thing. I think most banks don't have it free for their own customers.

I wish to make a number of points. While this fee, I don't suggest, would eliminate all ATM machines, I think it is quite reasonable to suggest that it would eliminate marginal machines, and as we know when we take money out of an ATM machine, it pops up on the screen how much the fee is. So if you are at a grocery store and you have your own bank machine down the street, but you would like to get your cash in the grocery store and they are not going to service you but for $1.50, you do have a choice. You have your choice of going to your bank or going to a machine that may charge less.

I hope and expect that as we have an expansion of machines, we may well find some of these fees will begin to drop rather than increase, and that has been the pattern in free enterprise since its beginning. So it seems to me that what we are suggesting is that on a bankruptcy bill, where at least with regard to this committee that deals with bankruptcy we are tacking on a credit card banking issue that was not part of the markup on this bill, it could jeopardize the bill and not be relevant to what we are considering.

I note that the Banking Committee on July 30 on a bipartisan 11-to-7 vote rejected this amendment. They considered it in some detail, and that committee, after careful consideration, balancing the great utility and advantage of having ATM machines at virtually every corner versus the cost of it, have opted in favor of allowing the continued expansion and convenience of more and more machines. I do not think there is any doubt that the growth in availability of machines will end and, in fact, it is likely that we will have a reduction in the number of machines, therefore reducing convenience.

Many bank machines are totally dependent on access fees, and many of these are particularly convenient to small businesses and small grocery stores. Many new ATMs in rural and other low-volume, high-convenience sites operated by nonbanks will be economically unfeasible. They will be closed. They will not exist. You simply have to be able to make a profit if you are going to provide a service. Nobody is going to invest $30-, $40-, $50,000 if they do not have any prospect of a return. We know that. We talk about the big banks, but it is not always big banks that are involved.

Mr. President, I believe that on this bankruptcy bill, we ought not to be dealing with banking issues and credit card issues. Those are matters that ought to be held in those committees and, in fact, they have been considering it. I urge the Members of this body to wait for another forum, another time to deal with this issue and reject this amendment because it is not good economics. It is not good public policy to limit the expansion and the convenience and accessibility of ATM machines.

I thank the Chair.

Mr. BAUCUS. Mr. President, I rise in opposition to the amendment offered by the Senator from New York. First let me say that I have a great deal of sympathy for the problem that the Senator is attempting to address. When banks first began to install ATM machines, I remember the reluctance many consumers expressed about this new technology. They were worried about whether their deposits would be safe, whether strangers would find it easier to get into their bank accounts and steal their money. The banks initially sold consumers on the use of the machines by calling them a cost-saving measure—ATMs were supposed to help banks cut costs by allowing them to serve more people for longer hours, without the need for high employee salaries or costly new branches.

In those early years, it appeared that these claims were paying off. And consumers became addicted to the convenience. No longer did you have to spend your lunch hour at the bank's drive-in window to deposit a paycheck—you could do it after work at the ATM instead. Consumer demand also led to an unexpected growth of ATM machines located in businesses other than banks. Now you can do your banking at the grocery store, the convenience store, the airport—any other place where there is demand.

But the economics of operating ATMs in those remote locations are not the same as operating them in the bank building itself. It is a lot more expensive to service the machines, collect and process deposits every day, or to provide security. And the networking banks have provided means more consumers are using ATM machines at banks other than their own—again with higher operating costs.

The convenience of banking virtually any place at any time has its cost. ATM fees allow banks to recoup at least some of those costs from the consumers using the services.

I know that ATM fees rankle those of us who don't appreciate having to pay a fee to have access to our own money. And I also understand the arguments of the Senator from New York and others who claim big banks are making large profits from their fees.

However, I also believe that ATM fees represent the purest form of user fee. If consumers don't want to pay the fees, they don't have to use the ATMs. But for those who are willing to pay, the fees allow banks to provide ATMs in more locations, making it more convenient to do our banking.

If the D'Amato amendment is approved, two things will happen.

First, banks will immediately reevaluate the economics of all their ATMs, and those that are the least cost-effective will simply be removed. Rural areas, like those in my State of Montana, will be particularly hard hit. The low volume of usage, combined with the higher cost of maintenance because of the distances involved, will make many rural ATMs unaffordable for the sponsoring banks.

Let me give you just one example sent to me by the 1st Bank of Sidney, Montana. Sidney is a town representative of a lot of towns throughout Montana and other rural parts of our country. 1st Bank has an ATM machine at a 24-hour gas station and convenience store located on the main street through town. Even with the current ATM fee, 1st Bank lost almost $8,000 on that machine in 1997. Now $8,000 doesn't sound like a lot of money, but in states like Montana, believe me it can be.

I don't know whether 1st Bank will close this particular ATM if they are not allowed to recoup at least part of their costs by charging a fee. I do know that right now, hundreds of Montanans who used that machine in 1997 had a choice—if they didn't think the convenience of the machine was worth the $1.00 fee, they didn't have to use the machine.

If the ATM is removed because the bank decides it isn't worth the cost, we have legislatively taken from these consumers the ability to make that choice. They won't be able to decide on their own whether the convenience is worth the cost. We will force them to find other ways to do their banking.

Approval of the D'Amato amendment will also have a second consequence, that I believe we need to consider. Right now, those who use ATMs pay for the convenience. In places where the fees don't cover the costs of operating the machines, those of us who don't use ATMs, or don't use them frequently, help subsidize those who do. Eliminating the ability to charge those who benefit from the convenience of an ATM simply makes it that much more difficult for the rest of us to avoid these charges.

The old adage "there is no free lunch" is very applicable here. Someone has to pay the cost of operating an ATM. If we prohibit banks from charging those who use ATMs, it simply means everybody else will end up picking up the tab. And it won't matter whether we discipline ourselves to do our banking inside the bank, through the drive-in window, or electronically in order to avoid the fees. Every transaction will carry part of the cost of operating that ATM, because it will be built into the banks' operating costs.

Mr. President, I don't think those of us here in Washington, DC, should be dictating to consumers how to do their banking. I believe consumers should be allowed to continue deciding for themselves whether the convenience of an ATM is worth the cost. If enough consumers decide the answer is no, the marketplace will correct itself. Banks will be forced to reduce fees and cull out less profitable locations.

But this will happen in response to consumer demand, not legislative fiat. I believe this it the right answer.

I urge my colleagues to vote against the D'Amato amendment.

Mr. FEINGOLD. Mr. President, I am pleased to support the amendment offered by the Senator from New York (Mr. D'AMATO).

This amendment is about simple fairness.

Mr. President, banks, credit unions, and the other owners of automatic teller machines are entitled to be compensated for the service they offer.

But consumers are also entitled to be treated fairly.

The D'Amato amendment strikes that balance.

This amendment does not fix prices.

It does not limit what ATM owners may charge for using their machines.

It simply prohibits charging consumers twice for the same service.

Mr. President, consumers become subject to ATM charges when they obtain an ATM card through their bank or credit union.

While the consumer's bank or credit union often has its own ATM machines at which account holders can bank, increasingly, banks and credit unions join a network of ATMs to give their account holders greater access.

Mr. President, when your bank or credit union joins an ATM network, it pays what is called an interchange fee to the network, and your bank or credit union may pass the cost of that interchange fee directly to you, or it may just add it into their overall cost of doing business—a cost that account holders help to bear.

But, Mr. President, consumers are now being forced to pay an additional fee, a surcharge, for using a network ATM.

When that happens, the consumer is being billed twice for the same transaction—once by their own bank, and once by the ATM owner.

Mr. President, consumers who are already charged by their own banks or credit unions for using an ATM feel that once is more than enough.

When consumers are charged twice for the privilege of accessing our own hard-earned money through an ATM, it's time for this body to take some action.

Mr. President, not only are consumers now being asked to pay twice for the privilege of accessing their own money, the second fee, or surcharge, often represents a big portion of the cash they want to withdraw.

The Senator from New York noted consumers may be hit with a surcharge of $3 or more just to take $20 out of their account.

This is especially a problem for consumers in under-served areas.

Because they lack ready access to their bank or credit union, those consumers are much more dependent on ATMs for every day financial services.

Mr. President, let me note here that not all ATM networks subject consumers to this double billing.

I understand there have been efforts, especially by community banks, to form networks that explicitly do not charge consumers twice.

While I applaud those efforts, they may not be enough.

Mr. President, in addition to the fundamental unfairness of these double charges to consumers, I am troubled that this fee structure may also put smaller banks and credit unions at a competitive disadvantage.

Customers seeking to avoid these double charges may move their accounts to larger banks that own these broad-based ATM networks, and as we've seen recently, these big banks are now merging with each other, which will only make matters worse for their smaller competitors.

Indeed, Mr. President, in this regard there have been some troubling developments in the past few weeks.

In particular, I was disturbed to hear reports that the Department of Justice is investigating whether or not some of the large ATM networks are engaging in illegal restraint of trade by seeking to prevent smaller banks from forming those very alliances that promise not to double charge consumers.

Mr. President, this amendment will end double-billing at ATMs.

It will ensure fairness for consumers, and it will put a stop to efforts that undermine the ability of our smaller community financial institutions to retain their customer base.

Mr. President, it's time to demand fairness for ATM users.

Paying additional fees at the ATM is something consumers can afford to live without.

Mr. KENNEDY. Mr. President, I rise in support of Senator D'AMATO's amendment to ban ATM surcharge fees.

This is good policy, and we all ought to vote in favor of it.

These fees, which in some instances have reached exorbitant levels like $5 or $10 per transaction, are charged against consumers to access their own money.

The large bank networks, which typically operate the automatic teller machines, already charge a transaction fee to smaller banks for the use of their network.

These surcharges are a second charge, directly to the consumer, for the privilege of using the machine.

Some have argued that consumer behavior has changed, so that consumers can learn how to minimize surcharges. They can do this by getting cash back on debit card purchases, or by taking more money out at one time.

But these are the savvy consumers, or those who are able to take out a large amount of money at one time. The consumers who end up paying these fees are those who have the fewest options: their money is tighter, or they are in an emergency situation, or they don't understand the system enough to avoid these fees. Do we want to protect the rights of the banks to take advantage of those consumers?

The banks now charge the consumer at every turn. They first said that tellers were too expensive and encouraged us to use machines. Now they charge both the consumer, and the consumer's bank, for the privilege of using the ATM machine.

This gouging of the consumer has to stop!

Some have argued that we should allow banks to police themselves on this issue. In my home state of Massachusetts, for example, the Massachusetts Bankers Association has worked to organize fee free alliances between big and small banks so that consumers can use machines statewide and avoid surcharges. This is a terrific program, and I compliment the MBA for developing it.

Truly progressive organizations, like Fleet Bank which operates throughout New England, have agreed not to charge fees for ATM use in low and moderate income communities. This is progressive corporate policy, and I salute them for it.

These financial institutions can be a model for the nation.

Unfortunately, there are not enough banks like those in my home state.

And so we must pass this amendment. We have heard from consumers, and they have had enough.

I know banks have heard from their customers in response to these charges. They have complained about it, loud and clear.

If banks had been proactive and responded by policing themselves, we would not be compelled to pursue an amendment such as this.

These exorbitant charges are an outrage! The Senate must act to protect the consumer from excessive charges.

In a time in which we are debating bankruptcy legislation, which has been supported strongly by banks and credit card companies, we also need to enact some provisions which will help the working men and women of this country.

We must end the gouging of the American consumer! I urge my colleagues to join with me in supporting Senator D'AMATO's amendment.

Mr. SPECTER. Mr. President, the D'Amato amendment to limit fees charged by financial institutions for the use of automatic teller machines is a very close question, in my opinion, because it pits the consumer's interest in avoiding potentially excessive bank charges against existing market forces where ATM machines provide significant convenience for the depositor's access to cash.

On this state of the record, I do not believe that there has been a showing of excessive charges on the part of the banks. This issue might well be revisited in the Banking Committee with hearings, as opposed to being a floor amendment on this bill where the Judiciary Committee, on which I serve, did not have the benefit of an evidentiary record on the issue of excessive charges.

On the other hand, I do believe that there is substantial benefit and convenience to the consumer who has access to a cash withdrawal, far from home, at unusual hours and under circumstances where it is a significant convenience to be able to get the cash.

I know that when I go to a convenience store, for example, to buy milk, and pay a higher price, I dislike it; but I am mindful of the fact that it is late at night or I don't have to stand in a long line in a supermarket or it is on my way home. So, I grin and bear the somewhat higher charge.

In addition, there may be substantial merit to the contention that if the Congress acts to affect the market on this issue that the ATM machines will not be available or may be very few in number to reduce this convenience.

Accordingly, on this state of the record, on a very close question, I am voting against the D'Amato amendment.

Mr. DORGAN. Mr. President, I rise to discuss briefly my thoughts about the automated teller machine (ATM) fee ban amendment offered today by Senator D'AMATO to the bankruptcy reform bill.

I share the concerns that Senator D'AMATO and others have about the rapid, and seemingly unchecked, increases in ATM fees across this country over the past few years. There is compelling evidence that some banks are charging exorbitant ATM charges that impose an unnecessary and unfair financial burden on bank customers. For many consumers, this happens every time they use an ATM that's not owned by their bank. And there appears to be no end in sight to this explosion in ATM fees. I do applaud the work of Senator D'AMATO and others for bringing attention to this growing problem.

But regrettably, I was forced to vote against Senator D'AMATO's amendment, as drafted, because it failed to recognize that many of our rural communities have significantly higher costs for providing many kinds of services. I'm afraid that adopting Senator D'AMATO's approach may actually be harmful for people living in these higher-cost areas. In my judgment, this amendment might have forced some of our banks to shut down existing ATMs in more sparsely populated areas in our state or made it too costly for them to install new ones in places where they are needed.

Let me be clear on this point. I would have liked to support a proposal to stop those ATM owners who are charging excessive and, in some cases, outrageous fees. And I'm willing to consider other approaches to help put the brakes on ATM price gouging. Unfortunately, the amendment that Senator D'AMATO offered today is one that I could not support because it may inadvertently hurt rural America.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that at the conclusion of the debate, the pending D'Amato amendment be temporarily laid aside and the Senate proceed to the debate on the Dodd amendment. I further ask that at 2 p.m. the Senate proceed to a vote in relationship to the Dodd amendment, to be followed immediately by a vote on or in relationship to the D'Amato amendment, with no intervening action and 2 minutes of debate between each vote. I further ask that the partial-birth abortion debate begin immediately following the vote in relationship to the Dodd amendment under the 4 hours outlined in the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I think the Senator means the D'Amato amendment, at the conclusion of the vote on the D'Amato amendment.

Mr. GRASSLEY. Yes.

Mr. DODD. I think the Senator said the Dodd amendment. I think he means the D'Amato amendment. Is that correct?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Might I inquire how much time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 53 seconds.

Mr. D'AMATO. Mr. President, I ask unanimous consent, because I do not believe it will impede on the time allocated for consideration of the Dodd amendment—we will not go past 2 o'clock—that we have an additional 5 minutes for the proponents because I have some Members here who would like to speak to this.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, there are a number of amendments on this bill, and we have to finish this bill by 2 o'clock. I just think that there has always been an advantage on floor time for the proponents and not opponents. I know Senator GRASSLEY has no time. I reluctantly object.

Mr. GRASSLEY. I suggest we amend it by giving 5 minutes to Senator SESSIONS.

Mr. D'AMATO. Sure. If he would like, 5 minutes each. I would ask that we have——

Mr. SESSIONS. I would certainly go along with Senator GRASSLEY. I am not sure I will use any time. If Senator GRASSLEY is comfortable with it, I withdraw my objection.

Mr. D'AMATO. I thank the Senator.

I yield 3 minutes to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the distinguished chairman of the subcommittee for his leadership on this issue. The banking industry is enjoying its sixth straight year of record profits, which topped $60 billion last year. That is good news. But unfortunately, as part of a growing trend, these record profits are coming from an increasing proliferation of fees on bank customers. The number of these separate bank fees has grown from 90 to 250 over the last 5 years.

Last year, banks made more than $3 billion alone on ATM surcharges. That is the new cash cow. And this is in addition to the $1 billion banks are paid as part of the interchange fee, which covers their cost of ATM transactions. So, that is where the surcharge comes in. The banks are already compensated through an interchange system. They are imposing an additional fee, a surcharge, which Senator D'AMATO and I and others object to, which, in effect, imposes a charge twice on the customer.

Mr. President, $1.50 or $2 for every ATM withdrawal may not seem like a lot, but over the course of a full year it adds up to several hundred dollars. Many banks for years prohibited these ATMs. In fact, three out of every four ATMs that are in place today were built before surcharges were prohibited, so the argument that somehow prohibiting the surcharge would limit the availability of ATMs is simply a specious argument. Two States that come to mind immediately, Connecticut and Iowa, prohibit ATM surcharges, and there is no evidence to suggest that customers in those two States are deprived of the option to use ATMs.

So, people, in effect, kind of feel entrapped. Initially the banks offered ATMs because they reduced the costs of their transactions. They are much less expensive than the teller transactions. Customers responded because of the convenience. A win-win proposition. Once customers got induced to use ATMs, then they got hooked, and now they are being reeled in by the bankers with these new charges, because the average ATM transaction cost is about 27 cents while a transaction involving a teller costs the bank roughly $2.93.

ATM charges are unfair, because the consumer is charged twice for the same transaction. Additionally, ATM surcharges have the anticompetitive effect of pressuring people to leave small banks—which may be their choice—for their larger banks, to avoid this double charge or the surcharge. I urge my colleagues to support the able and distinguished chairman and to support this.

Let me just tell you, both in Nevada and around the world, this is how the public views the ATM surcharge. You will note from the chart there, the ATM reaches out with a loaded pistol and the customer is held hostage. That is what these ATM surcharges are all about.

I urge support for my colleague's thoughtful legislation, I yield the floor, and thank the Senator for extending the privilege of the floor to me.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend both my colleague from Connecticut and Senator BRYAN from Nevada for their thoughtful presentations.

I tell you, when I look at the ATM cartoon over there, that Senator BRYAN has put up, it is interesting because that is exactly what is taking place, particularly to so many young people who don't have a choice, to the student who is at his college campus and there are only one or two of those ATMs around and everyone of them is double charging. It is excessive—to think they are paying $2.68 to take out their own money. If you are taking out $30 or $40 at a time, as many of the young people are, and many of our senior citizens, that is usurious by any standard.

The argument that somehow this is going to hurt competition is rather pathetic. This has really hurt the small banks, the credit unions, because they were deceived into not getting into competition while a huge network was built; 122,000 out of the 165,000 machines were installed well before the double charges.

Let's take a look and see. Since the double charges, in the past 2 years, have been imposed—17 percent double charged going into 1996. The next year, it jumped to 59 percent. And the following year, 79—79 percent of all of the ATMs are now double charging. They came into existence and were making a profit before the surcharges. This is just a way of really doing what Senator BRYAN's description, the chart, showed so eloquently. You are really holding up the consumer, because it is anticompetitive, antichoice. This number, 79 percent—that is temporary. We have seen them grow. You will top out at over 90 percent by the end of next year, there is no doubt.

So there is little choice. There is no reason. It is anticompetitive, antipeople, and we should have the courage to say enough is enough. Let our States determine whether or not this should be permitted. When the State of Iowa and the State of Connecticut have attempted to ban double charges, surcharges, they have not seen a diminution. But now, even their law will be threatened, and is in court, as it relates to those States that want to protect consumers. So we are whipsawing them both ways, and there is only the Federal Government that can make a difference.

I hope my colleagues will join with me in voting to give people a real choice without that additional burden being placed on them.

Mr. President, I yield the floor. I thank my colleagues for permitting us the additional time to make known our thoughts and our views.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, may I inquire of the manager, does he intend to make a motion to table now? And then we will lay that aside and we can ask for the yeas and nays now? Would that save time?

Mr. GRASSLEY. I move to table the D'Amato amendment.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. I move the D'Amato amendment be set aside.

The PRESIDING OFFICER. By a previous order, the Senator from Connecticut is recognized.

AMENDMENT NO. 3598 TO AMENDMENT NO. 3559

(Purpose: To amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3598 to amendment numbered 3559.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

The PRESIDING OFFICER. The Chair might say, under the previous order, there is 40 minutes equally divided.

Mr. DODD. Mr. President, one of the most troubling developments in the hotly contested battle among the credit card issuers to sign up new customers has been the aggressive way in which they have targeted people under the age of 21, particularly college students. We are engaged, obviously, in a debate about the bankruptcy bill here. The authors of this bill, and I commend them for it, recognize there has been an explosion of people who are taking advantage of the Bankruptcy Act to avoid their financial obligations.

It seems appropriate in the context of this bill that we also recognize that there has been an explosion of efforts to sign up younger people, particularly on college campuses, to credit cards, recognizing that, as many have pointed out, these students are ill prepared to meet their own financial obligations. Inevitably, they either incur debt and end up in tremendous difficulty or their parents assume the responsibilities, which can occur with upper-income people who can afford it.

Just this past August, to make the point, a fellow by the name of John Simpson, who is an administrator at the University of Indiana, said:

> This is a terrible thing. We lose more students to credit card debt than academic failure, at the University of Indiana.

What I am trying to lay out here is a proposal that is not outrageous. Basically, what it says is if you are between the ages of 18 and 21—no contract is valid for someone under 18, so a credit card obligation for someone under 18 would be voided anyway. But between 18 and 21, either show that individual has independent economic means—a job or whatever—or parental permission. If you can do that, fine, then you can market and issue a credit card to those individuals. We set up separate standards on drinking in this country for those 21 and under, and for tax purposes. It seems to me this little window in here could save an awful lot of students, an awful lot of families, the kind of hardship.

Let me lay out the case for you here on a factual basis. Solicitations to this age group have become more intense for a variety of reasons. First, it is one of the few market segments in which there are always new faces to go after. It is also an age group in which brand loyalty can be established. In the words of one major credit card issuer, we are in the relationship business and we want to build relationships early on. Recent press stories have reported that people hold on to their first credit card for up to 15 years.

In fact, people under the age of 21 are such a hot target for credit card marketers that the upcoming card marketing conference this year—this is the card marketing conference 1998, which is going to be held in Las Vegas. They have a seminar beginning at 12 noon on the day of this conference that is entitled "Targeting Teens: You Never Forget Your First Card," to give you an idea of how much a part of this the credit card companies have in mind. As I say, this is indicating their deep interest in this constituency.

Credit card issuers are also enticing colleges and universities to help promote their products. Professor Robert Manning at Georgetown University here in Washington told my staff that some colleges receive tens of thousands of dollars per year for exclusive marketing agreements. Other colleges receive as much as 1 percent of all student charges from credit card issuers in return for marketing or affinity agreements.

Even those colleges who don't enter into such agreements are making money. Robert Bugai, president of College Marketing Intelligence, told the American Banker that colleges charge up to $400 per day for each credit card company that sets up a table on campus. That can run into the tens of thousands of dollars by the end of just one semester.

Last February, I went to the main campus of the University of Connecticut to meet with student leaders about this issue. Quite honestly, I was surprised by the amount of solicitations going on in the student union, and I was also surprised the degree to which the students themselves were concerned about the constant barrage of offers they were receiving.

The offers seemed very attractive, Mr. President. One student intern in my office this summer received four solicitations in just 2 weeks. One promised "get eight cheap flights now while you still have 18 weeks of vacation." That is the solicitation, part of it geared to this young woman in my employment.

Another promised a platinum card with what appeared to be a low interest rate, until you read, of course, the fine print that it applied only to balance transfers, not to the account overall.

Only one of the four, Discover card, offered a brochure about credit terms, but in doing so, often offered a spring break sweepstakes in order to attract these students. In fact, the Chicago Tribune reported just last month that the average college freshman will receive 50 solicitations during their first few months at college. The Tribune further reported that college students get green-lighted for a line of credit that can reach more than $10,000 just on the strength of a signature and a student identification card.

Mr. President, there is a serious public policy question about whether people in that age bracket can be presumed to be able to make the sensible financial choices that are being forced on them from this barrage of marketing. While it is very difficult to get reliable information from the credit card issuers about their marketing practices to people under the age of 21, those statistics that are available are deeply, deeply troubling.

The American Banker newspaper reported that Visa found that 8.7 percent of bankruptcy filers were under the age of 25. A Chicago Tribune article from August 16 of this year cited that bankruptcies "among those under 25 have doubled over the last 5 years from 250,000 to 500,000."

The bankruptcy legislation, the underlying bill, is going to make it harder to take the bankruptcy act. I understand that. I am not opposed to that idea. But if simultaneously you are going out and aggressively sending eight solicitations to an 18-year-old in my office promising them free vacation breaks or flights, I think there is something wrong here.

I don't mind getting tougher on the bankruptcy laws, but I think we have to get a little tougher to say the 18-, 19- and 20-years-olds who have no independent financial means and without parental permission are getting signed up merely on a student ID card and signature, incurring $10,000 worth of debt.

The same survey found that 27 percent of undergraduate student applicants had four or more credit cards—27 percent, four or more credit cards—and found that 14 percent had credit card balances between $3,000 and $7,000, while 10 percent had credit card balances greater than $7,000. This figure of 24 percent with credit card debts in excess of $3,000 is more than double the number from last year.

Moreover, while there is evidence that student debt is skyrocketing, some surveys by credit card issuers themselves show that this same group of consumers is woefully uninformed about the basic credit card terms and issues. A 1993 American Express/Consumer Federation of America study found that only 22 percent of more than 2,000 college students surveyed knew that the annual percentage rate is the best indicator of the true cost of a loan. Only 30 percent of those surveyed knew that each bank set the interest rate on their credit card, so that it is possible to shop around for the best rate. Only 30 percent knew that interest was charged on new purchases if you carry a balance over from the previous month.

Some college administrators, bucking the trend to use credit card issuers as a source of income, have become so concerned that they have banned credit card companies from their campuses and have even gone so far as to ban credit card advertisements from the campus bookstores. Roger

Witherspoon, Vice President of Student Development at John Jay College of Criminal Justice in New York, banned card solicitors saying indebtedness was causing students to drop out:

> Middle-class parents can bail out their kids when this happens, but lower-income parents can't—

Mr. Witherspoon said in an interview.

> Kids only find out later how much it messes up their lives.

That is a quotation from the American Banker.

The amendment I am proposing today does not take any such Draconian action against the credit card companies. Let me state, by the way—and I should have said this at the outset—many credit card companies do require parental notice or approval or evidence of independent means. There are many who do this, but there are some who do not at all. As most laws, it is not targeted to those who show good judgment and good sense, but to the few who do not. Unfortunately, here we have a few who do not at all.

This amendment does not go so far as to ban credit cards or ban advertising. It merely says, look, between the ages of 18 and 21, either show you have the independent means to meet the obligations or get a signature from a parent that they understand that their child is about to take out a credit card.

I agree with those who argue, as I said, there are millions of people under the age of 21 who hold full-time jobs who are as deserving of credit as anyone over the age of 21. I agree with that. I also believe students should continue to have access to credit, and we should not prohibit the market from making that available.

I also recognize the period of time from 18 to 21 is an age of transition from adolescence to adulthood, and as we do many places in Federal law, extra care is needed to make sure mistakes made from youthful inexperience does not haunt these people for the rest of their lives or a good part of it.

All my amendment does is require a credit card issuer, prior to granting credit, to obtain one of two things from the applicant under 21: Either they get the signature of a parent or guardian, or they obtain information that demonstrates the existence of an independent means of paying off the amount of credit offered.

Federal law already says people under age 21 shouldn't drink alcohol. Our Tax Code makes the presumption if someone is a full-time student under the age of 23 that they are financially dependent on their parents or their guardians.

Is it so much really to ask that credit card issuers, in the midst of a bankruptcy bill that will make it tougher for people to take this act, is it so much to ask that we try to find out if someone under the age of 21 is financially capable of paying back their debt or that their parents are willing to assume the financial responsibility?

Mr. President, it is my understanding that most, as I said, responsible credit card issuers already require this information in one form or another. Is it too much to ask the entire credit card industry to strive to meet their own best practices when it comes to our children?

Mr. President, I do not believe this amendment is either unduly burdensome on the credit card industry nor is it unfair to the people under the age of 21. The fact of the matter is that these abusive solicitations assume that if the young adult is unable to pay, they will be bailed out by their parents. Many times this means that parents must sacrifice other things in order to make sure their child does not start out their adult life in a financial hold with an ugly black mark on their credit history.

By adopting this amendment, Mr. President, the Senate will send a clear message to those aggressive credit card companies that we will no longer countenance this abusive behavior. This amendment corrects that behavior by making those overly aggressive companies, credit companies, exercise their best judgment—instead of their most craven instincts—when it comes to people obtaining their own credit cards for the very first time.

Mr. President, I note as well in an interview on an NPR program just a few days ago on this very issue, Nancy Lloyd, who is the editor-at-large for Kiplinger's Personal Finance magazine, had this to say about this practice. She said:

> . . . that the real reason that credit-card companies are going after college students is that they know that after a parent has spent several tens of thousands of dollars to educate their student, that if they fall behind on their bills that the parent will bail them out, even though legally they don't really have to [if they are younger than 18].

Mr. President, I do not think this is a radical proposal here. It is again a huge problem. NBC, I think last evening, ran a special report on the "Fleecing of America" where they talked about this problem. I think there have been a number of other reports on this.

We began this issue last December in raising the question when I went to my own campuses in Connecticut, as I mentioned a moment ago, to find out how widespread this was. And, again, the information we have been able to gather indicates, I think based on the data we have, limited as it is, that this is a growing problem. The debt has doubled now in the last year. It is going to get worse.

If we adopt the underlying bill, which I hope we do, then obviously the ability to use the Bankruptcy Act to excuse obligations are going to get tougher. So it seems to me if we are going to do a favor to the banks by making it tougher for people to avoid their financial responsibilities, which we should, we should also send a message that we do not believe you ought to be dumping, as we did last year in this country, 3 billion credit card solicitations but particularly dumping these where there is a student ID and a signature from a 19-year-old, without independent means or parental approval, to assume $3,000, $4,000, $5,000, $6,000, $7,000, $8,000, $9,000, $10,000 worth of financial debt. I think that is wrong. I think we ought to try to stop it. I think this amendment brings us in the right direction, and I urge its adoption.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I know this amendment is well intentioned, but, look, I was a building tradesman as a young 16-year-old. I made a pretty good living as a building tradesman. I could have wound up as a building tradesman, which I was very proud to be. In fact, I have had some colleagues say I should have stuck with it. In fact, one of them, when they found out I was a janitor at one time putting myself through college, said I should have stuck with it. Maybe so.

But I would hate like heck to have some artificial rule or some regulatory rule by some regulatory agency of Government say that I, as a hard-working carpenter, would not be able to get a credit card and get credit that I might need for my family to make our lives a little easier because of artificial rulings like what happens as a result of this well-intentioned amendment.

This is a slap in the face of every 18-, 19-, 20-year-old—and 17-year-old, 16-year-old even—people who can work; 16-, 17-, 18-, 19-year-olds who work hard, who are supporting their families. They may not be college graduates, they may not look like they quite have the future of some who have gone to college and done the things that they have done—might look like—but they are not going to be able to get credit cards under this without going through some big rigmarole decided by Government.

This amendment would unfairly discriminate against young adults. I think it has to be opposed. I hope our colleagues will think about this. The amendment would require parental consent for extensions of open-ended credit to young adults under the age of 21—think of that—a lot of young adults who are supporting their families and doing what is right but have not been to college, or even those who have been to college or who are working well in college, as I had to do, unless they could demonstrate "an independent means of repaying" the obligation.

While it is not entirely clear what would constitute an "independent means of repaying" a debt, one thing is clear: This amendment would have the bizarre effect of requiring an emancipated but temporarily unemployed 20-year-old mother to obtain her parent's consent before receiving a credit card, or an unemployed 20-year-old carpenter who, because of seasonal layoffs, might not have a job for a couple of weeks, or maybe 3 weeks or maybe a month or two. I understand that life; I understand how difficult it is.

The same would be true with respect to a 20-year-old plumber or a construction worker, like I have mentioned, who is between jobs, in between jobs, and with respect to a 20-year-old recently discharged from the U.S. military and looking for civilian employment—somebody who is honorable and decent, would pay back any debt no matter what happened but could not get a credit card because of these artificial restraints.

Moreover, the amendment makes no provision whatsoever for a young adult whose parents or guardians may be deceased. It is also not clear what responsibility, if any, the amendment would impose on a lender to verify that the signature of a parent or a guardian was authentic.

In short, discriminating against individuals between the ages of 18 and 21 when it comes to obtaining credit simply cannot be justified just because we know it is pretty easy to get a credit card out there and it is abused from time to time. But this amendment furthers the abuse only in the opposite direction. Also, it is important to note that individuals under 18 cannot enter into binding contracts and, therefore, any credit inadvertently extended to them is unenforceable.

I encourage my colleagues to join me in opposing this amendment, notwithstanding some of the arguments on the other side of the aisle. It is important to note that not all 18-, 19- or 20-year-old kids are college students or unemployed or irresponsible or bums, if you want to say it. Some have families, some serve in the military and are asked to defend our country. It puts their ability to gain credit in doubt. Or should we just call it the way it is? In the hands of Federal regulators.

You know, there is a limit to everything. Yes, there are some abuses here. Yes, some of these credit card companies get some of these young people hooked on credit cards just thinking they can live with that credit card. But in the interest of solving that problem, do you abuse all the other honest, hard-working, decent young people between the ages of 18 and 21? Do you discriminate against them so that they cannot get a credit card that might make their lives maybe a little bit better or a little more livable or a little more sustainable?

My attitude is that this amendment ought to be defeated because it is a one-sided amendment that, in my opinion, has not been well thought through. That is not a knock at my colleague because I know he is sincere. I know he has good intentions here. I know there are some values that he is trying to defend. But I think the overwhelming weight of maturity is on the side of young people in that age group who deserve to have a credit card, who would pay back their credit card, who are responsible citizens, and who do not need the Federal Government to tell them what they can or cannot do in this area. The fact that we have a few credit card companies that abuse the system does not mean we should pass this type of an amendment.

I am happy to yield 5 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his excellent remarks in pointing out a lot of people age 18 to 21 are not in college. I just had two children graduate from college, and I still have one in college. I believe a credit card is a good thing for them to have. Almost every college student is going to have a credit card. The fact that we have some competition in the credit card industry—they are offering lower rates and less charges if you will use their credit card—that is good. We have needed that.

In my opinion, the biggest complaint about credit cards is they charge too much interest. Those rates have been driven down because of competition. There are 6,000 credit card companies, and they are sending out mailings, and they are encouraging people to use their credit cards. What is bad about that?

What troubles me is we are saying if you want a young person to have a credit card, they may have to get their parents to sign as a cosigner and be financially responsible for their debt. That doesn't seem to me to be fair or correct. Maybe a parent says if you want to get a credit card you can, but it is your debt to pay, not mine. The requirement we are debating now would prohibit them from getting a credit card under those circumstances.

What about young persons whose parents are deceased?

The Federal Government should not be stepping in and telling a credit card company you can't take a chance on a young person, or that you have to get the parent to cosign before giving a young adult a credit card. This seems unhealthy to me. I am sure it is true that credit card companies like to get young people accustomed to using their cards and hope they will use them throughout their career. I don't know that there is anything wrong with that.

Mr. President, a 20-year-old who may be temporarily unemployed may find a credit card to be very valuable. Suppose you have to drive to a job interview and the guy down at the car inspection place says your vehicle emits too much pollution and you have to spend $400 to fix it; or your tire blows out and you have to have $75 to get the car towed and another $50 to put a tire on it. A person may not have that cash in their pocket at times such as these, when they really need it. That is why credit cards are a good thing.

Credit cards have been helpful in many ways for citizens in America. The problem is with people who abuse them and who don't show personal discipline. We all know that is a problem. We need to encourage personal discipline, not have the Federal Government telling a young person they can't have a credit card unless their parent agrees to pay their debt.

Mr. DODD. Mr. President, we have no intervening business between now and 2 o'clock. Several of our colleagues want to speak on this amendment. I ask unanimous consent we take the time between now and 2 o'clock and equally divide it between opponents and proponents of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, I rise in support of the amendment. I have listened to the debate; it is an interesting debate, but I think all of us know what is happening in this country with respect to credit cards.

I noticed an article this morning in the Washington Post on the front page:

> Banks Risk New Wave of Bad Debt: Report Cites Easing of Credit Standards.

They are talking about commercial loans in response to competition; even though the risks will rise, they are easing standards, lowering lending standards.

What are the standards of lending for credit cards? Go to a college campus and look in the mailboxes and see the solicitations for these kids that have no jobs, no income, no independent means of paying. They get solicitations from companies halfway around the country.

The solicitation says we have something to offer you. You don't have money? We have money. We will give you a piece of plastic, and you get a preapproved range of credit. Sign this, send it in, and it is all yours.

It is Byzantine to me to see what is happening with the "blizzarding" of these credit cards all around the country, even to people without money.

Yesterday in our mail, my son got a solicitation from the Diners Club. My son, Brendon, is a great young guy. In fact, do you know what Brendon told me he wanted to do when he gets big? Brendon told me he wants to be like his grandpa.

Now, I know that doesn't sound surprising. But do you know why? It's because he wants to be retired, just like his grandpa.

You see, Brendon went to Arizona to see his grandpa, and Brendon watched his granddaddy and thought, that's what I want to do—sleep late, get up and golf a little bit, come home, have some lunch, take a nap, then watch television.

Brendon says, "I like what grandpa has. I want to be retired." Brendon is only 11.

The Diners Club wrote to Brendon. Doreen Edelman, Senior vice president at Diners Club, wrote:

> Dear Brendon, Whether you travel for business or pleasure, wouldn't you like a Card that rewards your spending with something you could really use—frequent flyer miles on the major airline of your choice?

It says get our Diners card. You can go to lounges, you can go to fancy restaurants, you can rent cars, you can pay for your airline ticket.

I didn't show Brendon this last night because the fact that Brendon would like to be retired might persuade him that he would like a Diners Club card, too, but he is only 11. He doesn't have a job. He doesn't have any money. He isn't going to have a Diners Club card.

I don't know whether Doreen Edelman, senior vice president of the Diners Club, listens to this debate. In fact, it looks like she is from Sioux Falls, SD. Holy cow, I didn't think anybody from either of the Dakotas would think this way—that an 11-year-old boy ought to get a Diners Club card.

I know why he got this. They don't know him from a head of lettuce. They don't know Brendon Patrick Dorgan. They gathered the name someplace and sent him a little letter that says they would like him to get a Diners Club card.

It would serve them right to have all these 11-year-olds send this in, get the Diners Club card and go spend some money.

I come from a town of 300 people. If someone in business on the main street of my hometown said, Do you know what I want to do? I want to send some 11-year-old an invitation to have credit with us. That person would have to be drunk or just dumb. What are they thinking? That is what is happening.

I know this debate is a little more serious than that. It is about the explosion of credit cards to college kids and so on. I understand that. But this is a wonderful example of how ridiculous it has become, isn't it? It is just indiscriminate. Are you alive? Do you breathe? Do you have a name? Are you on a list? Congratulations, we would like to offer you some preapproved credit.

What kind of standard is that? What kind of business behavior is that?

I happen to support the underlying bill. I believe the pendulum has swung too far on bankruptcy. I think it ought to swing back some. I am prepared to support the underlying bill. I also believe those in this country who run these businesses and send solicitations to 11-year-old boys and solicit every college student in the country with credit cards with preapproved limits, I think they have some responsibility, as well. That is what the Senator from Connecticut is saying today with his amendment. They have some responsibility, too.

I am pleased, on behalf of Brendon, to support the amendment by the Senator from Connecticut. Perhaps we will make some progress in saying to those who extend credit in this country, yes, we believe bankruptcy laws ought to be adjusted some; you are right about that. We also believe you have some responsibility, which you have been ignoring with the solicitations you are making indiscriminately around this country.

I yield the floor.

Mr. DODD. Mr. President, I thank my colleague for his eloquent, and if it weren't so sad, quite humorous story.

Unfortunately, Brendon is not alone. This wasn't just a mistake. Unfortunately, parents can tell you all across the country that this happens with regularity.

Let me address, if I can, the argument of my good friend and colleague from Utah and why he is opposed to this bill. The great irony is the 20-year-old who is out working and not in college is disadvantaged. That individual has to prove that they have independent economic means.

Listen to this recent report:

> All the rules have been suspended when it comes to college students. They get a green light, a line of credit that can reach more than $10,000 just on the strength of a signature and a student ID. Almost comically, [the report says], low standards become much different after graduation and bona fide adulthood.

So the individual who is out working, who is not in school, who may have a real need for a credit card, has to go through far many more hoops than the students between the ages of 18 and 21 who can get these solicitations.

This wasn't Brendon. This was a 19-year-old—get eight cheap flights now while you still have 18 weeks of vacation. How about a platinum card to a 19-year-old without any indication of whether or not she can meet her payments?

I don't think it is outrageous to say, look, just show your independent economic means. You have a job, fine. Or get a parental signature. That is not asking too much. Just listen to the administrators at these universities. A terrible thing. We lose more students to credit card debt than academic failure now. The numbers have doubled. It is not overreaching to say to an 18- or 19-year-old that we are going to insist that you prove an independent economic ability to pay—the same as an 18- or 19-year-old would have to do were they not in college—or have a parental signature. Everybody knows that if you are under 18, you can't enter into a contract and have it binding. People have said, "Why not just make it 18?" Well, those contracts don't hold up and the bankruptcy laws would not cover it.

So between 18 and 21, we are just trying to cover those areas here, statistically. I talked about this study that was done and I failed to identify who did it. Nellie Mae, a major student loan provider in New England, conducted a survey of students who had applied for student loans. "The results of the credit card examination is alarming." Those are their words, not mine. They found that 27 percent of the undergraduate student applicants had four or more credit cards, and 14 percent of the credit card balances, debt, between $3,000 and $7,000, and 10 percent in excess of $7,000. That is before they graduated from college, in addition to student loans.

So our efforts here—while the credit card companies see this, apparently, as draconian—will provide relief in the underlying bill. Requiring a little higher standard for college students before they get credit cards is not asking too much. I know the ranking member on the committee wanted to be heard on this, and I see my colleague from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I find it somewhat ironic and, frankly, indefensible that some of my colleagues on the other side of the aisle who are now arguing for parental consent here in order to obtain a credit card, would also argue against requiring parental consent for children who want to get an abortion. I have spent 22 years listening to that.

Now, Mr. President, they are arguing for parental consent for young adults between the ages of 18 and 21. Look, if they are willing to amend the amendment—every State in this Union, to my knowledge, refuses to give credit or allow credit to be granted to young people less than 18 years of age. So I think Senator DORGAN's son already fits within that category. We are talking about 18-, 19- and 20-year-olds who work, who are in the service, are capable of doing this, who should not have to get parental consent, should not have to justify it. I am talking against discrimination against young people of that age.

My friends on the other side argue for parental consent for young adults between 18 and 21. These are not even minor children. How can anybody argue, on the one hand, that if you are between 18 and 21 and you want a credit card, you have to get your parents' consent, and on the other hand you should not have to get parental consent if a minor wants to get an abortion? I don't know about you, Mr.

President, but to me that sounds a little bit inconsistent—maybe a smidgen.

Every State in the Union, to my knowledge, refuses to give the right to grant credit to young people below 18 years of age. At least that is my understanding. So that is not even an issue. Despite all of the enjoyment we had from the remarks of the Senator from North Dakota, that isn't an issue. Are we going to discriminate against hard-working young people who are 18, 19 and 20 years of age, who should have a right to credit, just because we have some excesses in our society that really are not justified?

Mr. President, one of the arguments that I hear again and again is that the bankruptcy crisis in this country is the fault of credit card companies because they offer credit too freely to low- and moderate-income Americans. Opponent of reform have, during the hearing process, shown us piles of credit card solicitations to make their point. They want us to believe that the nation's bankruptcy crisis is the fault of easy access to credit, and not of the individual who abuses the bankruptcy system with all of its present loopholes.

First, I would like to say a few words about taking personal responsibility for our actions. In a free world, each of us is confronted with a variety of offers on a daily basis, some of which we should accept, and some of which we should not. It is the responsibility of the individual to decide whether or not to take on debt and it is the responsibility of the individual to live with the consequences of that decision. Before we can begin to make meaningful reform to the bankruptcy laws, we simple must stop the finger pointing and accept personal responsibility for our spending and borrowing practices. That said, if we look at the objective facts, it is apparent that credit card debt is only a small fraction—about 16 percent—of the debt of a typical bankruptcy filer.

The reason I have this chart up is because the yellow part of that, the higher part of it, shows the total consumer debtload. You will notice that between 1980 and 1997 the consumer debtload has remained about the same. But look at the red part, increase in consumer bankruptcy filings, which this bill would help to resolve. The increase in consumer bankruptcy filings has continued to go up off the charts. So the debtload doesn't appear to be the major problem. What is the major problem is the abuse of the bankruptcy system, which this bill would correct.

Surprisingly, as Americans continue to use consumer credit at about the same level as they have historically over the last few years, bankruptcy filings have more than quadrupled. In other words, as this chart demonstrates, the debt load that individuals carry has not changed very much. What has changed is the attitude of Americans toward bankruptcy. People turning to bankruptcy today are not in significantly more difficult debt that those in the past. But rather than taking responsibility and working their way out of debt, too many people are choosing bankruptcy as a first resort.

As I have said before, excessive bankruptcy filings hurt all of us. When someone who could pay their debts instead opts for bankruptcy, the rest of us effectively pay their unpaid bills for them. Bigger businesses and creditors raise prices and interest rates to offset their losses, and small businesses may actually be forced into bankruptcy themselves.

But his issue is not just about the impact of bankruptcy on the rest of us. It is about personal integrity and personal responsibility. When you borrow money from someone else, you make an implicit promise to do whatever you can to pay that money back. Our present bankruptcy laws undermine this basic principle. This bill will help solve that. They allow people who can repay their debts to avoid doing so because they find their debts "inconvenient" or because repaying their debts would require them to change their lifestyle.

Ironically, many of the people who say that we do not need to reform the bankruptcy code because easy access to credit is to blame, are the very same people who argue that poor and moderate income individuals desperately need, and should not be denied, credit. These are the same groups who, fifteen years ago, complained that the credit industry granted credit only to the elite and wealthy, and deprived lower-income Americans of the important opportunity to use credit. And, these are the same people who vociferously argued just a few weeks ago in favor of the Community Reinvestment Act or CRA, which requires banks to extend loans and credit to low and moderate income Americans who live in low income areas.

Rather than reform the bankruptcy code, some have suggested imposing burdensome credit qualification standards on the credit card companies. Let me be clear: amending this bill to require onerous credit qualification standards will result in an immediate reduction in the availability of credit to lower-income individuals. And, imposing burdensome requirements on credit card companies that do nothing to help consumers—and that in fact hurt consumers by adding to the cost of being a credit card holder—is nothing more than an obvious attempt to derail bankruptcy reform. On the other hand, I remain open to measures that will help people become fully aware of the implications of debt before they incur it.

Mr. President, the explosion in bankruptcy filings has less to do with causes and more to do with motivations. The stigma of bankruptcy is all but gone. Bankruptcy has become a routine financial planning device used to unload inconvenient debts, rather than a last resort for people who truly need it. The rest of us end up footing the bill for abuses in the bankruptcy system in many forms, including higher prices and higher interest rates. What this legislation will accomplish is straightforward: If a person is able to repay some of what they owe, they will be required to do so. We must restore personal accountability to the bankruptcy system. If we do not, every family in America, many of whom struggle to make ends meet but manage to live within their means, will continue to shoulder the financial burden of those who abuse the system.

Mr. President, I do not mean to suggest that the bankruptcy system has failed us altogether. It provides a way for individuals who have experienced a a financially devastating event to get back on their feet. The problem we face is that current law does not simply allow bankruptcy filers to get back on their feet * * * it allows abusers of the system to get ahead of Americans who make good on their debts. S. 1301 is a common-sense bill that will provide a much needed adjustment to the bankruptcy system.

Again, I will end with what I started with. If my colleagues on the other side want to exclude those below 18 years of age, as the States basically do, so that credit card companies cannot solicit them, I would be more than happy to do that. I would be more than happy to grant that right now, right here on the floor. But if they are going to discriminate against 18-, 19-, and 20-year-old people who are hard-working, decent kids, some of them working at trades in society as I did, some of them working in the military, some of them who may be temporarily out of work but are good, honest people, then I have to say we have to fight against this amendment.

Last but not least, I will say that I find it ironic that they would require parental consent to get credit card credit while at the same time not requiring parental consent with regard to getting an abortion.

I reserve the remainder of my time.

Mr. DODD. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two minutes, 40 seconds.

Mr. DODD. How much time remains on the other side?

The PRESIDING OFFICER. Four minutes, 30 seconds.

Mr. HATCH. Mr. President, I would be happy to yield our remaining time to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. FAIRCLOTH. I thank Senator HATCH.

Mr. President, I agree with Senator DODD. I, too, have been concerned about the problem that we see as a mounting one. We ought not to be putting college students in debt, particularly at such an early stage of their life. But my concern is that this law has to be carefully crafted. I do not feel that it has been. My concern is that this has to be put together in such a way that we do not deny credit to students who might need it while they are away from home. But further, I don't want to stop or impede credit to noncollege students under the age of 21.

We have not had hearings on this. And we have not attempted to curb the credit cards through any private methods. Senator DODD is on the Banking Committee. So am I. I would prefer to defer this, and hold hearings, and move legislation independently out of the Banking Committee, where it should begin, and then to the floor.

I think the Senator from Connecticut has certainly identified a real and continuing problem. But I have struggled with how to legally cut off credit to college students for some time. I have noticed card solicitations at college bookstores and the marketing efforts that have been put forth that are aimed solely at young people. But why do we tell someone in the U.S. Army, who is under the age of 21, whom we without any hesitation send into harm's way to be killed, or whatever, that they can't get a credit card? This will diminish the chances of getting one, very likely.

That is why I think we should take more time and care in crafting this proposal so that we do it right. It needs to be done, but it needs to be done right. What do you do with the people who lie on their application? These are some of the things that are going to be difficult to legislate unless we take time and do it right.

You have to remember that while there may be only really a few credit card brands, they are offered by literally thousands and tens of thousands of institutions. All of the burden of administering this requirement is going to be absorbed by them. Those costs are going to be passed along to you know who. And that is all of us who do business with banks or use credit cards.

Again I say, let's carefully consider this before we legislate. Let's bring it to the Banking Committee. Let's have hearings on it and at that point craft a bill that would serve the purposes and go in the direction that Senator DODD is trying to go. I would be happy in the subcommittee that I chair to hold hearings on it just as soon as possible. It really is a problem. But we need to take our time and correct it.

Thank you, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the distinguished Senator from Connecticut.

I would like to ask several brief questions to clear up this debate.

It has been said on the floor of the Senate that because of the amendment of the Senator from Connecticut, that someone serving in the U.S. military under the age of 21 could not get a credit card. Is that true or false?

Mr. DODD. That is absolutely false. That person has independent economic means, being a paid member of the military.

Mr. DURBIN. It has also been said that someone with a job with low income under the age of 21 would be unable to get a credit card under the Dodd amendment. Is that true or false?

Mr. DODD. That is false. A person who is unemployed might have unemployment compensation and independent means, and would certainly qualify.

Mr. DURBIN. I thank the Senator from Connecticut, because I think there have been some things said on the floor which mischaracterize his amendment.

This debate has had a lot of reference to personal responsibility. We ought to keep a board up here to check off every time someone says "personal responsibility." We are talking about bankruptcy, and I think people who go into bankruptcy court should be personally responsible. I agree. Most Democrats agree. Most Republicans agree. There are some people abusing the bankruptcy system. We ought to change it.

The purpose of this bill is to tighten it up so that the abusers cannot take advantage of bankruptcy to the disadvantage of everybody else in America.

But in addition to personal responsibility, can't we discuss corporate responsibility here? Don't the credit card companies have some responsibility to make certain that they don't offer risky credit, luring children and people who are unwitting into credit situations, and then watching it topple over them? Those same credit card companies which come to us and say, once these people have fallen deep in debt, once they have all this credit card debt that they can't get out of, and go to bankruptcy court, be strict and tough with them—I agree with that, but shouldn't we also have a standard which says these companies should be responsible in dealing with American consumers?

Senator DODD offers an amendment which is timely. Listen to this. Bankruptcies among those under the age of 25 have doubled in the last 5 years. It is estimated that a college student in the first few months on campus will receive 50 solicitations for credit cards. A student without virtually any income is going to be that target customer. As Senator DODD has said over and over again, too many kids who are lured into easy credit before they have an income or the maturity to handle it end up deeply in debt, and many of them jeopardize their education as a result of it.

The Senator from Alabama said he wanted his children to have a credit card at college. I wanted mine to have one as well. He would have gladly signed for that. I would have as well. That is exactly what the Dodd amendment says. If a parent will put a signature on the line, the credit card is there for the college student.

But I salute the Senator from Connecticut. I support his amendment. I think we are talking about corporate responsibility and personal responsibility.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute.

Mr. DODD. Mr. President, I thank my colleague from Illinois.

Just to make the case once again, we have watched consumer debt double to $455 billion in the last couple of years. It has tripled and quadrupled. It seems to me that to listen to what university people are saying, we have more people dropping out of school—as the official at the University of Indiana said, "We lose more students to credit card debt than academic failure"—we have some indication of what is going on here. To say between the ages of 18 and 21 just to get a parental signature, or an indication of independent economic means, as you would if you were not a student, is not asking too much. It seems to me that is the bare minimum standard of what we ought to be asking of the credit card companies. It is my understanding that most responsible credit card issuers already require them.

Is it asking too much that the credit card companies strive to meet their own best practices in order to do something to protect our children? If you are under 18, the law already protects you. It is that window between 18 and 21.

Mr. President, I hope that our colleagues will recognize that it is really not fair for middle-income families to get saddled with a $10,000 debt because of solicitations that were made to a student in school. This is a license for us to do something about it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I urge adoption of the amendment.

Mr. GRASSLEY. Mr. President, I move to table the Dodd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Dodd amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Burns
Campbell
Chafee
Cochran
Collins
Craig
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Coats
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Graham
Harkin
Inouye
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Smith (OR)
Torricelli
Wellstone
Wyden

NOT VOTING—2

Coverdell
Hollings

The motion to lay on the table the amendment (No. 3598) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3597

The PRESIDING OFFICER. The Senate will now consider amendment No. 3597, the D'Amato amendment, with 2 minutes equally divided.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

The Senate will come to order. The Senator from New York is recognized. The Senate will please come to order. The Senate will please come to order for 1 minute of debate on each side before we vote.

The Senator from New York.

Mr. D'AMATO. Mr. President, my amendment would stop one of the most predatory, outrageous practices that consumers throughout America are facing, double charging at ATMs. There are fewer opportunities to avoid that. Since the ban has been lifted, we have gone from 17 percent of the ATMs double charging to 79 percent in 2 years. There is no consumer choice. At the end of next year, it will be over 90 percent, and it will cost the average consumer $2.68 for that transaction.

For people who say, "Oh, we'll lose the ATMs if we do not have these double charges," 74 percent of the ATMs that are in existence today existed prior to the double charges.

If you want to help the little guy, here is an opportunity. Vote for the ATM ban; vote for the consumer. Give that little guy a choice and give people an opportunity to vote. I am urging people to vote no against the motion to table.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table the D'Amato amendment.

Mr. LOTT. Parliamentary inquiry.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I did want to move to table and ask for the yeas and nays. Have the yeas and nays been ordered?

The PRESIDING OFFICER. That motion has been made.

The question is on agreeing to the motion to lay on the table the D'Amato amendment, No. 3597. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—72

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Cleland
Coats
Cochran
Collins
Conrad
Craig
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—26

Bingaman
Boxer
Bryan
Bumpers
Chafee
D'Amato
Dodd
Durbin
Feingold
Feinstein
Glenn
Harkin
Kennedy
Kerry
Kohl
Lautenberg
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Sarbanes
Torricelli
Wellstone

NOT VOTING—2

Coverdell
Hollings

The motion to lay on the table the amendment (No. 3597) was agreed to.

Mr. D'AMATO. Mr. President, I ask unanimous consent for 3 minutes to make some comments with regard to this vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, first let me thank my colleagues who have given me the opportunity to at least bring this to a vote. Needless to say, the great power and the great number of dollars involved were felt. It is a lot of money that a lot of little people are paying that they shouldn't be paying.

Indeed, some Members have indicated to me that notwithstanding their opposition to intruding generally into the private sector, they would reconsider their votes in the future if they continue to see the predatory price-gouging practices that are anticonsumer and monopolistic; if they continue to see not only the number of ATMs that are double charging continue, but lack of consumer choice; and escalating fees.

Indeed, the Senate majority leader told me, and he is on the floor now, that he has indicated to those in the banking community that they had better look carefully at what they are doing. If they continue to impose these fees on the little people, he may not be nearly as supportive.

This is a close issue as it relates to when should government become involved in the private sector. I believe that time has come.

Having said that, this is a battle, but it is not the end. I lost this battle, but I am prepared to continue this battle and win the war until and unless we see a rollback in what is taking place now—and that is taking advantage of the consumer, the little guy, the working families of America.

Again, I thank my colleagues who have yielded me this time to make this observation. We lost the battle, but not the war.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—S. 2279

Mr. LOTT. Mr. President, I had earlier made a unanimous consent request to bring up the FAA issue, now known as the Wendell Ford National Air Transportation System Improvement Act. This is a bill we really need to get done before we leave. If we don't get it cleared, cloture will take so much time, we may wind up not being able to complete this bill.

It is important for airports, air passengers, the airline industry, the entire country.

Again, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, proceed to the consideration of S. 2279, the National Air Transportation System Improvement Act. I further ask that during the pendency of S. 2279 only relevant amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I object.

Let me explain, briefly. I share the majority leader's determination to complete work on this legislation. We need to get this bill done before the end of the session. The Senators from Maryland and at least the Democratic Senator from Virginia, as well as the Senators from Illinois, are still attempting to work through some problems relating to the legislation and their respective States. I am hopeful we can come to some successful conclusion in those discussions at an early date, but until that has been completely worked through, we will have to object.

I hope that we continue to put the pressure on those who are interested, as we are, in coming to closure on this, to get it done soon.

I yield the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, 3 days ago the distinguished majority leader asked unanimous consent, and it was objected to. I come to the floor, again, to say I am happy to work with any Senators. The Senator from Virginia, Senator WARNER, is now in agreement. I believe that the Senators from Illinois are, although unhappy, willing to let this bill move forward. If the Senators from Maryland have a problem, I am happy to consider their amendments in the normal legislative process.

Mr. President, let me point out something very important here. We are talking about aviation safety, security, capacity, and noise projects, and we are talking about billions of dollars' worth. I hope that we will be able to move forward on this bill very quickly. There are over $2 billion worth of projects that can be held in abeyance because of our failure to reauthorize the FAA. We are talking about safety, Mr. President, which is a very big burden for all of us to bear. So I want to tell my colleagues on the other side of the aisle—especially the Senators from Maryland—I am ready to sit down at any time and see if we can work out any differences that we have to their satisfaction so that we can get this very important reauthorization completed before the end of the fiscal year.

I ask unanimous consent that two letters regarding this legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, AIRPORTS COUNCIL INTERNATIONAL,
Alexandria, VA, September 14, 1998.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We are writing you with an urgent request for assistance. Congress is scheduled to adjourn for the year in less than one month and the Senate has still not taken up pending "must pass" legislation to reauthorize programs of the FAA. The current authorization expires September 30. If Congress fails to reauthorize the Airport Improvement Program (AIP) prior to adjournment, the FAA will be unable to find critically needed safety, security, capacity or noise projects at airports in every state in the nation.

Please do what you can in your role as chairman of the authorizing committee to bring this bill to the Senate floor immediately so that a final version of the measure can be adopted and signed into law prior to adjournment. Without swift congressional action, critically needed federal funding for runways, taxiways, security and hundreds of other projects will stop after September 30.

Thank you for your immediate attention on this important matter.

Sincerely,

CHARLES BARCLAY,
President, AAAE.
DAVID Z. PLAVIN,
President, ACI–NA.

SEPTEMBER 11, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We are writing with an urgent request. Congress is scheduled to adjourn for the year in less than one month and the Senate has still not taken up pending "must pass" legislation to reauthorize programs of the FAA. The current authorization expires September 30. If Congress fails to reauthorize the Airport Improvement Program prior to adjournment, the FAA will be unable to fund critically needed safety, security, capacity and noise projects at airports in every state in the nation. The House of Representatives has already passed its version of the legislation, H.R. 4057.

Please bring FAA reauthorization legislation to the floor immediately, so that a final version of the measure can be adopted and signed into law prior to adjournment. Without swift congressional action, critically needed federal funding for runways, taxiways, security and hundreds of other projects will stop after September 30.

Thank you for your immediate attention on this important matter.

Sincerely,

Charles Barclay, American Association of Airport Executives; Paula Bline, Airport Consultants Council; T. Peter Ruane, American Road & Transportation Builders Assn.; Stephen Sandherr, Associated General Contractors; Luther Graef, American Society of Civil Engineers; Peggy Hudson, American Portland Cement Alliance; Henry Ogrodzinski, National Association of State Aviation Officials; David Plavin, Airports Council International-North America; Phil Boyer, Aircraft Owners and Pilots Association; Stephen Alterman, Cargo Airline Association; Carol Hallett, Air Transport Association.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senate will now proceed to the consideration of the veto message on H.R. 1122.

The Presiding Officer laid before the Senate a message from the House of Representatives, which was read as follows:

The House of Representatives having proceeded to reconsider the bill veto message to accompany H.R. 1122 entitled "An Act to amend title 18, United States Code, to ban partial-birth abortions", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The time for debate will be limited to 4 hours, to be equally divided between and controlled by the majority leader and the minority leader or their designees.

Who yields time?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, today we begin debate on the issue of partial-birth abortion, the override of the President's veto, which he vetoed last year.

I believe this is one of the most important issues, if not the most important issue, we will face in this session of Congress because it deals really at the core with who we are as a country and to what degree we respect life in this country and recognize life, recognize an individual's inclusion into our family and our society. In many cases, just as we did in voting with respect to banking laws, we have to draw lines. Part of the legislative process is, in fact, drawing lines. Sometimes those lines are not clear. Sometimes the votes are very difficult, and it is hard to understand in the area of gray where exactly you do draw the line.

I have always felt, with respect to the issue of partial-birth abortion, that it was a very good place to at least draw the first line, in a very emotional and confrontational issue, because we are not really talking about abortion at that point, we are talking about infanticide. I think if you took a poll in this Senate and asked whether Members of the Senate were in favor of infanticide, I hope and pray that the answer would be 100 percent "no," that they are not in favor of infanticide. Well, I believe, as many Senators have said, that this is infanticide. This is a baby that is just 3 inches from being delivered and is brutally killed.

Let's do a little rundown of how we got to the point where we are today. In the last session of Congress, Congress passed a bill to ban this procedure, sent it to the President, and he vetoed it. We had a vote to override in September of 1996. We had 59 votes on the floor of the Senate. They overrode in the House. Last year, the Senate and House passed the bill. The House, in July of this year, overrode the President's veto with a vote of 296-132, I believe. So now it comes to the Senate.

Earlier this year, we had 64 votes on the floor of the U.S. Senate to ban this procedure. Unfortunately, as overwhelming a vote as that is, it is three short of the votes necessary to override a Presidential veto. So that is the state of play; three votes in the U.S. Senate separate us from what I believe is a clarion call to the world that we are a civilized country that respects life which is born in this country, or nearly born in this country, and a signal to the country that we are just not quite ready to open our arms as a society and welcome every member to it.

Let's first go through the particulars of what this procedure is, because I think it is important to define the procedure so everybody knows exactly what we are talking about. These charts that I am going to show you, while they are not particularly easy to look at, they do accurately describe, according to several doctors who perform them, what a partial-birth abortion is. It is performed on babies that are at 20 weeks of gestation, roughly halfway through the gestational process. Between 20, 24, 26, and longer, it can be performed. One of the reasons, in fact, that this procedure was developed was to perform it on solely late-term and very-late-term babies. So at 20 weeks, and thereafter, this procedure is used. The baby, as you see, in the mother's womb is usually in a head-down position at that age. The doctor, over a 3-day period, will begin to dilate the cervix, open up the cervix, so the doctor can reach in with forceps and grab the baby's foot and turn the baby around and pull the baby out in a breach position.

I want to state that again. This is a 3-day procedure. It starts with the dilation of the cervix over a 2-day period. On the third day, when the cervix is sufficiently dilated, the doctor goes in with these forceps, grabs one of the baby's limbs —usually the foot—pulls the baby, turns the baby around into a breach position, and begins to pull the baby out of the birth canal in the breach position. As most people understand, that is a very dangerous position for a normal delivery. You try to avoid breach births because of the danger to the mother, as well as the baby. In this situation, they deliberately turn the baby around and deliver the baby in a breach position. The baby is then pulled out feet-first until all of the baby is outside of the mother, with the exception of the head. The reason for that is, the head being a hard part of the body, even at that age—certainly a harder part of the body at that age—and it is the biggest single part of the body, it is left inside of the mother.

The third thing that happens is, the physician reaches in with one hand and finds the back of the baby's skull. You can't see the back of the baby's skull because the skull and neck are still inside of the mother. So they probe and find the soft part here, right at the base of the skull. Then they take what is called a Metzenbaum scissors and thrust it into the back of the baby's skull, open up a hole in the baby's skull, introduce a suction catheter, which is a high-powered suction device, and suck the baby's brains out, which causes the collapse of the skull, and then a dead baby is delivered.

This is the brutal procedure that the President of the United States has said must remain legal. This is the brutal procedure that we have the opportunity here in the U.S. Senate to say has no place in a civilized society.

I would think that would be enough reason—that simply its brutality, its shocking, barbaric, horrific nature would be enough reason to ban this procedure. But there is much more. There are so many reasons to ban this procedure beyond its horrific and barbaric nature.

In a few minutes, I will detail exactly all of those reasons. I will detail all of the lies that have been put out by the other side to protect this rogue procedure, which is not done in any hospital, not taught in any medical school, has not been peer-reviewed and studied by others to make sure that this was a proper, safe procedure. This is a rogue procedure done only in abortion clinics, when no one else is watching.

Mr. President, I will yield the floor, as I know the Senator from Missouri is here and has other time commitments. I will yield and turn it over to the Senator from Missouri, Senator BOND.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I very much appreciate the courtesy of my distinguished colleague from Pennsylvania. I congratulate him on his leadership on this issue. These are very, very difficult procedures to describe and I know that no one here on the floor enjoys hearing them. But the fact that they are so horrendous I think is one of the reasons we are here today.

Mr. President, the Senate will soon vote on whether to override the President's veto of the Partial Birth Abortion Ban Act. This legislation would ban a particularly hideous form of late term abortion known as "partial birth" abortion. Unfortunately, while a majority of Senators supported the ban last year, the vote count was not enough at that time to override the subsequent veto by President Clinton.

I hope that some Senators will have had a change of heart since then and will vote to override the veto.

This is a horrible procedure. The Senator from New York, Mr. MOYNIHAN, has likened it to infanticide. Remember that these are "late-term" abortions, meaning they take place during or after the 5th month of pregnancy. A fully developed fetus is brought down the birth canal, feet first, and then delivered, all but the head. Then the abortionist takes a pair of scissors, inserts them in the back of the baby's neck, and collapses the brain, and the baby is delivered: dead.

I would note the American Medical Association, representing thousands of doctors, believes the ban is justified and that there is no room in medicine for this procedure.

The overwhelming majority of the American people and Missourians are rightly revolted by this. Some states have banned the procedure, and the state of Missouri has come very close to banning it. Few other issues have generated so much mail and so many phone calls to my office. People feel very very strongly about banning this procedure. And it is easy to see why.

And, the partial birth abortion ban has passed in both the House and the Senate by large majorities. In fact, the issue would be settled if President Clinton hadn't vetoed the bill last year, against the wishes of an overwhelming number of Americans.

Rarely have I seen a President, like this one, who is willing to ignore the wishes of the overwhelming majority of the American people. The overwhelming majority is opposed to this hideous procedure.

I have been asked why we are holding this vote in the Senate, when we are likely to fall short of what is needed to override the veto? We are holding this vote today because the President made a terrible mistake in vetoing the bill. It is up to Congress—it is up to Congress on this issue to listen to the people, to try to reverse it.

Tomorrow we will have the opportunity to correct the President's mistake. We are going to work on it. I ask our constituents and the constituents of other Senators who may be undecided to let them know how important overriding this veto is. I hope—I sincerely, honestly, and devoutly hope—that we will muster the necessary votes to override the veto tomorrow.

I thank the Chair. I particularly thank my colleague from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Missouri for his excellent comments and for his strong support for this legislation.

Mr. President, I think it is important to understand a little bit more about this procedure and what has been said about this procedure over time by those who defend its use. I think it is very instructive to understand the history of what has been said so we can better understand what really is the final thread that those who oppose this ban hold onto in order to justify their vote against banning this procedure.

The first, I guess, almost incredible thing was when this bill was first introduced in the House—and in the Senate, by BOB SMITH here in the Senate—the original response by those who were opposed to this bill was that—this is the National Abortion Federation that called the ". . . illustrations of partial birth abortions highly imaginative, artistically designed but with little relationship to truth or to medicine."

Myriad other reports denied that this even occurred; that there is no such thing as partial-birth abortion; or, as they like to call it, intact D&X. The truth is that Dr. Haskell, who was one of the originators of this procedure, described this procedure at a National Abortion Federation meeting in 1992—by the way, the original quote that I quoted from was in 1995—3 years later. Yet, 3 years prior, a doctor spoke before the group and described this very procedure using the very drawings that you saw earlier. Yet, 3 years later, that same federation that Dr. Haskell spoke before denied it exists and denied those pictures and depictions of the procedure had anything to do with reality. Lie No. 1.

Lie No. 2: This was used by several of the people you may hear from. Those who will defend this procedure on the floor today cite several women who have come forward to say that this procedure was necessary to preserve their health and future fertility, or life. One of the women who has been used—in fact, the President called her up to the White House and brought her before the American public in testimony that she has given. She said she was told by her anesthesiologist that the fetus would endure no pain. This is because the mother is given a narcotic, analgesia, at a dose based upon her weight. The narcotic is passed via the placenta directly into the fetal bloodstream. Due to the enormous weight difference, a medical coma is induced in the fetus and there is a neurological fetal demise. There is never a live birth. The baby dies.

This was the testimony of a doctor who does this procedure before the House Judiciary Committee. Obviously, lots of anesthesiologists who provide anesthesia to women who are going through labor and delivery become incensed that someone would make such a statement—that by giving a woman anesthesia, enough would pass into the baby to kill the baby. In fact, they came up here to the House and Senate pleading to testify to set the record straight, because there were women who were not taking anesthesia because of what they had heard.

This is Norig Ellison, president of the American Society of Anesthesiologists, 4 years ago:

> In my medical judgment it would be necessary—in order to achieve "neurological demise" of fetus in a "partial birth" abortion—to anesthetize the mother to such a degree as to place her own health in serious jeopardy.

In other words, it wouldn't happen. Another lie.

Third lie, again, about anesthesia, that:

> The fetus dies from an overdose of anesthesia given to the mother intravenously.

Again, Planned Parenthood said the first one.

Dr. Haskell, who, again, is one of the abortionists who does this procedure, said to the American Medical News:

> "Let's talk about whether or not the fetus is dead beforehand. . . ." Haskell: "No, it's not. No, it's really not."

Lie No. 3, being perpetrated on the American public and the Congress, in almost all cases rebuffed by their own people.

Lie No. 4—this was a doozy:

> Partial-birth abortion is "rare."

Once they got past the point of accepting the fact that it happened, that they admitted that it happened, they then went out and said that this was "rare"; it only happened a few hundred times a year:

> This surgical procedure is used only in "rare" cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies, or medical condition that threatens the pregnant woman's life or health.

This was signed by a slew of abortion rights organizations: The Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action International, National Abortion Federation, and others. They all signed this. They all signed this letter to Congress. They testified in a letter to Congress that this was the fact, that it was only tragic cases and there were only a few. But according to the Bergen County Record—and I have to tip my cap to them because, unfortunately, the entire press corps in Washington, DC, read this letter and accepted it as fact and reported consistently that that was the fact. I asked many of the press corps did they bother to check, did they bother to check to see whether, in fact, the number and the circumstances were accurate? Did anyone bother to call a local abortion clinic in their city and ask?

The answer was a resounding—that's right—nothing. The Bergen County Record was one newspaper that did. September 15, 1996, just 10 days before the vote to override the President's veto in 1996:

> But interviews with physicians who use the method reveal that in New Jersey alone, at least 1500 partial-birth abortions are performed each year—three times the supposed national rate.

Several months later we find out what really was going on.

> Ron Fitzsimmons has suggested that between 3,000 and 5,000 partial-birth abortions could be performed annually.

Now, how do we know that he is right? We have absolutely no way of knowing he is right. I will quote from the American Medical Association, Journal of the American Medical Association just last month with respect to how we know how many of these are done.

> First of all, States do not provide abortion-related information to the CDC.
>
> Second, data gathered varies widely from State to State with some States lacking information on as many as 40 to 50 percent of abortions performed within their jurisdiction.
>
> Third, the category the CDC uses to report the method of abortion does not differentiate between what is called dilation and evacuation, D&E, and intact D&X, or partial birth abortion.

We have no way of knowing, and even if they accurately reported it, some States don't collect the data and those that do, don't report 40 to 50 percent of the data. So how do we know? Those of us who are here trying to argue that this procedure should be banned have to rely upon Ron Fitzsimmons for the information. And who is Ron Fitzsimmons? He is the chief lobbyist for all the abortion clinics in this country that oppose this bill. So we have to use the information given to us by those who, by the way, have consistently lied, who also don't want the procedure to be banned. We have to accept their numbers as fact because there is no other way to independently check them. So I would just allow you to use your imagination as to what the number really is in this country. If they admit to 3,000 to 5,000, what is the real number?

Lie No. 5. "Partial-birth abortion is only used to save a woman's life or health or when the fetus is deformed."

This is Ron Fitzsimmons 2 years previous. Let's rewind 2 years back to 1995.

> The procedure was used rarely or only on women whose lives were in danger or whose fetuses were damaged.

And I can give you lots of other quotes, by the way, from the Senate floor and from the House floor that maintained this position, as well as all the other organizations that you just saw on the last chart, that that was the reason this procedure was created for those who it is used on, and that is why it needs to remain legal.

The truth: New York Times February 26, 1997:

> Ron Fitzsimmons admitted he "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

Ron Fitzsimmons, again quoted in the American Medical News March 3, 1997:

> What the abortion rights supporters failed to acknowledge, Fitzsimmons said, is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. "The abortion rights folks know it, the antiabortion folks know it and so probably does everyone else," he said.

Well, of course, we knew it. We knew it because Dr. James T. McMahon, who is now deceased, about 6 years ago said that he performed most of the abortions, partial-birth abortions on healthy mothers with healthy babies late in pregnancy, in his case up to the eighth and ninth month of pregnancy. He classified only 9 percent of that total of the 2,000 partial-birth abortion procedures he alone did, he classified only 9 percent of that total as involving maternal health indications of which the most common maternal health indication that he gave as a reason for doing the abortion was depression; 56 percent were for "fetal flaws," and those are his words, that included many nonlethal disorders, a sizable number as minor as cleft palate.

Yes, we knew. We came to the floor and we said here are the facts. And the other side stood behind the lies. They parroted them knowing that they weren't true. They parroted them either knowing they weren't true or praying that they could hide behind others who would try to fool the American public.

The sixth untruth and the final one, at least to date the final one. This is the last untruth that those who continue to oppose banning this procedure hold on to, this last thread of deception. And that is that "partial-birth abortion protects women's health."

President Clinton, in his veto message, April 10, 1996, when he vetoed the first ban:

> I understand the desire to eliminate the use of a procedure that appears inhumane. But to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be even more inhumane.

Fast forward to October 10, 1997, a year ago, when he vetoed this bill.

> H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of the small group of women in tragic circumstances who need a an abortion performed at a late stage of pregnancy to avert death or serious injury.

One comment first. This bill clearly has a life-of-the-mother provision. If this procedure is in any way necessary to prevent the death of the mother, it can be used.

The President says "to avert the death or serious injury." To try to convince the American public that we do not have a life-of-the-mother exception, again, is disingenuous at best.

"Serious Injury," let's go to the American Medical Association. Who is the American Medical Association? Most people know it is the largest association of doctors in this country. What is the American Medical Association position on abortion? They are in favor of abortion rights; very strongly in favor of abortion rights.

What is the American Medical Association's position on banning medical procedures? They abhor banning medical procedures. They believe that medical procedures should be left to physicians to determine what is good medicine and bad medicine. So, on two counts we should have a tough time getting the American Medical Association to endorse a ban on a medical procedure having to do with abortion. But the American Medical Association last year endorsed the Partial-Birth Abortion Ban Act. They stated that it was "not medically indicated."

Let me quote from a group of obstetricians, several hundred across the country, most of them board certified:

> The partial-birth abortion procedure, as described by Dr. Martin Haskell, the Nation's leading practitioner of the procedure, and defined in the Partial Birth Abortion Ban Act, is never medically indicated and can itself pose serious risks to the health and future fertility of women.

Four female OB/GYNs were here today to have a press conference, here on Capitol Hill, to talk about partial-birth abortion, and all of them indicated that not only is this not medically necessary, but this procedure, this rogue procedure, is incredibly dangerous to women and to women's health.

So, I go back to the point that I made before. There is enough grounds on its sheer barbarism and the fact that it is an affront to our sensibilities and to our culture that we would allow this kind of horrific procedure to occur. When you compound that with the fact that it is not medically necessary, ever, to protect a woman's health, when you compound that with the fact that it is medically dangerous to women to have this procedure done, and it is always done at an abortion clinic, where there are inadequate facilities to deal with these circumstances promptly if something should go wrong, if you combine just those facts it appears obvious that this procedure should be banned.

So, what I ask my colleagues on both sides of the aisle to do is to do something that is very, very difficult to do here on the issue of abortion. When you mention the word "abortion" on the floor of the U.S. Senate or the U.S. House of Representatives, people dive into their trenches. They dive into their trenches that they feel comfortable with because the last thing you want to do is, during this battle, jump from trench to trench, to try to get to both sides. That is because you end up getting shot at a lot, if you go from what would be considered the pro-life side and try to run the battlefield over to the pro-choice side, or vice versa. So what all the political consultants say is, "Stay in your trenches when you hear the word 'abortion'." That is both sides. "Do not lift your head up because you either get shot by those who you are trying to join or your folks will shoot you in the back."

So let me say, first, to the Members of the Congress, the House and the Senate, for those Members who are "traditionally on the other side of this issue," who are in the other trench, for them to climb out of that trench to face the fire and to stand with us, as they will tomorrow and vote for what they know in their heart is morally, ethically, and medically right, I salute them and I thank them. That is political courage.

You hear a lot of talk these days about political courage. Will we have the political courage to do the right thing with respect to the President? Just let me suggest that there are many Members of this Senate who tomorrow will show political courage and do the right thing. It is political courage to follow your heart, to follow what you know inside you is right, not just right for the children or for the mothers, but what is right for our society and the message we send to all the people listening and watching what goes on here.

For those who have yet to climb out of the trench, I will tell you a couple of things. No. 1, the fire is not that intense once you climb out. The American public overwhelmingly supports banning this procedure. All of the medical evidence that has been out there to support keeping this procedure legal has been debunked and discarded. There is nothing left except zealotry, except this concept that we cannot infringe on this right of abortion—even if, as I would argue, this is not even abortion, as others have argued this is not even abortion once the baby is outside the mother's womb. But we cannot even touch limiting that right.

I would say there is not a right in America that does not have a limit on it. There is not one. Certainly, when it comes to taking the life of a little baby, we in Congress should be able to muster the courage to put some limit, to draw some line that says "enough."

I would also say that for those to whom I have talked, who have run that gauntlet and come over and voted on this issue to support this ban, there has been communicated to me a great sense of relief and satisfaction that they could break those chains and stand up and do what in their heart they knew was right; what in their conscience they knew was right. So I appeal to your conscience, I appeal to your heart. And I appeal to your reason—I appeal to facts. On every score, on every score, we must override the President's veto.

I see the Senator from New Hampshire is here—I am sorry, I turned my back and he is gone. Let me just say something about the Senator from New Hampshire. The Senator from New Hampshire, Senator SMITH, was the first person to introduce this bill in the last session of Congress. He did so when there was not a whole lot of popular support in the polls for this because the knowledge of the American public was minimal at best. He stood here when the votes were a lot closer than they were today and the public was a lot less informed, and all these lies that I showed to you were all out there being accepted by the press as truth. But the Senator from New Hampshire stood here in the well, armed with what he knew was truth. He stood here and argued and tried to focus the American public's attention for the first time on this gruesome, gristly procedure. He is one of the heroes in trying to bring the consciousness of the people to this Chamber. So I salute him for that. I suspect he will be back in a minute. It gives me the opportunity to talk about a couple of other things.

I want to get back to the moral issue at hand. What we are talking about are babies who are in the 20th week of gestation and later. Now, for most Americans, they have a hard time understanding, "Well, what's the 20th week? What does the baby look like? What are its chances of survival? What are we talking about here?"

At 20 weeks gestation, a normal baby, "healthy" baby, most normal healthy babies delivered at 20 weeks of gestation will be born alive. That doesn't necessarily mean that they will survive. In fact, very few, if any, babies born at 20 weeks will survive. But they will be born alive.

Let me give you some of the statistics we have, if we can get that chart, about survival rates of babies who are subject to partial-birth abortion.

When the Supreme Court came down with the decision on Roe v. Wade, back in the—actually early seventies, but in the late seventies, the information I have, the viability, the time of viability was considered to be around 28 weeks. Babies born before 28 weeks gestation were not considered to be able to be saved. They were not considered to be viable. So much has happened with medical science since that time, and the numbers have changed and changed dramatically.

Let me share with you some numbers from The Journal of American Medical Association. It is an article I referred to earlier, and I will give the citation. It is called "Rationale for Banning Abortions Late in Pregnancy," by Leroy Sprang, M.D., and Mark Neerhof, D.O., Northwestern University Medical School, Evanston Northwestern Healthcare.

Here are some of the numbers that we have used in past debates.

According to a 1987–1988 NIH study of seven hospitals, you can see at 23 weeks, about a quarter of the babies survive; 24 weeks, 34 percent; 25 weeks, 54 percent.

From 1986 to 1994 at Minneapolis Children's Medical Center, 45 percent at 23 weeks; 53 percent at 24 weeks; 77 percent at 25 weeks; and 83 percent at 26 weeks. Remember, these weeks gestation during Roe v. Wade when the decision was decided, all of these were considered zero.

In a Michigan study from 1994 to 1996, you see the numbers—27, 57, 77 and 82 percent.

Let me give you some updated numbers from this report that was published last month:

> Recent data from our institution [at Northwest]. . . indicate a survival rate at 24 weeks—

The second line. A survival rate of 24 weeks of 83 percent—83 percent and at 25 weeks at 89 percent.

Remember, these are all children born at that hospital, some of whom had abnormalities, some of whom had severe problems. They are not all healthy babies being born, and even at that, the survival rate is in the eighties. If you filtered out those who had fetal anomalies who would have died irrespective of when they were born, I suspect this number is substantially higher. So we are performing partial-birth abortions most commonly on babies who would be almost certain to be able to live.

Some people suggest I shouldn't draw that distinction. A baby at 20 weeks, whether the baby can survive or not, is still a baby. I happen to subscribe to that. We draw lines that don't exist in our society about what is life and what isn't. There is no doubt in my mind that when my wife became pregnant with a child, I knew that was going to be a little boy or little girl and there wasn't much doubt that it was going to be a dog or a cat. But we draw lines here as to what is life and what isn't.

Some people feel comfortable drawing lines here. It comes to viability, whether they can live outside the womb. The Supreme Court was one of those entities that did decide that was the place they had to draw the lines, where the rights of the child would increase and the rights of a woman to kill her child would diminish. By not banning this procedure, we allow little children—imagine, most of them, the vast majority, according to the people who perform it, healthy babies, healthy mothers, with very high probability of surviving, who for just one small period of time in the life of that child it is unwanted. For but a moment in the life of a child, that baby is temporarily unwanted by the one person who has absolute control over its destiny.

We read in the paper so much about parents who are seeking to adopt children. There probably isn't a person here in the room who doesn't know someone who has gone to extraordinary lengths, who has waited an extraordinary long period of time to adopt a baby, to love a baby, to accept it, that little gift from God as their own. And yet because for just a moment in time of what could be a long and beautiful life, that baby is unwanted, and because it is not wanted at that very moment in time, its life is taken away.

We are talking about if the mother didn't want to carry the pregnancy to term, if the feeling was, "Well, I just don't want to be burdened with this pregnancy anymore," deliver the baby, give the baby a chance. There is no medical need to kill the baby. There may be medical needs to terminate pregnancy. The doctors today talked about that at their press conference. There may be the need for the health or life of the mother to terminate a pregnancy, but there is never a need to kill a baby in the process of terminating the pregnancy. There is never a need to drag this baby out—a baby that feels pain. In fact, in Great Britain right now the Parliament is considering requiring doctors who perform abortions after 19 weeks to anesthetize the baby because of conclusive research that shows that these babies feel pain. In fact, there are articles that have been written by physicians who say they feel pain more intensely than we do.

I quote again from this Northwestern study that says:

> When infants of similar gestational ages are delivered, pain management is an important part of the care rendered to them in the intensive care nursery. However, with intact D&X—

Partial-birth abortion—

> pain management is not provided for the fetus who is literally within inches of being delivered. Forcibly incising the cranium with scissors and then suctioning out the intercranial contents is certainly excruciatingly painful. It is beyond ironic that the pain management practice for an intact D&X on a human fetus would not meet Federal standards for the humane care of animals used in medical research.

We have laws in this country—imagine—we have laws in this country that require us to treat animals—animals—better than we treat these little gifts from God. What is to become of us when we simply cannot see what we do?

I see the Senator from Illinois is here. I have used a lot of time on our side. I would be happy to yield the floor to Senator DURBIN.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you for the recognition.

I thank my colleague from Pennsylvania. Let me say at the outset that my colleague from Pennsylvania comes to this floor to discuss this issue with heartfelt emotion. I am convinced of his commitment to this cause. I have served with him in both the House and the Senate. I would never question his motives. And I know a little bit about his family situation. I am sure that they are sincere.

I also say to you that this may be the most difficult issue for any politician to deal with in America today. I have been in and around public life for 32 years. It has not gotten any easier in 32 years, at least not since the Roe v. Wade decision, because the American people are basically conflicted internally about this issue of abortion.

There are some who would argue no abortions under virtually any circumstances and others who would argue that the State—Government—should not restrict abortions under any circumstances. But the vast majority of Americans, I think personally, fall into some middle ground where they understand that a woman's right to make this decision, in concert with her doctor, her family and her conscience, is something that should be protected under law—it is currently protected under law—but they want to see us do everything we can as a Government and as a people to reduce the likelihood of abortion in this country. The number of abortions have diminished some over the past few years, but it is still a very widespread practice and medical procedure in America.

My own personal views on it—I personally oppose abortion but I believe that we should take care where we draw the line about the Government's involvement in that decision. You would think after serving on Capitol Hill for 16 years, and facing literally hundreds of votes on the issue, that this would become rote, that it would be an easy, automatic, reflexive vote. It has never been that for me. It never will be. I pause and think and worry over every vote on this subject because I know what is at stake is very serious.

Today, the Senator from Pennsylvania comes to the floor and asks us to vote to override President Clinton's veto of his bill banning what is known as the partial-birth abortion procedure. I will be voting to sustain the President's veto. I will be voting in opposition to the Senator from Pennsylvania, but I want to make it clear why I am doing so.

It is my belief that this bill, as far as it goes, addresses one challenge before us. This bill addresses one abortion procedure. But there are many different kinds of procedures. As terrifying and troubling as this procedure is, there are others. And the Senator from Pennsylvania would ban this one procedure, if I am not mistaken, at any stage in the pregnancy. Many of us believe that this issue should be addressed in a different manner.

When it comes to the issue of late-term abortions, allow me to try to explain what I mean when I use that term. In the Roe v. Wade decision—I believe in 1972, if I am not mistaken—the Court, the Supreme Court across the street, divided a pregnancy into three sections, three different trimesters, three different periods of 3 months and basically said in the first two trimesters, the first 6 months of the pregnancy, that they would give the paramount right to the woman to make the decision whether she continued the pregnancy. They made it clear that in the third trimester, the end of the pregnancy, that the State would be able to impose restrictions.

They drew a distinction between that time when the fetus could survive outside the mother's womb and that time when it could not. And if it could not—the previability phase—then they felt that this was more a decision for the woman to make. After viability, that is, the ability of the fetus to survive outside the womb, then the State—the Government—could step in and say, "We will limit the circumstances under which a woman can seek an abortion."

Unfortunately, the bill before us today does not make that distinction. It does not draw that line. I fear it is fatally flawed from a constitutional viewpoint, from the viewpoint of the case of Roe v. Wade which guides us in this debate. As a result, I am not certain that this bill, even if it were enacted over the President's veto, would survive a Court test. I believe the Court has said repeatedly, "We are serious about drawing that line." This particular bill does not draw that line.

Having said that, though, let me tell you that I am not going to engage this debate just on pure legalisms and interpretations of Roe v. Wade. Let me go to the real question before us. Let me try to address some of the points which the Senator from Pennsylvania has made.

I am not a medical doctor. Some Members of Congress are; I am not. When I hear medical doctors say that this procedure, this partial-birth abortion procedure, is never medically necessary, I take that very seriously.

Recently, in the Chicago Tribune, in my home State of Illinois, a professor from, I believe, Notre Dame University, Douglas Kmiec—I hope I am pronouncing it correctly—wrote an article on July 27 in which he quoted a man whom I respect very much, C. Everett Koop, a medical doctor who served as our Surgeon General and who I have worked with closely on the tobacco issue. He quoted Dr. Koop as saying that this medical procedure, this "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

As I said, such a statement from a medical doctor, and someone of Dr. Koop's reputation, I take very seriously. As a result, I came back to my office and wrote a letter the following day, on July 28, 1998, to a group which I respect, the American College of Obstetricians and Gynecologists here in Washington, DC. I did not try to color this letter or to influence their reply in any way. I wrote to them and said, "Tell me, is Dr. Koop right? Is this abortion procedure never medically necessary?"

A few days later I received a reply from Dr. Ralph Hale, executive vice president of the American College of Obstetricians and Gynecologists. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 13, 1998.

Hon. RICHARD J. DURBIN,
364 Senate Russell Building,
Washington, DC.

DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

The College's position on this is contained in the statement of policy entitled Statement on Intact Dilation and Extraction. In that statement we say, "Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother." It continues, "A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman." Our statement goes on to say, "An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision." For this reason, we have consistently opposed "partial-birth abortion" legislation.

Please find enclosed ACOG's statement on intact D & X. Thank you for seeking the views of the College. As always, we are pleased to work with you.

Sincerely,

RALPH W. HALE, MD,
Executive Vice President.

Enclosure.

> ACOG STATEMENT OF POLICY ON INTACT DILATION AND EXTRACTION
>
> The debate regarding legislation to prohibit as method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has promoted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.
>
> The American College of Obstetricians and Gynecologists (ACOG) believes that the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements:
>
> 1. deliberate dilation of the cervix, usually over a sequence of days;
> 2. instrumental conversion of the fetus to a footling breech;
> 3. breech extraction of the body excepting the head; and
> 4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.
>
> Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.
>
> Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.
>
> According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specified method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.
>
> Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.
>
> Approved by the Executive Board, January 12, 1997.

Mr. DURBIN. Let me speak to the contents of this letter, because I think it is an important letter when we consider the medical debate here—not the legal or political debate but the medical debate.

Dr. Hale wrote to me:

> DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

Dr. Hale goes on to say:

> The College's position on this is contained in a statement of policy entitled "Statement on Intact Dilation and Extraction."

That term, "intact dilation and extraction," is the technical medical term for what we term "partial-birth abortion."

Dr. Hale goes on to say:

> In that statement we say, "Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother." It continues, "A select panel convened by [the American College of Obstetricians and Gynecologists] could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman."

The statement goes on to say,

> An intact D&X, [partial-birth abortion] however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman . . .

And listen closely,

> . . . and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision.
>
> For this reason, we have consistently opposed the partial-birth abortion ban legislation.

He encloses the statement in full.

So what are we to do? Members of the Senate have conflicting medical opinions here. Some medical associations in my home State, some doctors whom I respect, like Dr. Koop, feel that it is never necessary; and the American College of Obstetricians and Gynecologists says it may be the best or most appropriate procedure and only the doctor can decide.

It puts us in a dilemma. Some think it is an easy call—never will we need it; never should we use it. Then you read from the doctors who work with these women who have come upon complications in their pregnancy that they never expected.

When this matter was first debated, I met a woman from a suburb of Chicago, from the Naperville area, who has been kind enough or brave enough to come forward and explain what happened to her. Her situation opened my eyes to the fact that this debate is not as easy as it sounds. She was the mother of a child, pregnant with another child, and had determined through ultrasound that she was about to have a little baby boy. She and her husband had picked out a name. She had painted the nursery. They had bought the furniture. They were ready and expecting parents, only to learn late in the pregnancy that the child suffered from a serious deformity which precluded the possibility that it would survive after birth, and that the continued pregnancy could jeopardize her health or her ability to ever have another child.

I spoke to her about what happened after the doctor made that diagnosis. She spoke of sitting up all night crying with her husband over what they were to do. They did not believe in abortion. Yet what a terrible dilemma they faced. Continue the pregnancy at the risk to her health, at the risk of never having another baby, or terminate the pregnancy of a fetus, a baby—whatever term you use—that could not survive. They made the decision to go ahead with the procedure that would be banned by this legislation.

She told me that story. Then she introduced me to her new baby in the stroller she was pushing. They made the decision to go forward and look to the future with another baby.

I won't presume that everyone listening to this debate would have made that same decision. Others might have seen it quite differently. In her case, she thought she and her husband, with their doctor, did the right thing, and their decision resulted in another baby boy that they are very proud of and happy to have brought on this Earth.

So the belief that many people engage in this procedure for casual reasons—at least in this case—did not apply. We have to take care in this debate that when we ban certain procedures and say doctors can never use them, we apply them to all situations, including the one that I have just described.

Here is what I think we should do. I will vote to sustain the President's veto. I don't know if I will prevail or whether the Senator from Pennsylvania will prevail. But I hope that we can leave this debate without saying that they have had another wild debate in Washington, the issue went unresolved, and they will probably return to that same debate next year—we have done that year after year after year.

A number of us, today, came forward and said that we hoped that we could take this debate to another position, another level, a more constructive level, I hope, after we consider this legislation. I joined Senators in the press gallery today who have agreed to be original cosponsors of legislation which I have introduced. This is legislation that is supported by Democrats and Republicans: Senators OLYMPIA SNOWE and SUSAN COLLINS, Republicans of Maine; Democrats TORRICELLI, MIKULSKI, ROBERT GRAHAM, LANDRIEU, and LIEBERMAN are my cosponsors on this legislation. I hope that in introducing this bill we can move this debate to another level, a different level, and one that is not inconsistent with the philosophy of my friend from Pennsylvania.

What we attempt to do in this bill is say the following: Let us restrict all late-term abortions, regardless of the procedure—whether it uses this procedure or some other procedure—to two specific examples: Situations where the life of the mother is at stake—in other words, if she learned in the seventh, eighth, or ninth month of pregnancy that if she continued the pregnancy she would die; or situations where that same mother learns late in the pregnancy that if she continues the pregnancy she runs the risk of grievous injury to her physical health, like the case that I just described. Those are the only exceptions. No other reasons.

It is not a question of being depressed or changing your mind—as if anybody would make a decision on an abortion for that matter. I don't know that they ever would, but it is specifically prohibited under this law.

And we say that not only the doctor who performs the abortion must certify these medical circumstances, but in addition, a second nontreating doctor must be brought in. He or she must certify in writing that these medical conditions exist. Then and only then could there be any abortion procedure, including this one, in a late-term pregnancy.

We believe this is a constructive and, I hope, promising approach. It builds on an amendment offered last year by Senator TOM DASCHLE, the Democratic minority leader, one that I supported. We have added the second doctor's opinion because criticisms were raised—I didn't agree with them—that the doctor who performed the abortion might make a certification that was dishonest. We think the second doctor's opinion will argue against that.

The penalties involved in this are very serious. A doctor who would ignore the law which we seek to have enacted in the bill which we will introduce today faces a fine of $100,000 for the first instance, and a possible loss of his medical license. In the second case, a fine of $250,000 and the loss of his medical license.

I don't know how you can be more serious than the approach we have taken, to say we want to make certain that late-term abortions are limited to these situations.

Some people have asked, Why don't you just vote for the bill that is before the Senate as well as your own? I cannot do that. The reason I cannot do it is because there is no provision made in the bill offered before the Senate for cases where a woman discovers late in her pregnancy that to continue the pregnancy would present the risk of grievous injury to her physical health. There is a life-of-the-mother exception, but no exception for grievous injury to physical health. That is the reason I will vote to sustain the President's veto. Later today, at the appropriate time, I will introduce the legislation which I have coauthored and described.

Let me say in closing that I respect the Senator from Pennsylvania and his views and I respect those who disagree with him. I believe this debate is a debate over an issue of conscience and one that many of us struggle with on a regular basis. I hope that what we have tried to do today on a bipartisan basis, to suggest an alternative approach, could lead us away from this long-term debate, to a resolution in a fair and humane manner.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, if I can take a moment to specifically respond to a couple of things from the Senator from Illinois. I commend him for coming forward and expressing his views. We don't agree, but as is appropriate here in the U.S. Senate, we can disagree without being disagreeable. I respect his right to articulate his viewpoints.

With respect to the letter from the American College of Obstetricians and Gynecologists that the Senator from Illinois read, they did say they:

> . . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of a woman.

And they do go on to say:

> . . . however, [it] may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman.

However, no specific examples or circumstances under which an intact D&X would be the most appropriate procedure are given. In fact, they have never been given. They have never put forward any procedure, any circumstance in which they say it may be, but they have never given any hypothetical where it says it would be. That is somewhat troubling, to sort of hang your hat on a possibility when the very organization you are hanging your hat on refuses to give a possibility of whether it meets their definition.

With respect to the constituent in the Senator's State, I can't tell you how sorry I feel for her and for what she had to go through. But, unfortunately, many people in this country do not get the best medical information. One of the things I hope we can accomplish with this discussion—and I think to some degree we have—is to improve the quality of information women get in this country with respect to decisions about pregnancy, particularly late-term, and particularly when it comes to disabled children or children who maybe just aren't perfect.

I just know from all of the information we have been provided from the AMA, from the physicians—and Senator FRIST is going to talk about it from the point of view of a physician—in every case the President cited, including the case the Senator referred to in Illinois, there were other, better alternatives available to her that would have been safer for her to have as opposed to this. It doesn't mean her doctor didn't want to perform this. The doctor may well have. But the fact is, we don't always get the best doctors who give us the best advice. We went to the experts, and what the experts have told us is that this procedure is not the safest.

With that, I yield to the Senator from Tennessee, the only physician in the U.S. Senate, to talk about that very subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to really cut through a lot of the emotion and a lot of the rhetoric and really bring together how I view this particular issue. And really I will take very few minutes because, to me, it becomes very clear once the facts are put on the table.

I speak as a U.S. Senator, as someone who understands an obligation to his fellow man, as being a trustee in the U.S. Senate to the American people; but I also want to speak as a physician, one who has spent his entire adult life in the practice of medicine, reaching out to people, being trained at hospitals across this country, exposed to accepted therapeutic procedures, understanding what peer review is about, and to let you know how I assess where we are today.

It really comes down to a single statement, which is as follows: Partial-birth abortion should never—should never—be performed, because it is needlessly risky to the woman, because it is an unnecessary procedure, because it is inhumane to the fetus, and because it is medically unacceptable and offends the very basic civil sensibilities of people all across this country.

Several points. No. 1, there has been this whole myth of how common this procedure is. Let me just say that the procedure is being done today as we speak. Initially, it was billed as being a very rare procedure, that really just a handful are being done, and therefore we don't need Federal legislation. Well, one of the byproducts of this ongoing debate over the last 2½ to 3 years has been that we know this procedure is being performed every day. In fact, we looked at information that has come out and we know that one facility has reported almost 1,500 of these in 1 year. One physician reported doing more than 700 of these procedures, and another, over 2,000 of these procedures. Remember, these are brutal procedures.

A second point. This procedure has been defined on the floor, and it will be defined again, because it is important for people to understand what a brutal procedure this is. But an equally important point is that this procedure poses substantial risk for the mother, for the woman. It is a dangerous procedure being performed every day on the fringe, outside of mainstream medicine.

It is important for people to understand that this procedure is not taught in any medical school in the United States of America. It is important for the American people to understand that generally accepted textbooks do not even mention this procedure. It is not defined. It is important for America to understand that there are no peer-reviewed, credible studies on partial-birth abortion that evaluate in any way its safety. It is important for the American people to know that our OB/GYN, obstetrics/gynecologic, residencies who train residents to deliver babies in the future do not have this procedure as a part of their curriculum. Why? Because it is dangerous, it is fringe, outside of the mainstream. It has not been evaluated. Yet, it goes on every day, hurting women all across this country.

What are the complications? Well, there are a number of standard complications that occur during a third-trimester abortion. That includes perforation of that organ, the uterus, which contains the fetus. There is a second risk of infection when an abortion is performed in that third trimester. There is a third, and that is of bleeding. But, in addition, because the way this procedure—this fringe, brutal procedure—is performed—and remember, it is performed in a blind way, with the hand inserted into the uterus with scissors thrust up underneath that head and into the base of the skull. That is all done blindly, in a uterus which is large, containing the fetus, which is engorged, has huge blood vessels within a centimeter of where these scissors are blindly being thrust into the base of the skull.

I describe it that way because that is the reality, and the risk is there for this procedure, and it is not for other types of procedures, of laceration, of hemorrhage, of bleeding, of having those scissors nick one of those blood vessels and have the patient suffer. One of the problems is because these procedures are not performed at the Massachusetts General Hospital where I practiced, or Vanderbilt Medical Center where I practiced, or Stanford Medical Center where I practiced, where there is peer review, where people are looking in. And because these procedures are performed in clinics not subjected to peer review, we never hear about those complications. But the complications are there, and hospitals see these patients admitted after this procedure. It is a dangerous procedure. The risks are there to women. Yet, we as an American people have allowed that to occur all across this country.

A third point. This really applies, I think, and enters the field of ethical considerations, which is what we do to the fetus. Remember, the fetus is very far along. This is just prior to delivery of that infant. I want to make this point, and I don't want to dwell on the point, but that taking of scissors and thrusting it into the base of the skull, the expansion of those scissors and the ultimate evacuation of the brain, those contents, is painful to that infant. That infant feels that pain. Thus, it is an inhumane procedure in which no specific pain management is given, and that forcible incising of the cranium, or head, is painful.

Fourth point. This procedure is unnecessary. It is never —never—the only option. According to the Society of Obstetricians and Gynecologists, who will be referred to again and again, "We could identify no circumstance under which this procedure would be the only option to save the life or preserve the health of the woman." That statement is a very important one because it basically says this is an unnecessary procedure.

There will be colleagues to follow—and there will be comments by many of my colleagues—saying, "Yes, that is right. We can't identify any particular circumstance where there is not a safer accepted mainstream procedure that could be used." But I don't like the Federal Government doing anything and saying it is against the law to do any particular procedure, even if you could find it in detail like you have. I don't want them coming in just in the event something will come up.

Again, let me go back. This is a fringe procedure. It is out of the mainstream, not subjected to peer review. We know it is dangerous. There are always alternative procedures available.

It is a common procedure performed frequently. It is a dangerous procedure—dangerous to the woman. It is an inhumane procedure thrusting those scissors into that fetus' head. It is an unnecessary procedure. Never is it the only option. Alternative procedures are always available.

Over the last couple of years as I have studied this issue, a lot of things have been made apparent to me. We need data collection. We need peer review of these sort of fringe procedures that are performed outside of the mainstream.

There has been, I believe, extraordinary medical consensus that has come forward. It was difficult 2½ or 3 years ago, because physicians who are trained in our 125 academic and medical centers and medical schools have never been exposed to this procedure. It is only the fringe physicians in clinics outside of the major hospitals doing the procedure. Most people didn't know what a partial-birth abortion was. We have educated physicians. We have educated people in the health care arena. And, as a product of that, there has been this extraordinary medical consensus that has emerged.

Yes, on the floor you can always hear people who stand up and say, "We are against the Federal legislation because it infringes on our right to make decisions about our patients." They don't come out and defend the procedure.

We need to come back again and again and recognize that this is not a debate about pro-life, or pro-choice, or abortion to me in any way. Because of the way the bill is written, it focuses very narrowly on a specific procedure that is unnecessary.

Mr. President, I look forward to coming back and continuing our discussion. I know we have a number of people on the floor who want to speak on this particular issue.

But let me just close with one final comment before turning back to the Senator from Pennsylvania and the Senator from New Hampshire, who have done an outstanding job in terms of leadership, and say once again that partial-birth abortion should never be performed because it is needless risk, it is inhumane, it is ethically unacceptable, and it is totally unnecessary.

Mr. SANTORUM. Mr. President, I thank the Senator from Tennessee for his expert witness testimony here on the floor of the U.S. Senate. We are fortunate to have an expert in the area of medicine to provide us with this kind of information. I, very much, appreciate his willingness to come forward and speak so intelligently and forcefully on this issue.

I also thank the Senator from New Hampshire, who has been very patient letting the Senator from Tennessee and now the Senator from North Carolina, Senator FAIRCLOTH, be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, it saddens me that we are here again debating partial-birth abortion. I feel inadequate at this point after hearing Dr. FRIST give a thorough, methodical, and definitive reason why it is such a cruel and brutal procedure that it never even should be considered. How anybody could vote to sustain a veto after hearing Dr. FRIST, Senator FRIST, explain the brutality and the fringe element that is doing this procedure is more than I can imagine.

There are 125 medical centers and schools in this Nation, and not one of them teaches the procedure as a method of medicine. It is totally a fringe element, as he well says.

I feel so inadequate here following him, who is an authority, and spent his life in medicine, and understands the medical reasons why we should not be doing it.

But the very idea of just taking a pair of scissors and driving them into the skull of a child that is practically ready to be born, to me is horrible beyond anything we can think of—the pain to the child, and the danger to the mother. It is absolutely incomprehensible to me how anyone could vote to continue this procedure.

It was said by Dr. FRIST that it is done by a fringe element, but they are doing a lot of them. They are not even taught by medical doctors in medical schools. Yet, we are here authorizing it.

Again, how many times will President Clinton stand in the way of the Congress and to overwhelming feelings of the people of America and veto our attempt at outlawing this horrible procedure?

For me, this is about values, our values. It is one of the great moral questions of our time. It is a moral question. We know that late-term abortions are wrong. We know it from everything we are taught—from our religious beliefs, to our medical authorities, which we just heard. We need to summon the moral courage to draw a clear line of conscience by saying simply flat and straight out, "no more partial-birth abortions," not just from the facts that we heard from Senator FRIST, but just the overall facts. The American Medical Association says that partial-birth abortions are medically unnecessary. That one statement is true is enough to outlaw this procedure. But it actually is not even done in the medical profession. It is a fringe procedure that goes far outside the normal circles of medicine.

Former Surgeon General Everett Koop said partial-birth abortions may harm a mother's fertility. We hear from other segments of the American medical society that it probably will harm a mother's fertility. Spiritual leaders from every segment of religion in the country—religious leaders such as Billy Graham, Pope John Paul—have spoken out on the horrible procedure that this is and how it should be eliminated from our society forever and outlawed forever.

We are talking about taking the life of a child who can survive outside the mother's womb. We just heard Senator FRIST describe it can survive, and how that life is taken by the cruel process of pushing a pair of scissors into it and expanding it and removing the brain.

It is a horrible procedure. Both pro-life and pro-choice should be able to agree that those children deserve our law and protection.

I am asking my colleagues—and, most importantly, President Clinton—to put values ahead of votes and end the tragedy of partial-birth abortion.

Thank you, Mr. President. Mr. President, I yield any time I may have.

Mr. SANTORUM. Mr. President, the Senator from California is here, and she said she is not quite ready so we will proceed with another speaker. The Senator from New Hampshire has been very patient. I yield to him such time as he needs.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair. I thank the Senator for his leadership.

I wish to start my remarks by saying what an honor and privilege it is for me to stand here on the Senate floor with such distinguished colleagues as Senator FRIST, Senator FAIRCLOTH, Senator SANTORUM and others who have spoken out so eloquently against this terrible practice that takes place, unfortunately, too many times in the United States of America.

I was particularly impressed with the remarks from our distinguished colleague, Senator FRIST, who today I think is more important as a doctor than as a Senator perhaps, listening to his very impressive and technical remarks about just exactly what this procedure is and how it is not necessary for the health or the life of the mother, to save the life or to enhance the health of the mother, and he noted, as has been said, the fringe element who perform these horrible procedures.

In addition to that, I would just mention that here in this notebook—Senator FRIST you heard from. He had a press conference this morning with four distinguished physicians, obstetricians and gynecologists, who spoke out saying the exact same thing that Senator FRIST said. Here in this book are 180 letters. These are just the ones I have received in my office. These are from all the doctors who say that it is unnecessary to save the life of the mother or to enhance the health of the mother—180. I am sure there are many other Senators who have received similar correspondence saying exactly the same thing.

But having been involved for almost 4 years now in this debate, coming to the floor, fighting your heart out, losing, it is pretty tough, and it is very emotional. And I know it has been the same for my dear friend and colleague, Senator SANTORUM of Pennsylvania, who has poured his heart and soul into this issue.

I remember very clearly, and I am sure the Senator does as well, in 1995, when I was pretty much alone on the floor of the Senate—and I want to get into that a little bit in a moment as to why I was here—there was a newly elected Senator, fairly newly elected Senator from Pennsylvania named SANTORUM who was not saying anything but listening to the debate. There was a very emotional exchange privately between the Senator and myself. He just indicated to me that he had to get involved in this because of the horror of it, and he has. He has been a great leader, and I certainly appreciate another horse in the harness, so to speak.

This is beyond, I should say, the in-your-face politics that we have endured on the floor in the past. I know I have gotten beyond it. I don't want to get into anybody's face on abortion or partial-birth abortion. I want to get in your heart. I want to get in your hearts because that is what this is about. I know that as we debate on the floor you don't see a huge crowd here. Hopefully, somebody is watching on the monitor. Of that 36 out there who have yet to see our way, maybe somehow, some way, some will see that it is wrong to continue to tolerate this in America and their votes will change, at least enough votes will change to end this horror.

This is America, supposedly the moral leader of the world. What does it say to our children when we kill children, their colleagues, with a pair of scissors and a suction hose as they exit the birth canal? What does that tell them? How do you say to your children, "Be good today; do your homework; mind your parents; do what's right; live a good life; be a good Christian; do unto others; be good"—how can you say that and support this? What message are you giving them?

No one should be surprised about the immorality that we see in our country today because we are not setting the example. We have an awesome responsibility as leaders in this country, whether we are in the Senate or whether we are just ordinary parents every day setting an example for our children. It is an awesome responsibility.

I remember when I spoke in the Chamber 3 years ago, I was chastised by a colleague for showing those same medical charts that Senator SANTORUM has shown in front of young pages sitting in the well. Well, I think they had to see that. I think they needed to know what we as adults are doing to their younger colleagues, the unborn children who have done nothing against anybody. This is the execution of a child as it enters the world. You cannot color it up. You cannot make it any nicer.

You can talk about all the legalities. I heard my colleague, Senator DURBIN from Illinois, a few minutes ago say we had to follow the guidance of Roe v. Wade. I might change that slightly and say the misguidance of Roe v. Wade. This is not about technicalities. It is not about legal definitions. It is not about falsely creating definitions of what threats to health or threats to life are. This is about real children really dying every day as we speak. As this debate occurs, more will die, and we are letting it happen. And three votes in this Chamber tomorrow morning, three more than we had the last time, will end it all, will stop it. So when you think about whether your vote counts, whether it matters, my colleagues, it matters. It matters.

I stood in the Chamber 3 years ago. Initially, I didn't know what this was. I could not believe that anything that would even resemble a so-called partial-birth abortion would occur in this country. I didn't believe it. So I checked it out. I talked to people who actually assisted and performed them. I took the charts. I came down in the Chamber. I held up the same medical doll that four doctors held up in a press conference today. I showed exactly what happened with a medical doll—not a plastic fetus, as the critics in the press like to call it, but a medical doll. I simply showed the same size as a real child, the same size as that child who is being held by the abortionist, to simply show what happens.

I said then and I will say now, in any community in America—you pick it, you name it, your hometown, wherever it is—if you picked up your hometown paper tomorrow and in that hometown paper it said all the puppies and cats in your local humane society were going to be killed with no anesthetic, with a scissors to the back of the skull, open the skull and insert a tube to suck the brains out, I think you would probably be pretty upset. And you know what? It would probably be stopped. It probably wouldn't happen. But it is happening to children and we are letting it happen right here, tomorrow, on the floor of the U.S. Senate unless three Senators have the courage to put the politics aside and change their vote.

When I came down here in 1995, I had one cosponsor because, frankly, people didn't know what this was. Senator PHIL GRAMM of Texas was an original. We have come a long way since then, and we are not there yet. When the partial-birth abortion ban first passed the Senate on December 7, 1995, it did so with the support of 54 Senators. When the Senate voted whether to override President Clinton's veto on September 26, 1996, 57 Senators voted, and when the Senate passed H.R. 1122, on May 20, 1997, 64 Senators voted in favor.

You see, in here it is a numbers game. It is a game of numbers. But out there every day in those abortion clinics, it is a life game. It is a little child that is being killed for no other reason, other than it is not wanted. That is the reason.

I, as I total up those thousands, and I think about it, I ask myself how many times have I said this, night after night, as I thought about the horrors of this—how many of these children may have grown up to be a physician? Maybe a chaplain? Maybe a President? Maybe a scientist, to cure cancer?

Jefferson wrote so eloquently the Declaration of Independence that we have "the right to life, liberty, and the pursuit of happiness." You cannot have liberty, you cannot pursue your dreams, if you are killed before you are born. I do not often quote from the Bible, but you reap what you sow, and we will reap what we sow if we do not end this practice in America.

When the historians write about this age and this era—and I am standing right now at the desk of Daniel Webster. I think about it every time I speak. It is the only original desk in the Senate. There was a resolution passed in the 1960s that said for now and ever more, this desk belongs to the senior Senator from New Hampshire. Nobody else will ever get it. That is one of the highest honors that anybody could ever have.

But the point I am making is we are here for only a short time. Webster occupied this desk. It did not belong to Webster, and it does not belong to me. It belongs to the people of New Hampshire and the people of America. The years will go by and the historians will look back, just like they look back on Lincoln and the Civil War, and they are going to write about this era. I know one thing, Senator SANTORUM, we are on the right side. History is going to judge us as being on the right side, I promise you that. Don't worry about it. It is a done deal. We are on the right side, for the same reason that Abraham Lincoln was on the right side.

Can you imagine Abraham Lincoln taking a poll on whether or not we should end slavery? Putting his finger to the wind and trying to decide what the politically expedient thing to do is, to end slavery? Could you imagine Patrick Henry taking the floor of the Virginia Assembly and saying I wonder if these folks want liberty or whether they want death? Maybe I ought to poll them before I make this speech.

Those were men of principle. Those were men of principle. They were not afraid of the political ramifications. When Patrick Henry said "Give me liberty or give me death," he meant it. He was prepared for death if he could not have liberty. He meant every word of it. And Lincoln meant every word of it when he said slavery was wrong and it was immoral. And I mean every word of it when I say that this is wrong and this is immoral, and we will be judged on the basis of this vote. We have the chance to override the veto and send a powerful message.

Today, 3 votes short, 67 votes. There have been a lot of facts presented here today and there will be more, probably, before the day is over. Take a fresh look, I ask my colleagues. I beg you. Examine your consciences. This is a huge conscience issue.

I believe the reason we have made so much progress towards our goal of outlawing partial-birth abortion is that more and more Senators are realizing that the opposition to this bill was built on a foundation of lies—lies. I do not use that word lightly. I am using the very word that one of the Nation's leading abortion industry lobbyists used, Ron Fitzsimmons. He has been quoted here earlier, but he publicly admitted last year that he "lied through [his] teeth" when he helped orchestrate the campaign against partial-birth abortion.

When I stood on the floor here, I was told that there were just a few dozen a year, that I was some kind of an extremist, a radical. President Clinton, Vice President GORE, Mrs. Clinton, came to New Hampshire in 1996 and campaigned against me in the last week of the election on this issue.

In an interview published in the New York Times on February 27, 1997, and in an article published in the American Medical News on March 3, 1997, Fitzsimmons made the surprisingly candid admission that he had "lied" when he claimed that partial-birth abortions are rare.

In those same interviews Fitzsimmons also conceded that he "lied" when he claimed that partial-birth abortions are performed only on women whose lives are in danger or whose unborn children are severely disabled. "It made be physically ill," he told his interviewer. "I told my wife the next day, 'I can't do this again.'" A man of conscience. In seeking to justify his veto of the Partial-Birth Abortion Ban Act last year, the New York Times points out, "President Clinton echoed the argument of Mr. Fitzsimmons." In other words, in justifying his veto, Mr. Clinton relied on the same statements of "fact"—or wrong facts—that have now been conceded by a key leader of the abortion industry to be "lies."

In summary, the President used Fitzsimmons' argument; Fitzsimmons was lying, and the President should change his position. If the President of the United States, tonight, would say to his colleagues in the Senate, "I was wrong, override me," imagine the impact that would have on this Nation.

Regarding the President, I called upon the President a couple of years ago with a personal, handwritten note, to meet with me, to meet with my colleagues privately, publicly, any way he wanted to; on the record, off the record, with doctors, with his doctors, with my doctors—any way he wanted, any location, any way, any how, any shape or form, to discuss this issue so I could present, in 5 or 10 minutes—that's all I asked for—what I believe to be the truth and to show where he was being told things that were wrong. He never answered my letter. Never answered my letter.

Let me repeat it tonight, Mr. President, and I think I speak for Senator SANTORUM. We would love to come over and talk to you tonight about this. We will bring our doctors. You can have all of yours. I appeal to you to take me up on this. What have you got to lose? Maybe you will agree with us. If you do, you can ask your colleagues in the Senate to change their votes.

The truth, Mr. Fitzsimmons told the New York Times, is that "[i]n the vast majority of cases, the [partial-birth abortion] procedure is performed on a healthy mother with a healthy fetus that is 20 or more weeks along." Five months. And, as Mr. Fitzsimmons told the American Medical News, "[t]he abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everybody else." Except, Mr. Fitzsimmons might have added, for President Clinton, who vetoed this bill, even though the reasons he gave to justify his previous veto had turned out to be lies.

Mr. President, following Mr. Fitzsimmons' startling revelations, on March 4 the Washington Post ran an unusually blunt editorial entitled, "Lies and Late-Term Abortions." After recounting Mr. Fitzsimmons' lies and his candid admissions that he lied, the Post editorial drew the final conclusion:

> Mr. Fitzsimmons' revelation is a sharp blow to the credibility of his allies. These late-term abortions are extremely difficult to justify, if they can be justified at all. Usually pro-choice legislators such as Senator Daniel Patrick Moynihan and Representatives Richard Gephardt and Susan Molinari voted for the ban. . . . Opponents of the ban fought hard, even demanding a rollcall vote on their motion to ban charts describing the procedure from the House floor. They lost. And they lost by wide margins when the House and Senate voted for the ban. They probably will lose again this year when the ban is reconsidered. And this time, Mr. Clinton will be hard-pressed to justify a veto on the basis of misinformation on which he rested his case last time.

Please listen, Mr. President. Please listen to those words.

When the President vetoed H.R. 1122, he did so on the same discredited basis that he used before. Partial-birth abortions, he said, are "sometimes necessary to preserve the woman's health."

That is a false statement. We have had doctor after doctor say it. We had Dr. FRIST say it on the floor, and we have had other testimony, and, as I said, 180 letters from other physicians saying it as well.

Mr. President, President Clinton's assertion that partial-birth abortions are sometimes needed to protect a woman's health, again, is not true. Even the AMA, who has been quoted today, has said that. The American Medical Association said in the New York Times, May 26, 1997:

> The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortive method.

In other words, as Senator FRIST has said on the floor, it is a fringe element that performs that.

There you have it, Mr. President. My colleagues can take a look at these choices: On the one hand, the claim by the President that partial-birth abortions should remain legal because it is needed to protect a woman's health; on the other hand, the American Medical Association, which is, by the way, pro-choice, saying that partial-birth abortions should be banned because it never was needed to protect a woman's health. I will take the American Medical Association on this one.

Aside from the Fitzsimmons revelations and the AMA's dramatic decision to support H.R. 1122, I believe another reason why the partial-birth abortion ban continues to attract greater and greater support in the Senate is that Senators are coming to realize that this issue really does transcend abortion. I never made any secret about my position on abortion. All abortions are wrong. I am speaking for myself. They all are a taking of a human life, and they are all wrong, which is why I have introduced a human life amendment to the constitution of the amendment. I am proud of it. I don't care if I only get five cosponsors. I am proud of it. I stand on that record, and I think I will be judged correctly for having introduced it, whether I get any cosponsors or not.

Indeed, as one Senator, Senator MOYNIHAN, who supported us on the veto override in the last Congress, put it, partial-birth abortion is "too close to infanticide." Let me go one step further, and it has been said here, it is infanticide. All abortion is wrong, but this is not abortion. This is infanticide. This is taking a child in your hands and executing it.

We need to move away from the partisan rhetoric—not partisan, but the rhetoric on the pros and cons whether the pro-life community or the pro-choice community supports this; get away from that and look into your hearts. It is never too late to change your position on something. I have done it, and others have in here, I am sure. This was a pretty stark, truthful way to put it by Senator MOYNIHAN, Mr. President. It took courage for him to say it, and I commend him for it. It takes a real person with a lot of courage and a lot of guts to say he was wrong and change his vote.

Another Senator who didn't support the bill the first time around also joined us on that override, Senator ARLEN SPECTER, who believes, he says, that partial-birth abortion is more like infanticide than it is abortion. Senator SPECTER said it on the Senate floor September 26, 1996:

> In my legal judgment, the medical act or acts of commission or omission interfering with, or not facilitating the completion of a live birth after a child is partially out of a mother's womb constitute infanticide.

I stood on that Senate floor in 1995 with Senator SPECTER arguing with me heatedly and differing with me. To Senator SPECTER's credit, he studied it, he looked at it, and he had a change of heart. Again, that takes courage. The line of the law is drawn, Senator SPECTER said:

> When the child is partially out of the womb of a mother, it is not an abortion, it is infanticide.

When you hear about this being an abortion to protect the health of the mother or the life of the mother, how does it help the health or life of the mother to restrain a child from being born, holding it in the birth canal, head only, until it is killed? No doctor has told me yet how that enhances the health or the life of the mother.

Those are strong words from Senator SPECTER, a pro-choice Senator. It took a lot of guts for him to say it, but he said it.

We are picking up support in the Senate. As I have argued today, more and more Senators are realizing that the case against this bill is on a foundation of what have now conceded to have been "lies."

We are also picking up greater and greater support because more and more Senators are realizing that this issue transcends abortion—that the tiny little human being whom we are talking about is a partially born baby who is just inches from drawing her first breath.

To those Senators who are still considering joining the ever-increasing majority of Senators who support the Partial-Birth Abortion Ban Act, let me address a few more comments to you. Perhaps the Nation's most respected and revered doctor—"America's Doctor"—is the former Surgeon General of the United States, C. Everett Koop. I am particularly proud of Dr. Koop because he is a part-time resident of my home state of New Hampshire.

This is what Dr. Koop has to say: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility."

We all know that Dr. Koop is not a man who uses words lightly. On the contrary, Dr. Koop is a doctor who chooses his words with care and precision. Listen to those words again: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

Now, of course, Mr. President, as I mentioned earlier, even the American Medical Association, which is "pro-choice" on abortion, has endorsed the Partial-Birth Abortion Ban Act. So, my colleagues, if you are worried about protecting women, listen to the words of Dr. Koop and listen to the American Medical Association. They are for the Partial-Birth Abortion Ban Act because partial-birth abortion is never necessary to protect a woman's health.

In addition, Mr. President, I urge my colleagues who are still undecided about this bill to look at it in light of our beloved Nation's history. We all know those beautiful and majestic words that Thomas Jefferson wrote for our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Mr. President, one does not have to agree with my view that human life begins at conception to see that a living baby who is in the process of being born has, in Jefferson's words, been endowed by her Creator with the unalienable right to life. Can anyone seriously doubt where that great American, Thomas Jefferson, would stand on that question?

Another of America's greatest leaders, Abraham Lincoln, made one of the most dramatic and prophetic statements of his life in a speech that he delivered on June 16, 1858. In that speech, Abraham Lincoln said "I believe this government cannot endure permanently, half slave and half free." Today, Mr. President, as we debate this Partial-Birth Abortion Ban Act in this great Capitol of the Union that Lincoln saved, I would say this: The moral foundation of this government cannot endure permanently when even the half born are not free to live. Can anyone really doubt where that moral giant, Abraham Lincoln, would have stood on the question before us here today?

Let us rise to the moral level to which our Nation's history calls us. Let us recognize the unalienable, God-given right to life of the partially-born. Let us protect the partially-born from a brutal death. Let us be worthy of the Nation that Jefferson helped create and that Lincoln surely saved. Let us pass the Partial-Birth Abortion Ban Act with a two-thirds' majority and thus override President Clinton's unconscionable, immoral, and dishonest veto of this bill.

I was honored when, in 1996, the National Right to Life Committee recognized my work in the Senate on behalf of the Partial-Birth Abortion Ban Act by presenting me with its "Proudly Pro-Life Award" at a banquet at the historic Waldorf-Astoria Hotel in New York City. The most memorable moment of the evening, however, was not when I received the award. Rather, it was when I heard Gianna Jessen sing.

Gianna Jessen is a beautiful young woman whose life was nearly ended before she was born. Gianna's teenage biological mother had her aborted in the final three months of pregnancy by the so-called saline solution abortion procedure, but Gianna miraculously survived.

Though she survived the abortion attempt, Gianna weighed just two pounds at birth and was afflicted with cerebral palsy. She spent the first few months of her life in a Southern California hospital. Though her doctors doubted that she would ever be able to sit up, to crawl, or to walk, after years of physical therapy and surgeries, Gianna, now 21 years old, today enjoys an active, productive, and happy life.

As Gianna Jessen stood before the crowd at the Waldorf-Astoria that night and sang "Amazing Grace," there was not a dry eye in the house—including mine.

In July of this year, a media report reached my office about the first known survivor of an attempted partial-birth abortion. According to the Associated Press and other media accounts, personnel at the A–Z Women's Center in Phoenix, Arizona, told a 17-year old mother that her unborn baby was between 23 and 24 weeks' gestational age (in other words, between 5 and 5½ months).

Reportedly, after beginning the partial-birth abortion procedure, abortionist John Biskind found himself dealing with a 6-pound, 2-ounce baby girl of about 37 weeks (near full term), and he delivered her alive. She was kept in the hospital with a fractured skull and "two deep lacerations" on her face, but no brain damage.

When I learned about this baby, who pro-life activists call "Baby Phoenix," I immediately thought of Gianna Jessen. How wonderful it is that Baby Phoenix will now be able to grow up in this great country of ours. She may some day stand in front of a pro-life dinner and sing "Amazing Grace." She may become a scientist and help find a cure for cancer. She may become a United States Senator. She may become the first woman President of the United States. She may become a Supreme Court Justice and vote to overturn Roe v. Wade. With life, anything is possible. I praise God that Baby Phoenix lives.

The case of Baby Phoenix, the first known survivor of an attempted partial-birth abortion, illustrates that we are dealing with real human beings here. For Baby Phoenix, once that partial-birth abortion procedure was started, all that stood between her and a full life was an abortionist. In his hands, he held the power of life and death.

Thankfully, Mr. President, the abortionist in Baby Phoenix's case, John Biskind, had a conscience. He saw that he was dealing with a little human being—all 6 pounds and 2 ounces of her. And he didn't brutally punch a hole in her skull. He didn't take a suction device and remove her brain. He didn't kill her. He let her live.

Unfortunately, Baby Phoenix is the only known survivor of an attempted partial-birth abortion. All the other abortionists who perform the partial-birth abortion procedure don't have the conscience of John Biskind. They, too, know that they are dealing with little human beings. They manipulate their little living bodies. They feel those tiny babies move. Then, with unspeakable brutality, they forcibly restrain those little babies from being born, brutally poke scissors into their little skulls, and then literally suck the lives out of them.

Today, we can put a stop to the unspeakable brutality of partial-birth abortion. Two-thirds of the United States House of Representatives has said "Yes, stop partial-birth abortion." The American Medical Association has said "Yes, stop partial-birth abortion." President Clinton has said, "No, I want partial-birth abortion on demand to be legal." Today, the United States Senate can say to President Clinton, "You are wrong."

I plead with my colleagues. Listen to two-thirds of the House of Representatives. Think about Baby Phoenix. Listen to the American Medical Association. Don't listen to the cravenly political deceptions of President Clinton.

Vote your conscience. Vote your heart. Vote to stop partial-birth abortion. Vote to override the President's veto and let the Partial-Birth Abortion Ban Act become the law of this land. We will be a better country for it.

I can go on, Mr. President. I know there are lots of other things that I can say, but I will close at this point in the debate by again reminding my colleagues to separate yourself from the heated exchanges that we have all had. I see the Senator from Nebraska on the floor. We have had a couple of exchanges in the past on this issue. But try to look into your hearts and see if we can't get out of each other's faces and into each other's hearts and see if we can't get three more votes to change this horrible procedure.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. GORTON). The Senator from California.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I yield such time——

The PRESIDING OFFICER. The Senator from California controls time. Does the Senator yield to the Senator from Nebraska?

Mrs. BOXER. I do, as much time as he may consume.

Mr. KERREY. Mr. President, first of all, in the spirit of the suggestion made by the distinguished Senator from New Hampshire and earlier, as well, by the Senator from Pennsylvania, I reached my conclusion as to what our law ought to be. This is unquestionably a decision that required not just a considerable amount of research about what our laws and our Constitution permit us to do, but also a considerable amount of soul-searching.

In Nebraska, there are many people—friends, family and people whom I do not know—who have offered their prayers for me during this deliberation. Before I offer my own words as to why I believe the law as proposed is both unconstitutional and incorrect, let me say that I very much appreciate those prayers. I have offered them myself on this particular issue. I have had a career now of some 14 years serving the people of Nebraska and have told them almost from day one that though I may sound from time to time as if I am absolutely convinced on an issue, I have never, if the evidence proves otherwise, been unwilling to change my position.

I say to my colleagues, I nearly did so in this case, on account of very good friends who were urging me otherwise, on account of the prayers and concerns and the good wishes that were extended to me by people in Nebraska.

Mr. President, abortion is a choice a woman makes and, at least in my limited conversations with women who have had to make that choice, is a decision that produces a considerable amount of grief, a feeling that something has been ended no matter at what stage, whether it is done in the first week or whether it is done in the 15th week. No matter when it occurs, it produces a considerable amount of grief. Even when the termination is spontaneous, when it is a spontaneous abortion, a miscarriage, there is a sense of loss. Something has happened that was unanticipated. The idea of something good happening has been interrupted by something that is, to the woman's mind anyway, bad.

It is very important, it seems to me, to begin with that understanding. I was very moved, I must say—in fact, I told the distinguished Senator from Pennsylvania—by an article not long ago about the struggles he and his wife endured. It was a very moving piece. It does, I think, something that very often is missed by the public—this comment is unrelated to this particular debate—it shows the human side of our Members. It is unfortunately true that people often see us through our positions, through the positions we have taken, our identity as a Democrat, a Republican and they form an impression. Sometimes we love you, sometimes we hate you, just based upon that position. I appreciate very much the willingness of the Senator from Pennsylvania to allow that story to be told because it shows the human dimension of this issue, and the grieving and the terror and the soul-searching that does occur.

I say that, Mr. President, because one of the things that needs to be understood is, the law does not direct women to make this choice. It merely gives them the choice, the opportunity to make this decision. It does not make the decision any easier, it does not make the decision free of soul-searching and prayer, and, again, from my experience in talking with women who have made this decision, it does not produce a feeling that they have just done something wonderful. Indeed, some of the most powerful people in opposition to a woman's right to choose, to the current law, are people who have gone through this procedure. So people need to understand that we begin by extending our prayers, not just to us lawmakers, but to people who are going through this decisionmaking process.

What we have attempted to do over the course of this debate is to balance the rights of the woman who is carrying the fetus and the fetus itself—not an easy debate. The Senator from New Hampshire again makes a case, I believe, that abortion in all circumstances should be illegal. It is very moving, and I am impressed by his passion and the commitment to this issue.

But in the process of trying to settle this debate, Mr. President, we have been given guidance by the U.S. Supreme Court, and the guidance of the Supreme Court in both the decision known as Roe v. Wade and the decision known as the Casey decision in Pennsylvania. The language of these decisions needs to guide this Congress and needs to guide the American people in drafting legislation, drafting laws that determine how we are going to balance those rights. Otherwise, you should come as, again, the distinguished Senator from New Hampshire has said he would like to come, and change our Constitution. He wants to change the Constitution so the Supreme Court can reach a different decision than they did in either the Roe v. Wade decision or the Casey decision.

Again, Mr. President, I am coming to the floor very mindful of the wishes and prayers of many people in Nebraska who have listened and heard this procedure described. And they say, "It's awful. How can you allow it to go on under the law?" And I am going to describe how I reached the conclusion that this piece of legislation would be, I believe, both unwise and, I believe, unconstitutional.

First of all, listen to the language—first the language of the decision in 1973:

> For the period of pregnancy prior to this compelling point [that is the moment of viability; approximately 24 weeks into pregnancy], the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State.

That is us. That is what we do with our laws; we determine whether additional laws need to regulate this decision.

Again, going on:

> With respect to the State's important and legitimate interest in potential life, the "compelling" point is at viability . . .

I emphasize that. Very often I will hear people who are pro-choice advocates say, "Well, why are you doing this at all?" The Court did say there is a legitimate interest. The Court did provide us guidance as to how we can pass laws and restrict this type of health service. There are instructions that enable us to, if we wanted to. We could write legislation that followed this guidance. I will get to that point later:

> This is so because the fetus then presumably has the capability of meaningful life outside the mother's womb. State regulation protective of fetal life after viability thus has both logical and biological justifications. If the State is interested in protecting fetal life after viability, it may go so far as to proscribe [prevent] abortion during that period, except where it is necessary to preserve the life or health of the mother.

Those are the instructions. And I am willing to vote, and have in the past, to place restrictions, to proscribe, and say that abortions cannot be done if the life or the health of the mother is not at stake. That is what the Court has said. And in many instances there have been challenges brought by people who have different views and say the Constitution does not provide that right.

Again, most recently, in Planned Parenthood v. Casey, the Court confirms:

> Roe's essential holding, the holding we reaffirm, has three parts. First is a recognition of the right of the woman to choose to have an abortion before viability and to obtain it without undue interference from the State. Before viability, the State's interests are not strong enough to support a prohibition of abortion or the imposition of a substantial obstacle to the woman's effective right to elect the procedure. Second is a confirmation of the State's power to restrict abortion after fetal viability, if the law contains exceptions for pregnancies which endanger a woman's health.

So again, Mr. President, the Court has held—they have heard the arguments, and they have come back and said yes, to those who say that Government should not be engaged at all in writing laws, the State does have a legitimate right to proscribe abortions after viability. Again, I emphasize, I have voted for such restrictions.

But the Court has held that there must be a protection for the woman's right to choose if either life or health are at stake. That is the language of the Court. That is what the Court has said under challenge from those who believe that the Court erred in its judgment in 1973.

Thus, when the AMA comes and argues that this procedure should be banned, I give them heavy weight, substantial weight. But I have as well to give substantial weight to the Constitution and those who are interpreting that Constitution on our behalf, the U.S. Supreme Court.

We should attempt, when we write laws governing abortion—for those of us who believe that a woman should have the right to make a largely unburdened decision, burdened only by her own conscience, which is substantial; I say it again for emphasis, I am troubled very often in this debate that an insufficient amount of attention is paid to the grieving, to the suffering, to the difficulty that a woman faces at this particular moment and afterwards—to balance the rights of the woman against the right of the fetus. That is what we should do. We should write a piece of legislation that keeps a constitutional balance in place.

Mr. President, I believe this particular piece of legislation fails that test. It might, indeed, be a useful exercise, but it is going to be thrown out. It is going to be thrown out, Mr. President, because it does two things that the Court has said repeatedly are unconstitutional.

First of all, let me just read the language, Mr. President. It is a fairly short and clear description of what the proponents would like the law to be. It says that:

> Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

That brings the State into it, obviously. The doctor could be fined or placed in prison as a consequence of doing this procedure in all States. It gives a right of legal action to the father. It gives a right of legal action to, I believe, the woman s parents as well. It gives the State the right to come in and bring a case against that doctor—but not, Mr. President, only post-viability.

The language of this law does not reference either Roe or Casey. It does not say that this would apply only post-viability; it applies in all cases. And though it is quite true that many, as I understand it, of these procedures are done post-viability—and, by the way, there are many other procedures that are done, most of which, as they have been described to me, are equally grizzly and therefore difficult, on a personal basis, to sustain the argument that this is a good thing to do—many are done before viability. But the Constitution says that we are to provide that woman with an uninhibited choice in that previability stage. And this law makes no distinction between pre- and post-viability.

Indeed, one of the reasons I supported Senator DASCHLE's proposal last year, which was sharply criticized as a way to provide political cover, is because it did address the legitimate interests of the State in the post-viability period.

I have no idea whether or not there will be additional bills, or whether or not the President's veto will be overridden, but my guess is, even if the veto is overridden—assume for the moment that it will be—this will not be the last time that we address the question of the State role to regulate abortion, particularly post-viability.

I say to my colleagues here, and to the people of Nebraska who have offered their prayers, that I am willing to enter into earnest negotiations with the goal of placing additional restrictions around abortions late in pregnancy. And this will probably involve some careful definitions around the issue of a health exception, and therefore the circumstances under which a woman can legally choose abortion.

This bill would create an unspecified prohibition on a particular procedure—a prohibition that would result in the State putting restrictions on pre-viability choices and decisions that a woman and her doctor make. Thus, I believe strongly that the Court would find this legislation, this law, unconstitutional and that it would strike it down.

Even more compelling—and I know we have had this debate before, and I don't want to drag it out because I want to merely offer my thoughts not so much to my colleagues, who I suspect have mostly made up their minds on this particular piece of legislation, but to the people in Nebraska—the Court over and over has used the words "life or health."

I heard the distinguished Senator from New Hampshire say he did not find any doctor who could justify this procedure. I don't remember his exact language. However, our reference in this case can't be only physicians. Our reference has to be the Constitution. The Court has given us instructions. They told us what we can do and what we can't do. Unless we change the Constitution, we are not going to be able to simply ignore the Court's repeated opinion that post-viability restrictions must include both life and health exceptions.

Again, I come to the floor, having heard the prayers of thousands of Nebraska friends and people who I don't know quite so well, who have hoped that I would cast a vote to override this veto. I cannot. Not because I do not believe that the government has a legitimate interest to restrict abortions after viability. In fact, I believe it is in all of our interests to do so.

This legislation does not do that. This legislation deals with a single procedure across the span of pregnancy. As a consequence of that, I cannot in either good conscience, or in faith to this Constitution, cast my vote to override the President's veto.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Pennsylvania. I begin by thanking the Senator for the work he has done on this legislation. This is, obviously, an issue of great importance, one of the most important issues we have dealt with in this Congress. His leadership on this issue has, I think, been a great motivation to many people here. He has had a great deal of influence in the national debate on this issue. I compliment him for what he has done and what I know he will continue to do between now and the vote on this tomorrow morning.

I am here to urge my colleagues to override the President's veto of the ban on partial-birth abortion. The abortion issue has been a difficult and a divisive one for this country. The unfortunate procedure of partial-birth abortion need not be. The vast majority of Americans—even those who call themselves pro-choice—oppose partial-birth abortion.

This overwhelming opposition helped produce legislation to ban that procedure. Unfortunately, the legislation was vetoed by President Clinton. Now is the time for the Members of this body to stand up and to say no to the unnecessary, dangerous and morally troubling procedure of partial-birth abortion.

We now know that this practice is not rare and that it is not undertaken only in cases of severe fetal deformity. Literally thousands of partial-birth abortions are performed in this country every year. Abortion lobbyist Ron Fitzsimmons has said at least 3,000 to 5,000 partial-birth abortions are performed nationwide each year. According to the prominent abortion doctor, W. Martin Haskell, over 80 percent of the partial-birth abortions he performs are purely elective. Ron Fitzsimmons reports that in the vast majority of cases the procedure is performed on a healthy mother with a healthy fetus.

I know that not everyone shares the pro-life position. But in my view, it is clear that any reservations about restricting abortion need not, and should not, apply to partial-birth abortion. Regardless of where one stands on the broader abortion debate, all of us should be able to see partial-birth abortion for what it is—an unjustifiable and wholly unnecessary tragedy.

People on the other side of the pro-life debate often say that the decision of whether or not to undergo an abortion should be left to a woman and to her doctor. Shouldn't we then listen to the official position of the American Medical Association, the official professional association of doctors in America? The AMA has come out unequivocally against partial-birth abortion in endorsing this legislation. Dr. John Seward, executive vice president of the AMA, referred to partial-birth abortion as a procedure "we all agree is not good medicine." The AMA has made a professional judgment based on the medical expertise of its members that partial-birth abortion is simply not good medicine.

Further, our former Surgeon General, C. Everett Koop, has observed that:

> . . . partial-birth abortion is never [and that is his emphasis] never medically indicated to

> protect a woman's health or her fertility. In fact, the opposite is true. The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

Those are quotes from Dr. Koop.

Earlier today, we heard from the Senate's only physician Member, Dr. FRIST, who spoke, I thought, both eloquently and with great insight based on his own scientific knowledge and his background as a physician, essentially reaching the same conclusions as the American Medical Association and Surgeon General Koop:

> There is simply no valid reason for this procedure to exist. It saves no lives. It puts mothers at increased risk for sterility and other complications, and it is in and of itself, in my judgment, morally unacceptable.

I reference a recent story from the Associated Press that shows just how dangerous this procedure can be. According to the AP, on June 30 of this year, Dr. John Biskind delivered a full-term baby girl. Unfortunately, this little girl was almost killed. She suffered cuts to her face and a skull fracture. Luckily, this little girl survived and was adopted by a loving couple. But she literally came within a hair's breadth of being killed on the threshold of life. This little girl has survived, but we should not lose track of the cause of her injuries.

Dr. Biskind attempted to perform a partial-birth abortion. The 17-year-old mother had come to Dr. Biskind's A to Z Women's Center seeking an abortion. The clinic performed an ultrasound, determining what they had was a 23½-week fetus, and decided to perform a partial-birth abortion. Dr. Biskind thought he was performing this procedure on a fetus two-thirds of the way to term; that would be bad enough. But, in fact, the clinic had made a mistake in the ultrasound. The girl actually was approaching full term and Dr. Biskind did not realize this fact until he had already begun aborting her.

This is astounding. According to Dr. Gerster, a Phoenix physician, a 24-week-old fetus weighs an average of 2 pounds, whereas a 36-week-old fetus weighs, on the average, about 6½ pounds. As Dr. Gerster commented:

> I don't know how such a grave error could be made in estimating the size. There shouldn't be that kind of discrepancy in an ultrasound. It is horrendous.

Horrendous, indeed, Mr. President. Yet, this is the kind of situation we are attempting to address with this legislation. I think cases like this are why it is time for us to override the President's veto and pass this bill.

As I have said throughout my discussion here today, there are reasonable differences—we understand that—in this Chamber and across this country over the substantive issue of abortion rights. Even those who advocate abortion rights are frequently saying—including the President of the United States—that abortion should be safe and legal and rare. It is hard for me to believe that these types of abortions, partial-birth abortions, don't fit outside that definition.

Mr. President, we all have to come to these decisions in our own way, and I am not here today to tell people who have reached different conclusions that they are in any way going about it in the wrong fashion. But I think that this issue is one that is so important, an issue that I think the country is so united behind, that it is time for us to take ourselves out of the context of the debate on abortion rights and look at this from the perspective of what is morally right. In my judgment, Mr. President—and I know not what decisions others are going to make tomorrow—it is just not morally right to allow this kind of procedure to continue.

Each of us here has our own stories, and I respect the stories of my colleagues on both sides. In our own family, we have had several instances of children born very early. In my own case, we have twins who were born several weeks early. We were fortunate; they did not have serious complications, but they were in a neonatal unit of a hospital for about 3 weeks. While we were there, we saw less fortunate situations around us. We saw children that were much smaller, born much earlier than our babies, clinging to life, children that were born weighing less than 2 pounds, children that were born 10 and sometimes 12 weeks early. The fight those children all made to survive left me with an indelible impression about life that I really hadn't had before that experience.

Yes, I was pro-life, but I had never touched or felt or seen in that fashion exactly what is at stake. The notion that some of those babies we saw fighting for life, who had been born in the very timeframe that partial-birth abortions are occurring, the knowledge that these tiny infants were real people, the realization of that, left me with a memory that I will never forget and left me committed to support the efforts Senator SANTORUM has led here today, which I hope will finally result in the end of this practice.

Mr. President, I intend to vote to override tomorrow. I hope that enough of my colleagues will join in that effort so we are successful. I recognize that this is an issue that people have different views on. I hope that finally, at the end of this debate, we can come together and move forward with something that I think is in the best interest of our country, and more importantly, in the best interest of our children.

I thank the Senator from Pennsylvania, and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself such time as I may consume.

Mr. President, I was touched by the remarks of the Senator from Michigan about having premature babies of his own. I stand here today as a mother, a grandmother, and a Senator. When my babies were born, one was born 2 months early and one was 6 weeks early. There wasn't one prayer that I didn't say, there wasn't one emotion I didn't feel. And I feel that same emotion toward any child born in that circumstance. My babies grew up healthy and they are now in their thirties, and one has made me a grandmother.

But that is not what this debate is about. This debate is about whether we are going to protect the lives of women and whether we are going to protect the health of women. I say here today that, as long as I am here, I will work to do that. These are women who find themselves in tragic situations, traumatic situations, with a pregnancy that has gone terribly wrong. With a pregnancy which could endanger their health, their life, their fertility, and their ability to have a family in the future.

This bill is extreme. It is dangerous for women. Why do I say that? It has no exception to protect women's health. The exception for a woman's life is very narrowly drawn. It is not the true life exception that we have used in other bills. So this bill is extreme, the bill is dangerous, and the bill turns its back on the health of women. As Senator KERREY from Nebraska has said, clearly, it is unconstitutional. I am not standing here just because the bill is unconstitutional. Very clearly, the constitutional law that governs is Roe v. Wade, which says you must always consider the life or the health of a mother.

I am standing here because I care about the health of women and their lives. I don't want to see this bill become the law of the land. I hope my colleagues will stand for the health and the life of women and support the President's veto.

Roe v. Wade guarantees American women the right to choose. In the early stages of a woman's pregnancy, a State may not interfere with her right to end the pregnancy. In the midterm of a pregnancy, a State may regulate abortion procedures, but only to protect the woman's health. That is what Roe says. After viability of the fetus, when the fetus could live outside the woman either with or without life support, a State can regulate and, yes, even prohibit abortions under Roe. States can prohibit abortions after viability, except—except—for the life of the woman or the health of the woman.

The life and the health of women must always be protected. That is the law. If we chip away at those exceptions, we endanger women because, make no mistake, this isn't the first attempt to stop a procedure and walk away from the life or health exception.

There will be many attempts. There will be other procedures. My colleagues on the other side are very honest about it, they want to criminalize abortion. They are honest about it and I appreciate that. I know this is just one way they are going to try to get to their ultimate goal. If we don't hold the line here on life or health, we will lose this right.

Mr. President, the bill we are debating directly contradicts Roe. As I said, and as the Senator from Nebraska before me said, it is unconstitutional because it doesn't protect the health of the woman. It is silent. It doesn't use the words "health of the woman." Again, it doesn't contain a true life exception. It is a very narrow life exception. So even her life would be threatened if we allow this bill to become law.

My colleagues have quoted the fine Senator from Tennessee, Senator FRIST, who is a doctor. They have quoted Surgeon General Koop. They are not OB/GYNs. They are not obstetrician-gynecologists. The American College of Obstetricians and Gynecologists—those are the doctors who bring babies into the world. Those are the doctors who deal with these emergency abortions—39,000 strong. They are specialists in women's reproductive health. What do they say about this legislation? They oppose it. The organization says that this bill is—and I am quoting—"dangerous." Who is it a danger to? It is dangerous to women. It is dangerous to the women.

The American Medical Women's Association also firmly opposes this legislation.

This bill, if it becomes law, will force doctors to make medical decisions that jeopardize women's health. Doctors will be afraid. They will be fearful because, if they can't meet the very narrowly drawn exception for life, but they use the procedure because they are afraid the woman would die, the doctor can go to jail for 2 years and be fined. If the woman made this decision, let's say after she learned that the baby's brain is developing outside the head, and she didn't want to carry the pregnancy to term—maybe because she was afraid that her husband might disapprove, or maybe he was an alcoholic, or maybe he was a drug addict, maybe he was estranged—the husband can also sue the doctor. He can sue, very interestingly, for psychological distress.

When we talk to our colleagues on the other side, they don't want to include any psychological reason whatsoever when a woman has to choose. But, yes, if the man is suffering psychological distress, he can sue.

No woman, in my opinion, wants to visit her doctor about her pregnancy—and I have done it in my own life—and see her Senator lurking over the doctor's shoulder. People often don't like us lurking over any parts of their life, let alone, let alone, when they have a medical procedure.

I find it interesting that some Senators who come here and say there is too much government—"get government off our backs, there is too much government"—believe that they know more than physicians, OB/GYNs, who deal with real life in the real world. These Senators believe that they know better than a family about what to do in such a situation.

No woman wants to walk into her doctor's office and see a sign that says, "Warning, Senate interference in your doctor's decisions may be hazardous to your health." Or, "Warning, your doctor's hands are tied, he or she may not choose the best procedure for you because your Senator has decided what procedure is allowed and what procedure is not allowed." Forget what you learned in medical school; forget about what you think is best for women; the Senator is telling you what procedure to use.

My colleagues in the Senate, I say this is dangerous. Whether you have cancer, Alzheimer's, AIDS, diabetes, Parkinson's, heart disease, or any condition—all the diseases we fear—Senators should not be making decisions about what procedures should be used. Senators should not prevent a doctor from using a procedure that he or she determined was needed to protect the patient's health, to protect her from infertility, to protect her from paralysis, or worse. Government should not be in the business of eliminating safe, medical options for patients.

We all want to know, I say to my colleagues who are loving parents, what would you do if your physician called you and said, "I just examined your daughter, and I believe her life is threatened," or "I believe she might never have a child again, and I believe the only procedure to use is the one that Senators here want to ban." I believe in your heart of hearts you would get down on your knees, pray to God, and say, "Save my daughter's life. Help her be able to have a child again." I believe that.

If you didn't, if you chose another way, that is fine for you. But don't force everyone into that situation where they don't have the option that they need. If it is all right for you to narrow your options for your daughter, for your granddaughter, I bless you for it. No one is forcing you to do that. But I think it is important that women have the option to save their lives, to save their health. And, yet, there is not one word in this about an exception for health, and it is a very narrowly drawn exception for life.

Doctors should make medical decisions in consultation with their patients. Doctors should be free to make decisions that are best for their patients' health. When doctors take their Hippocratic oath, they say, "Do no harm." "Do no harm." But if in their heart they believe they are going to do harm, and it is because Senators tied their hands, they find themselves in an unacceptable situation. They can't look at the woman or her husband; they can't look in the eyes of the parents of that woman and say, "I am doing everything I can," when they know they are afraid to use a procedure because they cannot understand the vague language that Senators put into a bill.

If enacted, this bill could threaten the health of women across the country—our sisters, our daughters, our mothers, our nieces, our coworkers, our friends, our granddaughters.

I want to talk about the life exception. It is very narrow.

A woman's life would be protected only if her life is in danger by a "physical disorder, illness, or injury." That is a quote from the bill. But if her life is in danger for any other reason, the life exception does not apply. In other words, if the pregnancy itself endangers a woman's life, the exception does not apply. Even the new Hyde language, which narrows the exception for life of a woman, acknowledges that the pregnancy itself may endanger a woman's life. But, yet, the language in this bill includes an exception only if she has a physical disorder, illness, or injury, and not any condition that arises from the pregnancy itself.

So today I think we need to face the fact that this bill has crafted a unacceptable life exception. And for those who are voting for it who think that they are protecting the life of the woman, read it again. Read again the Henry Hyde language which we have used for many years. Even the narrow version is different than this. This is dangerous.

Let me say again: this bill, as it is currently written, is dangerous.

We have some people in the galleries today who have had procedures that would be banned by this bill. They are loving mothers. They are loving, loving mothers. Tiffany Benjamin is from California—this is her picture. This is her beautiful 3-year-old baby. He is now 3. He is a little younger here. She had this child after undergoing a procedure which her doctors recommended and which this bill would ban. And now she has this beautiful child.

Also up in the gallery is Maureen Britell from the District of Columbia area, who had also had a procedure which would be banned by this bill. Maureen is a devoted mother.

The PRESIDING OFFICER. The Senator will withhold.

The Senator is reminded of rule 19, section 7, which reads: "No Senator shall introduce or bring to the attention of the Senate during the session any occupant of the Gallery of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent."

Mrs. BOXER. Thank you, very much, Mr. President. I was unaware of the rule.

I will say, then, that there are women who are here today in Congress walking the Halls. And they are looking into the eyes of Senators. They are asking them, please don't do anything. Don't do anything to jeopardize the health and the life of any woman.

These are women who have had procedures that would be banned by this bill. These are women who are loving mothers. These are women who are begging us, begging us, to protect the lives and the health of women.

I am going to tell you some stories.

As I understand it, it is all right to show photographs of women. Is that correct, Mr. President? Am I permitted to show photographs of people from the State?

The PRESIDING OFFICER. The Senator is so permitted.

Mrs. BOXER. I thank the Chair.

This is Coreen Costello. She is a registered Republican. She describes herself as very conservative. The reason I mention that is because what we are debating here today is not a partisan issue. Coreen is clear that she and her family are strongly opposed to abortion, and yet she wants us to stand with the President on this veto.

In March of 1995, when she was 7 months pregnant with her third child, Coreen had premature contractions and was rushed to the emergency room. She discovered through an ultrasound that there was something seriously wrong with her baby. The baby, named Katherine Grace, had a deadly neurological disorder and had been unable to move inside Coreen's womb for almost 2 months. The movements Coreen had been feeling were not the healthy kicking of a baby, they were actually nothing more than bubbles and amniotic fluid which had puddled in Coreen's uterus.

The baby had not been able to move for months. The chest cavity was unable to rise and fall. Her lungs and chest were left severely underdeveloped, almost to the point of nonexistence. Her vital organs were atrophying. The doctors told Coreen and her husband the baby was not going to survive, and they recommended terminating the pregnancy. Coreen said, "This is not an option. I will not have an abortion. I want to go into labor naturally." She wanted the baby born on God's time. She did not want to interfere.

The Costellos spent 2 weeks going from expert to expert. They considered many options, but they all brought severe risks. They considered inducing labor. They were told it would be impossible due to the baby's position. Also, the baby's head was so swollen with fluid, it was already larger than that of a full-term baby, so labor—let me repeat, labor—was not an option.

They considered a cesarean section, but the doctors were adamant that the risks to her health were too great. In the end, they followed their doctor's recommendation and Coreen had an abortion procedure that my colleagues want to outlaw today.

You just heard a story, a real story. Coreen and her husband faced a tragedy that most people never have to face. But because Coreen had access to the medical procedure her doctor felt was the safest and most appropriate, she and her husband were able to keep their dream of having a large family, and you see them here in this picture. They now have three happy, healthy children, and Coreen is due to deliver another child any day now.

Coreen writes to us, to every Member of the Senate, I could not have had this family without this procedure. "Please, please, give other women and their families this chance," she says. "Let us deal with our tragedies without any unnecessary interference from our Government. Leave us with our God," she writes to us, "our families, and our trusted medical experts."

Now, I want to say to my colleagues this story is what happens to real people. This is real. This is a woman who says she is very conservative and she is very against abortion. But she is asking us to not do away with the procedure she had, so that other women will have the opportunity she had to bear children in the future.

In the spring of 1994, Viki Wilson, a registered nurse, and her husband Bill, a physician, were expecting their third child. Viki was in 36th week of her pregnancy, and the nursery was ready. Her family was anticipating the arrival of their new "little one."

Her doctor ordered an ultrasound which detected something that all her prenatal testing had failed to detect. Approximately two-thirds of her daughter's brain had formed on the outside of her skull.

This deformity was causing Viki's daughter to have seizures. Over time, these seizures became more and more severe. They threatened to puncture Viki's uterus. Even if Viki could carry her daughter to term, the doctors feared that her uterus would rupture in the birthing process.

Viki could not give birth to her child without seriously jeopardizing her own health—or even her life.

After consulting with other doctors and their clergy, Viki and her husband made the painful choice to have an abortion in order to protect Viki's health.

In December 1996, Viki and Bill were thrilled to welcome a baby boy named Christopher into their family.

Viki Stella was in the third trimester of her pregnancy when her son was diagnosed with nine major anomalies, including a fluid-filled cranium with no brain tissue at all, compacted flattened vertebrae, and skeletal dysplasia. Her doctors told her that the baby would never live outside of her womb.

Viki writes "My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my health at risk." She continues "My only option . . . was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions."

Though she was distraught over losing her son, Viki knew the procedure was the right option. As promised, the surgery preserved her fertility. In December 1995, she gave birth to a darling son, Nicholas.

Viki's situation was heart wrenching. She was told her son was dying inside her. Her diabetes severely limited her medical options. Congress has no business interfering with these difficult and personal medical decisions.

The point is, we must not go back to the days before Roe v. Wade when women died or women were maimed. We can not go back to the days when women's health was not considered important, when women's lives were not considered important. Any restrictions on women's access to abortion must always make an exception for the life and health of the woman. If we do not, as sure as I am standing here, women will die, because we know what happened before Roe. They did die.

In response to arguments that proponents of this bill make that it bans one specific abortion procedure, I respond that we are not asking anyone to undergo any abortion procedure who has a moral problem with it. For those who think abortion is wrong, who would rather their daughters have a cesarean and believe that God would take care of it, that is what they should do. That is what is important about being pro-choice; we give people the choice. No one has to undergo any abortion procedure if they do not want to. All we are saying is, do not outlaw a procedure for every woman, because there will be women like this who will choose that procedure because they want to make sure that they can have children again.

Now, I want to point something out. In the last debate we had on this, Senator FEINSTEIN and I offered an amendment. It was a substitute for the bill we are debating today. And do you know what it said? It said that we oppose all late-term abortions except for when the life and health of the woman are in danger. We went to our Republican colleagues, and we said, "Why don't you join hands with us on this? Roe says you can restrict in the late term. We are willing to do that. Of course, we are in favor of Roe. And we will walk down this middle aisle here, hold hands across party lines here, and say no more abortion late term except for life and health."

They did not want to do it. And when I asked them why, they were honest. They said, "We don't believe women will tell the truth about the health exception. We believe they will say it is about health but in their heart it is not about that."

I want to challenge that today. I know that a woman in this circumstance, who has carried a child into the late term, desperately wants that baby. I have been there myself. When my babies were born prematurely, I can't even tell you the feeling that I had, that I might lose them, because in those years it was very difficult. But they made it. They hung on.

So I know that a woman who gets to the late term is not going to lie about her health and say, "Oh, give me this abortion; it's the seventh, eighth month. I have decided against this." That is not what a woman will do.

The health exception is only for circumstances when there is something seriously wrong.

So I think suggesting that a woman in the late term will not tell the truth about her health and why she is seeking an abortion is more than insulting to women. It is dispiriting. I know my colleagues could never think that of their children, their daughters, their nieces. I know they could not. Then why would they leap to that conclusion of other women?

I strongly support passing legislation that says no late-term abortion whatsoever except to protect the life and the health of a woman.

But I say to you that I will not support this legislation, with absolutely no health exception, and with a life exception that is very narrowly drawn. If this legislation becomes law, women like Coreen, who are pro-life and anti-abortion, but who want to protect their ability to have children in the future, may not have the chance to become pregnant again. Women who are pro-life, who are anti-abortion, may not have the chance to have a family just like Coreen Costello pictured here, yet again pregnant with her fourth child. Coreen, very conservative, writes to us: Please, please support the President's veto.

So, I say to my friends, I know what a difficult debate this is. I know the heartfelt emotions on both sides, and I respect the heartfelt emotions on both sides. I am going to close here with a letter that each member of the Senate received from 729 rabbis. I think this is appropriate since we are going into the most holy time of the Jewish people. This is what the rabbis conclude:

> Abortion is a deeply personal issue. Women are capable of making moral decisions, often in consultation with their clergy, families and physicians, on whether or not to have an abortion. We believe that religious matters are best left to religious communities, not politicians. . . . We urge you to vote to sustain President Clinton's veto.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> SEPTEMBER 10, 1998.
>
> DEAR SENATOR: We are writing to urge you to vote to sustain President Clinton's veto of H.R. 1122, the so-called "Partial-Birth Abortion" Act of 1997.
>
> As rabbis, we are often called upon to counsel families facing difficult decisions concerning reproductive health choices, including abortion. Like other members of the clergy, we turn to religious law and teachings for guidance in providing such counsel. Judaism has laws governing the issue of abortion, but each case is considered individually.
>
> As in other religions, in Judaism, there are different interpretations of these laws and teachings, and we respect and welcome debate on these issues. However, this debate should remain among those who practice our faith, not on the floor of Congress.
>
> The debate surrounding reproductive choice speaks to one of the basic foundations upon which our country was established—the freedom of religion. It speaks to the right of individuals to be respected as moral decision makers, making choices based on their religious beliefs and traditions as well their consciences.
>
> In addition, we are concerned about the language of the bill itself. Given the fact that the "Partial Birth Abortion" Act uses vague and non-medical language to describe the prohibited procedures, it would be very difficult for anyone, whether clergy or physician, to be certain about which medical procedures would be banned. Given the bill's nebulous language and the importance of the issue, we find it difficult to engage in a theological debate on this matter.
>
> Abortion is a deeply personal issue. Women are capable of making moral decisions, often in consultation with their clergy, families and physicians, on whether or not to have an abortion. We believe that religious matters are best left to religious communities, not politicians.
>
> Once again, we urge you to vote to sustain President Clinton's veto.
>
> Sincerely,
>
> Signed by 729 rabbis.

Mrs. BOXER. Mr. President, this letter is signed by rabbis from Arkansas, California, Colorado, Connecticut, Delaware, D.C., Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington State, West Virginia and Wisconsin.

I thank my colleagues who have participated in this debate. I see Senator ROBB is here. I know this is a tough one. I know this is hard. I just appreciate his being here.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I ask if the Senator will yield for a question about some of the things that she stated in her testimony?

Mrs. BOXER. I will come back onto the floor shortly. At the moment I have a meeting, and people waiting for me.

Mr. SANTORUM. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. ASHCROFT. Mr. President, I rise to speak in favor of overriding President Clinton's veto of the partial birth abortion ban. I would like to begin by thanking the manager of the bill, the Senator from Pennsylvania, for his continuing and outstanding work on this important issue.

No issue cuts to the core of our values like the issue of abortion. It challenges us to define our notion of liberty and calls into question our most fundamental assumptions about life. Today, we do not debate whether enactment of a measure will positively or negatively affect the welfare of some Americans. Today, we debate life and death.

Last Congress and again last year, we voted to end the barbaric method of infanticide known as partial birth abortion. Both times, the President vetoed the ban. In so doing, he ignored the testimony of medical experts who assured us that this procedure is never necessary to preserve the life or health of the mother. He also dismissed evidence showing that thousands of partially-born children are routinely and electively killed across the country each year.

The President not only accepted, but helped disseminate the lies and false testimony of pro-abortion advocates. Though the lies were finally exposed, the President demonstrated that his support for this procedure did not depend on the truth. The distortion reached a point where even his allies in the media could no longer defend the President's veto. Richard Cohen, an avowed liberal and pro-choice columnist with the Washington Post, concluded,

> President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should the Senate. . . . Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts are now different. If that's the case, then so should be the law. (Wash. Post, 9/17/96.)

And yet, once again, the President's apologists have taken to the floor to defend the indefensible.

This procedure is never necessary to save the life and preserve the health of the unborn child's mother. Four specialists in OB/GYN and fetal medicine representing the Physicians' Ad Hoc Coalition for Truth have written:

> Contrary to what abortion activists would have us believe, partial-birth abortion is

> never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility. (Wall St. Journal, 9/19/96).

Indeed, former Surgeon General C. Everett Koop stated,

> I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then the destruction of the unborn child before the head is born—is a medical necessity for the mother.

Nor should we accept the myth that this procedure is rarely utilized. According to interviews conducted by the Record of Bergen County, New Jersey, physicians in New Jersey alone claim to perform at least 1,500 partial birth abortions each year—three times the number which the National Abortion Federation has claimed occur in the entire country.

Mr. President, a legislative ban on partial birth abortions is constitutional. Indeed, allowing this life-taking procedure to continue would be inconsistent with our obligation under section 5 of the 14th Amendment to protect life.

Although opponents will point to decisions in which activist federal judges invalidated state-passed bans, language nearly identical to that which is in this bill has been upheld in a number of courts. The ban's requirement that the abortionist deliberately and intentionally deliver a living fetus that is then killed implicate the partial birth procedure and no other. Judges who deemed the ban unconstitutionally vague ignored the text, and instead, saw fit to substitute their views in place of the views clearly expressed by the various state legislatures.

Mr. President, I want to share a word of caution with those claiming that a ban on partial birth abortions is unconstitutional. If they truly believe that outlawing this procedure is impermissibly vague, the inevitable conclusion people will draw is that infanticide and abortion are indistinguishable. I do not see how this argument provides any solace to the defenders of this gruesome procedure.

Finally, before this debate is through, I expect those defending the President's veto will say that opponents of partial birth abortion are really against all abortions. Well, Mr. President, I cannot speak for other Senators, but on that charge, I plead guilty. I believe abortion is the taking of innocent human life and has no place in a culture that values human life. I believe that precious human life should be nurtured in love and protected in law. For this reason, I support a constitutional amendment to protect human life.

On January 20th of this year, I chaired a hearing in the Constitution Subcommittee on the 25th anniversary of Roe v. Wade. We looked at how the Supreme Court's decision failed to provide a framework for sound constitutional interpretation or to reflect the reality of modern medical practice. This latter failure is not surprising since the Court had neither the capacity to evaluate the accuracy of the medical data, nor a way to foresee the remarkable advances that would make the then-current data obsolete.

From Dr. Jean Wright of the Egleston Children's Hospital at Emory University, we learned that the age of viability has been pushed back five weeks, from 28 to 23 weeks, since Roe was decided. We learned that surgical advances now allow surgeons to partially remove an unborn child through an incision in the womb, fix a congenital defect, and slip the "pre-viable" infant back into the womb. However, I think the most interesting thing we learned at the hearing is that unborn babies can sense pain in just the 7th week of gestation.

Mr. President, these facts should help inform this debate. For instance: If we know the unborn can feel pain at seven weeks, why is it such a struggle to convince Senators that stabbing a six month, fully-developed and partially-delivered baby with forceps and extracting its brain is wrong?

I realize, however, that not everyone agrees with my view on abortion. Indeed, I recognize that the American people remain deeply divided on this issue. But where there is common ground, we need to move forward and protect life.

One issue on which there is consensus is parental consent. Most Americans agree that parents should be involved in helping their young daughters to make the critically important decision of whether or not to have an abortion. A recent CNN/USA Today survey found that 74 percent of Americans support parental consent before an abortion is performed on a girl under age 18.

Last month, I introduced the Putting Parents First Act, which would require parental consent before a minor could obtain an abortion. Enactment of this legislation would allow Congress to protect the guiding role of parents as it protects human life.

Today's vote—to end the cruel practice of partial birth abortion—presents another opportunity for Americans on both sides of the underlying abortion issue to find common ground. The American people agree that a procedure which takes an unborn child, one able to be sustained outside the womb, removes it partially and then kills it is so cruel, so inhumane, so barbaric as to be intolerable. Indeed, after the procedure was described for them, fully 84 percent of the American people said Congress should outlaw it.

Mr. President, legislatures in more than 20 states have followed Congress's lead and passed laws outlawing this procedure. Two-thirds of the House of Representatives already has voted to overturn the President's veto. And when this chamber voted, more than a dozen Democrat Senators joined us in attempting to override the veto.

Mr. President, a consensus has formed. The American people and a substantial majority of their elected representatives in Congress want to eliminate this gruesome procedure from our nation's hospitals and clinics. The will of the American people should not be thwarted by the twisted science and moral confusion that has engulfed this Administration.

Mr. President, let me close by saying that if we are not successful today in overriding the President's veto, this will not be the end of the debate. We will come back next year and we will vote again. We will continue to vote on this issue of life and death until the voice of the American people is heard.

Mr. HELMS. Mr. President, one of the most tragic and saddest days in our nation's history was the day the Supreme Court ruled in Roe v. Wade that unborn babies can legally be killed by their mothers. Each of us who has fought, heart and soul, to undo that damaging decision, understood so well on January 22, 1973, that we had yet to see what devastation would come of such a horrendous rule.

Indeed, when a nation condones instead of condemns the inhumane procedure known as partial birth abortion, it is clear our worst fears have come true.

I am grateful to the distinguished Senator from Pennsylvania (Mr. SANTORUM) for his strength and conviction in standing up in defense of countless unborn babies. RICK SANTORUM's willingness to lead the fight on behalf of passage of the Partial Birth Abortion Ban Act is a demonstration of courage.

Our hearts and prayers go out to him and Karen, for their loss of their precious baby son, Gabriel Michael.

Mr. President, since May 20, 1997, when the Senate voted 64–36 to outlaw the partial birth abortion procedure, a six-pound baby girl was born in the state of Arizona. Of course, there have been countless other precious little lives who have graced this world with their presence since that time.

What is exceptional about this baby girl, is that she is the first known survivor of the partial birth abortion procedure. Amazingly enough, while the abortionist was in the process of performing the partial birth abortion, this little one's life was spared when it was realized that she was further along in her gestational development than thought.

Incidentally, it is due to this type of unawareness regarding the developing stages of a baby growing inside a mother's womb, that has led to the senseless murder of millions of the most innocent human beings.

Thankfully, this baby girl is no longer faceless. Although, her head has been marred by the instruments of the abortionist, and she may carry this scar as a reminder of her close encounter with death, she has been given a name and a home. Not surprisingly, one of the millions of couples who are anxiously waiting to adopt, has taken her into their loving family. Proving once more, there is no such thing as an unwanted baby, just unwanted by some.

I sincerely pray, Mr. President, that this country has not grown completely stone-cold in its response to the sanctity of human life. But, that Americans would be moved to reevaluate their views on the troublesome issue of abortion when they hear of the baby girl in Arizona, who was just minutes away from having her life cruelly and painfully ended. More specifically, I pray one individual in particular will not for a third time, turn a deaf ear to the countless cries of the other unborn babies who may not be as fortunate to have their lives miraculously spared. I am of course referring to the President of the United States, who has signed the death sentence of the most innocent and helpless human beings imaginable by twice vetoing the underlying legislation.

President Clinton, and his cadre of extreme pro-abortion allies, have sought to explain the necessity of a procedure that allows a doctor to deliver a baby partially, feet-first from the womb, only to have his or her brains brutally removed.

However, well-known medical doctors, obstetricians and gynecologist have repeatedly rejected the assertion that a partial birth abortion is needed to protect the health of a women in a late-term complicated pregnancy. Even the American Medical Association wrote a letter endorsing the Partial Birth Abortion Ban Act.

Mr. President, there is much to be said about the facts surrounding the number of partial-birth abortions performed annually and the reason they are performed—or at least the given, stated reason. It is hard to overlook the confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who admitted that he, himself, had deceived the American people on national television about the number and the nature of partial-birth abortions.

Mr. Fitzsimmons now estimates that up to 5,000 partial-birth abortions are conducted annually on healthy women carrying healthy babies. This is a far cry from the rhetoric espoused by Washington's pro-abortion groups who maintain that only 500 partial-birth abortion are performed every year, and only in extreme medical circumstances.

Mr. President, it is time for the Senate to once and for all settle this matter and pass the Partial-Birth Abortion Ban Act with a veto-proof vote and affirm the need to rid America of this senseless, brutal form of killing. It is also important to note that the American people recognize the moral significant of this legislation. The majority of Americans agree that the government must out-law the partial birth abortion. A poll conducted by CNN/Time in January of this year, shows that 74 percent of Americans want the partial birth procedure banned. In fact, more than two dozen states have passed legislation similar to the Partial-Birth Abortion Ban Act.

Mr. President, regardless of the outcome, when the Senate votes on the question of whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act, the impact will have grave consequences. For those who care deeply about the most innocent and helpless human life imaginable, failure to override the Clinton veto will border on calamitous.

The President of the United States should have to explain to the American people why he will not sign this ban over and over again. The spotlight will no longer shine on the much-proclaimed right to choose. Senators have been required to consider whether innocent, tiny baby-partially-born, just 3 inches from the protection of the law-deserves the right to live, and to love and to be loved. The baby is the center of debate in this matter.

I remember so vividly the day in January 1973, when the Supreme Court handed down the decision to legalize abortion. It was hard to find many people to speak up, certainly on the floor of the Senate, on behalf of unborn babies.

But it is time, once again, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. The Senate simply must pass the Partial Birth Abortion Ban Act, and I pray that it will do it by a margin of at least 67 votes in favor of the ban.

Mr. BURNS. Mr. President, this is the eve of the second Senate vote to override the President's veto of the Partial Abortion Ban Act. I am proud to be a co-sponsor of this bill, and I urge my colleagues to listen to their consciences and vote to override the veto and enact the ban.

Contrary to the assertions of some, this bill is not about a woman's right to choose to have an abortion. It's not about Roe v. Wade. Regardless of one's views on abortion in general, the partial birth abortion procedures should be abhorrent in a civilized society. It is a gruesome procedure, performed late in the term, which most physicians believe is never medically necessary. Most Americans agree it should be banned.

The Partial-Birth Abortion Ban has passed the Congress twice now with my support, first in 1996 and again last year. However, the President has twice vetoed this legislation against the will of the American people. I hope the Senate does the right thing by overriding the veto.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. ROBB. Mr. President, I yield myself such time as I may consume, chargeable to the Democratic manager.

The PRESIDING OFFICER (Mr. COATS). The Senator is recognized.

Mr. ROBB. Mr. President, I rise to urge colleagues who had the courage to oppose this legislation when it was considered by the Senate last year to demonstrate again that same courage by voting to sustain the President's veto of the so-called partial-birth abortion bill.

There is no question that this is a gut-wrenching issue. I know how passionately most of those feel who gather at the Capitol today and tomorrow to support a ban on this medical procedure and want us to override the President's veto. Those who have been telephoning, writing, and e-mailing us in such overwhelming numbers are equally emotional in expressing the depth of their feeling in opposition to abortion generally and to this procedure in particular.

This will be a very tough vote. But, as a matter of sound public policy, it is the right vote, and it is consistent with our Constitution as interpreted by the Supreme Court. If this legislation were to become law, the Congress would be telling physicians how to practice medicine, and Senators, with one exception, are not trained or certified to do that. In fact, the only Member of this body who is a physician made a comment during an interview on HMO reform recently about who should, and, more important, who should not be practicing medicine. He said that "[Congress] should not be practicing medicine. . . . Doctors should be practicing medicine. That's very clear."

Mr. President, it is important that everyone understand what is really at issue here. This debate is not about whether or when to terminate a pregnancy, because this bill will prevent not a single abortion; it is only about how to terminate a pregnancy. If it is otherwise lawful for a woman to terminate a pregnancy, this bill will only require that she and her doctor choose another medical procedure, even though her doctor may believe that procedure is less protective of her health.

In some States, it is legal for a woman to terminate a pregnancy in the third trimester, even when the life or health of the mother are not at issue. This bill does not address that situation at all.

It is appropriate to note, however, that some of us supported a tough ban on third-trimester abortions when this bill was considered last year, but our efforts were defeated by proponents of this bill in an effort to keep a very politically potent issue alive. But I ask those who want to keep abortions safe, legal, and rare, as I do, and who are disturbed by this procedure, as I am, to stop for a moment and think: What specific abortion procedure would you prefer? Because this legislation will necessarily encourage the use of some other procedure that I believe, if we focus on the specific details of the alternative procedure, we would find equally disturbing.

In truth, this debate is really about how an abortion is performed and, more essentially, about who chooses. It is about whether Congress chooses or whether American women and their doctors choose. I believe American women and their doctors should choose. I am troubled that at the heart of this legislation is an incredible presumption, the presumption that this Congress is more concerned or better qualified to judge than expectant parents about what is best for their families.

In matters this personal, what is best for American families should be decided by American families based on their individual beliefs and faith. Most opponents of this ban have very strong convictions about when life begins. But ultimately, Mr. President, the very question of when life begins is also a matter of belief, a matter of faith, a matter between individuals and their God. Some denominations believe life begins at conception. Others believe life begins at birth. Still another believes life begins 120 days after conception, at the time the soul enters the fetus.

My point here is that we must be very careful when legislating matters of faith, ours or someone else's. And in the absence of knowing, rather than believing, when life begins, we are forced to draw some very difficult lines. That is what the Supreme Court did in Roe v. Wade. The Court said that in the first trimester, the decision to continue a pregnancy is solely within the discretion of the mother; in the second trimester, the Government may impose reasonable regulations designed to protect the health of the mother; and in the third trimester, the rights of the unborn child are recognized, with the rights of the child weighed against the rights of the mother to escape harm or death.

The Court has been clear in protecting a woman's life and health, both before and after viability, even striking down a method-of-choice case because it failed to require that maternal health be the physician's paramount consideration.

Proponents of this bill frequently cite the American Medical Association's support for this legislation, but not the College of Obstetricians and Gynecologists' opposition to it. In fact, the ACOG has told us "the intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised and dangerous."

Again, Mr. President, we are a Congress of legislators, not a Congress of physicians. There are places we should not go and decisions we should not make. A respect for the judgment of physicians, a respect for the rights and needs of families in often excruciatingly difficult circumstances, and a respect for our Constitution ought to lead us to conclude that this bill should not pass.

Let me conclude by saying that I am pro-choice, I am not pro-abortion. I respect those who believe that abortions should never be performed, for religious or moral or personal reasons, and I believe that those individuals should follow their faith and choose not to have one. I particularly admire the convictions of those who choose life, even in the most difficult circumstances. But in choosing life, they choose. They choose life, just as families that make different and sometimes agonizing choices should also be allowed to choose.

I believe that, as legislators, we have an obligation to protect the rights of all those who live in our States. We all believe in freedom. We all understand that with freedom comes responsibility. Yet, at its heart, this legislation says to the women of America: We don't trust you with the freedom to choose; we don't trust you to do what we think is right; so we will take away your freedom to search your hearts, to follow your conscience, to rely on your faith and the judgment of your physicians and to make a very personal decision that affects your lives and your families.

That is why I will vote to sustain the President's veto, and I hope at least those who opposed the bill last year will do so again.

With that, Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will respond in one quick way to the comments of the Senator from Virginia. What has been sort of taken as a matter of record is that 80 to 90 percent of the partial-birth abortions performed in this country are on healthy women with healthy babies and that these are done for truly elective reasons. The idea that somehow we are holding on to this myth that we are doing this to save unhealthy women or because a baby is so severely deformed that they cannot live just isn't what the facts dictate. And that is from admissions from folks who perform the procedures, not our side coming up with these numbers.

I hope we can stick with the facts as to what we are really talking about.

I have no speakers on my side, so I will be happy to yield.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I want to talk about the facts and share with listeners a letter from Kate Hlava, from Oak Park, IL. These are her words:

> My pregnancy had been complicated from the beginning, but doctors kept assuring us that everything was fine. We went in for a routine ultrasound at 20 weeks, and our world came crashing down. The results of that ultrasound were an expecting parent's worst nightmare. The baby had a serious heart condition known as tetrology of fallot with absent pulmonary valve and overriding aorta.
>
> We saw numerous experts across the Midwest, resulting in just as many prognoses. At that time, we were given the option of terminating the pregnancy. We chose not to because we so desperately wanted the baby. We hoped and prayed every day that the baby would make it to term. If he was born prematurely, he would not have been able to have the operation he needed to survive, a surgery he would have needed every few years as he grew.
>
> Unfortunately, he was not strong enough to make it to term. He began showing signs of heart failure during the 27th week of my pregnancy. His liver was huge, his heart was enlarging, and I was retaining too much amniotic fluid. I had started to dilate and was going to go into labor soon. There was nothing the doctors in Illinois would do.
>
> I couldn't leave my house. I was contemplating suicide. As my baby was dying, so were pieces of myself, and no one here would help me stop it. In Illinois, had my baby been born, even prematurely and with no real chance of survival, the doctors would have been legally obligated to try to keep him alive. They would have performed fruitless and painful procedures on him, making his few moments on this earth a living hell. I didn't want that for my son. No parent would.
>
> It was then that my obstetrician suggested that we go to Kansas for a therapeutic abortion because of fetal anomaly. I have lived my entire life believing that abortion may be right for other people but that I never wanted to make the decision. I absolutely do not believe that a woman should be able to choose to terminate her pregnancy at 27 weeks because she is tried of being pregnant or because she was told the baby had brown eyes instead of blue.
>
> I have met other women who have undergone a similar procedure. Not one did so because she didn't want the baby. These women, like myself, wanted their babies and still miss them, but the prospect of bringing an extremely sick baby into the world, who would suffer a short life full of painful medical procedures, felt inhumane. Medical science is sophisticated enough to diagnose such anomalies at the fifth month of pregnancy.
>
> I am not sure where Bryne [The Editorial writer to whom Ms. Hlava is Responding] got

> his description of the procedure, but it is not the procedure I had. He described it as "all but the head of a living fetus is pulled from the mother, its brains sucked out, causing death and making it easier to remove the baby." This description is enraging. In my case, the baby was given an injection to stop his heart and then, through the insertion of laminaria, labor was induced.
>
> I saw my son after delivery. He was beautiful, and his body and head were intact. The process was very humane and the baby was saved from any undue suffering.
>
> I wish that I did not have to go to Kansas in January. I would give anything if my baby could have been born healthy. I think about him every day and miss him terribly. The one thing I am thankful for is that my son was able to die peaceful and painlessly.
>
> KATE HLAVA, *Oak Park.*

That is a letter, from a real woman who had this procedure performed on her this year, that just appeared in our local papers in Illinois.

Mr. President, President Clinton was right to veto this legislation. He was right because Congress, as a body, is not licensed to practice medicine. If the imposition of our judgment serves to condemn women to death or premature disability or cause the kind of harm that Kate Hlava talked about, then we will have clearly failed to live up to our responsibility to act in the best interests of the people who sent us here.

This debate is about whether or not women are going to have the ability to make decisions regarding their own reproductive health, whether they will retain their constitutional rights, and whether they will be able to make decisions regarding their own pregnancies. In the final analysis, it is ultimately about whether or not women are going to retain their current status as full citizens of these United States.

If the issue were creating sound public policy, then the Senate could vote to enact a bill that I cosponsored with Senators FEINSTEIN and BOXER which sought to ban late-term abortions except in situations in which the life or health of the mother is at risk—a requirement that has been set by the Supreme Court. The legislation we are debating today, however, contains no exception to protect the health of the mother, and an inadequate one with regard to protecting her life. I believe that even the sponsors of this legislation are fully aware that under the Supreme Court's decision in Roe v. Wade this bill, as presently written, is unconstitutional.

I believe the sponsors of the legislation would like to pretend that Roe v. Wade does not exist as the law of the country. That is the only way they can argue that this bill is a constitutional measure.

But let's look at the facts. In 1973, the Supreme Court of the United States recognized a woman's constitutional right to have an abortion prior to fetal viability. Roe also established this right is limited after viability at which point States may ban abortions as long as an exemption is provided for cases in which her life or health is at risk. These holdings were reaffirmed by the Court in its 1992 decision in Planned Parenthood v. Casey.

That is the constitutional standard that this legislation has to meet—and it clearly does not. The ban in this bill would apply throughout pregnancy. It ignores the Court's distinction between pre- and postviability. Moreover, this legislation fails to provide an exception in cases in which the banned procedure is necessary to preserve a woman's health. The Supreme Court has clearly stated that such a thing, such a measure is unconstitutional.

You do not have to be a constitutional scholar to figure that out, although, as professor Laurence Tribe has stated for the record, this legislation is plagued by "fatal constitutional infirmities." That is also why, Mr. President, courts in 17 out of 18 cases—Federal and State courts; including a court in my home State of Illinois—have ruled that laws similar to this legislation are unconstitutional.

Mr. President, allow me a moment to look at some of the specifics of the bill. First, I would like to examine the ban's exception to save the life of the mother. Under this legislation, the banned procedure may be performed if a mother's life is endangered by a physical disorder, illness, or injury.

Something is missing here. What if the mother's life itself is endangered by the pregnancy? The legislation is silent with regard to whether an exception exists under those circumstances. If this bill were to become law, the result of a problematic pregnancy could very well be that protecting the life of the fetus—even one capable of living outside the womb on its own for only a few moments—protecting the life of that fetus could result in the death of its mother.

This element of the bill would be particularly devastating to those women who are poor and/or who live in rural areas and therefore might not have access to the top-quality tertiary kind of health care that can make a difference in a life-or-death situation. There is a difference between women who have access to that kind of quality health care and those many women who do not.

The simple fact is if the President's veto is overridden, women's lives will not be fully protected in our country. Women fought for generations for the full protections and guarantees contained in our Constitution. It has only been 78 years that we have been granted the right to even vote. With this legislation, we would turn back the clock—for it does nothing less than abridge women's hard-earned status as full citizens of this country.

Most of the people—and I hate to say this, Mr. President, but it is fact and it must be said—most of the people making the decision to vote on this issue cannot themselves ever experience the trauma of pregnancy or, for that matter, abortion. It is being made by people who themselves are not at risk with regard to this decision.

Moving beyond the issues surrounding the legislation's unsatisfactory lifesaving exception, I would like to address the bill's total lack of an exception for the health of the mother. In Roe, the Court held that even after a fetus was viable, States could not place the interests and welfare of that fetus above those of the mother in preserving not just her life, but her health as well.

Under this bill, women's health would be a complete nonissue. Certain procedures developed in the years since Roe v. Wade to protect pregnant women's health would be unavailable to our physicians, our doctors. So this legislation would simply turn us back to the status of the law as it existed before Roe v. Wade, a time when more than twice as many women died in childbirth as do today.

I want to give you some numbers here, Mr. President. I think it is important to put this in historical perspective as well. At the turn of the century, the death rate in childbirth for women—childbirth was much more dangerous than it is today —but the rate of mothers dying was 600 women per 100,000 live births. By 1970, medical advances had brought that rate down to 21.5 women for every 100,000 live births. That is the point at which Roe v. Wade was decided by the Supreme Court. Today, that number is less than 10 per 100,000 live births.

We expect that women are going to survive a pregnancy, complicated or not. That was not the expectation 100 years ago. It was not even the expectation 20 years ago. The fact of the matter is, that in addition to the medical advances, the ability of physicians to make these kinds of judgments, and women being able to choose, in consultation with their doctors, has served to protect the health as well as the lives of women.

Again, under this bill, women's health will be a complete nonissue. Procedures that have been developed since Roe v. Wade would be made unavailable. Thus, we would be turning back the clock. The Supreme Court said in abortion rulings that a woman has a constitutionally protected right to protect her own health at every stage of her pregnancy. Therefore, I submit that the bill's lack of an exception to preserve the health of the mother, like its incomplete lifesaving provision, would strip women of fundamental rights that are guaranteed to them under the Constitution.

Now, while the term partial-birth abortion is not a medical term—and I think that has been debated and everybody knows that—a procedure that certainly would be banned under this bill is a procedure known as intact dilation and extraction, or intact D&E. The American College of Obstetricians and Gynecologists, which represents over 90 percent of this Nation's OB/GYNs, opposes this bill. They said:

> The potential exists that legislation prohibiting specific medical procedures, such as intact D&E, may outlaw techniques that are critical to the lives and health of American women.

They are absolutely correct. If this legislation were to become law, women's health would be jeopardized because doctors would be forced to use abortion procedures that may not be the best or the most appropriate for a particular woman.

As was eloquently stated by the speaker before me, Congress presumes to substitute its judgment for the judgment of physicians or doctors in regard to medical practice with this legislation. There can be no denying the fact that if the President's veto is overridden, we will be sending a message that women should be allowed to suffer irreparable harm due to pregnancy even though their doctors have the ability to have prevented that harm.

In opposing this legislation, the American College of Obstetricians and Gynecologists also stated:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

That is precisely right. Politicians should have nothing to do with this issue. We have no place in the examining room, operating room, or the delivery room. The question of how to deal with the pregnancy should rest squarely with the pregnant woman, her doctor, her family, her God, and not with Members of the U.S. Congress.

Some have argued that we have a responsibility to get involved and ban the procedure because it is not safe. In my view, it is physicians, not Senators, who should be the ones to make that decision. It is their job to do so, not ours.

Some have argued that the procedure to be banned is unnecessary, and yet the legislation contains an exception to save the life of the mother. That exception is there because of the undeniable fact that in some circumstances the procedure addressed by this legislation is necessary—sometimes to protect a woman's health, sometimes to protect her life. But we don't have to look at the bill to know that. Physicians have repeatedly stated this is the case.

What all of this tells me is that this is essentially a medical matter. Doctors must have the freedom to be able to decide which procedures to use in cases of a troubled pregnancy. To the extent that this Congress limits their freedom of action, their freedom of decision, we put the lives and health of women at risk. Consider what the effect of risking women's health in this way could mean for family life in the United States. The inability to address one's own reproductive health as a woman and her doctor believe is necessary, increases the possibility that a woman's reproductive system could be irreversibly damaged and she would be unable to bear children for the rest of her life. Other effects of such a pregnancy on her health may leave a woman unable to care for the children she is already raising.

All of this should make clear that this legislation poses a mortal threat to the ability of women to make choices about their own bodies and their own futures that all Americans ought to be able to make as essential and fundamental freedoms. Choosing to terminate a pregnancy is the most personal, private, and fundamental decision that a woman can make about her own health and her own life. Essentially, choice equates to freedom. The right to choose goes straight to the heart of the relationship of a female citizen and her doctor. Choice is a barometer of equality and a measure of fairness. I believe it is central to our liberty as women.

Now, having said that, I do not personally favor abortion as a method of birth control. My own religious beliefs hold life dear. I would prefer that every potential child have a chance to be born. But whether or not a child will be born must be its mother's decision—not Congress', not ours.

I fully support the choice of those women who carry their pregnancy to term regardless of the circumstances. Some women have died having made a decision that turned out to have been ill-advised under the circumstances. But I also respect the choice of those women who, under very difficult circumstances in which their life and health may be endangered by a pregnancy, choose not to go forward with it. So, while I would like to live in a society where abortions never happen, I also want to live in a society in which they are safe and they are legal.

I am going to put aside for a moment the abstract arguments in favor of sustaining this veto, and bring us back to the real-life situations. I read one letter. The last time I spoke on this issue I related the story of Vikki Stella who lives in Naperville, IL. Vikki has a story as heart-wrenching as the one I started with when I began my remarks on this issue.

I won't go through the details of Vikki's case right now because, frankly, I don't believe aggravating the emotions on this issue serves any good purpose at this point. We have people who have clear disagreement in regard to these situations. I am sure there are stories that can be told for the rest of this day. I, frankly, believe that while the stories illustrate, they should not be used to aggravate or to inflame passions on this issue.

I think it is important for us to remember that for every story of a woman who made the choice and it came out all right, there is another story of a woman who made the choice and it didn't come out all right. I think it is inappropriate for those of us in this room to force those women to die, or alternatively, to lose their reproductive health because of our intervention in their personal and private decisions.

I urge my colleagues to respect the decisions of these women, to respect their freedom as citizens, to respect their fundamental rights as citizens of this great country and give them the respect that goes with the notion that ultimately people want to do the right thing, ultimately people want to choose life, ultimately people want to do the right thing by their children, and that we in this Congress should allow those decisions to be made by women and their physicians in consultation with their family and their God.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, would the Senator from Illinois yield for a couple of questions?

Ms. MOSELEY-BRAUN. Yes.

Mr. SANTORUM. First, I say to the Senator from Illinois that I appreciate her comments.

With respect to the first letter that the Senator read, I have a question. Did you say that the baby's heart, when the abortion was done, was injected with digoxin?

Ms. MOSELEY-BRAUN. The letter did not say what procedure was used.

Mr. SANTORUM. I thought that is what you said.

Ms. MOSELEY-BRAUN. I will share the letter with the Senator:

> . . . was given an injection.

Mr. SANTORUM. Into the heart?

Ms. MOSELEY-BRAUN. "In my case, the baby was given an injection to stop his heart and then, through the insertion of laminaria, labor was induced."

Mr. SANTORUM. I suggest to the Senator from Illinois, if you read the definition of partial-birth abortion in the bill, partial-birth abortion is partially vaginally delivering a living fetus.

So if the baby in this case had an injection in the heart to stop the heart, the baby would have died at that point, and then the baby would be removed from the uterus, the baby would be dead, and therefore would not fall under the definition.

So in the case that you mentioned, she did not have a partial-birth abortion by definition. She couldn't, because the baby was dead at that point.

Ms. MOSELEY-BRAUN. I appreciate my colleague allowing for that exception in interpreting her situation in that way.

But I think, if anything, my colleague's argument goes exactly to the heart of my position in this matter, which is that we are forcing physicians to consult the language of this bill in making that kind of a judgment about what kind of procedure is appropriate for which woman in what circumstance.

If a physician has concerns, as you just said, by making an injection, killing the fetus in utero, and then delivering it, falling outside of the exception, well, if that is the case, then I appreciate my colleague making legislative history.

I think, if anything, it points to the fallacy of the nonphysicians in this Chamber making these kinds of medical judgments.

Mr. SANTORUM. I respond to that by saying I think it points out the cruelty, unnecessary cruelty, of doing the procedure that we are attempting to ban here.

What was done by the woman and the doctor in this case, I think, first off, the baby was not delivered, was not outside the mother, and then painfully and brutally killed. The baby was killed in utero by an injection. While I don't like abortion, period, I think that less shocks the conscience of our country than delivering a baby, as in the case of partial birth, most of them being healthy with healthy mothers. In this case, that is not the case. But there is a real distinction here, and what I think your case points out is that there are viable, less-invasive, less-dangerous-to-the-mother alternatives available, even for cases where you have pregnancies that have gone awry, and that are less cruel and barbaric to the baby and less dangerous to the woman.

You talked about preserving maternal health. There is nothing more that I want to accomplish with this bill than preserving maternal health. But we have ample evidence, including from the AMA who testified, that this procedure is not healthy for women, and there are other procedures, such as the one the Senator outlined, that are safer for women who may elect to have an abortion—a legal abortion, which we don't outlaw with this bill. We just say that there are alternatives. The letter you read says, in fact, a viable and often-used alternative to a partial-birth abortion that would continue to be available, which is less risky to the mother, and that is less gruesome, barbaric, and horrific to the child.

Ms. MOSELEY-BRAUN. Again, I know we have irreconcilable differences of opinion about this, but I think it is important to remember that, as we legislate, we are legislating in broad strokes, not in specifics. The problem with this bill, as I have said in my debate, is that one size does not necessarily fit all. Frankly, talking about when her baby's heart stopped, that is not an exact definition of death, either. Those are my words, colloquial terms. We are not physicians. That is the problem. To hamstring and say to a physician that you can make decisions about this, except here, here, here and here will, by definition, cause them to, frankly, shy away from exercising their best medical judgment. We are not physicians and one size does not fit all. That is why I believe the President's veto of this bill was appropriate and correct.

I thank the Chair, and I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, once again, we are on the floor debating this very difficult issue. I commend the Senator from Pennsylvania for his perseverance in the realities of protecting the rights of women to control their own bodies and our obligation to protect the rights of those unborn. That is something that we will be discussing an extended period of time—probably without any degree of finality.

Nevertheless, Mr. President, we must vote yes or no on this. As a consequence, it is my fervent hope that enough votes will be cast to put an end to this tragic procedure. It is a tragic procedure in its very nature—partial-birth abortion.

The President defended his veto by stating that a partial-birth abortion is a procedure that is medically necessary in certain "compelling cases" to protect the mother from "serious injury to her health."

Unfortunately, the President, in my opinion, was badly misinformed. According to reputable medical testimony and evidence given before this Congress by partial-birth abortion practitioners, partial-birth abortions are, one, more widespread than its defenders admit; two, used predominantly for elective purposes; and three, are never medically necessary to safeguard the mother's health. That is a pretty broad statement, but that is what we are told.

The former Surgeon General, C. Everett Koop, whom we all admired when he functioned in that position, stated he "believed that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions."

Dr. Koop went on to say, "In no way can I twist my mind to see that the late-term abortion as described as . . . partial birth . . . is a medical necessity for the mother."

In a New York Times editorial, C. Everett Koop added, "Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and a normal fetus."

Other physicians agree: In a September 1996 Wall Street Journal editorial, three physicians who treat pregnant women declared that "Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility."

Mr. President, a partial-birth abortion is not only tragic, it is violent. The procedure is one in which four-fifths of the child is delivered before the process of killing the child begins. Sadly, throughout this procedure, the majority of babies are alive and able to move and may actually feel pain during this ordeal.

Dr. Pamela Smith, in a House hearing on the issue, succinctly stated why Congress must act:

> The baby is literally inches from being declared a legal person by every State in the Union. The urgency and seriousness of these matters therefore require appropriate legislative action.

Mr. President, it's not easy for any here to discuss this topic, but unfortunately, there are stark and brutal realities of a partial-birth abortion.

I, and others who support this Act, sympathize with a woman who is in a difficult and extreme circumstance, but no circumstance can justify the killing of an infant who is four-fifths born. My good friend and colleague Senator MOYNIHAN, has said the practice of partial-birth abortions is "just too close to infanticide."

Mr. President, this procedure cannot be defended medically and cannot be defended morally. That is why I hope that this is the one issue that can unite pro-life and pro-choice individuals. I strenuously urge my colleagues to vote in favor of overriding President Clinton's veto of the Partial-Birth Abortion Ban.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Alaska for his leadership and support. He has always come to the floor and spoken in strong support of this, and he has been a great and committed warrior in this cause. I thank him for that.

Mr. President, the Senator from California gave her remarks and she talked about women here in town who had horrible things happen to them during pregnancy, and that they were faced with very difficult decisions to make. I understand that those are difficult decisions. She said, in one case, that a baby was well along and was, unfortunately, hydrocephalic, which means water on the brain. They could not do a vaginal, natural delivery. For some reason, she did not want to do a C-section. There were no other options available to save this mother's health. Let me just read to you what a doctor said, a board-certified OB/GYN:

> Sometimes in the case of hydrocephalus, in order to drain some of the fluid from the

> baby's head, a special long needle is used to allow a safe vaginal cephalic head-first delivery. In some cases, when the vaginal delivery is not possible, a doctor performs the Cesarean Section. But in no case is it necessary, or medically advisable, to partially deliver an infant through the vagina and then cruelly kill the infant.

Another piece of information that the Senator from California and the Senator from Illinois were talking about is that women would have their health and life at risk with having an abortion, going through with the pregnancy later in term. The facts are just the opposite. The Senator from Illinois said, "Let's not deal with anecdotes, let's deal with facts."

Here is the statistical evidence: At 21 weeks or more—that is the time in which partial-birth abortions are done because they begin to be done at 20 weeks gestation—the risk of death from abortion is 1 in 6,000 and exceeds the risk of maternal death from childbirth, which is 1 in 13,000. You are twice as likely to die if you have an abortion than if you deliver the baby after 21 weeks.

So this whole concept that these procedures are necessary—a procedure that is much more risky than others, much more dangerous than other procedures to the mother—aside from the fact that they are brutal procedures, this is a procedure that is much more risky to the mother; that just the medical evidence shows, the statistics show, that having an abortion—and there are other complications—termination of a pregnancy at more advanced—again, this is from an article, from the Journal of the American Medical Association, August 26, 1998, current edition, which talks about two obstetricians from Northwestern University. It says:

> Termination of pregnancy at more advanced gestational ages may predispose to infertility from endometrial scarring or adhesion formation.

It is documented in one study that 23.1 percent of patients had induced midtrimester abortions. Nearly a quarter of those. Again, that is all midtrimester abortions. You hear the argument in this paper and by hundreds of physicians that partial-birth abortion is even more damaging to the cervix and to the future ability for a mother to carry a baby to term.

It continues on:

> . . . and from pelvic infections, which occur in 2.8% to 25% of patients following midtrimester terminations. Dilation and evacuation procedures commonly used in induced midtrimester abortion may lead to cervical incompetence, which predisposes to an increased risk of subsequent spontaneous abortion, especially in the midtrimester. Cervical incompetence is more prevalent after midtrimester termination of pregnancy than first trimester termination because the cervix is dilated to a much greater degree.

And other physicians have gone on to say that because this is a procedure that takes 3 days to dilate—you hear so much about this may be necessary to save the life or health of the mother because of some emergency. This is a 3-day procedure. The cervix is dilated over a 3-day procedure, which makes the probability of an incompetent cervix, which means the ability to carry a baby in future pregnancies—it inhibits the ability to carry a baby in future pregnancies. It increases the risk of infection, because now for 3 days the cervix is open. And they are not in a hospital setting. They are out, either back at their home, or in a hotel, waiting for the procedure to be done. This is an unhealthy procedure for women.

If we are concerned about women's health, let's look at the fact about what this does to women's health. Frankly, it sounds to me, if you look at the evidence, there seems to be a sort of pushing aside of all of the nonanecdotal evidence about women's health and putting forth legal arguments about what the Supreme Court says. They are one of three branches of Government, folks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Mr. President, I ask unanimous consent to proceed for as long as I may consume under the remaining time left on the other side with the understanding that if anybody comes I will be happy to yield the floor at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, they are focusing on legal arguments. The fact of the matter is we are one of three branches of Government. We can put forward things that we believe are constitutional. We can test what they are. I have seen a lot of decisions at the Supreme Court that have moved all over the place on this issue.

It seems very clear to me that we are not providing an undue burden. We are here. We are eliminating one procedure that is not taught in any medical school, that has not been peer-reviewed, that has not been done in a hospital. It is done in clinics, and, in fact, was invented—created—not by an obstetrician.

Someone referred to earlier that Senator FRIST and C. Everett Koop are two people who testified against this procedure. They are not obstetricians. That is true. But the person who invented this procedure is not an obstetrician, either. He was a family practitioner who did abortions.

So the fact of the matter is that C. Everett Koop was a pediatric surgeon—someone who dealt with these little babies, who understands very well what damage is done to these little babies, and, in fact, what is available to save their lives. He knows very well about what he talks about, as does the Senator from Tennessee who has studied this issue thoroughly, and who has reviewed the literature thoroughly.

Let's walk away from the facts for a moment. Let's deal in the realm of what the other side seems to point to—the pictures.

The Senator from California suggested that there will be women here who have had this procedure who will be in the Halls looking at Members as they come in to vote tomorrow to insist that they keep this procedure legal. I only wish, I only wish, that the children who have fallen victim to this would have the opportunity to stand in that Hall and look at the Senators and plead with them to ban this procedure.

We may have one such person which I will talk about in a moment.

But I am going to talk to you first about a little boy—a little boy who was the first child of Whitney Goin. Whitney was 5 months pregnant with her first child. She went in for her first sonogram, and a large abdominal wall defect was detected. She described her condition after learning that there was a problem with the pregnancy:

> My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, ect.

A perinatologist suggested she strongly consider having a partial-birth abortion. The doctor told her it may be something she "needs" to do. He described the procedure as one where the baby would be partially delivered except for the head, and the pregnancy would be terminated.

The Goins made a different choice.

If there is one thing that those who are listening to this debate—if there is one thing that I hope for that results from this debate today, it is that people who will be watching this debate understand one thing: Whether we pass this override of the President's veto or not, please understand that there are other choices. There are other options—and to follow your heart, to follow your love for your child, and pursue those options, as Whitney Goin did.

The Goins chose to carry the baby to term. But complications related to a drop in the amniotic fluid created some concerns. Doctors voiced to the Goins that the baby's chances for survival would be greater outside the womb. So on October 26, 1995, Andrew Hewitt Goin was delivered by C-section. He was born with a condition in which the abdominal organs—stomach, liver, spleen, and small and large intestines—were outside the baby's body.

Here is the picture. In the incubator there is little Andrew Hewitt Goin.

Andrew had his first of several major operations 2 hours after he was born. Andrew's first months were not easy. He suffered from excruciating pain. He was on a respirator for 6 weeks. He needed tubes in his nose and throat. They continually suctioned his stomach and lungs. He needed eight blood transfusions. His mother recalled, "The enormous pressure of the organs being slowly placed into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments." It broke his parents' hearts to see him suffering so badly.

Remember how we heard about someone who said that it would just break your heart to see your child suffer so badly. And I understand what she feels. But it breaks the hearts of thousands of parents every day to see their children suffer. But that is no reason, that is no reason, to kill your child. It is all the more reason to love that child, to draw that child near to you, and to accept that child as part of your family.

Andrew fought hard to live. And he did. This is Andrew Hewitt Goin at 3 years of age.

I would also note that Andrew will not be the only child for much longer. Next March, the Goins will welcome their second child into the family. Contrary to the misinformation about partial-birth abortion that has been so recklessly repeated, carrying Andrew to term did not affect Whitney's ability to have future children.

I think if you asked Andrew a few years from now whether he would prefer to have suffered that pain or be listening to music, or not be listening to that music, or not be alive today, the answer would be pretty clear.

Not all the stories turn out as happily as Andrew's. Not all of them do. But what does turn out happily in so many more instances is for parents to have the recognition that they have the capacity to love their children even when it is so hard to do that. Whether we override the President's veto is less important than that simple fact that I hope the people listening here will understand.

The next case I want to talk about is Christian Matthew McNaughton. For 4 years, Christian Matthew McNaughton fought the odds. An ultrasound revealed that he had hydrocephalus 30 weeks into pregnancy—again, the condition that has been described as one that is necessary to kill the child and perform a partial-birth abortion, the very case just cited in this Chamber as the reason for keeping this procedure legal.

After Dianne McNaughton learned of their son's dim prospects because of hydrocephaly, which can cause a variety of problems including, because of the water on the brain, the lack of brain development, Dianne asked for information on hydrocephaly. The counselor called doctors on staff and explained the request, and imagine Mrs. McNaughton's surprise when the counselor told her the hospital felt "it was better if she didn't know anything."

Still, Dianne and her husband, Mark, determined to educate themselves on what to expect from now and how to care for a child who had hydrocephaly. They continued to persevere. Life was very stressful for the McNaughtons after the diagnosis. Dianne suffered from nightmares. She never considered aborting the baby, but she worried about how her other two children would be affected by having a disabled child in the home. With the help of Dianne's brother, who happened to be a doctor, the McNaughtons found a specialist in Philadelphia to deliver their baby.

As we learned last year with the case of Donna Joy Watts, another child with hydrocephaly, the Watts family had to go to three hospitals in Maryland before they could find a physician team and a hospital that would deliver their child, because children with hydrocephaly are thought not to have the ability to live and are simply seen as abortion clients; they are seen as disposable.

They were advised again to end their pregnancy. They were warned that hydrocephaly is associated with spina bifida, Down's syndrome, and cerebral palsy. The baby might never achieve bowel or bladder control; he might not be able to move his arms or legs; he might be born blind; he might not even be able to swallow.

The McNaughtons were offered a partial-birth abortion. As a doctor explained it, the baby would be partially delivered, a sharp surgical instrument would be inserted into the base of the skull, and the brains would be extracted—of course, the doctor noted, "what there was of the brain." The rest of the body would then be delivered. This option was rejected.

As if the shock of being advised to undergo a gruesome partial-birth abortion was not enough, one doctor said the shunt surgery to relieve the pressure and the fluid in the baby's brain would not be performed if the child's "quality of life" prospects did not warrant it.

I again go back to the case of Donna Joy Watts just so you don't think this is one isolated case. For 3 days, Lori Watts had to plead with the doctors at the hospital to do a shunt operation to relieve the fluid pressure on the brain, and the doctors refused to because the doctors didn't think she had any chance of a quality life. Donna Joy Watts is here in Washington today. She is 5, almost 6, years of age.

Christian was born June 20, 1993. He was a beautiful, 8-pound baby boy. He did require a lot of medical care. A CAT scan revealed that he suffered a stroke in utero which caused excess fluid to build up in his brain. It also showed that the lower left quadrant of his brain was missing. Within a week of delivery, Christian had his first shunt surgery to drain the fluid. He had a follow-up procedure in 3 months.

As he grew, Christian exceeded everyone's expectations. A baby that doctors initially believed would be blind or could do virtually nothing was a little boy who walked, ran, talked, and sang. He played baseball and basketball. He attended preschool. His heroes were Cal Ripken, Jr, Batman, Spiderman, and the Backstreet Boys. He loved whales and dolphins. His favorite movie was "Angels in the Outfield." And he especially loved his baby sister who was 2 years younger than he. Christian McNaughton brought joy to all who were fortunate enough to know him.

In August of 1997, Christian began experiencing severe head pains. His shunt was malfunctioning. It had to be replaced. He went into surgery and experienced cardiac and respiratory distress in surgery, and he slipped into a coma. Christian fought hard to live but he never recovered. He died on August 8, 1997, at the age of 4.

But if you talked to his parents and you talked to those who knew him and you asked them whether they would have traded those 4 years for denying Christian's humanity by aborting him in such a brutal and inhumane way, they would have said no.

On the anniversary of his death, they entered these memorials to Christian in the Harrisburg Patriot News:

> Christian, we love you. We miss you. We wish we could kiss you just one more time. Until we meet again. Your loving sisters, Meghan and Kelly.

The McNaughtons were worried about whether their children would accept a disabled child in the home. I think it is pretty clear that they accepted him very well, and he added to their lives, and he affirmed their lives.

A letter from the brother:

> Dear Christian. I have a poem for you.
> Blue jays are blue and I love you.
> Robins are red and I miss you in bed.
> Sparrows are black and I wish you were back.
> I am sorry for the bad things I did to you. You are the best and only brother I ever had. Please watch over us and take care of us.

We wonder whether those children accepted this child. This is a sad story, but it is a joyous story. It is a story of acceptance and love.

One of the things that often confounds me about how people deal with this issue is that people who are in the tradition of the Democratic Party, who have sought for the past 100 years to be inclusive in our society, to welcome those who are on the outside of society, to fight for civil rights, to fight for rights for the disabled, are always fighting to include those who are most vulnerable, now turn their backs to the most vulnerable of all. How does that speak to a country where Hubert

Humphrey once said: "We are judged by how we treat the least of us." Can you think of anything less in our human family than a little baby outside of the mother's womb, 3 inches from life, asking only to be given a chance; prone, with its back to the abortionist, helpless from what might happen next? Just like baby Phoenix, helpless. But, thank God, a moment, finally a moment of conscience hit him and he decided, no, I can't thrust those scissors into this child. And now this temporarily unwanted baby is so loved and wanted somewhere in Texas, by parents who cherish that little girl every day.

The question is, in this debate—you can talk about legal axioms, you can talk about medical theories, you can talk about ethics, you can talk about all sorts of things. The question here is how inclusive are we going to be in our family? As I see the empty seats on this side of the aisle, and I look for the men and women who have given great talks on the floor of the U.S. Senate about the need for rights for the downtrodden: Find me a more helpless creature in our human family, a more downtrodden, helpless, beautiful creation of God than a little baby, his back to the doctor who is going to kill him or her, waiting for the pain to stop.

Mr. President, do we have any time?

The PRESIDING OFFICER. The time of the Senator has expired. All time on debate has expired.

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senator from Kansas be recognized for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I thank the Senator from Pennsylvania for his work and his effort in this area. I want to talk in the brief period of time that I have about the soul of a nation, the soul of our Nation and what happens to it when, once pierced with consciousness that this procedure goes on, allows it to continue to go on.

Government-sanctioned brutality presently exists in America in the form of partial-birth abortion. We know that now. The cold mechanics of partial-birth abortion involve the near delivery of a late-term infant to facilitate the extraction of the child's brains. This procedure will be performed several times this month throughout our Nation, and we know that, and we know that we sanction that as a State-sanctioned form of death.

I speak today of deep concern for the soul of our Nation which is permitting these defiling acts to continue with our consent. Why do otherwise decent nations permit their young to be ripped apart? Why do they permit the shameless repeated acts of cruelty against their weakest and most vulnerable? People of conscience must intervene now.

I draw attention of the people here in this body to the words that adorn the doorways as we walk in. As you preside, you stare up at the words, "In God we trust." As you look across the walkway, "He, God, has smiled on our undertakings." Above this doorway we have "A new order for the ages." All thoughts of our founders; all thoughts, I think, they had towards the newborn child, towards any nature of life in this Nation, that, "In God we trust."

With a nation of such a conscience and such a soul, would it tolerate such a procedure once it knows that this procedure exists? I think not. I urge my colleagues, as we look at this, as we consider the soul of our Nation, would we, should we, can we continue to tolerate this outrageous form of death? History teaches us that tolerated acts of cruelty both brand a nation for infamy and sear its conscience. Tolerance is complicity, and nations will eventually be judged for their failure to stop the course of unbridled cruelty.

America is distinguished around the world basically because of one phrase: America is distinguished for her goodness. I don't think we can excuse this act. No adequate excuse exists for the death of an innocent child by this horrific surgical procedure. This is a human rights abuse of the basest form, which, if condoned, will singe the soul of our Nation now that we know it exists.

We must force ourselves to look squarely into the face of this brutality, regardless of the many sophisticated arguments. I close with a quote from Edward R. Murrow on this point. He would say: "There are not two sides to every story." There are not two sides to this story. Partial-birth abortion must be banned.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1999, AND FOR OTHER PURPOSES

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Joint Resolution 128, the continuing resolution.

I further ask that the joint resolution be read a third time and be passed and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 128) was read the third time and passed.

Mr. STEVENS. I ask that H.J. Res. 128 be spread on the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

H.J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1998 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 1999, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 1999;

(5) the Energy and Water Development Appropriations Act, 1999;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 1999;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, the House and Senate reported versions of which shall be deemed to have passed the House and Senate respectively as of October 1, 1998, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1998, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 1999;

(10) the Department of Transportation and Related Agencies Appropriations Act, 1999;

(11) the Treasury and General Government Appropriations Act, 1999; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1998, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1998, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1998, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1998, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1998, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1998 or prior years, for the increase in production rates above those sustained with fiscal year 1998 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1998: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1998.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1998 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 9, 1998, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1999 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1998 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1999 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Corrections Trustee Operations, Offender Supervision, Public Defender Services, Parole Revocation, Adult Probation, and Court Operations.

SEC. 115. Activities authorized by sections 1309(a)(2), 1319, 1336(a), and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106 of this joint resolution.

SEC. 116. Section 28f(a) of title 30, U.S.C., is amended by striking the words "The holder" through "$100 per claim." And inserting "The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of $100 per claim site.". Notwithstanding any other provision of law, the time for locating any unpatented mining claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may continue through the date specified in section 106 of this joint resolution.

SEC. 117. The amounts charged for patent fees through the date provided in section 106 shall be the amounts charged by the Patent and Trademark Office on September 30, 1998, including any applicable surcharges collected pursuant to section 8001 of P.L. 103–66: *Provided*, That such fees shall be credited as offsetting collections to the Patent and Trademark Office Salaries and Expenses account: *Provided further*, That during the period covered by this joint resolution, the commissioner may recognize fees that reflect partial payment of the fees authorized by this section and may require unpaid amounts to be paid within a time period set by the Commissioner.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, until 30 days after the date specified in section 106, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available for projects and activities for decennial census programs shall be the higher of the amount that would be provided under the heading "Bureau of the Census, Periodic Censuses and Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as passed by the House, or the amount that would be provided by such Act as passed by the Senate, or the amount of the budget request, multiplied by the ratio of the number of days covered by this resolution to 365.

UNANIMOUS CONSENT AGREEMENT—S. RES. 279

Mr. STEVENS. Mr. President, I further ask unanimous consent that at 7 p.m., the Senate proceed to the consideration of S. Res. 279 regarding Puerto Rico, submitted earlier today by Senators TORRICELLI, D'AMATO and MURKOWSKI. I further ask there be 50 minutes for debate on the resolution equally divided between the majority and minority sides, with 10 minutes of the minority time under the control of Senator SARBANES.

I further ask that upon the conclusion or yielding back of the time, the resolution and preamble be agreed to, and the motion to reconsider be laid upon the table, and that no amendment be in order to the resolution or the preamble.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

SENSE OF THE SENATE REGARDING PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate supporting the right of the United States citizens in Puerto Rico to express their desires regarding their future political status.

The Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I am very pleased to join my colleagues in support of this sense-of-the-Senate resolution that recognizes the rights of U.S. citizens in Puerto Rico to decide their political future.

I publicly commend the distinguished Senator from New Jersey and the Senator from Florida for their outstanding leadership in bringing us to this point. Resolutions of this kind and legislation dealing with this particular issue have had a roller-coaster ride in this Congress. Were it not for the tremendous persistence of the Senator from New Jersey and the Senator from Florida, we would not be here tonight. So I publicly express, on behalf of all of our colleagues, our thanks to them for their leadership, their persistence, and their diligence in bringing us to a point where we hope on a unanimous basis this resolution will at long last be adopted tonight.

Very simply, the resolution states that the people of Puerto Rico should be given an opportunity to express their views on the political status of Puerto Rico through some form of plebiscite. President Kennedy once said, "The most precious and powerful right in the world is the right to vote in an American election."

The great Mexican patriot, Benito Juarez, once said that "democracy is the destiny of humanity." In the case of Puerto Rico, democracy delayed is democracy denied. The destiny of Puerto Rico's political future should be in the hands of the people of Puerto Rico. Congress should pass legislation that provides the congressional framework to recognize and implement their decision.

Our Nation is built on democratic principles of equality, opportunity and the right of self-determination.

Yet, American citizens on the island of Puerto Rico lack the rights to express the basic tenet of democracy, a government chosen by the people.

In the words of Thomas Jefferson, "That government is the strongest of which every man feels a part." In regard to Puerto Rico, formal recognition of these democratic ideals is long-overdue. Since the end of the Spanish-American War 100 years ago, we have shared a social, economic, and political union with Puerto Rico. In 1917, Congress granted citizenship to Puerto Ricans. In 1952, the people of Puerto Rico took on local self-government.

In 1963, President Kennedy called for self-determination for the people of Puerto Rico.

More than a quarter of a century later, we are still debating the issue in the Senate as 4 million Americans are denied basic democratic rights. I hope we will all agree that this is simply unacceptable.

The people of Puerto Rico have long demonstrated their patriotism to the United States. Tens of thousands have served in the American military. More than 1,200 Puerto Ricans have died in combat to preserve our democratic way of life.

Mr. President, I support the right of self-determination for U.S. citizens living in Puerto Rico. That is why I am a cosponsor of S. 472, the "United States-Puerto Rico Political Status Act," which provides a congressionally recognized framework for U.S. citizens living in Puerto Rico to freely decide statehood, independence, or the continuance of the commonwealth under U.S. jurisdiction.

As a first step, Congress should adopt this sense-of-the-Senate resolution this year in an effort to resolve the question of Puerto Rico's political status in a fair manner.

We must ensure we provide full democratic rights for all American citizens, including those who live in Puerto Rico.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Florida.

Mr. GRAHAM. Mr. President, I rise to speak on this sense-of-the-Senate resolution with mixed feelings. I would have much preferred to be speaking tonight in behalf of legislation that would have provided for the first time in the 100-year relationship between the United States and Puerto Rico for a congressionally sanctioned plebiscite giving to the people of Puerto Rico the sense of confidence from respect that their voice would be heard as to their desires for their political future.

Our colleagues in the House of Representatives passed such a plebiscite bill. Unfortunately, after months of hearings, we will not have the opportunity to present from the Energy and Natural Resources Committee to the full Senate such legislation. I commend Senator MURKOWSKI who made a valiant effort to do so, including developing legislation which I think could have been the basis of a consensus on this matter and would have resulted in a favorable vote in the full Senate and the nucleus of a compromise with the House of Representatives.

But the world goes on. The Governor of Puerto Rico has, with the concurrence of the Puerto Rican Congress, called for a referendum on the political future of Puerto Rico to be held on December 13. It is important that, as a minimal statement of our commitment to the principle of self-determination, we adopt this sense-of-the-Senate resolution and express our position in favor of that plebiscite and indicate that we will take its results with appropriate seriousness.

We recognize, and the sense-of-the-Senate resolution proclaims, that the ultimate decision as to the political future of Puerto Rico will be made by this Congress, but by giving the degree of recognition to the Puerto Rican-called plebiscite on December 13 that this sense-of-the-Senate resolution will do; it will give additional standing, additional confidence, to the people of Puerto Rico that their vote on that day will have an important impact here as we decide what next steps to take relative to the political future of Puerto Rico.

Mr. President, it is clear that we cannot continue with the status quo. A decision is going to have to be made, and I believe made soon, as to what the permanent political status of Puerto Rico will be. We have had this expedience throughout America's history.

After the first 13 colonies, there was the Northwest Ordinance which laid out the basic principle by which future States would be carved out of the large territories of America and joined to the Original States. And that principle included the fact that those new States would join with equal dignity, with equal political rights and responsibilities to the Thirteen Original States. These have been basic tenets of our democracy which now we are called upon to make available to the people of Puerto Rico.

My colleague, Senator TORRICELLI, in comments last week made the statement which I think summarizes the essence of the debate that we are having this evening, and that is, that Puerto Rico represents the unfinished business of American democracy. And it cannot be ignored—unfinished business. We need to set about our task of completing that. And that task begins by a respectful listening to the desires of the almost 4 million U.S. citizens who live on the island of Puerto Rico.

I remind my colleagues that we are not talking about 4 million people who are citizens of a foreign land. Every one of those 4 million people in Puerto Rico is a citizen of the United States of America. These are fellow citizens who have never been afforded the opportunity for a clear congressionally sanctioned expression of their opinion as to what their political future should be. The nearly 4 million U.S. citizens who reside in Puerto Rico are entitled to that opportunity. And this combination of a Puerto Rican congressionally called plebiscite with this degree of sanction by the U.S. Congress is as close as we can reach to that objective in 1998.

The sense of the Senate is the very least that we can do to honor the request of our fellow U.S. citizens in Puerto Rico and send them a clear message that we are listening to their desires.

The sense of the Senate, in conjunction with the House-passed bill, takes an important step in the right direction. I thank all of my colleagues who have cosponsored this resolution. I thank all of those who have been so active in the effort to secure a congressionally sanctioned plebiscite in Puerto Rico.

I say to our fellow citizens in Puerto Rico, we admire your contribution for a century to the development of our land. We admire your patriotism in time of war and your great contributions in time of peace. We extend to you this statement of our respect.

We urge your full participation in the plebiscite on December 13. We will be anxious to receive your statement of your desires for your political destiny. And then I hope that my colleagues here in this Chamber and our companion Chamber will hear with dignity what you have said and will move towards, with your direction, providing a permanent political status for the U.S. citizens on the island of Puerto Rico.

Thank you, Mr. President.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, first of all, let me thank the Senator from New Jersey for authoring and bringing forth Senate Resolution 279. I am pleased to be a cosponsor of it, along with the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI; for he and I have, can I say, labored mightily, along with the Senator from Florida, over the last good many months, first of all, to work on the issue of self-determination for Puerto Rico.

I certainly thank all of my colleagues for the cosponsorship of S. 472, legislation that I introduced a year ago that I hoped, as does the Senator from Florida, that we could be voting on at this time—debating it, voting on it, and giving our Puerto Rican friends and fellow citizens the opportunity, a clear direction as it relates to self-determination. That is not going to be the case. Time has not allowed that.

So I hope that by next year the record before the Senate might include the results of another plebiscite in Puerto Rico that the Senator from Florida has just mentioned. That is why the resolution before us today, I think, is very important.

In accordance with their rights of self-determination, the citizens of this Nation—the people of Puerto Rico—acting through their constitutional process and elected representatives, have empowered themselves to conduct a vote based on the record created in the House and the Senate deliberations in the Congress since the 1993 vote.

Since any act of self-determination in Puerto Rico is not self-executing, the resolution of Puerto Rico's political status is a Federal matter that can only be fully and finally determined by an act of Congress. However, in the exercising of its powers in this regard, Congress must be informed by the freely expressed wishes of the citizens of Puerto Rico. Thus, this resolution recognizes that the coming vote will advance the process of self-determination within the framework of our great Nation's Constitution.

Contrary to rumors in Puerto Rico, there was no great intrigue or political reaction to videotapes from the local status campaigns that prevented the Senate from moving forward with legislation at this time. Rather, faced with what we all understand is a very complicated schedule here in the final days before we adjourn, and concern on the part of colleagues on both sides of the aisle, we have brought Senate Resolution 279 to the floor to express at this time, as the House has expressed, an opportunity for the Puerto Ricans to advance the cause of their self-determination. And I hope that the resolution and our vote on it tonight reflects that.

Mr. President, today the Senate ends its prolonged silence on the question of Puerto Rico's political status. The 105th Congress will not end without a Senate response to the 1994 and 1997 petitions of the Legislature of Puerto Rico to Congress. By our action today, the Senate joins the House in responding to those petitions by recognizing the need for further self-determination in Puerto Rico. This is because the 1993 status vote in Puerto Rico did not resolve the status question. Indeed, no option won a majority in 1993.

That is why I sponsored a bill to recognize the need for further self-determination. I thank my colleagues from both parties who joined me by cosponsoring S. 472.

I also want to thank the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, for his assistance and leadership to establish a record to support action by the committee and the full Senate on this matter. I regret that the draft chairman's mark has not been acted on, but I applaud his commitment to move the self determination issue forward.

It now appears that by next year the record before the Senate may include the results of another plebiscite in Puerto Rico. That is why the resolution before us today is so very important. In accordance with their right of self-determination, the people of Puerto Rico, acting through their constitutional process and elected representatives, have empowered themselves to conduct a vote based on the record created in the House and Senate deliberations in Congress since the 1993 vote.

Since any act of self-determination in Puerto Rico is not self-executing, resolution of Puerto Rico's political status is a federal matter that can only be fully and finally determined by an act of Congress. However, in exercising its powers in this regard Congress must be informed by the freely expressed wishes of the residents of Puerto Rico. Thus, this resolution recognizes that the coming vote will advance the process of self-determination within the framework of our great Nation's Constitution.

Contrary to rumors in Puerto Rico, there was no great intrigue or political reaction to videotapes from the local status campaigns that prevented the Senate from moving forward with legislation at this time. Rather, faced with the difficulty of completing a full Senate debate on the draft chairman's legislative mark, this body is doing the right thing by moving forward with a Resolution recognizing the need for further self-determination and recognizing the constraints placed upon it.

I am proud of the Senate today, and I am proud of the people of Puerto Rico for seizing the moment and organizing an act of self-determination that is based upon the arguments heard in the Congressional process which will continue next year. This action is good for Puerto Rico and serves the interests of our entire Nation as we move forward together to seek to resolve the territorial status dilemma that began 100 years ago. I wish our fellow U.S. citizens in Puerto Rico well in exercising their God given right of self-determination. I hope they will join me in trusting that their voice will be heard and that Congress will answer. In America, we have no alternative to democracy and desire nothing more.

I join with my colleagues from Florida, New Jersey—now the chairman of the full committee is here on the floor—to say to our friends and citizens of Puerto Rico that we ask them to go forward with their vote in December. We hope that that is an advanced expression of their desire to advance the cause of statehood, but most importantly to advance the cause of self-determination so that the Congress can have the kind of direction that we hope that vote will bring.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. In view of my colleagues who have waited longer than I have, I simply want to identify the time on either side, and if I may, if there is no objection, I would like to control the time.

The PRESIDING OFFICER. The majority has 20 minutes; the minority has 13 minutes.

Mr. MURKOWSKI. I would be happy to—obviously, I will not speak for the minority—but I would yield whatever time to the minority or perhaps Senator TORRICELLI would like to control the time for the minority.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. I ask unanimous consent that Delia Lasanta, Luis Rivera, and Danielle Quintana of my staff and Susan Nisar of Senator D'AMATO's staff be accorded floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, is there a unanimous consent request proposed by the Senator from Alaska?

The PRESIDING OFFICER. If the Senator would withhold for a moment, 10 minutes of the minority's time is already under the control of Senator SARBANES under a previous order.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that I be able to control the remainder of the minority time and the Senator from Alaska control the remainder of the majority time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. How much time does the Senator from New York desire?

Mr. D'AMATO. No more than 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. D'AMATO. Mr. President, let me at the outset say how tremendously proud and pleased I am that one of my great and dear friends, the Senator from Alaska, has worked so hard and so diligently to attempt to advance a cause that this Nation espouses to so many.

We talk about the lack of freedom throughout the world. We talk about democracy. Indeed, it is unfortunate that there are strong forces, people who I know and who I respect, who even at this very time give lip service rather than meaningful and true support for that cause. Senator MURKOWSKI understands that freedom and democracy are not something that just should be for some, but should be for all, and that the right of self-determination is an inalienable God-given right. It is one that this country is founded on. People have paid the greatest price and sacrifice with their life, jeopardizing their families, in the fight for freedom and democracy.

I have to tell Members that it is more than imperative, it is a moral necessity, that we strongly encourage the process of self-determination for 4 million Americans, U.S. citizens who live in Puerto Rico, that they should determine by what rules and what form of government they should live.

We have for years talked about the lack of democracy in all areas of the world. We talk about it in China, Korea, here, there. We should be ashamed that it has taken us so long to come forth with a rather simple resolution, and that it has taken such an incredible effort by the Senator from Alaska and others, to bring us to this point. This is a pittance in comparison to those who have bled, who have sacrificed for democracy, for self-determination.

I hope we understand that we want to encourage people, saying the right to vote, the right to determine one's own destiny, is inalienable.

I would like to have a recorded vote. I would like for us to say: We are going to recognize your hopes and your aspirations and your dreams. It is my hope that the people vote for statehood. But that is their right. They may determine that they want to continue the present situation, but they should have that inalienable right, and we should say to them that we are ready and willing to recognize your choice, your decision, as free men and women, and, yes, that we would be willing and ready to undertake supporting that decision because we respect the inalienable rights of people to make their own determination.

As we mark the 100th anniversary of Puerto Rico becoming a part of the United States, I think it is important to recognize that their sons and daughters have made the supreme sacrifice. They have answered the call of duty. They have been there. And now it is time for us to say: You can be a part of this great Nation, not just as citizens, but as a State, if you choose, if you determine, and then send your response to us.

There are those who say it doesn't matter. Well, it does matter, and it is bigger than partisan politics. It is bigger than Republicans and Democrats. I believe that in the fullness of time what an incredible beacon a 51st State might be. But that is for the people of Puerto Rico to determine. What an example to all of Central America and South America, in terms of sharing our cultures, our values, with this island as part of this great Nation. Certainly at the very least, the people of Puerto Rico, our citizens, should have that right which we declare day in and day out is inalienable for people throughout the country, for all corners of the world.

I congratulate my friends who have brought it to this point, and the Senate majority leader, and Senator TORRICELLI for his unwavering support of that commitment to justice, to democracy, to self-determination.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to first express my congratulations to Senator MURKOWSKI without whose efforts in committee we would not, today, be discussing this resolution; Senator GRAHAM of Florida, who has labored for so long on this cause; Senator DASCHLE; Senator LANDRIEU; Senator D'AMATO; Senator CRAIG; so many Members of this institution who have taken the cause and interests of the people of Puerto Rico and made them their own.

There are few more solemn responsibilities to come to the Congress of the United States than the issue of admission into this great Union. It is solemn because to join in union is to share a future, to pledge our fortunes, our lives, together. It is a serious occasion because the prospect of joining this Union raises the prospect of "forever," because this Union is indivisible, it is permanent. The judgment to join this Union is made by any peoples and any lands but once in their history, and it is never revisited again.

For 100 years, the people of Puerto Rico and these United States have shared a common history. Our people have fought together, bled together, and died together. Our cultures over a period of time increasingly have merged. Hundreds of thousands, indeed, millions, of people of Puerto Rico have chosen to live among other Americans in these United States. Indeed, the judgment that potentially might be made by the people of Puerto Rico who reside on the island has economically and culturally and even politically already been made by millions of others in how they live and where they choose to live.

The history of the United States for these 200 years has been a history of constant enfranchisement, expanding the right to vote to African-Americans, to women, people 18 years of age, in our own generation to the people of Hawaii and Alaska.

It is part of the great history of this country that we, unlike other nations, were not satisfied to simply enfranchise ourselves but recognized we were the greater and the better people through our expansion. Now we, potentially, visit that question again. It is a judgment that can only be made by the people of Puerto Rico for themselves. This is ultimately their responsibility to decide. But it is the responsibility of this Congress that they have the right to decide. It is a peculiar and tragic irony of history that the first republic to be created out of colonialism might now enter the 21st century in a neocolonialist position.

No American should be content with this contradiction of our own history, and some might claim—some might even accuse—that this U.S. Government is in a position with the people of Puerto Rico that is anything less than full, free, fair, and democratic. Yet, by the definition we have applied for ourselves, it would be difficult to defend against the charge. Written on the walls of this Capitol from the inaugural address of President Harrison in 1841 is, "The only legitimate right to government is an expressed grant of power from the governed."

Yet, Mr. President, every day, the people of Puerto Rico are subjected to fees, rules, regulations, policies, and determinations from this Congress, having no representative who has a right to vote and make a judgment on their behalf. The relationship between the people of Puerto Rico and the United States is a contradiction with everything that we hold dear and every principle upon which this country was founded.

Mr. President, I urge the people of Puerto Rico to take this judgment seriously between this date and December 13 and to think carefully. If they decide to join this Union, this is a moment that they will not visit again. Joining this Union is permanent. If it were my judgment, I, like the Senator from New York, Senator D'AMATO, would choose to join the Union. I believe history has given us the right and the responsibility to face the future together. But I recognize mine is no more than a casual opinion. The decision rests with the people of Puerto Rico alone. The importance of this resolution is that as the people of Puerto Rico vote, they should recognize that the U.S. Congress considers Puerto Rico to genuinely be the unfinished business of American democracy.

The people of Puerto Rico should recognize as they vote that the Congress of the United States is watching, that we recognize our responsibilities and are prepared in the 106th Congress to receive their judgment and make our own decision about the future of this Union.

Mr. President, once again, I want to congratulate Senator MURKOWSKI for having presided over these issues these months, and Senator GRAHAM for his leadership, and each of my colleagues who come to this floor on a bipartisan basis, across ideological lines, uniting in our common belief that there is no right to govern without the consent of the governed and that it is not good enough, in spite of the enfranchisement of all of our people across this continent, that there remains a single exception. America is too good a land, our history is too great, for anyone to be an exception to these great and lasting principles.

Mr. President, I yield the floor.

Mr. MURKOWSKI. Mr. President, it is my understanding that this side has about 15 minutes remaining?

The PRESIDING OFFICER. Yes, 15 minutes.

Mr. MURKOWSKI. I yield 5 minutes to Senator DOMENICI from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say that it is most appropriate that we take this action tonight during the second week of Hispanic Heritage Month in the United States. It is quite appropriate, while we are honoring the contribution which Hispanic culture has made to our country, that we are now saying to one group of Hispanics who live on the island of Puerto Rico that we are willing to see you take a vote regarding whether or not you would choose to become the next State.

Mr. President, this resolution affirms that the first step in any change of political status for the community of Puerto Rico rests with the people of that island. When they express that opinion in December—December of this very year—then it will be up to Congress to take whatever steps are necessary to consider that decision.

Let me say that there are a number of Senate heroes with reference to this Puerto Rico resolution. First, I must say that the individuals most likely to recall the difficulties of taking a vote and deciding whether to become a State are the citizens represented by those Senators whose States were last admitted, or close to being last admitted. So the hero tonight is FRANK MURKOWSKI of the great state of Alaska. For anybody wondering, that is not a Hispanic name—MURKOWSKI—but it is a name of European descent, perhaps Polish. He understands what it is for a State to go through this process of deciding whether you are going to become a part of the Union, the United States of America.

I remind the Puerto Ricans—who are Americans in their own right—that Americans think that the United States is so important that we had a Civil War over whether you could unilaterally drop out of the Union once you joined it. So I want you to take it seriously, Puerto Rico, because it is serious. We had the biggest battle within the borders of our own Nation about the issue of keeping this great country together, and you should know that and you should be concerned about that.

Secondly, let me suggest that in the State of New York there is a Senator named Senator D'AMATO, and the Puerto Ricans know that is not a Spanish name either; it is Italian like mine, DOMENICI. But this Senator from New York understands what the Puerto Ricans in his State and the Puerto Ricans in Puerto Rico mean to our Nation. He has always been willing to give the people in Puerto Rico an opportunity to determine their destiny.

And I believe second to Senator MURKOWSKI on our side of the aisle, behind the scenes, Senator D'AMATO has made it very clear that this night should occur—not next year or the year after, but now. So I compliment my good friend and a friend of the Puerto Rican people in New York and across the country. I compliment the Senator for his tremendous, tremendous regard for what Puerto Rico believes is right and fair.

I must say, from the other side of the aisle, it is most interesting that tonight we have a series of Senators with these strange names—MURKOWSKI on our side, D'AMATO on our side, DOMENICI speaking, and TORRICELLI from New Jersey. I compliment Senator TORRICELLI for his vigilant and absolute persistence that something should be done on this issue before we leave here.

So tonight, without any question, the Puerto Rican people can already say across the island and throughout the rest of America, because it is a foregone conclusion, that the Senate will vote on this resolution propounded by the Senator from Alaska, Senator MURKOWSKI. Frankly, it will pass overwhelmingly. There will be no dissenting votes tonight, because for those who would like to dissent, they have already decided that they are not going to make a point of it.

As a consequence, we are going to approve this in just as formidable a way as if we had voted, when the U.S. Senate says without a dissenting vote tonight, that we agree with this resolution.

Mr. President, once again, many of us came here from around the world, or our parents or grandparents did. And we know the validity and the great value of America. We hope the people in Puerto Rico understand that and act accordingly.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I believe Senator HATCH would like recognition for 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. HATCH. Mr. President, I have been to Puerto Rico. I have to say it is a beautiful land.

These are our fellow citizens. They have to make this determination. Of course, we should give them that right.

I have heard both arguments within Puerto Rico. Some feel it is a great idea to have statehood. Others don't think it is quite so great. There are disadvantages to becoming a State. There is no question about it. But there are great advantages as well.

All we are doing here this evening is acknowledging as Members of the U.S. Senate the right of our fellow U.S. citizens in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public forum, and to communicate those views to the President of the United States and to the Congress.

That is the least we could do. These are good people. These are proud people. These are people who have contributed to this country—and who will contribute to this country—even though their status has been different from other citizens.

I personally endorse and support this resolution here this evening. I hope and I know that it will pass. It will pass unanimously, which I think is the high tribute to the people of Puerto Rico and to those on both sides of this issue down there.

I congratulate all of those who have worked so hard to get this done, especially Senator MURKOWSKI, Senator TORRICELLI, the others who have been mentioned, Senator D'AMATO and Senator DOMENICI.

This is a wonderful evening, a wonderful day, and something that is long overdue. I congratulate my colleagues for having accomplished this today.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, first of all, in the concluding minutes that we have before our vote, let me recognize from the House of Representatives our good friend, CARLOS ROMERO-BARCELÓ, who is with us watching this historic action of the U.S. Senate. It is a pleasure to have you with us, my friend. Your contribution to these moments have been immeasurable, and your people of Puerto Rico can be very proud of your contribution in bringing this matter from the House of Representatives to the floor of the U.S. Senate tonight.

Mr. President, let me acknowledge my good friends and colleagues who have had such a significant role in moving this to where we are today. Of course, that would include Senator TORRICELLI and Senator D'AMATO.

I think it is important to recognize the constituency associated with many of the Members who have come forth as initial sponsors. Senator LAUTENBERG referred to Senator HATCH; my good friend from Hawaii, Senator AKAKA; Senator DASCHLE; Senator LANDRIEU; Senator LIEBERMAN; Senator GRAHAM of Florida; and Senator DOMENICI, and there are many, many more.

But the significance of the commitment, particularly of Senator D'AMATO and Senator TORRICELLI, I think represent an extraordinary sensitivity as brought out in the statements not necessarily individually of their feeling towards what America is all about but perhaps better in the comments that were made by the Senator from New Mexico, Senator DOMENICI, who indicated, as you look at the names of sponsors on this legislation, that you have a potpourri, if you will, of the mixture of Americans committed to democracy.

I must acknowledge in my thanks to my colleagues that this Senator from Alaska does not have a large Puerto Rican constituency. But I do have a long memory.

Alaska has been a State since 1959. I grew up in a territory. We had taxation without representation. My father used to say he felt good about being able to write on his income tax form in a red pen "filed under protest, taxation without representation." But that is the extent of what made him feel good.

I can recall seeing neighbors when I was too young to go into the draft being drafted. We were second-class citizens, Mr. President. We had special identification cards to leave the territory of Alaska to visit the State of Washington. It was quite a blow to the sensitivity of American citizens, and as a consequence we have a situation with regard to Puerto Rico today.

Mr. President, I would like to have the clerk reserve at least 2 minutes of my time remaining for one of my colleagues who is here with me.

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds remaining.

Mr. MURKOWSKI. Mr. President, if I may, I want to specifically cite the fact that I support this resolution. I fully support the objective of this resolution in reaffirming the right of our fellow citizens in Puerto Rico to express their desires on political status through popular referenda and to communicate those desires to the federal government. I also agree that the federal government should carefully review and consider any such communication. This resolution is fully consistent with the objective of the draft chairman's mark that I circulated immediately prior to the recess.

I want to thank my colleagues who reviewed the draft chairman's mark and who provided me with comments and suggestions. As I stated in my press release last week, I do not think that there will be time to fully consider the legislation this session, but I think we have made considerable progress. This resolution is fully consistent with the philosophy of my draft that the initiative for any political status change lies exclusively with Puerto Rico.

During this Congress, the House of Representatives has passed legislation requiring a referendum in Puerto Rico. Similar legislation was introduced in the Senate. I stated at the outset of this Congress, that I consider the matter of political status one of the most important constitutional responsibilities of the Congress and of my committee.

I cautioned when those measures were introduced that as much as some would like to see legislation enacted in this centennial year of Puerto Rico coming under United States sovereignty, this was an extraordinarily complex and important issue and deserved full and fair consideration because I recall what happened in my own State of Alaska. It took a long time. Although the committee conducted a series of meetings in Puerto Rico at the beginning of the Congress, I made the decision that we would wait for the House to pass legislation before we began the formal committee process. I made that decision so that our committee would have all the various proposals before us.

By the time the House passed its legislation, it was already clear that it would be very difficult to resolve the many questions presented by the legislation this year. I want to emphasize the words "this year," because I think there has been too much emphasis on timing and not enough on substance.

I am committed to the enactment of responsible legislation and not simply to the enactment of legislation this year.

Nonetheless, and despite the limitations of the Senate schedule and the importance of the other measures pending before the committee, we held a series of workshops, oversight hearing, and legislative hearings. I circulated a draft chairman's mark prior to the August recess to my colleagues on the committee. I asked for a review and comments. Several Members submitted very thoughtful amendments to the draft chairman's mark. While I have directed the staff to continue to work on these amendments, I do not see that attempting to force the legislative process would either be wise or helpful in view of the remaining time left in this session.

The initial workshop heard from the Governor and the leadership of the three recognized political parties in Puerto Rico. The Governor expressed the desire of the government of Puerto Rico to obtain an expression from the federal government of status alternatives. The parties agreed that so long as each political party is able to craft its own definition, those definition, those definitions would be political statements and as a result, no referendum would provide the clarity that Congress would want.

The first oversight hearing considered the fiscal and economic implications of any change in status. Those proceedings shed considerable light on some of the difficulties involved in any transition to prepare Puerto Rico for either consideration of an Admissions Act or for the withdrawal of United States sovereignty.

The second oversight hearing focused on the individual issues involved in separate sovereignty, either as full independence or in some form of free association. In addition to a consideration of the issues, especially that of citizenship, the hearing also served to focus on sovereignty as the test for consideration of those issues.

Those hearings and the legislative hearing that followed demonstrated how unique the present circumstances of Puerto Rico is and how difficult any change in status will be. The hearings also demonstrate that the federal government is responsible for the present situation and the creation of the obstacles that must be overcome prior to any change in status.

A major defect, in my mind, in the measures pending before the committee and in the definitions used in past referenda in Puerto Rico, is the failure of the definitions for Statehood or Independence to acknowledge that Puerto Rico is not presently prepared for federal consideration of either option.

There is a very complex and difficult process involved before either option could be implemented, as our hearings demonstrated.

For Statehood, that process would entail, at a minimum, significant consideration of several entitlement programs as well as the extension of the Internal Revenue laws in concert with a complete overhaul of Puerto Rico's local tax code. This is not a simple matter and I do not expect that it can be done rapidly. Only after that transition is complete should Congress consider fully extending the Constitution to Puerto Rico.

As my colleagues know, the Constitution does not fully apply to Puerto Rico. Puerto Rico has never been "incorporated" into the United States. Alaska and Hawaii were fully incorporated well before the first Admissions Act was even introduced. Only after the debate on incorporation has concluded and when the Constitution is fully applicable in Puerto Rico can the political debate on admissions begin.

The point that I tried to achieve in my draft chairman's mark, is that Congress has created a series of obstacles to the achievement of any change in political status. I think we owe our fellow citizens an explanation of what the process is likely to be to overcome those obstacles so that they can express their desires with a clear understanding of the process that lies before them.

A second major defect in the legislation was that it required Puerto Rico to vote on federally defined options. How and whether Puerto Rico seeks to petition the Congress should not be dictated by the federal government. If we are serious about local self-government, then we should be willing to allow the local government to determine how to respond to the desires of its constituents. Not all territories conducted referenda on future political status and none were ever required to hold one by the federal government. As part of the Enabling or Admissions Act, some territories were required to agree to the terms of a particular Statehood proposal, but that came after Congress had enacted the legislation to provide for their admission.

We should not constrain Puerto Rico in how it seeks to approach a request to the federal government. Perhaps they will continue to use referenda, perhaps they will use resolutions of the legislature, perhaps they will use petitions. Each territory has approached the process from its own political perspective and we should not dictate to our fellow citizens in Puerto Rico what process they must use.

As a result of our workshops and hearings, I circulated a draft chairman's mark prior to the August recess to my colleagues on the committee. I asked for their review and comments. Several Members have submitted very thoughtful amendments to my draft chairman's mark. While I have directed staff to work on those amendments, I do not see that attempting to force the legislative process would be either wise or helpful.

I support the objectives of this resolution and they are fully consistent with the framework of my draft chairman's mark. There is no question that Puerto Rico, either through popular referenda or resolution of the legislature or simple petition, has the right to express its desire on political status. There should also be no question that the federal government should respond to any such expression seriously and with due consideration.

The government of Puerto Rico has now enacted legislation calling for a referendum on December 13 of this year. In developing the definitions that will be placed before the voters, the draftsmen had before them the language contained in the House-passed measure, the Senate-introduced measure, and my draft chairman's mark. They also had the testimony of the administration.

They chose to adopt definitions based on their own judgement. I want to make absolutely clear that even had the draft chairman's mark been enacted, Puerto Rico would not have been obliged to adopt the definitions contained in it. My draft mark was strictly advisory as will be the results of any referendum. That is as it should be. All we could hope to do would be to provide some guidance as to what this Congress thinks the process would likely be. Just as we can not bind a future Congress, neither can an advisory referendum bind us.

I believe that we still owe our fellow citizens in Puerto Rico a fair statement of the alternatives and process involved in future political status so that they can express their desires in a meaningful way. Passage of this resolution does not in any sense diminish the importance of providing that information. This resolution does reaffirm that the initial step for any political status change rests with out fellow citizens in Puerto Rico. Only they can decide whether and when to petition the Congress for consideration of a change in status. Only Congress can consider the legislation necessary to remove the obstacles to such a status and, in the philosophy of the Northwest Ordinance, prepare Puerto Rico for consideration of that status.

I think that ultimately we need to clarify that process in legislation. Time is running out for this session of Congress, but I intend to resume where we are now at the beginning of the 106th Congress. In the interim, I think we have made considerable progress in clarifying the issues through our hearings and in the reactions to the draft chairman's mark. This resolution is completely consistent with that progress.

My best wishes go to the Governor and the people of Puerto Rico as they prepare to express their preference on the December 13 referendum vote.

I yield the time I have remaining to the senior Senator from Alaska, Mr. STEVENS.

Mr. STEVENS. Mr. President, I thank my colleague from Alaska.

I come to the floor to congratulate him and the other members of his committee for the action they are taking tonight to recognize the continuing support of the Congress for the determination by the people of Puerto Rico of what their future status should be.

The first resolution dealing with Alaska was introduced in the Congress in 1913. Final action on statehood for Alaska took place in 1958. We became a State in 1959, as Senator MURKOWSKI said. It is a long process to seek to change the political status of a portion of the United States, and Puerto Rico is a portion of our country. Its people really deserve the opportunity to express themselves on what their future should be.

So my congratulations to everyone for moving this resolution forward. I hope the day will come when I am still in the Senate that we can vote on statehood for Puerto Rico.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey controls 4 minutes 40 seconds.

Mr. TORRICELLI. Mr. President, let me finally, in conclusion, also thank CARLOS ROMERO-BARCELÓ. The fact that this Senate has come together in this extraordinary judgment would not have been possible without his leadership. And also, as Senator MURKOWSKI said, Governor Pedro Rossello has been such an important person in building this very broad coalition. To the Governor, I offer my very sincere congratulations. He is an extraordinary man who has given great service to his people in making this night possible. CARLOS ROMERO-BARCELÓ, your service has been nonetheless a great credit to the people of Puerto Rico.

Mr. President, I yield the remainder of my time to the Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 4 minutes.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from New Jersey particularly for his leadership in bringing this resolution forward and to express my own pleasure at being a cosponsor along with a bipartisan group of cosponsors.

Mr. President, very briefly, this resolution is about principle. It is not about politics. It is about the principle of self-determination, which was at the heart of the creation of America—the principle of self-determination, democracy, self-rule. It has continued throughout our history to today, when it remains a fundamental priority element of our foreign policy toward other peoples and other nations.

Really, what this is about is taking that fundamental American principle which we are eager to apply around the world and applying it to 4 million of our fellow American citizens who live on the islands that constitute Puerto Rico, who served and died in defense of America's freedom in disproportionate numbers. They deserve the right to become fully free, determine their destiny, participate fully, if they choose and how they choose, in our democracy.

Senator MURKOWSKI has been a very steadfast leader in this effort. It didn't get as far as he or we wanted, but this resolution at least gives us the possibility, before the 105th session adjourns and prior to the referendum that will be held in Puerto Rico in December, to say as Members of the Senate of both parties we welcome the exercise and recognize the right of our 4 million fellow Americans in Puerto Rico to express themselves to us and that we will review any such communication that results from the vote that they hold in December. It is the least we can do to be true to our principles.

I thank the Chair and I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise in strong support of this resolution. I am pleased that we are passing this resolution on the second day of Hispanic Heritage Month because Puerto Ricans, like all Hispanic Americans, have made a great contribution to the culture and economic growth of America.

There are nearly 4,000,000 American Citizens who live in the Islands of Puerto Rico. They are an integral part of our nation, they pay taxes and serve and die in our nation's military. Furthermore, there are millions of American Citizens with Puerto Rican heritage who live on the continent, hundreds of thousands of whom live in New Jersey. In many ways, New Jersey is a second home for Puerto Ricans.

I strongly believe that the American citizens who live in Puerto Rico should have the right to a democratic vote to determine the future status of these islands. I am pleased that such a referendum will take place in December. After this vote, Congress should take the appropriate legislative action that reflects the will of the American citizens living in Puerto Rico. And I will work with my colleagues to make sure that this happens.

I urge my colleagues to support this resolution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I see no other Senator wishing to speak.

I believe there is no more remaining time on our side.

The PRESIDING OFFICER. The Senator from Alaska controls 2 minutes; the Senator from New Jersey controls 1 minute 45 seconds.

Mr. TORRICELLI. Mr. President, I yield back my time.

Mr. MURKOWSKI. Mr. President, I would be very pleased, if there is no other Senator wishing recognition, to yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the resolution and the preamble are agreed to.

The resolution (S. Res. 279), with its preamble, reads as follows:

S. RES. 279

Whereas nearly 4,000,000 United States citizens live in the islands of Puerto Rico.

Whereas 1998 marks the centenary of the acquisition of the islands of Puerto Rico from Spain;

Whereas in 1917 the United States granted United States citizenship to the inhabitants of Puerto Rico.

Whereas since 1952, Puerto Rico has exercised local self-government under the sovereignty of the United States and subject to the provisions of the Constitution of the United States and other Federal laws applicable to Puerto Rico;

Whereas the Senate supports and recognizes the rights of United States citizens residing in Puerto Rico to express their views regarding their future political status; and

Whereas the political status of Puerto Rico can be determined only by the Congress of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING A REFERENDUM ON THE FUTURE POLITICAL STATUS OF PUERTO RICO.

It is the sense of the Senate that—

(1) the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public reform.

and to communicate those views to the President and Congress; and

(2) the Federal Government should review any such communication.

Mr. MURKOWSKI. I thank the Chair.

I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title II, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3600 TO AMENDMENT NO. 3559

(Purpose: To provide for protection of retirement savings)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. GRAHAM, Mr. DURBIN, and Mr. GRASSLEY, proposes an amendment numbered 3600 to amendment No. 3559.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

Mr. HATCH. Mr. President, I am pleased to offer this amendment cosponsored by Senator CHARLES GRASSLEY of Iowa on our side and Senator BOB GRAHAM of Florida and Senator DICK DURBIN on the Democrat side, all of whom I would like to thank for their hard work on this important matter.

The Hatch-Graham-Grassley-Durbin pension amendment, among other things, is designed to do the following: Provide a uniform exemption for all types of tax-favored qualified pension plan assets in bankruptcy including Roth IRAs whose status under current bankruptcy law is uncertain, protect retirement assets that are in the process of being rolled over into a new qualified plan, and protect loans from pension funds in bankruptcy.

Under present law, retirement plans which have received a determination letter from the IRS pursuant to section 7805 of the Internal Revenue Code of 1986, as amended, which have not been revoked by a court or by the IRS have, in many instances, been held by the bankruptcy courts not to be qualified plans. This holding allows the trustee for the bankruptcy estate to seize the interest of the bankrupt participant in the plan.

Similarly, if a retirement plan that is not eligible to receive a favorable determination letter but has in all other respects operated under the ERISA provisions and has not had its status revoked by a court or by the IRS, such a plan has been found by the bankruptcy court not to be a qualified plan.

This amendment addresses this problem by providing, 1, that if a plan has received a favorable determination letter that is in effect, the plan is presumed to be exempt from the bankruptcy estate; and, 2, if a plan is not eligible for a determination letter, the plan may be exempt from the bankruptcy estate if there has been no prior determination by a court or the IRS to the contrary and the plan is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986, as amended.

Further, Mr. President, under present law, if there is a direct transfer of an individual's retirement funds by the trustee of a plan exempt from the bankruptcy estate to the trustee of another retirement plan that is exempt from the bankruptcy estate, there is a question as to whether these retirement funds are exempt while in transit. It is possible that a bankruptcy court may hold that such funds are in a "pay status" and thus subject to attachment by the bankruptcy trustee. If there is a distribution of a plan's assets to a distributee and the latter within 60 days transfers them to another qualified plan, ERISA rules do not treat that as a distribution.

There is some question whether these funds in transit are protected from the bankruptcy estate. If a participant is in bankruptcy when either of these types of transit occur, the bankruptcy trustee may be authorized by the bankruptcy court to seize the funds. The result would be to severely reduce or wipe out the participant's retirement funds. This is contrary to sound public policy.

The proposed amendment provides that a direct transfer of retirement funds from one qualified retirement plan to another shall be exempt from the bankruptcy estate. In addition, it provides that eligible "rollover" funds from a qualified retirement plan shall be exempt from the estate if rolled over to another qualified plan within the allowed 60 days of the initial distribution.

Finally, on the issue of qualified plan loans, the amendment provides that qualified plan loans outstanding when the participant is in bankruptcy are not dischargeable, and that payroll deductions used to repay plan loans are not stayed by the court.

The retirement savings of hundreds of thousands of elderly Americans are at risk in bankruptcy proceedings. In 1997, an estimated 280,000 Americans age 50 and older filed bankruptcy. Almost one in five bankruptcy cases involve one or both petitioners who are 50 or older. This amendment has the full support of the AARP, which has stated that:

> The accumulation and preservation of retirement funds represents an important national goal.

I could not agree more. With this national goal in mind, I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado?

Mr. DURBIN. Mr. President, let me say I am happy to support this amendment. I am happy to be a cosponsor with my friend from Utah, Senator HATCH. I had prepared an amendment on this subject and I am happy to join him in making this a bipartisan effort.

I will not take any time because I know a number of Members have to return to their families this evening, but I concur with him, with the increased number of Americans over the age of 50 filing for bankruptcy, this is a problem which we should address and address directly. It is not only to the benefit of senior citizens who are saving for their own retirement, it is certainly to the benefit of their families who are concerned that they be allowed to live in independence and security in their retirement years. We have traditionally given special consideration to 401(k) plans. This amendment will extend that consideration to IRAs and other vehicles that allow people to put savings away for their future retirement.

I am happy to support this and I am happy to say that the amendment which I offered, and I am sure this one as well, had the support of the American Association of Retired Persons and virtually every major senior citizens group in the country.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Vermont.

Mr. LEAHY. Mr. President, when the distinguished Senator from Illinois first talked about this amendment, I was telling him I thought he had a winner on his hands. I could not imagine anybody opposing it. I was delighted to see the distinguished senior Senator from Utah has also adopted the same idea of the Senator from Illinois. I think it is an excellent piece of legislation.

I suspect it will pass unanimously. I realize that is one of the reasons why it is brought up as a bed-check vote at 8 o'clock at night tonight, because everyone knows the Senator from Illinois has a good idea and the Senator from Utah has a good idea. Those are the kind that we use for bed-check votes.

I should tell the American people, though, notwithstanding that, it is a very valuable piece of legislation and I am delighted to see it and I am going to be very happy to vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—89

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—11

Coats
Enzi
Helms
Hollings
Inouye
Kennedy
Kerry
Levin
Moynihan
Sessions
Shelby

The amendment (No. 3600) was agreed to.

MODIFICATION OF AMENDMENT NO. 3595, AS MODIFIED

Mr. SANTORUM. Mr. President, I ask unanimous consent that amendment No. 3595, previously agreed to, be modified with the change that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification follows:

Strike pages 33 through 42.

AMENDMENT NO. 3595

Mr. GRASSLEY. Mr. President, I ask unanimous consent that amendment No. 3595 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3595) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

Mr. DOMENICI. Mr. President, I rise to speak in support of the overriding of the President's veto on partial-birth abortion. Before I give my comments and observations, I want to look across the Senate to the freshman Senator from Pennsylvania, RICK SANTORUM. I want to say to him that when he spoke on this issue today, and when he spoke on this issue the last time we debated it here, I was never more proud of a Senator than I was to observe him and watch him. I can assure him that even though he may not have won the last time in terms of what we are doing in a veto override, and he may not win this time, there are millions of Americans who have watched him. Whether they were concerned about this issue or not, if they watched for a while, they are concerned right now. You can't ask for anything more.

I read the Senator's wife's book with reference to the problems they had with reference to an abortion they had no control over, an early delivery of a child that died. I am so proud, I can hardly express it tonight.

I want to once more congratulate him for what he has done here on the floor of the Senate. It is not easy, but he did it with great, great style.

Mr. President, this debate is about infanticide. Frankly, I didn't dream that concept up. There is a very distinguished Senator from the State of New York—I know Senator D'AMATO from New York is here and I think he would concur when I say a distinguished Senator named Senator MOYNIHAN—who looked at this problem and it didn't take him very long. We talk all around it. He talked right to it when he said this is infanticide.

So this debate is about humanity and necessity. The procedure of partial-birth abortion, to put it bluntly, is inhumane.

By now, many Americans are uncomfortably aware of the details of partial-birth abortion. They have heard the testimony of doctors who performed this procedure, nurses who witnessed this procedure, and they have most likely seen informational ads or read descriptions of this procedure. Maybe they have even watched us debate this issue on prior occasions. So I am not going to go through the details of the procedure. I will only say that, at a minimum, it is cruel and inhumane. I find it ironic that our Constitution, via the eighth amendment, protects criminals from cruel and unusual punishment; however, that same amendment does not protect innocent babies when it comes to cruel and inhumane procedures that are known as partial-birth abortions.

Proponents of partial-birth abortion claim that the procedure is rare, occurring only about 500 times a year. However, that is simply not true. The number of partial-birth abortions is closer to between 3,000 and 5,000 a year. In New Jersey alone, at least 1,500 procedures are done each year. Besides being inhumane and quite prevalent, partial-birth abortion is also unnecessary.

Opponents of this legislation argue that partial-birth abortion is necessary to protect the health of the mother. However, most experts say this is also simply not true. According to more than 500 doctors nationwide, who make up what is called the Physicians' Ad Hoc Coalition for Truth, it is never—I repeat never—medically necessary to perform a partial-birth abortion to protect the health or fertility of the mother. A former Surgeon General, who we admire and respect when he sort of agrees with our views but we ignore him when he disagrees, Surgeon General Everett Koop, has also stated that partial-birth abortion is never medically necessary to protect the mother's health or fertility. So amidst all this evidence, how can the opponents of this bill tell the American people that partial-birth abortion is sometimes medically necessary?

If this procedure is not medically necessary, why do we allow it? As I told you, Mr. President, this debate is not about Roe v. Wade or the choice of life. It is not about any of those things. But it is about a baby, a life that is destroyed in a cruel and inhumane way. It is about a life that is unnecessarily destroyed and need not happen. It is for these reasons that I will gladly vote to override the President's veto of the Partial-Birth Abortion Ban Act of 1997.

I suggest tonight to my good friend, the leader of this cause, that if at first you don't succeed, try, try again. If indeed that means that you have already tried three times, then try and try again. What is so patently right will soon prevail.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I associate myself with the remarks made by my distinguished friend and colleague, the great senior Senator from New Mexico, Senator DOMENICI. He touched on the eloquence and passion and the rightness and the moral certainty of Senator SANTORUM's very cogent argument and presentation. This entire subject, I believe, is uncomfortable for all of us. But it is so necessary. Senator DOMENICI spoke about the great senior Senator from New York, and I say that because I have great admiration and respect for the senior Senator from New York, who is fearless and courageous in saying that this was infanticide. That is what this is—the killing of a youngster, which is absolutely unnecessary, when the AMA, the American Medical Association, has come out and said there is no reason for this procedure. What are we talking about when we move down this line and say that anyone can do anything, even where we have a life, a new and innocent life?

And so, Mr. President, I, too, say to my colleague and friend from Pennsylvania, we thank you for having the moral certainty and courage of not giving up and fighting to preserve the opportunity for those lives that have really come into being, to be what they can be and what they should be. When we talk about preserving the sanctity of life, there is no greater fight, no greater cause.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to Senator SANTORUM, for all you have gone through and all the courage that it has taken for you to do what you have done, I hope that tonight, by staying here a few minutes with you—and there is nobody else on the floor but us—you understand that we are very appreciative of your leadership and we are with you. We are going to vote with you, and we are going to vote with you again, until it finally prevails. I thank the Senator.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I thank the Senator from New Mexico and the Senator from New York for their overly gracious comments. They have been in this Chamber a lot longer than I and have been fighting many noble causes, including the cause of life. They have served as tremendous models for me in this effort. I thank them for their terrific heartfelt support on this issue and other issues pertaining to life.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

Mr. HUTCHINSON. Mr. President, I rise in support of the ban on the partial-birth abortion procedure and in support of the vote to override the President's veto. It is inexplicable to me why that veto occurred, and I think it is unfortunate and tragic. We have an opportunity tomorrow to right that wrong. I join my distinguished colleagues in praising Senator SANTORUM, the distinguished Senator from Pennsylvania, who has so eloquently put forth the case for banning this procedure and appealing to our consciences as Americans, as human beings, and as civilized people to end the condoning of this procedure in this country.

I think, as I listened to the Senator from Pennsylvania this afternoon, and as I recall the previous debates on this issue, I was moved, as I know millions of Americans were moved, as we listened to not only the logic but the moral persuasiveness of the need to ban this procedure. I think this evening, as I say those laudatory words about my colleague from Pennsylvania, it is appropriate that we say also that there are many in the other Chamber, the House of Representatives, who have fought this battle over and over to ensure that that veto was overridden in the House of Representatives.

I think of my friend from Florida, CHARLES CANADY, who is the chairman of the Constitution Subcommittee in the House of Representatives, who has so eloquently and so forcefully argued for this legislation and carried this crusade across this country.

I think of the distinguished chairman of the House Judiciary Committee, who has come under such unfair and scathing attack in recent days and yet who has been, I think, the most eloquent and passionate voice for the unborn that modern America has seen.

I rise in defense of him and in support of Congressman HYDE this evening and appreciation for all that he has done for the cause of the unborn. On more than one occasion, as I served in the House of Representatives, I saw minds change and hearts change under the persuasiveness of his oratory.

It is my hope that even as we look at this very important vote in the morning, that, yes, there will be those in this body who will look deep within their soul, who evaluate their own conscience, and examine their own hearts, and that we might even yet see those two or three votes necessary to change in order to see this veto overridden.

It is often suggested in this debate that government should stay out of the abortion issue. But if the protection of innocent lives is not government's duty, then I ask, What is government's duty? Thomas Jefferson once wrote, "The care of human life—not its destruction, is the first and only legitimate objective of good government. Legislative efforts to protect the weak and defenseless are right and should be pursued." I can think of none who are weaker, I can think of none in the human family more defenseless, than those who are but inches from enjoying life.

In fact, in March of last year, my home State of Arkansas joined a number of other States in banning such a procedure when the State legislature passed and the government signed our partial-birth abortion ban in the State of Arkansas.

This procedure is a barbaric, uncivilized procedure, shockingly close to infanticide, as has been so frequently observed on the floor of the Senate today. It is so close to infanticide that, in fact, no civilized country, no compassionate people, should allow it. Any woman knows that the first step of partial-birth abortion—breach delivery—is something to avoid, not something to intentionally cause.

During the last debate that we had on this subject, I quoted Jean Wright, associate professor of pediatrics and anesthesia at Emory University. It is a quote that I think deserves being said again during this debate. She was testifying against the argument that fetuses who are candidates for partial-birth abortion do not feel pain during the procedure. She testified that the fetus is sensitive to pain, perhaps even more sensitive—more sensitive—than a full-term infant. She added, and this is the part that is especially striking, and I quote her words as she testified: "This procedure, if it was done on an animal in my institution, would not make it through the institutional review process." And then she said, "The animal would be more protected than this child is."

How tragic that we allow that situation to exist where, in an institution of higher learning in this country, animals have greater protections than do unborn children.

So I am glad this evening very briefly to rise in support of the Senator from Pennsylvania, to rise in support of this override of the President's veto. As has been said, this is not about choice nor compulsion, it is about inhumane disposal of unwanted babies.

This legislation does not prevent a woman from receiving medical care or reproductive care. It does not overturn *Roe* v. *Wade*. It simply ends an unnatural and unhealthy practice that results in the loss of human life. We must help the helpless, we must defend the defenseless, and we must give voice to the voiceless.

I commend the Senator from Pennsylvania and my colleague from Ohio, who will speak soon, for giving voice to the voiceless, for standing up and defending the defenseless, and for helping the most helpless and most innocent in our society, the unborn.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to speak for a couple of minutes. I know the Senator from Ohio, the Presiding Officer, will be coming down and speaking.

I want to point out one thing. Several comments have been made on the other side about the life-of-the-mother exception in the bill. I just want to read it. There is some concern that there is no life-of-the-mother exception in the bill. Let me assure everyone in this Chamber and everyone within the sound of my voice that there is a clear life-of-the-mother exception that gives physicians the right to make those critical medical decisions that unfortunately may occur that would necessitate the killing of a baby in a crisis situation that is in the process of being delivered.

If you do not believe me, let me read from a letter that was written during the debate last year by the American Medical Association that endorsed this bill. I will read the pertinent language with respect to the life-of-the-mother exception.

> Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

This is a group of physicians who in the previous paragraph said:

> Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated.

So while they have reticence, and had reticence, about supporting any kind of a ban on the procedure, one of the things that made them comfortable about supporting this particular piece of legislation was the language having to do with the life-of-the-mother exception. They felt it gave physicians sufficient room to be able to make that call if in fact someone was in a life-threatening situation and a baby would have to be killed in the process of saving the mother's life, if so determined by the doctor. We have provided that.

I think it is very unfortunate that Members on the other side have raised this red herring that has no basis in fact—no basis in the legal language.

I don't want to go any further. I will come back and read the exact language in the bill for anyone who has a question.

It is a very clear life-of-the-mother exception that gives plenty of leeway for the physician to be able to take whatever action is necessary to save the mother. And to perpetrate that hoax on Members of Congress and those who might be listening who might not have the bill in front of them is really, I should add, another lie to the lies that I enumerated earlier, the six lies. Now I have to add a seventh—that there is somehow no life-of-the-mother exception in the bill when the very organization whose physicians are going to be practicing says there is a legitimate exception, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

I don't know how more clear you can be. I will have more to say.

I will yield the floor so the Senator from Ohio, who is one of the great champions of pro-life in this country, someone who is outspoken not just here on the Senate floor but around the country, and he has lived by example as well as by his speeches. I yield to the Senator from Ohio, Senator DEWINE.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, let me congratulate my colleague and friend from Pennsylvania.

Senator DOMENICI said it very, very well: Keep trying and keep trying, and eventually we will succeed, because I believe what we are trying to do is right. The vast majority of the American people agree with us. We will succeed.

I congratulate Senator SANTORUM, my friend from Pennsylvania, who has fought so hard, who has argued so eloquently on this floor.

I would also like to associate myself with the Senator from New York, the Senator from New Mexico, and the Senator from Arkansas, who just in the last few minutes so eloquently argued in favor of our override of this veto tomorrow morning.

Mr. President, I think it is truly regrettable that we still have to debate this after so many years.

We are talking about a procedure that is morally wrong. The facts are really not at issue. No one denies this procedure is designed to kill, to kill a living, partially delivered baby, a baby that is usually 5 to 6 months old, 5 to 6 months in gestation.

No one denies that only a few inches separate this barbaric practice from outright murder. Partial-birth abortion is perhaps the only legal procedure where live birth and death become virtually simultaneous.

The vote we will cast tomorrow morning will be a clear moral decision about life and about death. It is a decision really about who we are as a people, our moral identity as a people. Banning this procedure represents the moral consensus of the American people by an overwhelming margin.

Dr. LeRoy Sprang and Mark Neerhof stated in the Journal of the American Medical Association:

> Partial-birth abortion should not be performed because it is needlessly risky, inhumane and ethically unacceptable.

Mr. President, I strongly agree with this characterization, as do the American people. It is no secret that America has been experiencing a moral crisis, and we have reached a crossroads. The questions which I asked on this floor just about a year ago, I guess, about partial-birth abortion really remain unanswered. These questions are more profound than ever. What does our toleration for this immoral practice say for us as a country? What does it say about us as a people? I believe one judges a country by what it is for but also you judge a country by what it is against. We judge a country by what it tolerates. We tolerate too much in this country. We tolerate a lot in this Nation. But at some point we simply have to draw the line. We have to stop hiding behind the phrase, "Oh, I really don't like this but it's someone else's private matter and I don't want to interfere. We will put up with it. It's not my business."

We have to stop hiding behind that. In a country that is based on respect for freedom, this is, of course, a very important principle. But it does have limits, limits that are based on the same respect for human rights that is the very foundation for freedom itself. Why, after all, is the argument based on personal freedom so powerful in our political debates? It is because we all have in our hearts the immortal words of Thomas Jefferson, the words that we hold these truths to be self-evident, that we have the inalienable right to life, liberty and the pursuit of happiness. This is our profound moral conviction.

But what does it say about our moral convictions when we continue to allow in this country this barbaric practice? What does it say about us as a people? Does allowing this practice bespeak a commitment to the sanctity of human life, of a human person? No, if we do not say at some point that our tolerance draws the line on a practice so brutal and so inhumane, we run the severe risk of eroding this moral foundation that really lies at the base of all our other freedoms. A country that allows this barbaric procedure to be inflicted on innocent human lives is a country that cannot be trusted when it proclaims a respect for other freedoms. What freedom will such a country not discard in the name of mere convenience?

For me, the decision is clear. This is where we draw the line. Now is the time that we draw it. We must ban this uncivilized, this barbaric, this immoral procedure, and we must do it tomorrow morning.

Many people agree that this procedure is closer to infanticide than it is to abortion. One of the reasons banning this procedure has been supported by doctors, including the American Medical Association, the Physicians' Ad Hoc Coalition for Truth, and even by otherwise pro-choice individuals, including even some abortionists, is because it is a procedure that is never a medical necessity. It is never a medical necessity. The evidence is overwhelming. It is done for sheer convenience.

The American College of Obstetricians and Gynecologists, while it does not support this bill, could nevertheless not identify any circumstances in which this procedure would be the only option to save the life or preserve the health of a mother.

Most people in America oppose this procedure. And they oppose it for the simple reason they know what it is. For those who do not or who need to be reminded of what it is, let me again describe it. And I know this is a procedure that has been described on this floor many, many times, but it goes to the heart of this debate.

Partial-birth abortion involves the partial delivery of a baby by its feet. The head is left inside the mother's womb. The head remains in the uterus while the abortionist kills the baby by stabbing scissors into the base of the child's head, suctioning out the baby's brain with a small tube, then completing the delivery of a now dead child. In this barbaric procedure, Mr. President, the abortionist does not even administer an anesthesia to the fetus.

A moment ago, the Senator from Arkansas pointed out that dogs are treated better than this. The dogs that are used in medical research are required to be given pain management therapy under Federal standards. The treatment of these human fetuses that we are talking about would not even meet the bare minimum Federal standards for dogs used in medical research. Knowing that, why then have we not banned this procedure? Why are we still here debating again what should be self-evident, that this practice is a crime against our common humanity?

The answer, I am afraid, is very simple. My friend from Pennsylvania spent a good amount of time in this Chamber outlining the reason. The case supporting this procedure is built on misinformation. It is built on lies, and they are intended to poison the public debate and obscure the truth. That is the fact.

In the beginning of the partial-birth abortion controversy, many people were misled to believe that this procedure was rare. We were told it was rare. Now, today, we know that simply is not true. Almost everyone is aware by now that Ron Fitzsimmons, executive director of the National Coalition of Providers, admitted that he lied. He said, "I lied through my teeth"—when he said partial-birth abortions were performed rarely and only in extreme medical circumstances. He admitted later after the debate that that was a lie.

In the interest of medical accuracy, let me emphasize and be specific about how Mr. Fitzsimmons lied. He lied plainly and, in his own words, he "lied through his teeth." We were misled again when we were told that this procedure was the only late-term abortion procedure that could be used in certain instances to save the life of the mother. Again, that is not true. It is simply not true. This procedure is not medically necessary. It is not medically indicated ever, nor is it the only option available. That is not based on what MIKE DEWINE says or what RICK SANTORUM says. That is based on the American Medical Association.

Mr. President, we were told yet another falsehood—lie. We were told that this procedure was to preserve the health of the mother. We were misled about that as well. This is simply not true. Dr. Martin Haskell, the man who invented this procedure, said that 80 percent of the abortions he performs are elective —80 percent. This is the abortionist. This is the man who invented this procedure. He said 80 percent of the ones he performed are elective.

A survey which asks women who had late-term abortions why they waited found that 71 percent did not know they were pregnant or misjudged the age of the baby. This procedure is being performed for convenience, pure and simple.

We have also been told the procedure is appropriate because the baby is not viable anyway. But even this is certainly not always true. Many times it is not true. Research in a recent article in the New England Journal of Medicine found 56 percent of babies are viable outside their mother's womb at 24 weeks. At 25 weeks, 79 percent of them are viable.

I am sure many of my colleagues have had the same experience that I have when we have gone home to our home States, visited neonatal intensive care units at children's hospitals or other hospitals, and we have seen 22-week-old children, 23-week-old children that have been born prematurely who are fighting for life. Many of them do, in fact, make it. We have seen that with our own eyes. We have all talked with doctors who are frantically trying, working so hard every day to save them, and many can be saved.

Unfortunately, the President of the United States, in vetoing this legislation, as in his veto of the previous legislation, has justified his position precisely on these types of falsehoods. In fact, if you look at his veto message last time, what you find is all these facts that are outlined there, that he says are facts, are simply not true. The President, tragically, is wrong. While it is true that everyone is entitled to his or her own opinion, none of us is entitled to our own facts. And the facts clearly indicate that what the President put down in his veto message is wrong.

The falsehoods spread by defenders of partial-birth abortion are, frankly, offensive. But even more offensive than some of these lies is when the proponents of partial-birth abortion tell the truth. For example, when they say the partial-birth abortion procedure is needed in order to get rid of "defective" infants. The late Dr. James McMahon, who had performed thousands of these partial-birth abortions, said he performed some of these abortions because the baby had a cleft lip. That is right, a cleft lip. Maybe it is time to rewrite our sacred documents to say, "We hold these truths to be self-evident, that most of us are endowed with inalienable rights, the right to life, liberty and the pursuit of happiness, but people with cleft lips or other problems, other "defectives," are to be the victims of a painful and barbaric murder."

No, that is not the moral attitude of the America that I want to believe in or that I do believe in. That is the moral attitude of another civilization, one that arose in this vicious century only to vanish from the face of the planet by the force of American arms and, more important, American values. It is in our power to say no to this throwback to the days of the Nazis, to say no to the selection of the fittest, to say no to infanticide. That is what we are about today on the floor of the Senate. That is what we will be about tomorrow morning when we cast our vote.

I would like to note briefly that a number of State statutes have sought to ban these partial-birth abortions. Some States have had success and others have not. Many of those statutes which have been struck down, however, are very distinguishable from this legislation. I would like to talk about this constitutional aspect of this bill, because the issue has been raised time and time again on the floor of the Senate. So let me turn to an examination of the bill, based on our Constitution, based on Roe v. Wade and Casey and the other Supreme Court decisions.

First, let me say of the cases, of the statutes that have been struck down, the proposed statute that is before us is clearly distinguishable. For example, the first law to ban the partial-birth abortion procedure was enacted in my home State of Ohio. Unfortunately, this law was recently struck down as vague, as overbroad, particularly as it banned more than just partial-birth abortion. But the bill we are voting on today has, frankly, none of these problems.

Partial-birth abortion bans are fully in effect in seven States of the Union.

Several State and district courts have enjoined State statutes attempting to ban partial-birth abortion. However, no appellate court has ruled on the constitutionality of any of these laws.

Unfortunately, in the decisions that I have reviewed, none squarely confront the constitutional issue that this Federal bill presents; namely, the constitutionality of forbidding the killing of a partially born child. Because that is what this legislation is truly about, what the issue is, is the constitutionality of forbidding the killing of a partially born child.

Roe v. Wade explicitly avoided deciding that issue, so it cannot be cited and should not be cited as an argument against this piece of legislation. Roe v. Wade explicitly avoided deciding that issue, which was actually part of the Texas law in question in that case, a law that prohibited "killing a child in the process of delivery." In fact, Texas case law is consistent with both Louisiana and California law. An early California court aptly said:

> It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed.

While many of the State court decisions have relied on Planned Parenthood v. Casey, that case does not reach the question of the constitutionality of forbidding the killing of a partially delivered baby either. However, under the Casey analysis, an abortion restriction is unconstitutional only, only if it creates an "undue burden," on the legal right to abortion. Banning a single dangerous procedure such as we are doing in this case, when there are other alternatives available—which is true—should not constitute a burden under this Casey analysis.

Doctors, those who are for, as well as those, some of whom are against this legislation—agree that partial-birth abortion is never medically necessary to protect a mother's health or future fertility, and is never the only option. Over 30 legal scholars who have looked at this question agree that the United States Supreme Court is unlikely to interpret a postviability health exception to require the Government to allow a procedure that gives zero weight to the life of a partially born child and is itself a dangerous procedure.

The bottom line is that there is no substantive difference between a child in the process of being born and that same child if she is born. No difference, really, between a child that is in the process of being born and a child that is born. A current illustration, I think, is very helpful. This is a true story, one that occurred in our minority leader's home State, South Dakota.

On January 5 of this year, Sarah Bartels was pregnant with twins. She was 23 weeks into her pregnancy. Doctors were unable to delay the birth of one of the twins, Sandra, who was born at 23 weeks old. Sandra weighed 1 pound, 2 ounces—23 weeks.

Mr. President, 88 days later Sandra's sister Stephanie was born. Both children are alive and well today. Yet Stephanie was not a "legal person," and could have been the victim of a partial-birth abortion any time after that 23-week period.

Stephanie's life had zero worth until she was completely born, though Sandra was alive and well outside the same womb that held her sister.

Mr. President, the delivery of 80 percent of a child—the child is almost all the way out—a living baby certainly should have some value, some rights, some respect under our law. There is no moral justification for killing a live, partially delivered baby using a procedure that is neither medically necessary nor safer than childbirth. I believe we must make it the national policy to prohibit the partial-birth abortion procedure.

My friend, HENRY HYDE, who you quoted and cited a few moments ago, Mr. President, is one of the most eloquent—the most eloquent really—defenders of human rights in this country today, one of the most eloquent defenders of human rights, frankly, who has ever been in this country. HENRY HYDE likes to say in defending these powerless humans, we are "loving those who can't love us back." I think he is absolutely right.

I will add the phrase, "those who can't love back" includes not just fetuses in the womb, but also the future generations who will live in this country and the moral climate we are choosing to build for them.

The vote we cast tomorrow morning will help determine, Mr. President, that moral climate. Banning partial-birth abortion is the just, it is the right thing to do, and we should do it now.

Mr. President, I thank the Chair and yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, again, I thank the Senator from Ohio for his excellent comments and particularly his latter focus on the legal issues that were not brought up earlier. I had not had the opportunity, and neither did anybody else, to focus attention on why this particular legislation is, in fact, constitutional and that should not be a reason to not vote for this legislation. An excellent job done.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 16, 1998, the federal debt stood at $5,510,133,012,971.17 (Five trillion, five hundred ten billion, one hundred thirty-three million, twelve thousand, nine hundred seventy-one dollars and seventeen cents).

One year ago, September 16, 1997, the federal debt stood at $5,391,866,000,000 (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million).

Five years ago, September 16, 1993, the federal debt stood at $4,388,882,000,000 (Four trillion, three hundred eighty-eight billion, eight hundred eighty-two million).

Ten years ago, September 16, 1988, the federal debt stood at $2,597,622,000,000 (Two trillion, five hundred ninety-seven billion, six hundred twenty-two million).

Fifteen years ago, September 16, 1983, the federal debt stood at $1,354,702,000,000 (One trillion, three hundred fifty-four billion, seven hundred two million) which reflects a debt increase of more than $4 trillion—$4,155,431,012,971.17 (Four trillion, one hundred fifty-five billion, four hundred thirty-one million, twelve thousand, nine hundred seventy-one dollars and seventeen cents) during the past 15 years.

SATELLITE COMPULSORY LICENSE REFORM PROCESS AND S. 1720 CHAIRMAN'S MARK

Mr. HATCH. Mr. President, I am glad to stand with the distinguished Majority Leader and the distinguished chairman of the Commerce Committee to explain how we plan to proceed with respect to reform of the copyright compulsory license governing the retransmission of broadcast television signals by satellite carriers. Let me thank them for their interest in these important issues and their cooperation in this process. The Majority Leader has been particularly helpful in facilitating a process allowing for a joint reform package from our two committees.

Mr. President, the Judiciary Committee has been working on these issues for more than 2 years. We have always recognized that some of the reforms we need to undertake in relation to the compulsory copyright license would require reforms in the communications law which has traditionally been dealt with in the Commerce Committee. I am glad that we have been able to work out a process whereby we can move a bill to the floor that will be the joint work product, and thus using the joint expertise, of both the Judiciary and Commerce Committees.

We will proceed in the Judiciary Committee by working on a bill on the subject that has already been referred to the Judiciary Committee, S. 1720, which Senator LEAHY and I introduced earlier in this Congress. We will mark up a Chairman's mark substitute amendment of that bill which will cover the copyright amendments, including the granting and extension of the local and distant signal licenses, respectively, as well as the copyright rates for each of those licenses. Other important reforms include eliminating the current waiting period for cable subscribers before getting satellite service, and postponing the date of the enforcement of the so-called white area rules for a brief period. As of today, a large number of satellite subscribers who have been found to be ineligible for distant network signals will be turned off in early October. Our bill will delay any such terminations to allow subscribers and satellite carriers to adopt other service packages, including local service packages where available, to work with local affiliates to work out a coverage compromise, and to allow the FCC to review the rules governing the eligibility for the reception of distant network signals. The text of this Chairman's mark will be printed in the RECORD at the conclusion of my remarks and is supported and cosponsored by the chairman of the Commerce Committee, Senator McCAIN, as well as Senators LEAHY, DEWINE, and KOHL.

While the Judiciary Committee works on these copyright reforms, our colleagues in the Commerce Committee will be working on related communications amendments regarding such important areas such as the must-carry and retransmission consent requirements for satellite carriers upon which the copyright licenses will be conditioned, and the FCC's distant signal eligibility process. Chairman McCAIN will be introducing this legislation today as well.

It is our joint intention to combine our respective work product as two titles of the same bill, S. 1720, in a way that will clearly delineate the work product of each committee, but combine them into the seamless whole necessary to make the licenses work for consumers and the affected industries.

In conclusion, let me again thank the Majority Leader for his interest in and leadership with respect to these issues, and I thank the chairman of the Commerce Committee for his collegiality and cooperation in this process. I look forward to working with them and with our other colleagues on these important issues.

I ask unanimous consent that the text of the Chairman's mark substitute for S. 1720 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The material was not available for printing. It will appear in a future edition of the RECORD.]

BILL TO PREVENT CUTOFFS OF SATELLITE TV SERVICE

Mr. LEAHY. Mr. President, I have heard from scores of Vermonters lately who are steaming mad after being told by their home satellite signal providers that they are about to lose some of their network satellite channels. They have every right to be upset. It is within Congress's ability to un-muddle this mess, and the public has every reason to expect Congress to get its act together to do that, and to do that promptly.

While the hills and mountains of Vermont are a natural wonder, they can also be barriers to reception of clear TV signals over-the-air with rooftop antennas. At my home in Middlesex, Vermont, we can only get one channel clearly, and lots of ghosts on the other channel we receive. We get so many ghosts on our family set that it looks like Mark McGwire and Sammy Sosa are hitting four homeruns at a time.

That is why Vermonters have chosen satellite reception: They cannot get a clear picture without it.

I am gratified tonight that we are finally in a position to announce an understanding that I hope will keep satellite TV viewers from having to lose station signals this year. I am joining with both the Chairman of the Judiciary Committee and the Chairman of the Commerce Committee on two separate bills designed fix these problems. I am certain that most Senators will be pleased with this breakthrough, and I hope we can pass this bill without objection in the Senate.

Under a court order, thousands of viewers—many of them living in my home state of Vermont—will be cut off from receiving satellite TV stations that they are paying to receive. We have 65,000 home satellite dishes in Vermont. the court order directly affects only those subscribers who signed up for service after March 11, 1997, but most subscribers are being warned nonetheless by their signal providers that they will soon lose several network channels they now receive.

This huge policy glitch is intruding right now into hundreds of thousands of homes. It is a royal mess, and Congress and the FCC need to fix it.

I introduced a bill in March of this year with Chairman HATCH so that we could try to resolve this issue before it became a major problem. We have tried in the many months since then to push Congress toward a solution. Many viewers have lost signals already. We are trying to get these bills passed in the next couple of weeks to restore service and to keep other households for losing their satellite TV signals—not just in Vermont but throughout the nation.

I am pleased that Chairman HATCH and I have worked out arrangements with the Chairman of the Commerce Committee and other Senators active on this issue, including Senators DEWINE and KOHL, that significantly raise the prospects that Congress can soon pass a bill to prevent the cutoff of thousands of viewers this month and in October. We hope and we believe that all Senators can support this approach.

This legislation would keep signals available to Vermonters and subscribers in other states until the FCC has a chance to address these issues by the end of next February.

Our legislation will direct the FCC to address this problem for the future, and our proposal ultimately will mean—as technology advances—that Vermonters will be able to receive satellite TV for all Vermont full-power TV stations. Viewers in all states would be similarly protected. This effort eventually will promote head-to-head competition between cable and satellite TV providers.

The goal is to provide satellite home viewers in Vermont and across the nation with more choices and more channel selections, and at lower rates. The evidence is clear that in areas of the country where there is full competition between cable providers, rates to customers are considerably lower. The same will be true when there is greater effective competition between cable providers and satellite signal providers.

Over time, this effort will permit satellite TV providers to offer a full selection of local TV channels to viewers—even to those living in or near Burlington, Vermont, where local signals are now blocked.

Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. These bills eventually will remove that legal limitation that prohibits satellite carriers from offering local TV signals to viewers.

Over time, satellite carriers will have to follow the rules that cable providers have to follow which will mean that they must carry all local Vermont TV stations. In addition, Vermont stations will be available over satellite to many areas of Vermont that today are unserved by satellite or by cable.

Vermonters now receive network satellite signals with programming from stations in other states. In other words, they may get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a wider variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a highly effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

The second major improvement offered through our legislation is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout our state. The system will be based on regions called Designated Market Areas, or DMAs.

Vermont has one large DMA covering most of the state—the Burlington-Plattsburg DMA, and two smaller ones in southeastern Vermont—the Albany-Schenectady-Troy DMA includes Bennington County—and in southwestern Vermont, where the Boston DMA includes Windham County.

Using current technology, signals would be provided by spot-beam satellites using some 150 regional uplink sites throughout the nation to beam local signals up to two satellites. Those satellites would use 60 or so spotbeams to send those local signals, received from the regional uplinks, back to satellite dish owners. High-definition TV would be offered under this system at a later date. This system is likely to take two to three years to be put into full operation. In the meantime, another company called EchoStar may provide some local-into-local service in some parts of the country.

Under the bill that Senator HATCH and I introduced in March, this spotbeam technology would mean that home owners with satellite dishes in downtown Burlington, and in every county in Vermont except Windham and Bennington, would receive all the full-power TV stations in the Burlington-Plattsburg DMA, including PBS stations. Bennington residents would receive the stations in the Schnectady-Albany-Troy DMA, and Windham County residents would receive Boston signals, since they are in the Boston DMA. Over time these counties could be blended into the Burlington-Plattsburg DMA.

Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using different technology. And existing systems would be accommodated under our legislation, but those systems would follow rules similar to current rules until conversion to this new technology takes place.

It is time for this Congress to step up to the plate and solve this policy nightmare that is now at the door of countless homes across the nation. Our constituents rightly will not take "not now" as an acceptable answer.

I commend Chairman HATCH and Chairman MCCAIN for the leadership they have shown in solving this problem, and I look forward to continue working closely with them and with other Senators as we move this solution toward, and eventually across, the goal line.

ADMINISTRATION'S UPDATED ENCRYPTION POLICY

Mr. LEAHY. Mr. President, when the Administration first announced the encryption policy that has been in effect for the past two years, I warned on October 1, 1996, that:

> The general outline of the Administration's plan smacks of the government trying to control the marketplace for high-tech products. Only those companies that agree to turn over their business plans to the government and show that they are developing key recovery systems, will be rewarded with permission to sell abroad products with DES encryption, which is the global encryption standard.

The Administration announced yesterday that it is finally fixing this aspect of its encryption policy. New Administration guidelines will permit the export of 56-bit DES encryption without a license, after a one time technical review, to all users outside the seven terrorist countries. No longer will the Administration require businesses to turn over business plans and make promises to build key recoverable products for the freedom to export 56-bit DES.

In 1996, I also raised serious questions about the Administration's proposal to pull the plug on 56-bit DES exports in two years. I warned at the time that this "sunset" provision "does not promote our high-tech industries overseas." I specifically asked,

> Does this mean that U.S. companies selling sophisticated computer systems with DES encryption overseas must warn their customers that the supply may end in two years? Customers both here and abroad want stable suppliers, not those jerked around by their government.

I am pleased that the Administration has also changed this aspect of its policy and adopted an export policy with no "sunset." Instead, the Administration will conduct a review of its policy in one year to determine how well it is working.

Indeed, while 56-bit encryption may still serve as the global standard, this will not be the situation for much longer. 128-bit encryption is now the preferred encryption strength.

In fact, to access online account information from the Thrift Savings Plan for Federal Employees, Members and congressional staff must use 128-bit encryption. If you use weaker encryption, a screen pops up to say "you cannot have access to your account information because your Web browser does not have Secure Socket Layer (SSL) and 128-bit encryption (the strong U.S./Canada-only version)."

Likewise, the Department of Education has set up a Web site that allows prospective students to apply for student financial aid online. Significantly, the Education Department states that "[t]o achieve maximum protection we recommend you use 128-bit encryption."

These are just a couple examples of government agencies or associated organizations directing or urging Americans to use 128-bit encryption. We should assume that people in other countries are getting the same directions and recommendations. Unfortunately, while American companies can fill the demand for this strong encryption here, they will still not be permitted to sell this strength encryption abroad for use by people in other countries.

Nevertheless, the Administration's new encryption policy announced today moves in the right direction to bolster the competitive edge of our Nation's high-tech companies, allow American companies to protect their confidential and trade secret information and intellectual property in communications with subsidiaries abroad, and promote global electronic commerce. These are objectives I have sought to achieve in encryption legislation that I have introduced and cosponsored with bipartisan support in this and the last Congress.

I remain concerned, however, that privacy safeguards and standards for law enforcement access to decryption assistance are ignored in the Administration's new policy. These are critical issues that continue to require our attention.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 158

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran,

including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predomininatly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Irán, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraph (a), (b), (c), (d) and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), since my report of March 16, 1998.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses.

The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses that were issued authorized certain financial transactions and transactions relating to air safety policy. Pursuant to sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

Since the issuance of Executive Order 13059, more than 1,500 transactions involving Iran initially have been "rejected" by U.S. financial institutions under IEEPA and the ITR. United States banks declined to process these transactions in the absence of OFAC authorization. Twenty percent of the 1,500 transactions scrutinized by OFAC resulted in investigations by OFAC to assure compliance with IEEPA and ITR by United States persons.

Such investigations resulted in 15 referrals for civil penalty action, issuance of 5 warning letters, and an additional 52 cases still under compliance or legal review prior to final agency action.

Since my last report, OFAC has collected 20 civil monetary penalties totaling more than $110,000 for violations of IEEPA and the ITR related to the import or export to Iran of goods and services. Five U.S. financial institutions, twelve companies, and three individuals paid penalties for these prohibited transactions. Civil penalty action is pending against another 45 United States persons for violations of the ITR.

6. On January 22, 1997, an Iranian national resident in Oregon and a U.S. citizen were indicted on charges related to the attempted exportation to Iran of spare parts for gas turbines and precursor agents utilized in the production of nerve gas. The 5-week trial of the American citizen defendant, which began in early February 1998, resulted in his conviction on all counts. That defendant is awaiting sentencing. The other defendant pleaded guilty to one count of criminal conspiracy and was sentenced to 21 months in prison.

On March 24, 1998, a Federal grand jury in Newark, New Jersey, returned an indictment against a U.S. national and an Iranian-born resident of Singapore for violation of IEEPA and the ITR relating to exportation of munitions, helicopters, and weapons systems components to Iran. Among the merchandise the defendants conspired to export were parts for Phoenix air-to-air missiles used on F–14A fighter jets in Iran. Trial is scheduled to begin on October 6, 1998.

The U.S. Customs Service has continued to effect numerous seizures to Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.7 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel); the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser); and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance import objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

MESSAGES FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4550. An act to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 1260) to amend the Securities Exchange Act of 1934 to limit the conduct of securities class actions under the State law, and for other purposes, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BLILEY, Mr. OXLEY, Mr. TAUZIN, Mr. COX of California, Mr. WHITE, Mr. DINGELL, Mr. STUPAK, and Ms. ESHOO as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second time by unanimous consent and referred as indicated:

H.R. 4550. An act to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 17, 1998 he had presented to the President of the United States, the following enrolled bill.

S.2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2107. A bill to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes (Rept. No. 105–335).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3303. A bill to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3494. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 256. A resolution to refer S. 2274 entitled "A bill for the relief of Richard M. Barlow of Santa Fe, New Mexico" to the chief judge of the United States Court of Federal Claims for a report thereon.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1727. A bill authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new a generic top-level domains and related dispute resolution procedures.

S. 2392. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

William B. Traxler, Jr., of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Alvin K. Hellerstein, of New York, to be United States District Judge for the Southern District of New York.

Richard M. Berman, of New York, to be United States District Judge for the Southern District of New York.

Donovan W. Frank, of Minnesota, to be United States District Judge for the District of Minnesota.

Colleen McMahon, of New York, to be United States District Judge for the Southern District of New York.

William H. Pauley III, of New York, to be United States District Judge for the Southern District of New York.

Thomas J. Whelan, of California, to be United States District Judge for the Southern District of California.

H. Dean Buttram, Jr., of Alabama, to be United States District Judge for the Northern District of Alabama.

Inge Prytz Johnson, of Alabama, to be United States District Judge for the Northern District of Alabama.

Robert Bruce Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.

Scott Richard Lassar, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

James A. Tassone, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 2489. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Higher Education Act of 1965 to establish and improve programs to increase the availability of quality child care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 2490. A bill to prohibit postsecondary educational institutions from requiring the purchase of goods and services from on-campus businesses, intentionally withholding course information from off-campus businesses, or preventing students from obtaining course information or materials from off-campus businesses; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. DEWINE):

S. 2491. A bill to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2492. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

By Mr. HARKIN:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the nutrient management costs of animal feeding operations; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, and Mr. KOHL):

S. 2494. A bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2495. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2496. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. CRAIG, Mr. AKAKA, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DASCHLE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. HATCH, Mr. DOMENICI, Mr. STEVENS, Mr. BENNETT, and Mr. HARKIN):

S. Res. 279. A resolution expressing the sense of the Senate supporting the right of the United States citizens in Puerto Rico to express their desires regarding their future political status; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 2489. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Higher Education Act of 1965 to establish and improve programs to increase the availability of quality child care, and for other purposes; to the Committee on Labor and Human Resources.

CHILD DEVELOPMENT ACT

Mr. WELLSTONE. Mr. President, right now in our country there are about 10 million children—of course, when I talk about children, I am talking about their parents as well—who are eligible for good developmental child care opportunities. As it turns out, we provide assistance to 1.4 million out of this 10 million. In other words, fully 86 percent of children who are eligible to receive some assistance so that they will get better child care in those critical early years receive no assistance at all.

I introduce today this piece of legislation, which I have called the Child Development Act. I have been working on it for the last year and a half. Altogether, over the next 5 years, it calls for $62 billion, about $12 billion—less than 1 percent of the budget—to be invested in the health, skills, intellect and character of our children.

About $37.5 billion just increases funding for the Child Care and Development Block Grant Program (CCDBG), which has been a proven success in providing more money so that we can expand child care in our States and provide help to many working families that need this help.

In addition, the bill provides funding for improving afterschool programs. We have funds that are set aside to improve the quality of child care. Children Defense Fund studies have shown that six out of seven child care facilities in this country provide only poor-to-mediocre service, and one out of eight centers actually put children at risk.

There is additional funding for professional training, for new construction, and I say to my colleagues, there is also funding for loan forgiveness, which is the effort that I have been working on with my colleague, Senator DEWINE from Ohio, so that those men and women who do their undergraduate work and receive training in early childhood development, where the wages are so low, at least will receive loan forgiveness which will help them. Finally, there is some $13 billion in tax credits for low- and middle-income working parents to help them afford child care.

Research has shown that much of what happens in life depends upon the first three years of development. The brain is so profoundly influenced during this time that the brain of a three-year-old has twice as many synapses (connections between brain cells) as that of her adult parents. The process of brain development is actually one of "pruning" out the synapses that one does not need (or more accurately, does not use) from those that become the brains standard "wiring." This is why the first three years of development are so important—this is the time that the brain must develop the wiring that is going to be used for the rest of one's life. According to a report on brain development published by the Families and Work Institute, "Early care and nurture have a decisive, long lasting impact on how people develop, their ability to learn, and their capacity to control their own emotions." If children do not receive proper care before the age of three, they never receive the chance to develop into fully functioning adults.

We are not allowing our children a chance in life when we do not provide them with proper care in their early years. If America is to achieve its goal of equal opportunity for our children, we need to start with proper care in their early years. It is a painful statistic then that our youngest citizens are also some of the poorest Americans. One out of every four of our country's 12 million children under the age of three live in poverty. It becomes very difficult to break out of the cycle of poverty if poor children are not allowed to develop into fully functioning adults.

Yet many parents in America do not have the option of providing adequate care for their children. For parents who can barely afford rent it is nearly impossible to take advantage of the Family Medical Leave Act, and sacrifice 12 weeks of pay in order to directly supervise a child. Many mothers need to return to work shortly after giving birth and find that the only options open to them are to place their children in care that is substandard, even potentially dangerous—but affordable. According to the Children's Defense Fund, six out of seven child care centers provide only poor to mediocre care, and one in eight centers provide care that could jeopardize children's safety and development. The same study said that one in three home-based care situations could be harmful to a child's development. How can we abide by these statistics?

This is a serious problem, and frighteningly widespread. The eligibility levels set for receiving child care aid through the federal Child Care and Development Block Grant (CCDBG) is 85 percent of a state's median income. Nationally, this comes out to about $35,000 for a family of three in 1998. However, according to the Children's defense fund, fully half of all families with young children earn less than $35,000 per year. Half! A family that has two parents working full time at minimum wage earns only $21,400 per year. This is not nearly enough to even dream of adequate child care.

Child care costs in the United States for one child in full day care range from $4,000 to $10,000 a year. It is not surprising that, on average, families with incomes under $15,000 a year spend 23 percent of their annual incomes on child care. And in West Virginia, if a family of three makes more than that $15,000, they no longer qualify for child care aid! In fact, thirty-two states do not allow a family of three which earns $25,000 a year (approximately 185 percent of poverty) to qualify for help. Only four states in our nation set eligibility cut offs for receiving child care assistance at 85 percent of median family income, the maximum allowed by federal law. There is obviously not enough funding to support the huge need for child care assistance in our nation, and that is why I am proposing the Child Care Development Act.

There is widespread support for expanded investments to improve the affordability and quality of child care. A recent survey of 550 police chiefs found that nine out of ten police chiefs surveyed agreed that "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" such as Head Start and child care. Mayors across the country identified child care, more than any other issue, as one of the most pressing issues facing children and families in their communities in 1996 survey. A recent poll found that a bipartisan majority of those polled support increased investments in helping families pay for child care—specifically, 74% of those polled favor a bill to help low-income and middle-class families pay for child care, including 79% of Democrats, 69% of Republicans, and 76% of Independents.

It is clear that many like to talk about supporting our children, and many are in favor of supporting our children, but what action is actually taken? Yes, the addition of new child care dollars in 1996 has helped welfare recipients, but it has done nothing for working, low-income families not receiving TANF. The Children's Defense Fund recommends that Congress pass comprehensive legislation that guarantees at least $20 billion over five years in new funding for the Child Care Development Block Grant (CCDBG). My Child Care Development Act goes beyond this, yet even my bill is just a first step. This bill is designed to provide affordable, quality child care to half of the ten million American children presently in need of subsidized care. It will provide $62.5 billion over 5 years—$12.5 billion a year—nearly three times the amount proposed in the President's most ambitious, and still unprosecuted, proposal. In 1997 the President proposed extending care to 600,000 children from poor families, leaving fully 80% of eligible children without aid. That was the last we heard of it. And it wasn't good enough, anyway.

If we are serious about putting parents to work and protecting children, we need to invest more in families and in child care help for them. Enabling families to work and helping children thrive means giving states enough money so that they can set reasonable eligibility levels, let families know that help is available, and take working families off the waiting lists.

The Child Care Development Act will require $62.5 billion over five years. There will be several offsets necessary if we are serious about giving children in this country the type of care they need and deserve. Shifting spending from these offsets demonstrates that our true national priority is children, not wasteful military spending and corporate tax loopholes.

The offsets that will be necessary are as follows. If we repeal the reductions in the Corporate Minimum Tax from the 1997 Budget Bill, we create $8.2 billion. The elimination of the Special Oil and Gas Depletion Allowance will make room for and additional $4.3 billion. An offset of $.575 billion will come from a repeal of the Enhanced Oil Recovery Credit and an offset of $13.767 billion will come from the elimination of exclusion for Foreign-Earned Income. From these four different offsets in tax provisions a sub total amount of $26.835 is created to spend on child care.

Defense Cuts will also be necessary in the amount of $24.4 billion. This will come from canceling the F-22, a plane plagued with troubles, which will free up $19.29 billion, and $5.11 billion will come from a reduction in Nuclear Delivery Systems Within Overall Limits of START II.

The remaining offsets can be made by reducing the Intelligence Budget by 5 percent, which would save $6.675 billion; by reducing Military Export Subsidies by $.85 billion; and by canceling the International Space Station, which costs $10.045 billion. All of which, when added together, allows for an additional $68.805 billion to be used to support our children.

This is, finally, a child care bill on the same scope as the problem itself. We as a nation are neglecting the most vulnerable and important portion of our society—our children. Here is an ambitious solution to this vast problem that has been plaguing our country. So that we don't have to be a country that just talks about putting our children first.

Mr. President, I want to speak a little bit from the heart. We are now at a point in our session where we have maybe 2½, 3 weeks to go. I think it is a tragedy that, in many ways, we are not involved in the work of democracy. From my point of view as a Senator from Minnesota, the work of democracy is to try to respond and speak to the concerns and circumstances of people's lives.

As I travel around Minnesota and travel around the country, I believe that, more than anything else, what families are saying to us is, "We want to do our very best by our kids, because if we as parents," or a single parent, "can do our best by our kids, we will do our best by our country."

One of the reasons we—I am talking about the people now in the country—are so disillusioned about our political process, above and beyond all that they hear about every day, which I hate, is that all that is happening is no good for our country. I think the polls show this as well, people are saying, "Get on with your governing, too; please govern; please be relevant and important to our lives." People feel like we are not doing that.

I have to say that if we can respond to what most people are talking about, which is how we earn a decent living and how do we give our children the care we know they need and deserve, we will be doing well by people. If we can do everything that we can do as Senators, Democrats and Republicans, and if the private sector plays its role and we also engage in voluntarism and a lot of good things happen at the community level and non-Government organizations, and nonprofits play their role, and I say to Rabbi Shemtov, our guest chaplain today, the religious community needs to play their role: if we all do everything we can to enable parents or a parent to do their best by their kids, then that is the best single thing we can do.

What saddens me and also angers me is that all of a sudden, the focus on children is just off the table. We have lost it. It wasn't that many months ago that we were having conferences and we were talking about reports that were coming out and we couldn't stop discussing the development of the brain; how important it is to make sure that we get it right for our children because by age 3, if we don't get it right for them, they are never going to be ready for school and never be ready for life.

What happened? What happened to our focus? We have lost our focus. We have lost our way. We are talking a lot about values, and we are talking a lot about moral issues and we should—we should. But isn't it also a moral question or a moral issue that one out of every four children under the age of 3 is growing up poor in America today, and one out of every three children of color under the age of 3 is growing up poor in America today?

With our economy still humming along, how can it be that we cannot do better? I don't understand that. I say to the Rabbi and Chaplain, in the words of Rabbi Hillel, "If not now, when?"

Here we are with 3 weeks to go to this Congress, and we haven't done anything to help families, to help children, to fill their void so that we make sure that every child who comes to kindergarten comes to kindergarten ready to learn. If we are going to talk about education, and we are going to have a discussion about education—maybe we won't on the present course—I think we have to focus on the learning gap.

The truth of the matter is, we do quite well for kids in our public schools if they come to kindergarten ready to learn. It is the kids who come to kindergarten not ready to learn for whom we don't do well.

I am not trying to take K–12 off the hook. We need to do much better. But couldn't we say that as a national goal we want to make sure that every child who comes to kindergarten comes to kindergarten ready to learn? So that she knows the alphabet. He knows colors and shapes and sizes. She knows how to spell her name. They have been read to widely and they come with the readiness to learn.

The Presiding Officer, Senator DEWINE, is as committed to children as any Senator in the Senate. He knows what I am saying.

This is a cost-neutral bill. I will not go on about this bill's offsets. I cut into some tax loopholes and some subsidies that go to some of the largest corporations in America that do not need it. I raise some questions about whether we need some additional missiles and additional bombers. I redefine national security, and say, yes, we need a strong defense, but we need to take some of the money and invest for children. People can agree or disagree about where I get the money for this. Can't we agree that we take 1 percent of our budget and invest it in the health and skills and character and intellect of our children? They are 100 percent of our future.

I must repeat this point. I cannot believe that not that many months ago we were all talking about development of the brain, early childhood development. We were all talking about legislation—we were all talking about how we were going to do something to help parents do better by their kids, and we are not doing that.

That is why I introduce this legislation today. I do not think it is a cry in the wilderness, because I hope next year we are going to get this bill enacted. I am going to fight for this. And maybe, if I have a chance—I don't know that I will, given the next 3 weeks—I will bring some of it up as amendments. But we have to start speaking out about this, Mr. President. I say to Senator DEWINE, the Presiding Officer, we have to start speaking out about this because we should be doing better.

By Mr. FAIRCLOTH:

S. 2490. A bill to prohibit postsecondary educational institutions from requiring the purchase of goods and services from on-campus businesses, intentionally withholding course information from off-campus businesses, or preventing students from obtaining course information or materials from off-campus businesses; to the Committee on Labor and Human Resources.

THE COLLEGE COSTS SAVINGS ACT OF 1998

• Mr. FAIRCLOTH. Mr. President, this fall millions of college students are returning to campus. Today I introduce legislation that will ease the financial burden for these students, and reduce the costs of student financial aid on the taxpayers.

My bill seeks to inject some good, old-fashioned competition in the market for the purchase of college textbooks. Every student knows that the costs of textbooks can run into hundreds of dollars. It has become a major expense for most college students. My bill would bar financial aid to any university or any student attending a university that, directly or indirectly, requires students to purchase textbooks exclusively on campus. Further, the legislation would require that non-campus businesses have reasonable access to the textbook requirements of college courses, so that they too could stock textbooks and have them available to students at a more competitive price.

Regrettably, the way aid is currently disbursed by the Department of Education is artificially raising costs for students throughout the country. There is a nationwide use of financial aid to, in effect, channel funds exclusively to college "business-like" enterprises. These funding methods prevent financial aid from being spent at small businesses attempting to compete in the campus area marketplace.

Through the use of Department of Education-permitted "student accounts," colleges are creating their own dominance in such areas as college bookstores. Off-campus choice is virtually unavailable, even if off-campus stores offer students a less-expensive alternative. With the development of "campus cards," aid is even more captive to the on-campus economy.

I raised this issue with Secretary Riley at a hearing this spring and through a subsequent letter. The Department claims such distribution of aid funds is voluntary. The Department of Education stated in its June 22nd response that off-campus businesses can accept these campus cards only if an institution "wishes to establish a business relationship with an off-campus business." In most cases, that is not their wish. In most cases, only on-campus enterprises benefit. The Congress never intended financial aid funds—or any other funds—to be used for purposes of monopolization on college campuses. Competition in the campus-area marketplace is being restricted—and in many cases—eliminated. Students have little to no choice in shopping for books and materials.

The net result is that students are often paying higher costs for these goods and services, like textbooks. And, the federal government, providing student aid, is paying the higher price too.

There isn't a college student in this country that does not think that textbooks cost too much. Buying course books has become a major expense for the vast majority of students.

Evidence shows that off-campus bookstores are generally less-expensive if students receiving financial aid had full access to them. A recent report of the National Association of College Stores ("NACS") reports that each student spends an average of $300 for new textbooks at an on-campus bookstore compared with less than $200 for textbook purchases at an off-campus bookstore.

Additionally, another unfair practice that I have been informed about is that some institutions refuse or obstruct access by off-campus college bookstores to the titles of textbooks required by the teaching staff. This legislation addresses both of these problems.

Further, I believe we should be taking any reasonable steps that we can to reduce the cost of attending college. A 1998 Congressional Commission on the Cost of Higher Education Report tells us that America has a "college cost crisis." It found that 71 percent of the public believes that a four-year education is not affordable for most Americans. Clearly, people are concerned about the ever-growing costs of higher education.

This legislation could save every student hundreds of dollars a year in college costs, if we can promote greater free market competition in the sale of college textbooks. As for financial aid, if this legislation can only save one percent of the amount that is spent on financial aid, it would approximate a $500 million savings.

Clearly parents, students and the federal government could use this kind of financial relief. Mr. President, I would urge my colleagues to support this legislation.●

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. DEWINE):

S. 2491. A bill to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes; to the Committee on the Judiciary.

PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

Mr. HATCH. Mr. President, today I am proud to introduce S. 2491 the Hatch-Leahy-DeWine "Protection of Children from Sexual Predators Act of 1998." I want to especially thank Senators LEAHY and DEWINE for their cooperation in drafting this exemplary piece of legislation. S. 2491 strengthens the ability of law enforcement and the courts to respond to high-tech sexual predators of children. Pedophiles who roam the Internet, purveyors of child pornography, and serial child molesters are specifically targeted.

The Internet is a wonderful creation. By allowing for instant communication around the globe, it has made the world a smaller place, a place in which people can express their thoughts and ideas without limitation. It has released the creative energies of a new generation of entrepreneurs and it is an unparalleled source of information.

While we should encourage people to take full advantage of the opportunities the Internet has to offer, we must also be vigilant in seeking to ensure that the Internet is not perverted into a hunting ground for pedophiles and other sexual predators, and a drive-through library and post office for purveyors of child pornography. Our children must be protected from those who would choose to sexually abuse and exploit them. And those who take the path of predation should know that the consequences of their actions will be severe and unforgiving.

How does this bill provide additional protection for our children? By prohibiting the libidinous dissemination on the Internet of information related to minors and the sending of obscene material to minors, we make it more difficult for sexual predators to gather information on, and lower the sexual inhibitions of, potential targets. And by requiring electronic communication service providers to report the commission of child pornography offenses to authorities, we mandate accountability and responsibility on the Internet.

Additionally, law enforcement is given effective tools to pursue sexual predators. The Attorney General is provided with authority to issue administrative subpoenas in child pornography cases. Proceeds derived from these offenses, and the facilities and instrumentalities used to perpetuate these offenses, will be subject to forfeiture. And prosecutors will now have the power to seek pretrial detention of sexual predators prior to trial.

Federal law enforcement will be given increased statutory authority to assist the States in kidnaping and serial murder investigations, which often involve children. In that vein, S. 2491 calls for the creation of the Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center. That center will gather information, expertise and resources that our nation's law enforcement agencies can draw upon to help combat these heinous crimes.

Sentences for child abuse and exploitation offenses will be made tougher. In addition to increasing the maximum penalties available for many crimes against children and mandating tough sentences for repeat offenders, the bill will also recommend that the Sentencing Commission reevaluate the guidelines applicable to these offenses, and increase them where appropriate to address the egregiousness of these crimes. And S. 2491 calls for life imprisonment in appropriate cases where certain crimes result in the death of children.

Protection of our children is not a partisan issue. We have drawn upon the collective wisdom of Senators from both sides of the aisle to draft a bill which includes strong, effective legislation protecting children. I call upon my colleagues to support this bill and speed its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. LEAHY. Mr. President, I know everyone is concerned about protecting this country's children from those who would prey upon them. Those concerns have intensified in recent years with the growing popularity of the internet and the world wide web. Cyberspace gives users access to a wealth of information; it connects people from around the world. But it also creates new opportunities for sexual predators and child pornographers to ply their trade. The challenge is to protect our children from exploitation in cyberspace while ensuring that the vast democratic forum of the Internet remains an engine for the free exchange of ideas and information.

The bill that we are introducing today meets this challenge. While it is not a cure-all for the scourge of child pornography, it is a good step toward limiting the ability of cyber-pornographers and predators from harming children.

This bill differs markedly from H.R. 3494, the child protection and sexual predator bill that the House passed last June. I should note that this bill mirrors a Hatch-Leahy-DeWine substitute to H.R. 3494, which passed the Judiciary Committee by unanimous consent this afternoon.

I thank the Chairman for working with me to fix the many problems in H.R. 3494, and to make this bill more focused and measured. Briefly, I would like to highlight and explain some of the differences between the bills.

As passed by the House, H.R. 3494 would make it a crime, punishable by up to 5 years' imprisonment, to do nothing more than "contact" a minor, or even just attempt to "contact" a minor, for the purpose of engaging in sexual activity. This provision does not appear in the Hatch-Leahy-DeWine bill. The act of making contact is not very far along the spectrum of an overt criminal act: it is only the expression of a criminal intention without follow through. A simple "hello" in an internet chat room, coupled with bad intentions, would expose the speaker to severe criminal sanctions. Targeting "attempts" to make contact would be even more like prosecuting a thought crime.

Another new crime created by the House bill prohibited the transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. In its original incarnation, this provision would have had the absurd result of prohibiting a person under the age of consent from e-mailing her own address or telephone number to her boyfriend. We fixed this problem by making it clear that a violation must involve the transmission of someone else's identifying information. In addition, to eliminate any notice problem arising from the variations in state statutory rape laws, we lowered the age of the identified minor from 18 to 16—the federal age of consent. Finally, we clarified that the defendant must know that the person about whom he was transmitting identifying information was, in fact, under 16. This change was particularly important because, in the anonymous world of cyberspace, a person may have no way of knowing the age of the faceless person with whom he is communicating.

I had many of the same concerns regarding another provision of the House bill, which makes it a crime to transfer obscene material to a minor. Again, the Hatch-Leahy-DeWine bill lowers the age of minority from 18 to 16 and provides that the defendant must know he is dealing with someone so young. I would add that this provision of the bill applies only to "obscene" material, that is, material that enjoys no First Amendment protection whatever—material that is patently offensive to the average adult. The bill does not purport to proscribe the transferral of constitutionally protected material that may, however, be unsuitable for minors. Besides raising serious constitutional concerns, such a provision would also have the unacceptable consequence of reducing the level of discourse over the Internet to what would be suitable for a sandbox.

The original House bill would also have criminalized certain conduct directed at a person who had been "represented" to be a minor, even if that person was, in fact, an adult. The evident purpose was to make clear that the targets of sting operations are not relieved of criminal liability merely because their intended victim turned out to be an undercover agent and not a child. The new "sting" provisions addressed a problem that simply does not currently exist: no court has ever endorsed an impossibility defense along the lines anticipated by the House bill. The creation of special "sting" provisions in this one area could lend credence to impossibility defenses raised in other sting and undercover situations. At the same time, these provisions would have criminalized conduct that was otherwise lawful: it is not a crime for adults to communicate with each other about sex, even if one of the adults pretends to be a child. Given these significant concerns, the "sting" provisions have been stricken from the Hatch-Leahy-DeWine bill.

Another major problem with the House bill is its modification of the child pornography possession laws. Current law requires possession of three or more pornographic images in order for there to be criminal liability. Congress wrote this requirement into the law as a way of protecting against government overreaching. By eliminating this numeric requirement, the House bill puts at risk the unsuspecting Internet user who, by inadvertence or mistake, downloads a single pornographic image of a child. The inevitable result would be to chill the free exchange of information over the web. I was unwilling to accept this possibility; the Hatch-Leahy-DeWine bill keeps current law in place.

Unlike H.R. 3494, the bill we are introducing today contains no new mandatory minimum sentences. I oppose the use of mandatory minimums because they take away the discretion of the sentencing judge, which can result in unjust sentences and can also induce defendants who would otherwise have pled guilty, hoping to obtain some measure of leniency from the court, to proceed to trial.

Another problematic provision of the House bill gives the Attorney General sweeping authority to subpoena records and witnesses in investigations involving crimes against children. We should be extremely wary of further extending the Justice Department's administrative subpoena power. The use of administrative subpoenas gives federal agents the power to compel disclosures without any oversight by a judge, prosecutor, or grand jury, and without any of the grand jury secrecy requirements. That being said, the secrecy requirements may pose a significant obstacle to the full and efficient cooperation of federal/state task forces in their joint efforts to reduce the steadily increasing use of the Internet to perpetrate crimes against children, including crimes involving the distribution of child pornography.

In addition, it appears that some U.S. Attorneys Offices are reluctant to open a grand jury investigation when the only goal is to identify individuals who have not yet, and may never, commit a federal (as opposed to state or local) offense. The Hatch-Leahy-DeWine bill accommodates all the competing interests by granting the Department a narrowly drawn authority to subpoena only the information that it most needs: routine subscriber account information from Internet service providers. Importantly, subscribers may obtain notice from their service provider.

The new reporting requirement established by H.R. 3494 is also troubling. Under current law, Internet service providers are generally free to report suspicious communications to law enforcement authorities. Under H.R. 3494, service providers would be required to report such communications when they involve child pornography; failure to do so would be punishable by a substantial fine.

Of course, we are all committed to eradicating the market for child pornography. Child pornography is inherently harmful to children. Service providers that come across such material should report it, and, in most cases, they already do. We must tread cautiously, however, before we compel private citizens to act as good Samaritans or to assume duties and responsibilities that are better left to law enforcement.

Working with the service providers, we have refined the House bill in various ways.

First, we raised the bar for the reporting duty; a service provider has no obligation to make a report unless it has "probable cause" to believe that the child pornography laws are being violated. By setting such a high standard, we intended to discourage service providers from erring on the side of over-reporting every questionable image. This would also overwhelm the FBI and law enforcement agencies.

Second, we provided that there is no liability for failing to make a report unless the service provider knew both of the existence of child pornography and of the duty to report it (if it rises to the level of probable cause).

Third, we made clear that we are not imposing a monitoring requirement of any kind: service providers must report child pornography when they come across it or it is brought to their attention, but they remain under no obligation to go out looking for it.

Fourth, we added privacy protections for any information reported under the bill.

Fifth, we lowered the maximum fine for first offenders to $50,000; a second or subsequent failure to report, however, may still result in a fine up to $100,000.

Thus improved, I am confident that the reporting requirement will accomplish its objectives without unduly burdening the service providers or violating the privacy rights of internet users.

Beyond this, the Hatch-Leahy-DeWine bill strips the House bill of various other extraneous or improvident provisions. Our bill is also free of certain add-ons that appeared in the original version offered by Senator HATCH. In particular, the original version would have opened the floodgates of federal inchoate crime prosecutions by creating a general attempt statute—making it a crime to commit each and every offense in title 18—and by making the penalty for its violation as well as for violation of the general conspiracy statute (which is now capped at 5 years) equal to the penalty for the offense that was the object of the attempt or conspiracy. The Chairman's original bill also created a new rule of criminal procedure requiring defendants to provide notice of their intention to assert an entrapment defense.

I think there are good reasons why these ideas have been rejected in the past, both by the Congress and by the Federal Judicial Conference, and why they are opposed by business and civil liberties groups alike. At the very least, we should not usher in such radical changes to the federal criminal law without more careful consideration, after proper hearings.

In conclusion, I commend Senators HATCH and DEWINE for their efforts to address the terrible problem of child predators and pornographers. I am glad that we were able to join forces to construct a bill that goes a long way towards achieving our common goals.•

• Mr. LAUTENBERG. Mr. President, I rise to express my outrage at the depraved criminals who are using the Internet to exploit children.

Recently, the United States Customs Service, in cooperation with authorities in fourteen other nations, conducted successful raids on an extensive Internet child pornography ring. The ring, called the Wonderland Club, had been distributing more than 100,000 pornographic photographs of children. Some of the children were as young as 18 months. I am deeply disturbed, and disgusted, that people would victimize innocent children in this way.

I want to commend the Customs Service and the other international law enforcement agencies involved on their successful effort. They made 46 arrests worldwide and there may be hundreds more after all the evidence is analyzed. The raids also covered 22 states, including one location in my home state of New Jersey.

While this raid has put this one ring of Internet pedophiles out of business, I am concerned that there may be others. Many law enforcement officials are concerned that the advancements in Internet technology are making it that much easier for pedophiles to conduct their sickening schemes. Additionally, the anonymity of the Internet makes it easier for these criminals to evade detection.

Clearly, we must fight back against these cyberspace criminals. One step that we can take is to ensure strong penalties for those who use the Internet for these horrible purposes. That is why I support the Child Protection and Sexual Predator Punishment Act of 1998. This measure would double the maximum penalty for sexual abuse of a child under twelve—from ten years to twenty years. It would also increase the prison terms and fines for anyone using the Internet, or the mail, to contact a minor for the purpose of engaging in sexual activity or transferring obscene material.

I urge my colleagues to support this bill, and I hope it will pass the Senate before we adjourn this year. We must act quickly to help prevent another generation of children from suffering.•

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2492. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

LONG-TERM CARE AND RETIREMENT SECURITY ACT

• Mr. GRASSLEY. Mr. President, I introduce the Long-Term Care and Retirement Security Act. This bill is an important first step in helping Americans prepare for their long-term care needs. A companion bill to the Long-Term Care and Retirement Security Act has been introduced in the House of Representatives by Representative NANCY JOHNSON.

Longer and healthier lives are a blessing and a testament to the progress and advances made by our society. However, all Americans must be alert and prepare for long-term care needs. The role of private long-term care insurance is critical in meeting this challenge.

The financial challenges of health care in retirement are not new. Indeed, too many family caregivers can tell stories about financial devastation that was brought about by the serious long-term care needs of a family member. Because increasing numbers of Americans are likely to need long term care services, it is especially important to encourage planning today.

Most families are not financially prepared when a loved one needs long-term care. When faced with nursing home costs that can run more than $40,000 a year, families often turn to Medicaid for help. In fact, Medicaid pays for nearly two of every three nursing home residents at a cost of more than $30 billion each year for nursing home costs. With the impending retirement of the Baby Boomers, it is imperative that Congress takes steps now to encourage all Americans to plan ahead for potential long-term care needs.

The Long-Term Care and Retirement Security Act will allow Americans who do not currently have access to employer subsidized long-term care plans to deduct the cost of such a plan from their taxable income. This bill will encourage planning and personal responsibility while helping to make long-term care insurance more affordable for middle class taxpayers.

This measure will encourage Americans to be pro-active and prepare for their own long term care needs by making insurance more affordable. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

• Mr. GRAHAM. Mr. President, I rise today, along with Senator GRASSLEY, to introduce legislation designed to protect our nation's families hard-earned savings and ensure quality long-term care.

Our nation has achieved great strides in the 20th century in delivering quality health care and improving the standards of living of its citizens. Just last year Congress added preventive benefits to the Medicare program, thereby ensuring that Americans will have longer, more productive lives. In fact, thanks to these developments life expectancy has increased from 47 years in 1900 to 68 years in 1950, and has steadily increased to 76 years in 1991. These tremendous advances in medicine have also produced challenges because as more and more people live longer, chances increase that they will experience chronic illnesses and disability.

A three-year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

Another challenge facing America in the future will be the aging of the "baby boomers." Unfortunately, many "baby boomers" are not planning for the future because they are preoccupied with more immediate concerns. This portion of our population represents more than half of all workers and are the parents of 75% of the nation's children under age 18. Child care, housing expenses and saving for their children's college education tend to dominate their budgets.

Many Americans mistakenly believe that Medicare will pay for their long-term care needs. "Baby boomers" need to understand the limitations of government programs with regard to long-term care. In reality, this program primarily focuses on hospital stays and physician visits. Without adequate private insurance a significant number of retirees are likely to deplete their assets in order to receive essential long-term care.

Insurance products are available to ensure that an individual's long-term care needs are met. However, current tax law establishes several obstacles to purchasing long-term care insurance. First, most Americans purchase health insurance through their employer. Over sixty-five percent of 235 million individuals, under age 65, purchase their health insurance through their employer or union. However, tax law prohibits an employer from offering employer subsidized long-term care insurance products through its employee benefits plans.

Since the enactment of the Kennedy-Kassebaum legislation of 1996, purchasers of qualified long-term care insurance policies are permitted to deduct the premiums as part of their medical expenses. However, for taxpayers other than the self-employed, the tax code restricts the medical expense deduction to the portion of expenses exceeding 7.5 percent of their income—a threshold that bars the deduction for 95 percent of non-self employed people.

Kennedy-Kassebaum also precluded employees from purchasing long term care insurance on a pre-tax basis through their employer. Specifically, the legislation prohibited the inclusion of long-term care insurance in employer-sponsored cafeteria plans and flexible spending accounts. Only if the employer actually pays for the insurance can the employee obtain the coverage on a tax-free basis, but few employers currently are willing to pay for the coverage. The result is that only a small percentage of purchasers of long-term care insurance can obtain the insurance on a pre-tax basis.

Second, long-term care insurance paid directly by the taxpayer is only deductible if the individual both itemizes his or her deductions and already has deductible medical expenses in excess of 7.5 percent of their adjusted gross income.

Suppose Mr. and Ms. Jones earn $40,000 per year and want to purchase long-term care insurance. Under current law, health and medical expenses are not deductible unless they exceed 7.5 percent of $40,000, which is $3,000.

Suppose the premiums for long-term care insurance totaled $1,000. The Joneses would get no tax benefit from the deduction of the premiums unless they already had $2,000 in other qualified medical expenses, and would not get the full benefit of the deduction unless they had $3,000 in other qualified expenses.

Even if they meet this threshold, the Joneses still will not benefit from the current deduction unless their total itemized deductions—health and non-health—exceed the standard deduction, currently $6,900 for a married couple.

It becomes clear that the current deduction for log-term care insurance premiums is not providing a very strong incentive to prepare for one's health retirement. A recent survey shows that premium deductibility was cited most frequently as the action that would make non-buyers more interested in long-term care insurance.

Looking into the future, there are two key goals for retirement security: (1) saving enough money for retirement, and (2) protecting against life's uncertainties, including long-term care costs. An unanticipated nursing home stay can deplete hard-earned savings and threaten a family's financial future. This situation could be especially difficult for the surviving spouse of someone who has had a long-term care stay and depleted all of their retirement savings. The widow or widower can have many years left to live and no remaining retirement assets.

A recent study by the American Council for Life Insurance indicates that long-term care insurance has the potential to significantly reduce future out-of-pocket and Medicaid expenditures for long-term care. If individuals are covered by long-term care insurance, they are less likely to become Medicaid beneficiaries, thus preserving the individual's savings and decreasing government spending. This would also reinforce Medicaid's intent of serving as a safety net for those who are most needy.

With the provisions in this legislation, Americans can be more assured of a financially secure retirement.●

By Mr. HARKIN:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the nutrient management costs of animal feeding operations; to the Committee on Finance.

THE ANIMAL AGRICULTURE ENVIRONMENTAL INCENTIVES ACT OF 1998

● Mr. HARKIN. Mr. President, recently we have seen growing concerns around the country about the environmental problems associated with livestock, dairy and poultry production. Continued reports of manure spills, evidence of water pollution from manure runoff, and ongoing complaints about odor and air pollution are creating increasing pressure on the livestock and poultry industry.

Last year, I introduced the Animal Agriculture Reform Act, the first legislation of its kind to call for national environmental standards for animal feeding operations. Just this week, the U.S. Environmental Protection Agency and the U.S. Department of Agriculture announced what they call a Draft Unified National Strategy for Animal Feeding Operations. That is a big title, but what it boils down to is a comprehensive, national plan for tackling the environmental problems of the livestock and poultry industry.

The Administration's Strategy looks a lot like my bill, so I think it is a good start. The Strategy calls for mandatory nutrient management plans for larger operations and restrictions on manure application to protect the environment—those provisions are at the heart of my bill and also are the focus of the EPA/USDA Strategy.

However, the Administration's plan is only a strategy and it must be implemented. We will still see manure spills, runoff and threatened waterways around the country until we have better management and better controls at animal feeding operations.

One of the keys to getting this job done, and to helping producers comply with EPA regulations, is finding solutions rather than imposing sanctions. That is why today I am introducing a bill that would provide a 25 percent tax credit to livestock producers to purchase equipment for new and innovative ways to process and use manure.

The aim of my bill is to help producers help themselves when it comes to manure management, particularly in circumstances where too much manure is generated to be safely applied to land.

The tax credit would cover equipment that allows farmers to carefully apply only as much manure as their crops need, and equipment that processes manure for safer handling, better nutrient value, or alternative uses like energy generation. This is the kind of equipment that producers need to comply more easily with nutrient management plans, move manure more economically to areas where crop land is available, or adopt alternative uses for manure.

The bottom line as I see it is that livestock, dairy and poultry producers in this country are going to face limits on manure application. These limits are going to have a serious effect on some operations, and particularly in certain regions of the country.

Of course, there are all kinds of operations that make up our livestock, dairy and poultry industry, and each producer needs an environmental solution that makes sense for that individual operation.

Some producers have enough land to apply all of their manure. For these producers, up to date facilities and careful management should be sufficient. For other producers, simple composting or efficient solid liquid separation may be the solution, so that solids can be transported more economically for off-site land application. In still other situations, particularly for very large operations or in regions with intensive production, we may need to adopt more advanced technology.

I believe that the bill I am introducing today is just a first step along the way to making the adoption of better technologies, whether low-tech composting or high-tech processing, more affordable for any size producer.

I want to thank the National Pork Producers Council for its support of this tax credit initiative. The National Pork Producers have been far in front of the crowd in engaging policy makers at the national level and in working with pork producers to address environmental problems. I look forward to continuing to work with them on these issues.

Let me be clear that I want the livestock industry to thrive in both Iowa and across the United States. But for our industry to flourish, we need to get our environmental house in order. I do believe that we can have both a healthy livestock industry and a sound environment, and I hope that the Congress will act quickly to enact this tax credit to help producers get the tools they need to reach this goal.

Mr. President, I ask unanimous consent that the bill and a letter of endorsement from the NPPC be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

NATIONAL PORK
PRODUCERS COUNCIL
Washington, DC, September 16, 1998.

Hon. TOM HARKIN,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR HARKIN: I'm writing on behalf of the members of the National Pork Producers Council (NPPC) to express our support for allowing livestock producers to claim an income tax credit for innovative environmental management equipment. We believe the goal of any tax credit for livestock manure handling practices and equipment should be to enhance the quality of surface and ground water and the air. The focus should be on those practices which are an alternative to traditional storage and handling practices or which significantly improve the function of traditional storage and handling methods.

Pork producers have been very aggressive in the development of new regulations for their operations through the National Environmental Dialogue on Pork Production recommendations. We recognize that sound environmental management and compliance with new regulations will, in many cases, require producers to adopt and pay for new equipment. In an increasingly competitive world pork industry, such a tax credit will provide U.S. producers an important advantage in the rapid development of sustainable, affordable production systems.

We look forward to working with you to enact this important initiative.

Sincerely,

DONNA REIFSCHNEIDER,
President.•

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, and Mr. KOHL):

S. 2494. A bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MULTICHANNEL VIDEO COMPETITION ACT OF 19[illegible]

• Mr. MCCAIN. Mr. President, I introduce legislation that will address two problems confronting the millions of Americans who subscribe to satellite TV service. I am delighted to have Senators HATCH, LEAHY, DEWINE and KOHL as original co-sponsors.

These two problems involve the legal and practical difficulties satellite TV providers currently face in providing network TV stations as part of their service package.

The first problem is that the law effectively prevents satellite TV companies from providing local network stations to their subscribers. That hampers the ability of satellite TV to compete effectively with cable TV and, by doing so, to check cable rate increases.

The second problem is that existing law also forbids satellite TV providers from offering distant network stations unless the subscriber happens to be located beyond the reach of local network stations. But the satellite companies and their subscribers claim that the law's definition of what constitutes decent off-air TV reception is too narrow. This has resulted in many situations in which consumers who cannot receive local network stations as a practical matter, are nevertheless regarded as being able to receive them, as a legal matter. In many cases, satellite TV providers are offering distant network signals even though it's actually illegal. This has led to litigation and a court order that could cause more than a million satellite TV subscribers throughout the country to lose their network TV within the next several weeks.

Mr. President, we need to fix these problems, and we need to fix them quickly. No satellite TV company should be forced to suddenly discontinue any customer's network TV service, and satellite TV companies should be able to provide their subscribers with local network TV stations, just as cable TV companies can.

The legislation being introduced today is intended to strike a reasonable balance between the competing interests of cable operators, broadcasters, and satellite TV providers, to enable satellite TV providers to offer network stations, to assure that no satellite TV subscriber is unfairly deprived of network TV service, to assure local broadcasters are not deprived of the support of their local audience, and to make satellite TV a more effective competitive alternative to cable TV.

This legislation will also require changes to the Copyright Act, the Satellite Home Viewers Act, and the Communications Act. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, has developed legislation to give satellite TV providers a compulsory copyright license enabling them to offer local TV stations. I am also cosponsoring this legislation.

The bill I am introducing today will be merged with Senator HATCH's legislation to provide a comprehensive and workable solution to all these problems. Let me briefly describe what my bill provides.

My bill directs the Federal Communications Commission to straighten out the rules governing satellite TV companies' carriage of distant network TV stations, and provides guidelines for the Commission's decision. It will also guarantee that no satellite TV subscriber loses network stations before the FCC issues revised rules next February. It will require that satellite TV companies carry all local TV stations, just as cable systems must, when it becomes feasible for them to do so. In the interim it will allow them to carry fewer than all local stations as long as they compensate any local stations that are not carried for any loss of revenue the stations will suffer as a result.

During the last several weeks the Majority Leader, Senator LOTT, and the Ranking Member of the Commerce Committee, Senator FRITZ HOLLINGS, have worked tirelessly with the broadcast and satellite industries to develop a compromise that will avoid the disruption of satellite TV subscribers network TV service until this legislation can be enacted into law. I would like to recognize them for their efforts on behalf of every member of the public who subscribes to multichannel video service, whether by satellite or by cable. All of us should be grateful for their leadership on this issue.

I intend to hold hearings on the status of the parties efforts to reach a compromise, and on the legislation sponsored by Senator HATCH and myself, next week. It is my hope that broadcasters and satellite TV providers can reach a mutually-acceptable temporary agreement that will enable Senator HATCH and myself to enact our comprehensive legislation as soon as possible, and in any event no later than early in the next Session of Congress.•

• Mr. KOHL. Mr. President, I support this measure, which will help create competition between satellite and cable television. Read in tandem with our Judiciary Committee proposal, it offers the promise of a comprehensive solution that removes some of the roadblocks to true video competition. Let me commend Senators MCCAIN, HOLLINGS, HATCH, LEAHY, DEWINE and LOTT for their efforts, all of which were instrumental in the creation of a comprehensive package with a real chance to be enacted this year.

Mr. President, let me explain why we need to move on these measures before the opportunity passes us by. Consumers want real choices. But they won't have a fair opportunity to choose between cable, satellite or other video systems if their network signals are, in essence, separate and unequal.

The legislation that the Judiciary and Commerce Committees have been working on together would eliminate this problem. They extend the Satellite Home Viewer Act, give satellite carriers the ability to provide local television broadcast signals (while appropriately phasing in must-carry), reduce the royalty fees for these signals, give the FCC time to take a much-needed second look at the definition of "unserved households," and make sure no one—no one—is terminated before February 28th of next year.

Mr. President, these bills are not perfect pieces of legislation. And we invite the interested parties to work with us to improve them. But the overall package is a fair and comprehensive one. If we continue to work together, then consumers will have real choices among video providers, and that television programming will be more available and affordable for all of us. In addition, we will help to preserve local television stations, who provide all of us with vital information like news, weather, and special events—especially sports.

I urge my colleagues to support these bipartisan bills, which will move us toward video competition in the next millennium, and I hope we can enact them as one before this Congress adjourns in October.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2495. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

THE KATE MULLANY NATIONAL HISTORIC SITE ACT

●Mr. MOYNIHAN. Mr. President, it is with great pride, with my distinguished colleague Senator D'AMATO, I introduce the "Kate Mullany Historic Site Act," a bill to designate the Troy, New York home of pioneer labor organizer Kate Mullany as a National Historic Site. A similar measure introduced in the House of Representatives this year by Congressman MICHAEL R. MCNULTY has engendered a great deal of support and cosponsorship by over 100 members.

Like many Irish immigrants settling in Troy, Kate Mullany found her opportunities limited to the most difficult and low-paying of jobs, the collar laundry industry. Troy was then known as "The Collar City"—the birthplace of the detachable shirt collar. At the age of 19, Kate stood up against the often dangerous conditions and meager pay that characterized the industry and lead a movement of 200 female laundresses demanding just compensation and safe working conditions. These protests marked the beginning of the Collar Laundry Union, which some have called "the only bona fide female labor union in the country."

Kate Mullany's courage and organizing skills did not go unnoticed. She later traveled down the Hudson River to lead women workers in the sweatshops of New York City and was ultimately appointed Assistant Secretary of the then National Labor Union, becoming the first women ever appointed to a national labor office.

On April 1, 1998, Kate Mullany's home was designated as a National Historic Landmark by Secretary of the Interior Bruce Babbitt and on July 15 First Lady Hillary Rodham Clinton presented citizens of Troy with the National Historic Landmark plaque in a celebration. Given the recent attention to the contributions of Kate Mullany, I am quite pleased to introduce this bill with my colleague Senator D'AMATO today.●

By Mr. SPECTER:

S. 2496. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H. JOHN HEINZ III VETERANS AFFAIRS MEDICAL CENTER

Mr. SPECTER. Mr. President, today I am introducing a bill to honor the memory of Senator John Heinz by designating the Veterans Medical facility in Aspinwall, Pennsylvania, as the H. John Heinz III Veterans Affairs Medical Center.

Recognition of the distinguished work of Senator Heinz has been memorialized in a variety of ways. This designation of the Veterans Center pays tribute to his outstanding work for America's veterans. Senator Heinz, a veteran himself, made many contributions to this nation and to America's veterans.

H. John Heinz III was born on October 23, 1938 in Pittsburgh, Pennsylvania. While he grew up in San Francisco, California, he spent many summers in Pittsburgh with his father who was chairman of the H.J. Heinz Company founded in 1869 by the Senator's great-grandfather. John graduated from Yale University with honors in 1960 and piloted a single-engine plane through Africa and the Middle East, ending up in Sydney, Australia working as a salesman for a truck company. He entered Harvard Business School in 1961 and the following year worked for the summer with the Union Bank of Switzerland in Geneva. While in Switzerland he met his future wife, Teresa Simoes Ferreira, who was attending graduate school in Geneva. He received his Master's degree in Business Administration from Harvard in 1963.

After enlisting in the U.S. Air Force Reserve, John Heinz served on active duty in 1963 at Lackland Air Force Base in San Antonio, Texas. For the remainder of his enlistment, he served with the 911th Troop Carrier Group based at the Greater Pittsburgh Airport. As an Airman Third Class, he received a U.S. Department of Defense citation for suggestions to improve the management of parts and supplies, saving the Air Force $400,000 annually. With the rank of staff sergeant, he received an honorable discharge from the Air Force Reserves in 1969.

In 1964, John Heinz served as a special assistant to Senator Hugh Scott (R-PA) in Washington, D.C. and as assistant campaign manager in Senator Scott's successful reelection bid. Returning to Pittsburgh, he was employed in the financial and marketing divisions of the H.J. Heinz Company from 1965 to 1970. He married Teresa in 1966, and they subsequently had three sons: Henry John IV, Andre, and Christopher. He taught at the Graduate School of Industrial Administration at Carnegie Mellon University in Pittsburgh during the 1970–71 academic year.

Senator Heinz was a stalwart of the Republican Party, contributing generously of his time, talents and efforts by campaigning for others. He was active in the campaigns of Governor William Scranton for the Republican Presidential nomination in 1964, Judge Maurice B. Cohill for Juvenile Court in 1965, Richard L. Thornburgh for Congress in 1966, Robert Friend for County Controller in 1967, and John Tabor for Mayor in 1969. He chaired the Pennsylvania Republican platform committee hearings in 1968, won election as a delegate at the Republican National Convention in the same year (and again in 1972, 1976, and 1980), and chaired the Pennsylvania Republican State Platform Committee in 1970.

Upon the sudden death in April 1971 of Congressman Robert J. Corbett (R-PA), John Heinz pursued the unexpired term and won, making him the youngest Republican member of the U.S. House of Representatives at 33 years old. In November 1972 and 1974, John Heinz was re-elected to the House.

When Senator Hugh Scott announced his retirement in December 1975, Senator Heinz, George Packer and I ran for the Republican nomination for U.S. Senate in the April 1976 primary. After Senator Heinz won that primary contest, I endorsed him at a major rally in September 1976 in Delaware County at the kick off of his campaign in Southeastern Pennsylvania. Senator Heinz defeated Congressman William J. Green III and took his seat in the United States Senate on January 3, 1977.

In his capacity as Chairman of the Republican Senatorial Campaign Committee, Senator Heinz gave me tremendous support and was instrumental in my election to the United States Senate in November 1980.

Thereafter, Senator Heinz and I established a very close friendship and working relationship. Although I cannot personally attest to all other Senate relationships, I believe that our cooperation and coordination was as close as any two Senators from the same state in the Senate's history.

When one of us was unable to attend a specific event, the other was always ready, willing and able to take his place. We discussed the pending international, national and state issues incessantly. On the late night sessions, and there were many, I would drive John home in my aging Jaguar leaving him off in the alley behind his home in Georgetown.

On one occasion in 1982 we had a lengthy discussion about the upcoming vote the next day on a constitutional amendment for a balanced budget. I laid out my reasons for opposing the amendment and John gave me his reasons for supporting it. I found his arguments so persuasive that I voted for the constitutional amendment for the balanced budget the next day. I was surprised to find that he voted against it. We had a good laugh on that exchange of views and our reciprocal change of positions.

Senator Heinz and I made it a practice to inform and invite the other to all of our events. On April 3, 1991, our paths crossed in Altoona, Pennsylvania, where he had scheduled a meeting with a group of doctors. I accepted his invitation and recall his warm greeting when Joan and I arrived to join the discussion. He kissed Joan on the cheek and joked with me about calling her "blondie." We parted that day and that was the last time I saw John Heinz because he had the fatal air crash the next day, April 4, 1991, in a small plane from Williamsport, Pennsylvania, to Philadelphia.

Senator Heinz was an extraordinary man and a great Senator. The designation of the Veterans Medical Center in Aspinwall, Pennsylvania, is an appropriate additional tribute to his memory.

Senator Heinz' work on behalf of the citizens of Pennsylvania, young and old, will long be remembered. He was a tireless advocate for seniors, working to ensure the long-term viability of the Social Security system. He fought to protect Medicare and Medicaid patients. He authored the Age Discrimination and Employment Amendments of 1985, protecting the employment rights of our nation's seniors. He authored a bill to strengthen the U.S. job training program for displaced veterans in the work force. For military families, he worked to ensure that the children of service members were adequately cared for. He worked on behalf of U.S. workers and businesses in an increasingly international marketplace. He also played an important role in ensuring appropriate environmental protections in Pennsylvania and across the nation. John Heinz had a remarkable career of public service.

As Chairman of the Senate Committee on Veterans' Affairs, I ask my colleagues to support this measure naming the Department of Veterans Affairs Medical Center in Aspinwall, Pennsylvania, after our departed colleague, Senator H. John Heinz III.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF H. JOHN HEINZ IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "H. John Heinz III Department of Veterans Affairs Medical Center".

ADDITIONAL COSPONSORS

S. 852

At the request of Mr. LOTT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1805, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1976

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1976, a bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2022

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2022, a bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2041

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2041, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes.

S. 2148

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2148, a bill to protect religious liberty.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Nevada (Mr. REID) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2323

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 279—EXPRESSING THE SENSE OF THE SENATE SUPPORTING THE RIGHT OF THE UNITED STATES CITIZENS IN PUERTO RICO TO EXPRESS THEIR DESIRES REGARDING THEIR FUTURE POLITICAL STATUS

Mr. TORRICELLI (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. CRAIG, Mr. AKAKA, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DASCHLE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. HATCH, Mr. DOMENICI, Mr. STEVENS, Mr. BENNETT, and Mr. HARKIN): submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas nearly 4,000,000 United States citizens live in the island of Puerto Rico;

Whereas 1998 marks the centenary of the acquisition of the island of Puerto Rico from Spain;

Whereas in 1917 the United States granted United States citizenship to the inhabitants of Puerto Rico;

Whereas since 1952, Puerto Rico has exercised local self-government under the sovereignty of the United States and subject to the provisions of the Constitution of the United States and other Federal laws applicable to Puerto Rico;

Whereas the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express their views regarding their future political status; and

Whereas the political status of Puerto Rico can be determined only by the Congress of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING A REFERENDUM ON THE FUTURE POLITICAL STATUS OF PUERTO RICO.

It is the sense of the Senate that—

(1) the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public forum, and to communicate those views to the President and Congress; and

(2) the Federal Government should review any such communication.

SENATE RESOLUTION 280—DIRECTING THE PRINTING AS A SENATE DOCUMENT OF A COMPILATION OF MATERIALS ENTITLED "HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY"

Mr. LUGAR (for himself and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Resolved,

SECTION 1. PRINTING OF HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "History of the United States Senate Committee on Agriculture, Nutrition, and Forestry"; and

(2) 100 copies of the document in addition to the usual number.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

GRASSLEY (AND DURBIN) AMENDMENT NO. 3595

Mr. GRASSLEY (for himself and Mr. DURBIN) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

(1) In section 102(a)(5) strike "a party in interest" and insert "only the judge, United States trustee, bankruptcy administrator or panel trustee";

(2) In section 102(a)95) strike "not".

Strike 317 and replace with:

"Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate regulations defining "household goods" under Section 522(c)(3) in a manner suitable and appropriate for cases under Title 11 of the United States Code. If new regulations are not effective within 180 days of enactment of this Act, then "household goods" under Section 522(c)(3) shall have the meaning given that term in section 444.1(i) of Title 16, of the Code of Federal Regulations, except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child."

At the end of Title III, insert:

11 U.S.C. 507(a) to add a new section 507(a)(10) to read:

"Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance."

Strike existing 315 and add the following:

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, where the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly-created debt."

At the appropriate place in Title II, insert the following:

SEC. ___. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY DWELLING.

(a) OPEN-END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISOR.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

This section shall become effective one year after the date of enactment.

At the appropriate place in Title II, insert the following:

SEC. ___: DUAL-USE DEBIT CARD.

(a) CONSUMER LIABILITY.—

(1) IN GENERAL.—Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended—

(A) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively;

(B) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(ii) by inserting "CARDS NECESSITATING UNIQUE IDENTIFIER.—

"(1) IN GENERAL.—" after "(a)";

(iii) by striking "other means of access can be identified as the person authorized to use it, such as by signature, photograph," and inserting "other means of access can be identified as the person authorized to use it by a unique identifier, such as a photograph, retina scan,"; and

(iv) by striking "Notwithstanding the foregoing," and inserting the following:

"(2) NOTIFICATION.—Notwithstanding paragraph (1),"; and

(C) by inserting before subsection (d), as so designated by this section, the following new subsections:

"(b) CARDS NOT NECESSITATING UNIQUE IDENTIFIER.—A consumer shall be liable for an unauthorized electronic fund transfer only if—

"(1) the liability is not in excess of $50;

"(2) the unauthorized electronic fund transfer is initiated by the use of a card that has been properly issued to a consumer other than the person making the unauthorized transfer as a means of access to the account of that consumer for the purpose of initiating an electronic fund transfer;

"(3) the unauthorized electronic fund transfer occurs before the card issuer has been notified that an unauthorized use of the card has occurred or may occur as the result of loss, theft, or otherwise; and

"(4) such unauthorized electronic fund transfer did not require the use of a code or other unique identifier (other than a signature), such as a photograph, fingerprint, or retina scan.

"(c) NOTICE OF LIABILITY AND RESPONSIBILITY TO REPORT LOSS OF CARD, CODE, OR OTHER MEANS OF ACCESS.—No consumer shall be liable under this title for any unauthorized electronic fund transfer unless the consumer has received in a timely manner the notice required under section 905(a)(1), and any subsequent notice required under section 905(b) with regard to any change in the information which is the subject of the notice required under section 905(a)(1).".

(2) CONFORMING AMENDMENT.—Section 905(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693c(a)(1)) is amended to read as follows:

"(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code, or other means of access in order to limit the liability of the consumer for any such unauthorized transfer;".

(b) VALIDATION REQUIREMENT FOR DUAL-USE DEBIT CARDS.—

(1) IN GENERAL.—Section 911 of the Electronic Fund Transfer Act (15 U.S.C. 1693i) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) VALIDATION REQUIREMENT.—No person may issue a card described in subsection (a), the use of which to initiate an electronic fund transfer does not require the use of a code or other unique identifier other than a signature (such as a fingerprint or retina scan), unless—

"(1) the requirements of paragraphs (1) through (4) of subsection (b) are met; and

"(2) the issuer has provided to the consumer a clear and conspicuous disclosure that use of the card may not require the use of such code or other unique identifier.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 911(d) of the Electronic Fund Transfer Act (15 U.S.C. 1993i(d)) (as redesignated by subsection (a)(1) of this section) is amended by striking "For the purpose of subsection (b)" and inserting "For purposes of subsections (b) and (c)".

On page 6, line 23 insert "or United States Trustee" after "trustee".

At the end of Title III:

"If requested by the United States trustee or a trustee serving in the case, the debtor provide a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor and such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

At the appropriate place in title VII, insert the following:

SEC. 7 . ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment.

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

"(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.".

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

"(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

"(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or "(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

At the appropriate place in title VII, insert the following:

SEC. 7___. CURBING ABUSIVE FILINGS.

(a) In General.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section 709, is amended—

(1) in paragraph (24), by striking "or" at the end;

(2) in paragraph (25) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(26) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order. The debtor in a subsequent case, however, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

At the appropriate place in title VII, insert the following:

SEC. 7___. STUDY OF OPERATION OF TITLE 11 OF THE UNITED STATES CODE WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11 of the United States Code and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

After section 104(b)(3) add a new section 104(b)(4) reading:

"The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001."

In section 101(19)(A) strike: "more than 50 percent of such individual's or such individual and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed" and replace it with:

"Such individual has had or such individual and spouse have had more than 50 percent of her/his/their income from such farming operation in at least one of the three calendar years preceding the year in which the case concerning such individual or such individual or spouse was filed."

After section 1225(b)(2) add a new section 1225(b)(3) reading:

If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(b) of this subsection, those amounts equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.

After section 1229(c) add a new section 1229(d) reading:

(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan;

(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification;

(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.

At the end of the III, insert:

SEC. 2___. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received or is eligible to receive a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that is not eligible to receive a favorable determination pursuant to such section 7805, those funds shall be presumed to be exempt from the estate if—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting "; or";

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title."; and

(4) by adding at the end of the flush material following paragraph (19) the following: "Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) Exceptions To Discharge.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended—

(1) by striking "or" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; or"; and

(3) by adding at the end the following:

"(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19).".

(e) Plan Confirmation.—Section 1325 of title 11, United States Code, is amended—

(1) in subsection (b)(2), in the matter preceding subparagraph (A), by striking "debtor and" and inserting "debtor (not including income that is withheld from the debtor's wages for the purposes described in section 362(b)(19)) and"; and

(2) in subsection (c), by striking "income to" and inserting "income (except income that is withheld after confirmation of a plan from a debtor's wages for the purposes described in section 362(b)(19)) to".

On page 48, line 15, insert "as amended by section 207(a)" after "Code,".

On page 48, line 17, strike "(b)(2)(A)" and insert "(b)(3)(A)".

On page 48, line 22, strike "subsection (b)(2)(A)" and insert "subsection (b)(3)(A)".

On page 62, line 20, insert ", as amended by section 207(b)," after "362(b) of title 11, United States Code".

On page 62, line 22, strike "(17)" and insert "(18)".

On page 62, line 24, strike "(18)" and insert "(19)".

On page 63, line 1, strike "by adding at the end the following:" and insert "by inserting after paragraph (19) the following:".

On page 63, line 2, strike "(19)" and insert "(20)".

On page 63, line 6, strike "(20)" and insert "(21)".

On page 80, strike lines 4 through 6, and insert the following:

ment;";

(D) in paragraph (20), by striking "or" at the end;

(E) in paragraph (21), by striking the period and inserting "; or";

On page 80, line 7, strike "(E)" and insert "(F)".

On page 80, line 9, strike "(19)" and insert (22)".

On page 80, line 21, strike "(19)" and insert (22)".

On page 131, line 3, strike "section 326" and insert "sections 326 and 401".

On page 50, line 7–8 strike "chief judge" and insert "United States Trustee or Bankruptcy Administrator".

On page 50, line 10, after "not" insert "reasonably".

On page 50, line 14, strike "chief judge" and insert "United States Trustee or Bankruptcy Administrator".

On page 50, line 16, strike "180 days" and insert "one year".

On page 50, line 17–18, strike "180 days" and insert "one year".

In Section 312, in amended section 707(c)(3), strike "20" and replace with "50".

At the appropriate place in title IV, insert the following:

SEC. 4 . FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period,", and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

At the appropriate place, insert the following new section:

Sec. . ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) Amendments to the Truth in Lending Act.—

(1) Enhanced disclosure of repayment terms.—

(A) In general.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan in a clear and conspicuous manner, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance,

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made.

(B) Publication of model forms.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 195 of the Truth in Lending Act for the purpose of compliance with section 127(b)(II) of the Truth in Lending Act, as added by this paragraph.

(2) Enhanced disclosures in connection with solicitations.—

(A) In general.—Section 127(c)(I)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B)) is amended by adding at the end the following:

"(iv) CREDIT WORKSHEET.—An easily understandable worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

"(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement clearly and conspicuously: "Your pre-approval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit.".

"(vi) AVAILABILITY OF CREDIT REPORTS.—That the consumer is entitled to a copy of his or her credit report, in accordance with the Fair Credit Reporting Act.".

(B) PUBLICATION OF MODEL FORM.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish worksheet forms in accordance with section 195 on the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B)(iv) of the Truth in Lending Act, as added by this paragraph. This section shall be effective no later than January 1, 2001.

Strike section 307 and insert:

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following: "(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

"(iv) establish procedures for—

providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

"(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18, United States Code;

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11, United States Code.

(b) AMENDMENTS.—Section 521 of title 11, United States Code is amended in subsections (3) and (4) by adding "or an auditor appointed pursuant to section 586 of title 28, United States Code" after "serving in the case."

(c) AMENDMENTS.—Section 727(d) of title II, United States Code is amended—

(1) By deleting "or" at the end of paragraph (2);

(2) By substituting "; or" for the period at the end of paragraph (3); and

(3) Adding the following at the end of paragraph (3)—

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit performed pursuant to section 586(f) of title 28, United States Code; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor that are requested for an audit conducted pursuant to section 586(f) of title 28, United States Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

In section 102, in the new section 707(j)(2)(A), strike "20" and replace with "30".

At the appropriate place in title II, insert the following:

SEC. 2 . VIOLATIONS OF THE AUTOMATIC STAY

(a) Sec. 362(a) is amended by adding after subsection (8) the following:

"(9) any communication threatening a debtor, at any time after the commitment and before the granting of a discharge in a case under this title, an intention to file a motion to determine the dischargeability of a debt, or to file a motion under 11 U.S.C. Section 707(b) to dismiss or convert a case, or to repossess collateral from the debtor to which the stay applies."

At the appropriate place in title II, insert the following:

SEC. 2 . DISCOURAGING ABUSIVE REAFFIRMATION PRACTICES.

Sec. 524 of title 11, United States Code, is amended—

(1) in subsection (c)(2)(B) by adding at the end the following:

"(C) such agreement contains a clear and conspicuous statement which advises the debtor what portion of the debt to be reaffirmed is attributable to principal, interest, late fees, creditor's attorneys fees, expenses or other costs relating to the collection of the debt."

(2) in subsection (c)(6)(B), by inserting after "real property" the following: "or is a debt described in subsection (c)(7)."

(7) in a case concerning an individual, if the consideration for such agreement is based in whole or in part on an unsecured consumer debt, or is based in whole or in part upon a debt for an item of personalty the value of which at point of purchase was $250 or less, and in which the creditor asserts a purchase money security interest, the court approves such agreement as—

(i) in the best interest of the debtor in light of the debtor's income and expenses;

(ii) not imposing an undue hardship on the debtor's future ability of the debtor to pay for the needs of children and other dependents (including court ordered support);

(iii) not requiring the debtor to pay the creditor's attorney's fees, expenses or other costs relating to the collection of the debt;

(iv) not entered into to protect property that is necessary for the care and maintenance of children or other dependents that would have nominal value on repossession;

(v) not entered into after coercive threats or actions by the creditor in the creditor's course of dealings with the debtor.

(3) in subsection (d)(2) by adding after "subsections (c)(6)" "and (c)(7)", and after "of this section," by striking "if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor" and adding at the end: "as applicable;"

At the appropriate place insert the following:

SEC. . ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In a clear and conspicuous manner, repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that current balance if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays only the required minimum monthly payments and if no further advances are made.

"(B) In making the disclosures under subparagraph (A) the creditor shall apply the annual interest rate that applies to that balance with respect to the current billing cycle for that consumer in effect on the date on which the disclosure is made.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with Section 195 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this paragraph.

(C) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 1637 of this title, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 1635, 1637(a), or of paragraphs (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 1610(a)(2) as any of the terms or items referred to in section 1637(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) of this title."

(2) DISCLOSURES IN CONNECTION WITH SOLICITATIONS.—

(A) IN GENERAL.—Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B) is amended by adding the following:

"(iv) CREDIT WORKSHEET.—An easily understandable credit worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement clearly and conspicuously: "Your pre-approval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit."

(vi) AVAILABILITY OF CREDIT REPORT.—That the consumer is entitled to a copy of his or her credit report, in accordance with the Fair Credit Reporting Act."

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with Section 195 of the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B) of the Truth in Lending Act, as amended by this paragraph.

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 2001.

Insert at an appropriate place:

Amend 11 U.S.C. Section 1325(6)(a), insert, after "received by the debtor," "(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable non-bankruptcy law and which is reasonably necessary (to be expended)".

Insert at an appropriate place:

11 U.S.C. 507(a) to add a new section 507(a)(10) to read:

"Tenth, allowed claims for injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance."

In 523(a)(9), insert "or vessel" after "vehicle".

Strike sections 323 through 329 and insert the following:

SEC. 323. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, as amended by section 321(g) of this Act, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt (that accrues before or after the entry of an order for relief under this title) that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a govermental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.".

SEC. 324. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated, by striking "Third" and inserting "Fourth";

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First, allowed claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied:

"(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or parent, or is filed by a governmental unit on behalf of that person.

"(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.".

SEC. 325. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.";

(2) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that become payable after the date on which the petition is filed."; and

(3) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before or after the petition was filed) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 326. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of an action or proceeding for—

"(i) the establishment of paternity as a part of an effort to collect domestic support obligations; or

"(ii) the establishment or modification of an order for domestic support obligations; or

"(B) the collection of a domestic support obligation from property that is not property of the estate;";

(2) in paragraph (17), by striking "or" at the end;

(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

"(20) under subsection (a) with respect to—

"(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(B) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)); or

"(C) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).".

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

(a) IN GENERAL.—Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)"; and

(3) in paragraph (15), by striking "governmental unit" and all through the end of the paragraph and inserting a semicolon.

SEC. 328. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable bankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5);"; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or".

SEC. 329. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or".

SEC. 709. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

"(24) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement and the debtor has not paid rent to the lessor pursuant to the terms of the lease agreement or applicable state law after the commencement and during the course of the case; or

"(25) under subsection (a)(3) of this section, of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated pursuant to the lease agreement or applicable State law.".

(26) under subsection (a)(3) of this section, of any eviction, unlawful detainer action, or similiar proceeding, if the debtor has previously filed within the last year and failed to pay post-petition rent during the course of that case.

(27) under subsection (a)(3) of this section, of eviction actions based on endangerment to property or person or the use of illegal drugs.

At the appropriate place in title VII, insert the following:

SEC. 7___. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under Chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the state in which the debtor is incorporated, was formed, or does business.

REED AMENDMENT NO. 3596

Mr. REED proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

"(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit—

"(1) refuse to renew or continue to offer the extension of credit to that consumer; or

"(2) charge a fee to that consumer in lieu of a finance charge.".

D'AMATO (AND OTHERS) AMENDMENT NO. 3597

Mr. D'AMATO (for himself, Mr. CHAFEE, Mr. DODD, Mr. BRYAN, Ms. MOSELEY-BRAUN, and Mrs. BOXER) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

DODD AMENDMENT NO. 3598

Mr. DODD proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

KOHL AMENDMENT NO. 3599

Mr. KOHL proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. SENSE OF THE SENATE REGARDING THE HOMESTEAD EXEMPTION.

(a) FINDINGS.—The Senate finds that—

(1) one of the most flagrant abuses of the bankruptcy system involves misuse of the

homestead exemption, which allows a debtor to exempt his or her home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(2) while the vast majority of States responsibly cap the exemption at not more than $40,000, 5 States exempt homes regardless of their value;

(3) in the few States with unlimited homestead exemptions, debtors can shield their assets in luxury homes while legitimate creditors get little or nothing;

(4) beneficiaries of the homestead exemption include convicted insider traders and savings and loan criminals, while shortchanged creditors include children, spouses, governments, and banks; and

(5) the homestead exemption should be capped at $100,000 to prevent such high-profile abuses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) meaningful bankruptcy reform cannot be achieved without capping the homestead exemption; and

(2) bankruptcy reform legislation should include a cap of $100,000 on the homestead exemption to the bankruptcy laws.

HATCH (AND OTHERS) AMENDMENT NO. 3600

Mr. HATCH (for himself, Mr. GRAHAM, Mr. DURBIN, and Mr. GRASSLEY) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

On page 60, after line 22, insert the following:

SEC. 2___. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 and which has not been pledged or promised to any person in connection with any extension of credit.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are to be exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting "; or";

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title."; and

(4) by adding at the end of the flush material following paragraph (19) the following: "Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended—

(1) by striking "or" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; or"; and

(3) by adding at the end the following:

"(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19).".

On page 48, line 15, insert "as amended by section 207(a)" after "Code,".

On page 48, line 17, strike "(b)(2)(A)" and insert "(b)(3)(A)".

On page 48, line 22, strike "subsection (b)(2)(A)" and insert "subsection (b)(3)(A)".

On page 62, line 20, insert ", as amended by section 207(b)," after "362(b) of title 11, United States Code".

On page 62, line 22, strike "(17)" and insert "(18)".

On page 62, line 24, strike "(18)" and insert "(19)".

On page 63, line 1, strike "by adding at the end the following:" and insert "by inserting after paragraph (19) the following:".

On page 63, line 2, strike "(19)" and insert "(20)".

On page 63, line 6, strike "(20)" and insert "(21)".

On page 80, strike lines 4 through 6, and insert the following:

ment;";

(D) in paragraph (20), by striking "or" at the end;

(E) in paragraph (21), by striking the period and inserting "; or";

On page 80, line 7, strike "(E)" and insert "(F)".

On page 80, line 9, strike "(19)" and insert (22)".

On page 80, line 21, strike "(19)" and insert (22)".

On page 131, line 3, strike "section 326" and insert "sections 326 and 401".

TRADEMARK LAW TREATY IMPLEMENTATION ACT

HATCH AMENDMENT NO. 3601

Mr. SANTORUM (for Mr. HATCH) proposed an amendment to the bill (S. 2193) to implement the provisions of the Trademark Law Treaty; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—TRADEMARK LAW TREATY IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Trademark Law Treaty Implementation Act".

SEC. 102. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this title, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.), shall be referred to as the "Trademark Act of 1946".

SEC. 103. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows:

"SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify that—

"(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

"(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

"(C) the mark is in use in commerce; and

"(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

"(i) state exceptions to the claim of exclusive use; and

"(ii) shall specify, to the extent of the verifier's knowledge—

"(I) any concurrent use by others;

"(II) the goods on or in connection with which and the areas in which each concurrent use exists;

"(III) the periods of each use; and

"(IV) the goods and area for which the applicant desires registration.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

"(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify—

"(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

"(B) the applicant's bona fide intention to use the mark in commerce;

"(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

"(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 44, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(c) CONSEQUENCE OF DELAYS.—Paragraph (4) of section 1(d) of the Trademark Act of 1946 (15 U.S.C. 1051(d)(4)) is amended to read as follows:

"(4) The failure to timely file a verified statement of use under paragraph (1) or an extension request under paragraph (2) shall result in abandonment of the application, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unintentional, in which case the time for filing may be extended, but for a period not to exceed the period specified in paragraphs (1) and (2) for filing a statement of use.".

SEC. 104. REVIVAL OF ABANDONED APPLICATION.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended in the last sentence by striking "unavoidable" and by inserting "unintentional".

SEC. 105. DURATION OF REGISTRATION; CANCELLATION; AFFIDAVIT OF CONTINUED USE; NOTICE OF COMMISSIONER'S ACTION.

Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

"DURATION

"SEC. 8. (a) Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Commissioner for failure to comply with the provisions of subsection (b) of this section, upon the expiration of the following time periods, as applicable:

"(1) For registrations issued pursuant to the provisions of this Act, at the end of 6 years following the date of registration.

"(2) For registrations published under the provisions of section 12(c), at the end of 6 years following the date of publication under such section.

"(3) For all registrations, at the end of each successive 10-year period following the date of registration.

"(b) During the 1-year period immediately preceding the end of the applicable time period set forth in subsection (a), the owner of the registration shall pay the prescribed fee and file in the Patent and Trademark Office—

"(1) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and such number of specimens or facsimiles showing current use of the mark as may be required by the Commissioner; or

"(2) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is not in use in commerce and showing that any such nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

"(c)(1) The owner of the registration may make the submissions required under this section within a grace period of 6 months after the end of the applicable time period set forth in subsection (a). Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(2) If any submission filed under this section is deficient, the deficiency may be corrected after the statutory time period and within the time prescribed after notification of the deficiency. Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(d) Special notice of the requirement for affidavits under this section shall be attached to each certificate of registration and notice of publication under section 12(c).

"(e) The Commissioner shall notify any owner who files 1 of the affidavits required by this section of the Commissioner's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

"(f) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 106. RENEWAL OF REGISTRATION.

Section 9 of the Trademark Act of 1946 (15 U.S.C. 1059) is amended to read as follows:

"RENEWAL OF REGISTRATION

"SEC. 9. (a) Subject to the provisions of section 8, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Commissioner. Such application may be made at any time within 1 year before the end of each successive 10-year period for which the registration was issued or renewed, or it may be made within a grace period of 6 months after the end of each successive 10-year period, upon payment of a fee and surcharge prescribed therefor. If any application filed under this section is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency, upon payment of a surcharge prescribed therefor.

"(b) If the Commissioner refuses to renew the registration, the Commissioner shall notify the registrant of the Commissioner's refusal and the reasons therefor.

"(c) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 107. RECORDING ASSIGNMENT OF MARK.

Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

"ASSIGNMENT

"SEC. 10. (a) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing. In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the Patent and Trademark Office, the record shall be prima facie evidence of execution. An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the Patent and Trademark Office within 3 months after the date of the subsequent purchase or prior to the subsequent purchase. The Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

"(b) An assignee not domiciled in the United States shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 108. INTERNATIONAL CONVENTIONS; COPY OF FOREIGN REGISTRATION.

Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) in subsection (d)—

(A) by striking "23, or 44(e) of this Act" and inserting "or 23 of this Act or under subsection (e) of this section"; and

(B) in paragraphs (3) and (4) by striking "this subsection (d)" and inserting "this subsection"; and

(2) in subsection (e), by striking the second sentence and inserting the following: "Such applicant shall submit, within such time period as may be prescribed by the Commissioner, a certification or a certified copy of the registration in the country of origin of the applicant.".

SEC. 109. TRANSITION PROVISIONS.

(a) REGISTRATIONS IN 20-YEAR TERM.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to a registration for trademark issued or renewed for a 20-year term, if the expiration date of the registration is on or after the effective date of this Act.

(b) APPLICATIONS FOR REGISTRATION.—This title and the amendments made by this title shall apply to any application for registration of a trademark pending on, or filed on or after, the effective date of this Act.

(c) AFFIDAVITS.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to the filing of an affidavit if the sixth or tenth anniversary of the registration, or the sixth anniversary of publication of the registration under section 12(c) of the Trademark Act of 1946, for which the affidavit is filed is on or after the effective date of this Act.

(d) RENEWAL APPLICATIONS.—The amendment made by section 106 shall apply to the filing of an application for renewal of a registration if the expiration date of the registration for which the renewal application is filed is on or after the effective date of this Act.

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect—

(1) on the date that is 1 year after the date of the enactment of this Act, or

(2) upon the entry into force of the Trademark Law Treaty with respect to the United States,

whichever occurs first.

TITLE II—TECHNICAL CORRECTIONS

SEC. 201. TECHNICAL CORRECTIONS TO TRADEMARK ACT OF 1946.

(a) IN GENERAL.—The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946), is amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended—

(A) by inserting "and," after "specifying the date of the applicant's first use of the mark in commerce"; and

(B) by striking "and, the mode or manner in which the mark is used on or in connection with such goods or services".

(2) Section 2 (15 U.S.C. 1052) is amended—

(A) in subsection (e)—

(i) in paragraph (3) by striking "or" after "them,"; and

(ii) by inserting before the period at the end the following: ", or (5) comprises any matter that, as a whole, is functional"; and

(B) in subsection (f), by striking "paragraphs (a), (b), (c), (d), and (e)(3)" and inserting "subsections (a), (b), (c), (d), (e)(3), and (e)(5)".

(3) Section 7(a) (15 U.S.C. 1057(a)) is amended in the first sentence by striking the second period at the end.

(4) Section 14(3) (15 U.S.C. 1064(3)) is amended by inserting "or is functional," before "or has been abandoned".

(5) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking "or device" and inserting ", device, any matter that as a whole is not functional,".

(6) Section 26 (15 U.S.C. 1094) is amended by striking "7(c),," and inserting ", 7(c),".

(7) Section 31 (15 U.S.C. 1113) is amended—

(A) by striking—

"§ 31. Fees";

and

(B) by striking "(a)" and inserting "SEC. 31. (a)".

(8) Section 32(1) (15 U.S.C. 1114(1)) is amended by striking "As used in this subsection" and inserting "As used in this paragraph".

(9) Section 33(b) (15 U.S.C. 1115(b)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

"(8) That the mark is functional; or".

(10) Section 39(a) (15 U.S.C. 1121(a)) is amended by striking "circuit courts" and inserting "courts".

(11) Section 42 (15 U.S.C. 1124) is amended by striking "the any domestic" and inserting "any domestic".

(12) The Act is amended by striking "trade-mark" each place it appears in the text and the title and inserting "trademark".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply only to any civil action filed or proceeding before the United States Patent and Trademark Office commenced on or after such date relating to the registration of a mark.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. USE OF CERTIFICATION MARKS FOR ADVERTISING OR PROMOTIONAL PURPOSES.

Section 14 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1064) (commonly referred to as the Trademark Act of 1946) is amended by adding at the end the following: "Nothing in paragraph (5) shall be deemed to prohibit the registrant from using its certification mark in advertising or promoting recognition of the certification program or of the goods or services meeting the certification standards of the registrant. Such uses of the certification mark shall not be grounds for cancellation under paragraph (5), so long as the registrant does not itself produce, manufacture, or sell any of the certified goods or services to which its identical certification mark is applied.".

SEC. 302. OFFICIAL INSIGNIA OF NATIVE INDIAN TRIBES.

(a) IN GENERAL.—The Commissioner of Patents and Trademarks shall study the issues surrounding the protection of the official insignia of federally and State recognized Native American tribes. The study shall address at least the following issues:

(1) The impact on Native American tribes, trademark owners, the Patent and Trademark Office, any other interested party, or the international legal obligations of the United States, of any change in law or policy with respect to—

(A) the prohibition of the Federal registration of trademarks identical to the official insignia of Native American tribes;

(B) the prohibition of any new use of the official insignia of Native American tribes; and

(C) appropriate defenses, including fair use, to any claims of infringement.

(2) The means for establishing and maintaining a listing of the official insignia of federally or State recognized Native American tribes.

(3) An acceptable definition of the term "official insignia" with respect to a federally or State recognized Native American tribe.

(4) The administrative feasibility, including the cost, of changing the current law or policy to—

(A) prohibit the registration, or prohibit any new uses of the official insignia of State or federally recognized Native American tribes; or

(B) otherwise give additional protection to the official insignia of federally and State recognized Native American tribes.

(5) A determination of whether such protection should be offered prospectively or retrospectively and the impact of such protection.

(6) Any statutory changes that would be necessary in order to provide such protection.

(7) Any other factors which may be relevant.

(b) COMMENT AND REPORT.—

(1) COMMENT.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall initiate a request for public comment on the issues identified and studied by the Commissioner under subsection (a) and invite comment on any additional issues that are not included in such request. During the course of the public comment period, the Commissioner shall use any appropriate additional measures, including field hearings, to obtain as wide a range of views as possible from Native American tribes, trademark owners, and other interested parties.

(2) REPORT.—Not later than September 30, 1999, the Commissioner of Patents and Trademarks shall complete the study under this section and submit a report including the findings and conclusions of the study to the chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized on Thursday, September 17, 1998, at 9:30 a.m. on China Technology Transfer.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of Gregory H. Friedman to be Inspector General of the Department of Energy; Charles G. Groat to be Director of the United States Geological Survey, Department of the Interior, and to consider any other pending nominations which are ready for consideration before the Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on the General Services Administration FY99 Capital Investment and Leasing Program, on the FY99 courthouse construction requests of the Administrative Office of the U.S. Courts, and proposed legislation dealing with public buildings reform Thursday, September 17, 9:00 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 17, 1998 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 17, 1998, at 10:00 a.m., for a hearing on the nominations of Kenneth Prewitt, to be Director of the Bureau of the Census, and Robert "Mike" Walker, to be Deputy Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 17, 1998, at 9:30 a.m., in room SD226, of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 17, 1998, at 10:00, in room SD226, of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Professional Development: Incorporating Advances in Teaching during the session of the Senate on Thursday, September 17, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 17, 1998 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 1175, a bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; S. 1641, a bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; S. 1960, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; S. 2086, a bill to revise the boundaries of the George Washington birthplace National Monument; S. 2133, a bill to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance; S. 2239, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; S. 2240, a bill to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes; S. 2241, a bill to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes; S. 2246, a bill to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes; S. 2247, a bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes; S. 2248, a bill to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision, when required by State law, and for other purposes, S. 2285, the Women's Progress Commemoration Act; S. 2297, a bill to provide for the distribution of certain publication in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor; S. 2309, the Gateway Visitor Center Authorization Act of 1998; S. 2401, a bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park, and H.R. 2411, a bill to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

• Mr. LEAHY. Mr. President, this is a great date in the history not only of the United States, but of all free people, and of all people who would be free. On September 17, 1787, a small group of truly remarkable Americans gathered to sign one of the greatest documents in all of human history, the Constitution of the United States.

George Washington signed it as the President of the Constitutional Convention and deputy from Virginia. The names of other signers are familiar to all Americans: Benjamin Franklin, James Madison and Alexander Hamilton. Other names should be more familiar than they are, names like Morris and Pinkney and Dickinson and Rutledge.

We owe them a great debt. They have given us a firm foundation on which has been built our great and abiding stability. Even when this Nation was torn by a terrible fight over the institution of slavery, the Constitution allowed us to recover with amazing speed, become one Nation again, and avoid the generations of smoldering conflict that afflict so many other countries.

Our Constitution is at once solid and flexible. It can and has been amended from time to time to improve the machinery of government and to expand the rights that citizens enjoy. Throughout our history we have sought to follow Madison's wise advice to limit amendments to "certain great and extraordinary occasions."

In Federalist No. 43, James Madison wrote that the Constitution establishes a balanced system for amendment, guarding "equally against that extreme facility, which would render the Constitution too mutable, and that extreme difficulty, which might perpetuate its discovered faults." The Constitution is profoundly conservative, in the best sense of that word. As Madison expressed in Federalist No. 49:

> [A]s every appeal to the people would carry an implication of some defect in government, frequent appeals would, in great measure, deprive the government of that veneration which time bestows on everything and without which perhaps the wisest and freest governments would not possess the requisite stability.

It is remarkable that although some 11,000 constitutional amendments have been offered in our history, and more than 100 in the 105th Congress alone, the elected representatives in Congress and in the States have adopted only 17 since the original Bill of Rights. We have rejected many amendments that seemed to be good ideas at the time, but which on further reflection proved to be unnecessary. We have found that we could achieve the same results by statute, or have on sober reflection recognized that the amendments would have been mere symbolic gestures. We have avoided turning the Constitution into a mere bulletin board on which we "send a message." We have respected it and, most importantly, we have resisted the temptation to limit the fundamental freedoms of Americans. We have rejected the temptation to erode the Bill of Rights.

I cannot ignore the fact that Congress and the States did succumb once to what looked like a good idea without carefully considering the consequences of their action. The eighteenth amendment imposed prohibition and conjured up a swarm of gangsters, bootlegging, and wholesale disobedience of the law. It was a bad idea that had to be undone by another constitutional amendment. We should regard the eighteenth amendment as a reminder that we should go slow, and stop and consider carefully all of the implications of any change before we put it in the Constitution.

I submit that the Constitution of the United States is a good document—not a sacred text—but as good a law as has been written. That is why it has survived as the supreme law of the land with so few alterations throughout the last 200 years.

It has contributed to our success as a Nation by binding us together, rather than tearing us apart. It contains the Great Compromise that allowed small States and large States to join together in a spirit of mutual accommodation and respect. It embodies the protections that make real the pronouncements in our historic Declaration of Independence and give meaning to our inalienable rights to life, liberty and the pursuit of happiness.

The Constitution requires due process and guarantees equal protection of the law. It protects our freedom of thought and expression, our freedom to worship or not as we each choose, and our political freedoms, as well. It is the basis for our fundamental right of privacy and for limiting government's intrusions and burdens in our lives.

I oppose what I perceive to be a growing fascination with laying waste to our Constitution and the protections that have served us well for over 200 years. The First Amendment, separation of powers and power of the purse should be supported and defended.

When we embarked in this Congress, we each swore an oath to support and defend the Constitution. That is our duty to those who forged this great document, our responsibility to those who sacrificed to protect and defend our Constitution, our commitment to our constituents and our legacy to those who will succeed us.

The Framers gave us a remarkable document, an extraordinary system of government and protections for our individual liberties. So I celebrate this day, not with the parades or fireworks of the Fourth of July, but with solemn consideration of how the Framers guaranteed our freedom through checks on government power. Most of all, I mark this day with a renewed commitment to cherish and to protect this most precious of legacies, to resist easy amendments, to resist assaults on our Bill of Rights, and to preserve the Constitution for our children and grandchildren.•

WOMEN'S ST. CLAIR SHORES CIVIC LEAGUE 60TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to honor the St. Clair Shores Civic League, in St. Clair Shores, Michigan on its 60th Anniversary. The mission of the League, "to maintain a high standard of civic life . . . by activities designed to stimulate citizen participation in government and to promote the cultural growth of the city" is very respectable and has led the organization to be very successful.

The Women's St. Clair Shores Civic League has grown tremendously over the course of over six decades. The committee of six women that eventually became the League, was formed in 1930 to aid the youth of the community and assist in civic improvements. In an effort to better handle their increasing tasks, the committee became the Women's St. Clair Shores Civic League in 1939. Some the League's projects over the years have included consolidating three school districts, building a municipal park, and incorporating St. Clair Shores. These achievements, few among many, are testament to the devotion and hard work of the Women's St. Clair Shores Civic League.

I am proud to congratulate this special organization on 60 years. The Women's St. Clair Shores Civic League will undoubtedly enjoy continued success.•

SCHOOL MODERNIZATION TAX INCENTIVES

• Ms. MOSELEY-BRAUN. Mr. President, today, 39 of my olleagues and I are sending a letter to the Senate Majority Leader, Senator LOTT, and the chairman of the Senate Finance Committee, Senator ROTH, urging them to include school modernization tax incentives in any tax legislation considered by the Senate this year. While we may have different positions on the advisability of enacting such legislation, and different positions on what that legislation should include, we are united in believing that any tax legislation must include significant relief for communities seeking to rebuild and modernize their schools.

This month, according to a recent report from the Department of Education, a record number of students are pouring into our nation's classrooms. 52.7 million children enrolled in elementary and secondary schools this year, a 500,000 student increase from last year. Ten years from now, according to the report, enrollment is expected to reach 54.3 million. We cannot continue to pack these children into today's schools. We need to build an estimated 6,000 new schools over the next 10 years just to keep up with rising enrollment.

In addition, the U.S. General Accounting Office has documented $112 billion worth of deferred maintenance and neglect of existing school buildings. It will cost $112 billion nationwide—$13 billion in Illinois alone—to bring existing school buildings up to good, overall condition. That is not the cost of equipping them with new computers, or even of retrofitting them so teachers have a place to plug in new computers. That is just the cost of bringing existing buildings up to good, overall condition.

Crumbling and overcrowded schools are found in every type of community, all across the nation. The GAO found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools are crumbling down around our children.

The problem is so pervasive because it is a symptom of our failed school finance structure. For more than 100 years, we have relied on local property taxes to finance our schools. This system may have made sense when the nation's wealth was held and measured in terms of property, but it does not make sense today.

According to the GAO, our school finance system actually militates against most communities' best efforts to improve their schools. In 35 states, poor districts have higher tax rates than wealthy districts, but raise less revenue because of lower property values.

In 11 states, courts have actually declared school finance systems unconstitutional. In nearly every case, states have complied by raising property or sales taxes to fund school improvements. Similar litigation is pending in another 16 states, and many of these lawsuits appear likely to result in higher state and local taxes as well.

The Senate has an opportunity this year to break this cycle of crumbling schools and higher local taxes. We have an opportunity to create a new partnership between the federal government, states, and communities to improve our schools. We can do this in a way that does not reduce the projected budget surplus, which is properly being reserved for Social Security, and in a way that maintains continued fiscal discipline.

In last year's Taxpayer Relief Act, the Congress took the first steps toward the creation of this new partnership, when it enacted the Qualified Zone Academy Bond program. Under this program, school districts issue zero-interest bonds, and purchasers of these bonds receive federal income tax credits in lieu of interest. This mechanism can cut the cost of major school improvements by 30 to 50 percent. In Chicago, the school system will presently issue $14 million worth of these bonds for a school renovation project. By using these bonds instead of regular municipal bonds, the school system will save Chicago taxpayers $7 million in interest costs. In other words, this project will cost $14 million, instead of $21 million.

I propose that we use the same mechanism to facilitate school improvements nationwide. According to the Joint Committee on Taxation, we can supply $22 billion worth of these special bonds to states and communities at a cost of only $3.3 billion to the federal treasury over the next five years. That $3.3 billion cost actually represents tax relief for purchasers of these school modernization bonds. Under this plan, communities get better schools and children get a better education; local property taxpayers and federal income taxpayers get lower bills. This is the kind of innovative partnership we need to rebuild and modernize our schools for the 21st century.

Last week, President Clinton, Vice President GORE, governors, members of Congress, cabinet members, parents, teachers, and school officials gathered at 84 sites around the country to focus attention on the urgent need to create a new partnership to modernize our schools. Speaking at a school in Maryland, President Clinton said our "children deserve schools that are as modern as the world in which they will live." He went on to say that, "Nothing we do will have a greater effect on the future of this country than guaranteeing every child, without regard to race or station in life or region in this country, a world-class education. Nothing."

That statement could not be more true. The rungs on the ladder of opportunity in America have always been crafted in the classroom, and in the emerging global economy, the importance of education continues to grow. As H.G. Wells noted, "Human history becomes more and more a race between education and catastrophe."

As we approach the 21st century, we are faced with the real problem that too many of our schools do not provide the kind of learning environment necessary to educate our children for a competitive, global economy. Studies have proven a correlation between building conditions, student achievement, student discipline. The fact is, our children cannot learn in schools that are falling down around them.

I hope the Congress can use the remaining time we are in session, short as it may be, to create a school modernization partnership that will carry our children into the next century. I look forward to working with my colleagues on both sides of the aisle to ensure that our plan is a part of any tax legislation considered this year.

According to a recent Gallup poll, 86 percent of adults support providing federal funds to repair and replace older school buildings. That figure suggests that the American people want Congress to put aside partisanship and ideology and work together to help improve our schools. I hope we won't let them down.

Mr. President, I ask that the text of the letter to Senator LOTT be printed in the RECORD. An identical copy of the letter has been sent to Senator ROTH.

The text of the letter follows:

U.S. SENATE,
Washington, DC, September 17, 1998.

HON. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, the House and Senate have each passed fiscal year 1999

Budget Resolutions calling for the enactment of substantial tax relief legislation. We believe that any such legislation should include major tax relief for communities seeking to rebuild and modernize their school facilities.

The problem of crumbling and overcrowded schools has grown too large and is too important for Congress to ignore. According to the U.S. General Accounting Office (GAO), it will cost $112 billion just to bring existing schools up to good, overall condition. In addition, the Department of Education reports that the nation's school districts will need to build an additional 6,000 schools over the next ten years simply to keep class sizes at current levels as student enrollment rises. Crumbling and overcrowded schools are found in virtually every kind of community and every part of the country. The GAO found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools reported needing extensive repair or replacement of one or more buildings.

The large and growing school infrastructure deficit in the United States reflects problems and inequities in our system of school finance. In 35 States, poor districts have higher tax rates than wealthy districts but raise less revenue because of lower property values. School financing systems have been ruled unconstitutional in 11 states. In nearly every case, States have complied by raising property or sales taxes to fund school improvements. Similar litigation is pending in 16 other States, and many of these lawsuits appear likely to result in higher state and local taxes as well.

The Senate has an opportunity in this year's tax legislation to break this cycle of crumbling schools and higher local taxes. We have an opportunity to create a new partnership between the federal government, States, and communities to improve the learning environment for our children—our economy's most precious asset. We believe this objective can be accomplished in a manner that does not reduce the projected budget surplus, which is properly being reserved for Social Security, and that maintains continued fiscal discipline.

The condition of school facilities has been found to have a direct effect on student behavior and achievement. By helping States and communities rebuild and modernize their schools, the federal government can make a constructive contribution to the quality of education in America, while helping to free resources at the local level for other school initiatives or much-deserved property and sales tax relief.

This subject has been of growing concern to us in recent years. Earlier proposals to commit federal resources to address this problem have been unsuccessful, and it has become clear that needed assistance to schools will only be acceptable to a majority of Senators if it is in the form of tax relief. Therefore, as the Senate considers tax legislation this year, we look forward to working with you to provide substantial tax relief targeted to the rebuilding and modernizing of our nation's schools.

Sincerely,

Carol Moseley-Braun, Ted Kennedy, Patty Murray, John F. Kerry, Robert Torricelli, Tom Daschle, Fritz Hollings, Charles Robb, Chris Dodd, Dale Bumpers.

Max Cleland, Daniel Akaka, Joseph Lieberman, Byron L. Dorgan, Frank R. Lautenberg, Paul S. Sarbanes, Dianne Feinstein, Carl Levin, Mary L. Landrieu, Tom Harkin, Kent Conrad, Jeff Bingaman, Barbara A. Mikulski, Tim Johnson, Harry Reid, Herb Kohl, Barbara Boxer, John Glenn.

Daniel K. Inouye, Jack Reed, Wendell Ford, Dick Durbin, Richard H. Bryan, Max Baucus, Paul Wellstone, Jay Rockefeller, Bob Kerrey, John Breaux, Patrick Leahy, Ron Wyden.●

THE DEPARTMENT OF JUSTICE'S WAR AGAINST CAPITALISM

Mr. GORTON. Mr. President, few of my colleagues would dispute the notion that capitalism is the foundation of America's economic success. Under capitalism, competition inspires innovation. Innovation led in the 19th Century to the industrial revolution, and in the 20th Century to the digital age. These developments have made the United States the richest, most successful nation in the world. But this Administration seems to distrust our capitalist, competitive system and wants to replace it with some sort of "third-way" in which government bureaucrats make major decisions about what innovations will be allowed in our economic system, and when.

I refer particularly, Mr. President, to the Justice Department's vendetta against Microsoft, a company that has had the ingenuity and determination to achieve the American dream. Against the odds, one man with a good idea turned a workshop in his garage into the most successful high technology company in the world. The Administration is now on a path to destroy not only the man and his company but to destroy the dream as well.

Assistant Attorney General Joel Klein, head of the Justice Department's Antitrust Division, has declare war on success in the name of antitrust law. According to Joel Klein's world view, it is the duty of the United States government to protect not the consumer but the company that cannot compete on its own merits.

Mr. Klein has made his ambition abundantly clear. When he testified before the Senate Judiciary Committee in June he said, "We reject categorically the notion that markets will self-correct and we should sit back and watch." Instead, Mr. Klein believes the government should control every move of America's most successful and innovative companies.

What candidate for president ran on this platform? The American people were not informed that free markets were to be abandoned as our principal economic guide. Instead of allowing the best man, or in this case the best company, to win, the Justice Department wants to control the market and dole out slices of it to companies of its choice.

This is anathema to the free market, Mr. President.

The Department's case, after all, is merely an attempt to give Netscape and other Microsoft rivals a leg up in the ongoing battle for market share in the software industry. Microsoft has earned its current prominence in the software industry through hard work, innovation, and consumer choice. The company has been successful because it has had better ideas and more efficient means of turning those ideas into superior products. Consumers in the United States and throughout the world simply prefer Microsoft products.

But jealous rivals who have not reached the same level of success have now enlisted the Justice Department to give them what they and the Administration believe is rightfully theirs—more market share. These rivals, I fear, may soon regret ever having opened this Pandora's box. For a precedent may have already been set. That precedent is that government intervention in the market, in the absence of consumer complaint or dissatisfaction, is acceptable.

That is why I speak here today, Mr. President, as one in a growing number of voices in America in firm opposition to the Administration's case against Microsoft.

As I see it, the Administration is not working for the greater good, but for its own good. Those at the highest levels of this Administration believe they, not the market and certainly not consumers, know what is best for the nation. Rick Rule, former Assistant Attorney General for Antitrust under President Ronald Reagan, summed it up best when he said, "The Hubris reflected in the government's case against Microsoft is monumental."

This is just the beginning, Mr. President. Yesterday, at the Upside Conference, a meeting of high-tech industry leaders here in Washington, Roberta Katz, General Counsel for Netscape, said of the government's case against Microsoft, "This is about a lot more than just Microsoft." To Ms. Katz I say, be careful what you wish for, be very careful what you wish for. Today the government's target is Microsoft, but tomorrow, it could very well be Netscape.

The Antitrust Division, in filing its case against Microsoft, is working to justify an expanded role for government in the high-tech industry. The further its tentacles are allowed to reach into high-tech market, the tighter its grip on the industry will become.

In fact, at a hearing tomorrow before Judge Jackson, the Justice Department will request that it be allowed to expand the scope of its case against Microsoft. There are two explanations for the Justice Department's motives; both are troubling. The first is that the Antitrust division is seeking to increase the aspects of the high-tech industry over which it will gain control if it wins the case. The second is that the Division is becoming increasingly desperate to find an issue, any issue, on which is can prevail in court.

The first point should be of no little concern to Ms. Katz of Netscape and her counterparts at all the other high-tech companies cheering the Justice Department on. But it is the second point on which I would like to expand.

The Antitrust Division knows that its case against Microsoft is literally falling apart at the seams. As my colleagues will recall, on June 23 a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December. The heart of the injunction, and the heart of the Department's current case against Microsoft, is the company's decision to integrate its web browser into its Windows operating system.

As soon as the Appeals Court ruled that the integration of browser technology into Windows as not a violation of U.S. antitrust law, Joel Klein started scrambling frantically for other claims to make against Microsoft. If the Administration's concern was truly that Microsoft was acting illegally in integrating products into Windows, the Justice Department would have and should have dismissed its case then and there. But it didn't.

Joel Klein continued attempts to drag more and more issues into the case is telling, Mr. President. Those attempts are a clear sign that the government's real beef with Microsoft is its size. The government can't stand the fact that Microsoft is successful. Microsoft, in the eyes of the Administration, is just too big. So the Justice Department will do everything it can to paint Bill Gates as the bad guy.

As Holman W. Jenkins, Jr. aptly described it in an editorial in Wednesday's Wall Street Journal, Joel Klein "has spraypainted the world with subpoenas, calling companies to testify about every failed and not-yet-failed collaboration between competitive allies and allied competitors in the computer industry."

the strategy, according to Rick Rule, is "the old plaintiff's trick of throwing up lots of snippets of dialogue that try to tar the defendant as a bad guy."

Aside from all the legal commentary, the real issue, Mr. President, is that the Justice Department's case against Microsoft is a bad one. Joel Klein knows it, the high-tech community knows it, and I know it.

No legal wrangling can disguise the fact that what the Administration is doing is wrong. It is not only wrong in the sense that the Justice Department will probably lose in the end. But it is wrong in the sense that the very premise on which it stands is at fundamental odds with the free market capitalism that has made this nation great.

U.S.-ASIA INSTITUTE

• Mr. INOUYE. Mr. President, the U.S.-Asia Institute, a non-profit organization, recently completed its 40th Congressional Staff Delegation to China and Hong Kong in cooperation with the Chinese People's Institute of Foreign Affairs (CPIFA). I am pleased to bring this milestone to the attention of the Senate.

The Institute's commitment to promoting friendship and understanding between countries in Asia and the U.S. government goes back almost 20 years. Founded in 1979 by Esther Kee, Norman Lau Kee, and Joji Konoshima, the U.S.-Asia Institute has been steadily working to achieve its goal through international conferences, seminars, student exchange programs, and Congressional staff trips to Asia.

Among its numerous activities in support of cultural understanding, the U.S.-Asia Institute's Congressional staff trip program to China and Hong Kong is unrivaled. Since its inception in 1985, the China program has hosted more than 320 Congressional staff members in numerous places throughout China—from Heihe in the North on the Russian border to Hainan in the South; from the dynamic coastal cities of Shanghai and Guangzhou to the remote city of Urumqi, an oasis on the ancient Silk Road; and to the capital, Beijing. Over 150 Congressional offices have benefited from the intense, hectic, fact finding programs that provide Congressional staff members a unique opportunity to observe this dynamic nation first-hand and to further their understanding of complex Sino-U.S. relations. This program has survived the sometimes tumultuous relationship between the two countries thanks to the steadfast commitment of the U.S.-Asia Institute and the CPIFA to promote dialog on issues of mutual interest to our two great nations.

I congratulate the U.S.-Asia Institute and CPIFA for their remarkable achievements and hope their longstanding partnership will continue into the 21st century.•

TRIBUTE TO LIEUTENANT GENERAL RICHARD A. BURPEE, U.S. AIR FORCE, RETIRED

• Mr. INHOFE. Mr. President, I rise today to pay tribute to an exceptional leader in recognition of a remarkable career of service to his country—Lieutenant General Richard A. Burpee, United States Air Force, retired. Dick Burpee has amassed a truly distinguished record, including 35 years of service in the Air Force uniform, that merits special recognition on the occasion of his retirement as chairman of the board of directors of the Retired Officers Association.

Born and raised in Delton, Michigan, he is now a distinguished citizen of the great State of Oklahoma. He enlisted in the Air Force just after the Korean War in 1953. Subsequently selected for pilot training, he earned his aviator's wings and Second Lieutenant's commission in 1955.

Over the next decade, Dick served in a variety of flying and staff positions, including assignments as an instructor pilot and as an exchange pilot with the Royal Canadian Armed Forces. In the process, he successfully completed studies leading to the award of a bachelor's degree in economics and a master's degree in public administration.

During a 1967–68 tour of duty with the 12th Tactical Fighter Wing in Vietnam, he distinguished himself with a record of 336 combat missions in the F-4 fighter and the award of the Silver Star, two Distinguished Flying Crosses, a Bronze Star and fifteen air medals.

Air Force leaders recognized the talent and potential of this general-to-be and selected him for prestigious positions at Air Force headquarters in Washington, DC, first in the Office of the Director for Operational Test and Evaluation and subsequently as an aide to the Air Force Vice Chief of Staff.

Following completion of the National War College and selection for promotion to the grade of Colonel, he returned to operational flying duty in a series of leadership positions, ultimately serving as Commander of the Strategic Air Command's (SAC) 509th Bombardment Wing in 1974–1975.

Exceeding even the Strategic Air Command's high standards of leadership excellence, Dick Burpee was hardly getting started. Following selection to General officer rank, he carved a path of performance and achievement through assignments at Headquarters Strategic Air Command, as Commander of the 19th air division, and in senior plans and operations positions at Air Force headquarters in the Pentagon. From 1983 to 1985, the great State of Oklahoma had the good fortune to get to know Dick Burpee as a particularly outstanding Commander of the Oklahoma City Air Logistics Center.

Oklahomans were not alone in recognizing his talents, as he was subsequently promoted to three-star rank and assigned as Director for Operations for the Pentagon's Joint Staff—the highest ranking operations staff officer of our country's Armed Forces.

Finally, in 1988, he was appointed to command the Strategic Air Command's prestigious 15th Air Force, a position he held until his retirement from active military service in 1990.

In addition to the impressive combat record I have already mentioned, I would note that General Burpee's military files reflect an outstanding total of 11,000 flying hours as well as the award of the Defense Distinguished Service Medal, two Distinguished Service Medals, and the Legion of Merit. A true warrior and leader, indeed.

Dick Burpee, however, is not a person who considers even 35 years of arduous service a full working career. Following his retirement, he started a successful consulting business in management and marketing with aerospace industries and government. Since relocating to Oklahoma City in 1991, he has served as vice president for development and vice president of administration at the University of Central Oklahoma, sits on the board of directors of the United Bank in Oklahoma City, and has been deeply involved with the Oklahoma City Chamber of Commerce. Elected to the board of directors of the Retired Officers Association (TROA) in 1992, he was unanimously selected as TROA's chairman of the board in 1996, a position from which he is now retiring.

Through his stewardship, the Retired Officers Association continues to play a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed service community—active, reserve and retired, plus their families and survivors.

I won't describe all of his accomplishments, but will briefly touch on some highlights to illustrate his involvement and concern for military people. As chairman, he has championed the fight for health care equity for retirees of the uniformed services, whose access to the military health care system has been severely curtailed by base closures, downsizing, and shrinking military medical budgets. His persistent and well-reasoned proposals have translated into successful legislative initiatives aimed at expanding Medicare-eligible retirees' access to military facilities and allowing them to enroll in the federal employees health benefits program. He also has been one of the most vocal advocates for ending the practice of capping annual pay raises for active and reserve personnel below those enjoyed by the average American. Happily, those efforts are now bearing fruit in the form of full-comparability raises for the troops in 1999 and, hopefully, from 2000 on.

Taken together, these comprise two of the most important institutional inducements to help reverse declining career retention statistics in all services.

In forcefully articulating the urgency of honoring long-standing health care and retirement commitments to those who have already served and by championing improved quality-of-life initiatives for those now serving, Dick Burpee has significantly raised Congress' sensitivity to these important retention and readiness issues.

Perhaps most importantly, Dick Burpee has distinguished himself and TROA from other, often strident, critics by consistently offering cogent, well-researched plans that outline workable legislative solutions to these complex problems.

My closing observation, with which I am sure you will all agree, is that General Dick Burpee has been, in every sense of the word, a leader in the military, TROA and the entire retired community. Our very best wishes go with him for long life, well-earned happiness, and continued success in service to his Nation and the uniformed servicemembers whom he has so admirably led.

As a former soldier myself, who entered military service at about the same time he did, I offer General Burpee a grateful and heartfelt salute.•

"MEMORIES AND MIRACLES"

• Mr. MOYNIHAN. Mr. President, I rise to commend to the Senate the stirring tale of Jack Ratz, a New Yorker who recently published a remarkable book, Endless Miracles. Mr. Ratz, who resides with his wife, Doris, in the Brooklyn neighborhood of Mill Basin, is one of the last survivors of the flourishing Jewish community of Latvia, which lost all but 300 of its 35,000 members during the Holocaust.

Jack Ratz's memoirs is an eloquent refutation to those who would dare to trivialize, distort, or even deny the Holocaust's important lessons. His book well reflects the affirmative message that Jack Ratz shares with New York City school children during his regular visits to the city classrooms.

As the survivors of the Holocaust succumb to old age there are fewer and fewer eyewitnesses to this tragedy. Jack Ratz has provided an invaluable service with his moving account of the Latvian Holocaust experience.

I ask to have printed in the RECORD a recent article in the New York City Jewish Week about Jack Ratz and "Endless Miracles."

The article follows:

[From the Jewish Week, Aug. 14, 1998]

MEMORIES AND MIRACLES

(By Nancy Beiles)

During a recent trip to Riga, Latvia, Jack Ratz visited a museum commemorating Latvian Holocaust victims, and was drawn to a series of photos of camp inmates hanging on the wall. One in particular caught his attention—a black-and-white photo of a 16-year-old boy, head shaven, wearing work clothes decorated with the Star of David and the number 281.

"I asked the guard, 'Who are those people?' He said, 'they died a long time ago,' recalled Ratz, of Mill Basin, a Latvian-born Holocaust survivor. "I told him I know three of those people. Two were father and son and yes, they were killed. But the photo of the young fellow on the right—he is talking to you. He is me."

Ratz had come to Riga to say Kaddish for members of his family killed in the Rumboli Forest in 1941, and to visit the old ghetto where he and his father lived before being sent off to a series of work and concentration camps.

"All of a sudden I saw a picture of myself hanging on the wall and a flash of memories came rushing back to me of 55 years ago," Ratz recalls, tearfully. "I could only cry. I found myself hanging on the wall with all the dead people.

Of the 35,000 Jews who lived in Latvia at the time of German occupation in 1941, Ratz is one of just 300 who survived. Because of the scarcity of Latvian survivors, their particular experience during the Holocaust is rarely recounted. "Very few Latvian Jews escaped because the general population was not sympathetic to aiding the Jews," says William Schulman, director of the Holocaust Resource Center at Queensborough Community College. 'The Germans made use of the Latvians to guard the Jews and persecute them, to send them to their death. So there are very few memoirs of survivors."

Ratz, who is retired from the television repair business, and his American-born wife, Doris, are and trying to fill that gap in Holocaust memory.

The four years he and his father spent in labor and concentration camps and their subsequent liberation forms the basis for 'Ratz's newly-published memoir, "Endless Miracles" (1998; Shengold Publishers Inc.). Ratz's account caught the attention of Moshe Sheinhaum, president of Shengold Publishers, precisely because it explores episodes of the Holocaust that are not often talked about. "I've published over 70 books on the Holocaust and this is one of the most exciting," says Sheinbaum. "Very little has been done about Riga."

Starting with historical background about the Jewish community in Latvia, the book's emotional beginning describes the first Nazi programs in Riga that would eventually spiral into genocide. Shortly after the Germans arrived in Latvia in 1941, displacing the Russians, who had occupied Latvia just a year earlier, they created two Jewish ghettos. One was for able-bodied men, the other for women, children and the disabled. Just 14 at the time, Ratz could have stayed with his mother and younger siblings, but he decided to "take a chance," he says, and go with his father.

This is the first of the "endless miracles" Ratz describes—fortuitous decisions that saved his life. After he and his father went to the Jewish workers' ghetto, over the course of a few weeks the Nazis executed all the women, children, elderly and disabled men from the other ghetto—including Ratz's mother and siblings—in grisly mass executions in the Rumboli Forest.

With no chance to grieve, Ratz writes, "Even our mourning was cut short. We were forced to return to work immediately under penalty of instant death." The subsequent years are an accumulation of sorrows and terror.

Ratz and his father were first sent to Lenta, a work camp near Riga, then to Salaspils, a death camp, back to Lenta and from there to Stuthoff, another death camp, and Burgraben. During these four years, Ratz and his father managed to stay alive by luck—for example, being in the second half of a line from which the Nazis take the first half to kill, and by what Ratz says can only be attributed to God's grace.

Unlike many survivors, who lost not only their loved ones but also their faith somewhere in the camps, Ratz's faith stayed intact. It was his belief in God that allowed him to weather those years and survive. "If I would not believe in God, I would not be alive today," he says. "By believing it, I felt I survived. God actually picked up his hand and showed me the way."

One time, that way meant masquerading as a skilled craftsman with his father so they could be eligible for a work slot in a factory near Stuthoff outside of the firing range. On another occasion, it meant stealing cigarettes from guards to trade for food from more recent arrivals who were not yet starved. The loaf of bread that was bartered for two cigarettes helped Ratz and his father ward off hunger a little longer.

Ratz links his experience during those years to that of Jews throughout history, dating back to biblical times—Jews who were persecuted and whose faith was tested. Ratz, whose Hebrew name is Isaac, says that when his father first went with him to the ghetto in Riga, his father identified with Abraham, sensing that he too was being called upon to sacrifice his son, his Isaac.

For his part, Ratz appears in the book as a latter-day Joseph. Like the biblical figure who gave food from the Egyptian storehouses to his hungry brothers during a famine, Ratz, himself weak and hungry, whenever possible retrieved food to give to people in the camps who were hovering ever closer to starvation. On one occasion, he managed to salvage scraps of food from refuse bins in a camp kitchen where he worked; another time, Ratz accidentally discovered a dead horse from which he was able to give to people what was a rare commodity in the camps: meat. "God also showed me how to help people instead of how Hitler destroyed people," Ratz explains.

In Ratz's book, the brutality of the camps springs to life most poignantly in small details that are often overlooked by historians. He tells of sand irritating his throat because the Nazis would use potatoes still caked with soil for the inmates' soup and of relishing the straw matting on the bunks in one camp because he had just come from a camp where he and three others slept on a single wooden board. And he describes his father sewing his few valuables into his hernia belt so that he would have something to trade for food when all else failed.

In 1945, when the Russians finally liberated Ratz and his father, the freedom was initially hollow. "You have to be lucky how you're liberated also," Ratz says. "To be liberated by Russians was not freedom."

Unlike the survivors liberated by Americans or British who were immediately assigned to "displaced persons" camps and given medical treatment, those freed by the Russians were left to fend for themselves. "We were all free, but we did not know what to do or where to go," Ratz writes.

The Russian zone is described by Ratz as chaotic. When it became clear the Russians were not making any arrangements to treat the sick, some newly-free Jews stole to bring those in need of medical care to a hospital. Those Germans from the camps who eluded imprisonment tried to disguise themselves as Jews so that the Russians would not capture them. Ratz chillingly recounts seeing guards from the camp, now wearing prisoners' uniforms, hiding in a crowd. Speaking to the Soviet soldiers in Russian, he pointed them out and watched as the soldiers shot them on the spot.●

UNANIMOUS CONSENT AGREEMENT—S. 1645

Mr. SANTORUM. Mr. President, I ask unanimous consent that immediately following the 9:30 a.m. vote on Friday, the Senate proceed to S. 1645.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 560, S. 1770.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1770) to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

"Assistant Secretaries of Health and Human Services (6)."; and

(B) by inserting the following:

"Assistant Secretaries of Health and Human Services (7).".

(2) POSITIONS AT LEVEL V.—Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended in subsection (a)—

(1) by inserting "(1)" after "(a)";

(2) in the second sentence of paragraph (1), as so designated, by striking "a Director," and inserting "the Assistant Secretary for Indian Health,"; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: "The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

"(2) The Assistant Secretary for Indian Health shall—

"(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

"(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.".

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking "Director of the Indian Health Service" both places it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in subsection (d), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health"; and

(B) in section 816(c)(1), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee substitute be agreed to; that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the amendment to the title be agreed to; that the amended title be agreed to; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1770), as amended, was considered read the third time and passed.

The title was amended so as to read:

A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretay for Indian Health, and for other purposes.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 563, S. 1998.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1998) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1998) was considered read the third time and passed, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners area are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a Memorandum of Understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of Federal, State, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction for a Four Corners Monument Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking, water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) FOUR CORNERS HERITAGE COUNCIL.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, and tribal entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) RECIPIENT.—The term "recipient" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of these States.

(5) FOUR CORNERS MONUMENT.—The term "Four Corners Monument" means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico and Utah meet.

(6) FOUR CORNERS MONUMENT TRIBAL PARK.—The term "Four Corners Monument Tribal Park" means lands within the legally defined boundary of the Four Corners Monument Tribal Park.

SEC. 4. FOUR CORNERS MONUMENT INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the "Four Corners Interpretive Center".

(b) LAND.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundary of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—The Secretary is authorized to award a Federal grant to the recipient described in section 3(4) for up to 50 percent of the cost to construct the Center. To be eligible for the grant, the recipient shall provide assurances that—

(1) the non-Federal share of the costs of construction is paid from non-Federal sources. The non-Federal sources may include contributions made by States, private sources, the Navajo Nation and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses;

(2) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind;

(3) States may use private funds to meet the requirements of paragraph (2); and

(4) the State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by that State for construction toward the Arizona share.

(b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the recipient shall—

(1) submit to the Secretary a proposal that meets all applicable—

(A) laws, including building codes and regulations;

(B) requirements under the Memorandum of Understanding described in paragraph (2) of this subsection; and

(C) provides such information and assurances as the Secretary may require; and

(2) the recipient shall enter into a Memorandum of Understanding (MOU) with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of center collections and educational programing;

(F) a plan for design of exhibits including, but not limited to, collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including but not limited to—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) defining appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Secretary is authorized to award a grant in accordance with the provisions of this Act. The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

IN GENERAL.—

(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this Act—

(A) $2,000,000 for fiscal year 1999; and

(B) $50,000 for each of fiscal years 2000 through 2004 for maintenance and operation of the center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(2) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated may be used by the Secretary through fiscal year 2001 for the purposes for which those funds were made available.

(3) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a proposal meeting the requirements of this Act is submitted, but no later than September 30, 2000.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expand donations of funds, and use property or services donated from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 474, S. 2193.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2193) to implement the provisions of the Trademark Law Treaty.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3601

(Purpose: To make certain technical corrections to the Trademark Act of 1946, and for other purposes)

Mr. SANTORUM. Mr. President, Senator HATCH has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. HATCH, proposes an amendment numbered 3601.

The amendment is as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering S. 2193, the Trademark Law Treaty Implementation Act (TLT Act), along with some important technical amendments. I wish that Congress was doing more work on intellectual property issues to maintain America's pre-eminence in the realm of technology. Specifically I wish we were at conference on the Digital Millennium Copyright Act, which would implement the World Intellectual Property Organization treaties. We should also be passing the Patent Bill, which would help America's inventors of today and tomorrow. I am glad however, at the very least, that we are at last considering the TLT Act.

THE TRADEMARK LAW TREATY IMPLEMENTATION ACT

The TLT Act, which Senator HATCH and I introduced to implement the Trademark Law Treaty of 1994, is an important step in our continuing endeavor to harmonize trademark law around the world so that American businesses—particularly small American businesses like so many of the businesses in Vermont—seeking to expand internationally will face simplified and straightforward trademark registration procedures in foreign countries.

Today more than ever before, trademarks are among the most valuable assets of business. One of the major obstacles in securing international trademark protection is the difficulty and cost involved in obtaining and maintaining a registration in each and every country. Countries around the world have a number of varying requirements for filing trademark applications, many of which are nonsubstantive and very confusing. Because of these difficulties, many U.S. businesses, especially smaller businesses, are forced to concentrate their efforts on registering their trademarks only in certain major countries while pirates freely register their marks in other countries.

The Trademark Law Treaty will eliminate many of the arduous registration requirements of foreign countries by enacting a list of maximum requirements for trademark procedures. Eliminating needless formalities will be an enormous step in the direction of a rational trademark system which will benefit American business, especially smaller businesses, to expand into the international market more freely. Fortunately, the Trademark Law Treaty has already been signed by thirty-five countries and was ratified by the Senate on June 26, 1998.

The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the Trademark Law Treaty and the TLT Act. In a letter to me dated July 1, 1998, the International Trademark Association stated that the Trademark law Treaty is "critical to the success of U.S. companies as they operate in the rapidly expanding and ever increasingly competitive global marketplace." The American Intellectual Property Law Association, in a letter to me dated July 13, 1998, explained: "The Trademark Law Treaty harmonizes a number of the requirements and procedures associated with the filing, registration and renewal of trademarks. It has the potential to bring significant improvements in the trademark practices of a number of important countries around the world in which U.S. trademark owners seek protection. By conforming its trademark law with the obligations of the TLT and ratifying the treaty, the United States can exercise leadership to encourage additional nations, particularly those with burdensome procedural requirements, to also adhere."

THE TECHNICAL CORRECTIONS BILL

I also support the amendment to this legislation of S. 2192, the trademark technical corrections bill. This measure contains several mostly technical amendments to the Lanham Act. The most important of these amendments addresses the status of "functional" shapes as trademarks. Functional shapes are those whose features are dictated by utilitarian considerations. Under current law, the registration as a trademark of a functional shape becomes "incontestable" after 5 years even though it should never have been registered in the first place. S. 2192 would correct this anomaly by adding functionality as a ground of cancellation of a mark at any time. The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the trademark technical corrections bill. To date, I have not heard any opposition to this amendment.

I hope that after passage of the TLT Act, Congress can get back to work on our other pressing intellectual property issues, namely the Digital Millennium Copyright Act and the Patent Bill, to fortify American intellectual property rights around the world and to help unleash the full potential of America's most creative industries.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3601) was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2193), as amended, was considered read the third time and passed.

AUTHORIZING PRINTING OF SENATE DOCUMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 280, submitted earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 280) directing the printing as a Senate document of a compilation of materials entitled "History of the United States Senate Committee on Agriculture, Nutrition and Forestry".

The Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to, as follows:

S. RES. 280

Resolved,

SECTION 1. PRINTING OF HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "History of the United States Senate Committee on Agriculture, Nutrition, and Forestry"; and

(2) 100 copies of the document in addition to the usual number.

INTERNATIONAL COMMISSION OF JURISTS ON TIBET AND ON THE UNITED STATES POLICY WITH REGARD TO TIBET

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 500, S. Con. Res. 103.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) expressing the sense of Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment, as follows:

Resolved

That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(B) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(B) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of section 536(a) of the Public Law 103–236; and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Panchen Lama, Gedhun Cheokyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(6) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 103

Whereas the International Commission of Jurists is a non-governmental organization founded in 1952 to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964, the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas in 1960, the International Commission of Jurists found "that acts of genocide has been committed in Tibet in an attempt to destroy the Tibetans as a religious group, * * *" and concluded that Tibet was at least "a de facto independent State" prior to 1951 and that Tibet was a "legitimate concern of the United Nations even on the restrictive interpretation of matters 'essentially within the domestic jurisdiction' of a State.";

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms including their right to self-determination;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law, including self-determination;

Whereas the President has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(B) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(B) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of section 536(a) of the Public Law 103-236; and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Panchen Lama, Gedhun Cheokyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(6) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 535, H.R. 2281.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the text of S. 2037, as passed, be inserted in lieu thereof; that H.R. 2281, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2231), as amended, was considered read the third time and passed.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. HATCH, Mr. THURMOND and Mr. LEAHY conferees on the part of the Senate.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the passage of the Senate bill be vitiated, and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 462, S. 2286.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2286) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I find it quite ironic that I am, at the closing here, passing this bill about which I have strong reservations because I was not able to place an amendment in and have an amendment debated on this bill. But this is the child nutrition bill, and I understand a lot of very important things need to be done.

I very much would have liked to have had the opportunity to debate something that all the nutrition groups, all of the public interest groups, as well as a lot of manufacturers who use peanuts, would love to have seen, and that is an opportunity for us not to have the Child Nutrition Program paying an exorbitant amount of money, more than they need to, robbing children of the ability to get food in other places because we pay such high prices for peanuts in this country for food programs.

It would be nice if we would have been able to debate that amendment, but we can't.

Mr. DASCHLE. Mr. President, is it my pleasure today to join my colleagues on the Senate Agriculture, Nutrition, and Forestry Committee in supporting S. 2286, the Child Nutrition and WIC Reauthorization Amendments of 1998. This important bill expands subsidies for snacks in after-school programs, establishes a research program for universal school breakfasts, and makes several administrative changes in the school food service programs, in the Women, Infants and Children (WIC) Program and in the Child and Adult Care Food Program (CACFP). I believe that we have developed a good bill that represents real progress for child nutrition and school food services and I am pleased it has received strong bipartisan support.

I'd like to take a few moments to elaborate on a few aspects of the bill that are particularly important to South Dakotans and to all Americans. I am a cosponsor of the Schools for Achievement Act, which would give all children, regardless of income, access to a healthy, free breakfast. While we were unable to find consensus on a way to fund a universal breakfast program, S. 2286 establishes a multi-year free breakfast study. The study will be conducted at several sites, both rural and urban, and will rigorously evaluate impact of free breakfasts. The purpose of authorizing this study is to test whether providing breakfast at school helps children perform better scholastically and improves overall levels of child nutrition. I am confident the school breakfast project will justify consideration of the Schools for Achievement Act.

For Congress to have access to the benefits of this study, however, we need to ensure that it will be funded. Funding for the school breakfast research project is uncertain in the House companion bill, because H.R. 3874 includes only authorizing language and relies on the Appropriations Committee to fund the project. As we all are aware, funds available to the Appropriations Committee have been greatly constrained by last year's Balanced Budget Agreement. If funding were unavailable, this research would be delayed, and the intentions of the authorizers would be undermined. We in the Senate have determined that this study should be conducted and have fully paid for it in the context of the Senate bill. I hope the conferees will agree to this position and agree to provide mandatory funding for this project.

I would also like to acknowledge that this is a study only. Nothing in this provision would automatically lead to full implementation of a free breakfast program. Congress will need to revisit this issue to determine whether it would be in the best interest of the Nation to take such a step. I believe this is a prudent way to proceed.

The liberalized administrative guidelines and expanded funding for after-school snacks are also welcome ideas in South Dakota, where our state government recently made a $700,000 commitment to promoting and increasing after-school care. I strongly support that effort, as well as efforts to improve access to after-school programs nationwide. The legislation before the Senate today is another small step toward better care for our nation's school-age children.

Finally, I would like to reassert my support for the programs being reauthorized by this legislation. Federal nutrition programs have a long, successful, track record of providing food, establishing nutrition standards, and collecting health information that have had a dramatic impact on reducing hunger in our country. School lunches are served to 35 million children around the nation. Seven million children receive school breakfasts. Teachers, parents, child care providers and school cooks are educated on the importance of good nutrition and about the necessary components of a healthy diet. Homeless children are served, commodities are distributed, and thousands of school children receive milk. Given the demonstrated effect of improved nutrition on cognition and behavior, the impact of our investment in the nutritional needs of our nation has been profound. I commend the Committee's efforts and look forward to working with my colleagues to enact final legislation to renew these very important child nutrition programs before the year is over.

Mr. SANTORUM. Mr. President, I rise today in support of the Child Nutrition Reauthorization, but also to express disappointment with the manner in which it is being considered by the Senate. While I support the reauthorization of the federal nutrition and feeding programs, I had hoped for the opportunity to offer an amendment to the bill.

The amendment I had hoped to offer would enable the United States Department of Agriculture to purchase lower-priced, non-quota peanuts for use in school feeding programs. Adoption of this amendment would make school feeding programs more cost effective and free up funds to buy additional peanuts and other foods for both the school lunch program and other federal food assistance programs. The amendment would save $14 million for the federal nutrition programs, money that could be put to use feeding more children and families.

I want to offer an explanation for why the amendment will not be considered and also to express my appreciation to those who were prepared to support it. Several Senators were ready to debate the merits of the amendment, and I appreciate their support. Other supporters include nutrition advocacy groups who have worked very hard on behalf of the amendment.

After our return from the August break, the Senate tried to clear this bill for action. Several Senators executed holds on the bill as a result of the amendment I intended to offer. Given the inability to remove those holds and given the few days that remain in the legislative calendar, I asked my Agriculture Committee Chairman, Senator LUGAR, to proceed with the bill so that he may get it to conference and hopefully enacted before adjournment in October.

For the benefit of my colleagues who know my longstanding opposition to the peanut program, let me make clear that my amendment would have done nothing to improve the price of peanuts for manufacturers of peanut products. Instead, it simply aimed to improve the operation of the school nutrition programs.

Generally speaking, peanuts cannot be grown and sold for human consumption in the United States unless the grower has a quota. This quota is really a license, and it enables growers to obtain a premium price for their production. Non-quota peanuts grown in America are no different than their quota cousins, except for the price. Non-quota peanuts that are grown in the U.S. for the export market have an approximate price of $350 per ton, whereas quota peanuts run as much as $650 per ton.

My amendment would simply allow the United States government to buy non-quota peanuts at the same price that we sell American peanuts to foreign countries.

This step is not without precedent. In fact, the Northeast Interstate Dairy Compact, which Congress authorized in 1996, has a similar provision to allow schools to be exempt from paying the artificially higher milk prices that are the result of the dairy compact.

Additionally, Congress has weighed this step in the past. The House Committee on Appropriations twice called attention to this problem in FY 1994 and FY 1995 Agriculture Appropriation Subcommittee Reports. The Subcommittee found that USDA would save approximately $14.4 million in peanut and peanut product purchases for the food assistance program if USDA purchased non-quota peanuts.

In these two committee reports for the FY 1994 and FY 1995 Agriculture Appropriations' bills, the Committee directed the USDA to prepare and submit legislation to the appropriations committees of Congress to amend the peanut program. That legislation would require USDA to purchase non-quota peanuts at world prices for use in domestic feeding programs. To this point, I am not aware that the USDA has ever responded to the Committee's direction.

Mr. President, passage of this amendment makes sense. Peanut products are an extremely popular and nutritious food for millions of people, especially children. High concentrations of important minerals and valuable nutrients make this food an especially important one. If we provide a means for the federal government to buy peanuts for American school children for the same price that we sell American peanuts to consumers in other countries, we can save millions of dollars and enable the government to purchase nutritious food to help additional people.

Moreover, we can improve the school nutrition programs with a minimal cost to growers. Despite the suggestion of doom and gloom from the defenders of the peanut program, the amount of quota peanuts purchased for government food assistance programs is less than 2 percent of the national peanut quota production. Thus, this amendment would have a negligible effect on peanut quota holders—many of whom, I hasten to add, do not grow peanuts themselves.

Mr. President, federal feeding programs are very price sensitive. In times of high prices for specific commodities, it is not uncommon for USDA to seek substitutes for even the most popular food items. in the early 1990s, for example, USDA temporarily suspended feeding program purchases of peanut butter because peanut prices had risen sharply. If the primary goal of the National

School Lunch Program and food assistance programs is to alleviate this nation's malnutrition and hunger, it is wrong for the federal government to waste limited financial resources on buying quota peanuts to further support a small special interest group of peanut quota holders who are already subsidized by the American consumer.

Again, Mr. President, I support passage of the child nutrition reauthorization, but am disappointed in not being able to offer my amendment. I thank those that have worked so hard on its behalf. While the opportunity is not available today to offer the amendment, I have every intention of offering this proposal to relevant legislation in the future.

Mr. LUGAR. Mr. President, I rise today in support of S. 2286, the Child Nutrition and WIC Reauthorization Amendments of 1998. The child nutrition programs have been critically important in helping meet the nutritional needs of our children. The bill before us, which was unanimously reported out of the Senate Committee on Agriculture, Nutrition, and Forestry, is a bipartisan effort to reauthorize and improve these successful programs. Nutrition programs in the Congress have a long history of bipartisan support and cooperation and I am pleased to report that this bill is no exception.

As an Indianapolis school board member and the city's mayor in the 1960's and 1970's, I saw firsthand the need to provide nutritional assistance to children. Since that time, the child nutrition programs have changed in many ways. Although the programs may need some fine tuning, today's programs have been successful in ensuring that our nation's children have access to nutritious foods, providing a critical nutrition safety net.

In 1997, approximately 89,000 schools enrolling 46 million children participated in the National School Lunch program. Although participation in the school breakfast program is not as large as that in the school lunch program, it has continued to grow. Since 1994, school breakfast participation has increased about 13 percent so that now over 70 percent of schools operating a school lunch program also operate a school breakfast program.

The WIC program, which provides nutritious foods and other support to lower-income infants and children (up to age 5), and pregnant, postpartum, and breast-feeding women, has been successful at reducing the number of low-birth-weight babies. Its success has led to strong support over the years. In 1997, average monthly WIC participation was 7.4 million persons. In many states, the program has reached the long sought after goal of full funding.

The bill before us makes improvements to the child nutrition programs. Recently we have seen reports on fraud and abuse in the WIC and Child and Adult Care Food Programs. S. 2286 strengthens the anti-fraud provisions in both programs. The bill requires WIC recipients to be physically present when being certified or recertified for the program. The bill also requires that recipients provide documentation of their income to prove that they are in fact eligible to participate in the program. The legislation cracks down on fraudulent vendors participating in the WIC program. Under most circumstances, WIC vendors who are convicted of trafficking will be permanently disqualified unless it can be proven that the disqualification will cause undue hardship for WIC recipients. In the Child and Adult Care Food Program, State agencies will be required to visit child care sites prior to approving participation by a provider.

The bill also makes amendments to streamline school food service operations. Specifically, S. 2286 allows schools to operate after-school snack programs through the National School Lunch Program rather than separately through the Child and Adult Care Food Program. Without this change, those schools choosing to operate an after-school program, along with the school lunch program, would have to submit paperwork for two separate programs. Streamlining these operations will free up precious time so that school food service personnel can better serve our nation's children. The bill also improves access, for low-income children up to age 18, to the after-school snack and the summer food service programs.

The bill creates a new universal school breakfast pilot program that will evaluate the effect of providing free breakfasts to elementary school children, regardless of income, on school performance and dietary intake. The new spending in this bill is fully offset by rounding down reimbursement rates to the nearest whole cent for meals served by schools and child care centers.

Finally, the bill reauthorizes the child nutrition programs through fiscal year 2003.

Mr. President, S. 2286 was unanimously reported out of the Senate Committee on Agriculture, Nutrition, and Forestry on June 25, 1998. I urge my colleagues to support this bill, thus ensuring that our nation's children continue to have access to these important programs.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill, S. 2286, be considered read a third time, and the Senate then proceed to the consideration of calendar No. 480, H.R. 3874, the House-passed companion measure. I further ask consent that all after the enacting clause be stricken and the text of S. 2286 be inserted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table. I further ask consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. I finally ask that S. 2286 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3874), as amended, was read the third time and passed, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition and WIC Reauthorization Amendments of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Technical amendments to commodity provisions.
Sec. 102. Waiver of requirement for weighted averages for nutrient analysis.
Sec. 103. Requirement for food safety inspections.
Sec. 104. Elimination of administration of programs by regional offices.
Sec. 105. Special assistance.
Sec. 106. Adjustments to payment rates.
Sec. 107. Adjustments to reimbursement rates.
Sec. 108. Criminal penalties.
Sec. 109. Food and nutrition projects.
Sec. 110. Establishment of an adequate meal service period.
Sec. 111. Buy American.
Sec. 112. Procurement contracts.
Sec. 113. Summer food service program for children.
Sec. 114. Commodity distribution program.
Sec. 115. Child and adult care food program.
Sec. 116. Transfer of homeless assistance programs to child and adult care food program.
Sec. 117. Meal supplements for children in afterschool care.
Sec. 118. Pilot projects.
Sec. 119. Breakfast pilot projects.
Sec. 120. Training and technical assistance.
Sec. 121. Food service management institute.
Sec. 122. Compliance and accountability.
Sec. 123. Information clearinghouse.
Sec. 124. Refocusing of effort to help accommodate the special dietary needs of individuals with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. Elimination of administration of programs by regional offices.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program for women, infants, and children.
Sec. 204. Nutrition education and training.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

Sec. 301. Commodity distribution program reforms.
Sec. 302. Food distribution.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. TECHNICAL AMENDMENTS TO COMMODITY PROVISIONS.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

(b) CONFORMING AMENDMENTS.—The National School Lunch Act is amended by striking "section 6(e)" each place it appears in sections 14(f), 16(a), and 17(h)(1)(B) (42 U.S.C. 1762a(f), 1765(a), 1766(h)(1)(B)) and inserting "section 6(c)".

SEC. 102. WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.

Section 9(f) of the National School Lunch Act (42 U.S.C. 1758(f)) is amended by adding at the end the following:

"(5) WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—During the period ending on September 30, 2003, the Secretary shall not require the use of weighted averages for nutrient analysis of menu items and foods offered or served as part of a reimbursable meal under the school lunch or school breakfast program.".

SEC. 103. REQUIREMENT FOR FOOD SAFETY INSPECTIONS.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

"(h) FOOD SAFETY INSPECTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a school participating in the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a school if a food safety inspection of the school is required by a State or local authority.".

SEC. 104. ELIMINATION OF ADMINISTRATION OF PROGRAMS BY REGIONAL OFFICES.

(a) IN GENERAL.—Section 10 of the National School Lunch Act (42 U.S.C. 1759) is amended to read as follows:

"SEC. 10. DISBURSEMENT TO SCHOOLS BY THE SECRETARY.

"(a) AUTHORITY TO ADMINISTER PROGRAMS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), during the period determined under subsection (c), the Secretary shall withhold funds payable to a State under this Act and disburse the funds directly to school food authorities, institutions, and service institutions within the State for the purposes authorized by this Act to the extent that the Secretary has so withheld and disbursed the funds continuously since October 1, 1980.

"(2) USE OF FUNDS.—Any funds withheld and disbursed by the Secretary under paragraph (1) shall be used for the same purposes and be subject to the same conditions as apply to disbursing funds made available to States under this Act.

"(3) STATE ADMINISTRATION.—If the Secretary is administering (in whole or in part) any program authorized under this Act in a State, the State may, on request to the Secretary, assume administrative responsibility for the program at any time during the period determined under subsection (c).

"(b) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—During the period determined under subsection (c), the Secretary shall provide a State that assumes administrative responsibility for a program from the Secretary with training and technical assistance to allow for an efficient and effective transfer of the responsibility.

"(c) PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply during the period beginning on October 1, 1998, and ending on September 30, 2001.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) that applies to a program administered by the Secretary for a State, for a period not to exceed 2 years, if the State—

"(A) demonstrates to the Secretary that the State will not be able to assume administrative responsibility for the program during the period described in paragraph (1); and

"(B) submits a plan to the Secretary that describes when and how the State will assume administrative responsibility for the program.".

(b) CONFORMING AMENDMENTS.—

(1) Section 7(b) of the National School Lunch Act (42 U.S.C. 1756(b)) is amended in the second sentence by striking "No" and inserting "During the period determined under section 10(c), no".

(2) Section 11(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)(A)) is amended by inserting after "section 10 of this Act" the following: "(during the period determined under section 10(c))".

SEC. 105. SPECIAL ASSISTANCE.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) in subparagraph (C)—

(A) in clause (i)(I), by striking "3 successive school years" each place it appears and inserting "4 successive school years"; and

(B) in clauses (ii) and (iii), by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(ii) by striking "2 school years" and inserting "4 school years";

(B) in clause (ii)—

(i) by striking the first sentence; and

(ii) by striking "5-school-year period" each place it appears and inserting "4-school-year period"; and

(C) in clause (iii), by striking "5-school-year period" and inserting "4-school-year period".

SEC. 106. ADJUSTMENTS TO PAYMENT RATES.

(a) IN GENERAL.—Section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended—

(1) by striking "(B) The annual" and inserting the following:

"(B) COMPUTATION OF ADJUSTMENT.—

"(i) IN GENERAL.—The annual";

(2) by striking "Each annual" and inserting the following:

"(ii) BASIS.—Each annual";

(3) by striking "The adjustments" and inserting the following:

"(iii) ROUNDING.—

"(I) THROUGH APRIL 30, 1999.—For the period ending April 30, 1999, the adjustments"; and

(4) by adding at the end the following:

"(II) MAY 1, 1999, THROUGH JUNE 30, 1999.—For the period beginning on May 1, 1999, and ending on June 30, 1999, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts used to calculate the rates in effect on July 1, 1998.

"(III) JULY 1, 1999, AND THEREAFTER.—On July 1, 1999, and on each subsequent July 1, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts for the preceding 12-month period.".

(b) CONFORMING AMENDMENTS.—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) in the second sentence of paragraph (1)(B), by striking "adjusted to the nearest one-fourth cent,"; and

(2) in paragraph (2)(B)(ii), by striking "to the nearest one-fourth cent".

SEC. 107. ADJUSTMENTS TO REIMBURSEMENT RATES.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (f) and inserting the following:

"(f) ADJUSTMENTS TO REIMBURSEMENT RATES.—In providing assistance for breakfasts, lunches, suppers, and supplements served in Alaska, Hawaii, Guam, American Samoa, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may establish appropriate adjustments for each such State to the national average payment rates prescribed under sections 4, 11, 13 and 17 of this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to reflect the differences between the costs of providing meals in those States and the costs of providing meals in all other States.".

SEC. 108. CRIMINAL PENALTIES.

Section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)) is amended by striking "$10,000" and inserting "$25,000".

SEC. 109. FOOD AND NUTRITION PROJECTS.

Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended by striking "1998" each place it appears and inserting "2003".

SEC. 110. ESTABLISHMENT OF AN ADEQUATE MEAL SERVICE PERIOD.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(n) LENGTH OF MEAL SERVICE PERIOD AND FOOD SERVICE ENVIRONMENT.—A school participating in the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is encouraged to establish meal service periods that provide children with adequate time to fully consume their meals in an environment that is conducive to eating the meals.".

SEC. 111. BUY AMERICAN.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 110) is amended by adding at the end the following:

"(o) BUY AMERICAN.—

"(1) DEFINITION OF DOMESTIC COMMODITY OR PRODUCT.—In this subsection, the term 'domestic commodity or product' means—

"(A) an agricultural commodity that is produced in the United States; and

"(B) a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

"(2) REQUIREMENT.—Subject to paragraph (3), the Secretary shall require that a school purchase, to the maximum extent practicable, domestic commodities or products.

"(3) LIMITATIONS.—Paragraph (2) shall apply only to—

"(A) a school located in the contiguous United States; and

"(B) a purchase of an agricultural commodity or product for the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).".

SEC. 112. PROCUREMENT CONTRACTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 111) is amended by adding at the end the following:

"(p) PROCUREMENT CONTRACTS.—In acquiring a good or service using funds provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State, State agency, or school may enter into a contract with a person that has provided assistance to the State, State agency, or school in drafting contract specifications.".

SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) Establishment of Site Limitation.—Section 13(a)(7)(B) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)) is amended by striking clause (i) and inserting the following:

"(i) operate—

"(I) not more than 25 sites, with not more than 300 children being served at any 1 site; or

"(II) with a waiver granted by the State agency under standards developed by the Secretary, with not more than 500 children being served at any 1 site;".

(b) Elimination of Indication of Interest Requirement, Removal of Meal Contracting Restrictions, and Vendor Registration Requirements.—Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a)(7)(B)—

(A) by striking clauses (ii) and (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (ii) through (v) respectively; and

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "(other than private nonprofit organizations eligible under subsection (a)(7))"; and

(II) by striking "only with food service management companies registered with the State in which they operate" and inserting "with food service management companies"; and

(ii) by striking the last sentence;

(B) in paragraph (2)—

(i) in the first sentence, by striking "shall" and inserting "may"; and

(ii) by striking the second and third sentences;

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) Reauthorization of Summer Food Service Program.—Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

SEC. 114. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1998" and inserting "2003".

SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.

(a) Afterschool Care.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended in the fourth sentence by striking "Reimbursement" and inserting "Except as provided in subsection (r), reimbursement".

(b) Revision to Licensing and Alternate Approval for Schools and Outside School Hours Child Care Centers.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended in the sixth sentence by striking paragraph (1) and inserting the following:

"(1) each institution (other than a school or family or group day care home sponsoring organization) and family or group day care home shall—

"(A)(i) have Federal, State, or local licensing or approval; or

"(ii) be complying with appropriate renewal procedures as prescribed by the Secretary and not be the subject of information possessed by the State indicating that the license of the institution or home will not be renewed;

"(B) in any case in which Federal, State, or local licensing or approval is not available—

"(i) receive funds under title XX of the Social Security Act (42 U.S.C. 1397 et seq.);

"(ii) meet any alternate approval standards established by a State or local government; or

"(iii) meet any alternate approval standards established by the Secretary, after consultation with the Secretary of Health and Human Services; or

"(C) in any case in which the institution provides care to school children outside school hours and Federal, State, or local licensing or approval is not required, meet State or local health and safety standards; and".

(c) Automatic Eligibility.—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) is amended by striking paragraph (6).

(d) Periodic Site Visits.—Section 17(d) of the National School Lunch Act (42 U.S.C. 1766(d)) is amended—

(1) in the second sentence of paragraph (1), by inserting after "if it" the following: "has been visited by a State agency prior to approval and it"; and

(2) in paragraph (2)(A)—

(A) by striking "that allows" and inserting "that—

"(i) allows";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) requires periodic site visits to private institutions that the State agency determines have a high probability of program abuse.".

(e) Tax Exempt Status and Removal of Notification Requirement for Incomplete Applications.—Section 17(d)(1) of the National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended—

(1) by inserting after the third sentence the following: "An institution moving toward compliance with the requirement for tax exempt status shall be allowed to participate in the child and adult care food program for a period of not more than 180 days, except that a State agency may grant a single extension of not to exceed an additional 90 days if the institution demonstrates, to the satisfaction of the State agency, that the inability of the institution to obtain tax exempt status within the 180-day period is due to circumstances beyond the control of the institution."; and

(2) by striking the last sentence.

(f) Demonstration Projects.—Section 17(p) of the National School Lunch Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (1), by striking "appropriated or otherwise made available for purposes of carrying out this section" and inserting "made available under paragraph (4)";

(2) by striking paragraphs (4) and (5); and

(3) by adding at the end the following:

"(4) Funding.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 1999 through 2003. The Secretary shall be entitled to receive the funds and shall accept the funds.".

(g) Management Support, Participation by At-Risk Child Care Programs, and WIC Outreach.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(q) Management Support.—

"(1) Technical and training assistance.—In addition to the training and technical assistance that is provided to State agencies under other provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the Secretary shall provide training and technical assistance in order to assist the State agencies in improving their program management and oversight under this section.

"(2) Funding.—For each of fiscal years 1999 through 2003, the Secretary shall reserve to carry out paragraph (1) $1,000,000 of the amounts made available to carry out this section.

"(r) Program for At-Risk School Children.—

"(1) Definition of at-risk school child.—In this subsection, the term 'at-risk school child' means a school child who—

"(A) is not more than 18 years of age; and

"(B) lives in a geographical area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2) Participation in child and adult care food program.—Subject to the other provisions of this subsection, an institution that provides supplements under a program organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year may participate in the program authorized under this section.

"(3) Administration.—Except as otherwise provided in this subsection, the other provisions of this section apply to an institution described in paragraph (2).

"(4) Supplement reimbursement.—

"(A) Limitations.—An institution may claim reimbursement under this subsection only for—

"(i) a supplement served under a program organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year; and

"(ii) 1 supplement per child per day.

"(B) Rate.—Supplements shall be reimbursed under this subsection at the rate established for free supplements under subsection (c)(3).

"(C) No charge.—A supplement claimed for reimbursement under this subsection shall be served without charge.

"(s) Information Concerning the Special Supplemental Nutrition Program for Women, Infants, and Children.—

"(1) In general.—The Secretary shall provide each State agency administering a child and adult care food program under this section with information concerning the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) Requirements for State agencies.—A State agency shall ensure that each participating family and group day care home and child care center (other than an institution providing care to school children outside school hours)—

"(A) receives materials that include—

"(i) a basic explanation of the importance and benefits of the special supplemental nutrition program for women, infants, and children;

"(ii) the maximum State income eligibility standards, according to family size, for the program; and

"(iii) information concerning how benefits under the program may be obtained;

"(B) is provided periodic updates of the information described in subparagraph (A); and

"(C) provides the information described in subparagraph (A) to parents of enrolled children at enrollment.".

SEC. 116. TRANSFER OF HOMELESS ASSISTANCE PROGRAMS TO CHILD AND ADULT CARE FOOD PROGRAM.

(a) Summer Food Service Program for Children.—Section 13(a)(3)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(3)(C)) is amended—

(1) in clause (i), by inserting "or" after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(b) Child and Adult Care Food Program.—Section 17 of the National School Lunch Act (as amended by section 115(g)) is amended—

(1) in the third sentence of subsection (a)—

(A) by striking "and public" and inserting "public"; and

(B) by inserting before the period at the following: ", and emergency shelters described in subsection (t)"; and

(2) by adding at the end the following:

"(t) PARTICIPATION BY EMERGENCY SHELTERS.—

"(1) DEFINITION OF EMERGENCY SHELTER.—In this subsection, the term 'emergency shelter' means a public or private nonprofit emergency shelter (as defined in section 321 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351)), or a site operated by the shelter, that provides food service to homeless children and their parents or guardians.

"(2) ADMINISTRATION.—Except as otherwise provided in this subsection, the other provisions of this section shall apply to an emergency shelter that is participating in the program authorized under this section.

"(3) INSTITUTION AND SITE LICENSING.—Subsection (a)(1) shall not apply to an emergency shelter.

"(4) HEALTH AND SAFETY STANDARDS.—To be eligible to participate in the program authorized under this section, an emergency shelter shall comply with applicable State and local health and safety standards.

"(5) MEAL OR SUPPLEMENT REIMBURSEMENT.—

"(A) LIMITATIONS.—An emergency shelter may claim reimbursement under this subsection only for—

"(i) a meal or supplement served to children who are not more than 12 years of age residing at the emergency shelter; and

"(ii) not more than 3 meals, or 2 meals and 1 supplement, per child per day.

"(B) RATE.—A meal or supplement shall be reimbursed under this subsection at the rate established for a free meal or supplement under subsection (c).

"(C) NO CHARGE.—A meal or supplement claimed for reimbursement under this subsection shall be served without charge.".

(c) HOMELESS CHILDREN NUTRITION PROGRAM.—Section 17B of the National School Lunch Act (42 U.S.C. 1766b) is repealed.

SEC. 117. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

(a) GENERAL AUTHORITY.—Section 17A(a) of the National School Lunch Act (42 U.S.C. 1766a(a)) is amended—

(1) in paragraph (1), by striking "supplements to" and inserting "supplements under a program organized primarily to provide care for"; and

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) operate afterschool programs with an educational or enrichment purpose.".

(b) ELIGIBLE CHILDREN.—Section 17A(b) of the National School Lunch Act (42 U.S.C. 1766a(b)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) in the case of children who live in a geographical area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), who are not more than 18 years of age.".

(c) REIMBURSEMENT.—Section 17A(c) of the National School Lunch Act (42 U.S.C. 1766a(c)) is amended—

(1) by striking "(c) REIMBURSEMENT.—For" and inserting the following:

"(c) REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for"; and

(2) by adding at the end the following:

"(2) LOW-INCOME AREAS.—A supplement provided under this section to a child described in subsection (b)(3) shall be—

"(A) reimbursed at the rate at which free supplements are reimbursed under section 17(c); and

"(B) served without charge.".

SEC. 118. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c)—

(A) in paragraphs (1) and (7)(A), by striking "1998" each place it appears and inserting "2003"; and

(B) in paragraph (7)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B); and

(2) by striking subsections (e), (g), (h), and (i).

SEC. 119. BREAKFAST PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by section 118(2)) is amended by inserting after subsection (d) the following:

"(e) BREAKFAST PILOT PROJECTS.—

"(1) IN GENERAL.—During each of the school years beginning July 1, 1999, July 1, 2000, and July 1, 2001, the Secretary shall make grants to State agencies to conduct pilot projects in elementary schools under the jurisdiction of not more than 6 school food authorities approved by the Secretary—

"(A) to reduce paperwork and simplify meal counting requirements; and

"(B) to evaluate the effect of providing free breakfasts to elementary school children, without regard to family income, on participation, academic achievement, attendance and tardiness, and dietary intake over the course of a day.

"(2) NOMINATIONS.—A State agency that desires to receive a grant under this subsection shall submit to the Secretary nominations of school food authorities to participate in a pilot project under this subsection.

"(3) APPROVAL.—The Secretary shall approve for participation in pilot projects under this subsection elementary schools under the jurisdiction of not more than 6 school food authorities selected so as to—

"(A) provide for an equitable distribution of pilot projects among urban and rural elementary schools;

"(B) provide for an equitable distribution of pilot projects among elementary schools of varying family income levels; and

"(C) permit the evaluation of pilot projects to distinguish the effects of the pilot projects from other factors, such as changes or differences in educational policies or program.

"(4) GRANTS TO SCHOOL FOOD AUTHORITIES.—A State receiving a grant under paragraph (1) shall make grants to school food authorities to conduct the pilot projects described in paragraph (1).

"(5) DURATION OF PILOT PROJECTS.—A school food authority receiving amounts under a grant to conduct a pilot project described in paragraph (1) shall conduct the project for the 3-year period beginning July 1, 1999.

"(6) WAIVER AUTHORITY.—The Secretary may waive the requirements of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and other requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

"(7) REQUIREMENTS FOR PARTICIPATION IN PILOT PROJECT.—To be eligible to participate in a pilot project under this subsection—

"(A) a State—

"(i) shall submit an application to the Secretary at such time and in such manner as the Secretary shall establish to meet criteria the Secretary has established to enable a valid evaluation to be conducted; and

"(ii) shall provide such information relating to the operation and results of the pilot project as the Secretary may reasonably require; and

"(B) a school food authority—

"(i) shall agree to serve all breakfasts at no charge to all children in participating elementary schools;

"(ii) shall not have a history of violations of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(iii) shall have, under the jurisdiction of the school food authority, a sufficient number of elementary schools that are not participating in the pilot projects to permit an evaluation of the effects of the pilot projects; and

"(iv) shall meet all other requirements that the Secretary may reasonably require.

"(8) REIMBURSEMENT RATES.—A school food authority conducting a pilot project under this subsection shall receive reimbursement for each breakfast served under the pilot project in an amount that is equal to—

"(A) in the case of a school food authority that is determined by the Secretary not to be in severe need, the rate for free breakfasts established under section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)); and

"(B) in the case of a school food authority that is determined by the Secretary to be in severe need, the rate for free breakfasts established under section 4(b)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(2)(B)).

"(9) EVALUATION OF PILOT PROJECTS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot projects conducted by the school food authorities selected for participation.

"(B) CONTENT.—The evaluation shall include—

"(i) a determination of the effect of participation in the pilot project on the academic achievement, attendance and tardiness, and dietary intake over the course of a day of participating children that is not attributable to changes in educational policies and practices; and

"(ii) a determination of the effect that participation by elementary schools in the pilot project has on the proportion of students who eat breakfast and on the paperwork required to be completed by the schools.

"(C) REPORT.—On completion of the pilot projects and the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the evaluation of the pilot projects required under subparagraph (A).

"(10) FEDERAL REIMBURSEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive a total Federal reimbursement under the school breakfast program in an amount that is equal to the total Federal reimbursement for the school for the prior year under the program (adjusted for inflation and fluctuations in enrollment).

"(B) EXCESS NEEDS.—Funds required for the pilot project in excess of the level of reimbursement received by the school for the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts provided under this subsection.

"(11) FUNDING.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary such sums as are necessary to carry out this subsection, but not more than $20,000,000. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) EVALUATION.—Of the amounts made available under subparagraph (A), not more than $12,000,000 shall be made available to carry out paragraph (9).".

SEC. 120. TRAINING AND TECHNICAL ASSISTANCE.

Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking "1998" and inserting "2003".

SEC. 121. FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(2)(A) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(2)(A)) is amended by striking "and $2,000,000 for fiscal year 1996 and each subsequent fiscal year," and inserting "$2,000,000 for each of fiscal years 1996 through 1998, and $3,000,000 for fiscal year 1999 and each subsequent fiscal year".

SEC. 122. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking "1996" and inserting "2003".

SEC. 123. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "and $100,000 for fiscal year 1998" and inserting "$100,000 for fiscal year 1998, and $166,000 for each of fiscal years 1999 through 2003".

SEC. 124. REFOCUSING OF EFFORT TO HELP ACCOMMODATE THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

Section 27 of the National School Lunch Act (42 U.S.C. 1769h) is amended to read as follows:

"SEC. 27. ACCOMMODATION OF SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

"(a) DEFINITIONS.—In this section:

"(1) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program authorized under this Act;

"(B) the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program authorized under this Act or the Child Nutrition Act of 1966 that the Secretary determines is appropriate.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food authority, institution, or service institution that participates in a covered program.

"(3) INDIVIDUALS WITH DISABILITIES.—The term 'individual with disabilities' has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) for purposes of title VII of that Act (29 U.S.C. 796 et seq.).

"(b) ACTIVITIES.—The Secretary may carry out activities to help accommodate the special dietary needs of individuals with disabilities who are participating in a covered program, including—

"(1) developing and disseminating to State agencies guidance and technical assistance materials;

"(2) conducting training of State agencies and eligible entities; and

"(3) issuing grants to State agencies and eligible entities.".

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. ELIMINATION OF ADMINISTRATION OF PROGRAMS BY REGIONAL OFFICES.

Section 5 of the Child Nutrition Act of 1966 (42 U.S.C. 1774) is amended to read as follows:

"SEC. 5. DISBURSEMENT TO SCHOOLS BY THE SECRETARY.

"(a) AUTHORITY TO ADMINISTER PROGRAMS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), during the period determined under subsection (c), the Secretary shall withhold funds payable to a State under this Act and disburse the funds directly to school food authorities, institutions, and service institutions within the State for the purposes authorized by this Act to the extent that the Secretary has so withheld and disbursed the funds continuously since October 1, 1980.

"(2) USE OF FUNDS.—Any funds withheld and disbursed by the Secretary under paragraph (1) shall be used for the same purposes and be subject to the same conditions as apply to disbursing funds made available to States under this Act.

"(3) STATE ADMINISTRATION.—If the Secretary is administering (in whole or in part) any program authorized under this Act in a State, the State may, on request to the Secretary, assume administrative responsibility for the program at any time during the period determined under subsection (c).

"(b) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—During the period determined under subsection (c), the Secretary shall provide a State that assumes administrative responsibility for a program from the Secretary with training and technical assistance to allow for an efficient and effective transfer of administrative responsibility.

"(c) PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply during the period beginning on October 1, 1998, and ending on September 30, 2001.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) that applies to a program administered by the Secretary for a State, for a period not to exceed 2 years, if the State—

"(A) demonstrates to the Secretary that the State will not be able to assume administrative responsibility for the program during the period described in paragraph (1); and

"(B) submits a plan to the Secretary that describes when and how the State will assume administrative responsibility for the program.".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) HOMELESS SHELTERS.—Section ·7(a)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)) is amended by striking subparagraph (B) and inserting the following:

"(B) REALLOCATION OF FUNDS.—

"(i) RETURN TO SECRETARY.—For each fiscal year, any amounts appropriated that are not obligated or expended during the fiscal year and are not carried over for the succeeding fiscal year under subparagraph (A) shall be returned to the Secretary.

"(ii) REALLOCATION BY SECRETARY.—The Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.".

(b) ELIMINATION OF TRANSFER LIMITATION.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by striking paragraph (6) and inserting the following:

"(6) USE OF ADMINISTRATIVE FUNDS.—Funds available to a State under this subsection and under section 13(k)(1) of the National School Lunch Act (42 U.S.C. 1761(k)(1)) may be used by the State for the costs of administration of the programs authorized under the National School Lunch Act (42 U.S.C. 1751 et seq.) or this Act (except for the programs authorized under sections 17 and 21 of this Act) without regard to the basis on which the funds were earned and allocated.".

(c) REAUTHORIZATION OF PROGRAM.—Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking "1998" and inserting "2003".

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) CERTIFICATION PERIOD FOR INFANTS.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

"(C) CERTIFICATION PERIOD FOR INFANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the procedures prescribed under subparagraph (A) shall include a requirement that a family that includes an infant shall not be certified to meet income eligibility criteria for the program for more than 180 days after the date of any certification.

"(ii) PRESUMPTIVELY ELIGIBLE FAMILIES.—Clause (i) shall not apply to a family with a member who is an individual described in clause (ii) or (iii) of paragraph (2)(A).".

(b) ADDITIONAL REQUIREMENTS FOR APPLICANTS.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) (as amended by subsection (a)) is amended by adding at the end the following:

"(D) PHYSICAL PRESENCE.—

"(i) IN GENERAL.—Except as provided in clause (ii), each applicant to the program shall be physically present at each certification determination to determine eligibility under the program.

"(ii) WAIVERS.—A local agency may waive the requirement of clause (i) with respect to an applicant if the agency determines that the requirement, as applied to the applicant, would—

"(I) conflict with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(II) present a barrier to participation of a child (including an infant) who—

"(aa) was present at the initial certification visit; and

"(bb) is receiving ongoing health care from a provider other than the local agency; or

"(III) present a barrier to participation of a child (including an infant) who—

"(aa) was present at the initial certification visit;

"(bb) was present at a certification determination within the 1-year period ending on the date of the certification determination described in clause (i); and

"(cc) has 1 or more parents who work.

"(E) INCOME DOCUMENTATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), to be eligible for the program, each applicant to the program shall provide—

"(I) documentation of household income; or

"(II) documentation of participation in a program described in clause (ii) or (iii) of paragraph (2)(A).

"(ii) WAIVERS.—A State agency may waive the requirement of clause (i) with respect to—

"(I) an applicant for whom the necessary documentation is not available; or

"(II) an applicant,,such as a homeless woman or child, for whom the agency determines the requirement of clause (i) would present a barrier to participation.

"(iii) REGULATIONS.—The Secretary shall prescribe regulations to carry out clause (ii)(I).

"(F) VERIFICATION.—The Secretary shall issue regulations under this paragraph prescribing when and how verification of income shall be required.".

(c) DISTRIBUTION OF NUTRITION EDUCATION MATERIALS.—Section 17(e)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(3)) is amended—

(1) by striking "(3) The" and inserting the following:

"(3) NUTRITION EDUCATION MATERIALS.—

"(A) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(B) SHARING OF MATERIALS WITH CSFP.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) at no cost to that program.".

(d) VARIETY OF FOODS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(1) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively; and

(2) by inserting after clause (i) the following:

"(ii) in the case of any State that provides for the purchase of foods under the program at retail grocery stores, a plan to limit participation by the stores to stores that offer a variety of foods, as determined by the Secretary;".

(e) USE OF CLAIMS FOR VENDORS AND PARTICIPANTS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by striking paragraph (21) and inserting the following:

"(21) USE OF CLAIMS FROM VENDORS AND PARTICIPANTS.—A State agency may use funds recovered from vendors and participants, as a result of a claim arising under the program, to carry out the program during—

"(A) the fiscal year in which the claim arises;

"(B) the fiscal year in which the funds are collected; or

"(C) the fiscal year following the fiscal year in which the funds are collected.".

(f) RECIPIENTS PARTICIPATING AT MORE THAN 1 SITE.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

"(23) RECIPIENTS PARTICIPATING AT MORE THAN 1 SITE.—Each State agency shall implement a system designed by the State agency to identify recipients who are participating at more than 1 site under the program.".

(g) HIGH RISK VENDORS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) (as amended by subsection (f)) is amended by adding at the end the following:

"(24) HIGH RISK VENDORS.—Each State agency shall—

"(A) identify vendors that have a high probability of program abuse; and

"(B) conduct compliance investigations of the vendors.".

(h) REAUTHORIZATION OF PROGRAM.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1) and (h)(2)(A) by striking "1998" each place it appears and inserting "2003".

(i) PURCHASE OF BREAST PUMPS.—Section 17(h)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(C)) is amended—

(1) by striking "(C) In" and inserting the following:

"(C) REMAINING AMOUNTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in"; and

(2) by adding at the end the following:

"(ii) BREAST PUMPS.—

"(I) IN GENERAL.—Beginning with fiscal year 2000, a State agency may use amounts made available under clause (i) for the purchase of breast pumps.

"(II) MAINTENANCE OF EFFORT.—From amounts allocated for nutrition services and administration to amounts allocated for supplemental foods, a State agency that exercises the authority of subclause (I) shall transfer an amount equal to the amount expended for the purchase of breast pumps, or transferred under this subclause, from amounts allocated for nutrition services and administration for the preceding fiscal year.".

(j) TECHNICAL AMENDMENT.—Section 17(h)(2)(A)(iv) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)(iv)) is amended by striking ", to the extent funds are not already provided under subparagraph (I)(v) for the same purpose,".

(k) LEVEL OF PER-PARTICIPANT EXPENDITURE FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(B)(ii)) is amended by striking "15 percent" and inserting "10 percent (except that the Secretary may establish a higher percentage for State agencies that are small)".

(l) TECHNICAL AMENDMENTS.—Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (E), by striking "(except as provided in subparagraph (G))"; and

(2) by striking subparagraphs (F) and (G).

(m) CONVERSION OF AMOUNTS FOR SUPPLEMENTAL FOODS TO AMOUNTS FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(5)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(5)(A)) is amended in the matter preceding clause (i) by striking "achieves" and all that follows through "such State agency may" and inserting "submits a plan to reduce average food costs per participant and to increase participation above the level estimated for the State agency, the State agency may, with the approval of the Secretary,".

(n) INFANT FORMULA PROCUREMENT.—

(1) COMPETITIVE BIDDING SYSTEM.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

"(iii) COMPETITIVE BIDDING SYSTEM.—A State agency using a competitive bidding system for infant formula shall award a contract to the bidder offering the lowest net price unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than 5 percent.".

(2) REVIEW AND APPROVAL OF SOLICITATIONS.—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

"(K) REVIEW AND APPROVAL OF SOLICITATIONS.—The Secretary shall—

"(i) prior to the issuance of an infant formula cost containment contract solicitation under this paragraph, review the solicitation to ensure that the solicitation does not contain any anticompetitive provisions; and

"(ii) approve the solicitation only if the solicitation does not contain any anticompetitive provisions.".

(o) INFRASTRUCTURE AND BREASTFEEDING SUPPORT AND PROMOTION.—Section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)) is amended by striking "1998" and inserting "2003".

(p) MANAGEMENT INFORMATION SYSTEM PLAN.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by adding at the end the following:

"(11) MANAGEMENT INFORMATION SYSTEM PLAN.—

"(A) IN GENERAL.—In consultation with State agencies, retailers, and other interested persons, the Secretary shall establish a long-range plan for the development and implementation of management information systems (including electronic benefit transfers) to be used in carrying out the program.

"(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on actions taken to carry out subparagraph (A).

"(C) INTERIM PERIOD.—Prior to the date of submission of the report of the Secretary required under subparagraph (B), the cost of systems or equipment that may be required to test management information systems (including electronic benefit transfers) for the program may not be imposed on a retail food store.".

(q) USE OF FUNDS IN PRECEDING AND SUBSEQUENT FISCAL YEARS.—

(1) IN GENERAL.—Section 17(i)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)) is amended—

(A) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)"; and

(B) by striking clauses (i) and (ii) and inserting the following:

"(i)(I) not more than 1 percent (except as provided in subparagraph (C)) of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods during the preceding fiscal year; and

"(II) not more than 1 percent of the amount of funds allocated to a State agency under this section for nutrition services and administration for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods and nutrition services and administration during the preceding fiscal year; and

"(ii)(I) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than 1 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency for allowable expenses incurred under this section for nutrition services and administration during the subsequent fiscal year; and

"(II) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than ½ of 1 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency, with the prior approval of the Secretary, for the development of a management information system, including an electronic benefit transfer system, during the subsequent fiscal year.".

(2) CONFORMING AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) in subsection (h)(10)(A), by inserting after "nutrition services and administration funds" the following: "and supplemental foods funds"; and

(B) in subsection (i)(3)—

(i) by striking subparagraphs (C) through (G); and

(ii) by redesignating subparagraph (H) as subparagraph (C).

(r) FARMERS MARKET NUTRITION PROGRAM.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in the first sentence of paragraph (3), by inserting "or from program income" before the period at the end;

(2) in paragraph (6)—

(A) in subparagraph (C)—

(i) by striking "serve additional recipients in";

(ii) by striking clause (ii) and inserting the following:

"(ii) documentation that demonstrates that—

"(I) there is a need for an increase in funds; and

"(II) the use of the increased funding will be consistent with serving nutritionally at-risk persons and expanding the awareness and use of farmers' markets;";

(iii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(iv) whether, in the case of a State that intends to use any funding provided under subparagraph (G)(i) to increase the value of the Federal share of the benefits received by a recipient, the funding provided under subparagraph (G)(i) will increase the rate of coupon redemption.";

(B) by striking subparagraph (F);

(C) in subparagraph (G)—

(i) in clause (i)—

(I) in the first sentence, by striking "that wish" and all follows through "to do so" and inserting "whose State plan"; and

(II) in the second sentence, by striking "for additional recipients"; and

(ii) in the second sentence of clause (ii), by striking "that desire to serve additional recipients, and"; and

(D) by redesignating subparagraph (G) as subparagraph (F); and

(3) in paragraph (9)(A), by striking "1998" and inserting "2003".

(s) DISQUALIFICATION OF CERTAIN VENDORS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

"(o) DISQUALIFICATION OF VENDORS CONVICTED OF TRAFFICKING OR ILLEGAL SALES.—

"(1) IN GENERAL.—Except as provided in paragraph (4), a State agency shall permanently disqualify from participation in the program authorized under this section a vendor convicted of—

"(A) trafficking in food instruments (including any voucher, draft, check, or access device (including an electronic benefit transfer card or personal identification number) issued in lieu of a food instrument under this section); or

"(B) selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for food instruments.

"(2) NOTICE OF DISQUALIFICATION.—The State agency shall—

"(A) provide the vendor with notification of the disqualification; and

"(B) make the disqualification effective on the date of receipt of the notice of disqualification.

"(3) PROHIBITION OF RECEIPT OF LOST REVENUES.—A vendor shall not be entitled to receive any compensation for revenues lost as a result of disqualification under this subsection.

"(4) EXCEPTIONS IN LIEU OF DISQUALIFICATION.—

"(A) IN GENERAL.—A State agency may permit a vendor that, but for this paragraph, would be disqualified under paragraph (1), to continue to redeem food instruments or otherwise provide supplemental foods to participants if the State agency determines, in its sole discretion according to criteria established by the Secretary, that—

"(i) disqualification of the vendor would cause hardship to participants in the program authorized under this section; or

"(ii)(I) the vendor had, at the time of the conviction under paragraph (1), an effective policy and program in effect to prevent violations of this section; and

"(II) the ownership of the vendor was not aware of, did not approve of, did not benefit from, and was not involved in the conduct of the violation.

"(B) CIVIL PENALTY.—If a State agency authorizes a vendor that, but for this paragraph, would be disqualified under paragraph (1) to redeem food instruments or provide supplemental foods under subparagraph (A), in lieu of disqualification, the State agency shall assess the vendor a civil penalty in an amount determined by the State agency, except that—

"(i) the amount of the civil penalty shall not exceed $20,000; and

"(ii) the amount of civil penalties imposed for violations investigated as part of a single investigation may not exceed $40,000.".

(2) REGULATIONS.—The amendment made by paragraph (1) shall take effect on the date on which the Secretary of Agriculture issues a final regulation that includes the criteria for—

(A) making hardship determinations; and

(B) determining the amount of a civil money penalty in lieu of disqualification.

(t) CRIMINAL FORFEITURE.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (as amended by subsection (s)(1)) is amended by adding at the end the following:

"(p) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—In addition to any other penalty or sentence, a court may order that a person forfeit to the United States all property described in paragraph (2), in imposing a sentence on a person convicted of a violation of this section (including a regulation) under—

"(A) section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)); or

"(B) any other Federal law imposing a penalty for embezzlement, willful misapplication, stealing, obtaining by fraud, or trafficking in food instruments, funds, assets, or property, that have a value of $100 or more.

"(2) PROPERTY SUBJECT TO FORFEITURE.—All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation (other than a misdemeanor) of any provision of this section (including a regulation), or proceeds traceable to a violation of any provision of this section (including a regulation), shall be subject to forfeiture to the United States under paragraph (1).

"(3) INTEREST OF OWNER.—No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

"(4) PROCEEDS.—The proceeds from any sale of forfeited property and any amounts forfeited under this subsection shall be used—

"(A) first, to reimburse the Department of Justice, the Department of the Treasury, and the United States Postal Service for the costs incurred by the Departments or Service to initiate and complete the forfeiture proceeding;

"(B) second, to reimburse the Office of Inspector General of the Department of Agriculture for any costs incurred by the Office in the law enforcement effort resulting in the forfeiture;

"(C) third, to reimburse any Federal, State, or local law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) fourth, by the State agency to carry out approval, reauthorization, and compliance investigations of vendors.".

(u) STUDY AND REPORT ON COST CONTAINMENT PRACTICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the effect of cost containment practices of States under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) for the selection of vendors and approved food items (other than infant formula) on—

(A) program participation;

(B) access and availability of prescribed foods;

(C) voucher redemption rates and actual food selections by participants;

(D) participants on special diets or with specific food allergies;

(E) participant consumption of, and satisfaction with, prescribed foods;

(F) achievement of positive health outcomes; and

(G) program costs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).

(v) STUDY AND REPORT ON WIC SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that assesses—

(A) the cost of delivering services under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), including the costs of implementing and administering cost containment efforts;

(B) the fixed and variable costs incurred by State and local governments for delivering the services;

(C) the quality of the services delivered, taking into account the effect of the services on the health of participants; and

(D) the costs incurred for personnel, automation, central support, and other activities to deliver the services and whether the costs meet Federal audit standards for allowable costs under the program.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).

SEC. 204. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) by striking the subsection heading and all that follows through paragraph (3)(A) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—

"(A) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1997 through 2003."; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAM REFORMS.

(a) COMMODITY SPECIFICATIONS.—Section 3(a) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking paragraph (2) and inserting the following:

"(2) APPLICABILITY.—Paragraph (1) shall apply to—

"(A) the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note);

"(B) the food distribution program on Indian reservations authorized under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

"(C) the school lunch program authorized under the National School Lunch Act (42 U.S.C. 1751 et seq.).".

(b) CUSTOMER ACCEPTABILITY INFORMATION.—Section 3(f) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking paragraph (2) and inserting the following:

"(2) CUSTOMER ACCEPTABILITY INFORMATION.—

"(A) IN GENERAL.—The Secretary shall ensure that information with respect to the types and forms of commodities that are most useful is collected from recipient agencies participating in programs described in subsection (a)(2).

"(B) FREQUENCY.—The information shall be collected at least once every 2 years.

"(C) ADDITIONAL SUBMISSIONS.—The Secretary—

"(i) may require submission of information described in subparagraph (A) from recipient agencies participating in other domestic food assistance programs administered by the Secretary; and

"(ii) shall provide the recipient agencies a means for voluntarily submitting customer acceptability information.".

SEC. 302. FOOD DISTRIBUTION.

(a) In General.—Sections 8 through 12 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) are amended to read as follows:

"SEC. 8. AUTHORITY TO TRANSFER COMMODITIES BETWEEN PROGRAMS.

"(a) Transfer.—Subject to subsection (b), the Secretary may transfer any commodities purchased for a domestic food assistance program administered by the Secretary to any other domestic food assistance program administered by the Secretary if the transfer is necessary to ensure that the commodities will be used while the commodities are still suitable for human consumption.

"(b) Reimbursement.—The Secretary shall, to the maximum extent practicable, provide reimbursement for the value of the commodities transferred under subsection (a) from accounts available for the purchase of commodities under the program receiving the commodities.

"(c) Crediting.—Any reimbursement made under subsection (b) shall—

"(1) be credited to the accounts that incurred the costs when the transferred commodities were originally purchased; and

"(2) be available for the purchase of commodities with the same limitations as are provided for appropriated funds for the reimbursed accounts for the fiscal year in which the transfer takes place.

"SEC. 9. AUTHORITY TO RESOLVE CLAIMS.

"(a) In General.—The Secretary may determine the amount of, settle, and adjust all or part of a claim arising under a domestic food assistance program administered by the Secretary.

"(b) Waivers.—The Secretary may waive a claim described in subsection (a) if the Secretary determines that a waiver would serve the purposes of the program.

"(c) Authority of the Attorney General.—Nothing in this section diminishes the authority of the Attorney General under section 516 of title 28, United States Code, or any other provision of law, to supervise and conduct litigation on behalf of the United States.

"SEC. 10. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY HAZARD.

"(a) In General.—The Secretary may use funds available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), that are not otherwise committed, for the purpose of reimbursing States for State and local costs associated with the removal of commodities distributed under any domestic food assistance program administered by the Secretary if the Secretary determines that the commodities pose a health or safety hazard.

"(b) Allowable Costs.—The costs—

"(1) may include costs for storage, transportation, processing, and destruction of the hazardous commodities; and

"(2) shall be subject to the approval of the Secretary.

"(c) Replacement Commodities.—

"(1) In general.—The Secretary may use funds described in subsection (a) for the purpose of purchasing additional commodities if the purchase will expedite replacement of the hazardous commodities.

"(2) Recovery.—Use of funds under paragraph (1) shall not restrict the Secretary from recovering funds or services from a supplier or other entity regarding the hazardous commodities.

"(d) Crediting of Recovered Funds.—Funds recovered from a supplier or other entity regarding the hazardous commodities shall—

"(1) be credited to the account available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), to the extent the funds represent expenditures from that account under subsections (a) and (c); and

"(2) remain available to carry out the purposes of section 32 of that Act until expended.

"SEC. 11. AUTHORITY TO ACCEPT COMMODITIES DONATED BY FEDERAL SOURCES.

"(a) In General.—The Secretary may accept donations of commodities from any Federal agency, including commodities of another Federal agency determined to be excess personal property pursuant to section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)).

"(b) Use.—The Secretary may donate the commodities received under subsection (a) to States for distribution through any domestic food assistance program administered by the Secretary.

"(c) Payment.—Notwithstanding section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)), the Secretary shall not be required to make any payment in connection with the commodities received under subsection (a).".

(b) Effect on Prior Amendments.—The amendment made by subsection (a) does not affect the amendments made by sections 8 through 12 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note), as in effect on September 30, 1998.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on October 1, 1998.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. LUGAR, Mr. COCHRAN, Mr. MCCONNELL, Mr. HARKIN and Mr. LEAHY conferees on the part of the Senate.

ORDERS FOR FRIDAY, SEPTEMBER 18, 1998

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m., Friday, September 18. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, and the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Members, the Senate will convene tomorrow morning at 8:30 a.m. and begin 1 hour of debate on the veto message to accompany the partial-birth abortion ban legislation. Upon the conclusion of debate time the Senate will vote on the question of passing the bill, "the objections of the President to the contrary notwithstanding." Following that vote, the Senate may turn to the consideration of any legislative or executive items cleared for action. As a reminder to all Members, a vote has been scheduled to occur at 2:20 p.m. Tuesday, September 22 in relation to the KENNEDY minimum wage amendment.

ORDER FOR ADJOURNMENT

Mr. SANTORUM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from Pennsylvania or any person he should yield to.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Mr. President.

PARTIAL-BIRTH ABORTION

Mr. SANTORUM. If I can, let us return to the issue that we have spent a great deal of the day debating. I know the hour is late. Let me thank the staff who are here, the pages, and others. The pages are actually very happy I am up here talking, because if I talk for a little while longer they will not have school in the morning. So that will be a good thing for them—as I see the smiles down there and the encouragement to wind it up and get going.

I thank the Senator from Arkansas for his indulgence in presiding during these remarks. But as I mentioned today, I think this is one of the most important issues we can face here in the U.S. Senate. As the Senator from Ohio eloquently said, it begins the process of defining who we are as a country and what will become of us as a civilization if we do not begin to draw lines where lines need to be drawn.

I just find it remarkable that we seem to create these fictions when it comes to life. When it comes to the life of little children, we create this fiction in our mind. And it was a fiction that was created back when Roe v. Wade was decided that these were not really babies.

We did not have good ultrasounds then and the kind of technology where we could really see how developed these little babies were in the womb. They were just sort of passed off as these sort of blobs. Yet, we now know, through the miracle of ultrasound, and other techniques, that these are precious little developing babies.

It is very difficult as a father who has seen those ultrasounds of our children to dismiss the humanity, that my wife Karen was carrying a blob of tissue or something that was prehuman. But we tell these lies to ourselves in order that we can go on and in order that we can sort of live with our own internal inconsistencies.

One lie you cannot tell, one lie that is inescapable—inescapably alive—is the lie of partial-birth abortion being something that is medically necessary or that simply this baby is just sort of this blob of tissue. This baby is outside of the mother. Its arms, its legs, its torso, outside of the mother—just inches away from being born.

One of the things I often marvel at—and I just do not understand—is why wouldn't you, if you have gone through the process, as I described earlier today, of dilating the cervex over 3 days, reaching in with forceps and pulling the baby out in a breached position, which is dangerous, again, for the baby and mother, and you deliver that entire baby, why wouldn't you just let the rest of the baby come out?

Why is it necessary to protect the health of the mother at that point in time—now that you have gone through all this other procedure—at that very crucial moment when the doctor takes those scissors and begins the process of killing that baby? Why at that moment is the mother's health in less danger if you kill that baby than if you just gave that little, helpless, defenseless and, yes, even at times imperfect life the opportunity for life?

Why does that so endanger the mother to do that? Why is it necessary to thrust these Metzenbaum scissors into the base of the baby's skull? Why is it necessary to suction the baby's brains out?

So many doctors have described to me in testimony—and today at a press conference—the complications resulting from this blind procedure where the physician has to feel for the base of the neck and could slip and miss. As the Senator from Tennessee testified today, there are large vessels, blood vessels within a centimeter from the point where this procedure is done that a minor miss could lacerate and cause hemorrhaging and severe complications, or by thrusting the scissors in the back of the neck, through a bony part of the brain, you could only imagine what would happen to the skull of that baby and what damage that skull could do to the mother.

How can we—how can we—continue to contend or pretend that this is healthy for the mother to end this baby's life when it is this close and a delivery could be performed? Let's get away from that charade because it is a charade. It is not about the health of the mother; it is about killing a baby. It is about making sure, beyond any certainty, beyond any doubt, that the result of this abortion you are going to have is a dead baby.

That is what this is about. This is about a lethal form of abortion, not a healthy form for the mother—far from it. Even folks who disagree with this legislation will tell you that this very well may not be the safest form. In fact, that organization has not done any studies to prove it is safe, that is, the American College of Obstetrics and Gynecologists. They have done no studies to prove that this procedure is safe, that this procedure is preferable.

They say—they say—and I will quote them—they say:

> [We] could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman.

That is an admission by the organization that all those in opposition to this bill use as their medical shield. Listen to what they say. They never read this part of the letter. They only read the second part, which I will read to fully disclose. I will read it again, an ACOG policy statement emanating from the review declared that:

> A select panel [the panel they selected to review this] could identify no circumstances under which this procedure [partial-birth abortion], would be the only option to save the life or preserve the health of the woman.

They went on to say that a partial-birth abortion:

> . . . however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.

They say that:

> . . . only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision.

That is what you hear from the other side. What you do not hear from the other side is that this report lists no circumstances to support that claim. They can give, and in fact have given—this was written well over a year ago—they have given no medical situation, no scenario, no hypothetical where what they say may happen would, in fact, happen, which is that a partial-birth abortion would be preferable to some other procedure. They just think it might.

Now, I might be wrong, but there are probably very few things that are happening in obstetrics today that haven't happened for the past several years. There are not a lot of new things coming up. There are problems that come up routinely. There may be some strange problems; they are probably not new.

To make this kind of statement and support it with no evidence is irresponsible. To use this organization and this statement as a shield when they cannot provide one single example where this procedure would be preferable, again, just builds up the record that I have laid out. This entire debate is based upon a series of misleading statements to try to divert attention away from the horrible, barbaric reality and the fact that this is not a medically necessary procedure.

I want to get back for 1 minute to the issue of life of the mother which I addressed a few minutes ago. I said I would read the piece of legislation itself to put to bed, if you will, any concern by anyone who might be listening that there isn't a legitimate life-of-the-mother exception. I noted the American Medical Association's letter of endorsement of this bill. They believe there is a legitimate exception if the life of the mother is in danger.

Let me read the actual legislation, the paragraph on prohibition of partial-birth abortion:

> . . . shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

Now, I cannot imagine a life-of-the-mother situation this does not cover. In fact, I don't recall any example from the other side of a life-of-the-mother situation that this does not cover. They just say it is different from other life-of-the-mother exceptions that we put forward. But they don't say where the "hole" is in the exception.

I think it is very clear and very certain that there is an adequate protection in that case.

I will say that I cannot imagine—and I have talked to many physicians on this point—I cannot imagine a woman coming into an emergency room where her life is in danger, whether she is hemorrhaging or has preeclampsia—I can't imagine a doctor, being presented with this emergency case where they must act within a short period of time, saying, "We are going to dilate your cervix over a 3-day period of time and we will perform this procedure." That just wouldn't happen. It is almost absurd to suggest that this would actually be used in a situation where the life of the mother was threatened.

Yes, there is a life-of-the-mother exception, but there is absolutely no circumstance I could conceive of—and I don't recall any information from any of the medical experts by the other side coming out and saying medical experts believe that there is a case where the life of the mother is in danger in an emergency situation where they may use this. I don't think they even made claims of the woman presenting herself to a hospital or a clinic, where her life is in danger, that any practitioner would use a 3-day procedure.

While there is a life-of-the-mother exception in there, and I think it is a solid one, it is certainly not one that I believe will ever be used, because this procedure certainly doesn't comport with a life-threatening situation because of the time it takes.

Since I have the AMA letter here, I want to read it. I think it is important for the RECORD to reflect the support of the American Medical Association, "physicians dedicated to the health of America." That is their saying under their logo.

They say:

> Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned. Finally, the bill would give any accused physician the right to have his

> or her conduct reviewed by the State medical board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.
>
> The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.
>
> Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Not good medicine.

With respect to the points they make, many of the courts—while some have validated the statutes, some of the courts have been concerned about vagueness, of what procedure we are actually defining.

We worked with the American Medical Association to come up with a new definition, a tighter definition that put the physician, as they say, on notice as to the exact nature of the prohibited conduct, which I think is important to meet constitutional scrutiny.

Second, we provide an opportunity for the procedure and the conduct of the physician to be reviewed by the State medical board to see whether, in fact, it was necessary under some circumstance, which was an important peer review element that we think is a safeguard, if you will, for the physician.

A couple of other points that I want to make before I go back to talking about what I was talking about when we had to conclude debate earlier today.

This is a picture of a young man by the name of Tony Melendez. That is Tony. Tony Melendez will be here in Washington tomorrow up in the Senate gallery watching the vote on partial-birth abortion, because Tony's disability, Tony's handicap, is one of the disabilities that has been mentioned here on the floor as a good reason to perform a partial-birth abortion.

Senators come up and say there are children who will be so grossly deformed. They may be blind—I am not making this up; this is what was said—blind, or without arms or without legs, and they went on with other deformities. Well, Tony Melendez is a thalidomide baby. Tony Melendez doesn't have any arms. Tony Melendez was born in Rivas, Nicaragua. His father was a graduate of the International Academy of Agriculture in this town and had a good job in the sugar refinery.

Sara, his mother, was an elementary school teacher. They had their first child, named Jose. In the summer of 1961, she had a second pregnancy. She was given thalidomide to treat her morning sicknesses because it was hailed as a safer alternative to other sedatives to deal with morning sickness. On January 9, 1962, Sara gave birth to Tony. He had no arms, 11 toes, and a severe club foot that would require surgical repair if he were ever to have a chance to walk. He was typical of babies who were exposed to thalidomide at the early stages of pregnancy.

Well, his family was very concerned about showing the baby to the mother because of the fear of her reaction. When they did give little Tony to his mother, she embraced her child with the confidence that he would live a full and meaningful life, regardless of his flaws. Still there was question of how he could live a normal life with no arms. Young Tony answered the question one day when he was in his crib. His mother had put away the toys that he had been given as gifts because she assumed he would be unable to enjoy them. However, Tony showed he could play just like any other child when a red balloon landed in his crib. He began bouncing it up and down with his feet, laughing and giggling. She placed the toys in the crib and vowed that day that she would never assume Tony could not do anything because of his disability. She would let him try.

Tony needed corrective surgery for his club foot. Since Nicaragua did not have adequate facilities, or the level of care he needed, they went to Los Angeles. Due to the nature and length of time involved in Tony's corrective surgery, the family decided to stay in the United States and become citizens. Tony spent most of his childhood in Southeastern California.

Tony enjoyed sports, particularly volley ball—volley ball?—where he would hit the ball with his head back over the net. And, of course, he liked soccer. As a sixth grader, Tony wanted to play a game that the neighbor kids were playing, in which his brother Jose excelled—basketball. He tried, with great difficulty, with his feet to do what his peers did so easily with their hands. After being told by his brother that he could not do it, he was determined to do it, and despite blistering and even bleeding toes, one day he eventually succeeded. The one thing Tony hated more than anything else was growing up and not being treated as an equal. When once asked whether he preferred to be called handicapped or disabled, Tony responded that he would like to be called "human."

At the age of 14, in high school, he demanded to be transferred out of a handicapped class to the regular classroom with students. He was allowed to go to a normal gym class. In his first gym class, he was watched intensely by the others when class started. Jumping jacks? How would a kid with no arms do jumping jacks? The other kids tried to determine that, and they watched and tried to be subtle in looking. And Tony jumped and shouted and counted in unison with the others. The rest of the class accepted him readily.

In his teenage years, Tony showed a talent for music. He learned to play the guitar with his feet. At first, he played at various events, such as weddings, funerals, and special events at his church. Eventually, he turned his guitar talent into a full-time vocation. Here is a picture of Tony Melendez today. In connection with his church, he would also talk to groups of kids about his story and how one can overcome difficulty. Tony's life was such an inspirational story, and he was selected to be a "gift" to the Pope by a Catholic youth group during a papal visit to California in 1987. Tony gave a performance to a live audience of 6,000 at the Universal Amphitheater in Hollywood. He performed at World Youth Day in 1991 and World Youth Day in Denver 1993. He also has appeared on numerous television shows and performed at major sporting events, recently singing the National Anthem at Yankee Stadium, I believe. Tony now resides in Dallas, Texas.

Why do I talk about Tony Melendez? Today on the floor of the Senate, the Senator from California referred to some people up in the galleries as women who needed to have partial-birth abortions, and that they would be here tomorrow standing in the Halls staring at Senators as they walked in here to make sure they knew—that we knew they were there to keep this procedure legal. Tony Melendez, and so many like Tony who are not perfect in the eyes of our society—but, of course, are perfect in the eyes of God—will be there also to represent the millions of little babies who could not be there themselves, to remind every Member that walks on this floor that there is a severe cost, a human cost to what we will be voting on tomorrow. And the ones who have the arrow or the bull's-eye on their back, who are the target of partial-birth abortion—at least if you believe the arguments on the other side—are people like Tony Melendez who, because they are not perfect, don't deserve to live.

I have always found it ironic, and I will never forget the last time we brought this bill up on the floor of the Senate. I remember standing here waiting for the debate to begin and working on some remarks, and the debate that was going on around us. The vote that was finally taken was on a bill to provide individuals with disabilities the right to an education in a classroom. I will never forget the Members, many of which oppose banning partial-birth abortions; I will never forget those Members coming to the floor and standing up with passion, which I respect, admire, and support, about how children with disabilities should have the right to live a fulfilling, complete life, and should be given rights to education. Or as they did under the Americans With Disability Act, where they should have the right to public transportation, the right to have access to buildings, to cut the curbs at the corners so they can have access to sidewalks—rights, rights, rights—with the passion that was the hallmark of liberalism in this country—until this issue, because with the very next vote they cast they made this statement: If you can survive the womb, we will defend your rights. But we will not defend your right to be born in the first place. In fact, you are the very reason this procedure needs to continue, because we don't want you. You are not what we are looking for in people.

What a loss this country would have without Tony Melendez. But had partial-birth abortions been around when Tony was in his mother's womb, many on this floor would stand up and argue that he is just the kind of baby that we need to get rid of with this procedure. The Bible says, and Abraham Lincoln quoted, "A house divided against itself cannot stand." You cannot stand up and passionately argue for the rights of the disabled, and with the same breath not give them the right to exist in the first place. It doesn't make sense. It isn't logical or rational. Oh, it may be political; it may make sense because little babies in the womb don't vote, but it makes no logical sense, and it makes no moral sense to draw that line where it doesn't exist.

The Senator from Illinois said today that we should not have this debate with anecdotes. Yet, this debate has been all anecdotes on the other side because the facts are not in their favor. So I thought it was important to present some anecdotes on the other side, to lay out what we are missing. Tony's is a happy story, but earlier today I talked about some stories that were not so happy. The endings were so fairy tale-like.

Let me talk about another one of those stories—a little girl named Mary Bernadette French. In 1993, Jeannie French was overjoyed to learn she was pregnant with twins. Four months into her pregnancy, tragedy struck and Jeannie learned her daughter Mary was not developing normally.

Specialists identified an opening at the base of the baby's neck. Mary was diagnosed with occipital encephalocele, a condition in which the majority of the brain develops outside the skull. Prospects for a normal life for the child were very dim. Jeannie's doctors advised her to abort Mary due to the severity of the disability and in order to reduce the complications of the twin birth.

What a horrible thing she must have had to deal with—two lives within her, one, according to the doctor, potentially threatening the other. Because Mary could not have survived normal labor, Jeannie and her husband opted for a cesarean section. In December of 1993, Mary was born 1 minute after her twin brother, Will. Hospital staff promptly moved Will to the nursery. Mary stayed with her parents, was welcomed into the world by her parents, grandparents, and close friends of the family. Mary was held, loved, and serenaded for 6 hours. She quietly passed away that afternoon.

That is little Mary in the arms, I believe, of her grandmother.

In memory of her daughter, Jeannie French testified in favor of the ban on partial-birth abortions before the Senate Judiciary Committee. She explained that Mary's life was short but meaningful. She entreated the committee: "Some children by nature cannot live. If we are to call ourselves a civilized culture, we must allow that their death be natural, peaceful, and painless. And if other pre-born children face a life of disability, let us welcome them into society with our arms open in love."

For the RECORD, Jeannie French requested meetings with the President, pleading with him on more than one occasion to listen to a fellow Democrat, she said, who is on the other side of the debate. She explained in the letter:

> We simply want the truth to be heard regarding the risks of carrying disabled children to term. You say that partial-birth abortion has to be legal, for cases like ours, because women's bodies would be "ripped to shreds" by carrying their very sick children to term. By your repeated statements, you imply that partial-birth abortion is the only or most desirable response to children suffering severe disabilities like our children.

What she showed is that instead of giving her child a death sentence, she found it within herself to love that child. She found it within herself to name that child, to welcome that child into the family, to commit to that child as a child who will always be part of the family, who will always be in her memory and in the memory of her twin brother—not a bag of tissue discarded and executed, ignored, and put behind them, but loved, accepted, welcomed, and committed to memory; with pain, yes, but with the knowledge that in the 6 hours that little Mary Bernadette French lived, she knew love. She was loved by her mother and father. What greater gift can a parent give? What a life, as short as it was, to know only love and her parents.

Jeannie continues her efforts today to educate the public about partial-birth abortion. She also works to ensure that people know that the lives of disabled children, while short, are sometimes painful and not in vain because they teach us so much about us.

Finally, a case—I hate to say "case"; a little girl—a little girl who I talked about a lot last year, a little girl by the name of Donna Joy Watts who, with Tony Melendez tomorrow, will be here as another example—in this case, a real life example—of how a mother, who was not only asked and encouraged but almost forced to abort her child, could not find a hospital to deliver her child.

The Watts family, Donny and Lori Watts, had to go to three hospitals in Maryland to find a hospital that would deliver their child. We hear so much talk on the floor about, "We need to make sure that women have access to abortion." What we are finding out and what I have found out through this debate is that we actually need to make sure that women who want to deliver their baby have access to a hospital to deliver their baby and have access to care once that baby is delivered.

The Wattses ended up at a hospital in Baltimore. Their daughter was diagnosed with multiple problems. Hydrocephalus was the principal one. Again, hydrocephalus is water on the brain. She had so much cerebral fluid that it impeded the normal development of the brain. In her case, they believed that she had little to no brain. But the Watts family said they were going to move forward, that they were going to accept and love their child, and they wanted to deliver their child and give it every opportunity for life.

At every step of the process, even the last step, the OB/GYNs recommended abortion, because not only did she have hydrocephalus but part of her brain was developing outside of her skull, and that this baby had no chance of survival.

She was born on November 26, 1991, through cesarean section. Again, an option available for hydrocephalus, because the baby's head is too big to go through the birth canal, is to do a cesarean section. There are other methods: Draining the fluid from the head and then delivering through the vagina. In this case, they chose cesarean section.

She was born with very serious health problems. The most remarkable thing after the birth was that the hospital staff made no attempt to feed her in the traditional sense. The doctors at the University of Maryland where she was delivered believed that Donna Joy's deformities would prevent her from suckling, eating, or swallowing. Because a neural tube defect made her feeding difficult, Donna received only IV fluids for the first days of her life. But Lori refused to give up. Initially, she fed breast milk to Donna Joy with a sterilized eye dropper to provide sustenance, because they wouldn't feed her. Then, at 2 weeks of age, the shunt that was placed in Donna Joy's head—by the way, the shunt. It took 3 days for Lori and Donny to convince the doctors to do an operation on her brain to relieve the pressure from the fluid. The doctors thought she was just going to die, so they didn't want to treat her. But finally after 3 days of pounding away at the doctors they did the procedure. Two weeks later, the shunt, which allows the fluid to drain from the brain, failed, and she was readmitted to the hospital for corrective surgery.

When the tray of food was delivered to their hospital room by mistake, Lori had a brainstorm. She mashed the contents together, created her own food for the newborn with rice, bananas and baby formula, and she fed the mixture to the baby one drop at a time with a feeding syringe. Unfortunately, Donna Joy's fight for life became even more complicated.

After 2 months, she underwent an operation to correct occipital—I won't get into the terms but another problem. After 4 months, a CT scan revealed that she also suffered from another condition which results from an incomplete cleavage of the brain. She also suffered from epilepsy, sleep disorder, and continued digestive complications. In fact, the baby's neurologist said, "We may have to consider placement of a gastronomy tube in order to maintain her nutrition and physical growth."

She still had hydrocephaly, or water on the brain, and she couldn't hold her head up because it was so heavy. She suffered from apnea—in other words, a condition where breathing spontaneously stops. She had several brushes with death. She had undergone eight brain operations.

Finally, through all of that trauma and all of the problems, she survived and she will be here tomorrow. Donna Joy continues to be, at 6 years of age, an inspiration. She continues to battle holoprosencephaly, hydrocephalus, cerebral palsy, epilepsy, tunnel vision, and Arnold-Chiari Type II malformation that prevents formation of her medulla oblongata.

Despite these hardships, having only a small fraction of her brain, she runs, walks, plays, has a healthy appetite and even likes Big Mac's, and she is taking karate lessons now. She has earned her white belt and performed in karate demonstrations.

Before Donna Joy moved to Pennsylvania, Greencastle, PA, Franklin County, Maryland Governor Parris Glendening honored her with a certificate of courage commemorating her fifth birthday. Mayor Steve Sager, of Hagerstown, MD, proclaimed her birthday Donna Joy Watts Day. Members of the Scott Bakula Fan Club, who is someone who helped Donna Joy get through some very difficult times with his songs, have sent donations and Christmas presents to the Watts family. People from around the world have learned about Donna Joy on the Internet and write, e-mail her, and send her gifts. But perhaps the most important thing was because of Donna Joy's determination, it inspired a Denver couple to fight for their little boy under similar circumstances.

This is Donna Joy's story, this little girl who was considered by the medical world as somebody who was not worthy to live, someone on repeated occasions who would have been aborted using partial-birth abortion, who I have had the time to spend time with, and my children have, too. She is not a burden, although I understand from Lori she can be a handful like any other 6-year old. She is not a heartache or a sorrow, as some would describe children with disabilities who need to be aborted. She is a beautiful, marvelous, wonderfully made gift from God, who has inspired so many to understand just that fact. She will be here tomorrow, possibly standing next to the women who want to keep this procedure legal, so we can kill people like Donna Joy Watts in a brutal fashion, in an inhumane fashion, in a painful fashion, in a fashion, as I quoted today from the AMA Journal, that would violate Federal regulations on the treatment of animals used in research. We could not do to animals used in research legally in this country, we could not do what we do every day in this country to little babies because they are not wanted, in some cases not wanted because of their deformity but in the vast majority of cases they are just simply not wanted. What a high price to pay for one person not wanting you to be around, the ultimate price to pay.

Tomorrow, we are going to have the opportunity to show the world the direction the United States of America is taking. We are involved right now in a moral crisis in this country, on the front page of the paper every day. It is no wonder that we are in a moral crisis.

Back in 1972, 1973, when Roe v. Wade was decided, many people said that this was going to be a breakthrough for women and for children, that all these wonderful things would happen to our society as a result, to children and to women, as a result of the legalization of abortion. We would eliminate unwanted pregnancies, and the result of that would be less child abuse because we wouldn't have all these children nobody wanted, illegitimacy would go down, child poverty would go down because we wouldn't have all of these poor kids around that we don't want. Spousal abuse would go down, divorce would go down, less complications in marriages and relationships.

It is a cruel joke. It almost seems laughable to think back 25 years and look at what has happened on every single count. All of the culture indicators that I mentioned go down worse and worse and worse. Those who feared Roe v. Wade back in 1973 were very much on target. The fear was that we would lose respect for life and that we would become so insensitive to life that abortion would be just the beginning of the end of our selectivity of who we include in our society.

And so it has gone, to the point where now we can't even save a little baby almost born. I wish that were the worst. We now have State-assisted suicide laws. We now have debates, active debates on euthanasia. We even have an article from a professor at MIT who argues, or at least makes the case for infanticide—not infanticide on partial-birth abortion but actual infanticide. And then we have the cases of prom mom and the Delaware couple and so many others where we hear around the country of babies being born and then murdered shortly after birth. The initial reaction, while horror, at the same time is sympathy—sympathy for this difficult situation in which these children or kids were put.

We somehow see little children, little babies, different than older children. Older children—if you have killed your older children, that is really bad. We have no sympathy for you. But somehow, if you killed a baby just born we try to figure out a way to get around it. We try to figure out a way that that does not quite meet the threshold of murder. If you look at the punishments meted out—substantially lower. They are substantially lower than other murder cases. We just do not value those little babies as much.

Why? Why? Is it any mystery why? If we start, as we have, down the path of not valuing those little babies because we do not value them in the womb, or four-fifths outside the womb, or just newly outside the womb, who is next? Look around. Who is going to be next? Who is going to be the next group of people who we are not going to value, who does not have the might to force down what they believe is right? I made it. I am here in this body. I am whole. I am healthy. If you have not made it yet, watch it, because it then depends on whether you are on the committee that decides, or you are on the court that decides who lives and who dies. Because there is no line anymore. There is no truth on which we are basing this. There is no "life or nonlife." There is might. There is political power and that is what determines who lives and dies, who is valuable and who is not.

Tomorrow, 34 Senators can exercise their might on who lives and dies. They can decide for a country that a group of people, a group of little helpless babies, do not belong.

I am hopeful that when tomorrow comes, after much prayer tonight by so many people all over the country, and the world, that three more Members will open their eyes when they wake up in the morning and realize that but for the grace of God, there go I, and that we have to open our hearts more and include the least among us, the little children.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 8:30 a.m., Friday, September 18, 1998.

Thereupon, the Senate, at 10:21 p.m., adjourned until Friday, September 18, 1998, at 8:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 17, 1998*

The House met at 10 a.m.

The Reverend Thomas Pappalas, Sts. Constantine & Helen Greek Orthodox Church, Reading, Pennsylvania, offered the following prayer:

Let us pray. Almighty God and Creator, guide, I pray, all the nations and their leaders in the ways of justice and peace. Protect us all from the evils of injustice, prejudice, hatred, terrorism, conflict and war. Father, bless this Nation and this Nation's people and unite us in the making and sharing of weapons of peace, helping us to combat ignorance, poverty, disease and oppression. Bless our President, William Jefferson Clinton, our national leaders, and most especially the men and women gathered this day. Heavenly Father, guide them and fill them with Your Holy Spirit. Help them to be wise, just and compassionate in the fulfilling of their responsibilities. And, Lord, bless us all, forgive us our sins, and have mercy on our souls. Dear Lord, we give thanks and glory to You, forever and ever, to the ages of ages. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING FATHER TOM PAPPALAS

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I would like to thank you and Reverend Ford for allowing my constituent, Father Tom Pappalas, the pastor of Sts. Constantine & Helen Greek Orthodox Church in Reading, Pennsylvania, to offer the opening prayer this morning.

My predecessor, who served in this body with honor and distinction for 24 years, Gus Yatron, is one of Father Tom's parishioners.

Father Tom is truly a spiritual leader in Berks County. He has twice served as president of the Berks County Clergy Association. Father Tom was born in Chicago, Illinois and served in the United States Navy from 1969 to 1971. He graduated from Hellenic College in 1978 and Holy Cross School of Theology in 1981. He and his wife Ann are the proud parents of three children, and I thank Father Tom for his spiritual guidance this morning.

REMEMBERING THE 211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. I wanted to share with my colleagues that this is the 211th anniversary of the signing of the Constitution of the United States. I think all of us should pause and reflect on that.

Over 200 years ago, a relatively small group of the Founding Fathers, led by George Washington, whose portrait hangs here, by Jefferson, Adams, Madison, Hamilton, Franklin, 55 people met in Philadelphia. They drafted a document which has lasted longer than any other Constitution in the modern world.

They created a framework of self-government with balanced rules, and they determined once and for all that the age of kings was over; that all men and women are under the law. None is above it and none is below it, and all deserve the protection of a free judiciary within the rule of law which is established through a pattern of free speech and free elections.

I just thought today was a good day for all of us to remember that we are the heirs to a great tradition, and it is our job to safeguard that tradition to give our children the constitutional liberties we have known.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces there will be 15 1-minutes per side.

DEMOCRATIC CAMPAIGN COMMITTEE WILL FUND NO CANDIDATE WHO INITIATES PERSONAL ATTACKS ON OPPONENTS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, this morning I am joining with my colleague, the gentleman from Georgia (Mr. JOHN LINDER), the chairman of the Republican Campaign Committee. I serve as chairman of the Democratic Campaign Committee. We are announcing a policy of the two committees.

The level of public discourse in this country right now cannot continue at the depth that it has fallen to. While we cannot control what goes on outside this Chamber, the Democratic Congressional Campaign Committee and our Republican counterpart will not fund any Democratic candidate who initiates an attack on the personal private life of an opponent in the coming election. The Democratic Congressional Campaign Committee will fire any employee who initiates an attack on the personal private life of an opponent in this election.

REPUBLICAN CAMPAIGN COMMITTEE WILL FUND NO CANDIDATE WHO INITIATES PERSONAL ATTACKS ON OPPONENTS

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I want to join with my colleague from Texas (Mr. FROST) in saying that the despicable act yesterday against the gentleman from Illinois (Mr. HENRY HYDE), one of the most decent men who has ever served in this body, has brought this entire discussion of public discourse to a new low.

Private lives, unrelated to policy or unrelated to public involvement in politics, is simply off limits, and the Republican Campaign Committee will not fund any candidate in America who engages in bringing personal aspects, unrelated to policy, of any opponent's life out in the open.

We both have agreed that responding is acceptable, but initiating a personal attack on anybody running for office is simply off limits. We are going to soon have no one of any stature willing to put themselves through this wringer, and it is sad for America.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SAVE SOCIAL SECURITY; SAVE THE SURPLUS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, today I rise in support of the most successful program this country has ever seen: our Social Security fund. Started in 1934 by President Franklin Delano Roosevelt, this has become the most successful program. It now stands to be threatened.

Over all these many years, the Social Security Trust Fund has had a surplus that has been used by our general fund to fund very vital services in our country. For the first time, September 30th, in a long time, in a decade, we will see a surplus in our budget. The Social Security Trust Fund is at risk.

The surplus is really the surplus that is needed for the Social Security Trust Fund, to make sure that it is available into the 21st century. Let us save the surplus, which is the surplus that must be used to secure the Social Security fund. Save the Social Security Trust Fund, save the surplus. Hold it and make our future promising.

TRIBUTE TO TIM FERNERIS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, in these troubled times, many good things by good people are still being done. As a Cardinals' fan and an Illinoisan, I salute the exploits of Mark McGwire and Sammy Sosa. They have raced up the hill of baseball history with honor and dignity. They are to be commended.

My hometown hero, Tim Farneris, retrieved Big Mac's 62nd home run. Giving up a $1 million bonanza, he returned the ball to McGwire. For Tim and his older brother Tino, the game is a moment in their lives that they will never forget. Tim's mother Rita says she believes her son could one day be a millionaire, but not without earning it. I agree with her 100 percent, and want her to know that he is well on his way by earning our respect and admiration by simply doing the right thing. Thank you, Tim.

CONGRESS SHOULD HONOR SOCIAL SECURITY COMMITMENTS ALREADY MADE BEFORE MAKING NEW PROMISES

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks:)

Mr. MENENDEZ. Mr. Speaker, all year Democrats have been trying to save Social Security, and all year Republicans have been trying to raid it.

The proof is in our budgets. The Republican-passed budget did not include any provision to protect the surplus for Social Security. The Democratic budget provided a rock-solid guarantee. True to form, today Republicans are offering $200 billion in tax cuts paid for out of the budget surplus.

Now, I support most of these tax cuts, but the money Republicans are using to pay for them belongs to our Nation's seniors and working families. They put it there. The surplus would not even exist if it were not for the Social Security Trust Fund.

The conservative action would be not to spend what we do not have in the bank. We should take care of the commitment and the contract we already made with our seniors in Social Security before we pay for new promises using their money.

It is easy to go out and tell seniors you are on their side. That vote will prove who really is and who really is not. And, believe me, the voters are watching.

GOVERNMENT SHOULD HELP FARMERS, NOT HELP DESTROY THEM

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I would like to speak this morning on a problem that is devastating to rural America, to Iowa: Our livestock producers are suffering from extremely low prices.

And I would like to inform the Congress as to what the response from this administration has been. It is a typical liberal Democrat response. Secretary Glickman gets together with the President and decides the answer is to raise taxes on farmers.

All we have to do is look at the budget and there are $573 million of new taxes on livestock farmers in the President's budget. This is the kind of response this administration has to a farm crisis, is to raise taxes on farmers? When will this Congress wake up and find out that we have got to help these people, not bring the normal answer from the liberal Democrats and tax and tax more.

The well is dry. Our farmers are broke. Let us try to help them, not destroy them.

MEMBERS OF CONGRESS ARE NOT ON TRIAL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, first there was the gentleman from Indiana (Mr. DAN BURTON), then the gentleman from Pennsylvania (Mr. PAUL MCHALE), now our great chairman, the gentleman from Illinois (Mr. HENRY HYDE).

Let us tell it like it is. The same White House that destroyed Billy Dale, the same White House that called Monica Lewinsky a liar, the same White House that abandoned Lonnie Guinier is on the attack.

It is time to ask, Congress: How many files of American citizens were illegally transferred from the FBI to the White House and who ordered it? Are you on the list? Are you on the list? Am I on that list?

Enough is enough. The gentleman from Indiana, the gentleman from Pennsylvania, and the gentleman from Illinois are not on trial. It is time for the House of Representatives to tell the White House that their "spin to win" could provoke "the move to remove."

In America, the people govern. And America is a Nation of laws. I yield back the balance of my time in the soap opera in Washington, D.C.

CONGRESS WILL NOT BE INTIMIDATED

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, a former Clinton adviser, George Stephanopolous, was right. Mr. Stephanopolous predicted a whisper campaign waged by the White House against Members of Congress who would eventually be forced to consider the independent counsel's allegations of possible impeachment offenses by the President.

Furthermore, President Clinton's own brother, Roger, issued warnings to Members of Congress when he told CNN's Larry King, "Some of the political people had best watch themselves because of the old glass house story. Be very careful."

As predicted by these individuals, in recent weeks, including this morning, several of our colleagues have been subjected to vicious partisan attacks, via the news media, by individuals who are clearly attempting to intimidate Members of Congress in the wake of the Starr report.

I take serious offense to what is obviously a scorched earth campaign. Mr. Speaker, we will never be intimidated by these scorched earth tactics. We will not back down from our constitutional responsibilities and we will not cower from the White House attacks. We will do what is right.

CONGRESS SHOULD ACT RESPECTFUL AND DIGNIFIED DURING WHITE HOUSE CRISIS AND CONTINUE TO CONDUCT THE PEOPLE'S BUSINESS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, when I was elected by the people of Indiana and sent to this distinguished body, my very first vote was on whether to send young people into harm's way, into the Persian Gulf, on war. And this body conducted itself with the utmost dignity, civility and respect towards one another and respected their differing viewpoints, clapping for Members even though they may have disagreed.

Now, when it comes to respect and hard work, I immediately think of our chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE). He has worked hard, worked with me through my 8 years that I have been here serving with him.

I hope that this body can continue to be together in a civil, distinguished, thoughtful, deliberative manner to get to the bottom of what happened in the White House, but also do the people's business and balance the budget, reform education and save Social Security.

□ 1015

THE EMPEROR WITH NO CLOTHES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this morning I want to share a children's story that has been on my mind for the last seven months which we have all read to our children but I think it is instructive today.

Once upon a time, there was an Emperor who loved his kingly clothes, in which he paraded through the palace and through the land so that all could admire him. He was very vain. His closest aides and followers were always nearby to congratulate him on how dashing he looked, how popular he was with his loyal subjects and how good his leadership was for the land.

One day, however, the Emperor began parading through the land with his clothes off. He even assured himself and his followers that he was in fact wearing clothes. They just could not see them, because only stupid people could not see the clothes.

Because they did not want to be thought of as stupid, his lawyers and followers and supporters agreed, "Oh, yes, he must be wearing clothes."

And so they trumpeted throughout the land, "The Emperor really is technically dressed but the unenlightened among you just cannot see the fine threads from which his garments are made." They even attacked those who sought to expose the truth.

And so it continues today, Mr. Speaker.

MANAGED CARE REFORM

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, while we know there are lots of other issues swirling around the Capitol these days, I think it is important that we focus on other issues that really affect the American people. Last week, the Tuesday before we came back into session, four Members of Congress from the Houston area met with over 100 people to discuss an important issue that is facing the American public. That public meeting was about managed care reform and the Republican majority's misnamed bill that we passed earlier this year, the Patient Protection Act. This was the first public hearing held on the bill since our committee that I serve on did not have any hearings on the bill that passed this House. That hearing confirmed what we have been saying for months, that families in managed care want and need some reform this year. They do not want a sham bill like the Patient Protection Act that does more for insurance companies than patients and they do not want a bill that actually preempts Texas law that was passed by our legislature last year. They want a patients' bill of rights that is not right because it is a Democratic bill but because it contains meaningful reforms to complement the State laws that are passed.

Eliminate the gag rules, provide choice and also allow people to go to adequate emergency rooms without having to call their insurance company first.

TWO DIFFERENT VIEWS REGARDING CONSTITUTION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, yes, the anniversary of the signing of the Constitution of the United States in Philadelphia in 1787 should not be an occasion for partisanship. However, we are forced to confront the reality of how liberals and conservatives have two very different views of the Constitution and about the history of the United States.

Conservatives have a novel belief that the Constitution actually means what it says. Liberals, on the other hand, are fond of calling the Constitution a "living document" that, quote-unquote, evolves over time. The liberal view of the Constitution allows them to interpret the Constitution any way they choose.

Conservatives look at the Constitution and believe that its explicit prohibitions on what the Federal Government is allowed to do are a fundamental safeguard of our liberty and protection against too much government.

Liberals look at the Constitution and believe that the Federal Government can get involved in every aspect of your life, always, of course with the misguided belief and justification that it is "for your own good."

Two different views, views with profound and differing consequences for our liberty.

SOCIAL SECURITY

(Mr. ADAM SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mr. ADAM SMITH of Washington. Mr. Speaker, this September as always we face some very difficult budget decisions, but we will not even be able to get to those budget decisions if we do not first address the numbers honestly.

Right now we have all heard about the supposed surplus that we have over the next 10 years, $1.6 trillion, and we have heard dozens of different ideas for how to spend that money. The trouble is that money does not exist, because all but $31 billion of that $1.6 trillion is really in the Social Security trust fund. It is money that we borrow and for some crazy reason consider as income. It is not income, it is money we have to pay back, plus interest.

We need to honestly assess those numbers. As we stand here today, there are a lot of different programs, a lot of different tax cuts being proposed, but if you ever hear someone say in answer to the question of how they are going to pay for it, "We're going to pay for it out of the surplus," do not let them do it.

There is no surplus. If we can address the numbers honestly, we can make wise budget decisions and we can do two very important things in this final month of the session: One, we can get to a true and honest balanced budget; and, two, we can protect Social Security for future generations.

THE AMERICAN FARMER

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, my friend the gentleman from Indiana (Mr. ROEMER) has been a class act ever since I have known him. He has once again shown that this morning.

Mr. Speaker, it should be no secret to the Members of this body that the American farmer produces the best food and fiber products in the world, but what is a secret to many inside Washington's Beltway is the crisis gripping America's rural economies. The deteriorating state of America's farm economy is a national priority and must be addressed. Yet the Clinton administration and particularly USDA only offer up inflammatory rhetoric instead of a substantive emergency aid plan.

In Georgia alone, this year's crop losses from forces of nature approach $767 million. The story is the same all across rural America. Our farmers need strong leadership, not partisan politics as usual.

I implore the Clinton administration once again to quit playing partisan politics with America's family farmers and to start making meaningful and appropriate decisions at the Department of Agriculture. Let us move on policies to help the American family farmer survive.

SAVING SOCIAL SECURITY AND LOWERING THE NATIONAL DEBT

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, today the Committee on Ways and Means is going to consider an $80 billion tax cut, and supporters are admitting that we will use part of the so-called budget surplus to pay for it.

There are three things that the people in America get that some people here in this Chamber just do not get:

First, there is no real budget surplus, not unless you want to raid the Social Security trust fund, not unless you want to collect payroll taxes from working families and transfer that money into the pockets of other people in this country.

Secondly, this tax package not only spends the Social Security trust fund, but it also prevents us from starting to pay back the $5.5 trillion national debt.

Finally, there is no guarantee that any of this so-called surplus is going to materialize given the international financial crisis that we are in today.

This tax cut is wrong for our seniors, it is wrong for our children, and supporters just do not get it. We must protect Social Security, we must start paying back the national debt and we must oppose fiscally irresponsible election-year tax cuts that are not paid for honestly.

AGRICULTURE CRISIS

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Mr. Speaker, as a cow/calf operator from western Oklahoma, I can tell you firsthand that the crisis in rural America is real. Our producers are plagued by weak grain prices, drought, bugs, wildfire, and dwindling forage and hay supplies. Good farmers are losing equity and millions of dollars are being lost to our economy.

As our markets become as dry as the land we farm, the Clinton administration has failed to come forward with an emergency aid plan that will help producers make it until next year. These desperate times require swift and concise measures to aid our producers in their time of need. Partisan politics and demagoguery cannot be tolerated during this crisis. The Administration must quit using farmers like a political football and start making substantive decisions at the USDA. Oklahoma crop and livestock losses already amount to well over $1 billion. Action is needed now.

Come on, Secretary Glickman. Our farmers are waiting.

SOCIAL SECURITY

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, next week Republicans will push for a vote in this House to steal $80 billion from the Social Security trust fund. On behalf of the seniors of central Texas, I will strongly oppose that effort.

It is interesting, the same Republicans who just a few months ago right here in this House were saying it was dishonest to raid money from the highway trust fund are now saying it is okay, though, to raid money, to steal money, from the seniors' trust fund, their Social Security trust fund.

Mr. Speaker, if Republicans felt it was dishonest to steal from the highway trust fund, then I assume they are admitting it is dishonest to steal from the Social Security trust fund.

Mr. Speaker, I support tax cuts. But I will not vote for a tax cut next week pushed by Republicans that steals money from our seniors' future, from our seniors' security and our cherished Social Security trust fund. I think Republicans should think twice before they say highways and concrete and election promises are more important than saving our Social Security trust fund.

RECOGNITION OF FREEHOLD BOROUGH HIGH SCHOOL IN NEW JERSEY'S 12TH DISTRICT

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, I rise today to recognize a school in my district that is truly fulfilling its mission of providing the best possible education it can to its students.

This past Monday I had the opportunity to visit Freehold Borough High School for a tour of the school and to teach a class on the U.S. Constitution. Throughout my visit I was consistently impressed with the sophistication and knowledge of the students and the innovation and dedication exhibited by the teachers and administrators.

I began my visit by taking part in a lunch that was prepared by the students of the culinary arts and restaurant management class which is just one of the many ways they expand their curriculum to serve the dynamic and evolving opportunities faced by the students of today.

After speaking with Dr. Carolyn Mulhare-McKee, the school's principal, it is abundantly clear that the Freehold Borough High School is committed to providing a first-class education that will prepare its students for the 21st century. The residents and parents of this area should be proud to have such a fine school educating their children.

POLITICAL WITCH-HUNT CONTINUES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I am outraged that the Committee on the Judiciary is about to release the tape of the President's grand jury testimony to the public. I thought that grand jury testimony is supposed to be confidential. So much for due process. The whole purpose in releasing the tape is to once again embarrass and humiliate the President as Mr. Starr did in his report when he put in graphic sexual details so our children could read them on the Internet. We did not even give the President the simple courtesy of seeing the report a day or two before its release even though we had given the Speaker of the House the courtesy when the House Ethics Committee had charges against him. So much for the bipartisanship that was promised to us by the House Republican leadership. The political witch-hunt against the President continues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). The Chair would advise all Members that they must refrain from personal references to the President or to certain charges against the President.

EDUCATION—DOLLARS TO THE CLASSROOM

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, we must do everything we can to give America's children the education they will need to succeed. I am proud of what we have done so far, passing tax cuts for families with kids and making it easier for them to afford higher education. But there is much more to do, especially for younger children.

State and local taxes pay most of the cost of education. They always have. But while the Federal Government provides only about 7 percent of all the funding for local schools, it creates over half of their paperwork.

Mr. Speaker, that is why I have cosponsored legislation to guarantee that at least 95 percent of Federal education funds get to the classroom instead of being consumed by the bureaucracy. We cannot allow Federal paperwork to continue to siphon off valuable time, energy and resources away from the classroom. Our children are too important.

EDUCATION

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I recently had the pleasure of hosting the Secretary of Education, Mr. Richard Riley, in my hometown of Anaheim over the district recess. During that town hall meeting, the Secretary fielded questions from about 200 parents and educators about what we could do to prepare our children for the future. They wanted to know what Congress was doing about education, about relieving the overcrowding that is happening back at home and about preventing the growing incidence of violence among our youth.

While the leadership of this House seems more concerned with the President's private life, I can tell my colleagues that people back home want to know what is going on with education. When I go back home to Orange County on my weekends, they ask me, not about the Starr report, they instead want to know what Congress is doing to protect the future of Social Security and what they are doing to protect the future of our children. Democrats and the President have an agenda that addresses these issues, and I have introduced my own proposal to encourage more school construction so we can have a smaller ratio of children in the classroom. We have to do that.

Get away from this report. Work on education.

□ 1030

SUPPORT H.R. 4033

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would urge all my colleagues on both sides of the aisle to refrain from demagoguery of Social Security during this election year. For the last 40 years, this House has been spending every cent that comes into the Social Security Trust Fund for other social program spending. This year for a unique experience we will start paying down the public debt. That means lower interest rates to help keep the economy strong. A strong economy means it will be easier to keep Social Security solvent. In this election year and into next year, the challenge for all of us is to consider all solutions and not scare seniors or politically demagogue Social Security. Our goal in 1999 must be to fix Social Security.

Mr. Speaker, I would ask my colleagues to consider joining with me on my bill, H.R. 4033, that requires that Social Security Trust Fund money can no longer be used to balance the budget.

The bill also provides that any Trust Fund money invested with the U.S. Treasury will be in the form of marketable negotiable Treasury bills, not the unredeemable I.O.U.s now used.

I invite my colleague to cosponsor this bill with me.

PROTECT SOCIAL SECURITY

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Mr. Speaker, here we are again. In 1993 we passed a budget here, only Democrats voted for it, that brought us to this situation where we now may have a surplus. Only Democrats voted for that budget, yet suddenly the Republicans are saying, well, let us give a tax cut now that we have a surplus.

Mr. Speaker, I do not think there is a Member in this House who does not find in their public meetings somebody who says:

> Congresswoman, Congressman, I am really worried there will not be Social Security there for me when I get to that age.

Well, why are we talking about tax cuts? There is not a real surplus until we stop borrowing from Social Security.

Mr. Speaker, what Democrats want to do is make sure we protect Social Security, we make sure the surplus stays in Social Security so you, our children, our seniors, will have that guarantee there.

It is an outrage to start talking about a tax cut. Yes, Democrats would like to give out a tax cut, but not until we say: Do not borrow from Social Security, make sure that Social Security is protected.

WHITE HOUSE SEEKING TO INTIMIDATE MEMBERS OF THIS BODY

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, last night the television news confirmed that two reporters told ABC News that a senior White House official has been peddling the story to sully the reputation of one of the great leaders in the history of this institution, the gentleman from Illinois (Mr. HYDE). The senior White House official just does not get it. Or, perhaps worse, maybe he gets it and he just does not care.

We are not considering here some personal indiscretion. This body has a solemn constitutional responsibility to consider the charges before us. This system of justice will not be manipulated by polls or pundits or senior officials who seek to smear and intimidate. This is a Nation governed by law, and it is up to us to keep it that way.

SAVE SOCIAL SECURITY FIRST

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today with my colleagues to ask the House leadership to save Social Security first.

I was proud to support the balanced budget agreement last year, proud to support a $95 billion tax cut that was paid for within the balanced budget agreement. We now have what are being called surpluses, and I join with my colleagues that say we do not have a true surplus until we have protected Social Security and stopped using the Social Security Trust Fund to balance the budget.

This is about our current seniors, it is about my mother, it is about our children, it is about our grandchildren.

I like the tax proposals that are being talked about in committee. I would like to be able to support another round of tax cuts. But we cannot jeopardize our future and Social Security by doing this.

Pay for Social Security first, protect Social Security first, and then begin the next round of tax cuts. That is what is the most responsible approach, and I urge my colleagues on both sides of the aisle to be responsible and to make sure that before the next steps are taken to spend surpluses that we save Social Security first.

WHITE HOUSE CONDUCTING SMEAR JOB ON HENRY HYDE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I am disappointed that more Members on the other side of the aisle this morning have not been condemning the smear job that was done on the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE).

Chuck Colson, legal counsel to the President under Richard Nixon, was sent to Federal prison for disclosing one-half of one FBI file. This administration: Hundreds of FBI files ended up in the hands of an opposition researcher for the Democratic Party at the White House. Nixon had an enemies list of people they would not invite to luncheons. This administration has a list of people it has set out to destroy.

Mr. Speaker, we have here a pattern of abuse, personal attacks on the gentlewoman from Idaho (Mrs. HELEN CHENOWETH), the gentleman from Indiana (Mr. DAN BURTON) and now the chairman of the Committee on the Judiciary. This is unconscionable. None of us is perfect, but we will not be intimidated, we will not be blackmailed. This administration is mirroring the worst types of lies, of Watergate lies and abuses, only it is worse.

To those who set forth this strategy of trying to disclose decades-old indiscretions in order to intimidate the Members of Congress, it will not work. We will not be intimidated.

THE SURPLUS BELONGS TO SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Social Security is the single most successful domestic program in our Nation's history, we all know that. It is a long-term financial bedrock for this country's elderly, for disabled, hardworking American families. Two-thirds of our elderly depend on Social Security for over half of their income. Social Security keeps 800,000 children out of poverty every year.

Mr. Speaker, right now Social Security is under attack. What we have here is a situation where the Republican leadership of this House wants to raid the Social Security Trust Fund in order to provide an $80 billion tax break.

I am for tax cuts, Democrats are for tax cuts, but let me just say this to my colleagues:

If it was not for the Social Security Trust Fund, what people have to understand, we would not be showing a budget surplus. The surplus belongs to Social Security. It is not a spare cookie in the bottom of the jar just for the taking, and that is why Democrats are insisting that we should put any budget surplus toward the trust fund; let us not raid it.

WHITE HOUSE INVESTIGATING MEMBERS ON BOTH SIDES OF THE AISLE

(Mr. DELAY and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, we are witnessing more signs of the White House's scorched earth strategy. Allies of the President are now dishing dirt on the most respected Member of this House. This is a direct assault on the United States House of Representatives.

And do not be under any illusions that this is a partisan affair because, according to reports, allies of the President's are investigating Members of both sides of the aisle.

Now, Mr. Speaker, making a mistake is far different than, for example, obstructing justice. Abuse of power is far more serious than having an affair 30 years ago.

I just urge the President of the United States to stop his allies from engaging in this kind of disgusting conduct, and all of those who are blindly supporting this President ought to be ashamed of themselves.

This is a very sad day for democracy.

CONTINUING APPROPRIATIONS, FY 1999

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 541 and ask for immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. All time yielded will be for the purposes of debate only.

Mr. Speaker, this rule provides for consideration of H.J. Res. 128, making continuing appropriations for fiscal year 1999. It is a closed rule providing for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides that the joint resolution be considered as read for amendment and one motion to recommit.

Mr. Speaker, the reality of divided government is that it takes a lot of hard work, tough decisions and sometimes uncomfortable confrontations to enact major legislation. Certainly, funding the trillion dollar Federal Government falls into that category. Honest disagreements exist between the congressional majority and the President, the House and the Senate, the Democrats and the Republicans, and even within the two party caucuses in both the House and the Senate.

Every family that is forced to live on a budget, and that is most of the working people I know, understand that it is a lot harder to make spending decisions when they cannot just buy everything they want. That is the reality for working moms and dads who sit around the kitchen table and try to find the money for new school clothes, a short family vacation or finally replacing that beat-up old television set.

Last year's historic balanced budget agreement was a great victory for American families because it finally forced the President and Congress to make their own hard spending decisions. Imposing a real budget on the voracious Federal bureaucracy makes the appropriations job a lot tougher. While I am sure most compassionate Americans would feel badly for the gentleman from Louisiana (Mr. LIVINGSTON) and his counterpart, the gentleman from Wisconsin (Mr. OBEY) who is not here on the floor, and the subcommittee chairman and ranking Democrats who have been asked to craft the 13 spending bills, I am also confident that they prefer those headaches to the rampant spending and deficits of not too many years ago.

I am equally confident, Mr. Speaker, that we will overcome the hurdles in the way of the appropriation process and will keep the Federal Government open and functioning into and through the new fiscal year. I certainly know of the commitment of the gentleman from Louisiana (Mr. LIVINGSTON) and our entire Republican leadership team to do just that.

This continuing resolution funds ongoing projects and activities of the Federal Government at current rates except in instances that the Congress and administration agree on lower levels. This spending authority expires on October 9 of this year or when the regular appropriations bills are enacted.

Mr. Speaker, this is a clean continuing resolution without extraneous provisions, new projects or new spending initiatives. Recognizing the very real importance of focusing greater attention on making sure our government's mission-critical computer systems are able to handle the transition to the year 2000, this CR permits a funding increase for necessary computer conversions.

Mr. Speaker, there is no question that nearly unprecedented political and budgetary challenges face this Congress at this time. However, I know we will rise above them and get the people's work done. This fair, clean, continuing resolution will give us the time we need to finish the fiscal year 1999 appropriations bills within the spending levels set out by the balanced budget agreement.

It is incumbent upon every Member, Democrat and Republican, to join together to support this rule and the joint resolution so that we can get that hard work done without any interference in government operations.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend for many years, the gentleman from California (Mr. DREIER) my fellow traveler to El Salvador, the next in line to be chairman of the Committee on Rules, God willing according to him, for yielding me the customary 30 minutes.

House Resolution 541 is a closed rule providing for the consideration of a continuing resolution that will take us through October 9. I am very pleased to report that this continuing resolution is clean and it does not include any extra material, and I am sure that, if it remains in this form, the President will sign the legislation ending any speculation about a government shutdown come October 1.

☐ 1045

That having been said, Mr. Speaker, it is unfortunate that we find ourselves in this position. With only 13 days left in the fiscal year, only 1 of the general appropriation bills has been presented to the President, while only a handful of bills are in conference. There are still 2 bills left that have to be considered by the House, while the Senate has passed 9 of the 13 appropriation bills. To say that we are behind schedule, Mr. Speaker, is an understatement.

But it is very encouraging that the chairman and ranking member of the Committee on Appropriations have presented us with a continuing resolution that they believe will afford enough time to make significant progress on the bills that are remaining. I certainly hope that they are able to resolve the many difficult issues that exist on these bills and are successful in getting all of the 13 bills to the President in a form he can sign.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I appreciate the magnanimity of my friend from South Boston, and I would like to follow suit and urge support of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 128 is as follows:

H. J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1998 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 1999, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 1999;

(5) the Energy and Water Development Appropriations Act, 1999;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 1999;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, the House and Senate reported versions of which shall be deemed to have passed the House and Senate respectively as of October 1, 1998, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1998, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 1999;

(10) the Department of Transportation and Related Agencies Appropriations Act, 1999;

(11) the Treasury and General Government Appropriations Act, 1999; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1998, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further,* That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1998, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1998, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1998, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(c) Whenever an Act listed in this section has
been passed by only the House or only the Senate as of October 1, 1998, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as

of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1998 or prior years, for the increase in production rates above those sustained with fiscal year 1998 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1998: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1998.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1998 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 9, 1998, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1999 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1998 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1999 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Corrections Trustee Operations, Offender Supervision, Public Defender Services, Parole Revocation, Adult Probation, and Court Operations.

SEC. 115. Activities authorized by sections 1309(a)(2), 1319, 1336(a), and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106 of this joint resolution.

SEC. 116. Section 28f(a) of title 30, U.S.C., is amended by striking the words "The holder" through "$100 per claim." And inserting "The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of $100 per claim site.". Notwithstanding any other provision of law, the time for locating any unpatented mining claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may continue through the date specified in section 106 of this joint resolution.

SEC. 117. The amounts charged for patent fees through the date provided in section 106 shall be the amounts charged by the Patent and Trademark Office on September 30, 1998, including any applicable surcharges collected pursuant to section 8001 of P.L. 103–66: *Provided*, That such fees shall be credited as offsetting collections to the Patent and Trademark Office Salaries and Expenses account: *Provided further*, That during the period covered by this joint resolution, the commissioner may recognize fees that reflect partial payment of the fees authorized by this section and may require unpaid amounts to be paid within a time period set by the Commissioner.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, until 30 days after the date specified in section 106, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available for projects and activities for decennial census programs shall be the higher of the amount that would be provided under the heading "Bureau of the Census, Periodic Censuses and Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as passed by the House, or the amount that would be provided by such Act as passed by the Senate, or the amount of the budget request, multiplied by the ratio of the number of days covered by this resolution to 365.

The SPEAKER pro tempore. Pursuant to House Resolution 541, the gentleman from Louisiana (Mr. LIVINGSTON), and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 128, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are bringing H. J. Res. 128, a continuing resolution for fiscal year 1999, to the House today because it is likely that all 13 of the regular appropriations bills will, unfortunately, not be enacted by the beginning of the fiscal year on October 1st. This resolution is needed to keep the government operating while we complete our work on our appropriations bills. Its duration is until October 9th, or until the bills are enacted, whichever comes first.

The fact that we are bringing this resolution to the floor today should surprise no one. For some time now, it has been apparent that this type of short-term funding authorization would be needed. It has also been widely known that this resolution would be straightforward and not include any extraneous controversial matters that might result in a government shutdown. Mr. Speaker, while I wish that this resolution were not needed, I am pleased that it is a noncontroversial proposal and should move quickly through the process, be signed into law, and give the time that we need to complete our work.

Mr. Speaker, this resolution uses the same funding formula as was used last year. This formula generally allows programs to continue at current rates. If the budget request is lower than current rates for a particular program and both the House and the Senate agree that it should be lower, this CR, or continuing resolution, takes advantage of this and reduces the rate accordingly. This CR also includes the same restrictions on initiating new starts, maintaining last year's terms and conditions, and restricting the early release of monies to States, foreign countries, and grantees that have been previously included. Again, Mr. Speaker, it does not include any extraneous controversial matters.

There is another significant aspect to this CR, and CRs in general, that I would like to point out to my colleagues, especially those who think that an automatic, permanent CR should be enacted so that we could avoid having to take the action that we are now taking. This continuing resolution includes several special funding provisions for programs for which the funding formula does not work. We call these funding anomalies. They happen every year. One cannot predict what they are or the solution to take care of them. But, they must be addressed or else significant undesirable impacts result if they are not addressed. So my point in bringing this to the attention of Members is that even if there were an automatic continuing resolution that we had adopted weeks or months ago, we would still be out here with an absolutely necessary technical adjustment to the permanent funding authority. This would give rise to an opportunity for extraneous mischief, the very thing that is supposed to be avoided in the automatic CR scenario. So, in my view, there is no way around the need for ad hoc legislation even with the automatic continuing resolution. The solution to this exposure is to have the member discipline not to add extraneous matters, as we have exercised today.

Mr. Speaker, this is not the main reason to not enact an automatic CR. The main reason is it removes the pressure to get our regular work completed, in addition to biasing the negotiating process on annual funding bills. Now I want to talk about getting our work done.

The Military Construction bill is on the President's desk. There are 7 more bills in conference, and one more has been acted on by both the House and the Senate and is ready to go to conference, for a total of 9 bills. Today the House should complete action on the Foreign Operations bill, giving us another bill, a tenth bill, ready for conference. Now, that leaves only 3 left. The House has passed 2 of the 3; the Senate has to pass all 3.

There is still a lot of work in front of us, but we are getting there. Just because this continuing resolution gives us until October 9th to finish our work, no one should think that we can relax now. It will take a sustained drive and the cooperation of all Members, both in this body and the other, to get our work done by this deadline.

We face a situation on 7 or 8 of our bills where a veto has been threatened because of a lack of spending. Our bills are at the cap levels. This means that to increase spending on these bills, some form of offset would be required, or else we would exceed the caps that were agreed to between the Congress and the President last year when we reached an agreement on the balanced budget, which has reaped great rewards, Mr. Speaker. We are actually, even though that balanced budget agreement called for balancing of the budget by the year 2002, balancing the budget this year and have an expected surplus of at least $63 billion.

But, returning to my previous point, this means that to increase spending on these bills, some form of offset would be required. Offsets can be in the form of reduced spending on other programs, including mandatory programs or entitlements or raising revenues in the form of user fees for taxes. This causes several problems. Mandatory offsets are easier said than done. Raising taxes or enacting user fees are definitely not in this committee's jurisdiction. And even if they were, I am not aware of any popular tax increases or user fee increases that we could easily put in our bills in order to satisfy the President's additional spending requests, or desires.

This has been an historic problem for the committee. For years budgets have included these types of offsets to enable more spending. It is just that the amount of the needed offset is so much bigger this year than it has ever been. The spending in this year's budget request was $9 billion over the caps which would require that same amount in offsets. This is a very difficult problem to overcome, and still stay within the caps. Administration officials claim to have some ideas on offsets that could help us get the job done, and we asked to see those offsets that they had said they had as far back as July, some 2 months ago, but we still have not seen them. They promised, maybe the check is in the mail, but we have not seen it.

Another complicating factor this year is that we are facing some large emergency funding needs that have to be addressed before we can complete our work this year. We will need to address funding for agriculture disasters and other agriculture problems. We will soon be in receipt of a request to increase security at our diplomatic posts around the world in the face of what happened in Tanzania and Kenya. We have urgent additional defense needs to maintain readiness while we are experiencing the additional costs of maintaining peacekeeping efforts all over the world. Then there is the unforeseen costs of making government-wide computer conversions to account for the year 2000 problem. These problems are very expensive and there may be more of them, and we need to address these in a bipartisan fashion at the same time we are developing the regular funding packages.

Our plate is full. It might be fun to debate these issues this morning; it might be fun to blame everyone for the slow pace of our activities, but such debate really in the long run has little or no merit. We ought to pass this continuing resolution quickly so that we can concentrate on our work needed to finish up this fiscal year and this legislative season.

This continuing resolution will keep the government open for a little bit longer than the next 3 weeks. We do not have much time. We need to get on with it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

There is no objection to this continuing resolution on this side of the aisle. The resolution is perfectly reasonable. It is a straight, neutral continuation of funding, and it is essential in order to keep the government open. The President will sign it. He has made that quite clear in the statement he sent this morning, and I think every Member of the House, if there is a vote on this, ought to vote for it.

Having said that, I think it is regrettable that we have been brought here by an unhappy set of circumstances. Last year we had a considerable degree of bipartisan cooperation between both parties, and as a result, we achieved I think some real substantive victories for the American people, something which this House on both sides of the aisle can take pride in, and we had an extremely civil year of doing the people's business.

Everyone understands that the gentleman from Louisiana and I have a very good personal relationship. I consider him to be one of the best friends I have in the House and one of the best legislators in the House. I am proud of that relationship.

However, there have been many external factors which have operated to make our job much more difficult this year. We have, in my view, instead of seeing a mindset of cooperation from the majority caucus, this year we have had much more of a mindset of confrontation on at least half of the appropriation bills that have moved through this House.

Under the law, we are supposed to have the budget resolution passed by the time we have our summer break, and we are supposed to have all 13 appropriation bills passed by October 1.

□ 1100

We are in the situation, and this has not happened, I do not believe, since I have been here, where we still do not have a budget resolution passed. So we are operating on an ad hoc basis because of that. That makes it more difficult for this committee to do its work.

It is not unprecedented for the House not to finish all of its appropriation bills before October 1. We were fortunate enough that we were able to do that the year that I was chairman. That was not because of any special action taken by me or by my committee. We did have a very good bipartisan working relationship that year. But we also had the leadership of both parties working together along with the White House to make it happen.

We have not seen that this year, unfortunately. So as a consequence, not a single appropriation bill has yet been signed into law. I think I need to cite some of the reasons for that.

First of all, the majority has chosen to produce a Labor, Health, Education, and Social Services bill which was so extreme in its nature that they have not been able to pass it in this House.

The Senate, their Senate Republican counterparts have produced a significantly more moderate bill; still not what we need to have a signed product. But the very act of restoring some of the funding that the Senate has restored for programs like low income heating assistance and summer jobs, that very act demonstrates that the majority in the other body recognizes that the Labor, Health, Education appropriation bill produced by the majority in this House is so extreme that they do not want anything to do with it.

On the Veterans Administration, HUD, EPA bill, that bill should have been on the President's desk. It has a number of problems associated with it which are solvable; but, yet, that bill has been thrown into turmoil because of the insistence of the majority that they attach a totally irrelevant housing authorization bill, a huge bill which the authorizing committee has not been able to get through the Congress.

So they lay it onto the appropriation bill, asking the Committee on Appropriations to carry that extra freight, and that is more freight than the system will bear. So that has broken down.

On interior, the bill that funds most of our natural treasurers and the preservation and stewardship of those treasures on an annual basis, that bill has been loaded down with extreme environmental riders in the other body, unnecessary roads through wilderness areas, additional logging of the Tongass.

I was in Alaska last year. I was horrified when I overflew the Tongass and some of the other areas and saw some of the extreme clear-cutting that have been going on by the native corporations up there. That had not fit my impression of what had been happening up there.

We had a bill on the interior appropriation bill that would make that matter worse on the transportation appropriation bill. Again, we have seen an antienvironmental rider added, which takes a bill which ought to have been relatively noncontroversial. I was very surprised that that bill had not been sent to the President a long time ago. But riders like that have held that bill up as well.

Agriculture. This Congress or rather the previous Congress voted for the horrendous so-called Freedom to Farm Bill which has turned into a Freedom-to-Fail-at-Farming bill because of the lack of a safety net that is provided for American farmers in that legislation. It is obvious the majority party does not know how to deal with that, so that appropriation bill is hung up also.

That matter is then made worse by the refusal of the majority party to support funding for the IMF so that we can provide some additional stability in our export markets so that we have a greater ability to export our agricultural products to those areas. Yet, we are being denied an opportunity in this House even to vote on that crucial issue.

The District of Columbia appropriation bill has been held up by a gratuitous decision on the part of this body to insist that the District of Columbia engage in an experiment on educational vouchers which many of us would not support if that were mandated on our own local districts.

Then we come to the foreign operations bill. That bill in the past has been handled on a bipartisan basis, and the bill has largely been worked out before it has come to the floor. This time, for a variety of reasons, that has not happened, despite the agreement that was voiced in the Committee on Appropriations that the majority would have its language in the bill on the Mexico City family planning issue.

We were told that, as part of that agreement, if we did not try to take the language out of the bill, we would have, on this side of the aisle an opportunity for an alternative to be offered so that we could have an up or down vote on the two viewpoints on that issue.

The gentlewoman from California (Ms. PELOSI) has been blocked from having a clean shot at an alternative. In addition to that, the Committee on Rules is preventing us from even having a vote on the IMF. That vote is central to helping to stabilize international exchange rates, to stabilize the international trading arrangements so that we have an opportunity to try to do something about the deep recession which is plaguing at least one-third of the world and threatens to cripple our own economic recovery. So we have had all kinds of these gratuitous roadblocks put in the way of our getting our business done.

I would say it appears to me that this Congress has done an extensive job of investigating but a pitiful job of legislating when it comes to meeting the primary responsibility this Congress has each year, which is to keep the government open by funding the basic activities of government through the appropriations process.

This committee has once again been thrown into the briar patch on many issue that we do not have the expertise to deal with and do not have the jurisdiction to deal with it.

I would point out also that, well I will not comment on the Korean situation until we get the foreign ops bill up, but I just have to say this, I am disturbed by the fact that virtually none of these bills are really moving.

It seems to me that there is a conscious decision on the part of a number of the players to want to push their bills into a giant omnibus appropriation bill at the end so that they can send a huge vehicle to the President and on a take-it-or-leave-it basis.

I hope that is not true because that is the way that we get into an awful lot of trouble around here. We need to be trying to work out these individual bills. We do not need a situation to be developed where the Congress tries to take advantage of what the majority party may see as the perceived weakening of the President's position and use that to try to ram at him and stick in his ear a whole range of outrageous propositions that they know he is certainly not willing to accept, as we are not willing to accept.

So I would simply say that I think the committee is doing the responsible thing in bringing this continuing resolution to the floor in the shape it is in. I do not think that the process by which we have gotten here has been particularly responsible. That is not the chairman's fault, but I do want to say that I expect we are going to have to have a number of additional short-term continuing resolutions because it certainly seems to me that it is not likely that we will have our work done for the next fiscal year by the time this pending continuing resolution expires in early October.

I hope that there is a willingness to stay in session this year until our job is done on these bills.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only point out in response to the gentleman's comments that I sympathize with his frustration. We are at the end of the year. We have gone through a great deal of tug and pull on lots of legislation but we are down to the last two bills. In the next few weeks, we are going to get through those bills. Whether there is an omnibus bill or not is still too early to tell. I would love to make sure that we get each individual bill signed, but that takes cooperation from not only this body and the other body but the White House as well.

They have indicated that they have no objection, the White House has no objection, to this particular resolution, and I would urge the House to adopt it in its current form, and I think that is just what we should do and let the rest of it take place in its natural order.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin has 16 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking Member of the Committee on Appropriations for yielding.

Mr. Speaker, I also thank the chairman of the Committee on Appropriations for those last words that the chairman uttered. They are music to our ears. The chairman committed himself to assure that these appropriations bills, all of them except military construction, which is now on the President's desk and we assume would be signed, those other bills will, in fact, get passed; no government shutdown, no delaying the government, getting the Congress' business done when it needs to be done.

I understand that the principal reason why our appropriation bills have been delayed, at least from a procedural standpoint, is that this is the first time, since the budget act was passed, that we have no budget resolution. It was due April 15. So it has been very difficult for the Committee on Appropriations to fulfill its responsibility when we have no budget resolution.

This CR is the right thing. I hope this is a precedent to have an appropriations bill, a continuing resolution which does not have any of the divisive issues, which is not designed to cause the President to veto it, which is simply designed to enable the government to function in the proper way. It shows it can be done.

My fear is that we will get to October 9 and despite the best efforts of the Committee on Appropriations, Members will add things in appropriations bills that were not designed to enable the government to carry out its proper role but instead were designed for purely partisan political purposes, knowing they would force the President to veto any of those individual appropriations bills. At least if we have a continuing resolution, it should be similar to this bill today, one that will enable the government to continue functioning.

The worst thing we could do is to shut down the government, to have a repeat of 1995. None of us want that to happen, particularly in the context that we are currently operating. So it is incumbent upon the leadership of the Committee on Appropriations, but most importantly the Members of Congress who may have ideas that they think are meritorious but in reality would only cause the government to stop functioning to keep our appropriations bills clean. Another government shutdown is the one thing that must be avoided.

So let me just thank the leadership on both sides of the aisle for this continuing resolution. I trust it will be passed unanimously, and I trust that it is a precedent for the kind of bipartisan cooperation that serves this Congress well but most importantly serves this nation well.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only say that I appreciate the comments of the gentleman from Virginia (Mr. Moran) and share his sentiment about the shutdown. I do not think anybody wants that on this side.

□ 1115

We certainly look forward to working with the Members of the minority to make sure that there is no shutdown. We hope that the administration and the President are equally committed to maintaining the continuity of government so that Federal employees will not be impacted unnecessarily.

On his other point on the budget resolution, I would like to challenge the gentleman's recollection, because in the 21 years that I have been here, all of which have transpired since the passage of the budget resolution, I believe we have come through this process without a budget resolution on at least two occasions, and possibly more frequently than that back in the 1980s when the Democrats were in control.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, it is encouraging to hear the gentleman from Louisiana (Mr. LIVINGSTON) indicate that the Republicans are not interested in shutting down the government again as they did in 1995. Certainly, if by voting for this resolution we can discourage them from doing that again, that would be important to the country.

It seems these days that the "all news" channels and the semi-pseudo-news channels are preoccupied with a new format of "All Monica, All the Time," and I do not suppose that there is any way to get them to refocus on anything else like this mess. But I think it is worth noting the mess that we are in and how we got here.

I serve on the Committee on the Budget and the way this process is supposed to work is that the Committee on the Budget is supposed to produce a timely budget resolution which this House is to adopt and the Senate is to adopt. That budget provides the format around which our Committee on Appropriations can approve the 13 appropriation bills and avoid a government shutdown.

Mr. Speaker, there is only one problem. For the first time I guess in the history of the Budget Act, certainly in recent memory, there is no budget. Now, that is the Republican leadership. It is not a matter, as the chairman of the Committee on Appropriations indicated, of trying to cast blame everywhere. Blame does not belong everywhere. It just belongs one place. Right up here with the Republican leadership. They are leading. They have the majority and they claim and profess to be very concerned with fiscal responsibility, and yet we have come through this year and they cannot even produce a budget.

It is, indeed, rather amusing to hear some of these commentators ask whether or not the government will slow down because of all the revelations and scandals that they are focusing on. If this House slows down any more, it will be going backwards. This is the House that could not produce a budget, that has produced exactly 1 of the 13 appropriation bills over there on the President's desk.

The people that are asking, well, can the President do his job? Well, the President cannot sign appropriation bills that are not on his desk. And right now, 2 weeks before the government is to conclude this fiscal year, it has no budget and one of 13 appropriation bills.

Credit is due here. These folks had a preconceived notion that the best thing, given the fragile nature of their coalition, was to do as little as possible this year except perhaps occasionally painting Democrats as pagans. They have done a pretty good job of both. They have done a pretty good job of doing nothing. And whenever they tried to do something, such as the appropriations for all of the Health and Human Services in the United States, they could not agree between themselves.

So, here we are 2 weeks before the conclusion of this fiscal year and we have yet to have a chance to vote on the floor of this House concerning the appropriations for all of the Health and Human Services operations throughout this whole country.

Folks want to focus only on what has happened down at 1600 Pennsylvania Avenue. This is a true crisis for the country, that if our Republican friends continue to pursue a policy of doing just next to nothing, as little as they possibly can, and if they continue to tuck into these appropriation bills anti-environmental provisions, as they did with some of the appropriation bills earlier that they could not pass on their own merit, but more dirty water and less clean air is something they can tuck into the fine print of the appropriation bills on the few that they do pass, if they continue to pursue that approach, then simply passing the resolution for which we are going to join in bipartisan support this morning will not get the job done and will not avoid a government shutdown.

So, let us get to work, have clean appropriation bills that finance the government, that make up for about 9 months of doing next to nothing, get a budget out here and let us move the country along on the problems that really matter in the lives of families that are struggling to make a go out there across America.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe I have any more requests for time, but let me simply say that as much as I appreciate the comments of the preceding speaker, I find it intriguing to hear a Member of the Committee on the Budget complain about the fact that there is no budget.

As an appropriator, I regret that. But I would have to say that it really does not make any difference, because the leadership of this Congress in both the House and Senate agreed with this President last year, about a year ago, almost maybe 13 months ago, to balance the budget. When? By the year 2002. And they gave us a platform on how to do it.

Mr. Speaker, I believe the gentleman must have been a party to that because he is on the Committee on the Budget. They gave us a program to balance the budget by the year 2002. Lo and behold, because of their good works, we have a balanced budget not in the year 2002, but this year. We have a surplus for the first time in my adult life, $63-billion-plus surplus.

We should be proud of that. Last year, the President of the United States, and I believe he is a Democrat, agreed with the leadership of both Houses of the Congress to set caps on the amount of spending within the discretionary part of the budget. We are proposing funding up to those caps. We are spending exactly the amount of money that the President agreed to. In fact, I dare say it is possible, with some emergency funding, we may exceed the spending of the cap levels. But we are basically adhering to rules on those caps.

The gentleman that preceded me should be proud of that instead of haranguing us on the floor for no budget resolution, which means nothing anyway. We are spending what the President agreed to, and he should applaud that, and he should rejoice for all Americans are better off for our actions.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the gentleman from Louisiana (Mr. LIVINGSTON), my good friend, has given an interesting speech. It really does not have a whole lot to do with what the previous speaker just said.

The gentleman from Louisiana (Mr. LIVINGSTON) has indicated that this is not an unprecedented situation. The fact is, I believe, if he will check the record he will find out, that we have never gotten to the end of the session without the passage of a budget resolution.

I would point out also that the responsibility for that is very clear. It lies with the people who run the Congress, because the President does not sign the budget resolution. He has no role in determining what the budget resolution is. The budget resolution is a Congressional Budget Resolution. There is none, and that is why this institution has been forced to operate on an ad hoc basis.

Mr. Speaker, I would point out also that just because there was a budget agreement to live within certain caps, does not mean that this Congress is free to load up all of these appropriation bills with anti-environmental riders, with anti-consumer riders, with all kinds of unrelated and nongermane amendments, which turn relatively benign appropriation bills into highly controversial matters that the majority party itself is split over.

So it just seems to me, and I do not want to continue this, I raise this simply because I believe that if we are going to get out of here before November 3, we must have a different mindset than we have seen this year. This Congress must return and the majority party must return to the mind-set that they exhibited the year before when there was strong bipartisan cooperation, strong cooperation with the President, and as a result we had a year that I thought all of us could be proud of. This year has not been that kind of year because of the decision to revert to a confrontation mode on the part of the House Republican Caucus, at least some elements of it. I think it is that mind-set which must be changed if we are not going to be here two and three more times before the end of the calendar year, providing for yet another short-term continuing resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 541, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 445]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning

Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Fazio
Forbes
Gonzalez
Goss
Hefner
John
Metcalf
Poshard
Pryce (OH)
Riggs
Royce
Schumer
Stokes

☐ 1146

Mr. DOOLEY of California and Mr. CALLAHAN changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 1(b) of rule X, clause 2(l)(6) of rule XI, or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed five hours. The bill shall be considered as read through page 141, line 18. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment to the bill shall be in order except: (1) pro forma amendments for the purpose of debate; (2) amendments printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII; and (3) amendments printed in the report of the Committee on Rules accompanying this resolution. Each of the amendments printed in the report of the Committee on Rules may be offered only by a Member designated in the report, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield half of our time to the gentleman from Dayton, Ohio (Mr. HALL), my good friend, pending which I yield myself such time as I might consume. Mr. Speaker, during consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, let me just say that House Resolution 542 is a modified open rule. It provides for the consideration of H.R. 4569, which is the Foreign Operations and Export Financing appropriation bill for fiscal year 1999.

At the outset, I would note that the rule waives clause 2 of rule XXI, and that concerns the unauthorized and legislative provisions in an appropriation bill, and it also waives clause 6 of rule XXI concerning reappropriations.

The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on Appropriations. The bill will then be open for amendment under the 5-minute rule for a period of 5 hours, and so this bill will be completed today.

Amendments to be offered must have been printed in the portion of the CONGRESSIONAL RECORD which is designated for that purpose in clause 6 of rule XXIII. Pro forma amendments for purposes of debate are also in order.

The rule also makes in order five specific amendments, each one to be offered at the appropriate point in the reading of the bill, and subject to debate equally divided and controlled for a specified period of time. And those times are listed here if Members need to look at it.

Each of these amendments shall be considered as read and must be offered by the Member designated in the report. There cannot be a designee or a substitute. All points of order against these five specific amendments are waived.

The rule provides for votes to be stacked or clustered so as to expedite procedures here on the floor and to permit Members to plan their schedules with some degree of certainty during this long day coming. In each such cluster of votes, a 15-minute vote will precede the various 5-minute votes that follow, in order to give Members time to come to the floor.

The rule provides for one motion to recommit, with or without instructions.

And, finally, Mr. Speaker, House Resolution 542 waives clause 1(b) of rule X, which relates to explanations in the report or rescissions on transfers of unexpended balances.

The rule also waives clause 2(l)(6) of Rule XI, concerning 3-day availability of the report, and also clause 7 of rule XXI, concerning a 3-day availability of printing requirements.

Mr. Speaker, House Resolution 542 will permit the expeditious consideration of this bill and is very much the same as the rules which have governed consideration of the foreign appropriation bills over the last 5 or 10 years. I call on Members to support the rule. It is a good rule.

Turning now to the bill itself, I would offer just a few brief comments.

This is a $12.5 billion bill, which represents only about eight-tenths of 1 percent of the Federal budget. But what an important eight-tenths of 1 percent that is; nothing less than the foreign policy of the United States.

The Committee on Appropriations is always tasked with striking a difficult balance between scarce resources on the one hand and a great number of pressing and conflicting needs on the other hand. But by their very nature and their importance, the kind of issues that are dealt with in this bill tend to be less forgiving of mistakes and miscalculations than those in most other bills.

And, of course, this legislation has no built-in constituency for Members of Congress. It is a sobering realization that weighs heavily on the appropriators, and I believe the gentleman from Alabama (Mr. CALLAHAN), his ranking member, the gentlewoman from California (Ms. PELOSI), and the whole subcommittee and their staff are to be thanked for the good job they have done on a very difficult, difficult bill.

Certainly in this bill, as in all bills, there are things individual Members will find fault with. There are elements that I disagree with personally. But the appropriators have brought us a bill that deserves the very careful attention of every Member. And once the rule process is over today, we should allow the House to work its will and we will come up with a good piece of legislation.

Mr. Speaker, this may be one of my last opportunities to address the House on the subject of foreign policy. I served on the Foreign Affairs Committee for 6 years prior to becoming chairman of the Committee on Rules, and the world has changed immensely since I came here as a freshman Member in 1978, 20 years ago. Unquestionably, the most world-shaking event since then was the end of the Cold War and the simultaneous disintegration of the Soviet Union, all for the good of mankind. But the world remains a very dangerous place, and we should not forget that.

□ 1200

Saddam Hussein provides ample proof that a dictator need not be guided by a universalist ideology in order to pose a threat to our country and to our allies. Personal megalomania can be more than enough.

Let us never be lulled into complacency or a false sense of security. The world will always be a dangerous place, at least for so long as some people and some nations are free and the others are not. And there are those that would like to take away our freedoms. America must always be willing to pay the price of leadership, and that includes moral leadership, both personally and as a Nation. We must always keep in mind Alexander Hamilton's solemn warning that a Nation which prefers disgrace to danger is prepared to lose its freedom, and they would deserve to do so.

Mr. Speaker, having said that, I urge support for this rule. It is a fair rule. It does deal with the issue of abortion as many of my colleagues know. But we have been very careful to make sure that whether Members are of a philosophy of pro-choice or pro-life that there will be a fair debate on this issue and both sides can enter into that debate.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me the time, and I yield myself such time as I may consume.

This is a modified open rule which will allow consideration of H.R. 4569, which is the foreign operations appropriation bill for fiscal year 1999.

As my colleague from New York described, this rule will provide one hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Though this is technically a modified open rule, I want to make sure my colleagues understand that it severely limits the opportunities for floor debate. The rule requires amendments to be preprinted in the CONGRESSIONAL RECORD. This is a significant limitation considering that the bill was reported two days ago and has been available for only a short period of time. The amendment process is limited to five hours. Again, this is a significant limitation. Under the rule, time spent on voting is counted toward the time cap. This is a controversial bill and many Members will want to offer amendments and participate in floor debate. Under the time cap, some Members may not have the chance to offer their amendments because time will run out.

The rule permits five specific amendments that would otherwise be out of order. Only one of these is a Democratic amendment, even though many Democrats asked the Committee on Rules for waivers. The rule waives the requirement for the committee report to be available for three days prior to floor consideration. I realize the necessity for moving quickly on this bill, but waiving this rule makes it difficult for the public and even House Members to get timely information about the bill. I checked this morning and it is my understanding the committee report is not even available on the World Wide Web.

The bill contains many good provisions. It increases UNICEF funding by $5 million over last year's level. It restores an administration cut of $47 million to the Child Survival and Disease Programs Fund, bringing spending back to last year's level. It also increases Peace Corps funding above last year's level. However, the overall spending levels in the bill are inadequate to handle our international commitments and our responsibility to assist the poor and needy of the world. The bill makes deep cuts in assistance to Russia and the World Bank's Global Environmental Facility, and it reduces aid to Israel and Egypt.

Overall, the bill reduces spending by 2.4 percent below last year's level, and almost 9 percent below the Administration's request. The bill does not include the full Administration request for $18 billion for the International Monetary Fund.

Regretfully, the rule denies a Democratic request to make in order an amendment adding $14.5 billion in credit for the International Monetary Fund. This would bring total IMF funding to the level requested by the Administration. Withholding funds is dangerous because the IMF is already spread thin as a result of the financial crises in Asia, Russia and Latin America. Unless checked, these international economic problems could seriously affect our own economy.

One of the most disappointing provisions in the bill cuts international disaster assistance $55 million below the Administration request. The International Disaster Assistance program helps victims of natural and man-made disasters. Projects funded under this program include airlifting relief supplies to disaster-stricken people in remote locations, supporting supplementary feeding centers for severely undernourished children; immunizing dislocated populations against disease; and providing water purification to reduce deaths from cholera following floods. This is the type of foreign assistance Americans most strongly support and we should be increasing it, not cutting it.

I personally have witnessed our humanitarian relief programs working in countries where wars, famines and disasters threaten the lives of thousands of innocent people. I have seen desperately malnourished babies brought back to life in emergency feeding centers. I have seen people whose farms were destroyed given seeds and tools to feed themselves and rebuild their lives. I have seen children lost to their families in the chaos of war reunited with their mothers and fathers. Everywhere I have seen the gratitude in the eyes of the people we have helped and the respect we have earned as humanitarian leaders.

Later, when the House begins the amending process, the gentleman from California (Mr. CAMPBELL) and I will offer a bipartisan amendment to restore $30 million to the International Disaster Assistance account. The money would come from funds freed up when the full Committee on Appropriations cut a program designed to halt North Korea's potential to produce nuclear weapons. I share the concerns that led to these cuts, but I hope that Congress will support the Senate version which gives the President the authority to keep our 1994 agreement with North Korea after certifying North Korea's compliance with it. That is in our national interest, and it is the route supported by our allies in South Korea who would bear the brunt of any attack by North Korea.

Because of the cuts in this bill, the Administration has threatened a veto. Unfortunately there is not much we can do to improve this bill because of the severe funding constraints we are working under. Still I hope that we can offer some improvements during the amendment process.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

At the outset I mentioned my good friend from Dayton, OH (Mr. TONY HALL). He is a good friend, but I think he protests too much when he complains that this rule would not give Members fair opportunity to debate the bill. He was complaining that some Democrat Members were not permitted to have their amendments made in order. The truth is we denied, I think, eight Democrat Members. Most of those Members had not only filed late, but also they were asking for waivers beyond the normal rules of the House. Not only did we deny those eight, we denied 13 Republicans as well. We should be following the germaneness rules of the House. We have certainly tried to do that.

Make no mistake about it, this rule is an open rule. This rule allows any Member of this House over the next seven hours to come to the floor and, under normal rules of the House, offer cutting amendments, they can offer offsetting amendments, they can offer limitation amendments, they can offer striking amendments. And that is what would happen if we brought this bill directly to the floor.

Now, the question was made, "Well, we won't have enough time to consider all of these amendments." I will just tell my colleagues, seven hours from now, we will not have used all the time. We will not use the full five hours. We will not use the full time on this debate on this rule, or even the one hour of general debate. There is hardly anybody here to speak on this matter today. It makes me concerned that people would say that this rule is somehow being very restrictive. It is a totally open rule. I hope everybody supports it.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I would just simply say that we have 40 amendments that are printed in the RECORD and we have another five amendments with waivers and we have five hours to consider this. The report was not even out by this morning relative to many of the things that were done in this particular appropriation bill. Many of us are legislating and thinking about a bill of which we do not know a lot about. As a result of that, we feel we do not have the time really to evaluate it and have debate.

Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time. I want to share the view of the gentleman from New York. It is regrettable that we do not have more people here. This is a very important bill. As the gentleman observed, it is a small amount of money. But it is critically important as the world's leader tries to implement policy. And it is lamentable that we do not have more Members engaged.

I rise today in opposition to this rule. I understand the Chairman's view. But the rule does not provide, in my opinion, for certain essential things. First and foremost from my perspective, the rule does not permit debate and action on funding of the IMF. That is because the rule does not protect an amendment restoring the IMF's funding as it would necessarily have to, in order to be sustained against a point of order.

It is critical, Mr. Speaker, that we fully fund the International Monetary Fund this year. Congress failed to fund the IMF at sufficient levels in Fiscal Year 1998. Those of us who support funding the IMF agreed to wait until a supplemental appropriations bill came before the House. We were guaranteed that the remaining funding for the IMF would be included in a supplemental. It has not been, contrary to that guarantee. Now IMF opponents are trying, once again, to prevent us from providing the full $18 billion that is needed for the IMF.

I also want to support an amendment that will be offered on section 907 of the Freedom Support Act. Last week, the full Appropriations Committee passed an amendment which struck section 907. I opposed this amendment. We find ourselves in a situation where Azerbaijan has for 9 years blockaded Nagorno-Karabagh and Armenia from fuel, food, medicine, and other vital goods. I believe it is critically important that we reinstate section 907, and therefore will support an amendment which will be offered to do so.

I will be joined, I know, by the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH) and others who have been there and know firsthand the situation.

I appreciate what the Chairman of the Committee on Rules is saying in terms of some aspects of this rule being open, but I do not believe that the rule goes far enough to allow us to address critically important issues as we end this session. I would hope that the rule would be modified to give greater latitude for debate and amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. The previous speaker is one of the most astute members of this body. He is of the highest integrity. I like him very much. He is a good Member. He always does his due diligence.

Therefore, I have to be a little critical of him on the IMF issue, because the gentleman knows that we cannot make an amendment in order; it would require a Budget Act waiver. We are not going to get ourselves back into that situation. If we want to consider that on a separate bill, that is fine, but it cannot be a part of this legislation.

Second, the gentleman can be relieved to know that he would have that opportunity on section 907.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. It is my understanding that the chairman of the subcommittee the gentleman from Alabama (Mr. CALLAHAN) has indicated that this matter of IMF funding will probably be addressed in the conference. What I am saying is I hope that that is the case. It is important that that be done. But if that is going to be done, presumably, therefore, there is the contemplation that this issue will in fact be voted on by this House. It may modify or affect, as the gentleman knows, the rules under which we do it and the points of order that may or may not be able to be raised.

I understand what the gentleman is saying. I am pleased at that. All I am saying is this would be a more timely fashion to do it and send a better message, in my opinion, to all the world.

□ 1215

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding this time to me.

Mr. Speaker, I would like to associate myself with the views of the gentleman from Maryland (Mr. HOYER). Certainly, representing an agricultural area with a depressed farm economy, we are keenly interested in full funding of the International Monetary Fund. The signal that sends to the economies in other parts of the world that are such important destinations for American agricultural products cannot be under- or cannot be overestimated. We must move in that respect in a very speedy and deliberate fashion.

I would like to raise a different issue, however, with respect to this legislation, this bill and other matters that we are considering today, this week and next week; and that is, where is the budget resolution? I am pleased that we are able to take up the appropriations bills, I am pleased that we have a continuing resolution so we do not face a shutdown of Federal agencies come October 1, but I am very disheartened by the fact that here we are, 13 days from the beginning of the next fiscal year, and we do not yet have a budget resolution that has been passed by this Congress.

This is a disgrace. We have set up a budget procedure by law. We have told ourselves that we are supposed to follow this. We have told the American people that we will follow this. But tragically, we have gone for 5 months and 2 days past the deadline for having a budget resolution, and we have nothing to show for it. We have to coble together a rule in the Committee on Rules so that these appropriations bills can come to the floor without violating the Budget Act.

The time has passed for us to do a budget resolution. When the budget came up initially in this body, the Blue Dog Coalition had a budget alternative that it wished to have made in order. We were denied the opportunity to present that budget. That budget is fairly close to what I understand is the operating procedure that is being followed by the leadership.

But the question is: How can the American people trust the United States Congress to fulfill its responsibility in balancing the budget and responsibly dealing with requests for additional funds for disasters, for Bosnia, the International Monetary Fund, for a number of other things, when we do not put together a budget, an elemental document that businesses, local governments, State governments operate with, not only in this country but around the world? It is hard for us to tell other countries how they should get their financial houses in order when we cannot even do a budget resolution in Congress.

I think it is a humbling situation for us to be in, and I urge that the leadership of this body forthwith direct us towards a budget resolution.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a very dynamic second-term Member of this Congress. He comes to us from the district of a great old friend of mine, Dan Quayle, and he is from Fort Wayne.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I am going to support this rule, even though two of my preprinted amendments are not going to be allowed. There are many of us who would have liked to have some cracks at the IMF. We understand that with the struggles in the agricultural community, that we really probably do not have any choice at this point but to fund an organization that has been highly secretive, that refuses to cooperate with Congress, that it is not clear it is not wasting money throughout the world. But they have us over a barrel. The question is, how much money are they going to extort out of us? And while we might be able to live with the amount in this bill, it needs to be a minimal amount until they start to cooperate.

So it is not only my amendments, but other amendments on this side of the aisle that we wanted to have in order, and are disappointed that we are not able to do that.

I particularly want to speak briefly on the amendments that I wanted to offer. I have a bill in, cosponsored by the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, and the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and Oversight, that would say as part of us giving money to the International Monetary Fund, if we are going to use American taxpayer dollars, that the countries that get the money from the International Monetary Fund should cooperate with American investigations in the campaign finance violations, much like American banks have to do.

As I have discussed in special order speeches this week, it is critical for my colleagues and for the American public to understand that the investigation of illegal contributions from foreign nationals to American campaigns, with the likely intent to influence American foreign policy, have been stonewalled by the lack of cooperation of witnesses who have critical testimony and documentation. Many of these persons are foreign nationals associated with persons who have already been indicted or convicted by Federal authorities in connection with these illegal schemes. Seventy-nine witnesses have taken the fifth amendment, and more significantly to this particular bill, 18 have fled the country or are avoiding investigators by hiding in foreign countries.

Mr. James Riady is the deputy chairman of Lippo Group in Indonesia, and investigators from the other body have suggested that he has a, quote, "long-term relationship with the Chinese intelligence agency. Riady is also reported to have called DNC fund-raiser, John Huang, our man in the American government," end quote. He is now living in Indonesia and refuses to cooperate with investigators.

Ng Lap Seng, a Chinese Communist Party official, wired more than $900,000 in money to Charlie Trie for conduit contributions. He lives in Macao and has refused to be interviewed.

Ted Sioeng and his network of business associates gave $400,000 to the Democratic Party and $150,000 to Republicans.

All these witnesses have refused to cooperate.

My amendment would have expressed our intent that no country should receive American taxpayer assistance to the IMF unless it is cooperating fully with American investigations, both with Congress and the Justice Department, so we can find out whether our elections have been influenced by foreign governments; whether there has been a compromise in our government and in our leadership of our country of decisions, because of foreign money. And the best way to find out these things is often by tracking the money. And when we track the money in the New York banks and when we track the money through those international countries that are cooperating, and then run into stonewalling in other countries, why should our taxpayer dollars go to these countries to help bail out their economies if they are not going to cooperate with us when we are trying find out whether our government has been put up for sale? It is a slap in the face to the American taxpayer for these countries to demand our financial assistance and then slam the closed door on our investigations into critical matters affecting our own national security.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I say to my good friend, the gentleman from Indiana (Mr. SOUDER), that yes, I do strongly support his amendment, and I would like to have made it in order, which I could have done. However, in doing that, we would have had to waive various rules. We would then have had to perhaps give the same consideration to other Republicans and other Democrats, and it just would not have been fair to do that. I think the gentleman understands.

Let me just further state that when it comes to the IMF, a lot of us have very serious concerns about it; not against the IMF itself, but against their policies. One of their policies is to go around the world, suggesting and demanding that these countries which are going to receive prospective loans raise taxes.

Well that goes against everything we believe in, and that is not going to get the free market economies going in these countries. They are going to have to cut taxes, they are going to have to shrink the government and go to a free market economy.

The other thing is accountability. This arrogant IMF organization refuses to be accountable to even the United States of America, which pays about 20 percent or more of the annual contribution to IMF. And I just want to commend the gentleman from Alabama (Mr. CALLAHAN), the chairman of the committee, and the gentlewoman from California (Ms. PELOSI) and others for the reforms that they have written into this legislation, because that goes a long way towards forcing the IMF to be accountable to the people and the taxpayers that put up the money. I want to commend the gentleman for his remarks.

Mr. SOUDER. Reclaiming my time, I too want to congratulate the gentleman from Alabama (Mr. CALLAHAN) for the progress that we have made and the gentleman from New York (Mr. SOLOMON) for his support of this legislation. I understand the difficulty here. I hope indeed, if in some kind of conference report or end-of-the-year deal there is a bump-up in IMF spending, that we also can look at some of these other amendments that Members were deeply concerned about and the other matters that the gentleman from New York (Mr. SOLOMON) raised.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to House Resolution 642. My argument today is not with the distinguished chairman of the Committee on Rules. He is just doing his job. My argument today is with the leadership of the House.

Mr. Speaker, it has been nearly a year since the request for more IMF contribution has come to the Congress, and in that time while the other body has acted, the House has continued to fail to act. And what has happened? We have seen more nations fall to contagion, the problems spread to Russia, to Latin America. We have seen the U.S. stock market erase all the gains for the year. We have seen U.S. economic growth decline by at least 2 percent because of the Asian situation. We have seen the stock market today drop 200 points because of the spread to Latin America, not necessarily based on fundamentals but based on a lack of confidence in the markets, and particularly in emerging markets. And it comes right back here.

Now just a couple of weeks ago, we saw the chairman of the Federal Reserve give this speech in Berkeley, California, where he said the U.S. economy would not be isolated from this, and now the problems of a potential world economic crisis are lapping, the waves of it are lapping on the shores of America.

Now I want to point out to my Republican colleagues the irresponsibility in this area. Two years ago, when we came close to defaulting on the U.S. debt, my Republican colleagues held up a comment from the firm of George Soros and his lead analyst saying that technical default in U.S. treasuries would not be that big of a deal, and certainly it would. Unfortunately we did not do that. But Mr. Soros testified before the Committee on Banking and Financial Services the other day, and here is what he said:

> Congress bears an awesome responsibility for keeping the IMF alive. I am convinced that the attitude of the Congress is already an important element in the failure to deal with Russia.

Their own person saying this.

Now we can go through the politics, and we can talk about the problems with the IMF, and we have tried to do that on the House Committee on Banking and Financial Services, but it has been nearly a year. How long will we fiddle and allow the world to burn and not deal with the problem at hand, and how much will the American workers and the American investors, the men and women who all of us claim to represent, have to suffer because this House will not act?

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this gag rule.

Mr. Speaker, the foreign operations appropriations bill is one of the most important pieces of legislation the House will consider this year. As a member of the Subcommittee on Foreign Operations, I have sat through many hours of hearings, two markups, in the process of bringing this bill before the House today. But there are 420 Members of this House who are seeing the bill for the first time today, and they deserve a lot more respect for their input than this rule gives them.

The rule before us imposes a ridiculous time limit of 5 hours for the complete consideration of this bill and stricter limitations on certain specific amendments. As a comparison, I would ask my colleagues to look at how much time this body took to debate and amend the foreign operations appropriations bill for FY 1998. Last year it took us 3 days, 15½ hours, to finish the bill, over three times as long as we have been given today.

The rule also denies the House an opportunity to debate the issue of additional funding for the International Monetary Fund. Whichever side of the issue my colleagues stand on, it deserves a full debate by this House. I, for one, strongly support the administration's request for IMF funding, and I believe that the leadership is playing a dangerous political game by not allowing a vote on this issue today.

☐ 1230

The ongoing economic turmoil in Asia and Russia is having a serious impact on Wall Street and other markets around the world, and we must provide the IMF with the resources it needs to respond to the economic insecurity in Russia and Asia as it promotes badly needed reforms in these countries.

Finally, the rule violates an agreement that we had with the Republican leadership on the international family planning issue. By allowing a second degree amendment to the gentlewoman from California (Ms. Pelosi)'s amendment, the Committee on Rules turned its back on an agreement it made just 1 week ago. On this matter alone, we should reject the rule.

Mr. Speaker, I urge my colleagues to stand up for their right to have a full debate on this important legislation, and I urge a vote against this terrible rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentlewoman that I really am taken aback by her remarks. I harken back to only last year when we were having the arguments on both sides of the aisle about the issue of pro-life or pro-choice. The gentlewoman knows that she and others came to me, and I stood up for them, even though I am on the other side of the issue philosophically.

We are doing the same thing this year, only in reverse, from what we did last year.

When I hear criticism like this, it really hurts, because when one is sincere about trying to help and bring these issues together so that we can debate it, it does not sit well to hear that kind of criticism.

Let me go back to talk about this rule. The Democrats controlled this Chamber for 40 years. In the last 2 years that they controlled it, during the 103d Congress, they brought this same bill to the floor, and guess what?

The gentlewoman says that this is a gag rule. But the Demoncrats brought it to this floor with a completely closed rule; they required the amendments to be filed with the Committee on Rules, and they selectively picked just a few and then brought that to the floor. Nobody could work their will.

This rule is just the opposite. This rule makes all of the regular amendments in order. One can offer striking amendments, cutting amendments, offsetting amendments, limitation amendments under the regular rule. Nobody is held back. It is an open rule. All we did was make in order several others to go with it. So nobody is shut out; everybody is allowed. We ought to know that. We ought to be fair about this debate on the floor that we will have on the issue of pro-life and prochoice. No one is going to change their mind.

I have been here for 20 years; I have never seen one Member of this Congress, on either side of that issue, change their mind on a vote on this floor. We all know how we are going to vote, so let us have the open debate on it and let us let the chips fall where they may. I just had to say that to my very, very good friend from Westchester, New York.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I just want to say to my good friend from New York, the distinguished chairman of the Committee on Rules, we have always had a collegial relationship, and I just want the gentleman to know that everything I have said is meant to be fair and not to personally attribute anything to our good chairman.

However, I would just like to say to the gentleman from New York (Mr. SOLOMON) that it was my understanding, as we had a meeting in the committee, that there would be an opportunity to offer an amendment, because on the committee we did not have full debate on the pro-life/prochoice issue, because as the gentleman said, people know where they stand on this issue, and we thought we would defer the debate to the floor.

It was my understanding that we would have the opportunity to offer a substitute and we would have a full debate on that, and then the Members would use it as an opportunity to vote, either for or against.

So I am sorry if there is a difference of opinion, but I do believe that was the agreement that we thought was made, and so we did not have a debate in the full committee. We thought the debate would be here and that there would not be a second degree.

So I certainly respect the gentleman's views, but I just wanted to present to the gentleman my understanding. It was certainly the spirit of the agreement that, in my judgment, was violated by allowing the second degree.

I thank the gentleman very much. I wish the gentleman well, and I know we will continue to work well together.

Mr. SOLOMON. Mr. Speaker, that is a much better explanation.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think the membership should know very clearly that an agreement was made to allow the gentlewoman from California (Ms. PELOSI) to offer an amendment. Nothing whatsoever was stated as to whether or not a second degree amendment to that would be permitted or not permitted; it just was not on the table.

Moreover, the agreement was to prevent what might have been an hour or so of debate in the committee. If it were up to me I'd debate it all day. Let me say also that in the committee, because we had whipped on this, we believed that we would have won by more than just a few votes in committee, and that any substitute that would have been offered would have been defeated. I do do reasonably good vote counts when I do work an issue. So not getting a roll call vote in committee was just to expedite the bill. I think that should be made very clear. Nobody has violated an agreement.

Let me just say for the record, because this I find very disconcerting, many of my friends on the other side of this issue time and again have demanded and received the ability to second-degree pro-life amendments that this Member and other Members have offered on the floor. Every time we have done it, the second degree amendment comes in, we live with it, that is the way the process goes. The shoe is just on the other foot.

I get, for the first time in my 18 years as a Member of Congress, an ability to second-degree an amendment that is being offered on the other side of the issue I see absolutely no unfairness in this whatsoever.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I say to my good friend, we are just running out of time. If the gentlewoman would please get her time, and I will try to yield. But I just have to say to all of my colleagues, we are talking about an agreement that was made here and an agreement that was made there. I am Chairman of the Committee on Rules, and if I am not included in those agreements, there is no agreement.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, now the gentleman is speaking the truth. Nobody was intending to honor the agreement in the first place, I guess, but the agreement was not honored.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that the gentleman from Ohio (Mr. HALL) has 14 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has approximately 8 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to speak against this rule, and also against the funding for the IMF. However, it is critical that this body be able to speak to and debate this measure, wherever one stands on the International Monetary Fund.

The Committee on Banking and Financial Services, on which I sit, held several days of hearings on the Russian economic crisis and expanding economic turmoil internationally. The witness's testimony in our committee discussions were consistent with much of the news in our daily media. Major parts of Asia are in severe recession and going into a depression. Indonesia, in spite of or because of the IMF, is in extreme difficulty. Russia, in spite of or because of the IMF, is in severe crisis, and these two areas are affecting Latin America and the United States.

We know that it has been harmful to people who are not part of the political and economic oligarchy, particularly women and children. The $6 billion disbursed in Indonesia has been estimated to match the corrupt appropriation of this money by Suharto and his extended family.

In Russia, IMF bailout has gone into the maze of corruption, the Mafia, and oligarchs.

In Africa, in Haiti, in Mexico, in developing countries that have arranged for IMF loan programs, the developing economies have had to shift their priorities from food crop production to cash crops, thereby creating local food shortages and making the poor even more dependent on cash that they do not have. IMF loan repayment policies mandate that priorities shift from the most minimum education and health care programs to paying interest on the loan.

Mr. Speaker, these issues, believe me, these issues deserve a full and fair debate on this floor. I urge a "no" vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule and in opposition to the underlying bill, particularly the provision that would repeal section 907 of the Freedom Support Act. An amendment will be offered today which I have cosponsored that would strike this repeal provision.

Mr. Speaker, Azerbaijan has done nothing to comply with the basic requirement of section 907 that it lift its blockade of Armenia and Nagorno Karabagh, blockades that have caused severe hardship for the Armenian people. The Government of Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. The blockade has cut off the transportation of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency life-saving assistance to Armenia.

Next, Mr. Speaker, I would like to speak in opposition to an amendment expected to be offered by the gentleman from Indiana (Mr. BURTON). This amendment cuts humanitarian foreign assistance to India. As a result of the underground nuclear tests that India conducted in May, the President was required to invoke severe sanctions pursuant to the Glenn amendment of the Arms Export Control Act. These sanctions terminated much of the development aid that the U.S. provides to India; however, it protects humanitarian programs from the sanctions.

Passage of the Burton amendment would only serve to hurt India's poor and not have any impact on the government.

The United States and India have conducted several rounds of bilateral talks that have been labeled as "positive" and "successful quiet diplomacy." This positive direction would be substantially disrupted by passage of the Burton amendment.

In light of the progress in the ongoing U.S.-India talks, now would be the worst time to enact the Burton amendment.

Again, Mr. Speaker, this rule should be opposed and the underlying bill should be opposed, in part because so much effort is put into legislation, if you will, on appropriation bills.

I share the opinion that was expressed yesterday by the gentleman from New York (Mr. GILMAN), when he addressed the Committee on Rules and said that to the extent that this legislation actually includes authorizing language that has not been reviewed by the full Congress, it should be defeated.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the rule. I will not vote for the bill. The day I vote for a foreign aid bill in this House, I guess the House will cave in. But I am not going to offer any amendments to cut it.

I want to compliment the gentleman from Alabama (Mr. CALLAHAN), and I think he has brought another good bill, if there can be a good foreign aid bill, to the House. But I will have an amendment that says when we give money to a country and that country is going to buy a product and they do not build the product, they should buy the product from us unless they can buy it from some other developing country at less than 10 percent our cost. It is a limitation.

I want the amendment in the bill. It makes the bill friendly to American workers who are busting their buns to give money overseas while we have people dying in the streets in America.

The gentleman from Alabama (Mr. CALLAHAN) has done a good job. I will not offer to cut it, and that is rare for me, because I think he has made some responsible moves. I want to credit our Democrat ranking minority member, the gentlewoman from California (Ms. PELOSI), as well.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. PELOSI), the ranking minority member of the Subcommittee on Foreign Appropriations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio for yielding and for his presentation of this rule, which I rise with great reluctance to oppose. My reluctance springs not from the substance of the rule, that is easy, but reluctance springing from my respect and regard for the distinguished chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON).

The chairman is my friend, and this is probably the last rule which we will be contending with each other over. I want to take the opportunity to say what a pleasure it has been to serve in Congress with the gentleman. The gentleman knows of the respect that I have for him, and that is why it is very difficult for me to oppose the gentleman on this rule. But the gentleman made it easy, because I think this rule is a contortion and, in my view, violates the agreement that we had with our committee.

Once again, Mr. Speaker, we are in a situation, and it seems like an annual event, where we get an agreement with the Republican leadership of this House that we will have free and fair debate and vote on the international family planning issue. No matter where one stands on that issue, Members understand the unfairness that is contained in this bill.

□ 1245

The record of our Committee on Appropriations was clear. When our distinguished chairman, the gentleman from Louisiana (Mr. LIVINGSTON), spelled out very clearly how our rights were protected on this issue on the floor or in any other arena that it would be taken up.

My complaint is not with our distinguished chairman, the gentleman from Louisiana (Mr. LIVINGSTON), nor is it with my colleague and the distinguished chair of the subcommittee, the gentleman from Alabama (Mr. CALLAHAN). It is a joy to serve with both of them, and I respect them highly.

My complaint is with this Republican leadership of this House which, after agreements are made in our committee, has to go and run and check with the far right to see if it was okay.

We specifically conveyed to the Republican leadership that a second-degree amendment was not part of the agreement. They knew that. The reason my colleague, the gentleman from New Jersey (Mr. SMITH) says, well you usually get the second degree, why are you complaining if I do. The point is that, in the interest of comity and cooperation, we said, okay, proceed and put the gentleman's language in the bill if we get a chance to amend it on the floor.

So, indeed, the gentleman from New Jersey (Mr. SMITH) has a privileged position. His language is part of the legislation. Why should he have two bites at the apple, especially when that is in violation of our agreement.

So one of the casualties of this will be, of course, the trust that we can have working together in the Committee on Appropriations, because, clearly, we should be talking to the far right wing if we want to be sure about what the arrangement will be when we come to the floor.

It takes the rug out from under our own committee leadership and any commitments they make to us in committee. When that commitment was made, it specifically mentioned that the leadership, the Republican leadership of the House was a part of the agreement. So here we go again. That is just one point, the point of unfairness, which of course seems to be the banner of the day around here.

But this rule, even if that unfairness were not an issue, and let us for a moment put it aside, I call this rule a rule suitable for ostriches. Let us put our heads in the sand on all of the troubled spots in the world.

For example, Korea, North Korea, the rules committee would not allow an amendment on Korea. International environmental issues, we cannot have an amendment on that issue. The list goes on and on. Africa, we cannot have an amendment on what is going on in Africa.

Even with those amendments that were made in order or those which under the rule can be submitted because they were printed in the RECORD, there is a very, very narrow amount of time with which those issues are to be debated.

If we subtract the time for the amendments that the gentleman provided time for in the amendment, there are 2 hours, only 2 hours to discuss disasters of the whole rest of the world, Ireland, Africa, disaster assistance, the list goes on and on. The International Monetary Fund. That takes me to that point.

Members in this group, in this body are divided on the issue of the International Monetary Fund. Wherever we are on that issue, I think it is fair to say that this House should be debating that issue.

Some of my Republican colleagues said to me, do not worry about the IMF. If you support the IMF, we are going to put the $14.5 billion in in conference. Oh, really. Do my colleagues think that is appropriate, a $14 billion appropriation in conference without this body having the opportunity to debate it pro and con?

I think that that is not right. It is hard to imagine how such a distinguished group of people who are interested in the economy of our country could say that the International Monetary Fund should not be debated on this floor.

So it is for reasons of substance, reasons of fairness, and reasons of timing that I oppose this rule. I just want to make the further point in terms of timing that, not only is the timing of restricting all the debate on the amendments to 5 hours unfair, but it is also about the timing, of the jamming, of the railroading this bill onto the floor before Members are even versed as to what the issues are that are contained in it.

Mr. Speaker, I ask my colleagues to vote "no" on the rule.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair advises Members that the gentleman from New York (Mr. SOLOMON) has 8 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 3 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to clear up a couple of things. The gentlewoman mentioned that amendments were going to be restricted to 5 minutes. That is not true. We are under the 5-minute rule. We can go for 30 minutes on any amendment.

Secondly, the gentlewoman is saying that Members are not going to have a chance to work their will. I have examined all of the amendments that were printed in the RECORD. There were a vast number of amendments. Only about 10 or 11 of them are allowable, that are germane to the issue. We are going to allow all of those. If the gentlewoman tells me that is going to take 5 hours to debate 10 amendments, there is something wrong around here.

Secondly, the gentlewoman has been critical of the Republican leadership and that this message was conveyed to them. I want to know who in the leadership it was conveyed to. I am a part of the Republican leadership and I am chairman of the Committee on Rules.

Ms. PELOSI. Mr. Speaker, If the gentleman will yield, it was the gentleman from Texas (Mr. DELAY).

Mr. SOLOMON. Mr. Speaker, just a minute and I am going to get to him. No one approached me. However, I approached the gentleman from Texas (Mr. DELAY) who is our whip and is a Member of the Republican leadership and serves on the Committee on Appropriations.

The gentleman from Texas (Mr. DELAY) said, "Yes, I said I would go to you and try to get you to make in order a Pelosi or her designee's amendment." The gentleman from Texas (Mr. DELAY) did that. He mentioned nothing to me. I called the gentleman, and he knows nothing about any second-degree amendment. There was no discussion whatsoever.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Robbinsville, New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, first let me say, and I think it is unfortunate and unhelpful when my good friend, the gentlewoman from California refers to prolifers as the far right—in this case me.

Let me just say that I am conservative and very proud of it, but I take a back seat to no one on human rights. I have been in this body for 18 years. I have been all over the world, very often with my good friend, the gentleman from Ohio (Mr. HALL) and the gentleman from Virginia (Mr. WOLF) and other committed leaders in human rights.

I have chaired more hearings in my subcommittee—international operations and human rights that have ever been held ever on human rights. I have been to Asia, Africa, Eastern and Central Europe, the Middle East, Central and South America—all on behalf of human rights. Gulag labor abuse and exploitation of child workers. We have worked on religious freedom. When it comes to child survival, going back to the early 1980s, I led the effort and offered amendment after amendment on this floor and in committee to beef up the child survival account.

As a matter of fact when Reagan's Administration wanted to zero out the $25 million child survival account, I put $50 million and reauthorized that account to continue immunization, oral rehydration, breast feeding, and growth monitoring. I take a back seat to no one on humanitarianism and on human rights. If that is "far right," I accept the label, but I think the gentlelady's use of the term is to engender ridicule and disgust. Moreover, name calling undermines the caliber of debate and does grave injury to the comity of the House when people make such reference.

Ms. PELOSI. Mr. Speaker, will the gentleman yield so I can agree with him?

Mr. SMITH of New Jersey. I yield to the gentlewoman.

Ms. PELOSI. Mr. Speaker, I agree with everything that the gentleman has said, and I salute him for everything that he has done. The gentleman is so right. He takes a back seat to no one on all of the issues he said. I want him to know that I was not referring to him. I was referring to elements outside of this body.

Mr. SMITH of New Jersey. Mr. Speaker, there were no elements. I was the one who was in conference with our leadership on this.

Let me just say that mention has been made that somehow this rule is unfair on pro-life issues. Nothing can be further from the truth. Let me state to Members that, in the full Committee on Appropriations, my good friend, the gentleman from Mississippi (Mr. WICKER), offered to compromised Mexico City policy, which allows the President to waive one of the two mainstays of that pro-life Mexico City policy. It is a clear concession by the pro-life side. It is a compromise.

The Committee on Appropriations accepted the Wicker amendment. In order to expedite consideration of that bill, they decided that there would be a voice vote. We would have gladly had the vote and the debate in the committee.

There was no mention that a perfecting amendment would be offered or not be offered. But let me remind Members of the history. Every time I have offered this amendment, the Mexico City amendment, it has been second degreed. I accept that. On May 24th, 1995, the gentlewoman from Maryland (Mrs. MORELLA) offered the second degree. June 28th, 1995, in the foreign ops bill, Jan Meyers offered the second degree. I accepted that. That is the process. We all live under the same rules. June 11th, 1997 the gentleman from California (Mr. CAMPBELL) and the gentleman from Pennsylvania (Mr. GREENWOOD) second degreed the underlying amendment that I had offered.

Last year, September 4, after the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. PELOSI) offered an amendment, it was a second degree, and that was the second second degree. The first one that had been proffered by the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. CAMPBELL) and the gentleman from Pennsylvania (Mr. GREENWOOD), was deemed that it was not good enough. That is what held up that process and we acceded again and allowed a second degree amendment to the Smith amendment to be offered.

Now the shoe is on the other foot and some folks are crying foul. Really that does not pass the straight face test. It strains credulity to make that argument on the floor here. Every time the gentlewoman has offered her second degree, I have accepted it. Now I get to offer the second degree and to say foul does not cut it.

I hope Members will vote for this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that we have some problems with some of our Members here relative to the rule. It is controversial. The bill itself is controversial. I want to say from the start that the gentleman from Alabama (Mr. CALLAHAN) on some of the things that he has committed himself to on child survival activities, the Peace Corps, UNICEF, basic education, he has been a real champion. He has kept that money very strong for it. In some cases, he has increased the money.

What I would like to say, though, about foreign operations both here and in the Senate is that it continues to get cut in many different categories. In 1985, the development assistance account was cut by 40 percent. Over the past couple of years, a number of the categories have been cut. So many people in our own country believe that foreign appropriations, as part of our total budget, is so out of whack that when we have debates with people, I remember the debate I had last time I ran for reelection and one of my opponents was asked a question, all of us were asked a question, you know we spend too much money on foreign aid and what do you think we should do?

One of my opponents said, "Well, I think we should cut it back. We spend way too much money."

I said, "Really?" I said, "Well, what percentage do you think we spend of our total budget on foreign aid?"

She said, It "has to be somewhere between 25 and 27 percent."

I said, "Really?" I said, "Would you believe it is really eight-tenths of 1 percent of our total budget?"

"It cannot be."

I said, "I am telling you that is the truth."

What we are talking about today, the part that I like best, the humanitarian aid, is even less than that. This is good aid. It helps people that are sick. It helps people that are facing floods now in Bangladesh. It helps people that reunite children that have become temporary orphans as a result of civil war. It helps children be immunized.

At one time, we had 40,000 people die every day in this world and over the past few years that has gone down to about 35,000. 35,000 people will die today, 35,000 people died yesterday and 35,000 will die tomorrow because of civil war, because of lack of food, because of drought, because of famine, because of a lot of things, and our aid goes to help those people.

We are not making a mark here in the past couple of years because our aid for foreign aid continues to go down. I even understand in the Senate that what is happening over there, they are going to lower the status of the foreign aid committee over there. It does not have the status it once used to. In almost every country of the world, to be on the foreign affairs committee is a great distinction. It is the number one committee in most parliaments.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. HALL) has expired.

Mr. SOLOMON. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Speaker, if we compare ourselves with the 17 major nations of the world, we rank seventeenth in our appropriation to foreign aid.

We need to do better. We need to quit running from this issue. We need to stand up and support it. There are a lot of changes that need to be in this bill as it comes before the House today. I hope we can make the changes.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I close, I heap accolades on the gentleman from Ohio (Mr. HALL). I know of no Member, and I have served with him since the very beginning, who has done more for human rights and to alleviate hunger throughout this world than the gentleman from Ohio (Mr. HALL) has. We all should salute him.

Let me just speak a little further on what he was speaking about, because the American people sometimes do not understand that the foreign aid budget is not much. It is only eight-tenths of 1 percent of the Federal budget. The truth of the matter is, they are incensed when they see monies that we give to foreign nations and have these foreign nations then turn around and vote against us consistently in the U.N., vote against American foreign policy, whether it is a Democratic President or a Republican President. The American people resent that. They resent greatly, when they see IMF funding and other international organizations giving American taxpayer dollars to Russia. They see it going in the front door and going out the back door even faster. The American people resent that.

Of course, that is why I have to again commend the gentleman from Alabama (Mr. CALLAHAN) and the other Members for the reforms they are writing in to this legislation. It goes a long way in holding the IMF accountable not only for our policy but also so that we can see where our tax dollars go.

□ 1300

Finally, let me just say about the rule itself, every Member should come over and they should vote for this rule. This rule is not restrictive in any way. There were 40 amendments filed and I have a list of them right here. Only 10 of these amendments are germane to the issues and are allowed under the rules of the House.

Any Member that has done his due diligence will have his amendment time on the floor. The gentleman from Alabama (Mr. CALLAHAN) can negotiate with the gentlewoman from California (Ms. PELOSI) and they can determine how much time might be allowed on a particular amendment. With only 10 amendments that are made in order over a five-hour period, every Member should have the opportunity to work their will.

Mr. Speaker, let me commend the gentleman from Alabama (Mr. CALLAHAN), the gentlewoman from California (Ms. PELOSI) and their staffs for an excellent piece of legislation. Let us come over here and pass the rule and get on with it, because we have very important legislation to deal with in the next 13 days.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 188, not voting 17, as follows:

[Roll No. 446]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler

Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Bereuter
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Becerra
Brady (TX)
Brown (CA)
Capps
Cunningham
Gonzalez
Goss
Gutierrez
Hilliard
Mink
Paul
Poshard
Pryce (OH)
Riggs
Scarborough
Schumer
Whitfield

□ 1321

Mr. HOYER changed his vote from "yea" to "nay."

Messrs. MASCARA, GREENWOOD, LAZIO of New York, and STUPAK, Mrs. JOHNSON of Connecticut, and Messrs. UPTON, HORN, and BOEHLERT changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 446, I was inadvertently detained. Had I been present, I would have voted "yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 4569.

□ 1323

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI), each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to open general debate today on H.R. 4569, the fiscal year 1999 Foreign Operations, Export Financing and Related Programs appropriations bill.

This will be the last appropriation bill, Mr. Chairman, for two distinguished members of our subcommittee and the Committee on Appropriations. I am speaking of the gentleman from Illinois (Mr. YATES) and the gentleman from California (Mr. TORRES), who are leaving after this session of Congress and going on to retirement.

Mr. Chairman, I cannot help but point out that these two Members have not only served with distinction on this subcommittee, but with the entire Congress throughout their careers.

The gentleman from Illinois (Mr. YATES), for example, has been a member of this subcommittee since its inception. He was here when they debated the Marshall Plan, and he has made a tremendous contribution to this committee and to the people of the United States and, indeed, the world, with the many contributions he has made. So I am sure that my colleagues join with me in expressing our best ever to these two gentlemen who are retiring and will congratulate them for their tremendous contributions.

I want to begin, Mr. Chairman, with some basic figures. This bill is $3.5 million below the subcommittee's allocation of $12.4 billion in budget authority and within our outlay allocation. We also have brought a bill that is $315 million below last year's level and $1.1 billion below what the President has requested to run foreign operations for the fiscal year 1999.

There are some who might rightfully argue this is not a sufficient amount of money for the President, and I regret that. However, I do not determine the amount of money that will be made available. This is done by other authorities, and they have allocated a designated amount. But it is a responsible bill with the amount of monies we had to work with, and I regret that we cannot fulfill the President's request for all the monies he wants for all of the programs he wants. But the President and the executive branch of government ought to be happy that this subcommittee has not tried to tie their hands, have not dictated to them how every penny will be spent.

There is not one dime in this bill earmarked, and I think that is a compliment to the committee and to the full committee, and I think it is the right way to go in making certain we give the executive branch the constitutional authority they need by not telling them how every penny will be spent.

For the first time in history, Mr. Chairman, we are reducing aid to Israel. Many would say, why are we doing that? We are doing that because Prime Minister Netanyahu informed us here in this body that the economy of Israel is such that it is time to look at responsible fiscal policy and recognize that the United States is not in an entitlement position for Israel. The government has cooperated, the government of Israel has cooperated in this first-time ever reduction in economic support to Israel. So it does include the first reduction to Israel, and I am happy to have received the cooperation of so many people, both in the Congress and the Israeli government, in making certain that we handle foreign operations in a very fiscally responsible manner.

I might also point out, Mr. Chairman, that the appropriation is less than 1 percent of the total amount of money we will appropriate for 1999. Many people in this country think maybe we spend 20 percent of our money on foreign aid, but that is not the case. Next year it will be somewhere below 1 percent. So we are not spending a lot of money for foreign aid, but we are doing it in a very, very responsible manner.

Also Members will note that we have not included the President's request for the full $18 billion for the IMF. We have included the $3.5 billion. We have also included some reform measures that we and the Committee on Banking and Financial Services felt were necessary, a message being sent to the International Monetary Fund that business can no longer be transacted as it has been in the past.

□ 1330

And they are going to have to be more accountable. They are going to have to be more transparent. But we have denied the President's request for the additional $13.5 billion for the International Monetary Fund.

Now, I do not have to remind Members that the United States is facing a series of profound policy changes at this time. The economies of Asia and Russia are in disarray and, as we have seen in the last couple of days, the economy in South America, with Brazil and Peru and others, is beginning to have some problems. And we are going to have to be a participant in the salvation of this economy, a participant that will allow them to keep their dollar afloat and to act in a responsible manner. But without giving them indication that there have to be some changes in their fiscal policies, they are not going to have a sufficient amount of money in which to do it.

We do not dictate, as I said, to the Secretary of State what she should do. We did not tell the President exactly what he should do with every penny. We give him as much latitude as we possibly can. There are some areas we have taken extreme disagreement with. For instance, the gentleman from Louisiana (Mr. LIVINGSTON) and I are firmly convinced that we ought to move beyond the current policy of the Korean Energy Development Corporation, KEDO.

I have said from the beginning that KEDO is an irresponsible policy that we never should have entered into in the first place. But the administration chose to do it, and we have funded it for the last 4 or 5 years, but it is time to take a serious look at KEDO, especially in light of the fact they are now shooting missiles over Japan and indications are that they have missiles that very possibly could reach Alaska.

With respect to some of the problems taking place in the Caucasus, we want to help Armenia, we want to help Georgia, but we recognize there is a policy in effect, called the section 907 policy, that is causing tremendous problems to Azerbaijan and to people in America who are trying to do business in Azerbaijan. And I am happy that the chairman of our committee offered an amendment in full committee which passed with a pretty good vote which lifted the 907 restrictions.

So we have a good bill. And I know that many Members had many amendments they wanted to offer today, but I am pleased that the Committee on Rules gave us a rule which I think is fair, to pass a bill that I think is fiscally responsible.

Mr. Chairman, I submit for the RECORD documentary materials regarding this bill.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Limitation on Program Activity:					
Subsidy appropriation	683,000,000	808,000,000	745,500,000	+62,500,000	-62,500,000
(Direct loan authorization)	(1,330,000,000)	(1,325,000,000)	(1,325,000,000)	(-5,000,000)	
(Guaranteed loan authorization)	(11,300,000,000)	(15,401,000,000)	(15,401,000,000)	(+4,101,000,000)	
Administrative expenses	48,614,000	51,940,000	50,277,000	+1,663,000	-1,663,000
Negative subsidy	-51,000,000	-25,000,000	-25,000,000	+26,000,000	
Total, Export-Import Bank of the United States	680,614,000	834,940,000	770,777,000	+90,163,000	-64,163,000
INTERNATIONAL ASSISTANCE PROGRAMS					
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	32,000,000	34,000,000	33,000,000	+1,000,000	-1,000,000
Insurance fees and other offsetting collections	-251,000,000	-260,000,000	-260,000,000	-9,000,000	
Direct loans:					
Loan subsidy	4,000,000	4,000,000	4,000,000		
(Loan authorization)	(133,000,000)	(200,000,000)	(200,000,000)	(+67,000,000)	
Guaranteed loans:					
Loan subsidy	56,000,000	46,000,000	46,000,000	-10,000,000	
(Loan authorization)	(1,800,000,000)	(2,600,000,000)	(2,600,000,000)	(+800,000,000)	
Total, Overseas Private Investment Corporation	-159,000,000	-176,000,000	-177,000,000	-18,000,000	-1,000,000
TRADE AND DEVELOPMENT AGENCY					
Trade and development agency	41,500,000	50,000,000	41,500,000		-8,500,000
Total, title I, Export and investment assistance	563,114,000	708,940,000	635,277,000	+72,163,000	-73,663,000
(Loan authorizations)	(14,563,000,000)	(19,526,000,000)	(19,526,000,000)	(+4,963,000,000)	
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
INTERNATIONAL ASSISTANCE PROGRAMS					
Agency for International Development					
Child survival and disease programs fund	650,000,000	502,836,000	650,000,000		+147,164,000
Development assistance	1,210,000,000	1,265,798,000	1,174,000,000	-36,000,000	-91,798,000
International disaster assistance	190,000,000	205,000,000	150,000,000	-40,000,000	-55,000,000
Micro and Small Enterprise Development program account:					
Subsidy appropriations	1,500,000	1,500,000	1,500,000		
(Direct loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)		
(Guaranteed loan authorization)	(48,000,000)	(48,000,000)	(48,000,000)		
Administrative expenses	500,000	500,000	500,000		
Urban and environmental credit program account:					
Subsidy appropriations	3,000,000	6,000,000		-3,000,000	-6,000,000
(Guaranteed loan authorization)	(46,000,000)	(68,000,000)		(-46,000,000)	(-68,000,000)
Administrative expenses	6,000,000	6,053,000	5,500,000	-500,000	-553,000
Development credit authority program account (by transfer)		(15,000,000)			(-15,000,000)
Subtotal, development assistance	2,061,000,000	1,987,687,000	1,981,500,000	-79,500,000	-6,187,000
Payment to the Foreign Service Retirement and Disability Fund	44,208,000	44,552,000	44,552,000	+344,000	
Operating expenses of the Agency for International Development	473,000,000	483,858,000	460,000,000	-13,000,000	-23,858,000
Operating expenses of the Agency for International Development Office of Inspector General	29,047,000	33,000,000	31,500,000	+2,453,000	-1,500,000
Total, Agency for International Development	2,607,255,000	2,549,097,000	2,517,552,000	-89,703,000	-31,545,000
Other Bilateral Economic Assistance					
Economic support fund:					
Camp David countries	2,015,000,000	2,015,000,000	1,855,000,000	-160,000,000	-160,000,000
Other	385,000,000	498,600,000	471,000,000	+86,000,000	-27,600,000
Subtotal, Economic support fund	2,400,000,000	2,513,600,000	2,326,000,000	-74,000,000	-187,600,000
International fund for Ireland	19,600,000		19,600,000		+19,600,000
Assistance for Eastern Europe and the Baltic States	485,000,000	464,500,000	450,000,000	-35,000,000	-14,500,000
Assistance for the New Independent States of the former Soviet Union	770,000,000	925,000,000	590,000,000	-180,000,000	-335,000,000
Total, Other Bilateral Economic Assistance	3,674,600,000	3,903,100,000	3,385,600,000	-289,000,000	-517,500,000
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriations		22,000,000	20,680,000	+20,680,000	-1,320,000
(By transfer)	(22,000,000)			(-22,000,000)	
African Development Foundation					
Appropriations		14,000,000	13,160,000	+13,160,000	-840,000
(By transfer)	(14,000,000)			(-14,000,000)	
Peace Corps					
Appropriations	222,000,000	270,335,000	230,000,000	+8,000,000	-40,335,000
Department of State					
International narcotics control	215,000,000	275,000,000	275,000,000	+60,000,000	
Narcotics interdiction	15,000,000			-15,000,000	
Migration and refugee assistance	650,000,000	650,000,000	640,000,000	-10,000,000	-10,000,000
Refugee resettlement assistance	5,000,000			-5,000,000	

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Emergency Refugee and Migration Assistance Fund	50,000,000	20,000,000	30,000,000	-20,000,000	+10,000,000
Nonproliferation, anti-terrorism, demining and related programs	133,000,000	215,900,000	152,000,000	+19,000,000	-63,900,000
Total, Department of State	1,068,000,000	1,160,900,000	1,097,000,000	+29,000,000	-63,900,000
Department of the Treasury					
Debt restructuring	27,000,000	72,000,000	36,000,000	+9,000,000	-36,000,000
International affairs technical assistance	....	5,000,000	....	....	-5,000,000
United States community adjustment and investment program	....	37,000,000	....	....	-37,000,000
Subtotal, Department of the Treasury	27,000,000	114,000,000	36,000,000	+9,000,000	-78,000,000
Total, title II, Bilateral economic assistance	7,598,855,000	8,033,432,000	7,299,992,000	-298,863,000	-733,440,000
(By transfer)	(36,000,000)	(15,000,000)	....	(-36,000,000)	(-15,000,000)
(Loan authorizations)	(95,000,000)	(117,000,000)	(49,000,000)	(-46,000,000)	(-68,000,000)
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	50,000,000	50,000,000	50,000,000	....	....
Foreign Military Financing Program:					
Grants:					
Camp David countries	3,100,000,000	3,100,000,000	3,160,000,000	+60,000,000	+60,000,000
Other	196,550,000	175,910,000	175,910,000	-20,640,000	....
Subtotal, grants	3,296,550,000	3,275,910,000	3,335,910,000	+39,360,000	+60,000,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	....
Direct concessional loans:					
Subsidy appropriation	60,000,000	20,000,000	20,000,000	-40,000,000	....
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)	....
FMF program level	(3,953,550,000)	(3,442,910,000)	(3,502,910,000)	(-450,640,000)	(+60,000,000)
Total, Foreign military assistance	3,356,550,000	3,295,910,000	3,355,910,000	-640,000	+60,000,000
Special Defense Acquisition Fund:					
Offsetting collections	-106,000,000	-19,000,000	-19,000,000	+87,000,000	....
Peacekeeping operations	77,500,000	83,000,000	62,250,000	-15,250,000	-20,750,000
Total, title III, Military assistance	3,378,050,000	3,409,910,000	3,449,160,000	+71,110,000	+39,250,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	....
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)	....
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Contribution to the Global Environment Facility 1/	47,500,000	300,000,000	42,500,000	-5,000,000	-257,500,000
Contribution to the International Development Association	1,034,503,100	800,000,000	800,000,000	-234,503,100	....
Total, World Bank Group	1,082,003,100	1,100,000,000	842,500,000	-239,503,100	-257,500,000
Contribution to the Inter-American Development Bank:					
Paid-in capital	25,610,667	25,610,667	25,610,667	....	....
(Limitation on callable capital subscriptions)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	....	....
Fund for special operations 1/	20,835,000	21,152,000	21,152,000	+317,000	....
Contribution to the Enterprise for the Americas Multilateral Investment Fund 1/	30,000,000	50,000,000	50,000,000	+20,000,000	....
Total, contribution to the Inter-American Development Bank	76,445,667	96,762,667	96,762,667	+20,317,000	....
Contribution to the Asian Development Bank:					
Paid-in capital	13,221,596	13,221,596	13,221,596	....	....
(Limitation on callable capital subscriptions)	(647,858,204)	(647,858,204)	(647,858,204)	....	....
Contribution to the Asian Development fund 1/	150,000,000	250,000,000	210,000,000	+60,000,000	-40,000,000
Total, contribution to the Asian Development Bank	163,221,596	263,221,596	223,221,596	+60,000,000	-40,000,000
Contribution to the African Development Fund 1/	45,000,000	155,000,000	128,000,000	+83,000,000	-27,000,000
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	35,778,717	35,778,717	35,778,717	....	....
(Limitation on callable capital subscriptions)	(123,237,803)	(123,237,803)	(123,237,803)	....	....
North American Development Bank:					
Paid-in capital	56,500,000	....	....	-56,500,000	....
(Limitation on callable capital subscriptions)	(318,750,000)	....	....	(-318,750,000)	....
International Monetary Fund					
Contribution to the enhanced structural adjustment facility	....	7,000,000	....	....	-7,000,000
Total, International Financial Institutions	1,458,949,080	1,657,762,980	1,326,262,980	-132,686,100	-331,500,000
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	....

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
International Organizations and Programs					
International organizations and programs	192,000,000	314,000,000	157,250,000	-34,750,000	-156,750,000
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)	....	....
Total, title IV, Multilateral economic assistance	1,650,949,080	1,971,762,980	1,483,512,980	-167,436,100	-488,250,000
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)	....	....
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	....
TITLE VI					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Monetary Programs					
Loans to International Monetary Fund 2/	....	3,361,000,000	3,361,000,000	+3,361,000,000	....
United States Quota, International Monetary Fund 2/	....	14,500,000,000	....	....	-14,500,000,000
Total, International Monetary Programs	....	17,861,000,000	3,361,000,000	+3,361,000,000	-14,500,000,000
Grand total	13,190,968,080	31,985,044,980	16,228,941,980	+3,037,973,900	-15,756,103,000
(By transfer)	(38,500,000)	(17,500,000)	(2,500,000)	(-36,000,000)	(-15,000,000)
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	....
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	....
(Loan authorizations)	(15,315,000,000)	(19,810,000,000)	(19,742,000,000)	(+4,427,000,000)	(-68,000,000)
CONGRESSIONAL BUDGET RECAP					
Total mandatory and discretionary	13,190,968,080	31,985,044,980	16,228,941,980	+3,037,973,900	-15,756,103,000
Mandatory	44,208,000	44,552,000	44,552,000	+344,000	....
Discretionary including arrearages and IMF	13,146,760,080	31,940,492,980	16,184,389,980	+3,037,629,900	-15,756,103,000
Arrearages	-359,753,100	-502,485,334	-351,952,000	+7,801,100	+150,533,334
IMF	....	-17,861,000,000	-3,361,000,000	-3,361,000,000	+14,500,000,000
Discretionary excluding arrearages and IMF	12,787,006,980	13,577,007,646	12,471,437,980	-315,569,000	-1,105,569,666

1/ The amounts shown for the Senate are provided as an FY 1998 supplemental.

2/ The amounts shown for the President's request were requested as an FY 1998 supplemental; the amounts shown for the Senate are provided as an FY 1998 supplemental.

Tables printed on page 98 of House Report 105–719, the report to accompany the FY 1999 Foreign Operations, Export Financing, and Related Program Appropriations Bill, were printed with errors. The following are corrections to those sections of the report:

COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), requires that the report accompanying a bill providing new budget authority contain a statement detailing how the authority compares with the reports submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

FISCAL YEAR 1999 APPROPRIATIONS

[Dollars in millions]

	Budget authority	Outlays
Sec. 302(b):		
Discretionary	12,475	12,525
Mandatory	45	45
Total	12,520	12,570
This bill:		
Discretionary	16,184	12,546
Mandatory	45	45
Total	16,229	12,591

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 302(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344 as amended), the following table contains five-year projections associated with the budget authority provided in the accompanying bill.

Fiscal year 1999 appropriations

	Millions
Budget authority	16,229
Outlays	12,591
Fiscal Year:	
1999	4,896
2000	3,065
2001	2,319
2002	914
2003 and future years	1,562

Since the submission of House Report 105–719, the Chairman of the Committee on the Budget has provided an increased section 302(a) allocation consistent with funding provided in H.R. 4569 for New Arrangements to Borrow and arrearages for multilateral development banks. House Report 105–722, submitted by the Chairman of the Committee on Appropriations, subsequently increased the section 302(b) allocation for the Foreign Operations Subcommittee. The following table shows that the bill is within the revised allocation:

FISCAL YEAR 1999 APPROPRIATIONS

[Dollars in millions]

	Budget authority	Outlays
Sec. 302(b) (Revised):		
Discretionary	16,188	12,546
Mandatory	45	45
Total	16,233	12,591
This bill:		
Discretionary	16,184	12,546
Mandatory	45	45
Total	16,229	12,591

Mr. CALLAHAN. Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the bill, and with the greatest respect for my chairman, the gentleman from Alabama (Mr. CALLAHAN). At the start, I want to commend him for the manner in which he put the bill together. Although we disagree on some of the provisions in the bill, he was very open and accommodating whenever it was possible for him to be on some of the initiatives from our side of the aisle.

I also want to commend our chairman of the full committee, the gentleman from Louisiana (Mr. LIVINGSTON), for the manner in which he conducted the full committee on this legislation and his openness. But we have some very serious policy disagreements that I will discuss in a moment.

First, in addition to praising my distinguished colleagues on the other side of the aisle, I want to join the gentleman from Alabama in commending our two Members who have served so well and who will be leaving the Congress this year. This will be their last foreign ops bill.

First of all, the gentleman from Illinois (Mr. YATES); Chairman YATES, Ranking Member YATES. In the full committee I mentioned that he has been hailed as a great mentor, legislator, leader, thinker, intellect. But I wanted to commend him as a great patriot because of his work as chair of the Interior Committee and then as ranking member on the subcommittee. He was a great patriot in protecting the natural resources of our great country, the cultural heritage of our country, and the freedom of expression of our constitution. For all of that, we are most grateful to him.

And the gentleman from California (Mr. TORRES) had a resume before he came to Congress that served him well here, and indeed served our entire country as a diplomat; an ambassador. He also brought the fighting spirit of the labor movement and the commitment of a strong Democrat. His diplomatic skills as an ambassador and as part of our delegation will be missed greatly. This Congress will miss his expertise in many areas, including his knowledge of this hemisphere and his leadership on issues of concern to our country.

Mr. Chairman, the service of both of these gentlemen will be missed and I will certainly miss their votes on our committee.

This bill, I think, should be what it has been in the past, an area where we come together in a bipartisan spirit to promote democratic values, to give expression to the compassion of the American people, and to make very hard-nosed decisions about what is in our national interest. I do not think that many of these issues are partisan issues. Indeed, the luxury of our committee is that very often we are the kaleidoscope. We are in different designs on different issues.

Many of us for example on both sides of the aisle support 907 and many on both sides of the aisle oppose 907. I join with my Republican colleagues in opposing the initiative of the gentleman from Louisiana (Mr. LIVINGSTON).

We also have strong human rights' advocates on the committee from both sides of the aisle.

We have issues like IMF, where there are Democrats and Republicans on one side of the issue and on the other side of the issue as well. So we are used to working cooperatively in a bipartisan manner.

Our chairman traditionally likes to give to the executive branch, to the President, the prerogative to have as much flexibility as possible. At least that is normally what the practice has been. Not so in this bill.

First and foremost, I oppose the legislation because I do not think it rises, in terms of its vision and its resources, to the challenge that our country faces as the sole global leader of the world. I also think those resources which are, as the chairman mentioned, $315 million below fiscal year 1998 and a full $1.1 billion below the President's request, greatly reduces the President's flexibility with the narrowing of those resources.

I am concerned that just $3.5 billion instead of the full $18 billion for the IMF has been included in this legislation. And as I mentioned during the debate on the rule, I am very concerned about the lack of opportunity for us to debate the IMF. There were 12 amendments coming from both sides of the aisle on the IMF, and the Committee on Rules rejected every one of them.

The whole world is wondering how we are going to deal with the economic crisis in Asia. Is the IMF the appropriate way to go? Regardless of what side we are on on that issue, this House should be debating that issue. And the idea we can put $14.5 billion into the bill in conference, I think is really unfair to the Members. And, really, it is an insult to the intelligence of the American people that this body cannot have a debate on a subject of grave concern, that is the economic stability of the world.

As far as the allocation of funds, my concern about the number, the $315 million below last year's request, springs from some of the unrest that is out there in our fragile new democracies. As we all know, the economy of Russia is in a very depressed state. Russia happens to be the leading market for exports from some of the new independent states; for example, Georgia.

The country of Georgia, with President Shevardnadze who is a leader in that region as well as the President of his own country, has worked hard to democratize Georgia, to implement the market reforms, to reform the economy, and he is losing his export market—Russia. Georgia is being flooded by cheap products from Russia now, undermining its economy. And we further exacerbate the situation by reducing the aid that we give to Georgia, giving a real lever to his opponents there who are not the democrats of Georgia, thereby undermining his leadership. He did what we asked him to do and we lowered the assistance we are giving him. And that is just one example.

I am also concerned, and I have an area of disagreement with some of my Republican colleagues, that the bill denies all funding for the Korean Peninsula Energy Development Organization. The agreement between the U.S. and North Korea provides the only basis for U.S. access to troublesome sites in Korea. Ending the program eliminates any possibility of ending North Korea's nuclear ballistic missile programs and may, in fact, jeopardize the security of U.S. troops in the region.

My request to at least debate the issue was denied by the Committee on Rules. And further into the debate today, I will suggest what my amendment would have been.

We have discussed the fact that the bill has language restricting international family planning organizations from using their own funds for purposes that they deem worthy of their mission. And the bill shortchanges the global environmental facility of the World Bank to the point where it will literally run out of funds this year.

I am disappointed that we could not get greater funding for the Peace Corps, but I salute the chairman for the figure he did put in, and his willingness, if we have any more money at the end of the day, to put more funds in for the Peace Corps.

And I salute Chairman CALLAHAN for his leadership on the child survival and disease account. He is truly a champion in the world. And his initiatives were met with some resistance along the way, so I commend him for his vision and for his perseverance and for his success on behalf of the children worldwide. I just wish the bill had a bigger allocation so child survival could be funded higher.

And, again, I personally thank him for the HIV/AIDS prevention control money and the UNICEF funds.

The funds for the Middle East have been reduced, largely under the leadership of the gentleman from Alabama (Mr. CALLAHAN). And as we all know, the Middle East, regardless of the fate of this bill today, the Middle East funds will be there. They are the safest appropriation allocation in this bill.

So I again thank the chairman for some of the initiatives that are there and for his leadership, but I regretfully must oppose the bill because it is inadequate to the task.

Everyone in America is familiar with President Kennedy's statement in his inaugural address, "My fellow Americans, Ask not what your country can do for you, but what you can do for your country." But the very next line of that great speech is, "And to the citizens of the world, ask not what America can do for you, but what we can do, working together, for the freedom of man." I do not think that the allocation for this bill and the priorities and the opportunities that are missed in this bill are a match for those great words.

I hope, at the end of the process, that they will be, and that we can all join in supporting this bill, making it the bipartisan package that it traditionally has been and hopefully will be.

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume to thank the gentlewoman from California for her kind words and for mentioning the child survival account.

I am very proud of the child survival account. And, yes, we did have a rocky road in the beginning, but I am pleased to say that the administration has seen the light of day and included this in their budget request for the first time this year, and we are happy to grant the administration's request in this regard.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PORTER), one of the most distinguished members of our subcommittee.

Mr. PORTER. Mr. Chairman, I want to thank the gentleman from Alabama for his tireless work in developing this bill. He and his outstanding staff have dedicated many hours to stretching our limited foreign aid dollars and to trying to accommodate and reflect the concerns of many Members, including this Member.

As we review the events of the past fiscal year, the importance of our foreign assistance has never been clearer. We are living in a global community. Our economy, our health, our environment, are all interconnected with those of our immediate neighbors and with those half a world away.

The United States' international activities at both the bilateral and multilateral level have an impact on every American citizen and every person in the world.

□ 1345

Because of the importance of our role in the world, I wish that our allocation could have been greater. However, recognizing the need for fiscal austerity to maintain a balanced budget, I support this legislation as it was reported by our subcommittee, with the exception of funding for arrearage payments to multilateral financial institutions. However, my support for the bill is tested by some changes made by the full committee.

I supported the gentleman from Alabama's decision not to include any legislative language which would condition funding for international family planning. Authorizing language has already been included in the State Department reform bill that is awaiting the President's consideration. An authorizing bill is the proper vehicle for this language, and I am strongly against this addition which for the fourth year in a row will jeopardize the enactment of this bill into law.

In addition, I supported the gentleman from Alabama's decision to maintain current law with regard to assistance to Azerbaijan in the subcommittee bill. Although there were some elements of the package that the subcommittee agreed to on the Caucasus that I did not necessarily agree with, the overall package for assistance to the Caucasus was a balanced approach that provided positive incentives to the parties in the region to resolve their disputes and begin working together. The action of the committee in repealing section 907 in my judgment destroyed that balance and serves to undermine the careful efforts of the subcommittee to encourage solutions to problems in the area. I will support the efforts of the gentleman from California (Mr. RADANOVICH) in attempting to repeal this misguided and improper authorizing provision.

Again, on the whole, I want to support this bill and the excellent work of my colleague from Alabama. I hope that we can resolve these issues favorably and then work with the Senate to provide the highest possible funding level in the bill within necessary overall fiscal constraints.

Let me close, Mr. Chairman, by paying tribute to two of our colleagues who will be leaving the subcommittee, retiring. One, of course, is my neighbor and friend the gentleman from Illinois (Mr. YATES). His district and mine abut. Today he actually represents the town in which I was born and grew up. We do not always by any means see things eye to eye on policy but I think you will never find a harder worker, someone who has been on top of the issues for 50 years of service to this Congress and to his country, questioning, raising issues, fighting for the things that he believes in. The gentleman from Illinois has provided a tremendous example of someone who is committed and serving in a way that does great credit to the United States Congress. We are also going to miss our colleague and friend the gentleman from California (Mr. TORRES). We have worked together on many issues. I have a tremendous respect for his resolve in standing for the things that he believes in, and he has always been there serving in a way that has brought credit to himself, to his State and to our country, and I am very proud that I have had the opportunity to serve in Congress with the gentleman from California as well.

I commend this bill to the Members. I would like to make some changes in it. I am hoping we can see those changes made. But overall it does the kind of work that we expect of our committee and I commend our chairman for his fine effort.

Ms. PELOSI. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic whip of the House and a champion on international issues relating to the American worker.

Mr. BONIOR. Mr. Chairman, I thank my colleague for her kind remarks and for the job that she and the gentleman from Alabama (Mr. CALLAHAN) and others have done on this bill.

Mr. Chairman, I want to urge my colleagues to support an amendment later today that would restore section 907 prohibiting aid to the authoritarian regime of Azerbaijan. For nearly a decade, Azerbaijan has used tanks and soldiers to blockade its democratic neighbors, the Republic of Armenia. This illegal blockade has cut off the transport of fuel, of food and of medicine. This blockade is a roadblock to regional peace and it is a chokehold on democracy. That is why the United States has refused to spend our tax dollars to prop up the Azerbaijani government. It has always been our stated policy to reward those who work for peace and democracy and punish those who do not, until now. This bill undermines our commitment to democracy. It abandons support for the people of Nagorno-Karabagh who are struggling for self-determination. And it completely undercuts regional peace talks that have just this week shown some promising signs and hints of progress.

Why would we do this? Why are Members of this House being asked to overturn an effective, long-term commitment to peace and democracy? Why would we hand out a big sack of carrots to an anti-democratic regime? Sadly, the answer can be summed up in one word. Oil. Put crudely, the oil lobby has dollar signs in its eyes. The big corporations cannot wait to start pumping oil from beneath the Caspian Sea, even if that means selling out a democratic country, even if that means abandoning a landlocked Nation whose freedom depends upon open borders, and even if that means sacrificing our own principles of justice.

America's interests in the Caucasus lie with the development of democracy and human rights, not just the development of oil fields. This bill guts our long-standing policy and it mocks our deepest values.

I urge my colleagues to support democracy and to support the amendment that is going to be offered by the gentleman from California (Mr. RADANOVICH) and supported by the gentleman from Illinois (Mr. PORTER) on this side of the aisle and the gentleman from New Jersey (Mr. PALLONE) and others on our side of the aisle.

Support the amendment to restore section 907.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee.

Mr. LIVINGSTON. Mr. Chairman, I am interested in some of the comments that have just transpired about this ominous lifting of section 907. It applied sanctions against one of what were two warring parties only a few short years ago, Azerbaijan versus Armenia.

The fact of the matter is that these are both countries emerging from what was the Soviet Union, clearly they were at war with one another, and clearly in 1992 we levied sanctions on Azerbaijan, a Moslem country, while attempting to assist Armenia, an orthodox country, for legitimate reasons. Azerbaijan, by some reports, started the war, and there was a conflict that spread over a long period of time. People on both sides were killed; there was incredible devastation and misery reaped from that conflict, but Armenia won. Armenia moved over to help and Armenians took over Nagorno-Karabagh, expelling all of the Azeris. There are no Azeris in Nagorno-Karabagh. There are some 700,000 Azeri refugees in their own country, in Azerbaijan. Yet we still have the sanction imposed upon Azerbaijan by the United States which is supposed to be a neutral party.

My friend who just preceded me said it is to help the oil companies. Is it to help the oil companies that we attempt to repeal section 907 which is a strenuous sanction on one of the parties but not the other? No. It is so that the United States can simply take a balanced view towards a very important strategic part of the world. Kazakhstan has tremendous oil supplies. Turkmenistan has tremendous natural gas supplies. They are across the Caspian. If those supplies go west through Azerbaijan, possibly through Armenia, possibly through Georgia, into Turkey, then the fact is that the United States may benefit, but certainly the western industrialized world could benefit. If the oil supplies only go north to Russia, if the oil supplies only go east to China or south to Iran, the industrialized world does not benefit, and perhaps others who do not share the civilized goals that we in the United States espouse will benefit.

The fact is that this is a conflict that must come to an end and it has not. Recently a proponent of maintaining section 907 said that we have not succeeded at all in bringing peace to this region, and, therefore, that is a reason to maintain section 907. He said it is a failed policy and since it has continued to fail, we should not lift 907. I say exactly the opposite is true, and it is borne out by an article in the New York Times dated September 14, 1998 in which the lead says, "Ethnic Conflict in Caucasus Shows Its First Glimmer of Hope." That is a few days after our full committee met and we lifted section 907 out of this bill. The first glimmer of hope evolved after we took the section out.

We have been in the position of sanctioning one party to a conflict, continuing to beat them over the head, and then saying, "By the way, we want your friendship to bring this oil west, why don't you help us?" And they have not been entirely cooperative until we finally lifted this sanction. The time has come to lift it.

Do not let the people tell you about the blockade. Azerbaijan represents 20 percent of the border with Armenia. Eighty percent is with other countries like Iran and Georgia. The fact is this blockade is a false issue. Most of the other issues referred to by the gentleman who preceded me are false issues.

We should not side with the Armenians. We should not side with the Azeris. We should side with a balanced approach to two prospective friends. That means whether you are Armenian-American or whether you are Azeri-American, you should be in favor of the American point of view which is a balanced view and the lifting of 907. Let us get rid of this outrage which is totally slanted against one party.

[From the New York Times, Sept. 14, 1998]

ETHNIC CONFLICT IN CAUCASUS SHOWS ITS FIRST GLIMMER OF HOPE

(By Stephen Kinzer)

YEREVAN, ARMENIA, Sept. 11—In a week that saw the first high-level contact in years between Armenia and Azerbaijan, leaders of both countries said they were eager to resolve an ethnic conflict that threatens to ignite the Caucasus.

The conflict is over the disputed enclave of Nagorno-Karabakh, which the world recognizes as part of Azerbaijan but which has been held by its ethnic Armenian majority since 1994. Fighting that ended that year took more than 35,000 lives and forced hundreds of thousands from their homes.

A resumption of fighting could be disastrous, because the Caucasus today is delicately balanced between prosperity and chaos. Huge amounts of oil have been discovered under and around the Caspian Sea, but ethnic conflicts in places like Nagorno-Karabakh could abort the expected boom and plunge the region back into the anarchy of the early 1990's.

There has been no substantial movement toward a settlement of the conflict, and the sides remain so far apart that some fear another war. But last Monday, the Prime Minister of Armenia, Armen Darbinyan, flew to Azerbaijan to attend a regional trade conference.

Before meeting privately with his guest, President Heydar Aliyev of Azerbaijan told reporters that he looked forward to "the restoration of friendship between Azerbaijan and Armenia in the context of a peaceful resolution in Nagorno-Karabakh." It was the first time in memory he had made such a statement.

A team of diplomats from Russia, France and the United States has been searching for a solution to the Nagorno-Karabakh dispute. They want the mountainous enclave returned to Azerbaijan but given "maximum possible autonomy." Armenia has rejected that framework, vowing never to allow Azerbaijan to rule there again.

In an interview here after Mr. Aliyev's remarks, President Robert Kocharian of Armenia said "nonstandard approaches" could produce a "unique solution" in the enclave.

He mentioned several possible models: Northern Ireland, which has broad powers to run its affairs but remains under British sovereignty; Bosnia and Herzegovina, where a joint presidency represents the three principal ethnic groups; New Caledonia, a self-governing "overseas territory" of France, and Andorra, a principality that holds a seat in the United Nations but whose nominal rulers are the President of France and the bishop of Seo de Urgel, Spain.

Mr. Kocharian said he could accept a token role for Azerbaijan in the enclave to allow it a measure of "face saving." But Azerbaijan, which is posted to earn billions of dollars from oil exports, is seeking to save much more than face. It wants Nagorno-Karabakh back, and could use its coming wealth to build an army capable of retaking it.

Mr. Kocharian said he is not worried about such a counterattack.

"Are you sure the rich man fights better?" he asked. "In 10 years, who will be ready to fight and die, and for what? In 10 years, any attack on Nagorno-Karabakh would be viewed by its residents as an aggression against their country. For the Azerbaijani Army, Karabakh will be just a memory. Who will be more willing to give their lives?"

Mr. Kocharian rose to power on the Nagorno-Karabakh issue. He is a former leader of the enclave, and was elected Armenia's President in March after the army forced his precedessor, Levon Ter-Petrosian, to resign. Military chiefs suspected that Mr. Ter-Petrosian was preparing a compromise with Azerbaijan.

"We cannot accept anything less than Karabakh being de facto Armenian," said Armen Aivazian, a historian and foreign policy expert. "It should be under unchallenged, permanent Armenian military control. After that, Andorra could be negotiated. All kinds of solutions are possible."

Mr. Aivazian acknowledged, however, that there seemed little prospect of Azerbaijan's accepting such a formula.

"I personally don't see any solution in the time ahead," he said. "If the situation continues as it is, the chance of war is not 100 percent, but certainly more than 50 or 60 percent."

Any peace accord would have to be accepted by leaders of the Nagorno-Karabakh Armenians, and because Mr. Kocharian is considered one of the enclave's heroes, he would presumably be able to influence them.

"He has a lot of sway over Karabakh opinion," said a European diplomat in Yerevan. "He is an astute politician and an astute string-puller, and as time goes on, he may have a chance to be a statesman."

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. TORRES) who was praised by many of the previous speakers.

Mr. TORRES. Mr. Chairman, I thank the gentlewoman for yielding time. I believe that this policy of lifting section 907 is simply a question of rewarding Azerbaijan. Azerbaijan does not deserve to be rewarded. Their government has blockaded Armenia and Nagorno-Karabagh for 9 years. The blockade has cut off the supply of food, of fuel, of medicine and other vital goods and commodities. Azerbaijan's blockade has precipitated a humanitarian crisis requiring the U.S. to send emergency life-saving assistance to Armenia. Azerbaijan has blocked U.N. humanitarian aid to Nagorno-Karabagh. It has refused to allow the U.N. to operate in Nagorno-Karabagh and has even blocked the U.N. from conducting a humanitarian needs assessment.

Mr. Chairman, at a time when Armenia is introducing market reforms and integrating its economy with the West, at a time when Armenia is in dire need, the blockade has virtually isolated Armenia from the rest of the world. Armenia is landlocked, and 85 percent of all Soviet-era goods destined to Armenia went through Azerbaijan.

Mr. Chairman, this blockade has strengthened another nation, Turkey, in imposing its five-year blockade of Armenia on assistance from the West. We must resuscitate, we must put back into legislation section 907 as will be proposed by the gentleman from California (Mr. RADANOVICH).

Mr. CALLAHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KNOLLENBERG) who certainly is a member who is so interested in this committee and so knowledgeable on many of the areas of the world that are so important to the contents of our bill.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of the bill, H.R. 4569, and I wanted to obviously thank the gentleman from Alabama (Mr. CALLAHAN) for yielding me this time. He has been, I think, an outstanding individual in terms of shepherding this particular appropriations bill through the process. That is not an easy task. He has done it with diligence, impartiality and I believe with absolute fairness. I commend the gentleman from Alabama. I want to thank the gentlewoman from California (Ms. PELOSI) for her work in coming together on a host of important issues, and the staff for all the work they have done to create this bill. Each member of this subcommittee has worked in a bipartisan fashion to craft a foreign aid bill that reflects our Nation's international priorities while maintaining a goal of fiscal responsibility and a balanced budget. The chairman spoke to that.

This bill holds the line on foreign aid spending while maintaining funding for our most important foreign aid priorities. By supporting continued funding for Microenterprise and other development assistance programs, Congress reaffirms our country's crucial role as a leader in strengthening the ever-growing community of prosperous, democratic nations.

The bill also maintains the U.S. commitment to the Middle East process and our long-standing ally Israel. It provides $70 million for the resettlement of former Soviet, East European and other refugees in Israel. And while U.S. support for peace in the Middle East is reaffirmed, the bill takes an historic first step toward eliminating the region's long-standing reliance on U.S. economic aid.

□ 1400

Furthermore, the committee has ensured that whenever necessary, U.S. funds are focused on reinforcing our vital national security needs.

First, the bill contains our strong commitment to the democratization of Russia that addresses my concerns about Russian exports of nuclear and ballistic missile technology. This grave situation is addressed by stipulating that aid to Russia is contingent upon stopping the development of any nuclear program or ballistic missile capability. We are sending a powerful signal to Russia that its interaction with dangerous rogue states like Iran is unacceptable.

The bill also highlights congressional concern about the recent activities of another dangerous rogue state, North Korea. Given the very frightening revelations in recent weeks regarding North Korea's offensive capabilities, we must take action. The U.S. must send a signal of its strong disapproval by suspending aid to North Korea until we have real proof that it has ended its dangerous ballistic missile and nuclear weapons program.

And finally I would like to add concerns with respect to one particular issue. The bill does contain language repealing Section 907, a provision of law passed by this body, signed into law by President Bush in 1992. Section 907 prohibits direct economic and military aid to the government of Azerbaijan while it continues to blockade its neighbors and has been the centerpiece of U.S. Policy toward the Caucasus for the last 6 years. I am concerned that its repeal may compromise the U.S. role as an unbiased mediator in negotiations to settle the Nagorno-Karabagh conflict. This issue will undoubtedly surface again during the bill's consideration. I look forward to a spirited debate, and I hope we will be able to convince some of my colleagues that this may be an inappropriate move at this time. Only through balanced support from the U.S. will we finally see this region free of bloodshed and conflict and rich with prosperity and opportunity.

Mr. Chairman, the subject of foreign aid often sparks heated debate on this floor. While we all have strong opinions about a number of programs, I ask my colleagues to not let heated discussions about details keep us from the business at hand. We need to unite behind this fair bill to maintain U.S. leadership and strengthen our influence across the globe.

Mr. Chairman, I ask for Members to support this bill, and I thank the gentleman again for yielding me time.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the also reknowned gentleman from Illinois (Mr. YATES) in this, the line up of champions. We heard from the gentleman from California (Mr. TORRES) who was much acclaimed on the floor earlier, and now the much acclaimed gentleman from Illinois, Mr. YATES.

Mr. YATES. Mr. Chairman, may I express my very profound thank you to my good friend the gentleman from Alabama (Mr. CALLAHAN) the chairman of the Committee, to the gentlewoman from California (Ms. PELOSI) and to the gentleman from Illinois (Mr. PORTER) for many nice things they said about me. I think perhaps my absence from the floor at that time may have helped. However I am grateful. They were very generous in their statements, but I want them to know that I am very thankful for the many nice things they said about me.

Mr. Chairman, November 2, 1948, I was elected for the first time to the Congress of the United States. I was away from my representation in this House for 2 years when I ran for the Senate unsuccessfully. I came back the next term. And in all that time I have been a member of the Committee on Appropriations, luckily I believe, because I think it is one of the great committees of the House, and in all that time I have been a member of the Foreign Aid Subcommittee. First, it was called the Marshall Plan Subcommittee, and gradually, as the years went on, it was called the Foreign Aid Subcommittee. The opportunities were presented many times to get off that subcommittee and move to another one, but I considered the foreign aid program so important that I never seriously attempted to leave that subcommittee. I believe it is extremely important that adequate funding be given to the Foreign Aid Subcommittee in order to carry out our purposes throughout the world.

Mr. Chairman, in all that time I doubt that I voted against more than 1 or 2 of the bills, and I hate to say it this time because I hold Chairman Sonny Montgomery in such high regard. I have been associated with many chairmen during that period; none was better than the gentleman from Alabama (Mr. CALLAHAN), I think he was the best of all of them. And of course it has been a honor and a privilege to serve with the gentlewoman from California (Ms. PELOSI) and my good friend and neighbor to the north, the gentleman from Illinois (Mr. PORTER).

I find this bill, however, lacking in so many instances that I think I will have difficulty in supporting it. In fact, I think I probably will vote against it unless it is corrected in the course of the debate and in amendment.

Mr. Chairman, during the almost 50 years that I have served on this subcommittee, foreign aid has seen a major transition in both the political situation in the world and how foreign assistance and export programs can best address these changes.

Foreign aid, like defense spending, helps preserve our national security. But, unlike defense spending, where we continue to allocate one out of every five dollars of our Federal budget, foreign aid, which is currently less than one percent of the overall Federal budget, has continued to decrease.

The ironic truth about foreign aid is, that it is much cheaper than most Americans think and it does things that most Americans may not realize. Yet, this bill continues to cut the most cost effective portion of our national security budget, foreign aid.

The total amount in the bill is slightly below the amount provided last year. It is well below the request by the administration. More significantly it is below our committee's 302(b) allocation.

As former Secretary of Defense, William Perry and the Chairman of the Joint Chiefs of Staff, General John Shalikashvili, said in their May 23, 1995, article in USA Today: "This is no time to be penny-wise and pound-foolish. Our foreign assistance program helps finance the building blocks of a new international structure that is more peaceful and more stable than the one we left behind."

In my tenure in this House, I have seen firsthand the effect foreign aid can have on bringing economic restoration to a war-torn or undeveloped country. I guess it is safe to say that I am a strong supporter of foreign aid. In fact, in all my years in the House, I do not think I have ever voted against a foreign aid appropriations bill, but there is always a first time.

Mr. Chairman, if asked, I would not be able to characterize this as a good bill. I feel that in its present condition the President would be forced to veto the bill. I hope my friends on the other side of the aisle will agree that we do not want to see this bill and this Congress again caught up in a continuing resolution.

There are many funding level and policy issues which still need to be addressed before this bill would be worthy of my support. I hope my colleagues will accept amendments in order to find tune this bill before we go to conference with the other body.

I still believe we can get a good bill, one with wide bipartisan support and one the President will be happy to sign.

The first area I feel we need to address is the development assistance account. Bilateral and multilateral development assistance accounts have been cut much more deeply than any other area of the foreign operations budget over the last four years—cut on average by more than 30 percent out of overall cuts of about 11 percent, these cuts have harmed a wide range of programs including family planning, micro enterprise, IDA, and UNDP, to name just a few.

The foreign policy challenges and opportunities facing the United States on the eve of the twenty-first century require greater attention to and investment in developing countries than ever before.

It is in developing countries where issues such as rapid population growth, environmental degradation, food insecurity, ethnic conflict and widespread poverty must be addressed if we are to realize the goal of peace, democracy, prosperity and new export markets.

I ask my colleagues, wouldn't logic tell you that if you increase development assistance and thereby provide a better standard of living, such a commitment would address the root causes that plague developing communities. Yet, this bill continues to ignore and dismiss the role development assistance can play in accomplishing our foreign policy aims and achieving our overall national security objectives.

Another major concern is that this House is not addressing the shortfall in the International Monetary Fund [IMF] and insisting on relying on the conference committee and convoluted procedures to achieve complete funding before we adjourn for the year.

In the almost 50 years since I became a Member of this House I have never been a part of a Congress that ignored a world financial crisis, and I am deeply disappointed that in the last year of my last Congress this is just what we are doing. If this funding is not addressed before we adjourn, American suppliers, business and finally the American people will suffer from the short sightedness and convoluted restrictions of the leadership in this House.

We are the leaders of the world, and that should include being the leader in foreign assistance. Foreign aid is critically important to our position in the world community and the United States cannot continue to lead without the institutions funded by this bill.

The business community in the United States—who rely heavily on such foreign aid institutions to create an environment favorably to business—request we increase our foreign aid to approximately $18 billion.

They see first hand how adversely affected the economy is by the diminished role the United States plays in the developing world, and, you can be sure, their foreign competitors, armed with the support of their government's, are ready and waiting to step right in.

If we do not increase our level of foreign aid, the long-term economic impact will be unfavorable to American business, the American people and our national security interests.

Mr. Chairman, Let's work together to take this bad bill and craft a great bill.

Mr. CALLAHAN. Mr. Chairman I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) who is also a member of our subcommittee whom we have to lean upon from time to time for expertise primarily in the area of the finance of this world, the World Bank and the International Monetary Fund. He is a true expert and a value member of our subcommittee.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I understand that in the course of my meandering discourse I referred to the gentleman from Alabama (Mr. CALLAHAN) as Sonny Montgomery. I made a mistake. I want to correct that immediately.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I take no offense. Former Congressman Montgomery might.

Mr. YATES. He was a good friend; I doubt that. I think he would consider it a compliment.

Mr. FRELINGHUYSEN. Mr. Chairman, reclaiming my time, it is a pleasure to have yielded to the gentleman from Illinois (Mr. YATES). I was two years-old when he became a Member of Congress, and it is a pleasure to be in the Chamber with him.

Mr. YATES. Mr. Chairman, if the gentleman would continue to yield, it was a pleasure to serve with the gentleman's father, may I say, of course when he was a Member, as well as with his son.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Illinois, and, reclaiming my time, I rise in support of the foreign operations bill, and personally I would like to thank the gentleman from Alabama (Mr. CALLAHAN) for his leadership as well as the gentlewoman from California (Ms. PELOSI) and our very excellent staff for all the good work they do.

The challenges we face, Mr. Chairman, around the globe are increasingly complex: the struggle to find peace in the middle east and in the Balkans, the challenge of supporting emerging democracies in Eastern Europe, in central Asia, increased threats of nuclear proliferation and terrorism around the world and economic deterioration in Asia and elsewhere; that has a big impact on American jobs and prosperity. With this bill we provide some of the essential tools to promote and protect America's leadership and interests, and we do so within the confines of our balanced budget agreement.

Particular items worthy of note in this bill include the fact that with the full cooperation of Israel and Egypt this bill marks the beginning of a multiyear plan to reduce the level of assistance to Camp David countries, and, as our report reflects, our committee encourages other traditional aid recipients to follow the bold path undertaken by Israel.

Under the chairman's leadership we have also restored critical funding for child survival programs and disease prevention and eradication. I am particularly appreciative of the chairman's supportive efforts to combat tuberculosis and other infectious diseases that have emerged as major threats around the world.

We also continue America's longstanding support of development assistance for the poorest of the poor including international family planning programs. We also placed increased emphasis on important priorities in our own hemisphere, especially addressing the scourge of illegal narcotics traffic. Further, we maintain our efforts to protect export-related American jobs for providing resources through the Export-Import Bank, OPEC, TDA to help American companies enter and succeed in international markets, and when our American companies invest in developing economies, particularly in countries that receive U.S. taxpayer assistance in this bill, we make it clear that we expect these countries will provide no less than full legal protection for these investments.

Finally, our subcommittee has spent a great deal of time and deliberation on the issue of resources for IMF. In this bill we do provide for the new arrangements to borrow, and the Senate has provided the full administration requests so that I anticipate that this issue will remain one for vigorous debate as our work is completed. We sought and continue to seek cooperation support of the administration for much needed reforms at the IMF in order that all Members can be confident that this is an investment worthy of our support. A lot more work needs to be done by all of us to educate the public and promote a greater confidence in all of our foreign aid activities as well as IMF.

Finally, a note of personal thanks to the gentleman from Alabama (Mr. CALLAHAN) and our ranking member for including language in our report on behalf of the families and victims of Pan Am Flight 103 who have never received proper justice.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY). It is a very distinct privilege to recognize the ranking member of the full committee and a person who served for many years at ranking member of this subcommittee. It is a intimidating feat to have to follow in his footsteps as ranking on this committee.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and she has done a terrific job on this bill as she does on virtually everything else she deals with, and I also want to express my appreciation to the gentleman from Alabama (Mr. CALLAHAN) for his efforts this year and through the years to try to produce a decent bill.

Having said that, I very much regret what I am about to say. I have supported this bill for years, but I do not believe that I can any longer do so.

Since 1989 we have really had euphoria in this country. The Iron Curtain collapsed, democracy was restored in a good many countries in central Europe, South Africa is a far different country than it used to be, we have many more democracies in Latin and Central America than we had a decade ago, and I think we have almost come to expect that to be the norm. Unfortunately the real normalcy seems to be raising its ugly head in many parts of the globe, and I do not believe that this bill meets the task of dealing with those problems.

It is first of all, Mr. Chairman, terribly inadequate in terms of the way it deals with our international economic situation. We have a crisis in terms of what is happening in the Asian economy, and that sooner or later is going to collapse in on us, ruin our ability to export, and take away American jobs. And yet the majority party has refused to even allow us to vote on the question of providing full funding for the IMF, and this issue has been hanging around for a year. We cannot afford to wait any longer.

If my colleagues will take a look at the former Soviet Union, first of all this bill does not provide sufficient resources to meet the problems in dealing with those states and then, after it has cut substantially the funding for those states, it then has the functional equivalent of earmarks which tie the President's hands in responding to any change in circumstances in that part of the world. We should not be requiring the President to spend specific amounts of money in any area in the former Soviet Union unless the situation on the ground warrants it. And yet that is what this bill unfortunately does.

As far as Nagorno-Karabakh, Armenia, Azerbaijan are concerned, I am not at all convinced that the solution that this bill has produced is not more in the interests of American oil companies than it is in the interests of the American people.

□ 1415

I do not believe that this is a healthy outcome.

I also have to simply say that I think more and more, this bill has become a bill that satisfies the needs and desires of virtually every country in the world and every special interest in our own country. The only thing that seems to be left out is our national interests. That I think is no reflection on anyone who has tried to work on this bill, but it is a reflection on the shortsightedness of many of the groups that make up this body and force the committee to produce a bill which is essentially a political accommodation rather than a package that meets our real, substantive needs.

Then finally we come to the issue of Korea. In Korea we have the most reckless, irresponsible and dangerous regime in the world in North Korea. We have 5 different foreign policy goals that we are trying to reach in dealing with that outrageously out-of-line regime. We have only been able to achieve one of those goals: the shutting down of the Yongbyon reactor complex which is capable now today of producing weapons-grade fuel to produce several nuclear bombs a year. And yet, this committee has produced a product which blows apart the one success that we have had in the midst of a lot of failures in dealing with Korea. It is highly dangerous to the national interests of the United States, and I therefore urge a "no" vote on the entire bill.

Mr. CALLAHAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I am not a member of this committee, although I am a member of the full committee, and I came to seek time because there is an increasing problem, and I have heard the same problem from both sides of the aisle. With increasing trade agreements, we have more and more American investors investing abroad, and our American citizens are getting ripped off by the same countries that we are giving foreign aid to.

A good example, in Bulgaria, one of my constituents invested $4 million, and the bank acknowledges receipt of the money. But yet, one of their employees took off with the money and they do not want to take responsibility for it. It has to go into the courts. Three years later, nothing has happened.

Dr. Raffee, known worldwide as a computer expert, was asked under Prime Minister Zia in Bangladesh to invest in a high-tech company in Bangladesh. Well, to give my colleagues an idea, Bangladesh was established by 2 men, 1 civilian, 1 military. The civilian was the first President, the military was the second President. The civilian is the father of the current prime minister, the military gentleman is the father of the previous Prime Minister Zia. Each feels that the other woman had their entire family murdered.

So my colleagues can imagine the situation that exists there. It is a blood feud paralleled not even close to the Hatfield and McCoy blood feuds. And our businessmen are getting caught right in the middle of it, and that is wrong.

What I would say is that when we have our trade agreements that there be a rule of law established and enforced that maybe the State Department could have an antiAmerican business alert, and even this committee, in extreme cases, review and take a look to make sure that our American interests are secured in these extreme cases, because there is an increasing problem. I have talked to many of my colleagues on the other side, and they have constituents with the same problems.

I would appeal to the committee and the subcommittee to take a look into this area and withhold funds not only in human rights, but American rights, just as we have in the past.

I thank the chairman for allowing me to have the time to express these concerns.

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN), who is an expert on international relations, and I am pleased that he will be speaking on this bill.

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman, especially for overstating my qualifications.

Mr. Chairman, I rise to talk about the part of this bill that repeals Section 907 of the Freedom Support Act. This is a critically important part of the appropriations bill. It has been addressed by half of the speakers that have come to speak about the bill in general. The Armenian National Committee and the Armenian Assembly, the 2 largest Armenian organizations, the predominant Armenian organizations, have put out a statement saying that for Armenian Americans, this is the most important vote of this Congress.

As a member of the Committee on International Relations, I feel more than a little concerned that such a substantive provision has been stuck in an appropriations bill. A provision that deals with an area that our committee had hearings on, our committee decided not to try to change this year, and then the Committee on Appropriations tries to change it.

If one believes that substantive changes should be made by authorizing committees, if one believes that American foreign policy should reflect American values, then I hope my colleagues will vote for the Radanovich-Pallone-Rogan-Sherman amendment to this bill and delete those provisions that try to play havoc with American foreign policy in the Caucasus.

Ms. PELOSI. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 7½ minutes remaining; the gentleman from Alabama (Mr. CALLAHAN) has 2 minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), a nationally recognized leader on international relations.

Ms. KAPTUR. Mr. Chairman, I would like to thank the gentlewoman from California (Ms. PELOSI) for this opportunity, and also our subcommittee chairman, the gentleman from Alabama (Mr. CALLAHAN). With all of the rumors and the swirling of media events here in Washington, I think it is important to say something about these 2 individuals who have worked so well together. They do not always agree, but they produced a bill; some may agree with it, some may not agree. But it is an example of Congress working at its best and we need to pat them on the back for that and thank them.

I also wanted to rise today and pay tribute to one of our colleagues who just walked off the floor here for a few minutes and to extend my personal gratitude to him on behalf of this institution, myself and our country, and that is the gentleman from Illinois (Mr. YATES), truly a high-minded gentleman, someone with extraordinary intelligence and the gentlemanly demeanor that is so welcome. He has an incisive knowledge of the rules, and demonstrates truly gracious behavior in every single instance in which we have had a chance to deal with him.

I am sorry he is not here, and I know he would be very embarrassed by all of these laudatory remarks. But he has been such a valued colleague to serve with and a rare talent that has raised this institution's standing as representative of our people. In fact, the standard that the gentleman from Illinois (Mr. YATES) set raised America and our people always.

I know that our country and this House, and certainly this Member, will sorely miss his presence in future meetings of this subcommittee. He has been an unforgettable Member with whom to serve. And if only in my own career, and I am sure other Members feel this way, we could model ourselves on him, America would be so much better for it.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentlewoman from Ohio for her remarks about our distinguished colleague, the gentleman from Illinois (Mr. YATES).

Mr. Chairman, in my opening remarks I referred to the concern that I had that the full funding for the International Monetary Fund was not included in this legislation, and that was one of the reasons that I was urging our colleagues to oppose the bill. I have serious concerns, as I mentioned, about a conference committee increasing the IMF by $14.5 billion without the benefit of debate on the floor. I completely associate myself with those who object to the manner in which the IMF has conducted its business. I think the issue of conditionality, transparency, moral hazard, the description of how some countries and companies take risks, knowing that they will have a bailout. Maybe they make decisions based on that, or maybe they do not, but there certainly is the appearance of that happening.

I think all of these concerns are trumped by the contagion issue; by the idea that our economies are interrelated globally, and that we need to have a mechanism, we need to have an institution that can act to buoy up currencies or whatever so that our markets are not flooded by cheap labor and that the markets for our exports are not diminished.

So it is with grave concern about the impact on our own economy, and certainly with concern about the impact on the economies in the world and the well-being of those countries and their people that I believe that we should give one more round of funding to the

IMF, but not any more. We should take it down to the basics and build it up from there. Again, IMF is just one other reason why I am opposing this legislation.

Another concern that I have in this legislation is that while my colleagues on the other side have traditionally given the President a great deal of flexibility in this bill, that is not the case in this bill. One area of concern that has not received much attention so far is the Global Environmental Facility, the GEF. We are $300 million in arrears with the GEF. That was the request of the administration. There is $45 million in the bill, and I had an amendment which was offered in committee and defeated that would have put $50 million more into the GEF. These are arrears, therefore I do not need an offset for the $50 million.

I think that if we care about our children and our grandchildren, we have to be concerned about the air that they breathe and the water that they drink and recognize that we are not isolated from the impact of pollution in other countries. The work of the GEF is very, very important work when it comes to improving the environmental technologies in these countries, and many of those technologies exported from the United States. That again is another reason why I am opposing the bill, because of the lack of funding, increased funding to pay the arrears at the GEF.

Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 2 minutes remaining; the gentlewoman from California (Ms. Pelosi) has 3½ minutes remaining.

Mr. CALLAHAN. Mr. Chairman, I am ready to close, and I think I have the right to close on this debate.

Ms. PELOSI. Mr. Chairman, recognizing that our distinguished chairman wishes to close, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE) so that he can speak before the close of the gentleman's remarks.

Mr. PALLONE. Mr. Chairman, again, I would like to rise in support of an amendment that is being offered, hopefully soon by my colleague, the gentleman from California (Mr. RADONOVICH) of California, cosponsored by myself, and it is very simple and straightforward. It would simply strike the section relating to the repeal of Section 907 of the Freedom Support Act.

The Freedom Support Act, passed by Congress on a bipartisan basis and signed into law by President Bush, defined U.S. policy in the Newly Independent Countries of the former Soviet Union in the post-Cold War era. Section 907 prohibits direct U.S. Government aid to Azerbaijan until that country lifts its blockades of Armenia and Nagorna Karabagh.

Mr. Chairman, Section 907 was good law when we passed it back in 1992, and it is still good law. Azerbaijan has done nothing to comply with the basic requirement of Section 907 that it lift its blockades of Armenia and Nagorna Karabagh, blockades that have caused severe human hardship for the Armenian people.

□ 1430

Mr. Chairman, Azerbaijan is an authoritarian regime run by a Soviet Arab bureaucrat named Heydar Aliyev. Armenia, on the other hand, is a democracy that has tried to extend the institutions of democracy to its citizens while making the transition to a market economy.

Yet, Mr. Chairman, if we adopt the language in the foreign ops bill, we will essentially be rewarding the country that has not made the transition from Soviet era despotism and corruption and punishing the country, that is Armenia, that has moved towards democracy and a market economy and is trying to integrate with the West.

I would just like to say again, let there be no doubt that the government of Azerbaijan has blockaded Armenia for 9 years. The blockade has cut off the transport of food, fuel, medicine, and other vital supplies creating a humanitarian crisis requiring the U.S. to send assistance to Armenia.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY) and commend him for his leadership on this issue.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentlewoman from California for her work on this issue and particularly my colleague, the gentleman from New Jersey (Mr. PALLONE) who I look forward to supporting as he offers his amendment with the gentleman from California (Mr. RADANOVICH) to straighten out this report with respect to ending the sanctions on those countries that are blockading the democratic country of Armenia, which is a country that this country should be doing more to work closely with and support.

Instead, our Nation's policy is that, as embodied in this report, to make friends with a regime that is totally antithetical to the principles that this country holds dear, those democratic principles that are so important to this country and are also important it our friends in Armenia.

I look forward to supporting the gentleman from New Jersey (Mr. PALLONE) as he seeks to strike this language that would call for an end of sanctioning a country like Azerbaijan for what they should be sanctioned for. I agree with my colleague, the gentleman from New Jersey (Mr. PALLONE) that we need to continue the pressure on these regimes so that they end the blockade of Armenia and Nagorno-Karabakh.

Ms. PELOSI. Mr. Chairman, I yield myself the final minute to close.

Mr. Chairman, in closing, I would just like to again commend the gentleman from Alabama, our chairman, for his leadership and his cooperation. I want to commend the staff, the majority staff, Mr. Charlie Flickner, John Shank, Bill Inglee, and also Mark Murray and Lori Maes on the minority side. I commend Nancy Tippins of Mr. Callahan's personal staff, and Carolyn Bartholomew of my personal staff as well.

I see the gentleman from Virginia (Mr. WOLF) on the floor, and it is always a pleasure to work with him on these international issues. I want to commend Ann Huiskes of his staff for her work. Earlier the gentleman from New Jersey (Mr. SMITH) was on the floor, and I want to commend Joseph Reese of his staff with whom we have worked. While the gentleman from New Jersey (Mr. SMITH) is not on the subcommittee, we have worked on many of these international issues although we are not in complete agreement today.

Mr. Chairman, again I urge my colleagues to oppose this legislation. I think it does not measure up to the vision that our country should have about our foreign policy, that it is a departure from our bipartisan tradition on international relations, and that we can do better. I hope that, in the course of the process, we will and that I will be able to support the bill. But as it stands now, I urge my colleagues to vote "no" on this bill.

The CHAIRMAN. The time of the gentlewoman from California (Ms. PELOSI) has expired.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all of the points during this debate have been well taken and that is exactly what this body is all about. Basically, though, this is a good bill. It is a bill that has received majority support in both subcommittee and full committee.

There are several issues of contention that we will debate this afternoon, one of them being Section 907 whereby I disagree with the other side and the gentlewoman from California about the merits of what we have done. We have done exactly the right thing.

The other is the future funding of the International Monetary Fund. While we do not disagree on what we hope this world will be in the hands of those who control the monies of the International Monetary Fund, they are not doing it in a responsible manner now.

That is what this body is all about, to debate the differences. But let us not lose sight of where we are. We are $3.5 million below the subcommittee's allocation of $12.4 billion, so we are below our request. We are within our outlay. We are $315 million below last year. We are $1.1 billion below what the President has requested for 1999.

In addition to that, we have protected things such as child survival. If we talk to the American people, they are against foreign aid. Most of them do not understand how little we give to foreign aid. But if we mention to them we are taking most of this money and spending it on children who are starving on other continents, if we tell them we are trying to provide health care and trying to remove horrible diseases that are prevalent in some areas, such as the polio which we seek to eradicate, with foreign aid monies, the American people do not want to see starving children starved. They do not want to see unhealthy children not receive medical attention.

They want to assist in education. They want to stop government-to-government aid that have been an indication of past years. So we have a responsible bill with a few major controversies that will be discussed.

Mr. DINGELL. Mr. Chairman, Members should know that even as we consider funds in this bill for the International Monetary Fund (IMF), the Government of Korea is backing away from commitments it made to the IMF and to the world community to finally put an end to government directed lending, corporate subsidies, and interference with corporate governance. A new round of bidding was recently announced for Korea's huge bankrupt motor vehicle company, Kia Motors and its affiliate Asia Motors, after Kia's creditors announced that 30 percent of Kia and Asia Motors' $8.7 billion in bad debt would be "forgiven" so that these companies, which some estimate have been bankrupt since 1991, can be sold as viable entities.

I might add, the only two non-Korean firms that have expressed an interest in buying Kia are U.S. companies, General Motors and Ford. General Motors and Ford have now withdrawn from the bidding, because they cannot justify the burdensome terms set by the creditors for the sale. As a result, Kia's creditors have now successfully forced all foreign firms out of the bidding, leaving only Korean companies, Samsung, Hyundai and Daewoo, as contenders for Kia.

Who is setting these impossible conditions? Principally, it is none other than the Government of Korea once again attempting to financially prop up Kia and to control its fate, even though it told the IMF it would no longer engage in this kind of activity. Kia's creditors are represented by the Korea Development Bank, which is 100 percent owned and controlled by the Government of Korea. The Korean Government also directly holds a 30 percent equity interest in Kia.

By blocking the sale of Kia's assets as a bankrupt, non-viable entity, the Government of Korea may be protecting its own equity stake in the company, but it is perpetuating the very nonmarket-based government subsidization and interference that has produced the calamitous decline of Korea's economy.

Is this the kind of "reform" that we thought the Government of Korea had committed to implement in return for the $60 billion loan package it received from the IMF? If not, we must demand that our government exercise strict and aggressive monitoring of how every penny of the IMF funding is used and what Korea is doing to implement its commitments to the IMF and to fulfill its trade obligations to the world community.

We cannot allow U.S. tax dollars to be used to continue the operation of non-viable, bankrupt Korean auto, steel, and other firms that dump cheap imports in our market and undermine otherwise competitive products made by U.S. firms and U.S. workers.

Without strict monitoring and reporting to Congress, we will never know what Korea is doing. It is simply not good enough for Administration officials to make vague statements about being "encouraged" by the progress of Korea's economic reform. Korea has institutions and policies that enable the government to intervene in commercial lending and corporate governance. This Congress needs to know what Korea is doing to restructure those institutions and to change those policies, so that government intervention in the private economy is minimized and Korean markets are open to U.S. and other foreign competitors.

Mr. Chairman, the legislation we are considering contains significant requirements applicable to Korea and other IMF recipients. It provides that IMF-recipient governments shall not give government support or tax privileges to individual firms. The government-owned Korea Development Bank's decision to "forgive" a large share of Kia's debt, so that it can be sold as a viable entity, is government support of the most fundamental kind and violates the prohibition in this legislation. But without strict monitoring and reporting to Congress, the Government of Korea is free to ignore these and other warnings. We must not let that happen.

Together with my Colleagues, Mr. MURTHA and Mr. REGULA, I have written Secretary of the Treasury Rubin, Secretary of Commerce Daley, and U.S. Trade Representatives Barshefsky, asking a number of detailed questions about reforms in Korea, and in particular, about the sale of Korea's bankrupt auto, steel, and other firms. When I receive their response, I will make it available in an effort to keep Members informed on this important matter.

Ms. STABENOW. Mr. Chairman, I will vote yes on the final passage of H.R. 4569 with serious reservations. I urge the Senate and the Conference Committee to address the issue of family planning and other serious flaws that exist in the bill. If significant improvements are not made in the bill before it returns to the House of Representatives, I do not intend to support the final passage of this legislation.

Ms. RIVERS. Mr. Chairman, I will vote yes for H.R. 4569 with the expectation that Senate and Conference activity will remedy the serious flaws that exist in the bill. If these inadequacies are not addressed before it returns to the House, I will not support its ultimate passage.

Mr. LEVIN. Mr. Chairman, I will support passage of H.R. 4569, the Foreign Operations Appropriation for fiscal year 1999. I do so in spite of serious concerns over a number of the bill's provisions.

Unfortunately, the Majority has once again been unwilling to provide adequate funding for the International Monetary Fund. H.R. 4569 provides only $3.4 billion in credits to the IMF, far less than is needed to deal with the spreading economic crisis in Asia, Russia and other countries, and far less than the $18 billion requested by the Administration. It is particularly unfortunate that the Majority would not even allow an amendment on IMF funding in order to let the House have an up-or-down vote on the matter.

I also object to language contained in this bill to codify the so-called "Mexico City" restrictions on U.S. funds for international family planning organizations. Finally, I believe the provisions related to North Korea and funding for the Newly Independent States of the former Soviet Union need to be improved.

I hope that these deficiencies in the bill can be corrected in conference with the Senate. I will not support the conference report unless there are major changes.

Mr. BENTSEN. Mr. Chairman, I rise in reluctant support of the fiscal year 1999 Foreign Operations Appropriations bill, but I strongly support the bill's provision to provide $3 billion in aid to Israel.

While I support final passage of this bill, I am very concerned about the inadequate response to the shortfall in funding for the International Monetary Fund. It has been nearly a year since the Administration requested $3.4 billion for the New Arrangements to Borrow (NAB) and $14.5 billion to address the Asian currency crisis. This bill provides only the $3.4 billing in credits for the International Monetary Fund. Unless the U.S. provides the full share requested, which has no budgetary impact, no other member countries will increase their participation, which all IMF member countries are being asked to make, and we would be unable to replenish the IMF's depleted reserves and fund loan packages to address worldwide currency devaluations.

Without this investment, the IMF will have fewer resources to meet future needs to provide economic stability and in particular stability to markets for US exports. Given that the Senate has passed the full amount requested, I am hopeful that the full Administration funding level will be met when conference action takes place on this bill. If the House fails to adopt the Senate provision with respect to the IMF funding and the President vetoes the bill as he has said he would, I would have no choice but to support the veto.

While I have serious concerns about funding levels for the IMF, I strongly support aid to Israel, and am very pleased with the $3 billion appropriated for economic and military assistance provided in this bill. I believe the United States must maintain its commitment to providing aid to Israel, which is in the United States' strategic and economic best interest. An important regional ally and the only true democracy in the Middle East, Israel is certainly deserving of this support.

The American-Israeli partnership is vital because it exists beyond normal political and strategic bonds. Both nations share a common set of values—individual responsibility, freedom, hope, and opportunity. Israel is the most reliable ally of the United States in the Middle East and continued foreign aid funding will maintain its solid partnership with the United States. Because of the importance of the

United States-Israel relationship and the strength of Israel's democracy, the United States has a strong, stable democratic ally. By its continued support of Israel, the United States honors a historic commitment to a fellow democracy with which we share unique security, economic, and cultural ties.

I do not believe there is anything more important than to forge a just and lasting peace for the Middle East. I urge my colleagues to continue our support for Israel and to further our national interests by voting for this appropriation.

Mr. UNDERWOOD. Mr. Chairman, I strongly oppose this rule which would block any amendments to provide funding for the International Monetary Fund (IMF). The IMF is an indispensable organization formed in 1945 to assist its members with monetary issues and financial cooperation. It is no surprise that the IMF has grown from 29 member countries to 182 nations today.

Mr. Speaker, the rule we have before us today would rob us of the opportunity to continue to assist nations heavily affected by the economic contagion which has spread from Asia to Russia to Latin America. The global economic structures demand that we consider a rule which would allow us to replenish the IMF's depleted reserves. The requisite $14.5 billion assists not only the economically troubled areas I have mentioned, but also the United States. Due to the nature of our interlinked world economies, it is not so difficult to comprehend that financial woes in South Korea and Russia will eventually reach our shores. For example, Asia purchases about 40% of American agricultural exports. American exports to Asia are expected to decrease by 3 to 6% this year alone due to reduction of demand in this region.

The people of Guam, my constituents, have felt the effects of the Asian Financial Crisis since it commenced last year. With our tourist economy dependent on the investment of our Asian neighbors, we have witnessed dwindling tourism numbers effectively shutting down local businesses and leaving numerous individuals unemployed. Between July 1997 and July 1998, Guam visitor arrival numbers plummeted by an astounding 23%.

Critics of the IMF cite that this would be the appropriate time to force reforms on the IMF, such as increasing the transparency of its operations. This reasoning is myopic. The would continues to be in the throes of financial crises, and instead of assisting, the United States is stymieing efforts to assist troubled nations. Exacting conditions on the IMF at this point would be counterproductive to furthering American economic interests.

In the interest of our economic well-being, I urge my colleagues to oppose H. Res. 542.

Mr. ROGAN. Mr. Chairman, today the House of Representatives will pass H.R. 4569, the 1999 Foreign Operations Appropriations Act. Contained within this act was an important provision I am proud to have cosponsored. The provision eliminated language that would have repealed section 907 of the Freedom of Support Act of 1992. I want to applaud and recognize the overwhelming bipartisan support this measure received.

The passage of this Amendment sends the clear message that the United States does not condone the government of Azerbaijan's cruel and inhumane blockade of Armenia and Nagorno Karabagh. This embargo is still in effect today. As a result of this economic chokehold, a bipartisan group of legislators included a provision to the Freedom Support Act known as Section 907.

The Radanovish-Pallone-Rogan-Sherman amendment retains current law (Section 907) by prohibiting U.S. tax dollars from going to the dictatorial government of Azerbaijan until its government takes steps to lift its blockade. Presently humanitarian aid may go to the people of Azerbaijan through private charities. Maintaining this section promotes the cause of democracy, while sending the message that human rights violations and actions that compromise the expansion of democracy will not be tolerated.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the Foreign Operation Appropriations Bill for FY 99 reported out of the Appropriations Committee. Once again, the GOP leadership has all but ensured confrontation with the Republican led Senate and has set the Congress on a collision course with the White House. This bill has several serious flaws that fail to address the ongoing global economic crisis and is simply not adequate to meet our national security requirements or to meet our obligations and responsibilities as the world's only superpower. Specifically, this bill ignores the President's request of the total $18 billion for the International Monetary Fund (IMF) and is vital to serve and replenish the IMF funding base which has been severely depleted by the financial crisis in Mexico, Asia and Russia; again includes restrictive language on international family planning funding; fully funds the United States School of Americans (SOA) which has a long history of instructing human rights abusers; and underfunds important international programs that are crucial to an effective foreign policy.

The changes that have occurred in the world in the last decade have provided the United States unprecedented opportunities to enhance our national and economic security by solidifying our global leadership and by bringing democracy to many countries. The Congress has debated the IMF replenishment for a full year. In that time, the economic crisis has spread from Asia to Russia, and is now threatening to strike in Latin America. It is not time for Congress to take a proactive role on this replenishment. The IMF is an imperfect solution, not the problem, and it is one of the only tools available to address the serious global economic turmoil. As a senior Member of the House Banking Committee, I visited southeast Asia last winter and met with political and financial leaders in China, Korea and Japan. Following the trip, I was convinced more than ever that the Asian economic contagion would not be isolated to Asia. Just yesterday, Federal Reserve Chairman Greenspan and Treasury Secretary Rubin stressed again the importance of increasing the funding for the IMF. Furthermore, the Republican led Senate included the full $18 Billion requested by the Administration in its passed Foreign Operations Bill. The fact remains that the replenishment of the IMF will ultimately benefit American workers, businesses and farmers by protecting our economic strength.

This bill also contains language restricting foreign organizations who receive family planning assistance from using their own funds to seek to change laws in their own respective country. This provision punishes organizations for engaging in legal activities in their own countries that would be protected by the First Amendment, if carried out in the United States. Funding for preventive family planning leads to a decrease in unintended pregnancies, a decrease in maternal deaths, and a decrease in abortion. Funds under these programs are legally prohibited from supporting or encouraging abortion as a method of family planning. These restrictions are safeguarded by legally binding contracts with the organizations that receive U.S. funds, by close technical monitoring, and by regular audits by independent, nationally recognized accounting firms. None of these funds are utilized for abortion purposes.

International family planning assistance is intended to help women make informed health care decisions, improve the quality of life for citizens of developing nations, and promote economic responsibility in allocating scarce resources. Ultimately, I believe it will be in the best interest of the United States to support programs that strive to help the poor and underprivileged, especially women in such need. Such funds prevent unwanted pregnancies and the abortions that may follow. In its current form, this provision would even muzzle organizations from speaking out against abortion in their own countries. Again, the GOP led Senate did not include this restrictive language in its version, thus setting up a difficult conference negotiation. Furthermore, the President has indicated clearly that this language is unacceptable and that he will veto any bill containing such language.

Again, the GOP leadership insisted on providing full funding for expanding the International Military Education and Training (IMET) programs to countries with horrific histories of human rights abuses. Specifically, funding for the School of the Americas (S.O.A.). The S.O.A. was established in 1946 to train military officers from Latin American countries. To date, nearly 60,000 military personnel from various Latin American countries have attended the S.O.A. Unfortunately, upon returning to their home countries a number of graduates have participated in the overthrow of democratically elected governments and in broad abuses of human rights. The lessons taught by the U.S. at the S.O.A. were clearly not very effective in guiding democratic military conduct. I have serious apprehension to any congressional commitment to S.O.A. instruction that will bring about positive change in Latin America or in the Global theater. Only the closure of the S.O.A. could better serve this objective. That is the right thing to do symbolically and substantively.

This bill appropriates only $43 million of the $300 million requested by the President for the Global Environment Facility (G.E.F) of the World Bank. This important facility funds environmental projects throughout the world. The G.E.F. was created in response to the vast needs in developing countries for multilateral resources devoted to mitigating environmental problems. Currently, the G.E.F. is funding programs to address a variety of environmental problems including the promotion of a biodiversity, creating energy efficiency and cleaning up polluted water. Without additional funding, G.E.F. will run out of money soon and this vital work will stop.

Many funding levels for programs that the Committee has reported will severely undercut our ability to provide leadership throughout the global community. Specifically, the Peace Corps defining programs, the Export Import Bank, and the Protocols to implement the Comprehensive Test Ban Treaty.

Overall, this bill fails to provide adequate resources to meet our national security requirements and reaffirm our obligation and responsibilities as the world's superpower. The Republican leaders has again illustrated its indifference to meeting the needs of the global financial crises, reaffirming its commitments to human rights, providing environmental leadership abroad, and assisting those who need our help the most in this age of poverty, civil discord and economic turmoil. I urge Members to vote no on this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 4569, the Foreign Operations and Export Financing Act for 1999. This Member would like to also express his strong support for provisions within this measure that support the U.S. Army School of the Americas.

Mr. Chairman, as many of my colleagues are aware, there has been a concerted effort to close the U.S. Army School of the Americas by opponents of the school that have often used distorted or false information that serves one purpose—to mislead the American public. The U.S. Army School of the Americas is a U.S. Army military training institution that it is a key Latin American foreign policy tool for the United States and an integral part of the U.S. Southern Command's engagement strategy in Latin America.

The primary mission of the School is to promote democracy, civilian control of the military, respect for human rights, and doctrinally sound, relevant military education and training to the nations of Latin America. With the change in the National Security Strategy from containment to engagement and enlargement the U.S. Army School of the Americas has shifted its curriculum to provide course instruction in areas such as civil-military operations, counterdrug operations, democratic sustainment, peacekeeping operations, and humanitarian demining.

Opponents of the School have attempted to place the blame for many of the human rights abuses in Latin American countries on the U.S. Army School of the Americas. It should be noted that in the 50-year existence of the School and its almost 60,000 graduates that less than one percent of those students have ever been linked to human rights violations. The human rights taught is more comprehensive than human rights training taught at any other U.S. military school.

Also, of critical importance is the counterdrug operations course at the U.S. Army School of the Americas which teaches both military and civilian police forces the necessary skills to stop the cultivation, production and transportation of illegal drugs. Many of the School's graduates have lost their lives while combating the narco-guerrillas and drug lords in Bolivia, Colombia, and Ecuador—key countries in the United States war on drugs. These counterdrug operations are of vital interest to our national security as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs across our borders.

The U.S. Army School of the Americas has been endorsed by the Department of State, the Department of Defense, the Department of the Army, the Office of National Drug Control Policy, and the Drug Enforcement Agency. The School does far more good in promoting democratic values and respect for human rights among Latin American countries.

This Member supports the sustainment of the U.S. Army School of the Americas as provided in the Foreign Operations and Export Financing Act for 1999 and urges his colleagues to do so as well.

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Pelosi amendment to fully fund the International Monetary Fund.

Mr. Chairman, Congress is once again prohibited from moving forward on the incredible important issue of IMF replenishment. Earlier this year, the House Banking Committee supported a bill to fully fund the IMF by a 40-9 vote. This bipartisan measure includes needed reforms of the program to make the Fund more transparent and accountable, improve labor standards in recipient countries, and increase the effectiveness of market-oriented reforms. Unfortunately, since the consideration of this measure in committee, IMF funding has been bogged down by extraneous issues. This must stop.

The global economy has been going through a tumultuous time over the past year. First the Asian Tigers slipped, then Russia. Now we are receiving news that Brazil, one of the strongest and largest economies in Latin America, is experiencing economic retraction. We need to stand up and do what's right, not only to bolster the global economy, but to protect American economy, American jobs, and American values. Should our economy falter, the Federal budget surplus will be at risk.

How can we, as stewards of our Nation's fiscal house, oppose IMF funding when failure to do so threatens to drag our strong domestic economy along with it? I urge my colleagues to oppose the point of order and support full IMF funding.

Mr. KLINK. Mr. Chairman, it is disappointing to me that the House is moving to approve new funding for the International Monetary Fund (IMF) in this legislation and shutting out amendments on the IMF, because the IMF Board of Directors is working on a capital deregulation agenda very similar to the Multilateral Agreement on Investment (MAI).

The amendment I intended to offer with my friend from Florida, Ms. ROS-LEHTINEN, would have required the Secretary of the Treasury to oppose an attempt by the IMF to expand its jurisdiction over international capital flows, before any new money is released for the IMF.

We won't be able to offer that amendment because the rule for this bill puts time constraints on amendments and does not make IMF amendments in order. That is unfortunate.

The MAI is a highly controversial international investment treaty which has existed in near obscurity for more than 2 years. The MAI was conceived in secrecy, negotiated mostly in secret, and, if the IMF has its way, it will implement provisions very similar to the MAI in secret. The future of the MAI is uncertain, but the IMF's plan to liberalize controls on capital is moving full speed ahead.

The IMF is working on an amendment to its Articles of Agreement that would give the IMF the power to require member countries to commit to full capital account liberalization. The IMF could then dictate to countries the removal of all barriers to the international flow of capital. The IMF would become the ultimate enforcer of capital deregulation. This would increase the IMF's power over all member countries, including the United States U.S. investor protection laws could be endangered, and Congress would have nothing to say about it.

The IMF's proposed capital liberalization strategy would also increase the likelihood and scope of future financial crises. Rapidly growing and extremely volatile international capital flows have rendered may emerging markets and developing countries extremely vulnerable to destabilizing speculative capital. The IMF's dismal record of predicting these crises increase the possibility that Congress will be called upon to bail out troubled economies in the future. If you add weakened capital regulation to that mix, the sky becomes the limit for these bailouts.

Whatever you think of the MAI or the IMF, the kind of important decisions contemplated to require the United States to remove controls on the flow of capital should be made by Congress, not unelected international bureaucrats. Furthermore, we should not be throwing good money after bad in these troubled foreign economies by dumbing down their capital flow controls.

We shouldn't give the IMF a blank check with this bill and we definitely should not allow the IMF to assume the ability to require the weakening of the regulation of the movement of capital either here in the United States or in other countries.

The Klink/Ros-Lehtinen amendment would have ensured that Congress has the say in developing U.S. capital regulations and help prevent or reduce any future bailouts by the IMF. I'm disappointed that our amendment could not be debated today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 5 hours and shall be considered read through page 141, line 18.

The text of H.R. 4569 through page 141, line 18 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $745,500,000 to remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2014 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1999 and 2000: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $50,277,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $33,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $50,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1999 and 2000: *Provided further*, That such sums shall remain available through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999, and through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 2000: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2000, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,174,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for the central Government of the Republic of South Africa, until the Secretary of State reports in writing to the appropriate committees of the Congress on the steps being taken by the United States Government to negotiate the repeal, suspension, or termination of section 15(c) of South Africa's Medicines and Related Substances Control Amendment Act No. 90 of 1997.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $150,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For administrative expenses to carry out guaranteed loan programs, $5,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,552,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $460,000,000: *Provided*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $31,500,000, to remain available until September 30, 2000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,326,000,000, to remain available until September 30, 2000: *Provided*, That of the funds appropriated under this heading, not to exceed $1,080,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That not to exceed $775,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $450,000,000, to remain available until September 30, 2000, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(e) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(f) Not to exceed $225,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina.

(g) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $590,000,000, to remain available until September 30, 2000: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) Funds appropriated under title II of this Act, including funds appropriated under this heading, should be made available for assistance for Mongolia at a level which is at least equivalent to the level provided in fiscal year 1998: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available: (A) is vital to the national security interest of the United States; and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(d) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region.

(e) Of the funds appropriated under this heading, not less than 33 percent shall be made available for assistance for the Southern Caucasus region: *Provided*, That of the funds made available for the Southern Caucasus region, 40 percent should be used for reconstruction and other activities relating to the peaceful resolution of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: *Provided further*, That funds made available to parties participating in the Minsk Process under the first proviso of this subsection shall be provided only to those parties which agree to participate in direct or proximity negotiations without preconditions to resolve conflicts in the region: *Provided further*, That if the Secretary of State after May 30, 1999, determines and reports to the relevant committees of Congress that the full amount of funds that may be made available under the first proviso cannot be effectively utilized, the amount provided under the previous proviso may be used for other purposes under this heading.

(f) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(g) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(h) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $20,680,000.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations (31 U.S.C. 9104(b)(3)), $13,160,000: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $230,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2000.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $275,000,000: *Provided*, That during fiscal year 1999, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $640,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $30,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $152,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461); and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501); $36,000,000, to remain available until expended: *Provided*, That not to exceed $2,900,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States Government: *Provided further*, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000 of which up to $1,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: *Provided further*, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 1999, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,335,910,000: *Provided*, That of the funds appropriated under this heading, not to exceed $1,860,000,000 shall be available for grants only for Israel, and not to exceed $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $490,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That during fiscal year 1999 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961: *Provided further*, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: *Provided further*, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $20,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $167,000,000.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $29,910,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That none of the funds under this heading shall be available for Guatemala: *Provided further*, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1999 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $62,250,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $42,500,000, to remain available until September 30, 2000, which shall be available for contributions previously due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $800,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $21,152,000, to remain available until expended, which shall be available for contributions previously due.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $50,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $210,000,000, to remain available until expended, of which $150,000,000 shall be available for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $128,000,000, to remain available until expended, of which $88,300,000 shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $157,250,000: *Provided*, That none of the funds appropriated under this heading may be made available for the United Nations Fund for Science and Technology: *Provided further*, That none of the funds appropriated under this heading may be made available for the United Nations Population Fund (UNFPA): *Provided further*, That none of the funds appropriated under this heading may be made available for the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1999, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1999.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, Brazil, the Democratic Republic of Congo, and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development assistance", "International Organizations and Programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 2000.

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) ECONOMIC REFORMS.—None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or venture.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(c) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction shall not apply to demilitarization, demining, or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" in this Act or in prior appropriations Acts; for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 518A. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(h) RESTRICTIONS ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

"(4) DEFINITION.—As used in this section, the term 'activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited' includes not only overt lobbying for such changes, but also such other activities as sponsoring, rather than merely attending, conferences and workshops on the alleged defects in the abortion laws, as well the drafting and distribution of materials or public statements calling attention to such alleged defects.".

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

"(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

"(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.".

(c) The President may waive the provisions of section 104(h)(1) of the Foreign Assistance Act of 1961, as amended, pertaining to population assistance to foreign organizations that perform abortions in foreign countries, for any fiscal year: *Provided*, That if the President exercises the waiver provided by this subsection for any fiscal year, not to exceed $356,000,000 may be made available for population planning activities or other population assistance for such fiscal year: *Provided further*, That the limitation in the previous proviso includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available.

EXCESS DEFENSE ARTICLES FOR CENTRAL EUROPEAN COUNTRIES

SEC. 519. Section 105 of Public Law 104-164 (110 Stat 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Honduras, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival and disease programs activities may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1998" and inserting in lieu thereof "1999".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 527. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: *Provided*, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapter 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 536. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 537. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(3) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting biodiversity conservation activities: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. (a) Of the funds appropriated by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1999, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: *Provided*, That not to exceed $950,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS–DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the

Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 556. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 559. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 560. (a) LIMITATION.—Funds appropriated by this Act may be made available for assistance for the Government of Haiti only if the President reports to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of Haiti—

(1) has completed privatization of (or placed under long-term private management or concession) three major public entities including the completion of all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(2) is cooperating with the United States in halting illegal emigration from Haiti;

(3) is conducting thorough investigations of extrajudicial and political killings and has made substantial progress in bringing to justice a person or persons responsible for one or more extrajudicial or political killings in Haiti, and is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights or credibly alleged to have engaged in or conspired to engage in narcotics trafficking; and

(5) is implementing the maritime counter-narcotics agreements signed in October 1997.

(b) AVAILABILITY OF ELECTORAL ASSISTANCE.—Funds appropriated by this Act may be made available to support elections in Haiti only if the President reports to the Congress that the Government of Haiti:

(1) has achieved a transparent settlement of the contested April 1997 elections; and

(2) has made concrete progress on the constitution of a credible and competent provisional electoral council with the agreement of a broad spectrum of diverse political parties.

(c) EXCEPTIONS.—The limitations in subsections (a) and (b) shall not apply to the provision of—

(1) counter-narcotics assistance, support for the Haitian National Police's Special Investigations Unit and anti-corruption programs, the International Criminal Investigative Assistance Program, and assistance in support of Haitian customs and maritime officials;

(2) food assistance management and support;

(3) assistance for urgent humanitarian needs, such as medical and other supplies and services in support of community health services, schools, and orphanages; and

(4) not more than $3,000,000 for the development and support of political parties.

(d) WAIVER.—At any time after 150 days from the date of enactment of this Act, the Secretary of State may waive the requirements contained in subsection (a)(1) if she reports to the Committees specified in subsection (a) that the Government of Haiti has satisfied the requirements of subsection (a)(1) with regard to one major public entity.

(e) REPORTS.—The Secretary of State shall provide to the Committees specified in subsection (a) on a quarterly basis—

(1) in consultation with the Secretary of Defense and the Administrator of the Drug Enforcement Administration, a report on the status and number of United States personnel deployed in and around Haiti on Department of Defense, Drug Enforcement Administration, and United Nations missions, including displays by functional or operational assignment for such personnel and the cost to the United States of these operations; and

(2) the monthly reports, prepared during the previous quarter, of the Organization of American States/United Nations International Civilian Mission to Haiti (MICIVIH).

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 561. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 562. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 564. None of the funds appropriated by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 565. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 566. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: *Provided*, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 567. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International

Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(g) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, Serbia, and Montenegro.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 568. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $340,000,000 for fiscal year 1999".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 569. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1998, planned obligations for such activities in fiscal year 1999, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1998.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 570. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 571. None of the funds appropriated by this Act may be provided for assistance for the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 572. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1999 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 573. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 574. (a) None of the funds appropriated in this Act may be made available for assistance for the Government of Cambodia: *Provided*, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: *Provided further*, That the provision of such assistance shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 575. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1999 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 576. Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

REPORT ON FOREIGN MILITARY TRAINING

SEC. 577. The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 578. Notwithstanding sections 614 and 451 of the Foreign Assistance Act of 1961, as amended, or any other provision of law, none of the funds appropriated by this Act may be used for a voluntary contribution to, or assistance for, the Korean Peninsula Energy Development Organization.

REPEAL OF RESTRICTIONS ON ASSISTANCE

SEC. 579. Section 907 of the FREEDOM Support Act is hereby repealed.

TITLE VI

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

LOANS TO THE INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended. In addition, the amounts appropriated by title III of the Foreign Aid and Related Agencies Appropriations Act, 1963 (Public Law 87–872) and section 1101(b) of the Supplemental Appropriations Act, 1984 (Public Law 98–181) may also be used under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow.

GENERAL PROVISIONS—THIS TITLE

CONDITIONS FOR THE USE OF APPROPRIATED FUNDS

SEC. 601. (a) CONDITION FOR THE USE OF APPROPRIATED FUNDS FOR QUOTA INCREASE.—None of the funds appropriated after July 15, 1998, under the heading "United States Quota in the International Monetary Fund" may be obligated or made available to the International Monetary Fund until 15 days after the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System jointly provide written notification to the appropriate committees that the major shareholders of the International Monetary Fund have publicly agreed to, and will act to implement in the Fund policies providing that for conditions in standby agreements or other arrangements regarding the use of Fund resources include requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade agreements of which the borrowing country is a signatory;

(2) eliminate the pervasive practice or policy of government directed lending on noncommercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions; and

(3) guarantee nondiscriminatory treatment in insolvency proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

(b) CONDITION FOR THE USE OF APPROPRIATED FUNDS FOR LOANS TO THE IMF.—

(1) IN GENERAL.—None of the funds appropriated in this title under the heading "Loans to the International Monetary Fund" may be obligated or made available to the International Monetary Fund unless—

(A) there is in effect a written certification, made by the Secretary of the Treasury, to the appropriate committees that the International Monetary Fund has met the requirements of paragraph (2); and

(B) the Congress has enacted legislation approving the certification.

(2) REQUIREMENTS.—The requirements of this paragraph are that the International Monetary Fund has in effect policies that are designed to ensure the following:

(A) Within 3 months after any meeting of the Executive Board of the International Monetary Fund at which a Letter of Intent, a Policy Framework Paper, an Article IV economic review consultation with a member country, or a change in a general policy of the International Monetary Fund is discussed, a full written summary of the meeting shall be made available for public inspection, with the following information redacted:

(i) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by United States Government.

(ii) Market-sensitive information.

(iii) Proprietary information.

(B) Within 3 months after the Executive Board of the International Monetary Fund at which a Letter of Intent or a Policy Framework Paper is discussed, a copy of the Letter of Intent or Policy Framework Paper shall be made available for public inspection with the following information redacted:

(i) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by United States Government.

(ii) Market-sensitive information.

(iii) Proprietary information.

(C) Interest charges on loans to member countries shall be based on the International Monetary Fund's market-determined cost of financing, adjusted weekly, and loans from any facility established to address circumstances of exceptional balance of payments difficulties and impaired access to capital due to a sudden loss of market confidence should carry a substantial surcharge that serves to provide an incentive for early repayment and encourage private market refinancing, and that reflects risk.

REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

SEC. 602. (a) IN GENERAL.—The Secretary of the Treasury shall submit to the appropriate committees 2 reports on the implementation of financial stabilization programs led by the International Monetary Fund in any country in connection with which the United States has made a commitment to provide or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. A report shall include the following with respect to each such country:

(1) The extent that the country has made progress in making conglomerate business practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(2) The success of measures undertaken by the United States Government and the International Monetary Fund to ensure that the country will not provide Government-subsidized support or tax privileges to bail out individual corporations, particularly in the semiconductor, steel, plywood, paper, and glassware industries.

(3) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on worker rights in the country, and the nature of any such negative effects.

(b) TIMING OF REPORTS.—The first report required by subsection (a) shall be due by December 1, 1998, and the second such report shall be due by May 1, 1999.

(c) NOTIFICATION OF IMPENDING DISBURSEMENTS.—Not later than 36 hours before the disbursement to a country with respect to which a report is required by subsection (a) of any resources from the stabilization fund referred to in subsection (a) in connection with the implementation of a financial stabilization program described in subsection (a), the Secretary of the Treasury shall notify the appropriate committees of the impending disbursement.

ADVISORY COMMISSION

SEC. 603. (a) IN GENERAL.—The Secretary of the Treasury shall establish an International Financial Institution Advisory Commission (in this section referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall include—

(1) 6 individuals appointed by the Congress, including at least 2 former Secretaries of the Treasury, 1 of whom shall serve as the chairman of the Commission; and

(2) not to exceed 2 members as designated by the Secretary.

(c) RECOMMENDATIONS.—Within 180 days after the appointment of Commission members, the Commission shall submit to the appropriate committees a report that contains the recommendations of the Commission regarding the future role and responsibilities of the International Monetary Fund and the International Bank for Reconstruction and Development, including changes to the policy goals set forth for the International Monetary Fund and the International Bank for Reconstruction and Development in the Bretton Woods Agreements Act and the International Financial Institutions Act.

(d) INTERNATIONAL ADVISORY COMMITTEE.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to seek the establishment of a permanent advisory committee to the Interim Committee of the Board of Governors of the International Monetary Fund, that is to consist of elected members of the national legislatures of the member countries directly represented by appointed members of the Executive Board of the International Monetary Fund.

DEFINITIONS

SEC. 604. For purposes of sections 601 through 603 of this chapter, the term "appropriate committees" means the Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate and the Committees on Appropriations and Banking and Financial Services of the House of Representatives.

PARTICIPATION IN QUOTA INCREASE

SEC. 605. (a) IN GENERAL.—The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.".

(b) EFFECTIVENESS SUBJECT TO CERTIFICATION.—The amendment made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks have made a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

NEW ARRANGEMENTS TO BORROW

SEC. 606. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking "and February 24, 1983" and inserting "February 24, 1983, and January 27, 1997"; and

(B) by striking "4,250,000,000" and inserting "6,712,000,000";

(2) in subsection (b), by striking "4,250,000,000" and inserting "6,712,000,000"; and

(3) in subsection (d)—

(A) by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and

(B) by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND

SEC. 607. (a) IN GENERAL.—Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o-1) is amended by adding at the end the following:

"SEC. 1503. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

"(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

"(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

"(A) appropriate liberalization of pricing, trade, investment, and exchange rate regimes of countries to open countries to the competitive forces of the global economy;

"(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

"(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

"(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

"(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

"(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

"(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

"(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

"(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

"(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destabilizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

"(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

"(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

"(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

"(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

"(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

"(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources; and

"(H) the International Monetary Fund accompanying the provision of funding to countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits.

"(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

"(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large 'show case' projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

"(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

"(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

"(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

"(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

"(C) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

"(10) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

"(11) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, and urge the International Monetary Fund to encourage member countries to pursue macroeconomic stability while promoting environmental protection.

"(12) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

"(13) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

"(14) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 1701(c)(2)) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

"(b) COORDINATION WITH OTHER EXECUTIVE DEPARTMENTS.—To the extent that it would assist in achieving the goals described in subsection (a), the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.".

(b) ADVISORY COMMITTEE ON IMF POLICY.—Section 1701 of such Act (22 U.S.C. 262p–5) is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE ON IMF POLICY.—

"(1) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this subsection referred to as the 'Advisory Committee').

"(2) MEMBERSHIP.—The Advisory Committee shall consist of 9 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

"(A) 1 member shall be a former Secretary or Deputy Secretary of the Treasury, who shall serve as the chairman of the Advisory Committee.

"(B) 2 members shall be representatives from organized labor.

"(C) 2 members shall be representatives from banking and financial services.

"(D) 2 members shall be representatives from industry and agriculture.

"(E) 2 members shall be representatives from nongovernmental environmental and human rights organizations.

"(3) DUTIES.—Not less frequently than every 6 months, the Advisory Committee shall meet with the Secretary of the Treasury or the Deputy Secretary of the Treasury to review, and provide advice on, the extent to which individual country International Monetary Fund programs meet the policy goals set forth in this Act regarding the International Monetary Fund.

"(4) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.".

SENSE OF THE CONGRESS ON THE ROLE OF JAPAN IN RESTORING REGIONAL AND GLOBAL ECONOMIC GROWTH

SEC. 608. It is the sense of the Congress that Japan should assume a greater regional leadership role, which would coincide with Japan's goal of promoting strong domestic demand-led growth and avoiding a significant increase in its external surplus with the United States and the countries of the Asia-Pacific region.

SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

SEC. 609. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is amended by adding at the end the following:

"SEC. 1704. REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

"(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. The reports shall include the following:

"(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

"(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform measures required by the International Monetary Fund, including—

"(A) ensuring full respect for the commercial orientation of commercial bank lending;

"(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

"(C) the enactment and implementation of appropriate financial reform legislation;

"(D) strengthening the domestic financial system and improving transparency and supervision; and

"(E) the opening of domestic capital markets.

"(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

"(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

"(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

"(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

"(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

"(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

"(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

"(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

"(9) A description of any pattern of abuses of core worker rights in recipient countries.

"(10) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed from the stabilization fund established under section 5302 of title 31, United States Code, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

"(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

"(b) TIMING.—Not later than October 1, 1998, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).".

REPORTS ON REFORMING THE ARCHITECTURE OF THE INTERNATIONAL FINANCIAL SYSTEM

SEC. 610. (a) FINDINGS.—The Congress finds that, in order to ensure that the International Monetary Fund does not become the global lender of last resort to private sector corporations and financial institutions, and in order to help prevent future threats to the international financial system, the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, working with their counterparts in other countries and with international organizations as appropriate, should—

(1) seek to establish a broad set of international transparency principles on accounting and disclosure policies and practices covering, in particular, private sector financial organizations;

(2) promote improvements in the provision by both borrowers and lenders of timely and comprehensive aggregate information on cross-border financial stocks and flows;

(3) seek an international accord establishing uniform minimum standards with respect to robust banking and supervisory systems, which individual countries should be required to meet as a condition for the establishment of subsidiaries, branches, or other offices of banking institutions from their countries in the jurisdictions of the countries participating in the accord;

(4) immediately initiate with appropriate representatives of the countries that are members of the International Monetary Fund discussions aimed at securing national treatment for United States investors in such countries; and

(5) seek to establish internationally acceptable bankruptcy standards and should work particularly to have International Monetary Fund recipient countries adopt such standards.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare 3 reports on progress made toward achieving the objectives outlined in subsection (a), which shall describe the steps taken by the United States, other members of the world community, and the international financial institutions to strengthen safeguards in the global financial system, including measures to promote more efficient functioning of global markets, by—

(A) helping to develop effective legal and regulatory frameworks, including appropriate bankruptcy and foreclosure mechanisms;

(B) increasing transparency and disclosure by both the private and public sectors;

(C) strengthening prudential standards, both globally and in individual economies;

(D) improving domestic policy management;

(E) strengthening the role of the international financial institutions in financial crisis prevention and management; and

(F) ensuring appropriate burden-sharing by the private sector, particularly commercial banks and financial institutions, in the resolution of crises.

(2) TIMING.—The Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate 2 interim reports on the matters described in paragraph (1), the first of which is due by October 1, 1998, and the second of which is due on April 1, 1999, and a final report on such matters, which is due on October 1, 1999.

ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS

SEC. 611. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2) is further amended by adding at the end the following:

"SEC. 1705. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

"(a) REPORTS.—Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 1503.

"(b) TESTIMONY.—After submitting the report required by subsection (a) but not later than October 31 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

"(1) any progress made in reforming the International Monetary Fund;

"(2) the status of efforts to reform the international financial system; and

"(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.".

AUDITS OF THE INTERNATIONAL MONETARY FUND

SEC. 612. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2) is further amended by adding at the end the following:

"SEC. 1706. AUDITS OF THE INTERNATIONAL MONETARY FUND.

"(a) ACCESS TO MATERIALS.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the Secretary has instructed the United States Executive Director at the International Monetary Fund to facilitate timely access by the General Accounting Office to information and documents of the International Monetary Fund needed by the Office to perform financial reviews of the International Monetary Fund that will facilitate the conduct of United States policy with respect to the Fund.

"(b) REPORTS.—Not later than June 30, 1999, and annually thereafter, the Comptroller General of the United States shall prepare and submit to the committees specified in subsection (a) a report on the financial operations of the Fund during the preceding year, which shall include—

"(1) the current financial condition of the International Monetary Fund;

"(2) the amount, rate of interest, disbursement schedule, and repayment schedule for any loans that were initiated or outstanding during the preceding calendar year, and with respect to disbursement schedules, the report shall identify and discuss in detail any conditions required to be fulfilled by a borrower country before a disbursement is made;

"(3) a detailed description of whether the trade policies of borrower countries permit free and open trade by the United States and other foreign countries in the borrower countries;

"(4) a detailed description of the export policies of borrower countries and whether the policies may result in increased export of their products, goods, or services to the United States which may have significant adverse effects on, or result in unfair trade practices against or affecting United States companies, farmers, or communities;

"(5) a detailed description of any conditions of International Monetary Fund loans which have not been met by borrower countries, including a discussion of the reasons why such conditions were not met, and the actions taken by the International Monetary Fund due to the borrower country's noncompliance;

"(6) an identification of any borrower country and loan on which any loan terms or conditions were renegotiated in the preceding calendar year, including a discussion of the reasons for the renegotiation and any new loan terms and conditions; and

"(7) a specification of the total number of loans made by the International Monetary Fund from its inception through the end of the period covered by the report, the number and percentage (by number) of such loans that are in default or arrears, and the identity of the countries in default or arrears, and the number of such loans that are outstanding as of the end of period covered by the report and the aggregate amount of the outstanding loans and the average yield (weighted by loan principal) of the historical and outstanding loan portfolios of the International Monetary Fund.".

SHORT TITLE

Sec. 613. Sections 605 through 613 of this title may be cited as the "International Monetary Fund Reform and Authorization Act of 1998".

The CHAIRMAN. No amendment to the bill shall be in order except pro forma amendments for the purpose of debate, amendments printed in the Congressional Record, and amendments printed in House Report 105–725.

The amendments printed in the report may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT NO. 5 OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 105–725 offered by Mr. Wolf:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

Sec. 701. (a) Establishment of National Commission on Terrorism.—

(1) Establishment.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) Composition.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) Qualifications.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) Chairman.—The chairman of the commission shall be elected by the members of the commission.

(b) Duties.—

(1) In general.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) Report.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) Administrative Matters.—

(1) Meetings.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) Authority of individuals to act for commission.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) Powers.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) Pay and expenses of commission members.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) Staff and administrative support.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS–15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) Termination of Commission.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) Funding.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

The CHAIRMAN. Pursuant to House Resolution 542, the gentleman from Virginia (Mr. Wolf) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Wolf).

Mr. WOLF. Mr. Chairman, I will not use that time. I want to thank first of all the gentleman from Alabama (Mr.

CALLAHAN), chairman, and the gentleman from New York (Mr. GILMAN), chairman, for their help and support. Also, I want to thank the staff for their help and support in shaping this amendment.

It would set up a national commission of 15 members on tourism to take a close look at the national counterterrorism policies and recommend if anything more should be done to deal with this issue, particularly nuclear, chemical, and biological.

This would be a bipartisan effort with the efforts that have taken place in the bombings that have taken place both in Tanzania and Kenya, going all the way back to the Beirut Embassy in 1983 and the marine barracks of that year.

I think this would be a very healthy positive thing to do. It would take 6 months. By the time Congress was back early next year, hopefully this commission will have finished its work.

So I will not take any more time, but I know there are many other amendments that people want to offer and would just ask for support of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) rise to claim the time in opposition to the gentleman's amendment?

Ms. PELOSI. Mr. Chairman, I would like to speak in favor of the amendment and I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 10 minutes.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not opposed to the gentleman's resolution. I thank him for his leadership on this and am pleased to support the gentleman's legislation.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Virginia to create this bipartisan commission on terrorism.

The idea is right on target and I am prepared to accept his amendment.

Ms. PELOSI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 28 offered by Ms. PELOSI:

On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment of the gentlewoman from California (Ms. PELOSI).

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) reserves a point of order.

Ms. PELOSI. Mr. Chairman, as I have said before, I believe that it is important for this body to have an opportunity to discuss the funding for the International Monetary Fund. I believe that the timing on it is appropriate.

It was one year ago that we stood here to talk about the IMF. The matter was tied to the international family planning issue, and, therefore, the funding did not occur but we were assured that this would probably take place in February. Then it was going to be in the spring and here we are one full year later.

Secretary Rubin wrote in July to Congress indicating that the IMF has only $7 billion to $12 billion in usable quota resources and its available credit lines have been reduced to $14.2 billion.

Recent GAO reports on this confirm the validity of the secretary's statement, and since Mr. Rubin's July letter, the matters have gotten worse.

I would remind Members again that we have needed this replenishment for one year. Since that time, the condition of the world markets has deteriorated drastically and we have recently seen the effects that are now being felt in our own financial markets.

That is my view. I also know that many of my colleagues have a different view about the IMF and I believe that as the world is being impacted by the Asian economic crisis, that it is appropriate for our House of Representatives to have a debate on this issue.

Replenishment of the IMF, in my view, has been critical to protecting our own economy. The fundamentals of our economy remain strong but I would point out to Members that U.S. exports to Asia have already declined by 20 percent, which amounts to a $22 billion loss to our economy on an annualized basis. Farmers have been especially hard hit.

The trade deficit is expected to skyrocket to the $250 billion to $300 billion range this year. We must not leave town without giving the administration the tools it needs to protect American workers, businesses and farmers.

The debate on IMF is focused primarily on the reforms necessary within the institution, the mistakes made in certain countries and blaming the institution for not anticipating the global crisis we are now in. I believe, as I said earlier, that we must subject the IMF practices to the harshest scrutiny: Moral hazard, conditionality, need for more transparency.

But as I said also before, the issue of contagion to our economy trumps all other concerns. We have a responsibility to the American worker.

With respect to individual countries, I would say that certainly in the case of Thailand and Korea, progress has been made and reforms continue to take place in their economies. Russia, of course, is a special case and we know that Indonesia is still suffering and trying to democratize. Whether each of these countries is included in the IMF replenishment funding, again should be a subject for debate for this floor.

Essentially, the IMF was taking a risk on the government and its reformist agenda in Russia and that subject is probably the most important issue we could be discussing here, with the possible exception of the legislation regarding North Korea that is in this bill.

In conclusion, I would say that I hope that the chairman will not sustain the point of order if indeed it is offered, because the effects to the American crisis have been felt, as I said before, by the American farmer and that should demonstrate to all of us that this is not a foreign give-away.

I remind my colleagues that this is not scored, this is not money that is an opportunity cost for us in the budget. This is money for which we receive a credit and a reserve when we put forth our funding.

It is a loan. This is not a grant in aid. It is not an opportunity cost. It is an opportunity for us. In any event, I am not speaking to persuade anyone one way or the other on the IMF. My point is that this issue should appropriately be debated on this floor, and I would hope that the point of order, if offered, would not be sustained.

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) insist on his point of order?

Mr. CALLAHAN. Mr. Chairman, I still reserve my point of order.

The CHAIRMAN. The gentleman continues to reserve his point of order.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like at this time to speak and explain the situation we are in today.

□ 1445

Mr. Chairman, the comments that the gentlewoman from California (Ms. PELOSI) made certainly make a lot of sense. The complexity of the International Monetary Fund and the complexity of international finance, quite frankly, is far above the pay grade of the average Member of the U.S. House of Representatives. Yes, we try to learn as much as we possibly can about international finance. We have to rely upon the administrative branch of government to give us information to justify whether or not we will give the experts on foreign policy and the experts on the international monetary system the necessary monies.

Mr. Chairman, I would say to the gentlewoman from California, very likely they are correct. It is far above my pay grade, because my intellect level compared with the average Member of Congress is below average.

Ms. PELOSI. Mr. Chairman, I object.

Mr. CALLAHAN. I will first of all say that it is a very complex.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down.

Ms. PELOSI. Mr. Chairman, the gentleman should not forget, he is my leader. He should not say those things about himself.

Mr. CALLAHAN. Mr. Chairman, very seriously, there are people on both sides of this issue that I greatly respect. I respect George Shultz. I respect the gentlewoman from California. I respect a lot of people. But George Shultz says do not give them anything. I respect Bob Rubin and he says give them the entire 18 billion. And I respect Alan Greenspan. He says give them the 18 billion.

But I also respect the views of the people I represent and the Members of the U.S. House of Representatives who are questioning this. They are questioning whether or not we are doing the right thing under the circumstances in past history.

IMF has a good historical record with respect to monies being paid back. But we are reaching a stage of no return, a different type of global economy that is causing concerns to our constituents and they want to know why there is not more transparency. They want to know why we do not have more control over the activities of the International Monetary Fund, since we are putting in nearly 18 percent of their revenues. And they have requested that we instruct the International Monetary Fund to change directions of the past.

We are not sufficiently prepared today to address these very serious concerns. Maybe sometime during this process we will be, but there is not going to be any money appropriated by this House in addition to the $3.5 billion we have already given until such time as serious reforms are attached or serious assurances of reforms have indeed passed this body and through the conference.

I am willing to work with the gentlewoman from California. I know the importance of it. I do not want to do anything to disrupt our economy. I know that it does create some peril. I know that Russia is not a good example of what we do with International Monetary Fund financing. I know that Brazil might be in need in the next few weeks, whereby it will be justifiable. But at this time, I am not prepared to accept it and I am going to insist in a few minutes on my point of order.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am truly sorry that Members were not allowed to offer amendments dealing with the IMF. I think the points made both by the gentleman from Alabama (Mr. CALLAHAN), chairman of the subcommittee, and by the gentlewoman from California (Ms. PELOSI), the ranking member, are absolutely the reasons why we should have had an opportunity to debate the funding level for the IMF.

Mr. Chairman, I also find myself in a lot of agreement with what the gentleman from Alabama has said. I also wanted to offer an amendment to deal with the questions of the IMF funding policies with respect to their negative impacts that they have had on environmental resources and protection. My amendment would have required the International Monetary Fund to review proposed loans for their environmental impact.

In 1989 and 1992, Congress passed laws telling the IMF to consider the environmental impacts of its policy. Unfortunately, IMF has not done so and the results have been disastrous in Indonesia and many other countries.

In many cases with the IMF, one of the solutions that they pose to these countries is to export their way out of their difficulties. Not only does this provide severe competition to American jobs and manufacturing, but in many instances it enhances the environmental degradation that takes place in many of these countries, because much of what they have to export are resources that are extractive in nature.

We have seen the disasters of the fires in Indonesia. We have seen the disasters in Guyana and other countries where they have rushed to export these materials without regard to the environmental impacts, and the same countries have later suffered environmental disasters as a result of those policies.

Specifically, my amendment would have required the IMF to establish an environmental review process on all proposed loans before implementation; require the IMF to take into account the cost of unsustainable natural resource use; require that IMF loan agreements do not reduce or undermine the country's environmental standards; and, require that environmental reviews be made available to the public.

This is consistent what this committee has done with respect to other international lending institutions. The gentlewoman from San Francisco (Ms. PELOSI) has been a very strong proponent of making sure that environmental impacts are part of the policies of the World Bank and other multilateral lending institutions, and the same ought to be true of the IMF.

There are many, many other reforms that the gentleman from Alabama has referred to that have caused our constituents a great deal of concern, and that is why I wish the Committee on Rules had made in order some 12 or 14 amendments that were being offered by individuals on both sides of this debate. Our constituents are watching this debate. They are concerned about the use of these resources, and they are concerned about the international economy as it affects the United States. We should be debating that on the floor of the House.

Unfortunately, we will not have that opportunity. I want to thank the gentleman from Alabama (Mr. CALLAHAN), the subcommittee chairman, for withholding on insisting upon his point of order, and I thank him for the opportunity to raise this issue to our colleagues.

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) wish to make his point of order at this time?

Mr. CALLAHAN. Mr. Chairman, I continue to reserve my point of order.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was prepared to offer an amendment, but because I have sought the cooperation of the distinguished gentleman from Alabama (Chairman CALLAHAN) of the subcommittee, as well as the chairman of the full committee on this issue, I am pleased to stand today in the hopes of engaging in a colloquy regarding IMF funding to Russia.

Mr. Chairman, I stand in support of IMF funding replenishment for Russia. And I know that is not a popular decision to make. I do so with the same concerns that members of the Russian Duma, their Parliament, have in also at this time opposing IMF funding. Their concerns are that much of the dollars going into Russia through the World Bank and IMF, and in some cases U.S. funding, have gone into the black hole of some of the oligarchs in Moscow who have not used the money properly. In fact, the people in Russia are very concerned about having to pay back many of these loans.

But just 2 weeks ago, in fact the day the President left Moscow, I arrived. And as the chairman of the Inter-Parliamentary Commission on our side, along with the gentleman from Maryland (Mr. HOYER), I negotiated with the factions in the Russian Duma and came away with a set of eight principles. These eight principles, I think, are historic.

What they say that the Duma will pass, according to Speaker Seleznyov, are reforms that say reforms must come first. Besides reforms coming first, the regions that have made significant progress in terms of private property issues and stabilization of tax bases should be given consideration for international funding.

All programs should be aimed at developing a middle class. There should be a bilateral commission formed between the Congress and the Parliament to monitor every dollar of money going into Russia. The IMF should establish a blue ribbon international task force that should make recommendations to the IMF about reforming itself.

There should be a program designed by the Congress and the Duma to bring American corporate leaders to Russia to assist and advise Russian companies that are currently on the brink of bankruptcy.

Finally, that within 3 years we establish an initiative to bring up the 15,000 Russian students to American business schools to learn the ways of free market systems.

The Duma, in fact, will pass this. I am asking my colleagues on the conference to agree with this.

And I would like to at this time yield to the distinguished gentleman from Alabama (Mr. CALLAHAN) the chairman of the subcommittee, to ask if he in fact would work with me in the conference process.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding to me. I do agree that the direction that he has taken is correct. I have reviewed the eight platforms of his suggested reform and certainly think this is the exact correct direction to move in. I certainly will do everything I can to instruct the committee, or to request the committee when we reach that stage, to implement many of the decisions.

I must forewarn the gentleman that the corrections and reforms that the gentleman has only deal with Russia, and there are serious concerns in this Congress and on the part of this Member about reforms for the entire International Monetary Fund program.

But, Mr. Chairman, the gentleman is moving in the right direction. I think this is exactly the right thing to do, and I am going to suggest that we review the eight platforms of his agreement with the Russian Duma and that we try to implement or to urge the International Monetary Fund, or at least urge the Secretary of the Treasury to insist that the International Monetary Fund recognize how important it is to include these two bodies.

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, I thank my friend and colleague and I also thank the distinguished gentleman from Louisiana (Mr. LIVINGSTON), chairman of the full Committee on Appropriations for the past advice and counsel he has given me in this area. And I thank the gentlewoman from California (Ms. PELOSI) for her cooperation and I look forward to working with her as well.

Ms. PELOSI. Mr. Chairman, if the gentleman would yield, I thank him and look forward to working with him.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for indulging another 5 minutes to give a little different perspective to this discussion today.

Before the Fourth of July recess, I stood behind the Speaker of the House and many other of my colleagues, including the chairman of the Committee on Agriculture, when we endorsed what we called a Square Deal for Agriculture, recognizing that one of the promises of the Freedom to Farm Act was to provide that we would do everything within our power in the House of Representatives to make sure that foreign markets would, in fact, be open.

We were promised that we would have a vote on the Square Deal and we have had two of those. The sanctions vote, and the normal trade relations with China have passed. We lack IMF and fast track.

Part of the deal was that we were going to vote on the floor of the House on both of these very controversial issues. Both of them; not one of them. It is my considered judgment today that this action on the part of the leadership of the House to deny a free up-or-down vote on the IMF is the death knell to the fast track vote next week. The fault will lie right squarely here in the House, because we once again have refused to have an open and honest debate on issues on which we have some disagreement.

The last colloquy made good, eminent sense to me. I think that is the kind of reasoned approach to many of these issues that we should be following, but it should not be misinterpreted to say that we can pick and choose these discussions in debate and pick and choose what we shall have debated openly and honestly, and still have the other decision that is so vital to agriculture, and that is fast track.

That is very controversial on my side of the aisle. There are just a few of us on this side that do support it, but there are enough of us that do support it. In fact, I have said with my one vote alone is enough to pass fast track next week if we bring it up.

But let me say this: By delaying IMF funding, we are playing with fire. We know this. Specifically speaking to agriculture, 40 percent of our agricultural exports now go to emerging markets. What is happening in those emerging markets is seriously affecting agriculture in the United States.

We have the worst economic conditions in rural America since the Depression. I ask every one of my colleagues here, if they take their average wage and that of their constituents for the last 5 years and reduce it by 30 percent this year, what would the economic conditions be in their family? That is what we are, in fact, facing.

IMF is critical for so many agricultural programs. Sure, there are warts, and I really appreciate and I sincerely accept what the gentleman from Alabama has said, as well as the chairman of the full committee, regarding this question. But when the House is burning, it is not the time to debate what color the fire truck shall be.

The financial crisis could spread. We have been eminently warned by no less than Alan Greenspan, chairman of the Federal Reserve; by the Treasurer of the United States, Mr. Rubin, who I believe has great confidence on both sides of the aisle. And yet, once again, we are playing politics with two extremely important issues.

□ 1500

IMF is critical to USDA export credit programs, liberalization of agricultural markets. There are a lot of successes. There have been some problems with IMF. I readily agree to that. But there have also been some successes.

IMF has helped U.S. farmers and ranchers by using the IMF rescue packages to reach agreements requiring the countries receiving aid to liberalize trade to the benefit of US agriculture.

Korea has streamlined import certification and just last week announced further reductions in trade barriers on 32 imported products, including wheat and fertilizer. Indonesia is reforming its State Trading Enterprise. Thailand is adopting harmonized import licensing procedures and establishing more transparent customs valuation procedures.

Yes, there are problems but, yes, there are also good things happening. What I am worried about now is we have once again reneged, that is the word we use back home in Texas, we reneged on an agreement. That is troubling because that is not what the House Committee on Agriculture, both sides of the aisle, understood. We understood that we were, in fact, going to have an open and honest debate on IMF and let the will of the House speak and then have an open and honest debate on fast track and let the will of the House speak. And by this action today of denying an opportunity for this free and open debate, we have, in my opinion, served a giant nail in the coffin of not only IMF but also fast track next week.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard the somewhat vitriolic outcry from my friend from Texas about the failure of including the entire amount of IMF in this bill, but the fact is, I do not think he quite understands what is in this bill. There is funding of $3.4 billion for IMF in this bill. There are conditions to make the IMF more responsive in this bill. There is authorization for the full $18 billion in this bill. The Senate, the other body, has included the entire funding.

Before this process is over, either all of IMF could be in, part of IMF could be in, or some of IMF could be in. The process is not over.

I am curious about the gentleman's statement that the failure to include the entire amount of IMF in this bill means that fast track is dead. It occurs to me that fast track was on this floor one year ago and the minority party voted overwhelmingly against fast track.

If the gentleman would like me to yield to him, I would be happy to yield to him, I would like him to tell me why the minority, if it is so important that we pass IMF in order to get to fast track, why most of the minority Members voted against fast track last time and, when we bring it up next week, is likely to vote against it again?

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Texas.

Mr. STENHOLM. If memory serves me correctly, Mr. Chairman, we did not vote last year. I have expressed publicly and I will say again to the gentleman in all sincerity, had the leadership of the House chosen to bring it to a vote, we would have passed it with the required number of votes on both sides of the aisle to get 218 votes, but, once again, for some reason, we chose not to allow the will of the people's elective body to express themselves. We did not vote, Mr. Chairman.

Mr. LIVINGSTON. Reclaiming my time, Mr. Chairman, the gentleman is correct, we did not vote for fear that there were not sufficient votes and it was deemed to be an embarrassment to the President for his own party to vote against it. So he is right.

If we bring up fast track next week, and it is my sincere hope that we will, I hope that the gentleman will work with Members of his party so that we will have sufficient votes to vote for fast track and that that will cease to be an issue.

With respect to IMF, I am sure that the gentleman will have an opportunity to vote on IMF beyond what that which is already in this bill.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the remarks of our distinguished committee chairman have really revealed what the situation is here today, because he has granted that these funds are authorized. And I would simply say that the only thing that is holding this up, in my view, is that the majority party continues to try to exercise political leverage on the White House to obtain certain things they want, running the risk that our position in the world economy is going to become a whole lot shakier than it is today.

We have heard many criticisms about the IMF and certainly many Members on this side of the aisle have made many criticisms, including myself. I recognize that the IMF is not sufficient today to deal with our international economic challenges. The IMF was created in a world of fixed exchange rates. Today we do not have fixed exchange rates. The IMF was created at a time when we had much smaller private capital flows than we have today. Today private capital flows when somebody punches a computer button that can overwhelm the IMF in many, many parts of the world.

But we have seen the world when we did not have the IMF. We did not have the IMF in the 1930s. And in the 1930s, when we had first an Austrian banking collapse, followed in turn by a collapse of the currency in Germany. And when the markets were then in turn destroyed in Britain, and that chaos came across the water and engulfed the United States, we had the greatest depression in modern history.

All that happened because of that is that Adolf Hitler came to power, over 50 million people died in the world, and that is why the "Wise Men," as they were known after the end of World War II, created institutions such as the international financial institutions and the IMF so that we would have some ability to stabilize economic relationships between countries, so we would not have the conditions repeat themselves that led to the political instability that led to the military actions that led to the human devastation that we saw in that period in our history.

At this point, imperfect though the IMF is, it is the only instrument we have to try to recognize the fact that currencies have collapsed in Asia, that our export markets for agriculture and other products have collapsed. That has, in turn, helped create greater instability in the Soviet Union. We have seen great uncertainty in Latin American markets. How long do Members of this House think we can survive as an island of economic success in a world of economic chaos? The answer is, not very long.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate my friend yielding to me. I want to tell him that I concede most of the points that he has made. I agree with him and for many of the same reasons. I may ultimately support the IMF. But the question is, which comes first, the chicken or the egg?

The fact is world instability was not created because this last tranche of U.S. participation in the IMF has been withheld this last year. And as the gentleman well knows, the day we reported this bill in full committee, the Los Angeles Times had a front page article about Anatoly Chubais, former economic guru of Russia, who said, we conned the IMF and the United States out of $20 billion. He used the words, we conned, we managed to scam them to give us the money so that we could sustain our failing system.

It is not the IMF's fault that Russia system is failing. I think we, as stewards of the American taxpayers' money, owe it to them not to allow anybody to con us and throw our money down a rat hole.

Mr. Chairman, I include for the RECORD the article to which I referred:

[From the Los Angeles Times, 1998]

RUSSIA LIED TO OBTAIN LOANS, A CHIEF AIDE TO YELTSIN SAYS

(By Richard C. Paddock)

MOSCOW—A key architect of Russia's economic transformation said in a published interview Tuesday that Russia "conned" the international community out of nearly $20 billion in loans by lying about the severity of the country's fiscal problems.

Anatoly B. Chubais, who in July negotiated a $4.8-billion loan from the International Monetary Fund, said in an interview in Kommersant Daily that it was necessary and appropriate for Russia to lie in order to obtain infusions of cash.

If the government had told the truth, the longtime advisor to President Boris N. Yeltsin said in the interview, Russia's economy would have collapsed last spring and global lenders "would have stopped dealing with us forever."

Asked if the Russian government has the right to lie about the country's fiscal instability, Chubais replied: "In such situations, the authorities have to do it. We ought to. The financial institutions understand, despite the fact that we conned them out of $20 billion, that we had no other way out."

Chubais' comments came as Russia is searching for a solution to the economic crisis that has paralyzed commerce, pushed banks to the verge of bankruptcy and sent the currency, the ruble, plunging in value almost daily to record lows.

Triggered by the devaluation of the ruble on Aug. 17, the economic collapse has sparked a political crisis that has left the country without a functioning government for more than two weeks. Yeltsin, twice unable to win parliamentary confirmation of his nominee for prime minister, Viktor S. Chernomyrdin, met with advisors Tuesday but did not name a candidate for the post.

Some Russian officials say that obtaining more foreign aid would be the best way to halt the economic slide. The IMF is scheduled to release another $4.3-billion loan next week, but the payment is in doubt because of Russia's inability to enact austerity measures and its decision to devalue the ruble and freeze payments on short-term government debt.

Chubais' statements to the respected business newspaper were especially startling because he has been widely viewed as one of

Russia's "young reformers," who could be trusted by the West because he favored establishing a market economy.

He has served Yeltsin in numerous capacities, including privatization chief, presidential chief of staff, deputy prime minister, campaign manager and, most recently, special envoy to Western lending institutions.

During the years Chubias and his fellow free-market advocates have been in power, privatization has resulted in a handful of tycoons seizing control of the country's major industries while millions of workers and pensioners go for months at a time without being paid.

Chubais is chief executive of the state-owned electricity monopoly Unified Energy Systems.

This summer, as Russia's economic woes mounted, Chubais played a crucial role in winning a pledge of $22.6-billion in loans from the IMF, the World Bank and Japan.

The lenders insisted that Russia make serious changes in the management of its government and the economy, including improving tax collection and slashing spending.

But Russia's desperate need for cash led the IMF in July to release the $4.8-billion loan negotiated by Chubais, although Russia had not met the loan conditions. Earlier, the IMF had loaned Russia $14.3 billion.

In Washington, spokesmen for the IMF and the World Bank declined Tuesday to discuss Chubais' statements because they had not read the interview. "I haven't seen the article, so it would be irresponsible for me to comment." World Bank spokesman Klas Bergman said.

Andrei V. Trapeznikov, a spokesman for Chubais, tried to put the best spin on the Kommersant interview but did not contest any of the quotations. In fact, he said, Chubais was given a copy of the text before it was published and did not question they way in which he was quoted.

"I think this passage should not be interpreted as malicious intent," Trapeznikov said. "There was no ill intent on the part of Russia to cheat the IMF out of its money."

In the interview, Chubais used the Russian slang word kinuli, which means "we cheated," Trapeznikov said it was a harsher word than what Chubais really meant.

"What works for a Russian audience sounds very rough in English," he said. "I think that Antoly Borisovich [Chubais] used a wrong word in this context and did not express himself very clearly."

At another point in the Kommersant interview, Chubais defended Yeltsin's statement just days before the government devalued the ruble that it would never do so.

"One can keep lashing out at the president to one's heart's content for having said there would be no devaluation, but this was the very thing that should have been said," Chubais told the newspaper. "Any politician in sound mind will tell you this is the only way, unfortunately, that authorities should behave in such extreme situations."

Mr. OBEY. Reclaiming my time, I would simply make one observation. Obviously, I agree with the gentleman's concern about that. I am extremely unhappy about that. But I ask the gentleman to remember the advice that we have had from Alan Greenspan and from virtually every other person with major responsibilities in running our economy. They have all urged us to pass this.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, I will make one additional point. In Russia, within a period of three months, people have lost 85 percent of the value of their investments, 85 percent of the value of the stock market. If that had happened in this country today, we would be in the midst of a revolution. It is a minor miracle that they are not. They have a few thousand nuclear weapons which can very easily be pointed at us. I would suggest to everyone who cares about the subject that the very fact that we have such chaos in Russia is an argument for strengthening, not denying, resources to the only instrument we have left to prevent that kind of chaos.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. I think that he has made the points extremely well. I would just add that it is becoming increasingly clear, in spite of all the work that has gone into this bill, and we appreciate the difficulty in balancing all of the things that have to be done, the bill remains an inadequate instrument to deal with the economic problems confronting us in the global community.

If we fail to recognize that, we do so at our peril. We are already beginning to see the impacts of the economic crisis in East Asia in the deflation that is sweeping across that part of the world. Just a week ago, representatives from the steel industry were here in the Capitol pleading with this government and the White House to do something about the fact that steel was being dumped on our marketplace from East Asia at prices below production cost.

We heard just a few moments ago about the tragedy that is beginning to unfold in the agricultural community of this country. All across the farm belt agriculturalists lists are in dire circumstances. Why? For a number of reasons, principal among them is the fact that their markets are beginning to dry up. Not that we have that many markets in the Far East, but the Australians do and the Australian market for grain has dried up in the Far East. And they are now moving into our markets, as are the Canadians.

And the result of that is that prices are dropping all around the world for agricultural commodities and our farmers are suffering. They are going to continue to suffer. If we fail to fund the IMF at the appropriate level so that that agency is able to step in and begin to stabilize the currencies and economies of these countries, the repercussions are going to redound on this North American continent next year. We will reap the whirlwind for our failure to act.

We need to get this bill out on the floor. We need a full and comprehensive debate on the International Monetary Fund. Yes, we recognize it is an inadequate instrument itself, but it is the only one we have, as the minority leader of the Committee on Appropriations said so many times.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

(On request of Mr. HINCHEY, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. HINCHEY. Mr. Chairman, if the gentleman will continue to yield, I thank the chairman of the subcommittee for his forbearance in allowing this discussion to take place. I this he does so because he recognizes the importance of it. He may not be yet convinced of the arguments that are being presented on this side of the aisle, but to his credit and to the credit of the chairman of the committee, they recognize that there is validity to these arguments.

We are in now a very perilous period in our history. So I just beg my colleagues, please give reconsideration to this decision to prevent an adequate discussion of this. Please give reconsideration to the decision not to fund the IMF. It is desperately essential that we do so.

Mr. OBEY. Mr. Chairman, I would simply like to say that we just heard the committee chairman say, "Look, I may vote with you at some point." In fact, I have heard them say, "We probably will vote with you at some point."

The problem is, that is what we have been hearing for a year. Every time we bring this up, we are in essence told, well, you may be right, but this is not the right time.

It is long since past the right time. We need to end the leverage or the efforts at seeking political leverage. We need to end the debate. We need to end the delay. We need to get about the business of doing the best we can to stabilize the world's economic system before it costs our constituents jobs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

(On request of Mr. CALLAHAN, and by unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. CALLAHAN. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

□ 1515

Mr. CALLAHAN. I thank the gentleman for yielding to me, and I just want to say that we can debate this all afternoon, and I have been as tolerant as I possibly can be, but we have a lot of other important issues that we need to talk about today. Ultimately, I am very optimistic that the Chair is going to rule favorably upon my point of order.

What the gentleman is saying is not taken lightly. The gentleman does have validity to his argument, as we have validity to ours. To just give them the keys to the car at this time, without some instruction, is a very serious mistake.

We are entering a different global economy. Global economy is something relatively new. It is relatively poorly understood. But when we look at the future and see the problems that are going to be taking place in Brazil, and in our own hemisphere that could more directly impact our economy, and when we look at the new Eurodollar and we try to look into the future to see what happens if the Eurodollar fails and then the IMF has to bail out the entire European Community, we are talking about $50 billion possibly in new needs.

So, yes, the gentleman's arguments are right. I think that we should possibly look at it. I do not think we ought to look at it at this time. And, as a result, I have not been pressured by leadership to do anything. This is my bill. It was a bill written by myself and my staff, confirmed by the gentleman and his staff, confirmed by the entire full committee, and, as a result, it is the best we are going to do today.

Mr. OBEY. If the gentleman would let me reclaim my time to make one observation, I would point out today that the stock market is down again by a huge amount. We are in the midst of incredible political and economic uncertainty around the world. This Congress should not do anything that adds to that uncertainty, creates additional shakiness in the markets and creates more opportunity for people to lose their hard-earned investments because we have lagged in meeting our responsibilities. That is what has happened.

Mr. CALLAHAN. If the gentleman will continue to yield, we can use all types of comparisons, but while we were debating this in committee, the stock market was down, tremendously down, and during the period of time we debated it in committee, the stock market actually came up about 70 points.

Mr. OBEY. It still dropped a huge amount that day. And I would simply say this Congress has a responsibility to take any action necessary to try to stabilize the situation rather than continuing to contribute to its destabilization.

Mr. CALLAHAN. I agree.

Mr. Chairman, I reserve my point of order. I insist on my point of order which I have made against the amendment.

The CHAIRMAN. The gentleman from Alabama continues to reserve his point order or insists on his point of order?

Mr. CALLAHAN. I will continue to reserve for a few more minutes.

Mr. LaFALCE. Mr. Chairman, I move to strike the requisite number of words.

This is a bit ironic. This issue is of such import that we could debate it for about an hour, but under the reservation of a right to object rather than debate it for an hour via an amendment that would actually appropriate the monies. We should have been proceeding in that fashion, with an amendment, so that this body could have taken a vote on the issue.

I am in my 12th term in Congress, and in my entire adult lifetime I do not recall an occasion when the world economy has been more fragile. It seems to be falling apart in Asia. That should have been a signal, as it was to the administration, as it was to our central bank, for the United States to step in with the other nations of the world and authorize and appropriate our fair share of the IMF contribution. But the House of Representatives' leadership opted to play Russian roulette with the situation and see what would happen.

Well, I do not know that we could say that, because of that fact alone, we saw the difficulties in Russia, but we certainly saw the Asian contagion spread to Russia, and it has now spread to Latin America. We have had considerable difficulties in Brazilia. And we do not know where it is going to end, or if it is going to end.

We do not know what would happen if the Chinese were to devalue their currency and the repercussions that that would create, not just in Asia but globally.

We do know this: that Alan Greenspan has said the United States cannot long stand as an oasis of prosperity; that this fragile global economic situation can have, in the very near future, a profound impact on the United States.

We also know this: that this body, this Congress, is scheduled to recess October 9. It would be unthinkable if we were to recess on October 9 and not have in place the only international architecture, the only international financial mechanism that exists in the world to deal with this situation, without adequate resources and with the United States having defaulted on its leadership.

The executive branch has stepped up to the plate. The United States Senate, our other body, has stepped up to the plate and they have passed authorization and appropriations legislation twice in an overwhelming bipartisan fashion. The House Committee on Banking and Financial Services has stepped up to the plate. In a bipartisan manner, we began consideration of this in January and in a matter of weeks reported out a bill, with every Democrat supporting the authorization and a considerable majority of the Republicans. So we reported it out by a vote of 40 to 9. Forty to 9.

How shameful, therefore, that the present House leadership has not even permitted us the opportunity to bring this issue to the floor so that we can appropriate the full amount that the United States has committed itself to.

The United States defaulted by not joining the League of Nations. I think that was a huge mistake. If the United States did not participate in the United Nations, that would be a huge mistake, particularly because of the military requirements of the United Nations. We now have not a military situation but an economic difficulty, and it would be calamitous if the United States withdrew, in effect, in fact, from the only international mechanism that exists today to deal with this global economic crisis.

I implore this House leadership to let us consider and vote on full authorization and full appropriations before we recess.

Mr. CALLAHAN. Mr. Chairman, I continue to reserve a point of order. I will allow some rebuttal, with one speaker on our side, before I insist on my point of order.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words, and I would just rise in support of what the chairman has been saying here.

I think what he is talking about in his point of order is something that ultimately watches out for the American taxpayer. And lest we forget, this body is designed and built for ultimately watching out for the taxpayer of the United States of America. I think that is exactly what his point of order does.

I would just make this one point, and that is, I have here a rate sheet from Goldman Sachs, which is the place where Robert Rubin, our Secretary of the Treasury, used to work and used to head, and this could be found not just at Goldman Sachs, it could be found at Merrill Lynch or any of the investment banks, looking at the rates which the private markets are charging for government debt in Russia.

I have here rates looking at 2001 paper yielding 32.31 percent. I would look at 2005 paper yielding 52.63 percent. I would look at 2015 paper yielding 65.43 percent.

And what those high rates are basically saying is that the marketplace out there asks for a risk premium, in this case a very substantial risk premium, because the private markets think that they ultimately might not get paid back.

So what this point of order is simply doing is saying since we might not get paid back, we ought to watch out for the taxpayer rather than just handing out the IMF money.

The July piece of debt that was issued by the IMF was at 4.5 percent.

Can my colleagues imagine how giant that spread is, between 30, 40 or 50 percent interest rate, and where the IMF was? If we want to help shore up Russia and say we ought to just issue grants, issue aid to Russia, that is one thing. But do not call a loan a loan when, in essence, it is not a loan, because that is exactly what we are talking about. And that is what that point of order is all about.

Mr. CALLAHAN. Mr. Chairman, I hate to do this. I have tried to be extremely fair to all Members on all issues, but we have a limited amount of time to debate this entire bill and, unless the gentlewoman, the ranking member of our subcommittee, is requesting time before my insisting on the point of order, I am going to now insist.

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Chairman, I have a point of parliamentary inquiry.

It is my understanding, Mr. Chairman, that if the chairman insists on his point of order, then I will, as the maker of the amendment, have the opportunity to address the point of order, as will my colleagues?

The CHAIRMAN. The Chair has discretion to hear discussion and argument on the point of order and intends to limit debate on the point of order.

Ms. PELOSI. I thank the Chair.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that the gentlewoman from California (Ms. PELOSI) be granted 10 minutes of time, which she can allocate to any person she deems fit.

The CHAIRMAN. The gentleman continues to reserve his point of order, and the gentleman is asking unanimous consent that the gentlewoman from California (Ms. PELOSI) shall be allowed to speak for 10 additional minutes.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized for 10 additional minutes.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume to thank the distinguished chairman of the committee for his courtesy, which seems to be boundless.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I look forward to the day when I grow up and can speak for 5 minutes in the full House.

Mr. Chairman, I appreciate the position of the gentleman from Alabama on this. I do not think, quite frankly, his party has a position or our party has a position. I think there are several positions floating around, which is one of the reasons this should be debated. There are Members on the gentleman's side who realize recapitalizing the IMF is the right thing, and there are Members on our side who are totally against it.

The fact is, the same arguments that apply to the IMF apply to fast track. And the reason is that we live in a world economy and we cannot isolate ourselves. For those of us, like myself, who believe in fast track and who believe in free trade, we also believe we need to deal with the economic crisis.

Now, like my colleague from South Carolina who spoke before, who worked on Wall Street at one point in time, as I did, I think we both understand that markets operate based on both fundamentals and confidence. And the problem that exists today, and has grown more prevalent, is that confidence in the world markets has been lost, and that is what we are seeing. That is why we are seeing the contagion spread.

If we do not step in and address this problem with the IMF, and, yes, it is not perfect, there is no perfect world body to deal with this, but it is the only one we have at the time. We cannot allow the situation to get out of control.

I think it is important that Members understand that what we are talking about here are loans, because this is the lender of last resort, not grants.

□ 1530

I think it is also important that we understand what is going on. In our own area of the world, we are seeing an oil crisis occur because of the lack of demand for oil in the Asian market, and that is spreading throughout Latin America.

Finally, I would just say this. We have had a year to look at this since this debate first started, and the leadership on the other side who I know is split on this question said, "We're going to look at this. We're going to come up with a better way to do it." The time is up. It is time to deal with this problem. We have lost all the gains in the stock exchange for the year. We are starting to see a decline in the American economy as a result and in the growth rate of the U.S. economy and an increase of imports over the last year because we have not done our work. We have not done a whole lot in this Congress this year and now we are running out of time and we are going to let everything go away because of it. That is a mistake.

I think we ought to bring this issue to the floor for the debate. It will be a bipartisan group for it and a bipartisan group against it, but in my opinion, just like fast track, it is the right thing to do. Members should be ashamed of themselves for not allowing this to come to the floor. I appreciate the gentlewoman from California for having the courage to bring this up.

Ms. PELOSI. I thank the gentleman for his leadership and for his fine statement.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO) who has been a leader on this issue in the Congress.

Ms. ESHOO. Mr. Chairman, I thank my distinguished colleague, the ranking member of the committee, for her leadership on this issue. I rise today in the hope that the gentleman, the distinguished subcommittee chairman, will not insist on his point of order and also, of course, in support of the Pelosi amendment to add the $14.5 billion to the foreign ops appropriations bill and fully fund the IMF.

I think that together we can inoculate the global economic system with the infusion of the $14.5 billion in this bill. I say that because, number one, America's economic interests are tied to this. When we talk about the American taxpayer, we are also talking about the American investor. The American investor through its 401(k)s and many other vehicles invests in foreign economies. We see not only an Asia flu but something that is becoming contagious in many places around the world. We speak with pride about a global economy, but when it comes to the crisis, we are not willing to fill the needle and give the inoculation that is needed.

I plead with my colleagues on both sides of the aisle to support this, because this is not only in America's interest, in the taxpayers' interests, in the investors' interests, but in the interest of stabilizing a global economy which America the great has a huge investment and interest in.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY) who again represents a great financial center of commerce in our country and understands this issue full well.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Pelosi amendment and funding for the International Monetary Fund. With the world situation the way it is, this is no time for the United States to abandon and pull out of international organizations. I fully support Chairman Greenspan, Secretary Rubin and the Administration, all of whom support funding for the International Monetary Fund because it is in the economic interest of the United States. We live in a world economy. It would be a terrible signal to the world if we suddenly decided we wanted to destroy this international organization by withholding funding. The signal we should be sending from the United States is that we support this international organization and that we do not want to abandon ship during a time of crisis that is important not only to the world economic situation but to the economy of the United States. We should debate it and vote on it.

I support the Pelosi amendment.

Ms. PELOSI. I thank the gentlewoman for her remarks.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON) a person who has been a leader for us on these issues and has a balanced view.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentlewoman for yielding time, and I want to thank the chairman of the full committee for his indulgence. I rise in strong support of the Pelosi amendment. I would encourage this Congress to move as quickly as it possibly can to fully replenish the International Monetary Fund.

I was here when the chairman of the full committee the gentleman from Louisiana (Mr. LIVINGSTON) indicated that indeed the Russians had suggested, or a Russian had suggested that they conned the International Monetary Fund out of $20 billion. But we now know that when Mr. Greenspan came before the full Banking Committee yesterday and asked for this Congress to replenish the International Monetary Fund to the tune of $18 billion that the chairman of the Federal Reserve Board was not conning us yesterday. He recognizes that there are indeed turbulent roads in our economy on the horizon and it is very important that this Congress react with due haste and due speed to make indeed the necessary appropriations. Let us not just measure what is taking place in financial terms. Let us also measure what is taking place in human terms.

Indonesia was on the brink of Civil War because, in part, of this Congress' inability to act. We need to save our own economy but the world as well.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN) who is a true internationalist and understands the interrelationship of our economies.

Mr. MORAN of Virginia. Mr. Chairman, I am very grateful to the very distinguished ranking member of the Subcommittee on Foreign Operations of the Committee on Appropriations as I am to the generosity of the chair of that committee. I rise in support of the Pelosi amendment.

Our economy is doing well right now, but as Alan Greenspan said, we cannot forever be an oasis of prosperity. A full 30 percent of our economy is tied to international trade. For better or worse, we are the leader of the world economy. Much of that economy, particularly Russia, Asia and now Latin America is in trouble. If the IMF lacks the funds to stabilize foreign currencies and markets, there will be no market for that one-third of our products and services, we sell overseas and they will be in such a desperate position they are going to be dumping their products on our market, causing serious economic disruption. Our inventories will build, grain elevators will fill and factories will go idle as workers are furloughed or laid off. These economic and strategic concerns are of paramount importance for the Congress to debate. And so it is wrong for the leadership to refuse to permit the full House to consider the IMF bill that passed the House Banking Committee by a vote of 40–9.

The IMF is not some part of a rogue international conspiracy. It is an institution born of the ashes of World War II, born by the United States and the people who formed this strong economy throughout the civilized world. The reason why the international economy is as strong today is because we started things like the International Monetary Fund after World War II to make sure we did not go through another Great Depression that formed the basis of World War II. We can never repeat these mistakes. We have to learn from these mistakes.

The IMF is critically important. Sure there are reforms that need to be made, but that does not mean that the IMF is not essential to the productivity and to the economic stability, to the jobs and to the well-being of all American citizens.

We ought to be debating it. We ought to pass it. We ought to restore funding immediately to the International Monetary Fund.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY) a member of the Subcommittee on Foreign Operations of the Committee on Appropriations and a person who understands this issue full well. She, too, represents a center of commerce and understands the IMF.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of funding for the International Monetary Fund. This is one of the most important issues facing this body. The ongoing economic turmoil in Asia and Russia is having a very serious impact on Wall Street and other markets around the world. We must provide the IMF with the resources it needs to respond to the economic insecurity in Asia and Russia as it promotes badly needed reforms in those economies.

The leadership in my judgment is playing a very dangerous political game by not allowing a vote on this issue today. The global economic crisis demands immediate leadership, not political gamesmanship.

The IMF's resources are at a dangerously low level, jeopardizing its ability to perform its basic mission and respond effectively if the economic crisis deepens or spreads to even more markets.

The $18 billion requested for U.S. commitments can leverage about $75 billion in usable global commitments from the IMF's 181 members. This degree of burdensharing would provide the IMF with sufficient resources to sustain its operations well into the next decade and would reduce the possibility that the United States will be forced to bear a disproportionate share of the financing in any future financial crisis.

Ms. PELOSI. I thank the gentlewoman for her leadership on this issue and for her fine statement.

Mr. Chairman, I yield myself the balance of my time. I urge the gentleman not to insist on his point of order. I call this action of not allowing us to have a full debate on the IMF and a vote on the IMF the stop-the-world-I-want-to-get-off approach. We have to understand the interrelationship of our economies. We have to debate pro and con the approaches we would take. This House should take responsibility for the $14.5 billion we wanted added.

The gentleman from Louisiana (Mr. LIVINGSTON) has stated that IMF is authorized in this bill so the point of order on the basis of authorization is not legitimate. The reforms that the gentleman from Alabama suggested, were a part of an amendment that I offered in committee which failed and which the Committee on Rules rejected last night.

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2(a) of rule XXI.

Clause 2(a) of rule XXI states in pertinent part:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2(a) of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from California wish to be heard on the point of order?

Ms. PELOSI. Yes, Mr. Chairman, I do, and because of the generosity of the chairman's time earlier, in the interest of time, I will be brief.

Mr. Chairman, I reject the notion that was put forth by our distinguished chairman that the point of order should be insisted upon and agreed to because this $18 billion is not authorized. The gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee, said on this floor earlier that the authorization is contained in this bill and, indeed, $3.5 billion for the new arrangements to borrow for the International Monetary Fund is included in this bill. If the $14.5 billion is not authorized, then neither is the $3.5 billion. So I think there is a real inconsistency here and I think that we have to be consistent. It would follow, I think, that if the point of order is agreed to, then we must strip the $3.5 billion for the new arrangements to borrow from this legislation.

The CHAIRMAN. The Chair is prepared to rule. The Chair is advised that there is no current authorization in law for the appropriation proposed in the amendment offered by the gentlewoman from California. The amendment is not merely perfecting to what has been permitted to remain in the bill by a waiver of points of order.

The Chair therefore sustains the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 32 OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer, with the permission of the gentlewoman from California, the Radanovich amendment No. 32 as printed in the RECORD.

The Clerk read as follows:

Amendment No. 32 offered by Mr. PORTER: In title V, strike the section relating to the repeal of section 907 of the FREEDOM Support Act.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to yield my entire time to the gentleman from California (Mr. RADANOVICH).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Without objection, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

There was no objection.

Mr. RADANOVICH. I thank the generous gentleman from the State of Illinois for yielding me the time.

Mr. Chairman, I rise today in support of a bipartisan amendment to maintain section 907 of the Freedom Support Act, a provision which, since its adoption by Congress in 1992, has placed reasonable conditions on direct U.S. foreign aid to the government of Azerbaijan.

Before voting today on this important matter, I think it is useful to review why this restriction was originally enacted and to consider carefully whether Azerbaijan has taken any steps at all over the past six years to meet the terms set forth in this law. Finally, we should examine the negative impact on American interests which will result from its repeal.

□ 1545

First of all, as my colleagues know, section 907 was enacted as a stand by Congress against Azerbaijan's illegal economic blockades. It represents both an effective check against renewed Azerbaijani aggression and a principal expression of American support for peace in the strategically important Caspian region.

Azerbaijan, however, has steadfastly refused to comply with the terms set forth in section 907, maintaining its blockades of Armenia and Nagorno Karabagh. As recently as 2 weeks ago, during the first ever visit of America's Prime Minister to the Azerbaijani capital of Baku, the Azerbaijani Government again refused to lift its blockades, flatly rejecting Armenia's offers of economic cooperation.

Yet, despite the fact that Azerbaijan continues to violate section 907, the Azerbaijani Government, through its allies in the oil industry and elsewhere, continues to press for its repeal. Rather than comply with its terms by respecting international laws against blockades, Azerbaijan has undertaken an extensive media and lobbying campaign to change U.S. law. Section 907's repeal under this pressure would represent a victory of shortsighted thinking at the expense of our Nation's long-term interests.

On the eve of the upcoming Azerbaijani elections, such a move would be viewed as an American endorsement of the policies and candidacy of former KGB General Geidar Aliyev. Section 907's repeal would represent both an unsound foreign policy decision and an irresponsible misuse of taxpayers' funds.

Please also keep in mind when considering this matter, that the U.S. restrictions placed on Azerbaijan do not allow for humanitarian aid through NGOs. Since 1992 Azerbaijan has received over $130 million from the United States in humanitarian aid. I understand, however, that large amounts of this aid have been siphoned off and ended up in the hands of the political elite of Azerbaijan. I can only estimate the amount of aid that will be claimed by corrupt political leaders if we send aid directly to this undemocratic government.

Human Rights Watch has reported in its annual report that the international community largely glossed over Azerbaijan's poor human rights record in order to protect oil interests. The State Department, in its human rights survey of Azerbaijan, concluded that the Azerbaijani Government's human rights record continued to be poor and the government continued to commit serious abuses. The government restricts citizens' ability to change the government peacefully. The government restricted freedom of speech, press, assembly, association, religion and privacy when it deemed it in its interest to do so.

At this time, the Nagorno Karabagh/Azeri peace process is at a pivotal situation. The U.S., by reaffirming its opposition to Azerbaijan's illegal blockades, can play a critical role in pressing upon the Azeris that they should come to the table and actively seek a peaceful resolution to the conflict.

Rewarding Azerbaijan with American tax dollars would harm the peace process leading to increased instability and a less secure environment for American investors. Section 907's repeal would only encourage Azerbaijan's leadership to keep its blockades in place and to continue refusing direct peace talks with Karabagh, both to the detriment of America's interests.

We should not underestimate the significance of our actions today. Repealing 907 would fundamentally harm the peace process, dramatically affecting the stability of the region, and so undermine rather than advance U.S. interests.

So, in conclusion, I respectfully ask that my colleagues vote for peace, stability and American interests by voting for the Radanovich-Pallone-Rogan-Sherman amendment, and I again thank the gentleman from Illinois.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Radanovich-Pallone amendment to strike the language in this bill that eliminates Section 907, the sanctions for the blockade that Azerbaijan has placed around the democratic country of Armenia and the area of Nagorno Karabagh which is the area that has been subject to so much warfare over the years.

Let me say, Mr. Chairman, that I had the opportunity to visit, with the gentleman from New Jersey (Mr. PALLONE), Armenia about 2 months ago and I had a chance to see firsthand the devastating impact of this blockade that we are talking about repealing, in essence, because of the fact that we are not going to allow this country to say unequivocally that we are going to condemn any country that puts such a blockade against a neighboring country like Armenia, forcing it to contend with the ravages of natural disasters, as Armenia has over the last decade, forcing it to contend with the fact that it is interdependent in the Caucasus on its neighbors, but is yet to be able to get the kind of trade that is necessary for that struggling democracy to survive because of the intransigence of countries like Azerbaijan in their inability to deal with their neighbor of Armenia.

The fact of the matter is Armenia is the closest country to the American values of any single country in the Caucasus. Armenia shares the values of the United States like no other country in the former Soviet Union. Like no other country.

And any Member of this House who would have an opportunity to go to Armenia and meet, as the gentleman from New Jersey (Mr. PALLONE) and I have had an opportunity to do, to meet with President Kocharian, to meet with that fantastic new President of Armenia, to see how dedicated he is to the principles that we hold dear in this country, they would not have a single doubt in their mind why it should be United States policy to continue to support section 907, which condemns Armenia and Turkey for their creating this blockade around the democratic country of Armenia.

We know that Armenians in Armenia share our values, and the fact is this

United States Congress should stand in solidarity with our friends in Armenia and say enough is enough for Azerbaijan to continue that brutal, brutal blockade on that island locked country.

Keep in mind that Armenia is locked in the Caspian area in the Caucasus region. It does not have anything but a land route for its trade. And when every country around it blocks its ability to have free trade, it is held hostage to these regimes.

Now, let us think about what these regimes are. Azerbaijan is a dictatorship. They are a regime that has been cited by the Department of State for human rights' abuses. And let us understand what we are saying if we support this bill without passing the Radanovich-Pallone amendment. We are, in essence, saying that we are going to stand by a dictatorship, we are going to stand by a dictatorship in their effort to put their thumb on the democratically elected regime of Armenia. We are going to side with the dictatorship over a democratically elected government of Armenia. To me, that does not sound like the kind of country and principles that we should support as American citizens.

That is why I call on my colleagues to support the Pallone-Radanovich amendment, because that is the amendment that is going to strike out the effort to repeal section 907, which calls on sanctioning those countries which blockade our democratically-elected friends like Armenia.

Let us understand what we are talking about here. Armenia and Nagorno Karabagh are ravaged economically. They are ravaged economically because of the natural disasters like earthquakes, the wars that have gone on in that area, and on top of it they have their neighboring countries put this blockade through. And what is happening is a tragedy of human dimensions that none of us should be proud to support if we vote against this Radanovich-Pallone amendment because, in essence, that is what we will be doing. We will be continuing to perpetuate an intolerable situation for the Armenians in that area.

Mr. Chairman, my colleagues in this House need to support our friends and democratically-elected Government of Armenia. If Azerbaijan wants to end this blockade and wants to end the sanctions against it, they can just end the blockade; that is what they should do. They should end the blockade if they want us to end the sanctions against them because of the blockade.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I visited Nagorno Karabagh in August of 1994. It was one of the grimmest places that I had ever, ever been. The Russian ground missiles have been thrown in there daily for year after year after year. Many people were living down in the basement, people that had lost arms and legs and everything else.

This is a difficult issue, and I heard the gentleman from Louisiana (Mr. LIVINGSTON) in the committee. I agreed. And just let me say to my colleague, I agree with all of his rationale up until getting away with 907.

I also want to say that I want the western oil companies to have this opportunity. But to remove 907 now would send the wrong message and take the pressure off the Azeri Government to come to the peace table.

Now, we can lift the blockade and get 907 to go away today by doing one thing: Let the Azeris lift the blockade, and 907 goes.

The poor people in Nagorno Karabagh have suffered too much, and the message that this would send would be, I believe, to keep this issue going on longer and longer.

Secondly, the administration has failed that had a low level person dealing with this issue. It goes through the Minsk treaty agreement, and we have Russia, and Russia does not want to end this.

So what should we do? We should call the Azeris together, call the Armenians together, and have a representative on Nagorno Karabagh come, bring them to Washington, go over to the Eastern Shore, sit down, break bread together. Reconciliation. And I tell my colleagues this problem can be solved.

But I also believe from the bottom of my heart that if we lift 907 today, the problem will not be resolved.

Now, neither side is perfect. The head of the Azeri Government is the former head of the KGB. Clearly there are problems in Armenia because there are Russian troops in Armenia. Neither side is absolutely perfect. But for the people of Nagorno Karabagh to bring in a spirit of reconciliation, the Azeris together and the Armenians together with Nagorno Karabagh there, do not lift 907, because by lifting 907 I think we will say there is no pressure on the Azeris, there is no pressure on anybody.

So I strongly support, at least for another year, maybe, I say to the gentleman from Louisiana (Mr. LIVINGSTON), next year or maybe something like that, but hopefully we will support the Radanovich amendment, and then Secretary Albright will pick up the phone, get the Azeris in, get the Armenians in, bring the Nagorno Karabaghs together, and I believe that both parties stand so much to gain, and then everything the chairman wants, which I agree with, will take place, whereby the oil will flow in the appropriate place.

So I, just for this time and for the interests of the pain and the suffering of those in Nagorno Karabagh, I strongly urge my colleagues to support the Radanovich amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my friend from Virginia, the last speaker who has spoken on behalf of the Radanovich-Pallone amendment.

We should not have done, in my opinion, in subcommittee and full committee what was done. We ought to restore this amendment. We ought to restore America's position on behalf not of Armenia, not of Nagorno Karabagh, but on behalf of justice, on behalf of humanitarian concerns, on behalf of the principles for which this Nation stands around the world.

I am deeply saddened by the fact, Mr. Chairman, that since the termination of hostilities in 1994, no demonstrable progress has been made in the negotiations regarding the status of Nagorno Karabagh.

The gentleman from Louisiana (Mr. LIVINGSTON) mentioned earlier today in debate that there had been some progress. I did not see that story, I am pleased to hear it, but I do not believe it yet. I hope that the parties will continue to negotiate to achieve a lasting solution which will benefit all the peoples of the region. In fact, talks are ongoing at this time.

However I do not believe, and I hope this House does not believe that weakening or eliminating section 907 will further this process. In fact, my colleagues, I am of the opinion it will move us in exactly the opposite direction because it will send the message to the Azeris that they are winning. And why are they winning? On principle? No. Because of economic concerns and profits. That is why they are winning. That is where we are.

□ 1600

Now, I want to see the oil in that region benefit all the peoples of that region, and I am not against the economic development of Azerbaijan or Armenia or Nagorno Karabagh, but I am for proceeding in a principled way.

Section 907 of the Freedom Support Act prohibits direct U.S. aid to Azerbaijan in an effort to pressure Baku to lift its blockade of Armenia and Karabagh. However, section 907 does allow, very importantly and correctly, the delivery of humanitarian and democracy building assistance through nongovernmental organizations, as well as activities by the Overseas Private Investment Council, OPIC, the Trade and Development Administration, and Eximbank. In fact, the United States has provided, even with 907 in being, $130 million-plus in humanitarian exchange assistance to the people of Azerbaijan.

The United States is not closing its eyes to the pain that may exist in Azerbaijan. We are sensitive. This is not against the people, this is against a government policy in Baku that undermines the welfare of citizens in Armenia and Nagorno Karabagh.

The Government of Azerbaijan has enforced a blockade against Armenia and Nagorno Karabagh for 9 years. The blockade has cut off the transport of food, fuel, medicine and other vital goods and commodities.

Because of the blockade, Mr. Chairman, Armenia has experienced a humanitarian crisis during which the United States sent emergency lifesaving assistance, as we should have. The blockade has virtually isolated Armenia from the rest of the world.

As the gentleman from Massachusetts said, and I am sure others have before I spoke, Armenia is landlocked, isolated, in need of the attention of the rest of the world for humanitarian reasons as well as democracy-building reasons.

Mr. Chairman, in contrast to what the Azeris have done, Armenia has repeatedly offered to allow transshipment, repeatedly offered to allow transshipment of humanitarian assistance to Azerbaijan, only to be repeatedly rebuffed.

Mr. Speaker, Azerbaijan has the power, as the gentleman from Virginia (Mr. WOLF), said, Azerbaijan has the power this minute, this very hour, to end the consequences of section 907. All it has to do is end the blockade. That is all it has to do, a simple act.

Mr. Chairman, I urge my colleagues to support the Radanovich-Pallone amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Radanovich-Pallone amendment that would restore section 907.

Section 907 was originally included in the Freedom Support Act to deny assistance to Azerbaijan until it takes, quote, "demonstrable steps to cease all blockades and other offensive uses of forces against Armenia and Nagorno Karabagh." Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. Azerbaijan has made no demonstrable steps to end the blockade. Shipments of food, fuel, medicine and other vital supplies have been held up. And the Azeri policy has fomented Armenia's humanitarian crises in Armenia. Together with Turkey's blockade, Armenia's efforts to develop markets and to strengthen its economy have been damaged.

The timing of striking 907 is also a concern. Azerbaijan is on the verge of presidential elections which are being boycotted by the major opposition parties because of Baku's authoritarian policies. The government is plagued with corruption, human rights violations, and crooked elections.

Striking 907 will send the wrong message, and it sends it at the wrong time.

Maintaining section 907 will have no effect on humanitarian assistance to Azerbaijan or aid for promoting and strengthening Democratic institutions, but it will send a message to Baku that it must move to address the blockade, and it will reassert our solidarity with democratic Armenia.

Mr. Chairman, I urge passage of this amendment. I urge my colleagues to so vote.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

I rise today in support of the Radanovich-Pallone amendment to the foreign operations bill.

Section 907, as so many of my colleagues have stated already, of the Freedom Support Act, places restrictions on the aid that the United States gives to the Government of Azerbaijan until that country ends its aggression and lifts its illegal blockades against Armenia and Nagorno Karabagh.

The government of Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. Day by day, 9 years. That is a very, very long time. Cutting off the transport of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency assistance to Armenia.

Now, for those Members who may not be joining in on this effort, who may be willing to reconsider their positions in prior years, just think of the irony of what it is costing the United States taxpayer in this situation. Because of the blockade that many Members allow to keep on the books, we then spend even more money to send emergency assistance to Armenia.

Strictly on a fiscal basis, if one does not want to deal with this on a humanitarian basis, on the issues relative to a democracy, consider that at a time when Armenia is introducing market reforms and integrating its economy with the West, the blockade has virtually isolated Armenia from the rest of the world.

Azerbaijan controls the majority of the access to Armenia, a country that is landlocked. We should not repeal section 907, because Azerbaijan has taken no demonstrable steps to lift these illegal blockades.

Direct assistance should not be provided to a government with fundamental human rights and corruption flaws.

Mr. Chairman, I think that I am the only member of the entire Congress of Armenian descent, of both Azerian and Armenian descent. The Armenian people fled and suffered and came to this land, as so many others did, not to take anything from this country, but to contribute, to enlarge on its democracy, to contribute to its economic growth, and to uphold the principles that they found so attractive that they would travel around the world and come to this beacon of light and hope.

Armenia represents and upholds democratic principles. That is why we should join with her and we should support her today. And when we do, we will harken back to all of the peoples that have come from around the world to this land, the United States of America, and its democracy. That is really what this vote is about.

How proud I am to join with my colleagues that are offering this amendment. And, for anyone that even has a twinge of rethinking this, please join us. It is the right place to be, for all of the right reasons.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come and join my friends from California to ask my colleagues to join the debt of history here. This is a people, the Armenians, who have suffered through history. Their lands had been taken; they had faced the first modern genocide. They were oppressed by the Soviet Union. And now, as we see the hope for opportunity and democracy, their neighbor, besides that economic strangulation, is the solution for their own internal problems.

In the post-Soviet era, we all have to develop systems for resolving disputes which do not heighten tensions with our neighbors but, indeed, those that reduce the tensions with our neighbors.

The facts are clear here. The Congress has spoken repeatedly, recognizing history, recognizing the failure of nations of this planet to speak out, when Armenian men, women and children face genocide, that we cannot allow ourselves today to have the Armenian Government strangled by a blockade because we treasure oil more than human beings.

The battle lines are fairly clear here. The economic interests of powerful oil companies would have us abandon the people of Armenia once again. I do not know what responsibility we have here as Members of Congress to all of the world and its causes, but I know as people who believe in human rights, people who believe in history and the responsibility of a great Nation, that this Congress dare not turn its back on the Armenians once more.

Mr. Chairman, we have to use our voices here to make sure that these small and evolving democracies have the time to develop real Democratic institutions, and we had better be careful, putting aside those fundamental values of America in favor of short-term economic advantages in the oil fields.

Additionally, it would be very simple for us to end this conflict. All they have to do is stop the embargo, stop the blockade; take away their provocative actions which have led to their isolation. It is not the Armenians that continue, frankly, the very low level of restrictions on their opposition in this conflict. The Armenians simply are the victims.

And the question for those of us in this Chamber today is, will we stand for the victims, or will we stand with those who attempt to victimize them? Will we determine that access to oil and oil leases is more important than the principles this Nation was founded on?

Mr. Chairman, this is the right thing to do. Support the Armenians, support freedom, and we will build democracy in the former Soviet Union nations.

If, on the other hand, we abandon the Armenians, we will send a signal that wealth is more important than righteousness in our actions.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was upstairs in the Committee on Rules, trying to get our work out for the rest of the week, and began to listen to this debate. The previous speaker mentioned oil leases and oil. Are they more important than human rights? And the answer would be no to that. Are oil leases and situations like that, are they more important than American lives, American military lives?

Mr. Chairman, I do not think many people in this Chamber understand the strategic importance of the Caspian Sea area, whether we are talking about the Caucasus, whether we are talking about central Asia. But the truth of the matter is, sometimes I am confused because I hear the same people that are arguing for lifting sanctions on Cuba standing here saying now, we cannot repeal section 907. Those two things just do not go together. But the situation is such that that is a very, very important part of the world, and if we are ever, ever, ever going to become less dependent or nondependent on the Mideast area for oil, the only way we are going to do it is to open up these oil fields which are only second to the Mideast in the entire world. It is terribly, terribly important.

Now, what is going on in Armenia? I have to say that some of my closest friends are Armenians, one of my closest friends is. So it is not a question of sticking up for a special interest group in America, it is a question of doing what is right. What are the Russians doing in Armenia?

□ 1615

Do my colleagues know that the Russians, who are no friends of ours, are getting IMF money? It is going in the front door and out the back door so fast into the Mafia's pocket that we do not even know what is happening with that money.

But the truth is that the Russians are in Armenia. They have bases there. They will not even allow our military observers to go in and see how they are plotting to undermine those new sovereign nations, those people that are so proud of their new sovereignty, whether we are talking about Azerbaijan or Kazakhstan or Turkmenistan or any of those countries, even Georgia, which are having their problems now.

But there is a hell of a fight going on. Right now, the Russians are trying to throw us out. They are trying to bring down those sovereign nations of Azerbaijan and Kazakhstan and Turkmenistan. They want to have all that oil going north to Russia.

We have got another problem with the Chinese. The Chinese are to the east of there. The Russians are to the north. The Chinese are doing everything they can in Mongolia to stir things up so they can grab the influence and they can have all the oil going east.

Now who do my colleagues think sits to the south? Does anybody know? Have my colleagues been down there? Have my colleagues been to the Mideast? Have my colleagues been to Central Asia?

To the south is Iran. Iran is doing everything they can, in other words, to drag everything down there so the pipelines will have to go through it. And then the Iranians can continue to control and continue to blackmail the world, trying to bring down Israel and all of the other countries over there.

So this is not just a very, very simple thing. If we were to say to the Russians and to the Armenian government, what I have said, tell those Russians to get out, and then let us sit down and let us negotiate, then we could accomplish something.

But to simply say, no, we are going to side with the Armenians, and we are going to let the Russians continue to undermine everything there, that is just absolutely wrong.

That is why we should repeal 907, and then we should have an all-out effort by our State Department and Members of this Congress to go over there, bring these people together, and solve the problem. That is the only resolution.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Radanovich amendment to strike the repeal of section 907 from the bill.

During committee consideration of this bill, a provision was added to repeal section 907 of the Freedom Support Act, which prohibits direct economic assistance to the government of Azerbaijan until that country ends its blockade of Armenia and Nagorno-Karabagh. This amendment was misguided and, in my judgment, it should be overturned.

For almost a decade, Azerbaijan has imposed a cruel and illegal blockade of Armenia and Nagorno-Karabagh. This blockade has cut off the people of Armenia and Nagorno-Karabagh from food, fuel, medicine, and other vital goods and commodities. It has stopped United Nations humanitarian assistance to the people of Nagorno-Karabagh and has created a humanitarian crisis in the region.

I had the opportunity with my colleagues on our subcommittee, including the gentleman from Michigan (Mr. KNOLLENBERG) and others to visit Nagorno-Karabagh, to visit Armenia, to visit Azerbaijan. It was very clear when we visited Nagorno-Karabagh to see the suffering. The life of these people made us come back even more committed in trying to bring the parties together to work out a settlement. We feel that lifting this blockade does not work towards that end.

Currently, the process to bring a lasting peace to the Caucasus is at a very critical stage. The United States, as one of the cochairs of the Minsk Group, has been trying to bring the parties to the table for direct talks. Now, in my judgment, is not the time to change the United States policy in the Caucasus toward any one of the parties.

Repealing section 907 at this critical juncture would only encourage the Azerbaijani government to dig in its heels in the peace process. It would remove what little leverage the United States has over the government in Baku to move it along toward an agreeable solution to this protracted conflict.

Mr. Chairman, it seems to me that opponents of this amendment have grossly exaggerated the scope of section 907. Let us be perfectly clear. Section 907 does not, does not prohibit the delivery of humanitarian and democracy building assistance to Azerbaijan. In fact, the United States has provided over $130 million in assistance to Azerbaijan through NGO's and PVO's since 1992.

Section 907 also does not prohibit U.S. export financing assistance to Azerbaijan. OPIC, TDA, the Export-Import Bank are free to participate in projects in Azerbaijan. Section 907 does not prohibit oil companies from developing and investing in projects in Azerbaijan.

In fact, during our visit, I dare to say, the oil companies were alive and well. At our meetings with the business community in Azerbaijan, I do not think there was one oil company that I ever heard of that was not there. So this is not prohibiting any action from the oil companies to operate in that region.

Section 907 does give the United States leverage over a government that has not shown respect for human rights and the principles of democracy. Maintenance of section 907 will give the United States stronger footing in its attempts to bring the Azerbaijani government to the table and direct peace talks over Nagorno-Karabagh.

Mr. Chairman, this, in my judgment, is a good amendment that deserves our support. I urge my colleagues to support peace in the Caucasus by voting "yes" on the amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes. I reluctantly resist and oppose the amendment of my dear friend and colleague, the gentleman from California (Mr. RADANOVICH). But I am convinced that, if we allow the section 907 to continue, that it will prevent us from working toward a peaceful solution in Central Asia.

I want to commend the gentleman from Louisiana (Chairman LIVINGSTON) on his leadership on this issue. There is few people that have understood this issue better than he, and I support his efforts to facilitate the peace and stability that we are seeking between Armenia and Azerbaijan.

Section 907 is an outdated provision which hamstrings our foreign policy options in the Caucasus.

Azerbaijan remains the only former Soviet Republic barred from receiving broad-based U.S. assistance based upon conditions that no longer apply. Repealing section 907 sends a signal that will encourage investment and competence in Azerbaijan and thus will contribute to the stability of this strategical and vital region.

Lifting section 907 is an important component of the comprehensive U.S. strategy for the region and will help facilitate our involvement in Central Asia. For 10 years, we have looked for peace there. The current system is not working. It is time that we change.

Section 907 continues to undermine our neutrality in the negotiations between Armenia and Azerbaijan to promote peace. We need a balanced approach for the Caucasus, and this is why the administration also supports lifting section 907. The Caucasus could account for nearly 75 percent of the world's known energy resources, and we stand to benefit greatly from stability in that region.

Mr. Chairman, it is in our national interest to support repeal of this section. I urge my colleagues to reject the pending amendment and support the fundamental language of the bill.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment because two wrongs do not make a right. In fact, our actions today regarding section 907 will be a message to Russia and other countries regarding U.S. foreign policy and what we mean and that we do what we say and what we mean.

Mr. Chairman, I am outraged that Azerbaijan continues to block distribution of much-needed American aid and assistance to the Republic of Armenia, and to the break-away Republic of Nagorno-Karabakh.

Meanwhile, thousands of Armenians are still without adequate housing as a result of the 1998 earthquake. This is unacceptable. Not only is this blockade clearly immoral, it is illegal, according to U.S. law.

The time has come that we stop making excuses for Azerbaijan. The time has come to quit playing politics with humanitarian aid destined for Armenia. Human rights must be protected. No one has the right to flaunt the Humanitarian Aid Corridor Act, no one, period.

There should be no business as usual with Azerbaijan until their illegal, life-threatening blockade is lifted.

I urge my colleagues, vote yes on the Pallone-Radanovich amendment. This is a vote for the people of Armenia. This is a vote for peace. This is a vote for solidarity.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding.

Mr. Chairman, I rise today in strong support of this amendment. I think it is very, very important that we recognize that if we want peace in this world, we have to have justice. If we want justice, we cannot stand idly by while one country simply says, we are not going to provide any humanitarian aid, no matter where it comes from, to another country that it happens to have a conflict with.

I appreciate the fact that this is an enormously complicated and difficult political issue involving Armenian and Nagorno-Karabakh and Azerbaijan but for Azerbaijan to be able to stand by and say that no amount of human aid is going to get through Armenia, when I have visited Armenia and I have seen children going cold in the wintertime, I have seen elderly people in hospital rooms where the temperature in the hospital room was below freezing, and that is the kind of situation that occurred because of the fact that we have interests that would just as soon see us repeal section 907.

What I say is if we want to see peace, if we want to see these issues solved over a period of time, then we cannot do it with just economics in mind. We have to do it with justice in mind. If we want justice, repeal the attempt to get rid of section 907; stand up to the Armenian people; stand up for peace and stand up for poor people around the world who are hurt far too often because economics comes before politics.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respectfully rise to support the amendment by my colleague from California. As we all know too well, the countries of the Caucasus have been crippled by violence and conflict since the collapse of the Soviet Union. If one were to Nagorno-Karabakh or to Armenia or Azerbaijan, and many in this body have, one would know something about the geography. That, in turn, gives some glimpse of what the conflict is all about.

For Armenia and Nagorno-Karabakh, this reality is worsened by Azerbaijan's devastating blockade of its neighbor. It is especially painful to see a country with the potential of Armenia recede into an economic stone-age at the hands of its neighbors.

This is why, in the first place, we adopted section 907 of the Freedom Support Act with overwhelming bipartisan support. It prohibits the delivery of U.S. Government economic or military assistance to the government of Azerbaijan, unless it takes demonstrable steps to cease its blockade. They have not. They have not taken any steps.

Section 907 sets reasonable conditions on the use of U.S. foreign aid. We struggled in last year's bill to ensure that it could not prevent vital humanitarian and democracy building assistance or export finance assistance to U.S. business. That took a tremendous amount of struggling, but it did come to completion.

However, we cannot repeal section 907 until the conditions for its lifting are met. Unfortunately, Azerbaijan continues its crippling blockade of its neighbors. In addition, the negotiations over the resolution of the Nagorno-Karabakh conflict remain uncertain.

Given these facts, these circumstances, now is not the time to reward the government of Azerbaijan. Hopefully, that time will come.

I urge my colleagues to oppose this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to support this amendment, but I hope that it is the last time that I or any of us have to do this. This provision has been the Congress' response to a difficult complex issue year after year, and yet we see no real progress.

□ 1630

We cannot only blame Azerbaijan. Armenia has to accept some of the blame for insufficient progress as well.

One of the realities that we have to understand is that Azerbaijan is going to be one of the wealthiest countries in the world. It is not landlocked, as Armenia. It is not nearly as economically and militarily vulnerable as Armenia. In fact, it is going to be a major role player in the Caucasus in that part of the world.

So it behooves us in the future to, in fact, be an ally of Azerbaijan. The reality is that we cannot under these current circumstances. But if we want peace in the Caucasus and protection of Armenia's sovereign borders and prosperity for the Armenian people, then we need to establish economic trade between Armenia and its neighbors on all sides. The situation today is untenable. In fact, there are people suffering in Armenia. There are people suffering in Yerevan, there are people suffering in Nagorno-Karabakh. But we must be part of the solution, not part of the problem. And part of the problem is that we have not moved forward. We have not been able to take sufficient initiatives. We have not been able to bring together the people in a sufficiently constructive attitude.

I understand the frustration of the people in the State Department. They really feel that this amendment is counterproductive, that we have got to be able to assure the Azeris that there is a level playing field, that we are not playing favorites because of domestic politics. There is reason for them to believe that and to make that charge. But it is also true that they eventually will be holding the upper hand.

They do have it in their means to find a way to relieve much of the economic suffering that the Armenians are encountering. They do have it in their means to move the Minsk peace process forward. I would hope that this is the last year that this is the only approach that this Congress can take, which is to continue essentially an embargo that, in fact, is hurting Armenians as well as Azeris and that is not consistent with the way we have resolved past conflicts.

Mr. Chairman, I very much respect the people who want to lift 907, but I also respect not only the insight but the compassion of those who feel that this is not the time. I am just saying for the record that if this comes up again, I do not think it is the responsible decision for the Congress to simply stick with the same old response to a problem that continues to fester and is not getting any better, without initiative on the part of this Congress and those who understand the situation and who believe that peace and prosperity is possible and will only occur if we are willing to take the necessary political and diplomatic risks for that peace and prosperity to overcome the age-old animosities that have precluded it in the past.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Virginia (Mr. MORAN), my colleague, for those words. I have reached a different conclusion, but many of the things that the gentleman stated in his talk were right on target.

I rise in support of the repeal of 907, which means I must oppose this amendment of my dear friend, the gentleman from California (Mr. RADANOVICH). Let us note this, that this war, as the gentleman from Virginia has suggested, is going on and on and on.

Mr. Chairman, I have visited Armenia and I have visited Azerbaijan. I have come to the conclusion, the honest conclusion, that the reason the war continues is because there is a perceived tilt in American policy towards Armenia in that part of the world and the Armenians thus are totally inflexible when it comes to negotiations with the Azerbaijanis, the Azerbaijanis who are desperate to make some kind of an agreement.

But the Armenians, because it is perceived that the United States will do anything for them because of political pressure because, and let us face it, there are many Armenians that live in the United States, there are many Armenians that live in California, many of them are supporters of mine, they are fine people. But American foreign policy cannot be based on that political consideration. We should consider the cause of peace, the cause of freedom, and we have to consider also the national security interests of the United States of America.

In this particular case, our unwillingness to try to be evenhanded in our approach in that area because of our fear of political repercussions from the Armenian community has prevented a peace agreement from being reached. Thus, both sides are suffering.

Yes, as we hear about the suffering of the Armenian people in Nagorno-Karabakh, that is exactly correct. Those people are suffering. And equally suffering are the Azeris. Almost a million Azeris, 15 percent of the population, are now displaced and refugees. They are suffering as well.

What is preventing the peace from coming about? What is preventing the peace from coming about is the Armenians really believe that they can hold out because America is going to be on their side and we are not going to force them to make any kind of compromise and they are going to get the whole ball of wax.

We should be instead trying to be evenhanded, trying to reach a compromise. Now, in both instances when I went to Armenia and Azerbaijan and talked to the leaders of both of these countries, again I find the Azeris anxious to try to discuss and find some solution. And I find the Armenians unwilling to give up an inch. One inch.

There is an easy answer to this and it is very recognizable on the map. There is an Armenian enclave in Azerbaijan. We know about that. Nagorno-Karabakh. But also there is an Azeri enclave in Armenia. The Azerbaijanis are open to talking about some kind of a land swap where they would swap the entire Nagorno-Karabakh region which used to be part of their territory, which is major Armenian and should be part of Armenia, they would swap that and give their legitimacy for that in exchange for a corridor to that enclave of Azeri population in Armenia.

Mr. Chairman, that deal that is so obvious to those of us on the outside is not being seriously considered because the Armenians believe the United States is on their side, Russia is on their side, all the big boys are on their side, so they do not really have to give up a thing. That attitude is what has prevented peace.

If we really love Armenia and love people and are trying to help end suffering, and we love Azeris and Armenians on an equal level, because that is what we are supposed to be, evenhanded in trying to bring about peace and freedom in this world, then we will have the courage to tell our Armenian friends back home that we are going to have to reach a compromise here and they are not going to get every single thing that they want; that there is going to have to be a compromise to reach peace.

If there is that kind of compromise, both sides will be better. Let us have the courage to call it as it is here. Let us meet our responsibility as the world's leading power and at the very least not be forced into positions by strong minority groups within our own country to take positions that are contrary to the interest of world peace, contrary to freedom, and contrary to our own long-term national security interests.

So, I rise in strong support of the repeal of 907 and thus oppose this amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to removing Section 907 from our bill. Let me just bring this debate down to a more reasonable level that at least I understand. I am sure it is very confusing to any television audience that might be listening to this debate or any Members of Congress who might be back in their office.

First of all, we are not talking about money. We are not talking about giving money to Azerbaijan. We met with President Aliyev when we were in Azerbaijan. I took our subcommittee there specifically for this reason, to see if indeed this country was sincere in its indications that they want to move towards a democracy. Mr. Aliyev did not ask us for money, nor is he asking us for money in this bill, nor do we give him any except for refugees. We give money to Armenia. We give more money to Armenia per capita than any other nation in the entire world, other than Israel. We are not talking about what kind of assistance we are giving to these countries. We are talking about a slowly emerging democracy.

Mr. Chairman, when we met with President Aliyev, we talked about what he wanted. And I will admit, it was difficult for me to believe, sitting there talking to one of the top leaders of the former Soviet Union telling us sincerely that he wanted to democratize, he wanted to move his country up.

They are blessed with the resource of oil that a lot of emerging countries do not have. They want to send this oil to the West rather than through China. So we are not talking about money.

We are talking about his plea to let the United States people help him with his educational process. Mr. Chairman, with 907, it cannot be done. We are talking about assistance and help and care for the people, the sick people of Azerbaijan. With Section 907, it cannot be done. We are talking about lifting that. We are not talking about giving them money. We are not talking about anything that has to do with foreign assistance monetarily.

We are talking about a confused region of this world that has been warring for centuries. We are talking about a country that has had differences with Azerbaijan and has a tremendous advantage in any peace settlement as long as this thing is in place. Let us not talk about whether or not this is going to permit the United States to dump millions of dollars into Azerbaijan, because it is not.

I know a lot of these people that have spoken today are very compassionate. Many of them have been to Azerbaijan. Many of them may even be able to point it out on the globe. Some of them, probably, cannot. But let me tell my colleagues, the Constitution of the United States of America says that the administrative branch of government will determine foreign policy, the Congress of the United States shall be the check and balance.

The people of this country elected President Clinton. He, in turn, has appointed Secretary Albright as Secretary of State. Secretary Albright called me and said this is one of the most important things that this Congress can do for this administration to have an effective foreign policy.

Now we have all of these Members of Congress who may have been to Azerbaijan, like me only once, who now have become pseudo-Secretaries of State. They are trying to impose their will against the direction of the professionals we have hired.

The administration is pushing for this. It is not the gentleman from Louisiana (Mr. LIVINGSTON) nor I. We recognize how important it is. Azerbaijan has another alternative with respect to that oil. They can send it through China. That would probably be the easiest route to go. But if we deny our American businesspeople, and we talk about oil companies, the right to participate, not with giving them money but with giving them OPIC assistance and Eximbank assistance, then we do not stand a chance to compete with the French and the German and the British and the Japanese and the Chinese who are all there trying to keep this section 907 in place because it is disadvantageous to American oil companies.

So let us not talk about money. This has nothing to do with money to Azerbaijan. It has to do with a policy that the foreign policy professionals of that this country have hired to have foreign policy ability, and this is one of the top priorities that Madeleine Albright has requested and that is that we remove 907.

This committee has taken a good look at it. I think we probably looked at this area of the world more than any other area of the world. We have been there. We have seen the needs. Some on the committee still disagree. But to those who have never been there, to those who have not had the opportunity to discuss this intelligently with the Secretary of State, I remind them that they are not Secretaries of State; they are Members of the House. They have a responsibility to the administration to give them the latitude they need to have an effective foreign policy.

□ 1645

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the House Committee on International Relations, I rise in strong support of this amendment. I object to the bill's striking of section 907 of the Freedom Support Act both on the substance and the procedure.

I do not think that many of us consider ourselves, with all due respect, to be secretaries of State, and I have heard many colleagues on both sides of the aisle suggest that they do not have the full abdication to the administration of what the United States role is in the world or a blank checkbook for that regard.

For 9 years, 9 years the government of Azerbaijan has blockaded, not embargoed, but blockaded, meaning using force to blockade Armenia and Nagorno-Karabagh cutting off the transport of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency life saving assistance to Armenia.

By contrast, section 907 does not prevent the delivery of humanitarian aid to the people of Azerbaijan. As a matter of fact, to date more than $130 million in United States humanitarian and exchange assistance has been provided to Azerbaijan but through nongovernmental organizations.

Azerbaijan has failed to live up to the basic conditions set forth in U.S. law pursuant to section 907. What does that say? Quote, taking demonstrable, demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabagh.

For this reason, we should not lift restrictions on aid to Azerbaijan.

Second, I object to the provision of the underlying bill on procedural grounds. As a member of the Committee on International Relations, the committee which has the authorizing jurisdiction for the Freedom Support Act, I am clearly concerned that we set the process and the pattern, that the Committee on Appropriations usurped the jurisdiction of our committee, and that the Committee on Rules extended protection to the provision despite its violation of House rules on authorizing in appropriation bills.

Section 907 remains an essential element of U.S. foreign policy towards the Caucasus as well as an expression of Congress' objection to Azerbaijan's illegitimate blockade of the Armenian people.

I want to address one or two other things I have heard in debate. To suggest that American citizens of this country who identify with a certain national entity of another country, who may have been born here in the United States but whose roots in fact come from some other ethnic background, that those citizens have less of a right to petition their government for what they believe the United States policy should be any place in the world and that U.S. companies, however, with multinational interests have a greater right than United States citizens to petition their government in my mind is outrageous.

We should take risks for peace but those should be on the side of making sure that Azerbaijan ceases to be the aggressor. Oil and oil interests themselves cannot be the guiding star of United States foreign policy, particularly at a time of an oil glut. We can get our pipeline, but the pressure should be on Azerbaijan, the aggressor, the aggressor, not the victim.

When we assist the aggressor, we send the wrong message throughout the world. When we assist those who are undemocratic, we send the wrong message throughout the world. When we assist those who are trying to strangulate a people, we send the wrong mesage throughout the world. When we look the other way, when we lend a blind eye to what is happening in these parts of the world, simply based on economic interests, we go down a road which we have already had in our history, and we need not repeat that chapter again in our history.

That, Mr. Chairman, is really in my mind the guiding principles we should be looking at as we determine how we vote on this amendment.

I urge my colleagues to support the Radanovich-Pallone amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment.

Mr. Chairman, I categorically reject the arguments made by the preceding speaker as being both foolish and misguided.

Nobody has come before this House to argue that oil is more important than human beings. There is nobody in this House who is arguing that any one group of Americans should be less entitlted to come before this House and argue their case than any other group of Americans.

The whole point of bringing this authorized repeal to the floor within this proper piece of legislation is to remove a foolish, ill-conceived provision that takes sides in a battle between two countries in another part of the world is because we do not have an Armenian-American interest any more than we have an Armenian-Azeri interest.

We promote the interest of the United States of America in world policy. And it is our obligation, as representatives of the people of the United States, be they Armenian or Azeri or of any other ethnic background, it is our interest to see to it that they are equally and properly represented in the national interest of this country. To suggest otherwise is incredibly wrong.

I have heard some interesting arguments here today on this issue, some of them based in sincerity, some of them based in fact, and some of them based in total misinformation.

Mr. Chairman, section 907 is a provision that we passed in 1992 after the Azeris and the Armenians were engaged for some years, in a tragic war with major loss of life on both sides. There were ultimately no winners because both sides lost lives and suffered great casualties. Azerbaijan lost territory. Nagorno-Karabagh, which was an Azeri piece of property, is now virtually totally controlled by Armenians and there was ethnic cleansing at the hands of the Armenians because the Azeris, some 700,000 of them, are living in refugee camps in Azerbaijan. I would like to reduce it, as the gentleman from Alabama (Mr. CALLAHAN) did, to understandable terms so that my fellow Americans can understand this issue.

If I had two neighbors down the block from my neighborhood involved in an ongoing battle and I was worried that that battle was going to escalate, inflame my neighborhood, could possibly result in tremendous death and hardship to my neighbors, I would do something. In order to break up that battle, I walked over to one of them and I started beating him with a stick, and for 6 years I beat him on the head with a stick. For the other neighbor to come to me and say, we are almost going to solve this problem but just do not stop beating that guy over the head with a stick or else we will never solve the problem, that is effectively what we have done with Azerbaijan and Armenia.

Certainly, we have friends who are Armenian Americans. I remember the gentlewoman from California (Ms. ESHOO) who addressed us. She takes pride in her heritage, and well she should. Armenian Americans have come to this country and worked hard and prospered and done well. I guess we do not have very many Azeri Americans. So they have not come here, they have not prospered, they have not done well, and they do not have much access to Congress.

For one reason or another, in the middle of a war, we go over there and start beating the Azeris with a stick. It is called section 907. And it says, we cannot transfer aid. We cannot deal with the Azer-baijan Government. But we have given plenty of aid to the Armenians, as the gentleman from Alabama (Mr. CALLAHAN) has already pointed out. They are one of greatest recipients of aid that we have in the world.

What we are doing here today is not proposing that we cease our friendship with Armenia. It is just that we lessen our Congressional hostility toward the Azeris. It is an important part of the world. To suggest that it is due to oil is shortsighted and simply disingenuous.

Is there oil in that part of the world? Yes. Is that important? Yes. Why is it important? Because if we can develop that oil in that part of the world, some ¾ of the world's oil reserves, we might make the Middle East less important.

Mr. CHAIRMAN. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. PALLONE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, the oil is important. One should never think, though, that the oil is the cause for this change in policy, other than to deemphasize the critical impact on the Middle East. We have for years, virtually since 1947 but certainly more recently, since my 20 years in Congress, we have been embroiled in disputes between Israel and her neighbors. One of the key ingredients for the strength of some of her neighbors is because of their possession of oil. They use it as clout.

In the 1970's, 1980's, the fact is we had an oil embargo because they used it to strangle not only the Middle East but the entire world. By opening up the spigots in the Caspian region, both in the Caucasus and in Central Asia, we will deemphasize the importance of Middle East oil, and the stranglehold that those Middle Eastern oil territories have over Israel and the entire world.

Repeal of section 907 is the national interest of the United States. That is not me speaking alone. That is Secretary of State Madeleine Albright, last time I checked still a Democrat, who says, section 907 creates the impression that the U.S. approach to the Nagorno-Karabagh conflict is not balanced.

It is critical that the U.S. be perceived by both Azerbaijan and Armenia as a fair and honest broker in its bilateral relations with each country and multilateral relations through the OSCE Minsk Group, of which we are a co-chair. We believe, this is from Secretary Madeleine Albright, that section 907 encourages other parties to calculate that the United States will continue to press only Azerbaijan and that they can accordingly maintain an intransigent posture towards the Minsk Group process.

Madeleine Albright, our Secretary of State, the President of the United States, the entire Democratic administration and our Committee agree that section 907 should be repealed. We are also working with American Jewish Congress, the American Jewish Committee, the Anti Defamation League, the B'nai B'rith, the National Conference on Soviet Jewry. Why? Because they understand that it is in Israel's interest that this thing be repealed.

The gentleman's suggestions are outrageous. And when he says that this is just oil related and that it has nothing whatsoever to do with U.S. national policy, I reject his position.

I urge the repeal of section 907 and the defeat of the amendment by the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. RADANOVICH).

Ms. PELOSI. Mr. Chairman, I yield to gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I am sorry the distinguished chairman of the Committee on Appropriations took such umbrage. I was referring to remarks made by previous speakers. I am glad to hear that the chairman says that no person in this country whose ethnic heritage is such that they should be diminished versus a U.S. company, but one of his previous speakers from his side of the aisle suggested that. So I hope that he takes his umbrage to his colleague and suggests to him that that type of suggestion is inappropriate for the Chamber and inappropriate insofar as that we do not want to make citizens in this country, because they come from a certain lineage, second-class citizens. I agree with him.

On the question of oil, my simple suggestion is, there clearly has been various mentions of the question of the access to oil and the concern from it. That is a legitimate issue and interest of the United States, but the question is, does it rise to the national interest, the national security interest, and is this our beacon of light for U.S. foreign policy? I think that those are legitimate issues to raise.

I thank the distinguished gentlewoman from California for yielding to me.

Ms. PELOSI. Mr. Chairman, I do want to make a couple of points, following up on what I have heard in the recent debate here.

□ 1700

Mr. Chairman, I rise in opposition to the position of the gentleman from Louisiana (Mr. LIVINGSTON) and in support of the amendment on the floor to restore the 907 provision to this bill.

But I do agree with the chairman on a few points. One is that this region, the Armenia-Azerbaijan region, is a very important region of the world and policies there have serious ramifications.

I agree that we must be, in making our policy decisions, acting in the interest of the United States of America. And I believe that the makers of this motion are doing just that.

I understand that the chairman was dismayed when there was question of the motivation for the action taken in full committee, where 907 was repealed, and the motivation was attributed to the interest of the oil companies. I do not like questioning the motivation of our colleagues, and I understand the chairman's dismay. But I take issue also in the chairman's attributing motivation to those of us responding to the Armenian Americans in our country.

I will have to get time later to continue my point, but I support the amendment on the floor.

Mr. CLEMENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Committee on International Relations, I rise in strong support of language in the foreign operations bill that eliminates 907 of the Freedom Support Act and in opposition of efforts to strike this provision of the bill.

I do not think section 907 should have ever been in the law itself. I think it is regrettable that it was. I think the United States has to do everything it can to bring peace among all parties, and we know that is a troubled area in the world.

The gentleman from Missouri (Mr. IKE SKELTON), the ranking Democrat on the Committee on National Security, says this:

> Security matters remain a major issue in the region. The United States' ability to promote peace and economic reforms in the region are significantly hamstrung by section 907. The United States must be perceived by both Azerbaijan and Armenia as a truly neutral peace broker in its negotiations and approach to end conflict in the region. Section 907 damages U.S. national interest by undermining the administration's neutrality and promoting a settlement in that part of the world, an ability to encourage economic embroiled legal reforms in Azerbaijan, and efforts to advance an east-west energy transport corridor.

We all know, and even those on the other side know, that one of these days 907 is going to be eliminated. And why not now? Why do we want to wait another year, like some suggest? I think this is the opportunity we have this year to eliminate it.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. CLEMENT. Mr. Chairman, I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I thank the gentleman from Tennessee for yielding to me, and I rise in opposition to this amendment and in support of the elimination of section 907 of the Freedom Support Act in the foreign operations appropriations bill.

I feel, Mr. Chairman, that we can no longer pursue a failed policy of prohibiting U.S. assistance to the government of Azerbaijan. The conflict between Azerbaijan and Armenia is difficult and complex, as we have heard this afternoon. However, retaining section 907 does not assist in the resolution of their dispute. Moreover, it does not serve our national interest and our foreign policy initiatives.

Section 907 limits our ability to be a neutral broker in the process of mediating the ongoing conflict. With section 907, we restrict our flexibility in dealing with a nation that is moving towards a market economy but, in the meantime, is greatly underdeveloped.

Last January I had the opportunity to visit Azerbaijan, and I can tell my colleagues that we can influence great change with the lifting of section 907. The nation is greatly underdeveloped, with weak institutions and basically a closed society. By lifting section 907, we could provide technical and economic assistance, which would provide reforms that would create a more open society and increase stability and promote regional cooperation.

While our foreign assistance to Armenia should remain in place, it is appropriate that at this time we move to repeal section 907. For these reasons, Mr. Chairman, I ask that we defeat this amendment and restore section 907.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Radanovich-Pallone amendment to preserve the humanitarian aid corridor.

I think I would want to begin my remarks by agreeing with one of the assertions made by the full committee chairman, the gentleman from Louisiana (Mr. LIVINGSTON), in indicating the bipartisan nature of this debate, the importance of the debate, and the fact that all of us have the same goal in mind, and that is energy security, from an economic and national security perspective, as well as the issue of peace. The debate that is taking place today is a debate about the difference of opinion as to how to achieve both those goals.

We have a situation in the Caucasus today that is not perfect; that if all of us collectively could affect, we would want to make perfect. We have a static situation that we want to move in the right direction, and that, again, is the question of the debate: What is the right direction.

I do want to make sure we put the debate in the proper perspective and to reflect on events of just an 11-day period of time 83 years ago, when on April 8th, tens of thousands of Armenian men were rounded up and shot. Hundreds of thousands of women, men and children were deported southward across the mountains to Silesia and Syria. On April 15th, the Armenians appealed to the German ambassador in Constantinople for formal German protection. The request was rejected on the grounds that it would be offensive to the Turkish government. By April 19th, 11 days later, 50,000 Armenians had been murdered.

Much has been said today during the debate about the war that is taking place today. In 1989, the government, not the people, the government of Azerbaijan began to kill Armenians because they were Armenians. A war took place because the Armenian government then began to defend itself and its people.

This Congress, President Bush, then signed into law the Humanitarian Aid Corridor in 1992. And progress was made 2 years later because there was a cease-fire put in place that, as I understand today, 4 years later, remains in place. I think all of us, again, regret that it is simply a cease-fire and not a lasting peace, but progress was made because of the actions of this institution and President Bush in 1992.

As many speakers have indicated before, this is not a question of are we wanting to cut off aid to Armenians. That is not the question. We do not want to do that. Do we want to cut off aid to the Azerbaijan people? We do not want to do that. We remain very concerned on our side of the issue about ensuring that the Azerbaijan government acts responsibly. And, as again a number of speakers have indicated, they have it within their power by the close of business today to end the blockade and to then have that relief money flow through their hands.

Over $130 million has been provided for Azerbaijan refugees over this period of time. And it is important for all of us to note that in 1995 the Armenian government indicated that they would allow relief supplies to flow through Armenia for the relief of Azerbaijan, in a remote area of that country, and the Azeri government refused to allow those goods and supplies to flow through Armenia. And I certainly question the government's, not the people's, intentions in this matter.

The issue is, and someone has used the illusion that we are beating up one of these parties; that we are hitting them with a stick; that we are being unfair. We have a cease-fire in place. People are not being killed. As has also been indicated, people have talked to each other. And I think at this particular moment, if we would now lift the restriction, without the lifting of the blockade, what we are saying to the Azeri government is it is okay to blockade other countries; it is okay to provide for the restriction of commerce, medical supplies and humanitarian aid; it is okay, pursuant to Ms. Albright's letter to this institution, to try to extort money from our government.

The chairman of the committee alluded earlier to the letter that Madeleine Albright, Secretary of State, sent to this institution. I find another passage very revealing.

Mr. Chairman, I simply would ask my colleagues to vote in favor of the Pallone-Radanovich amendment.

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had prepared remarks, but I would like to use much of my time to respond to particular statements that have been made by opponents to the amendment.

The first is that it is the President, charged under the Constitution, with making United States foreign policy. This is indeed a misnomer, a statement found in many eighth grade civics books but never found in any Supreme Court opinion or found in the Constitution itself.

I commend those who oppose the amendment to the Barclays Bank case, decided by the Supreme Court a few years ago, in which the court recounts the very clear constitutional principle that foreign policy is to be made in the Congress and effectuated by the administration.

The second issue is that we are not talking here about money or aid going to Azerbaijan. That is all we are talking about. Section 907 restricts the transfer of U.S. tax dollars to the dictatorial regime in Azerbaijan. Those who want to talk about fiscal conservatism should draw the line here and say that the butchers in Baku should not get a single dollar of American tax money, at least while they blockade Armenia.

We are told that Armenia should be blamed for the refugees that exist in Azerbaijan, and our hearts go out to those refugees. But why are they refugees? Because of the policy of the dictatorial government in Baku.

We are told that where two countries are battling that we should be evenhanded. I have been very interested in the Middle East, and now and then we are told to be evenhanded between Israel and her enemies. We should not be evenhanded between the blockaded and the blockader. We should not be evenhanded between the perpetrator and the victim. We should not be evenhanded between Azerbaijan and Armenia.

We should remember, as the gentleman from Indiana pointed out, that the government in Azerbaijan, that some would say we should send money to, is the government that butchered people on the streets of Baku just a few years ago.

We are told that American policy tilts toward Armenia because of the activities of Armenian Americans. I would point out that American oil companies are at least as influential as Armenian Americans. The reason why our policy tilts toward Armenia is because Armenia is right and because their position reflects American values.

We are told that many in this House do not understand the oil, do not understand the strategic importance, the economic importance of the Newly Independent States and of Central Asia. I would say that that expertise resides in the Committee on International Relations. But this authorizing provision never went to the Committee on International Relations, and there is no better reason to adopt this amendment than to say that this issue should come from the committee of jurisdiction.

We are told that there are too many unilateral sanctions. Section 907 imposes no sanctions. Azerbaijan enjoys Most Favored Nation status with the United States. Those who care about fiscal conservatism should not embrace the language, the terminology, that says that it is sanctions against a country for us not to give them U.S. tax dollars.

Finally, I would like to point to the role of Joseph Stalin in this. Fifty years ago Joseph Stalin tried to strangle Berlin, and we responded with the airlift. Two generations earlier Joseph Stalin drew the borders of Azerbaijan and Armenia for the purpose of disenfranchising and leading to the oppression of Armenians in Nagorno Karabagh.

□ 1715

We did not let Joseph Stalin strangle Berlin and we should not allow those who walk in his footsteps, those who served in his KGB, we should not let them strangle Armenia. Today there is an airlift to Armenia that should be unnecessary, because we should continue to tell Azerbaijan to stop blockading Armenia. We are told that the Armenians are intransigent and are unwilling to give up territory. Nothing is further from the truth. The government of Armenia is willing to trade land for peace, recognition and an end of this blockade.

Vote "yes" on the amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

I commend the gentleman from Louisiana (Mr. LIVINGSTON) for striking 907 in the bill. I believe the gentleman from New York (Mr. KING) also had a stand-alone bill and I commend him, also.

Let me just make two points. First of all, I was watching the debate earlier this afternoon and several folks made the point that in 8 to 9 years the folks in Azerbaijan had not made any movement. To me that is a sign of a failed policy and it demonstrates once again the problem of a unilateral sanctions policy that I think that people in this body are going to want to look at in the future.

The second point I would make is from the national security perspective. I suspect most of us know where Azerbaijan is. Their northern border is Russia, their southern border is Iran. It is a lot different being in their neighborhood than being between Canada and Mexico. In late March of this year, a shipment of 22 tons of stainless steel came south from Russia into Azerbaijan. It is a type of steel, a special type that is used for fuel tanks for Scud missiles. The Russian government had apparently been put on notice that this shipment may be coming from a company but it was able to get out of Russia nonetheless. Azerbaijan stopped the shipment within their country.

Now, what did they do? Did they call the Russian company and say, "You've got this stuff mislabeled with phony labels, we've caught you, give us a bribe"? No. Did they call Iran and say, "We've got your steel, let's make a deal"? No. They called the United States Customs officials and said, "We think we've found something that may be of interest to you." The United States evaluated the steel and it turned out to be a type that is used in fuel tanks for Scud missiles, part of the Iranian missile development program. Does Russia reward this behavior for Azerbaijan? Of course not. This is a terrible embarrassment for Russia as it demonstrated once again that they have some problems in their export controls. Does Iran reward Azerbaijan and say thank you for stopping this import of this material we were trying to get from Russia so we could further develop missiles? Of course not. They needed that material. So what do we do? And what have we done? Nothing. We have not even bothered to pass a meaningless resolution thanking them for stopping this shipment that would have contributed to the development of the Iranian missile program. We can appreciate their courage, we can appreciate their location in a dangerous part of the world, but frankly that shows little benefit to a country in their particular geographic situation.

I am going to vote "no" on this amendment for those two reasons. It is a failed policy that demonstrates once again the problems with the United States unilaterally going it alone; and, number two, they ought to be rewarded for contributing to our national security and helping our United States Customs officials stop this type of steel from going into the Iranian missile development program.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have genuine respect for my colleagues who care deeply about human rights anywhere in the world. It is a noble cause to commit oneself to human and individual rights, whether we be talking about Nagorno-Karabagh, South Africa, Armenia, Azerbaijan, or frankly right here in the United States of America.

I know there has been much discussion today about the history of war and human rights in this area, in the area of the former Soviet Union. Frankly I would imagine that if the truth were to be known, there have been human rights abuses on both sides of this serious conflict between Azerbaijan and Armenia. I would imagine if the truth were to be known, we are not dealing with saints in either situation. I am not clear we will ever know the true history of some of the terrible human rights abuses in this part of the world. But what I do know is that this debate is not about who is for and who is against human rights in the world. I think this debate is about what is the best way, what is the best policy to bring about peace in a terribly critical part of the world, a strategic part of the world. For myself, I side with the Bush administration, the Clinton administration and our present Secretary of State in saying that 907 has not worked, it has not brought about peace, and that we should try repealing that particular sanction.

I would like to make one comment on a personal note about the whole energy question that has been brought up. Some have said, that those of us that favor repeal of 907 are fighting for the oil companies. This is not about who is for or against the oil companies. But I would like to talk about the importance to our national security of having an independent source of energy outside of the Middle East.

In 1991 when I voted to send American soldiers to fight against Saddam Hussein, we knew that we were sending soldiers to fight for, one, the democracy of Kuwait, but let us be honest, we were also fighting for stability in a part of the world where we depend upon their great resources of oil. I had to welcome back some of the families to Fort Hood in my district who were there to accept posthumously the silver medals and the bronze stars that were given to people, young men, who fought in that war. I had to see people come back in body bags rather than come home to families and communities to heroes' welcomes. The reason I say that is I think it is not just in the interest of the oil companies, far more importantly it is in the interest of American national security, and it is in the interest of those American soldiers who might have to go to other parts of the world like they did in 1991 in Kuwait and put their lives on the line if we do not diversify our source of energy. All it takes is one more war in the Middle East and unless we diversify our oil resources, we are going to have more soldiers from my district and citizens from your districts have to put their lives on the line to fight for, not oil companies but stability in the world economy and stability of our political system in the world. I think it is important in saying that in my opinion, repealing 907 perhaps will save some other young American soldier someday from having to come back to this country in a body bag or in a casket.

So while I have tremendous respect for all of those who fought mightily and successfully over the last several years for human rights in this part of the world, I think that policy has not worked. Peace has not prevailed because of that. It is time to change that policy, to have an evenhanded policy. In the eyes of the Bush and the Clinton administration now, let us push an evenhanded policy that has a chance of bringing about peace in that part of the world, a chance of stabilizing a critically important part of the world, and a chance of preventing American soldiers from having to go back to the Middle East someday and put their lives on the line. That, Mr. Chairman, I think is important.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Texas.

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding. I share his concern. Not being on either foreign affairs committee but from the Committee on Commerce I have watched, and the concern I have is that when we are dealing with the central Asian republics and the republic of Turkey, we cannot continue to turn our back on this part of the world. That is why I rise and agree with my colleague from Texas.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for an additional 5 minutes.

There was no objection.

Mr. PORTER. Mr. Chairman, I think it seems clear to all of us here who have talked about this issue and I think the debate has been a very good one, that we ought to be able to agree on at least three goals:

The first and most important goal is that we establish a condition of peace and normal relations between Armenia and Azerbaijan. That ought to be the highest priority for the United States. Secondly, that we do everything within our power to encourage the development of the Caspian oil fields controlled by Azerbaijan by American oil companies. And the third goal would be that the oil pipeline to carry that oil developed by American oil companies to market go through Armenia. That would be, Mr. Chairman, a win-win-win situation for Armenia, for Azerbaijan and for the American oil companies. Unfortunately, people in that part of the world do not necessarily see things the way we do in the United States where there is a win-win-win, and often it is seen that if one side gains, the other side loses and you have only out of that a stalemate.

Let us also agree that this administration's efforts in the peace process in that part of the world have been weak. This administration has not placed this at a high priority, has not done the kinds of things that can bring the parties to the table, and their latest ham-handed effort was to force concessions on the Ter-Petrossian government in Armenia that were not acceptable to the Armenian people which then caused that government to lose a vote of confidence, caused that government to resign and a new government, a new capable government to take charge, the Kocharian government which is in some ways, much to my chagrin, a much harder line government than the one that was previous to that. So have American efforts been good or have they worked? No, they have been poor and they have not worked. All of us ought to get on this administration to make this at a high priority.

Now, if someone is to act, should it be Azerbaijan or Armenia? We are engaged in this effort right now about repealing 907 because Azerbaijan says to the American oil companies, "You can do business with us, but only if you get your government to repeal 907." We insist on the other hand that the Azeris themselves cause the repeal of 907 by simply saying, "This blockade is over." They can do it tomorrow.

Mr. Chairman, this conflict began in 1988 with anti-Armenian pogroms in the Azeri city of Sumgait. Ethnic cleansing was going on there before it ever went on in Bosnia. A nation of 7.5 million people attacked 150,000 of their Armenian minority. And there was brutal ethnic cleansing going on when in 1992 Wayne Owens, a Democrat, offered on the floor of the House the Freedom Support Act and said, no American money should go to a government that is permitting and encouraging and causing this kind of ethnic cleansing. And when that government ceases to blockade Armenia and when it ceases other offensive actions, then 907 will cease to exist.

Unfortunately, Azerbaijan continues its strangling blockade on Armenia four years after a cease-fire had occurred, in 1994. The Azeris could declare that blockade over tomorrow and section 907 would cease to exist. Because of the blockades by Azerbaijan and Turkey, humanitarian and all other assistance, including U.S. aid, has to be routed through Georgia, costing additional time and money to our country trying to help people in need. The Azeris and the Turks could stop these blockades simply by declaring them over. Yes, Azerbaijan has oil reserves and yes, Armenia is landlocked and a resource-poor country that is very dependent upon foreign assistance to survive these blockades, and the Azeris could have stopped the blockade long ago and there would be no 907.

So should we today undo 907 gratuitously and give this repressive regime in Baku a victory they do not deserve? Should we side with a dictator?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PORTER) has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Should we side with the intransigent party? Should we side with the aggressor in a brutal war of ethnic cleansing? Should we side with an administration that cares nothing about its own refugees from the war? Should we side with a government that many believe is very corrupt? If so, you should vote against the Radanovich amendment.

☐ 1730

Or should we at this point in time continue to side with the government that is moving more than any other in the region toward democracy? Should we side with people who are the victim of brutal aggression? Should we side with a party more willing to negotiate face to face and asking for face-to-face negotiations among the parties that are refused by the other side?

Should we side with people who share our values? And should we then all insist that this administration move this to a high priority and bring the parties to the table, and have them both give up a little bit so that each can win, along with the United States as well?

Mr. Chairman, I think that we have to continue within 907, that 907 gives us the leverage to work and force the Azeris to make the concessions they ought to make, and I insist that this administration put this at the highest possible level and make the three goals that I outlined originally work. That is, peace and the normal relationship between these two very fine countries, a development of the oil field by the American oil companies, and by the building of a pipeline through Armenia.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Barbara Tuckman once wrote a book about how governments through the ages have acted in their own noninterest. To adopt this amendment would not be in the interests of the United States of America. To adopt this amendment will not be in line with what we have as our goals in this world and to help shape a region to make it more stable and secure.

We are confident that genuine independence and peace and prosperity for the nations in the southern area of the Caucasus and central Asia allows them to resist aggressive Iranian and Russian pressure, promises of American national interests.

It is important that we understand what is at stake here. The gentleman from Illinois (Mr. PORTER) spoke about a pipeline that might go through Armenia. What if that pipeline went through Iran? That will not be in our self-interest at all. Why do we shove our allies, our friends, those that did us a favor and do favors for us, why do we shove them, if this amendment is adopted, toward the country of Iran? We know what it has done. There is terrorism in the area of squashing human rights.

We must also think of our ally of Israel. It is interesting to read a letter from the Conference of Presidents of American Jewish Organizations that speaks on this issue and says that we must promote what is in the base bill for the interest of Israel as well.

Azerbaijan has resisted all efforts to locate foreign troops on its territory. It has resisted the Fundamentalist government. Azerbaijan has also been strongly supportive of the Organization for Security and Cooperation in Europe's Minsk group, and the United States of America is a co-chair of that Minsk group.

I think it behooves us to realize what is really at stake. Do we want to further American interests in this area, or do we by this wish to help the Iranian interests in this area?

I think that the gentleman from Louisiana (Mr. LIVINGSTON) is right. What he and his committee put into the base bill is correct. I fully support what is in this bill, and I will vote with the chairman and his committee against this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee, to continue the presentation that he was making earlier.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding, and I will be brief. I just thought it was important to sum up my feelings that 907 undermines the neutrality of the United States with respect to the conflict between Armenia and Azerbaijan. We want both countries to be our friends, and we want to extend the hand of friendship to both countries, but 907 puts us in the position of slapping the hands of the Azeris while extending the hand of friendship to the Armenians.

Secretary Albright understands that. That is why she supports the repeal of 907. The American Jewish Congress, the American Jewish Committee, the Anti-Defamation League, the B'nai B'rith, the National Conference of Soviet Jewry, they understand that proposition, as well as the importance to Israel, that we need to be neutral in our approach to both countries.

I have heard a lot of arguments about how we made no progress over the years and therefore we should maintain Section 907 to sanction Azerbaijan. The gentleman from Arkansas pointed out that even then, Azerbaijan has been very helpful in working out matters of great importance to the United States.

I would refer my colleagues again to the New York Times International, Monday, September 14, 1998, page A–6. The fourth and fifth paragraphs relate to the first movement, the first glimmer of hope for the settlement of the dispute between Azerbaijan and Armenia. Admittedly, with Section 907 in place, there has been no hope. Now that we are talking about getting rid of Section 907, the New York Times says:

> There has been no settlement or no substantial movement toward a settlement of the conflict, and the sides remain so far apart that some fear another war. But last Monday, the Prime Minister of Armenia, Armen Darbinyan, flew to Azerbaijan to attend a regional trade conference.
>
> Before meeting privately with his guest, President Heydar Aliyev of Azerbaijan told reporters that he looked forward to "the restoration of friendship between Azerbaijan and Armenia in the context of a peaceful resolution in Nagorno Karabagh." It was the first time in memory he had made such a statement.

We have progress now. The progress can be continued, but we need to lift Section 907, not reinstate it. If this amendment is adopted, it will be maintained as if nothing had happened, and the chances for progress in that part of the world will not likely be any more prominent, any more effective, than they have been since 1992.

It is in the interests of the United States, it is in the interests of Israel, it is in the interest of all American and Israeli citizens, it is in the interest of the entire Western civilized world that peace comes to the Caucasus and peace comes to central Asia. And the only way we can do that is to deal evenhandedly with two countries, both of which should be our friend, and neither of which should be hostile to us nor should we be hostile to them. But that can only come to pass if we repeal

Section 907 and reject this ill-conceived amendment.

Mr. YOUNG of Florida. Mr. Chairman, I support the realistic approach of the gentleman from Louisiana (Mr. LIVINGSTON) to this whole issue dealing with Section 907.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to first apologize to the gentleman from Louisiana (Mr. LIVINGSTON) for not allowing him to speak beyond the 5 minutes, and I am glad to see that we are talking extra time at this point, because I think everyone should be allowed to speak for as long as they want this evening.

I do want to say, though, that the notion that somehow the United States and the State Department have been taking a neutral position and that somehow the existence of 907 tilts us towards Azerbaijan or tilts us toward Armenia is simply not true. The United States is not neutral between these two countries. The U.S. has clearly taken a pro-Azeri position from the very beginning, and this administration and the State Department continue to take a pro-Azeri position.

I say that because they tried to impose a settlement in Armenia with regard to Nagorno Karabagh that was not acceptable. They did not and they continue not to recognize the territorial integrity of Nagorno Karabagh, which existed as an entity even during the Soviet era. And the United States clearly and the State Department clearly have not taken the position that is supportive of Armenia.

I am very afraid that by repealing section 907, we would be sending a clear signal to Azerbaijan that we are 100 percent supportive of their position and, as a result, they would have absolutely no incentive to try to resolve the conflict in the Caucasus, to try to resolve the conflict in Nagorno Karabagh and make peace ultimately with Armenia.

Let me just address a few other things that were mentioned here tonight. I know a few of the speakers said we should not look at human rights abuses because they have existed on both sides. If we take that position, we are denying the historical fact of the Armenia genocide, and that is why so many people on our side of the aisle who are pro-Armenia feel so strongly about what is going on there.

Nagorno Karabagh was attacked by Azerbaijan. They suffered an aggressive attack by the Azeris and by Azerbaijan as a nation, and they had to defend themselves. The aggressor here was Azerbaijan. The aggressor historically in that area has been either the Azeris or the Turks, and to suggest that somehow this blockade which prevents humanitarian assistance from going to Armenia is not in some ways a continuation of that historic genocide is a denial of history.

That is why we cannot allow this section 907 to be repealed, because otherwise the people of Armenia will continue to suffer and will not receive humanitarian assistance.

Let me talk about the energy issue. I understand that some people feel that we should not discuss the energy issue here, but others have brought it up and talked about our energy dependence. The bottom line is that if we repeal section 907, we create no incentive for Azerbaijan to share its oil resources in the Caucasus region and to work with Armenia, which suffers an energy crisis. And right now, there is absolutely nothing that would prevent Azerbaijan from building a pipeline through Nagorno Karabagh, through Armenia and down to the Mediterranean. That is the direct way to do it, that is the easiest way for that pipeline to be built.

Armenia has said historically that they would like to share energy resources and work with Azerbaijan in terms of a free flow of oil to the West. If we repeal section 970, we create no incentive for using that oil in a cooperative way within the Caucasus countries. That is the kind of signal that we are going to send.

And lastly, let me talk about the peace process, because some of my colleagues on the other side have said that somehow repealing 907 will lead to peace. That is not the truth. What they are doing here is rewarding the aggressor. They are telling the country that attacked the Armenians in Nagorno Karabagh, they are telling the country that continues to blockade, that they are going to be rewarded by repealing section 970.

We know historically that appeasing the aggressor does not work. It did not work in the case of Chamberlin. And what did we get? We ended up killing 6 million Jews in the Holocaust in Nazi Germany because we appeased the other side. We appeased Adolf Hitler. Start that policy of appeasement again, and we will see another genocide in the Caucasus, we will see a continual genocide of the Armenian people.

I do not think that it is fair for people to ignore the historical reality of what is going on here, and if we want to achieve a policy where these three Caucasus nations work together, then do not reward the aggressor.

□ 1745

Do not reward the country that is continuing the blockade. Let these countries work together. Let the United States show that it can be neutral and work equally with the other countries. There is nothing to stop the United States from telling Azerbaijan that they should share their resources, their energy resources and work with Armenia and the other Caucasus nations.

The U.S. is powerful enough to basically give the signal to Azerbaijan that if they do not lift this blockade, that we will not continue to support them, and that is what we should be sending, that signal to Azerbaijan.

Mr. RADANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do appreciate the fine arguments of my friends from across the aisle, and with great due respect to the chairman of the Committee on Appropriations, I do have to say that the bottom line I think of this legislation is fairness, and I really believe that it is unfair for a country like Azerbaijan to block the foreign aid of another country, Armenia, when they are receiving foreign aid themselves. This is an issue of an equal playing field in that region of the world. Section 907 protects an equal playing field.

In closing I just want to say it protects a level playing field, and with all due respect, we should not be blocking the foreign aid of one country to another. This preserves that level playing field in that region of the world, and I urge my colleagues to vote for this amendment.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Illinois (Mr. YATES) for yielding, and I want to just convey a few thoughts at the end of this debate.

First of all, may I identify my opposition, with reluctance, to the initiative as our distinguished chairman of the full committee, the gentleman from Louisiana (Mr. LIVINGSTON). He knows the high regard in which members of the committee, including myself, hold for him, and I regret having to oppose his well-intentioned initiative, which was successful in full committee.

I commend the gentleman from California (Mr. RADANOVICH), the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from New Jersey (Mr. PALLONE) and others who have been part of putting this amendment forward to repeal the repeal of Section 907.

I think that some of the statements that have been made here today have been very useful and this debate has been useful. It certainly has focused the attention of our colleagues on a very important region of the world, and one which has emerging challenges for us. So in that regard, this debate has been very helpful, because it has been very educational on both sides of the issue.

Frankly, both sides have very legitimate arguments about Section 907. However, I come down in favor of the amendment offered by the gentleman from California (Mr. RADANOVICH) and commend him for his leadership in putting it forward.

Mr. Chairman, the gentleman from New Jersey (Mr. PALLONE) in his remarks laid out the issue very clearly. The gentleman from Illinois (Mr. PORTER) earlier laid out the issue I think very clearly, as did many of our colleagues in the course of the debate. So I will not revisit that, except to say very simply that this Section 907 was put into place because there was a blockade of humanitarian assistance. The blockade was by Azerbaijan and Turkey for assistance going to Armenia. The minute the blockade is lifted, Section 907 is lifted. So this is about balance. I do not understand how this new amendment came to the full committee where we said, let us be fair, let us lift Section 907, and let us leave the blockade in place. It seems to me we have balance here with Section 907.

As my colleagues know, some of the Section 907 provisions were relaxed in the course of time. We said that assistance could go to NGOs in the region, nongovernmental organizations in the region, but not to the Azeri government. There were concerns that people had of uncertainty about the leadership in Azerbaijan: the President had been the head of the KGB when Azerbaijan was part of the Soviet Union. So there were serious questions about human rights and Democratic freedoms in Azerbaijan, but the main issue was the blockade.

Through the leadership of the gentleman from Virginia (Mr. WOLF), Section 907 was further relaxed when he visited there, saw that the Azeri refugees needed assistance too, and we knew that, but he brought the story back firsthand, that certain assistance could not reach them through the nongovernmental organizations. Some aid had to go through the government. So we agreed, under the gentleman's leadership, we agreed to this relaxation so that humanitarian assistance would be delivered through NGOs wherever possible, and if not, in some instances through the government. So everyone has been open to this being an effective tool for balance in the region.

One more point about the peace process. There is a Minsk process in place which some Members have addressed here, and the 907 is a motivation for the Azeris to participation in the Minsk process which could bring peace to the region. Our humanitarian assistance and our cooperation with all the other countries in the region, whether it be Armenia, Nagorno Karabagh or Azerbaijan, should be related to their willingness to participate in the peace process.

So in terms of substance, I think Section 907 is the motivation to keep the Azeris at the table, and again, would be lifted when the blockade is lifted. So much for the substance. Our colleagues who are very familiar with this issue have presented it very, very clearly before us, but I just wanted to put that in perspective a little bit.

Now, in terms of some of the debate that has gone on here today about questioning motivation. Since the oil companies have been interested in Azerbaijan, there has been a heightened awareness of Azerbaijan and the need by some to lift the Section 907. I am not questioning anybody's motivation here today; I think there are legitimate arguments on both sides. However, I want to say 2 things.

My chairman knows what high regard, the gentleman from Louisiana (Mr. LIVINGSTON) knows what high regard I hold for him. But for him in the same remarks to be expressing his dismay at the suggestion that the oil companies were influencing our decision and then questioning the motivation of our colleagues, saying that they are motivated because there are Armenian Americans in their community

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, I yield to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman, and I thank my colleagues for their indulgence.

For the distinguished chairman to be questioning the motivation of our colleagues because they are motivated by the Armenians in their community, and in the same presentation talk about the American Jewish Committee, the American Jewish Congress, the Anti Defamation League, B'nai B'rith, who are on his side of the issue, I think is not fair. I think it is contradictory. The fact is that the American Jewish Committee and the Anti Defamation League, the American Jewish Congress and B'nai B'rith have every right to express their view on this subject, but do not say the Armenian Americans are not an appropriate motivation for Members to come to this floor, but these other groups are. We welcome their input anywhere in the world starting, of course, with Israel, and if they care to intervene in some other area of the world, they have a right under our law to do that, and I respect that. But I hope that the rights of Armenian Americans would be respected as well.

My final point is that I listened attentively as the distinguished chairman spoke about this as something that the administration wants and we cannot tie the administration's hand, and that Secretary Albright is for this. Well, that is interesting. That is very interesting, and I would like to, for the record, just talk for a moment about the statement of administration policy about this bill, because Secretary Albright and the President of the United States are concerned about the dollar amount in this bill, but that interest seems to be ignored by the same chairman who was using them as an authority for why we should go forward with lifting Section 907.

The administration strongly opposes Mexico City restrictions, as they say in this. The administration strongly objects to the committee's action to leaving U.S. funds for the Korean Peninsula Development Organization, including language prohibiting the President from exercising his authority to transfer funds from other sources for this purpose, and it goes on and on. The administration objects to the low figure for the New Independent States, and are concerned about the low funding for economic support.

So if we are going to use giving the administration a free hand, we have to go across the board with that. And with that, since my time has expired, I urge my colleagues to support the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding. I think that we are nearing a closure on this debate, but I certainly would agree with my colleague, the gentlewoman from California (Ms. PELOSI), that this is what the Congress is all about. This has been a very spirited debate, and we have people on both sides of the aisle who feel very serious about their view on this.

But let us not lose sight of our mission. Do my colleagues think for one moment that anybody who is in favor of the lifting of this ban against Azerbaijan is really against any human rights help? Do my colleagues think that we have any mission other than peace? No. This is an avenue for peace, and that is what this debate is all about. We are not here saying that we favor Azerbaijan over Armenia, or vice versa. We are not talking about money, because we do not give money to Azerbaijan, nor does Azerbaijan want money. We are here about talking about a possible avenue of peace.

They have a group called the Minsk Group, and that group is trying to establish a process where they will sit down at a table and they will sign an agreement. When that happens, this war that has been going on for so many years will end through negotiations. But the administration, Secretary Albright and the President, tell us that the administration cannot create this peace document that both sides will sign, unless indeed this is lifted. It is an unfair advantage that the Armenians have. But it is not a question of whether one is pro-Armenian or pro-Azeri. That is not the question.

The question is, what is the best possible avenue to finally have a peace agreement signed, drafted and signed by both parties, and as a result of that, create an opportunity for Azerbaijan to ship their oil through Armenia, hopefully someday, into the straits whereby it can be utilized by the western world, instead of the opposite direction of it going through China and being totally utilized by the Chinese.

So it has been a very spirited debate. I encourage my colleagues to go along with the gentleman from Louisiana (Mr. LIVINGSTON)'s plan to help in this peace process, and the way to do that is to vote "no" on this amendment and to give the administration the ability they have to effectuate a peace in this region that has been fighting for so many decades.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, picking up on the comments of the previous speaker, let me state that I am not speaking in a pro-Armenian mode or a pro-Azeri mode. I am trying to be pro-American and pro-American values.

I think the question before this House on this issue is whether or not, when we look at this or any other region of the world, we look at it in terms of what all of our values are, or whether we will, in fact, simply look at a region in terms of our economic or materialist values.

It seems to me that we have to have a flexible view of our insistence on human rights. The best writing I ever saw on the subject of human rights was by Father Brian Hehir, who was the driving force behind the creation of the Catholic Bishop's document on nuclear war.

□ 1800

He observed in that statement that we had an obligation in promoting human rights to take into account both our ability to affect the situation and other considerations that impacted on the world's safety, the possibility of war, and our own security.

The point he made is that there are some occasions when other issues are so overriding, such as the necessity to prevent the proliferation of nuclear weapons or the use of those weapons, that perhaps human rights have to take a second or third seat on the train.

But when those issues are not at stake and we have a greater ability to press for human rights without interfering with our security or other values, then we have an obligation to do so. I think we face that situation in this instance.

I have often been at odds with representatives of the American-Armenian community because I have never favored earmarking funds in any foreign aid appropriation bill for anybody. An earmark means that you require the President to spend at least a certain amount of money. I have always been opposed to that for Armenia or anybody else.

But on this issue, while I must confess to a certain degree of uncertainty because there are value judgments on both sides that are important, in the end I come down on the side of the amendment simply because I think that whether we are talking about the Executive Branch of government or the Legislative Branch of government, that all too often in this country and in our political system, when big business and big dollars speak, we tend to listen to them more than we do any other sector of our society. I think that is wrong.

Does anybody really believe this amendment would have a chance of a snowball in Hades if we did not have a list of 14 oil companies who were lobbying for it? I do not say that to question the motive of any Member, because there are a good many other reasons for Members to be for this amendment.

But when we see that we do have the Amoco, Exxon, Mobile, Penzoil and a number of others interested in seeing us change our position, then we see a likelihood that Congress will switch its position.

But if we have other regions of the world where we do not have large economic players, then we do not pay any attention to them. I think that that represents a gap in what our values ought to be. I think that the best thing to do is to stick with the policy that we have stuck with the last 2 years. Support the amendment.

Mr. GEPHARDT. Mr. Chairman, I rise in strong support of this amendment, which would restore Section 907 of the Freedom Support Act.

Over the past several years, the people of the Caucasus have suffered terribly ongoing military conflict in the region. Of particular concern, the extreme hardship and deprivation endured by the people of Armenia and Nagorno Karabakh defy both American and international norms regarding the human rights of innocent civilians.

Recognizing the humanitarian needs of the Armenian people, U.S. Government has endeavored to provide assistance to the innocent victims of the conflict. Unfortunately, the delivery of much of this aid continues to be stymied by Armenia's neighbors.

I have often spoken out against nations which have attempted to interfere with U.S. humanitarian effort around the world. I supported the Humanitarian Aid Corridor Act in 1995 and its strengthening in 1997, which banned aid to nations which block shipments of U.S. humanitarian assistance to other countries.

The United States government has concluded an ongoing effort to promote peace and reconciliation between Armenia and Azerbaijan, both to end the human suffering and to achieve stability in the region. At this time, it would not be advisable to unilaterally eliminate the diplomatic tool that it embodied in Section 907 of the Freedom Support Act. This tool is intended to provide an incentive for peace, and I hope it will continue to be used effectively to that end.

I urge your support of this amendment.

Mr. MCKEON. Mr. Chairman, I rise in strong support of the Porter-Radanovich amendment to maintain section 907 of the Freedom Support Act.

As Members know, Armenia is a landlocked country in the Caucasus that in 1991 finally achieved its long-sought goal of independence. Unfortunately, geography and conflicts with its neighbors has prevented the Armenian economy from flourishing. Armenia wants nothing more than a resolution to the conflicts with its neighbors.

However, these neighbors must also be willing to negotiate with Armenia in good faith. Maintaining section 907 is essential to ensuring that there is a good faith peace process between Armenia and Azerbaijan.

Vote in favor of section 907.

Support the Porter-Radanovich amendment.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by my colleagues Rep. PALLONE and Rep. RADANOVICH to overturn the repeal of Section 907 in the fiscal year 1999 foreign operations appropriations bill and restore the original language that has been in law since 1992.

Section 907 was adopted by Congress in 1992 as the Freedom Support Act and signed into law by President George Bush. It has always enjoyed strong bipartisan support. It provides guidelines for U.S. foreign aid to the New Independent States and places restrictions on U.S. government-to-government aid to Azerbaijan until that country ends its aggression and lifts its illegal blockades against the Republic of Armenia and Nagorno-Karabagh.

Since 1992, the U.S. has been able to provide over $130 million in humanitarian and exchange assistance to Azerbaijan through non-governmental organizations and private voluntary organizations. Section 907, therefore, has not been an impediment to humanitarian and community-based development assistance for the Azeri people.

During that same time frame, the people of Armenia have established democracy, engaged in free elections, and undertaken market reforms. The people and Government of Armenia would like to integrate the Armenian economy with the West, but has been blocked in these efforts by the continuing blockade of Azerbaijan. For the past nine years, Azerbaijan has blockaded Armenia and Nagorno-Karabagh, cutting off the transport of food, fuel, medicine and other vital supplies.

For its part, the Azerbaijan government remains authoritarian and continues to use blockades and force against the Armenian people and the people of Nargorno-Karabagh, thus failing to live up to the basic condition set forth in U.S. law. To date, the Azerbaijani government has taken no demonstrable steps to lift these illegal blockades. Furthermore, the U.S. State Department's Country Reports on Human Rights Practices for 1997, the Amnesty International Report 1998, and the

Human Rights Watch Report 1998 have all documented the Azerbaijani government's human rights violations, its censorship of the media, and widespread police brutality.

On the eve of upcoming elections in Azerbaijan, it would be unconscionable to repeal the democratic and non-aggression requirements embodied in Section 907. The corrupt and authoritarian government of former KGB General Geidar Aliyev would view the repeal of such restrictions as a "green light" for his undemocratic practices. Indeed, Azerbaijan's major opposition parties are boycotting the elections and have issued a joint statement denouncing the electoral framework as unfair and undemocratic. These political parties have called upon President Clinton to help the Azeri people overcome the current "atmosphere of dictatorship." The Congress must not ignore the democratic aspirations of the Azeri people.

So, why are we faced with the possible repeal of Section 907? For oil, Mr. Speaker, for Caspian oil. For the profits, Mr. Speaker, to be gained from "black gold." Oil companies have been lobbying heavily in support of a repeal or the weakening of Section 907 so that an east-west pipeline might be built to bring projected, but still undiscovered, Caspian oil out of Azerbaijan to Turkey and out to the West.

So while the energy benefits of repealing Section 907 are largely speculative, the political consequences are clear and concrete: Continued repression in Azerbaijan; continued suffering and hardship in Nagorno-Karabagh and Armenia; compromise the ability of the U.S. to maintain its role as "impartial mediator" in the Caucasus; and jeopardize further regional security.

Mr. Chairman, the only hope for lasting peace and stability in the Caucasus is to retain Section 907. The only choice in support of human rights and democracy is to retain Section 907.

I urge my colleagues to support the Pallone-Radanovich amendment and overturn the repeal of Section 907.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PORTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RADANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 182, not voting 21, as follows:

[Roll No. 447]

AYES—231

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Camp
Capps
Cardin
Carson
Castle
Chenoweth
Christensen
Clayton
Clyburn
Coble
Condit
Conyers
Cook
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goode
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hayworth
Hefner
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Johnson (CT)
Johnson (WI)
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Neal
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pitts
Pombo
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rivers
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sanders
Sawyer
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Souder
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Thomas
Thompson
Tierney
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
Wolf
Woolsey
Wynn
Yates
Young (AK)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Luther
Maloney (CT)
Manzullo
Martinez
McCrery
McInnis
McIntosh
Metcalf
Miller (FL)
Minge
Moran (KS)
Murtha
Nadler
Nethercutt
Northup
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pomeroy
Portman
Quinn
Redmond
Regula
Reyes
Riley
Rodrigues
Roemer
Rogers
Rohrabacher
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
White
Wicker
Wilson
Wise
Young (FL)

NOES—182

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barton
Bateman
Bentsen
Bereuter
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Danner
Davis (FL)
Deal
DeLay
Deutsch
Dickey
Dunn
Edwards
Emerson
Everett
Ewing
Foley
Forbes
Fowler
Frost
Gekas
Gibbons
Gillmor
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hill
Hobson
Hulshof
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kingston
Klug
Kolbe
LaHood
Lampson
Lantos
Largent

NOT VOTING—21

Bartlett
Berry
Clay
Fawell
Gephardt
Gonzalez
Goss
Hilliard
Johnson, E. B.
Kennelly
King (NY)
Lewis (GA)
Meek (FL)
Myrick
Poshard
Pryce (OH)
Riggs
Rush
Sánchez
Schumer
Whitfield

□ 1823

Messrs. SKEEN, WELDON of Florida, FOLEY, PEASE, PETERSON of Pennsylvania, SCARBOROUGH, and NADLER changed their vote from "aye" to "no."

Mrs. CLAYTON and Messrs. SHAYS, CUNNINGHAM, RAHALL, YOUNG of Alaska, FOSSELLA, and DICKS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for yielding to me, and I would like to enter into a colloquy with the gentleman.

Earlier this session, as the gentleman knows, by a vote of 356 to 61, this Congress passed and the President signed into law the Tropical Forest Conservation Act of 1998. This law provides the administration with the authority to reduce debt where appropriate for less developed countries that have globally outstanding tropical forest with the intention of protecting these valuable and rapidly dwindling natural resources.

Mr. Chairman, $50 million was authorized for this new program for this year. While I am disappointed that those funds are not included in the pending appropriations bill, I realize that the authorization was enacted into law after the subcommittee completed its work and that budget constraints make it difficult to fund new programs this year.

I would still hope, Mr. Chairman, that something could be worked out with the Senate. But in any case, it is my sincere hope that the House Committee on Appropriations will be able to fund this program in the next budget cycle.

There is a provision of the recently enacted law that can be implemented at no cost to the U.S. Treasury. This provision amends section 808 of the Foreign Assistance Act to authorize common sense and cost-free debt-fornature swaps and debt buybacks. However, I have been informed that in order to implement this provision, a technical amendment must be made to the appropriation for "debt restructuring" in the current appropriations bill.

I realize that the gentleman from Alabama is not entertaining legislative amendments, and I respect that. However, I would inquire of the subcommittee chairman, the distinguished gentleman from Alabama, if this critical change could be made in a conference committee with the Senate.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I appreciate the inquiry of the gentleman from Ohio. First of all, I would like to congratulate him on his success in achieving enactment of his legislation. It had broad bipartisan support and should make a real difference in tropical forest conservation.

Second, I am aware that the bill authorizes debt swap at no cost to the Treasury. Even though no appropriation is required, legislative language is necessary in this bill in order to allow the Treasury Department to implement this provision. I can assure the gentleman from Ohio that I will make every possible effort to ensure that this language is included in any final appropriation legislation that is sent to the President.

Mr. PORTMAN. Mr. Chairman, if the gentleman would continue to yield, I deeply appreciate those assurances from the gentleman from Alabama and I look forward to continuing to work closely with him in the future in implementation of the Tropical Forest Conservation Act.

AMENDMENT NO. 19 OFFERED BY MR. TORRES

Mr. TORRES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 19 offered by Mr. TORRES:

H.R. 4569

At the end of the bill, insert after the last section (preceding the general short title) the following:

LIMITATION ON ASSISTANCE FOR SCHOOL OF THE AMERICAS

SEC. 701. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

Mr. TORRES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1830

POINT OF ORDER

Mr. BISHOP. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BISHOP. Mr. Chairman, I rise to a point of order against consideration of the amendment, pursuant to the rules of the House, because an amendment in the form of a limitation must await the end of the reading of the bill.

The CHAIRMAN. Does the gentleman from California (Mr. TORRES) wish to be heard on the point of order?

Mr. TORRES. Yes, Mr. Chairman.

I ask unanimous consent to revise and extend my remarks and to include extraneous material therein.

The CHAIRMAN. The Chair is advised that it is not in order to revise and extend remarks when addressing a point of order.

Mr. TORRES. Mr. Chairman, I want to begin my remarks on this amendment by thanking the gentleman from Alabama (Mr. CALLAHAN).

Mr. BISHOP. Mr. Chairman, I object to consideration of the amendment and raise a point of order for consideration of the amendment.

The CHAIRMAN. The gentleman from California (Mr. TORRES) must confine his remarks to the point of order. Does the gentleman wish to be heard on the point of order made by the gentleman from Georgia (Mr. BISHOP)?

Mr. TORRES. Mr. Chairman, I do not see how his point of order in this instance applies here. This is an amendment being raised. It is printed in the CONGRESSIONAL RECORD. It is in keeping with the decorum of debate here in the House. I do not understand how the gentleman terms to limit this amendment to be brought before us as a body of Congress. Perhaps he can explain to us?

The CHAIRMAN. Does the gentleman from Georgia (Mr. BISHOP) wish to be heard further on the point of order?

Mr. BISHOP. I will be happy if the Chair would make a ruling.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I understand this bill has been open to amendment throughout the course of the debate and the amendment was printed in the RECORD properly. We recognize that there are issues that can be brought up at the end of the bill, but this was a regularly scheduled amendment. It was accepted as a printed amendment, and the bill has been amended in regular order throughout the previous procedures.

To set a new record, a new precedent at this point saying that this should be knocked to the end of the bill would, I think, violate the rules of the House.

The CHAIRMAN. The Chair is prepared to rule. Under the rule, the last four lines of the bill have not yet been read. This amendment is in the form of a limitation, which must await the end of the reading of the bill, under clause 2 of rule XXI. Therefore, the point of order by the gentleman from Georgia (Mr. BISHOP) is sustained at this time.

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 105–725 offered by Mr. TIAHRT:

Page 8, line 10, after "services" insert the following:

; and that any such voluntary family planning project shall meet the following requirements: (1) the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, acceptors of a particular method of family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or any other form of compensation or reward, monetary or nonmonetary, to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving any numerical goal or quota; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; (5) the project shall provide a reasonable range of options of methods of family planning, including natural methods; and (6) the project shall ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits; and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation.

The CHAIRMAN. Pursuant to House Resolution 542, the gentleman from

Kansas (Mr. TIAHRT) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

This amendment is to provide a definition for the term "voluntary" for organizations which provide family planning assistance overseas.

Certain restrictions already exist on this financial aid, and they are that none of the funds can be used to pay for abortions, that none of the funds can go to organizations which support coercive abortions or involuntary sterilization, and the programs that are to be used are to be totally voluntary. This does not change any of those current restrictions.

It does change the definition, but, however, neither the law nor the regulations under the United States Agency for International Development or USAID, those regulations do not define the term of "voluntary." As a result, there has been gross violations of human rights.

Human rights organizations have reported that nations across the globe that receive USAID funds are committing practices such as bribes to women to use experimental chemicals without warning them of any side effects. They are demanding sterilization quotas from health providers which prey on poor women and surpass their own means of doing so safely, resulting in death or permanent injury.

In Peru, as reported by the New York Times and other major papers across the Nation, as my chart indicates, women were coerced into sterilization and in some cases this resulted in death. This does not change or add any restrictions to funds that USAID distributes. However, the term "voluntary" is defined, and I believe we can change at least some of these abuses by setting guidelines and setting guidelines for these countries on how this money is distributed.

This amendment defines voluntary in the context of participation of population control or family planning projects so that projects shall not use quotas, shall not use payment of incentives or bribes, shall not deny any benefits like food or clothing and will provide full disclosure of the method chosen for birth control and also make available any information on family planning options.

INVOLUNTARY STERILIZATION HORROR STORIES

All of the following countries receive USAID funding and are engaging in forced sterilization tactics.

BANGLADESH

Women receiving sterilization and contraception were offered payment incentives of $3 each, plus a new saree. Population Research Institute Review, July/August 1997, pg. 6

The government also pays incentives to providers for signing up women. Earth Summit Watch web page on implementation of the Cairo Conference Programme of Action, one year after Cairo Report

Women consent to sterilization out of desperation for food. Population Research Institute Review, July/August 1997, pg. 6

Routine medical practices such as evaluating side effects of drugs and providing follow-up checks are ignored. Population Research Institute Review, May/June 1996, p. 5

USAID endorses coercive incentives. Earth Summit Watch web page on implementation of the Cairo Conference Programme of Action, one year after Cairo Report

HONDURAS

USAID funds help implement coercive program for experiments with Ovrette, an unapproved contraceptive pill. Warnings about the experimental drug's side effects on nursing mothers were hidden from the women in the program. Population Research Institute Review March/April 1998, p. 3, 7

INDIA

Family planning programs depend on quotas, targets, bribes and coercion. Population Research Institute Review September/October 1997, p. 10—based on Washington Post article "Teeming India Engulfed by Soaring Birthrate: Sterilization Quotas Blasted as Inhumane and Coercive" August 21, 1994

USAID funds sterilizations using Quinacrine which is illegal in India and scars/burns the fallopian tubes. Population Research Institute Review July/August, 1997 p. 14

Conditions are miserable at the USAID funded sterilization camps, there are primitive, unsanitary conditions and appalling mortality rates. Population Research Institute Review September/October 1997, p. 10—based on Washington Post article "Teeming India Engulfed by Soaring Birthrate: Sterilization Quotas Blasted as Inhumane and Coercive" August 21, 1994

INDONESIA

Family planning programs rely on threats and intimidation to bring women into the clinics. Population Research Institute Review, November/December 1996, p. 11

Studies have shown that IUDs are inserted at gunpoint. Population Research Institute Review, November/December 1996, p.11

The programs employ life-threatening denials of treatment and follow up care and offer no informed consent. "From One Day to Another: Violation of Women's Reproductive and Sexual Rights in East Timor" June 23, 1997, by Miranda Sessions, Yale University

KENYA

Dr. Stephen Karanja (Karan-ya) has seen the following in Kenya family planning clinics:

Women are coerced into Norplant implantation and sterilization. Population Research Institute Review, March/April 1997, p. 4

Sterilized women are denied health care for debilitating Complications. Population Research Institute Review, March/April 1997, p. 4

USAID is the biggest supporter of population control in Kenya. Population Research Institute Review, March/April 1997, p. 4

MEXICO

A young medical professional who goes by the name "Maria Garcia" has seen the following in Mexican family planning programs:

Hundreds of forced sterilizations are documented. Population Research Institute Review, March/April 1997, p. 4

Medical personnel are fired for their refusal to perform sterilizations. Population Research Institute Review, March/April 1997, p. 5

Women refusing sterilization are denied medical treatment. For example, one pregnant woman with an umbilical hernia was refused treatment for the hernia unless she agreed to have a tubal ligation. Population Research Institute Review, March/April 1997, p. 5

PERU

Many women, including Victoria Vigo Espinoza have been sterilized without consent, while others including Maura Castillo Nole and Ernestina Sandoval are sterilized in exchange for food. Still other women like Juana Guiterrez Chero and Celia Ramos Durand have died after forced sterilizations. Peru's Family Planning Under Fire: Critics Allege Poor Women are Coerced to Undergo Sterilization, by Anthony Faiola, Washington Post, February 12, 1998

Family planning programs use coercion, misinformation and quotas and sterilization-for-food efforts. Peru's Family Planning Under Fire: Critics Allege Poor Women are Coerced to Undergo Sterilization, by Anthony Faiola, Washington Post, February 12, 1998

Medical personnel must meet sterilization quotas and surgical staff are insufficiently trained and work under poor conditions. Population Research Institute Review, March/April 1997, p. 8

USAID sponsors family planning billboards signaling to Peruvian women that the family planning methods employed are U.S. sanctioned. Alianza Latinoamericana para la Familia, PRESS RELEASE—February 11, 1998

USAID targets local governments with quotas as a condition for funding and encourages pharmaceutical companies to push contraceptives on unsuspecting Filipinos. Population Research Institute Review, March/April 1997, p. 5

Women are secretly injected with abortifacient while receiving tetanus vaccines. Population Research Institute Review, November/December, 1996, p. 3

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) seek the time in opposition?

Ms. PELOSI. Mr. Chairman, I do not oppose the amendment, but I do seek to control the time.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. PELOSI) will control 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

I can accept the amendment proposed by the gentleman. I think that the intentions behind it are good and certainly it is a restatement of what we all support, which is voluntary family planning.

I do want to, though, bring up a couple of points about it, because paragraph 5 of the amendment requires that each family planning project provide a reasonable range of options of methods of family planning, including natural methods. I think that that is a very fine provision in his amendment.

Under current law, the DeConcini amendment, which we have discussed here before, which is not deleted by this amendment, voluntary family planning projects must offer directly, either directly, referral or information, a broad range of family planning methods and services. The amendment has the effect of requiring that each project itself provide a range of family planning methods and options. Earlier we were talking about projects overall must offer a range of family planning methods. But according to the gentleman's amendment, it is every single project must offer a range. In other words, referral information about the availability elsewhere of other family planning options.

I am reading the language of the bill. But simply put, the issue I am bringing up in support of the gentleman's amendment is that in the natural family planning, other options are not necessarily available in their projects. The gentleman's amendment does not delete the DeConcini language, which allows natural family planning projects to offer that option without offering a range of, a reasonable range of options, methods of family planning, including natural methods. So I think that we will have to address this issue in conference, but as I say, I say this rising in support of the amendment, calling attention to the gentleman to the situation that the amendment presents.

I do want to use the balance of my time to say that the gentleman's emphasis on the word "voluntary" is one that I think every person in this body supports. International family planning is very, very important. I believe that it does reduce the number of abortions internationally, and that is a goal that we all share.

It also is helpful for women to determine the size and timing of their families and that should not be a matter of coercion but a matter of conscience and of health and well-being of that particular family. So certainly involuntary sterilization, et cetera, has no place in any family planning projects that we would support. In fact, they would be repulsive to all of us who support international family planning.

Again, the thoughtful Tiahrt amendment gives us the opportunity to say how many families internationally have benefited from that and that in our bill, we do support projects which Georgetown University has played a role in that provide projects, that provide natural family planning as their means of just that, family planning.

The amendment also requires a report from the administrator within 30 days of finding any violation of any provisions with this amendment. This, I think, is an onerous requirement. I think the report should be made, but I am just saying that the 30 days may or may not be realistic. I hope we could revisit that in conference. Just for example, one family, one health service provider not informing one family planning acceptor of potential health risk is a violation. Even if corrected, the nongovernmental organization manager of the project, a report must still be prepared and filed with the committee.

I just think it is onerous. It is appropriate, but we should talk about what will work and stay in the spirit of the gentleman's amendment.

The CHAIRMAN. The time of the gentlewoman from California (Ms. PELOSI) has expired.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise today in support of the Tiahrt amendment.

This important amendment is being offered today to ensure that international population control programs which currently receive U.S. funding are administered in a voluntary manner. Unfortunately, as we can all see from the newspaper headlines on this chart, this is not the case in countries now receiving USAID funding.

Mr. Chairman, every woman in this Nation has the right to choose, the right to choose whether or not to use family planning services, the right to choose which family planning method best serves their personal needs and values, the right to be fully informed of all methods available, the nature of the method chosen, including any health risks. Mr. Chairman, I believe poor women in poor countries deserve a choice, too.

Recently, the government of Peru instituted national yearly sterilization quotas. In 1998, the government set a quota of 22,000 vasectomies and 78,000 tubal ligations. As my colleagues can see, the number of women targeted is three times greater than the target set for men. This, of course, is no accident.

Everyone knows government enforced quotas for population control bureaucracies inevitably lead to women being coerced. In Peru and other poor nations involuntary sterilizations of women has been the result. And in several instances, the procedure, as the gentleman from Kansas (Mr. TIAHRT) said, has been performed by butchers in unsanitary conditions, which has led to death. Women in poor nations are vulnerable because their reproductive health needs are easily exploited by programs which move from making family planning available to making them compulsory.

□ 1845

In Mexico, hundreds of cases of forced sterilizations have been documented and women routinely are inserted with IUDs after childbirth, often without knowledge or consent. Mr. Chairman, these abuses must stop, and that is exactly what this language will help achieve.

Mr. Chairman, if this Congress is not prepared to defend the human rights of poor and helpless women in third world nations. Who will? I urge my colleagues to support the Tiahrt amendment.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume before yielding my final 30 seconds to my colleague from New Jersey, to say to the gentlewoman from California (Ms. PELOSI) that I would be pleased to work with the gentlewoman to make something that would be amenable to both of us.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time and for his excellent amendment.

Mr. Chairman, volunteerism is not something that is in the eye of the beholder. It needs a definition. We have heard it is voluntary, what goes on in China. It is not. In many countries, including many democracies, there is something far less than a voluntary program for family planning.

I had a hearing in my Subcommittee on International Operations and Human Rights of the Committee on International Relations last February 25th, and we heard from a doctor, a whistle-blower who actually worked in the program in Peru, and he talked about how coercion and all kinds of games and brinkmanship was used to get women to get tubal ligations against their will.

We had two women who were sterilized against their will. One, bottom line, she said, "They tricked me." Now, we want no part of that. It should be voluntary. And I really think the amendment of the gentleman from Kansas (Mr. TIAHRT) sets a great and valuable service and I urge support for it.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Tiahrt amendment to the foreign operations bill.

Each year in the developing world, 600,000 women die of pregnancy-related complications. Maternal mortality is the largest single cause of death among women in their reproductive years.

That is why, Mr. Chairman, our support for reproductive health services becomes more important every day. Voluntary family planning services give mothers and families new choices and new hope—increasing child survival and promoting safe motherhood. Without our support for international family planning, women in developing nations will face more unwanted pregnancies, more poverty, and more despair.

Mr. Chairman, I find it to be extremely ironic that often the same people who would deny women in the developing world the choice of an abortion, would also seek to eliminate our support for family planning programs that reduce the need for abortion.

Without access to safe and affordable family planning services, there will be more abortions, not fewer. The abortions will be less safe and put more women's lives in danger.

Mr. Chairman, I wish that I were here today to support legislation that would allow our foreign aid dollars to pay for a full range of reproductive health services, not just the limited services that get a rightwing seal of approval every year.

But at the very least, we should keep the doors of more family planning clinics open for the women who are desperately in need of their information and services. This will help reduce the number of abortions and improve the lives of women and their children.

Mr. Chairman, I urge my colleagues to oppose this amendment to the foreign operations appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 105–725 offered by Mr. LIVINGSTON:

At the end of the bill, insert after the last section (preceding the short tile) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 701. (a) REPEAL OF CONTINGENCIES PROVISIONS.—

(1) IN GENERAL.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 634A(a) of such Act (22 U.S.C. 2394–1(a)) is amended in the first sentence by striking ", chapter 5 of part I.".

(B) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking "451 or".

(b) SPECIAL AUTHORITIES PROVISION.—Section 614(a)(4)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)(C)) is amended by striking "$50,000,000" and inserting "$35,000,000".

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. Mr. Chairman, I have a parliamentary inquiry.

I was under the impression that we are going from side to side, and the last amendment was offered by the other side of the aisle.

The CHAIRMAN. Members of the committee have precedence for recognition, and the chairman of the relevant committee has additional precedence upon recognition.

Mr. DEUTSCH. And that is regardless of going back and forth, from side to side?

The CHAIRMAN. That is correct. That is under the precedents of the House.

The gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 5 minutes on his amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of this amendment and thank the gentleman for yielding.

Mr. Chairman, we are offering an amendment in response to the apparent determination of the administration to abuse existing law in order to rush $27 million in additional U.S. foreign assistance to North Korea within the next 2 weeks.

Now, many of our colleagues might wonder why the administration would choose this moment to rush $27 million in additional foreign aid to North Korea, aid that is to be provided on top of $35 million we have already given to North Korea so far this year. After all, North Korea is a Communist country, an official state sponsor of terrorism, and a nation still technically at war with our Nation. They just fired a missile across Japan and, according to recent press reports, have been caught red-handed building an underground facility intended to conceal illegal nuclear activities.

But I am not here to question today the wisdom of the administration's policy that has turned North Korea into the largest recipient of United States foreign aid in East Asia, even before the extra $27 million the administration wants to rush their way. I am not here to question the need for the extra $27 million nor the wisdom of the administration's timing. But I am here to object to their plan to misapply the law in order to do all of this.

One of the legal authorities they plan to use to rush this extra funding to North Korea is section 451 of the Foreign Assistance Act. That provision allows the President to spend up to $25 million per year on unanticipated contingencies. The administration proposes to declare that North Korea's need for more foreign aid is an unanticipated contingency. That, of course, is observed.

KEDO, the international organization that delivers our aid to Korea is deeply in debt. But that is nothing new. This fact was brought to the attention of the Committee on Appropriations last year, and the Congress agreed to insert additional funds in the fiscal year 1998 foreign operations bill for KEDO. The administration did not think those extra funds were sufficient. But we often end up giving the administration less money than it wants. The fact is that Congress has known KEDO's debt situation for a long time and has legislated a solution to it.

The only unanticipated contingency here is that the administration does not like the Congress' considered response to the situation, which Congress passed and the President signed into law last year.

I would point out that all U.S. assistance for KEDO is, by law, subject to the so-called notification or reprogramming procedures under which the administration must notify the congressional authorization and appropriation committees before obligating those funds.

For many years, under Democratic and Republican administrations, it has been understood that when these procedures apply, objections by any of the relevant committees to the proposed obligation of funds would be honored by the administration. In this case, both Chairman HELMS and I have been informed that our objections would not be honored. This is a dramatic departure from long-established practice, a departure that, if continued, would jeopardize our ability to continue to work with the administration on many sensitive foreign policy issues.

This amendment responds to the administration's proposal to misuse section 451 by repealing that provision of law, and also amends section 614 of the Foreign Assistance Act so that the administration cannot use that provision next year to give KEDO more than $35 million that was requested by the President in the fiscal year 1999 budget submission.

In closing, let me say that I recognize the bill before us is not likely to be enacted in time to stop the administration's misusing section 451 this year. We are, in effect, closing the barn door after the horse has run away. But it would be unconscionable to do nothing in response to this proposed abuse of existing law, and, accordingly, I invite support for this amendment.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) seek the time in opposition?

Ms. PELOSI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Chairman, it is with the greatest regard for the distinguished chairman of the Committee on International Relations that I reluctantly rise in opposition to his amendment. We usually are in more agreement than we are today, but I have grave concerns that this amendment can do real damage.

I understand that this amendment has come about because of Congress' understandable concerns about the administration's use of the transfer authority to provide assistance to the Korean Peninsula Energy Development Organization. However, I think that this amendment severely constrains the use of the section 614 waiver and to end altogether the Secretary's authority under section 451.

These are two extraordinary authorities used judiciously by all administrations, including the present one, to respond to urgent and unforeseen foreign aid requirements. I am particularly concerned because it is directed at KEDO specifically, the Korean Energy Development Organization. KEDO's needs are urgent.

We are well aware of strong opposition on the other side to KEDO, and that debate had appropriately taken place in our committee. I regret enormously that the Committee on Rules did not allow my amendment in order, which would have been a very fair amendment, which would say none of the funds would go unless the U.S., we ourselves, the United States, could confirm that the North Koreans were complying, that we had access to confirm the compliance. But the Committee on Rules chose to reject that. Now the chairman is coming in with a further hit at the administration on this.

I say to the chairman, with all due respect on this, that he is playing with fire. We played with fire in the committee, and this is another step down that road. And so I urge our colleagues to oppose the Gilman amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the distinguished ranking member of the committee, the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think the House has an obligation here to think not about whether we like or dislike the North Korean regime, but what will most protect the interests of the United States.

There is no regime in the world that is one-tenth as crazy, as wrong, as abusive, and as dangerous as the North Korean regime. Everybody understands that. But the way to deal with an unstable regime, which at any moment could take an action which could put 50,000 American troops at risk, is not to eliminate the administration's flexibility in dealing with it.

With all due respect, if we are going to leave in the middle of October and not be back in session until late January or February, we cannot afford to have the administration without the authority to react to the world. And this amendment, in my view, simply adds to the reckless nature of the provisions already in the bill.

It is misguided because we do not like certain folks, if we take away our own tools in protecting our national interest in dealing with those folks. I do not think it is an either wise or responsible thing to do and I would urge opposition.

Ms. PELOSI. Mr. Chairman, reclaiming my time, and following on the remarks of our distinguished ranking member, I want to say that I share the concerns that our colleagues have about the irresponsibility of the North Korean regime. Members of the Permanent Select Committee on Intelligence, several of the members, I do not see any of them in the room at this time, visited North Korea last year. And by that, I do not mean Panmunjom but into North Korea, to P'yonghang the capital, and I can certainly firsthand agree with the horrible state of affairs.

As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I have traveled with our chairman and members of the committee throughout the world and have seen poverty everyplace. But the poverty of spirit we saw in North Korea, the cruelty of the regime, that they could sit back while their people were eating bark and roots and grass, and yet spend a fortune on the war machine that is there, because they are focused and they are militant and they are irresponsible, it is for those reasons that I think we are playing with fire today when we are trying to tie the hands of the administration.

Once again, the inconsistency of our colleagues who argue on 907 that we should not tie the administration's hands, and on this very, very dangerous issue, proceed to do just exactly that.

This is a very serious vote. I urge my colleagues to vote "no" on the Gilman amendment.

Mr. LIVINGSTON. Mr. Chairman, I urge the support of the amendment.

If 50 years ago we had said to Adolf Hitler, "We will build you a truck plant if you just promise us that you won't build any tank plants," I think people would have thrown us all out of office. That is basically what we are doing with the North Koreans. We are building them a peaceful nuclear reactor in hopes they will not build any harmful nuclear reactors or engage in dangerous missile development.

The fact is they are not even keeping their part of the bargain. They launched a missile over Japan, and this administration wants to throw money at them. The administration got permission from us to spend $15 million. They then spent $27 million and have just thrown it at North Korea in the hope that they will be less dangerous. This will not happen.

Let us not spend any more money and let us not give this waiver authority. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Livingston).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 17 OFFERED BY MR. TORRES

Mr. TORRES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 17 offered by Mr. Torres:

In title II, in the item relating to "Other Bilateral Economic Assistance, economic support fund", after the first dollar amount, insert the following: "(decreased by $14,000,000)".

In title III, in the item relating to "Funds Appropriated to the President, international military education and training", after the first dollar amount, insert the following: "(decreased by $1,400,000)".

Mr. TORRES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order.

Let me just see exactly where we are.

As I understand it, the gentleman from California (Mr. Torres) has requested as a member of the committee that he bring up an amendment that is in order by the gentleman from Pennsylvania (Mr. Goodling). Is that correct?

The CHAIRMAN. The Chair would inform the gentleman that any Member may call up an amendment which has been printed in the Record. The gentleman from California (Mr. Torres) as a member of the committee has called up the amendment which has been read.

Mr. CALLAHAN. Out of deference to the gentleman from Pennsylvania (Mr. Goodling), I would like to ask, is he aware that the gentleman is bringing his amendment up at this time? Could I make that inquiry?

The CHAIRMAN. The gentleman does not state a parliamentary inquiry. Does the gentleman wish to reserve a point of order?

Mr. CALLAHAN. I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from California (Mr. Torres) is recognized for 5 minutes on his amendment.

Mr. TORRES. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. Kennedy).

Mr. KENNEDY of Massachusetts. Mr. Chairman, if you could explain to me the parliamentary procedure to offer a substitute amendment to the Torres amendment.

The CHAIRMAN. The gentleman from California is not able to yield to another Member for the purpose of offering an amendment, but for debate only. When the gentleman from California has completed his debate, then other Members may be recognized and at that point an amendment to the amendment may be in order.

The gentleman from California is recognized on his amendment.

Mr. TORRES. Mr. Chairman, I want to begin my remarks as I started out earlier by thanking the gentleman from Alabama (Mr. CALLAHAN) for his ongoing efforts to working with me on funding for the School of the Americas provided in the foreign operations bill.

I would point out that this year's bill contains similar language to what we adopted last year conditioning funding for the school on a certification report to be presented in January of 1999. Now, one positive outcome of last year's requirements is the establishment of screening procedures at U.S. embassies for all candidates to U.S. military training programs, including the School of the Americas. Our embassy personnel are now required to do a double-check of the candidates once the host country has done an initial screening. The new screening process if carried out properly can certainly prove valuable to weed out those individuals with questionable backgrounds. Yet I am compelled today with my colleagues the gentleman from Massachusetts (Mr. KENNEDY) and the gentleman from Illinois (Mr. YATES) to offer this amendment to prohibit any of the funds in this bill to be used for the school.

I was disappointed in the certification report presented this past January wherein the Defense Department contended that the conditions to allow funding to the school had been met. Those conditions had resulted from a sustained public outcry from our constituents over the human rights track record of the School of the Americas' graduates and revelations that the school taught techniques that violated human rights. Unfortunately the certification report revealed a lack of understanding on the part of the military establishment on the depth of the human rights concerns surrounding the school and a lack of commitment, if you will, to improve the school's teaching.

Has the School of the Americas reformed? Well, I see there are few changes in the school's standard curriculum. Most students continue to get only a mandatory four hours of human rights training in the courses that range from eight days to 47 weeks. There are continuing problems in the oversight of the curriculum because there is still no adequate external evaluation of the current curriculum. Most of the curriculum evaluations are done by subject matter experts, which are the instructors for the course that they are responsible for reviewing. Furthermore, there is a blatant admission by the Defense Department that it has no intentions of monitoring the school. These days, most government programs are scrutinized for performance measurements and results. Unlike other universities which are private institutions, the School of the Americas, a government, tax-funded institution, must be accountable to the U.S. taxpayer and judged by measurable results. By refusing to monitor its graduates, the School of the Americas denies the taxpayers that right.

Mr. Chairman, in addition, new links between human rights violations and the School of the Americas graduates have been identified. In particular, the graduates of the school from Colombia. They are some of the principal architects of military-paramilitary collaboration that fuel the escalating violations in Colombia today. The statistics are staggering. Last year, over 3,500 people were killed for political reasons in Colombia. Paramilitary organizations operating with the complicity or even direct support of the armed forces were responsible for 60 percent of those killings. A definitive human rights report reveals that an astounding 124 out of 247 military personnel, that is 50 percent, 50 percent of Colombian officials responsible for human rights violations were graduates of the school. Mr. Chairman, that is not just a bunch of bad apples.

Mr. Chairman, I include in my remarks the list of those officers.

The document referred to is as follows:

The School of the Americas and Colombia: A Dishonor Roll

Colombia's SOA graduates feature some of the principal architects of military-paramilitary collaboration that fuels much of the violence in the escalating human rights crisis in Colombia today. Over 3500 people were killed for political reasons in 1997; while the violence originates from all sides, paramilitaries were responsible for 69% of these killings last year, according to the State Department. Paramilitary organizations operate frequently with the complicity, and in some regions the direct support, of the armed forces. A shocking 124 out of 247 military personnel—50 percent—cited in the definitive work on Colombian officials responsible for human rights violations (El Terrorismo de Estado en Colombia), were SOA graduates. Some Colombians implicated in severe human rights violations were featured as guest speakers or instructors or included in the "Hall of Fame" at the SOA after their involvement in such crimes. The list below is only a small sample of Colombian SOA graduates involved in horrific human rights abuses. The abuses continue.

Pauxelino Latorre Gamboa.—Commander of the Twentieth Brigade when it was implicated in the murders of three human rights defenders in 1998. The Twentieth Brigade was just disbanded in late May by the Colombian government because of its involvement in these and other grave human rights violations. Information provided by troops under his command led to the May 1998 illegal assault on the offices of the Catholic human rights group, Justice and Peace (Justicia y Paz). In this raid, soldiers held guns to the heads of nuns and other workers, forcing them to kneel on the ground while soldiers ransacked office files. (1980, Commando Operations)

Gen. Mario Hugo Galan.—Just in the news for calling Human Rights Watch/Americas director Jose Miguel Vivanco and a Washington Post reporter "enemies of the people" for reporting that the Twentieth Brigade was being investigated in connection with the murders of human rights defenders. Such a label is tantamount to a death threat. (1971, course #0–26)

Gen. (Ret.) Farouk Yanine Diaz.—Former commander of the army's Second Division in Bucaramanga, Yanine "was accused of establishing and expanding paramilitary death squads in the Middle Magdalena region, as well as ordering dozens of disappearances, multiple large-scale massacres, and the killing of judges and court personnel sent to investigate previous crimes." (State Dept. Human Rights Report for 1997) (1991, 1990, guest speaker at the SOA; 1969, Maintenance Orientation.) Yanine's SOA guest appearances occurred after his alleged involvement in crimes such as the 1988 Urabá massacre of 20 banana workers, the 1987 assassination of the mayor of Sabana de Torres, and the 1987 massacre of 19 businessmen.

Gen. Hernan Jose Guzmán Rodréguez.—Dismissed by President Samper in 1994 in an overhaul of military leadership to root out corruption and drug trafficking (Reuters, 11/22/94), Guzmán was alleged to protect and aid the paramilitary death squad MAS between 1987 and 1990, when it was responsible for at least 149 killings. He also commanded the soldiers who tortured, gang raped and executed Yolanda Acevedo Carvajal in 1986 (also implicated was SOA graduate 1st Lt. Samuel Lesmes Castro, 1984, Cadet Arms Orientation). (Organization Mundial contra la Tortura, et al., El Terrorismo de Estado en Colombia, 1992) In 1993, after these crimes, Guzmán was added to the SOA "Hall of Fame." (1969, Maintenance Orientation)

Cpt. Gilberto Ibarra.—Used 3 peasant children in February 1992 to walk in front of his patrol to detonate mines. Two were killed; one was seriously wounded. (U.S. Committee for Refugees, Feeding the Tiger, Colombia's Internally Displaced, 1993) (1983, Cadet Arms Orientation)

Segovia Massacre.—Nine SOA graduates were implicated in the 1988 massacre at Segovia, in which 43 people died, including several children.' (Capt. Gilberto Alzate Alzate, 1983, Cadet Arms Orientation; Henry Borda, who was issued an arrest warrant for his failure to prevent the massacre, 1980, Cadet Arms Orientation; Major Luis Roberto Garcia Ronderos, 1983, Patrol Operations; 1st Lt. Edgardo Hernández Navarro, 1985, Combat Arms Orientation; Gen. Raúl Rojas Cubillos, 1971, Special Maintenance Orientation; Capt. Luis Fernando Rojas Espinoza, 1984, Cadet Arms Orientation; 1st Lt. Carlos Eduardo Santacruz Estrada, 1983, Cadet Arms Orientation; Capt. Hugo Alberto Valencia Vivas, 1980, Cadet Arms Orientation.) (El Terrorismo de Estado en Colombia)

Trujillo "Chainsaw" Massacres.—Three SOA graduates were implicated in the gruesome Trujillo massacres, in which from 1988–91, at least 107 prisoners of the village of Trujillo were tortured and murdered—Col. Alirio Antonio Urueña Jaramillo (1976, Small Unit Infantry Tactics), Col. Roberto Hernández Hernández (1970, Automotive Maintenance Officer; 1976, Small Unit Infantry Tactics) and General Eduardo Plata Quiñones (1977, Command and General Staff College, distinguished graduate; 1969, Maintenance Orientation). One eyewitness said Urueña tortured prisoners, including elderly women, with water hoses, stuffed them into coffee sacks, and chopped them to pieces with a chainsaw. Urueña was dismissed from the army in 1995. Quiñones is believed at a minimum to have been involved in the coverup. (AP, 2/7/95; *El Terrorismo de Estado en Colombia.)*

Riofrio Massacre. Alfonso Vega Garzon (1989, Cadet Artillery Orientation) allegedly took part in the 1993 Riofrio massacre and was charged by the Attorney General's Office on 12/6/94 (*El Espectador*, 12/6/94). Jesus Maria Vergara was commander of the Third Division when troops under his command committed the Riofrio massacre. He took part in the subsequent coverup. (Special Maintenance Orientation, 1971)

Chucuri Paramilitaries. Four out of seven officers charged by human rights delegate for the armed forces in November 1992 for their role in organizing paramilitaries in the Chucuri region were trained in the SOA. (Human Rights Watch, *Colombia's Killer Networks*, 1996, p. 81.) (General Carlos Gil Colorado, Course #0-6, 1969; Capt. Gilberto Ibarra Mendoza, Cadet Arms Orientation, 1983; Capt. Orlando Pulido, Cadet Branch Orientation, 1983; Lt. Francisco Javier Corrales, Cadet Arms Orientation, 1987)

Enrique Camacho Jimenez. Attorney General's office issued a warrant for his arrest in connection with the formation of paramilitary groups that kidnapped and killed five peasants (*El Espectador*, 12/23/94). (1985, Cadet Arms Orientation)

1st Lt. Luis Enrique Andrade Ortiz.—Alleged to be intellectual author of a 1989 paramilitary massacre of a judicial commission, in which 12 officials, including 2 judges, were killed; they were investigating military-paramilitary cooperation (also implicated was fellow SOA grad. Col. Ramón de Jesus Santander Fuentes, 1986, Command and General Staff); implicated in Ramirez family massacre, 1986, and other murders. (*El Terrorismo de Estado en Colombia*) (1983, Cadet Arms Orientation)

Victor Bernal Castaño—Colombian legislature asserts that Bernal Castaño was enrolled at the SOA to avoid having to answer to investigator about the Fusagasuga massacre of a peasant family. (Charles Call, *Miami Herald, 9/9/92). (Command and General Staff, 1992; made "Chief of Course")*

1st Lt. Pedro Nei Acosta Gaivis.—Ordered the massacre of 11 campesinos, 1990. (*El Terrorismo del Estado en Colombia) (Cadet Arms Orientation, 1986)*

Capt. Carlos Javier Arenas Jimenez.—Participated in the detention and torture of 19 individuals in June 1988. (*El Terrorismo de Estado en Colombia*) (1987, Cadet Arms Orientation)

Major Alejandro de Jesus Alvarez Henao.—Principal member of "Muerte a Secuestradores" (MAS), a paramilitary death squad responsible for numerous assassinations and disappearances (*El Terrorismo de Estado en Colombia*)(1984, Joint Operations)

Capt. Hector Alirio Forero Quintero.—Commanded a patrol that disappeared 4 people on Feb. 11, 1988. On the same day, he himself detained 2 more individuals and tortured them with the help of fellow SOA graduate Carlos Morales del Río. (*El Terrorismo de Estado en Colombia*) (1977, Small Unit Infantry Tactics)

Gen. Ramon Emilio Gil Bermudez.—Dismissed from his position as commander of Colombian Armed Forces in November 1994 in an effort by President Samper to root out corruption and drug trafficking among the armed forces (Reuters, 11/22/94), Gil is alleged to have established, protected, and participated in the activities of the MAS death squad. (In 1988, after his alleged death squad involvement, was guest speaker at SOA; 1969, Maintenance Orientation.)

Gen. Marino Gutierrez Isaza.—Implicated in the killing of Gustavo Albeiro Munoz Hurtado in May 1982. (Guest instructor, 1985–86; 1973, Military Police Intelligence)

Major Jorge Lazaro Vergel.—Aguachica military commander who, according to a 1995 police investigation, organized local paramilitaries. In June 1995, paramilitaries under his command carried out the Puerto Patiño massacre, in which 8 people in a village were executed. (Human Rights Watch, *Colombia's Killer Networks*, 1996, pp. 48–51.) (1981, Cadet Arms Orientation.)

Gen. Jaime Ruiz Barera.—Implicated in the assassination of Colombia's Attorney General Carlos Mauro Hoyos in 1988 and alleged to have ordered the assassination and torture of Claudio Medina Caycedo in 1979 (*El Terrorismo de Estado en Colombia*) (Attended SOA after assassination of attorney general, 1970, Military Intelligence)

Gen. Luis Bernardo Urbina Sánchez.—Implicated in paramilitary death squad activity, 1988–89; in the assassination of Amparo Tordecilla, 1989 and Union Patriotica member Alvaro Garces Parra; in ordering the detention, torture and assassination of Mario Alexander Grandados Plazas, 1987; in the disappearance of William Camacho Barajas and Orlando Garcia Gonzalez, 1986. (*El Terrorismo de Estado en Colombia*) (1985, Command and General Staff College)

Col. Rito Alejo Del Rio Rojas.—Recently promoted to commander of the Bogota area, Col. Rito Alejo as commander of the 17th Brigade in Urabá during the mid-1990s facilitated one of the most ruthless paramilitary campaigns in the country. Believed to be one of the Colombians recently denied a visa by the United States. (Washington Office on Latin America, "Human Rights Advocates Under Attack in Colombia," 1997) (1967, Cadet Orientation Course)

Capt. Juan C. Alvarez.—As commander of the Barrancabermeja intelligence network, Alvarez is alleged to have given the orders to paramilitaries to carry out killings. Dozens of murders of local citizens were attributed to the network during 1991–2. (Human Rights Watch, Colombia's Killer Networks, 1996, pp. 30–41.) (1987, Psychological Operations)

In 1997, 99 Colombians were trained at the School of the Americas; Colombia was number 3 of countries sending the most students to the school that year.

This list, of almost 40 high-ranking Colombian military officers who attended the school have been linked to murders, assassinations, disappearances, massacres, tortures, rapes, et cetera, et cetera of Colombian civilians. One of the most notorious graduates is the commander of Colombia's infamous 20th Brigade which was implicated in February of 1998, this year, for the murders of three human rights activists.

The CHAIRMAN. Does the gentleman from Alabama insist upon his point of order?

Mr. CALLAHAN. No, Mr. Chairman, I am going to remove my reservation of a point of order.

Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Chairman, a part of my request is to delay the process until we can give the gentleman from Pennsylvania (Mr. GOODLING), who is the principal sponsor of the original amendment, an opportunity to come to the floor and explain what his original amendment did. Based upon what I am reading here, I do not think I am really going to object to his amendment, as far as final passage is concerned. But I do think we ought to take this time, especially since the gentleman from Pennsylvania is not here to defend his original amendment, we ought to take this time to talk about the merits or demerits of the School of the Americas.

I for one agree with the Secretary of Defense who has contacted me as late as this afternoon and told me how very, very important IMET training is to our national defense. No more than I want to interfere with the Secretary of State's ability to have an effective foreign policy, do I want to do anything, and especially in a bill with my name on it, that would deny the Secretary of Defense the funds to effectively have a national defense, and that is precisely what he tells me.

He tells me that the U.S. Army School of the Americas "continues to be a key asset for pursuing our national security strategy in Latin America," for example. "We have made great progress in promoting democratic values and respect for human rights through intensive interaction at all levels with the defense establishments of the region. The Defense Ministerial of the Americas, senior bilateral meetings, joint staff talks, and service chiefs' conferences convey our concerns at the highest levels."

So here we have the man that the President has put in charge of the national defense telling us that this is very critical. Now, he is talking about the School of the Americas. If he knew tonight that we were talking about reducing the funding for IMET training, which is the fund that trains military people all over the world so we do need to engage in any encounter that the people who are fighting alongside our soldiers and sailors will know exactly what we are doing. They will know our methodology. I think it is a very serious mistake.

I know where the gentleman is coming from and I know where the gentleman from Massachusetts (Mr. KENNEDY) is coming from. But the amendment before us tonight is simply saying we reduce the IMET training appropriation by a total of $750,000. So even with this amendment, it would not deny the Administration the ability to spend the rest of the IMET training on the School of the Americas, so you are not really accomplishing your purpose.

I just think if you looked at the School of the Americas, and I know all of the horrible history that the Jesuit priests have told me about, questionable curriculum at the School of the

Americas, but I sent my staff down there, and we checked the curriculum, and I have conveyed to them that if anyone anywhere can show me one iota of a textbook that teaches soldiers to go back to their countries and violate human rights, I personally will do everything I can to shut it down. But that is not the case.

I think we should continue the School of the Americas. At this point I think we ought to have a full debate.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I am advised that Jeffrey Dahmer, the human cannibal from the Midwest who is now long past this life, was a graduate of Ohio State. By the reasoning of the minority, we would close down Ohio State because of Jeffrey Dahmer.

Mr. CALLAHAN. I know that, if I may reclaim my time, you are not going to believe this, Mr. Chairman, but I imagine even some graduates of the University of Alabama have committed some atrocious crimes. But we ought not shut down the University of Alabama because of that. Now, when they play Auburn University, it is different. Maybe they ought to be disadvantaged, because my kids now attend Auburn University and I have sort of had a transfer of allegiances there.

But I do think, the gentleman from Pennsylvania (Mr. GOODLING) ought to be able to defend the substitute that has been offered to his amendment and, I would encourage Members of the House to take heed to the Secretary of Defense, who has asked us today, please, do not cut these funds.

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, September 17, 1998.

Hon. SONNY CALLAHAN,
Chairman, Subcommittee on Foreign Operations, Export Financing and Related Programs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Earlier this year in fulfillment of the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 1998. I forwarded a letter and report to Congress on the U.S. Army School of the Americas. That report explained how we are ensuring that the school is providing the kind of instruction the American people expect from its military services. As I wrote you then, the instruction and training provided by the School of the Americas is fully consistent with the training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to our own military students.

The U.S. Army School of the Americas continues to be a key asset for pursuing our national security strategy in Latin America. We have made great progress in promoting democratic values and respect for human rights through intensive interaction at all levels with the defense establishments of the region. The Defense Ministerial of the Americas, senior bilateral meetings, joint staff talks, and service chiefs' conferences convey our concerns at the highest levels. However, it is through our interaction with lower level officers, noncommissioned officer and soldiers that we make our biggest impact over the long run, and the School of the Americas is one of the best ways to reach them. Students of the school return to operational units and put the lessons they have learned about professionalism, subordination to civilian leadership, and respect for human rights to immediate use. These are the people that will lead the military institutions of the future.

I hope that you will support our efforts to maintain the U.S. Army School of the Americas as viable asset in meeting our national goals and objectives in Latin America. I reiterate my commitment to the Congress and to the American people that the School of the Americas is and will continue to be a professional U.S. military institution, dedicated to the goals of improving military professionalism, encouraging regional cooperation, supporting democratic ideals and principles, and promoting respect for human rights.

Sincerely,

BILL COHEN.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS AS A SUBSTITUTE FOR AMENDMENT NO. 17 OFFERED BY MR. TORRES

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts as a substitute for amendment No. 17 offered by Mr. TORRES:

In lieu of the matter proposed add the following:

"In Title III, in the item relating to "Funds Appropriated to the President, International Military Education and Training" after the first dollar amount, insert the following: '"(decreased by $756,000)',"

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all I want to say a few words about the individuals who are also cosponsoring and have initiated this amendment at other times, and that is my good friend the gentleman from California (Mr. TORRES) who himself has dedicated his life to improving the lives of not only Hispanic Americans here in the United States but Hispanic Americans throughout the hemisphere. He has worked extensively throughout Latin America, he has been involved in our own military in that region, and he is a very, very strong supporter with great credentials to say that the funding for the School of the Americas should come to an end.

I am also joined by my friend and our most senior colleague the gentleman from Illinois (Mr. YATES) although you would never know that by looking at him. He, too, has had a distinguished record of standing up for the poor and for people that are voiceless in our world. I am honored to have him join with us this evening to declare that once and for all, school is out for the School of the Americas.

Defenders of the school used to claim that they did not teach human rights abuses. But then a set of torture manuals were found in the curriculum. Defenders of the school used to claim that they taught our allies to respect human rights. But then one of the instructors came forward and said that the courses were a joke. Defenders of the school used to claim that the School of the Americas should not be shut down just because a few bad apples had attended the school, like convicted drug dealer Manuel Noriega of Panama or El Salvador death squad leader Roberto D'Aubuisson. But it is not just a few bad apples. It is enough of the barrel to say the whole thing is rotten.

☐ 1915

Here are the facts:

The School of the Americas' graduates include 19 of the 26 El Salvadoran officers accused of the 1989 murders of four Jesuit priests,

10 out of the 12 El Salvadoran officers cited for the El Mozote massacre of 900 civilians;

2 out of the 3 officers responsible for the assassination of Archbishop Romero;

124 out of the 247 Colombian officers cited in the definitive work on the Colombian human rights abuses;

6 Peruvian officers involved in the murders of 9 students and a professor;

3 top leaders of the fearsome Guatemalan military intelligence unit, D–2.

Defenders of the school say that the abuses have ended, but that just is not the case.

Here are the facts:

The commander of Colombia's 20th Brigade was linked to the murder of 3 human rights' workers earlier this year.

A fellow Colombian SOA graduate forced 3 peasant children to act as human minesweepers, and 2 died when they stepped on explosives.

Journalist Richard Velez testified on Capitol Hill that he was beaten by troops under the command of another SOA graduate, where he was recording footage of soldiers striking a peasant demonstrator with a rifle butt.

The Guatemalan bishop issued a report linking the School of the Americas' graduates with some of the worst abuses in that country.

In Mexico, an SOA graduate commanded the troops who committed the 1994 Chiapas massacre.

Defenders of the school have taken a page right out of the psyops manual and come forward with another rationale to keep the school open. It is called counternarcotics. But dressing up the school in a new uniform will not fool anyone. The fact is that only 75 of the 981 students, less than 10 percent, took the counternarcotics operation course.

Mexico, a major transshipment point for drugs headed to the United States, trains more military personnel than any other nation at the SOA. A full third of last year's student body came from Mexico, but only 10 percent of the Mexican officers took the counternarcotics operations course.

Defenders of the school cite the SOA's new-found commitment to human rights, but let us look at that. That commitment extends to a single 4-hour mandatory human rights course which includes a slide show, a movie and a quiz. The SOA curriculum does include a 2-week elective human rights train-the-trainer qualification course, but not a single student has ever bothered to sign up for it.

Defenders of the school say it has cleaned up its act, but how do we know? There is absolutely no tracking of graduates to measure whether or not our foreign policy goals are being met by the school or whether or not the human rights training is making any impression at all.

Mr. Chairman, I rise today not only in the name of peace and justice, but in the memory of all of those who are not present to speak out today against the school: the victims of these massacres; the disappeared; those who have been cowed into silence. We will not be silenced. Let us defeat the School of the Americas.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that I am totally offended that someone would come to this floor and attempt to take my amendment and totally distort it for whatever purpose they had in mind.

I have been working on this issue for probably 5 or 6 years. Last time, in fact, my amendment passed unanimously.

What I do in my amendment is tell the American people that we will not spend their hard-earned tax dollars by sending military aid to 6 countries that cannot even support us 25 percent of the time in the General Assembly in the United Nations. Cannot even support us 25 percent of the time. In other words, their idea about life and about human rights and about all those things that we hold near and dear in this country, their idea is totally opposite. Yet we ask our taxpayers to constantly send them money.

I do not touch humanitarian aid, I do not touch developmental aid, because maybe there is some hope with both of those to try to do something about their violations of human rights. But now we are trying to turn this all around and say, well, these specific countries have something to do with human rights violations. It has nothing related to my amendment, which deals with their ability to support us in the United Nations 25 percent of the time.

To me it is just a total unbelievable miscarriage of what we normally would think of camaraderie, I suppose, in the Congress of the United States.

Again, when I began this crusade, there were 30-some nations who could not vote with us 25 percent of the time because their beliefs were so opposite of what we believe in the United States, and that is fine. That is fine for them. But we do not spend U.S. dollars, we do not spend tax dollars to support those violations.

Thirty-some nations, when I first began this crusade; we are now down to 6. And again, I am totally offended that we would take my amendment, distort it, use it for some other purpose totally different than what I had intended in the first place.

I am looking at taxpayers' dollars, taxpayers' dollars that we are collecting to send to nations and send military aid to nations that cannot even support us 25 percent of the time in our deliberations in the United Nations. That is a real tragedy. Americans should be incensed, and Americans are incensed, and that is exactly why the last time the legislation passed unanimously; not a distortion of the amendment, not what someone else wanted to present, and I am not sure why they did not present it on their own, but a distortion of my amendment.

And I cannot emphasize enough, the American people watch our deliberation, American people want to give humanitarian aid, humanitarian aid and developmental aid to countries. They do not wish that we send military aid if, as a matter of fact, everything they do is totally opposite of the beliefs that we have in this country.

And so again I cannot emphasize enough: Do not somehow or other relate this amendment to a good faith effort to make sure that the 6 remaining, the 6 remaining countries that we are now down to, and take them off the hot seat and somehow or other distort that by some other effort that others want to make and could make strictly on their own and have nothing to do with my amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the substitute amendment.

Mr. Chairman, I understand the frustration of the Member who just spoke, but I will point out, those of us on this side of the aisle did not vote for the rule that required this procedure. They did. We asked them not to. They brought a rule to the floor which violated agreements which were made with the ranking Democratic member of the subcommittee on how amendments would be dealt with on family planning. They brought a rule to the floor which established a 5-hour cap on all debates, so that if one amendment took longer than it should, other people would be squeezed out and would not be able to offer theirs. And then when the gentleman from California (Mr. TORRES) did precisely what the gentleman from Pennsylvania (Mr. GOODLING) asked, said that he should have done, he tried to offer his amendment on the School for Americas, and he was precluded from doing so because of the nature of the rule.

So what happened was that the gentleman from California (Mr. TORRES) and the gentleman from Massachusetts (Mr. KENNEDY) were left with no choice but to use the rule that they imposed on us to enable us to debate this issue, and the reason we did it is because this amendment goes to the core values of what it means to be an American. What it means to be an American is not to support a school for the Americas that produces some of the biggest butchers who have reigned in Central America or Latin America.

Mr. Chairman, the gentleman has had his time, and I would be happy to yield to him after I make my point, but the gentleman said his piece and I am going to say mine.

This bill should never have come to the floor under this rule. In my view, it is absurd to allow any Member of the House to offer an amendment put into the RECORD by someone else. But they passed that rule, we did not. We are simply operating under the rule, the only rule that they gave us, and we found a way, using their rules, to get the amendment onto the floor which goes to America's core values.

And so the question is: Do my colleagues want to continue to provide financial support for a school which has a track record which would embarrass any decent American who is concerned about human rights? When this school produces people like D'Aubuisson, who goes on national television in El Salvador and publicly threatens the life of the American Ambassador there, it is time to question whether that school has a curriculum worth teaching.

We have heard for years they are cleaning up their operation. We have seen the results, we have seen the blood, we have seen the torture, we have seen the human pain, for far too long to tolerate it.

So it seems to me that these gentlemen should not be condemned, they should be congratulated for enabling the House to reach a vote on this issue, even though the rules were contrived to prevent it in the first place.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I join in the amendment to close the school. Closing the school would go a long way to dispel the perception that the United States only supports military juntas in Latin America.

By a strange trick of fate, Mr. Chairman, this bill contains funds for two kinds of messengers that are sent by the United States to Latin America. We are sending the graduates of this school who go down there to act as dictators and violate the human rights of the people of the countries to which they are sent. We are also sending the Peace Corps to build up the countries, to educate the people, to foster the best interests of the people of the country. In which group do we believe? And which is better for the country?

I think the school should be closed. The $15 million that this bill would have included ought to be made available for the Peace Corps, and it would be better for the countries they serve.

So I say, Mr. Chairman, let us close the school because of the history of what has happened and is still happening down there.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Torres-Kennedy amendment which would help us close the U.S. Army School of the Americas once and for all.

The School of the Americas has taught some of the most ruthless dictators in Latin America to torture their opponents, censor their press, intimidate their citizens. It must be shut down.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Objection is heard.

□ 1930

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I said, the school, in my judgment, must be shut down, but the issue of what to do with the School of the Americas goes well beyond the deplorable actions of the school and right to the heart of the United States foreign policy.

The question before us today is whether the United States has a moral responsibility to encourage other governments to respect human rights and democracy. Are human rights and democracy just catch phrases we use, or are they basic principles that we demand of every Nation?

We must in my judgment demand human rights and democracy, in name and in practice, from our own military and all of our neighbors. That is why the School of the Americas is an affront to everything that the United States foreign policy should be about. That is why we must close the school.

Fifty years ago, the School of the Americas was opened with the goal of improving United States ties to Latin American militaries. The idea was to educate our neighbors to the south about Democratic civilian control of the military. But over the last few decades, we started to hear reports of what was actually being taught there. Words like torture, beating, and execution were increasingly being associated with the school's courses.

Then, some of the school's most distinguished graduates started to turn up in high positions in Latin American governments. People like Panama's drug-dealing dictator Manuel Noriega, now serving time in a United States prison on a drug conviction; and Roberto D'Aubuisson, who organized many of El Salvador's notorious death squads.

In response, many of us have been calling for the school to shut down.

Mr. MOAKLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I rise to support my colleagues' efforts to cut funding for the Army's School of the Americas. It is time to close that institution that has long been responsible for teaching the world's great killers, human rights abusers, and brutal dictators.

Mr. Chairman, I have a little bit of experience in this area. As some of my colleagues know, I led the investigation of the murders of the priests in El Salvador back in 1989. The 6 Jesuit priests were killed in cold blood, and I remain committed to the promotion of peace in this beautiful country and throughout Central America.

During that investigation, Mr. Chairman, I was horrified to learn that 19 out of the 26 killers we implicated in the murders were graduates of the School of the Americas.

As I dug deeper into the problems of El Salvador, I learned more and more what these graduates' exploits used in tearing the country apart. Massacre after massacre of innocent people were led by proud graduates of the School of the Americas.

When I traveled to El Salvador last November to participate in ceremonies commemorating the deaths of the Jesuit priests, crowds of people came to me at the mass and pleaded with me to close that school. They could not understand how we, the world's greatest defender of human rights, could support such an institution of terror. They could not understand how the United States could run such a school that was responsible for the deaths of so many of their brothers and so many of their sisters. Unfortunately, Mr. Chairman, I did not have an answer for these good people, but I did pledge to them that I would work to speak the truth about the School of the Americas.

Mr. Chairman, since that time, every time I hear of another brutal massacre or egregious abuse of human rights in Latin America, the School of the Americas graduates are involved. It is almost uncanny how often we discover these graduates planned the killings, covered up the truth, and pulled the triggers.

Mr. Chairman, do not just take my word for it. Open up any newspaper and read about what is going on in Mexico's Chiapas region; read about what is going on in Colombia; read about what is going on in Guatemala. Time and time again, School of the Americas' graduates are killing their own people, and we are responsible for their training.

Mr. Chairman, I could go on and on, but all I ask is please, it is time to close the school.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I yield to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Chairman, I thank the gentlewoman for yielding to me.

I just want to associate myself with the remarks of my colleague, the gentleman from Massachusetts (Mr. Moakley) who did a tremendous job in leading the investigation of the murders of the Jesuit priests in El Salvador in 1989. I was with him when he was down there last November at the mass, and I too was approached by so many people who had come to urge us to shut down the School of the Americas.

Mr. Chairman, I support the Kennedy-Torres amendment.

Mr. Chairman, it is time for us to stop funding for the School of the Americas.

Every year, the Pentagon and other U.S. agencies spend billions of dollars in a broad array of training programs with Latin American militaries.

Just yesterday, this House approved over $2 billion for counter-narcotics activities in the Western Hemisphere, including a substantial increase in training, operations and equipment for Latin America.

Under the Department of Defense, U.S. Special Forces teams carry out dozens of joint training activities each year with Latin American militaries.

Latin American military officers receive education and training at 150 places other than the School of the Americas through our IMET and INL programs.

The operation of U.S. bases, joint military exercises, and other joint trainings throughout the region would not be affected by this amendment.

These programs are by far the central part of the U.S. relationship with Latin American militaries.

The Pentagon's National Defense University recently opened a Center for Hemispheric Studies right here in Washington, DC, to train Latin American officers in civil-military relationships.

In brief, our relationships with Latin American militaries will not falter by prohibiting any funds in this bill from going to the School of the Americas.

Our relationship with the people of Latin America, however, who have been so gravely harmed by so many students and graduates of the School of the Americas, will be greatly enhanced.

I know many of my colleagues have been told that the abuses of the School are in the past. That simply is not true. Just this year, in 1998, three human rights advocates were murdered in Colombia. The Twentieth Brigade, commanded by a graduate of the School of the Americas, is deeply implicated in these murders.

And so our history of being partners in the murder of the very best, the most democratic, the most humanitarian Latin American citizens goes on. Thanks to the School of the Americas.

The School refuses to review and evaluate the conduct of its graduates. My esteemed colleague, the gentleman from California, Mr. TORRES, has requested such information and has been told the Pentagon will not undertake such a survey. The School does not want to know what its students and graduates are up to.

But let me be clear, the School cannot escape its past, and it cannot escape its present.

The past is very much alive in the people of Latin America. The past is very much alive in the hearts and minds and souls of the families and friends and colleagues of those who have been murdered, disappeared, tortured and abused by students trained by the School of the Americas.

For the people of Latin America, when they wish to recall someone's memory, they say, "PRESENTE." For them, the past is always present.

Last year, I rose in support of this amendment and spoke from my heart about dear friends—six Jesuit priests and two laywomen—who were murdered by Salvadoran military units filled with students of the School.

Last November, I traveled to El Salvador with Mr. MOAKLEY to participate in events commemorating the lives of these martyrs. We spoke at the University where these priests worked, taught, and carried out human rights programs.

We participated in an outdoor Mass celebrating their lives and their living memory. I cannot adequately describe the scene to you of this Mass. Thousands of people came to participate, covering the hillsides. Humble people. Students. Many who had walked for days to get to San Salvador in time for the Mass. Diplomats from many nations, including for the first time, the U.S. Ambassador. And as I prepared to take communion, I made a promise that I would return to Congress and work with my colleagues to stop funding for this School.

For the people of this hemisphere, I urge my colleagues to support this amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York (Mr. GILMAN) is recognized for 2 minutes, which is the amount of time remaining under the rule for amendments.

Mr. GILMAN. Mr. Chairman, after careful consideration, I rise in opposition to the amendment and the substitute offered by the gentleman from Massachusetts (Mr. KENNEDY) and the underlying amendment by the gentleman from California (Mr. TORRES) which would prohibit funding the School of the Americas. While I respect the proponents of the amendment and share their alarm at some of the anecdotes, I cannot agree with their conclusions that the School of the Americas has no constructive role to play.

It is in our interest to see that the militaries of Central and South American countries play a positive role in the region's fragile Democratic societies. While proponents of this amendment have spotlighted abuses of authority in human rights, there are hundreds and hundreds of soldiers and police officers who graduated from the School of the Americas and have gone on to conduct themselves honorably. That is not mentioned.

Moreover, I believe that the cutoff of U.S. military assistance and links to the Guatemalan Army in the late 1970s provides an instructive example that we should heed. In the ensuing absence of American influence, the Guatemalan Army escalated its brutal counter-insurgency war that led to the slaughter of untold numbers of innocents. Despite the good intentions of the proponents of this amendment, I do not believe that the case has been made that ending the military-to-military contact that takes place at the School of the Americas will actually make things better.

General Serrano, the respected director general of the Colombian National Police who has an outstanding record of protecting human rights, even in the midst of a raging narcotics-fueled war, recently told our committee, and I quote, "The School of the Americas trains our reaction forces for use in fighting narcotics trafficking with excellent results, and I am a witness to the fact that it is a very valuable instrument for training our men to carry out the antinarcotics fund."

I will, of course, continue to support prudent restrictions to ensure that students in the school are screened for human rights and receive adequate human rights training, as well as reports on the School's training and assessments of its recent graduates.

Mr. MORAN of Virginia. Mr. Chairman, I urge my colleagues to support the amendment to cut funding to the Army School of the Americas. This school has an infamous history, one that still haunts us today. In the past, the school literally taught military personnel how to oppress their people. We have all heard the shameful statistics on how many of the worst human rights abusers in Latin America were trained at the Army School of the Americas. For example, nineteen of the officers cited by the U.N. Truth Commission for the murder of Jesuit priests in 1989 were graduates of the School of the Americas.

People in Latin America still suffer from School of the Americas graduates today, particularly in Colombia. Just this year, three human rights activists were murdered in Colombia by a member of a brigade commanded by a graduate. A human rights report implicated 40 high-ranking Colombian military officers who attended the school in mass murder and disappearances.

Bishop Juan Gerardi was brutally murdered after releasing a report on human rights abuses in Guatemala that linked School of the America graduates to those abuses.

Supporters say that the curriculum of the school has changed. But the world has changed as well. Now that many Latin American countries have turned away from military dictatorship to become democracies, we do not need to have military relations as the cornerstone of bilateral contacts. Military relations should no longer be the focus of the new, constructive U.S. relationship with fragile Latin American democracies. We can still pursue the same kind of military-to-military contacts we have with many countries around the globe, without having this school.

Cutting the funding for the Army School of the Americas sends an important signal that the United States is repudiating the policies of the past.

Mr. BISHOP. Mr. Chairman, I rise today in strong opposition to efforts to limit or reduce funding for the Unites States Army School of the Americas. For those colleagues of mine who may still have concerns about the School, I draw your attention to the language in the FY 1998 Appropriations bill. I believe it adequately and responsibly deals with any remaining questions or concerns about the school. Specifically, it prohibits the use of international military education training funds for the school until: (1) the Secretary of Defense certifies that training provided by the School of Americas is fully consistent with U.S. training and doctrine, (2) the Secretary of State has issued specific guidelines governing selection and screening of candidates for the school, and (3) the Secretary of Defense has submitted a report on the training activities of the school.

For the past five and a half years, I have had the honor of representing the area of southwest Georgia where Fort Benning and the School are located. I am proud of the school as I am proud of all other institutions that make up our military. I believe it is the best armed forces in the world and the most well run. The United States Army School of the Americas is but one small institution in our entire military system. It is an institution that has provided professional training to over 58,000 military and civilian police personnel form throughout Latin America—training that includes classes covering the principles of human rights and representative democracy.

The school's contribution to the transformation of Latin America from totalitarianism to democracy has been tremendous. Today, only Cuba remains a totalitarian stronghold. Representative government has begun to take root in every other country in the region. As the record shows, many of the school's graduates have played leading roles in this transformation.

If you have an opportunity to talk to these graduates, many will tell you that the values they studied and discussed during their stay at the school influenced their political thinking and motivated them in their countries' fight for democracy.

In spite of this record, the school is once again under attack.

Without one shred of real evidence, the people who are involved in these misguided attacks falsely accuse the school of promoting totalitarianism and torture. If you get beyond the rhetoric, which can be as deceptive as it is emotional, you will find their case is factually based on just two things: one, the few graduates who have been involved in human rights abuses—and two, certain military intelligence training manuals which were once used at the school in classes attended by some of the students, although not all—which the school got rid of six years ago.

It's true some of the school's trainees have been linked to human rights abuses. Some, in fact, have been linked to sickening atrocities. But this, alone, is not evidence of wrongdoing at the school. As a matter of fact, most of the graduates have been among the good guys in the region's shift to democracy. Graduates have instituted human rights reforms in their militaries, prevented military coups against freely-elected civilian governments, and have made their soldiers more professional servants of democratic governments. We need this to continue. The Latin American democracies are very fragile, this is not the time to stop the work we have started with our neighbors.

This whole argument gets a little ridiculous. We know of other Latin American human rights abusers who attended colleges and universities in the United States. One is the notorious Hector Gramajo of Guatemala, who did not attend the School of the Americas but did graduate from Harvard. Personally, I think it would be absurd to brand Harvard as a school of assassins or call for its closure.

In his own report on the school, Representative KENNEDY says: "We do not question the good values and the commitment of the U.S. personnel at the school today." According to his report, the reason for attacking the existing school is to make a fresh start. But that start has already been made. The school and its curriculum have undergone intense scrutiny over the past few years, and instruction on human rights and democratic principles has been exhaustively reviewed, sharpened and expanded. This institution is one of the most transparent in the U.S. military.

The United States Army School of the Americas has been investigated and studied by the DOD Inspector General's Office, by the General Accounting Office, and by an outside private consulting firm. Every course except for the computer course has mandatory human rights instruction. Every instructor is certified to teach human rights. The school has a permanent human rights council and a Board of Visitors on which strong human rights' advocates serve. All say the school is effectively promoting U.S. policy on human rights and democracy, and in no way is violating it.

This is certainly a cost-effective program.

For less than $4 million a year, the school is promoting democracy, building stronger relationships with our neighbors, and combating narcotics trafficking. The school's critics never consider the cost of the crimes and human rights violations that were not committed because of the school's influence. The critics never count the benefits of the drug labs taken down, the terrorism prevented, the mines removed by trained professionals, and the peacekeeping operations. The school teaches all of these things, and its graduates carry out these missions day-in and day-out.

Just listen to what the officials and agencies responsible for developing and implementing our foreign policy have to say about the school.

Our drug czar, who served as a former Commander-in-Chief of the U.S. Southern Command, has said:

> As Commander in Chief, my responsibilities included furthering the development of professional Latin American armed forces that promoted and protected human rights and that were supportive of democratic governance. The School of Americas was, and continues to be, the Department of Defense's pre-eminent educational institution for accomplishing these goals.

The State Department has stated:

> The School of Americas today is an important instrument for advancing our goals for the hemisphere. The school's curriculum has changed to reflect the end of the Cold War and our commitment to democracy, human rights, and development in Latin America.

And Chairman of the Joint Chiefs of Staff, Henry H. Shelton, has commented:

> I firmly believe that the US effort to promote democracy, encourage regional cooperation, foster respect for human rights, and reduce the flow of illegal drugs in this hemisphere would be seriously affected if the School were closed.

This is an issue that touches me personally. I regularly visit the school. I know the men and women who serve there. These are highly-trained, dedicated professionals who believe deeply in their country and in the country's mission to promote human rights and democratic principles everywhere. It is wrong to accuse them of violating their trust and working against the interests of democracy when all of the evidence reaffirms that this is not true.

I strongly urge all of my colleagues to visit the school, learn more about the job it is doing, and not to rush to judgment on the basis of false and unfounded accusations made by people who may have good intentions, but who have little regard for the facts.

Mr. Speaker, I urge our colleagues to support the truth.

Support the United States Army School of the Americas.

Mr. OBEY. Mr. Chairman, in the interest of saving the time of the House, I ask unanimous consent to withdraw my request for a roll call vote on the Tiahrt amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Without objection, the voice vote stands, and the amendment offered by the gentleman from Kansas (Mr. TIAHRT) is agreed to.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY) as a substitute for the amendment offered by the gentleman from California (Mr. TORRES).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, any vote on the underlying Torres amendment will be conducted as a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 212, not voting 21, as follows:

[Roll No. 448]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Capps
Cardin
Carson
Clayton
Clement
Coble
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gilchrest
Goode
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman

Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Granger
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Mollohan
Murtha
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Redmond
Reyes
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sandlin
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Clay
Cramer
Davis (IL)
Dingell
Fawell
Gephardt
Gonzalez
Goss
Kennelly
King (NY)
Manton
McIntosh
Meek (FL)
Myrick
Poshard
Pryce (OH)
Riggs
Rush
Sánchez
Schumer
Tauscher

□ 1958

Mr. TIAHRT and Mr. NORWOOD changed their vote from "aye" to "no."

Mr. LARGENT, Mrs. ROUKEMA and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GOODLING. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from California (Mr. TORRES).

The amendment was rejected.

The CHAIRMAN. The Clerk will read the last four lines of the bill.

The Clerk read as follows:

Titles I through V, the appropriations paragraphs of title VI, and sections 601 through 604, of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 542, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 161, not voting 18, as follows:

[Roll No. 449]

YEAS—255

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Chabot
Chambliss
Christensen
Coble
Collins
Cook
Cooksey
Costello
Cox
Crapo
Cubin
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Green
Gutierrez
Gutknecht
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinchey
Hobson
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Maloney (NY)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Miller (FL)
Morella
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Pickering
Pickett
Pitts
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Strickland
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Visclosky
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—161

Ackerman
Baldacci
Barr
Barrett (WI)
Becerra
Berry
Blagojevich
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Castle
Chenoweth
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Coyne
Cramer
Crane
Cummings
Cunningham
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doolittle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Goode
Gordon

Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinojosa
Hoekstra
Hostettler
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lee
Lofgren
Lucas
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McHale
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Neal
Oberstar
Obey
Olver
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Petri
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Roemer
Rogers
Rohrabacher
Roybal-Allard
Royce
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scott
Sensenbrenner
Skaggs
Smith, Adam
Snyder
Spratt
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Torres
Towns
Traficant
Velázquez
Vento
Waters
Watkins
Watt (NC)
Wexler
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—18

Clay
Davis (FL)
Fawell
Gephardt
Gonzalez
Goss
Kennelly
King (NY)
Manton
Meek (FL)
Myrick
Poshard
Pryce (OH)
Riggs
Rush
Sánchez
Scarborough
Schumer

☐ 2019

Messrs. HINCHEY, STRICKLAND, KENNEDY of Rhode Island, and LEWIS of Georgia changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON REFUSAL OF ATTORNEY GENERAL TO PRODUCE DOCUMENTS SUBPOENAED BY COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. BURTON of Indiana, from the Committee on Government Reform and Oversight, submitted a privileged report (Rept. No. 105–728), together with additional, minority and additional minority views, on the refusal of Attorney General Janet Reno to produce documents subpoenaed by the Government Reform and Oversight Committee, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–729) on the resolution (H. Res. 544) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 543

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3248) to provide dollars to the classroom. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 543 is a structured rule providing for consideration of H.R. 3248, the Dollars to the Classroom Act. The rule provides for the traditional 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

It makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be considered as read. The rule waives clause 7 of rule XVI prohibiting nongermane amendments against the committee amendment in the nature of a substitute.

In addition, the rule makes in order only the amendments printed in the report on the rule, to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report, with the time equally divided between a proponent and an opponent.

The amendments are considered as read and are not subject to amendment. Also, all points of order are waived against the amendments.

The rule permits the chairman of the Committee of the Whole to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3248, the underlying legislation, the Dollars to the Classroom Act, is the legislation that implements the sense of the House expressed in House Resolution 139, the Dollars to the Classroom resolution, which passed the House by an overwhelming vote of 310 to 99 last session. When the vast majority of our colleagues voted for House Resolution 139, this House stated very clearly and unequivocally that we believed that the Federal education dollars that are sent to the States should be sent as much as possible directly to our local schools.

The goal we are seeking with the implementing legislation, with this underlying legislation, what we are seeking to accomplish is to make certain that no less than 95 percent of the Department of Education's elementary and secondary education program funds are spent at the local level, where they should be spent. With this bill, more money will go straight to the classroom where it will have, obviously, the best possible impact.

Now, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. PITTS) are to be commended for bringing this important piece of legislation forward. I believe the Committee on Education and the Workforce did a very good job in marking up this bill.

Given that only 5 amendments were offered in the committee of jurisdiction and that the Committee on Rules gave the entire membership of the House 6 days to file amendments on this bill and yet we, in the Committee on Rules, received only 2 amendments, I believe that this structured rule is the correct approach for this bill's consideration.

The rule makes in order all of the amendments that were filed with the Committee on Rules, even though only 2 Members took the time to do so. Anyone interested in amending this bill has had 6 days, Mr. Speaker, to make their amendment plans known. Also, given that we are moving close to the end of the 105th Congress and we have obviously many important issues to resolve in the appropriations process, time is certainly in short supply.

Mr. Speaker, we can do nothing more important than to protect and to strengthen the future of this great Nation, and our children represent the future of this great Nation. We are losing jobs because of some of the evident failures of our educational system, especially in the advanced math and engineering fields.

Seriously addressing the educational needs of our children has become one of the true challenges for the United States of America. We have an obligation to assure that students of all ages receive the best possible education and that the funds entrusted to us by the taxpayers are spent wisely. In the effort by the House of Representatives to send a message of its commitment toward Federal funding for education, I supported the Dollars to the Classroom resolution, urging the Federal bureaucracy to send at least 90 percent of Federal education dollars directly to the classroom. It is important that we put some teeth into that sense of the House Resolution and that we implement what we overwhelmingly agreed was a worthwhile goal.

House Resolution 3248 consolidates and streamlines 31 Federal education programs, giving State and local decision makers increased authority and flexibility in the use of Federal education dollars, and this legislation will send more of the money to the classroom where it will be used to help our students.

No one knows the educational needs of our children better than their teachers.

□ 2030

There is no better way to support education, genuinely, than by sending Federal dollars directly to the schools where it is most needed.

Mr. Speaker, this is very good legislation. I am proud to be supporting it. I believe that House Resolution 543 is also an appropriately structured rule to bring this legislation to the floor, and I urge its adoption. I support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this rule and the underlying bill because the bill makes unprecedented changes in many Federal educational initiatives. Despite that fact, the Committee on Rules chose to block any amendment that might otherwise be offered during floor debate, except two amendments prefiled with the Committee on Rules.

What is the majority afraid of? Some might say that in the press of business at the end of the fiscal year, we cannot afford open debate and amendment. But this bill was reported from the committee on June 24. Why was that report not filed until September 11, forcing consideration at this busy time?

Mr. Speaker, I fear the process has been manipulated to shut down debate on how this bill will affect millions of children across our Nation. Closed rules are the refuge of those who fear democracy.

Mr. Speaker, our country's public schools are in critical need of our support, our resources, and our guidance. Supporting public education needs to be placed at the forefront of the House's agenda. This bill does just the opposite. Under the guise of reform, H.R. 3248 consolidates many important education programs into a single block grant, with no accountability and no guarantee that the money will be spent on the specific needs for which they were originally intended.

The 31 programs eliminated by this misguided legislation were created for this very reason, to fill existing needs. For example, I remember quite well back in 1987, when I was first in Congress, and Congress passed the Education for Homeless Children and Youth program under the Stewart B. McKinney Homeless Assistance Act. I remember it quite well because we wrote it.

Reports issued in the mid-1980s showed that more than 50 percent of the homeless children and youth were not attending school. Homeless children suffer disproportionately from health problems, nutritional deficiencies and developmental disabilities. Uprooted day after day, more than half of them were school dropouts.

The Congress found it unacceptable for these children to be denied an education, the major source of stability in their lives, and the only hope for these children to build a better life for themselves. The Education for Homeless Children and Youth Program was created because State and local schools were not meeting the responsibility to these children. The program set standards for the placement of homeless children in appropriate schools and provided funding to help supply the tools they would need to be successful in school.

It is hard to do well in school when one does not have the clothes to wear, the books to read, the basic school supplies, a required place to do homework, or transportation to school. Through grants to schools, the program encourages supplemental tutoring and assistance to help these children make up for school time they may have lost when their families became homeless.

Despite periodic attacks levied against it, this program has resulted in documented improvement in school access and enrollment. Thousands of children have been given a chance to succeed in life that they would not otherwise have had. Our Nation's future is better because we help these children to succeed in education and in life, rather than giving up on them and likely supporting them for much of their lives.

Mr. Speaker, I am not saying that local school districts do not know what to do for the majority of their students, but like governmental officials everywhere, they spend their scarce resources on programs that benefit the majority. They, like all of us, pay attention to their constituents who contact them, who vote and who organize support groups. Unfortunately, homeless families, struggling to survive, do not have the time or the resources to effectively lobby the local school board. Yet a small investment, and it has been a small investment, by the Federal Government can help school districts recognize the homeless children's special needs and meet them, with an enormous return on the investment to both the children and to the community.

Mr. Speaker, as the author of the major reauthorizations of this program, I know its successes. And while I am not as familiar with the other 30 programs that this bill would block grant, I believe it is likely that they, too, are designed to fill an important need that was not being addressed by financially pressed local school districts.

Now, some may consider programs such as the Women's Educational Equity, Gifted and Talented Education, Arts in Education, and the Eisenhower Mathematics and Science Education Program, frills. But these small, targeted programs assure that all our children can receive the education that will allow them to become the best that they can be. If these programs are abolished, all accountability to ensure that schools meet the national priorities stated in these programs will also be eliminated.

In fact, this legislation goes as far as to prohibit accountability by barring the Secretary of Education from imposing any meaningful performance or accountability standards regarding the expenditure of funding under this bill. And who do these programs target? The legislation includes a distribution formula which lessens the Federal Government's focus on the children who need our help the most: the poor.

The Federal Government must continue taking an active role in addressing the needs of low-income families. A recent GAO study makes the point that Federal education programs do a better job of targeting resources to those most in need than State and local efforts do. I find it utterly shameful that this House would endorse legislation that shirks our responsibility to the neediest of our children.

Mr. Speaker, this bill overturns decades of Federal education policy. It ought to receive substantial debate so that Members understand what it will really do. And if that debate sparks Members to think of ways to make the bill better, those Members should have the right to offer germane amendments. This rule provides neither enough time for adequate consideration nor the right for most Members to offer amendments.

I urge my colleagues to oppose the rule so that this abrupt reversal of Federal education policy can receive the full consideration it deserves.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to advise my colleagues that we are privileged that the two Members of this House who are most knowledgeable on this legislation, that will do so much to get dollars to the classroom and not keep the dollars with the bureaucracy in Washington, dollars that our kids need for their public education, those two Members of Congress who most know what this legislation actually will carry out and accomplish, they are here.

Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to make sure I choose my words very carefully, because what the Department of Education has been circulating, what the lobbyists for the chief State school officers is circulating, and what OMB is circulating is, let me find a word, "disingenuous" at the very best. Now, I am being very kind when I say that, because if I used the real language that I should be using it would be much stronger than just "disingenuous."

What they are doing is trying to raise a battle about the appropriation process. So they are trying to mix apples and oranges. Yes, the Committee on Appropriations has reduced funding in this particular area. It will not happen by the time it goes through conference, et cetera; but they have, and so they are trying to use those numbers.

Well, I understand why they are doing this. They do not really have an argument against the legislation. They do not have an argument against the legislation because it sends an additional, at least, $425 down to every classroom.

Now, what their argument is, that they do not want to come out and say is, we do not want to give up all our bureaucratic jobs. We want to keep these people on the payroll. And that is what the chief school administrator representative is saying. And back in the State: We want to keep them on the State level; spend the money there. Do not worry about children. We know better in the bureaucracy. So, first of all, they do not have an argument because they know more money gets to the classroom.

They also do not have an argument because they know that we have a hold-harmless 100 percent for all formula grant programs, a hold-harmless program in place for all formula grant programs.

They also do not want to admit that the parents and the local administrators and the local teachers have a far better idea how to spend this money than the bureaucrats in Washington.

Now, the interesting thing is that people will get up and say, oh, they will use this money for playground equipment. They will use this money to build a swimming pool. Well, guess what? The only place they use this money is in the very same programs that now exist. The very same programs.

However, they do not have to fill out 31 applications, page after page after page. They do not have to have all of the rules and regulations that come from the Federal level. We have two pages of accountability in this legislation. Very, very strong accountability language.

Now, I think it would be important to say what the uses of this money, for what they can use this money. I am trying to keep the preposition off the end of the sentence. After all, we are speaking about education. These are the uses of the money:

Let me start with number nine. Programs for homeless children and youth. Now, the only way we could argue that this will not happen is because we do not trust the State; we do not trust the local school district. But, Mr. Speaker, if that school district has a large number of homeless children, they can spend all the money for that purpose. That is the beauty. Each local school can determine that. So if we do not trust our local school districts or if we do not trust our States, then I suppose we would have an argument.

The money will be used for professional development for instructional staff. The money will be used for programs for the acquisition and use of instructional and educational materials. The money will be used for programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students, and to prevent students from dropping out of school.

The money will be used in efforts to lengthen the school day or the school year, if that is what the local district believes it should be used for. It will be used for programs to combat illiteracy in the student population. It will be used for programs to provide for the education needs of gifted and talented children.

It will be used for promising education reform projects that are tied to State student content and performance standards. It will be used to carry out comprehensive school reform programs that are based on reliable research.

Do these not all sound very, very familiar? They should, because they are exactly the programs that are out there now.

All we are doing is saying we ought to get 95 cents of that dollar down to the local classroom, where it will make the difference with students, not to the bureaucrats in Washington, not to the bureaucrats in the State, not to some of the private groups, Washington-based. No, to the children; to the teachers, so that, as a matter of fact, they can improve education.

It can be used for programs built upon partnerships between local educational agencies and institutions of higher education. Sounds very familiar, does it not?

It can be used for the acquisition of books, materials and equipment. It can be used for programs to promote academic achievement among women and girls. Does that not sound familiar?

It can be used for programs to provide for the education needs of children with limited English proficiency, or who are American Indian, Alaskan Native, or Hawaiian. It can be used for activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

It can be used for efforts to reduce the pupil-to-teacher ratio. It can be used for projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

I am reading, folks, the 26 uses of the money, which are the 26 uses of the money at the present time.

What do we cut out? We cut out reams and reams and reams of paperwork. If you are a school district and you cannot afford to hire people to sit there day after day, hour after hour, trying to fill out these damnable applications that come from Washington, D.C., you do not get a grant. You do not have a chance.

So all we are cutting out is the bureaucracy in Washington, the bureaucracy in the State, giving an opportunity for parents, children and teachers and administrators on the local level to determine which of these allowable uses are most important to them.

One district may decide to spend half of that money on one or two of these. Another district may decide that there are five or six, but certainly we should not be saying there is a one size fits all. For what York City may need, York suburban may not need, in my own school district. So I hope that when we get into this tomorrow that we will not hear people getting up and misrepresenting what the legislation does, and I hope none of them get up and use any of the, and again, I want to be careful, apparently disingenuous information being put out by the Department of Education and being put out by the lobbyists for the State school officers.

I think it is very, very important that tomorrow's debate has nothing to do with the appropriation process. That is another time to debate that. If the Members want to debate that, debate that when the appropriation bill comes on the floor but do not take the numbers that that appropriations committee has now produced, because we know that those will not be the numbers by the time the conference is over anyway.

Do not mix apples and oranges. Let us think about children. Let us think about getting money down to the classroom, where it can be used effectively and efficiently to do all the things that we in Washington, D.C. said should be done, but done their way on the local level.

Mrs. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased that this rule makes the ranking member's amendment, the gentleman from Missouri (Mr. CLAY), to reduce class size in order.

H.R. 3248 continues to be a bad bill. It is not that I do not trust the schools and the school districts, as my good chairman would make us think. I do not trust the Congress and our funding priorities. Claiming that Dollars to the Classroom Act will increase education funding really means that we need some remedial lessons in math and history here on this floor.

The only way dollars to the classroom can increase funds for schools is for Congress to appropriate more money for the block grant. Then each individual program can get more. We already know that that is not going to happen. We have seen the fiscal year 1999 Labor-HHS-Education appropriations bill. We know that the programs being block granted in the Dollars to the Classroom Act are being cut by 20 percent; 20 percent.

That comes as no surprise to those of us who know our history. We know that block grants historically lose funds. A 1995 GAO report found that when Congress created a series of block grants in the early eighties funding for those programs declined significantly.

Here is what the State Superintendent of Public Education in California, Delaine Eastin, wrote to me about H.R. 3248. She said, and I quote, "H.R. 3248 leaves future education funding extremely vulnerable at a time when schools are managing record levels of student enrollment. Growing populations of students with special needs, increased demand for teachers, staggering school construction needs and changing educational technologies."

I urge my colleagues to listen to the lessons of professional educators in their States and in mine. Mathematically and historically, block grants mean less dollars, not more, for our schools and for our students. As I said, Mr. Speaker, I am against this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), a distinguished Member of this House who has worked tirelessly on this very important and innovative piece of legislation.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I just want to make sure that we understand that Chapter 2 funding was reduced not because of the then minority party. Chapter 2 funding was reduced by the then majority party, a program that all educators loved.

Mr. PITTS. Mr. Speaker, I rise to speak on behalf of H.R. 3248, the Dollars to the Classroom Act. We have been working almost 2 years on this legislation and it is exciting to get to this point.

I want to especially commend the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), for his tremendous leadership as he has shepherded this through committee and now brought this to the floor and fine-tuned the bill. He has done an outstanding job and all of our thanks go to him.

Before getting to the specifics of the bill, I would like to just mention that the one thing that I am really looking forward to is going back to my district, and every Member can do this, and taking a check like this, because this check to the children of the 16th Congressional District represents money that is freed up from the bureaucracy that is consumed now by the Federal bureaucracy in all kinds of wasted tax dollars, and this money is going to be going directly through the States to the classrooms to these children in all of our schools around the Nation. This is a win for school children, for parents, for teachers, in every one of our districts.

As we probably know, the Dollars to the Classroom Act will consolidate 31 Federal programs into a single flexible grant to the States with the requirement that 95 cents of every one of these Federal dollars gets to the classroom to be used on the priorities of the local teachers and parents, the local schools. It can be used for any one of those authorized 31 programs, but it can be used in the classroom for things such as teachers' salaries, teachers' aides, equipment, books, computer supplies, whatever their needs are. We know that the needs of one district are not necessarily the needs of another district, but they can be used according the local priorities.

If they want to reduce classroom sizes, if they want to spend it on teaching reading, connecting the classroom to the Internet, whatever their needs are, they can use it all.

It is estimated today by the Committee on Education and the Workforce, and we did not consolidate all programs, we did not touch Title I, that is a very efficient program. We did not touch special ed, migrant ed, voc ed, but we took 31 programs, programs like Goals 2000, School-to-Work, we consolidated them. Those monies that are going to the local school districts are increased because of the flexibility and the reduced requirements for no paperwork, without the administrative requirements that are presently in place.

This could mean an additional approximately $9,300 per school, approximately $425 per classroom. Every State wins. Every State is held harmless.

So we are putting our children first, not the bureaucrats first.

Now, look at this chart. Before the Dollars to the Classroom Act, there are the existing 31 programs with all kinds of funds being siphoned off at the Federal level, the State educational agencies, and finally getting down to the schools. After the Dollars to the Classroom Act, we have got a single grant stream directly through the States to the classroom.

I would like to also mention that every State is held harmless, and we have an inflationary grant. This is an authorization bill. This is not an appropriations bill.

Now, I understand the arguments about changing an appropriations bill. Whatever the appropriations level, this will get more of that money into the local classroom.

So it comes down to this argument: Who do you trust with your tax dollars;

your local teachers and parents or bureaucrats?

I think all of us should stand with our local parents, teachers, principals and children, the real beneficiaries. Those who are in the place where the real learning takes place, who are going to be the beneficiaries of this bill, stand with them and not the bureaucrats. So I urge my colleagues to help send the dollars to the classroom by supporting the rule.

Mrs. SLAUGHTER. Mr. Speaker, may I inquire from my colleague, the gentleman from Florida (Mr. DIAZ-BALART) if he has any more requests for time?

Mr. DIAZ-BALART. Mr. Speaker, not in the chamber at this time.

Mrs. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, reiterating my support for the underlying legislation and this very fair rule, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–312)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d) and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), since my report of March 16, 1998.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses.

The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses that were issued authorized certain financial transactions and transactions relating to air safety policy. Pursuant to sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

Since the issuance of Executive Order 13059, more than 1,500 transactions involving Iran initially have been "rejected" by U.S. financial institutions under IEEPA and the ITR. United States banks declined to process these transactions in the absence of OFAC authorization. Twenty percent of the 1,500 transactions scrutinized by OFAC resulted in investigations by OFAC to assure compliance with IEEPA and ITR by United States persons.

Such investigations resulted in 15 referrals for civil penalty action, issuance of 5 warning letters, and an additional 52 cases still under compliance or legal review prior to final agency action.

Since my last report, OFAC has collected 20 civil monetary penalties totaling more than $110,000 for violations of IEEPA and the ITR related to the import or export to Iran of goods and services. Five U.S. financial institutions, twelve companies, and three individuals paid penalties for these prohibited transactions. Civil penalty action is pending against another 45 United States persons for violations of the ITR.

6. On January 22, 1997, and Iranian national resident in Oregon and a U.S. citizen were indicted on charges related to the attempted exportation to Iran of spare parts for gas turbines and precursor agents utilized in the production of nerve gas. The 5-week trial of the American citizen defendant, which began in early February 1998, resulted in his conviction on all counts. That defendant is awaiting sentencing. The other defendant pleaded guilty to one count of criminal conspiracy and was sentenced to 21 months in prison.

On March 24, 1998, a Federal grand jury in Newark, New Jersey, returned an indictment against a U.S. national and an Iranian-born resident of Singapore for violation of IEEPA and the ITR relating to exportation of munitions, helicopters, and weapons systems components to Iran. Among the merchandise the defendants conspired to export were parts for Phoenix air-to-air missiles used on F–14A fighter jets in Iran. Trial is scheduled to begin on October 6, 1998.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.7 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel); the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser); and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continues to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

☐ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO SECOND CHANCES FOR MURDERERS, RAPISTS, OR CHILD MOLESTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address the House to speak about very important legislation I am working on with Congressman MATT SALMON. This legislation is the No Second Chances for Murderers, Rapists, or Child Molesters Act.

Mr. Speaker, each year more than 14,000 murders, rapes and sexual assaults on children are committed each year by individuals who have been released in the neighborhoods after serving a prison sentence for rape, murder, or child molestation.

Think about it. Every one of these crimes is preventable.

These perpetrators were behind bars, convicted of heinous crimes; yet, Mr. Speaker, were released to prey on the population again. This is unconscionable, indefensible, and must stop. That is why I am working with my colleagues. Mr. SALMON has introduced the legislation. We are working together with the Law Enforcement Caucus to make sure this legislation is adopted.

Public safety demands that we keep these people behind bars. Second chances are fine for petty crimes, however we do not believe that individuals who have murdered, raped, or molested a child should have that opportunity to repeat their criminal behavior.

Just consider just a couple of offenses which are so tragic.

In 1997, Arthur J. Bomar, Jr., was charged in Pennsylvania, Mr. Speaker, with a rape and murder of a George Mason University star athlete, Amy Willard. Bomar had been paroled in 1990 from a Nevada prison, following an 11-year stint in prison for murder. Even in prison he had a record of violence. Bomar is also being investigated for involvement in at least two other homicides that follow his release. Amy's mother, Gail Willard, has endorsed the legislation.

The victims go on and on.

We have Mary Vincent in California, and we have countless other witnesses who came before the Committee on the Judiciary today about how important this bill is.

Released murderers, rapists, and child molesters are more likely to recommit the same offense than the general prison population. Released murderers are almost five times more likely than other ex-convicts to be rearrested for murder. Released rapists are 10½ times more likely than nonrapist offenders to have a subsequent arrest for rape. Astonishingly, a recent Department of Justice study revealed that 134,300 convicted child molesters and other sex offenders are currently living in our neighborhoods across America.

We want to change this, to encourage States to keep sex offenders and murderers in prison where they belong. Our legislation, the No Second Chances for Murderers, Rapists, or Child Molesters Act is what we are advancing. This bipartisan legislation, Mr. Speaker, would enact a simple process. If a State releases a murderer, a rapist, or a child molester and that criminal goes on to commit one of these crimes in another State, the State that released the criminal will compensate the second State and the victim in the later crime.

This is an idea whose time has arrived, Mr. Speaker. I hope that more and more of our representatives will join us in this quest to have this legislation adopted. It has been endorsed by every major law enforcement organization in the United States.

Congressman SALMON is to be congratulated for bringing this idea forward. Many of us have cosponsored this bill because we believe it is going to be a step in the right direction. This Federal bill, along with a similar State bill, will make sure that those people who commit such violent crimes will not do them a second time.

WE MUST SAVE SOCIAL SECURITY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise today in support of the most successful government program ever created: the Social Security system.

Over 500,000 retired Arkansans and 160 million retired Americans depend on their Social Security system monthly check as a necessary source to supplement their retirement income. Many retired seniors in my district and across the country rely on the Social Security system as their only source of income.

Right now, millions of working Americans, including our children and grandchildren, are paying into the Social Security system and are counting on it for when they retire. Although no one in the next few years has to worry about whether they will receive their monthly check, the Social Security system will face undeniable problems in the future which need to be addressed now.

These problems are due to demographics which include the baby boom generation, declining birth rates, and increasing life expectancies. The number of people 65 and older is predicted to rise by 75 percent by the year 2025. The number of workers whose payroll taxes finance the Social Security system benefits of retirees is projected to grow by only 15 percent. This year the Social Security system will collect $100 billion more in payroll taxes and interest than it pays out to the Social Security beneficiaries.

By the year 2010, when 76 million baby boomers begin to retire, the Social Security systems cash flow surplus will begin to decline. Because Social Security is financed by payroll and self-employment taxes on a pay-as-you-go basis, meaning that today's workers are paying for the benefits of today's retirees, by the year 2032 there will not be enough people paying into the system to pay for those who should receive the Social Security payments. At that point, payroll taxes will only generate approximately 75 percent of the revenues needed to pay for the benefits of those current retirees.

Before we reach this critical point, Congress must be willing to carefully examine the issues surrounding the Social Security system and take corrective action. Until such action is taken, nothing should be removed from the Social Security Trust Fund.

This year some have suggested that we have a budget surplus. That just simply is not so. Excluding the Social Security Trust Fund, there is a $137 billion deficit in the next 5 years. We will not have a surplus for another 10 years, and then it is only $31 billion, and that is assuming a good economy.

Of course there is an enormous temptation to spend this so-called surplus. We should cut taxes. But we should resist the temptation to rob the Social Security Trust Fund. We must not rob our children's future.

While Social Security is sound today, we in Congress have a responsibility to worry about tomorrow. We must ensure that Social Security will continue to provide the benefits promised to those who have paid into the system. No one should have to worry that one day Social Security will not be there for them. Our children and our grandchildren deserve to know that Social Security will be there when they need it.

We must save Social Security first.

IN SUPPORT OF A NATIONAL DIALOGUE IN INDONESIA REGARDING IRIAN JAYA/WEST PAPUA, NEW GUINEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to inform our colleagues and the Nation of important developments in Indonesia concerning the people of West Papua, New Guinea, or commonly known as Irian Jaya, as it is known by the Indonesia Government.

If you recall, Mr. Speaker, I have spoken on the floor before about Jakarta's brutal subjugation of the West Papuan people and their decades-long struggle for independence from Indonesia.

Today I welcome the announcement of a significant development in the Indonesian Government's position on West Papua, as described in an article that appeared in the Indonesian language daily newspaper, Suara Pembaruan, on Sunday, September 13, 1999, and I include this newspaper article in the RECORD.

The article referred to is as follows:

[Translation—occasionally impossible to read newspaper clipping print]

PRESIDENT HABIBIE AGREES TO CONDUCT NATIONAL DIALOGUE ON IRIAN JAYA

President B.J. Habibie listened carefully and with full attention to reports of human rights violations which have occurred in Irian Jaya during a meeting with the Reverend Karel Phil Eran on the evening of Friday 11 September at the Palace.

Karel Phil Eran is the Secretary of the National Development for Irian Jaya and a member of the Pastoral Team of the Council of Churches in Indonesia who was on a pastoral mission to Irian Jaya (IrJa) after several demonstrations and actions which have resulted in fatal incidents and wounded victims during 11–18 August 1998.

In his discussion with Pembaruan on Saturday morning, Eran stated President Habibie as declaring that in the current reformation era killings cannot happen unless forced by the direst circumstances. Because of that a new approach must be held with regard to development plans in IrJa.

During the meeting which lasted more than an hour, Eran presented to the Head of the Nation that the people of Irian Jaya in the particular region have been extremely wounded by incidents of human rights violations which have been perpetrated by security forces there. This has resulted in the people's desire to separate themselves from Indonesia.

President Habibie stated his agreement to conduct a national dialogue with regard to Irian Jaya in the shortest time. At the Dialogue the people's voices may be heard and an honest examination regarding what actually happened can be understood together.

President Habibie also affirmed that the church is given equal rights in all development programs in the region. The role of the church in the building of the community must be given attention, said Eran in quoting the President. The President also stated that there cannot be any discrimination in all sectors especially since the Church in Irian Jaya is a pioneer in development efforts as evidenced throughout history. Meaning, that even long time before Irian Jaya became part of Indonesia, the Church especially was the pioneering force for regional development here.

The President was very open; he received me not as an Irian expert but as a friend from the intellectual community which is much needed by the people, said Eran. Habibie also offered to Eran to become a member of the National Reconciliation Team which can facilitate problems of Irian. He asked of>>>>S. Panjaitan to organize an informal meeting to follow up on the discussions. At the end of the meeting Pastor Eran prayed for President Habibie asking for grace and wisdom in facing the problems of this nation.

THE NEED FOR DIALOGUE TO DISCOVER THE ROOTS OF THE PROBLEMS OF IRIAN JAYA

To present the various intense problems which are happening in Irian Jaya a forum for dialogue must be organized to discuss and discover the best solutions for the future of Irian.

At the minimum there are three important agendas which must be addressed between experts in culture, non profit foundations, academia and government.

The first agenda are the problems of human rights, second the problems of autonomy or the granting of full rights to the people of Irian to determine their own destiny. The third agenda is the problem of independence for Irian.

This was the discussion with Abdul Gafur after the meeting conducted among the National Development for Irian Jaya and the Council of Churches in Jakarta on Thursday. As is known, on the 10th of August the PGI went on a pastoral mission concurrently with the initiative to bring the team of National Development for Irian Jaya to see first hand the problems facing the people of the province.

The Team consists of the Chairman, Prof. Sudarso Sepater, Pastor Karel Phil Eran and a member the Rev. Dr. Jodo Wibowo (unreadable......)

Minister Gafur, Joint team in the Parliament agreed with >>>>> that a forum must be created including several experts in the community in cultural affairs, academia and government to examine the roots of these problems and to find ways and means to solve.

However, there are slight differences in the perception of dialogue which we have offered with the dialogue as proposed by the PGI. We, from the Parliament propose that the forum is conducted in the locality to involve all the leadership of Irian and upon obtaining its results, bring the resolutions to the central government. It does not matter what you name it, what is important is that we conduct the dialog, says Gafur, who is the Chairman in the Parliament for Irian Jaya Affairs.

In the meantime, the proposal for dialogue as offered by the PGI is a National Forum to include many other sectors and components of the general population. Thus the results could be clearer and maximized.

They also stated that the form and presentation of the dialogue is of lesser concern, whether conducted on local or national level.

If the dialogue begins at the local community level there may be many aspirations and appreciation by the local people to address the various problems they face.

JUST TREATMENT

In the meantime the Secretary >>>>>>>>, Rev. Dr. Karel Phil Eran affirmed the national dialogue proposal as presented by his group as having received positive response from the chairman of the Parliament, Abdul Gafur. As such the PGI shall follow up with a clearer agenda.

The National Dialogue on Irian Jaya shall be organized in coordination with and facilitated between the Parliament and PGI. The Dialogue shall be conducted free from any intimidation, threats and strategies.

The people of Irian must feel confident that they shall be treated justly in this national dialogue therefore they shall be represented by the Church, the cultural experts, students, the intellectuals, organizations, women's organizations, bureaucrats and historical experts such as >>>>>>

In addition, by conducting a national dialogue this shall increase awareness and concern and create a psychological effect for the local people encouraging them to be brave enough to conduct dialogue amidst themselves, at the minimum to open up discussions regarding incidents and suffering as experienced by them.

It has been clarified that the PGI team has uncovered human rights violations of extremely serious nature for 35 years where innocent people have been killed, cruelly beaten, vanished, oppressed, intimidated and many women have been raped. Such practices have returned to Biak on the 6th of July.

The pastoral mission of the PGI to Irian Jaya was conducted as a show of solidarity and responsibility. PGI received reports from the GKI church (Dutch Reformed—Protestant) in IrJa with regard to these human rights violations which are extremely serious in the form of suffering and terror among the parishioners of the GKI and the Christian community particularly in Biak, Sorong, Waimena, Nabire and the city which was overwhelmed by rioting and peaceful demonstration for a Free Papua on 7th July 1998.

The newspaper report states that Indonesia's President, B.J. Habibie, has agreed to a national dialogue of West Papua as soon as possible. The proposed dialogue, supported by Indonesian parliamentary leader Abdul Gafur and the Indonesian Council of Protestant Churches, would cover a three-part agenda including human rights problems, autonomy issues, and the issue of independence.

Mr. Speaker, this pronouncement by President Habibie is extremely encouraging news, and President Habibie should be commended for his leadership envisioned in addressing this long-festering wound in Indonesia.

As the United States Congress has spoken out forcibly on East Timor, Mr. Speaker, I am confident that our colleagues fully support President Habibie's call for establishment of this vital dialogue between West Papua and the Government of Indonesia.

To ensure that the dialogue proceeds in a credible and legitimate manner, however, we recognize that certain fundamental steps are absolutely necessary.

First, a dialogue must be structured to facilitate full and democratic participation, including representatives from all sectors of society in West Papua. This should include recognized and respected community leaders, church leaders, students, women's organizations, academics, West Papuans who participated in the United Nations sponsored act of free choice, which was actually an act of no choice, and historical and cultural experts.

Second, the Indonesian Government should terminate West Papuan status as a military operations area which allows martial law to be imposed in West Papua as well as in East Timor and Aceh. The military's involvement in West Papua's political and economic development should also be terminated, Mr. Speaker. Additionally, immediate steps should be taken to investigate and prosecute military personnel responsible for human rights violations throughout West Papua, New Guinea.

Last, Mr. Speaker, there must be increased transparency and openness in West Papua which can only be accomplished by allowing churches, nongovernmental organizations, and independent international human rights organizations to monitor full access to all areas of the province.

In concluding, Mr. Speaker, I would ask my colleagues to join me in commending President Habibie for this courageous decision on West Papua, New Guinea and that he be urged to take the foregoing steps to ensure that a successful and productive dialogue take place as soon as possible.

And, Mr. Speaker, I had the privilege recently of meeting with the gentleman, Mr. John Kubiac, who is the leader of the human rights organization in West Papua, New Guinea, who was recently here in Washington. And I am very, very hopeful that my colleagues here in the Congress and the American people will support this effort to allow, especially allow the people of West Papua, New Guinea to determine for themselves what should their future be and not be subjected as a colony of Indonesia as in our stance.

HOW DO WE DEAL RESPONSIBLY WITH THE SOCIAL SECURITY TRUST FUND?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I would like to begin by associating myself with the remarks of my colleague from Arkansas (Mr. BERRY) with respect to Social Security and budget policy tax-cut issues. I certainly feel that he has accurately identified a problem that we face in this country: How do we deal responsibly with the Social Security Trust Fund and our obligations or the obligations which will be due from that trust fund in the years ahead? Although all of us, I think, would agree that the tax cut proposal that is being considered or has been considered in the Committee on Ways and Means is a moderate proposal and that it distributes benefits equitably among the American people, the really difficult question is at what stage should we implement this proposal? Should we implement it when we borrow from the Social Security Trust Fund yet to balance the budget, or should we postpone the implementation of a proposal of that type until after we know that we no longer need to use the Social Security Trust Fund to balance the budget?

□ 2115

I would like to, however, extend my comments this evening beyond the budget issues that are raised with respect to Social Security and move to a slightly different topic area. * * *

We have many responsibilities here in Congress. Perhaps most significantly, we should not let those actions deter us from attempting to complete the work on the budget. The budget that this body and the body at the other end of the building would have agreed to is 5 months and 2 days past due.

Mr. Speaker, we have an awesome responsibility here to comply with the Budget Act, and we are not doing it. It is difficult to prepare and bring to the floor appropriations bills which fit within a budget that we have not yet adopted, or to identify the scale of tax cuts that we would like to work on when we have no budget with which to place those tax cuts in context. In fact, it appears that many of these efforts to bring bills to the floor, to discuss tax cuts are lonely efforts, because they are efforts that do not have within them that budget.

It reminds me of the claymation figure that was used in the 1950s, a little figure that one of my staff members found a replica of: Gumby. Poor Gumby. His friend was Pokey. They wanted company. These appropriations bills, this tax cut consideration needs a friend. It needs the Budget Act, or it needs the budget resolution, and the fact that we do not have a budget resolution makes me think that the old 1950s figures live again here in Congress in the 1990s.

Mr. Speaker, I challenge the leadership of this body and of the Senate to appoint a conference committee so that the budget resolutions that were adopted in the respective bodies can be reconciled, so that this body is acting responsibly, and so we know that we have complied with the laws that we ourselves have adopted and lay down the standards for responsible fiscal planning. We need a budget resolution for the 1999 fiscal year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair must remind all Members to refrain from personal references to the President.

THE ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we are in a race, and the participants in the race, along with the United States of America, are nations like North Korea, Iran, Iraq, Communist China, and to some degree, Pakistan and India. The other participants in this race seem to understand that it is a race because they are doing everything that they can to develop offensive missiles that have increasing capability and can go long distances, now almost to the point where this last shot that was fired over Japan by the North Koreans, the so-called Taepo Dong 1 missile, a 3-stage missile, had enough range to reach portions of the United States of America. That is the North Koreans now, years before the CIA ever thought that they would be this far, have now developed a missile that has ICBM capability. That means the capability to reach parts of the United States.

Now, on the other side of the race is the American effort to develop defenses against these missiles, and this American effort really started in 1983 when then President Ronald Reagan told the Nation that we were entering the age of missiles, and that we had to do something about it, and that rather than just have the ability to retaliate; that is, throw our missiles back at that enemy, whoever it might be, we needed to be able to develop the ability to shoot down incoming missiles.

Now, that lesson that Ronald Reagan gave us in 1983 was driven home in the early 1990s during the Gulf War when we saw ballistic missiles, Scuds at that time, for the first time in the history of warfare, being delivered on a battlefield. My colleagues may recall, Mr. Speaker, those Scud missiles destroyed a number of American barracks and killed a number of American soldiers.

We shot some of them down with our Patriots. Our Patriots were the Model T of missile defenses. They are very slow. According to MIT, they did not hit any of the Scud missiles. According to the U.S. Army, our Patriots shooting at those Scuds had close to an 80 percent success rate. Probably the truth is somewhere in-between zero and 80 percent.

But now, our potential adversaries, like the North Koreans, are racing to develop offensive missiles, and Mr. Speaker, we are stalled in the development of our ability to defend against those missiles.

If we look at the so-called PAC–3 upgrade, that is just an upgraded Patriot. That is maybe, if not the Model T, that is maybe the 1965 Chevy of our missile defenses. We are not going to even deploy that until the year 2000. And, Mr. Speaker, the so-called Navy Lower Tier, that is a system that cannot even shoot down the type of Dong I missile, 3-stage missile that the North Koreans just fired, that they now have and have the ability to fire right now. That Navy defensive system, so-called Navy Lower Tier, it is a fancy name for the Navy missile defense system, will not even be deployed until 2 years after the next century starts; that is, 2002.

The so-called Airborne Laser that we are working on, we do not deploy that until 2006, and the THAAD system, which has a very difficult time hitting any of its test targets today, even if it is successful and is not terminated, will not be deployed until 2007. And of course, the Navy Upper Tier, and that is a system that barely has enough capability, if everything works out, to knock down this North Korean Taepo Dong I missile, that is not going to be deployed until 2008.

So the North Koreans today have a missile that can out-perform the American defense, and that missile is capable today, and the American defense against that missile is not going to be on line until 10 years from now, in 2008.

So, Mr. Speaker, we have to redouble our efforts. We have to reorder our priorities. We may have to spend some billions of dollars, but we must have a defense against incoming missiles, whether they are incoming missiles coming against our troops who are in theater like our troops in Desert Storm, or coming into American cities.

The first question I ask the Secretary of Defense when he appears before our Committee on National Security is this: Can you stop today a single incoming ballistic missile coming into an American city? And his answer always, and this last year again was, no, we cannot stop a single incoming ballistic missile.

We must change that situation, Mr. Speaker.

SEXUALLY TRANSMITTED DISEASE: EPIDEMIC IN THE U.S.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, tonight I am going to be talking about a subject that is rarely talked about from this chamber, and one of the reasons I am doing so is because the Federal agencies that have been charged with this duty have failed in their duty.

In the time that I take to talk about these issues, what will happen is in the next hour, 1,300 people in this country will contract a sexually transmitted disease. Mr. Speaker, 500 of those people will never be cured of that disease. In the next hour, 30,000 Americans will be exposed to a sexually transmitted disease, and in the next 24 hours, 30,000 Americans will actually contract a sexually transmitted disease, of which 12,000 will be entirely incurable.

What we have today in our country is an epidemic of sexually transmitted diseases that is covered up, that is not talked about, that nobody wants to know the information about. This knowledge is valuable. It is powerful for us as parents, as a Nation, to see the consequences of the sexual revolution of my generation of the 1970s.

So we are going to be talking about sexual health today. We are going to be exploring the past, we are going to be talking about preserving the future, and we are going to talk about how we do that. How we do that with our children, how we do that in terms of our relationships.

Today, as I mentioned, 32,000 people are going to become infected. Mr. Speaker, 370,000 Americans have died of AIDS since this epidemic started, and 2,700 teenagers between the ages of 15 and 19 will become pregnant in the next 24 hours. That is 1 girl every 31 seconds.

The most common sexually transmitted disease, human papillomavirus, causes almost every bit of cervical cancer in this country. Women die routinely from this disease. Is it treatable? Yes. Will one ever lose the virus that causes this disease? No.

It is important for us to recognize that there has been a historical trend and growth in this epidemic. In 1960, syphilis and gonorrhea were the only major sexually transmitted diseases that were counted and recognized as contributing to this malady. In 1976 I was in medical school, and our professors laughed at the Swedes when they said chlamydia was a sexually transmitted disease.

What we know today is it is the number 1 sexually transmitted disease that is caused by a bacteria. In 1981 AIDS was identified and HIV was identified. In 1982, genital herpes became more common. One of 5 Americans between 15 and 74 years of age in our country today is carrying genital herpes. Genital herpes is incurable. It is not preventable if one in fact is exposed to the virus.

In 1992, what we saw statistically was pelvic inflammatory disease. One million women in the United States experienced an infection in their abdomen and reproductive organs secondary to sexually transmitted disease, and over 200,000 teenagers are now annually diagnosed with this disease.

Pelvic inflammatory disease. What is it? It is when these organisms invade and not only infect and harbor the reproductive tract, but cause damage and grow and are irreversible in terms of their damage. We can cure and treat pelvic inflammatory disease, but the scar tissue that is left there leads to infertility and pelvic pain which is the number 1 reason, the number 1 reason, pelvic pain is the number 1 reason why we have hysterectomies in this country.

In 1997, 8 new sexually transmitted pathogens have been identified since 1980, including HIV. Actually that is 9, because hepatitis C now infects 4 million Americans, 4 million Americans. There are 4 times as many people infected with hepatitis C as there are infected with HIV in our land. Twenty-one percent of those cases are transmitted sexually. The outcome from hepatisis C is one either gets a liver transplant or one dies, one or the other. That is the long-term consequences of hepatitis C.

☐ 2130

There are now 25 significant sexually transmitted diseases. There will be 12 million Americans that get a new sexually transmitted disease this year.

Some people may say as they hear me talk about this that this is the opinion of one physician. That is not true. My colleagues will see on all of these charts and everything that I have referenced either the Institute of Medicine, the National Institute of Health, the CDC, the American Medical Association, the Journal of the American Medical Association. These are not opinions. Those are absolute facts of where we stand with an epidemic today.

Two-thirds of all the sexually transmitted disease infections occur in people under 25. So if there is 12 million a year and we think of our population of being 260 million of which only 45 million to 50 million are under 25, what does that tell us? That we have a large percentage of people under 25 that are carrying a sexually transmitted disease.

Eighty-seven percent of all reportable communicable diseases in the U.S. are caused by chlamydia, gonorrhea, HIV, syphilis and hepatitis B.

The largest sexually transmitted disease, human papillomavirus has not even been asked to be reported by the Center for Disease Control, the virus that is incurable, that causes cervical cancer, causes cancer of the reproductive organs of men as well is not a reportable disease.

Genital herpes. What has happened? What we have seen is these diseases are infecting a lot more people today than they ever have in the past. From 1976 to 1994, 30 percent more Americans across ethnic groups are infected with herpes today than were just 15 years ago. There has been a 500 percent increase in the number of white teenagers infected in the past 15 years.

When we break it out and look at it by categories, by race, by socioeconomic background, what we see is this is going across all trends, all classes, all socioeconomic backgrounds, and all races in our society.

What is important for us to learn as a Nation is to dispel a lot of the safe sex messages that are out there. It is not safe to have indiscriminate sex in this country regardless of what message others might say. I hope that my colleagues will see as we go through this tonight why that is so.

This chart is extremely important. Sexually transmitted diseases are broken down into those that are viral, a virus like a common cold virus, that type of organism, or a bacteria, or something somewhat in between, which chlamydia happens to be.

On viral sexually transmitted diseases, there is no cure. We cannot eliminate it from the body. We have no ability to kill the virus. We can treat the virus. We can slow down the virus, but we cannot kill the virus. Condoms are somewhat effective. They are more so effective for some; and those will be HIV, hepatitis B and hepatitis C. But on herpes what we know now is essentially condoms are not effective.

On human papillomavirus, the number one virally sexually transmitted disease today, we know that condoms are hardly effective at all. But that message is not out there. There are good studies that show that.

We also know with human papillomavirus that, if you are infected with it and you are pregnant, the amniotic fluid around the baby has the virus in it. We also can culture many times this same virus in a newborn child born to a mother who has this virus. So not only is this a sexually transmitted disease, it is a disease that is transferred from mother to child.

If my colleagues look over on the other side, and they look at chlamydia and gonorrhea, what they see is we can fix it. We have got great antibiotics. We can solve that infection. But the damage that those organisms do to the reproductive track we cannot solve without eliminating those reproductive organs.

Condoms are fairly effective in chlamydia and gonorrhea, but they are not 100 percent effective. Once you get infected, then it will require treatment, and there will be consequences of that infection. There are others that we will not go into.

One other point that I would like to make is how are they contracted. If my colleagues look at this first group, body fluid contact. The other is direct contact. You have to have direct contact with these to become infected. Yet, at the same time, we talked about the ineffectiveness of condoms even though you have to have direct body contact. That is because this virus is not just in the reproductive organs, and so, therefore, it can be transmitted regardless of condom or not.

Chlamydia. Eighty-five percent of women who are infected with chlamydia have no symptoms whatsoever. And 40 percent of men who have this bacterial sexually transmitted disease are asymptomatic. Chlamydia is the most common nonviral sexually transmitted disease in the United States with an estimated 4 million new infections a year. It is one, along with gonorrhea, of the number one causes of infertility in the United States for which we spend millions of dollars trying to achieve pregnancy for many women, not all, but many women who have silently been infected with a sexually transmitted disease, never to their knowledge, and have become incapable of conceiving a child because of that sexually transmitted disease.

The other thing that is important about chlamydia as well as gonorrhea is that it is the major cause of pelvic inflammatory disease, pelvic pain, ectopic pregnancy, and infertility.

Gonorrhea. We have all heard of this disease. It causes a significant difficulty for men. It may result in strictures and other problems with urination. Females, it could cause pelvic inflammatory disease. It can cause an inflammatory arthritis that has long-term consequences, and most physicians have seen it. It also causes pelvic pain and other problems. Teens 15 to 19 are most often infected with gonorrhea, higher than any other group.

Human papillomavirus. At least 2.5 million Americans each year are newly infected with this virus. This virus is incurable. Once you contract this virus, you will have it the rest of your life. Does everybody who gets this virus get cervical cancer? No. But of the people who had cervical cancer, over 90 percent of them had it caused by this virus. It causes genital warts. It also causes the cancer, as mentioned.

Herpes. We mentioned this earlier. One in five Americans is now positive for what we would call genital herpes in our Nation. It is not curable. It is treatable. We spend a significant amount of money each year treating genital herpes. What we now know that we did not know 10 years ago is you can be infected and never be symptomatic until the first episode. You can carry the virus for 10 years and never have a difficulty with this virus.

This virus is a significant cause for morbidity in pregnancy in that women are subjected to cesarian section if, in fact, they have an active lesion associated with this virus at the time they go into labor. This is a much higher risk if this is their first episode of herpes. It is fairly low. But most women do not want to take the chance of delivering a child when they have an active infection because of the high mortality and morbidity associated with this disease.

Almost everybody in America knows about HIV and AIDS. We know that there are somewhere around 900,000 Americans living with HIV. We know that HIV almost always results in AIDS, the end stage of the infection of that virus. We know that AIDS is a fatal disease. We know that we made major strides of slowing down the progression of infection of the virus to the full-blown disease.

What we do know is HIV is preventable. It is an absolutely preventable disease. We now spend, Federal money, $7 billion a year on either HIV research, treatment facilities, and drugs to help those people who have that.

The Congress of the United States in terms of mandated spending at the CDC spends about $650 million just on HIV. But every other disease that I have listed here we spend less than $150 million. That is why Americans do not know about these diseases. We need to know about these diseases.

Hepatitis B. We are now immunizing our children at birth and at very young ages against hepatitis B. We do not have an immunization right now against hepatitis C. Hepatitis B we know is passed from mother to baby and can be. We are very careful. We test all pregnant women for hepatitis B. We do not test all pregnant women for hepatitis C, and yet we know there are 4 million out there. Five thousand Americans each year die from hepatitis B.

Hepatitis C. We have talked about this. Four times as many Americans are infected with hepatitis C as HIV. It has the same prognosis. You will either have to have a liver transplant or you will ultimately die of liver failure or carcinoma of the liver.

Twenty percent, somewhat over 20 percent of the people who contract this virus contract it from a sexual relationship. Ten thousand Americans die each year of associated cirrhosis or liver cancer with this. So this is a long-term, chronic, fatal disease of which 800,000 of the 4 million people who have it in our country today contracted it because they did not know it was a sexually transmitted disease.

What do the studies tell us? There has been a wonderful NIH study recently that the gentleman from California (Mr. WAXMAN) asked for in 1993, and it tells us a ton about what parents can do with their children and sexual activity.

Here are some things that we know. We know at the age of first sexual activity by a young girl, if she is less than 16 years old, her number of lifetime partners being one partner is 11.3 percent. The number of young girls that will have more than five partners is 58 percent.

As we progress, what we see is what we would expect to see is, as we mature, we make better decisions. What we see is that these numbers completely reverse if in fact we tell our children to wait. If in fact we tell our children that monogamy and abstinence is protective of their health, not just their emotional health but of their health.

What about teenagers and sexually transmitted diseases? A sexually active 15 year old has a one in eight chance of getting pelvic inflammatory disease. That is not getting them infected just with one of these organisms. That is requiring antibiotics to treat a painful, sick, infected, and oftentimes hospitalized adolescent female. Whereas, if the same young person is 9 years older, the risk decreases by tenfold for a lot of reasons.

One from every four people newly infected with HIV is under the age of 22 in our Nation today. Under the age of 22. What do we think their life expectancy and what do we think their life is going to be like? Approximately 20 percent of sexually active teens acquire a new sexually transmitted disease every year. In other words, one out of five sexually active teenagers are getting a new infection at least every year.

We spend hundreds of millions of dollars with family planning clinics, with clinics to help our children make these choices, and they are failing. We would not see this statistic if they were successful. They are failing.

The top reason for hospitalization of teenage girls is that they are pregnant and they are delivering. That is a national tragedy for us. Oftentimes it is a national tragedy for the children. One million females under 20 experience a pregnancy each year. One-third of those end in an abortion. Regardless of your position on abortion, nobody who has undergone an abortion thinks it is a great thing.

□ 2145

It is never a great experience. So we have to be dedicated to preventing pregnancies with our teenagers.

Seventy-two to 76 percent of births to teens are to unmarried teens and that goes all the way up to 19-year-olds.

What happens to our teenaged daughters who get pregnant? Seventy percent of them drop out of school. What happens to the fathers of these children? They never attain, a large portion of them never attain the education, living standard, or earning power of somebody who was not a father of a child as an adolescent.

The teenaged sons of adolescent mothers are 2.7 times more likely to spend time in prison than the sons of mothers who delay childbearing age until their early twenties. We know as we get older, we make better decisions. Why is our government enabling our children to make poor decisions? Why are we allowing this epidemic to continue?

The teenaged daughters of adolescent mothers are 50 percent more likely to have a child out of wedlock than children of nonadolescent mothers.

What about older fathers? What we know is with adolescent pregnancy is most of the time the father is over 21 years of age. When was the last time we heard of a district attorney prosecuting for statutory rape of an underage female in any city in this land? Where are our district attorneys? It is against the law, but we do not see it prosecuted. Seventy-one percent of all births among teenaged girls are fathered by men older than 20. The mean age was 22.8 for fathers and 16.4 for teen mothers, 6.4 years average age difference.

What about condoms and pregnancy prevention? There are some great studies and these are just two. There are ranges in these studies, but it is important to know that published peer review scientific data says something different than what the government says about condom effectiveness. What it says, of 100 couples using condoms, how many will get pregnant in the first year? Here is a study from 1992 published in "Family Planning Perspectives": 16 percent. One in five, one in six. Hatcher, "Contraceptive Technology" this year, 14 percent.

They are really effective in stopping pregnancy for our children when 14 to 17 percent of them are going to get pregnant in the first year, when that is how we teach them to protect themselves.

How about condoms and human papilloma virus and infertility? The data on the use of barrier methods of contraception to prevent the spread of human papilloma virus is controversial, but it does not support a condom as an effective way to prevent the number one virally transmitted sexually transmitted disease that causes cervical cancer. And I would say that most Americans do not know that, and most teenagers do not know that, and most doctors do not know that.

Infertility. Spermicide, used alone, had no significant effect on risk for tubal infertility, whereas condom use alone decreased the risk, but to a significant extent. Even with the things that they are teaching our children, they are still just as likely to have infertility as a consequence of their activity.

What about condoms and HIV and AIDS? There is no question that a condom markedly reduces the risk of the transmission of HIV, but it is one of the lower risks in terms of numbers in terms of sexually transmitted disease. But does it reduce it 100 percent? No. Does it reduce it to 90 percent? Some studies say yes. Some studies say only 60 percent.

The question is, if it is a fatal disease, why would we want anything other than 100 percent effectiveness? These studies were conducted with married couples who one partner had HIV and the other did not, and they were trained specifically how to use effectively what we are teaching our kids to use, yet a significant percentage contracted HIV using these methods perfectly.

What about other sexually transmitted disease? Condoms must be used consistently and correctly to have any chance. They work best against, protecting against HIV and gonorrhea. They are much less effective for herpes, trichomonas, and chlamydia. Condoms are little or no protection against bacterial vaginosis and human papilloma virus.

Our teenagers say, "We cannot get pregnant because we will take the pill." What do the specific studies say about teenagers taking the pill? What it says is all women under typical use, the number that are not taking the pills correctly, 7.3 percent; unmarried teens, between 6 and 13 percent; unmarried women between 20 and 29, 5.9 to 15 percent. That is the number of women who get pregnant during the first year using oral contraceptives.

Mr. Speaker, it is not hard to figure out. Adolescent females often have trouble remembering to brush their teeth, let alone remembering to take a pill at the same time each evening.

Some people say, "Dr. Coburn, you're a prude. Abstinence is not realistic." Abstinence is the only thing we have to offer our children that is safe, the only thing that we have to offer our children that will stop this epidemic, this epidemic that has taken the lives of thousands of our fellow citizens and is causing tremendous costs in terms of operative expense, causing cancer.

What is happening? What we saw, and actually released today by the CDC, is that we are seeing a marked shift now that we are talking about abstinence. Our teenagers are listening. 1988: Men, young men 15 to 19, 40 percent were abstinent, were pure. 1995: 45 percent. Today, over 50 percent, as released today by the CDC, of our young men between 15 and 19 are virgins.

What about young women? Forty-five percent, now 50, now 52 percent. So we are starting to make some headway, but we cannot deny the fact that we have an epidemic of proportions that we have never seen that will complicate the lives, if not take the lives, of our young people.

What are the top risk factors? This study that I referred to, what we know about sexual activity in our youngsters is the number one risk factor is alcohol use. Number two is a steady boyfriend or girlfriend. That makes sense. Number three, no parental monitoring. If the parents are not involved in the activity of their children, they are much more likely to be sexually active. And fourth and most important, if a parent is accepting of adolescent sexual activity, is condoning it, it will happen. If they are not, it will not. It is the number one factor.

What are the behavioral risks associated with virginity and nonvirginity? What we know is if they are abstinent, they have all these other risk factors that are markedly reduced. In regard to alcohol, 20 percent of the kids who are not sexually active use alcohol. Of the kids that are sexually active, almost 65 percent do. And these are males. We can go down the line. Dropping out of school, threefold increase. Use of other drugs, 4½ to 5 times increase if they are sexually active. They are five times more likely to use an illicit drug than if they are not sexually active.

What is the number one connection here? It is how well are they connected to their parents or parent, and we know that. We see similar patterns just with this on females. We see the same pattern if our youngsters are abstinent, that the risk factors for other risks that will markedly impact their life goes way down. So it is an indicator of what they are going to be exposed to and what other risks are going to be put on them in their life.

What we saw from this adolescent study from 1993 is that when the relationship was good with mom, and mom was opposed to premarital sex, and when discussions of birth control, of how to not get pregnant, are decreased, not increased, they were 12 times more likely to have a youngster that would not be sexually active than ones whose parents talked about, "Here is how you protect yourself and it is okay to be sexually active."

So what we have done is set a trap for our kids. If we are accepting of a behavior that puts them at risk and we talk about how to minimally protect them, what we are doing is dooming them to failure and to a sexually transmitted disease.

So what are the other factors that we found? Parent connectedness, parent disapproval of sexual activity, parent disapproval of sexual adolescent contraceptive use.

School is real important. The school connectedness is related to parent connectedness, attending a parochial school or school with high average daily attendance.

What are the individual factors? We have seen through programs like "True Love Waits" and "Best Friends," that a commitment to remain sexually pure works wonderfully. Our children respond to it. High grade point average. A religion. Jewish, Muslim, Protestant, Catholic. The fact that the faith is impacting their life.

So, what is the answer? We have 12 million new sexually transmitted diseases a year. We have a million people with AIDS, with HIV. We have had nearly a half million die from it. We have 4 million people that are going to die from hepatitis C or they are going to get a liver transplant. What is the answer? What is the answer for our children?

Mr. Speaker, it is time for a new sexual revolution. It is time for the revolution of the 1960s and the 1970s to die. Why? Because it is morally wrong. But there are consequences to morally wrong behavior. And the morally wrong behavior is that we have an epidemic that is out of control in our Nation.

Abstinence until entering into a committed, lifelong, mutually faithful, monogamous relationship. That is called marriage. Marriage is a wonderful institution. It does us well as a society. We should do everything we can to support that institution, because that oftentimes protects us.

Abstinence until marriage and faithfulness in marriage that is supported by our society. That is supported. That is condoned by our society. Where our society stands up and says, Stay together. Do not violate the principle.

Who benefits from character-based abstinence education? The answer is all of us. It is them and it is us. It is our Nation. It is our budget. It is the life, health, and well-being of our children.

Mr. Speaker, I say: America, wake up. Twelve million new infections every year and none of them have to be. Let us ask for the truth. Let us ask the CDC to do its job. Let us make sure we teach our children what the risk factors are. Let us make sure we talk about that there are consequences to sexual activity outside of marriage, and many of them are very, very grave.

Mr. Speaker, I yield back the balance of my time.

EXPUNGING OF REMARKS FROM CONGRESSIONAL RECORD

Mr. MINGE. Mr. Speaker, I ask unanimous consent that any portion of my remarks that referred to the President be expunged from the special order that was delivered this evening.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DOLLARS TO THE CLASSROOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight we want to begin a dialogue that we hope sets the framework for tomorrow. Tomorrow, there is going to be limited debate on a bill that is coming to the floor. It is called "Dollars to the Classroom."

This piece of legislation, which was authored by a colleague of mine from Pennsylvania, builds on a previous resolution that this House has passed. What that resolution said was that when we send a dollar to Washington for education, instead of getting 60 to 70 cents of that dollar back to the classroom, back to the local level, we are going to strive to get that up to 90 to 95 cents of every education dollar getting back to a local classroom.

Before I do that, and before I begin that discussion on education, I want to set the framework. A while back, we did a proposal out of my office, or we did kind of an analysis, and we started addressing an issue which I think is very important. The question was: Why is it that everyone has so much faith in Washington?

□ 2200

Why is it that people believe that if they send their money to Washington, Washington is better at building their roads, Washington is better at educating their children, Washington is better at creating jobs than if we left that money at the State or local level or if we left that money in the pockets of the American citizens?

We identified a phenomenon which we call "the myth of the magical bureaucracy." What we said is, we really should ask some questions. Do we really believe that a bureaucrat in Washington can raise our children? Do we really believe that this magical bureaucracy here in Washington can build and strengthen our communities, that it can create economic growth, that it can create economic opportunity and that it can prepare America for the information age?

It is kind of interesting, my colleague from Colorado and I today had the opportunity to ask that question, not can the magical bureaucracy here in Washington prepare America for the information age, but the question that we asked today is whether the magical bureaucracy, not whether it can lead us into the information age but whether this magical bureaucracy here in Washington, in the two departments we had testify today, the Education and Labor Departments, whether they are even prepared to move into the information age and whether they are prepared to deal with the year 2000 issue. And the answers that we got were fairly frightening.

The Education Department, this is a group that sends out money to our schools; it does Pell grants. It does the direct student loan program. In reality, the Education Department is perhaps one of the largest banks in the country. Its loan portfolio or the loans that it manages are close to $150 billion. It has roughly 93 million customers, 93 million people who have loans with the Education Department.

In a recent scoring or a grading, which I think is very appropriate for the Education Department, one of my colleagues from another committee in the House of Representatives said that they, the Education Department, deserved an F. They are not ready for the year 2000. It means that we are not quite sure what happens to the $150 billion of loans that are outstanding. We are not quite sure what will happen to our students who in 1999 begin applying for loans or start going to school and believe they are approved for loans and start actually looking for the money and do not receive their checks.

It is kind of scary what is going to happen potentially with the Education Department. It was heartening to see that on a bipartisan basis my colleague from Hawaii, who is the ranking member, indicated her serious concerns about where the Education Department was and what they could do.

It is not about whether they can lead us into the information age. I am not sure if the gentleman from Colorado would have anything to say about his observations on the hearings today, but when we talk about the myth of the magical bureaucracy, we really saw a myth today, the myth that this organization that we think is educating our kids cannot even deal with the information age.

I yield to the gentleman from Colorado (Mr. BOB SCHAFFER).

GENERAL LEAVE

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of our special order tonight.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me.

You are precisely right. We got a distinct impression in the Education Committee today that the United States Department of Education is woefully unprepared for the technology problems that they will be confronting with the Y2K or the year 2000 computer problem that is likely to exist in the year 2000.

We went through a program-by-program analysis of where the Department of Education thinks it is today. As you properly pointed out and mentioned, the U.S. Department of Education is part education agency, part legislative bureaucracy that implements various regulations and legislation, and it is part financial institution. In fact, the amount of finances that that agency controls with respect to college loans, not just the direct student loan program or the program where the government is the banker that loans directly to students around the country, but the private student loan programs that are also managed under the department, both of those programs and several others are placing the future of education opportunity for millions and millions of Americans at great risk as a result of their failure to properly and effectively apply modern technology today and be able to take us into the next century.

I asked the specific question, what if you are not ready to go in the year 2000. First of all, what makes us think that we are today? They were unable to answer that question with any certainty that they will be prepared for the Y2K computer problem. I asked specifically, what would happen if there is a 3-month delay, there are barriers to the communication and the interrelationship between other financial institutions and financial institutions that are central to the college lending program. And there was no answer, really. The answer was, well, we will work on it when we get there. We will try to fix it then.

The second question I asked, what if there are some kinds of barriers to the interrelationship with the telecommunications industry, our ability to communicate with schools, institutions and other associated agencies that work with the Department of Education. Again, the answer was rather startling. They really had not thought through to that point yet. We will work on it, they said, when we get to that point into the future, and we will fix it as swiftly as we can.

Well, I realize these are difficult times that every Federal agency is going through, every private agency, anyone who relies on technology for computer and data storage. But with respect to the Department of Education, they have placed the interests of the American people at a financial level and an accounting level and at an administrative level and at a regulatory level so completely into the hands of technological attempts at the Department of Education at which they are incapable of properly and effectively managing.

These individuals, citizens, taxpayers and anybody who proposes at some point in time to achieve a higher education or to participate in any way with the Department of Education really is at great risk and great jeopardy as a result of what I consider to be a lax level of commitment and approach to managing the technology of education today.

The real answer is not to look to Washington any longer or any further for additional leadership and guidance in the management of colleges and universities or local school districts, for that matter, or any education institution. We are finding, through the example that was exposed today in your committee, that the real academic and educational salvation for the country is in a decentralized approach to schooling, public schooling and private schooling, and moving authority back to the States, back to local communities, back to the homes and back to the neighborhoods where education, once again, is held in the hands of those who truly care most about the children that are relying on the availability of a strong and viable education system. Those people, of course, who care the most are, of course, parents, not bureaucrats. That is the message I think we need to convey not only tonight, but that is the message I think we conveyed in committee and consistently try to convey.

It really is at the basis of most of the Republican reforms and proposals that we have put forward here in this Congress to try to restore the greatness of the American education system.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, just to set this in a context again, there is a difference between the bureaucratic mentality that we see in a lot of institutions here in Washington and the free market actions and energy that we see. Actually, just for my colleagues, on a monthly basis my office publishes what we call a "Tale of Two Visions." What a tale of two visions does is it really portrays the two different visions for America, one of which is the vision of bureaucracy. The IRS admits to taxpayer abuse. That is a vision of bureaucracy. No kids at a 2.4 million day care center. Government creates private company windfall. Start time will improve education, legislators claim. Another strange IRS determination, but that is a vision of bureaucracy.

We contrast that to what we think is a vision of opportunity, where we do what my colleague from Colorado said, we move authority and responsibility either back into the free market system or we move it back to local and State government, the levels of government that are available to the people. We do this on a monthly basis.

Other tales of two visions. A vision of bureaucracy. Remember the $600 toilet seats? Now they are $75 screws. A vision of bureaucracy. Billions missing Federal audit, another expensive Federal building project.

Contrast that with the vision of opportunity. A parent goes the extra mile to help children read. Volunteers help the poor save on tax bills. Private group offers educational opportunities for low income kids. Program provides alternatives to gangs.

What we do is we highlight those each and every month, the difference between the bureaucratic vision, which is, when they ask this question, they say, can this bureaucracy substitute for a loving home? The bureaucratic vision says yes. We say no.

Does spending money in this building and a building in Washington equal positive results for America? Bureaucrats and the bureaucratic vision says us spending money in Washington is a positive thing. The opportunity vision says, spending at the local level through parents and the free market works better.

The bureaucratic vision says, can a one-size-fits-all program run out of this building solve every problem? The bureaucratic vision says yes. It says that we can develop a program that works in my district in West Michigan and we expect to it work in Colorado. And as much as I liked Colorado when I went out to visit your district and we had a great hearing out there, the needs and the opportunities in your district are very different than mine.

I just wanted to let my colleagues know that if they are interested, we have this tale of two visions as well as journal of ideas, talking about how from an opportunity vision standpoint we can change the arts, we can change education, we can change regulatory and tax reform and campaign finance reform, there are alternative visions to the bureaucratic vision in America. And the journal of ideas and the tale of two visions, these are all available on my web page. For my colleagues, if they are interested, they can just go to WWW.HOUSE.GOV/HOEKSTRA/WELCOME.HTML, and they can have access to a tale of two visions and they can have access to the journal of ideas and other information that really contrasts a bureaucratic vision of America, which I think is the myth, and the real strength of America, which is the private sector.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if the gentleman will continue to yield, if anyone doubts the sincerity of the current administration and the bureaucrats over in the White House and the Department of Education to construct a bureaucratic model of centralized control and authority with respect to public education in America, I would suggest that they peruse this letter that I am about to reference and will submit.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, this letter that you showed me tonight as we were preparing is unbelievable. It clearly points out the difference between a bureaucratic vision of America, where control is moved to Washington, where we believe that this little bureaucrat in this building here in Washington does all kinds of good things, and the more power we can move to this bureaucrat and to this building in Washington, the better off we will be.

Mr. BOB SCHAFFER of Colorado. We can trace the origin of this particular mentality directly to November 11, 1992. What is remarkable about that date is that November 11, 1992 was, of course, the day after the 1992 presidential election, the day when President Clinton became the nominee for or became the President-elect of the United States of America.

What I hold here in my hands is a copy of a letter from a gentleman named Mark S. Tucker, who is the President of the National Center on Education and the Economy. As I say, I will, under the unanimous consent request that I had asked for and was granted just a few minutes ago, I will submit this in its entirety for the record tomorrow or request that it be submitted.

□ 2215

But I want to tell my colleague that this letter was written not to the President but to the President's spouse, Hillary Clinton, at the Governor's mansion in Little Rock, Arkansas. And it is a blueprint, effectively, for a consolidation of education authority right here in Washington, D.C. Not just kindergarten through 12th grade education throughout the country, but higher education, and even beyond to work force training.

Let me tell my colleague just a couple of provisions in here that I will go ahead and read right now.

Mr. HOEKSTRA. Reclaiming my time for a minute, and I will let the gentleman get back to that, but I want to set the context for this, because some of the things the gentleman is going to talk about have not come out in concrete proposals that have come from the White House.

What I want to do is lay out for the gentleman a litany of what the administration has proposed. And this goes to what the gentleman has in his hands, but goes a little further.

Washington has been involved in training teachers, we have been involved in providing breakfast, we have been involved in teaching our kids about sex, we have been involved in teaching our kids about the arts, providing lunch, teaching them about drugs, teaching them about violence, providing after-school snacks, and providing after-school activities.

These are all things that the Federal Government has gotten involved in in education. But let me just point out the specific types of programs that this administration has already proposed and the types of things that they want to move from the local level and the State level. They say, no, it is the responsibility of a building in Washington and a bureaucrat in Washington; that they can make these decisions better than what can be done at a local level.

What have they proposed? They have proposed building our schools, they have proposed hiring teachers, they have proposed developing curriculum, they have proposed installing technology, they have proposed developing Federal tests and Federal standards for our kids.

Remember the debate and the fight that we had last year so that we would not have national testing? They want to test our children. They want to make midnight basketball available. All from Washington.

It does not mean these things are not important. They are all very important. But the myth of the magical bureaucrat says we think those decisions should be made by a bureaucrat in Washington rather than at the State and, most importantly, at the local level.

The bottom line is, what do they want to do? Here is the litany when we put it all together:

They want to build our schools, hire our teachers, train our teachers, develop the curriculum, install technology, develop Federal tests and standards, test our children, provide breakfast, teach them about sex teach them about the arts, provide them lunch, teach them about drugs, teach them about violence, provide an after-school snack, provide after-school activities, and make midnight basketball available.

Other than that, it is the local school. These are Washington responsibilities, but other than that they really believe in local education.

I yield back and the gentleman can talk about the other things that they have had on their mind and where they would be going next if they got this whole agenda.

Mr. BOB SCHAFFER of Colorado. Once again I want to encourage all Members and any other observer to look for this letter that I am about to go through. I just want to mention a couple of paragraphs. The gentleman will get the idea without my having to actually read quite a lot of this. But this will be submitted in the CONGRESSIONAL RECORD. I will seek the approval of the body to allow that to occur and people will be able to see that in the CONGRESSIONAL RECORD in the days following.

This really is a blueprint. It is a letter, again, from Mark Tucker to Hillary Clinton dated November 11, 1992, just shortly after, very, very shortly after the President took over. It was evident that the President became the victor on election night in 1992.

And it starts out, "Dear Hillary, I still cannot believe you won, but utter delight that you did pervades all the circles in which I move. I met last Wednesday in David Rockefeller's office with him," and others, and it goes through the names here. It talks about the subject that they were discussing at this little roundtable was, ". . . what you and Bill should do now about education, training and labor market policy."

I will stop there to point out that this is not just a blueprint that affects only K through 12 education. It involves education, training and labor market policy. Really, a consolidation of a broad approach utilizing the U.S. Department of Education, the Department of Labor, and also, potentially, the Small Business Administration and others.

I want to jump right to a paragraph that just alarmed me when I first read it. It is about the levy grant system, as it is called. "We propose that Bill," meaning the President, "take a leaf out of the German book", it says. "One of the most important reasons that large German employers offer apprenticeship slots to German youngsters is that they fear, with good reason, that if they don't volunteer to do so, the law will require it."

He says here, now listen to this, and listen to this very carefully, "Bill should gather a group of leading executives and business organization leaders and tell them straight out that he will hold back on submitting legislation to require a training levy provided that they commit themselves to a drive to get employers to get their average expenditures on front-line employee training up to 2 percent of front-line employee salaries and wages within 2 years."

Let me restate that in different words and tell my colleagues what this says specifically. It talks previously in the letter about a new tax called a levy on employers for training.

Mr. HOEKSTRA. Reclaiming my time for just a second. It is interesting that, once again, they will not use the word of what it really is. They come up with another word.

Mr. BOB SCHAFFER of Colorado. It is a tax.

Mr. HOEKSTRA. It is a tax, and they call it a levy.

Mr. BOB SCHAFFER of Colorado. A training levy, which would be 2 percent of the front-line employee salaries and wages within 2 years, is what they said. Now, here it says, "If they have not done so within that time, then he will expect," he being the President, "expect their support when he submits legislation requiring the training levy."

So envision the conversation. The President sits down with a group of business executives, leading business executives and organization leaders, and says, "You know, fellas, I have had in the back of my mind the idea of imposing a 2 percent training levy on all employers across the country. But I will hold back on that if you will voluntarily increase your investment in front-line employee training, at a level that would approximate 2 percent of salaries and wages, and if you get to that point within 2 years."

Now, this, in any other circle, is called blackmail. Or bribery, perhaps. It goes on here. It says, and I will pick up with a quote here, "If they have not done so within that time, then he will expect their support when he submits this legislation requiring the training levy." So he is going to get their support one way or another, according to the plan. "He could do the same thing with respect to slots for structured on-the-job training."

It goes on a little further and talks next about college loan and public service programs. Listen to this. This is an effort described here to try to get students across the country to become part of a federally-managed credentialing program for general education. And those students who get credentialed under the general education credential, the Federal standard, this Federal credential, will be entitled to a free year of higher education. And that would be accomplished through a combination of Federal and State funds, and that will have a decided impact on the calculations of costs for college loan public service programs.

So what we really have here is a blueprint for a German model of education that would be forced upon the people of America, and employers in this case, either through force, or the threat of force, and done so in a way to redistribute the public wealth, the strength of the Federal budget, to those students who voluntarily submit themselves to the new Federal credentialing standard for K through 12 education.

Now, again, I point this out, and I will submit it for the CONGRESSIONAL RECORD, but the reason I used this example, and there are plenty more horrendous examples in the letter that I will spare the body for the moment, is that this really is a document that describes the mentality of the White House the day after the 1992 presidential election. And it shows how this country made a dramatic departure away from the tradition that the gentleman and I would like to get back to: That tradition that suggests local control, local authority, treating teachers like professionals and administrators at the local level like professional administrators.

This blueprint departs from that model and, instead, moves the country toward a government-managed, government-owned centralized education system from kindergarten past college, actually, into the job training stage. And it really is the conflict in visions that defines the differences between Republicans and Democrats typically.

This is an accurate description of precisely what is at stake and what was at stake not only in the 1992 election but in the 1996 election, and the election coming up within 7 weeks, the 1998 election. This huge difference of opinion about whether education authority ought to be consolidated, as the President would believe, in Washington, D.C., or our vision, as a Republican majority, that says we should trust parents, we should trust teachers, we should trust local administrators, local school districts, local school boards and, above all, State legislators in all 50 States.

That is the difference and that is the distinction. And I believe that our answer offers greater hope and greater promise for the children of the future. Greater hope and greater promise in allowing for a whole menu of education alternatives, education approaches, education philosophies throughout the country based on local values, based on local priorities, based on the local needs of children to match local job markets, whether it is agriculture, or maybe it is an urban setting in a large city over on the East Coast.

But to take into account these different settings and objectives and values and priorities and local communities, that is the real answer, in my mind, to education success that will restore America's greatness as the preeminent country throughout the world for educating youngsters and turning them into future leaders, not only in the political realm but in the religious realm and also in the area of business and commerce.

Mr. HOEKSTRA. Reclaiming my time, the gentleman has opened himself up to perhaps some criticism; to someone saying, look, we have never seen those proposals. What is outlined in that memo has never come to the House. That is not what was going on at the other end of Pennsylvania Avenue. But then we take a look and say, no, the gentleman is right. The gentleman has clearly outlined the vision, because steps moving us in that direction have come from the other end of Pennsylvania Avenue.

Mr. BOB SCHAFFER of Colorado. We can track this blueprint and the programs that the gentleman has outlined that have been implemented by the current administration. The school to Work Program would be one, Goals 2000 would be another. It just goes on and on and on, right on down to midnight basketball, which is consistent with the blueprint outlined in this letter from a group called the National Center on Education and the Economy.

These are friends of the Clintons. And I am sure they were pretty excited and thrilled when there was a changeover in the White House, because it finally meant that a liberal perspective on centralizing and managing education around the country was finally possible. And that is the direction that they have moved this country.

Mr. HOEKSTRA. Reclaiming my time, I think the clearest example of that is the debate that we had last year, and the fight on the floor of this House and the fight that we had with the administration about testing our children, recognizing that if we develop national tests we open the door to Federal tests and Federal standards. And if all of our kids are to be tested on a national basis, it really moves into developing curriculum, which means we want to train our teachers.

And so we saw the first steps of that. And I think we have been effective in stopping that and moving towards our vision, which says let us not consolidate more power here in Washington, in these buildings here with these bureaucrats, who are very knowledgeable and very talented people, but they do not know Colorado and they do not know the State of Michigan.

Let us go back, and we will go through a little bit of what we did with Education at a Crossroads, but before that, and I know some will say, oh, there they go again, they want to get rid of the Department of Education. That is not the debate. The debate is how do we take a Department of Education and make it more effective; and, also, what is working in America in education today.

I have some quotes here about what people said about the Department of Education when it was created in 1979, and we can benchmark what people expected in 1979 when they voted for a Department of Education and what we now have almost 20 years later. Twenty years later do we have what we thought we were going to get?

This is a benchmark; this is what we need to measure against. Mr. Brooks said, September 27, 1979, "It creates a cabinet level Department of Education to provide more efficient administration of the wide variety of education program now scattered throughout the Federal Government."

I yield to the gentleman from Colorado if he can tell me how many Federal agencies today administer education programs? Have we seen consolidation?

Mr. BOB SCHAFFER of Colorado. We have seen a huge growth and an explosion in Federal agencies that have their hands in our local schools.

Mr. HOEKSTRA. Reclaiming my time. Maybe you remember the numbers. It is 39 different agencies with over 760 programs. In 1979 they recognized that they had a problem. We have too many programs and we have too many agencies dealing with education. We need to consolidate it in a Department of Education so that we really get a focus on education.

I have another quote here. Secretary Rubin testified before the Committee on the Budget on March 11, 1997. At that hearing, I asked him who the point person is for education strategy in the administration.

Mr. Rubin replied, "I would say the President, who is enormously knowledgeable."

So the President is the point person on education. He must be the point person on defense, foreign policy, welfare reform. The benchmark was consolidation and streamlining in 1979 and efficiency.

In reality, we have continued to create more programs. We have continued to create and allow more agencies to deal with education and we have never consolidated the strategy at the Department of Education level.

The creation of this new department will reduce the size of the bureaucracy. In reality, the Washington bureaucracy here, the Education Department is one of the smaller bureaucracies. It has somewhere in the neighborhood of 4,000 to 5,000 employees, which I think is still a pretty good size bureaucracy. It has three times that many people who are on State payrolls enforcing Federal regulations. So we did not streamline the bureaucracies.

Mr. Bayh said, "The individual appointed to the position of Secretary of Education will coordinate all educational activities for the Federal Government."

Mr. Rubin has already said that has not happened.

Mr. Levin said, "I believe that the creation of the department can have a streamlining effect on the multitude of Federal education programs currently spread out through various departments within the Federal Government." It has not happened.

Mr. BOB SCHAFFER of Colorado. If I could interject for a moment, the extent of the bureaucracy in the U.S. Department of Education and the corresponding inefficiency, red tape and regulation that goes along with that cannot be measured exclusively on the number of Federal employees that are on the Federal payroll and assigned to the U.S. Department of Education, because with the rules and regulations and reporting requirements created by those roughly 4,000 to 5,000 employees comes implementation requirements that get passed on to the State level and to the local level.

Mr. HOEKSTRA. Let us do a little process here. Let me represent the bureaucrat and the bureaucracy in Washington and the gentleman will represent the school district. Let us go through this process of what happens.

Mr. BOB SCHAFFER of Colorado. Sure.

Mr. HOEKSTRA. I collect the taxes so the taxpayer who is over there has sent the dollars to Washington and I now work with the Congress or I am instructed by the Congress and I have created these 760 programs. So I need to communicate this to the local school district and say, all right, I have 760 programs. I need to communicate to you and tell you what they are. What do you need to do at that point?

Mr. BOB SCHAFFER of Colorado. At a local level, how do I receive the 760 programs?

Mr. HOEKSTRA. You then need to go through a process, and do what, and find which programs that you might qualify and then what does the gentleman have to do?

Mr. BOB SCHAFFER of Colorado. First of all, on behalf of my constituents at the local level, I would want to know as fully and completely as possible what kinds of programs my school district is eligible for. So I would do a survey of all of those 760 programs and determine which ones I ought to be applying for to receive funding so I can bring the greatest value back home to the constituents that I represent.

First of all, it takes a huge effort just to have somebody in my organization at the local level begin to look at all of those programs and hold them up to the particular characteristics of my school district.

The next thing I need to do is then begin to apply for them and apply for them usually on an annual basis. That means having more staff and more individuals who sit down and fill out the forms, send them back, perhaps have them rejected, make the fine-tuning details that need to be done so I can reapply and maybe receive the funds, and then if I am successful at receiving the funds.

Mr. HOEKSTRA. Reclaiming my time, the gentleman has now applied to Washington, to me.

Mr. BOB SCHAFFER of Colorado. That is right.

Mr. HOEKSTRA. The gentleman has presented a proposal. So your people have done the screening, they have had the dialogue with the department in the different agencies and we tell you you might qualify. So you send your application to Washington, and I am looking at it and saying, I have got about $30 billion but you are not the only one that has applied. I have all of the rest of the country that has now applied for this.

So I now need to hire people to go through the screening process, because I have gotten more requests for dollars than what I have funds for. So I now need to go through and say, you qualify, you qualify, you qualify, you do not, you do not; I am sorry. So the people that do not qualify have put in all of this work, they have done all the surveying, they have put in the work and writing the grant application and they do not get any money. You now get some programs so I now notify you that you have won the award, you get the money and you are getting a check.

What do you do next?

Mr. BOB SCHAFFER of Colorado. Well, in order to continue receiving these funds, I have to behave in a way, as a school district, that satisfies the red tape and rules that come with those dollars from the Federal Government. I have to answer to bureaucrats maybe in the region that my State would be in, or I have to answer directly to people in Washington, D.C. to prove to them that I am using those dollars efficiently and effectively, meeting the expectations of somebody in the far off city of Washington, D.C. and achieving all of the objectives that these bureaucrats want to see.

If I get the idea that I might not be achieving those objectives, I might ask to the bureaucrat in Washington, well, what is it exactly that you want to see on the report?

Mr. HOEKSTRA. That is correct.

Mr. BOB SCHAFFER of Colorado. I will then go to work manipulating the numbers and the statistics and the variables and the reports from my school district to make it appear as though I am meeting the objectives of the Federal Government perfectly and as fully as I possibly can, doing all of these accounting gymnastics and stretching the actual definitions of the law, simply to make sure that we continue to receive this wonderful cash from Washington, D.C.

Mr. HOEKSTRA. Reclaiming my time, what the gentleman has said is you have received the dollars and you implement the program and I know that you are not going to spend the money the way that I told you to.

So you have to send me a bunch of reports saying, I did what you told me to do.

Mr. BOB SCHAFFER of Colorado. That is right.

Mr. HOEKSTRA. Here is the evidence. Here are the reports.

Mr. BOB SCHAFFER of Colorado. Endless accountability. The reason is because there is going to be politicians back here in Washington, D.C. who are demanding of these bureaucrats, you said the money was going to be spent to accomplish X, Y and Z goals. Now what proof do you have that you met them?

The bureaucrat will say, well, I have all of these reports, because we require them from all of these districts all across the country, and you have reports and reports and reports that should assure you, Mr. Congressman, that the money is being spent well and you can go home and sleep well at night and maybe you will even get reelected.

Mr. HOEKSTRA. I go through all of these reports in Washington, all the reports that go into this building, and people read them, they do not really know where your district is in Colorado, they do not know why my district is in Michigan, but they read my reports, is that the end of the saga? I do not think so, because I kind of believe that maybe some of the people that have gotten some of this $30 billion have not quite spent it the way that I wanted them to. So I have another department here in Washington. They are called auditors.

So I send them around the country and send them to you and say, I know you sent me the report but prove it. I want to see your paperwork that says that you spent the money exactly the way that I told you to. So I send the auditor to you and you go through another process.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. Not only will I go through that process, I will go pick the auditors up at the airport, I will go pick them up at the airport and drive them to my school and the doors will be open for them. I will offer them maybe a cup of coffee and give them a room all to themselves so they can sit down and go through my carefully prepared reports and documents and let them see just how fully compliant we are. They can have free reign in the school. They can open up all the school rooms they want. They can sit in. They can interview the kids, parents, the principal. They can do an audit of the school.

We will also, in order to continue receiving this Federal cash, we will stop everything else we were doing that we thought was important until today, like teaching children and supervising the children. We will make sure that the secretaries and the accountants and the bookkeepers stop what they are doing and help you make sure that we are fully complying with this little grant that we have.

Mr. HOEKSTRA. Just a couple of points, because as we have gone through education with the Crossroads Project, our subcommittee, we have gone to 15 States, we have had 22 different hearings and we have heard this over and over and over from I think over 220 witnesses in 15 states and the message is consistent, because they outlined this process for us; they said this is exactly what we go through.

Mr. BOB SCHAFFER of Colorado. Absolutely.

Mr. HOEKSTRA. It is not just in Colorado, it is not in Michigan, it is in New York, it is in Cleveland, it is in Milwaukee, it is in Georgia, it is in L.A., it is in San Jose. We have been there. We have been in Iowa. You know we have been around the country and the story is always the same. The message comes back and says, it is bureaucratic.

You notice that almost this whole dialogue was between the school administrator and Washington. The dialogue that is most important which is between the school administrator and the parent, who is paying for the taxes, gets lost in the process.

We have also identified that when we go through this process of taking that tax dollar and then you and I going through this exchange of, I got the money, you get it, you send it to me, I verify, you send in reports, I audit, that when you go through that whole process, we lose about 30 to 40 cents of every educational dollar that came from that taxpayer, we lose 30 to 40 cents in the work that you do in your local school district, and the work that bureaucrats need to do here in Washington. So we lose 30 to 40 percent of the money.

The other thing that we have found, one of the key findings and that we are going to be working on tomorrow, on dollars to the classroom, is that the leverage point for education spending, as much as I would like to say this bureaucrat and this bureaucracy are adding a lot of value to the education of our kids, what did we find? We found that the leverage point for educational spending is getting the resources to a teacher, to a principal, to a classroom. When we are losing 35 to 40 cents of every dollar, we are hurting our kids. We are not helping them learn.

Tomorrow we are setting up the objective that for 31 programs, that is roughly $3 billion of spending, instead of getting 65 to 70 cents of every dollar to the classroom, we want to get 90 to 95 cents of every Federal education dollar into the classroom out of those 31 programs, which I believe will give every classroom something like, what, $400 and $425 more.

That is leverage. That is not spending more on education. That is not asking the taxpayer to send us more money. That is just saying, with the money that you are sending us, we are going to spend a little less time talking to each other, or, you know the school administrators in Washington are going to spend a little less time talking to each other, a lot fewer rules and regulations, a lot less paperwork and we are going to open it up because we are going to say, if these four programs are the most important to you for what your kids need, spend the money on those four programs. Do not worry about the other 27, because the 4 programs that you maybe need to do in Colorado are very different than probably what he saw in the Bronx and what the kids in the Bronx need, and it is very different from what we saw in Louisville, Kentucky or what we saw in West Michigan, because the needs are different. We need to empower the local administrators and the parents and the teachers to spend that money. We need to get more money in their hands and we really believe that as much as we like these bureaucrats in Washington, they cannot substitute for a loving home; they cannot substitute for a parent and they cannot substitute for a teacher or a principal at a local level who knows what their kids need.

Mr. BOB SCHAFFER of Colorado. This is all about putting children first, putting children ahead of the bureaucrats, putting the needs and interests of children and educating them for the future ahead of the comfort of bureaucrats who are interested in usually only one thing, and that is preserving the status quo and preserving the positions of authority that they have secured for themselves here in Washington, D.C. and in other government centers throughout the country.

☐ 2245

Mr. HOEKSTRA. What this really does and what we are going to try to do tomorrow is we are going to try to implement the vision for the Education Department that a lot of these people in 1979 said the Education Department should be; that we should streamline the bureaucracy, we should get dollars into the classroom, and we should consolidate Federal education programs.

So the vision was right in 1979. The implementation was terrible. So the Education Department in and of itself was not a bad thing because it was addressing, it was supposed to address the right kinds of problems; but what you and I have found as we have gone around the country is that rather than implementing a Department of Education that empowered parents, empowered the local level, streamlined the process and got dollars to the local level, this bureaucracy took on a life of its own and created more programs and more rules and more regulations.

One of the things that we found was that the first time that you sent me, the first time that you sent an application to this bureaucracy to process a grant request, it had to go through 487 different steps that took 26 weeks to complete. Think of how many people that request touched, how long it was in every in-box and then in every outbox, and how many different offices it would go through in this building before you ever found out back at a local level whether you were going to get a dollar or not.

Mr. BOB SCHAFFER of Colorado. The bigger travesty is to consider all of the children who are robbed of an education opportunity, who are robbed of precious resources that could have gone toward furthering their academic progress by a bureaucracy that cares more about its paperwork and red tape and strings than the future of children throughout the country.

That is what we are trying to turn around, put the interests of children ahead of bureaucrats. But you know, I would like to try to anticipate tomorrow's debate a little bit because this seems so simple. This seems like for those who are considering the whole path of a dollar that is earned by a local wage earner in some far-off community, and confiscated by the Internal Revenue Service, sent to Washington, D.C., divvied up by politicians, spent by bureaucrats under the rules that they have written for themselves, and finally in the end sometimes less than 60 percent of it actually ends up helping anyone.

This seems like a problem that we could all agree on, a problem that we could agree needs to be resolved, it needs to be fixed and fixed quickly. It seems to be a solution that we are proposing tomorrow in the Dollars to the Classrooms bill that is very, very simple, very, very commonsense-oriented, yet we are going to have a fight on our hands.

Putting children first, as the Republicans will propose tomorrow, is not an easy thing to do in this Chamber because there are many other forces that come to play.

And let me just suggest where I believe some of this opposition will come from. You see, all of these bureaucrats, they like their jobs, they want to keep them, and so they form associations, they form interest groups to preserve and protect their little empire. And then you have all kinds of administrators at the State and local level who actually enjoy the details of working through the red tape. It empowers some of these folks, and so they form groups and associations, and they hire lobbyists, and they collect dues, and they get involved in political campaigns and contribute to campaign coffers, usually on the other side of the aisle, and they remind people of that when it comes to these fights on the floor.

And so you will have all of these groups and associations who want to keep the system confusing. They want to keep the bureaucracy receiving, in a position where it receives 40 to 50 percent of the off-the-top value of every dollar that is spent on education. They like the system as it is.

And we are going to have a real fight on our hands. It is hard to believe with the millions and millions of children around the United States of America, whose education future is at stake with tomorrow's debate, it is hard to believe that those millions of children will take a back seat to the arguments that we will hear from some on the other side of the aisle, the Democrat side of the aisle, tomorrow, who will suggest that spending more dollars at the classroom level is somehow harmful to the country and for the education process.

Confirm for me, if you will, do you expect this kind of fight tomorrow?

Mr. HOEKSTRA. Reclaiming my time, absolutely. It will be a spirited debate, and there are, you know there will be spirited communications from these interest groups because what we are going to try to do tomorrow is take 31 programs and put them into a single educational opportunity grant to local school districts. Well, for each one of these 31 programs right now, there is a constituency where people have applied for and, you know, where this 35 to 40 cents of every education dollar just does not vanish into thin air. There are people who are taking that money and who are benefiting from it, and they are not going to want to give that up for the sake of efficiency and streamlining.

But you know it is going to be a very spirited debate, and we will be accused of hurting kids. We are accused of that with the food lunch program when we said we want to streamline it. You are going to hurt kids. And it is kind of like, no. There are going to be people who are not going to benefit from this, but they are in these buildings, and the bureaucrats I met are talented and they are good people, but they are located at the wrong place to be making these kinds of decisions. It is going to be the people in these buildings, and it is going to be these bureaucrats, and it is going to be those people that believe in the vision that was highlighted in that memo that said Washington bureaucrats and Washington politicians know more about educating our children in Colorado and Michigan than what parents and teachers and school administrators do at the local level.

That is the debate.

Mr. BOB SCHAFFER of Colorado. Before our colleagues walk on this floor tomorrow and engage in this debate, I would urge them to do a couple things that they still have doubts about the importance and significance of this bill tomorrow, the Dollars to the Classroom bill. I would urge them to make a phone call back home in the morning before they come to the floor. Call your local school principal at the local elementary school or junior high school. Then ask the question: Do you think you can spend the money on a program designed to help the children you are responsible for better or worse than a Federal bureaucrat here in Washington, D.C.?

Call your child's teacher tomorrow. Call the teacher and ask them: If you had more money in your classroom, do you think you could make the decisions that would result in a better education for the children in your charge than somebody in Washington, D.C. designing the rules and regulations and all the accountability measures with those dollars? Who can make the better decision?

I will guarantee you that every Member of Congress placing those kinds of phone calls, asking those very simple questions, will hear the exact same response that you and I heard as we traveled around the country with the Education at a Crossroads project when we asked that question. When we asked that question of teachers and of superintendents and of school board members and of principals, those education professionals told us almost to the last one of them, cut the red tape, get the Federal Government out of my hair, give me the resources to do the job that I am trained to do and that I know to do, and get these people out of my way, Washington, D.C. They do not understand my neighborhood, they do not understand the children I am responsible for, they do not understand the issues that we have to deal with at our school, and they do not know how to spend the money in a way that is actually going to work. Get this bureaucracy out of my way and sit back and watch us improve dramatically the way we educate children in America.

Mr. HOEKSTRA. Reclaiming my time, I believe the other thing that we learned and why you and I are so confident of this alternative vision, a vision that returns power back to the local level that focuses on parents, that focuses basically on academics, that focuses on getting dollars back into the classroom is the wonderful success stories that we saw wherever we went whether we were in L.A. and we saw Yvonne Chan in her charter school, whether we were in San Jose and saw the technology school, whether we were at the school that we saw in Colorado or the one in Nillageville, there are tremendous success stories and there are tremendous people involved in education at the local level who are doing phenomenal things with our kids each and every day, and what they are asking for is they are asking for a little bit more freedom from Washington so that they can do what they know they want to do for their kids versus what Washington is telling them they have to do, and they are saying:

I will do what you tell me to do, but, boy, if I had the freedom, there are some other things that I really would like to do in my school, and when you take a look at the success stories and what the commitment of the teachers and the administrators and the parents at the local level, it is: let them go, give them the freedom, they are accountable. Teachers and administrators at the local level, they are not accountable to bureaucrats in Washington, they do not even know their name. They are accountable to the parents, and the kids and the school. Let us make that accountability, the one that we are really focusing on, and that is what this will start in enabling us to do.

Mr. BOB SCHAFFER of Colorado. You know freedom is the operative word here, and you hit the nail right on the head, the freedom to teach and the liberty to learn.

Let me tell you what freedom means with respect to the Dollars to the Classroom bill. It means that without appropriating a single additional dollar out of the education budget we will free up $2.7 billion that can then be spent on classrooms.

Let me state that again. It does not mean that we are going to spend more money in Washington, D.C., in the education budget, but it does mean that through efficiency mechanisms that you will find in the Dollars to the

Classroom bill $2.7 billion will be freed up to help children instead of being wasted on bureaucrats. That is what we are going to vote on tomorrow, $2.7 billion that will be liberated, freed from this bureaucratic nightmare in Washington and released upon the States in a way that those teachers, those administrators, those principals at the local level can utilize to do what they do best, and that is to help children.

Mr. HOEKSTRA. I thank the gentleman, and I think it is about time to wrap up this debate, although we have not had much of a debate. But we ought to also remember and say, you know, why did we do this discussion tonight?

We did this discussion tonight, number one, to prepare our colleagues for the debate that we are going to have tomorrow and also because we know it is going to be a vigorous debate because talking to the chairman of the full committee, Mr. GOODLING, and asking him, you know, do we have time to talk about all of the points that we want to talk about on Dollars to the Classroom tomorrow, and he said, boy. He said I already got 30 to 40 people who are asking to speak on this bill tomorrow, and you know there may not be enough time to get all of the points in, and so we have had an opportunity, I think tonight, to prepare our colleagues for this debate and to lay the framework about the alternative visions for education, the bureaucratic vision which says move accountability to Washington, move standards and testing to Washington, you know move dollars to Washington, move almost everything to Washington. And that is the debate. Or are we going to be in the debate on opportunity and freedom?

So we have had the opportunity tonight to lay the groundwork for that debate, to get that information on to the record and to prepare our colleagues for this debate which is going to be so critical tomorrow on a very important issue, a very important issue.

I will yield.

Mr. BOB SCHAFFER of Colorado. The interest groups that will be represented by some of our Democrat colleagues on the other side of the aisle is the National Teachers Union, the administrators associations. Those are the groups that will have real champions that they will find on the Democrat side of the aisle fighting very strenuously to prevent us from turning $2.7 billion back to the States and back to the children.

The children have no lobbyists, they have no children's association, they do not pay dues to an organization that hires professional lobbyists to represent them here on the House floor. Those children are counting on you and I and others like us who will come to this floor tomorrow and will fight as passionately as we possibly can to make sure that that $2.7 billion is pried from this quagmire of bureaucratic red tape here in Washington and is redirected to those children who are counting on us back home. That is what real freedom to teach entails, that is what real liberty to learn is all about, that is what Dollars to the Classroom bill is, what it represents, and that the real opportunity, the real opportunity that we have tomorrow, to place out for the American people real hope, real education reform and a program that is really going to make a difference for the children of America and allow them an opportunity to thrive academically and professionally eventually.

Mr. HOEKSTRA. Reclaiming my time, we will be able to start moving towards the vision that many of their colleagues in 1979 had for the Department of Education. It is a vision Mr. Dodd had, it is a vision that Mr. Bayh had, it is the vision that Mr. Levin had.

This is an opportunity to focus on kids, not on bureaucracy and to get dollars to our children and to their classroom.

I thank the gentleman from Colorado for not only participating in this special order this evening but for the help that you have been in the last 18 months as we have gone around the country and as we have studied this issue, as we have had the 22 or 23 different hearings, and being there to go through a learning process with us to find out what is working and what is not working in education in America today.

□ 2258

It has been a tremendous process. There has been tremendous learning, some great things and some frustrations, but we are making progress, and I think we can move this education bureaucracy in the right direction to really help kids.

I thank the gentleman for being here tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BERRY) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. COBURN, for 5 minutes, on September 18,

Mr. METCALF, for 5 minutes, today.

Mr. REGULA, for 5 minutes, on September 18.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BERRY) and to include extraneous material:)

Mr. KIND.
Mr. NEAL of Massachusetts.
Mr. VENTO.
Ms. JACKSON-LEE of Texas.
Ms. DELAURO.
Mr. HAMILTON.
Mr. HOYER.
Ms. RIVERS.
Mr. NADLER.
Ms. ROYBAL-ALLARD.
Mr. KUCINICH.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. MILLER of California.
Mr. ANDREWS.
Mr. RAHALL.
Mr. SERRANO.
Mr. BARCIA.
Mr. MENENDEZ.

(The following Members (at the request of Mr. COBURN) and to include extraneous material:)

Mr. RADANOVICH.
Mr. LEWIS of California.
Mr. NEY.
Mr. GANSKE.
Mr. CRANE.
Mr. DOOLITTLE.
Mr. MCKEON.
Mr. CRAPO.
Mr. GILMAN.
Mr. ROGAN.
Mr. PACKARD.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 18, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Propyzamide;

Pesticide Tolerances for Emergency Exemptions [OPP-300699; FRL-6022-5] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP-300705; FRL-6025-1] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10990. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Desmedipham; Extension of Tolerances for Emergency Exemption [OPP-300707; FRL-6026-4] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Trichoderma Harzianum Strain T-39; Exemption from the Requirement of a Temporary Tolerance [OPP-300698; FRL 6022-1] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10992. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Sphaericus; Exemption from the Requirement of a Tolerance [OPP-300701; FRL-6024-2] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10993. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Cypermethrin; Pesticide Tolerance [OPP-300706; FRL-6025-6] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10994. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Esfenvalerate; Pesticide Tolerance [OPP-300708; FRL 6026-5] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Metolachlor; Pesticide Tolerances for Emergency Exemptions [OPP-300685; FRL-6017-9] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Sulfosate; Pesticide Tolerance [OPP-300709; FRL 6026-6] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10997. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Reimbursement (RIN: 0720-AA37)received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution From Nonroad Diesel Engines [AMS-FRL-6155-3] (RIN: 2060-AF76) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production [FRL-6157-1] (RIN: 2060-AH76) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11000. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6161-5] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11001. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Interim Final Determination that Pennsylvania Continues to Correct the Deficiencies of its Enhanced I/M SIP Revision [PA 122-4078c; FRL-6160-8] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11002. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 122-4078a; FRL-6160-6] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11003. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Revision of Standards of Performance for Nitrogen Oxide Emissions From New Fossil-Fuel Fired Steam Generating Units; Revisions to Reporting Requirements for Standards of Performance for New Fossil-Fuel Fired Steam Generating Units [FRL-6159-2] (RIN: 2060-AE56) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11004. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — State of Alaska Petition for Exemption from Diesel Fuel Sulfur Requirement [FRL-6159-1] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11005. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule — Amended Economic Impact Analysis of Final Rule Requiring Use of Labeling on Natural Rubber Containing Devices [Docket No. 96N-0119] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11006. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Four Plants From the Foothills of the Sierra Nevada Mountains in California (RIN: 1018-AC99) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11007. A letter from the Director, Fish and Wildlife Service, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Determine Endangered or Threatened Status for Six Plants from the Mountains of Southern California (RIN: 1018-AD34) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11008. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Designated Critical Habitat; Green and Hawksbill Sea Turtles [Docket No. 971124276-8202-02; I.D. No. 110797B] (RIN: 0648-AH88) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11009. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Guidance For Fiscal Year 1999 Interstate Discretionary (ID) Funds — received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11010. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Withdrawal of Radiation Protection Program Requirement [Docket No. RSPA-97-2850 (HM-169B)] (RIN: 2137-AD14) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11011. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc., Piston Pins Installed on Teledyne Continental Motors Reciprocating Engines [Docket No. 97-ANE-37-AD; Amendment 39-10745 AD 98-98-19-02] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11012. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals [Docket No. PS-117; Amdt. 195-64] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11013. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 97-NM-54-AD; Amendment 39-10747; AD 98-19-05] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11014. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Rising Sun Regatta [CGD08-98-051] (RIN: 2115-AE46) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11015. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Special Local Regulations: City of Clarksville Riverfest; Cumberland River mile 125.5 to 127.0, Clarksville, TN [CGD08-96-058] (RIN: 2115-AE46) received September 10, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11016. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97-NM-144-AD; Amendment 39-10748; AD 98-19-06] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11017. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR72-212A Series Airplanes [Docket No. 98-NM-159-AD; Amendment 39-10756; AD 98-19-16] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11018. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Sheboygan River, WI [CGD09-98-003] (RIN: 2115-AE47) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11019. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98-ANE-02-AD; Amendment 39-10746; AD 98-19-03] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11020. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fitchburg, MA [Airspace Docket No. 98-ANE-93] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11021. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Models TB20 and TB21 Airplanes [Docket No. 95-CE-64-AD; Amendment 39-10729; AD 98-18-13] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11022. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Bennington, VT [Airspace Docket No. 98-ANE-94] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11023. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Correction to Class E Airspace; Akron, CO [Airspace Docket No. 98-ANM-10] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11024. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines [Docket No. 98-ANE-44-AD; Amendment 39-10752; AD 98-19-10] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11025. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Crosby, ND [Airspace Docket No. 98-AGL-42] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11026. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace Goodland, KS [Airspace Docket No. 98-ACE-35] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11027. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines [Docket No. 97-ANE-50-AD; Amendment 39-10728; AD 98-18-12] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11028. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98-NM-18-AD; Amendment 39-10742; AD 98-18-26] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 98-NM-255-AD; Amendment 39-10735; AD 98-18-19] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10 Sailplanes [Docket No. 93-CE-24-AD; Amendment 39-10744; AD 98-19-01] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Refugio, TX [Airspace Docket No. 98-ASW-34] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Pascagoula, MS [Airspace Docket No. 98-ASW-38] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11033. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bowman, ND [Airspace Docket No. 98-AGL-41] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11034. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cameron, LA [Airspace Docket No. 98-ASW-37] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11035. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Morgan City, LA [Airspace Docket No. 98-ASW-36] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11036. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes [Docket No. 97-CE-120-AD; Amendment 39-10724; AD 98-18-08] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11037. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Theodore, AL [Airspace Docket No. 98-ASW-39] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11038. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class D Airspace; San Antonio, Kelly AFB, TX [Airspace Docket No. 98-ASW-35] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11039. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carlisle, PA [Airspace Docket No. 98-AEA-11] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11040. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 411(d)(6) Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits [TD 8781] (RIN 1545-AV95) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11041. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Rollover of gain from qualified small business stock to another qualified small business stock [Revenue Procedure 98-48] received September 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11042. A communication from the President of the United States, transmitting the report of the Commodity Credit Corporation for fiscal year 1996, pursuant to 15 U.S.C. 714k; to the Committee on Agriculture.

11043. A letter from the Secretary of Defense, transmitting a report on the retirement of Lieutenant General Joseph E. DeFrancisco, United States Army; to the Committee on National Security.

11044. A letter from the Secretary of Defense, transmitting a report on the retirement of Lieutant General Dennis L. Benchoff, United States Army; to the Committee on National Security.

11045. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 21-98 which constitutes a Request for Final Approval for a Project Agreement with Sweden for research into methods to synthesize nitrogen molecular compounds to improve explosive properties of munitions that would also be "environmentally friendly," pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11046. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to United Arab Emirates for defense articles and services (Transmittal No. 98-45), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11047. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-422, "Board of Elections and Ethics Subponea Authority Temporary Amendment Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11048. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-434, "Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Relief Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11049. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-421, "Oyster Elementary School Construction and Revenue Bond Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11050. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-420, "Drug-Related Nuisance Abatement Temporary Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-418, "Arson Investigators Amendment Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-419, Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 4017. A bill to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes; with an amendment (Rept. 105–727). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Report on the Refusal of Attorney General Janet Reno to Produce Documents Subpoenaed by the Government Reform and Oversight Committee (Rept. 105–728). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 544. Resolution providing for consideration of motions to suspend the rules (Rept. 105–729). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE:

H.R. 4590. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act; to the Committee on Education and the Workforce.

By Mr. STARK (for himself and Mr. Cardin):

H.R. 4591. A bill to amend title XVIII of the Social Security Act to provide for home health case manager services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4592. A bill to amend titles XI and XVIII of the Social Security Act to establish a program to ensure that home health agencies do not employ individuals who have a history of patient or resident abuse or have been convicted of certain crimes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAPO:

H.R. 4593. A bill to establish a National Resources Institute at the Idaho National Engineering and Environmental Laboratory; to the Committee on Science.

By Mr. FOSSELLA (for himself, Mr. King of New York, Mr. Bliley, Mr. Bunning of Kentucky, Mr. Weldon of Pennsylvania, Mr. Forbes, Mr. Ensign, and Mr. Klug):

H.R. 4594. A bill to provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. REGULA (for himself, Mr. Lipinski, Mr. Gutierrez, Mr. Jackson of Illinois, Mr. Weller, Mr. Hyde, Mr. Davis of Illinois, Mr. Shimkus, Mr. Fawell, Mr. Manzullo, Mr. Hastert, Mr. Dicks, Ms. Norton, Mr. Costello, Mr. Crane, Mr. Porter, Mr. LaHood, Mr. Poshard, Mr. Blagojevich, Mr. Evans, Mr. Rush, Mr. Ewing, Mr. Miller of Florida, Mr. Skeen, Mr. Kolbe, Mr. Wamp, Mr. Skaggs, Mr. McDade, and Mr. Murtha):

H.R. 4595. A bill to redesignate a Federal building located in Washington, D.C., as the "Sidney R. Yates Federal Building".; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan (for himself and Mr. Thune):

H.R. 4596. A bill to amend the Internal Revenue Code of 1986 to provide that certain farming-related section 1231 gains and losses shall not be taken into account in determining whether a taxpayer is eligible for the earned income credit; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. Bliley and Mr. Goode.

H.R. 326: Mr. Bliley, Mr. Frost, Mr. McInnis, and Ms. Danner.

H.R. 902: Mr. Bilirakis and Mr. Ensign.

H.R. 1126: Mr. Luther.

H.R. 1134: Mr. Pease.

H.R. 1231: Mr. Coyne.

H.R. 2670: Mr. Martinez.

H.R. 2819: Mr. Baldacci.

H.R. 2879: Mr. Goodlatte.

H.R. 2882: Mr. Shadegg and Mr. Barr of Georgia.

H.R. 2914: Mr. English of Pennsylvania and Mr. Hilliard.

H.R. 2939: Ms. Danner.

H.R. 3261: Mrs. Myrick.

H.R. 3523: Mr. Rogers.

H.R. 3792: Mr. English of Pennsylvania.

H.R. 3831: Ms. Kilpatrick.

H.R. 3925: Mr. Borski.

H.R. 4018: Mr. Doyle, Mrs. Clayton, and Mr. Lampson.

H.R. 4121: Mr. Price of North Carolina and Mr. LaHood.

H.R. 4132: Ms. Pelosi.

H.R. 4157: Mr. Hilliard.

H.R. 4204: Mr. Ballenger and Mr. Calvert.

H.R. 4217: Mr. Campbell.

H.R. 4220: Ms. Kilpatrick.

H.R. 4229: Mr. Ney.

H.R. 4235: Mr. Hinojosa.

H.R. 4242: Ms. Stabenow.

H.R. 4249: Mr. Norwood.

H.R. 4251: Mr. Barr of Georgia and Mr. Kingston.

H.R. 4266: Mr. Underwood and Mr. Kucinich.

H.R. 4281: Mr. Campbell.

H.R. 4339: Mrs. Emerson, Ms. Jackson-Lee of Texas, and Ms. Brown of Florida.

H.R. 4402: Mr. English of Pennsylvania and Mr. Cooksey.

H.R. 4404: Mr. Cooksey and Mr. Jenkins.

H.R. 4415: Mr. Kingston and Mr. Ney.

H.R. 4447: Mrs. Chenoweth.

H.R. 4461: Mr. Kingston and Mr. Lewis of Georgia.

H.R. 4472: Mr. Hall of Texas and Mr. McGovern.

H.R. 4567: Mr. Cardin, Mr. Ramstad, Mr. Istook, Mr. Condit, Mr. Weller, Mr. Adam Smith of Washington, and Mr. Ehlers.

H.R. 4577: Ms. Kilpatrick and Ms. Rivers.

H.R. 4587: Mr. Hefley.

H. Con. Res. 210: Mr. Stenholm.

H. Con. Res. 264: Mr. Mollohan.

H. Con. Res. 295: Mr. Gilman and Mr. Hoyer.

H. Res. 532: Mr. Coble, Mr. Manzullo, and Mr. Upton.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4569

Offered By: Mr. Campbell

Amendment No. 41: Page 110, strike line 2 and all that follows through line 15.

H.R. 4569

Offered By: Mr. Davis of Illinois

Amendment No. 42: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON PROMOTION OF TOBACCO FARMING IN MALAWI

Sec. 701. None of the funds appropriated in this Act under the heading "Development Assistance" may be made available for the promotion of tobacco farming in Malawi.

EXTENSIONS OF REMARKS

THE LIQUIDATION OF ASSETS FROM THE POLISH-AMERICAN ENTERPRISE FUND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. HAMILTON. Mr. Speaker, 9 years ago President Bush requested, and the Congress authorized, the creation of Enterprise Funds for Poland and Hungary, in order to spur economic reform and the growth of private enterprise in these countries.

The Polish-American Enterprise Fund (PAEF) has succeeded in its mission, and is now prepared to return the funds it originally received from the U.S. government.

Because there are so many views inside and outside the government about what should happen to assets of the PAEF, and because the guidance provided by the Congress 9 years ago on the disposition of those assets was neither clear nor explicit, I believe the Congress should authorize, by statute, how the assets of the PAEF are distributed. It is important for Congress to make a decision on this matter because it will establish a precedent for the distribution of assets from other Enterprise Funds in the future.

The text of my August 10, 1998 letter to Secretary Albright and the Department of State's reply of September 11th follow:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 1998.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State,
Washington, DC.

DEAR MADELEINE: I write regarding any decision you may reach with respect to the distribution of assets resulting from the liquidation of assets of the Polish-American Enterprise Fund (PAEF).

The SEED Act of 1989 does not give clear or explicit guidance on how assets from Enterprise Funds should be distributed, once these Funds are liquidated, and I believe Congress should be involved in a decision on how assets from them are distributed.

In particular, in the case of the Polish-American Enterprise Fund, valued at over $250 million, I believe Congress should authorize by statute how assets from this Fund are distributed. I appreciate that the legislative process can be slow, but I believe a decision reached in this way will best represent a consensus that reflects the views of the entire U.S. government.

The consensus-building process is especially important because a decision on the Polish-American Enterprise Fund will establish a precedent for the distribution of assets from other Enterprise Funds in the future.

I appreciate your attention to this issue.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 11, 1998.

Hon. LEE H. HAMILTON,
Committee on International Relations,
House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of August 10, 1998, to the Secretary, concerning the distribution of funds resulting from any liquidation of assets of the Polish-American Enterprise Fund (PAEF). The Secretary shares your concerns about this important issue, and is aware how any decision reached about the PAEF could establish a precedent for the future distribution of assets from other Enterprise funds.

As you well know, the fact that the PAEF has been so successful poses some unique problems when the issue of its dissolution is raised. Due to the wide interest in the Fund, a number of varied proposals have been given to the Administration regarding how reflow funds should be handled. Administration officials have been consulting with key members of the Congress and their staff (including those of your own), the PAEF Board of Directors, the Polish government and the Polish-American community, to arrive at a satisfactory solution. While a formula acceptable to all concerned has not yet been achieved, we have and will continue to consult with members and staff of the House International Relations Committee as part of this process.

We hope that this information has been helpful to you. Please do not hesitate to contact us if we can be of further assistance in this or any other matter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

CALIFORNIA AGRICULTURE IS IN CRISIS DUE TO LABOR SHORTAGE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. RADANOVICH. Mr. Speaker, as a Member of Congress from the San Joaquin Valley of California, I am proud to represent the two largest agricultural producing counties in the United States. Currently, a severe shortage of labor is raising concern over the economic future of the agriculture community throughout California. Agricultural production is nearly a $25 billion industry in the State, and California has the largest agricultural economy in the Nation. Right now, farmers are competing for the same scarce labor force as the raisin, table and wine grape harvest is entering its peak and tree fruit growers are also harvesting in California. Simultaneously, apple farmers are beginning to pick their fruit in the State of Washington and are in need of labor. California has not seen a labor shortage of this magnitude since World War II.

The agricultural community has worked with numerous San Joaquin Valley Social Services Departments and Employment Development Departments to provide needed labor from individuals who are unemployed or entering the workforce after receiving welfare. Such actions have failed to supply adequate labor for harvest.

The agricultural labor situation can be alleviated through action by the Federal Government. Under a reformed agricultural worker program, substantial opportunities will be given to foreign workers who can often earn significantly more in the United States than in their own country. Such reform reduces illegal immigration by creating a streamlined process to temporarily legalize individuals who choose to work in the agricultural sector of the United States.

I am working to include the Agricultural Job Opportunity, Benefits and Security Act, authored by Senator GORDON SMITH (R–OR), in the final conference language of the Commerce, Justice, State and Judiciary appropriations measure. The act was approved as an amendment to S. 2260, the Senate Commerce, Justice, State and Judiciary appropriations bill. It passed by a bipartisan vote of 68–31 in the Senate. Related House legislation did not contain the agricultural worker provision. The Senate measure establishes a national registry within the Department of Labor to track agricultural job seekers. Employers are required to first hire domestic workers from the registry and are able to hire foreign workers if domestic workers are not available. Housing or a housing allowance must be provided by growers, and the prevailing wage rate must be paid. The prevailing wage rate is the mid-point of all wages earned, and it is always higher than the minimum wage.

On behalf of the farmers in the San Joaquin Valley in California, I urge the Commerce, Justice, State, and Judiciary conferees to include the Agricultural Job Opportunity, Benefits, and Security Act in the final bill. I also strongly encourage all Members of the House to support its passage. A stable, reliable and affordable food supply is dependent upon congressional approval of this measure.

A SPECIAL TRIBUTE TO THE BELLEVUE CITY SCHOOL DISTRICT ON BEING SELECTED AS ONE OF "OHIO'S BEST PRACTICES"

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding educational program from Ohio's Fifth Congressional District. Today, the Bellevue City School District is receiving recognition for its excellence in education by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

being named as one of "Ohio's Best Practices."

Mr. Speaker, Ohio's BEST, which stands for Building Excellent Schools for Today & the 21st Century, is an education partnership that seeks to identify and celebrate exemplary grassroots educational programs that have proven to be successful in improving the performance of Ohio's students.

The students, parents, teachers, and administrators of the Bellevue City School District and the entire Bellevue, Ohio community have a great deal to be proud of in receiving this prestigious award. Without question, it takes a special group of people and an enormous amount of effort and ingenuity to be selected as one of Ohio's BEST practices.

In being selected for this honor, the Bellevue City School District displayed its success in designing and implementing effective approaches to improving the educational results of its students. Ohio's BEST schools are chosen based on several criteria including commitment to the cornerstone principles of: (1) high academic standards, (2) world-class teaching and professional development, (3) providing safe, secure schools for better learning environments, and (4) state-of-the-art infrastructures for the 21st Century.

Mr. Speaker, the future education of our children is paramount to the future of our great nation. Each day, our schools provide our leaders of tomorrow with the skills they need to begin the next century. The Bellevue City School District is working to ensure our children are prepared to face the challenges of today and seize the opportunities of tomorrow. I would urge my colleagues to stand and join me in paying special tribute to one of Ohio's BEST practices—the Bellevue City School District, and in wishing them continued success in the future.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 3975, controversial legislation that would impose expensive, highly intrusive criminal background checks on our nation's port employees. It is significant that this bill—with all its ramifications—has never been the subject of a hearing by the Judiciary Committee and to this day is not understood by most of the Members in this chamber.

Today the House accepted by voice vote this controversial legislation as part of H.R. 4300, the Western Hemisphere Drug Elimination Act. This is no way for the House to conduct the people's business.

At a time when we in Congress are attempting to stem the flow of drugs into our communities and schools, we are engaging in a broad brush rush to judgment about America's port-side workers. The way to accomplish our anti-drug trafficking goals is not by declaring that all longshore workers, including those with 20 or more years of service, are guilty. That is exactly what we are doing if H.R. 3975 is enacted.

No one quarrels with the goal of finding methods to stem the flow of illegal drugs into this country. No one quarrels with the need to use any and all means to achieve this goal including seeking out those who would use their place of employment to give drug dealers and smugglers a free ride into our cities and towns. And no one quarrels with the notion that if we have a few bad apples working in our ports, let's stop them from helping those who would poison this country with illegal drugs.

But make no mistakes about it. H.R. 3975 does not accomplish this goal and, in fact, would likely have adverse consequences on those who are serious about blocking illegal drugs at our borders and in our ports. It takes little imagination to conclude that if you want to stop the infestation of our citizens with dangerous drugs, then make working men and women employed at the transportation choke points—such as longshore workers—a major part of the solution by enlisting them as partners in this crucial endeavor.

Let's not, because of political convenience, demonize hard working port employees by making all of them subject to expansive criminal background checks with no limit and no protections. By doing so we are passing value judgments about their criminal records or intentions with no justification other than anecdote. Perhaps worst of all we are passing these judgments without even giving all sides an opportunity to express their views before the committee of jurisdiction.

If we have drug problems in a particular port let's do something about them. If drugs are passing through our transportation choke points let's give law enforcement authorities the tools and resources to do their job. But let's not demoralize potential allies in the war on drugs by declaring them a major criminal threat and making them all prove their innocence.

Stopping the use of our nation's ports to ship illegal drugs in the United States is a goal I strongly support. H.R. 3975 does not accomplish that objective. I urge my colleagues to join me in opposing H.R. 3975 as a stand alone bill or as part of any legislation to be consideration by this House.

IN HONOR OF THE UNIVERSITY OF MICHIGAN MARCHING BAND

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Ms. RIVERS. Mr. Speaker, I rise today to recognize the University of Michigan Marching Band and their milestone Centennial Season. In the fall of 1898, the Michigan Band first appeared at a football game, with 25 members performing only from the stands. From these humble beginnings the Michigan Band has grown in both size and stature to be widely recognized as the pre-eminent college Michigan Band in the country.

The Band has had a rich history, full of notable events. On January 1, 1948, the Michigan Marching Band was the first Big Ten Conference Band to appear at the Rose Bowl in Pasadena, California. Travelling to Los Angeles in 1973, the Michigan Band was the first collegiate band to perform at a Super Bowl. In 1983, the Band was honored as the first recipient of the Louis Sudler Trophy, an award given annually to a college marching band of particular distinction and excellence.

Longtime Michigan radio announcer Bob Ufer declared that "the four most anticipated words on a football Saturday in Ann Arbor" were "Band take the field!" The spirit and energy the Band brings to each football game is a source of great pride to all Michigan fans. There is nothing that can equal the experience of being at Michigan Stadium and joining "all the Maize and Blue Faithful in a rousing chorus of "The Victors," as the Band marches down the field forming the Block "M".

A source of inspiration for all of the University of Michigan family, we offer the heartiest thanks and congratulations to the Michigan Marching Band as they celebrate their Centennial Season.

INTRODUCTION OF THE NATURAL RESOURCES INSTITUTE ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRAPO. Mr. Speaker, I rise to introduce the Natural Resources Institute Act. This legislation will help find solutions to many of the problems that affect the health of our environment.

The United States is faced with the challenge of protecting the environment, while maintaining economic growth. The use of our Nation's natural resources has resulted in a strong economy, but has left a legacy of fragmented land-use and regions of environmental degradation, including areas in my home State of Idaho. Unfortunately, there has not been a comprehensive and coordinated effort to address these environmental issues or an organized effort to help other communities from making similar mistakes. I believe that many of these problems could be avoided or remediated if the communities faced with land-use decisions had access to sound scientific research.

Mr. Speaker, the Natural Resources Institute, using expertise from national laboratories and universities, will provide communities with access to sound scientific research when making environmental and land-use decisions. In addition, the Natural Resources Institute will coordinate research efforts to solve real-world environmental problems. It will be particularly helpful in addressing problems associated with agriculture, logging, grazing, hydro-power, fishing, mining, recreation, and other natural resource activities.

TRIBUTE TO JOHN LAPWORTH

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LoBIONDO. Mr. Speaker, John Lapworth is the Cal Ripken of Postal Carriers. Lapworth who is a mail carrier in Cape May County in my district recently received the National Safety Council's Million Mile Club's Safe Driver Award. Lapworth, who works out of the Villas post office branch and lives in Rio Grande, has gone 35 years on the job without an accident or a road violation. He has not even been involved in accident that was not his fault. He estimates he has driven more than 250,000 miles since joining the Postal Service in 1964. He has traveled this vast distance without so much as a speeding ticket or a fender bender.

John was honored recently at a breakfast with his coworkers where he received a trophy, a plaque, and a $500 check for his accomplishment. I want to commend John Lapworth for his achievement and for his dedication to safety in the workplace. In our fast-paced society where everyone seems to be in a hurry and terms like road rage are commonplace, John Lapworth's defensive driving and commitment to caution is refreshing.

TRIBUTE TO STEVE MANNING OF EAST LONGMEADOW, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to a exemplary public servant whose roots lie in my home district of Massachusetts. For over 20 years, Steve Manning has shown undivided dedication to the people of Western Massachusetts.

Steve is a highly respected attorney and a dedicated community activist. Mr. Manning has been engaged in private law since June, 1996 concentrating in property law, estate and corporate business matters. In 1976, he was admitted to the Massachusetts Bar and U.S. District Court for the District of Massachusetts. In addition to his tremendous achievements, Mr. Manning serves as adjunct faculty member at Western New England College, Business Division.

Under his inspired leadership, he was elected and appointed to many public offices throughout Western Massachusetts. For the last 18 years, Steve has served as a remarkable Selectmen for the town of East Longmeadow. He is a true family man and extraordinary friend who I proudly commend and honor.

Mr. Speaker, I am privileged to represent such an outstanding individual and I join with the citizens of the Second Congressional District in offering a most heartfelt thank you for the service he has given to Western Massachusetts.

DRUG DEMAND REDUCTION ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the appropriate use of legal drugs:

Mr. UNDERWOOD. Mr. Chairman, I rise in support of curtailing the use of drugs in America. The bill before us today is not bad legislation. It certainly provides the states and the territories an opportunity to incorporate new anti-drug programs, along with other measures they are using, to fight the epidemic that has settled in our communities.

Often times, I hear people speak of how isolated the Island of Guam appears. My island is in the middle of the Pacific Ocean and thousands of miles away from the mainland United States. But, on Guam, we feel and suffer alongside any other small American town or metropolis.

In fact, it is speculated that Guam is fast becoming a location for the transshipment of illegal drugs into America. Along this route, from Asia to America, many of the drugs make their final destination my island and their presence has affected our way of life—much like it has done across the United States.

This legislation is good because it continues the dialogue that needs to be discussed. The very fact that we are on this floor today and our words and gesticulations broadcast across America keep this issue in the minds of our constituents.

I want to thank Mr. PORTMAN for the hardwork he has put into this legislation and encourage for continuing dialogue on this issue to bring new programs and ideas, such as the Drug Free Prisons and Jails provisions in this bill and the assurances for Drug Free Schools.

We need to continue our fight for our communities, our families and our children.

TIM HARTMAN, AN IOWA HERO

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GANSKE. Mr. Speaker, I rise to pay tribute to a young Iowan, Tim Hartman.

As reported in the Des Moines Register, this 17-year-old high school senior from Earlham rescued an elderly man from a fire in the senior's barn. Tim saw smoke from Willard Barnett's barn on the morning of Thursday, September 2, 1998. Mr. Barnett, who is 93, was inside, having broken his hip while fueling his tractor.

Tim Hartman dragged Mr. Barnett to safety shortly before the barn erupted in flames. His quick thinking and commitment to his neighbor helped save Willard Barnett's life.

At a time when the media likes to paint teenagers as self-absorbed and apathetic, I am pleased to share the story of Tim Hartman with you. We would all do well to remember his selfless heroism.

Mr. Speaker, I am pleased to take this occasion to salute Tim Hartman.

HONORING MAJOR GENERAL DAVID H. OHLE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEY. Mr. Speaker, I rise today to pay tribute to a man who has dedicated 29 years of his life protecting the people of this great Nation and ensuring the American way of life. This gentleman has distinguished himself as a community leader, a dedicated family man, and a decorated officer in the U.S. Army. The man I speak about today is Major General David H. Ohle.

The distinguished career of Major General David Ohle began as he completed a Bachelor of Science degree from the U.S. Military Academy in 1968. His military service spans more than 29 years at various levels of command and staff positions. He began his career as an Infantry Officer. A few of his commands include a Ranger company in Vietnam, an infantry battalion at Fort Campbell, Kentucky, and an infantry brigade at Schofield Barracks, Hawaii.

Major General Ohle exemplifies the ideal of citizen-soldier. He has earned every decoration he wears, among which are a Silver Star, three Legions of Merit, and the Defense Meritorious Service Medal. He has served his country well, and will continue to do so in the future.

Mr. Speaker, I ask that you join me in congratulating Major General Ohle on his new assignment as Deputy Chief of Staff for Personnel. Along with his new position, he will be promoted to the rank of three star Lieutenant General. On behalf of the Congress of the United States and the people of this great Nation, I offer our heartfelt appreciation to Major General Ohle for a job well done and best wishes for continued success.

FRANCIS J. SALVERON, DISTINGUISHED VETERAN AND COMMUNITY LEADER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Francis J. Salveron. Mr. Salveron, 88, a retired Air Force master sargeant and personal aide to General Douglas MacArthur during the general's triumphant return to the Phillipines, died August 23, 1998 at this Bladensburg home.

Mr. Salveron was about 32 years old when he enlisted in the U.S. Army in Australia. He served for 10 years as a purser on a luxury liner sailing between the Phillipines and Australia. In 1942, Mr. Salveron's ship, the S.S. *Mactan*, was one of the few ships to survive the Japanese invasion.

In February 1942, Mr. Salveron was aboard a U.S. transport ship sailing from Melbourne to the Phillipines where the ship was met by Japanese zero fighter planes and sunk. Mr. Salveron and about one-third of the ship's crew survived. They floated in the sea for almost 12 hours before being picked up. The survivors were then transported to Melbourne for a recovery period. It was shortly after that Mr. Salveron was ordered to join General MacArthur in New Guinea to be his personal aide. For three years he personally served the general. Mr. Salveron was with General MacArthur as they took the first step off the landing barge to wade ashore on October 20, 1944 on Red Beach, Leyte. General MacArthur had fulfilled a promise to the Phillipine people and spoke those famous words, "I have returned."

After the war, Mr. Salveron left General MacArthur and reenlisted in the Air Force, where he became part of the official flight crew of, then, General Dwight D. Eisenhower. Mr. Salveron went on to serve as part of the crew for the U.S. Secretaries of Defense and State until his retirement in 1963.

Upon retirement, Mr. Salveron went on to devote his life to volunteer work in the city of Bladensburg, in my home State of Maryland, and to preserving the MacArthur legend. He went on to found the General Douglas MacArthur Post of the Veterans of Foreign Wars and was commander for 21 years. Mr. Salveron was also active in the Bladensburg promotion committee. He distinguished himself by restoring the Bladensburg Peace Cross Memorial, and establishing the town's Korean and Vietnam memorials. In 1983, he was named outstanding senior citizen by the Prince George's County Maryland Jaycees. His military honors include a bronze star, a purple heart and three Presidential distinguished citations. Mr. Salveron is survived by his wife of 66 years, four children, nine grandchildren and two great grandchildren.

Mr. Salveron dedicated his life to service in both the public and private sector. He was an individual who stood out among his fellow soldiers and showed strength of character during some very difficult times. I join the citizens of Bladensburg in recognizing his commitment to our country, our State, and their great city.

THE 125TH ANNIVERSARY OF ST. PAUL UNITED METHODIST CHURCH OF DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to recognize the 125th anniversary of St. Paul United Methodist Church in Dallas, Texas. St. Paul has a rich history of service and contribution to the surrounding community, It is indeed a historical pillar in the city of Dallas that has strengthened its congregation. Throughout St. Paul's 125 years of service, the church has successfully created innovative ministries to assist all segments of the community.

A historical landmark site located in the arts district of Dallas, St. Paul is one of the oldest congregations in the entire D.F.W. Metroplex. St. Paul reaches out to many individuals in our diverse community.

The congregation began as a mission from the Wesley Church in New Orleans, Louisiana, in 1873. This great beginning was followed by St. Paul becoming the first African-American Methodist Church to be organized in Dallas by the direction of its first pastor, Rev. H. Boliver in addition, the first church building served as a school to educate the minds of African-American children while serving as a church. The significance of this achievement was that it was the only vehicle to formally educate Dallas African-American children until the city built its first public school for African-Americans in 1884 across the street form the church.

Two years later the Reverend G.W. Richardson organized Samuel Huston College, (presently Huston-Tillotson College, now in Austin, Texas) on February 22, 1876 at Dallas, where its first classes were held in the St. Paul Methodist Episcopal Church.

Mr. Speaker, this was the beginning of St. Paul's mission to proactively reach out to the community and making the tenets of the Methodist Church active and service-oriented. St. Paul's current pastor, Dr. Henry L. Masters Sr., not only continued that proactive service, but has also been the driving force in increasing membership growth, creating an improved infrastructure and doubling the church staff and budget. Along with this work, new ministries have been developed to feed the homeless, to take inner-city youth to summer camp and to teach pastors business skills.

Mr. Speaker, the work of St. Paul's is innovative, compassionate and much-needed. This has all resulted in a Dallas Community that is much stronger and closer. Therefore, the anniversary of the church means more than just a celebration for its leaders and congregation. It means that countless citizen from all walks of life and backgrounds in the Dallas area are beneficiaries of St. Paul's 125 years of service. I join the many in congratulating St. Paul's on this achievement and also in extending the church the best wishes for another 125 years of successful service.

CHALLENGES FACING IMMIGRANT COMMUNITIES AND SOCIAL SERVICE AGENCIES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. VENTO. Mr. Speaker, I rise to express my deep sadness over a tragedy that occurred in my district of Saint Paul, Minnesota. A young mother, Khoua Her, aged 24, is suspected of strangling her three sons and three daughters, ages 5 to 11. When Saint Paul police responded to the 911 call on September 3, they found the six children dead and Khoua Her semiconscious after trying to take her own life. Khoua Her has been charged with six counts of second-degree murder in the deaths of her children: Koua Eai Hang, 11; Samson Hang, 9; Nali Hang, 8; Tang Lung Hang, 7; A-ee Hang, 6; and Tang Kee Hang, 5. She is currently under psychiatric evaluation to gauge her mental competence at the time of the slaying and ability to stand trial.

This is an occasion not only to mourn, but to reflect. I certainly do not excuse these horrific actions and am confident that law enforcement officials in Saint Paul are taking the steps necessary to investigate this case. This chilling incident does shed some light on special problems and significant challenges facing our Minnesota community.

Recent press accounts highlight a 1995 study conducted by the University of South Carolina profiling mothers who have taken the lives of their own children. The study cites that 8 in 10 were mentally ill or had a low intelligence quotient. They also share what mental health professionals call "life stressors," such as poverty, many children, limited education and low-paying jobs. This incident is just one of many recent examples demonstrating the need to make social services more accessible, particularly in the area of mental health. The federal government has a responsibility to provide leadership in making mental health services more accessible to the public. Congress must continue to demonstrate its commitment to mental health by supporting legislation and programs that treat mental health problems as seriously as physical ailments and also provide a seamless safety net which catches parents with such problems, placing their children at grave risk.

Cultural isolation is another factor social service experts cite as a factor leading to crimes of desperation. This incident brings to light the problems new Americans face as they try to integrate into our communities. Too often due to cultural conflicts, social service agencies have a difficult challenge effectively reaching out to new immigrants. This is particularly true with the new Southeast Asian community in such places as Minnesota. Many came to the United States after fleeing their ravaged villages and living in refugee camps as a result of the Vietnam War. Now in the United States, many Southeast Asians are fractured families dealing not only with the mental scars associated with war, they are also trying to break the cycle of dependency and cope with the breakdown of the traditional extended family structures.

The City of Saint Paul has in recent years become the home to the third largest population of new Southeast Asian refugees in the nation. Our community has been both blessed and challenged by this sudden demographic change. Today, Southeast Asians compose 30% of the students in Saint Paul's public schools. Although many of these students are succeeding academically and holding leadership positions in their classes, the integration of the Southeast Asian community has been uneven. A popular radio station in my area recently broadcast some remarks about the Hmong community that were both culturally demeaning and racist in nature. Such messages of intolerance not only serve to alienate new members of our community, they are bad for the psyche of our nation and tear at the fabric of our society. This tragic loss of life is certainly not solely the result of ethnic intolerance, but certainly needs to be a recognition that harsh ridicule and insults leave such a minority feeling isolated and desperate. As a nation of immigrants it would be my hope that we will greet new Americans with the openness and hospitable responses extended to many of our grandparents and families.

The City of Saint Paul and surrounding communities are greatly shaken and concerned by this tragedy. Our state and communities have been pro-active reaching out to these new Americans, but it is evident that more must be done and that Minnesotans are painfully aware of the challenge. Hundreds of mourners have gathered to pay their respects to these six innocent children. My deep sorrow is mixed with new hope that tragedies of this magnitude can be prevented as we all work together to reach out and address the problems in our communities.

NATIONAL HUMANITARIAN AWARD FOR CHRISTINE BURRAGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to call to your attention the actions of a spectacular humanitarian, Christine Burrage. She is a letter carrier in my home town of Springfield, Massachusetts. Ms. Burrage has recently been honored as the National Association of Letter Carriers' National Humanitarian Award winner, an event I was proud to attend.

The letter carriers employed by the United States Postal Service have the opportunity to positively influence the neighborhoods in which they work. Though the opportunity may present itself daily, not every letter carrier is willing to become a part of the community to which they deliver mail. On the other hand, there are a number of letter carriers that become deeply involved with the people in the communities through which their route takes them. Christine Burrage is one such person.

Christine Burrage delivers mail in a poor, downtrodden neighborhood. She learned Spanish from her patrons in order to interact with them more effectively, and interact she has. Ms. Burrage gives food to those who cannot afford groceries, toys and clothing to children in need, and all manner of relief for victims of fire. The people to whom she delivers mail know that if they have a problem, Christine Burrage will do whatever she can to help.

There are many children along her route whose family life is less than ideal. For these children, and for many adults as well, Ms. Burrage serves as a role model. She reminds the children who follow along with her of the value of an education and the rewards for hard work. She is also willing to take the time to explain the many dangers associated with drugs. Christine Burrage does not only deliver the mail. She also plays the roles of social worker, counselor, and teacher. She has become an indispensable member of the Memorial Square community.

In a time when the people of the United States are searching for heroes to look up to, some need only look down their own street. The real heroes are ordinary people who take the opportunity to do extraordinary acts of kindness. People who are willing to take risks for the welfare of others are a credit to their town, their state, and their country. Christine Burrage is that kind of person and I feel honored and privileged to serve as her representative in Congress.

TRIBUTE TO WILFREDO BENITEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Benitez, an outstanding Puerto Rican athlete, who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Benitez was born in the Bronx, New York, on September 12, 1958. His record speaks volumes about his achievements: 53 wins, 8 losses, 1 draw, 31 knockouts. He has been in the Boxing Hall of Fame in Canastota, New York, since 1996.

On March 6, 1976, at the age of 17, he defeated Antonio Cervantes for the Junior Welterweight title in 15 rounds. He is the youngest in boxing history to capture the World Boxing Association (WBA) title.

On January 14, 1979, he defeated Carlos Palomino for the World Boxing Council (WBC) Welterweight title.

On May 23, 1981, he defeated Maurice Hope by knockout in the 12th round for the Junior Welterweight title.

Through his long dedication and success in boxing, Mr. Benitez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of succeeding in the world of sports.

Mr. Speaker I ask my colleagues to join me in recognizing Mr. Wilfredo Benitez for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

CHAMBER AMBASSADORS SCORE AN ACE AT TEE OFF FOR SUCCESS '98

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, if anyone wants to see the ingenuity of America, the spirit of innovation, or the day-to-day application of the work ethic that has made our nation the envy of the world, there is no need to look further than the members of the Chamber of Commerce. These men and women who provide opportunities for literally millions of Americans, never tire in trying to find new ways to run their own businesses more efficiently.

Next week the Michigan State Chamber of Commerce will hold their Ambassador Conference at Saginaw Valley State University, hosted by the Saginaw Chamber of Commerce. Nearly 200 Chamber members from throughout the state have registered for this conference, more than for any prior conference.

There will be an outstanding program that will provoke and challenge those attending to think more about how to be more successful in business, increasing one's network, balancing work, family and volunteer obligations, expanding sponsorship of Chamber activities, and earning the continued support of existing members. Given the outstanding efforts of the Saginaw County Chamber of Commerce in planning this event for the past two years, I am confident that the time spent at this conference will be amply rewarded.

The Chairperson of this event, Jean George, has committed herself to making this event the best one of its kind, and I have every confidence that she will succeed.

Mr. Speaker, the community of business men and women around this country have a great deal of wisdom and real life experiences to share with their colleagues and to share with us. It is my pleasure to welcome the 1998 State Ambassador Conference to Tee Off for Success '98 at Saginaw Valley State University. I look forward to learning from them, and wishing them a most successful event.

REMARKS ON HILL INTERNATIONAL CLAIM AGAINST THE KINGDOM OF SAUDI ARABIA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to join my colleagues in support of the claim filed by Hill International, Inc. against the Kingdom of Saudi Arabia. I have been involved in this fight with Hill since they approached Members and Senators for help more than five years ago, and I am dismayed by the refusal of the Saudis to settle their debts with American businesses.

In the late 1970's, the Saudi Royal Commission refused to pay for $55 million in additional engineering work required on a desalination plant in Yanbu City, Saudi Arabia. A compromise negotiated three years ago by the late Representative Bill Emerson remains unpaid by the Saudis. Saudi Ambassador Bandar is now refusing to admit he ever asked Representative Emerson to help broker the claim. This is unconscionable.

In a recent discussion with Assistant Secretary of State Martin Indyk, I reiterated Hill International's request for a meeting with Ambassador Bandar and interested Members of Congress. With the expected visit of Crown Prince Abdullah to Washington, DC on September 24th, I would hope Ambassador Bandar would want to avoid an embarrassing situation and arrange our meeting promptly. To continue his present course of action would reflect poorly on our friendly relations with our ally in the Persian Gulf.

Hill International employees about 100 people in Willingboro, New Jersey which I represent. The failure of the Saudis to pay this claim put the jobs of my constituents at risk. I urge a quick resolution on this matter.

IN HONOR OF STEVEN D. JACOBS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LEWIS of California. Mr. Speaker, today Congressman GEORGE BROWN and I rise together to honor a great American, Steven D. Jacobs. I am proud to say that Steven is my constituent, living with his wife, Deborah, in Victorville, California. Important to add, however, is that Steven's tireless and selfless work crosses the boundaries of Congressional districts. As a very active member of the Veterans of Foreign Wars (VFW) since 1981, Steven represents not only the vets in my district but also many of the veterans who live in the Congressional district of my friend and colleague, GEORGE BROWN. However, his service does not end there. As two time All-American Commander, Steven has represented the veterans of the entire State of California. Furthermore, at this year's convention in Modesto, Steven D. Jacobs was elected State Commander for the 1998–1999 year.

Born in Hawthorne, California on October 27, 1949, Steven joined the Marine Corps after graduating from high school in 1967. In April 1968, Steven was sent to Vietnam to serve with the Marine Air Group 30 in Quang Tri. Upon his return stateside, Steven was stationed at Twentynine Palms, California until he left the service to go to college. Since 1990, Steven has worked for Target Distribution in Fontana, California where he is currently the Planner and Scheduler for the Maintenance Department. Also a family man, Steven and his wife are the proud parents of six children, four girls and two boys, and three grandchildren.

Mr. Speaker, on October 3d, a reception will be held in Steven's honor in Ontario, California. Since we can not be present for this event, Congressman BROWN and I would like to honor Steven D. Jacobs today. We would ask our colleagues to join us in celebrating the life and great contributions of a great American.

CONGRESSIONAL RECOGNITION OF KCOH, HOUSTON

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, Whereas, in recognition of KCOH's original owners Dr. John B. Coleman, Judson Robinson, Jr., Travis Gardner, Skipper Lee Fraizer, and General Manager/Owner Michael Petrizzo; and

Whereas, KCOH was the first Black oriented radio station in Texas and has been a source of entertainment to the Houston community since 1952; and

Whereas, within the years of operation, KCOH has evolved from a sun up through sunset broadcaster to a twenty four hour broadcaster, continuing to provide quality programming to the Houston community; and

Whereas, former air personalities Gladys "Gee Gee" Hill, Perry "Deep Throat" Caine and Clifton Smith set a precedence in the broadcasting profession; and

Whereas, the current air personality Michael Harris, having over 20 years of service, along with air personality Wash Allen, continues to abide by the standard of excellence by providing quality programming; and

Wheras, programming like Person to Person with Michael Harris and Confession with Wash Allen provide mediated forums for the community to express itself and discuss pressing issues that affect the individual, community, as well as, the nation.

Now therefore, be it resolved that KCOH is most deserving for any and all applause and commendations for their work in the area of broadcasting and community service to all people and on behalf of the constituents of the Eighteenth Congressional District of Texas, I extend a sincere and hearty congratulations on your 46th Anniversary. Furthermore, I hereby grant Congressional Recognition to KCOH for Broadcasting Excellence and Quality Community Programming.

IN HONOR OF THE 25TH ANNIVERSARY OF THE IMMACULATE HEART OF MARY GOLDEN AGERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the Immaculate Heart of Mary Golden Agers in celebration of their 25th anniversary on September 20, 1998.

The Immaculate Heart of Mary Golden Agers Club was founded on September 18, 1973, by a group of parishioners who recognized the need to increase social activities for the senior members of the parish. Eleven charter members, along with Father Frank Bartnikowski, met and chose Helen Skuza as their first president. In 1985, Helen Skuza retired, and Joseph Sommerfelt was elected to serve as the next president.

Traveling is the favorite activity of the group. However, when traveling is not an option, social events prevail. Picnics, bingo and raffles are enjoyed by the group on the holidays as well as manning the Winter and Ice Cream Socials, Tumbola, Maverick, Instant Bingo and the Split Raffle.

Throughout the last 25 years, the Golden Agers have also promoted many philanthropical events. They have made generous contributions to the Friends and Parents of Retarded Children, Inc., the annual fireworks display at Morgana Park and continue to give money and food to the needy of their community during the holidays. The Golden Agers also hold an annual Rummage Sale and Card Party to raise funds to provide scholarships for the eighth grade graduates of Jesus and Mary School.

While organizing and participating in extracurricular activities, the Golden Agers have never lost touch with their parish or their community. Over the past 25 years they have generously donated their time and their money to better their community. We owe the Golden Agers a sincere "Thank you".

TRIBUTE TO WILFREDO VASQUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Vasquez, an outstanding Puerto Rican athlete who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Vasquez was born on August 2, 1961 in Bayamón, Puerto Rico. His record speaks volumes about his achievements: 50 wins, 8 losses, 3 draws, 37 knockouts.

On October 3, 1987, he defeated by knockout Chan Yong Park for the Bantamweight title in 10 rounds in the World Boxing Association (WBA). On March 27, 1992, he defeated Raul Perez in 3 rounds for the Junior Featherweight.

On May 18, 1996, he defeated Eloy Rojas by knockout for the Featherweight title. He is the only three-time champion in the same organization.

Through his long dedication and success in boxing, Mr. Vasquez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of success in the world of sports.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Wilfredo Vasquez for his contributions and dedication to boxing, as well as for serving as role model for the youth of Puerto Rico and America.

TRIBUTE TO WEST VIRGINIA JOURNALIST ERNIE SALVATORE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. RAHALL. Mr. Speaker, I want to congratulate Mr. Ernie Salvatore on his 50th anniversary as a journalist for newspapers serving Huntington, West Virginia.

Mr. Salvatore began his career as a journalist at age 15 taking sports scores over the telephone. A year later, he covered traffic court for the Greenwich Times in Connecticut and served as sports editor for his high school newspaper.

In 1942, Mr. Salvatore joined the U.S. Army and served in World War II. After his discharge as a staff sergeant in 1948, he enrolled at Marshall University in Huntington, West Virginia where he met his future wife, Joanne Pinckard. Following graduation, Mr. Salvatore worked for the Huntington Advertiser as radio-TV editor until being named sports editor in 1953. After 14 years as sports editor, he became executive sports editor for both the Huntington Advertiser and the Herald-Dispatch. In 1986, Mr. Salvatore retired from the

Herald-Dispatch, but continues to submit columns from his home office.

Mr. Salvatore hired the first woman to write about sports at the Advertiser and has many admirers in West Virginia including Bobby Pruett, the Marshall University football coach. "He's an honest person," Pruett said. "He tells it like it is. In all dealings with me he's been very honest, straightforward and he's treated me fairly. I've known him since 1961, . . . and the thing I've learned about Ernie is that he loves Huntington and he loves Marshall University. But even though he has that strong love, he's going to be honest to his profession and honest to his reading public."

He and his wife, who will celebrate their 50th anniversary in January, have raised five children and are the proud grandparents of six grandchildren. I salute Mr. Ernie Salvatore for his tireless dedication to the Huntington community, the State of West Virginia, and his chosen profession.

TRIBUTE TO AKTINA PRODUCTIONS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to AKTINA Productions, a nonprofit Greek-Cypriot-American radio program which offers stellar bilingual programming on the airwaves of public station WYNE 91.5 FM in the New York Metropolitan area.

AKTINA Productions is unique not only because it is the only bilingual Greek-American Radio Show presently airing in the United States, but also because it caters to all ethnic groups and ages. Its programming includes Greek songs and music, as well as hard news, special news reports and feature stories of wide public interest, including folk arts, sports, radio, theater and the latest Greek hits. Its informative newscasts and reports from Cyprus and Greece, inform listeners of the Greek and Cypriot national issues.

Every year, AKTINA Productions organizes a cultural event to acknowledge the Greek and Cypriot heritage. This year's event will celebrate the unique customs and traditions of Asia Minor. The well-known dance Group Terpshichore will present a Dance-Music Journey from the Waterfront of Smyrna to the Black Sea of Pontos and into the caves of Cappadocia.

This event will also mark the tragic anniversary of the Greek expulsion from Asia Minor following the catastrophe at Smyrna in 1922. It was at Smyrna in 1914, that the Turkish Nationalists regime initiated a systematic campaign to eradicate the ethnic Greek population in Asia Minor, consigning and killing thousands of male conscripts into forced labor battalions and destroying Greek towns and villages and slaughtering hundreds of thousands of civilians in areas where Greeks composed a majority, including the Black Sea port of Pontos and the areas surrounding Smyrna.

Through this production AKTINA will be paying tribute to many Greeks who lost their lives during the tragic events at Smyrna, including Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city and was brutally murdered by Turkish mobs with the consent of the Turkish police forces.

I would like to take this opportunity to congratulate AKTINA Productions both for the service they provide to listeners in the tri-state area, for ensuring that we never forget the tragic events at Smyrna by staging this production, and to wish them well as they come together on September 20, 1998 to celebrate their Greek and Cypriot heritage.

A TRIBUTE TO THE 100TH ANNIVERSARY OF THE LEAGUE OF CALIFORNIA CITIES

HON. JERRY LEWIS

OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LEWIS of California. Mr. Speaker, my colleague Ms. LUCILLE ROYBAL-ALLARD and I rise today in order to pay tribute to the League of California Cities, the organization that represents the 471 incorporated cities of our home state, California.

The League of California Cities was founded a century ago by a small group comprised of 13 cities. In the century that has passed since its inception, the League has served as a vibrant, active forum where California city officials can exchange information and ideas in their work that keeps the great state of California moving up and moving on.

What the League of California Cities does is strive to protect the local authority and autonomy of the city government and assist California cities in offering their citizens the best services possible. To help its members meet the everyday challenge of running a city government, the League offers services, training, and other programs—all of which equip California's cities to meet their tremendous responsibilities far into the future.

On any given day here in the House or across the way in the Senate, you will find several legislators who have previously served as mayors and council members of California's cities and who have worked closely with the League for the good of those cities.

It seems appropriate that the theme for the League's Centennial is: "100 Years of Working Together: Better Cities—A Better Life." For the 32 million citizens of the state of California, the cities where they live and work and play and grow offer them just that opportunity—a better life, a better chance, thanks to people working together.

Mr. Speaker, it is with great pleasure that we recognize the League of California Cities for 100 years of service to the people of the great state of California. And it is with sincere wishes that our successors here in the House of Representatives have the privilege of working with this same institution 100 years hence.

THANKS TO A DEVOTED EDUCATOR AND LEADER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the future of our Nation is in the hands of our young people, and our young people are both guided and molded by caring people who serve in our educational system. While there is no doubt as to the incredible value of the effort provided by teachers, it must be remembered that without strong school boards to guide local education policies, teachers would have a far more difficult time achieving the goals that the public has set for them.

For the past thirty years, the Bay-Arenac Intermediate School District has been well served by Angela V. Fenton, a dedicated lady who had set her own clear goals when she started. She has served longer than any other board member, and has now retired, having successfully fulfilled each and every one of these goals. She is being honored on September 21 for her accomplishments and her lifetime of dedication.

Over the course of her tenure, Angela Fenton had three goals. She wanted to establish the Educational Center, which has been done with the praise of the community and to the great benefit of the many students who take advantage of it. She wanted to establish and manage the Vocational Center, and she has done exactly that, making what is known as the Career Center one of the best of its kind in Michigan. She also wanted to locate a permanent building to serve the needs of Special Education. This is in the process of being completed. Her vision, her efforts, and her devotion have left the Bay-Arenac Intermediate School District a far better entity than she found.

Her service as Secretary of the Board for two years and as President for nine years is testimony to both her commitment and her leadership. It is truly fitting that she be honored before the regular Board meeting on September 21.

Mr. Speaker, when we express concern about our young people, or worry about the quality of public education, let us all be thankful that people like Angela Fenton undertake that important work with a visionary sense of the future, a hard core realism of the needs of today, and an appreciation for what has come before them. I urge you and all of our colleagues to join me in thanking Angela Fenton for her years of exemplary service, and in wishing her the very best for all of the challenges that life still has in store for her.

POW/MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GILMAN. Mr. Speaker, I rise today to remind my colleagues of the importance of National POW/MIA Recognition Day, which falls on September 18, 1998. I urge my colleagues to participate in recognizing America's heroes; those who are presumed missing in action.

Our Nation has fought six major conflicts in its history. In those wars, over 500,000 Americans have been taken prisoner-of-war. Those servicemen and women experienced numerous hardships and treatment which could often be described only as barbaric during the course of captivity. Those Americans imprisoned by the Japanese during World War II faced the worst possible conditions on captivity and were firsthand witnesses to the utter depravity of their fellow men.

I have been a strong advocate of an accounting of our POW/MIA's since I first came to the Congress in 1973. I proudly supported the creation of the Select Committee on Missing Persons in Southeast Asia, the National POW/MIA Recognition Days, and POW/MIA legislation because I believe the families of those who are missing in action deserve no less. Hopefully, 1998 will be the last year that such an occasion will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave Americans whose fates, at this time, are still unknown.

Permit me to focus special recognition on those POW/MIA's from Korea and Vietnam. Despite the administration's best assurances to the contrary, many of us remain unconvinced that the governments of North Korea and Vietnam have been fully cooperating with the United States on this issue. Regrettably, by normalizing relations with Vietnam, I believe that we have withdrawn our leverage over the Vietnamese Government on this issue.

In recent years, we have learned from testimony presented to congressional committees that Soviet and Czech military doctors performed ghastly medical experiments on U.S. POW's in North Korea during the Korean war. These experiments were used to test the psychological endurance of American GI's, as well as their resistance to chemical, biological, and radioactive agents. Moreover, Soviet and Czech intelligence agents helped organize shipments of POW's to the U.S.S.R. during the Vietnam war, and that, at least, 200 were sent between 1961 and 1968.

It is my hope that this information will lead to a further clarification regarding the safe return of any living POW's who may still be in captivity in Korea or elsewhere.

Americans should always remember the love of country that America's veterans have shown as well as their personal sacrifices, courage, convictions, and dedication to freedom that these individuals have exhibited.

Veterans Affairs Committee Chairman, the gentleman from Arizona, BOB STUMP quoted a portion of President Abraham Lincoln's letter to a mother who lost five sons on the battlefield:

> I cannot refrain from tendering to you the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

May it be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing.

TRIBUTE TO WILFREDO GOMEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Gomez, an outstanding Puerto Rican athlete who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Gomez was born on October 29, 1956 in Santurce, Puerto Rico. His record speaks volumes about his achievements: 42 wins, 3 losses, 1 draw, 40 knockouts. He is in the Boxing Hall of Fame in Canastota, New York.

On May 21, 1977, he defeated by knockout Dong Kyum Yum in the 12th round to conquer the World Boxing Council (WBC) Junior Featherweight title. He defended that title 17 times and won all the fights by knockout which set a world record.

On March 31, 1984, he defeated Juan Laporte for the World Boxing Council Featherweight title in 12 rounds and on May 19, 1995 defeated Rocky Lockridge for the World Boxing Association (WBA) Jr. Lightweight title.

Through his long dedication and success in boxing, Mr. Gomez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of succeeding in the world of sports.

Mr. Speaker I ask my colleagues to join me in recognizing Mr. Wilfredo Gomez for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

GUNMEN IN EL SAUZAL, MEXICO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. PACKARD. Mr. Speaker, I rise today to inform the House that 19 men, women and children were brutally murdered early this morning in El Sauzal, Mexico. This small town, a suburb of Ensenada, is just an hour south of the Mexican border, and not far from my home district in Southern California.

According to news reports, some twenty people living in three neighborhood homes were jerked from their beds and lined up against a wall shortly after 4 a.m. this morning. They were then brutally gunned down execution style, murdered in cold blood.

Mr. Speaker, I hope the Mexican authorities find these killers and put an end to the violence which has plagued this region in years past. We cannot afford an increase in drug and gang-related violence along our southern border. I urge my fellow southern California colleagues to join me in urging that we continue to support our border patrol officers.

PERSONAL EXPLANATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRAPO. Mr. Speaker, I was not able to cast a series of votes on September 14, 1998. Had I been present, I would have voted in the following manner:

S. 2206, rollcall No. 426. I would have voted "aye".

H. Con. Res. 304, rollcall No. 427. I would have voted "aye".

H. Con. Res. 254, rollcall No. 428. I would have voted "aye".

H. Con. Res. 185, rollcall No. 429. I would have voted "aye".

HAPPY 130TH ANNIVERSARY ZION BAPTIST CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the strength and stability that people find within their church is a divine power. And nothing is stronger than the stability provided by longevity. On September 26, the Zion Baptist Church of Saginaw, Michigan, will celebrate its 130th anniversary in a fashion that is sure to inspire every one of its parishioners.

The members of today's church can look back fondly upon the church's history and learn great lessons from the church's history. While the church had a successful but noneventful first 59 years, it has had a very active period since then. Reverend Reid became pastor in 1928. He committed the church to a $10,000 expansion package, only to have the Great Depression place demands on the church that it would not place on itself. It fell to the next pastor, Reverend Arnold, to find the funds necessary to pay off the debt. He succeeded.

Reverend Schatine then came, and wanted to help build a parsonage. The project once again proved to be overwhelming and satisfying at the same time, as Brother Hawkins exercised his leadership of the parish. Reverend Toomey completed this phase before Reverend Johnson came in 1942, who then oversaw a major expansion of the church. Reverend O.J. Steel organized the chorus and added a baptismal pool to the church.

In 1956, Reverend Roosevelt Austin became the Pastor, a post which he still holds today. His devotion and leadership have helped Zion Baptist Church grow, with a new edifice and an educational expansion. He has been a most positive force within the community, having been very active with the NAACP, OIC of Metropolitan Saginaw, Saginaw City Council, Second National Bank Board of Directors, President of the Wolverine State Congress of Christian Education, and many other civic and religious organizations.

Throughout this time, the people who have benefitted have been the thousands of parishioners who have found strength, guidance, and solace from Zion Baptist Church, its Pastors, and its congregation. This 130 year testimony of faith is something to be truly celebrated. Mr. Speaker, I urge you and all of our colleagues to join me in wishing Pastor Austin and the congregation of Zion Baptist Church a most joyous 130th anniversary, and many more to come.

TRIBUTE TO THOMPSON VALLEY HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to some of the fine young people at Thompson Valley High School. The varsity cheerleading squad was awarded the Colorado High School Activities Association's academic champions award for having the highest grade point average of any school their size. I commend these young ladies for their great academic achievement in addition to their hard work on the cheerleading squad. Their dedication and drive is sure to carry them to a bright and opportunistic future. I applaud Shari Robinson, their coach, for her leadership. Mr. Speaker, I have no doubt that these young ladies: Allison Anderson, Laressa Branson, Shannon Curtis, Christine Foote, Jenny Giansiracusa, Sara Griebe, Sara Klaas, Elizabeth Leon, Kristen McTeer, Jodi Naylor, Hilary Pederson, Britni Rhodes, Kirsta Rinehart, Jeanell Santee, Dana Terry, Allysian Vissat, and Jamie Williams, will continue to excel in their academic and athletic endeavors. Thank you, Mr. Speaker.

AN AMERICAN SUCCESS STORY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRANE. Mr. Speaker, one of the saddest chapters in America's history is that of her Indians. The U.S. government has, over the years, waged wars against various tribes, as they forced others to relocate great distances from their ancestral lands. In the 20th century, Washington made American Indians virtual slaves to the federal welfare system.

As a student of history with some Cherokee blood in my veins, I have had a keen interest in the plight of the American Indian. For that reason, I have been very encouraged and impressed with the efforts of Chief Phillip Martin of the Mississippi Choctaws. I have had the privilege of meeting Chief Martin, who has presided over an economic renaissance in his tribe.

Instead of looking to bureaucrats on the Potomac, the Choctaws looked to themselves and took advantage of opportunities in the free market to lift themselves out of destitution. Now the reservation is a economic dynamo of industrial and commercial enterprises. In fact, the reservation is among the top ten employers in the entire state of Mississippi.

I commend to the attention of my colleagues an article from the Wednesday, September 16, 1998 edition of the Washington Times entitled "Choctaws' climb from despair" written by Grover Norquist. Mr. Norquist describes the achievements of Chief Martin and the Mississippi Choctaws which should be a good lesson for not only other Indian tribes across the country, but other communities as well.

[From the Washington Times, Sept. 16, 1998]

CHOCTAW'S CLIMB FROM DESPAIR

(By Grover Norquist)

Forty years ago, a long forgotten band of Indians, the Mississippi Choctaws, were mired in the deepest of poverty, after 150 years of decline from what was perhaps once the mightiest Indian nation in the South. Unemployment had long stood at about 75 percent, and those who did work were poorly compensated sharecroppers. Life expectancy was only 45 to 50 years, and infant mortality was the highest of any population in the United States. Eighty-five percent of Choctaw housing was classified as substandard. Local education stopped at the sixth grade. The only health care was from a nearby federally run hospital. Even in the 1960s, a local newspaper called the Choctaw tribe "the worst poverty pocket in the poorest state of the union."

Then Chief Phillip Martin took over the reigns of leadership for the tribe. Chief Martin's insight was that his people were never going to climb out of this swamp of despair by relying on federal handouts and bureaucrats. He realized instead that their only hope was to turn to the private market economy and earn their own way.

Remarkably, he understood that what seemed to others like an economically hopeless enclave of despair had much to offer business and industry. The tribe's reservation was effectively an Enterprise Zone, with tribal business exempt from all federal and state taxes, as well as all state regulations and many federal regulations. Moreover, the tribe had a ready and available work force eager to be trained and perform well.

Through long years of hard work, Chief Martin turned these assets into astounding success. Today, the Choctaws are an economic powerhouse, proprietors of a sprawling, multi-enterprise, industrial and commercial empire. They are the largest employer in Neshoba County, and among the 10 largest employers in the state. They now have industrial plants on their reservation under contract with Ford, Chrysler, AT&T, Xerox, Navistar, American Greetings, McDonald's and others. They also now run one of the most successful casinos in the state, the Silver Star, opened just four years ago.

As a result, average family income has soared from about $2,000 per year 35 years ago to around $24,000 per year today. Unemployment has been all but eliminated, and only about 3 percent of Choctaw tribal members are on welfare. Life expectancy is now 65–70 years, an increase of almost 20 years from four decades ago. Infant mortality has now plummeted to below state and national averages.

The average educational level of adult tribal members has climbed from sixth grade in 1975 to almost 12th grade today. Substandard housing is virtually gone from the reservation, replaced by modern homes. In short, on indicator after indicator, the Chocataws are now approaching middle class American status.

In leading this long climb from the depths of poverty and despair, Chief Martin has achieved many accomplishments that show he well deserves the Hero of the Taxpayer Award we will happily present to him today:

He has shown the way for American Indians and tribes across this nation to climb out of government dependency and join in the mainstream American economy.

He has shown that the Enterprise Zone model of economic development, with greatly reduced tax and regulatory burdens and local control, can work incredibly well in the most difficult of circumstances.

He has been the leader and innovator in contracting out services and programs from the Bureau of Indian Affairs and Indian Health Service, so that now virtually all Federal Indian programs and services for the Mississippi Choctaws are run by the tribe rather than the federal government. He has consequently shown how the federal role in Indian affairs can be greatly diminished and the role of tribes in running their own affairs greatly increased.

Even though the tribe is effectively the state and local government for the Mississippi Choctaws and provides all state and local services, Chief Martin runs it and has accomplished all of the above to boot with virtually no tribal taxes.

INTRODUCTION OF THE MEDICARE HOME HEALTH CASE MANAGER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. STARK. Mr. Speaker, I rise today with Representative BEN CARDIN (D–MD) to introduce the Medicare Home Health Case Manager Act of 1998. The Medicare home health benefit has received much attention this year. The reason for that attention has been the dramatic growth of home health services over the past decade.

The Balanced Budget Act of 1997 (BBA) made a number of changes to the home health benefit to help stem that growth. However, much more needs to be done.

The Medicare Home Health Case Manager Act is a double winner. It would simultaneously reduce Medicare spending on home health while improving the quality of the benefit. It does this by introducing a new component to the benefit: an independent case manager.

Today, home health care is prescribed by a patient's physician, but then the actual plan of care is executed by the home health agency treating the patient. This creates incentives that have nothing to do with quality or appropriateness of care. Under the cost-based reimbursement system that existed before passage of BBA, the incentive to home health agencies was to over-utilize services for patients because that is how the agency made more money. In the BBA's prospective payment system (PPS) of the future, the incentive will be the opposite and there are real concerns about potential under-utilization of services.

The Medicare Home Health Case Manager Act would ensure that home health care decisions for long-stay patients were being made by an independent case manager who in no way financially benefited by the length or type of home care provided to a patient. They would be paid by a Medicare fee-schedule that would in no way be influenced by the amount or type of care they recommend.

This idea is endorsed by the Medicare Payment Advisory Commission (MEDPAC), a Commission appointed by Congress to provide expert advice on Medicare and Medicaid policy. In their March 1998 report to Congress they recommended that such a case manager be adopted for the home health benefit.

Their report states:

> Such an assessment would help to minimize the provision of services of marginal clinical value, while ensuring that patients receive appropriate care. *Requiring case management of long-term home health users could improve outcomes for individuals with long-term home health needs and at the same time slow the growth of Medicare home health expenditures.* (emphasis added)

There are also real-life examples of case management systems saving money and improving care. For example, Maryland's Medicaid program has a high cost user initiative which in FY 96 saved the state $3.30 for each $1 spent—a savings of 230%. The Health Insurance Association of America also commissioned a study of its member plans and found that rehabiltation/case management programs return an investment of $30 for every $1 spent.

History has shown us that simply throwing more money into home health is not the answer for assuring that patients receive appropriate care. Let's use this opportunity to make a real, tangible improvement in the quality of care obtained by Medicare patients and simultaneously save Medicare spending by reducing inappropriate visits. I look forward to working with my colleagues for passage of this important legislation.

MEMBER OF INDIAN PARLIAMENT CRITICIZES INDIAN GOVERNMENT'S ACTIONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. DOOLITTLE. Mr. Speaker, on August 14, News India-Times reported that Kuldip Nayar, a member of the Rajiya Sabha, the upper house of India's Parliament, came under verbal attack for saying that Pakistan's attack at the town of Doda came in retaliation for similar acts by Indian agents in the Pakistani state of Sindh.

For this admission, some Indian Americans are trying to have him removed from Parliament, according to the article. Mr. Nayar has forthrightly stated Indian responsibility for the situation in Kashmir and has opposed the Indian government's nuclear tests.

Indian governments haven't always been the close friends with the United States and have often destabilized the region. It put the Prithvi missile on the export market a few years ago, some of which can even reach parts of the United States. It has provided nuclear technology to repressive, anti=American regimes such as Iran. The Indian government votes against the United States at the United Nations more often than any other country except Cuba, yet it remains one of the top five recipients of U.S. aid.

Not only India's neighbors, but also several of its constituent peoples have suffered at the hands of violent Indian governments. Internally, the Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians in Nagaland since 1947, almost 60,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Tamils, Manipuris, Dalits, and others. In November 1994 the Hitvada newspaper reported that India paid the last Governor of Punjab, Surendra Nath, $1.5 billion to foment terrorism in neighboring Kashmir and in Punjab, Khalistan as well. According to the State Department, between 1992 and 1994 the Indian government paid over 41,000 cash bounties to police officers for murdering Sikhs. In one case, the police event went so far as to kill a three-year-old boy and his father and uncle to collect one of these bounties.

We should also go on record demanding that India fulfill its half-century-old promise of a plebiscite in Kashmir and that it hold an internationally-supervised plebiscite in Punjab, Khalistan to decide the future of that country in a free and fair vote.

I would like to submit the News India-Times article for my colleagues.

[From the News India-Times, Aug. 14, 1998]

Kuldip Nayar Flayed For "Anti-India" Remarks

New Delhi: The recent statement allegedly made by Kuldip Nayar, veteran journalist and nominated member of the Rajya Sabha on the Doda massacre has created a furor in the country.

Nayar is now looked upon as a "treacherous, anti-national element" for suggesting that the massacre at Doda is only a retaliation by Pakistan for similar actions by Indian agents in Sindh.

The comment which has been so strong has even taken up editorial columns of the country's leading newspapers and magazines.

One such editorial piece has even called it a blasphemous statement and that patriotism has been turned into a dirty word by a "coterie of influential so-called intellectual."

It added that such a statement would not have been made even by a spokesperson of Pakistan's notorious Inter-Services intelligence as that would have indicated its involvement in the Doda massacres.

Meanwhile, American Friends of India condemning Kuldip Nayar have circulated a release questioning Nayar's credibility as a representative of the nation. "This preposterous action by Kuldip Nayar brings several issues into question. Can he be trusted to be our representative in the Upper House of the

It may be noted here that Nayar represents a lobby of so called intellectuals that blames the Indian government for Pakistan-sponsored massacres in Kashmir, and vehemently supports the U.S. government protests against the Indian nuclear tests. Does this lobby stand for India's unity or does it wish for its dismemberment?

Nayar and his fellow co-conspirators will do well to note that Kashmir is not about religion. It is about freedom of religion. We urge the government of India and the Indian National Human Rights Commission to treat the Kashmiri Pandits as "internally displaced people" and stress the importance of providing conditions for their safe return to the valley.

In light of such terrible tragedy of fellow Indians in Kashmir, Nayar should be expelled from the Rajya Sabha. We also urge the patriotic parliamentarians to take immediate action against Nayar for his treacherous and anti-national actions in the Rajya Sabha," the organization stated.

TRIBUTE TO MANHATTAN VALLEY GOLDEN AGE SENIOR CENTER, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I rise to pay tribute to the Manhattan Valley Golden Age Senior Center, Inc., which will celebrate its 25th anniversary of services to the seniors and the community on Friday, September 18, 1998.

Manhattan Valley Golden Age Senior Center, Inc. was founded in 1973 by a group of civic leaders and community residents of the Upper Westside of Manhattan District Board #7 who understood the need to provide a variety of educational and recreational activities to our senior citizens.

The Center began its operations in two small rooms in the basement of the Grace Methodist Church before relocating in 1981 to a modem building in a residential area on 106th Street between Columbus and Amsterdam Avenues.

The center provides advocacy and entitlement benefit services to help enhance an individual's self-esteem and foster a greater sense of independence and self-reliance.

On a daily basis, the Center, which is open Monday thru Friday from 8:30 a.m. to 4:00 p.m., serves hot, nutritious meals to over 150 seniors.

Mr. Speaker, I applaud the commitment and the efforts of the Manhattan Valley Golden Age Senior Center, Inc.'s board, staff, and supporters for the assistance they provide to the elderly.

With the collaboration of a qualified staff, Manhattan Valley Golden Age Senior Center, Inc. networks with other agencies that offer assistance to help keep our senors vital and part of the community.

I would like to especially compliment this year's honoree, Mr. Joseph Unanau, president of Goya Foods, who will be recognized during the 25th anniversary for his support in improving the quality of life of the seniors in our community.

Mr. Speaker, I ask my colleagues to join me in recognizing the Manhattan Valley Golden Age Senior Center, Inc. and the individuals who have made 25 years of service possible.

THANK YOU, RICHARD A. BRZEZINSKI

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the quality of our lives is often measured by the people who we have the good fortune to know. For others, the quality of their lives is the direct result of the efforts by the people they are privileged to know. For virtually twenty-five years, the people of Bay City most definitely benefited from the concern and outstanding leadership of Richard A. Brzezinski. This unequalled gentleman passed away this summer, and will be honored at a special meeting of the Bay City Housing Commission on September 24.

Richard Brzezinski was married to his wife, Pat, for forty-four years. Their two children Rick Brzezinski and Terri Jozwiak, and five grandchildren learned well from a man who was active in his community, active in his church, and committed this personal sense of justice and his personal obligation to help those in need.

Dick worked at Dow Chemical for more than thirty years. He was actively involved in his union, the United Steelworkers of America, where he served as President of Local 12075 from 1982 to 1988. He worked extensively on programs for the placement of the disadvantaged and handicapped, helping many disadvantaged and handicapped individuals to find employment.

He was elected to the Bay City Commission in 1973, until his election as President in 1977. He has been a member of the Bay County Democratic Executive Board for the past twenty years, and has been an individual who has honored me with his support. Since 1980, he served as a member of the Bay County Housing Commission which oversees federally assisted housing programs in Bay County. He was honored earlier this year with the Alvira Long Memorial Award for Commissioners of the North Central Regional Council of the National Association of Housing and Redevelopment Officials for his commitment to his agency and to the citizens of Bay City.

Perhaps the highest tribute that can be paid to him is the appreciation of his friends. In support of the NAHRO award to Dick, his friend Richard Zmyslony wrote:"I count it a privilege to have him as a friend, and he has been a mentor to myself and many others in these areas." We should all be so fortunate as to have our friends think that well of us.

Mr. Speaker, Richard Brzezinski will be missed by his family, his friends, and the people of Bay City. It is only fitting that as he is honored in a few short days, we all pause to say "thank you" to a man who did so much for so many, and continues to show all of us that there is always something more that we can do to make life better for those who need assistance during those days that challenge even the best of us.

ANNIVERSARY OF TRAGIC COUP IN CHILE AND THE ROLE OF THE CIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. MILLER of California. Mr. Speaker, September 11 was the 25th anniversary of the military overthrow of the democratically elected government of Salvador Allende in Chile, a country which had a long and democratic history. The National Security Archives has just released on the Internet dramatic documents they obtained through the Freedom of Information Act and elsewhere clearly showing the United States' efforts to overthrow the Chilean government. U.S. officials had maintained that they had no organized effort to topple Allende's government.

In the end, the bloody 1973 coup that ushered in almost 20 years of brutal military dictatorship was the work of Gen. Augusto Pinochet and the Chilean Army under his command. They newly declassified documents, however, show extensive U.S. covert operations to try to prevent Allende from taking office in 1970, to encourage a military coup and to destabilize his government and the Chilean economy until the coup took place.

During the subsequent congressional investigation of U.S. covert activities in Chile, then CIA director Richard Helms told Congress that the CIA and other national security agencies of the United States had not attempted to destabilize or overthrow the Allende government. Helms was later convicted in federal court for lying to Congress and was fined $2,000. The documents below clearly show that President Richard Nixon could not tolerate the presence of socialist President Allende, despite his having won office in a free and fair democratic election.

This is what New York Times reporter Tim Weiner wrote about the documents in an article this past Sunday. "They show how much the United States was committed to thwarting Mr. Allende even before he took office, and they illustrate a fact that was not well understood during the cold war: The CIA very rarely acted as a rogue elephant. When it plotted coups and shipped guns to murderous colonels, it did so on orders from the President."

One of the most important things about the documents, however, is what is missing from them. It is widely believed that the United States has additional key documents that would help resolve ongoing legal battles concerning responsibility for acts of terrorism that took place on behalf of the Pinochet dictatorship in Chile and around the world, including the United States. U.S. officials, however, continue to refuse to declassify or share with prosecutors in other countries these key documents.

The United States, which has an avowed interest in the rule of law, the elimination of international terrorism, and the promotion of justice and democracy in Latin America and throughout the world, should make available documents that will reveal critical additional information concerning the perpetrators of crimes and human rights atrocities committed on behalf of Pinochet dictatorship.

Below is a New York Times summary of the documents on the National Security Archives website (http://www.seas.gwu,edu/nsarchive/), as well as two newspaper columns from the Boston Globe and the Miami Herald about the significance of the anniversary of Chile's bloody coup and of these new documents.

I commend these materials to my colleagues' attention.

[From the New York Times, September 13, 1998]

ALL THE PRESIDENT HAD TO DO WAS ASK; THE C.I.A. TOOK AIM AT ALLENDE

(By Tim Weiner)

From 1970 to 1973, the United States sought to overthrow the Government of Chile and its democratically elected President, Salvador Allende, whom it deemed a Marxist threat to American interests. Under orders from President Richard M. Nixon, the Central Intelligence Agency mounted a full-tilt covert operation to keep Dr. Allende from taking office and, when that failed, undertook subtler efforts to undermine him. Those efforts "never really ended," the C.I.A.'s director of operations at the time, Thomas Karamessines, later told Senate investigators.

Twenty-five years ago this week, on Sept. 11, 1973, the Chilean military seized power. The junta, under Gen. Augusto Pinochet, ruled until 1990. Its death squads murdered more than 3,000 people, and it jailed and tortured thousands more. Chile is still trying to come to terms with the damage done to its democratic institutions.

The declassified Government documents excerpted below were collected by the National Security Archive, a nonprofit research group in Washington that has sought to uncover secret records since 1985. They were posted on its website (www.seas.gwu.edu/nsarchive) on Friday. They show how much the United States was committed to thwarting Mr. Allende even before he took office, and they illustrate a fact that was not well understood during the cold war: The C.I.A. very rarely acted as a rogue elephant. When it plotted coups and shipped guns to murderous colonels, it did so on orders from the President.

United States Ambassador Edward Korry, in a cable titled "No Hopes for Chile," advised Washington on Sept. 8, 1970:

Civility is the dominant characteristic of Chilean life . . . And civility is what makes almost certain the triumph of the very uncivil Allende. Neither the President nor the Armed Forces have the stomach for the violence they fear would be the consequence of intervention.

The Ambassador followed up on Sept. 11 with a new cable, "The Communists Take Over Chile."

There is a graveyard smell to Chile, the fumes of a democracy in decomposition. They stank in my nostrils in Czechoslovakia in 1948 and they are no less sickening today.

On Sept. 15, Richard M. Helms, Director of Central Intelligence, took handwritten notes at a White House meeting with President Richard M. Nixon, Attorney General John Mitchell, and the national security adviser, Henry M. Kissinger.

1 in 10 chance perhaps, but save Chile!.. worth spending . . . not concerned risks involved . . . no involvement of embassy . . . $10,000,000 available, more if necessary . . . full-time job—best men we have . . . game plan . . . make the economy scream . . . 48 hours for plan of action.

On Sept. 16, William V. Broe, chief of the C.I.A.'s Western Hemisphere division, met with Mr. Helms and other senior C.I.A. officers.

The Director [of Central Intelligence] told the group that President Nixon had decided that an Allende regime in Chile was not acceptable to the United States. The President asked the Agency to prevent Allende from coming to power or to unseat him. The President authorized ten million dollars for this purpose, if needed. Further, the Agency is to carry out this mission without coordination with the Departments of State or Defense. . . . The Director said he had been asked by Dr. Henry Kissinger . . . to meet with him on Friday, 18 September, to give him the Agency's views on how this mission could be accomplished.

On Oct. 16, a cable went out from C.I.A. headquarters to Henry Heckscher, C.I.A. station chief in Santiago, Chile, who had doubts about the plots.

It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October but efforts in this regard will continue vigorously beyond this date. We are to continue to generate maximum pressure toward this end utilizing every appropriate resource. It is imperative that these actions be implemented clandestinely and securely so that the United States Government and American hand be well hidden. . . . Please review all your present and possibly new activities to include propaganda, black operations, surfacing of intelligence or disinformation, personal contacts, or anything else your imagination can conjure which will permit you to press forward toward our [deleted] objective.

Plans were already in motion. Five days earlier, on Oct. 11, Mr. Broe sent this cable from C.I.A. headquarters to the Santiago station:

SUB-MACHINE GUNS AND AMMO BEING SENT BY REGULAR [deleted] COURIER LEAVING WASHINGTON 0700 HOURS 19 OCTOBER DUE ARRIVE SANTIAGO LATE EVENING 20 OCTOBER OR EARLY MORNING 21 OCTOBER.

The United States did not spur the Chilean military to act, but it was not for want of trying, as shown by an internal C.I.A. report, "Chilean Task Force Activities," dated Nov. 18.

On 15 September 1970, C.I.A. was directed to try to prevent Marxist Salvador Allende's ascent to the Chilean Presidency. . . . A military coup increasingly suggested itself as the only possible solution to the Allende problem. Anti-Allende currents did exist in the military and the Carabineros, but were immobilized by the tradition of military respect for the Constitution. . . . [The C.I.A.'s propaganda efforts included] special intelligence and "inside" briefings given to U.S. journalists. . . . Particularly noteworthy in this connection was the Time cover story which owed a great deal to written materials and briefings provided by C.I.A. . . . . C.I.A. briefings in Washington [deleted] changed the basic thrust of the story in the final stages according to another Time correspondent. It provoked Allende to complain on 13 October, "We are suffering the most brutal and horrible pressure, both domestic and international," signaling out Time in particular as having "openly called" for an invasion of Chile.

Another report, "Postmortem on the Chilean Presidential Election," by Mr. Helms to Gen. Alexander Haig, Mr. Kissinger's military aide, weighted the stakes.

On 3 November 1970, Mr. Salvador Allende became the first democratically elected Marxist head of state in the history of Latin America—despite the opposition of the U.S. Government. As a result, U.S. prestige and interests in Latin America and, to some extent, elsewhere are being affected materially at a time when the U.S. can ill afford problems in an area that has traditionally been accepted as the U.S. "backyard."

From November 1970 until September 1973, when the military seized power, the C.I.A. spent $8 million undermining President Allende. When the coup came, the United States knew about the plans and encouraged them, but played no direct role. Three weeks later, a United States military intelligence officer reconstructed the day.

D-DAY 11 SEPTEMBER H–HOUR 0600

Chile's coup d'etat was close to perfect. Unfortunately, "close" only counts in horseshoes and hand grenades. . . . Original plan called for President Allende to be held incommunicado in his home until the coup was a fait accompli. H-hour delay in Santiago permitted Allende to be alerted at 0730. Allende immediately dashed to the palace . . . [where] he had access to radio communications facilities which permitted him to personally implore "workers and students, come to the Moneda and defend your Government against the Armed Forces." The hour was 0830. . . . Military had all roads to Santiago blocked. Lid was on TIGHT inside city. Everyone on streets not wearing right color jersey stood an excellent chance of getting shot. Allende managed to personally broadcast two "MAYDAY" messages. The first, at 0830, sounded strong and confident as he summoned the workers and students. The second at 0945 sounded morose, almost as if he was preparing the eulogy for his dying government. It was his last broadcast as the Air Force soon located and rocketed his antennae. The hour was 1015. . . .

Allende was found alone and dead in his office off the inner courtyard. He had killed himself by placing a sub-machine gun under his chin and pulling the trigger. Messy, but efficient. The gun was lying near his body. A gold metal plate imbedded in the stock was inscribed "To my good friend Salvador Allende from Fidel Castro." Obviously Communist Cuba had sent one too many guns to Chile for their own good. The hour was 1345. . . .

Semper Fidelis
Patrick J. Ryan
Lieutenant Colonel, USMC

Postscript: After 17 years as Chile's dictator, General Pinochet relinquished power to a civilian government in 1990. But he remained commander in chief of the armed forces, stepping down from that post only last March. In a farewell ceremony. the old general praised the armed forces as "the savior of democracy" in Chile.

[From the Boston Globe, September 13, 1998]

CHILE'S 'DISAPPEARED' PAST

(By Peter Kornbluh)

[Peter Kornbluh is a senior analyst at the National Security Archive, a Washington, D.C., documentation center. Declassified US documents on Chile can be accessed on the archive's website: www.seas.gwu.edunsarchive.]

Twenty-five years ago Friday—on Sept. 11, 1973—the country that Chilean poet Pablo Neruda once described as "a long petal of sea, wine, and snow" was transformed from Latin America's foremost social democracy to the region's darkest dictatorship.

The military takeover of Chile led by General Augusto Pinochet, a name that has since become synonymous with gross violations of human rights, market the beginning of a repressive 17-year regime. During that blighted time, Sept. 11 was designated a national holiday. No longer. Today, it is simply a day of reflection on the past for many Chileans whose lives were inalterably changed by the violent coup and its bloody aftermath.

But while many in both Washington and Santiago would like to forget those events, Chile's is a history that demands to be remembered.

Having launched a covert effort to overthrow the democratically elected socialist government of Salvador Allende in 1970, and having welcomed the coup with aid and support in 1973, the United States is inextricably tied to these events in Chilean history.

It was, after all, President Nixon who in September 1970 ordered the CIA to "make the economy scream" in Chile, to "prevent Allende from coming to power or to unseat him." It was Secretary of State Henry Kissinger, as recently declassified CIA records show, who told the agency that "it is firm and continuing policy that Allende should be overthrown by a coup" and directed that the agency "should continue keeping the pressure on every Allende weak spot in sight—now . . . and into the future until such time as new marching orders are given." Allende was assassinated in the coup.

At the time of Pinochet's takeover, the United States made every effort to stabilize the new military junta's grip on power. Even as reports of mass arrests, summary executions—including of two US citizens—widespread torture, and disappearances flooded the media, the CIA initiated new clandestine operations designed, according to their own documents, to "assist the junta in gaining a more positive image, both at home and abroad," The Nixon White House, in the meantime, opened the floodgates of economic and military support to the new regime.

The Central Intelligence Agency's actions in Chile also has a significant impact in the United States. Once the CIA's covert involvement in the overthrow of democracy there became known, that revelation helped fuel the first wide-scale national evaluation, in the mid-1970s, of the morality and propriety of covert operations abroad.

Similarly, the case of Chile established human rights as part of the lexicon of US foreign policy. Public outrage over White House acceptance of Pinochet's atrocities became the catalyst for organizing a permanent human rights movement in the United States. With Chile as their battle cry, US human rights advocates forced the passage of pioneering legislation in Congress mandating sanctions on governments that abuse their citizens—sanctions that were applied first to the Pinochet regime.

"I hold the strong view that human rights are not appropriate for discussion in a foreign policy context," Kissinger told Chile's foreign minister in 1975. It is the height of irony that, as a result of US intervention in Chile, public pressure forced future policy makers to incorporate the moral precepts of US democracy at home into the US posture abroad.

Yet, despite its historical importance, the coup and its aftermath have been institutionally expunged from the national consciousness—in both Chile and the United States.

In Chile, observes Isabel Allende, niece of the late president, discussions of events 25 years ago are considered "in really bad taste." The threatening shadow of the still powerful Chilean armed forces, the weakness of civilian rule, and the affluence of free-market capitalism has produced a self-imposed sociopolitical oblivion to the past.

In the United States, the national scandal over the Nixon administration's effort to overthrow a democratically elected government is considered ancient history—even as the full story of the CIA's role in the coup, and US knowledge of Pinochet's atroscities, remains buried in still classified US government archives.

In both countries, the powers-that-be would prefer that the skeletons remain locked in the national closet . . .

In the United States, there are victims of Chile's human rights atrocities who also deserve answers. There is the family of Charles Horman, executed in Chile's national stadium 25 years ago today (about whom the movie "Missing" was made). There are the families of Ronni Moffitt and former Chilean diplomat Orlando Letelier, both killed by a car bomb planted by Chile's secret police in September 1976—the most notorious act of international terrorism ever in Washington, D.C.

In Chile, history is easier to hide; General Pinochet, who designated himself a "senator-for-life" before relinquishing power in 1990, told Chile's leading newspaper this month that he "had nothing to do" with any human rights violations that took place during his rule. In Chile, there is neither the documentation nor the power to challenge him.

In the United States, however, keeping the secrets of the past is far more difficult. Slowly but surely, documents—CIA reports, National Security Council options papers, State Department cables—are being declassified under the Freedom of Information Act.

Moreover, Spain has asked the Clinton administration to release numerous documents relating Pinochet's "crimes against humanity"—part of an international human rights lawsuit the Spanish courts have filed against military authorities in Chile and Argentina.

Since many of the thousands of the still-secret US documents on Chile are now, or soon will be, more than 25 years old, they fall under President Clinton's 1995 executive order on national security information mandating that records of that age and older be fully declassified.

The CIA and other national security agencies are resisting compliance with the order, but with public pressure it is possible that the hidden story of the US role in Chile, and detailed US intelligence documentation on human rights atrocities there, will eventually be released.

"You shall know the truth and the truth shall set you free," reads the Gospel of John emblazoned in the foyer of CIA's headquarters. Indeed, the truth is a right of freedom that both Chilean and US citizens deserve.

[From the Miami Herald, Sept. 11, 1998]

U.S. CRIPPLED CHILE'S DEMOCRACY

(By Saul Landau)

[Saul Landau is the Hugh O. La Bounty Chair of Interdisciplinary Applied Knowledge at California State Polytechnic University, Pomona, and a fellow at the Institute for Policy Studies in Washington, D.C. He is the co-author of Assassination on Embassy Row, the story of the Letelier-Moffitt killings.]

Today is the 25th anniversary of the U.S.-supported coup in Chile. On Sept. 11, 1973, the Chilean military overthrew the elected government of Salvador Allende and established a dictatorship that ruled until 1990. The United States played a prominent role in these events.

The CIA began to instigate violence in Chile following the September 1970 election of Allende, who headed a socialist coalition. "I don't see why we need to stand by and watch a country go communist because of the irresponsibility of its own people," National Security Adviser Henry Kissinger said at the time. In testimony before a Senate investigating committee in 1975, CIA Director Richard Helms told of how President Nixon gave him "the marshal's baton" to conduct covert activities designed to stop Allende from being inaugurated in November 1970.

Helms's covert staff tried to bribe Chile's Congress and its military to deny Allende the presidency. Failing on that front, the agency paid an extreme right-wing group to assassinate Gen. Rene Schneider, Chile's chief of staff. When even that murder didn't succeed in blocking Allende's inauguration, the CIA began to destabilize his government.

For three years CIA officials helped instigate strikes in strategic sectors of the economy, promoted violence, and initiated smear campaigns against Allende in the media. Washington applied a credit squeeze to make Chile's economy squirm.

This destabilization campaign had its desired effect. Social conflict grew to the point where the Chilean military commanders, with U.S. encouragement, decided to stage a coup. As tanks and aircraft bombarded the presidential palace on Sept. 11, 1973, U.S. Navy vessels appeared off Chile's coast. U.S. intelligence vessels monitored activity at Chile's military bases to notify the coup makers, should a regiment loyal tc the Allende government decide to fight.

Allende died in the assault, alongside dozens of his supporters. Cabinet ministers and other staff were arrested and thrown into a concentration camp. No charges were brought against them.

Chile's institutions were destroyed, including the Congress, the press, and trade unions. Troops burned books deemed subversive. The junta began a systematic terror campaign, arresting, torturing, and murdering thousands of "suspected subversives." A Chilean-government agency estimates that the reign of terror between 1973 and 1990 resulted in the deaths of some 2,300 Chileans.

Pro-Allende Chileans took refuge abroad, but even there the long arm of strongman Augusto Pinochet's secret police managed to reach them. In September 1976 in Washington, D.C., Michael Townley, a U.S. national and a bomb expert employed by Chile's secret police, recruited five anti-Castro Cubans to help him carry out an assassination. The assassins placed a bomb under the car of Orlando Letelier, Allende's former defense minister. The bomb killed Letelier and Ronni Moffitt. Both victims worked at the Institute for Policy Studies.

The FBI discovered that the Chilean dictatorship had organized a six-country alliance of secret-police agencies, which provided surveillance on each other's dissidents and helped assassinate the most troubling exiled opponents. FBI agents also learned that the CIA knew considerable detail about this "Condor Operation."

In the late 1980s the United States, embarrassed over Pinochet's "excesses," pushed for a referendum to end military rule. Pinochet was defeated, but he forced the civilian government to accept him as head of the army until he retired in March of this year. He then became "senator for life," a post that he had arranged for himself.

Fortunately, Chile has returned to democratic procedures. But 17 years of military rule have taken an immeasurable toll on its people.

How would we Americans feel if another government decided that our voters had exercised poor judgment and sent saboteurs to undo by force the results of our election?

This is what we did to Chile. We altered its destiny.

SENATE—*Friday, September 18, 1998*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, our source of spiritual, intellectual, and physical strength, You have replenished our wells of energy and given us a fresh new day in which we have the privilege of serving You.

Lord, grant the Senators more than the courage of their convictions. Rather, give them convictions that arise from Your gift of courage. May this indomitable courage be rooted in profound times of listening to You that result in a relentless commitment to truth that is expressed in convictions that cannot be compromised.

We trust You to guide them so that all they say and decide is in keeping with Your will. We ask for Your wisdom in the crucial matter to be voted on today. Lord, take command of their minds and their thinking, speak Your truth through their speaking and then give them clarity for hard choices. In the name of our Lord and Saviour. Amen

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator McCAIN, is recognized.

SCHEDULE

Mr. McCAIN. Mr. President, for the information of all Members, this morning the Senate will begin 1 hour of debate on the veto message to accompany the partial-birth abortion ban legislation. Upon the conclusion of debate time, at approximately 9:30 a.m., the Senate will vote on the question of passing the bill, the objections of the President to the contrary notwithstanding. Following that vote, the Senate may turn to the consideration of any legislative or executive items cleared for action. The leader would like to remind all Members that there will be no rollcall votes on Monday in observance of the Jewish holiday, Rosh Hashanah. Also, Members should be aware that a rollcall vote has been scheduled for Tuesday, September 22, at 2:20 p.m., on the Kennedy minimum wage amendment.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the Senate will now resume consideration of the veto message on H.R. 1122, which the clerk will report.

The legislative clerk read as follows:

Veto message on H.R. 1122, to amend title 18, to ban partial-birth abortions.

The Senate resumed reconsideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come to the Senate floor today to speak on behalf of millions of defenseless unborn children who cannot speak for themselves. If they could speak, I know that they would ask for a chance to live. Tragically, too many unborn children are not given a choice and they lose their chance at life to abortion.

We are not here today to debate the legality of abortion. We are here to discuss ending partial-birth abortion—a particularly gruesome procedure that would be outlawed today but for the President's veto last year of a national ban.

Banning partial-birth abortions goes far beyond traditional pro-life or prochoice views. No matter what your personal opinion regarding the legalization of abortion, we should all be appalled and outraged by the practice of partial-birth abortions. This procedure is inhumane and extremely brutal, entailing the partial delivery of a healthy baby who is then killed by having its vibrant brain stabbed and suctioned out of the skull.

This is simply barbaric.

I have heard from thousands of people in my home State of Arizona who are outraged that this brutal procedure is permitted. Many of them have differing views regarding the legalization of abortion, but they all concur that partial-birth abortions are particularly cruel and must be stopped.

Arizonans were recently reminded about the devastating effects for unborn children of partial-birth abortions. On June 30 of this year, a physician in Phoenix attempted to perform a partial-birth abortion. Dr. John Biskind of the A–Z Women's Center was aborting what he believed was a 23-week-old baby.

After beginning the procedure, Dr. Biskind realized that the child was actually a 37-week, 6-pound baby girl. He immediately stopped the abortion procedure and delivered the baby girl. She suffered a fractured skull and facial lacerations, but thankfully is now recovering with a loving family who adopted her.

This deplorable incident should never have occurred. It could have been prevented, sparing this little girl, now known as Baby Phoenix, the physical and emotional trauma of nearly being killed at birth.

If a national ban on partial-birth abortion had been the law, this Arizona doctor would not have been performing such a horrific procedure on a viable 23-week-old baby—let alone 37-week-old Baby Phoenix.

Clearly, this near-tragedy illustrates the urgent need for a ban on partial-birth abortions in our Nation. We simply cannot allow this heinous procedure to continue taking the lives of viable, healthy babies.

Some would argue that abortion, including partial-birth abortion, is a matter of choice—a woman's choice. Respectfully, I must disagree.

What about the choice of the unborn baby? Why does a defenseless, innocent child not have a choice in their own destiny?

Some may answer that the unborn baby is merely a fetus and is not a baby until he or she leaves the mother's womb. Again, I disagree, particularly, in the case of infants who are killed by partial-birth abortions.

Most partial-birth abortions occur on babies who are between 20 and 24 weeks old. Viability, "the capacity for meaningful life outside the womb, albeit with artificial aid" as defined by the United States Supreme Court, is considered by the medical community to begin at 20 weeks for an unborn baby. Most, if not all, of the babies who are aborted by the partial-birth procedure could be delivered and live. Instead, they are partially delivered and then murdered. These children are never given a choice or a chance to live.

Today, we have to make a choice. We can choose to protect our Nation's most valuable resource—our children. We can choose to give a tomorrow full of endless possibilities to unborn children throughout our Nation. We can choose to save thousands from being murdered at the hands of abortionists.

Or we can choose to allow this barbaric procedure to continue, permitting doctors to kill more innocent, unborn children.

We each have a choice, a choice which unborn children are denied. We must make the right choice when we vote today, the choice to save thousands of unborn children by banning partial-birth abortions in this country.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I thank the Senator from Arizona for his terrific statement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I suggest the absence of a quorum and ask unanimous consent that the time be taken off the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be given 2 minutes off the time of the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have been listening, as I have in years past, to the debate, to the eloquence of those dedicated individuals who feel so strongly about this issue, particularly the leadership of the Senator from Pennsylvania and the things he has said, the things he has stood for, and the Senator from New Hampshire, Senator SMITH, and then Dr. FRIST.

I hope people heard what Dr. FRIST said because he really is the only one who truly is a professional, who truly understands what this is all about, who can articulate the pain that a small baby during the birth process feels when he is put to death in the very cruel way that this takes place.

As he described that procedure—the procedure of going under the cranium with scissors and opening it up with no anesthesia and the baby feeling that pain—something occurred to me: that those individuals who want to keep that procedure alive and keep it legal are the same ones who, if you did that to a dog, would be picketing your office.

I think somehow we have developed, in a perverted way, into a society, many of whom put a greater value on the lives of critters than on human life. I hope we change that today. I yield the floor.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time run off the time of the opposition.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak and have my time allocated to the opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, in approximately 40 minutes, this Senate is going to cast a historic vote. We are going to have the opportunity to, again, define who we are as a people.

I urge my colleagues, as I have in the past, to vote to override the President's veto. I ask unanimous consent that a letter which I have be printed into the RECORD. This is a letter dated May 8, 1997. This is a letter that is signed by a number of law professors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: We write to you as law professors in support of the Partial-Birth Abortion Ban Act, S.6. We do not write as partisans. We are both Democrats and Republicans, and we are of different minds on various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.

We have learned that some Senators are concerned about claims that a ban on second trimester partial-birth abortions, or a ban on third trimester procedures without a "health" exception, would be unconstitutional under *Roe* v. *Wade* and later abortion decisions.

The destruction of human beings who are partially born is, in our judgment, entirely outside the legal framework established in *Roe* v. *Wade* and *Planned Parenthood* v. *Casey*. No Supreme Court decision, including these, ever addressed the constitutionality of forbidding the killing of partially born children. In fact, *Roe* noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade—and still forbids—killing a child in the process of delivery.[1]

Even should a court in the future decide that a law banning the partial-birth procedures is to be evaluated within the *Roe/Casey* "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skull. Before viability, an abortion restriction is unconstitutional only if it creates an "undue burden" on the judicially established right to have an abortion. A targeted ban of a single, maternal-health-endangering procedure cannot constitute such a burden.

To the extent of its constitutionally delegated authority, Congress may also ban all forms of abortion after viability, subject to the health and life interests of the mother. Under the most recent Supreme Court decision concerning abortion, *Planned Parenthood* v. *Casey*, there is no reason to assume that the Supreme Court would interpret a post-viability health exception to require the government to tolerate a procedure which gives zero weight to the life of a partially-born child and which itself poses severe maternal health risks. Furthermore, according to published medical testimony, including that of former Surgeon General C. Everett Koop: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility." Even the American College of Obstetricians and Gynecologists—which opposes the bill—acknowledges that partial-birth abortion is never the "only option to save the life or preserve the health of the woman." Banning this procedure does not compromise a mother's health interests. It protects those interests.

In short, while individuals may have ideological or political reasons to oppose banning the partial-birth procedure, those objections should not, in good conscience, be disguised as legal or constitutional in nature.

Respectfully submitted,

Rev. Robert J. Araujo, S.J., Gonzaga Law School; Thomas F. Bergin, University of Virginia School of Law; G. Robert Blakey, University of Notre Dame Law School; Gerard V. Bradley, University of Notre Dame Law School; Jay Bybee, Louisiana State University Law Center; Steven Calabresi, Northwestern University School of Law; Paolo G. Carozza, University of Notre Dame Law School; Carol Chase, Pepperdine University School of Law; Robert Cochran, Pepperdine University School of Law; Teresa Collett, South Texas College of Law; John E. Coons, University of California, Berkeley; Byron Cooper, Associate Dean, University of Detroit Mercy School of Law; Richard Cupp, Pepperdine University School of Law; Joseph Daoust, S.J., University of Detroit Mercy School of Law; Paul R. Dean, Georgetown University Law Center; Robert A. Destro, The Catholic University of America; and David K. DeWolf, Gonzaga Law School.

Bernard Dobranski, Dean, The Catholic University of America; Joseph Falvey, Jr., Assistant Dean, University of Detroit Mercy School of Law; Lois Fielding, University of Detroit Mercy School of Law; David Forte, Cleveland-Marshall College of Law, Cleveland State University; Steven P. Frankino, Dean, Villanova University School of Law; Edward McGlynn Gaffney, Jr., Dean, Valparaiso University School of Law; George E. Garvey, Associate Dean, The Catholic University of America; John H. Garvey, University of Notre Dame Law School; Mary Ann Glendon, Harvard University Law School; James Gordley, University of California, Berkeley; Richard Alan Gordon, Georgetown University Law Center; Alan Gunn, University of Notre Dame Law School; Jimmy Gurule, University of Notre Dame Law School; Jacqueline Nolan-Haley, Fordham University School of Law; Laura Hirschfeld, University of Detroit Mercy School of Law; and Harry Hutchison, University of Detroit Mercy School of Law.

Phillip E. Johnson, University of California, Berkeley; Patrick Keenan, University of Detroit Mercy School of Law; William K. Kelley, University of Notre Dame Law School; Douglas W. Kmiec, University of Notre Dame Law School; David Thomas Link, Dean, University of Notre Dame Law School; Leon Lysaght, University of Detroit Mercy School of Law; Raymond B. Marcin, The Catholic University of America; Michael W. McConnell, University of Utah College of Law; Mollie Murphy, University of Detroit Mercy School of Law; Richard Myers, University of Detroit Mercy School of Law; Charles Nelson, Pepperdine University School of Law; Leonard J. Nelson, Associate

---

[1] 410 U.S. 113, fn. 1 (1973), citing Art. 1195, of Title 15, Chapter 9. (Presently, this law is codified at Vernon's Ann. Texas Civ. St. Art. 4512.5.) A similar ban remains in effect in Louisiana (L.A. Revised Statutes 14.87.1). The Texas and Louisiana statutes are also consistent with existing case law in California. See *People* v. *Chavez*, 77 Cal. App. 2d 621 (1947) ("It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed."); accord *Keeler* v. *Superior Court*, 2 Cal. 3d 619 (1970).

> Dean, Cumberland School of Law, Samford University; Michael F. Noone, The Catholic University of America; Gregory Ogden, Pepperdine University School of Law; John J. Potts, Valparaiso University School of Law; Stephen Presser, Northwestern University School of Law; and Charles E. Rice, University of Notre Dame Law School.
>
> Robert E. Rodes, Jr., University of Notre Dame Law School; Victor Rosenblum, Northwestern University School of Law; Stephen Safranek, University of Detroit Mercy School of Law; Mark Scarberry, Pepperdine University School of Law; Elizabeth R. Schiltz, University of Notre Dame Law School; Patrick J. Schiltz, University of Notre Dame Law School; Thomas L. Shaffer, University of Notre Dame Law School; Michael E. Smith, University of California, Berkeley; David Smolin, Cumberland School of Law, Samford University; Richard Stith, Valparaiso University School of Law; William J. Wagner, The Catholic University of America; Lynn D. Wardle, Brigham Young University; and Fr. Reginald Whitt, O.P., University of Notre Dame School of Law.

Mr. DEWINE. Mr. President, this letter addresses a lot of the concerns that were expressed on the floor yesterday about the constitutionality of this piece of legislation. I call Members' attention to portions of this letter. They will have an opportunity to, of course, read the entire letter. This is what, in part, the letter says:

> We write to you as law professors in support of the Partial-Birth Abortion Ban. . . . We do not write as partisans. We are both Democrats and Republicans, and we are of different minds on various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.
>
> The destruction of human beings who are partially born is, in our judgment, entirely outside the legal framework established in Roe v. Wade and Planned Parenthood v. Casey. No Supreme Court decision, including these, ever addressed the constitutionality of forbidding the killing of partially born children. In fact, Roe noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade —and still forbids—killing a child in the process of delivery.
>
> Even should a court in the future decide a law banning the partial-birth procedure is to be evaluated within the Roe/Casey "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skull. Before viability, an abortion restriction is unconstitutional only if it creates an "undue burden" on the judicially established right to have an abortion. A targeted ban of single, maternal-health-endangering procedure cannot constitute such a burden.

The letter goes on to quote C. Everett Koop, who has been quoted on this floor before on this issue.

> Partial-birth abortion is never medically necessary to protect the mother's health or future fertility. On the contrary, this procedure could impose a significant threat to both her immediate health and future fertility.

It is abundantly clear that this law is constitutional. I again ask my colleagues to vote in favor of the override.

I first had the opportunity to listen to this debate several years ago when a nurse from my home State of Ohio, nurse Brenda Shafer, testified before the Senate Judiciary Committee. She is the first person, really, to draw public attention to this procedure. She was pro-choice. She was called in on a temporary basis to go to Dr. Haskell's abortion clinic in Dayton, OH. What she saw and what she described, I think, has shocked the Nation. This pro-choice nurse became a person adamantly opposed to partial-birth abortion. She described it in detail, as has been described on this floor many, many times. It is something that no civilized society should tolerate.

This vote that we are going to cast in a moment is about who we are as a people, what we tolerate, and what we do not tolerate. It is time for this country, for the Senate, and this Congress, to say this barbaric procedure we simply will no longer tolerate.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes from our time to the champion and initial author of this bill in the Senate, Senator BOB SMITH of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague, Senator SANTORUM, for his leadership on this issue.

I pick up on what Senator DEWINE just said about Nurse Shafer. Thirteen years she worked in an abortion clinic. She testified before the Judiciary Committee, and I think it might be interesting to read her statement about what she saw, word for word. I don't think anybody has done that. Listen to Nurse Shafer, who witnessed this partial-birth abortion.

> I stood at the doctor's side and I watched him perform a partial-birth abortion on a woman who was 6 months pregnant. The baby's heart beat was clearly visible on the ultrasound screen. The doctor delivered the baby's legs and arms. Everything but his little head. The baby's body was moving. His little fingers were clasped together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arms jerked out in a flinch, a startled reaction like a baby does when he thinks that he might fall. Then the doctor opened the scissors up. Then he stuck a high-powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic, but I'm still haunted by the face of that little boy. It was the most perfect angelic face I have ever seen.

My colleagues, if we continue to tolerate this, somehow, some way, some day, we are going to be judged. This is wrong. This is immoral. When we see and hear the things that are going on in our country today and read and hear the polls, maybe we shouldn't be surprised. This is the standard that we set for our children? What a disgraceful thing to do, not to override this veto.

The President's own Southern Baptist religion, past and current president of the Southern Baptist Convention, wrote a letter to the President of the United States pleading with him to change his position, telling him why they believe he was wrong, that there is no medical reason to improve the health or to save the life of the mother. There is no medical reason to perform this—180 doctors in a letter I referred to yesterday on the floor said so; 4 doctor at a press conference yesterday said so; so did Dr. Koop, one of the most respected people ever to serve in government, former Surgeon General.

Yet here we are. This is a terrible thing. I just hope and pray that my colleagues in the next hour or the next half hour will see the light, if you will, and change their position so we can win this vote.

Mr. SANTORUM. I thank the Senator from New Hampshire and thank him for his tremendous leadership on this issue.

I yield 10 minutes to the Senator from Indiana, who is leaving this Chamber after many years of distinguished service. He has been the champion here for life, Senator COATS from Indiana.

Mr. COATS. Mr. President, let me first say thanks to my colleagues from Pennsylvania, New Hampshire and Ohio, and others who have so persuasively and so relentlessly pursued the truth of this issue and brought us to this point where we have to have an honest, open debate and a vote about where we stand on what I believe is the most important issue facing America.

We do have fundamental disagreement over the subject of abortion. Strong convictions have often led to strident rhetoric. Sometimes labels and name-calling are too easily substituted for persuasion. Education is a means of winning the hearts and minds of our fellow citizens. "Extremism" and "fanaticism" have been labels that have been used and attached to those with deeply held beliefs.

Yet as civil as our discourse needs to be, sometimes there are issues that are of such weight and such gravity that strong rhetoric is necessary, when the truth—raw and exposed—merits passion and rhetoric. This is such a case. There really is only one issue at stake here. That issue is that what we are confronting is an affront to humanity. It is an affront to justice to end the life of a kicking infant as it emerges from its mother's womb. That is at issue here. The legislation that the President has vetoed is not the expression of extremism. The expression of extremism is the procedure we are debating—extreme in its violence and disregard for human life and dignity. We have heard a description of that. I was going to give that, but I will defer on the description because it has been given by my colleague from New Hampshire. The opposition has used arguments to defend this procedure that I believe are evasive and misrepresent the truth.

It is said that the procedure is rare and, therefore, we ought not to be discussing it. Despite the fact that the procedure is not rare and affects thousands of individuals—children—would we be passing on the debate, the fundamental issue of life itself, if we were talking about the Holocaust because somebody was saying we are not talking about very many people? It is just a few hundred or a few thousand. Does that make the debate or issue any different?

The issue is not whether it is rare; the issue is, as a matter of undeniable, unalienable human rights, it should not only be rare, this procedure should be nonexistent.

It is said that the child feels nothing. We now know that the child feels pain, that a mother's anesthesia does not eliminate her child's pain. We know that a child killed in this procedure feels exactly what a preemie would feel if a doctor performed a similar procedure in the nursery.

It is said that the procedure is done to save the life of the mother. We know that is not true. We also know that this procedure has significant risks for the mother. In fact, the primary purpose of this procedure is for the convenience of the abortionist.

It is said that the partial-birth abortion is part of the mainstream of medicine. But we know that the AMA Council on Legislation stated that this practice is not a "recognized medical technique," and that this "procedure is basically repulsive." Those are not the words of this Senator. Those are not the words of those of us in the political arena. Those are the words of the AMA Council.

So when we strip away all the arguments, we are left with an uncomfortable truth: This procedure is not the practice of medicine; it is an act of violence, an almost unspeakable act of violence—the taking of an innocent life, a life fully capable of being self-sustaining.

Mr. President, it is hard to clearly confront the reality of this matter because clarity requires such anguish. But that reality is simple and terrible. The reality is that the death of a child should haunt us and shame us as a society. It should cause us to grieve. But more than that, it should cause us to turn our backs on this practice, as my colleague from New York has said, which borders on infanticide, and which I believe is infanticide.

It is hard for me to believe that such a statement, such a debate, should be necessary. It is hard for me to understand how a moral commitment so basic could ever be debated on the floor of the U.S. Senate. Has our compassion grown so selective? Has our moral sense grown so dull? Have our hearts grown so hard?

This is not just another skirmish in the running debate between left and right. It raises the most basic of questions asked in any democracy: Who is my neighbor? Who is my brother? Who do I define as inferior and cast beyond sympathy and protection? Who do I embrace and value, in both law and love?

This is not a matter of ideology; it is a matter of humanity. This is not just a matter of our Nation's politics; it is a matter of our Nation's soul. It is a matter of how we will be judged as a nation, not only by history, but by Almighty God.

We have disagreed in this body in matters of social policy. Yet, surely, we can come together and agree on this one thing—that an unborn child should not be subjected to violence and death. I believe personally that that protection should be applied and extended to all of the unborn. That is a debate that we must have, but that is not the debate today. The debate today is over this particular procedure. At the very least, regardless of our view and position of how far this ought to extend, to all of humanity and all of creation, can we not at least today reject the extinction of a child's life just seconds before it is born and fully leaves the womb? Can we not at least refuse to cross this line?

Mr. President, the vote today is an opportunity for us to take a different path. It is an opportunity for Republicans and Democrats, liberals and conservatives, and it is an opportunity even for those who support abortion and take the pro-choice position, to override the President's veto. We can begin today to define some common ground. We can begin today by saying every child in America will be embraced by our community, that no one is expendable, no one will be turned away. We can begin today to define a basic value, a basic common ground, because if we pass this legislation over the President's objection, it will mean that we will, once again, in this great experiment in democracy, extend the circle of protection and expand it one more time. This is the test of a just civilization, and this is the standard by which we, individually and as a nation, will be tested as well.

If we defeat this measure, we will say something about this great American experiment and the limits that we place on its promise. Our founders raised the standard for the ages that all men are created equal and endowed by their Creator with certain unalienable rights. It is true that the laws they lived by, even the Constitution they wrote, stood in tension with that transcendent ideal. But the standard remained and has sustained the hopes of the weak throughout the history of this country.

The history of our Nation is a story of how the hopes of the weak have been advanced, our progress toward the ideals of the declaration has been bought with blood, demanded with eloquence, and written into our law in some historic debates in this Chamber and elsewhere.

Mr. President, one by one, the powerless have been embraced and the American family has been extended—to African Americans, women, the disabled. Each have redeemed a promissory note, given at our founding. Each victory of compassion and justice has been a landmark of liberty. Over time, justice has prevailed.

Abraham Lincoln wrote of our founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to his creatures. . . . In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children, and the countless myriads who would inhabit the Earth in other ages.

Does that beacon still shine throughout the world? Does the light of that path of nations, where freedom is new, shine? And what is the example that we set?

It is my deepest concern, my nightmare fear that we will extinguish that light, that we will halt the progress of America's promise, and we will cast one class of the powerless into the darkness beyond our protection.

Lincoln talked of America as a nation dedicated to a proposition embodied in the declaration, but can the weakest member of the human family find a humble share in the promise of our founding? Will we say, after centuries of struggle, that the gate of mercy is now slammed shut, locked and the key thrown away?

These are the questions that put the American experiment to the test. Let us affirm the words of the Great Emancipator that nothing, nothing stamped with a divine image and likeness is denied the right to participate in this noble experiment called democracy. Let us not fail in this test that is now put before us.

Mr. President, it appears my time has expired. I thank, again, the Senator from Pennsylvania for his outstanding leadership on this issue.

Mr. SANTORUM. I thank the Senator from Indiana.

Mr. LEVIN. Mr. President, I will vote to sustain the President's veto.

The American College of Obstetricians and Gynecologists has continually expressed deep concern about legislation prohibiting the intact D&X

procedure, which is the technical name for the late term birth abortion procedure. They have urged congress not to pass legislation criminalizing this procedure and not to supersede the medical judgment of trained physicians. They have stated, "The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous."

The Supreme Court has ruled that a ban on all abortions after viability is permitted under the Constitution providing the ban contains an exception to protect the life and health of the woman.

The bill vetoed by the President does not meet that test because the exception it provides for does not include language relative to a woman's health.

Principally for both those reasons, I voted against this legislation and I continue to oppose it. Instead, I support an alternative which would ban all post-viability abortions, regardless of the procedure used, except in cases where it is necessary to protect a woman's life or health.

Mr. HATCH. Mr. President, we have all heard the shocking accounts of teenaged girls giving birth and then dumping their newborns into trash cans. One young woman from Delaware gave birth in a bathroom stall during her prom, and then proceeded to strangle and suffocate her child, leaving his body in the garbage. Cases in Maryland and Arkansas tell similar stories.

Criminal charges were recently brought against a young woman in my home state of Utah for secretly giving birth in her parent's Salt Lake City home and then leaving the baby to die in a drawer.

As I read these accounts, I find myself wondering about the blurry line which exists between late-term abortions and infanticide. William Raspberry argued in a July 13, 1998, column in the Washington Post: a "short distance [exists] between what [these teenagers] have been sentenced for doing and what doctors get paid to do."

Few people would dispute that such incidents constitute murder. Any cruelty or intentional harm inflicted on a defenseless child causes anger to rise in all of us, particularly when a variety of services exist to assist the parents with their responsibilities—or even, through foster care or adoption, to relieve them entirely.

I have sympathy for any young woman who contemplates an abortion. Surely this is a difficult decision to make. The circumstances that drive a woman to it must certainly be complex and appear to her to be insoluble.

But, the late-term partial birth abortion is not an ordinary abortion. It is not contemplated in the Roe v. Wade decision.

That is why even pro-choice members of Congress were compelled to support this legislation. It is incomprehensible that any reasonable person could examine the evidence and continue to defend it.

This procedure involves the partial delivery, in the late second or third trimester of pregnancy, of an intact fetus into the birth canal. The fetus is delivered from its feet through its shoulders, so that only its head remains in the uterus. Then, either scissors or another instrument is used to poke a hole in the base of the skull where a suction catheter is inserted to extract the baby's brain.

If you are sickened and pained by that description as you listen to it—just as I am each time I read it—imagine what it must be like for the child who must experience it. This procedure is not done on a mass of tissue. It is performed on a living baby capable of feeling pain and, at the time this procedure is typically performed, capable of living outside of the womb with appropriate medical attention.

So, then, I agree with William Raspberry and our colleague Senator MOYNIHAN. The line between infanticide and partial birth abortion is very blurry indeed.

Let me set out for the Senate one more time exactly what this bill does and does not do. This bill does not ban all abortions after a certain week of pregnancy. It does not dictate the circumstances under which late-term abortions would be permitted. H.R. 1122 bans this one, specific, abhorrent procedure.

Opponents of this bill argue that partial-birth abortions are performed to preserve the health and life of the mother. This point of view, however, is based on false claims by advocacy groups and not on the facts. Such claims are a futile attempt at making this procedure appear less barbaric and thus more palatable to the American people.

I think Americans deserve to hear the facts. They need to know the truth about a procedure which our esteemed colleague from New York, Senator MOYNIHAN, has accurately described as "close to infanticide."

The former U.S. Surgeon General, C. Everett Koop, described his opposition to the partial-birth abortion procedure in an interview with the American Medical News, which was published in its August 19, 1996 issue. Dr. Koop stated:

> . . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial-birth abortion.

Dr. Daniel H. Johnson, President of the American Medical Association, asserted the AMA's position on the issue in the May 26, 1997, edition of the New York Times. Dr. Johnson stated:

> [T]he partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortion method.

Often the health of the woman is not even under consideration. Dr. Martin Haskell, one of a hand full of doctors who perform this procedure, admitted in testimony given under oath in Federal district court in Ohio that he performs the procedure on second trimester patients for "some medical" and "some not so medical" reasons.

The record in support of this legislation is long. In November 1995, I presided over a 6½-hour Senate Judiciary Committee hearing on the issue. At the March 1997 Senate-House joint hearing, we heard from 10 witnesses, including representatives of the major organizations on both sides of this issue and a medical doctor who specializes in maternal-fetal medicine. As testimony from the hearings demonstrated, this procedure is not performed primarily to save the life of the mother or to protect her from serious health consequences. Instead, the evidence shows that this procedure is often performed in the late second and early trimesters for purely elective reasons.

I acknowledge that there may have been rare cases where this awful procedure was performed and where there was a possibility of serious, adverse health consequences for the mother.

However, even in those cases, a number of other procedures could have been performed. In fact, other procedures would have been performed had the mothers gone to any doctor other than one of the handful of doctors who perform these awful partial-birth abortions.

I understand that many people on both sides of the abortion issue have very strongly held beliefs. I respect those whose views differ from my own. And I condemn, as I know every other Member of this body does, the use of violence or any other illegal method to express any point of view on this issue.

It is critical to remember, however, that this bill is not about the right of a woman to choose an abortion. That is a debate for another day. The only bill we are voting on today is H.R. 1122, a bill that seeks to make a particularly gruesome, and I believe inhumane, abortion procedure illegal.

I would like to express my appreciation to Senator SANTORUM for his leadership on this issue and join him in urging our colleagues to support this bill and override the President's veto.

Ms. SNOWE. Mr. President, I rise in opposition to this attempt to override the President's veto of H.R. 1122, the so-called "Partial Birth" Abortion Ban Act of 1997.

Mr. President, let it be clear that this legislation puts women's lives and health on the line. If we vote today to override the President's veto we will bear the burden of putting women's lives and health at risk by substituting the judgement of politicians for the judgement of medical doctors. And that just isn't right.

Twenty-two years ago, the Supreme Court issued a landmark decision in Roe versus Wade that held that women have a constitutional right to an abortion, but after viability, states could ban abortions—as long as they allowed exceptions for cases in which a woman's life or health is endangered.

H.R. 1122 is in direct violation of the Court's ruling. It contains no exception for the health of the mother, and therefore represents a direct, frontal assault not only on Roe, but on the health and reproductive rights of women everywhere.

It should be no surprise, then, that similar efforts around the country to ban the so-called "partial birth" abortion procedure have not stood up to constitutional muster.

In fact, legal challenges have been mounted in 20 of the 28 states that have passed these laws. Nineteen out of twenty states have had their laws enjoined or severely limited. Seventeen courts have issued temporary or permanent injunctions stopping laws from taking effect. And one attorney general has limited enforcement of the law.

And I want to be just as clear that innocent women will suffer if we vote to override the President's veto. It is not simply the Constitution which demands a health exception be included in any such legislation—it is compassion for the lives of our nation's women.

There is no question that any abortion is an emotional, wrenching decision for a woman. No one would debate this. And when a woman must confront this decision during the later stages of a pregnancy because she knows that the pregnancy presents a direct threat to her own life or health, the ramifications of such a decision multiply dramatically.

So, too, is it beyond debate that all of us want to see the instances of abortions reduced in America. Unfortunately, contrary to what proponents of this legislation believe, H.R. 1122 will not bring us closer to this goal. In contrast, it will force women and physicians to choose another, less safe and potentially life threatening procedure. Is that what we really want? To put women's lives and health at risk?

Because that is exactly what H.R. 1122 will do. It will put women at unacceptable risk, while in turn doing absolutely nothing to lower the number of abortions in this country.

I suggest that there is a better way. I suggest we are not stuck with an all-or-nothing approach, even on this most contentious of issues.

That is why last year, I supported an amendment which would have decreased the number of abortions in this country without putting the lives and health of women on the line.

This substitute would have ensured that no abortion will take place after viability unless it is absolutely necessary to avoid grieve physical injury to a woman, while protecting women's lives and health. And most of all, unlike the underlying bill, it would have reduced the number of abortions in this country.

Critics of this proposal, unfortunately, believed that this language contains a loophole because it leaves it to the doctor to determine when the fetus is viable.

I find this viewpoint curious on two fronts. First, it begs the question, why did H.R. 1122 proponents trust doctors to determine when an abortion is necessary to protect a woman's life, when they do not trust doctors to determine when a woman faces a grievous health risk or when the fetus is viable?

And second, who is in a better position than doctors to determine when the fetus is viable? Are opponents honestly suggesting the federal government has the answer to that question?

The Supreme Court has said in Planned Parenthood versus Danforth, and I quote "the time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable, is, and must be, a matter for the judgment of the responsible attending physician."

It comes down to who should be making these decision. Will it be politicians, whose extent of medical knowledge may be little more than what they see on "E.R."? Or will it be physicians, who live "E.R."?

The substitute language we championed would have required that a doctor certify that a post-viability abortion is necessary to protect a woman from grievous injury. Any doctor who violated this requirement would not only have faced still civil penalties, but will risk having his or her medical license revoked.

Curiously, H.R. 1122 does not require a doctor to certify that this procedure is necessary to protect a woman's life. For this reason, it appears far easier for a doctor to falsify information under the underlying bill, because there is no certification requirement.

Mr. President, what the vast majority of American people really want from their leaders on this issue is an answer to the problem of late term abortions, not a ban one procedure which will only force women to and doctors to choose other less safe procedures.

Because, despite the terrible conflict over H.R. 1122, there is one area where almost all Americans agree: That no viable fetus should be aborted—by any methods—unless it is absolutely necessary to protect the life or health of the mother.

By coming together on this issue, we can bridge the chasm that has developed in this debate. And despite the fact that the substitute amendment failed in this body last year, I still strongly believe this is the right course to take.

Forty-one States, including my home State of Maine, already ban post-viability abortions. We need to ensure that healthy pregnancies are never terminated after a fetus is viable, regardless of the procedure used. We also need to ensure that any such measure is in keeping with the Constitution and the best interests of the life and health of women.

These are not mutually exclusive goals. This is not a gulf that can never be crossed. And this is an issue that is not going to go away.

That is why we are coming back this year, and renewing our effort to ban all abortions after viability. On Wednesday, Senator DURBIN and I, along with Senators COLLINS, MIKULSKI, LANDRIEU, LIEBERMAN, GRAHAM, and TORRICELLI introduced a bipartisan measure, the Late-Term Abortion Limitation Act, because we believe this can and will solve the problem of late term abortions.

While the Durbin-Snowe legislation is similar to last year's substitute, it states that, prior to an abortion, both the performing physician and an independent physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. With the opinion required from another doctor, this will ensure that the abortion was absolutely medically necessary.

And finally, let me be clear that the health exception for "grievous physical injury" could only be invoked under two circumstances.

The first involves those heart-wrenching cases where a wanted pregnancy seriously threatens the health of the mother. The Durbin-Snowe language would allow a doctor in these tragic cases to perform an abortion because he or she believes it is critical to preserving the health of a woman facing: Peripartal cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy, which can result in death or untreatable heart disease; preeclampsia, or high blood pressure which is caused by a pregnancy, which can result in kidney failure, stroke, or death; and uterine ruptures which could result in infertility.

Second, the language also applies when a woman has a life-threatening condition which requires life-saving treatment. It applies to those tragic cases, for example, when a woman needs chemotherapy when pregnancy, so the families face the terrible choice of continuing the pregnancy or providing life-saving treatment. These conditions include: Breast cancer; lymphoma, which has a 50 percent mortality rate if untreated; and primary pulmonary hypertension, which has a 50 percent maternal mortality rate.

Now, I ask my colleagues, who could seriously object under these circumstances?

In closing, Mr. President, let me restate that this is not a problem without a solution. The Durbin-Snowe language very clearly provides this body with an alternative that will not only ensure that healthy pregnancies will never be terminated after a fetus is viable; not only reduce the number of abortions in this Nation; not only put medical decisions in the hands of medical doctors; but will be in keeping with the requirements of the United States Constitution and our responsibility to America's women.

That is why I urge my colleagues to vote to sustain the President's veto, and I hope we can coalesce around support for the Durbin-Snowe bill.

Mr. KENNEDY. Mr. President, I oppose this legislation, and I urge the Senate to sustain the President's veto.

In my view, this legislation is unconstitutional under the Supreme Court's decisions in Roe v. Wade and Planned Parenthood v. Casey, and President Clinton was right to veto it. The Roe and Casey decisions prohibit the government from imposing an "undue burden" on a woman's constitutional right to choose to have an abortion at any time up to the point where the developing fetus reaches the stage of viability. The government can constitutionally limit abortions after the stage of viability, as long as the limitations contain exceptions to protect the life and the health of the woman.

This bill fails that constitutional test. In cases before viability, it clearly imposes an undue burden on a woman's constitutional right to an abortion. In cases after viability, it clearly does not contain the constitutionally required exception to protect the mother's health.

Supporters of this legislation are flagrantly defying these constitutional requirements. In the vast majority of states that have passed so-called partial-birth abortion bans, the law is on appeal, enjoined, or the subject of a restraining order. With only one exception, where the laws have been challenged, the courts have concluded that these bans are unconstitutional.

The conclusion is obvious. The supporters of this unconstitutional legislation would rather have an issue than a bill. President Clinton vetoed this legislation on October 10, 1997. Almost an entire year has passed since that veto. If the Senate Republican leadership genuinely cared about preventing these abortions, they would have brought this veto before the Senate long ago. Instead, they delayed and delayed and delayed. And now, surprise! The Senate is finally being asked to vote on this veto a few weeks before election day. They want an issue, not a bill.

In her testimony before the Senate Judiciary Committee, Coreen Costello put this issue clearly. After consulting numerous medical experts and doing everything possible to save her child, Coreen Costello had the procedure that would be banned by this legislation. Based on that experience, she said this to our committee:

> I hope you can put aside your political differences, your positions on abortion, and your party affiliations and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts. We are the families that had to choose how our babies would die . . . please put a stop to this terrible bill. Families like mine are counting on you.

I want the Senate to sustain the President's veto.

Mrs. MURRAY. Mr. President, I rise today to in support of the President's veto of the so-called Partial Birth Abortion Ban Act and urge my Colleagues to join me in defeating this real threat to women's health.

Most of what has been said here today in support of this ban is troubling, because some have implied that women make health care decisions in haste without much thought or understanding. Let me assure my Colleagues that women have the ability to make informed health care decisions. We are more than capable of understanding the difference between pre and post viability. We are more than capable of making wise health care decisions in consultation with our physicians and family. We do not need Members of Congress making our health care decisions. I believe that most women would argue that health care decisions are best left to physicians and patients.

We argue that patients and doctors should make health care decisions. Not insurance bureaucrats. Yet today many of my Colleagues are trying to make a major health care decision for many women in this country. Not just a health decision but for some women a life or death decision. This is why the American College of Obstetricians and Gynecologists oppose this ban. They understand the threat to women. They know first hand the complications that can develop throughout a pregnancy. They have experienced first hand the risk that many women face throughout a pregnancy. They are the one's we should be listening to in this debate.

That is the issue. Protecting the life and health of the woman. This is not about choice or even about the Constitution. This is about protecting the life and health of women.

Let me point out to my Colleagues, post viability abortions are prohibited except when necessary to save the life and health of the woman. This is the law of the land and I support it. But the legislation that the Administration wisely vetoed would undermine this standard established by the Supreme Court and includes no exception to save the woman's health and the life exception is so narrow that few could meet the test. There is no exception to protect a women's ability to have additional healthy children. There is no exception to give the doctor the ability to do what is right for his or her patient. This is a dangerous precedent that we cannot allow to go forward.

I have come to this floor many time to advocate on behalf of women's health. I have had many successes in increasing funding for research and in working to eliminate gender bias in research. I have worked to increase funding for breast cancer research. I have fought to improve and expand mammography coverage for Medicare beneficiaries. I have worked to increase focus on cardiovascular disease, the number one killer of American women. As a member of the Appropriations Committee, I have always considered women's health one of my top priorities.

I am here today for the same reason, to continue my fight for the lives and health of women. I urge my Colleagues to talk to women who have had to make this decision to have this procedure. Listen to what their doctors told them and why they made the decision forced upon them. I know that if you could hear what they have endured and the heartache they have faced you would understand why today's vote is a women's health vote and why this ban is such a danger to women.

Let women and their doctors make these difficult decisions. This ban is a serious threat to women and their families. Please do not jeopardize a women's health and threaten her life based on gruesome diagrams that simply do not tell the real story.

I would urge all of those who believe that this legislation is necessary to take the time to listen to phyisicans and women who have had this procdure. I can guarantee that this procedure is only done in the final weeks of a pregnancy when it becomes medically necessary to save the women's life or health.

Ms. MIKULSKI. Mr. President, today the Senate will vote on whether or not to override the President's veto of H.R. 1122, the so-called "Partial Birth Abortion Ban". I will cast my vote to uphold the President's veto.

I do so for several reasons. First and foremost, this bill denies a woman, in consultation with her physician, the right to make necessary or appropriate medical decisions. Second, it does not provide any protection for a woman whose health is grievously threatened by her pregnancy. Third, this bill will not stop a single abortion from occurring. Finally, it is unconstitutional.

I believe that women, in consultation with their physicians, must make decisions on what is medically necessary or appropriate in reproductive matters. These must be medical decisions not political decisions.

Mr. President, we need to let doctors be doctors. This is my principle whether we are talking about reproductive choice or any health care matter. Physicians have the training and expertise to make medical decisions. They are in the best position to determine what is necessary or appropriate for their patients. Not bureaucrats. Not managed care accountants. And certainly not legislators.

Who is best equipped to decide whether a difficult pregnancy threatens a woman's life? Who decides whether a woman would suffer grievous injury to her physical health if a pregnancy is continued? Who decides what is medically necessary for a particular woman in her unique circumstances?

The answer must be that doctors decide. The women themselves must decide. Legislators should not take the decision away from them. This bill is unacceptable because it shackles physicians. It prevents them from exercising their best medical judgement on behalf of their patients.

I also will vote to uphold the President's veto because this bill does not offer any protections for women's health. I know that there are many who view efforts to provide for the health of the woman as some sort of loophole. But I believe we must acknowledge the realities of women's health and women's lives.

Even the most ardent opponent of reproductive rights would have to acknowledge that there are medical crises that arise during pregnancy that could cause profound harm to women's health. Yet the authors of the bill before us refused to make any concession to health concerns

I will vote today to sustain the President's veto because this bill would not prevent one abortion—not one. By banning a particular procedure, it does nothing to stop abortions from occurring. A doctor can still opt to use any other abortion procedure—even ones that might be less suitable for the woman's particular health circumstances. So let's be clear—this bill would not prevent abortions.

Finally, this bill fails the test of constitutionality. The Supreme Court in Roe versus Wade and in its subsequent decisions has been quite clear. Prior to the point of fetal viability, a woman's right to an abortion is constitutionally protected.

The Court has also insisted that any legislation restricting abortion must ensure that the woman's life and her health are protected. The woman's physician must place her health as the paramount concern. On both of these points, this bill fails to meet the constitutional standard the Court has established.

This is not mere speculation. In 19 out of 20 states that have passed "partial-birth" abortion bills, either a court or state attorney general has prevented those laws from taking effect. Six of those states used language that is identical to the bill now before the Senate. Seventeen courts have ruled that these state laws are unconstitutional. So it should be clear that this bill cannot pass constitutional muster.

For all of these reasons this bill is seriously flawed. The President's veto of this legislation was the right thing to do. It was the constitutional thing to do. I expect that the Senate will vote today to uphold that veto.

When the Senate passed this legislation last May, I said that its passage was a hollow victory. It was hollow because the bill could never be enacted into law and could never be upheld as Constitutional. I believe that subsequent events are proving that prediction to be correct.

There is a better way to address this issue. I believe the vast majority of my colleagues would agree that—absent a threat to life or a grievous threat to a woman's health—abortion in the last months of pregnancy is not defensible. Why can't we enact legislation that would provide a ban on those post viability abortions?

When the Senate considered this issue last May, I worked with my Democratic Leader TOM DASCHLE and a bipartisan group of Senators to craft such an approach. The Daschle alternative would have meant fewer abortions. It banned all abortions once a fetus had achieved viability.

It provided only two exceptions—first, when the woman's life was threatened by continuing the pregnancy. Second, when she was at risk of grievous injury to her physical health. And it allowed the woman and her physician to make that medical determination.

I still believe that is the correct approach, the common sense approach. The Daschle alternative was respectful of the Constitution. It safeguarded women's health. I was disappointed that we were unable to pass this alternative. I believe the President would have signed a bill along the lines of the Daschle alternative.

Because I believe so strongly that this is the correct approach to take, I have joined with my colleague, Senator DURBIN, and others, in introducing a bill modeled after the Daschle alternative.

I urge my colleagues—whether you support the bill we are considering today or not and whatever your views on reproductive choice—to take another look at this proposal.

It is our best chance to forge a consensus on this issue. We can stop inappropriate post-viability abortions while still protecting the lives and health of women. The Durbin bill shows us the way. I believe it reflects the values and views of the American people.

So, Mr. President, I will vote to sustain the President's veto today. But I would urge my colleagues to bring fresh thinking to this matter. We can have a real legislative solution, rather than a political wedge issue. We should certainly try.

Mr. FEINGOLD. Mr. President, I will vote to sustain the President's veto of HR 1122, the so-called partial birth abortion bill, that seeks to outlaw a particular abortion procedure, which is most closely analogous to the intact dilation and extraction procedure, sometimes called Intact D&E. I do support a ban on post-viability abortions, if the ban is subject to important exceptions to protect a woman's life and prevent grievous injury to her physical health. I am disappointed that the proponents of HR 1122 have steadfastly refused to accept any amendment, no matter how tightly crafted, which would include provisions to protect a woman's physical health in extreme circumstances.

I have said repeatedly here on the floor of the Senate, during hearings in the Judiciary Committee, and at listening sessions held across the state of Wisconsin that I believe post-viability abortions should be banned, with two exceptions. The first is an exception to save the life of the woman, which is an important and necessary provision. I hope we can agree on that point. The second is to protect a woman from grievous injury to her physical health. I hope we can also agree on that point. I am sensitive to the fears of the bill's proponents that any health exception might serve as a major loophole, and I agree that the definition of a threat to physical health should be narrow. But it should be there.

Let me remind my colleagues that the Supreme Court has clearly ruled that, although states have the right to restrict post-viability abortions, exceptions must always be made to protect the life and health of the mother. Twenty-eight states, including my own home state of Wisconsin, have passed so-called partial birth abortion bans, and the statutes in ten states are substantially identical to HR 1122. Wisconsin's experience in the wake of the passage of its partial birth abortion ban should give all of us, as we consider whether to override the President's veto of HR 1122, some additional pause. For nearly two weeks following the passage of the state bill, physicians struggled to determine which procedures, if any, were allowed under the bill; prosecutors proclaimed that they couldn't enforce the new law in their communities until it was clarified by a court.

Last year, I voted for the bipartisan alternative amendment to HR 1122 introduced by Senator DASCHLE and others. I voted for that amendment because it took a comprehensive approach to banning abortions on viable fetuses, rather than merely banning a single procedure. I did so, Mr. President, because I was concerned that the language contained in HR 1122 was imprecise. I looked closely at the bill to see how it addressed the significant concerns raised by my constituents based upon accounts and descriptions of the "procedure" they had heard. The text of HR 1122 does not specify a gestational age, such as "late term;" it does not mention any specific part of the fetus, such as the head; and it does not mention any specific medical instruments, medical situations or circumstances.

I believe that the Daschle amendment provides that needed clarity while being sufficiently narrow to satisfy most reasonable people's concerns about healthy women with normal pregnancies who might seek to terminate those pregnancies in the third trimester. It would have required a physician to certify that continuation of the pregnancy would threaten the woman's life or risk grievous injury to her physicial health. Grievous injury was define in the amendment as "a severely debilitating disease or impairment specifically caused by the pregnancy, or any inability to provide necessary treatment for a life threatening condition."

The other side claims that abortion is never necessary to protect a woman's health. But Mr. President, I have met women whose doctors believed differently. The American College of Obstetricians and Gynecologists (ACOG) and the Society of Physicians for Reproductive Health supports them. ACOG has stated that although Intact D & E may not be the only option to save a woman's life or preserve her health, it sometimes may be the best or most appropriate procedure, depending on the woman's particular circumstances. Precisely because I am not a doctor. I think it is important for us to uphold the President's veto. The point is, Mr. President, that there is a dispute within the medical community about the necessity for and the risk associated with Intact D & E. And that is where it should be resolved. It should be women and their doctors, not politicians, who decide which medical procedure is appropriate within the confines of the Daschle amendment.

The Daschle alternative amendment struck the right balance between protecting women's constitutional right to choose abortion and the right of the state to protect future life. It would have protected a woman's physical health throughout her pregnancy, while ensuring that only grievous, medically diagnosable physicial conditions could justify ending a viable pregnancy. Within the terms of that amendment, both fetal viability and women's health would have been determined by the physician's best medical judgement, as they should be.

I hope, as we vote today, we do so in full knowledge of the strong feelings about this issue on all sides. We should respect these differences, avoid efforts to confuse or distort each others views before the public, and maintain a level of debate that reflects the importance of relying on the facts about this issue and finding a response that is sensitive and constitutionally sound.

Mrs. FEINSTEIN. Mr. President, I opposed the override of the veto of H.R. 1122, a bill banning emergency late-term abortions. There are several reasons why this is a flawed bill. This bill attempts to ban a specific medical procedure, called by opponents, partial-birth abortion, but there is no medical definition of partial-birth abortion. The language in this bill is so vague that it could affect far more than the one particular procedure it seeks to ban, procedures used during the second and possibly the first trimester of a pregnancy. There is no exception to protect the health of the woman. This bill would ban a type of medical procedure regardless of whether it is the medically safest procedure under a particular set of circumstances. States are legislating prohibitions on abortions.

H.R. 1122 would criminalize the use of a medical procedure called, by the bill, partial-birth abortion. This term does not appear in medical textbooks or training. Doctors do not know what it means. The doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to. For example, when asked to describe in medical terms what a partial-birth abortion is Dr. Pamela Smith, Director of OB/GYN Medical Education at Mount Sinai Hospital in Chicago called it "a perversion of a breech extraction." (page 127) Dr. Nancy Romer, a practicing OB/GYN and Assistant Professor at Wright State University School of Medicine, who said the doctors at her hospital had never performed the procedure, had to quote another doctor in describing it as "a dilation and extraction, distinguished from dismemberment D and Es." (page 182)

When the same question was posed to legal experts in Judiciary Committee hearings—to define exactly what medical procedure would be outlawed by this legislation—the responses were equally vague. This vagueness means that every doctor that performs even a second trimester abortion could be vulnerable and could face possible prosecution under this law.

The language in this bill is so vague that, far from outlawing just one abortion procedure, the way this bill is written virtually any legal procedure could fall within its scope. I asked the legal and medical experts who testified at the Judiciary Committee hearing if this legislation could affect abortion-not just late-term abortion-but earlier abortions as well. Dr. Lewis Seidman, Professor of Law at Georgetown University, gave the following answer. "As I read the language in a second trimester pre-viability abortion where the fetus in any event will die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for two years." Dr. Seidman continued his testimony, concluding that "if I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure would eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact." (223)

Dr. Cortland Richardson, Associate Professor of Gynecology and Obstetrics at John Hopkins University School of Medicine, in testimony before a House committee, said that the language "partially vaginally delivers" is vague, not medically oriented, and just not correct. "In any normal second trimester abortion procedure by any method, you may have a point at which a part, a one inch of umbilical cord, for example, of the fetus passes out of the cervical opening before fetal demise has occurred." (H.R. Rep No. 267, September 27, 1995 testimony) So this bill could affect far more than just the few abortions performed in the third trimester, and far more than just the one procedure being described.

This bill has no exemption to protect the health of the mother and as such, would directly eliminate that protection provided by the Supreme Court in Roe v. Wade and Planned Parenthood V. Casey.

If this bill were law, a pregnant woman seriously ill with diabetes, cardiovascular problems, cancer, stroke, or other health-threatening illnesses would be forced to carry the pregnancy to term or run the risk that the physician could be challenged and have to prove in court what procedure he or she used, and whether or not the doctor "partially vaginally-delivered" a living fetus before death of that fetus.

Here are some examples, provided to me by gynecologists, of rare maternal medical conditions that could necessitate a post-viability procedure to protect a woman's health. The health of these women would be endangered in these situations.

A fetus has a huge hydrocephalic head (or other greatly enlarged organ) three times the normal size and a cranium is filled with fluid. The head is so large the woman physically cannot deliver it. Labor is impossible, because the fetus cannot get down the birth canal and out. A caesarian is impossible because it would require a huge, up-and-down incision, which would rupture in future pregnancies or labor. Thus, a woman could not have future children and this procedure affects her ability to have future pregnancies.

A condition called arthrogryposis, or a rigid fetus, the fetus cannot move down and out in labor, and labor risks rupturing the woman's cervix. With prolonged intense pushing the mother's heart is put at risk. If this stiff fetus cannot be delivered by a caesarian, a large vertical incision would be required, thus risking future pregnancies.

Women with certain health conditions cannot tolerate the stress of labor or surgery. They include cardiac problems like congestive heart failure; severe kidney disease (e.g. renal shutdown); severe hypertension, diathesphesis, and Von Willibrand's Disease (bleeding, clotting disorder).

Pre-eclampsia (toxemia) is a serious complication of pregnancy and a leading cause of maternal and fetal death that affects the placenta. The placenta does not attach to the wall of the uterus and thus limits the amount of blood and nutrients reaching the fetus, causing it to be underweight and prone to complications. This condition can progress to eclampsia, which can lead to convulsions, kidney failure, and death. The only treatment is to deliver the fetus. The woman cannot withstand labor or surgery.

A woman with diabetes might have a decline in renal function. She might not be able to tolerate the physical stress of labor or surgery.

Why is this legislation even necessary? Roe v. Wade unequivocally allows States to ban all post-viability abortions unless they are necessary to protect a woman's life or health. Forty-one States have done so. Surely, anyone who believes in States' rights must question the logic of imposing new, Federal regulations on States in a case such as this in area where States have legislated.

Medical decisionmaking should be made by medically trained people, not Congress. Congress cannot anticipate every medical situation and explicitly delineate them in law. During pregnancy, labor, and delivery, complicated conditions can develop that are often last minute, life-threatening, and complex for the mother and fetus. No legislator can ever anticipate, craft into law, every conceivable medical emergency that a physician caring for a pregnant woman will face.

We have entrusted and trained physicians to make safe and ethical medical decisions based on scientific and medical data on the benefits and risks to the patient. They do so based on their extensive training, their best medical judgment, proven medical techniques, and therapeutic assessment of the patient.

Physicians are sworn to protect the health of their patients. Congress should not pass legislation that would deny a physician the ability to provide care that in their professional judgment is medically necessary.

Medical decisionmaking or choosing the most appropriate therapy is based on the risk benefit for the mother and fetus, medical training, multiple decisional building blocks by medical experts, often a team. It is highly individualized. Every case is different. The medical history of patients varies tremendously. There are no absolutes. It is based on medical knowledge and training on a wide array of choices.

Only the attending physicians in consultation with the woman, with all the facts of the medical case and the medical history assembled, can make the decision. Physicians are bound by ethics, licensing, practice guidelines, and liability. Decisions are often team decisions, not made by one isolated physician and always in consultation with the patient or family. We hire trained professionals because we want their expertise.

In the words of the California Medical Association, "We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients . . . political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients." The American Women's Medical Association wrote, "We do not believe that the federal government should dictate the decisions of physicians . . ."

Let me make this clear: I oppose post-viability abortions. They are wrong, except to save the mother's life and health. Late-term abortions are rare and they should be rare. When the Senate considered this bill last year, on May 14, 1997, I offered a substitute to the bill before us. My substitute had 3 provisions. it would have prohibited all abortion procedures after a fetus is viable, not prohibited abortions if in the medical judgment of the physician, an abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman, and imposed civil penalties. I continue to believe that my substitute would accomplish the goals of the bill before us while protecting women's health and constitutional rights.

Mr. President, these are tragic situations, situations that most of us could never imagine. We had couples come to us and tell us heartbreaking stories about babies they dearly wanted, but babies they could not have because to go through labor and delivery the mother would have died, been seriously injured or prevented from having future pregnancies. These were people who explored every available option, who consulted experts, to save the baby that they very much wanted. These are rare and difficult circumstances.

The Federal Government has no place interfering, making this tragic situation any more difficult or complicated for these families. This is a vague, poorly constructed bill. It attempts to ban a medical procedure without properly identifying that procedure in medical terms. It is so vague that it could affect far more than the procedure it seeks to ban. It fails to protect women's health at a time when they face tragic complications in their pregnancies. I urge my colleagues to vote to sustain the President's veto.

Mr. NICKLES. Mr. President, the Senate again is considering the Partial-Birth Abortion Ban Act. This bill, which prohibits a procedure used to kill unborn children late in pregnancy in a particularly gruesome and painful manner, passed both the House and Senate before being vetoed by President Clinton on April 10, 1996. Last Congress, the House voted to override the President's veto by a vote of 285-137. Unfortunately, we failed in the Senate to override the Presidents' veto. The House voted again last year to prohibit partial-birth abortions by a veto proof margin of 295–136 and again the Senate passed the legislation by a vote of 64–36. However, President Clinton vetoed the ban for the second time. Today, the Senate again has the opportunity to over-ride the Presidents veto and put a stop to this horrific procedure. I rise to state my strong support for this just and very necessary legislation and hope that my Senate Colleagues will join with the House members and override the Presidents' veto.

As I am sure all of my colleagues know by now, the procedure banned by this bill—the partial-birth abortion procedure—defies description. I am not going to go into the terrible details of this procedure, which is performed on a living child late in pregnancy.

Mr. Presdient, this is a truly shocking procedure. It is absolutely indefensible. In fact, Dr. Pamela Smith, an obstetrician at Mt. Sinai Hospital in Chicago, and Director of Medical Education in the Department of Obstetrics and Gynecology at that hospital, testified last Congress before the House Judiciary Subcommittee on the Constitution that even when describing the procedure to groups of pro-choice physicians she found that "many of them were horrified to learn that such a procedure was even legal." [H. Rept. 104-267, p. 5]

As Dr. Smith further points out, "partial birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of 'counting the body parts' that are produced in dismemberment procedures." [Letter to

U.S. Senators, 11/4/95] She says, in the same letter: "Opponents [have] insinuated that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptively and patently untrue."

And what about the baby, is the baby exempt from the pain of this procedure? No. As stated in a August 26, 1998, report in the Journal of the American Medical Association: "When infants of similar gestational ages are delivered, pain management is an important part of the care rendered to them. However, with [this procedure] pain management is not provided for the fetus, who is literally within inches of being delivered. It is beyond ironic that the pain management practiced for [this procedure] on a human fetus would not meet the federal standards for the humane care of animals used in medical research."

In a July 9, 1995, letter to Congressman TONY HALL, a registered nurse who had observed as Dr. Haskell (who has performed over 1,000 partial-birth abortions) performed several partial-birth abortions described one such procedure:

> The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out.

President Clinton has claimed that for some women whose unborn babies are diagnosed with grave disorders, this procedure is the only way to prevent serious health damage. But according to the Physicians' Ad Hoc Coalition for Truth (PHACT), a coalition of about 500 medical specialists including former Surgeon General C. Everett Koop, even in cases involving such severe fetal disorders, "partial-birth abortion is never medically necessary to protect a mother's health or her future fertility." (See The Wall Street Journal, Thursday, September 19, 1996, and PHACT press release dated May 7, 1997.)

Not only is this procedure not medically necessary, but it actually is medically dangerous to the health of the mother! According to a recent article in American Medical News (March 3, 1997), Diana Grossheim, on her doctor's advice, opted for the partial-birth abortion technique to remove her 21 week old child who had died in utero. As a result, she now has an incompetent cervix which endangered a subsequent pregnancy and required bed rest from week 23 through the duration of her pregnancy.

Furthermore, according to Dr. Pamela Smith, "there are absolutely no obstetrical situations encountered in this country which require a partially-delivered human fetus to be destroyed to preserve the health of the mother." For example, performing a Caesarean section could produce a healthy mother and living child. (American Medical News, November 20, 1995)

Even Dr. Warren Hern, an abortionist who specializes in late-term abortions, says that even he would not perform a partial-birth abortion because it is unsafe for the mother. He notes that turning the fetus to a breech position is "potentially dangerous" and that "you have to be concerned about causing amniotic fluid embolism or placental abruption if you do that." (American Medical News, November 20, 1995)

Dr. Martin Haskell, one of the major proponents and practitioners of this technique, states that some 80 percent of these procedures which he has performed were for "purely elective" reasons. [Interview with AMA's American Medical News, July 5, 1993] His late colleague and fellow proponent of the partial-birth method claimed in material submitted to the House subcommittee that "non-elective" reasons to perform the procedure include "psychiatric indications," such as depression and "pediatric indications" (i.e., the mother is young).

On January 12, 1997, the American College of Obstetricians and Gynecologists (ACOG) issued a policy statement regarding this procedure stating they "could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman." In July, 1997, the ACOG Executive Board supplemented its policy on abortion toward stating, "ACOG is opposed to abortion of the healthy fetus that has attained viability in a healthy woman."

The American Medical Association, on May 19, 1997 wrote to support H.R. 1122, the Partial Birth Abortion Ban. And, on May 26, 1997, AMA President Daniel H. Johnson. Jr. M.D., stated "The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortion method."

The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure. During last year's debate the New York Times quoted the pro-choice National Abortion Federation, as saying that only about 450 partial-birth abortions are performed each year.

Well, everyone now knows that was a lie! In February this year, Ron Fitzsimmons, the executive director of the National Coalition for Abortion Providers, said he lied about the frequency and necessity of partial-birth procedures. He now admits that this procedure is performed 3,000 to 5,000 times a year with the vast majority being performed during the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. (New York Times, 2–26–97; March 3, 1997, American Medical News.)

In addition, two lengthy investigative reports published last year in the Washington Post and the Record of Hackensack, New Jersey, reporters for both newspapers found that the procedure is far more common than pro-abortion groups have claimed, and is typically performed for non-medical reasons.

The Record found, for example, that a single abortion clinic in Englewood, N.J., performs "at least 1,500" partial-birth abortions a year—three times the number that the National Abortion Federation had claimed occur annually in the entire country. Doctors at the Englewood clinic said that only a "minuscule amount" are for medical reasons. One of the abortion doctors at that clinic told the Record, "Most are Medicaid patients, black and white, and most are for elective, not medical reasons: People who didn't realize, or didn't care, how far along they were. Most are teenagers."

It is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we are having to take legislative action to ban such a procedure. It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is alright to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction, one has to take the position that curling fingers and kicking legs have no life in them. Those who subscribe to such a fiction, are at best, terribly misguided.

As Former Surgeon General C. Everett Koop stated:

> . . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. American Medical News, August 19, 1996.

Even a Chicago Tribune March 3, 1997 editorial stated:

> The American people have learned enough about partial-birth abortions to know that they should be stopped.

Twenty-eight states have approved a ban on partial birth abortions. Now it is time for the Senate to do the same. It is time to end this injustice and the practice of this inhumane procedure. I urge my colleagues to join me in ending this atrocity.

Mr. MCCONNELL. Mr. President, this debate offers each Senator an opportunity to set forth, in a very real way, his or her vision for America. from time to time, we are given a stage, a national audience, and a defining moment—a moment in which we must extol that which is good and noble and just, and reject that which is not. I believe that today provides one such moment in this effort to override President Clinton's veto of the Partial Birth Abortion Ban Act.

I rise today in strong support of the Partial-Birth Abortion Ban Act of 1997. with this vote, the Senate will protect unborn children from the barbaric procedure known as "partial-birth abortion," or it will not. The Senate will side with truth, or it will not.

The president has vetoed this bill on two occasions now, telling the country that partial-birth abortions are necessary in "a small number of compelling cases," to protect the mother from "serious injury to her health," and to avoid the mother's "losing the ability to ever bear further children."

Mr. President, that is not the truth. The evidence is quite to the contrary. The procedure is not limited to a small number of cases, but rather is far more widespread, numbering in the thousands. As one newspaper has explained, "[i]nterviews with physicians who use the method reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year."

The procedure is never necessary to protect the mother's health or fertility. The Physicians' Ad Hoc Coalition for Truth, which includes former Surgeon General C. Everett Koop, has flatly rejected the President's assertion on this point:

> Contrary to what abortion activists would have us believe, partial-birth abortion is *never* medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

The opponents of this legislation have gone to great lengths to hide the truth from the American people. One has famously admitted to deliberate falsehoods. Others have tried to obscure the facts by using medical terms like "intact dilation and evacuation" or "intrauterine cranial decompression." But, no matter what words the other side uses, nothing can change the fact that this procedure is a partial-birth abortion, it is heinous, and it is wrong.

I want to close my remarks this morning, Mr. President, by thanking some very special people for their support on this critical issue. I want to thank Margie Montgomery of Kentucky Right to Life. She has worked tirelessly and faithfully on behalf of unborn children. Her years of service have been truly heroic.

I also want to thank the Respect Life Committee, and particularly Mel Meiners and Dan Bowling. To illustrate the broad support in my state for ending this inhumane act, they have crafted an amazing Prayer Chain, containing over 3,700 signatures from dedicated people who are praying that we will override President Clinton's veto. I would say, Mr. President, that we could probably take their Prayer Chain and stretch it all the way around the Senate floor. We would then be enveloped by this symbol of commitment to protecting unborn children. This Chain is a moving display of faith and commitment—I am very grateful for having receive it.

Let me list a few of the Catholic churches who are responsible for the Prayer Chain: Guardian Angels, Holy Family, Our Mother of sorrows, Resurrection, St. Martin of Tours, and St. Stephen Martyr. The chain is also a product of the efforts of the Little Sisters of the Poor Home for the Elderly, Holy Angels Academy, and, as I've already mentioned, Kentucky Right to Life. I also want the RECORD to reflect that I have received over 10,000 letters and cards from concerned Kentuckians urging us to end this barbaric practice.

I truly appreciate their support and hope that my colleagues will join me in taking a stand for what is right and just. We must send a clear and principled message to the President and to the nation.

Mr. JEFFORDS. Mr. President, today we will vote once again on legislation offered by the Senator from Pennsylvania to ban the dilation and extraction, or D&X, procedure used by doctors, H.R. 1122. I will be voting against this ban for the fourth time in as many years.

My reasons for opposing this legislation are well-known. First, I believe that this bill undermines the Supreme Court's decision in Roe v. Wade to leave these critical matters to the states. Those states who have chosen not to pass legislation banning late-term procedures leave the decision to the woman, her family and their doctor.

Second, I believe that a woman's right to control her own reproductive destiny is protected as part of the Constitutional right to privacy. The Supreme Court under Roe has decided that the decision of whether to undergo an abortion is a matter of individual conscience and should be made by a woman in thoughtful consultation with her doctor.

Third, preventing doctors from using the D&X procedure only when it is necessary to save the life of the mother clearly goes against the Supreme Court's decision in Roe. Roe requires the states to safeguard the life and health of the mother when they regulate late-term abortions. Because of the unconstitutionality of this legislation, I feel I cannot support its passage.

Finally, I believe that women who choose to undergo a D&X procedure do so for grave reasons and I trust that those states that have chosen to regulate late-term abortions do so in a manner that both protects the mother and prevents unnecessary abortions. The Supreme Court has established a delicate legal framework in which to address late-term abortions and we should not shift the decision making to the federal government.

Mr. SANTORUM. Mr. President, I believe I am the last speaker. I suggest the absence of a quorum and ask unanimous consent the time run off the opposition's side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I also ask unanimous consent that I might use 2 minutes from the opposition's side of this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. Mr. President, there are some of us who do not have the eloquent speech of those who have spoken on this issue, but I think that I have a pretty good advisor in this issue.

I am wondering if I am listening to the same America in which I grew up. In rural America, life was simple but life was precious. We were fortunate enough in our family to have a couple of outstanding young folks blessed to our family, one of whom is now a medical doctor in family medicine.

A couple of years ago when this issue came up, she was the first one to call me, she being a new graduate of the University of Washington at the Seattle medical school and now doing her residency in Tennessee. She is blessed with a deeply faithful heart and motivated to doing the good things for humanity, taking her oath that she took upon graduation from medical school very, very seriously. If you have not heard that oath, maybe one should read it one time and see what the medical doctors take upon themselves, those who really do dedicate themselves to humanity. She, plain and simply, told her father that there is no reason for this procedure at all, none.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Those of us who have been granted life and been able to work in it and enjoy the full fruits of it sometimes lose sight of just exactly where we come from. So this is a matter of conscience, the deep American conscience, especially when those who know and are motivated to do the right thing, those who work with it every day, tell us there is no reason for this procedure. I hope my colleagues will support the override of the President's veto.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, may I ask how much time is left on our side?

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds.

Mrs. BOXER. I ask unanimous consent I be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my colleagues very much.

I thought we had a good debate on this yesterday, and I think the issue is pretty clear. I say to my colleagues, there is no health exception in this bill at all, which not only makes it unconstitutional, but which puts women in harm's way. And the life exception in the bill is very narrowly drawn. It is not the usual Henry Hyde language, the first version of his language or even the second. So it becomes very difficult for a physician to act to save the mother's life.

If the President would have signed this bill, he would have been putting a woman's health and her life at risk. So I think he did the right thing to listen to the 39,000 OB/GYNs whose job it is to bring babies into the world. They oppose this bill very strongly. They call it, and I am quoting, "dangerous."

Proponents of this bill argue that it would prohibit a specific procedure. Many of the women who have had this procedure have been here these last few days. They have been visiting us. They were looking in our eyes. They were telling us that they believe very strongly, and their families believe, that without this procedure they could have died. They could have been made infertile. Those women look in our eyes and tell us how desperately they wanted their babies.

One of them I introduced on the floor in a photo calls herself a conservative Republican, an antichoice, pro-life individual. She wanted her baby more than anything else and when tragedy struck, she had to have this procedure. She went to several doctors to try to find a way out, to have her baby. She had to have this procedure. She asks us, don't outlaw this without a health exception and a clear life exception.

So why would we turn our back to hurt women who want children? Why should we presume to know more than 39,000 obstetricians and gynecologists who tell us not to tie their hands in the hospital room?

So I know this is a very difficult issue on both sides. I know there are strong emotions on both sides. But I think the important thing to remember is, if we sustain this President's veto, which I hope we will do, there is not one woman in America who has to have any specific procedure. It is a personal decision. It is a decision based on health. If we go the route of those who are speaking to us today on the other side of the aisle, government would say to doctors, not only in this circumstance, but if they had their way—they are very honest about it, and I respect them for it—no way would abortion be legal in this country. If they had their way, government would step in where religion should be; government would step in where families should be.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield myself the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Let me respond directly to the Senator from California. Let me quote from the 39,000 OB/GYNs letter that was sent up here. It says that the policy committee of this select panel—"could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the mother."

They went on to say that, "However, it may [I underline may] be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the mother."

However, after more than a year, ACOG has given no specific example of any circumstance under which a partial-birth abortion would be the most appropriate procedure in any circumstance. The silence from that organization is deafening. And the reason they cannot give a circumstance is because there is no circumstance. There is no circumstance where this is the best procedure. There is no circumstance where this is needed to be performed for the health of the mother.

This is the last, which I thought was the last, of a series of misinformation that has been spewed out here on the Senate floor and across the country on the issue of partial-birth abortion. I will chronologically go through the lies that have been told by all of the abortion rights organizations, to stop the passage of this bill.

The first lie, when BOB SMITH and CHARLES CANADY introduced the bill they maintained in a letter, the National Abortion Federation did, that illustrations of this procedure are "highly imaginative and artistically designed, but with little relationship to the truth or to medicine."

They denied it existed, denied it was ever done. What was the truth? Three years prior to this statement, Dr. Haskell, who performs this procedure, appeared before the National Abortion Federation meeting and described the procedure shown in the drawings that BOB SMITH used here on the floor of the Senate, and talked about partial-birth abortion to this very group. Lie No. 1.

Lie No. 2, they said that this was a procedure where the fetus would feel no pain because of the anesthesia. I will combine No. 2 and No. 3. Lie No. 3, they went on to say the "anesthesia ensures fetal death."

Planned Parenthood, in a factsheet of October 1995 says, "The fetus dies after overdose of anesthesia given to the mother intravenously."

That is just absurd. Dr. Martin Haskell, again, who is one of the great users of this procedure, in the American Medical News:

> Let's talk about whether or not the fetus is dead beforehand. . . .
>
> Dr. HASKELL. No, it's not. It really is not.

In fact, a group of anesthesiologists came up to the Senate and pleaded to testify to debunk this myth that somehow anesthesia kills, or somehow could anesthetize the baby in the womb, because women were refusing to get anesthesia for fear that they would harm their baby.

Lie No. 4, this was a great one: Partial-birth abortion is "rare."

Testimony after testimony, a letter signed by the Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action, National Abortion Federation and a myriad of organizations said there are fewer than 500 cases in America. None of the reporters here or across America challenged them on it, except one little reporter in Bergen County, New Jersey, who called an abortion clinic and they found out at that clinic 1,500 were done, in that clinical alone. Another lie debunked.

Lie No. 5, another doozy of a lie. This lie said that partial-birth abortion is used only to save the woman's life or health or when the fetus is deformed.

Ron Fitzsimmons on ABC Nightline: "The procedure was used only on women whose lives were in danger or whose fetuses were damaged." Ron Fitzsimmons, fast forward, 2 years later, "What the abortion rights supporters failed to acknowledge is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else."

Another great lie but, by the way, that lie continues to be perpetrated here on the Senate floor, that this procedure is necessary for the health of the mother.

Let's move on to the last great lie, No. 6, partial-birth abortion protects the health of women. Let me tell you what the American Medical Association said when they endorsed this legislation. They say: "Thank you for the opportunity to work with you towards restricting a procedure that we all agree is not good medicine."

There is no reason—there is no reason, this goes on to say in another publication, "There is no health reason for this procedure. In fact, there is ample testimony to show that all of the health consequences are more severe for this procedure than any other procedure used."

If you are really concerned about the health of the mother, then look at all of the information that has been put out there by a variety of different organizations that says that this procedure is dangerous. It would never be used to protect the life of the mother. It is a 3-day procedure. If a mother presents herself in an emergency situation, you don't wait 3 days to evacuate the uterus. You do the procedure immediately. This is not.

Just think, common sense, we are delivering a baby. It is almost born. It is this far away from being born. Why is it healthier for the mother to insert a pair of scissors into the baby's skull, fracturing and shattering that skull inside the mother, causing potential harm to that mother by doing so? It is a blind procedure. Why don't you just let the baby live? The baby is almost outside the mother. Let the baby live. There can be no rationale, can be no rationale for destroying this little baby by executing this little baby at that point in time, when it is almost born.

Let me show you a couple of pictures, because the Senator from California has shown many pictures here on the floor of the Senate of women who have had partial-birth abortions as the reason this procedure needs to be kept legal. Let me show you the picture of a young man who is here in Washington today, Tony Melendez, who is a Thalidomide baby. People like Tony Melendez, came here to the House and the Senate to testify. It was said we need to keep partial-birth abortion legal because of people like Tony Melendez, who don't have arms or don't have legs or may be blind, those people should be aborted—those people who are not worthy to live. That is why we need to keep this, because of those poor deformed babies.

Yes, Tony Melendez was disabled in the sense that he had no arms, but Tony Melendez has been an inspiration to millions across the world in his ability to sing and play the guitar, yes, with his feet, as he did for us this morning downstairs in the Capitol.

The Senator from California will have women standing out there in the hall. Tony will also be there as a stark reminder that this bill is aimed at people like him, people who just are not perfect enough for us to deserve to be born.

I find it absolutely incredible that last year when we debated this bill, right before this bill came up, we had a vote on the Individuals with Disabilities Education Act. Passionate people on the other side of the aisle, whom I respect greatly for their defense of the disabled, got up and talked about how it was so important to give these people meaningful lives. They gave impassioned speeches, and yet, in the very next vote, they said that while they want to give them the right to education, they don't want to give them the right to live in the first place.

The Bible says, "A house divided against itself cannot stand." You cannot in any way conceivably fit in that you are willing to fight for the disabled, but only after they survive birth; you won't fight for them—in fact, you point the finger at them and say that those, in particular, should not be born.

The Democratic Party, over the last 100 years, has had a wonderful, wonderful reputation for fighting for those who are the least among us, for civil rights, for rights for women, rights for minorities, rights for the disabled. They have continued to try to open the American family, and I salute them for that. But they do a great disservice to that legacy when they turn their backs on people like Tony Melendez and Donna Joy Watts.

One of the cases that is cited often by the President is cases of children with hydrocephaly. Donna Joy Watts had hydrocephaly with no chance to live. Her mother had to go to three hospitals just to get Donna Joy delivered. They wouldn't deliver her. They would abort her, everyone would abort her, but they wouldn't deliver her. And Donna Joy is here today at 6 years of age. She just earned her white belt in karate.

Mr. President, I have been asked many times what pulled me to the Senate floor to debate this issue, because I had never spoken a word in the House or Senate about the issue of abortion, and I have given a lot of answers as to why I joined BOB SMITH in this fight.

I finally realized after the birth of my son and the death of my son, Gabriel; it finally came to me what pulled me to the Senate floor. What pulled me here was something that my son revealed to me in his short life—that we draw lines that don't exist in our society with respect to life. He revealed to me, in the love that I had for him, that what pulled me to the Senate floor was the love that I have for little children like Donna Joy and Tony and so many others.

I ask my colleagues today if they will open their hearts and love them, too.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is, Shall the bill (H.R. 1122) pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 64, nays 36, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—36

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Collins
Dodd
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER (Mr. KYL). On this vote, the yeas are 64, the nays are 36. Two-thirds of the Senators voting, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1645.

The legislative clerk read as follows:

A bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortive decisions.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu therof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

"Sec.

"2401. Transportation of minors to avoid certain laws relating to abortion.

"§2401. Transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby

in fact abridges the right of a parent under a law, requiring parental involvement in a minor's abortion decision, of the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

"(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regulatory resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors to avoid certain laws relating to abortion .... 2401.".

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee amendment to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin G. Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, and Chuck Hagel.

Mr. NICKLES. Mr. President, I ask unanimous consent that the cloture vote occur at 4:30 p.m. on Tuesday, September 22, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, just so Members will know, there is a cloture motion that has just been filed. We should note for the record that we have been working in good faith with the chairman of the Judiciary Committee and the distinguished Senator from Michigan, Mr. ABRAHAM, on reaching agreement on a unanimous consent agreement. We started working on this agreement immediately after the majority invoked cloture to proceed to the bill. And in showing our good faith, everybody on this side of the aisle voted for that, to proceed to the bill. In fact, as I recall, the vote was unanimous in this Chamber.

S. 1645 is a bill that provokes strong feelings on both sides. A number of Members have expressed interest in offering amendments to this bill. In fact, on Tuesday, I say to the Senator from Oklahoma, we sent the Republican side a fairly limited list of amendments that Democrats plan to offer to the bill. Some of these amendments, such as those of the distinguished Senator from California, Mrs. FEINSTEIN, were debated in committee with careful thought and consideration, I thought, on both sides of the aisle.

In fact, I told Senator ABRAHAM later that I believed we had a very good debate on this bill in committee, and, as the distinguished Senator from Michigan knows, I did my best to move the bill along through committee.

We have not heard back from the Republican side about where we stand on the UC with the amendment list we proposed. We are waiting to hear back. I think if we work on this we will be able to reach some agreement and proceed on this measure with full and fair debate on the amendments that Members want to offer.

I whole-heartedly support the goal of fostering closer familial relationships and the notion of encouraging parental involvement in a child's decision whether to have an abortion. I believe, however, that States should continue to maintain their historically dominant role in developing and implementing policies that affect family matters, such as marriage, divorce, child custody and policies on parental involvement in minors' abortion decisions. That is the nature of our federal system, in which the States may, within the common bounds of our Constitution, resolve issues consistent with the particular mores or practices of the individual State.

In my view, this bill significantly undermines important federalism principles that we have respected—at least since the Civil War. In addition, while I know as a parent that most parents hope their children would turn to them in times of crisis, no law will make that happen. No law will force a young pregnant woman to talk to her parents when she is too frightened or too embarrassed to do so. Instead, of encouraging a young woman to involve her parents in a decision to have an abortion, this bill will drive young women away from their families and greatly increase the dangers they face from an unwanted pregnancy. For these reasons, I oppose this bill.

Proponents contend that the bill's "simple purpose" is to provide assistance to States that have elected to adopt parental consent requirements. Yet, the bill would not give federal enforcement "assistance" to all forms of parental consent or notification laws adopted in 40 states. Under the definition in the bill, only the most restrictive State parental consent or notification laws would get such assistance. The bill carefully restricts the parental involvement laws that would enjoy the new federal "assistance" offered by the bill to those that require the consent of or notification to only parents or guardians of a pregnant minor. States that have adopted a law that allows for the involvement of any other family member, such as a grandparent, aunt or adult sibling, in the decision of a minor to obtain an abortion would not be covered and not entitled to any Federal "assistance."

Only 20 States have adopted parental consent or notification laws that are currently enforced and meet the bill's definition of a "law requiring parental involvement in a minor's abortion decision." Thus, the majority of the States either have opted for no such law or are enforcing a law that allows for the involvement of adults other than a parent or guardian in the minor's abortion decision.

Proponents are just plain wrong when they argue that this bill "does not supersede, override, or in any way alter existing State laws regarding minors' abortions." On the contrary, the direct consequence of this bill would be to federalize the reach of parental involvement laws in place in the minority of States in ways that override policies in place in the majority of the States in this country.

The fact that the bill establishes no new parental consent or notification requirements is a mere fig leaf which cannot hide its anti-federalism effect. The bill would use federal agency resources to enforce the minority—20—States' parental involvement laws wherever minors from those States travel and in connection with actions taken in other States. Furthermore, it would create a federal crime as a mechanism for such federal intervention.

This is an extraordinary step to extend one State's parental consent laws against its residents wherever they may travel throughout the Nation. The twenty State parental involvement statutes "assisted" by S. 1645 were not drafted with this extraterritorial application in mind. These statutes do not say that the parental involvement provisions hinge on residency but provide restrictions on abortions to be performed on minors within the State where the law applies. Nevertheless, even if these States have not contemplated and neither need nor want Federal intervention to enforce their parental involvement laws, this bill would federalize the reach of these laws wherever the pregnant minors of those States travel within the country.

This is not even how these State parental consent laws were drafted: They do not say that they do not hinge on residency. They do not say that they apply to the residents of the State no matter where those residents may travel. These State laws were drafted to apply only to conduct occurring within the State's borders and to provide restrictions on abortions to be performed on minors within the State.

Ironically, even if a State does not enforce its own parental involvement law, due to a court injunction or determination of a State Attorney General, this bill may still make it a federal crime to help a minor cross State lines for an abortion without complying with that unenforced or unenforceable State law. Despite the sponsors' intention that S. 1645 not apply in those circumstances, the language of the bill is simply not clear on that issue.

S. 1645 AND DRED SCOTT

I can think of only one other instance in which the federal government applied its resources to enforce one State's policy, absent a State judgment or charge, against the residents of that State even when the resident found refuge in another State: fugitive slave laws before the Civil War. While none of us—and certainly not the sponsors of this legislation—would ever condone slavery. I know they would join with me and the other opponents of this legislation in condemning that heinous part of our country's history. Yet, unfortunately, that is the only legislative precedent we have for a bill that would use federal law to enforce a particular State's laws against its citizens wherever those citizens may travel.

Thankfully, the Thirteenth Amendment to the Constitution outlawed slavery and repealed article IV, section 2, paragraph 3 of the Constitution, which authorized return of runaway slaves to their owners. That authority, and congressional implementing laws [The Fugitive Slave Act of 1793], enabled slave owners to reclaim slaves who managed to escape to "free States or territories.

In fact, the notorious Dred Scott decision relied on this since-repealed constitutional provision to decide that slaves were not citizens of the United States entitled to the privileges and immunities granted to the white citizens of each State. This is why Dred Scott, born a slave, was deemed by the Supreme Court to continue to be a slave, even when he traveled to a "free" territory that prohibited slavery.

In 1858, Abraham Lincoln, who was at the time running for the U.S. Senate, criticized the Dred Scott decision, "because it tends to nationalize slavery." Indeed, the dissenting opinion in Dred Scott, made plain that "the principle laid down [in the opinion] will enable the people of a slave state to introduce slavery into a free State * * *; and by returning the slave to the State whence he was brought, by force or otherwise, the status of slavery attaches, and protects the rights of the master, and defies the sovereignty of the free State."

So, too, with S. 1645. It tends to nationalize parental consent laws, even in those States that have declined to adopt that policy. Fugitive slave laws are no model to emulate with respect to our daughters and granddaughters.

Make no mistake, despite the sponsors' contention that this bill does not "attempt to regulate any purely intrastate activities related to the procurement of abortion services," the effect of this bill would be to impose the parental consent policies in the minority of States on the residents of the majority of States. For example, Vermont has no parental consent or notification law, though a neighboring State—Massachusetts—does. In the early 1980's, press reports indicated that a two percent increase in abortions in Vermont were attributable to minors from Massachusetts coming across the border to avoid telling their parents under that State's parental consent law.

If this bill becomes law, Vermont health care providers could be put in the position of enforcing Massachusetts' parental involvement laws before any abortion procedures are performed on minors from Massachusetts; otherwise these health care providers run the risk of criminal or civil liability. In other words, when confronted with a nonresident pregnant minor, who may be from Massachusetts, a Vermont health care provider would not be able to perform procedures that are legal in Vermont and protected by the United States Constitution. Instead, that Vermont health care provider would be forced to import and enforce another State's law.

Since it is not always easy to tell where a minor's "home" State is, health care providers would end up bearing the burden, in terms of time, cost and resources, of checking on the residency of every minor who comes to them for abortion services. This may be the only way to ensure that there are no nonresident minors among them who have not complied with their "home state" parental involvement laws. This is not the policy that the majority of States have chosen for the minors within their borders, yet the bill would force the laws and policies of the minority of States on them.

Health care professionals share this concern. Dr. Renee Jenkins, testified before the Judiciary Committee about the effect of this bill on clinics, doctors and other health care providers. She told us:

> I am concerned about the effect on and responsibilities to the health care providers involved: the doctor's responsibility when providing abortion services to women of any age from out-of-state. . . . I am very concerned that Congress may put health care providers in the position where they must violate their state's confidentiality statutes in order to meet the obligations of a neighboring state.

Moreover, the Federal Government would be in the unfortunate position of prosecuting people differently, depending on the State in which that person has established residence. This disparate treatment would result from the non-uniformity of State parental involvement laws. State statutes on parental involvement in a minor's abortion decision vary widely and, as noted, a number of States have no such requirement at all. Thus, under the bill, whether a person is subject to Federal prosecution would depend upon the vagaries of State law.

Just because some in Congress may prefer the policies of some States over those in the majority of the States does not mean we should give those policies federal enforcement authority across the nation. Doing so sets a dangerous precedent.

We should think about how this policy might impact additional settings. For example, some states, such as Vermont, allow the carrying of concealed weapons without a permit, while other States bar that practice. Should Congress authorize federal intervention that would allow residents of States, like Vermont, to enjoy the privilege of carrying their concealed weapons into States, like Massachusetts, with more restrictive concealed weapons laws?

Or what about State laws governing the sale of fireworks? Vermont bars the sale of all kinds of consumer fireworks, including roman candles and sky rockets. These fireworks are perfectly legal in other States, including New Hampshire. What would we think about making it a federal crime for a Vermonter to go to New Hampshire to buy consumer fireworks because they are illegal in Vermont? I believe we would view such a law—even if it were constitutional and even if it would promote the "safer" State fireworks law—as overreaching in the exercise of our federal power.

It is the nature of our Federal system that when residents of a State travel to neighboring States or across the Nation, they must conform their behavior to the laws of the States they visit. When residents of each State are forced to carry with then only the laws of their own State, they may be advantaged or disadvantaged but one thing is clear: We will have turned our federal system on its ear.

Significantly, the Department of Justice, in a July 8 letter to me, has described the myriad of practical enforcement problems with this bill. According to the Department, this bill would be "notably difficult to investigate and prosecute, and would involve significant, and largely unnecessary, outlays of federal resources."

For example, the Department points out that since this bill is predicated on conduct that may be perfectly lawful under the law of the State where the conduct occurred, local law enforcement may be unable to assist. This will leave the detection and investigation of violations of S.1645 entirely to the FBI and "place a great burden on the FBI."

Practically speaking, if this bill becomes law, FBI agents may have to serve as "State Border Patrols" to ensure that pregnant minors crossing State lines with another person is not doing so to have an abortion without complying with her home State's parental consent law.

Just last week, we held a hearing on counter-terrorism policies and heard from the FBI Director about the challenges the Bureau is already facing both here and abroad to protect the safety of Americans. They are currently investigating the deaths of 19 U.S. servicemen in Khoban Towers bombing in Saudi Arabia, and the deaths of over 250 people, including 12 Americans, caused by the recent bombings in Kenya and Tanzania. If this bill becomes law, how much of the FBI's attention will be diverted to help enforce the parental consent laws of 20 States? I think the FBI already has a full plate of duties that should not be diverted by this new federal enforcement authority called for in this bill.

In addition, the bill would sweep into its criminal and civil liability reach family members, including grandparents or aunts and uncles, who respond to a cry for help from a young relative by helping her travel across State lines to get an abortion, without telling her parents as required by the laws of her home State. Even the sponsors of this bill acknowledged the overbroad reach of the criminal liability provision in the original bill and took steps, with a substitute amendment adopted during the Committee's consideration of the bill, to exclude parents, but only parents, from the threat of criminal prosecution and civil suit.

The purported goal of this bill, to foster closer familial relationships, will not be served by threatening to throw into jail any grandmother or aunt or sibling who helps a young relative travel out-of-State to obtain an abortion without telling her parents, as required by her home State law. The real result of this bill will be to discourage young women from turning to a trusted adult for advice and assistance. Instead, these young women may be forced then into the hands of strangers or into isolation. In fact, a 1996 report by the American Academy of Pediatrics, cites surveys showing that pregnant minors who do not involve a parent in their decision to have an abortion, often involve other responsible adults, including other relatives.

Keep in mind what this bill does not do: it does not prohibit pregnant minors from traveling across State lines to have an abortion, even if their purpose is to avoid telling their parents as required by their home State law. Thus, this bill would merely lead to more young women traveling alone to obtain abortions or seeking illegal "back alley" abortions locally, hardly a desirable policy result. Young pregnant women who seek the counsel and involvement of close family members when they cannot confide in their parents—for example where a parent has committed incest or there is a history of child abuse—would subject those same close relatives to the risk of criminal prosecution and civil suit, if the young woman subsequently travels across State lines for an abortion.

Threatening an FBI investigation and a criminal prosecution of any loving family member who helps a young pregnant relative in distress to go out of state to obtain an abortion, would be a short-sighted and drastic mistake.

In addition to close family members, any other person to whom a young pregnant woman may turn for help, including her minor friends, health care providers, and counselors, could be dragged into court on criminal charges or in a civil suit. The criminal law's broad definitions of conspiracy, aiding and abetting, and accomplice liability, in conjunction with the bill's strict liability, could have the result of indiscriminately sweeping within the bill's criminal prohibition a number of unsuspecting persons having only peripheral involvement in a minor's abortion—even if they were unaware of the fact that a minor was crossing state lines to seek an abortion without complying with her home State's parental involvement law. As a result, the law could apply to clinic employees, bus drivers, and emergency medical personnel.

I also fear that the bill may have the unintended consequence of encouraging young women in trouble to abandon their family, friends and homes. If they are willing to travel across State lines to obtain an abortion, will this bill effectively force them to move their domicile across State lines to avoid engendering criminal and civil liability? If becoming a resident of another State will eviscerate the hold of a home State's restrictive parental consent law, moving, or running away from home may be the only choice that passage of this bill may leave to them if a young woman is determined not to tell her parents. And, what of those young woman who intend to move or those who tell others that they intend to move, does that defeat the claims the bill is intended to create to deter abortions?

No law—and certainly not this bill—will force a young pregnant woman to involve her parents in her abortion decision if she is determined to keep that fact secret from her parents. Indeed, according to the American Academy of Pediatrics, the percentages of minors who inform parents about their intent to have abortions are essentially the same in States with and without notification laws. Yet, while doing nothing to achieve the goal of protecting parental rights to be involved in the actions of their minor children, S. 1645 would isolate young pregnant women forcing them to run away from home or drive them into the hands of strangers at a time of crisis, and do damage to important federalism and constitutional principles.

Finally, because the bill imposes significant new burdens on a woman's right to choose and impinges on the right to travel and the privileges and immunities due under the Constitution to every citizen, constitutional scholars who have examined the proposal have concluded that it is unconstitutional.

I am particularly struck by Harvard University Law School Professor Laurence Tribe's statement that that "the Constitution protects the right of each citizen of the United States to travel freely from state to state for the very purpose of taking advantage of the laws in those states that he or she prefers." He concluded.

A vote against this bill is a vote for preserving a young woman's ability to turn to a close relative or friend, in what may be the toughest decision she has ever faced, without fear that her trusted grandmother, stepparent, or best friend would be fined or jailed. A vote against this bill is a vote for preserving the important federalism principles.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I want to acknowledge that the Senator from Vermont and others on the Judiciary Committee, who are on the minority side, have worked with us. I think we did have, as the Presiding Officer knows, a very fair and I think thoughtful debate about the Child Custody Protection Act in committee. Let me just make a couple of points as to where, it seems to me, the situation currently stands.

First of all, we have had a list of potential amendments submitted. We have not seen language for any of those that are new. Some were in fact offered in committee. But the new ones we have not seen, and it would be very helpful, from the standpoint of moving the process forward, if we could get a better sense of what those are and how many, therefore, might be acceptable.

Second, I point out to all Members that amendments that were offered in committee, a number of which constitute the list we have seen, would remain relevant amendments postcloture on the bill because in fact they would stay in play. So even if cloture were invoked on the bill, it would not preclude those amendments from being considered and voted on here.

The fundamental problem is the Presiding Officer and, frankly, all Members are aware that what we confront now is a time problem. And if we can come up with an agreed upon list of amendments with reasonable time limits, I think we can move forward on this bill in the same productive way here in the full Senate that we did in the committee. But I think to get there we really require a couple of things. One is a little more information about some of the amendments that have been offered, particularly those that do not appear to be relevant amendments, and then some cooperation with respect to reaching an agreement on time limits for the amendments.

I do not think this is a situation that has to go to a cloture vote if we can resolve some of this. I again urge my colleagues to note, to the extent of the amendments that have been proposed, at least the ones we do know about because of they having been offered in committee, they will remain relevant amendments postcloture.

I think the majority leader and the full Senate understand the limited time we have. We cannot have this legislation on the floor for too long a period of time given all the other important pieces of legislation that demand our attention. But if we can limit the time and move to the amendments, I think it is possible to move forward. But even if we were to invoke cloture, it would not preclude many of these amendments. It would presumably eliminate some that truly are not relevant to the bill. And this is, I think, where we find ourselves.

So our staff, certainly on the majority side, is anxious to continue working with the ranking member and his staff to see if we can come to some agreement, hopefully, by the end of the day on Tuesday.

Mr. President, I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. NICKLES. I ask unanimous consent that the Senate resume consideration of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. For the information of all of our colleagues, the Senate has resumed consideration of the bankruptcy bill and will hopefully make some progress on the remaining amendments to that bill. However, no further votes will occur during today's session. The Senate, as previously ordered, will have a tabling vote on the minimum wage issue on Tuesday. That vote will occur at 2:20 p.m. The vote at 2:20 on Tuesday will be the first vote of the week in observance of the Jewish holiday, Rosh Hashanah, which occurs on Monday. It is my hope that other amendments will be stacked in sequence to occur after the 2:20 p.m. vote. I appreciate all of my colleagues' consideration.

AMENDMENT NO. 3602 TO AMENDMENT NO. 3559

(Purpose: To ensure payment of trustees' costs under chapter 7 of title 11, United States Code, of abusive motions, without encouraging conflicts of interest between attorneys and clients)

Mr. FEINGOLD. Mr. President, I rise to offer this amendment for myself and Senator SPECTER, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] for himself, and Mr. SPECTER, proposes an amendment numbered 3602 to amendment no. 3559.

Mr. FEINGOLD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike Section 102(3)(A) on lines 18 through 25.

On page 5 on line 17 after "bad faith," insert:

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings:

(i) a motion for dismissal under this subsection and the court grants that motion and finds that the action of the debtor in filing under this chapter was not substantially justified, the court shall order the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees; or

(ii) a motion for conversion under this subjection and the court grants that motion the court shall award reasonable costs in prosecuting the motion, including reasonable attorneys' fee, which shall be treated as an administrative expense under Section 503(b) in a case under this title that is converted to a case under another chapter of this title."

Mr. FEINGOLD. Mr. President, section 102(A)(3) of S. 1301, the section of the bill that would make a debtor's attorney responsible for the costs and the fees of the trustee if the attorney loses a 707(b) motion and the chapter 7 filing if it is found not to be "substantially justified" is a very troubling provision.

As we know, a 707(b) motion does allow the court to dismiss or convert a bankruptcy petition. This is an important safeguard that protects the bankruptcy system from having abusive chapter 7 filings. There certainly is some abuse by some debtors' attorneys. However, this provision does not punish the attorneys. It actually punishes their clients.

This provision, Mr. President, in effect, will deny debtors their right to be represented by counsel. What it will do is deny debtors any meaningful access to chapter 7 of the bankruptcy code. Therefore, ultimately, this provision will have the effect of denying debtors equal access to justice.

This bill makes the debtor's attorney responsible for the costs and fees of the trustee—not if the bankruptcy filing was brought in bad faith, not if the bankruptcy was frivolous, but only if the motion was "not substantially justified."

I believe this is unprecedented in American law. Parties—not their lawyers—are sometimes assessed fees under fee shifting statutes that are designed to level the playing field or encourage certain types of suits. However, unlike section 102(A)(3), every other provision in which lawyers are assessed fees requires affirmative wrongdoing by the lawyer. In every other case the lawyer has to be found to, in effect, have been guilty of affirmative wrongdoing.

As we all know, the standard of "not substantially justified" is a significantly lesser standard than a "frivolous" standard. Indeed, the Supreme Court held in Pierce v. Underwood that "not substantially justified" is a standard "greater than general reasonableness," but a standard which "falls short of that necessary to issue sanctions for frivolousness."

Given the vaguely defined contours of this standard, it is likely that cases would be dismissed in which there was a good-faith argument that the chapter 7 filing was proper. Indeed, in other contexts, courts have interpreted that the "not substantially justified" standard is widely varying.

The impact in this provision will be, in effect, to eliminate the filing of chapter 7 cases by debtors' attorneys except in the most clear-cut cases, regardless of whether a chapter 7 filing would actually be in the best interest of the client. Obviously, very few, if any, debtors' attorneys are likely to put their own finances and welfare on the line for such a filing. Or if a few debtors' attorneys do continue to handle such cases, they will likely raise their fees to account for this tremendous risk, thereby pricing themselves out of the market except for the most wealthy of debtors. It is an oxymoron to talk about the wealthiest of debtors.

In the end, the result of this attorney's fees provision is that many debtors will be denied the benefit of counsel if they wish to file for chapter 7. In other words, many chapter 7 debtors will be forced to proceed pro se. As we have recently seen in the well-publicized abuses by Sears and others, many pro se debtors, due to their lack of knowledge about the system, suffer abuse under existing bankruptcy law.

The bill, as a whole, supplies potentially unprincipled creditors with many new tools to take advantage of pro se debtors. The bill would allow an unscrupulous creditor to make threats of 707(b) motions, threats of discharge ability complaints, and threats of repossessing household goods, which may ultimately result in debtors signing ill-advised reaffirmation agreements.

In addition, the attorney's fees provision, because it will compel many debtors now to file pro se, will likely result in a number of debtors having their petitions dismissed for even trivial or procedural mistakes.

As you know, pro se cases are frequently dismissed because debtors file papers incorrectly and cannot correct them quickly enough. And, of course, this bill, by forcing more and more debtors to go with pro se representation, simply exacerbates this problem.

Mr. President, Section 303 of the bill creates a presumption of bad faith when a case is dismissed for failure to file the required papers in the proper form. This provision, coupled with the fact that significantly more debtors will be forced to file pro se, will mean that many people who filed in good faith will have their petitions dismissed and, thus, will never receive their rightful bankruptcy relief.

Moreover, in this the bill's current attorney's fees provision is maintained; it will have the perverse effect of increasing abuses in this area. As previously noted, this provision will cause attorney fees to increase; therefore, more people will be unable to pay attorneys. In addition to catalyzing the pro se problems that I have already discussed, the provision will also cause nonattorney petition preparers to proliferate and they—much more so than debtors' attorneys—have, unfortunately, historically been the No. 1 source of the abusive bankruptcy filings, which this entire bill is so focused upon.

Indeed the nonattorney petition preparers have always been most prevalent where bankruptcy attorney's fees are the highest, notably in southern California and, to a lesser extent, in cities like New York. Very few pro se debtors actually prepare their own papers. Most have to seek help from these petition preparers who sometimes do a terrible job for them, give faulty legal advice, and file cases that often prejudice the debtor as well as landlords, mortgage companies, and other creditors.

Mr. President, in the end, on an issue like this, we have to be honest with ourselves. These attorney fees provisions are designed to intimidate lawyers into counseling against a chapter 7, plain and simple; that is the goal. This is inherently troubling, but such a provision, Mr. President, creates a blatant conflict of interest between the debtor's attorney and his or her client. What if the client has a valid chapter 7 case and would be better served by a chapter 7? Under this new rule, if we don't change it with this amendment, the attorney will have the perverse incentive to counsel his or her client to enter into chapter 13 in order to protect the attorney's financial interests.

This issue was actually raised at one of the hearings called by the Senator from Iowa, Senator GRASSLEY. A powerful and troubling example was offered to illustrate the dilemmas that bankruptcy lawyers will potentially face under this bill.

The scenario presented was that of a client who supports an elderly relative. Since a lawyer could not be sure if supporting an elderly relative would be considered a "reasonable living expense," the lawyer would be taking a risk, a personal risk, by filing for chapter 7 and zealously arguing—as the attorney is required to do—her or his client's case. Indeed, rule 1.7(b) of the Rules of Professional Conduct specifically prohibit a lawyer from handling a case "if representation of that client may be materially limited by the lawyer's * * * own interests." Mr. President, this bill would institute a scenario in which a debtor's attorney would arguably violate this rule whenever chapter 7 is at issue.

The amendment I am offering aims to prevent the inevitable conflicts of interest, perverse incentives, and harm to vulnerable good-faith debtors that this provision would create. My amendment would simply make all reasonable costs of prosecuting a 707(b) motion incurred by a trustee an administrative expense. Characterization of trustees' fees as an administrative expense would then ensure that the trustee receive reimbursement if the debtor's case is dismissed or converted; but what it would do, also, is prevent the conflict of interest specifically prohibited by the Rules of Professional Conduct that I just mentioned.

Senator SPECTER and I offered in committee an amendment that would have amended the bill to provide that the debtor's attorney would only be liable if his or her chapter 7 filing was frivolous. This amendment would have simply placed debtors' attorneys in the same position as all other attorneys. That is, they would only be held personally liable if they engaged in some kind of affirmative wrongdoing.

This proposed amendment was, however, defeated in committee, but it was defeated by a 9-9 vote. Those Senators who voted no on our amendment claimed they were doing so because they wanted to maintain the financial incentive for panel trustees to challenge allegedly abusive chapter 7 filings. We have carefully, and in response to that, recrafted our amendment to retain this financial incentive. Under this amendment, the panel trustee who successfully challenges a chapter 7 filing will be rewarded for their efforts.

In addition, if the debtor's attorney does file a frivolous chapter 7, that attorney will be punished. Just as every other attorney can be sanctioned for frivolous filings, the bankruptcy code already provides for sanctions to be assessed against an attorney who has actually acted in bad faith.

So, Mr. President, in sum, my amendment seeks to equitably reimburse the panel trustee if he or she is forced to prosecute a party who inappropriately filed for chapter 7; but it also tries to strike the right balance by striving to protect a debtor's right to counsel. Nothing is more fundamental to our legal system than the right of every American to be represented by a qualified and zealous attorney. We should not risk compromising this right, particularly for vulnerable parties who often seek protection under the bankruptcy system.

I strongly urge my colleagues to make this change, which I think would be in the spirit of improving this piece of legislation that both the Senator from Iowa and the Senator from Illinois have worked so diligently on.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Wisconsin for bringing this issue up. It is one that had a close vote in the committee. I presume it has a legitimate place in discussion on the floor of the Senate because of the very close vote. However, I opposed it in committee, and I intend to oppose it here on the floor of the Senate.

I would say that in this area, Senator DURBIN and I have tried to respond to some of the concerns that Senator FEINGOLD has had. We did include in our legislation, as a result of his proposals in committee, that when a lawyer was substantially justified in feeling that this person should be placed in chapter 7, the penalties that we have in the bill otherwise applicable to lawyers who would put people in 7 that should be in 13, would not be applicable if the judge found so.

But this amendment—and I apologize to the distinguished Senator from Wisconsin—just goes too far. I think we need to look at some of the basic reasons why we have legislation. Not everybody would agree with my long list of reasons that we ought to have legislation; but, obviously, I have talked about the lack of personal responsibility.

Second, we have had Congress for 30 years setting a bad example for the individuals of America because we have had 30 years of deficit spending. What sort of a signal does that send to the people of this country? If the government can do it, surely they can do it. Hopefully, we will get over that hurdle this year. For the first time in 30 years, we will have a balanced budget. Hopefully, I think we are going to pay down something like $63 billion on the national debt, and hopefully even more than that.

We also have the credit card industry that we have talked about here in the last several days on this bill. Maybe they are not careful enough about who they encourage to use credit cards and go into debt with the credit card purchase of goods and services. But we have a very aggressive bar. That is my feeling—that the bankruptcy bar is not counseling their clients like they used to of whether or not they could go into bankruptcy. We even hear that it isn't the lawyer that can get people into bankruptcy, it is a legal aid, a legal assistant, who can, through the forms that are madè and the electronic filing of collecting a fee, very quickly get people into chapter 7. We are trying to deal with the behavior of the bankruptcy bar in the sense that we want them to get to the point where they are counseling people. Should they be in bankruptcy at all? And, second, should they be in chapter 7, or chapter 13?

So, obviously, if we feel that there has been some abuse of the present practices of the bar, we want to make sure that we have disincentives for people to go into 7, if they go into 13. And we have used disincentive penalties against the legal profession, if they should have been in 13 against the lawyers, I should say, who advise.

We have responded to some of those concerns that Senator FEINGOLD has already raised. But we can't respond to all of them.

I strongly oppose this amendment, because one of the key features of our bill is that it holds debtor lawyers accountable for their actions. We do this by imposing fines when they steer clients into chapter 7 who otherwise can repay their debts.

We all have heard stories about the bankruptcy mills which recklessly send people into bankruptcy and process people in bankruptcy like sometimes we process cattle. Any meaningful reform must address the issue. The Grassley-Durbin bill does that—S. 1301, the bill before us.

This amendment by Senator FEINGOLD, in my estimation, would effectively nullify the new financial incentives for debtor lawyers to act responsibly. This amendment completely takes away the fines that bankruptcy lawyers must pay when they recklessly steer people to have the ability to repay their debts into chapter 7 and away from chapter 13. These fines will be an effective and meaningful way to ensure that lawyers advise clients responsibly.

If adopted, this amendment will allow bankruptcy mills to continue turning out knew bankruptcy cases. Under this amendment, a debtor's lawyer who is deliberately ignorant of a debtor's ability to repay his debt gets off scot-free. Perhaps we should call this amendment the "Bankruptcy Mills Protection Act."

I oppose this amendment and urge my colleagues to do so.

The amendment will not provide true financial incentives for chapter 7 trustees to go over all of the filings that are in chapter 7 and find out which ones can be removed to chapter 13, because this work of the public trustees—chapter 7 trustees—is one of the two major tools that we have to make sure that people who have the ability to repay debt do it rather than getting off scot-free, as most often happens in chapter 7.

The Feingold amendment won't provide a penny when a 707(b) motion is acceptable and the case is then dismissed. In that case, there won't be a chapter 13 case to allow trustees to collect expenses.

I ask my friends to help us keep this bill tightly written so that there is, in fact, a change of behavior among bankruptcy lawyers to advise clients to be responsible for debt—to maybe not go into bankruptcy at all, or if bankruptcy would be charted to chapter 13 as opposed to chapter 7.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I enjoy and appreciate working with the Senator from Iowa on many issues, and I have enjoyed all of his remarks except for the suggestion that somehow this is going to be a bad-faith attempt to try to improve the bill, or somehow attempt to benefit attorneys.

I feel like I identified some very specific arguments that are real and that are important to the legal system; and, that, although I share the concerns of the Senator about the general system, in fact I think there are abuses in chapter 7. There is no question about that. But what I tried to do is craft an amendment that creates a fair balance. I am not trying to prevent punishment of an attorney who does something wrong.

But let me just quickly review the arguments about why this is a reasonable amendment and I don't think was responded to.

First of all, I heard nothing about my argument that this creates a conflict of interest. A lawyer has a responsibility under the rules of professional conduct to zealously advocate on behalf of their client. Therefore, it is very rare that our legal system would function well and that attorneys would zealously advocate for their clients if they are afraid that their family and their house could possibly be taken away because they might be assessed with the entire cost of litigation. That is the conflict of interest that this creates.

The Senator suggested in an attempt to suggest that we are going to leave no opportunity to punish a wrongdoing lawyer that there is nothing left. That isn't true. Under the Federal Rules of Civil Procedure and under the Bankruptcy Code there are rules about filing frivolous claims. In fact, I remember when I was a young attorney. The first thing I learned when I came into the office as a young associate was you had better not file a pleading that is frivolous or you might be personally assessed for having done so. That is applicable to these situations and would be effective.

There is no truth to the suggestion by the Senator from Iowa that the attorney can go off scot-free, if he brings up a ridiculous claim.

Furthermore, in fairness to the Senator from Iowa, he did make a point about whether a trustee would be protected in getting his fees in a situation where the case is dismissed. We sent a modified version of this to the desk which addresses that issue. We understood the point of the Senator from Iowa. We listened to him and modified our amendment from committee, because it was pointed out in that there was a conversion from a chapter 7 to a chapter 13; that in that case the trustee would be protected, but not if the chapter proceeding was actually dismissed. That is a fair point. We changed it. It applies to both the dismissal as well as the conversion.

I hope it is clear from the Record that the Senator's comments about that provision relates to the amendment we originally proposed, but not the amendment that was sent to the desk.

Finally, Mr. President, let's talk for just one second about the real effect of this.

The provisions that are in the bill relate only to "counsel"—an attorney, a licensed attorney. If this goes through and attorneys feel a fear of being assessed these fees in a case where they can't bring a case that they know is airtight, and they don't represent the client, who do they go to? They go to these petition preparers. These petition preparers are the very people who are most likely to do a sloppy job and not care if they bring a frivolous proceeding.

But guess what, Mr. President? The petition preparer isn't responsible. The petition preparer would not be under this standard. So what you are doing is pushing these debtors from legitimately licensed attorneys, who know what they are doing, hopefully, to people who are basically in many cases scamming people, and they would have no responsibility at all. That is bad for the debtor. It is bad for the creditor. That is bad for the legal system. That is bad for the congestion in the courts as a result of the bankruptcy system. For all of these reasons, we have a frivolous standard.

We make sure that the trustee is protected, whether it is a dismissal, or a conversion. And we try to address the inherent conflict of interest that exists when an attorney has to wonder if their own personal finances are going to be affected because they think they have addressed the best interests in arguments on behalf of a client but they are not certain. This goes too far, and I really hope in good faith that the Senator takes a look at these arguments and the modifications we have made, and considers that this really is a reasonable balance in the context of the larger bill.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

I thank Senator GRASSLEY and Senator DURBIN for the great work they have done in building bipartisan support for this bankruptcy bill. I think this is a historic step forward in bringing integrity and fairness and efficiency to the bankruptcy system. It came out of the committee with a 16-to-2 positive vote, and I think that reflects the strong bipartisan support this bill has.

With regard to Senator FEINGOLD's concerns about this provision, it is not for punishment of a lawyer who files these bankruptcy petitions. It simply defines the standard of care they ought to adhere to. We are always having the plaintiff lawyers tell us that they cannot do anything to reduce the standard of care on the part of private businesses. For example, they argue that we must not lower the standard of care for doctors because it might result in a patient or user of their product being injured or somehow being harmed. Nothing can reduce that, but yet at the same time the bar will take as much protection as they can get for anything they do in their professional capacity for which they were hired.

Bankruptcy lawyers are not mere clerks, although the truth is, for those of us who know what is going on, most of the bankruptcy filings in America are done by lawyers who run bankruptcy mills, who advertise in phone books and newspapers and on television and radio, which just a few years ago lawyers could not do. In fact, there is some indication that the dramatic rise in bankruptcy is derived more from attorney advertising and the encouraging of people to file bankruptcy than any other factor. Particularly this appears to be true in light of the fact we have more bankruptcies in a time of strong economic growth and prosperity in this country.

So I say to you, these lawyers have to comfort to some standard of care.

What does Senator GRASSLEY's bill say? It says they ought to be substantially justified in filing their bankruptcy under chapter 7. That is all. What is bad about that kind of standard? And if they are not substantially justified, what happens?

Take for example, a person with a $100,000 income, and let's assume someone sues that person for an automobile accident and wins a $25,000 judgment against them. Although the judgment need not be that high, it could be any amount that the person does not want to pay. So they go to their lawyer and ask him how they can get out of paying it, and he says "file bankruptcy." This will wipe out the debt, although he could have paid it on the income level he has.

When the case comes to the bankruptcy court, they file under chapter 7, which would eliminate all debts. The chapter 7 trustee objects, and they hold a hearing. They present evidence, and they say: "No, you should go into chapter 13 because you do not qualify for chapter 7." And then the judge must go further. Under the Grassley version, the judge must find not that the lawyer made a mistake but he was not substantially justified in filing the petition under chapter 7. Then he can assess the attorney the cost of that hearing—not huge amounts of attorney's fees, just the cost of the hearing that had to be held on the complaint of the chapter 7 trustee.

Let me ask you—it comes down to this—who pays? Who pays for the expense of having to challenge this chapter 7 petition which was not substantially justified? Under Senator FEINGOLD's proposal, it would be an administrative expense. That sounds OK, but we know in this country that there "ain't no free lunches." You have heard that saying. Somebody always pays. Who pays, in this case, the administrative expense? The people who pay will be the ones who are owed money, the creditors, the ones who have not and probably will not be paid all they are owed, and it comes out of the money that goes to them. They pay for the lawyer filing a petition that is substantially unjustified.

When we come down to the choice of who ought to pay, I say the lawyer ought to pay. He ought to be sure of what he is doing when he files the petition. He should know where it ought to be filed. I do not think that presents a conflict of interest. I understand that you could conjure that up as some theoretical possibility, but the truth is, under ethical rules of practice today, a lawyer cannot file a complaint he does not believe to be justified. He is required to do some preliminary work before he files it.

So I do not believe that this would be contrary to the standards that are required currently of lawyers in what they do. And, again, it requires the action of a judge. And a bankruptcy judge knows these lawyers. There is usually a small group of lawyers that file the overwhelming number of bankruptcy cases in their courts, and many are not going to be unfairly abusing these lawyers. However, when a judge sees one who is consistently filing chapter 7 petitions that ought to have been filed in chapter 13, and his trustee has to have hearings and challenge it, and there are not sufficient facts to justify it, then he is going to have the opportunity under this bill to assess some costs against that attorney.

This is not going to bankrupt the attorney. I know of attorneys in Alabama who are running advertisements, who are making $1,000 per bankruptcy case and filing 1,000 cases a year. They are making big bucks off this system. Maybe they are justified in doing that, but they ought to on occasion, when they make the point to go to great expense to hold a hearing, have the trustee challenge what they have done, and then find out they are not substantially justified—they ought to pay.

I hope we will keep the Grassley amendment. The other alternative is to keep the present standard of assessing costs against an attorney, and that is the standard of frivolousness. That is a very high standard, and the net effect of the frivolousness standard is that nobody will ever recover, because it is just very, very difficult to meet that standard.

The bankruptcy judges are not going to abuse these attorneys. It will give the bankruptcy judges a little leverage, a little power to say to these attorneys who are filing cases recklessly without enough thought, causing the creditors to lose money and otherwise abuse the system, that they can bring a little integrity to and have some watchfulness over the system and maintain discipline on the lawyers who practice there.

I understand the Senator's concern about it, but I do not see this as an extreme position at all. I think it is quite consistent with the bankruptcy court. I believe it will help, as Senator GRASSLEY said, make sure people file their petition right the first time. If it is chapter 13, they ought to file in chapter 13, not in chapter 7 on a theory that, well, we will just have a hearing and maybe we will win or maybe they won't object. We need it filed right the first time so we will have fewer proceedings to transfer the action. That is the purpose behind this and I think the Feingold amendment would undermine that purpose.

I thank the Chair for this time. I yield the floor.

Mr. FEINGOLD. Mr. President, it is fairly easy to try to make the words "not substantially justified" sound like a reasonable standard. But what really is going on here is an intrusion into the attorney-client relationship that is very dangerous.

I practiced law for several years before running for the Wisconsin State Senate, and I remember always when looking at a client's argument—first of all, I obviously didn't think I could file any argument that was frivolous. That was prohibited both under the Federal Rules of Civil Procedure and under the Wisconsin Rules of Civil Procedure. But there would be a number of occasions where we would have two or three possible arguments to make. One we might think was our strongest argument, and then another might be our sort of middle argument, and then there might be a third legal argument where it was a long shot but we thought the facts were strong. Any good lawyer would bring all three of those arguments, in most cases, because if a judge found any one of the three to be persuasive, that could be the basis.

I like to think I would have had the courage as a young attorney to go forward with that third argument, even with this provision. But I didn't have any money, and if I thought that bringing that third argument could cause me to be assessed with attorney's fees that would make it impossible for me to pay my mortgage—I am human. I wonder if I would have done what is right, which is to counsel that client: This one is about a 25-percent possibility, but under the right facts, and I think you might have the right facts here, sir, you ought to bring it.

Lawyers should not be put in a position where they believe, except for cases where there is a frivolous claim, that bringing an argument will cause them to have personal harm come to them. That destroys the whole notion of zealous advocacy. This is a serious problem for the relationship between attorney and client, and I really do think to suggest that the "not substantially justified" standard is simply a reasonable restraint does not show an understanding of what really goes on in a situation where a lawyer and client sit down and try to come up with the best argument possible. So I reject that suggestion and again urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire of the proponent of the amendment, and the floor manager on the Democratic side, how much more time will be consumed on the bankruptcy matter this morning? I have a speech which I should have gotten up and offered 15 or 20 minutes ago, before we started this.

Mr. FEINGOLD. Mr. President, I am merely responding to arguments made in response to my arguments. When that ceases, I will cease. I was asked to come down here and offer two amendments this morning. This is the first. If it is in the interests of the Senate that I defer the second to next week, I will be happy to do that, as long as I am assured my opportunity to present it at that time.

I have nothing further to say on this amendment, unless somebody wants to debate it further.

Mr. DOMENICI. I have no desire to prolong the amendments. I will come when you are all finished. I will be here today.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the amendments are complete I be granted 15 minutes for a floor speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to offer another amendment for myself and Senator SPECTER.

The PRESIDING OFFICER. Without objection, the first amendment offered by the Senator will be set aside.

AMENDMENT NO. 3565 TO AMENDMENT NO. 3559

(Purpose: To provide for a waiver of filing fees in certain bankruptcy cases, and for other purposes)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. SPECTER, proposes an amendment numbered 3565 to amendment No. 3559.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title IV, insert the following:

SEC. 4 . BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.".

Mr. FEINGOLD. Mr. President, when I heard that bankruptcy was the only Federal Court proceeding in which a poor person is not entitled to file an in forma pauperis petition, I thought there must be some mistake. I found it somewhat surprising, counterintuitive, that bankruptcy, which by definition deals with people who are broke or have very limited funds, does not provide even the poorest of debtors a waiver of the filing fee.

The filing fee for consumer bankruptcy is $175. Mr. President, $175 is more than the take home pay of an employee working 40 hours a week at the minimum wage. Tell me, how are the indigent—those who desperately need bankruptcy protection—going to afford $175 simply to file for such protection?

Congress acknowledged that the bankruptcy system may need an in forma pauperis proceeding when it directed the Judicial Conference to implement a pilot program in six judicial districts around the nation. This pilot program operated from October 1, 1994, through September 30, 1997, in the following six districts: the Southern District of Illinois, the District of Montana, the Eastern District of New York, the Eastern District of Pennsylvania, the Western District of Tennessee, and the District of Utah. The pilot program was clearly a success. Many of the judges who administered the program, and who were initially skeptical, now support it. In particular the pilot program revealed the following information:

> An application for waiver of the filing fee was filed in only 3.4% of all Chapter 7 cases, and the large majority of those waivers were granted. Indeed, the U.S. Trustees Office filed objections to less than 1% of the applications. In other words, only those very few individuals who really needed the fee-waiver applied for it.
>
> The fee-waiver program enhanced access to the bankruptcy system for indigent single women more than any other group. We have heard a great deal about how this bill, S. 1301, will hurt women and children. We cannot strike another blow against single mothers and their children by denying them access to the bankruptcy system because they cannot even afford the filing fee.
>
> The nature of the debt for those who filed for the fee-waiver differed from that of other debtors in that their debts more often related to basic subsistence—education, health, utility services and housing. Moreover, 63 percent of the housing-related debts of those who filed for the fee-waiver owed their debts to public housing authorities. Only one of the debtors who owed a debt to a housing authority did not file for a fee waiver. These findings show that indigent debtors were not filing bankruptcy to escape paying for their boats or their fancy entertainment systems. They were filing bankruptcy merely to subsist. Oftentimes these people use the bankruptcy system simply to prevent homelessness.
>
> There was only a minimal increase in the number of filings, and there was no indication that debtors filed for Chapter 7 rather than Chapter 13 just to obtain the benefit of the fee-waiver program. Simply stated, the debtors typically did not abuse the system.
>
> A nation-wide program would cost between $4 and $5 million in lost filing fees. Projections state that there will be 1.5 million Chapter 7 filings next year. We can, therefore, off-set the cost of a nation-wide program by merely raising the price of Chapter 7 filings by between $2.70 and $3.40. If we increase filing fees for all bankruptcy filings we can reduce that cost to about $2 per filing fee—a negligible amount.
>
> In short, the pilot program was a resounding success.

I offered this amendment in committee, where it was defeated by a 9–9 vote, with all the Democrats supporting it. One concern articulated by Senators who voted against the amendment in committee involved the possibility that, if we implement a fee waiver program, unscrupulous lawyers would advertise "free filings" and make a profit. However, under the program, debtors cannot obtain fee waivers if they can pay their lawyers; therefore, private lawyers would have no incentive to encourage in forma pauperis cases.

Let me repeat that point: debtors who can pay their lawyers cannot obtain fee waivers. Only truly indigent people, those who need bankruptcy protection the most, can have their fees waived.

The Specter-Feingold amendment would build upon the strong foundation established in the pilot program, and direct the Judicial Conference to establish a nation-wide in forma pauperis program for the bankruptcy court system. If we examine the findings of the pilot program we find that: (1) only those who really needed the assistance of the program used it; (2) that there was little to no abuse of the fee-waiver program; and (3) that the program in large measure helped those who needed it to subsist and, in many cases, avoid homelessness.

Given these findings, how can we choose not to implement a nation-wide program? Why did we direct the Judicial Conference to conduct a pilot program if we were not going to use the results to shape public policy? How, in good faith, can we deny bankruptcy relief to those who truly need it—those who cannot even afford the filing fee? I urge my colleagues to support this amendment to restore some fairness in the bankruptcy filing process for the most financially strapped filers. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in strong support of this amendment by the Senator from Wisconsin. He is correct. We tried this across the United States in, I think, six different jurisdictions, to see what would happen. What is at issue here is a person is about to file for bankruptcy and is so penniless that they cannot even afford the filing fee of $175, then in these six different court jurisdictions we waived it. That is what this is all about. We found as a result of that experience they didn't open the floodgates to people coming in filing for bankruptcy. In fact, just the opposite was true. A lot of very serious cases, and those called out for justice, were served by this program.

One of the judges in my home State of Illinois, the southern district, who tried this, Judge Meyers, has written a letter to me and said it was quite a success and he encouraged it be done on a national basis.

If there is anything that distinguishes American jurisprudence from some other countries, it is the fact that we have basically said the court system is open to the rich and poor alike. It is an oddity in our law that we don't allow those who are truly poor to have a waiver of the filing fee so that they can come into bankruptcy court.

Senator FEINGOLD has a good amendment. I was happy to support it in committee. I hope now, because of the evidence of its success across the country that has been shared on both sides of the aisle, it ultimately will be adopted.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who seeks recognition?

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator KERREY of Nebraska and I be allowed to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A MESSAGE FOR CANDIDATES IN BOTH PARTIES AND THE AMERICAN PEOPLE

Mr. McCONNELL. Mr. President, I note for my colleagues that the chairman of the Democratic Senatorial Committee and the chairman of the Republican Senatorial Committee are on the floor at this moment, and we have a message for candidates in both our parties and for the American people.

Having served as chairman of the Senate Ethics Committee during the Packwood investigation, and having offered the first resolution of expulsion in the history of the Senate in a case involving sexual misconduct, I am well aware of the bright line that exists between private failings and public wrongs. And, of course, that line is blurred, as it was in that case, and is again in the allegations made against President Clinton when one's public office is used to pursue private misconduct and shield it from legal inquiry.

But if we start turning every instance of past personal misconduct into cannon fodder for our political campaigns, we risk turning our democracy into a nuclear waste dump of slander, gossip, innuendo, and cheap moralizing about other people's problems.

Even without this threat, the multifaceted scandal that currently engulfs the White House represents a crisis of national and constitutional proportions. Our only hope of guiding this country through the next several months without a major catastrophe in our Government, or in our financial markets, or in the world, absolutely depends on our ability to resist the subtly escalating arms race of dirt digging, garbage searching, mudslinging, and poison leaking that is currently swirling around the Nation's Capital.

Where that awful trend must be resisted first is in our political campaigns. For better or for worse, campaigns are the most direct expression of our Government that people see.

This election, let's make it for the better, not for the worse. Everyone in this body certainly knows that I believe in robust, pointed, hard-hitting campaigns. And I believe those kinds of campaigns are good for our democracy and good for the voters, but only when political campaigns are focused on issues and not on purely private behavior.

So to set the standard, I want to make it clear that the national Republican Senatorial Committee will not fund—will not fund—any candidate who engages in personal attacks on the private problems and past failings of his or her opponent. Digging through their record is one thing, digging through their garbage is quite another. Criticizing someone for their vote on the marriage tax is fair game. Attacking someone for a failed marriage certainly is not.

Let us prove over the next 6 weeks at least that this Congress is capable of fairly and responsibly executing the solemn constitutional duty that may await us in the months ahead.

Mr. President, I yield the floor. I note the presence of my friend and colleague from Nebraska.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I come to the floor, as the distinguished Senator from Kentucky said—as chairman of the Democratic Senatorial Campaign Committee—to make the same commitment that the Senator from Kentucky just made, that our committee will not fund any candidate who uses the personal problems or past failures of their opponent to win their election.

The objective in a campaign is not just to win an office. And we all know in campaigns that there is a temptation to justify every means by the end that is in sight. As the Senator from Kentucky described himself, I describe myself the same way. I am not reluctant or shy to have full contact sport when it comes to campaigns, but I do believe that the ultimate objective of the candidate needs to be to not just acquire the office, but also to serve the larger good of preserving our Democratic institutions, in this case the U.S. Congress.

I have been asked many times, and suspect the Senator from Kentucky has as well, Is this going to have a negative impact on your chances in the fall? He has probably been asked more times, Is this going to have a positive impact on your chances in the fall?

But my answer has always been that my chief concern is that there are good men and women in America today who have thought about running for office—it may be the Senate or a local school board—and they have said, "Gosh, I don't want to go through what I see HENRY HYDE going through. And if I run for office, that is exactly what is going to happen to me. I don't want everything that I have done since I was an infant to be drug out and paraded before the people of my district or the people of my city or the people of my State."

Far be it from me to say that any vote or statement or belief I have should be withheld. They should not be withheld and should be subject to the review and debate and discussion of the people. But my concern and why it is important that my colleague from Kentucky, whose suggestion this was, and I do this in this campaign is that if we do not exercise restraint and show American citizens that we will not fund candidates who use personal problems or past failures to win their office, the institutions of democracy will suffer.

Forget the impact upon political parties. Neither party is going to do very well if citizens increasingly turn off and withdraw and say that "I may do many things for my country, but one of them will not be to be a candidate for any office" because of the fear that they have that something that happened 30 years ago or 40 years ago or 20 years ago—that is irrelevant to the campaign itself and that they have dealt with their family and their friends and their God, in whatever way that they felt was necessary—now becomes drug out into the open.

So I join enthusiastically in making the commitment that we will not fund any candidates who do that. I appreciate that very much because what the Senator from Kentucky suggested serves the interests of democracy, and I am willing, as well, on the part of the DSCC to do the same.

Mr. McCONNELL. I commend my friend from Nebraska for his statement. We see this matter precisely the same. As for my side of the aisle, I intend to convey this statement to our candidates, both incumbents and challengers, this afternoon with the message that I mean every single word of this statement.

I thank my friend from Nebraska.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3565

Mr. SESSIONS. Mr. President, with regard to the Feingold amendment that deals with the waiver of filing fees for those who file bankruptcy, I think we need to be very cautious about that amendment. It has very serious implications. It has been considered by this Senate numerous times and rejected.

It has been the argument that this is somehow unfair and denies access to the court system. Courts themselves have denied this argument repeatedly. In fact, the United States Supreme Court has rejected this position. Fees run from around $110 to $160. By that time, the filer would have already hired a lawyer, probably for much more than that.

I have here an ad of a lawyer in Texas who says: "Bankruptcy can be a smart financial move." He does not say that bankruptcy is a way to take care of unacceptable debts that you have no chance of paying. This is the what we used to think bankruptcy was for: to help those who, through various circumstances, have found themselves hopelessly in debt. This man says: "Bankruptcy can be a smart financial move."

It can be a smart financial move. You can legally—under the current law—defeat legitimate debts. You can just walk away from them, as this man says "For $350 total." And the truth is, that is why we have increased filings of these kinds of advertisements in phone books, in newspapers, in magazines, in the yard sale publications that are passed out free in this country.

These people go to their lawyers and they quit paying all their debts, and they then file for bankruptcy. Virtually every court filing in America requires a fee. And this is a reasonable fee. This fee has so been upheld by the courts. Somebody will pay for the cost of these filings, if it is not going to be those who use this system, then the taxpayers will pay for it. We are talking about a large amount of money and a drain on the system. Also, it would create a large number of court hearings, adding to an already crowded docket.

I am a critic of our court systems on occasion, but I must say that the bankruptcy courts have, done an outstanding job, Mr. President, in handling an ever-increasing caseload. The caseload has doubled. We have not had a doubling of the judges, but they have used computers, they have used staff people, they have used sophisticated measurement techniques, and they have been able to keep up with their caseloads without a massive expansion of the number of bankruptcy judges. If bankruptcy courts are going to have a hearing on everybody that comes before them to determine whether or not there is any way they can pay their filing fee, then we are going to have to add severe costs to the system and more overloading. Judges, along with lawyers and clerks representing people on both sides will run up expenses that could, in fact, exceed the real cost of the filing fee in this matter.

I understand the sentiments behind this amendment. It is something that has been considered for years, rejected consistently, and upheld by the courts. It is a road we should not go down.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending question is the Feingold amendment to the bankruptcy bill.

Mr. BYRD. I thank the Chair.

Mr. President, has the Pastore rule expired for today?

The PRESIDING OFFICER. The Pastore rule will expire at 12:32 p.m.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

GETTING BACK TO THE CLASSICS

Mr. BYRD. Mr. President, I was pleased to read an article in the September 15 edition of the Washington Times, titled, "Classics Back in Fashion at Some Schools."

Speaking precisely to the point that I have made countless times during my years in the Senate, this article reiterates the need to get back to the basics in education. I would like to get back to the little two-room schoolhouse in which I started along about 1923. I laud those schools that have taken this valuable step back and are getting back to the basics in order to reintroduce classical education into their classrooms.

Who better to teach our students today than the true historians, the poets, and the playwrights of yesteryear. I long for the old McGuffey readers—I still have a set of those old McGuffey readers in my personal library—where the students read poems and wholesome stories that taught them good morals, how to act, how to grow up and be good citizens. The old McGuffey readers. The historians, the poets, and the playwrights of yesteryear, such as Euripides, Aeschylus, Shakespeare, and Sophocles, who were the four great master poets of tragedy throughout the years and were outstanding as writers of tragic plays, their works were among the classics that have built history, influenced the framers of our Constitution, and can serve to enhance our ability to better understand the present and to set goals for the future.

Today, our students are caught up in the MTV generation—some of them—watching mind-polluting television sitcoms, listening to shock radio, and repeating the degrading language that they acquire by digesting this steady diet of unhealthy perversity.

Sadly, many modern classrooms often offer nothing to counteract this flood of popular junk and ignorance, which are smothering our country's students. The classics have been ignored in recent years and replaced by psuedoliterature filled with profanity and violence, and textbooks which do a better job of teaching I don't know what than basic algebra. It alarms me to think that students cannot even begin to identify the great heroes of our past or the authors of the Federalist Papers.

If our Nation hopes to produce better students, students who can match or outperform the competition in international exams, we must return to the basics, return to the great books and history, such as "Plutarch's Lives," Milton's "Paradise Lost," Milton's "Paradise Regained," Daniel Defoe's "Robinson Crusoe," Emerson's essays, Carlyle's "History of the French Revolution," the Bible, the "Iliad" and the "Odyssey." Alexander the Great kept a copy of The Iliad under his pillow.

It was called the "casket copy". He submitted Homer's "Iliad" to Aristotle, and asked Aristotle to critique it. Then Alexander the Great prized it above all other literature.

Shakespeare's 37 plays: I quoted extracts from Shakespeare's 37 plays one year in the Senate.

These are all replete with the history and philosophy that are integral elements in a well-rounded, uplifting education.

When I talk about an education, I mean one that goes through one's lifetime. It doesn't stop with graduating from high school or from college or from getting a Ph.D. in physics, as two of my grandsons have done. It means continuing to educate one's self throughout one's life.

Solon, one of the seven wise men of Greece, said, "I grow old in the pursuit of learning." That is a goal that all of us should emulate: "I grow old in the pursuit of learning."

I try to follow in Solon's footsteps in that regard. During the last break I read Cicero's "Republic"—not Plato's "Republic." I had already done that some time ago, but Cicero's "Republic," and Cicero's "Law"—and De Tocqueville's "Democracy in America"—two excellent volumes.

Ours is not a democracy. We are talking about a form of government. Ours is not a democracy. We live in a democratic society and we promote democratic principles. But, as for our form of government, it is not a democracy. So many people loosely and glibly refer to it as a "democracy."

One needs only to read the Federalist Papers No. 10 and No. 14, to get a good definition of what is a "democracy" and what is a "republic." Madison, in both of those essays, defines and distinguishes between a democracy, as a form of government, and a republic.

So let us continue to study and to learn. Learning can be one of the most rewarding of the human activities. But it must be a lifelong journey.

It ought to be a lifelong journey which carries one across the rivers of changes in events and into the recesses of man's immortal spirit. There is no better way to build upon shallow and superficial knowledge than to ponder the lessons of the past. There is no better way. As Cicero said, "To be ignorant of what occurred before you were born, is to remain always a child."

I encourage all schools to give their students this opportunity to grow, to share the lessons of the past, to share history, to read ancient history. Herodotus who wrote about Persia, and who wrote about Egypt, lived somewhere between 484 and 424 B.C.—Xenophon, Thucydides, Sallustius, Polybius, Zosimus, Orosius, Ammianus, Appianus, Arrianus, Caesar himself who wrote the Gallic Wars, Florus, Procopius, Eutropius, Cassius Dio Cocceianus, Livius, Tacitus, Plutarch, Gibbon on The Decline and Fall of the Roman Empire. Read histories of England. Of Rome and Greece.

Read these histories, and read American history, and read the history of the U.S. Senate. These are illuminating. They are uplifting. And we can learn by past events how, in many instances, to deal with current events.

Napoleon said, "Teach my son to study history. It is the only true philosophy."

Enjoy the vision of the poets and the philosophers and begin to shape leaders, who can take us confidently into the future because they so well understand the past.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to express my appreciation for the remarks of the Senator from West Virginia, and to take this moment to repeat again to him how much I appreciated his remarkable address earlier this week in the Old Senate Chamber in the majority leader's Lecture Series on the History of the Senate. He had the largest crowd I can remember. He had the rapt attention of virtually every Senator as he shared with us the great traditions of this body. Of course, we know that he has written a three-volume history on the U.S. Senate. On Fridays, I am often in the Chair that the Presiding Officer is in today, and I had the occasion to hear him address this body.

I have written two letters congratulating Senators on speeches, and they have both been to Senator BYRD. I remember one of his speeches talked about education. He referred to our textbooks as "touchy, feely twaddle." Too often, I think, they don't have or possess the power of the great historians to uplift, causing us to think and dream about heroic acts. He shared with us on one of those occasions his experience in the two-room schoolhouse where he grew up. I thought then of my grandmother who taught in a one-room schoolhouse. I remember the schoolhouse as I was growing up. Although it has been torn down now, I remember in her library—I don't know how she obtained it—was Macauley's "History of England," Gibbon's "The Decline and Fall of the Roman Empire," Shakespeare, and other great literary works. She shared those with the elementary schoolchildren in those schoolrooms.

I am of a belief that they were richly educated in that one-room schoolhouse. There is something more significant than color pictures and videos in transmitting what it is that we are about as a people.

I taught in the sixth grade 1 year, and we used what they called Basil Readers. They wrote stories in little pieces, and at the end of them were a lot of questions, and in each story they would add new words. It was all scientifically done, you see. It was to teach them vocabulary and things of that nature. But the children hated them and would not read those books. And around the classroom—it was an old class school—there were a lot of books like I had in my schoolroom—Daniel Boone, the old bluecoat, the Hardy Boys, Tom Swift. And so I started encouraging them to read those books, and they loved them because they were stories that had some meaning and some adventure and showed people in situations which required courage.

At any rate, I say to Senator BYRD, thank you for sharing your opinions with us. You can have a $500 textbook, but if it has no moral message, no meaning to it, does not uplift the spirit and no one wants to read it, then that textbook is not worth very much. Too often I think that is the problem with modern education.

I, again, say how much I appreciate the Senator's remarks and the Senator's leadership in this Senate.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I express my deep appreciation to the distinguished Senator for his comments. It has been my privilege to serve over these 40 years in the Senate with some great Senators from Alabama.

Senator James Allen was an expert in the rules and procedures. He had been Lieutenant Governor of Alabama, and I believe he told me that as presiding officer over the Alabama lower house, I believe it was, he used the rules of the U.S. Senate. He certainly was very conversant with the U.S. Senate rules, a master of the rules of the Senate, a very able man, and courageous. He had no difficulty in taking a stand even if he stood alone. We were sorry at his untimely passing.

There were other great Senators from Alabama—John Sparkman, who promoted and wrote important legislation dealing with housing; Lister Hill. I can see Lister Hill—that is his desk, I believe it was that desk right there—speaking. He had a fine way of speaking. I believe he told me that he had been named after Dr. Lister—a great English surgeon, Dr. Lister. Senator Hill told me, if I am not mistaken in my recollection, that Dr. Lister had performed an operation on a man who had gangrene in one of his legs. They didn't have the anesthetics in that day and time that they have today. This man went through this excruciating experience and then wrote the poem "Invictus." And the surgeon was a Dr. Lister. Senator Hill was given the name Lister, after that great English surgeon.

I am proud to recall these fine Senators from Alabama who were here when I came to the Senate. I have lately come to appreciate the work of the distinguished Senator who is now standing at the desk of the majority leader, and I appreciate his kind words. I have treasured his letters, and I know that ours is a friendship which will be a lasting one. I shall cherish it.

I thank him for relating his experiences in the little country schoolhouse. It doesn't have to be a massive building with beautiful columns and hallways decorated with shining pieces of furniture. The teacher makes the school. James A. Garfield, hearkening back to his schooldays, said that if he had his old teacher, Mark Hopkins, on one end of the log and he himself on the other there was a university. Those are not the exact words, but they were well spoken.

I am trying to remember a poem about a teacher. It doesn't come back to me just now, except in part:

> A Teacher builded a temple
> With loving and infinite care,
> Planning each arch with patience,
> Laying each stone with prayer.
>
> * * * * *
>
> But the temple the teacher builded
> Will last while the ages roll
> For that beautiful unseen temple
> Was a child's immortal soul.

I thank the distinguished Senator.

I yield the floor.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia for his comments. I do share his views about teachers. My grandmother, in her first job—and I have a photograph of the class—had a real rough looking group of poor kids, no doubt. But in that group was an individual who may have been somewhat inspired by her and who went on to become a U.S. Congressman, Frank Boykin, a man of some note. I always claim that whatever he learned, he learned in that first through sixth grade schoolroom when she taught there.

So I think teachers do inspire us. Good teachers understand and are knowledgeable and learned people themselves, and they can then share that. Sometimes I think we spend too much time on process rather than on substance.

I again express my appreciation to Senator BYRD for his leadership of this body, this Senate, for reminding us on a regular basis of what we are about, our heritage here, and calling us to our best and highest instincts.

Thank you, Senator BYRD.

Mr. BYRD. I thank the Senator.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING CUTOFFS OF SATELLITE TV SERVICE

Mr. LEAHY. Mr. President, I have heard from scores of Vermonters lately who are steaming mad. They have been told by their home satellite signal providers they are going to lose some of their home network satellite channels just as the new TV season starts. They have every right to be upset, because it is within the ability of Congress to unmuddle the mess that satellite viewers are facing. The public has every reason to expect Congress to get its act together to do that, and to do it quite promptly.

Under a court order, thousands of viewers, many of them living in my home State of Vermont, are going to be cut off from receiving TV stations. These are TV stations, incidentally, that they are paying to receive. We have 65,000 home satellite dishes in Vermont. The court order directly affects only those subscribers who signed up for service after March 11, 1997, but most subscribers are being warned by the signal providers they are going to soon lose several of the network channels they now receive, several of the network channels they expected to receive, several of the network channels they are paying to receive.

In a rural State like mine, there are many, many areas where the only way you can receive television is by satellite dish. This huge policy glitch is intruding right now into hundreds of thousands of homes throughout the country. It is a royal mess, and Congress and the FCC need to fix it.

I introduced a bill in March of this year with Chairman HATCH of the Judiciary Committee so we could try to resolve this issue before it became a major problem. We have tried since then to push Congress to find a solution. But many viewers have lost their signals already. We are trying to get these bills passed in the next couple of weeks to restore service and to keep other households from losing their satellite TV signals, not just in Vermont but in every State in this country.

I am pleased Senator HATCH and I have worked out arrangements with the chairman of the Commerce Committee and other Senators who have been active on this issue, including Senators DEWINE and KOHL, and what we have worked out significantly raises the prospect that Congress can soon pass a bill to prevent the cutoff of thousands of viewers this month and in October. The good news is that we hope and believe that all Senators can support our approach.

Our legislation would keep signals available to Vermonters and subscribers in other States until the FCC has a chance to address these issues by the end of next February. Our legislation will direct the FCC to address this problem for the future. In fact, our proposal ultimately will mean, as technology advances, that Vermonters will be able to receive satellite TV for all Vermont full-power TV stations, and viewers in other States will be similarly protected. Where this helps all of us is that this effort will eventually promote head-to-head competition between cable and satellite TV providers.

The goal is to provide satellite TV viewers at home in Vermont with more choices, more channel selections, and at lower rates. The evidence is so clear from our hearings: In the areas of the country where there is full competition between cable providers, rates to customers are considerably lower. The same is going to be true when there is greater effective competition between cable providers and satellite signal providers. Over time, the effort will permit satellite TV providers to offer a full selection of local TV channels to viewers—even those living near Burlington, VT, where local signals are now blocked.

I live about 25 miles from Burlington. I get 1½ channels. There are three stations, three network stations, in Burlington. But because I am out on the side of a mountain, I get 1½ channels. Under the rules they are talking about, I would not be allowed to get satellite TV to have those same networks. It is ridiculous. It defies reality. But our legislation will cure that.

Under current law, those families have to get their local TV systems over an antenna. If their situation is like mine, it does not give you a clear picture. These bills we now have before us will remove that legal limitation that prohibits satellite carriers from offering local TV signals to viewers.

What we want is this: That over time, satellite carriers will have to follow the rules that cable providers have to follow, which means they will have to carry, in our case, all local Vermont TV stations—and the same in other States. In addition, Vermont stations will be available over satellite to many areas in Vermont like my own that today are unserved by satellite or by cable. And the second major improvement offered through our legislation is satellite carriers that offer local Vermont channels in their mix of programs will be able to reach Vermonters throughout our State.

People who have spent money on satellite dishes do not know how this thing could become as fouled up as it is. Frankly, I do not either. But I do know that we can correct it, and our legislation will. It is time for this Congress to step up to the plate and solve this policy nightmare. It is now at the door of countless homes, not only in Vermont but throughout the country. Constituents should know they should not have to take, "Well, not now," as an acceptable answer. We have plenty time left in this Congress to correct this.

I commend Senators HATCH and MCCAIN for the leadership they have shown in solving this problem. I am going to continue working with them and I think we are going to get somewhere. I certainly hope we are going to get somewhere, because I don't want to have to tell my neighbors that the Congress has so much time for so many other things but cannot take some time to fix something that directly affects so many hundreds of thousands of people throughout the country.

FORTIETH RATIFICATION OF THE OTTAWA LANDMINE TREATY

Mr. LEAHY. Mr. President, in October of 1996, I was privileged to participate in a conference in Ottawa hosted by Canada's Foreign Minister Lloyd Axworthy. I was there with Tim Rieser of my staff who has done so much work on the issue of banning landmines. We were also accompanied by Bobby Muller, the head of the Vietnam Veterans of America Foundation, a man who was way ahead of most of us in pushing for a ban on antipersonnel landmines.

The purpose of the conference in 1996 was to chart a strategy culminating in a global treaty banning antipersonnel landmines. The Ottawa process was conceived of by Canada and a number of other governments that were fed up with the failure of previous efforts to seriously deal with the mine problem.

Over 70 governments and dozens of nongovernmental organizations accepted Minister Axworthy's invitation to Ottawa. At that conference, to the surprise of everyone present—but certainly to my delight—Minister Axworthy took the courageous step of challenging the world's governments to return in a year's time to sign a treaty that would accomplish nothing less than a total ban on antipersonnel landmines.

It was that bold challenge which enabled the international community to finally move from rhetoric to action. In December 1997, just barely over a year later, 122 governments returned to Ottawa to sign a treaty banning the production, transfer, and use of antipersonnel mines forever.

During the previous year, the United States had refused to participate in the treaty-drafting process. In fact, some U.S. officials dismissed the Ottawa process as a "sideshow." They predicted that without U.S. support, the Canadian effort would eventually run out of steam. They predicted that this treaty would never take effect.

In fact, Mr. President, the opposite happened. A few days ago, Burkina Faso, one of so many African countries whose people have been maimed and killed by landmines, became the 40th state to deposit its papers of ratification with the United Nations, triggering the 6-month period before the treaty formally comes into force.

What many once dismissed as a naive and far-fetched dream is now a reality. In fact, today the treaty has some 129 signatories, including every NATO country, except the United States and Turkey, and every Western Hemisphere country, except the United States and Cuba.

Mr. President, this is a historic achievement. It is, I am told, by far the shortest period of time that any humanitarian law or arms control treaty has come into force. It is indicative of the tremendous sense of urgency and determination that has grown around the world to stop the carnage caused by landmines.

But more than anything, it is a tribute to Minister Axworthy, the Government of Canada, the International Campaign to Ban Landmines, landmine survivors, and all the other governments, the U.N. Secretary General, and U.N. agencies like UNICEF and UNDP. It indicates the commitment of people like the late Princess Diana, Queen Noor of Jordan, the former coordinator of the International Campaign to Ban Landmines, Jody Williams, and so many others who have worked so hard to end this scourge.

The treaty's significance is in its simplicity. It establishes a new, unambiguous international norm. The 20th century saw large portions of the globe contaminated by landmines. Two days ago, a process was formally set in motion to reverse that legacy in the first years of the next century. It is a gift to the next generation, and generations beyond.

The treaty is a beginning. There are still many millions of mines buried in the ground waiting to be triggered by an innocent footstep or a curious child. Many of the treaty's signatories were once producers, exporters and users of landmines. They are no longer. The parties to the treaty have also pledged to get rid of the mines in the ground, and the United States, to its credit, and many other governments and organizations are already hard at work at demining.

I had hoped that the United States would be among the 40 original parties to the treaty. That was not to be, but I have no doubt that the United States will yet sign, and I resolve to work with the administration to reach that goal as soon as possible.

Mr. President, I have traveled throughout the world and have seen the damage caused by landmines. I have been impressed by the dedication of Tim Rieser in my own office who has given so much of himself to this. My wife is a registered nurse, and she has gone into the hospitals and to the clinics run and funded by the Leahy War Victims Fund. She, too, has seen the damage caused by landmines.

This is a weapon that is often used against civilians. It is a weapon that stays in the ground long after the peace agreements are signed, the armies have left the field and the soldiers have been disarmed. It is a weapon that waits for its victim to pull the trigger by stepping on it, stumbling on it or brushing up against it. It is a weapon that is no longer needed, certainly not by the United States, the most powerful nation on Earth.

We have to understand that in the end, whether it is a child in Honduras, a farmer in Mozambique, or an American peacekeeper in Bosnia, we all stand to gain in a world in which landmines are banned and their use is a war crime.

Mr. President, I have been privileged to do many things in my time as a Member of the U.S. Senate on issues that involve us both domestically and worldwide. It is hard to think of anything that has been more of a privilege than working on the landmine issue. Certainly nothing has made me more proud than authoring the first piece of legislation passed anywhere in the world banning the export of landmines—the export moratorium.

Today, Mr. President, I compliment those who have gotten us this far. As I told Minister Axworthy when I talked to him on the phone a couple evenings ago, we would not be here if he had not made the brave, bold move that he did in Ottawa in 1996. I still recall the reaction when Lloyd Axworthy launched the treaty effort in the Fall of 1996. He said, "Let us come back in a year with a landmine treaty." Indeed, they did. Indeed, that is where the world is now. Indeed, we are all better for it.

Mr. President, I see nobody else seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

COMPLIMENTING SENATORS RICK SANTORUM AND BOB SMITH

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Pennsylvania, Senator SANTORUM, for his leadership in trying to override the President's veto of the partial-birth abortion ban; also, Senator BOB SMITH from New Hampshire. Both of those individuals put a lot of energy, a lot of their heart, in an effort to overturn a very cruel practice which, unfortunately, continues today because of the President's veto.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask the Senator, how long do you intend to speak?

Mr. BAUCUS. Very, very short, I say to my friend from New Mexico—4 or 5 minutes.

Mr. DOMENICI. I thank the Senator very much.

ENDANGERED SPECIES RECOVERY ACT

Mr. BAUCUS. Mr. President, I would like to report briefly on the effort to bring up the Endangered Species Recovery Act, S. 1180.

When we were debating the Interior appropriations bill on Wednesday, Senator KEMPTHORNE, the Senator from Idaho, indicated that he planned to offer an amendment that would largely embody the substance of S. 1180.

I strongly support S. 1180. But we are no longer considering the Interior appropriations bill, and it is not clear whether we will again. I think the far better approach is to take up S. 1180 as a freestanding bill. After all, that bill was reported on October 31, 1997, almost 1 year ago. It is a solid bill, it is balanced, it is good for endangered species, and it is good for private landowners. It has bipartisan support. The vote in the Environment and Public Works Committee was 15-3. The bill was supported by every Republican member of the committee and by a majority of the Democratic members. The bill is also strongly supported by the Clinton administration.

To my mind, there is no good reason why we cannot bring up S. 1180 for debate on the Senate floor. Moreover, that approach has two important advantages over trying to attach it to the Interior appropriations bill.

First, we do not have the Interior appropriations bill. That is one big difficulty. In addition, bringing up S. 1180 as a freestanding bill assures full and fair debate and an opportunity for amendments. We are likely to get amendments from the left, from the right, from the middle, and who knows where. I am sure that we can work out most of them.

Of course, I will oppose amendments that would disrupt the balance of the bill. That is the agreement I reached with Senator KEMPTHORNE and Senator CHAFEE, Interior Secretary Babbitt, those of us who put this bill together; that is, oppose amendments that would disrupt the balance achieved in the bill. But every Senator should have a shot. In the end, such a process, I believe, will increase support for the bill.

In addition, this approach—bringing it up as a freestanding bill—assures that the bill will be taken up under the leadership and jurisdiction of the Environment and Public Works Committee, and that includes any conference with the House.

Members of the committee have worked long and worked hard—over several years, I might add—to develop this legislation. We should follow through rather than hand the bill off to an Appropriations Committee that is already bearing such heavy burdens as the fiscal clock winds down.

S. 1180, I say to my good friend, the Presiding Officer, is on the calendar. Here is the calendar. S. 1180 is on it. It has been on the calendar for almost a year. It is a good bill. We can be proud of it. We should take it up as a freestanding bill.

So where do things stand today? Yesterday, both Cloakrooms asked Senators whether they wished to offer any amendments. On our side there are about 20. I am now beginning to review the amendments and discuss them with Members and their staff to see if we can reduce that number. The majority is doing the same.

It is my hope, Mr. President, that, working with the chairman of the committee, Senator CHAFEE, and the majority and minority leaders, we will be in a position to bring the bill up, for debate and for amendment, within a matter of days. For my part, I will do whatever I can to make this possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPORTUNITY FOR PEACE—ELIMINATING TONS OF WEAPONS GRADE PLUTONIUM

Mr. DOMENICI. Mr. President, I traveled to the recent Summit meeting in Moscow. At that Summit, a protocol was signed that will, if successfully implemented, safeguard 50 tons of Russian weapons-grade plutonium and transform it into new forms that should ensure that it is never again used in nuclear weapons.

I've placed special emphasis on this agreement for many months, and I invested a great deal of personal effort to achieve success. I welcome these recent steps. At the same time, I recognize that this protocol only creates an opportunity for real progress, we have to go far beyond just signing the protocol to secure the benefits that it can provide.

I've spoken out in the past on the need to ensure that Russian stocks of weapons-grade materials do not find their way to terrorists or rogue states. The current financial crisis in Russia only adds further emphasis to these concerns. The former Soviet Union relied on guards and guns to safeguard their fissile materials. Now those guards may not have been paid for months—that has to increase our concerns. At the Summit we certainly heard about the tremendous burdens being borne by the Russian people from the current economic uncertainties and rampant inflation.

Some programs already exist to improve the protection of nuclear materials. The Materials Protection Control and Accounting program is demonstrating some real successes in improving this situation. But the current opportunity to remove 50 tons of weapons-grade material from potential weapons use is most unique. I've worked to be sure that we quickly seize it. In fact, my visit to Russia in July with Senators THOMPSON and GRAMS was motivated largely by my interest in finding ways to progress more rapidly with this 50 tons.

After that visit in July, I spoke with you about my misgivings with the Administration's plan to couple the rate of weapons dismantlement to the rate at which the weapons-grade plutonium could be used in reactors, as mixed-oxide or MOX fuel. At that time, the Administration was planning for Russia to use about 1.3 tons of this material per year in a set of Russian reactors. I argued that this was far too slow a rate. It would take 35 years to dispose of the 50 tons at that rate—none of us can be the least bit sure that the current window of opportunity for progress with Russia will stay open anywhere near that long.

In July, I proposed that we structure an agreement that decouples the initial steps in dismantlement from the final step of reactor use. Specifically, I believed that the Russians would accept a program that targets a goal for moving 10 tons per year of weapons-grade plutonium through the weapons dismantlement step, through conversion of classified shapes into unclassified ones, and into safeguarded storage. These steps have the effect of significantly reducing the risk that this material will be re-used in weapons.

We still need to proceed with the final disposition of the Russian plutonium in reactors, and I want to accomplish that step as rapidly as possible as part of our overall integrated program on plutonium disposition. But construction of MOX fuel fabrication facilities, plus limitations on the number of reactors in Russia that can accept MOX fuel, will lead to slower progress for this final step.

I discussed this approach with President Clinton in late July and encouraged that plutonium disposition be a focus of his next Summit. I appreciate his willingness to include this subject at the Moscow meetings.

I've just recently corresponded again with the President to outline my suggestions on key principles that should guide our negotiations of the detailed agreements required to implement the new plutonium disposition protocol. In that letter, I repeated my strong advice that he appoint a special envoy charged with the entire plutonium disposition effort. This program requires coordination across multiple federal agencies, as well as negotiations with Russia and the G–7 countries. In my view, an envoy who commands domestic and international respect, and who clearly has Presidential authority, is essential to expedite success.

I listed six key negotiating points in my letter to the President. First, I emphasized that agreements must focus on rapid progress for the initial steps of the process, the dismantlement, conversion of classified shapes, and the safeguarded storage. These steps can and should be targeted at a rate of 10 tons per year.

Second, all milestones that we establish to gauge progress must include sufficient transparency that we can be positive that agreed-upon steps are accomplished.

Third, Russian plutonium must eventually be used in MOX fuel, but the rate for this step will be much slower than 10 tons per year. Nevertheless, we need to make progress toward this ultimate goal and this step must be part of the overall integrated program. I also noted that in my conversations with Russian leadership, they are very sensitive to achieving the best utilization of their plutonium. They believe that new generations of reactors can best utilize some of their plutonium. I believe that we should respect their interests, as long as the weapons material is always stored under effective safeguards while awaiting eventual use.

Fourth, we should minimize the construction of new Russian facilities. We should seek and perhaps help to convert some existing Russian facilities. For example, some of their weapon production facilities should be converted to weapon dismantlement.

Fifth, it is important to involve the other G–7 countries. Plutonium represents a global risk prior to disposition and careful disposition of plutonium is a global benefit. For that reason, we should encourage meaningful participation from our G–7 friends as we work together on these goals.

And finally, we should assure that any U.S. resources that subsidize the Russian Federation's program are provided only upon assurance that tasks and milestones were satisfactorily completed.

It will be a challenge to negotiate agreements that follow these six points, but it is essential that we promptly start serious negotiations. I'm pleased to be informed by the Administration that the first discussions with the Russians on this subject will occur very soon.

In closing, I want to note that this current emphasis on disposition of excess weapons materials is only one action in what I hope will be a long series of important steps toward dramatic reductions in global risks and tensions. This agreement is important, but it has to be followed by more agreements. Each of these subsequent agreements must be carefully and fully implemented, and should target further reductions in the large world-wide stocks of weapons materials.

In order to achieve these reductions, new agreements have to be in place to inventory global sources of fissile materials; and obviously all nations will eventually have to participate to achieve real success. Other future agreements need to provide reliable counts of actual warheads, and eventually to dramatic reductions in the numbers of such warheads.

Our long term goal should be a world without nuclear weapons, but that goal will only be achieved by many many years of patient progress toward intermediate goals. Each step along this journey must be focused on further reductions in global tensions and in risks of international conflicts.

In the near term, I am committed to the importance of the disposition of the current 50 tons of Russian excess weapons-grade plutonium. We have a golden window of opportunity to rid the world of materials for thousands of nuclear weapons, we must not squander the chance.

I thank the Chair and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Mexico.

He is truly a treasure for this Senate and the country in his knowledge of matters involving nuclear power and weapons. His leadership in this crucial area could in fact help us to avoid a tragedy in the future, and I think it is wonderful that he is continuing to show leadership on this important issue. I express my appreciation to the Senator.

Mr. DOMENICI. I thank the Senator.

THE INCREASE IN BANKRUPTCIES

Mr. SESSIONS. Mr. President, there are a number of problems that have contributed to the increase in bankruptcies in this country. We are now considering what I believe to be a historic and exceptionally fine bankruptcy bill. It came out of the Judiciary Committee with a 16-2 vote, demonstrating overwhelming support from Democrats and Republicans. This legislation is something that we need to pass. But in some ways, the filing of a bankruptcy petition is the cleaning up of spilled milk. The milk has already been spilled, and it is difficult then to have any kind of fair and just determination or allocation of assets, and many problems arise from it.

What we need today is more people who manage their money well. The generation that grew up during the Depression, like my father and mother, knew how to manage their money. They were cautious. Maybe they didn't make great sums of money and great investments, but they took care of themselves and their families through frugal living—and I mean frugal living. In my background, oftentimes it was very tough for us to fund the things that we felt we would like to have. However, what we have is a generation that has not been taught how to manage money.

Today, more people have credit available to them. Frankly, I am not one of those who says the problem is that you can get access to credit. It would be a terrible thing in this country if you could not get a credit card, if you had to have a $40,000-a-year income before anybody would give you a credit card. A credit card is a very valuable thing for a person on a low income when they are trying to work and take care of their families. When they have a flat tire or a $400 car repair bill and they don't have $400 in their pocket, they can use a credit card to pay for it now and the pay it off over a period of months. This way they would not have to deny their family food, or not be able to get to work because of an automobile that he does not have the money to fix. Those are the kinds of things that are good.

I don't see how we need to be critical of the fact that many credit card companies are offering cards. For the first time, credit card companies are beginning to get competitive. I have been very displeased with the high rates of interest some of these cards charge. For the first time now, they are soliciting business and offering lower interest rates. I think that is a good thing, also.

But, fundamentally, we get into trouble because we don't have enough discipline and ability to manage the debt that we face. The way to deal with bankruptcy, fundamentally, is to educate the public on how to manage money. So this bill, for the first time in history, provides debtor education. It provides it both before filing and before you can be discharged from bankruptcy.

I was pleased to offer the consumer credit counseling amendment. I was very pleased, and thrilled, actually, that it received so much support and was made a part of this bill.

Let me just say this, Mr. President. I live in Mobile, AL, and I began to talk with people I know and respect about debt matters. I served with and go to church with an individual who is a bankruptcy administrator in Mobile. I know some of the bankruptcy judges. I have spent time talking with them about the problems with bankruptcy. Mr. Travis Bedsole and I both taught the same Sunday school class together over the years. We had some heart-to-hearts about what we really ought to do that would help people. When you have the ads that you see in the newspapers and on television, "Come down, and, for $350, we will wipe out all your debt," that may work just like that advertising lawyer says, but it will not leave that debtor with a better understanding of how to manage his money.

What I found was that there are alternatives to bankruptcy. Mr. Bedsole and I went to meet Sandra Dunaway in Mobile, who has a credit counseling agency. Families, married individuals, people in trouble, go to credit counseling agencies. Then, counselors sit down with the people who need assistance and help prepare a household budget; the lawyers don't do that. They look at all their debts and interest rates and figure out a way to save interest rates.

Credit counseling agencies even have the ability—because of their prior relationships with banks and credit card companies and other financing companies—to call those institutions and say, "This person is in credit card debt; they are paying 16 percent interest to you. We believe we can work them through this if you will cut your interest rate to 7 percent." They can actually reduce payments in various ways through negotiations with creditors. Often, creditors will cooperate with that. Then they help the debtor develop a family budget. Sometimes they will have them put their paycheck into the credit counseling department's account, and the counselor will pay the checks to the creditors and give the family what is left over for their normal needs and make sure they have enough to meet their household needs in that fashion.

If they can't absolutely work their way out of this debt crisis, then they advise them to seek an attorney and file for bankruptcy. What we have discovered is that this sytem works. They tell me that there are a number of different things that are at work here. One of them is gambling. Many people are filing bankruptcy today because of the proliferation of gambling. They are addicted to gambling, and they are losing large sums of money gambling, and their families are suffering from it. So sometimes the way to help a family is to make sure they are connected with Gamblers Anonymous or some other State agency or private organization that can help those addicted to gambling. Sometimes there is a drug problem or an alcohol problem in the family, and these credit counseling agencies, who are United Way agencies, for the most part filled with people who care about the individuals, in a service mentality, not just to get the money and file bankruptcy, but help them go to Alcoholics Anonymous or to drug treatment and get in contact with mental health agencies if there is a mental health problem in the family, and seek other forms of assistance that are already available in the community and then help that family develop a plan to get through this financial crisis.

It is a good thing and a lot of people see these ads: "Bankruptcy Can Be a Smart Financial Move"—from $350 and up. This ad has another thing in there, by the way. "Divorce, $300, including court appearance." "Injuries, sexual harassment at work, call us. $350." So they test that. They have a paralegal administrative assistant who meets with the person and they fill out all the bankruptcy forms. The lawyer may never even see them. He takes the forms. It looks OK. He takes them down to the court, files the forms, and, boom. They go to bankruptcy. There has been nothing done to deal with the fundamental problem that causes them to be in the circumstance they were. So credit agencies are really good. People do not realize it. They are in almost every city and midsized town in America. Credit counseling agencies are readily available.

This bill says before you file bankruptcy we require that you go by and talk with a credit counseling agency. But before you commit yourself to the lawyer and filing of the bankruptcy and paying his fee, go talk to that credit counseling agency. You just may find that they have the ability to help you work through this thing, that they will help you get some creditors to withhold demands of payment, allow you to get caught up, help you set up a budget, and help you figure a way to get a side job, or to do the kind of things that most families do to work their way out of debt. When they do that, it can actually strengthen the family.

Mr. President, there are some very dramatic numbers on this. But it is a major reality that a very large number—in fact, I think the highest number of divorces in this country are caused by financial disputes and arguments over finances. So this can help strengthen families and hold families together.

I am a real believer in credit counseling. It convinced me. I spent several hours talking with them about precisely how they do that. We got a number of people from my church together. We met three or four times. We want to develop a program that helps train people even more in depth about how to manage their property and finances as well so that bankruptcy won't be facing them.

Some have said that this amendment was opposed by the Federation of Credit Counselors, a national federation that has crediting standards, and that sort of thing. But that is not true. We have met with them. This amendment has been refined so that it has, I think, broad-based support by now virtually everyone. I am convinced that it has the potential for the first time to reduce the ever-increasing number of bankruptcies being filed, and for the first time they will have the government move more people from a strictly legal situation into a situation in which people care about them personally, who will be working with them personally, who confront their problems that exist within their family, and to help them figure a way out of it. I am really excited about that. It does not require a judge to order this to happen. If there are no legitimate or effective credit counseling agencies in the local communities, the amendment would not apply. But I am confident that in most areas it would apply.

Another thing this new bankruptcy bill does that is excellent is it requires that those who file bankruptcy complete a financial management course prior to receiving their discharge from bankruptcy. This is going to put a new burden on the bankruptcy courts. But many of them have already moved in this direction and are working in this direction.

I believe we owe a responsibility to those who had a circumstance in which they were unable to meet their debt to give them some training and education in how not to come back again. The truth is we have found a very large number of repeat filers in bankruptcies. Some districts have reported that 40 percent of their consumer bankruptcies are repeat filers. We know that it comprises more than 10 percent nationally. This problem will not go away if we don't do something to confront them in this process when they are seeking this relief. We want to confront them with their difficulties and help them establish a way to avoid coming back to bankruptcy.

That is the kind of thing that I think would deal with the fundamental problem of debt in America.

Mr. President, I believe that the Grassley-Durbin bankruptcy bill is an excellent bill. I believe that the 16-to-2 vote that it achieved coming out of committee is a strong testament to its fairness and objectivity and its ability to improve the bankruptcy court system.

I believe for the first time we will be reaching out to these individuals and families who are in credit difficulties in helping them change their lifestyle and helping them find ways to deal with the problems—sometimes the fundamental, root causes of their financial difficulties so that they won't have to face this problem again; in fact, perhaps to be able to live in a family that is not always squabbling over money, that maybe does not break up because the family has figured out a way to handle its resources in a wise and good manner that would benefit children and the entire family.

Mr. President, I believe that we are on the cusp of the opportunity of a great bill. I thank the Members of this body who have worked so hard to achieve it. I believe that we will pass it, that it will be law soon, and that this Nation will benefit from it.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THE MULTICHANNEL VIDEO COMPETITION ACT OF 1998

Mr. JEFFORDS. Mr. President, I rise today to announce my full support for and co-sponsorship of legislation introduced yesterday by the Commerce Committee Chairman, Senator McCAIN, that will fix a vexing problem that is causing citizens in my state of Vermont and throughout the country to lose their access to television network programming.

Mr. President, Vermonters are contacting me saying they are very frustrated to be caught in the middle of a legal battle between broadcast and satellite television providers. In many parts of Vermont, and especially in the winter, television is our access to the world. As a satellite dish owner myself, I know that in many parts of Vermont, it is impossible to view television progamming without cable or satellite television service. Vermont's many mountains and valleys can enable one homeowner at the top of a hollow to receive a broadcast signal just fine, but his neighbor down in the hollow needs a satellite dish to receive anything at all.

I am hopeful that this legislation will fix these problems quickly and fairly. I believe Senator McCAIN's bill will both protect the rights of local broadcasters while ensuring that Vermonters do not have their satellite service unfairly cutoff. I urge its quick passage.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BANKRUPTCY BILL

Mr. SESSIONS. Mr. President, we have spent most of the morning talking primarily about the bankruptcy bill that will be before us. We have done a lot of work on that bill, and there are some complicated and difficult issues involved. People have raised many objections and questions. The managers have done an outstanding job in trying to confront those objections and questions and tried to modify the bill, often on the spur of the moment, to deal with the potential objections. I have supported that. I have supported the managers' amendment that deals with many of these things. But there are a number of issues that still perhaps need more evaluation.

I think one of the things we need to discuss is a mandate that we have now in the bill which tells the credit card companies a lot of new information that they must provide on their financial statements, including how many months a person would need to pay at the minimum payment before the credit card debt would be fully paid off. That may be a good idea, but I wonder, Have we actually asked these private companies how difficult that is going to be for them? Will we get the kind of benefit from it that we hope to get? Will it be worth the additional numbers that are required to be put on the form? Have was asked them how much will it cost? That cost, of course, will ultimately be passed on to the consumers.

Some of those financial statements have become so complicated that you hardly know how to look at them when you get them. It may be that this is the kind of amendment we want to have. But I did want to suggest that, regarding this requirement that we have added without any hearings having taken place, we might need to ask the conferees to look at it. There may be a number of other issues of like note that need to be looked at in conference as well.

Fundamentally, I believe the managers' amendment is a healthy thing, and I certainly support Senator GRASSLEY in his efforts to move this bill forward.

LOUISIANA REQUEST FOR DISASTER ASSISTANCE

Ms. LANDRIEU. Mr. President, over the past several weeks the senior Senator from Louisiana, Senator BREAUX, and I have expressed grave concerns about the pending economic crisis that Louisiana and other Southern states face as a result of the worst drought in Louisiana and the South's history. Earlier this week, more disturbing information was brought to our attention by Terry Smith, a second generation farmer, cotton gin manager and marketing consultant from Jonesville, Louisiana who testified before a hearing called by Senator DASCHLE on the farm crisis. The plea by Mr. Smith and others in Louisiana is a wake up call. If the Congress fails to respond to the natural disaster crisis in the South for this crop year, not only will farmers be forced into bankruptcy, but banks, hundreds of small businesses and the rural economy that is supported by the agriculture industry will suffer greatly.

Mr. President, Louisiana began the year with record rainfall during the Winter and early Spring followed by the hottest Summer on record. Just during the last three months, Louisiana has had 71 days of 97 degree or higher temperatures with 36 days higher than 100 degrees. Things are not looking any better and we are told that with the past and current extreme weather conditions the current loss estimates of $450 million are expected to increase even more during the coming weeks. This is not good news especially for Louisiana corn, cotton, soybean and livestock producers in North Louisiana who have been hit hardest.

To explain the difficulties that Louisiana farmers are experiencing I would like to take a few moments to highlight some of the high points of Terry's remarks. His recent statement very clearly tells the story of the projected impact this natural disaster has had on thousands of family farms and the future economy of some of the poorest areas in Louisiana. Specifically, his testimony focuses on the economic losses projected for Louisiana's major row crops—corn, cotton and soybeans.

Mr. President, corn farmers in Louisiana under normal weather patterns are able to produce about 100–200 bushels per acre for non-irrigated corn. To date, the best corn yields in Louisiana have been in the 40–50 bushel per acre range. In addition, a large percentage of Louisiana's corn crop is infested with aflatoxin, a toxic mold that results from heat stress and is harmful to humans and animals at certain levels. Due to the toxic nature of this mold, corn harvested with aflatoxin in excess of 20 parts per billion can not be sold to most grain elevators. The grain elevators that will except infested corn is only paying $1.00 per bushel—less than half of what is needed to cover the farmer's production costs. Therefore, the farmer has two options—(1) sell the crop at discounted price of $1.00 an acre or (2) leave it in the field to rot and collect about the same amount, if the farmer has Catastrophic Crop Insurance. Most farmers with aflatoxin in their corn above 20 billion parts per million are finding it unpractical to even harvest. Those farmers who are lucky enough to have corn without aflatoxin will not be able to cover even half of their production costs due to low yields and low prices. What is the result of this situation? The Louisiana Cooperative Extension Service recently estimated that corn farmers in one North Louisiana Parish will lose about $154 per acre or about $3.85 million this year.

Our cotton farmers just began their harvest last week, but the outlook is not much better. Cotton yields in Louisiana generally average about 800 to 1000 pounds per acre. As of last week, cotton yields have been averaging 100 to 650 pounds per acre, one third to one half of normal production yields. Also, the quality has been extremely poor due to the hot dry summer and will discount the price the farmer gets for his crop by several cents per pound. With production costs of cotton in Louisiana ranging from $500 to $600 per acre, it is estimated that the average cotton farmer will lose approximately $131,000 this year.

Soybean harvest has also just begun. Yields thus far are less than 10 bushels per acre, which is down approximately 65% from normal. Most fields in North Louisiana are averaging about 4–5 bushels per acre. Also, because of the hot, dry weather, chemicals have not been preforming and weeds have been a tremendous problem. With the extreme low prices of soybeans and low yields, farmers in hardest hit areas can expect to lose approximately $85 per acre or about $42,500 this year.

These are just a few examples of how the major row crops will be impacted. In addition, our larger agriculture lending institutions are expecting very low repayments this year. One of the larger banks in the state says that of $18 million in crop loans, they are expecting to be repaid only 30–35% of the outstanding loans. Another bank expects that 40–50% of the agricultural loans will not be totally paid this year. Not only will crop loans not be repaid, but outstanding bills for crop inputs such as chemicals, fertilizer and fuel may not be paid in full. In the words of one banker "spendable income will be down 75% of normal. This is the money used to buy clothing, household goods and for paying the utilities."

Mr. President, these are real examples of the economic hardships facing farmers, their families and the rural communities they support. Many farm families do not know what they are going to do in order to make it another year. Many may end up in the local unemployment office. I hope that this Congress does not let this happen.

Farmers in Louisiana and other Southern states need disaster assistance, and they need it before the Congress adjourns. They need this assistance delivered in a manner that is fair. Thus, this relief should only be provided to those farmers with demonstrated crop losses. I urge my colleagues on both sides of the aisle to join me in support of direct disaster payments to the thousands of farmers who provide us with three square meals a day. This source is so often taken for granted every day when we feed our families.

Mr. President, before I conclude my remarks, I would like to talk about some specific relief measures needed to address the 1998 crop losses in Louisiana and other Southern states that have lost a large portion of their crops due to the drought and associated disease. These measures include:

1. The Secretary should deliver direct disaster payments to compensate all farmers for 1998 crop losses through the Farm Service Agency (FSA).

2. Payments should be based on actual farm yields using the past five years of actual production history, excluding the crop year with the lowest yields per harvested acre and any crop year in which the crop was not planted on the farm. Actual production losses should be adjusted because of quality losses caused by damaging weather and related conditions, including diseases such as aflatoxin. If no five year history is available, the Secretary should use the average county yields.

3. With respect to livestock producers, direct payments should cover the cost of feed, the establishment of supplemental pastures and other losses due to natural disasters, including livestock and poultry weight losses, poultry mortality and livestock milk production losses.

4. With respect to tree farmers, direct payments should cover the cost of replanting seedlings and cover production costs of pecan and peach farmers who suffered losses due to a natural disaster during the 1998 crop year.

5. Presently, any farmer who collected a Catastrophic Crop Insurance Payment (CAT) or Non-Insured Crop Insurance Payment (NAP) is ineligible for a low-interest Emergency Loan. This should be amended.

6. Also, there is presently a seven year limit on the amount of credit that can be extended through the USDA Farm Service Agency (FSA). On an emergency basis, the Secretary of Agriculture should be granted the authority to waive the current limitation.

7. Finally, Mr. President, all the farmers that I have spoken with tell me the crop insurance program is not working. I think we do have some serious problems that can not be addressed in three weeks and should be revisited next year. However, one valid problem that can be addressed this year is to require USDA not to exclude from coverage approved existing planting methods. Currently, all broadcast soybeans planted in Louisiana

are ineligible for crop insurance coverage due to the fact that they are seeded by broadcasting means such as aerial application. This is wrong and should be amended.

Mr. President, this concludes my remarks and I ask unanimous consent that the crop damages as reported by the Louisiana State University Agricultural Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Louisiana State University (LSU) Agricultural Center's crop damage estimate for Louisiana

[August 14, 1998]

Total state reduction in farm income for the reporting Louisiana parishes:	
Corn	$64,355,717
Silage	3,026,790
Cotton Lint	45,402,308
Seed	5,090,964
Soybeans	72,053,920
Rice	14,053,920
Sugar	44,828,210
Molasses	1,399,613
Sorghum	4,034,161
Total crops	254,231,853
Sweet Potatoes	8,054,100
Commercial Vegetables	3,995,561
Est. Pine Seedling Mortality	10,000,000
Pasture	90,000,000
Hay	24,750,000
Additional damages reported as of September 1, 1998:	
Aflatoxin in Corn	29,000,000
Livestock	30,000,000
Current estimated total	450,031,514

NEED FOR BIPARTISAN CONSENSUS ON FOREIGN POLICY AT A TIME OF DOMESTIC CRISIS

Mr. BIDEN. Mr. President, this is a time of serious political turmoil in the United States.

The House of Representatives is currently considering impeachment proceedings. The President of the United States has admitted to serious moral indiscretions.

The public is divided on what punishment should be meted out to a President who has performed such despicable and indefensible actions.

While the House of Representatives is considering impeachment the Senate is waiting to determine whether it may have to sit in judgment with respect to these actions.

Clearly this is a difficult time for the nation domestically.

It is a perilous time for the nation internationally.

We have four weeks left in this Congress and to date we have failed to address some critical foreign policy issues.

Notwithstanding that failure and the political disarray on the domestic front, there should be no disagreement as to the need to face up to these issues.

This challenge, and our unfinished business, is the subject of my remarks today.

Throughout our nation's history, Americans have understood that no matter what was happening in this country's internal political life, America's survival depends on presenting a strong, united front to the world. Now, in the middle of a domestic political crisis, we must overcome partisan differences to focus on urgent matters in United States foreign policy.

Especially now, in the face of major world crises, we must not allow ourselves to be distracted from our task of protecting America's security, leadership, and credibility abroad.

With time running short in the Congressional session, the ability to reach out to find the necessary consensus which could permit our country to speak in one voice is threatened by the entire debate over the future of this President.

No matter how we feel about the actions of President Clinton and whether impeachment proceedings should begin in the House of Representatives, Bill Clinton is still President of the United States with constitutional responsibilities for the conduct of our foreign policy and national security.

We in the Congress share that constitutional responsibility and I call on my colleagues on both sides of the aisle to come together and work closely with the President and his national security team to address these issues together.

The security threats facing us are urgent and complex: international terrorism; weapons of mass destruction in Iraq; nuclear weapons programs in India, Pakistan, and North Korea; a fragile Middle East peace; drug trafficking and international crime; the financial crises in Russia and Asia; and impending humanitarian disasters in Kosovo and the Horn of Africa.

RUSSIAN ECONOMIC CRISIS

The unfolding crisis in Russia, for example, could hold serious threats to the national economic and military security of the United States. An even greater danger than the economic meltdown is the threat of a total collapse of Russia's political system.

With the Yeltsin era about to end, the only thing worse than an economically paralyzed Yeltsin government would be a coup d'etat that installed an authoritarian government.

It takes little imagination to see the dangers of a new, extremist Russian regime that would have access to thousands of leftover Cold War missiles armed with nuclear warheads. Because of the deep structural problems in Russia's political and economic system, there is very little that the United States can do to turn this situation around quickly.

But with thousands of former Soviet nuclear weapons experts out of work and rogue states such as Libya, Iran, and Iraq eager to offer them paychecks, we must keep our eye on the first priority of preventing the collapse of Russian democracy along with the economy if we want to protect our own national security.

KOSOVO

In Kosovo, the Serbian special police are continuing their terrorist policy that has driven more than 300,000 Kosovo Albanians from their homes and into the forests and mountains. With the onset of the Balkan winter only one month away, a humanitarian catastrophe of enormous proportions looms. The West must compel the Serbs to cease military operations at once and provide unrestricted access to international aid organizations.

The Administration must immediately formulate a policy on Kosovo and present it to the Congress so we can be united in strong action to address yet another Balkan tragedy.

IRAQ SANCTIONS POLICY

Iraq's decision last month to prevent U.N. inspections reminds us of the continuing threat posed by Saddam Hussein to our national interest. At that time, U.N. weapons inspector Scott Ritter resigned his post because he believed that the U.N. Security Council and the United States were unwilling to use force against Iraq to compel it to cooperate with U.N. weapons inspectors.

Ritter's resignation has forced both the Administration and Congress to decide on a clear Iraq policy: do we rely on the immediate, unilateral use of force to back U.N. inspections?

Do we seek to maintain consensus on the Security Council before using force? Do we abandon the threat of the use of force and rely on sanctions to contain Iraq? These are tough choices, but we need to make a decision and be prepared to stick with it. And we need to remember that big nations can't bluff.

THE MIDDLE EAST

Another test of United States leadership abroad is our continued support for the delicate peace process in the Middle East. My recent visit to the Middle East has reconfirmed my belief that both the Israeli and Palestinian leadership are committed to the success of the peace talks. It is important that Congress support the President's intensive efforts to revive a process that has remained stalled for much too long.

Continued drift in the peace process benefits no one but the terrorists and extremists.

INDIA/PAKISTAN

Equally critical is our support of the Administration's continued diplomatic efforts to de-escalate the nuclear tensions between India and Pakistan. In the wake of their nuclear tests, the President was forced by existing sanctions law to impose sweeping economic penalties against these countries, even though this made resolution of the crisis more difficult.

The Senate quickly moved to repeal part of the sanctions law to make exceptions for food and other humanitarian supplies. The Senate Sanctions Task Force, which I co-chair with Senator MCCONNELL, also recommended changes in the existing sanctions regime to give the President flexibility in negotiating with India and Pakistan.

The Senate adopted these changes as an amendment to the Agricultural Appropriations bill. We need to complete action on this legislation before we adjourn.

These are only some of the foreign policy issues we face together, the Congress and our President, in this dangerous world of borderless threats and transnational security challenges.

Our foreign policy initiatives could have tragic consequences—as we've seen in the past—if the President, Congress, and the American people fail to forge a common consensus on our foreign policy goals.

As I said at the outset, Bill Clinton is President of the United States. The situation requires a bipartisan effort to address these issues.

We have failed thus far in meeting that responsibility with respect to several very specific issues. Working with the President, we must act on these issues before we adjourn.

EMBASSY FUNDING

First among these is consideration of emergency embassy security legislation, which the President is expected to submit to the Congress this week. The embassy bombings in East Africa were tragic reminders of the long-term war against terrorism. They were also a reminder that maintaining a strong diplomatic presence around the globe cannot be done on a shoestring budget.

I believe the Congress will act quickly on the Administration's request for emergency funding to rebuild the destroyed embassies in Kenya and Tanzania and to meet urgent security needs of our other diplomatic facilities around the world. As the world's leading superpower, we cannot afford to pinch pennies in countering the new breed of international terrorist.

Under the leadership of the Chairman of the Foreign Relations Committee, Senator HELMS, and the Chairman and Ranking Minority Member of the Appropriations Committee, I am confident that this issue will be acted upon in an expeditious and bipartisan manner.

Engaging in a debate about whether Congress or the Executive had failed to provide adequate security funding would distract us from working together in a bipartisan manner to provide the funds needed to protect our people serving abroad.

IMF FUNDING

America's own economic security may also very well depend on Congress's ability to provide strong international leadership at this critical time for the international economy. The Asian financial crisis has sent shock waves as far as Russia and Latin America. To protect our economy and to keep the crisis from spreading, Congress must act quickly to help replenish its share of the IMF's resources, which now have reached dangerously low levels.

But while the Senate has supported full funding for the IMF in a strong bipartisan manner, the House yesterday voted to provide only a fraction of our total share of the IMF's emergency funds.

With the outcome of the financial crisis still to be determined, Congress must act decisively before we adjourn to maintain both the financial strength of the IMF and to help end the global economic crisis before our own interests are jeopardized.

CWC

In a world beset with many dangers, the threat posed by weapons of mass destruction is also among our greatest concerns. Chemical weapons, among the world's oldest weapons of mass destruction, are truly horrific—as we learned when Iraq's Saddam Hussein gassed whole villages of his own people.

Partly in response to Saddam Hussein, the world has moved to adopt the Chemical Weapons Convention, or CWC, to outlaw chemical weapons and to verify compliance with the Treaty. In May of last year, the Senate passed bi-partisan legislation necessary to implement the Treaty. But the CWC remains in limbo. Why?

Because House Republicans failed to act on the Senate's CWC Implementation Act for six months, finally choosing to attach it to unrelated, vetoed legislation in a political confrontation with the President. Failure to act has put our country in violation of this treaty leaving us unable to demand compliance by others.

If the CWC implementation bill is not passed by the House in the next four weeks, we will continue to be in violation of the CWC Treaty and have to start all over again in a new Congress. It is time for the House of Representatives to step forward and put the national interest above political considerations.

U.N. ARREARS/STATE DEPARTMENT REORGANIZATION

The issue of United States arrears to the United Nations is another challenge we have yet to resolve. Chairman HELMS and I worked hard to craft a bipartisan plan to pay $926 million in our arrears if the United Nations agreed to make reforms. Those plans are contained in the State Department Conference Report that has yet to be sent to the President.

Unfortunately, our payment to the UN has been weighed down with an unrelated, controversial abortion provision. We need to come to grips with this problem before we adjourn. Our arrears are harming our interests at the United Nations, where other countries are raising the issue at every opportunity to curtail U.S. influence on other matters.

Our failure to resolve serious differences over the Mexico City abortion language—or agree to strip it from this conference report—is also holding back additional legislation in the conference report authorizing the reorganization of the U.S. foreign affairs agencies—a long-awaited plan to help the Department streamline its operations to increase our diplomatic effectiveness.

We need to take a fresh look at the continuing impasse over this conference report. We in the Congress and the President need to set out a new road map to get these issues signed into law. As I said, we need, together, to resolve our differences over the Mexico City language or strip it off and fight that issue again next year.

Mr. President, at this point I would like to say a few words about the Committee on Foreign Relations, where I serve as Ranking Minority Member.

During this Congress the Chairman of the Foreign Relations Committee, Senator HELMS, and I have worked together to address serious and difficult issues. We have not always agreed, though I am sure many have been surprised at the large number of issues the Chairman and I have come to agreement on.

Overriding all the issues, however, has been a strong commitment, equally shared, to our responsibility to discharge our responsibilities on the Committee on Foreign Relations.

Consequently it is no surprise that the Chairman, immediately upon our return in September, initiated plans for the Committee to act on over thirty legal assistance treaties and a large number of nominations important to the conduct of our foreign policy.

I applaud the Chairman for his commitment at this time of political crisis.

I regret, however, that the Committee has not been able to consider the Comprehensive Test Ban Treaty this year. The Chairman and I disagree on the importance of this treaty and he has indicated a need to address other treaties first.

Although we will be unable to act before we adjourn, we do need to consider how and when the Senate will be able to take this treaty up next year.

Mr. President, as I said earlier, our time is short. We must work together to resolve these outstanding foreign policy issues.

Most important is the need for a bipartisan commitment to work with our

President at this time of crisis, as he leads our country as Commander-in-Chief.

If ever there was a time for a President to provide leadership, overseas and the Congress to rise above a serious domestic political crisis to support the President, now is that time!

Mr. President, John F. Kennedy once remarked that "our domestic policy can defeat us, but our foreign policy can kill us."

He was right, of course. And in the coming weeks, Congress and the President have the responsibility to step up to the plate and address our unfinished foreign policy business—or risk allowing these neglected issues to jeopardize our national security interests.

THE IMPORTANCE OF IMF FUNDING

Mr. BIDEN. Mr. President, I rise today to express my deep concern about our country's ability to lead at this crucial moment for the international economy.

Yesterday, the House of Representatives refused to provide the resources that the International Monetary Fund needs to deal with the most serious international financial crisis in years. What makes this failure even more inexcusable is that our participation in a stronger IMF would not cost American taxpayers a dime.

As the President reminded us earlier this week, this is a time when we alone—with the most important economy in the world—are in a position to lead. And two days ago, Treasury Secretary Rubin and Federal Reserve Chairman Alan Greenspan told us just how dangerous the current situation really is.

At this critical juncture, those who weaken our standing in key international financial institutions are playing a reckless game. By failing to provide the $14.5 billion U.S. "quota" increase—our share in an expanded capital reserve for the IMF—the House has increased the threat to our economy from the current international financial turmoil.

This is just the kind of situation that can get out of control if no one steps in to steer a course through these troubled times. Right now, the Europeans are turned inward, concerned with the next stage in their economic integration—the introduction of a common currency that puts strict limits on its members' budget and interest rate policies.

Japan remains in the grip of a political paralysis that has allowed its financial problems—centered in a banking system that is crumbling from the weight of bad loans—to fester for almost a decade.

The Tigers of the Asian financial miracle have been declawed, and with their collapse the world has lost a major engine for growth.

And our increasingly important trading partners in Latin America are catching their own version of the Asian flu. They face the threat of a chain of devaluations, budget crunches, and slower growth.

Quite literally, Mr. President, we are in a world of hurt.

The robust American economy of recent years—with strong job growth, rising incomes, healthy profits, high levels of investment in new technologies—has been the wonder and the envy of the rest of the world. And the fundamentals here, as Treasury Secretary Rubin and Fed Chairman Greenspan have stressed, remain strong.

But in recent weeks, we have watched as wild swings in our stock market reveal profound anxiety and uncertainty about the effects of international events on our own country.

Those international events have their ultimate origins in the particular circumstances of many different nations as they have entered today's global economy. But they have common threads—chief among them, a trend in those emerging economies toward excessive borrowing from other countries, debt denominated in dollars and other strong currencies. A lot of this international cash flowed into economies whose banking systems lacked fundamental rules for safety, soundness, and just plain honest bookkeeping.

As those debt burdens reached unsustainable levels for many important emerging economies, investors were convinced that assets they held in the currencies of those countries were no longer as valuable, and that those countries were no longer in a position to prop up their currencies with shrinking reserves of hard currencies. Once that idea took hold, the flight from those currencies was as swift as it was inevitable.

As the agonizing reappraisal of international lending grew to encompass other emerging economies, the currencies of countries as widely dispersed—and as different—as Russia, Venezuela, Brazil, and Argentina have come under increasing pressure. In the case of Russia, that pressure has resulted in the virtual collapse of the ruble and the evaporation of the nascent Russian stock market.

What does this all have to do with us, Mr. President? A lot.

First, as these emerging markets lose steam, they buy fewer finished goods from us and from other advanced economies, taking a bite out of our export sector, a major component of our recent growth. Facing shrinking markets and low-cost competition from the weakened emerging economies, American firms will no longer enjoy the kind of corporate earnings—or the kind of stock prices—that until just recently lifted Wall Street indexes into the stratosphere.

Without those profits and those stock values, our companies will not be able to sustain the level of investment that has been a cornerstone of our recent booming economy. Ultimately, this must lead to lower job growth and thinner pay checks. And the decline in our stock market will affect many individual investors' willingness to continue the level of spending that has been the real backbone of our economy.

Another key feature of this global slump is depressed prices for basic commodities like grain and oil. There is no need for me to remind my colleagues here that our farmers now face a serious crisis because of the loss of important export markets. I know I hear from my poultry farmers in Delaware, for whom Russia is a key export market, about their concerns.

The latest numbers show that our trade deficit soared by more than 20 percent in the second quarter of this year, and its gives every sign of getting worse before it gets better. Some projections show our exports declining in ways we haven't seen in more than a decade, while we continue to pull in cheap imports from the weakened economies around the world.

We are in the middle of a major global economic transformation, Mr. President, and there is much we don't know about the workings of the evolving system of increased trade and increased international investment. But we can see from here that international financial problems—particularly foreign exchange crises—have a strong potential to spread, and that our economy, for all its fundamental strengths, will be hurt more the longer those problems persist.

As we survey the wreckage from this global crisis, and consider the very real potential for deeper trouble, we cannot hesitate to use every tool at our disposal to restore confidence to financial markets. The International Monetary Fund is the institution that we created, along with the other major economies, at the end of World War II to inject a measure of stability into the management of international currency markets.

Time and events have overtaken the problems for which the IMF was originally created. And while there are important and useful reforms of the IMF included in both House and Senate legislation this session, I am concerned that we are demanding too much of the IMF—expanding its responsibilities instead of focusing its energies where they can do the most good—and too little from such forums as the G-7 and others where the major economies of the world should be seeking a sense of common concern and a coordinated response.

But that is a topic for another day, Mr. President.

Today, we need look no farther than today's front page to see that the need for an international lender of last resort is essential to the stability of today's financial markets. Only such a lender can step in to keep a country from complete financial and political meltdown when private investment retreats. Only such a lender can work to limit the contagion of a currency collapse to more and more countries.

But the vastly increased size of international financial markets now dwarfs the resources of the IMF relative to the problems it confronts.

Last year, even before the meltdown in Asia, the IMF—with our agreement—concluded that the size and repercussions of foreign exchange crises in today's world justify an increase in the basic reserves of the IMF, the "quota" paid in by each of its 182 members. And we have also agreed, with the other senior members of the IMF, to make available a larger emergency fund, the New Arrangements to Borrow, for use when the quota funds get too low.

Today, with the funds already committed to Asia and Russia, the IMF's resources are now dangerously low—so low that they call into question its ability to meet the next major run on an emerging economy's currency. So the rest of the world is looking to us to take the lead in providing those resources to the IMF. Our share of the quota increase would be $14.5 billion; our share of the New Arrangements to Borrow would be $3.5 billion.

But while we must go through the appropriations process to make those funds available to the IMF, we get in return an interest bearing asset, so the overall budget effect is a wash. Let me repeat that—there is no budget outlay involved when we meet our commitment to increase the capacity of the IMF to meet international financial crises.

And yet, Mr. President, we face the very real threat that the United States will simply flub this chance to maintain its leadership. With the failure of the House to act on the quota, providing only the $3.5 billion for the New Arrangements to borrow, we leave the rest of the world to wonder about our commitment to deal with the very serious problems that afflict our global economy.

Here in the Senate, we have been fortunate to have the benefit of real leadership on the issue of IMF funding. Senator STEVENS has made use of two opportunities to put the Senate on record in support of full funding for our participation in the IMF. My colleagues on the Foreign Relations Committee, Senator HAGEL and Senator SARBANES, have lent their considerable energies and reputations to this effort.

There are few opportunities left in this session for us to put this right, Mr. President. The Congress is already seen by the rest of the world as reluctant to take an easy—and, I repeat, costless—step to increase the resources of the one institution we have that is in a position to intervene in this crisis. This can only add to the uncertainty that is at the bottom of the current market unrest.

Mr. President, there is every indication that we have a long, hard road between us and the end of the current financial turmoil. I hope that in the few weeks remaining to us this session we will take this one small step to start that journey.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 17, 1998, the federal debt stood at $5,514,091,417,890.65 (Five trillion, five hundred fourteen billion, ninety-one million, four hundred seventeen thousand, eight hundred ninety dollars and sixty-five cents).

One year ago, September 17, 1997, the federal debt stood at $5,394,894,000,000 (Five trillion, three hundred ninety-four billion, eight hundred ninety-four million).

Five years ago, September 17, 1993, the federal debt stood at $4,389,958,000,000 (Four trillion, three hundred eighty-nine billion, nine hundred fifty-eight million).

Twenty-five years ago, September 17, 1973, the federal debt stood at $460,362,000,000 (Four hundred sixty billion, three hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,053,729,417,890.65 (Five trillion, fifty-three billion, seven hundred twenty-nine million, four hundred seventeen thousand, eight hundred ninety dollars and sixty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES REFERRED

The Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following measure which was referred to the Committee on Energy and Natural Resources:

S. 2402. A bill to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7008. A communication from the Executive Director of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled "Management of the Presidio" (RIN3212-AA01) received on September 15, 1998; to the Committee on Energy and Natural Resources.

EC-7009. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the Institute's report under the rules of the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1996 and 1997; to the Committee on Governmental Affairs.

EC-7010. A communication from the Secretary of Veterans Affairs, transmitting, the Department's report entitled "Plain Language Action Plan"; to the Committee on Veterans' Affairs.

EC-7011. A communication from the President and the Chairman of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the Center's annual report for fiscal year 1997; to the Committee on Rules and Administration.

EC-7012. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC-7013. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligible Basis Reduced by Federal Grants" (Rev. Rul. 98-49) received on September 16, 1998; to the Committee on Finance.

EC-7014. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives" (RIN1512-AB55) received on August 28, 1998; to the Committee on Finance.

EC-7015. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients" (Docket 98N-0636) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC-7016. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment; Correction" (Docket 81N-0201) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC-7017. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food; Correction" (Docket 98N-0392) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC–7018. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifically Approved States Authorized to Receive Mares and Stallions Imported From Regions Where CEM Exists" (Docket 98–059–1/2) received on September 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7019. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Increased Assessment Rate" (Docket FV98–981–2 FR) received on September 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7020. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery" (I.D. 071098I) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7021. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Radio Frequencies Above 40GHz for New Radio Applications" (Docket 94–124) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7022. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding a radio astronomy coordination zone in Puerto Rico (Docket 96–2) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7023. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Stone Crab Fishery of the Gulf of Mexico; Amendment 6" (I.D. 041698G) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7024. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of two rules regarding final flood elevation determinations (63 FR 42264, 63 FR 45737) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7025. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (63 FR 42257) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7026. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (63 FR 42259) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7027. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of three rules regarding changes in flood elevation determinations (63 FR 45729, 45732, 42262) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7028. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant–Specific, Risk-Informed Decisionmaking: Inservice Testing" (Guide 1.175) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7029. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Graded Quality Assurance" (Guide 1.176) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7030. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications" (Guide 1.177) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7031. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Chapter 3.9.7 Risk-Informed Inservice Testing" (NUREG–0800) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7032. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Chapter 16.1 Risk-Informed Decisionmaking: Technical Specifications" (NUREG–0800) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7033. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report entitled "Federal Space Situation Report for Chattanooga, TN"; to the Committee on Environment and Public Works.

EC–7034. A communication from the Director of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances" (FRL6027–1) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7035. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a payment to Rewards Program Participant 98–21; to the Committee on Foreign Relations.

EC–7036. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice that the President has authorized the use of funds under the U.S. Emergency Refugee and Migration Assistance Fund to meet the needs of persons at risk due to the Kosovo crisis; to the Committee on Foreign Relations.

EC–7037. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended—Fees for Application and Issuance of Nonimmigrant Visas" (Notice 2894) received on September 16, 1998; to the Committee on Foreign Relations.

EC–7038. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of agreements between the American Institute in Taiwan and the people on Taiwan concluded during calendar year 1997; to the Committee on Foreign Relations.

EC–7039. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States (98–131—98–138); to the Committee on Foreign Relations.

EC–7040. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, the report of a rule regarding application of the Prevailing Conditions of Work requirement (UIPL No. 41–98) received on September 17, 1998; to the Committee on Labor and Human Resources.

EC–7041. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated September 8, 1998; to the Committee on Governmental Affairs.

EC–7042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6160–9) received on September 17, 1998; to the Committee on Environment and Public Works.

EC–7043. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Management Sites" (FRL6161–2) received on September 17, 1998; to the Committee on Environment and Public Works.

EC–7044. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery; Inseason Adjustment; Closure" (I.D. 080698A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations to Implement a Stand Down Requirement for Trawl Catcher Vessels Transiting Between the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska" (I.D. 051898A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening Directed Fishing for Pollock in Statistical Area 610 in the Gulf of Alaska" (I.D. 090998A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. No. 105-336).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Robert Bruce King, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. GRAHAM, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. INOUYE):

S. 2497. A bill to ban certain abortions; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of agricultural cooperatives and to allow declaratory judgment relief for such cooperatives; to the Committee on Finance.

By Mr. GLENN:

S. 2499. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. THOMAS, and Mr. BINGAMAN):

S. 2500. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. GRASSLEY):

S. 2501. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. GRAHAM, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 2497. A bill to ban certain abortions; to the Committee on the Judiciary.

THE LATE-TERM ABORTION LIMITATION ACT OF 1998

Mr. DURBIN. Mr. President, today the Senate is beginning consideration of a very controversial and contentious issue, the veto override of the Partial-Birth Abortion Ban Act.

I will vote to sustain the President's veto of this bill, which I believe is seriously flawed. But to make my position clear and state in positive terms what I believe we should do to address this troubling issue, I am introducing legislation today known as the Late-Term Abortion Limitation Act of 1998.

I am pleased to have a bipartisan group of Senators as original cosponsors of this legislation, including Senators SNOWE, COLLINS, TORRICELLI, MIKULSKI, GRAHAM, LANDRIEU, and LIEBERMAN.

We believe that post-viability abortions should be allowed in only two types of situations—when the life of the mother is in danger or when she faces a medically certified risk of grievous physical injury.

Senators DASCHLE and SNOWE put forward a measure last year that reflected this principle. I support them, and our legislation builds on what they did.

Our bill has one significant difference from the Daschle proposal, an addition that we believe enhances the Daschle amendment. Our legislation would require a second non-treating doctor's certification that the abortion is medically necessary to protect the life of the mother or prevent grievous physical injury. This second certification could be waived only in the case of a medical emergency, and the physician would have to document the nature of the medical emergency.

We believe this approach is one that can be passed in the United States Senate. It is backed by a substantial and bipartisan group of Senators. It is a compromise approach that can bring to a reasonable conclusion the long-running debate over late-term abortion procedures. I urge my colleagues to read the language closely and give it careful consideration as a good faith effort to resolve this troubling issue in a fair and humane manner.

Unlike the Partial Birth Abortion Ban Act, this legislation would actually reduce the number of late-term abortions because, instead of banning only one procedure, the measure would ban all post-viability abortions except when a continuation of the pregnancy risks grievous physical injury to the mother or poses a threat to her life.

At the same time, the legislation holds to the Roe versus Wade standard which makes a clear distinction between abortions occurring before and after viability. Unlike the partial birth abortion ban, our bill preserves this important distinction and is thus more likely to pass court scrutiny. Before viability, a decision to have an abortion must be made by a woman, her doctor, her family, and her conscience. But in the closing weeks of a pregnancy, the court affirms a role for addressing the public concern about late-term abortions and makes it clear that the State can draw the line limiting abortions to the most serious circumstances.

I hope the legislation we are introducing today can help us resolve this debate once and for all, in a manner that is consistent with our laws and the views of most of the American people.

I ask unanimous consent that a summary of the bill and the text of the measure be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Late Term Abortion Limitation Act of 1998".

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—BAN ON CERTAIN ABORTIONS

"Sec.
"1531. Prohibition of post-viability abortions.
"1532. Penalties.
"1533. Regulations.
"1534. State law.
"1535. Definitions

"§ 1531. Prohibition of Post-Viability Abortions.

"(a) IN GENERAL.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

"(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

"(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

"(b) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

"(c) MEDICAL EMERGENCY EXCEPTION.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

“§ 1532. Penalties.

“(a) ACTION BY THE ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

“(b) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

“(c) SECOND OFFENSE—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

“(d) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

“(e) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

“(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

“(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

“§ 1533. Regulations.

“(a) FEDERAL REGULATIONS.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

“(2) REQUIREMENTS.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

“(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

“(B) a description by the physician of the medical indications supporting his or her judgment;

“(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

“(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

“(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

“(b) STATE REGULATIONS.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

“§ 1534. State Law.

“(a) IN GENERAL.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

“(b) DEFINITION.—In subsection (a), the term ‘State law’ means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

“§ 1535. Definitions.

“In this chapter:

“(1) GRIEVOUS INJURY.—

“(A) IN GENERAL.—The term ‘grievous injury’ means—

“(i) a severely debilitating disease or impairment specifically caused by the pregnancy; or

“(ii) an inability to provide necessary treatment for a life-threatening condition.

“(B) LIMITATION.—The term ‘grievous injury’ does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

“(2) PHYSICIAN.—The term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

“74. Ban on certain abortions ...... 1531.”.

THE LATE-TERM ABORTION LIMITATION ACT OF 1998—SUMMARY

The Late-Term Abortion Limitation Act of 1998 would ban all post-viability abortions except in cases where both the attending physician and an independent non-treating physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Grievous injury is defined, as in last year's Daschle-Snowe alternative to the partial-birth abortion ban bill, as (1) a severely debilitating disease or impairment specifically caused by the pregnancy of (2) an inability to provide necessary treatment for a life-threatening condition, and is limited to conditions for which termination of the pregnancy is medically indicated. The certification requirements could be waived in a medical emergency, but the physician would subsequently have to certify in writing what specific medical condition formed the basis for determining that a medical emergency existed.

This legislation provides a more effective and constitutional approach to this difficult issue than the partial-birth abortion ban:

This legislation will actually reduce the number of late-term abortions. In contrast, the partial-birth abortion ban will not stop a single abortion at any stage of gestation. The partial-birth abortion ban, by prohibiting only one particular procedure, will merely induce physicians to switch to a different procedure that is not banned. The Late-Term Abortion Limitation Act will stop abortions by any method after a fetus is viable, except when medical necessity indicates otherwise.

This legislation fits clearly within the constitutional parameters set forth by the U.S. Supreme Court for government restriction of abortion. In contrast, the partial-birth abortion ban, by prohibiting certain types of abortions before viability, breaches the court's standard that the government does not have a compelling interest in restricting abortions prior to viability.

This legislation retains the abortion option for mothers facing extraordinary medical conditions such as breast cancer, preeclampsia, uterine rupture, or non-Hodgkin's lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the mother's physical health or life. In contrast, the partial-birth abortion ban provides no such exception to protect the mother from grievous injury to her physical health.

At the same time, by clearly limiting the medical circumstances where post-viability abortions are permitted, this legislation protects fetal life in cases where the mother's health is not at such high risk.

The Late-Term Abortion Limitation Act is similar to the legislation proposed by Senators Daschle, Snowe, and others last year as an alternative to the partial-birth abortion ban bill, with one significant change:

The legislation requires a second doctor to certify the medical need for a post-viability abortion, to ensure that post-viability abortions take place only when continuing the pregnancy would prevent the woman from receiving treatment for a life-threatening condition related to her physical health or would cause a severely debilitating disease or impairment to her physical health.

Enforcement of the legislation is identical to the enforcement mechanism in the Daschle-Snowe alternative. The Justice Department could initiate a civil action against a physician who knowingly violated this law, with penalties of up to $100,000 and/or loss of medical license (up to $250,000 and/or loss of medical license for repeat offenses).

Ms. COLLINS. Mr. President, I am pleased to be joining with my colleagues, Senators DURBIN and SNOWE, in introducing this bill to ban all late-term abortions, including partial birth abortions, that are not necessary to save the mother's life or to protect her from grievous physical harm.

Let me be clear from the outset. I am strongly opposed to all late-term abortions, including partial birth abortions. I agree that they should be banned. However, I believe that an exception must be made for those rare cases when it is necessary to save the life of the mother or to protect her from grievous physical harm. Fortunately, these procedures are extremely rare in my State, where there were just two late-term abortions between 1984 and 1996.

We believe that this debate should not be about one particular method of abortion, but rather about the larger question of under what circumstances should late-term, or post-viability, abortions be legally available. We believe that all late-term abortions—regardless of the procedure used—should be banned, except in those rare cases where the life or the physical health of the mother is at serious risk.

In my view, Congress is ill-equipped to make judgments on specific medical procedures. As the American College of Obstetricians and Gynecologists—which represents over 90 percent of ob-gyns and which opposes the partial birth abortion ban—has said, "the intervention of legislative bodies into medical decision-making is inappropriate, ill advised, and dangerous." Most politicians have neither the training nor the experience to decide which procedure is most appropriate in a given case. These medically difficult and highly personal decisions should be left for families to make in consultation with their doctors.

The Supreme Court, in Roe v. Wade, has identified "viability"—the point at which the fetus is capable of sustaining life outside the womb with or without support—as the defining point in determining the constitutionality of restrictions on abortion. While I don't believe that it is appropriate for us to dictate medical practice, I do believe that it is appropriate for Congress to determine the circumstances under which access to late-term abortions—by any procedure—should be restricted.

That is what the legislation we are introducing today would do. Our bill goes beyond the partial birth abortion ban, which simply prohibits a specific medical procedure and will not prevent a single abortion. Let me emphasize that point. The partial birth legislation would not prevent a single late-term abortion. A physician could simply use another, perhaps more dangerous method to end the pregnancy.

By contrast, our bill would prohibit the abortion of any viable fetus, by any method, unless that abortion is necessary to preserve the life of the mother or to prevent "grievous injury" to her physical health. We have taken great care to tightly limit the health exception in this bill to "grievous injury" to the mother's physical health. It would not allow late-term abortions to be performed simply because the woman is depressed or feeling stressed or has a minor health problem because of the pregnancy.

"Grievous injury" is narrowly and strictly defined by our bill as either a "severely debilitating disease or impairment specifically caused by the pregnancy," or "an inability to provide necessary treatment for a life-threatening condition." Moreover, "grievous injury" does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

This bill includes an additional safeguard. The initial opinion of the treating physician that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health must be confirmed by a "second opinion." This second opinion must come from an independent physician who will not be involved in the abortion procedure and who has not been involved in the treatment of the mother. This second physician must also certify—in writing—that, in his or her medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

What we are talking about are the severe, medically diagnosable threats to a woman's physical health that are sometimes brought on or aggravated by pregnancy.

Let me give you a few examples: primary pulmonary hypertension, which can cause sudden death or intractable congestive heart failure; severe pregnancy-aggravated hypertension with accompanying kidney or liver failure; complications from aggravated diabetes such as amputation or blindness; or an inability to treat aggressive cancers such as leukemia, breast cancer, or non-Hodgkins lymphoma.

These are all obstetric conditions that are cited in the medical literature as possible indications for pregnancy terminations. In these extremely rare cases—where the mother has been certified by two physicians to be at risk of losing her life or suffering grievous physical harm—I believe that we should leave the very difficult decisions about what should be done to the best judgment of the women, families and physicians involved.

Mr. President, the legislation we are introducing today is a fair and compassionate compromise on this extremely difficult issue. It would ensure that all late-term abortions—including partial birth abortions—are strictly limited to those rare and tragic cases where the life or the physical health of the mother is in serious jeopardy, and I urge my colleagues to join me in supporting it. This legislation presents an unusual opportunity for both "pro-choice" and "pro-life" advocates to work together on a reasonable approach.

I also ask unanimous consent that a recent editorial from the Bangor Daily News endorsing our approach be included in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Bangor Daily News, Sept. 11, 1998]

ABORTION VOTE

Back when the subject of abortion was debated on moral and religious grounds, opponents could disagree while understanding how each arrived at a position. Now that abortion is a vehicle for fund raising there is no room for understanding because understanding doesn't bring in the bucks or whip up the membership.

With the Senate's vote next week on late-term abortion, the Christian Coalition, according to The Washington Post, has directed at five senators radio advertisements, 300,000 postcards and countless automated telephone calls. Two of the five senators are Maine's Olympia Snowe and Susan Collins. The purpose of this extensive campaign is to harass these senators into dropping their support for a compromise measure that allowed late-term abortions to protect against "grievous injury" to the physical health of the mother.

But the vote is more about power than pregnancy—Maine had only two third-term abortions between 1984 and 1996, consistent with other states. If abortions were the primary concern, the coalition could with one magazine ad extolling the effectiveness of condoms do more to reduce unwanted pregnancies than this entire Senate campaign. As a bonus, the condom ad might also help reduce sexually transmitted diseases.

The coalition's main goal is to remain relevant now that its best-known leader, Ralph Reed, has moved on. The group has two themes, abortion and gay rights, and even Mr. Reed says gay rights is a sure loser. That leaves the coalition trying to override a presidential veto of a ban on so-called partial-birth abortions, but its lack of sincerity is evident in its refusal to accept an exemption for the physical health of the mother.

Assuming for a moment that telling doctors what procedures they may use to perform an abortion is constitutionally legal—and the court's 1976 Danforth decision says it isn't—this compromise should be seen as a fair way for opponents to agree. The grievous injury provision is not the large loophole that the coalition claims. It is narrowly defined to cover either a "severely debilitating disease or impairment specifically caused by the pregnancy" or an "inability to provide necessary treatment for a life-threatening condition." It does not include any condition that is not medically diagnosable or any condition that can be treated without ending a pregnancy.

The grievous injury exemption would allow treatment for such illnesses as leukemia or non-Hodgkins lymphoma, primary pulmonary hypertension, which can cause sudden death or congestive heart failure, and pregnancy-aggravated hypertension, which can cause kidney or liver failure.

Instead of recognizing the humanity in allowing for abortions under the threat of these illnesses, the coalition continues to demand an end to the partial-birth procedure, with an exemption only for the near-certain death of the mother. Banning a procedure, of course, doesn't reduce the number of abortions; it forces physicians to use riskier procedures.

Sens. Snowe and Collins have supported a fair and compassionate compromise in the extremely difficult issue of abortion. They deserve support from constituents who recognize the coalition's agenda as having little to do with unwanted pregnancies and everything to do with power.

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of agricultural cooperatives and to allow declaratory judgment relief for such cooperatives; to the Committee on Finance.

By Ms. MOSELEY-BRAUN (for herself and Mr. GRASSLEY):

S. 2501. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

AGRICULTURAL TAX LEGISLATION

• Mr. GRASSLEY. Mr. President, today we introduce two bills that will help farmers. These bills take another step in insuring the viability of family farming into the next century.

This first bill clarifies the laws regarding both Section 521 and Subchapter T agricultural cooperatives. Recent action by the Internal Revenue Service hinders farmers' attempts to form value-added cooperatives and to use these cooperatives as a source of income and stability. Specifically, the IRS changed its position of allowing cooperatives, in connection with their marketing functions, to manufacture or otherwise change the basic form of their members' products without jeopardizing the cooperatives' status.

Farmers value-added cooperatives were designed to encourage farmers to own the businesses that process their products, and to give them the benefit of the finished product. These cooperatives help create new products that benefit farmers. The IRS is choosing to differentiate between using a machine process and using a biological process to manufacture the finished product. There should be no difference—there isn't for business, there isn't for farmers, so there shouldn't be for the IRS.

The second bill that we are introducing today will take Aggie bonds out from under the private activity bond cap. Aggie bonds are an important tool for first time farmers. Removing them from the existing cap will greatly enhance the opportunities for beginning and less established farmers and ranchers to acquire affordable, low cost credit for agricultural purchases. Most industrial revenue bonds are typically issued for millions of dollars, underwritten, rated and sold to investors. Aggie bonds, which cannot exceed $250,000, are not underwritten, are not rated, and are not sold to investors. Rather, they are sold to local lenders who finance beginning farmers with a lower than normal interest rate. Several states would like to start offering Aggie bonds but cannot because their volume cap is already used for non-agricultural projects. Many other states, including my state of Iowa, cannot meet the demand for Aggie bonds.

These are two bills that will help farmers now, and always. These offer immediate help, and are part of the tax code restructuring that we must enact to make the playing field fair to America's farmers. I want to thank Senator MOSELEY-BRAUN for working with me on these important pieces of legislation.•

• Ms. MOSELEY-BRAUN. Mr. President, I am pleased to introduce two bills today with my distinguished colleague from Iowa, Senator GRASSLEY, that will benefit farmers in rural America.

As my colleagues may be aware, farmer-owned cooperatives play a major role in providing food and fiber to consumers. These cooperatives also provide their farmer-owners with additional market stability and help to strengthen farm income.

Current tax law states that farmers, fruit growers, or "like associations" that are organized and operated on a cooperative basis for the purpose of marketing the products of its members or other producers shall be exempt from federal income tax if those cooperatives are developed for the purpose of marketing the products of the members or other producers, and turning back to the members proceeds of the sales, less marketing expenses.

Farmers nationwide are joining together in self-help efforts to develop cooperatives and to develop new uses for the commodities that they grow, but recently the Internal Revenue Service (IRS) ruled that in certain instances, some forms of value-added farmer-owned cooperatives are not tax exempt. The Grassley/Moseley-Braun bill would overturn that IRS ruling and amend the current section of the tax code to explicitly cover these types of cooperatives.

Another concern that farmers have shared with me is the future of agriculture and the ability of their children and other beginning farmers to enter into farming as a way of life. I have worked in the Senate to change federal policies that will lower the obstacles for younger farmers who enter into farming as a profession.

One such program is the "Aggie Bonds" program. In the 103rd Congress, I cosponsored the law that granted a permanent tax exemption for these bonds. I also worked to include provisions in the Small Business Tax Relief Act of 1996 to widen eligibility for the bonds, increasing the amount of land a beginning farmer may own to qualify for the loan.

Today my Iowa colleague and I introduce a bill that further improves this successful program by exempting aggie bonds from the volume cap on industrial revenue bonds. Currently, Federal law allows states to issue tax exempt industrial revenue bonds that are earmarked for purchases of farmland, equipment, breeding livestock, as well as farm improvements by new or beginning farmers. The Farm Service Agency (FSA) also has authorized State chartered, non-profit corporations to make guaranteed mortgage and farm operating loans. Unfortunately, the aggie bond program and the FSA guaranteed farm mortgage programs have size limits of $250,000 and $300,000 respectively.

Given the rise in property costs, these limits fail to provide meaningful funds for small farm purchase or often time prevent certain classes of farmers from obtaining credit. In addition, aggie bonds are subject to statewide "caps" applicable to both small farmers and established users.

Most industrial revenue bonds are typically issued for million of dollars, underwritten, rated and sold to investors. Aggie bonds, which cannot exceed $250,000, are not underwritten, are not rated, and are not sold to investors; they are sold to local lenders who finance beginning farmers with a lower than normal interest rate. Most of the private-activity bond volume is used by large corporations for manufacturing or for multi-family housing. Aggie bonds are used by beginning farmers and ranchers.

Several states, such as Illinois, has discovered that the volume cap is already used up by non-agricultural projects, and many states cannot meet the demand for Aggie Bonds.

Exempting Aggie Bonds from the volume cap would greatly enhance the opportunities for young or beginning, less established farmers and ranchers to acquire affordable, low cost credit for agricultural purchases such as land, livestock, machinery, and farm improvements. The Moseley-Braun/Grassley bill exempts aggie bonds from the volume cap.

These two bills will help farmers in Illinois, Iowa, and all of rural America. I hope my colleagues will join us in supporting these bills and I urge their swift passage in the United States Senate.•

By Mr. GLENN:

S. 2499. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

POWER MARKETING ADMINISTRATIONS REFORM ACT

• Mr. GLENN. Mr. President, today, I introduce the Power Marketing Administration Reform Act, a bill that will require the Power Marketing Administrations, or PMAs, to sell power at market rates. The Tennessee Valley Authority, or TVA, will also be included in the bill's requirements. My bill is a companion to H.R. 3518, introduced by Representatives BOB FRANKS (R-NJ) and MARTY MEEHAN (D-MA) in the House.

PMAs have failed to recover their operating costs for too long. My colleagues in the Senate are well aware of my activities to rectify this discrepancy that has brought about a fiscal shortfall and significant environmental damage. I have been joined by many in this Chamber in requesting reports from the Government Accounting Office, the Congressional Budget Office, and the Inspector General of the U.S. Department of Energy, the federal department that oversees the operation of the PMAs. All of the reports on the PMAs and the TVA have indicated severe financial problems.

According to the Congressional Budget Office, in a report released in March, 1997, selling PMA electricity at market rates rather than at the currently subsidized rates will raise approximately $200 million per year, money that will be returned to the U.S. Treasury. Later in 1997, CBO concluded that eliminating this costly subsidy would complement steps already taken by Congress to deregulate energy markets and to reduce government interference in market operations.

When the PMAs were established during Franklin Roosevelt's administration, they served a useful and necessary purpose. Jobs were created for a nation that was struggling out of a horrible depression. Areas that could not afford the cost of purchasing power lines and generators for their residents were provided electricity at below market rates. At that time, below market sales were a good idea that allowed many more Americans than could afford electricity to enjoy its benefits. CBO concludes that over the past sixty years, many of the concerns that brought about the federal government's role in supplying power have diminished greatly. Nearly 60% of federal sales go to just four states: Tennessee, Alabama, Washington, and Oregon. In fact, nonfederal dams produced an average of 20% more electricity per unit of capacity than did dams supplying the PMAs.

According to a General Accounting Office report entitled, "Federal Electricity Activities," released in October, 1997, in fiscal 1996, Bonneville, the three other PMAs, and the Rural Utilities Service cost the American taxpayer $2.5 billion. In the four year period from 1992 to 1996, the government's net costs were $8.6 billion. In March, 1998, the GAO released an additional study entitled, "Federal Power: Options for Selected Power Marketing Administrations' Role in a Changing Electricity Industry." Among the conclusions in this report were that for that same four year period from 1992–1996, the federal government incurred a net cost of $1.5 billion from its involvement in the electricity-related activities of Southeastern, Southwestern, and Western. Up to $1.4 billion of nearly $7.2 billion of the federal investment in assets derived from these activities is at some risk of nonrecovery.

As for fairness in lending, the GAO found that the interest paid by the PMAs on their outstanding debt (3.5%) is often substantially below the rate that the U.S. Treasury incurred while providing funding to the PMAs (9%), resulting in a shortfall on interest alone of 5.5%. And rates charged by these PMAs were 40% or more below market rates.

Mr. President, it is important to note that my bill does not close the PMAs or the TVA. Rather, it helps them to transition to a market-based operation whereby the vast majority of consumers who do not benefit from PMA below-cost power sales will no longer be penalized so that a few large power companies can purchase cheap, bulk power. My bill will provide for full cost recovery rates for power sold by the PMAs and the TVA. To accomplish this goal, PMA and TVA rates will be recalculated and resubmitted to the Federal Energy Regulatory Commission (FERC) for approval.

In addition, the bill requires that PMA and TVA transmission facilities are subject to open-access regulation by the FERC, and that regulation will be strengthened by authorizing FERC to revise such rates. Cooperatives and public power entities will be given the right of first refusal of PMA and TVA power at market prices. Revenue accrued from the revisal of these rates will go first to the U.S. Treasury to cover all costs. The residual amount will then be disbursed by formula to the Treasury to mitigate damage to fish and wildlife and other environmental damage attributed to the operation of PMAs and the TVA, and to support renewable electricity generating resources.

Mr. President, these figures speak for themselves. In an era where the Congress has taken great strides toward eliminating the government's involvement in private industry, the PMAs are a white elephant. Sixty years after its inception, public power is less expensive, more accessible, and more widely available than ever before. There is no reason for the government to continue this wasteful subsidy to the fiscal detriment of the American people and the U.S. Treasury. I urge my colleagues to join me and my colleagues, Senators MOYNIHAN and REED of Rhode Island, in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Power Marketing Administration Reform Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the use of fixed allocations of joint multipurpose project costs and the failure to provide for the recovery of actual interest costs and depreciation have resulted in—

(A) substantial failures to recover costs properly recoverable through power rates by the Federal Power Marketing Administrations and the Tennessee Valley Authority; and

(B) the imposition of unreasonable burdens on the taxpaying public;

(2) existing underallocations and underrecovery of costs have led to inefficiencies in the marketing of Federally generated electric power and to environmental damage; and

(3) with the emergence of open access to power transmission and competitive bulk power markets, market prices will provide the lowest reasonable rates consistent with—

(A) sound business principles;

(B) maximum recovery of costs properly allocated to power production; and

(C) encouraging the most widespread use of power marketed by the Federal Power Marketing Administrations and the Tennessee Valley Authority.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) full cost recovery rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; and

(2) a transition to market-based rates for the power.

SEC. 3. SALE OR DISPOSITION OF FEDERAL POWER BY FEDERAL POWER MARKETING ADMINISTRATIONS AND THE TENNESSEE VALLEY AUTHORITY.

(a) ACCOUNTING.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, shall develop and implement procedures to ensure that the Federal Power Marketing Administrations and the Tennessee Valley Authority use the same accounting principles and requirements (including the accounting principles and requirements with respect to the accrual of actual interest costs during construction and pending repayment for any project and recognition of depreciation expenses) as are applied by the Commission to the electric operations of public utilities.

(b) DEVELOPMENT AND SUBMISSION OF RATES TO THE COMMISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act and periodically thereafter but not less frequently than once every 5 years, each Federal Power Marketing Administration and the Tennessee Valley Authority shall submit to the Federal Energy Regulatory Commission a description of proposed rates for the

sale or disposition of Federal power that will ensure the recovery of all costs incurred by the Federal Power Marketing Administration or the Tennessee Valley Authority, respectively, for the generation and marketing of the Federal power.

(2) COSTS TO BE RECOVERED.—The costs to be recovered under paragraph (1)—

(A) shall include all fish and wildlife expenditures required under treaty and legal obligations associated with the construction and operation of the facilities from which the Federal power is generated and sold; and

(B) shall not include any cost of transmitting the Federal power.

(c) COMMISSION REVIEW, APPROVAL, OR MODIFICATION.—

(1) IN GENERAL.—The Federal Energy Regulatory Commission shall review and either approve or modify rates for the sale or disposition of Federal power submitted to the Commission by each Federal Power Marketing Administration and the Tennessee Valley Authority under this section, in a manner that ensures that the rates will recover all costs described in subsection (b)(2).

(2) BASIS FOR REVIEW.—The review by the Commission under paragraph (1) shall be based on the record of proceedings before the Federal Power Marketing Administration or the Tennessee Valley Authority, except that the Commission shall afford all affected persons an opportunity for an additional hearing in accordance with the procedures established for ratemaking by the Commission under the Federal Power Act (16 U.S.C. 791a et seq.).

(d) APPLICATION OF RATES.—

(1) IN GENERAL.—Beginning on the date of approval or modification by the Commission of rates under this section, each Federal Power Marketing Administration and the Tennessee Valley Authority shall apply the rates, as approved or modified by the Commission, to each existing contract for the sale or disposition of Federal power by the Federal Power Marketing Administration or the Tennessee Valley Authority to the maximum extent permitted by the contract.

(2) APPLICABILITY.—This section shall cease to apply to a Federal Power Marketing Administration or the Tennessee Valley Authority as of the date of termination of all commitments under any contract for the sale or disposition of Federal power that were in existence as of the date of enactment of this Act.

(e) ACCOUNTING PRINCIPLES AND REQUIREMENTS.—In developing or reviewing the rates required by this section, the Federal Power Marketing Administrations, the Tennessee Valley Authority, and the Commission shall rely on the accounting principles and requirements developed under subsection (a).

(f) INTERIM RATES.—Until market pricing for the sale or disposition of Federal power by a Federal Power Marketing Administration or the Tennessee Valley Authority is fully implemented, the full cost recovery rates required by this section shall apply to—

(1) a new contract entered into after the date of enactment of this Act for the sale of power by a Federal Power Marketing Administrator or the Tennessee Valley Authority; and

(2) a renewal after the date of enactment of this Act of an existing contract for the sale of power by a Federal Power Marketing Administration or the Tennessee Valley Authority.

(g) TRANSITION TO MARKET-BASED RATES.—

(1) IN GENERAL.—If the transition to full cost recovery rates would result in rates that exceed market rates, the Secretary of Energy may approve rates for power sold by Federal Power Marketing Administrations at market rates, and the Tennessee Valley Authority may approve rates for power sold by the Tennessee Valley Authority at market rates, if—

(A) operation and maintenance costs are recovered, including all fish and wildlife costs required under existing treaty and legal obligations;

(B) the contribution toward recovery of investment pertaining to power production is maximized; and

(C) purchasers of power under existing contracts consent to the remarketing by the Federal Power Marketing Administration or the Tennessee Valley Authority of the power through competitive bidding not later than 3 years after the approval of the rates.

(2) COMPETITIVE BIDDING.—Competitive bidding shall be used to remarket power that is subject to, but not sold in accordance with, paragraph (1).

(h) MARKET-BASED PRICING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall develop and implement procedures to ensure that all power sold by Federal Power Marketing Administrations and the Tennessee Valley Authority is sold at prices that reflect demand and supply conditions within the relevant bulk power supply market.

(2) BID AND AUCTION PROCEDURES.—The Secretary of Energy shall establish by regulation bid and auction procedures to implement market-based pricing for power sold under any power sales contract entered into by a Federal Power Marketing Administration or the Tennessee Valley Authority after the date that is 2 years after the date of enactment of this Act, including power that is under contract but that is declined by the party entitled to purchase the power and remarketed after that date.

(i) USE OF REVENUE COLLECTED THROUGH MARKET-BASED PRICING.—

(1) IN GENERAL.—Revenue collected through market-based pricing shall be disposed of as follows:

(A) REVENUE FOR OPERATIONS, FISH AND WILDLIFE, AND PROJECT COSTS.—Revenue shall be remitted to the Secretary of the Treasury to cover—

(i) all power-related operations and maintenance expenses;

(ii) all fish and wildlife costs required under existing treaty and legal obligations; and

(iii) the project investment cost pertaining to power production.

(B) REMAINING REVENUE.—Revenue that remains after remission to the Secretary of the Treasury under subparagraph (A) shall be disposed of as follows:

(i) FEDERAL BUDGET DEFICIT.—50 percent of the revenue shall be remitted to the Secretary of the Treasury for the purpose of reducing the Federal budget deficit.

(ii) FUND FOR ENVIRONMENTAL MITIGATION AND RESTORATION.—35 percent of the revenue shall be deposited in the fund established under paragraph (2)(A).

(iii) FUND FOR RENEWABLE RESOURCES.—15 percent of the revenue shall be deposited in the fund established under paragraph (3)(A).

(2) FUND FOR ENVIRONMENTAL MITIGATION AND RESTORATION.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Fund for Environmental Mitigation and Restoration" (referred to in this paragraph as the "Fund"), consisting of funds allocated under paragraph (1)(B)(ii).

(ii) ADMINISTRATION.—The Fund shall be administered by a Board of Directors consisting of the Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, or their designees.

(B) USE.—Amounts in the Fund shall be available for making expenditures—

(i) to carry out project-specific plans to mitigate damage to, and restore the health of, fish, wildlife, and other environmental resources that is attributable to the construction and operation of the facilities from which power is generated and sold; and

(ii) to cover all costs incurred in establishing and administering the Fund.

(C) PROJECT-SPECIFIC PLANS.—

(i) IN GENERAL.—The Board of Directors of the Fund shall develop a project-specific plan described in subparagraph (B)(i) for each project that is used to generate power marketed by the Federal Power Marketing Administration or the Tennessee Valley Authority.

(ii) USE OF EXISTING DATA, INFORMATION, AND PLANS.—In developing plans under clause (i), the Board, to the maximum extent practicable, shall rely on existing data, information, and mitigation and restoration plans developed by—

(I) the Commissioner of the Bureau of Reclamation;

(II) the Director of the United States Fish and Wildlife Service;

(III) the Administrator of the Environmental Protection Agency; and

(IV) the heads of other Federal, State, and tribal agencies.

(D) MAXIMUM AMOUNT.—

(i) IN GENERAL.—The Fund shall maintain a balance of not more than **$200,000,000** in excess of the amount that the Board of Directors of the Fund determines is necessary to cover the costs of project-specific plans required under this paragraph.

(ii) SURPLUS REVENUE FOR DEFICIT REDUCTION.—Revenue that would be deposited in the Fund but for the absence of such project-specific plans shall be used by the Secretary of the Treasury for purposes of reducing the Federal budget deficit.

(3) FUND FOR RENEWABLE RESOURCES.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Fund for Renewable Resources" (referred to in this paragraph as the "Fund"), consisting of funds allocated under paragraph (1)(B)(iii).

(ii) ADMINISTRATION.—The Fund shall be administered by the Secretary of Energy.

(B) USE.—Amounts in the Fund shall be available for making expenditures—

(i) to pay the incremental cost (above the expected market cost of power) of nonhydroelectric renewable resources in the region in which power is marketed by a Federal Power Marketing Administration; and

(ii) to cover all costs incurred in establishing and administering the Fund.

(C) ADMINISTRATION.—Amounts in the Fund shall be expended only—

(i) in accordance with a plan developed by the Secretary of Energy that is designed to foster the development of nonhydroelectric renewable resources that show substantial long-term promise but that are currently too expensive to attract private capital sufficient to develop or ascertain their potential; and

(ii) on recipients chosen through competitive bidding.

(D) MAXIMUM AMOUNT.—

(i) IN GENERAL.—The Fund shall maintain a balance of not more than $50,000,000 in excess of the amount that the Secretary of Energy determines is necessary to carry out the plan developed under subparagraph (C)(i).

(ii) SURPLUS REVENUE FOR DEFICIT REDUCTION.—Revenue that would be deposited in the Fund but for the absence of the plan shall be used by the Secretary of the Treasury for purposes of reducing the Federal budget deficit.

(j) PREFERENCE.—

(1) IN GENERAL.—In making allocations or reallocations of power under this section, a Federal Power Marketing Administration and the Tennessee Valley Authority shall provide a preference for public bodies and cooperatives by providing a right of first refusal to purchase the power at market prices.

(2) USE.—

(A) IN GENERAL.—Power purchased under paragraph (1)—

(i) shall be consumed by the preference customer or resold for consumption by the constituent end-users of the preference customer; and

(ii) may not be resold to other persons or entities.

(B) TRANSMISSION ACCESS.—In accordance with regulations of the Federal Energy Regulatory Commission a preference customer shall have transmission access to power purchased under paragraph (1).

(3) COMPETITIVE BIDDING.—If a public body or cooperative does not purchase power under paragraph (1), the power shall be allocated to the next highest bidder.

(k) REFORMS.—The Secretary of Energy shall require each Federal Power Marketing Administration to implement—

(1) program management reforms that require the Federal Power Marketing Administration to assign personnel and incur expenses only for authorized power marketing, reclamation, and flood control activities and not for ancillary activities (including consulting or operating services for other entities); and

(2) annual reporting requirements that clearly disclose to the public, the activities of the Federal Power Marketing Administration (including the full cost of the power projects and power marketing programs).

(l) CONTRACT RENEWAL.—Effective beginning on the date of enactment of this Act, a Federal Power Marketing Administration shall not enter into or renew any power marketing contract for a term that exceeds 5 years.

(m) RESTRICTIONS.—Except for the Bonneville Power Administration, each Federal Power Marketing Administration shall be subject to the restrictions on the construction of transmission and additional facilities that are established under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 890)).

SEC. 4. TRANSMISSION SERVICE PROVIDED BY FEDERAL POWER MARKETING ADMINISTRATIONS AND TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), a Federal Power Marketing Administration and the Tennessee Valley Authority shall provide transmission service on an open access basis, and at just and reasonable rates approved or established by the Federal Energy Regulatory Commission under part II of the Federal Power Act (16 U.S.C. 824 et seq.), in the same manner as the service is provided under Commission rules by any public utility subject to the jurisdiction of the Commission under that part.

(b) EXPANSION OF CAPABILITIES OR TRANSMISSIONS.—Subsection (a) does not require a Federal Power Marketing Administration or the Tennessee Valley Authority to expand a transmission or interconnection capability or transmission.

SEC. 5. INTERIM REGULATION OF POWER RATE SCHEDULES OF FEDERAL POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—During the date beginning on the date of enactment of this Act and ending on the date on which market-based pricing is implemented under section 3 (as determined by the Federal Energy Regulatory Commission), the Commission may review and approve, reject, or revise power rate schedules recommended for approval by the Secretary of Energy, and existing rate schedules, for power sales by a Federal Power Marketing Administration.

(b) BASIS FOR APPROVAL.—In evaluating rates under subsection (a), the Federal Energy Regulatory Commission, in accordance with section 3, shall—

(1) base any approval of the rates on the protection of the public interest; and

(2) undertake to protect the interest of the taxpaying public and consumers.

(c) COMMISSION ACTIONS.—As the Federal Energy Regulatory Commission determines is necessary to protect the public interest in accordance with section 3 until a full transition is made to market-based rates for power sold by Federal Power Marketing Administrations, the Federal Energy Regulatory Commission may—

(1) review the factual basis for determinations made by the Secretary of Energy;

(2) revise or modify those findings as appropriate;

(3) revise proposed or effective rate schedules; or

(4) remand the rate schedules to the Secretary of Energy.

(d) REVIEW.—An affected party (including a taxpayer, bidder, preference customer, or affected competitor) may seek a rehearing and judicial review of a final decision of the Federal Energy Regulatory Commission under this section in accordance with section 313 of the Federal Power Act (16 U.S.C. 825*l*).

(e) PROCEDURES.—The Federal Energy Regulatory Commission shall by regulation establish procedures to carry out this section.

SEC. 6. CONFORMING AMENDMENTS.

(a) TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR.—Section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)) is amended by striking the last sentence.

(b) USE OF FUNDS TO STUDY NONCOST-BASED METHODS OF PRICING HYDROELECTRIC POWER.—Section 505 of the Energy and Water Development Appropriations Act, 1993 (42 U.S.C. 7152 note; 106 Stat. 1343) is repealed.

SEC. 7. APPLICABILITY.

Except as provided in section 3(l), this Act shall take apply to a power sales contract entered into by a Federal Power Marketing Administration or the Tennessee Valley Authority after July 23, 1997.•

By Mr. ENZI (for himself, Mr. THOMAS, and Mr. BINGAMAN):

S. 2500. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Energy and Natural Resources.

COALBED METHANE PATENT HOLDERS PROTECTION LEGISLATION

Mr. ENZI. Mr. President, I rise today, with my colleagues, Senator CRAIG THOMAS of Wyoming, and Senator JEFF BINGAMAN of New Mexico, to introduce a very important bill for our western States and for others that have a lot of federally-owned coal. We have been working with other members, members of the Energy Committee, and with the Department of Interior to put together a good consensus bill.

On July 20, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas. That means instead of belonging to the owner of the oil and gas, as it has for the past 80 years, it may now belong to the owner of the coal. In Wyoming, the owner of the oil and gas is often different from the owner of the coal—which in most cases is the Federal Government.

What does that mean? In my home county, the Federal Government owns only about 55% of the oil and gas, but it owns 95% of the coal. That means, in many places where these two resources occur together, there are separate owners. This decision is poised to strip away a majority of the private ownership of gas in Campbell County. It could be an immediate transfer of $250 million over thirty years from private owners to the government—a loss of income and economic activity that will destroy the economy in my home town.

The effects will be widespread because this decision would overturn a decades-old U.S. Government policy. This Interior policy has acted as the basis for thousands of gas contracts across the west. People have been using since 1981 to govern the development of their contracts and leases. Today, the Circuit Court's decision places all of those contracts in legal limbo. That limbo threatens the livelihood of entire regions in the States like Wyoming, Colorado, Utah and New Mexico.

WHO CURRENTLY OWNS THE GAS?

For those of my colleagues who haven't been deeply involved in western public lands energy issues—across the west, oil and gas is often owned separately from the coal. It may also be separate from hardrock minerals, and over time through sale, can also be separate from the surface rights. This system of split mineral estates is the result of many layers of Federal statutes that granted varying levels of patents to homesteaders.

The particular problem before us, arises out of the Coal Land Acts of 1909 and 1910. Those statutes specified that homesteaders could retain surface rights (including the oil and gas) but reserved the coal to the U.S. Government. Now the question about whether methane is a gas, or coal, leads to questions of ownership.

In Wyoming today, gas producers—through lease agreements with federal, state and private owners in Wyoming—produce over a billion cubic feet of methane gas per month. These leases are between the producers and the owners of the gas and many of them have been in effect for as long as twenty years and more. In New Mexico and Colorado, they are producing over 75 billion cubic feet of gas per month under the same system. This Court decision—which would attach the methane to the coal owner or lessee—jeopardizes all of the gas leases that govern these wells—including the federal gas leases.

HOW SERIOUS IS IT?

The effect of this decision will have a profound impact in certain regions. Consider some of these effects:

1. For the farm families who have secured mortgages with their royalties, this invalidation could deprive them of much needed lease income and force them into bankruptcy.

2. For the small community banks who hold those loans, a number of bankruptcies could jeopardize their solvency.

3. For the producing companies operating—or planning to operate—on those leases, this could delay their production—and all the jobs that come with it—for a year or more. So while the judicial system is sorting out the ownership issue, drilling and servicing companies are going to go belly up. Oil exploration has stalled because of low prices, so if they can't drill for cheap gas, there isn't much business.

I received a letter in my office the other day from a small bank in Buffalo, Wyoming. In the letter, they discussed the effects this decision may have on interest owners and various trusts held by their bank. The advisory committee for one particular trust voted to suspend all further royalty payments to the trust beginning September 1. That decision was made based on the tax consequences and on the potential liability of having to repay royalties should any retrospective decisions be made.

Another constituent contacted me to tell me that his multi-million lease agreement—that he had worked on for more than a year—had just fallen apart because this court decision had clouded the title. The investors had been unwilling to go through with the deal.

These stories are just the start of a devastating series of consequences that will arise out of this decision. Each breakdown will have a multiplying effect on unemployment and loss of confidence in western states.

This is a very serious situation, Mr. President, but it is one that can be stabilized.

Today, we are offering a bill that would grandfather the leases that have been negotiated, in good faith, according to the explicit policies of the U.S. Government. The amendment would ensure that existing leases to produce methane—or natural gas out of the coalseam, as some of the older leases read—remain valid and that there is no future assertion of ownership by the Federal Government on these parcels.

The amendment applies only to federally owned coal. It would not have any effect on tribally owned or state-owned coal. We have worked this out with the Chairman of the Indian Affairs Committee, Senator CAMPBELL from Colorado.

Furthermore, we have worked with the coal companies, who have valid concerns about their existing and future leases to mine federal coal. We have made it clear that nothing in this bill should be construed to limit their ability to mine federal coal under valid leases, nor should anything be construed to expand their liabilities to coalbed methane owners covered by the bill.

The timing of the decision means we will be working to move this bill as soon as possible. Next year, we will pursue a more in-depth review of the situation. This body will need to conduct hearings and look at ways to work out problems with future leases and with conflicting resource use issues. These are details that demand very careful consideration.

For now, however, we should take this opportunity to provide some certainty for people with existing agreements. This is a statement of support for the sanctity of those contracts—and a statement of support for the economies in our states.

In closing, I would like to thank the Republican and Democratic members of the Senate who have been so important in helping us to work out this legislation. A special thanks to the Indian Affairs Committee for helping us craft language to accommodate tribal lands and a special thanks to the Department of Interior, who is helping us to protect eighty years of doing business. They have also helped us remove the possibility of devastating private property takings, retroactive liabilities, and mountains of litigation.

Mr. THOMAS. Mr. President, I rise today to strongly support this legislation designed to protect contracts and leases of surface patent holders for coalbed methane. This legislation, which my colleague Senator ENZI and I are jointly introducing along with our House colleague Congresswoman CUBIN, is vitally important to coalbed methane producers and lease holders in Wyoming and will address a problem which arose due to an appellate court decision rendered earlier this summer.

On July 20, 1998, the Tenth Circuit Court of Appeals turned years of precedent and practice on its head by ruling that coalbed methane should be classified as a coal-by-product rather than a form of natural gas. That decision was completely contrary to past interpretation, and will severely impact coaled methane lease holders in Wyoming and throughout the nation. The ruling will also delay completion of leases and drilling, which will negatively impact our state's economy.

The court's decision is particularly troubling for producers because the Office of the Solicitor at the Department of Interior had issued two earlier opinions regarding ownership of coalbed methane in federally-owned coal, which were directly opposite to the appellate court's ruling. Both in 1981 and in 1990, the Solicitor's office issued options which stated that coalbed methane was not part of the federally-reserved coal protected under the 1909 and 1910 Coal Lands Acts. Now, leaseholders and producers, who believed they were acting in good faith and compliance with federal law, are faced with the troubling possibility that their leases may be revoked.

The legislation that we are introducing today is designed to remedy many of the problems caused by the appellate court's decision. This bill would protect current contracts and leases of surface patent holders for coalbed methane gas. The measure does not address future leases or contracts and only deals with folks who are already engaged in the production of coalbed methane gas or who have leased land for drilling and exploration. It is a fair and reasonable proposal and would simply protect people who acted in compliance with the law as it was interpreted by the Department of Interior.

Mr. President, I hope the Senate will take quick action on this measure and approve it as quickly as possible. Coalbed methane production is a growing and vibrant part of Wyoming's economy and we need to take action to ensure that the lives of folks who rely on stable production of coalbed methane are not completely disrupted. Producers acted in good faith and in compliance with the law as they knew it. We should not punish them for actions beyond their control and should work to ensure that the blood and sweat which they invested into their businesses is not swept away by the actions of the court.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 712

At the request of Mr. MOYNIHAN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 2049

At the request of Mr. KERREY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2180

At the request of Mr. LOTT, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2208

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 2341

At the request of Mr. DEWINE, the names of the Senator from New York (Mr. D'AMATO), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2341, a bill to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Kentucky (Mr. FORD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Seante that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

FEINGOLD (AND SPECTER) AMENDMENT NO. 3602

Mr. FEINGOLD (for himself and Mr. SPECTER) proposed an amendment to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

On page 5, strike Section 102(3)(A) on lines 18 through 25.

On page 5 on line 17 after "bad faith," insert:

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings:

(i) a motion for dismissal under this subsection and the court grants that motion and finds that the action of the debtor in filing under this chapter was not substantially justified, the court shall order the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees; or

(ii) a motion for conversion under this subjection and the court grants that motion the court shall award reasonable costs in prosecuting the motion, including reasonable attorneys' fee, which shall be treated as an administrative expense under Section 503(b) in a case under this title that is converted to a case under another chapter of this title."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will be held in Espanola, New Mexico at the Mission Convento on Saturday, September 26, 1998, at 9:00 a.m. The Mission Convento is located at the Plaza de Espandola, Number 1 Calle de Espanola, New Mexico.

The purpose of this hearing is to receive testimony on the issues surrounding the determination of the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 and the two bills introduced to date on this subject, S. 2155 and H.R. 2538.

The Subcommittee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others who wish to testify may, as time permits, made a brief statement of not more than 2 minutes. Those wishing to testify please contact Tony Benavidec of Senator DOMENICI's office at (505) 988-6511 or Joe Ruiz of Senator BINGAMAN's office at (505) 988-6647. The deadline for signing up to testify is Thursday, September 24, 1998. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224-6170.

ADDITIONAL STATEMENTS

NATIONAL POW/MIA RECOGNITION DAY

• Mr. D'AMATO. Mr. President, I rise to remind everyone that today is National POW/MIA Recognition Day. On this day, we should remember, give tribute to, and stand in solidarity with the loved ones and families of the thousands of Soldiers, Sailors, Marines and Airmen who were or are Prisoners of War and Missing in Action. I am humbled by and grateful for their love of country and their sense of duty and honor.

Amidst the somber thoughts, the feelings of gratitude and pride that this day brings, as a Nation we must be uneasy. Uneasy because while we are a nation at peace and the wars in which these men fought are long over, they have not all returned home and we should not rest until their families have their loved ones back.

These Americans swore an oath to support and defend the constitution and carried that promise through to the ultimate sacrifice for this great nation. While thousands died, many others endured years in starved, tortured, isolated misery before regaining the freedoms we enjoy. Their persistence, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

Mr. President, we need to produce results. Headway is being made, but there is still a long way to go before we have the fullest possible accounting of all POW/MIA personnel.

Over the past six years, 136 Americans have been accounted for from Laos, Vietnam and Cambodia thanks to extensive field work. Earlier this month, thanks to the US-Russia Joint Commission on POW/MIAS established in 1991, seventeen airmen were at long last identified, returned to their native soil laid to rest at Arlington National Cemetery. These brave airmen were shot down over Soviet Armenia in 1958, during the height of the Cold War. For their loved ones and family members, the long wait is over, but by no means will their loss or sacrifices be forgotten. For many, however, the anguish continues.

While much of the focus on POW/MIAs has rightly been on Southeast Asia where 2081 personnel remain unaccounted for, we must also honor those who were held prisoner and who are missing in action in other remote parts of the globe. More than 80,000 Americans remain missing and unaccounted for from World War I, World War II and the Korean conflict, and countless others from the Cold War.

These great Americans and their families have the gratitude of a great and free nation, but we in the Senate shall not rest until all are returned or accounted for. I urge you, Mr. President, the Administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency to redouble their efforts to bring our boys hone as quickly as possible. Let us all take to heart the motto from the POW/MIA flag, which flies over the Capitol today, and which is displayed every day in the Capitol rotunda: "YOU ARE NOT FORGOTTEN."•

NATIONAL POW/MIA RECOGNITION DAY

• Mr. SMITH of New Hampshire. Mr. President, Friday, September, 18, 1998 has been designated this year by our Federal and State Governments as National POW/MIA Recognition Day. As we have done for nearly 20 years, we reaffirm today our national commitment to obtaining the fullest possible accounting for America's POWs and MIAs. This is also a day to remember and pay tribute to the ultimate sacrifices that have been made by America's finest and bravest service personnel—our unaccounted for prisoners of war and missing in action personnel who never returned from wartime enemy territory.

It has been an honor and privilege for me, since my election to the Congress in 1984, to assist the POW/MIA families, our veterans, and their friends and supporters, with the many efforts that have been undertaken to try to achieve a proper accounting for so many of our nation's heroes whose fate remains unknown. It has been a difficult and emotional task, complicated by on and off-again cooperation by foreign governments

As many of my colleagues know, I served as Vice-Chairman of the Senate Select Committee on POW/MIA Affairs in 1992, and I currently serve as the U.S. Chairman of the Vietnam War Working Group of the Joint U.S./Russian Commission on POWs and MIAs. I have traveled to North Korea, Vietnam, Russia, Laos, Cambodia, Poland, and the Czech Republic trying to assist our Government's efforts to open archives and interview people knowledgeable about the fate of our unaccounted for captured and missing personnel. I have also made efforts over the last year to prod our own U.S. Intelligence Community to provide the analysis and support necessary to help shape our policy toward nations that hold the answers we seek. Finally, I continue to work to ensure that U.S. Government records on this issue are declassified and made available to the public.

Mr. President, today, as I have every year in this Chamber, I urge the Administration to take the opportunity National POW/MIA Recognition Day provides to rededicate itself to the fullest possible accounting mission. I also urge all Americans to continue expressing their concerns on this national issue because public awareness is critical to the accounting effort.

In closing, I again want to assure my constituents in New Hampshire, my fellow veterans, the POW/MIA families, and the countless Americans who have contacted me through the years, that I remain absolutely committed to doing everything I can to learn the truth about our POWs and MIAs to whom we pay tribute on this special day.•

THE CHILD NUTRITION REAUTHORIZATION ACT AND THE SCHOOL BREAKFAST RESEARCH PROPOSAL

• Mr. JOHNSON. Mr. President, I rise today to give my full support for the Child Nutrition Reauthorization Act. This important legislation funds important child nutrition programs for the next five years until the year 2003.

I want to commend Agriculture Committee Chairman LUGAR and Ranking Member HARKIN and my colleagues on the Agriculture Committee for working cooperatively, in a bipartisan spirit, to unanimously pass this bill out of Committee. Also, I want to thank my Senate colleagues for passing this vital legislation unanimously last evening. Clearly, this demonstrates our commitment to feeding our nation's children.

The Child Nutrition Reauthorization bill provides funding for the National School Lunch and Breakfast Programs, the Child and Adult Care Food Program, the Summer Food Service Program, the Women, Infant and Children (WIC) program along with many other nutritious food programs to feed our nation's youth.

One of the provisions in this legislation that I worked closely on during the creation of this legislation was a $20 million provision that provides for detailed research on how school breakfast impacts a child's academic success.

This research provision is a modified version of S. 1396, the Meals for Achievement Act that I introduced last November. The research provision provides for the mandatory funding for a $20 million school breakfast research project to further test the impacts of school breakfast on children's academic and behavioral skills.

This provision will require the Secretary of Agriculture to conduct a five year school breakfast study in six different school districts throughout the United States—involving approximately 15,000 school children.

As I've stated before, the research on the impacts of children eating school breakfast speaks for itself. Not only do academic scores in reading, writing, and math improve, levels of hyperactivity and tardiness are greatly reduced.

The purpose of this study is to further analyze the existing data and to provide additional research and data at the national level and to prove the positive impacts of eating a school breakfast. It is important to note that the funding for the research provision will require no new additional expenses and maintains our balanced budget discipline. It is not my intention with this research project to create a whole new federal bureaucracy that only deals with the implementation of school breakfast program. Furthermore, after the researchers have completed the five-year study and find school breakfast does indeed improve a child's academic success, we, as federal lawmakers, can work with local and state school authorities to create guidelines of how school breakfasts can improve a child's academic success.

The rationale for this provision of the Child Nutrition Reauthorization Act is very simple. In order for the United States to compete effectively in the world, we must have an educated and productive workforce. In order to have an educated and productive workforce, we must prepare our children to learn. In order to prepare our children to learn they must be well nourished, and that begins with a good healthy breakfast.

The best teachers in the world, with the best standards, cannot teach a hungry child. A child who begins his or her school day with their stomach growling because they either did not have time to eat breakfast or there was no breakfast to be served, is simply too distracted to focus on the lessons being provided by the teacher.

In 1994, the Minnesota legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, showed that when all students are involved in school breakfast, there is a general increase in learning and achievement.

Researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, published this week in the Archives of Adolescent and Pediatric Medicine which is a journal of the American Medical Association, found that students who ate the breakfast showed great improvement in math grades, attendance, and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

If we are serious about improving our education system in America, we must first prepare our children to learn. The time has come, therefore, to build upon the pilot program in Minnesota, Philadelphia, Baltimore, and other cities, and integrate school breakfast into the education day, at least at the elementary school level.

I believe that ensuring a nutritious breakfast for our school kids will help close this "opportunity deficit." As America enters the 21st century, we cannot afford to allow a single child to be left behind. As Robert Kennedy once wrote, "We need the best of many—not of just a few. We must strive for excellence." Clearly, the Meals for Achievement provision in the Child Nutrition Reauthorization Act is a step in that direction.●

LET'S ENCOURAGE BROWNFIELDS DEVELOPMENT AND GET THE LITTLE GUY OUT OF SUPERFUND LITIGATION AT CO-DISPOSAL SITES

● Mr. LAUTENBERG. Mr. Mr. President, yesterday the Majority Leader made a long statement on behalf of Senate action on S. 2180, the "Superfund Recycling Equity Act," which he introduced earlier this year. This legislation would clarify that persons who merely recycle certain specified materials, but did not dispose of those materials, are not subject to Superfund liability.

Today, Mr. President, I join as a cosponsor of this legislation. And, I note for the record, that I was the author of the recycling provision in 1993. I included it in comprehensive Superfund reform legislation, S.1834, which I introduced when I was Chairman of the Senate Superfund Subcommittee. As Senator LOTT noted yesterday, this provision has reappeared in every major, comprehensive Superfund bill since then, whether authored by Democrat or Republican. And it has been introduced in every Congress, by Democrats and Republicans, as stand-alone legislation. There is broad-based, bipartisan support for this legislation which would remove impediments to recycling efforts. It now appears that some type of liability relief for recyclers will be considered by the Environment and Public Works Committee next week, although it is not clear exactly which of several proposals will be considered.

For this reason, Mr. President, I would like to bring to the Senate's attention two other very similar provisions which I believe should be considered in conjunction with S. 1280. They are designed to expedite the revitalization of communities all across this country, and to provide relief to untold numbers of small business owners, small non-profits, and individuals who sent only ordinary household trash to landfills that are now Superfund sites.

Mr. President, once it became clear that the Congress would not act on comprehensive Superfund legislation this year, and the Majority Leader expressed his interest in enacting a liability exemption for certain recyclers, I suggested that we also take the very modest step of enacting a similar exemption for brownfields development and for those who innocently disposed of municipal solid waste at landfills that later became Superfund sites. I wrote to the Chairman of the Environment and Public Works Committee, asking that the Committee consider exemptions for brownfields and municipal solid waste (MSW) disposal, should it take up any liability exemptions—because brownfields and MSW exemptions also enjoy broad, bi-partisan support and have been regarded as noncontroversial. The Chairman responded that he opposed so-called piecemeal reform of Superfund, and that the Committee would not be considering such legislation this year. In deference to this judgement, I deferred introducing separate legislation. Now that the Committee apparently will be considering liability exemptions for recyclers, I hope we will also have an opportunity to consider exemptions for brownfields and MSW.

Mr. President, as is the case for recyclers, provisions to clarify the law on liability for brownfields development and MSW have been included, with bipartisan support, in every comprehensive Superfund bill since 1993. In virtually every regard, they meet the same criteria that have been offered to justify enacting exemptions for recyclers. They are simple clarifications of existing law to correct unintended consequences of the Superfund liability scheme. They have gained the support of all stakeholders, the Environmental Protection Agency, the Department of Justice, and the national environmental community. The brownfields and MSW "fixes" are minor, but are critical for successful brownfields development, or to those subjected to unfair and unintended litigation. They do not involve cleanup standards or natural resource damages. They do not deal with orphan shares or municipal liability. And they offer significant economic and environmental benefits.

Why, then, should the Senate reject consideration of these "fixes?" Only one reason is offered: that they should be held hostage to comprehensive Superfund reform! Mr. President, it is argued they are so popular, and enjoy such broad ranging support, and provide such significant benefits to the nation, that we should hold them hostage to see if they provide a stimulus for action on comprehensive legislation in the next Congress. It is argued that they should be held as "sweeteners" to try to sweeten the sour pot of proposed changes to the Superfund program that have been rejected by three successive Congresses.

Mr. President, with all due respect to those making this argument, I think it is wrong to prevent enactment of legislation that enjoys broad support, and would reap acknowledged benefits, as a tactical matter to achieve unrelated goals. I think this disserves the public and adds to public cynicism. For a variety of reasons, efforts to radically change Superfund, the nation's toxic waste cleanup program, have failed for six years running. Toward the end of each of the past two congresses, many Senators, including this Senator, have argued that we should move ahead with achievable reforms that are non-controversial and permit our people, our communities, and our economy to benefit from their enactment. Today, as we head into the final weeks of this Congress, I make the same plea. Just as holding recyclers hostage to comprehensive Superfund reform has not worked, so holding brownfields development and persons who disposed of household trash hostage to other legislative goals is a failed strategy. It will not mitigate the controversy intrinsic to the broader issues raised by comprehensive legislation. Yet, it robs communities across the country of the jobs and tax ratables that flow from revitalized brownfields and imposes severe penalties on the individuals and small businesses caught up in a litigation nightmare through no fault of their own.

Mr. President, in the last Congress, the Majority party insisted on an all or nothing Superfund strategy. But, when that failed, lender liability legislation was passed in response to a strong lobbying effort by lenders who, understandably, wanted relief from liabilities that were unfair and made no sense. I supported lender liability relief because I thought it had public benefits and corrected an injustice.

In these last weeks of the 105th Congress, a similar game plan is unfolding. Thousands of recyclers around the country are asking for liability relief—relief they deserve, in legislation I support. They have skilled representatives making their case, and I do not fault them for that. In fact, I support their efforts. But, as a Senator from a state with literally thousands of brownfields sites, as well as altogether too many instances of homeowners and small businesses mired in litigation at landfill sites, it is my responsibility to lobby for those communities and individuals who don't have lobbyists representing them here in the Congress. We, as their elected representatives, are their lobbyists. We are their voice. There is no reason in the world why this Senate, and this Congress, should not move forward to make the minor, non-controversial, and eminently sensible changes to Superfund law that impede brownfields development and rob small businesses of their hard earned profits.

Mr. President, I hope my colleagues will consider the plight of persons who disposed of household waste, or office trash, such as cafeteria waste or paper waste, at the local town dump. I am talking about homeowners, pizza parlor owners, and Girl Scouts who, as unbelievable as it may sound, have been dragged into Superfund litigation. They have not been sued by EPA. They have been sued, primarily, by large corporations who disposed of toxic waste, some by dark of night, at a dump alongside solid waste from homes and small businesses and restaurants.

Through two Congresses now, the Senate Environment and Public Works Committee has heard testimony from Barbara Williams, the owner of Sunny Ray Restaurant, who was named as a fourth-party defendant in litigation concerning the Keystone Sanitation Company, Inc. Superfund Site, in Harrisburg, Pennsylvania. Indeed, the whole country heard her saga, when she was interviewed on "60 Minutes."

How did Barbara Williams get ensnared in Superfund litigation? EPA sued 11 companies that dumped hazardous waste from industrial processes at the Keystone Landfill for a period of years, but did not want to clean it up. These 11 companies sued 180 third-party defendants, who in turn sued 590 fourth-party defendants, including Barbara Williams. But Mrs. Williams sent only mashed potatoes and other restaurant waste to the Keystone Site. Those suing her told her she could get out of the lawsuit if she would pay them $75,000.

Mr. President, a $75,000 assessment is a lot of money for most small businesses, and Barbara Williams is no exception. Further, Barbara Williams is not a polluter. No one at the Department of Justice, the EPA or in the Congress believes she should be liable under Superfund for sending mashed potatoes to the local garbage dump. Nor does anyone believe she should have to pay staggering lawyers' fees to get herself out of this litigation nightmare. Congress could, and should, act now to free Mrs. Williams and get all those like her out of the litigation web. Mrs. Williams, her business, and her family should not be held hostage to some notion that if we wait to grant her justice another two years, or four years, we will enact highly controversial changes to the Superfund program. Comprehensive Superfund legislation will have to rise or fall on its own merits. Barbara Williams should not become a pawn in this legislative battle.

Likewise, Mr. President, this body should ask the same questions about removing obstacles to brownfields development. Brownfields are often in cities, but also are located in many, many suburban and even rural areas. They are abandoned, or idle, former industrial properties. Some of these are contaminated, some are not. But it is the fear that these properties are contaminated that some say deters investors from buying them and redeveloping them.

Mr. President, there are more than 500,000 brownfields staining this country's landscape. The nation's Mayors estimate they lose between $200 and $500 million a year in tax revenues from these properties sitting idle. Returning these sites to productive use could create some 236,000 new jobs. Our nation's Mayors, as well as developers and bankers, say immediate action is imperative, since new tax laws provide incentives for brownfields redevelopment, but expire in 2001.

Congress should act before we adjourn to remove the unintended burden of Superfund liability that deters investors from buying and developing brownfields properties. Brownfields development results in significant economic benefits. It creates jobs and tax ratables for communities, which lowers local tax burdens on residents. The cleanup of brownfields also removes contaminants from our environment. These cleanup initiatives are win/win opportunities that make good environmental sense and good business sense.

Mr. President, if this body takes steps to encourage recycling, which I support, I urge my colleagues to also take steps to encourage brownfields development and to free our nation's small business owners from the unfair and punitive penalties being assessed on them. It is in the interest of good government, and clearly in the interest of millions of Americans, that we do so. Let's act now to revitalize our communities. And let's act now, and let Mrs. Williams discharge her lawyer.

Mr. President, the legislative language which would provide relief from brownfields and MSW liability is well known to all who have followed this debate. But, for the convenience of my colleagues, I ask that a summary be printed in the Record.

The summary follows:

Summary of Senator Frank R. Lautenberg's "CERCLA Liability Exemptions Act of 1998", containing a total of four exemptions, three in the brownfields arena and one in the municipal solid waste (MSW) arena.

The proposed legislation would relieve the following persons from Superfund liability:

(1) Brownfields—

(a) Bona fide prospective purchasers—persons who seek to buy contaminated properties, and can show that they did not cause the contamination;

(b) Innocent landowners—persons who already own property that they did not know was contaminated; and

(c) Contiguous landowners—persons who own property that becomes contaminated as a result of contaminants migrating from neighboring properties or areas; and

(2) Municipal Solid Waste—

individuals; small businesses (less than 100 employees); and small nonprofit organizations (less than 100 employees)

who disposed only municipal solid waste (ordinary household trash, or house-hold-like trash, such as cafeteria or office paper waste) at a landfill.

The exemptions were replicated, almost verbatim, in S.8, except that S.8 would have shifted the exempt MSW party's share to the Trust Fund. Our Democratic substitute did not assign a share to the exempt MSW party, nor did S. 1834, the consensus bill reported out of EPW on an 11:4 vote in the 103rd Congress.•

75TH ANNIVERSARY OF THE COLUMBIA UNIVERSITY SCHOOL OF PUBLIC HEALTH

• Mr. MOYNIHAN. Mr. President, I want to take this opportunity to bring to the attention of my colleagues the generous gift by the Mailman Foundation to the Columbia University School of Public Health (CSPH). This represents the largest single gift ever made to a school of public health.

CSPH is one of our nation's first schools of public health and is currently celebrating its 75th anniversary. In its recent history, CSPH has distinguished itself on the local, national, and global levels in a variety of public health areas. The Mailman Foundation endowment will help to strengthen and expand areas such as: (1) access to and quality of health care; (2) prevention of childhood poverty; (3) the enhancement of women's reproductive health, including STD prevention services, and reduction in pregnancy-related deaths in developing countries; (4) the identification of environmental factors such as air and water quality as a cause of disease; (5) the prevention of community and household violence; and (6) AIDS research and treatment.

In addition to these important areas of program and research support, the gift will also be used to provide financial aid to students and for faculty support.

The family-run Mailman Foundation was created by the late Joseph Mailman, the founder of Mailman Corporation, one of the earliest conglomerates in North America. The Foundation has been an important benefactor to numerous institutions devoted to education, medicine, and the arts.

I commend the Mailman Foundation for its remarkable act of philanthropy and for recognizing Columbia's leadership in the field of public health. This gift to Columbia University's internationally known graduate school, now known as the Joseph L. Mailman School of Public Health, will advance the cause of health promotion and disease prevention, through education, research, and direct service.•

TRIBUTE TO MAYOR ROBERT L. ALBRITTEN OF DAWSON, GEORGIA THE 1998 AMERICAN HOMETOWN LEADERSHIP WINNER

• Mr. CLELAND. Mr. President, I rise today to honor Mayor Robert L. Albritten of Dawson, Georgia on receiving the 1998 American Hometown Leadership Award, which is the only national award that recognizes leaders from small communities whose community service exhibits the highest standards of dedication, ability, creativity and leadership.

Mayor Albritten was nominated by Dawson's Better Hometown Task Force and chosen from a field of 400 national leaders for his pacesetting efforts to save jobs at Almark Mills, a local textile plant employing 250 people that shut its doors last Fall leaving Dawson on the brink of a major unemployment problem.

Faced with a potential devastating blow to the town of 5,000 people and following days of feverish brainstorming, late-night phone calls and hours-long meetings with community leaders, rural development experts and a local accountant, Mayor Albritten and other community leaders emerged with an audacious plan— the plant would become a cooperative, in which each worker would be an owner, and all would have a say and a financial stake in the running of the plant.

However, Mayor Albritten was not satisfied with just creating jobs, he also set out to better the lives of all of those living in Dawson. He changed the city seal to read "The City of Dawson, Committed to a Better Quality of Life for All."

Mayor Robert Albritten has been an innovator and leader, and his determination is truly commendable. He has devoted countless hours of his time and energy to improve the town of Dawson and to better the lives of all of its citizens, never hesitating to help in any way he could. He has not only led the people of Dawson, but he has inspired them. His efforts have also been recognized by having the Robert L. Albritten Neighborhood Community Center named in his honor.

In addition to his endless work on behalf of the citizens of Dawson, Mayor Albritten continues his work as a funeral service practitioner. He and his wife Arna have three daughters, Andrea, Alisha and Ariana.

Mr. President, I ask that you join me and our colleagues in recognizing and honoring Mayor Robert L. Albritten for his remarkable achievements and accomplishments as a citizen and as a leader which have culminated with his selection as the 1998 American Hometown Leadership recipient. Mayor Albritten is truly a remarkable man and a first-rate American richly deserving of such an honor.•

IN SUPPORT OF ANTI-CRIME LEGISLATION

• Mrs. MURRAY. Mr. President, I rise to address a bill introduced earlier this week called the Safe Schools, Safe Streets, and Secure Borders Act of 1998. This bill takes the best ideas and puts them to work providing Americans with the tools they need to make their families safer, their communities healthier, and their schools freer from violence.

I know all of us would like a simple solution to the crime problems facing this great nation. But all of us know, in our hearts, that there is no easy solution. We must come together, join with our neighbors, our police, our leaders, and our children to tackle the terrifying problems facing us.

We must be tough on criminals. We need to continue to send the message that if you do the crime, you will be doing time—hard time. No one can accuse the U.S. justice system of coddling criminals. We have among the highest percentage of our population in prison, more than almost any other country in the world.

In the Violent Crime Control Act of 1994, which I supported, we strengthened penalties for violent, and drug-related crime. We also provided grants to states to build jails and prisons if they required serious violent offenders to serve at least 75 percent of their sentences. We've hired more than 75,000 new police officers to implement to time-tested program of community policing. Our crime bill has worked.

Now we need more of the same. We need to extend the Violent Crime Reduction Trust fund to pay for these important community-policing and grants to state and local government.

We need to extend the Violence Against Women Act. Preventing domestic violence and providing a safe haven for victims of domestic violence has been a top priority for me. I intend to introduce legislation to ensure victims of domestic violence are not further victimized through insurance, job or social security discrimination. Should this bill be considered by the Senate, I would seek to amend it by adding provisions of my Battered Women Economic Security Act to it.

Another top priority for me in this bill is reducing crime in our schools. As a parent and former educator, I share America's horror that our children are not safe in their schools. We simply must invest time and resources into solving this fundamental problem. This bill will provide an additional $10 million for the Safe and Drug Free School program and establish partnerships between schools and local law enforcement. Through my Senate Advisory Youth Involvement team, I am learning from students how they believe we can best solve school violence problems. I will be sharing those ideas with my colleagues when we debate this bill.

In my meetings with law enforcement officers around my state, I learned we have some critical problems in our juvenile justice system. While I believe juvenile justice is fundamentally an issue for our state legislatures to address, there is a federal role in several areas. First, we often should treat those 16 and 17-year-olds who commit violent federal offenses as adults. This bill gives prosecutors important discretion to prosecute these offenders as adults.

In addition to getting tough on our most hardened young criminals, we must replicate successful juvenile crime reduction strategies. There are many efforts in my state of Washington that bring out the best in kids and communities and they are truly making a dent in the juvenile crime problem. Best SELF in Skagit county; Teamchild in King county; community justice in Spokane county and on the Colville Indian Reservation; Safestreets in Seattle; and TOGETHER! in Thurston county are several examples of communities joining together to make a difference with their youth. It's amazing how far just a few thousand dollars can go in these community-based programs; they need our continued support.

Mr. President, this bill also targets gangs, illegal drugs, and domestic and international terrorism. It extends a recently-passed bill I strongly supported, the Bulletproof Vest Partnership Grant Act, and provides other safeguards for our law enforcement officers. It reauthorizes the Drug Czar's office, which coordinates the High Intensity Drug Trafficking Area program that is helping establish a coordinated campaign against drug importation and use while also focusing resources of prevention and treatment of abuse.

No bill is perfect and I cannot say I agree with every provision included in this 1220-page bill. However, the Safe Schools, Safe Streets, and Secure Borders Act of 1998 continues to move this country in the right direction. Violent crime must continue to drop. With all of us joining together to fight crime and embrace healthy communities and schools, America can again become a safe place to raise and educate all of our children.

I thank Senator LEAHY for his fine leadership on this bill and encourage all Senators to work to pass comprehensive, bi-partisan legislation to prevent crime and strengthen families and communities.●

CONSUMER BANKRUPTCY REFORM ACT OF 1998—AMENDMENT NO. 3600

Amendment No. 3600, sent to the desk by Mr. HATCH on September 17, is printed in yesterday's RECORD under "Amendments Submitted."

SATELLITE COMPULSORY LICENSE REFORM PROCESS AND S. 1720 CHAIRMAN'S MARK

The Chairman's mark substitute for S. 1720, not available for printing on September 17, 1998, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Compulsory License Improvement Act".

SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) REPORTING REQUIREMENTS.—

"(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to that station a list identifying (by name and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

"(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the station a list identifying (by name and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) REQUIREMENTS OF STATIONS.—The submission requirements of this subsection shall apply to a satellite carrier only if the station to whom the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier of a television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b).

"(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) DEFINITIONS.—In this section—

"(1) The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) The term 'local market' for a television broadcast station has the meaning given that term in section 337(h)(2) of the Communications Act of 1934.

"(3) The terms 'satellite carrier' and 'secondary transmission' have the meaning given such terms under section 119(d).".

"(4) The term 'subscriber' means an entity that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(5) The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

"122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.".

SEC. 3. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking "December 31, 1999" and inserting "December 31, 2003".

SEC. 4. TRANSITION.

Section 119(a)(5) of title 17, United States Code, is amended by adding at the end the following:

"(E) TRANSITION.—Notwithstanding subparagraphs (A) and (B), a satellite carrier shall not be required to terminate service of a network station to a subscriber until February 28, 1999.".

SEC. 5. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) The rate of the royalty fee payable in each case under subsection (b)(1)(B)(i) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 30 percent.

"(B) The rate of the royalty fee payable under subsection (b)(1)(B)(ii) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 45 percent.".

SEC. 6. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended—

(1) by striking paragraph (10) and inserting the following:

"(10) UNSERVED HOUSEHOLD.—The term 'unserved household', with respect to a particular television network, means a household that cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network."; and

(2) by adding at the end the following:

"(12) LOCAL NETWORK STATION.—The term 'local network station' means a network station that is secondarily transmitted to subscribers who reside within the local market in which the network station is located.".

SEC. 7. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—"; and

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation".

(b) DEFINITION.—Section 119(d) of title 17, United States Code, is amended by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.".

SEC. 8. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,"; and

(2) in paragraph (2), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,".

SEC. 9. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1999, except section 4 shall take effect on the date of enactment of this Act.

TRADEMARK LAW TREATY IMPLEMENTATION ACT—AMENDMENT NO. 3601

Amendment No. 3601, sent to the desk by Mr. HATCH on September 17, is printed in yesterday's RECORD under "Amendments Submitted."

S. 2491—THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

S. 2491, introduced by Mr. HATCH, for himself, Mr. LEAHY, and Mr. DEWINE on September 17, is as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protection of Children From Sexual Predators Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.
Sec. 102. Coercion and enticement.
Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.
Sec. 104. Repeat offenders in transportation offense.
Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
Sec. 106. Transportation generally.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.
Sec. 202. Increased penalties for child pornography offenses.

TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.
Sec. 302. Increased penalties for abusive sexual contact.
Sec. 303. Repeat offenders in sexual abuse cases.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.
Sec. 502. Sentencing enhancement for chapter 117 offenses.
Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.
Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.
Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.
Sec. 506. Clarification of definition of distribution of pornography.
Sec. 507. Directive to the United States Sentencing Commission.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.
Sec. 602. Criminal forfeiture for offenses against minors.
Sec. 603. Civil forfeiture for offenses against minors.
Sec. 604. Reporting of child pornography by electronic communication service providers.
Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.
Sec. 606. Administrative subpoenas.
Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.
Sec. 702. Kidnapping.
Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.
Sec. 802. Recommended prohibition.
Sec. 803. Survey.

TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.
Sec. 902. Study of hotlines.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2425. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Use of interstate facilities to transmit information about a minor.".

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to do so," before "shall be fined"; and

(B) by striking "five" and inserting "10"; and

(2) by striking subsection (b) and inserting the following:

"(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both."; and

(2) in subsection (b), by striking "10 years" and inserting "15 years".

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2426. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

"(b) DEFINITIONS.—In this section—

"(1) the term 'prior sex offense conviction' means a conviction for an offense—

"(A) under this chapter, chapter 109A, or chapter 110; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

"(2) STATE.—the term 'State' means a State of the United States, the District of Columbia, any commonwealth, possession, or territory of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2426. Repeat offenders.".

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

"In this chapter, the term 'sexual activity for which any person can be charged with a criminal offense' includes the production of child pornography, as defined in section 2256(8).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.".

SEC. 106. TRANSPORTATION GENERALLY.

Section 2421 of title 18, United States Code, is amended—

(1) by inserting "or attempts to do so," before "shall be fined"; and

(2) by striking "five years" and inserting "10 years".

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting "if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting ", if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(c) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking "or chapter 109A" each place it appears and inserting ", chapter 109A, or chapter 117".

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

(b) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

TITLE III—SEXUAL ABUSE PREVENTION

SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(b) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".

(c) STATE DEFINED.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.".

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.".

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

"§ 2247. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term 'prior sex offense conviction' has the meaning given that term in section 2426(b).".

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1470. Transfer of obscene material to minors

"Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"1470. Transfer of obscene material to minors.".

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

"(A) the victim of the offense has not attained the age of 14 years;

"(B) the victim dies as a result of the offense; and

"(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

"(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.".

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade,

induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term "distribution of pornography" applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) any felony under chapter 109A, 110, or 117; and".

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2253 of title 18, United States Code, is amended by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,".

SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,"; and

(2) in paragraph (3), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,".

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

"SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'electronic communication service' has the meaning given the term in section 2510 of title 18, United States Code; and

"(2) the term 'remote computing service' has the meaning given the term in section 2711 of title 18, United States Code.

"(b) REQUIREMENTS.—

"(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances that provide probable cause to believe that a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), has occurred shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

"(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

"(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

"(A) in the case of an initial failure to make a report, not more than $50,000; and

"(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

"(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

"(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

"(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

"(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

"(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

"(A) to an attorney for the government for use in the performance of the official duties of the attorney;

"(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

"(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

"(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

"(2) DEFINITIONS.—In this subsection, the terms 'attorney for the government' and 'State' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.".

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

"(6) to a law enforcement agency—

"(A) if the contents—

"(i) were inadvertently obtained by the service provider; and

"(ii) appear to pertain to the commission of a crime; or

"(B) if required by section 227 of the Crime Control Act of 1990.".

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423".

SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) In General.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

"§3486. Administrative subpoenas in Federal health care investigations"; and

(2) by adding at the end the following:

"§3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

"(a) Authorization.—

"(1) In general.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

"(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

"(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.

"(2) Attendance of witnesses.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) Procedures Applicable.—The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.".

(b) Technical and Conforming Amendment.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

"3486. Administrative subpoenas in Federal health care investigations.

"3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.".

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.

(a) In General.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

"(i) Grants to States for Costs of Compliance.—

"(1) Program authorized.—

"(A) In general.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the 'Director') shall carry out a program, which shall be known as the 'Sex Offender Management Assistance Program' (in this subsection referred to as the 'SOMA program'), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

"(B) Uses of funds.—Each grant awarded under this subsection shall be—

"(i) distributed directly to the State for distribution to State and local entities; and

"(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

"(2) Eligibility.—

"(A) Application.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

"(i) the State complies with (or made a good faith effort to comply with) this section; and

"(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

"(B) Regulations.—

"(i) In general.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

"(ii) Certain training programs.—Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

"(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.".

(b) Study.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) In General.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§540B. Investigation of serial killings

"(a) In General.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

"(b) Definitions.—In this section:

"(1) Killing.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

"(2) Serial killings.—The term 'serial killings' means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

"(3) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) Technical and Conforming Amendment.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

"540B. Investigation of serial killings.".

SEC. 702. KIDNAPPING.

(a) Clarification of Element of Offense.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting ", regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began" before the semicolon.

(b) Technical Amendment.—Section 1201(a)(5) of title 18, United States Code, is amended by striking "designated" and inserting "described".

(c) 24-Hour Rule.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.".

SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the "Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center" (in this section referred to as the "CASMIRC").

(b) Purpose.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the "NCAVC"), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) Duties of the CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) CONFORMING AMENDMENT.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives

and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) Contents of Study.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

S. 2492—THE LONG-TERM CARE AND RETIREMENT SECURITY ACT OF 1998

S. 2492, introduced by Mr. Grassley on September 17, is as follows:

S. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care and Retirement Security Act of 1998".

SEC. 2. DEDUCTION FOR LONG-TERM CARE HEALTH INSURANCE COSTS FOR INDIVIDUALS NOT ELIGIBLE TO PARTICIPATE IN EMPLOYER-SUBSIDIZED LONG-TERM CARE HEALTH PLANS.

(a) In General.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. QUALIFIED LONG-TERM CARE INSURANCE COSTS.

"(a) In General.—In the case of an individual, there shall be allowed as a deduction an amount equal to the amount of the eligible long-term care premiums (as defined in section 213(d)(10)) paid during the taxable year for coverage of the taxpayer and the spouse and dependents of the taxpayer.

"(b) Limitation Based on Other Coverage.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any subsidized long-term care plan maintained by any employer of the taxpayer or of the spouse of the taxpayer. For purposes of the preceding sentence, the term 'subsidized long-term care plan' means a subsidized health plan which includes primarily coverage for qualified long-term care services (as defined in section 7702B(c)) or is a qualified long-term care insurance contract (as defined in section 7702B(b)).

"(c) Special Rules.—

"(1) Coordination with medical deduction.—Any amount paid by a taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).

"(2) Deduction not allowed for self-employment tax purposes.—The deduction allowable by reason of this section shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2."

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 162(l)(2) of such Code is amended to read as follows:

"(C) Long-term care premiums.—No deduction shall be allowed under this subsection for premiums on any qualified long-term care insurance contract (as defined in section 7702B(b))."

(2) Subsection (a) of section 62 of such Code is amended by inserting after paragraph (17) the following new paragraph:

"(18) Long-term care insurance costs of certain individuals.—The deduction allowed by section 222."

(3) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 222. Qualified long-term care insurance costs.
"Sec. 223. Cross reference."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

S. 2493—THE ANIMAL AGRICULTURE ENVIRONMENTAL INCENTIVES ACT OF 1998

S. 2493, introduced by Mr. Harkin on September 17, is as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Agriculture Environmental Incentives Act of 1998".

SEC. 2. ALLOWANCE OF CREDIT FOR NUTRIENT MANAGEMENT COSTS OF ANIMAL FEEDING OPERATIONS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. ANIMAL FEEDING OPERATION EQUIPMENT CREDIT.

"(a) In General.—For purposes of section 38, the animal feeding operation equipment credit determined under this section for the taxable year is an amount equal to 25 percent of the eligible nutrient management costs of a taxpayer for the taxable year.

"(b) Eligible Nutrient Management Costs.—For purposes of this section—

"(1) In general.—The term 'eligible nutrient management costs' means amounts paid or incurred by a taxpayer to purchase a calibrated manure spreader or eligible processing equipment for use at an animal feeding operation owned by the taxpayer.

"(2) Calibrated manure spreader.—The term 'calibrated manure spreader' means equipment (including any associated geostationary positioning satellite equipment) which is used by the taxpayer exclusively for the precision application of manure to land in accordance with a comprehensive nutrient management plan.

"(3) Eligible processing equipment.—

"(A) In general.—The term 'eligible processing equipment' means equipment or structures used by the taxpayer exclusively for processing manure.

"(B) Exclusion.—The term 'eligible processing equipment' does not include equipment used exclusively for the simple containment or transportation of manure.

"(c) Other Definitions.—For purposes of this section—

"(1) Animal feeding operation.—The term 'animal feeding operation' means a facility for the milking of dairy cows or the raising of livestock or poultry (including egg production) for commercial sale.

"(2) Application.—The term 'application' means laying, spreading on, irrigating, injecting, or otherwise placing manure on land by any means.

"(3) Comprehensive nutrient management plan.—The term 'comprehensive nutrient management plan' means a written plan prepared in accordance with applicable Federal and State laws and regulations.

"(4) Manure.—The term 'manure' means—

"(A) the excreta of an animal or other organic byproduct of an animal feeding operation, including litter, bedding, dead animals, composted animal carcasses, milk house waste, or other residual organic matter, and

"(B) water or any other material mixed with such excreta or byproduct for purposes of collection, handling, containment, or processing of such excreta or byproduct.

"(5) Precision application.—The term 'precision application' means the controlled application of manure to land in a manner which distributes a specified amount of manure, as determined by the nitrogen or phosphorous content of the manure, across a specified area of land.

"(6) Processing.—The term 'processing' means any mechanical, physical, or chemical treatment which—

"(A) alters the concentration of nitrogen, phosphorous, water, or other constituents in manure to facilitate—

"(i) manure application on land covered by the requirements of a comprehensive nutrient management plan, or

"(ii) use of manure or processed manure for commercial purposes other than land application on land owned or controlled by the taxpayer,

"(B) enhances the value of manure as a plant fertilizer or soil amendment, or

"(C) utilizes manure as an energy source.

"(d) Special Rules.—

"(1) Reduction in basis.—For purposes of this subtitle, if a credit is determined under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so determined.

"(2) Pass-thru in the case of estates and trusts.—For purposes of this section, under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) Allocation in the case of partnerships.—For purposes of this section, in the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary."

(b) Conforming Amendments.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking "plus" at the end of paragraph (11),

(B) by striking the period at the end of paragraph (12), and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(13) the animal feeding operation equipment credit determined under section 45D."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Animal feeding operation equipment credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

ORDER FOR RECORD TO REMAIN OPEN

Mr. SESSIONS. Mr. President, I now ask unanimous consent that the RECORD remain open today until 2 p.m. for the purpose of introducing bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorze and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2206) entitled "An Act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE HEAD START ACT

Sec. 101. Short title.
Sec. 102. Statement of purpose.
Sec. 103. Definitions.
Sec. 104. Financial assistance for Head Start programs.
Sec. 105. Authorization of appropriations.
Sec. 106. Allotment of funds.
Sec. 107. Designation of Head Start agencies.
Sec. 108. Quality standards.
Sec. 109. Powers and functions of Head Start agencies.
Sec. 110. Head Start transition.
Sec. 111. Submission of plans to governors.
Sec. 112. Participation in Head Start programs.
Sec. 113. Early Head Start programs for families with infants and toddlers.
Sec. 114. Technical assistance and training.
Sec. 115. Professional requirements.
Sec. 116. Family literacy services.
Sec. 117. Research and evaluation.
Sec. 118. Reports.
Sec. 119. Repeal of consultation requirement.
Sec. 120. Repeal of Head Start Transition Project Act.
Sec. 121. Effective date; application of amendments.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

Sec. 201. Short title.
Sec. 202. Reauthorization.
Sec. 203. Related amendments.
Sec. 204. Assets for independence.
Sec. 205. Effective date; application of amendments.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

Sec. 301. Short title.
Sec. 302. Authorization.
Sec. 303. Definitions.
Sec. 304. Natural disasters and other emergencies.
Sec. 305. State allotments.
Sec. 306. Administration.
Sec. 307. Payments to States.
Sec. 308. Residential energy assistance challenge option.

TITLE I—AMENDMENTS TO THE HEAD START ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Head Start Amendments Act of 1998".

SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) in paragraph (2)—

(i) by striking ", and the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, also means" after "Virgin Islands"; and

(iii) by inserting "and" after "Marshall Islands";

(3) by inserting after paragraph (2) the following:

"(3) The term 'child with a disability' means—

"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.";

(4) by striking paragraph (5) (as redesignated in paragraph (1)) and inserting the following:

"(5) The term 'family literacy services' means services that—

"(A) are provided to participants who receive the services on a voluntary basis;

"(B) are of sufficient intensity, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing dependence on income-based public assistance); and

"(C) integrate each of—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents on being partners with their children in learning;

"(iii) parent literacy training, including training that contributes to economic self-sufficiency; and

"(iv) appropriate instruction for children of parents receiving the parent literacy training.";

(5) in paragraph (7) (as redesignated in paragraph (1)), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law for the provision of services to such a child.";

(6) by striking paragraph (13) (as redesignated in paragraph (1)) and inserting the following:

"(13) The term 'migrant or seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from 1 geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period."; and

(7) by adding at the end the following:

"(16) The term 'reliable and replicable', used with respect to research, means an objective, valid, scientific study that—

"(A) includes a rigorously defined sample of subjects, that is sufficiently large and representative to support the general conclusions of the study;

"(B) relies on measurements that meet established standards of reliability and validity;

"(C) is subjected to peer review before the results of the study are published; and

"(D) discovers effective strategies for enhancing the development and skills of children.".

SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness;".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by inserting "$4,660,000,000 for fiscal year 1999 and" after "subchapter"; and

(B) by striking "1995 through 1998" and inserting "2000 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of the fiscal years 1999 through 2003, not more than $35,000,000 and not less than the aggregate amount made available to carry out section 642(d) of this Act and the Head Start Transition Project Act (42 U.S.C. 9855–9855g) for fiscal year 1998, to carry out activities authorized under section 642A;

"(2) not more than $5,000,000 for each of the fiscal years 1999 through 2003 to carry out impact studies under section 649(g);

"(3) not more than $12,000,000 for fiscal year 1999, and such sums as may be necessary for

each of the fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649; and

"(4) not less than $5,000,000 for each of the fiscal years 1999 through 2003, to carry out activities authorized under section 648B.".

SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the 1st place it appears and all that follows through "handicapped children", and inserting "Head Start programs and services for children with disabilities and migrant or seasonal Head Start programs"; and

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant or seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B) by striking "(B) payments" and all that follows through "Virgin Islands" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States; and

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;";

(C) in subparagraph (C), by striking "and" at the end;

(D) in subparagraph (D), by striking "related to the development and implementation of quality improvement plans under section 641A(d)(2))." and inserting "carried out under paragraph (1), (2), or (3) of section 641A(d) relating to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies); and";

(E) by inserting after subparagraph (D) the following:

"(E) payments for research and evaluation activities under section 649."; and

(F) by adding at the end the following: "In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children, and shall ensure that appropriate funding is provided to meet such needs.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i) by striking "equal" and all that follows through "activities" and inserting "subject to subsection (m)";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking "adequate qualified staff" and inserting "adequate numbers of qualified staff"; and

(II) by inserting "and children with disabilities" before ", when";

(ii) in clause (iv) by inserting "and to encourage the staff to continually improve their skills and expertise by informing staff of the availability of State and Federal loan forgiveness programs for professional development" before the period at the end;

(iii) in clause (v) by inserting "and collaboration efforts for such programs" before the period at the end; and

(iv) by amending clause (vi) to read as follows:

"(vi) Ensuring that such programs have adequate numbers of qualified staff that can promote language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through research that is reliable and replicable, as predictive of later reading achievement."; and

(C) in subparagraph (C)—

(i) in clause (i)(I)—

(I) by striking "of staff" and inserting "of classroom teachers and other staff"; and

(II) by striking "such staff" and inserting "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) Preferences in awarding salary increases, in excess of cost of living allowances, shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.";

(iv) by amending clause (ii) to read as follows:

"(ii) Of the amount remaining after carrying out clause (i), the highest priority shall be placed on training classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and literacy growth, through techniques identified through reliable, replicable research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.";

(v) by striking clause (v);

(vi) by redesignating clause (vi) as clause (v); and

(vii) by inserting after clause (v), as so redesignated, the following:

"(vi) To carry out any or all of such activities, but none of such funds may be used for construction or renovation (including nonstructural or minor structural changes).";

(D) in subparagraph (D)(i)(II) by striking "and migrant" and inserting "Head Start programs and by migrant or seasonal";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "1981" and inserting "1998";

(B) by amending subparagraph (B) to read as follows:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age who live with families whose income is below the poverty line."; and

(C) by adding at the end the following:

"For each fiscal year the Secretary shall use the most recent data available on the number of children under the age of 5, from families below the poverty level that is consistent with that published for counties, by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated poverty data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall issue a report setting forth their reasons in detail.";

(4) in paragraph (5)—

(A) in subparagraph (B), by inserting before the period the following "and encourage Head Start agencies to actively collaborate with entities involved in State and local planning processes in order to better meet the needs of low-income children and families";

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "the appropriate regional office of the Administration for Children and Families and" before "agencies";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv)—

(I) by striking "education, and national service activities," and inserting "and education and community service activities,";

(II) by striking "and activities" and inserting "activities"; and

(III) by striking the period and inserting "(including coordination with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children;"; and

(iv) by adding at the end the following:

"(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full-calendar-year early care and education services for children;

"(vi) encourage local Head Start agencies to appoint a State level representative to speak on behalf of Head Start agencies within the State on collaborative efforts described in subparagraphs (B) and (D), and in clause (v); and

"(vii) encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.";

(C) by redesignating subparagraph (D) as subparagraph (F); and

(D) by inserting after subparagraph (C) the following:

"(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

"(i) to States that develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

"(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

"(E)(i) The Secretary shall—

"(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal child care and early childhood education programs and resources;

"(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

"(III) develop a mechanism to resolve administrative and programmatic conflicts between such programs that would be a barrier to service providers, parents, or children, related to the provision of unified services in the consolidation of funding for child care services.

"(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with

funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.'';

(5) by amending paragraph (6) to read as follows:

''(6)(A) From the amounts reserved and allotted pursuant to paragraphs (2) and (4), and except as provided in subparagraph (C)(i), the Secretary shall use for grants for programs described in section 645A(a) a portion of the combined total of such amount equal to—

''(i) 7.5 percent for fiscal year 1999;

''(ii) 8 percent for fiscal year 2000;

''(iii) 8.5 percent for fiscal year 2001;

''(iv) not less than 8.5 and not more than 10 percent for fiscal year 2002; and

''(v) not less than 8.5 and not more than 10 percent for fiscal year 2003;

of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

''(B) If the Secretary does not submit to—

''(i) the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives; and

''(ii) to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate;

by January 1, 2001, a report on the results of the Early Head Start impact study currently being conducted by the Secretary, then the amount required to be used in accordance with subparagraph (A) for fiscal years 2002 and 2003 shall be 8.5 percent of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

''(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to use the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or negatively impacting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be used as the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so used for the preceding fiscal year.

''(ii) For any fiscal year for which the amount appropriated under section 639(a) requires a reduction in the amount made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

''(I) the amounts made available to the entities for programs carried out under section 645A; and

''(II) the amounts made available to Head Start agencies for Head Start programs.''; and

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

''(7)(A) For purposes of paragraph (2)(A), in determining the need and demand for migrant or seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant or seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant or seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation provided for unserved eligible children of seasonal farmworkers. In serving the children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant or seasonal Head Start programs do not duplicate or overlap with other Head Start services available in the same geographical area.

''(B)(i) Funds available under this subsection for payments to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out Head Start programs in accordance with this subchapter.

''(ii) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under clause (i).

''(iii) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.''.

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking ''1982'' and inserting ''1999'';

(2) by striking ''(as defined in section 602(a) of the Individuals with Disabilities Education Act)''; and

(3) by adding at the end the following:

''Such policies and procedures shall require Head Start programs to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419).''.

(c) INCREASED APPROPRIATIONS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (1), by inserting at the end the following: ''In awarding funds to serve an increased number of children, the Secretary shall give priority to those applicants that provide full-working-day, full-calendar year Head Start services through collaboration with entities carrying out programs that are in existence on the date of the allocation and with other private, nonprofit agencies. Any such additional funds remaining may be used to make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability of Head Start programs and to serve an increased number of children.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting '', and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);'';

(B) in subparagraph (C), by striking the semicolon and inserting '', and organizations and public entities serving children with disabilities;'';

(C) in subparagraph (D), by striking the semicolon and inserting ''and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full-calendar-year services;'';

(D) in subparagraph (E), by striking ''program; and'' and inserting ''or any other early childhood program;'';

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

''(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

''(H) the extent to which the applicant, in providing services, will plan to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding the education services provided by such local educational agency.'';

(3) in paragraph (3) by striking ''In'' and inserting ''Subject to subsection (m), in''; and

(4) by adding at the end the following:

''(4) Notwithstanding subsection (a)(2), after taking into account subsection (a)(1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection.''.

(d) REFERENCES.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended by inserting ''or seasonal'' after ''migrant'' each place it appears.

(e) RELATIVE AVAILABILITY OF FUNDS FOR QUALITY AND FOR EXPANSION.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

''(m)(1) After complying with the requirement in subsection (g)(1) relating to maintaining the level of services provided during the previous year, the Secretary shall make the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation (as defined in subsection (a)(3)(ii)), available as follows:

''For Fiscal Year:	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Quality Activities Under Subsection (a)(3)(C):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Expansion Activities Under Subsection (g):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available to Qualifying Head Start Programs for Quality and Expansion Activities Under Subsections (a)(3)(C) and (g)
1999	65	25	10
2000	65	25	10
2001	45	45	10
2002	45	45	10
2003	25	65	10.

''(2) For purposes of paragraph (1), the term 'qualifying Head Start program' means a Head Start agency or Head Start program that is—

''(A) in compliance with the quality standards and result-based performance measures applicable under subsections (a) and (b) of section 641A;

''(B) not required under subsection (d) of such section to take a corrective action; and

''(C) making progress toward complying with requirements applicable under section 648A(a)(2).

''(3) Funds required to be made available under this subsection to qualifying Head Start programs shall be made available on the same basis as allotments are determined under subsection (a)(4).''.

(f) CONFORMING AMENDMENT.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking ''640(a)(3)(C)(v)'' and inserting ''640(g)''.

SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a) by inserting ''(in consultation with the chief executive officer of the

State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b) by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(ii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following:

"determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures described in section 641A(b), and other requirements established by the Secretary.";

(B) in paragraph (2), by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the left margin of paragraphs (2) and (3) with the left margin of paragraph (1); and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the 1st sentence the following:

"In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3) by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii) by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause (iv);

(iii) in subparagraph (E) by striking "and (D)" and inserting "and (E)";

(iv) by redesignating subparagraphs (D) and (E) and subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;";

(D) by amending paragraph (7) to read as follows:

"(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;";

(E) in paragraph (8)—

(i) by striking the period at the end and inserting "; and"; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

"(8) the plan of such applicant to meet the needs of children with disabilities;"; and

(G) by adding at the end the following:

"(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community."; and

(5) by amending subsection (e) to read as follows:

"(e) If no agency in the community receives priority designation and if there is no qualified applicant in the community, then the Secretary shall designate an agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.".

SEC. 108. QUALITY STANDARDS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", including minimum levels of overall accomplishment," after "regulation standards";

(B) in subparagraph (A), by striking "education,";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

"(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

"(ii) additional school readiness performance standards (based on cognitive learning abilities) to ensure that the children participating in the program, at a minimum—

"(I) develop phonemic, print, and numeracy awareness;

"(II) understand and use oral language to communicate for different purposes;

"(III) understand and use increasingly complex and varied vocabulary;

"(IV) develop and demonstrate an appreciation of books; and

"(V) in the case of non-English background children, progress toward acquisition of the English language.";

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) in subparagraph (B)(iii) by striking "child" and inserting "early childhood education and"; and

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "not later than 1 year after the date of enactment of this section,"; and

(II) by striking "section 651(b)" and all that follows through "section" and inserting "this subsection"; and

(ii) in subclause (ii), by striking "November 2, 1978" and inserting "the date of enactment of the Head Start Amendments Act of 1998"; and

(4) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting "RESULTS-BASED" before "PERFORMANCE";

(2) in paragraph (1)—

(A) by striking "Not later than 1 year after the date of enactment of this section, the" and inserting "The";

(B) by striking "child" and inserting "early childhood education and"; and

(C) by striking the period at the end and inserting ", and the impact of the services provided through the programs to children and their families.";

(3) in paragraph (2)—

(A) in the heading, by striking "DESIGN" and inserting "CHARACTERISTICS";

(B) in the matter preceding subparagraph (A), by striking "be designed" and inserting "include the education and school-based readiness performance standards described in subsection (a)(1)(B) and shall";

(C) in subparagraph (A), by striking "to assess" and inserting "assess the impact of";

(D) in subparagraph (B)—

(i) by striking "to";

(ii) by striking "and peer review" and inserting ", peer review, and program evaluation"; and

(iii) by inserting "not later than January 1, 1999" before the semicolon at the end; and

(E) in subparagraph (C), by inserting "be developed" before "for other";

(4) in paragraph (3)(A) by striking "and by region" and inserting ", regionally, and locally"; and

(5) by adding at the end the following:

"(4) REQUIRED RESULTS-BASED PERFORMANCE MEASURES.—Such results-based performance measures shall ensure that such children—

"(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

"(B) recognize a word as a unit of print;

"(C) identify at least 10 letters of the alphabet; and

"(D) associate sounds with written words.

"(5) OTHER RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish their own results-based school readiness performance measures.".

(c) MONITORING.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1) by inserting "and results-based performance measures" after "standards"; and

(2) in paragraph (2)

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by inserting "(including children with disabilities)" after "eligible children"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

"(E) seek information from the community and the State about the performance of the program and its efforts to collaborate with other entities carrying out early childhood education and child care programs in the community.".

(d) TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or results-based performance measures described in subsection (b)" after "subsection (a)"; and

(B) by amending subparagraph (B) to read as follows:

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or "(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and"; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "immediately" and inserting "immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)".

(e) REPORT.—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: "Such report shall be widely disseminated and available for public review in both written and electronic formats.".

SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8) by striking "and" at the end;

(C) in paragraph (9) by striking the period at the end and inserting "; and";

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

"(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;"; and

(F) by adding at the end the following:

"(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services for purposes of establishing paternity and acquiring child support;

"(B) refer eligible parents to the child support offices of State and local governments; and

"(C) establish referral arrangements with such offices.";

(2) in subsection (c)—

(A) by inserting "and collaborate" after "coordinate";

(B) by inserting "and part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)"; and

(C) by striking "section 402(g) of the Social Security Act, and other" and inserting "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "carry out" and all that follows through "maintain" and inserting "take steps to ensure, to the maximum extent possible, that children maintain";

(ii) by inserting "and educational" after "developmental"; and

(iii) by striking "to build" and inserting "build";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

"SEC. 642A. HEAD START TRANSITION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

"(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

"(7) linking the services provided in such program with the education services provided by such local education agency.".

SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking "30 days" and inserting "45 days";

(2) by striking "so disapproved" and inserting "disapproved (for reasons other than failure to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)"; and

(3) by inserting before the period ", as evidenced by a written statement of the Secretary's findings transmitted to such officer".

SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the last sentence of paragraph (1)—

(A) by striking "provide (A) that" and inserting the following:

"provide—

"(A) that"; and

(B) by amending subparagraph (B) to read as follows:

"(B) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may—

"(i) include a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year. In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application;

"(ii) permit not more than 25 percent of the children enrolled in a Head Start program to be children (without counting children with disabilities) whose family income does not exceed 140 percent of the poverty line if the Head Start agency carrying out such program—

"(I) has a community needs assessment that demonstrates a need to provide Head Start services to more of such children who are members of families with incomes that exceed the poverty line but do not exceed 140 percent of the poverty line; and

"(II) ensures that, as a result of enrolling a greater percentage of children described in this clause, there will not be a reduction in, or denial of, Head Start services to children who are eligible under subparagraph (A);

"(iii) subject to the approval of the Secretary, permit such Head Start agency that demonstrates to the Secretary that it has made reasonable efforts to enroll children eligible under subparagraph (A) in the Head Start program carried out by such agency, to charge participation fees for children described in clause (ii), consistent with the sliding fee schedule established by the State under section 658E(c)(5) of the of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the partnership. The copayment shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.".

SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

(a) PROGRAM.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) in the section heading, by inserting "**early head start**" before "**programs for**";

(2) in subsection (a)—

(A) in paragraph (1) by striking "; and" and inserting a period;

(B) by striking paragraph (2); and

(C) by striking "for—" and all that follows through "(1)", and inserting "for";

(3) in subsection (b)—

(A) in paragraph (5), by inserting "(including programs for infants and toddlers with disabilities)" after "community";

(B) in paragraph (7) by striking "and" at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) ensure formal linkages with the agencies described in section 644(b) of the Individuals With Disabilities Education Act Amendments of 1997 and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and";

(4) in subsection (c)—

(A) by striking "(a)(1)" and inserting "(a)"; and

(B) in paragraph (2), by striking "(or under" and all that follows through "(e)(3))";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraph (2); and

(C) in paragraph (3) by redesignating such paragraph as paragraph (2);

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking "OTHER"; and

(B) by striking "From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e)," and inserting "From the portion specified in section 640(a)(6),";

(9) by striking subsection (h); and

(10) by adding at the end the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.".

(b) CONFORMING AMENDMENT.—Section 640(a)(5)(F) of the Head Start Act (42 U.S.C. 9835(a)(5)(F)), as so redesignated by section 106, is amended by striking "section 645(a)(1)(A)" and inserting "section 645(a)".

SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full-calendar-year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration."; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the education and school readiness performance standards described in this subchapter;";

(B) in paragraph (2) by inserting "supplement amounts provided under section 640(a)(3)(C)(ii)," after "(2)";

(C) in paragraph (4)—

(i) by inserting "and implementing" after "developing"; and

(ii) by striking "a longer day" and inserting the following: "the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full-calendar-year services for children";

(D) in paragraph (7), by striking "and" at the end;

(E) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(F) by inserting after paragraph (2) the following:

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) assist classroom and non-classroom staff, including individuals in management and leadership capacities, to understand the components of effective family literacy services, gain knowledge about proper implementation of such services within a Head Start program, and receive assistance to achieve successful collaboration agreements with other service providers that allow the effective integration of family literacy services with the Head Start program;".

SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of oral language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books and their problem solving abilities;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start classrooms in a center-based program are assigned 1 teacher who has an associate, baccalaureate, or an advanced degree in early childhood education or development and shall require Head Start agencies to demonstrate continuing progress each year to reach that result. In the remaining balance of such classrooms, there shall be assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

"(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(3) ASSESSMENT.—Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in paragraph (1)(A)."; and

(2) in subsection (b)(2)(B)—

(A) by striking "staff," and inserting "staff or"; and

(B) by striking ", or that" and all that follows through "families".

SEC. 116. FAMILY LITERACY SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

"SEC. 648B. FAMILY LITERACY SERVICES.

"From funds reserved under section 639(b)(4), the Secretary—

"(1) shall provide grants through a competitive process, based upon the quality of the family literacy service proposal and taking into consideration geographic and urban/rural representation, for not more than 100 Head Start agencies to initiate provision of family literacy services through collaborative partnerships with entities that provide adult education services, entities carrying out Even Start programs under part B of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 274 et seq.), or entities that provide other services deemed necessary for the provision of family literacy services; and

"(2) may—

"(A) provide training and technical assistance to Head Start agencies that already provide family literacy services;

"(B) designate as mentor programs, and provide financial assistance to, Head Start agencies that demonstrate effective implementation of family literacy services, based on improved outcomes of children and their parents, to enable such agencies to provide training and technical assistance to other agencies that seek to implement, or improve implementation of, family literacy services; and

"(C) award grants or make other assistance available to facilitate training and technical assistance to programs for development of collaboration agreements with other service providers.

In awarding such grants or assistance, the Secretary shall give special consideration to an organization that has experience in the development and operation of successful family literacy services.".

SEC. 117. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7) by striking the period at the end and inserting "; and";

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

"(2) over a 5-year period, lead to the development and rigorous evaluation of models for the integration of family literacy services with Head Start programs, that demonstrate the ability to make positive gains for children participating in Head Start programs and their parents, and dissemination of information about such models;"; and

(E) by adding at the end the following:

"(9) study the experiences of small, medium, and large States with Head Start programs in *order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—*

''(A) may include the use of a data set that existed prior to the initiation of the study; and

''(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of the Congress a report containing the results of the study, not later than September 30, 2002.''; and

(2) by adding at the end the following:

''(g) NATIONAL HEAD START IMPACT RESEARCH.—

''(1) ANALYSES OF DATA BASES.—The Secretary shall obtain analyses of the following existing databases to guide the evaluation recommendations of the expert panel appointed under paragraph (2) and to provide Congress with initial reports of potential Head Start outcomes—

''(A) by use of The Survey of Income and Program Participation (SIPP) conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start;

''(B) by use of The National Longitudinal Survey of Youth (NLSY) which began gathering data on children who attended Head Start from 1988 on, examine the wide range of outcomes measured within the Survey, including cognitive, socio-emotional, behavioral, and academic development;

''(C) by use of The Survey of Program Dynamics, the new longitudinal survey required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to begin annual reporting, through the duration of the Survey, on Head Start attendees' academic readiness performance and improvements; and

''(D) to ensure that The Survey of Program Dynamics be linked with the NLSY at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the NLSY database.

''(2) EXPERT PANEL.—

''(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

''(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments), described in paragraph (3), within 1 year after the date of enactment of the Human Services Reauthorization Act of 1998;

''(ii) to maintain and advise the Secretary regarding the progress of the research; and

''(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (8).

''(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

''(3) GENERAL ·AUTHORITY.—After reviewing the recommendations of the expert panel the Secretary shall enter into a grant, contract, or cooperative agreement with an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

''(4) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

''(5) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the several States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

''(6) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

''(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

''(ii) considers whether the Head Start programs—

''(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

''(II) strengthen families as the primary nurturers of their children; and

''(III) ensure that children attain school readiness; and

''(iii) examines—

''(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

''(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

''(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten, and at the end of first grade, by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

''(C) makes use of random selection from the population of all Head Start programs described in paragraph (5) in selecting programs for inclusion in the research; and

''(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

''(i) individuals who participate in other early childhood programs (such as preschool programs and day care); and

''(ii) individuals who do not participate in any other early childhood program.

''(7) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

''(A) Head Start program operations;

''(B) Head Start program quality;

''(C) the length of time a child attends a Head Start program;

''(D) the age of the child on entering the Head Start program;

''(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

''(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-working-day full-calendar-year program, a part-day program or a part-year program); and

''(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

''(8) REPORTS.—

''(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the Secretary 2 interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

''(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

''(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

''(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

''(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

''(9) DEFINITION.—In this subsection, the term 'impact', used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

''(h) QUALITY IMPROVEMENT STUDY.—

''(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

''(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including—

''(A) the types of activities funded with the quality improvement funds;

''(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B); and

''(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention.''.

SEC. 118. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting ''(a) STATUS OF CHILDREN.—'' before ''At'';

(2) by striking ''and Labor'' each place it appears and inserting ''and the Workforce'';

(3) in paragraph (14) by striking ''and seasonal'' and inserting ''or seasonal''; and

(4) by adding at the end the following:

''(b) FACILITIES.—At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies.''.

SEC. 119. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

SEC. 120. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855–9855g) is repealed.

SEC. 121. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall not apply with respect to any fiscal year ending before October 1, 1998.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Community Services Authorization Act of 1998".

SEC. 202. REAUTHORIZATION.

The heading for subtitle B, and sections 671 through 680, of the Community Services Block Grant Act (42 U.S.C. 9901–9909) are amended to read as follows:

"Subtitle B—Community Services Block Grant Program

"SEC. 671. SHORT TITLE.

"This subtitle may be cited as the 'Community Services Block Grant Act'.

"SEC. 672. PURPOSES AND GOALS.

"The purpose of this subtitle is to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)). Such goals may be accomplished through—

"(1) the strengthening of community capabilities for planning, coordinating, and utilizing a broad range of Federal, State, local, and private resources for the elimination of poverty, and for helping individuals and families achieve self-sufficiency;

"(2) greater use of innovative and effective, community-based approaches to attacking the causes and effects of poverty and of community breakdown;

"(3) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grant to empower such individuals to respond to the unique problems and needs within their communities; and

"(4) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role for private, faith-based, charitable, and neighborhood organizations in the provision of services as well as individual citizens, business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

"SEC. 673. DEFINITIONS.

"In this subtitle:

"(1) Eligible entity.—The term 'eligible entity' means an entity—

"(A) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Human Services Reauthorization Act of 1998) as of such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

"(B) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

"(2) Poverty line.—The term 'poverty line' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary determines to be feasible and desirable) which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

"(3) Private, nonprofit organization.—The term 'private, nonprofit organization' includes a faith-based organization, to which the provisions of section 679 shall apply.

"(4) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) State.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, includes the Federated States of Micronesia, the Republic of he Marshall Islands, and Palau.

"SEC. 674. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated $535,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

"(b) Reservations.—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for carrying out section 675A (relating to payments for territories);

"(2) 1 ½ percent for activities authorized in sections 678A through 678F, of which—

"(A) not less than ½ of the amount reserved by the Secretary under this paragraph shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities, as required under section 678A(c) for the purpose of carrying out activities described in section 678A; and

"(B) ½ of the remainder of the amount reserved by the Secretary under this paragraph shall be used to carry out monitoring, evaluation, and corrective activities described in sections 678B(c) and 678A; and

"(3) not more than 9 percent for carrying out section 680 (relating to discretionary activities).

"SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

"The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

"SEC. 675A. DISTRIBUTION TO TERRITORIES.

"(a) Apportionment.—The Secretary shall apportion the amount reserved under section 674(b)(1)—

(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(2) for fiscal years ending before October 1, 2001, and subject to subsection (c), on the basis of need among the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) Application.—Each jurisdiction to which subsection (a) applies may receive a grant under this subtitle for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application containing provisions that describe the programs for which assistance is sought under this subtitle, and that are consistent with the requirements of section 676.

"(c) Limitation.—(1) Funds apportioned under subsection (a) for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out programs in accordance with this subtitle.

"(2) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under paragraph (1).

"(3) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.

"(a) Allotments in General.—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State, subject to section 677, an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 under such section, except that no State shall receive less than ¼ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(b) Allotments in Years With Greater Available Funds.—

"(1) Minimum allotments.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds $345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(2) Maintenance of fiscal year 1990 levels.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under subsection (a) to such State for fiscal year 1990.

"(3) Maximum allotments.—The amount allotted under paragraph (1) to a State shall be reduced for a fiscal year, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the fiscal year preceding the fiscal year for which a determination is made under this subsection.

"(c) Allotment of Additional Funds.—Notwithstanding subsections (a) and (b), in any fiscal year in which the amount appropriated under section 674(a) exceeds the amount appropriated under such section for fiscal year 1999, such excess shall be allotted among the States proportionately based on—

"(1) the number of public assistance recipients in the respective States;

“(2) the number of unemployed individuals in the respective States; and

“(3) the number of individuals with incomes below the poverty line in the respective States.

“(d) PAYMENTS.—The Secretary shall make payments to eligible States from the allotments made under this section. The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

“(e) DEFINITION.—For purposes of this section, the term ‘State’ does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“SEC. 675C. USES OF FUNDS.

“(a) GRANTS TO LOCAL ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

“(1) IN GENERAL.—Not less than 90 percent of the funds allotted to a State under section 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

“(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, in accordance with paragraph (3).

“(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

“(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

“(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.

“(b) STATEWIDE ACTIVITIES.—

“(1) USE OF REMAINDER.—If a State uses less than 100 percent of the State allotment to make grants under subsection (a), the State shall use the remainder of the allotment (subject to paragraph (2)) for activities which may include—

“(A) providing training and technical assistance to those entities in need of such training and assistance;

“(B) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detailing appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

“(C) supporting statewide coordination and communication among eligible entities;

“(D) analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

“(E) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

“(F) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

“(G) supporting other activities, consistent with the purposes of this subtitle; and

“(H) State charity tax credits as described in subsection (c).

“(2) ADMINISTRATIVE CAP.—No State may spend more than the greater of $55,000, or 5 percent, of the State's allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the State allotment that remains after the State makes grants to eligible entities under subsection (a).± The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses.

“(c)(1) Subject to paragraph (2), if there is in effect under State law a charity tax credit, then the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

“(2) The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

“(3) For purposes of this subsection:

“(A) CHARITY TAX CREDIT.—The term ‘charity tax credit’ means a nonrefundable credit against State income tax (or, in the case of a State which does not impose an income tax, a comparable benefit) which is allowable for contributions, in cash or in kind, to qualified charities.

“(B) QUALIFIED CHARITY.—

“(i) IN GENERAL.—The term ‘qualified charity’ means any organization—

“(I) which is—

“(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

“(bb) a community action agency as defined in the Economic Opportunity Act of 1964; or

“(cc) a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437A(b)(6));

“(II) which is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

“(III) if such organization is otherwise required to file a return under section 6033 of such Code, which elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

“(ii) CERTAIN CONTRIBUTIONS TO COLLECTION ORGANIZATIONS TREATED AS CONTRIBUTIONS TO QUALIFIED CHARITY.—

“(I) IN GENERAL.—A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

“(II) COLLECTION ORGANIZATION.—The term ‘collection organization’ means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

“(aa) which solicits and collects gifts and grants which, by agreement, are distributed to qualified charities described in clause (i);

“(bb) which distributes to qualified charities described in clause (i) at least 90 percent of the gifts and grants it receives that are designated for such qualified charities; and

“(cc) which meets the requirements of clause (vi).

“(iii) CHARITY MUST PRIMARILY ASSIST POOR INDIVIDUALS.—

“(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget) in order to prevent or alleviate poverty among such individuals and families.

“(II) NO RECORDKEEPING IN CERTAIN CASES.—An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups which are generally recognized as including substantially only individuals and families described in subclause (I).

“(III) FOOD AID AND HOMELESS SHELTERS.—Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

“(aa) donations of food or meals; or

“(bb) temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

“(iv) MINIMUM EXPENSE REQUIREMENT.—

“(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program expenses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

“(II) POVERTY PROGRAM EXPENSE.—For purposes of subclause (I)—

“(aa) IN GENERAL.—The term ‘poverty program expense’ means any expense in providing program services referred to in clause (iii).

“(bb) EXCEPTIONS.—Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense which consists of a payment to an affiliate of the organization.

“(v) REPORTING REQUIREMENT.—The information required to be furnished under this clause is—

“(i) the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

“(ii) the category or categories (including food, shelter, education, substance abuse, job training, or otherwise) of services which constitute its predominant activities.

“(vi) ADDITIONAL REQUIREMENTS FOR COLLECTION ORGANIZATIONS.—The requirements of this clause are met if the organization—

“(I) maintains separate accounting for revenues and expenses; and

“(II) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

“(vii) SPECIAL RULE FOR STATES REQUIRING TAX UNIFORMITY.—In the case of a State—

“(I) which has a constitutional requirement of tax uniformity; and

“(II) which, as of December 31, 1997, imposed a tax on personal income with—

“(aa) a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

“(bb) no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit is limited *to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).*

"(4) No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

"SEC. 676. APPLICATION AND PLAN.

"(a) Designation of Lead Agency.—

"(1) Designation.—The chief executive officer of a State desiring to receive an allotment under this subtitle shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

"(2) Duties.—The lead agency shall—

"(A) develop the State plan to be submitted to the Secretary under subsection (b);

"(B) in conjunction with the development of the State plan as required under subsection (b), hold at least 1 hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment for the period covered by the State plan; and

"(C) conduct reviews of eligible entities under section 678B.

"(3) Legislative hearing.—The State shall hold at least 1 legislative hearing every 3 years in conjunction with the development of the State plan.

"(b) State Application and Plan.—Beginning with fiscal year 2000, to be eligible to receive an allotment under this subtitle, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

"(1) an assurance that funds made available through the allotment will be used to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

"(A) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under title IV of the Social Security Act);

"(B) to secure and retain meaningful employment;

"(C) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

"(D) to make better use of available income;

"(E) to obtain and maintain adequate housing and a suitable living environment;

"(F) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

"(G) to achieve greater participation in the affairs of the community, including activities that strengthen and improve the relationship with local law enforcement agencies, which may include activities such as neighborhood or community policing efforts;

"(H) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to prevention of youth problems and crime, promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs, which may include after-school child care programs; and

"(I) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

"(2) a description of how the State intends to use discretionary funds made available from the remainder of the allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

"(3) based on information provided by eligible entities in the State, a description of—

"(A) the service delivery system, for services provided or coordinated with funds made available through the allotment, targeted to low-income individuals and families in communities within the State;

"(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

"(C) a description of how funds made available through the allotment will be coordinated with other public and private resources; and

"(D) a description of how the funds will be used to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle which may include fatherhood and other initiatives with the goal of strengthening families and encouraging parental responsibility;

"(4) an assurance that local eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

"(5) an assurance that the State and the local eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services (including a description of how the State and the local eligible entities will coordinate with State and local workforce investment systems in the provision of employment and training services in the State and in local communities);

"(6) an assurance that the State will ensure coordination between antipoverty programs in each community, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

"(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

"(8) an assurance that any eligible entity that received funding in the previous fiscal year under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

"(9) an assurance that local eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including faith-based organizations, charitable groups, and community organizations;

"(10) an assurance that the State will require each eligible entity to establish procedures under which a low-income individual, community organization, or faith-based organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

"(11) an assurance that the State will secure from each eligible entity, as a condition to receipt of funding by the entity under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

"(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system established pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

"(13) information describing how the State will carry out the assurances described in this subsection.

"(c) Funding Termination or Reductions.—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

"(1) a funding reduction, the term 'cause' includes—

"(A) a statewide redistribution of funds provided under this subtitle to respond to—

"(i) the results of the most recently available census or other appropriate data;

"(ii) the designation of a new eligible entity; or

"(iii) severe economic dislocation; or

"(B) the failure of an eligible entity to comply with the terms of an agreement to provide services under this subtitle; and

"(2) a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of such an agreement and the State plan to provide services under this subtitle or the consistent failure of the entity to achieve performance measures as determined by the State.

"(d) Procedures and Information.—The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.

"(e) Revisions and Inspection.—

"(1) Revisions.—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

"(2) Public inspection.—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

"SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

"(a) Qualified Organization In or Near Area.—

"(1) In general.—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such

area, the chief executive officer may solicit applications from, and designate as an eligible entity—

"(A) a private nonprofit eligible entity located in an area contiguous to or within reasonable proximity of the unserved area that is already providing related services in the unserved area; or

"(B) a private nonprofit organization that is geographically located in the unserved area that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency and that meets the requirements of this subtitle.

"(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

"(A) in each of the 3 required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

"(B) in the category described in section 676B(a)(2), by members that reside in the neighborhood served.

"(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to local eligible entities that are already providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

"(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

"SEC. 676B. TRIPARTITE BOARDS.

"(a) PRIVATE NONPROFIT ENTITIES.—

"(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development and implementation of the program to serve low-income communities or groups.

"(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

"(A) ⅓ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than ⅓ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such ⅓ requirement;

"(B) not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served;

"(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served; and

"(D) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subparagraph (B) resides in the neighborhood represented by the member.

"(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

"(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

"(A) are representative of low-income individuals and families in the neighborhood served;

"(B) reside in the neighborhood served; and

"(C) are able to participate actively in the planning and implementation of programs funded under this subtitle; or

"(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the planning, administration, and evaluation of programs funded under this subtitle.

"SEC. 677. PAYMENTS TO INDIAN TRIBES.

"(a) RESERVATION.—If, with respect to any State, the Secretary—

"(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

"(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

"(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance under this subtitle in such State.

"(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(d) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

"(e) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' mean a tribe, band, or other organized group of Indians recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

"(2) INDIAN.—The term 'Indian' means a member of an Indian tribe or of a tribal organization.

"SEC. 678. OFFICE OF COMMUNITY SERVICES.

"(a) OFFICE.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and Human Services. The Office shall be headed by a Director.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

"SEC. 678A. TRAINING AND TECHNICAL ASSISTANCE.

"(a) ACTIVITIES.—The Secretary shall use the amounts reserved in section 674(b)(2) for training, technical assistance, planning, evaluation, performance measurement, corrective action activities (to correct programmatic deficiencies of eligible entities), reporting, and data collection activities related to programs carried out under this subtitle, and in accordance with subsection (c). Training and technical assistance activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

"(b) PROCESS.—The process for determining the training and technical assistance to be carried out under this section shall—

"(1) ensure that the needs of eligible entities and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State network of eligible entities.

"(c) DISTRIBUTION REQUIREMENT.—Of the amounts reserved under section 674(b)(2) for activities to be carried out under this section, not less than ½ of such amounts shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities for the purpose of improving program quality (including financial management practices), management information and reporting systems, measurement of program results, and for the purpose of ensuring responsiveness to local neighborhood needs.

"SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

"(a) IN GENERAL.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

"(1) A full onsite review of each such entity at least once during each 3-year period.

"(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

"(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

"(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants terminated for cause.

"(b) REQUESTS.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

"(c) EVALUATIONS BY THE SECRETARY.—The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with subsection (b) of section 676. A report of such evaluations, together with recommendations of improvements designed to enhance the benefit and impact to people in need, shall be sent to each State evaluated. Upon receiving the report the State shall submit a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairman of the Committee on Education and the Workforce of the House of Representatives

and the Chairman of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

“SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.

“(a) DETERMINATION.—If the State determines, on the basis of a review pursuant to subsection 678B, that an eligible entity materially fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

“(1) inform the entity of the deficiency to be corrected;

“(2) require the entity to correct the deficiency;

“(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

“(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

“(4)(A) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

“(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

“(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

“(b) REVIEW.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 120 days after the determination to terminate the designation or reduce the funding. If the review is not completed within 120 days, the determination of the State shall become final at the end of the 120th day.

“(c) DIRECT ASSISTANCE.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State's hearing and the Secretary's review as required in subsection (b), the Secretary shall assume responsibility for providing financial assistance to the eligible entity affected until the violation is corrected. In such case, the allotment for the State shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

“SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.

“(a) FISCAL CONTROLS, PROCEDURES, AUDITS, AND INSPECTIONS.—

“(1) IN GENERAL.—A State that receives funds under this subtitle shall—

“(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

“(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of funds under this subtitle;

“(C) prepare, at least every year in accordance with paragraph (2) an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

“(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

“(2) AUDITS.—Each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

“(3) REPAYMENTS.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

“(b) WITHHOLDING.—

“(1) IN GENERAL.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the State allotment substantially in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

“(2) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any 1 of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

“(3) INVESTIGATIONS.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

“SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.

“(a) STATE ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

“(1) PERFORMANCE MEASUREMENT.—

“(A) IN GENERAL.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system established by the Secretary pursuant to subsection (b), or an alternative system that meets the requirements of subsection (b).

“(B) LOCAL AGENCIES.—The State may elect to have local agencies who are subcontractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

“(2) ANNUAL REPORT.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on indirect services or administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

“(b) SECRETARY'S ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

“(1) PERFORMANCE MEASUREMENT.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of 1 or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

“(2) REPORTING REQUIREMENTS.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

“(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

“(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on indirect services or administrative costs and on the direct delivery of local services by eligible entities;

“(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

“(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

“(E) a summary of each State's performance results, and the results for the eligible entities, as collected and submitted by the States in accordance with subsection (a)(2); and

“(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time prior to the start of the fiscal year for the States to collect and provide the information.

“(3) SUBMISSION.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct, indirect, and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

“(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than $350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

“SEC. 678F. LIMITATIONS ON USE OF FUNDS.

“(a) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

"(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

"(b) POLITICAL ACTIVITIES.—

"(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

"(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity.

"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"(c) NONDISCRIMINATION.—

"(1) IN GENERAL.—No person shall, on the basis of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

"(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 679. OPERATIONAL RULE.

"(a) FAITH-BASED ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.

"(b) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a faith-based organization to remove religious art, icons, scripture, or other symbols in order to be eligible to provide assistance under a program described in subsection (a).

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a faith-based organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any faith-based organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

"SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

"(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in (2)(E)) for each of the objectives described in paragraphs (2) through (4).

"(2) COMMUNITY ECONOMIC DEVELOPMENT.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, non-profit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

"(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include—

"(A) grants to private, nonprofit corporations that provide assistance concerning home repair to rural low-income families and planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional, private, nonprofit organizations to provide training and technical assistance to small, rural communities in meeting their community facility needs.

"(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

"(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

"(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate.".

SEC. 203. RELATED AMENDMENTS.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended—

(1) by striking section 681;

(2) in section 681A—

(A) by striking "681A" and inserting "681";

(B) in subsection (c) by striking "Labor" and inserting "the Workforce"; and

(C) in subsection (d) by striking "$25,000,000" and all that follows through "1998", and inserting "$5,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003";

(3) in section 682—

(A) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the applicant shall, in each community in which a program is funded under this section—

"(A) ensure that—

"(i) a community-based advisory committee, composed of representatives of local youth, family, and social service organizations, schools, entities that provide park and recreation services, entities that provide training services, and community-based organizations that serve high-risk youth, is established; or

"(ii) an existing community-based advisory board, commission, or committee with similar membership is used; and

"(B) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle;"; and

(B) in subsection (f) by striking "each fiscal year" and all that follows through "1998", and inserting "for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003"; and

(4) by striking sections 683 and 684, and inserting the following:

"SEC. 683. DRUG TESTING AND PATERNITY DETERMINATIONS.

"(a) DRUG TESTING PERMITTED.—(1) Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out under this subtitle for controlled substances or from imposing sanctions on such participants who test positive for any of such substances.

"(2) Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

"(b) PATERNITY DETERMINATIONS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

"(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services;

"(2) refer eligible parents to the child support offices of State and local governments; and

"(3) establish referral arrangements with such offices.

"SEC. 684. REFERENCES.

"Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673 of this subtitle. Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program.".

SEC. 204. ASSETS FOR INDEPENDENCE.

The Community Services Block Grant Act (42 U.S.C. 9901–9912), as amended by sections 202 and 203, is amended—

(1) by striking "this subtitle' each place it appears (other than in section 671) and inserting "this part";

(2) by inserting the following after section 671:

"CHAPTER 1—COMMUNITY SERVICES GRANTS";

and

(3) by adding at the end the following:

"CHAPTER 2—ASSETS FOR INDEPENDENCE

"SEC. 685. SHORT TITLE.

"This chapter may be cited as the 'Assets for Independence Act'.

"SEC. 686. FINDINGS.

"Congress makes the following findings:

"(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

"(2) Fully ½ of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the household savings rate of the United States lags far behind other industrial nations presenting a barrier to economic growth.

"(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

"(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

"SEC. 687. PURPOSES.

"The purposes of this chapter are to provide for the establishment of demonstration projects designed to determine—

"(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

"(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

"(3) the extent to which an asset-based policy stabilizes and improves families and the community in which they live.

"SEC. 688. DEFINITIONS.

"In this chapter:

"(1) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is selected to participate by a qualified entity under section 693.

"(3) EMERGENCY WITHDRAWAL.—The term 'emergency withdrawal' means a withdrawal by an eligible individual that—

"(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

"(B) is permitted by a qualified entity on a case-by-case basis; and

"(C) is made for—

"(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

"(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

"(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

"(4) HOUSEHOLD.—The term 'household' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

"(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'individual development account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust meets the following requirements:

"(i) No contribution will be accepted unless it is in cash or by check.

"(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

"(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 694.

"(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(v) Except as provided in clause (vi), any amount in the trust which is attributable to a deposit provided under section 694 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

"(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

"(B) CUSTODIAL ACCOUNTS.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this chapter, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee thereof.

"(6) PROJECT YEAR.—The term 'project year' means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

"(7) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal

Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

“(ii) a State or local government agency, or a tribal government, submitting an application under section 689 jointly with an organization described in clause (i).

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this chapter.

“(8) QUALIFIED EXPENSES.—The term ‘qualified expenses’ means 1 or more of the following, as provided by the qualified entity:

“(A) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

“(i) POSTSECONDARY EDUCATIONAL EXPENSES.—The term ‘postsecondary educational expenses’ means the following:

“(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

“(II) FEES, BOOKS, SUPPLIES, AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

“(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term “eligible educational institution’ means the following:

“(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this chapter.

“(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this chapter.

“(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

“(i) PRINCIPAL RESIDENCE.—The term ‘principal residence’ means a principal residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

“(ii) QUALIFIED ACQUISITION COSTS.—The term ‘qualified acquisition costs’ means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

“(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

“(I) IN GENERAL.—The term ‘qualified first-time homebuyer’ means an individual participating in the project (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

“(II) DATE OF ACQUISITION.—The term ‘date of acquisition’ means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

“(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

“(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term “qualified business capitalization expenses’ means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

“(ii) QUALIFIED EXPENDITURES.—The term ‘qualified expenditures’ means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

“(iii) QUALIFIED BUSINESS.—The term ‘qualified business’ means any business that does not contravene any law or public policy (as determined by the Secretary).

“(iv) QUALIFIED PLAN.—The term ‘qualified plan’ means a business plan, or a plan to use a business asset purchased, which—

“(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

“(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

“(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

“(D) TRANSFERS TO IDAS OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

“(i) the individual's spouse; or

“(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

“(9) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term ‘qualified savings of the individual for the period’ means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

“(10) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(11) TRIBAL GOVERNMENT.—The term ‘tribal government’ means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

“SEC. 689. APPLICATIONS.

“(a) ANNOUNCEMENT OF DEMONSTRATION PROJECTS.—Not later than 3 months after the date of enactment of this chapter, the Secretary shall publicly announce the availability of funding under this chapter for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

“(b) SUBMISSION.—Not later than 6 months after the date of enactment of this chapter, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this chapter.

“(c) CRITERIA.—In considering whether to approve an application to conduct a demonstration project under this chapter, the Secretary shall assess the following:

“(1) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses. In making such assessment, the Secretary shall consider the overall quality of project activities in making any particular kind or combination of qualified expenses to be an essential feature of any project.

“(2) ADMINISTRATIVE ABILITY.—The experience and ability of the applicant to responsibly administer the project.

“(3) ABILITY TO ASSIST PARTICIPANTS.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

“(4) COMMITMENT OF NON-FEDERAL FUNDS.—The aggregate amount of direct funds from non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

“(5) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

“(6) OTHER FACTORS.—Such other factors relevant to the purposes of this chapter as the Secretary may specify.

“(d) PREFERENCES.—In considering an application to conduct a demonstration project under this chapter, the Secretary shall give preference to an application that—

“(1) demonstrates the willingness and ability to select individuals described in section 692 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

“(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed by private sector sources; and

“(3) targets such individuals residing within 1 or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

“(e) APPROVAL.—Not later than 9 months after the date of enactment of this chapter, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this chapter as the Secretary deems appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary is encouraged to ensure that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

“(f) CONTRACTS WITH NONPROFIT ENTITIES.—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to conduct any responsibility of the Secretary under this section or section 696 if—

“(1) such entity demonstrates the ability to conduct such responsibility; and

“(2) the Secretary can demonstrate that such responsibility would not be conducted by the Secretary at a lower cost.

“SEC. 690. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

“(a) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this chapter, the Secretary shall, not later than 10 months after the date of enactment of this chapter, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this chapter.

“(b) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this chapter, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

“(1) the aggregate amount of funds committed as matching contributions by non-Federal public or private sector sources; or

"(2) $1,000,000.

"SEC. 691. RESERVE FUND.

"(a) ESTABLISHMENT.—A qualified entity under this chapter, other than a State or local government agency, or a tribal government, shall establish a Reserve Fund which shall be maintained in accordance with this section.

"(b) AMOUNTS IN RESERVE FUND.—

"(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

"(A) all funds provided to the qualified entity by any public or private source in connection with the demonstration project; and

"(B) the proceeds from any investment made under subsection (c)(2).

"(2) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

"(c) USE OF AMOUNTS IN THE RESERVE FUND.—

"(1) IN GENERAL.—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

"(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

"(B) provide deposits in accordance with section 694 for individuals selected by the qualified entity to participate in the demonstration project;

"(C) administer the demonstration project; and

"(D) provide the research organization evaluating the demonstration project under section 698 with such information with respect to the demonstration project as may be required for the evaluation.

"(2) AUTHORITY TO INVEST FUNDS.—

"(A) GUIDELINES.—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

"(B) INVESTMENT.—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

"(3) LIMITATION ON USES.—Not more than 9.5 percent of the amounts provided to a qualified entity under section 698(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If 2 or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

"(d) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

"(1) the amounts in its Reserve Fund at time of the termination; multiplied by

"(2) a percentage equal to—

"(A) the aggregate amount of grants made to the qualified entity under section 698(b); divided by

"(B) the aggregate amount of all funds provided to the qualified entity by all sources to conduct the project.

"SEC. 692. ELIGIBILITY FOR PARTICIPATION.

"(a) IN GENERAL.—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this chapter:

"(1) INCOME TEST.—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

"(2) NET WORTH TEST.—

"(A) IN GENERAL.—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed $10,000.

"(B) DETERMINATION OF NET WORTH.—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

"(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

"(ii) the obligations or debts of any member of the household.

"(C) EXCLUSIONS.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

"(b) INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.—The Secretary shall establish such regulations as are necessary, including prohibiting future eligibility to participate in any other demonstration project conducted under this chapter, to ensure compliance with this chapter if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project.

"SEC. 693. SELECTION OF INDIVIDUALS TO PARTICIPATE.

"From among the individuals eligible to participate in a demonstration project conducted under this chapter, each qualified entity shall select the individuals—

"(1) that the qualified entity deems to be best suited to participate; and

"(2) to whom the qualified entity will provide deposits in accordance with section 694.

"SEC. 694. DEPOSITS BY QUALIFIED ENTITIES.

"(a) IN GENERAL.—Not less than once every 3 months during each project year, each qualified entity under this Act shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

"(1) from the non-Federal funds described in section 689(c)(4), a matching contribution of not less than $0.50 and not more than $4 for every $1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

"(2) from the grant made under section 690(b), an amount equal to the matching contribution made under paragraph (1); and

"(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $2,000 from a grant made under section 690(b) shall be provided to any 1 individual over the course of the demonstration project.

"(c) LIMITATION ON DEPOSITS FOR A HOUSEHOLD.—Not more than $4,000 from a grant made under section 690(b) shall be provided to any 1 household over the course of the demonstration project.

"(d) WITHDRAWAL OF FUNDS.—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for 1 or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve such withdrawal in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

"(e) REIMBURSEMENT.—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under section 694 to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

"SEC. 695. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.

"A qualified entity under this chapter, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 697, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this chapter as are necessary to ensure compliance with the approved applications and the requirements of this chapter.

"SEC. 695A. GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.

"Any statewide asset-building program consistent with the purposes of this chapter that is established in State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than $1,000,000 in non-Federal funds, shall be deemed to have met the requirements of section 688 and to be eligible for consideration by the Secretary as a demonstration program described in this chapter. Applications submitted by such statewide program shall be considered for funding by the Secretary notwithstanding the preferences listed in section 689(d). Any program requirements under sections 691 through 695 that are inconsistent with State statutory requirements in effect on such date governing such statewide program are hereby waived.

"SEC. 696. ANNUAL PROGRESS REPORTS.

"(a) IN GENERAL.—Each qualified entity under this chapter shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

"(1) The number and characteristics of individuals making a deposit into an individual development account.

"(2) The amounts in the Reserve Fund established with respect to the project.

"(3) The amounts deposited in the individual development accounts.

"(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

"(5) The balances remaining in the individual development accounts.

"(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

"(7) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of *participation in the demonstration project and how such configurations varied among different populations or communities.*

“(8) Such other information as the Secretary may require to evaluate the demonstration project.

“(b) Submission of Reports.—The qualified entity shall submit each report required to be prepared under subsection (a) to—

“(1) the Secretary; and

“(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

“(c) Timing.—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

“SEC. 697. SANCTIONS.

“(a) Authority To Terminate Demonstration Project.—If the Secretary determines that a qualified entity under this chapter is not operating the demonstration project in accordance with the entity's application or the requirements of this chapter (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

“(b) Actions Required Upon Termination.—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

“(1) shall suspend the demonstration project;

“(2) shall take control of the Reserve Fund established pursuant to section 691;

“(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, as modified, if necessary to incorporate the recommendations) and the requirements of this chapter;

“(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

“(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, as modified, if necessary, to incorporate the recommendations) and the requirements of this chapter;

“(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 691; and

“(C) consider, for purposes of this chapter—

“(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

“(ii) the date of such authorization to be the date of the original authorization; and

“(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

“(A) terminate the project; and

“(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 689(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 689(c)(4) bears to the amount provided by all such sources under that section.

“SEC. 698. EVALUATIONS.

“(a) In General.—Not later than 10 months after the date of enactment of this chapter, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this chapter.

“(b) Factors To Evaluate.—In evaluating any demonstration project conducted under this chapter, the research organization shall address the following factors:

“(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

“(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

“(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

“(4) The effects of individual development accounts on homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

“(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

“(6) The lessons to be learned from the demonstration projects conducted under this chapter and if a permanent program of individual development accounts should be established.

“(7) Such other factors as may be prescribed by the Secretary.

“(c) Methodological Requirements.—In evaluating any demonstration project conducted under this chapter, the research organization shall—

“(1) for at least 1 site, use control groups to compare participants with nonparticipants;

“(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

“(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

“(d) Reports by the Secretary.—

“(1) Interim reports.—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this chapter, and every 12 months thereafter until all demonstration projects conducted under this chapter are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 696(b).

“(2) Final reports.—Not later than 12 months after the conclusion of all demonstration projects conducted under this chapter, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this chapter.

“(e) Evaluation Expenses.—The Secretary shall expend such sums as may be necessary, but not less than 2 percent of the amount appropriated under section 699A for a fiscal year, to carry out the purposes of this section.

“SEC. 699. TREATMENT OF FUNDS.

“Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be income, assets, or resources of the individuals for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

“SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this chapter, $25,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, to remain available until expended.”.

SEC. 205. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall not apply with respect to fiscal years ending before October 1, 1998.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

SEC. 301. SHORT TITLE.

This title may be cited as the “Low-Income Home Energy Assistance Amendments of 1998”.

SEC. 302. AUTHORIZATION.

(a) In General.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting “, $1,100,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal year 2001” after “1995 through 1999”.

(b) Program Year.—Section 2602(c) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

“(c) Amounts appropriated under this section in any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year.”.

(c) Incentive Program for Leveraging Non-Federal Resources.—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended by striking “for each of the fiscal years 1996” and all that follows through the period at the end, and inserting “for each of the fiscal years 1999, 2000, and 2001.”.

(d) Technical Amendment.—Section 2602(e) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking “subsection (g)” and inserting “subsection (e) of such section”.

SEC. 303. DEFINITIONS.

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking “the term” and inserting “The term”; and

(2) by striking the semicolon and inserting a period.

SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.

(a) Definitions.—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

“(7) Natural disaster.—The term ‘natural disaster’ means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.”;

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

“(1) Emergency.—The term ‘emergency’ means—

“(A) a natural disaster;

“(B) a significant home energy supply shortage or disruption;

“(C) a significant increase in the cost of home energy, as determined by the Secretary;

“(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

“(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income

carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

"(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

"(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.".

(b) CONSIDERATIONS.—Section 2604(g) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last 2 sentences and inserting the following: "In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, whether a Member of Congress has requested that the State receive the allotment, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection.".

SEC. 305. STATE ALLOTMENTS.

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) in subsection (c)(3)(B)(ii), by striking "application" and inserting "applications";

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking "(a) through (f)" and inserting "(a) through (d)"; and

(5) by redesignating subsection (g) as subsection (e).

SEC. 306. ADMINISTRATION.

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking "and not transferred pursuant to section 2604(f) for use under another block grant";

(B) in paragraph (14), by striking "; and" and inserting a semicolon;

(C) in the matter following paragraph (14), by striking "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(D) in the matter following paragraph (16), by inserting before "The Secretary shall issue" the following: "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "States" and inserting "State"; and

(B) in subparagraph (G)(i), by striking "has" and inserting "had"; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting ", particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy" before the period.

SEC. 307. PAYMENTS TO STATES.

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking "and not transferred pursuant to section 2604(f)" and

(2) in the second sentence, by striking "but not transferred by the State".

SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.

(a) EVALUATION.—The Comptroller General shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) INCENTIVE GRANTS.—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking "For each of the fiscal years 1996 through 1999" and inserting "For each fiscal year".

(d) TECHNICAL AMENDMENTS.—Section 2607B of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking "on" and inserting "of"; and

(2) by redesignating subsection (g) as subsection (f).

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conferees on behalf of the Senate.

There being no objection, the Presiding Officer (Mr. ENZI) appointed Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. KENNEDY, and Mr. DODD conferees on the part of the Senate.

REREFERRAL OF S. 2402

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 2402 be discharged from the Committee on Agriculture, Nutrition, and Forestry and be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 21, 1998

Mr. SESSIONS. On behalf of the majority leader, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, September 21. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I further ask that there then be a period of morning business until 2 p.m., with the first hour under the control of Senator CRAIG, or his designee, and the second hour under the control of Senator DORGAN, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask unanimous consent that following morning business, the Senate resume consideration of S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Members, the majority leader advises that the Senate will reconvene on Monday at noon and begin a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the bankruptcy bill. Members who may still offer amendments to the bankruptcy bill under the consent agreement of September 11 are encouraged to come to the floor during Monday's session to offer and debate their amendments.

It is the leader's intention to complete action on the bankruptcy bill by early Tuesday afternoon, so it is hoped all Members will have offered and debated all amendments by that time.

Members are reminded that a cloture motion was filed today to the committee substitute to the Child Custody Protection Act. Therefore, under the provisions of rule XXII, Members have until 1 p.m. on Monday to file first-degree amendments regarding child custody. As a further reminder, there will be no votes during Monday's session, and the next votes will occur beginning at 2 p.m. on Tuesday, September 22. Members will be notified how many votes will occur on Tuesday when that information is available.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 1998

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:07 p.m., adjourned until Monday, September 21, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 18, 1998:

DEPARTMENT OF STATE

BILL RICHARDSON, OF NEW MEXICO, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

HOUSE OF REPRESENTATIVES—*Friday, September 18, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to use our words as symbols of truth and peace, and not as arrows of vengeance; remind us to use our thoughts as reservoirs of wisdom, and not as arenas of suspicion; instruct our minds to harbor thoughts of reconciliation and understanding, and not to hold rancor or resentment; train our hands to work together to demonstrate the unity of purpose and the solidarity of appreciation that binds us together. As You have created us in Your image, O God, so unite us in the bonds of respect one for the other. May the good feelings of our hearts find resonance with our words and may all our good words find relevance in our daily lives. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. CHAMBLISS) come forward and lead the House in the Pledge of Allegiance.

Mr. CHAMBLISS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2281) "An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. THURMOND, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3874) "an Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. COCHRAN, Mr. MCCONNELL, Mr. HARKIN, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1770. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 1998. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. Con. Res. 103. Concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

DOLLARS TO THE CLASSROOM ACT

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 543 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3248.

☐ 0902

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3248) to provide Dollars to the Classroom, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it was last evening when I indicated that I would try to be as kind as I could to the Department of Education and as kind as I could to the lobbyists for the chief school administrators, but it is very difficult to be kind with my words when it is very obvious that they knew exactly what they were doing when they sent erroneous material to Members of the Congress. They knew very well that what they were talking about was an appropriation bill. We are not talking about an appropriation bill today. We, as a matter of fact, are talking about Dollars to the Classroom.

It does not take a rocket scientist to realize that if the appropriators reduce spending in any category, less money will be available. But this has nothing to do with that. No matter what the appropriators do, we, with Dollars to the Classroom, will send more money to the classroom. No matter what, as I said, the appropriators would do.

The gentleman from Pennsylvania (Mr. PITTS) has labored long and hard for 2 years to bring this legislation to us. And I want to point out before anybody gets up and says our State would lose money, that they are wrong. Let me pick off some States, and those in the committee will know which States I am choosing, since they sit to my right, one, two, three, four, five, six, down the line.

Missouri. Missouri gets $8 million more in Dollars to the Classroom. California gets $25 million more in Dollars to the Classroom. New Jersey gets $12 million more. Michigan gets $17 million more. New York, $13 million more. Indiana, $5.5 million more. Hawaii, about $2 million more. All those States gain, not lose, with Dollars to the Classroom.

I can understand why the bureaucracy and those who represent bureaucracies are trying to derail the program. They want to save the bureaucracies. They apparently do not care whether money gets to teachers and to children. They apparently are only concerned about having the bureaucracy in Washington and having the bureaucracy back in the States. Well, that does not help improve education in the United States. And that additional money to each of those States that I mentioned, and all other States, means that every school will get $9,300 more and every classroom will get $425 more. And that is from the Congressional Research Service, not from me.

We have 760 programs across 40 bureaucracies at the present time. Do my colleagues realize it takes teachers and administrators 48 million hours a year to complete the paperwork required by the Federal Government, or the equivalent of 25,000 teachers working 40 hours per week for a full year just to cut through the red tape? Not one penny to a child. What a tragedy.

Well, the gentleman from Pennsylvania (Mr. PITTS) and our committee have before us today an opportunity to get the money down to the children, 95 percent down into the classroom where the teacher and the children and the administrators and the parents can make a true effort to bring about the necessary reform in order to make sure that all receive a quality education in the United States.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to yield time?

Mr. GOODLING. Madam Chairman, I do not want to end up finding that we have yielded all the time and then have no time to refute all the misstatements that may be made later on. And I am sure they will be made.

Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, I thank the gentleman for his leadership and for bringing this reform to the floor.

Before I go into the specifics of this bill, let me just cover some charts here. This is a $2.74 billion bill that directs money to the classrooms, to the parents, the teachers, and the children of this Nation. And what I am looking forward to is delivering this check. Every Member of the House will have an opportunity to go to their districts and give a check to their children, to their teachers, to their parents, similar to this for the 16th Congressional District. This money can be used the way they want to spend it, and this is additional money under the existing appropriations level. This is the kind of money that is being freed up due to elimination of the administrative requirements that are presently required that eat up about 35 percent of Federal education tax dollars.

Let me just briefly describe the bill. What the bill does is consolidate 31 Federal programs and, instead of those Federal programs, as this chart shows, being siphoned off at every level, the Federal level, the State level, instead of money being used for agencies and assistance centers and private organizations, administrative cost, paperwork, the money will be a single stream from the U.S. Federal Department of Education down to the local school districts. This means a tremendous savings, with more flexibility, more money, and more local control.

Every State is held harmless 100 percent. There is an inflationary provision in the bill. And the result is the children of this Nation are going to win. Whatever the local teachers and parents decide is their need in spending education tax dollars, they can spend that money. And it might be spending money to make smaller class sizes, it might be for computers hooking up to the internet, microscopes, maps, globes, teachers' salaries, aids, equipment, books, supplies, whatever their priorities are is what they can use the money for.

And so, Madam Chairman, I am very pleased that organizations like the U.S. Chamber of Commerce are saying this is going to be a key vote in how they rate Members.

I think it really comes down to this: Who do we trust with our tax dollars? Our local teachers, our local educators, our local parents, or the bureaucracy, the Federal bureaucracy? I cast my vote for our children, our teachers, our parents on the local level.

Support the Dollars to the Classroom Act.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong opposition to H.R. 3248, the Dollars to the Classroom Act. This legislation converts 31 targeted popular, effective elementary and secondary education programs into a block grant to the States. The replaced programs include Eisenhower Professional Development, the Technology Literacy Challenge Fund, Goals 2000, School to Work, Comprehensive School Reform, and even Close-Up. This is the only attempt by the majority to address education reform during the 105th Congress, and it relies on a measure that removes accountability, eliminates targeting to the neediest children, and promotes reduction in education spending.

H.R. 3248 abandons the Federal commitment to target education dollars to the neediest children in America. Currently, the Federal Government targets education funds to impoverished areas at seven times the rate of State and local efforts. H.R. 3248 repeals this targeting and allows Governors and States to divert limited resources away from needy schools and students.

H.R. 3248 also replaces existing programs that have strong accountability with a blank check to the States, and does not provide the oversight necessary to ensure quality programs. In addition, H.R. 3248 will cause a loss in education funding generally. In 1981, more than 40 education programs were merged into a block grant. Since then, funding for this education block grant has decreased by more than half. We should be enhancing our investment in education not gradually dismantling the Department of Education through budget cuts and block grants.

Finally, H.R. 3248 does nothing to address real education priorities, such as modernizing our public schools, reducing class size, improving reading and reforming our most troubled schools.

Our colleague, the gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education and the Workforce, will offer an amendment that represents a key ingredient in education reform. This amendment will substitute the bill with a class size reduction initiative. Support for class size reduction cuts across party lines. In the State of California, the class size initiative was put in place by Governor Wilson. Other State and local officials, including a Republican gubernatorial candidate in the State of Maryland, are looking to class size reduction initiatives to spur education reform.

□ 0915

My colleagues should consider H.R. 3248 for what it is, just one more attempt to do away with the Federal role in education. We should support nonpartisan efforts to improve the quality of instruction for children across the Nation. We should help local schools address education reform at its most basic level, the size of the class and the quality of the instruction.

I urge all of my colleagues to join me in rejecting legislation that dismantles viable, important education programs and support class size reduction substitute of the gentleman from Missouri (Mr. CLAY).

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself 30 seconds. I would like to point out to the gentleman who just spoke that as a matter of fact Illinois will receive an additional $15,960,940. That is Illinois that will receive that additional $16 million. I would also remind the speaker that we do not abandon a commitment to children. We abandon the commitment to bureaucrats. We are intending to make very, very sure that it is children we focus on. I also would remind him that it does not call for a loss in funding. That loss comes if the appropriators appropriate according to the way they said they are. They will not.

He also indicated that maybe there was a loss in Chapter 2 money. There was—under a Democrat leadership in the House of Representatives. I would remind all of them that there is an increase to Illinois of $15,960,000 that goes right down to the classroom to help children.

Madam Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

I love it when our chairman, for whom I have a great deal of respect, gets angry about these things and tries to emphasize how we are going to being better off in actuality, and he really believes that. But we on the other side happen to believe differently.

In the first place, this is not really about dollars to the classroom. How do you get more dollars to the classroom when you cut the appropriation by 16 percent? As far as 95 percent to the classroom, the reality is that all these Federal programs, the administrative cap on them does not exceed 5 percent, anyway.

So what is it really all about? I will tell you. It is really all about block-granting. The block grant concept is the idea of giving flexibility to local jurisdictions. That is fine, too. Except that these programs, in all these 31 programs we are targeting special populations, because locals either for one reason or another, because of budget constraints or because of just no concern for the problem, were neglecting these populations, these special populations. These are national priorities, not local priorities. As a result, we are going to block-grant and give the locals the discretion of how to use the money. Well, that is fine, too, and I could go along with that in certain programs, but in these certain programs where there are special population needs, the problem is that if the local decides that that is not the problem and it is not sufficient and they do not want to address the problem and serve that special population, they are not going to do it.

By the admission of the chairman the other day himself when the gentlewoman from Hawaii (Mrs. MINK) was complaining about that special population program for native Hawaiians, he said, "Hey, look, in this system that we are setting in place, she could have all the money for that program. She could convince her locals that that is the greatest need and they could get all the money." Therein lies the problem. I do not think that the chairman realizes that that very thing might happen and that special populations where we determine their greatest need are not going to get served.

This bill is a shameful attempt to sabotage the Federal support for education. The bill would destroy a number of popular and effective elementary and secondary programs such as the Eisenhower professional development, Goals 2000, school-to-work, comprehensive school program and technology for education by creating this block grant. Repealing these programs effectively eliminates critical programs designed to enhance professional development for teachers, to develop challenging State standards, to expand employment opportunities and to create innovative educational instruction methods.

H.R. 3248 abandons the Federal commitment to target funds to the neediest of children. The Federal Government targets education funds to poor areas at seven times the rate of State or local efforts. H.R. 3248 repeals targeting and allows governors and States to divert limited resources away from needy schools and students.

H.R. 3248 also eliminates accountability for Federal dollars. While existing programs have strong accountability provisions, this block grant gives the States a blank check and fails to provide oversight necessary to ensure quality programs.

Most importantly, H.R. 3248 will cause a loss in educational funding generally. In every case where there has been a block grant, programs put together in a block grant, subsequent appropriators have appropriated less money for that and the programs get less money to deal with the very vast problems that they have. Past efforts to block-grant programs have led to substantially decreased funding levels in education. We should be enhancing our investment in education, not dismantling the Department of Education through budget cuts and block grants.

Finally, H.R. 3248 does nothing to address the real educational priorities such as modernizing our public schools, reducing class size, improving reading and reforming our most troubled schools.

Madam Chairman, later we will offer a substitute amendment to insert the Democratic plan to reduce class sizes. This initiative would enable school districts across the country to hire 100,000 new teachers and ensure that existing teachers have access to the latest and most successful instructional techniques. The goal of the plan is to reduce the class size in grades 1 through 3 to an average of 18.

We all know that small class size means more individual attention to the students. High quality teachers and smaller classes are the key to enhancing student achievement. Rather than adopting phony education reform through block grants, we should move swiftly to hire new teachers to reduce class sizes so that every child in America has a fair shot of succeeding.

Madam Chairman, in the State of California, Governor Wilson, a Republican governor, put forth a program of reducing class sizes and it has been implemented in California. They have found that in implementing that program that there is a tremendous need, new need for a great number of more teachers. In fact, there was a shortage of teachers before. They are having a difficult time reaching that. Then they find out that aside from needing more teachers, they are going to need more classrooms, they are going to need more equipment, they are going to need better trained teachers in the new technologies and all of this. This program does nothing to enhance any of that and still leaves those States like California who had the initiative to reduce class size in the beginning without the wherewithal to be able to provide for those students.

Madam Chairman, our students have the greatest need. I do not think we ought to be politicizing this thing and getting into theories about what might work, but we ought to be working solidly to provide the needs for these students. If we get up and we mean what we say in our speeches that our children are our future, that our children are the most important thing in our lives, then we ought to be working to help them, not hurt them.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Michigan, I say, aha, we just heard one more time, "You can't trust those local people. You can't trust the State."

We are going to give Pete Wilson $24,928,828 more to reduce his class size and to prepare his teachers to teach in those classrooms.

Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), an important member of the committee who will receive in his State an additional $16,756,290.

Mr. UPTON. Madam Chairman, the last time I looked, our school boards were local, they are not Federal. As I look at the decisions that they make, whether it be in curriculum or different programs for the students that they serve in every community, they have a very tough job. They do it very well.

As I look at a number of the programs that have been consolidated, some 31 programs to the tune of a little bit more than $2.5 billion, this bill that we are taking up today allows them the flexibility to use the dollars as they decide. I visited just about every school district in my district over the last year and visit a school virtually every week. I have seen programs work and I have seen programs that have not worked. One of the programs that works I think terrifically is the math and science program that we have across our district. That program is well under way in many areas across the country. Now that it is under way, in the future, if this bill passes, they can use funds that are already in place for something else.

The gentleman before me spoke about reducing the classroom ratio. They can do that under this bill. That is a very admirable goal. My brother is a public school teacher. As a parent, I know the importance of having a small teacher-student ratio. If that is a priority as it should be under this bill, they can do exactly that.

We do not need a Democratic substitute to this bill that solely does that because it is redundant. It is already included in the bill. This bill allows the flexibility for school boards and staff across the country to make sure that the dollars that they are receiving go to the areas that they want to be a priority. They can mix and match. They can take those funds. They are not cut. The reason why virtually every State is going to receive more money is because this bill allows for that.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I am amazed that my colleagues on the other side of the aisle support the Dollars to the Classroom Act. And I am amazed that we hear that the majority of districts will receive more money when the Congressional Research Service has estimated that 27 out of the 50 States will receive less money in fiscal year 1999 under this legislation than they would have under the existing 31 programs that were funded in fiscal year 1998. In fact, some States will lose as much as 68 percent of their fiscal year 1998 funding.

Now, of course I am delighted that California will receive more in this round of appropriations if this is passed. But we cannot count, with the priorities of this Congress on block granting, supporting increased funding when appropriations is cutting education by 20 percent in this year alone.

It truly appears to me that the majority party, not the minority party—the Republicans, not the Democrats—would tell communities how they should spend their education dollars. Education in America has always been a local issue. We know that. I for one think that is the way it should be. But in the communities that I represent, Marin and Sonoma counties, the two counties just north of San Francisco across the Golden Gate Bridge, it is the parents, the educators and the students who join together with local elected school boards to decide how to spend their education dollars. They do not need Washington, D.C., and they do not need Sacramento to tell them what they need.

In my district, the majority of educators and the majority of education funding is spent in the classroom. But sometimes a community needs to spend funds in other ways, such as teacher training activities, educational technology, coordinated services. It will not matter how much money we spend in the classroom, Madam Chairman, unless we have world class teachers and our children come to school ready to learn. We have always relied on parents, educators, and the local community leaders to make local education decisions.

I urge my colleagues to show their trust in the folks back home by voting against the Dollars to the Classroom Act.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Montana, I would point out once again, California will get an additional $24,928,828, right to the classroom.

□ 0930

I just heard the gentlewoman say what the Congressional Research Office said. That is totally opposite what the Congressional Research said. Those are manipulated figures from the department that deal with a budget with an appropriation bill. It has nothing to do with the legislation before us. So let us not mix apples and oranges.

Madam Chairman, I yield 1 minute to the gentleman from Montana (Mr. HILL), who will receive an additional $1,868,822 under Dollars to the Classroom to help children.

Mr. HILL. Madam Chairman, if we listen to the debate on the left, we would think that only bureaucrats in Washington care about the kids, but I can tell my colleagues that there are teachers and parents and school administrators in Montana that care more about the kids in Montana than anyone here in Washington.

The debate here today, Dollars to the Classroom, is a simple debate. It is not a new idea, Madam Chairman; it is about taking dollars from the bureaucracy and giving it to our schools. Cutting the overhead is what we call it in business.

But those who are defending the status quo, the establishment, say that we cannot reform education. They say that we should measure success by how many people we put to work in Washington. They say we should measure success by how many forms we require people to fill out or how many filing cabinets we put them in.

The establishment says that we will measure our success by how much activity we generate. Reformers say, no, that we can measure our success by how well our kids are doing. Our kids can do better and need to do better, and we can do that by trusting local teachers, local school boards and holding schools accountable to their parents.

Sending more dollars to the classroom will begin the process of shifting the emphasis away from Washington to our home towns, to our local schools, and to our kids. I urge my colleagues to support Dollars to the Classroom.

Mr. MARTINEZ. Madam Chairman, I wonder if the gentleman realizes that under this block grant program, his State would lose 12 percent.

Mr. GOODLING. Madam Chairman, I ask unanimous consent that the time I have remaining be controlled by the gentleman from Michigan (Mr. UPTON) for a few minutes in my absence.

The CHAIRMAN (Mrs. EMERSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in strong opposition to the so-called Dollars to the Classroom, which leaves schools with no guarantee that they would actually get any additional dollars.

This bill would distribute education grants based solely on student population, not based on poverty rates, or having a good idea for making a school work, demonstrating success and improving student achievement, or any other criteria. And once the money goes out, we have no way to hold the States accountable for how they spend taxpayer dollars. In fact, there is no accountability that is built into this program.

We need to make sure that all of our American children who attend public schools learn to the high standards, that they have qualified teachers in classrooms who are equipped with up-to-date materials, and our kids are able to attend school in a safe environment.

This bill would accomplish none of those goals. It would repeal 31 of the most effective education programs on the books. Among the casualties, Eisenhower Professional Development Program. This supports teacher training in math and science. School To Work, which helps young people realize their aspirations and to develop career goals. Safe and Drug Free Schools, which gives parents security in knowing that their child is safe when they are in school. All of that would be gone.

If we are truly serious about improving public education, and we must be serious about improving public education, then we would be talking here today about reducing class size, about putting 100,000 new teachers in grades 1 through 3, not just because of numbers, but because of smaller class size. What it does is it allows for individual attention, it allows for more discipline. It creates better standards.

What we would be doing here today is to say, let us modernize our schools. Let us provide local government with a tax credit that allows them to build schools and new classrooms and to be able to wire their schools up to the Internet to get the new technology that our youngsters need in order that they may succeed for their future. That is what we would be discussing here today, if our goal is to improve our schools and make sure our children learn. This Dollars to the Classroom is spurious, it does not work, it will not work.

Let me just say one more thing. My colleague from Pennsylvania who was in the chair before, and I do not know if this will resume, will talk about those States that are increasing their dollars. Well, my State of Connecticut will lose money, 8.5 percent of dollars, $2.5 million. In addition to which, what is not being discussed here is that in the overall appropriation bill that the committee just passed, all of these programs are cut back by 20 percent, so that this notion that there are additional dollars going to the classroom is really a false promise.

What we need to do today is to vote "no" on this bill and vote for a Democratic substitute that in fact says, let us improve public schools in this country. Let us give all of our kids the break that they need and the opportunity that they need to succeed for the future.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

I would just note for the previous speaker who is opposing the bill that the CRS, Congressional Research estimates will mean at least $1.9 million more than under the current law for all school districts in Connecticut, averaging about $9,300 per school.

Madam Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), whose school districts in this State would receive at least $2.3 million more under the Dollars to the Classroom act, averaging again $9,300 more per school and $425 per classroom.

Mrs. WILSON. Madam Chairman, I am amazed, amazed at my opponents on the other side of the aisle. The question in this debate and about this bill is who do we trust? Of course the Department of Education in Washington opposes this bill and wants accountability with its reams and reams of paperwork.

I will tell my colleagues who I trust. I trust the teachers and the principals and the school administrators in my hometown to come up with an integrated plan of how we are going to educate our kids. We do not need stovepipes from Washington telling us how to spend those dollars and requiring us to hire administrators to fill out paperwork, to tell bureaucrats in Washington how they spent them. That is wrong.

We can educate our children at the local level, increasing funds to the classroom, and we have seen it work in State government. Get rid of the bureaucrats, and hire the teachers. That is what this bill does, and that is why I am supporting it.

Mr. MARTINEZ. Madam Chairman, I yield myself 20 seconds.

I hope the gentlewoman understands that her State, New Mexico, loses 20 percent under this bill.

They all talk about us on this side wanting to micromanage and tell the locals what to do. Well, on those particular means of those special populations, we are telling them what to do because they were not doing it. But if we want to talk about micromanaging, look at the bill, read the bill. The bill has so many instances where they tell exactly the school districts what to do, that they know best in this bill.

Madam Chairman, I yield 4 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I thank the gentleman for yielding me this time.

This is not about Dollars to the Classroom, this is about eliminating programs that have been created by previous Congresses that target funding to the local communities, local educational systems to the States for specific purposes. Make no mistake about that. It is the elimination of these important programs.

Just take a look at the list that is prepared for us in the committee report. Title I, school-wide programs. Goals 2000. We know that the majority does not like Goals 2000. Why do they not just come forward with a straightforward bill to eliminate it. Instead they talk about Dollars to the Classroom and in the bill is the elimination of Goals 2000. School To Work is also on the list. Eisenhower Professional Development. Every one of the majority members of our committee talks about the importance of teacher training, and they are eliminating Eisenhower Professional Development. STAR schools, magnet schools, gifted and talented, arts and education, civic education, and all of these very, very important things. They have taken the funding, lumped it all together in a $2 billion program and given it to the States.

There is no assurance that the States or the governors or anybody that will be handling the distribution of this money will send these Dollars to the Classroom. There is nothing in the bill that requires the State agencies or the State government or whoever is going to distribute the money to put this money into the classrooms. So it is a fraud. It is a basic effort to try to eliminate these important programs.

The bill will change the whole nature of education funding where we have built into it accountability. As the previous speakers on this side have pointed out, accountability is very important. The distinguished chairman of our committee gave a passionate speech on the floor earlier this week about the need for quality and accountability in Head Start, and yet here today we are debating a bill that virtually eliminates all accountability in the 31 education programs that are included in this block grant.

The programs that are listed are basically geared to disadvantaged children. We have no assurance that the disadvantaged in our communities are going to be better served.

The idea that this bill is eliminating Federal bureaucracy, and that is why we have to block grant it to the States, is a complete fraud. Every person that has testified from the Federal Government about the amount of administrative monies that are going into the management of these programs will tell us that the U.S. Department of Education spends no more than 2 percent of the Federal budget for administrative purposes. So 98 percent of the funding is going to the States for the purposes that are outlined in these 31 eliminated programs.

Look at the programs and we will see that some of it is not classroom designated, but that is not the fault of the Federal Government. It is for teacher training, counseling and all of these other things. So that is an absolute misstatement.

The second thing I have heard over and over is that there are 760 education programs, and the Federal Government therefore has this huge, mountainous bureaucracy. Let me correct the facts. The U.S. Department of Education has only 183 programs out of which only 102 are in the elementary secondary level. So we are talking about 760 programs that are in the NIH, in Commerce, in Agriculture, in Interior, in all the other areas of government, but not the U.S. Department of Education.

So we are mixing all sorts of rationale for this very, very devious effort to try to eliminate the whole concept of Federal aid to education, and I urge this House to defeat this bill.

Mr. UPTON. Madam Chairman, I yield myself 30 seconds.

I would just note to the previous speaker that these programs are not eliminated. They continue. They will continue in Hawaii, they will continue in Michigan, they will continue in Ohio. We just changed from Father Knows Best in terms of the Federal Government to the local schools are going to decide what is best for those students, and that is where those dollars are going to be utilized.

I would note to the gentlewoman from Hawaii that under this bill, the authorization bill that Hawaii is going to get $1.8 million more under this program which accounts for about $9,300 per school and $425 per classroom.

Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), whose district will benefit from this program.

Mr. BOEHNER. Madam Chairman, I thank the gentleman from Michigan for yielding me this time, and I congratulate the gentleman from Pennsylvania (Mr. PITTS) and the committee for bringing this bill forward.

This is common sense reform, taking 31 programs of the Department of Education, consolidating them and block granting the money back to the States. They have made sure that we have held States harmless from losing funds, so every school in America will benefit as a result of this.

But as I have listened to this debate this morning, it conjures up memories. Memories of the debate that we had over welfare reform in this House for years. The debate was never over money; the debate was always over who was going to reform welfare. Were we going to continue the Washington Knows Best mentality and try to reform it from Washington, or were we going to send these programs back to the 50 States, the 50 laboratories of democracy, and allow them to reform welfare, to meet the needs of the people in their States.

☐ 0945

We did it. The President signed the bill on the third try.

What has happened? We have had a 50 percent, almost 50 percent reduction in case loads in welfare all around the country. We have got another opportunity here today to move power and influence away from Washington back home to States, local communities, and, in this case, most importantly, to parents of children who attend school.

The question over how we are going to reform education and how we are going to ensure that our children get a better education is the essence of this bill. We have got one side of the aisle that wants Washington to continue to mandate on the States, mandate on local schools what should happen, make those decisions here.

We on the Republican side say no. Let us trust parents. Let us trust the teachers and our local communities to make those decisions about our children's future at home where those decisions belong.

This is a great piece of legislation. Let us support it.

Mr. MARTINEZ. Madam Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 9 minutes remaining, and the gentleman from Michigan (Mr. UPTON) has 13 minutes remaining.

Mr. MARTINEZ. Madam Chairman, I would prefer if the other side went so we can even out the time, and I reserve the balance of my time.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from the great State of Michigan (Mr. SMITH) whose district will benefit from this.

Mr. SMITH of Michigan. Madam Chairman, as I have been down here since 1993, I see one danger, and that is many people in Washington tend to become elitists. They study a problem. They think they can solve that problem better than anybody else in the world even if it is a local problem.

In this case, we have come up with many decisions on how the Washington money has to be spent as we send it back to local schools and to the States. So we say, look, here is some money to build a roof, but you can only use it for roof building. Here is money for the Internet and wiring for the Internet, but that is all you can spend it for. If you have already put in that kind of technology, tough luck.

This bill moves that decision making from Washington back to teachers, back to parents, back to that local school board. Anybody that believes that those solutions that are closest to the problem have the best chance in success of solving that problem are going to support this kind of legislation that gets 95 percent of the money out of Washington, gives it back to the classrooms where we can use it to teach students to the best of the ability of those parents.

Mr. UPTON. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY) whose district will receive $31.5 million more under this program.

Mr. DELAY. Madam Chairman, I appreciate the money. I am rising in support of this common sense legislation and urge my colleagues to vote for it.

Today we have a simple choice. We can give more money to teachers and classrooms to help students learn, or we can give more money to the Washington bureaucracy.

So if my colleagues are in favor of improving education in this Nation, they will vote for this piece of legislation. If my colleagues are in favor of expanding the Washington bureaucracy, they will vote against this legislation.

The American people believe that education is best handled at the local level, not in Washington. This legislation gives our teachers and school boards help without giving them unfunded mandates.

Make no mistake about it. This legislation is a winner for our Nation's schools. Under this bill, no school districts would lose money. This bill signals and shows how Federal education dollars can be delivered to our Nation's schools. It will send more dollars directly to the classroom while giving States and local educators more funding options.

School districts could choose to put greater amounts of Federal money into priorities such as school technology, teacher improvement, and school reform.

Madam Chairman, I ask my colleagues to vote for this legislation and vote to really improve education in this country.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am sorry, but I disagree with the previous speaker. The fact is that States will lose money on the reduction of the appropriation bill. Hawaii will lose $77 million. As a matter of fact, they realize it because they put it in the bill; that "if the amount allocated to a State to carry out this title for any fiscal year is insufficient to pay the full amounts that all local education agencies in such State are eligible to receive under paragraph (2) for such year, the State shall ratably reduce such amounts for such year." They knew that the money was going to be reduced.

Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Chairman, I will try and talk as fast as I can in 2 minutes on what I have heard just since I have been here on the floor.

My colleague, the gentleman from Texas (Mr. DELAY), he and I share Harris County. I know if he gets $31 million, I know where he is taking it out of. He is taking it out of inner city schools like I represent.

The gentleman from Texas (Mr. DELAY) represents a very suburban district. If that is the intent of this bill, and that may very well be happening, then that is a great reason to oppose it.

Let me talk a little bit about the title of the this bill, the truth in taxation is truth in Dollars to the Classroom. The truth in the labeling in this bill is something we should have, because if it actually sends dollars to the classroom, how come the report I see from my folks in Texas show that we are going to lose $17 million, 9.3 percent of the programs that are allocated under this to the Dollars in the Classroom? So I think maybe the numbers are incorrect.

This is just a continuation, Madam Chairman, of what I have seen in the last 4 years. In 1995, we saw an effort to eliminate the Department of Education, attack on school lunches, the effort just last week to have Federal Government tell local States what to do with bilingual education even with State money and eliminate safe and drug-free schools.

So what we are seeing now is under a false labeling, Dollars to the Classroom. We are seeing an effort to block grant a great many Federal funds. Eighty-five percent of the Federal funding for education goes to 12 key programs, Title I, Pell Grants, IDE, Individuals with Disabilities. That is where most of the money is at. That is in these programs, not in the programs they are talking about, although these are impacted by this.

So, again, the block granting to States would probably benefit districts like my colleague, the gentleman from Texas (Mr. DELAY). I represent a very inner city district; 60 percent minority population. Most of the students are minority. They are either poor or they have language needs that need to be addressed.

What we are seeing in this bill is the taking away of the urban needs where this targeted money goes to and sending it to the suburbs. That should be a State decision, but let us not give them Federal money to make that State decision.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

Madam Chairman, I would note again there is no elimination of programs in this bill and that the State of Texas under this bill would get $31.5 million more.

Madam Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. JONES) whose district in his State will receive more than $4 million.

Mr. JONES. Madam Chairman, Dollars to the Classroom will free up $2.7 billion of the taxpayers' money so that dollars can go directly to the schools. If we truly want to make a difference in education of our Nation's children, the Dollars to the Classroom Act is an important step forward.

Under this bill, education decisions will be made by the parents, the teachers, communities who best know our children and who together hold the key to strengthening our schools.

My State of North Carolina will receive additional dollars. I can assure my colleagues that those dollars will be better spent by the people of North Carolina than the bureaucrats in Washington, D.C. Madam Chairman, if we want to truly educate our children, we need to return our tax dollars to the classrooms where it can truly make a difference.

Madam Chairman, in closing, if we want to help our children, we need to vote for Dollars to the Classroom, give it back to the parents, give it back to the communities, and help education in America.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, everybody loses in this bill. This is not a bill to invest in American education, the kind of new investment we need. This is a bill to move money around. This is a Houdini bill. This is a swindle. This is a con game brought to us by the people who wanted to abolish the Department of Education in 1994. They wanted to reduce education funding by $4 billion in 1995.

This is another way to do the same thing that the voters have already rejected. This is an abolishment of Federal authority in the area of education. Already the States have most of the authority. We only have 7 percent of Federal expenditures, therefore, Federal's influence and control can be no more than 7 percent.

The other 93 percent of the authority to make decisions, the authority to have our education system is in the hands of the States already. If education is in a bad state, it is because the States have made it so. Giving them more money from the Federal Government will not help the matter.

When World War II started, we were unprepared to fight a war. The draftees were in bad health from across the country from various States because the States had neglected them. Their health was poor. We had to have Federal intervention to deal with that.

We were approaching the 21st Century, and we are not going to be prepared for global leadership because we are not allowing the Federal Government to exercise the minimal influence that it has been exercising to try to improve education in the States.

This is a con game. These are Houdini experts. The public I think is smart enough to understand. There is no new money here. The people who wanted to abolish the Department of Education and the Federal authority of education have taken a different route.

We need a major investment in education for school construction. We need a major investment for technology. We need a major investment to reduce class sizes by having more teachers. We need to do those things and do them right away in order for us to keep pace with the kind of leadership role that we have in the world at this point.

We are at a pivotal point in our history. Yet, we are trivializing and almost making a joke of the whole responsibility that we have. My colleagues are playing around with something that is very vital to the national security. This is a swindle.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

Madam Chairman, I would note again that reducing class size is an eligible activity under this program, and the State of New York, under this bill, would get $13 million more than current law.

Madam Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), a member of the committee whose State would receive $16.8 million more.

Mr. PETERSON of Pennsylvania. Madam Chairman, I want to thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. PITTS) for bringing this issue forward.

This is not a swindle. The Federal Government provides 7 percent, I have been told this many times, 7 percent of the money and 70 to 80 percent of the paperwork. They are the bureaucracy that stifles our system.

This is about more teachers, less bureaucracies. This does move money around from the bureaucracy to the classroom. How do we do it? How do we put $800 million in the classroom and $9,300 per school to $425 per classroom with no school getting less? Because there are 31 Federal programs who have 31 managers here in Washington and their staffs. That is 50 States. That makes 1,550 program managers, because every State has to have one, and all of their staffs.

All the thousands of grant riders that have to go through all the Federal paperwork to get this money for our schools. That is where the money comes from. There is not one grant rider, there is not one bureaucrat that enters the classroom. Urban, rural, and poor districts often do not even apply.

Seven percent of our money comes from Washington in education. Many of my districts get zero to 2 percent. The Federal grant process is difficult. Dollars to the Classroom makes good sense. A Federal program manager, State program managers, grant riders, they do nothing to raise the quality of education in this country. But dollars in the classroom will make a difference without raising taxes.

Mr. MARTINEZ. Madam Chairman, I reserve the balance of my time.

Mr. UPTON. Madam Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. UPTON) has 8 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 4½ minutes remaining.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. HILLEARY), a member of the powerful Committee on Education and the Workforce.

Mr. HILLEARY. Madam Chairman, as an original cosponsor of H.R. 3248, Dollars to the Classroom Act, and a member of the Committee on Education and the Workforce, I am proud to say I have already been able to vote in favor of this essential legislation that improves the quality education our children receive. It will be the States, not the Federal Government, that will direct these funds to the classroom.

As a Tennesseean, I trust my State's ability and the people there to help our children much more than a bureaucrat in Washington who has never even set foot on Tennessee soil. In addition, the States must ensure quality by directing 95 percent of these funds to the classroom. They can not and will not be able to divert funds to other areas and State projects. This translates into more supplies, more computers, more teachers, and higher teacher salaries.

□ 1000

I want to stress also that all the additional money will not have the strings that are attached to Federal education dollars at the present time. Right now, if Washington says to spend the money on cafeteria silverware, a school system must spend it on new silverware, even if there is plenty of silverware at that location. Thus, even if that school desperately needs more teachers, more computers, or more textbooks, they would have to waste these Federal dollars on more knives, more spoons, and more forks.

Dollars to the Classroom allows local and State educators to put the money where it belongs. Let us do what is right by our children. I urge my colleagues to support the Dollars to the Classroom Act.

Mr. MARTINEZ. Madam Chairman, I reserve the balance of my time.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), whose school district in his State will receive at least $8.3 million more under the act.

Mr. BLUNT. Madam Chairman, I thank the committee for bringing this bill to the floor. I think the fundamental point here is that no school district has to lose money or will lose money under this bill. This is not about school districts losing money. This is about bureaucrats in Washington losing money. This is about bureaucrats at the State level losing money. This is not about school districts losing money.

Those people who say this money is going to go from one school district to another are not reading the bill the way the bill has to be read. This is the difference in whether 95 cents out of every education dollar gets to the classroom, or 65 cents out of every education dollar gets to the classroom.

This is clearly not something that people who are in favor of the bureaucracy growing would want to be for. It is clearly something that people who are for money being spent in classrooms, on teachers, on education should be for. This is about a teacher who knows every student's name having more to say about how the money is spent. This is about districts that now may not qualify for all 31 of these different grant programs, but is a district that gets to qualify for money, they get to use the money in the way that they understand is best for their district.

Even the opponents of this bill concede that the Federal impact they say is minimal. Well, the minimal impact is not what does the job. What does the job is making education work. It is involving families more in the process. It is involving teachers more in the process. It is involving the local building administrator in the process. It is figuring out what can be done for those kids at that school on that day with 95 percent of this money.

Mr. UPTON. Madam Chairman, may I just inquire how much time we have remaining on our side?

The CHAIRMAN. The gentleman from Michigan (Mr. UPTON) has 5 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 4½ minutes remaining.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON) who serves on the Committee on Economic and Educational Opportunities, whose State would get $31.5 million more.

Mr. SAM JOHNSON of Texas. Madam Chairman, whether we are talking about education savings accounts, opportunity scholarships, or block grants, what this is all about is who should benefit more, bureaucrats or children. Unfortunately, there are those who would prefer to see a bureaucrat get a paycheck rather than see a child get an education.

This act provides more money and greater flexibility to the States so that local officials can decide how to spend these funds on their schoolchildren. Opponents say States cannot be trusted with such a responsibility. Apparently they have forgotten that the Founders of this Nation placed the responsibility of education with the States, not the Federal Government. The Founding Fathers trusted their States, and I trust the Founding Fathers.

Opponents also say this bill cuts the amount of money that will go to public schools. That is simply untrue. Millions of dollars extra, additional dollars, go to public school classrooms. The reality is that this bill reduces bureaucratic meddling, increases flexibility, increases funding, and ensures that more resources are spent on our children.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the last two speakers spoke about money going to bureaucrats. The money we are talking about does not go to pay bureaucrats' salaries, it goes to help needy children. What we are talking about here is not money for bureaucrats, but money that is going to be denied children for special programs.

Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I have heard more rhetoric going around here in the last hour or so than I think is warranted by this particular subject. If we were serious about improving educational opportunities, this particular subject matter would have come up during the course of regular deliberations over the Secondary and Elementary School Act reauthorization, which is going to be next year.

The fact of the matter is every time our colleagues on the other side stand up and tell us how much money is here for every State, what they are really telling us is they are authorizing a certain amount of money. But the fact of the matter is they are not appropriating that amount of money.

What does history show us when things get block granted? Its shows us this is all about the "Contract on America" theory that if they block grant things, they can eventually defund them. No matter how much is authorized to be appropriated, in the end, when it comes to be appropriated, it has been reduced.

That is what happened under Title 6. Programs were put in a block grant and they were defunded over time. It is what happened in other areas of community service block grants in different communities, and it happens over and over again. It is part of the theory of putting them in a block grant, defunding them, and moving the money to some other priority.

Madam Chairman, our priority on this side of the aisle is education. We do not need to be throwing programs like technology training, programs to combat illiteracy, programs for gifted and talented children, education reform projects into a block grant so that we can lose accountability on them and fail to track whether or not the money is actually being spent in that regard and doing a good job, and then eventually having the focus shifted so they get defunded.

We need to make sure that we do what the Federal Government has always done, provide the resources that are requested by local and State governments. It is the job of local and State governments to do the general, operational task of education. That is why they have 94 percent of the responsibility and they take it that way. The 6 or 7 percent of monies that are spent from the Federal resources on elementary and secondary education are targeted to programs where a request has been made that money comes down from the Federal Government for assistance. That money is for reform projects, it is for illiteracy projects, it is for technology and for teachers.

If we want to move forward, we will remodel our classrooms and make sure that we have more teachers in the classroom, and we will not set up a structure to defund education.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH) who is on the Speaker's Task Force on Education Reform, and whose State of Florida receives $3 million more under this legislation.

Mr. SCARBOROUGH. Madam Chairman, despite all the heated rhetoric today, there are some stubborn facts that cannot be denied. First of all, Dollars to the Classroom requires that 95 percent of the funds go into the classrooms where my two boys attend public school in Florida.

Passage of this bill will mean an additional $800 million to local schools, $9,300 per school for my two boys and $425 per classroom for my two boys in public schools.

This class warfare argument that we are hearing today really hides a simple elementary fact and that is that the state of modern American liberalism in 1998 believes that local communities, that parents, that my boys' teachers, that my boys' principals, are too stupid or corrupt to educate my children. That is an offensive fact, and yet that is a fact that has lain at the heart of liberals' arguments in this country for the past 60 years.

It is time we get past this and ask a simple question, and that is: How do we get the most money to teachers? How do we get the most money to local school boards? How do we get the best education to not only my boys, but to those people that come from inner cities?

If these liberals were so interested in helping students in inner cities, then why would they continue to fight choice when the majority of people in inner cities want to be able to choose what schools their children go to?

Madam Chairman, with the passage of this bill, we ensure that States and local communities can look at each school's problems and assess them on an individual basis and make sure that every child in America has the opportunity to grow up in a country where they have a chance to pursue the American dream with an American education.

Mr. UPTON. Madam Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. GOODLING) be allowed to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

I do not know why we have to get into this name calling about this is a "liberal idea." This is not a liberal idea. This is about kids and their education.

Madam Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Madam Chairman, this bill before us, this so-called Dollars to the Classroom bill, really sends the wrong message about our responsibilities to improve public schools and would weaken our national commitment to education.

It would eliminate 31 elementary and secondary education initiatives and then block grant these programs for the Governor of each State to decide how the money is spent. Among the programs eliminated: After-school programs that give kids alternatives to crime and violence; technology grants to help prepare the schools for the 21st century; drug and violence prevention initiatives that are crucial and needed right now.

The proponents of this bill cannot guarantee that a single dollar would be spent by any State on investing in these programs or technology.

We need to reject this smoke and mirrors of the funding in this bill. Just because the authors of this legislation would authorize a higher level of funding and throw around the increased figures does not mean this Congress will appropriate at that level.

Madam Chairman, we need to scrap the rhetoric. Look at the 1994 independent General Accounting Office study. It says of all Federal funds allocated through State education agencies, 98 percent reach the local level. We want local school districts, local communities to make decisions. This month alone, 10 school districts in my district in Northern Wisconsin, little towns, Niagara, Rhinelander, got an $800,000 technology grant to enhance distance learning. The idea for this project was entirely locally driven. It will be carried out locally, yet it can only happen with a strong national commitment to education. That is the local innovation and it is a national commitment we are looking for. This bill takes us in the wrong direction.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I wanted to remind the gentleman from Massachusetts (Mr. TIERNEY) that as a matter of fact, the only time any block grant money was cut, it was cut by the Democrats, Chapter 2, not by any Republicans.

Madam Chairman, I yield 1 minute to the gentlewoman from Washington (Mrs. LINDA SMITH), who will receive an additional $1,229,000 for her local classrooms.

Mrs. LINDA SMITH of Washington. Madam Chairman, I think we are standing here today debating a philosophy of who we think knows best for our children. For me, is it bureaucrats 2,500 miles away from the classroom or is it the teacher, the parent, the superintendent, and the community? I am going to bet that the people in my State believe it is their families that know best, and I believe that this measure moves us closer to that.

Now, it is not hard to know what my people want, because for 2 years I had a task force of public schoolteachers and the bottom line was this:

They said, do not give us any more regulation. Get rid of the Federal programs. Get rid of the paperwork. The Federal Government is making us spend all of our money on administering Federal programs and Federal paperwork. Just give us back the money.

Well, I trust the teachers in my district, in my State, more than I do the bureaucrats, too. This just simply says instead of us administering, managing, mandating education from here in Washington, D.C., we are going to give 95 percent of that back to the classroom.

I will tell my colleagues that my grandson's teacher can use that $400 a lot more than a bureaucrat can here in Washington, D.C. This is a great bill and I commend it to the body.

Mr. MARTINEZ. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I do not think that the gentlewoman's grandson's teacher will get that money, because her State loses 16.5 percent.

In closing, I want to say that I know there are compassionate, reasonable people on that side of the aisle that have great sympathy for some of these 31 programs that are being cut. I want them to understand that in the bill, under section 107, every one of those 31 programs are repealed. That is what the section says: These programs are repealed. Which means that under a block grant, they may or may not provide that.

The other side talks about wanting to tell the locals that we know best. In the other section it does not say "may" in the use of those funds, it said "shall." "They shall," for these 27 ideas, use the money for these ideas. And they run the gamut of anything we can think of, including some things that can be interpreted to be using money that really does not go to the educational need, especially of those special populations.

Madam Chairman, I wonder who is telling the locals what to do? Who is micromanaging? Who is being a liberal, us or them?

Mr. GOODLING. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) who worked so hard for 2 years to try to save children rather than bureaucrats.

□ 1015

Mr. PITTS. Madam Chairman, the liberal Democratic philosophy seems to be based on the Federal Government knows best. We believe that the States, the local teachers, not the Federal Government, should be making the decisions.

This bill does not hurt poor kids. None of the programs for poor kids go away. It only goes away for bureaucrats. Perhaps the gentleman believes that having bureaucracy eat up 35 percent of our Federal funds is effective. I do not.

We can use these funds for all the programs listed, and we make them much more effective by requiring 9 percent to get to the classroom.

I want to read just a portion of a letter from the Missouri State Teachers Association that represents 41,000 members. They have always made local control a major tenet.

They say, the history of Federal programs has been one of bureaucracy and red tape. The application of the common sense approach to assist the needs of the local community's public schools has been handcuffed by Federal Rules, regulations and excessive administrative overhead. Freedom of choice is what we support.

Mr. GOODLING. Madam Chairman, I yield myself the balance of my time.

I want to close by making sure, again, that everybody understands we are not talking about what the committee may have done in relationship to appropriations. That has nothing to do with this legislation. Those are the figures that are being presented by those lobbyists downtown both in the department and those lobbyists who want to protect their downtown bureaucracy and those who want to protect the bureaucracy back in the State. We are not talking about those figures.

By the time my senior Senator is finished and they are finished with conference, the amount of money for education will be up, not down. No matter what the appropriators do, there will be more money to your individual classroom through this legislation, no matter how much they may cut. It is important to remember that.

Mr. BARR of Georgia. Madam Chairman, I rise today in support of the Dollars to Classroom Act. Each one of the members of this chamber has visited numerous schools located in their Congressional District. On each of those visits, principals, teachers, parents, and students, each have approached us saying if we just had a little more funding we could do so much more. Today the House of Representatives is going to do more.

Today we start sending dollars directly to the classroom; what a novel concept! For the first time in 30 years, we are beginning to take meaningful steps in improving our educational system.

The Dollars to Classroom Act will eliminate block grants. Which in turn will improve the current education system by eliminating federal bureaucracy and by redirecting federal education dollars to our nation's schools.

This legislation will allow states and local educators to gain more funding options and a wide array of flexibility in receiving federal funding. The schools in each and every Congressional District will reach your classrooms faster and will be used more effectively.

When I travel throughout the Seventh Congressional District of Georgia, I meet parents and teachers and I know these individuals realize what steps need to be taken in educating their child. Our schools need new construction, and our children need new computers. The list of needs is great and the resources are scarce.

What better way to give to America's future than sending 95% federal funding directly to the classroom. The additional funding will provide a better education for children who some day in the not to distance future will be the leaders of this nation.

Ninety-five percent of all the dollars a school district receives will be spent on children in the classroom. This bill is a definite turning point for education. H.R. 3248 takes a scissor to the bureaucratic red tape.

The Dollars to Classroom Act puts children first by sending education dollars directly to the classroom. Madam Chairman, I urge my colleagues to support this important piece of legislation for the sake of our children and for the sake of education across this country.

Mr. RODRIGUEZ. Madam Chairman, Dollars From the Classroom is a more appropriate term for this bill. There is no doubt that we want to ensure all of our children access to quality education. But block granting these 31 proposed programs will do nothing to enhance the quality of education—only harm it.

A recent GAO study of Federal and State education financing patterns found that States overwhelmingly are less likely to focus state directed education funding on low-income students than are programs with funding that is federally directed.

What this bill does for schools that have low-income children is put them at a disadvantage. For example, one of the provisions in H.R. 3248 eliminates the existing requirement that 50% of a school's enrolled children be from low-income families in order to conduct a schoolwide program under Title I. School districts like mine need this 50% threshold in order to ensure that schools that have significant levels of poverty are able to conduct total school reform. We have these requirements because poor school districts have traditionally been underserved and the children often undereducated.

Reforming a program like Title I without even having committee hearings is completely irresponsible. If we really want to expand the Title I program, let's wait until the reauthorization of ESEA, when a greater number of individuals can have the opportunity to give this full consideration. This has been the problem with many of our education bills that have come to the floor this session—attempts to rework ESEA at an inappropriate time.

I urge my colleagues to vote in favor of fairness and vote against H.R. 3248.

Mr. FAZIO of California. Madam Chairman, I rise today in strong opposition to H.R. 3248. It is a flawed approach to education funding, and it will take money from students who should be the focus of any education legislation. Coupled with the crippling funding cuts to education currently included in the Labor, HHS, Education appropriations bill, H.R. 3248 will achieve a loss in "dollars to the classroom" in every state in the U.S.

The bill completely eliminates states' accountability for the spending of education dollars. If adopted, this bill would give hundreds of millions of dollars a year to the state education departments with no way to account for which dollars are actually spent in the classrooms. In fact, federal programs currently provide a much larger percentage of their funding to classroom activities than state and local education programs.

Many have argued that this bill would cut down on the bureaucracy involved in allocating federal educational funds, but we will instead be creating or enlarging 50 state bureaucracies.

Federal educational funding represents less than 10% of most states' educational funding, and it has traditionally been targeted at poor or otherwise disadvantaged students. We have long shied away from giving general federal aid to schools and instead tried to make federal educational funding have a real impact.

In the last few years, we have already increased the flexibility of federal educational funding by combining similar programs and allowing statewide waivers to federal requirements on a trial basis in the Goals 2000 act. We should continue our successful efforts at making federal educational funding more flexible for the states, but we should not embrace a wholesale dilution of federal educational priorities.

Education professionals across the board—teachers, principals, and administrators—oppose this bill. These individuals who have devoted their lives to helping children know that this bill would actually harm many children throughout the United States. Education professionals agree that the most important education issues we should focus on are those that actually benefit the students—well-qualified teachers, small class sizes and school modernization. This bill actually cancels a number of teacher training initiatives, initiatives that will almost certainly not be replicated at the state level.

National educational standards go hand in hand with teacher training in helping students achieve excellence and the ability to compete successfully with students from all over the country. Since its inception—originally proposed by President Bush—Goals 2000 has helped local school districts set priorities to allow their students and teachers to achieve excellence. This bill would cancel the Goals 2000 program.

I urge my colleagues to keep the best interests of the children of our nation in mind and oppose this ill-conceived measure.

Mr. CASTLE. Madam Chairman, today the House is voting on H.R. 3248, the Dollars to the Classroom Act. I will support this legislation today, but I believe that the legislation must be improved in a number of key areas before it can become law. I would like to take this opportunity to explain the reservations I have regarding the bill in its current form. If these issues are not addressed, I will not support the bill if it is returned by the Senate for a final vote this year.

First, let me say that I support the goal of this legislation. We must work to ensure that all federal education assistance directly benefits our children. These funds should not be wasted on unnecessary bureaucracy. However, achieving this goal is not simple. I am very interested in finding ways to streamline federal programs and bring more efficiency to the Federal Government's role in education. I do not support the status quo and I do not believe that what we have now is working. The concept of Dollars to the Classroom gives us a new option for making changes that may benefit students in the country.

I have struggled for some time in trying to determine if this legislation will achieve its intended goals. I have supported moving the bill through the legislative process while working with Committee staff and other Members to resolve my initial concerns. After a lot of careful thought, and after reviewing analysis from many different sources, I think the fundamental concept of Dollars to the Classroom is worth advancing while we work to answer key questions before it can become law. This may not occur this year and probably should not. There is not much time left in this session for the Senate to pass the bill and to work out all remaining issues. This bill establishes the principle that more federal dollars must directly benefit our children. We should now work to ensure the legislation achieves this principle. It may be best to address these issues comprehensively next year when Congress must reauthorize the Elementary and Secondary Education Act.

As I noted, there are several unanswered questions raised by the legislation. One that must be answered is exactly how much money is going to go to the states and local districts. We have a number of estimates, but we don't have hard numbers. My view is that additional work must be done to understand how current levels of funding will be changed by the Dollars to the Classroom Act. To help you understand my concern, I have attached two charts, both prepared by the Congressional Research Service (CRS). The first chart raises some questions. It takes the Fiscal Year 1998 funding level and compares it to the amounts a state would receive if the money was put into this block grant. You'll notice there are differences in how much money each state gets. I was elected to represent the people of Delaware, and when I see a chart from CRS, the nonpartisan research agency for the Congress, saying that the State of Delaware could lose 13.2% of its education funding, it concerns me greatly. Now, I am not going to argue that these numbers are perfect, they are estimates. However, they raise the legitimate question that some states may receive less funding in total under this legislation. The second chart that I have attached, is a comparison of how much the Local Education Agencies would get, using Fiscal Year 1998 numbers, before and after the block grant. This chart is more encouraging. Delaware wins by a slight percentage and most districts do not lose, but again there is variation in these numbers. I have been assured by the Chairman that he will work with me to ensure that Delaware is treated fairly in this legislation.

We need to sit down and look at this data and understand how funds are going to flow so that we can't be absolutely sure that any change in funds is truly for the benefit of our children. I want more dollars in the classroom, but I will not support final passage of this legislation unless I am convinced that it will benefit the children and schools in Delaware.

In addition to the funding process, we should review the 31 programs included in the block grant to be sent to school districts to ensure that no important aspect of the specific programs will be lost. Let me give you an example. The Comprehensive School Reform program involves a very important—in fact crucial—research component. States and locals do not have the capacity to do research and disseminate research like we do at the national level. They simply don't have the capacity. Does this mean that we want to sacrifice the research being done in this program? I think we need to consider that as part of the process of evaluating this proposal and we have not done that. The same principle applies for the Eisenhower Professional Development program and possibly other programs included in this block grant. The fact that some of these programs contain research and national components indicates that we must review them more closely to ensure we retain aspects that help improve education for our children.

The final area that I want to address is the accountability measures included in this proposal. They have been improved, but need to be further strengthened. We need to ensure that the accountability measures are very strong. Let me give you an example. Yesterday, Congressman Roemer and I introduced a bill to expand the Ed-Flex demonstration projects to all 50 states. This makes sense to me. Our bill is based on a strong program currently available to only 12 states. Ed-Flex allows states to waive burdensome regulations that interfere with the schools' main purpose—to improve academic achievement. This is flexibility, but it is flexibility with accountability. In order to be eligible a state has to have approved content standards, performance measures and assessments. In addition, to be eligible for an extension of a waiver, schools have to establish procedures for increasing the percentage of teachers in the state who have demonstrated subject matter knowledge and pedagogical skill necessary to provide effective instruction in content areas, while decreasing the percentage of teachers without such knowledge in high poverty schools. This is accountability in combination with flexibility. I encourage my colleagues to join Mr. Roemer and I in encouraging responsible flexibility.

I strongly support the goal of making every federal education program more effective. Every dollar we spend should benefit our schoolchildren as directly as possible. The Dollars to the Classroom bill is a reasonable start. It is not perfect and this legislation must be further refined to ensure that it meets its intended goal. I will work to improve the bill if it receives further consideration this year, but I believe the best strategy would be to address all federal K–12 programs in the context of reauthorizing the Elementary and Secondary Education Act in 1999. I look forward to actively participating in that effort.

TABLE 11C.—ESTIMATED STATE ALLOCATIONS UNDER H.R. 3248, AS ORDERED TO BE REPORTED, COMPARED TO ESTIMATES PREPARED BY THE U.S. DEPARTMENT OF EDUCATION (ED) OF FY 1998 GRANTS UNDER ALL PROGRAMS PROPOSED TO BE CONSOLIDATED UNDER H.R. 3248

[H.R. 3248 Estimates: An Amount Equal To FY 1998 Allocations Under Formula Grant Programs To Be Consolidated is First Allocated To Each State. Next, Remaining Block Grant Appropriations (Assumed To Be Equal To $2.74 Billion Minus the Formula Grant Portion) Are Allocated With 50% in Proportion to ESEA Title I, Part A Grants And 50% In Proportion To Population Aged 5–17. Grants Are Estimated At The Maximum Authorized Level For FY 1999.]

[ED Estimates of FY 1998 Grants: Include Actual Or Projected Grants Under All Programs Proposed To Be Consolidated. For Grants to Entities That Provide Services Nationwide, Funds Are Spread Among All States, in Proportion To Population Aged 5–17, Data Were Received From ED On Sept. 15, 1998.]

State	Total estimated grant under H.R. 3248 at FY 1999 authorized level	ED estimates of total FY 1998 grants	Percentage difference
Alabama	$43,427,000	$37,847,464	14.7
Alaska	10,396,000	21,791,724	−52.3
Arizona	42,557,000	39,586,425	7.5
Arkansas	26,450,000	21,687,428	22.0
California	315,580,000	298,178,752	5.8
Colorado	31,706,000	31,361,652	1.1
Connecticut	27,552,000	30,118,669	−8.5
Delaware	10,134,000	11,672,901	−13.2
District of Columbia	10,009,000	29,603,406	−66.2
Florida	126,307,000	120,603,903	4.7
Georgia	72,595,000	62,047,160	17.0
Hawaii	11,295,000	34,723,242	−67.5
Idaho	12,016,000	13,038,722	−7.8
Illinois	118,597,000	106,357,682	11.5
Indiana	48,734,000	47,454,205	2.7
Iowa	23,036,000	38,284,832	−39.8
Kansas	23,464,000	23,615,556	−0.6
Kentucky	42,372,000	37,141,163	14.1
Louisiana	59,024,000	62,317,031	−5.3
Maine	12,505,000	12,142,653	3.0
Maryland	42,122,000	43,739,157	−3.7
Massachusetts	53,801,000	59,841,778	−10.1
Michigan	109,986,000	90,721,762	21.2
Minnesota	40,119,000	36,383,455	10.3
Mississippi	37,531,000	32,293,424	16.2
Missouri	49,873,000	49,857,568	0.0
Montana	11,462,000	13,052,614	−12.2
Nebraska	14,727,000	21,557,260	−31.7
Nevada	12,648,000	12,905,969	−2.0
New Hampshire	10,987,000	13,283,611	−17.3
New Jersey	66,235,000	54,511,691	21.5
New Mexico	21,328,000	26,175,853	−18.5
New York	211,655,000	185,851,927	13.9
North Carolina	59,565,000	59,271,274	0.5
North Dakota	10,131,000	12,982,323	−22.0
Ohio	110,142,000	96,755,688	13.8
Oklahoma	32,982,000	34,898,615	−5.5
Oregon	28,316,000	28,584,893	−0.9
Pennsylvania	116,992,000	106,949,829	9.4
Rhode Island	11,349,000	16,087,033	−29.5
South Carolina	34,950,000	35,192,514	−0.7
South Dakota	10,562,000	14,255,337	−25.9
Tennessee	48,747,000	48,234,290	1.1
Texas	220,192,000	188,545,340	16.8
Utah	18,817,000	21,657,436	−13.1
Vermont	9,830,000	11,905,763	−17.4
Virginia	50,445,000	52,686,574	−4.3
Washington	47,584,000	56,993,741	−16.5
West Virginia	21,863,000	24,498,214	−10.8
Wisconsin	49,155,000	43,326,942	13.5
Wyoming	9,650,000	11,682,323	−17.4
Puerto Rico	71,099,000	51,413,604	38.3
Outlying Areas	13,700,000	12,140,665	12.8
BIA	13,700,000	9,749,076	40.5
Other		28,726,870	na
Total	2,740,000,000	2,686,289,000	2.0

Table prepared by CRS on Sept. 16, 1998.

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEA'S) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEA'S UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3245

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
Alabama	$32,480,640	$28,726,364	13.1
Alaska	8,574,720	9,973,738	−14.0
Arizona	31,996,800	27,196,850	17.6
Arkansas	19,791,360	14,926,966	32.6
California	237,103,690	212,174,852	11.7
Colorado	23,896,580	18,948,065	25.1
Connecticut	20,659,200	18,744,802	10.2
Delaware	8,339,520	7,893,343	5.7

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEA'S) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEA'S UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3245—Continued

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
District of Columbia	6,355,840	7,431,557	12.4
Florida	94,823,040	91,729,340	3.4
Georgia	54,471,360	42,934,372	26.9
Hawaii	8,868,480	8,995,313	26.8
Idaho	9,253,440	8,516,800	8.7
Illinois	88,915,360	72,854,420	21.9
Indiana	36,408,080	30,973,512	17.5
Iowa	17,131,200	12,779,617	34.1
Kansas	17,618,880	15,544,068	13.3
Kentucky	44,801,920	24,600,251	29.3
Louisiana	44,208,960	34,665,652	27.5
Maine	9,648,000	8,159,272	18.2
Maryland	31,515,840	25,493,567	23.5
Massachusetts	40,377,600	38,492,132	4.9
Michigan	82,742,400	65,986,110	25.4
Minnesota	30,007,680	23,832,451	25.9
Mississippi	28,125,120	21,427,695	31.3
Missouri	37,344,980	29,020,065	28.7
Montana	9,038,400	7,169,578	26.1
Nebraska	11,083,200	11,733,360	−5.5
Nevada	9,567,200	8,894,458	6.7
New Hampshire	8,675,520	7,389,104	17.4
New Jersey	49,601,280	37,348,162	32.8
New Mexico	16,026,240	13,700,687	17.0
New York	159,475,200	148,444,545	8.9
North Carolina	44,536,320	40,495,357	10.0
North Dakota	8,333,760	7,915,179	5.3
Ohio	62,574,400	85,323,229	26.4
Oklahoma	24,687,360	20,223,570	22.1
Oregon	21,254,400	17,502,102	21.4
Pennsylvania	87,825,440	71,081,085	23.7
Rhode Island	9,001,920	7,181,698	25.3
South Carolina	26,136,000	23,189,775	12.7
South Dakota	8,543,040	7,702,811	10.9
Tennessee	38,509,760	29,345,405	24.4
Texas	155,546,240	134,012,463	23.5
Utah	14,062,080	11,304,868	24.4
Vermont	8,166,880	7,350,078	11.4
Virginia	37,887,680	30,384,366	24.0
Washington	35,669,760	34,440,440	3.6
West Virginia	16,408,320	13,455,322	21.9
Wisconsin	36,780,480	27,895,883	32.9
Wyoming	8,081,280	6,853,872	17.9
Puerto Rico	63,332,800	40,548,467	31.5

Mr. STARK. Madam Chairman, I rise today in opposition to the so-called "Dollars to the Classroom" Act. This sham bill is a public relations ploy for election year votes and a policy nightmare for our children.

This bill sounds like a good idea—who could resist sending dollars to our schools? But calling the bill one thing does not make it so. We might as well have the Budweiser frogs pitching this bill because you would have to be a sucker for marketing to believe this bill will do anything to put more dollars into the classroom.

H.R. 3248 attempts to redistribute federal education dollars. It claims to be an increase, but in reality would provide less funds to the classroom. In addition, it assumes a funding level that is not included in the House Appropriations Committee reported Labor-HHS-Education bill. So, even if H.R. 3248 becomes law, the funds won't be available to finance it.

Let's review the Republican education agenda for a moment. We've debated a bill to allow prayer in schools—a right that is already protected by current law—we've discussed taking public education dollars and putting them into private voucher accounts for private schools, and my Republican colleagues have introduced legislation to eliminate the Department of Education. We have also defeated attempts to eliminate bilingual education, and defeated a bill to eliminate affirmative action programs in place at colleges and universities.

As if that weren't enough, the Majority has refused to include any of the President's education proposals in the FY '99 Labor, HHS and Education Appropriations bill. Rather than putting dollars into education, the Majority's plan would cut Head Start by 50%, prevent much needed dollars to update and modernize school facilities and eliminate funding for GOALS 2000.

The Department of Education shows that this bill, if enacted, would have a devastating impact on funds available for classrooms. In some states, the reduction of funds will exceed 60% of current funding levels. All states will lose dollars to the classroom. I am submitting for the record an analysis by the U.S. Department of Education which shows the impact on education funding if this bill were to become law.

Who opposes this legislation? The organizations and schools on the front lines of teaching. The very classroom workers this bill claims to be helping. The National Parent Teacher Association, the American Federation of Teachers, the American Association of School Administrators, the American Association of University Women, the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of State Boards of Education, and the National Education Association all oppose this legislation.

It is clear where the Republicans stand on education. I urge my colleagues to take a real stand for our children and make a real commitment to our schools. Vote against H.R. 3248 and support effort to put real dollars into real classrooms.

IMPACT OF H.R. 3248 THE "DOLLARS TO THE CLASSROOM ACT"

	Allocations under current law FY 1998 [1]	Estimated allocations under H.R. 3248 1999 House committee [2]	Change from current law	
			Dollars	Percent
Alabama	$37,847,464	$33,864,590	−$3,982,874	−10.5
Alaska	21,791,724	7,861,824	−13,929,000	−63.9
Arizona	39,586,425	34,648,518	−4,937,906	−12.5
Arkansas	21,687,428	20,674,162	−1,013,266	−4.7
California	298,178,752	246,693,707	−51,485,045	−17.3
Colorado	31,361,652	25,153,676	−6,207,976	−19.8
Connecticut	30,118,669	21,509,447	−8,609,222	−28.6
Delaware	11,672,901	7,632,086	−4,040,815	−34.6
District of Columbia	29,603,406	7,771,532	−21,831,873	−73.7
Florida	120,603,903	99,093,164	−21,510,739	−17.8
Georgia	62,047,160	56,847,358	−5,199,802	−8.4
Hawaii	34,723,242	7,719,586	−27,003,656	−77.8
Idaho	13,038,722	8,412,811	−4,625,910	−35.5
Illinois	106,357,682	92,729,841	−13,627,841	−12.8
Indiana	47,454,205	38,515,955	−8,938,249	−18.8
Iowa	38,284,832	18,449,587	−19,835,245	−51.8
Kansas	23,615,556	18,194,580	−5,420,976	−23.0
Kentucky	37,141,163	32,558,769	−4,582,394	−12.3
Louisiana	62,317,031	45,191,954	−17,125,077	−27.5
Maine	12,142,653	8,770,726	−3,371,928	−27.8
Maryland	43,739,157	32,923,149	−10,816,008	−24.7
Massachusetts	59,841,778	42,240,583	−17,601,195	−29.4
Michigan	90,721,762	84,334,390	−6,387,372	−7.0
Minnesota	36,383,455	31,413,175	−4,970,280	−13.7
Mississippi	32,293,424	29,039,690	−3,253,734	−10.1
Missouri	49,857,568	39,162,392	−10,695,176	−21.5
Montana	13,052,614	7,923,255	−5,129,359	−39.3
Nebraska	21,557,260	11,263,406	−10,293,853	−47.8
Nevada	12,905,989	9,532,789	−3,373,200	−26.1
New Hampshire	13,283,611	7,591,797	−5,691,814	−42.8
New Jersey	54,511,691	52,155,401	−2,356,290	−4.3
New Mexico	26,175,853	16,362,927	−9,812,927	−37.5
New York	185,851,927	163,029,308	−22,822,619	−12.3
North Carolina	59,271,274	47,488,942	−11,782,332	−19.9
North Dakota	12,982,323	7,623,710	−5,358,613	−41.3
Ohio	96,755,688	85,343,169	−11,412,519	−11.8
Oklahoma	34,898,615	25,680,671	−9,217,944	−26.4
Oregon	28,854,893	21,916,128	−6,668,765	−23.3
Pennsylvania	106,949,829	90,564,769	−16,385,060	−15.3
Puerto Rico	51,413,604	54,860,183	−3,446,579	−6.7
Rhode Island	16,087,033	7,938,680	−8,148,353	−50.7
South Carolina	35,192,514	27,729,484	−7,463,030	−21.2
South Dakota	14,255,337	7,681,834	−6,573,503	−46.1

IMPACT OF H.R. 3248 THE "DOLLARS TO THE CLASSROOM ACT"—Continued

	Allocations under current law FY 1998[1]	Estimated allocations under H.R. 3248 1999 House committee[2]	Change from current law	
			Dollars	Percent
Tennessee	48,234,290	37,941,158	−10,293,132	−21.3
Texas	188,545,340	170,952,456	−17,592,884	−9.3
Utah	21,657,436	14,744,735	−6,912,701	−31.9
Vermont	11,905,763	7,579,018	−4,326,745	−36.3
Virginia	52,686,574	40,010,221	−12,676,352	−24.1
Washington	56,993,741	37,235,777	−19,757,964	−34.7
West Virginia	24,498,214	16,756,748	−7,741,465	−31.6
Wisconsin	43,326,942	38,478,067	−4,848,865	−11.2
Wyoming	11,682,323	7,522,112	−4,160,210	−35.6
Outlying Areas	12,140,665	10,643,000	−1,497,665	−12.3
Bureau of Indian Affairs	9,749,076	10,643,000	−893,924	−9.2
Totals	2,657,562,130	2,128,600,000	−528,962,130	−19.9

[1] Includes each State's total for the 26 programs proposed for consolidation under H.R. 3248 the "Dollars to the Classroom Act." Excludes funds for administrative expenses (e.g., peer review and national evaluations).

[2] Estimates are based on the formula H.R. 3248, Section 102, and the FY 1999 House Committee level for each program consolidated in the bill.

Ms. PELOSI. Madam Chairman, I rise in opposition to H.R. 3248, the "Dollars to the Classroom" legislation. This legislation repeals many small arts programs that have met with great success, stood the test of time, and benefited children, young people and adults all across this country.

Each year, Very Special Arts brings the transforming power of the arts into the lives of over 3.5 million people. Founded 25 years ago by Jean Kennedy Smith, Very Special Arts is an international, nonprofit organization dedicated to providing educational opportunities through the arts for children and adults with disabilities. Both Very Special Arts and the John F. Kennedy Center for the Performing Arts receive funding each year through the Department of Education's Arts in Education program. Very Special Arts' federal dollars are matched with state, local, corporate and foundation support in all 50 states. Each VSA state affiliate develops programs to match unique community needs and interests, further strengthening the program by guaranteeing local involvement. Whether programs take place in classrooms, nursing homes, day care facilities, fine arts centers, libraries, VA facilities, or children's hospitals, they are built on the premise that art is a universal language that strengthens communities and connects us to each other.

In May of 1999, Los Angeles will be the host city for Art & Soul, an international celebration of the arts, disability and culture sponsored by Very Special Arts. Held in conjunction with the Mayor's Office of Cultural Affairs and the Los Angeles Convention & Visitors Bureau, the five day festival will take place at the Los Angeles Convention Center, and will bring together more than 3,000 artists with disabilities from around the world. The festival will feature performances, exhibits, workshops, art demonstrations and an educational symposia—all in an effort to provide an international exchange of information on the arts, education, disability and technology among educators, artists, parents, arts organizations, and the general public. The festival will also offer a learning opportunity for the more than 600,000 Los Angeles school children. These students, 8,000 of whom have disabilities, will be invited to participate in all aspects of the festival—broadening their awareness of the endless possibilities the arts provide in education, business and technology.

Another highly effective program in my state, the VA/VSA Artist-in-Residence Program, builds independence and self-confidence in veterans across the country by using artistic outlets to enhance the rehabilitation process. The program provides veterans who receive care at VA medical centers with quality arts experiences through artist-in-residence programs and community-based activities. VSA California provides ten-week residency programs at the Palo Alto VA Day Care & Homeless Center in the Mission district of San Francisco.

Madam Chairman, the programs I have mentioned today are just two examples of the wonderful work Very Special Arts accomplishes each year in California and on behalf of all people with disabilities across our great nation. Therefore, I urge my colleagues to oppose H.R. 3248, and continue to support programs, like Very Special Arts, that provide important and valuable services for all of our constituents.

Mr. HASTERT. Madam Chairman, today I rise in strong support of H.R. 3284, the Dollars to the Classroom Act, a bill which I am proud to co-sponsor. I would like to congratulate my colleague Congressman JOE PITTS for his work in bringing this important legislation forward.

As a former high school teacher, I am concerned about the current state of our Nation's schools. Clearly the lack of progress in educational reform at the K–12 level is a serious threat to the health of the economy and to the future prosperity of American children. However, in order to place the discussion about what to do about our failing educational system in context, a brief review of the history of the economics of federal involvement in education is in order. Thus far, school reforms have focused only on increasing funding to public schools. Since 1983, government funding to public K–12 schools has increased by 44 percent and average per-student spending has increased by 32 percent. Total spending for public K–12 education now totals nearly $300 billion per year.

One of the central problems with education funding today is where this funding goes. For example, the federal government spends approximately $100 billion a year on more than 760 federal education programs. However, more than a third of the $15.4 billion spent by the Department of Education on elementary and secondary education programs never reaches the all important classroom; instead it is lost in a sea of bureaucracy.

Madam Chairman, last year, the House took a first step toward assuring that taxpayer education dollars get where they are supposed to be going. The House passed, and I supported, the Dollars to Classrooms Resolution which expressed the sense of the House that the Department of Education, state education departments, and local education agencies work together to ensure that not less than 90 percent of all education funds are spent on children in their classrooms. In other words: let's get the money to the place it will do some good—the classroom.

House Republicans have had some important successes over the past few years: we've balanced the federal budget for the first time in a generation, produced the first tax cut in 16 years, and moved millions of Americans from welfare to work. Today we are building on these successes by taking an important step toward bringing the best education possible within reach of every child in this country.

The Dollars to the Classroom Act represents a major change in the federal government's approach to education funding. Instead of pouring money into the Department of Education and hoping some of its trickles down to our children's classrooms, this legislation will assure that 95 cents out of every federal education dollar goes directly to our kids' classrooms.

What does this legislation mean for America's families and children? It means that every classroom in America will receive, on average, an extra $425 because this Act consolidates many grant programs that never reach the classroom and lifts restrictions that keep many schools from even applying for these grants. It means that $800 million additional education dollars will go to our public schools. It means that my home state of Illinois will receive $44 million more education dollars—an increase of more than 40%. In short, Mr. Speaker, the passage of the Dollars to the Classroom Act means that more education dollars will reach more kids. I cannot believe that anyone can oppose this.

Madam Chairman, we have to ask ourselves where the solution to the problems with our education system lie. Some of my colleagues are convinced that if we could only send more money to the Department of Education they will be able to fix our schools.

As a teacher, I must disagree. I know that innovation in education—something we desperately need—will not come from Washington bureaucrats. In fact, they are at the root of the problem. Innovative solutions will only come from families, teachers, and local communities who actually do the job of teaching our kids.

Madam Chairman, I am happy to co-sponsor the Dollars to the Classroom Act because it will free the hands of local schools to fix the problems without education system and it provides them the funds they need, no strings attached, to carry out these reforms. I urge all my colleagues to stand for our kids and support this important legislation.

Mr. SANDLIN. Madam Chairman, I rise in opposition to H.R. 3248, the Dollars to the Classroom Act. The title is a misnomer. In fact, this bill takes dollars out of the classroom. Funds to the State of Texas would be reduced by $17,592,884! I have listened to this debate and heard many of my colleagues on the other side of the aisle say the states are held harmless. Perhaps they're using new math, but the math I learned in school tells me that a reduction of more than $17 million is not being held harmless.

Local control is the key. We must allow our local school districts to implement programs that are best for their communities. The federal government is and should be a junior partner in education, providing the needed tools for those programs. However, this legislation will block grant our federal education programs. This bill would eliminate many key federal elementary and secondary education programs by rolling them into a single education block grant to the states. The Eisenhower Teacher Training program, the School-to-Work program, and the voluntary Goals 2000 School Reform program would be eliminated. No federal funds would be guaranteed for programs to improve the quality of teacher training in such core subjects as reading and math. No funds would be guaranteed for programs to improve the transition from school to work. And no funds would be guaranteed to implement school reform efforts and raise academic standards.

In this bill, we see a continuation of the assault on our public schools. It is a continuation of efforts to shift federal aid away from the public schools. It is a continuation of efforts to undermine the local control of our local school districts.

My friends on the other side of the aisle have said that they want to let the teachers make the decisions. If that is so, why are teachers and other local school officials opposed to this bill? I have heard from the Texas Education Agency, Texas State Teachers Association, the Texas Federation of Teachers, the National PTA, the Council of Chief State School Officers, the American Association of School Administrators, the National Association of State Boards of Education, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of State Directors of Special Education, the National Science Teachers Association, the American Federation of Teachers, and the National Education Association. The Republicans claim that they are letting the members of these organizations make the decisions. If that is true, why are they all opposed to it?

There is nothing we do as Members of Congress that is more important than safeguarding the future of our children. We should be working to improve education, but this bill is not the way to go about it. We should be helping our local school districts with the modernization or construction of schools. We should be passing legislation to allow our local districts to hire more teachers so we can have small classes. We should be helping our local communities fund after school learning programs. We should be giving our local schools the ability to ensure that all students are computer literate and all classrooms are connected to the Internet by the year 2001.

Madam Chairman, I challenge this body to consider and pass real education reform. Vote no on this sham of a reform.

Mr. PAUL. Madam Chairman, I appreciate the opportunity to express my reservations about H.R. 3248, the Dollars to the Classroom Act. I take a back seat to no one in my opposition to Federal control of education. Unlike some of this bills most vocal supporters, I have consistently voted against all appropriations for the Department of Education. In fact, when I was serving in the House in 1979, I opposed the creation of the Education Department. I applaud the work Mr. Pitts and others have done to force Congress to debate the best means of returning power over education to the states, local communities and primarily parents. However, although H.R. 3248 takes a step toward shrinking the Federal bureaucracy by repealing several education programs, its long-term effect will likely be to strengthen the Federal Government's control over education by increasing Federal spending. Therefore, Congress should reject this bill.

If H.R. 3248 did not increase Federal expenditures, my support would be unenthusiastic at best as the system of block grants established by this bill continue the unconstitutional practice of taking money from taxpayers and redistributing it to other states. The Federal Government lacks constitutional authority to carry out this type of redistribution between states and taxpayers, regardless of whether the monies are redistributed through Federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the United States Constitution.

The requirement that the states certify that 95% of Federal monies are spent "in the classroom," (a term not defined in the act) and report to the Congress how they are using those monies to improve student performance imposes an unacceptable level of Federal management on the states. States are sovereign entities, not administrative units of the Federal Government, and should not have to account to the Federal Government for their management of educational programs.

For all its flaws, the original version of H.R. 3248 at least restored some measure of state control of education because it placed no restrictions on a state's use of funds. It was, thus, a pure block grant. However, this bill does not even give states that level of discretion as H.R. 3248 has been amended to restrict the uses to which a state can apply its block grants.

Under the revised version of H.R. 3248, states can only spend their block grant money on one or more of the programs supposedly repealed by the Federal Government! In fact, this bill is merely one more example of "mandate federalism" where states are given flexibility to determine how best to fulfill goals set by Congress. Granting states the authority to select a particular form of federal management of education may be an improvement over the current system, but it is hardly a restoration of state and local control over education!

The federal government's power to treat state governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to federal control is the only way state and local officials can recapture any part of the monies the federal government has illegitimately taken from a state's citizens. Of course, this is also the only way state officials can tax citizens of other states to support their education programs. It is the rare official who can afford not to bow to federal dictates in exchange for federal funding!

As long as the federal government controls education dollars, states and local schools will obey federal mandates; the core problem is not that federal monies are given with the inevitable strings attached, the real problem is the existence of federal taxation and funding.

Since federal spending is the root of federal control, by increasing federal spending this bill lays the groundwork for future Congresses to fasten more and more mandates on the states. Because state and even local officials, not federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the state governments into mere agents of the federal government.

Madam Chairman, those who doubt the likelihood of the above scenario should remember that the Education Committee could not even pass the initial block grant without "giving in" to the temptation to limit state autonomy in the use of education funds because "Congress cannot trust the states to do the right thing!" Given that this Congress cannot pass a clean block grant, who can doubt that some future Congress will decide that the States need federal "leadership" to ensure they use their block grants in the correct manner, or that states should be forced to use at least a certain percentage of their block grant funds on a few "vital" programs.

I would also ask those of my colleagues who claim that block grant will lead to future reductions in expenditures how likely is this will occur when Congress had to increase expenditures in order to originally implement the block grant programs?

Furthermore, by increasing the flow of federal money to state and local educrats, rather than directly increasing parental control over education through education tax credits and tax cuts, the effect will be to make state and local officials even less responsive to parents. I wish to remind my colleagues that many state and local education officials support the same programs as the federal educrats. The officials responsible for the genital exams of junior high school girls in Pennsylvania should not be rewarded with more federal taxpayers' dollars to spend as they wish.

It will be claimed that this bill does not increase spending, it merely funds education spending at the current level by adding an adjustment to inflation to the monies appropriated for education programs in Fiscal Year 1999. However, predicting the rate of inflation is a tricky business. If, as is very likely, inflation is less than the amount dictated by this bill, the result will be an increase in education spending in real dollar terms. Still, that is beside the point, any spending increase, whether real or nominal, ought to be opposed. CBO reports that H.R. 3248 provides "additional authorization of "9.5B."

Madam Chairman, while I applaud the attempt by the drafters of this bill to attempt to reduce the federal education bureaucracy, the fact is the Dollars to the Classroom Act represents the latest attempt of this Congress to avoid addressing philosophical and constitutional questions of the role of the Federal and State Governments by means of adjustments in management in the name of devolution. Devolution is said to be a return to state's rights since it decentralized the management of federal program; this is a new 1990's definition of the original concept of federalism and is a poor substitute for the original, constitutional definition of federalism.

Rather than shifting responsibility for the management of federal funds, Congress should defund all unconstitutional programs and dramatically cut taxes imposed upon the American people, thus enabling American families to devote more of their resources to education. I have introduced a bill, the Family Education Freedom Act (H.R. 1816) to provide parents with a $3,000 per child tax credit for education expenses. This bill directly empowers parents, not bureaucrats or state officials, to control education and is the most important education reform idea introduced in this Congress.

In conclusion, the Dollars to the Classroom Act may repeal some unconstitutional education programs but it continues the federal government's equally unconstitutional taking of funds from the America people for the purpose of returning them in the form of monies for education only if a state obeys federal mandates. While this may be closer to the constitutional systems, it also lays the groundwork for future federal power grabs by increasing federal spending. Rather than continue to increase spending while pretending to restore federalism, Congress should take action to restore parents to the rightful place as the "bosses" of America's education system.

Ms. JACKSON-LEE of Texas. Madam Chairman, Plutarch once wrote that the very spring and root of honesty and virtue lie in good education. The proposed "Dollars to the Classroom Act" would rent this spring and root from the fertile soils of our school systems and would leave only a desolate land of ignorance.

This measure attempts to tear the elementary and secondary education system apart in an effort to make political gains rather than substantive policy improvements for children and education.

H.R. 3248 would eliminate 31 existing elementary and secondary programs—including Eisenhower Professional Development, School-To-Work, Goals 2000, Comprehensive School Reform, Magnet Schools Assistance, Technology for Education, 21st Century Community Learning Centers, and Civic Education programs, among others, with no assurance that any of the funding for these programs would stay in the education arena. It seems that we should instead name this the "Dollars FROM the Classroom Act."

This legislation would also permit all States to participate in the current Ed-Flex demonstration program without any emphasis on ensuring quality academic achievement among students.

H.R. 3248 also would eliminate the requirement that school districts with significant percentages of children in poverty be permitted to do schoolwide programs under Title 1 of the Elementary and Secondary Education Act.

This act also errs by nullifying the accountability for taxpayer dollars that is so integral to our education system. Accountability for the Federal education dollar is extremely important in both ensuring that programs are conducted consistent with the priorities in Federal law, and that we can ensure that program dollars are being effectively utilized.

Without provisions ensuring strong accountability, we have no assurance that our nation's children are being well-served and little information on the effectiveness of our programs. Fortunately, the programs affected by this bill have existing accountability measure that ensure that resources are utilized in a manner consistent with the goals of each program and the overarching mission to educate our children.

H.R. 3248 makes only superficial attempts at ensuring accountability for the funding that would go out under the bill's block grant scheme. First, the bill requires a generic annual report on how funds have been used to improve student performance that will tell us little about effective strategies and uses of funding under the block grant.

Second, States would be required to use any measures of student academic performance to gauge the effectiveness of funding. These provisions have no requirement to link outcomes, assessments, or reporting to challenging, high quality, State academic standards and will do nothing to ensure effective use of Federal education resources.

Moreover, the Secretary of Education is specifically barred from imposing any meaningful performance or accountability standards regarding the expenditure of funding under this bill. We should not enact legislation that jeopardizes accountability of Federal dollars and, in turn, jeopardizes the quality of our children's education.

Very simply, this legislation destroys the very nature of the Federal commitment to education through a complete abandonment of accountability and a lack of focus on high student achievement, and the elimination of targeting our limited resources to those children most in need.

It is important to remember that block grants are not new. While they appeal to cries for simplification, the result has been largely to reduce funding. This approach to Federal assistance has been tried before, especially during the early 1970's and again during the early 1980's.

Specifically, in 1981, more than 40 smaller education programs were block granted. The total funding at the time was reduced because of the theory of more flexibility. Funding for the block grant decreased over time from 1982 to 1992 by roughly 52 percent.

Rather than advancing this destructive agenda, we should be advancing one which reflects the real needs of America's educational system. We need real solutions to the demands of our education system, not divisive measures that will cause disruption.

Yet, instead of responding to the educational needs of our nation, the majority has sought to divide us along partisan lines. This does nothing to assist our principals, parents, teachers, and students in their quest for educational excellence.

Ms. MILLENDER-McDONALD. Madam Chairman, I rise in strong opposition to H.R. 3248. As a former educator in the Los Angeles Unified School District, one of the largest in this country, I cannot support this bill. It repeals 31 elementary and secondary education programs, including Goals 2000, School to Work, and Eisenhower Professional Development State Grants.

I am particularly concerned about elimination of the Eisenhower Professional Development program because it has been a successful tool in providing critical teacher training opportunities. The only way for our students to become the best they can be is for their teachers to be the best they can be—which requires on-going quality training for teachers. In this rapidly changing world, it is essential for teachers to have up-to-date training and the latest information and technology if they are to teach our children and prepare them for the next millennium.

This bill eliminates existing mechanisms that assure that federal funds are used as intended and that children are well served—yet it fails to provide adequate replacements. This bill completely eliminates the ability of the federal government to target federal funds on poor children, and instead leaves the targeting of federal funds to the political whims of state legislatures. As a former state legislator, I know the risks of federal funding reaching the intended programs when these funds are directed to block grants for states. The Government Accounting Office has found that federal funding is more targeted to poor students than state funding in 45 of 47 states. This targeted focus of federal education dollars is intended to address national problems that are not being adequately addressed at the state and local levels.

This bill is opposed by respected educators across the country, including the National Education Association, the National PTA, the American Association of School Administrators, the National Association of Elementary School Principals, and the American Association of University Women.

My constituents in California, including the State Superintendent of Public Instruction, do not want to see this bill passed. Yesterday, a group of California educators, led by the President of the Los Angeles County School Board came to my office and urged me to oppose this bill. They were particularly concerned that this bill would eliminate the successful Comprehensive Regional Assistance Centers. In Los Angeles, these Centers have provided vital resources to our classrooms and given teachers more tools to help our children learn to read. One of the tools in this guide, "Taking a Reading," which aids teachers in teaching our children to read. If this bill passes, my local teachers will lose this tool.

Another program that will be eliminated if this bill passes is the "We The People" program. Participants of this civic education program in the 37th District of California have called my office and urged opposition to this bill. Even though we have a strong and active program in Southern California, local leaders say the program is enhanced because of the national network they participate in through the existing federal funding. I must ask my colleagues, with all we have witnessed this summer, how can we in good faith, vote to eliminate funding for civics education for America's children? If anything, we should be providing more resources for programs that teach our children about responsible and good citizenship.

This bill also eliminates funding for Women's Educational Equity, Arts in Education and Magnet Schools, just to name a few. This is not a good bill. I urge my colleagues to vote against this bill and support real efforts to improve education, like improving teacher training, reducing class size, adding new qualified teachers, and improving the condition of our school facilities. Vote "no" on this bill.

Mrs. KENNELLY of Connecticut. Madam Chairman, I rise in strong support of the substitute amendment to this bill. This legislation, of which I am an original cosponsor, would hire 100,000 new teachers and reduce class size in my state in grades 1 through 3 to an average of 18 students. This amendment puts the focus in our education system back where it belongs, with our children.

This issue is raised so often by the families in my district, and I believe that we here in Congress have the responsibility to provide for our children and help localities provide the kind of education they expect and our children need to be competitive in the modern world. Studies have shown that strong reading skills at a young age lead to greater success later on. This amendment will give our teachers the ability to dedicate more of their time to working with each individual child, providing more focus on the development of this important skills.

This legislation is already funded in the President's budget proposal. This bill, too, would mean more dollars for my home state. For Connecticut, this means more than $115 million to help local school districts hire and train additional teachers. I urge my colleagues to support the amendment, and give our communities the resources they need to prepare our children for the future.

Mr. CANNON. Madam Chairman, I rise today in support of H.R. 3248, The Dollars to the Classroom Act in my home state of Utah we have a strong public education system with many successful programs. The teachers and administrators at the local level are what has made these programs work so well. They know our children, they know their names, they know their needs. They should not be superseded by a federal program handed down by Washington, D.C. We need to give our nation's teachers the power to make our children's education successful.

This bill will do that.

H.R. 3248 mandates that 95 percent of the money appropriated under this grant is to be used as we intend it to be used, in our children's classrooms. This bill combines 31 separate programs, eliminates the bureaucracy that administers those programs and makes sure that the money doesn't go to special interest groups. Our children will instead get $2.74 billion in additional federal funding. That is $425 per classroom. What teacher couldn't use an additional $425 to improve the quality of education in their classrooms?

This is money that our children's teachers and local officials will be deciding how to spend, not some special interest group or bureaucrat sitting not far from here. The money can be used to purchase supplies, buy computers, pay for Internet access, hire new teachers and increase teachers' salaries.

Our nation's teachers are molding the world leaders of tomorrow. They know our children's strengths and their weaknesses. No one influences our children like their teachers. Let's give them the power and resources to do their job right.

Mr. VENTO. Madam Chairman, I rise today in opposition to the block grant, H.R. 3248. As a former educator, I am a strong supporter of legislation which invests in the education of our children. However, this legislation, despite its name, does nothing to improve educational opportunities.

Federal aid was originally adopted because individual states were either unwilling or unable to meet specific needs in our schools and often to address and encourage service to special needs. H.R. 3248 fails to guarantee that any federal money would be used to continue initiatives which provide our children with the best opportunities to succeed and especially children with disabilities who deserve the opportunity and assurance with the chance to succeed. Instead, it dilutes the impact of federal funding, shortchanges high need students, reduces accountability and undermines national education priorities. And discards programs and commitments that work.

Supporters of this legislation insist that this block grant provides the perfect vehicle to get more dollars to disadvantaged children and their teachers. In fact, the very opposite is true. H.R. 3248 contains no state to local formula, leaving up to 95% of the funds to be spent at the sole discretion of the governor who incidentally isn't responsible for raising such funds. Funds could be spent on equipment, operating expenses and personnel. Federal dollars could become nothing more than general aid or tax relief for communities who do not wish to invest in important programs which address the needs of disabled, gifted, minority and disadvantaged youth the populist sentiment in the state would surely erode help for those children and families that have little political power. This block grant ignores the needs of preschool children by funding only activities and services for children aged 5 through 17, even if local officials wish to continue preschool activities.

In addition, this legislation proves for no accountability. The Block Grant Act requires only that each state submit an annual report that describes how the funds have been used to improve student performance, using any measures the state deems appropriate. Block grants are difficult to evaluate in terms of their impact on teaching and learning, and this legislation would essentially allow states to create their own standards. In a worst case scenario, they may even choose not to include data which measures the performance of students with lower achievement levels. These children could be completely cast aside, because states will no longer have to comply with the current regulations we have in place to protect them.

Block grants for education will likely go into atrophy, as it is far easier for the National Congress to cut nonspecific programs and shrink the block grant to a shadow of its $125.

Rather than continuously undermining public education, Congress needs to take proactive measures which will bring more resources into our schools. The Republican majority continues to craft schemes which siphon money away from important programs. Instead of putting the education of children with various needs in jeopardy, we should work to ensure that every child is given the chance to partake in a quality learning environment which allows them the best opportunity to acquire skills necessary to be successful in the future. The Block Grant Act does not promote a reasonable or adequate approach to ensuring that this occurs. I oppose this legislation, and urge my colleagues to do the same.

Mr. MCINTOSH. Madam Chairman, with the dawn of a new century imminently upon us, there's a great deal that's going right about America. Our economy is the envy of the world. Unemployment and inflation are both down. It is clear that the economic political message of President Ronald Reagan has been internalized, to a greater or lesser extent, by everyone in the political system.

Yet amid this economic prosperity, the education and future of our children is in doubt. As a nation, we have not lived up to our responsibility of educating our children, and our public school system is simply not competitive with the OECD nations with which we do battle in the marketplace.

We desperately need to ensure that our children in school today grow up to be the best educated young adults in the world. While school choice and government scholarship programs is the single best way to achieve this goal, the best interim measure that we can do is to decentralize our public educational system.

We need to devolve educational resources from the federal to the state level. We need to give the governors and state legislators the resources they so desperately need in order to creatively deal with the educational challenges at the local level in their communities.

The bureaucratic waste in educational programs at the Federal level is enormous. Currently, there are 788 programs originating in Washington which are supposedly meant to augment education. These programs span 39 different federal departments and consumes $100 billion a year. Can you imagine what governors and legislators could do if $100 billion was block-granted to the states? That's over $2000 per student annually.

H.R. 3248, the Dollars to the Classrooms Act, is a modest yet concrete step towards reaching this necessary and justified goal. It consolidates 31, or about 4% of the 788 Federal education programs currently in existence. This will free up about $2.74 billion in federal tax dollars, which will be transferred and sends the money in a block to the States. This "Dollars to the Classroom" bill is the first step towards ensuring that a full 95% of our Federal education dollars bypass the bureaucracy in Washington entirely, and go directly to the classroom level, where they can help school age children the best.

In short, I urge you to give our children the resources they need and lend your support to H.R. 3248.

Mrs. EMERSON. Madam Chairman, I rise today to urge support of H.R. 3248, the Dollars to the Classroom Act. I commend the sponsor, Mr. PITTS, Chairman GOODLING and the Education and the Workforce Committee, for their continual hard work to ensure that real reform occurs in our nation's education system.

Madam Chairman, this legislation sends more dollars to the classrooms while giving local educators more funding options. It is currently estimated that only 65 percent of all federal funds allocated for education actually reach our nation's classrooms. This town is notorious for talking about reforming the education system but this dismal statistic proves that nothing has been accomplished.

The Dollars to the Classroom Act is a great way to send a message to the Administration that we in Congress are prepared to invoke real reform at the Department of Education. Our goal should be an education system where every child can out-score, out-perform and out-compete the students of every other nation in the world.

It's time to put our children before bureaucrats. The decision of how our education money is spent must be made by local teachers, administrators and parents. Not the federal government. It's time that we invest more wisely. We must spend our education dollars where they can achieve the most—right in the classroom.

This legislation would mean that schools in Cape Girardeau, West Plains, Rolla and every other school in Southern Missouri would receive $9,300 on average and each classroom would receive $425. At Dexter High School in my district, where I have taught a few classes, $9,300 is the difference between having computers and much newer books and other much needed learning resources. It's finally time for Congress to take a stand and do what is right for our nation's children. I urge my colleagues to support Dexter High School and support the Dollars to the Classroom Act. We must localize education not nationalize it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dollars to the Classroom Act".

TITLE I—IMPROVEMENT OF CLASSROOM SERVICES AND ACTIVITIES

SEC. 101. GRANTS TO STATES.

The Secretary is authorized to award grants in accordance with this title to States for use by States and local educational agencies to improve classroom services and activities for students.

SEC. 102. GRANT AWARD.

(a) RESERVATION OF FUNDS.—From the amount appropriated to carry out this title for any fiscal year, the Secretary shall reserve—

(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this section; and

(2) ½ of 1 percent for the Secretary of the Interior for programs under this title in schools operated or funded by the Bureau of Indian Affairs.

(b) STATE ALLOCATIONS.—Funds appropriated to carry out this title for any fiscal year, which are not reserved under subsection (a), shall be allocated among the States as follows:

(1) HOLD HARMLESS.—If the amount of funds appropriated to carry out this title in any fiscal year equals or exceeds the aggregate amount all States received in fiscal year 1998 under—

(A) title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.);

(B) section 1002(g)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(g));

(C) section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492);

(D) part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.);

(E) section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 et seq.);

(F) title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.); and

(G) part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.),

as such provisions were in effect on the day preceding the date of the enactment of this Act, the Secretary shall allocate to each State the aggregate amount such State received for fiscal year 1998 under such provisions.

(2) INSUFFICIENT FUNDS.—If the amount of appropriations to carry out this title for any fiscal year is insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

(3) REMAINING FUNDS.—If funds remain after meeting the requirements of paragraph (1), such remaining funds shall be allocated among the States in the following manner:

(A) 50 percent of such remaining funds shall be allocated to States in proportion to their grants under part A of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year; and

(B) 50 percent of such remaining funds shall be allocated to States in proportion to the number of children ages 5 through 17, inclusive, according to the most recent available data that are satisfactory to the Secretary.

(c) DEFINITION OF STATE.—For purposes of this section, the term "State" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) DEFINITION OF OUTLYING AREA.—For purposes of this section, the term "outlying area" includes American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(e) PAYMENTS.—Funds awarded to a State under this section shall be paid to the individual or entity in the State that is responsible for the State administration of Federal education funds pursuant to State law.

(f) USE OF STATE AWARDS.—

(1) IN GENERAL.—From the amount made available to a State under subsection (b) for a fiscal year, the State—

(A) shall use not more than 5 percent of the total amount to support programs or activities, for children ages 5 through 17, that the State determines appropriate, of which the State shall distribute 20 percent of the 5 percent to local educational agencies in the State to pay the administrative expenses of the local educational agencies that are associated with the activities and services assisted under this section; and

(B) shall distribute, pursuant to section 103(a), not less than 95 percent of the amount to local educational agencies in the State for the fiscal year to enable the local educational agencies to pay the costs of activities or services provided in the classroom, for children ages 5 through 17, that the local educational agencies determine appropriate subject to the requirements of section 103(b).

(2) ADMINISTRATIVE EXPENSES.—For the purpose of paragraph (1)(B), the costs of activities and services provided in the classroom exclude the administrative expenses associated with the activities and services.

(g) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this title, and not to supplant such funds.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Each State receiving assistance under this part shall issue a report on an annual basis, not later than April 1 of each year beginning the year after the date of the enactment of this Act, to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives that describes how funds under this title have been used to improve student performance in that State.

(2) CERTIFICATION.—The report must also include a certification by the State that 95 percent of funding provided under this title during the preceding fiscal year has been expended by local educational agencies within that State for classroom activities and services pursuant to subsection (f)(1)(B).

(3) MEASURES OF PERFORMANCE.—In determining student academic performance within the State, the State shall use such measures of student academic performance as it deems appropriate. The State may disaggregate data by poverty, subject area, race, gender, geographic location, or other criteria as the State deems appropriate.

(4) AVAILABILITY OF REPORT.—Each State shall make the report described in this subsection available to parents and members of the public throughout that State.

SEC. 103. LOCAL AWARDS.

(a) DETERMINATION OF AMOUNT OF FUNDS.—

(1) IN GENERAL.—The individual or entity in the State that is responsible for the State administration of Federal education funds pursuant to

State law of each State receiving assistance under this title, in consultation with the Governor of such State, the chief State school officer of such State, representatives from the State legislature, and representatives from local educational agencies within such State, shall develop a formula for the allocation of funds described in section 102, to local educational agencies, taking into consideration—

(A) poverty rates within each local educational agency;

(B) children living in sparsely populated areas;

(C) an equitable distribution of funds among urban, rural, and suburban areas;

(D) children whose education imposes a higher than average cost per child; and

(E) such other factors as considered appropriate.

(2) HOLD HARMLESS.—No local educational agency shall receive an award under this subsection for any fiscal year in an amount that is less than the amount the local educational agency received to carry out programs or activities for fiscal year 1998 for title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.), part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.), section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 et seq.), title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.), and part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) as in effect on the day preceding the date of the enactment of this Act plus amounts the local educational agency is eligible to receive during fiscal years 1999 through 2003 pursuant to all multiyear awards made prior to the date of enactment of this Act under any program that is repealed by section 107 that is not listed in this sentence.

(3) INSUFFICIENT FUNDS.—If the amount allocated to a State to carry out this title for any fiscal year is insufficient to pay the full amounts that all local educational agencies in such State are eligible to receive under paragraph (2) for such year, the State shall ratably reduce such amounts for such year.

(b) LOCAL USES OF FUNDS.—Funds made available under this section to a local educational agency shall be used for the following classroom services and activities:

(1) Programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program.

(2) Professional development for instructional staff.

(3) Programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.

(4) Efforts to lengthen the school day or the school year.

(5) Programs to combat illiteracy in the student population.

(6) Programs to provide for the educational needs of gifted and talented children.

(7) Promising education reform projects that are tied to State student content and performance standards.

(8) Carrying out comprehensive school reform programs that are based on reliable research.

(9) Programs for homeless children and youth.

(10) Programs that are built upon partnerships between local educational agencies and institutions of higher education, educational service agencies, libraries, businesses, regional educational laboratories, or other educational entities, for the purpose of providing educational services consistent with this section.

(11) The acquisition of books, materials and equipment, payment of compensation of instructional staff, and instructional activities that are necessary for the conduct of programs in magnet schools.

(12) Programs to promote academic achievement among women and girls.

(13) Programs to provide for the educational needs of children with limited English proficiency or who are American Indian, Alaska Native, or Native Hawaiian.

(14) Activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

(15) Efforts to reduce the pupil-teacher ratio.

(16) Projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

(17) Projects and programs to integrate arts education into the regular elementary and secondary school curriculum.

(18) Programs designed to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

(19) Mathematics and science education instructional materials.

(20) Programs designed to improve the quality of student writing and learning and the teaching of writing as a learning process.

(21) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to effectively use such equipment and software.

(22) Computer software and hardware for instructional use.

(23) Developing, adapting, or expanding existing and new applications of technology.

(24) Acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student learning.

(25) After-school programs designed to engage children in a constructive manner and to promote their academic, developmental, and personal growth;

(26) Developing, constructing, acquiring, maintaining, operating, and obtaining technical assistance in the use of telecommunications audio and visual facilities and equipment for use in the classroom.

(27) Developing, acquiring, and obtaining technical assistance in the use of educational and instructional video programming for use in the classroom.

(c) PARENT INVOLVEMENT.—Each local educational agency receiving assistance under this section shall involve parents and members of the public in planning for the use of funds provided under this section.

SEC. 104. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Each local educational agency that receives funds under this title shall provide for the participation of children enrolled in private schools, and their teachers or other educational personnel, in the activities and services assisted under such section in the same manner as private school children, and their teachers or other educational personnel, participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

SEC. 105. DEFINITIONS.

In this title—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(2) the term "educational service agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(3) the term "Secretary" means the Secretary of Education; and

(4) except as otherwise provided, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

SEC. 106. GENERAL PROVISIONS.

(a) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to require, direct, or control a State, local educational agency or school's specific instructional content of pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

(b) STATE AND LOCAL DETERMINATION.—

(1) IN GENERAL.—The Secretary shall not issue any regulation regarding the type of classroom activities or services that may be assisted under this title.

(2) INSTRUCTIONAL METHOD AND SETTING.—No local educational agency shall be required to provide services under this title through a particular instructional method or in a particular instructional setting in order to receive funding under this title.

SEC. 107. REPEALS.

The following provisions are repealed:

(1) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(2) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(3) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(4) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(5) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(6) Section 1503 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6493).

(7) Section 1002(g)(2) of the Elementary and Secondary Education Act of 1965.

(8) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(9) Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.).

(10) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(11) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(12) Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.).

(13) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.).

(14) Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(15) Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.).

(16) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(17) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(18) Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.).

(19) Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.).

(20) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(21) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(22) Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.).

(23) Part K of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.).

(24) Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351 et seq.).

(25) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(26) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(27) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $2,740,000,000 for fiscal year 1999; $2,800,000,000 for fiscal year 2000; $2,870,000,000 for fiscal year 2001; $2,940,000,000 for fiscal year 2002; and $3,001,000,000 for fiscal year 2003.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. EXPANSION OF ED-FLEX DEMONSTRATIONS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies and parent organizations in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver under paragraph (1), a local educational agency or school that receives funds under this title, or a local educational agency or school shall transmit an application for such a waiver to the State educational agency. The State educational agency then shall submit approved applications for waivers under paragraph (1) to the Secretary.

(ii) A State educational agency may request a waiver under paragraph (1) by submitting an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State educational agency or local educational agency or school intends to achieve;

(ii) describe the action that the State educational agency has undertaken to remove State statutory or regulatory barriers identified in the application of local educational agencies;

(iii) describe the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describe the numbers and types of students to be impacted by such waiver;

(v) describe a timetable for implementing a waiver; and

(vi) describe the process the State educational agency will use to monitor, on a biannual basis, the progress in implementing a waiver.

(3) TIMELINESS.—The Secretary shall act promptly on a request for a waiver under paragraph (1) and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—Each waiver under paragraph (1) shall be for a period not to exceed 4 years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

(4) Title VIII of the Elementary and Secondary Education Act of 1965.

(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver under subsection (a)(1) and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility demonstration program under which the Secretary authorizes not more than 50 State educational agencies serving eligible States to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three State educational agencies serving eligible States that each have a population of 3,500,000 or greater and three State educational agencies serving eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each State educational agency desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive educational reform, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local

educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each State educational agency participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of a State educational agency under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(f) ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under subsection (a)(1), or a State educational agency's authority to issue waivers under subsection (e), the Secretary shall review the progress of the State educational agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii).

(g) PUBLICATION.—A notice of the Secretary's decision to grant waivers under subsection (a)(1) and to authorize State educational agencies to issue waivers under subsection (e) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 202. EXPANSION OF SCHOOLWIDE PROGRAMS.

Section 1114(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) is amended by striking "if, for the initial year of the schoolwide program" and all that follows through the end and inserting a period.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–726.

Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment number 1 printed in House Report 105–726.

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 105–726 offered by Mrs. MINK of Hawaii:

Page 17, strike lines 11 through 13.

The CHAIRMAN. Pursuant to House Resolution 543, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

REQUEST FOR MODIFICATION OF AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I ask unanimous consent that my amendment be modified to include the Alaska Native Education Act.

Mr. GOODLING. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. MINK of Hawaii. Madam Chairman, I yield myself such time as I may consume.

The inclusion of the Native American in Alaska and Hawaii in this list of 31 programs that are to be block granted is wholly inappropriate and basically inexplicable. The whole purpose of this list, as I have been able to rationalize it, is that presumably those programs were to have some national perspective and, therefore, lumping all of the monies in these programs into one block grant and allowing the States to make a decision as to which ones they wanted funded was the purpose of the legislation.

Unfortunately, in drafting the list of 31 programs, the majority included the Alaska Native Education Program and the Hawaii Native Education Act. And it makes no sense, because these two programs are designated specifically for the Native American population in these two States. To take the monies away from this program and put it into a block grant making the total dollars available for the entire Nation and sacrificing these two designated programs is absolutely untenable.

The Native Hawaiian Education Act was established by Congress in 1988 and it was part of the Federal Government's assumption of responsibility for the Native Americans that were in the State of Hawaii. That was true also for the Alaskan native peoples as well.

The program is comprised of 6 programs and is funded in fiscal year 1998 at $18 million. To completely obliterate this special funding denies my State and the Native American population in my State of $18 million and puts this whole funding into a national pot.

Notwithstanding what the majority has been saying about the funding, I have been advised that if this bill is enacted into law, that my State will lose 67 percent of the funding based upon the current level of funding in our programs, and Alaska will lose 52 percent, and we are the two States with the highest loss. That is directly attributable to the loss of this specific funding, which we would otherwise be entitled to receive.

The Congress has a unique responsibility to Native Americans. There are no other Native American programs that are included in the 31 that are being eliminated, except for Hawaii and Alaska. It is a basic failure to understand the purpose and policies that were behind the enactment of these special laws.

The Native Hawaiian Education Act is an acknowledgment of the Federal Government's responsibility for the improvement of the quality of education, the quality of health and other areas of our native population.

Therefore, I hope that this House will recognize the uniqueness of these two programs and support the amendment that I have offered.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. BOEHNER), our leader.

Mr. BOEHNER. Madam Chairman, I thank the gentleman from Pennsylvania, the chairman of the committee, for yielding me time on this very important amendment offered by our good friend from Hawaii.

About four years ago I offered an amendment on this floor during the appropriations process to eliminate this $5 million program called the Native Hawaiian Education program, intended to provide some money to help in the education of native Hawaiian children. The reason for that is very simple. In Hawaii there is the Bishop estate left by the heir to King Kamehameha and this Bishop estate has a $10 billion endowment. That is $10 billion.

Their sole purpose, their sole charter is to educate native Hawaiian children.

This estate has squandered this money for a number of years to the point where the school that receives this funding of the amendment offered by my friend from Hawaii, this school is being investigated by the Attorney General in the State of Hawaii. The school is being audited, investigated by the Internal Revenue Service. The trustees of this Bishop estate are paid, in 1996, $843,109, $843,000 to each trustee, more than what most CEOs in America are paid.

I think the Bishop estate has its own series of problems. The Clinton administration, in 1997, zero funded this same program because they said that the services provided by the special $5 million grant were already covered under other programs that these children would qualify for.

This is nothing more than $5 million worth of extra pork intended to go to one State. It is unnecessary, and the amendment should absolutely be defeated.

Mrs. MINK of Hawaii. Madam Chairman, I yield the balance of my time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, it is very difficult to talk about the amendment which we have in front of us when the gentleman from Ohio (Mr. BOEHNER) has brought up an entirely extraneous point.

I hope the chairman will recognize this stuff and that this has nothing to do with the amendment. The estate that he is talking about is involved with a private school. We are talking about public funds here that go to public schools. It has absolutely nothing to do with the Bishop estate, with the Kamehameha school. None of this money goes to that school or to the estate.

This is a completely extraneous issue, and I beg the Members, please, not to be, I will say misled, because maybe the gentleman from Ohio (Mr. BOEHNER) has a misconception. I would be happy to discuss it with him at some other point. Our amendment has to do with this block grant proposal. I indicated to the chairman yesterday and to the gentleman from New York (Mr. SOLOMON) that we were not arguing with the block grant proposal. That is an argument for another day.

What we are saying is that we will be eliminated. The gentleman from Ohio (Mr. BOEHNER) himself used the word "eliminate" because that was the object. We would be eliminated, as would the native Alaskans. So all we are asking for is consideration, not an exception but consideration to be included. If this amendment does not pass, the likelihood of our being able to be included in the block grant in any way that would allow us to adequately participate in any of these programs is virtually eliminated.

I beg the Members, we can argue at length, and I would be happy to do it, not argue but discuss at length the efficacy of the gentleman from Ohio's (Mr. BOEHNER) remarks in another context. But with this particular amendment, I urge with all the sincerity that I can that we not confuse the issue of the public schools, the money to go to children that would otherwise not necessarily have the opportunity if the amendment does not pass.

Mr. GOODLING. Madam Chairman, I yield myself the balance of my time.

Because I have the greatest admiration and respect for the gentlewoman from Hawaii and because I enjoy her company, publicly, that is, better make that clear, I am going to ask everyone to vote no on her amendment.

Why would I do that if I have that much respect for her? Because I want to give her more than 18 million to spend. At the present time she can only spend 18 million on her program, only 18 million. With this program that we are offering, she can spend the total, the total allocation of all of these programs on that one specific program.

Now, I am sure that the State of Hawaii will not neglect their obligation to native Hawaiians. In fact, she assured me that would not happen. So I want Members to vote no on the gentlewoman's amendment because I want her to be able to spend more than 18 million, and the only way she can do that is if we defeat her amendment and pass the underlying legislation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MINK of Hawaii. Madam Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 543, further proceedings on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–726.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Madam Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute printed in House Report 105–726 offered by Mr. MARTINEZ:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Class-Size Reduction and Teacher Quality Act of 1998".

(b) FINDINGS.—The Congress finds the following:

(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were three-quarters of a school year ahead of their counterparts in larger-than-average classes.

(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education.

(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if well-prepared teachers are hired and appropriately assigned to fill additional classroom positions and if teachers receive intensive, continuing training in working effectively in smaller classroom settings.

(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades one through three, and by helping to ensure that the new teachers brought into the classroom are well prepared.

SEC. 2. PURPOSE.

The purpose of this Act is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a seven-year period in order to—

(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

SEC. 3. PROGRAM FUNDING.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,100,000,000 for fiscal year 1999, $1,300,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for each of the fiscal years 2005 through 2008.

SEC. 4. ALLOCATIONS TO STATES.

(a) RESERVATION FOR EVALUATION.—From the amount appropriated pursuant to section 3 for each fiscal year, the Secretary may reserve up to $2 million to carry out the evaluation described in section 13.

(b) RESERVATION FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.—Of the amount appropriated pursuant to section 3 for each fiscal year and remaining after any reservation under subsection (a), the Secretary shall reserve a total of not more than 1 percent to make payments, on the basis of their respective needs, to—

(1) American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands for activities, approved by the Secretary, consistent with this Act; and

(2) the Secretary of the Interior for activities, approved by the Secretary, consistent with this Act in schools operated or supported by the Bureau of Indian Affairs.

(c) ALLOCATIONS TO STATES.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate to each State an amount that bears the same relationship to the remaining amount as the amount of funding the State received under section 1122 of the Elementary and Secondary Education Act of 1965 for the previous fiscal year bore to the total amount available for allocation under that section.

(2) If any State chooses not to participate in the program under this Act, or fails to submit an approvable application, the Secretary shall reallocate its allocation to the remaining States, in accordance with paragraph (1).

SEC. 5. APPLICATIONS.

(a) APPLICATION REQUIRED.—The State educational agency of each State desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application shall include—

(1) the State's goals for using funds under this Act to reduce average class sizes in regular classrooms in grades 1 through 3, including—

(A) a description of current regular classroom class sizes in the local educational agencies of the State;

(B) a description of the State's plan for using funds under this Act to reduce the average class size in regular classrooms in those grades; and

(C) the regular classroom class-size goals the State intends to reach and a justification for those goals;

(2) a description of the State educational agency's plan for allocating program funds within the State, including—

(A) an estimate of the impact of those allocations on class sizes in the individual local educational agencies of the State;

(B) an assurance that the State educational agency will make this plan public within the State; and

(C) a description of the current and projected capacity of the State's school facilities to accommodate reduced class sizes;

(3) a description of the State educational agency's strategy for improving teacher quality in grades 1 through 3 within the State (which may be part of a broader strategy to improve teacher quality generally), including—

(A) the actions it will take to ensure the availability, within the State, of a pool of well-prepared, certified teachers to fill the positions created with funds under this Act; and

(B) a description of how the State educational agency and the local educational agencies in the State will ensure that—

(i) individuals hired for positions created with program funds (which may include individuals who have pursued "alternative routes" to certification) will meet all of the State's current requirements for full certification, or will be making satisfactory progress toward achieving full certification within three years;

(ii) teachers in first through third grade will be prepared to teach reading effectively to all children, including those with special needs, and will take part in continuing professional development in effective reading instruction and in teaching effectively in small classes; and

(iii) individuals hired as beginning teachers in first through third grade will be required to pass a teacher competency test selected by the State;

(4) a description of how the State will use other funds, including other Federal funds, to improve teacher quality and reading achievement within the State;

(5) a description of how the State will hold local educational agencies that use a significant portion of their allocations under section 8(a)(2)(B) accountable for that use of funds;

(6) an assurance that the local educational agency and its schools will comply with the requirements of subsections (a) and (b) of section 11; and

(7) an assurance that the State educational agency will submit such reports and information as the Secretary may reasonably require.

(c) APPROVAL OF APPLICATIONS.—The Secretary shall approve a State's application if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this Act.

SEC. 6. WITHIN-STATE ALLOCATIONS.

(a) STATE-LEVEL EXPENSES.—Each State may use not more than a total of one-half of one percent of the amount it receives under this part for any fiscal year or $50,000, whichever is greater, for the administration costs of the State educational agency and for State-level activities described in section 7.

(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—(1) Each State shall use the remainder of its allocation to make subgrants to local educational agencies, for the purpose of reducing class size and improving instruction in grades 1 through 3, on the basis of—

(A) current or projected regular classroom class sizes in grades 1 through 3 in those agencies; and

(B) the relative ability and effort of those agencies to finance class-size reductions with their own funds.

(2) Each State shall make the allocations described in paragraph (1) in such manner as to enable local educational agencies to reduce their average class sizes in regular classrooms, in grades 1 through 3, to the average class size proposed in the State application.

(3) Notwithstanding paragraph (2), each State shall ensure, in allocating funds under this subsection, that each local educational agency in which at least 30 percent of the children are from low-income families, or in which there are at least 10,000 children from such families, receives at least the same share of those funds as it received of the State's allocation under section 1122 of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(c) MAINTENANCE OF EFFORT.—(1) A local educational agency may receive an allocation under this section for any fiscal year only if it submits to, or has on file with, the State educational agency an assurance that it will spend at least as much from non-Federal sources as it spent in the previous year for the combination of—

(A) teachers in regular classrooms in grades 1 through 3 in schools receiving benefits under this Act; and

(B) the quality-improvement activities described in section 8(b).

(2) The Secretary may waive or modify the requirement of paragraph (1) for a local educational agency if the Secretary determines that doing so would be equitable due to exceptional or uncontrollable circumstances affecting that agency.

SEC. 7. STATE-LEVEL ACTIVITIES.

East State educational agency may use the funds it reserves for State-level activities under section 6(a) to carry out activities described in its application, which may include such activities as—

(1) strengthening State teacher licensure and certification standards;

(2) developing or strengthening, and administering, teacher competency tests for beginning teachers; and

(3) program monitoring and other administrative costs associated with operating the program.

SEC. 8. USES OF FUNDS.

(a) IN GENERAL.—(1) Each local educational agency shall use all funds it receives from the State under this Act, except for funds it reserves under subsection (b), to pay the salaries of, and benefits for, the additional teachers needed to reduce class sizes in grades 1 through 3 to the level set by the State as its goal in the State application.

(2) A local educational agency that has already reached this level may use those funds to—

(A) make further class-size reductions in grades 1 through 3;

(B) reduce class sizes in kindergarten or other grades; or

(C) undertake quality-improvement activities under subsection (b).

(b) QUALITY IMPROVEMENT.—(1) Each local educational agency shall use at least 10 percent of the funds it receives under this Act for each of the fiscal years 1999 through 2003 for activities to ensure that teachers who will teach smaller classes are prepared to teach reading and other subjects effectively in a smaller class setting.

(2) The activities described in paragraph (1) may include—

(A) training teachers in effective reading instructional practices (including practices for teaching students who experience initial difficulty in learning to read) and in effective instructional practices in small classes;

(B) paying the costs for uncertified teachers hired in grades 1 through 3 to obtain full certification within three years;

(C) providing mentors or other support for teachers in grades 1 through 3;

(D) improving recruitment of teachers for schools that have a particularly difficult time hiring certified instructors; and

(E) providing scholarships or other aid for education and education-related expenses to paraprofessionals or undergraduate students in order to expand the pool of well-prepared and certified teachers.

SEC. 9. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this Act may be up to 100 percent in local educational agencies with child-poverty levels greater than 40 percent, but shall be no more than—

(1) 95 percent in local educational agencies with child-poverty rates of more than 30 percent but not more than 40 percent;

(2) 85 percent in local educational agencies with child-poverty rates of more than 20 percent but not more than 30 percent;

(3) 75 percent in local educational agencies with child-poverty rates of more than 10 percent but not more than 20 percent; and

(4) 65 percent in local educational agencies with child-poverty rates of not more than 10 percent.

(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this Act through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) of the Elementary and Secondary Education Act of 1965 to one or more schoolwide programs under section 1114 of that Act, it may use those funds for the non-

Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) of that Act and notwithstanding section 1114(a)(3)(B) of that Act.

SEC. 10. CARRYOVER OF FUNDS.

Notwithstanding any other provision of law, any funds received under this Act by a State or by a local educational agency shall remain available for obligation and expenditure by the State or local agency for one fiscal year beyond the fiscal year described in section 421(b) of the General Educational Provisions Act.

SEC. 11. ACCOUNTABILITY.

(a) SCHOOL REPORT.—Each school benefitting from the program under this Act, or the local educational agency for that school, shall produce an annual report to parents and the general public on its student achievement in reading (using available evidence of reading achievement of its students in grades 1 through 5 and the assessments the State uses under part A of title I of the Elementary and Secondary Education Act of 1965, disaggregated as required under that part), average class size in its regular classrooms, and teacher certification and related academic qualifications in grades 1 through 3.

(b) LOCAL EDUCATIONAL AGENCY REPORTS.—(1) INTERM REPORTS.—Each local educational agency shall provide each year, to its State educational agency, a report summarizing the information reported by, or for, its schools under subsection (a).

(2) SUBSEQUENT REPORTS.—Within three years of receiving funding under this Act, and each year thereafter, each local educational agency shall provide evidence, to its State educational agency, of the reading achievement of its students, in grade 3, 4, or 5 in schools served under this Act, which shall be—

(A) in a form determined by the State educational agency;

(B) based on the assessments that the local educational agency is using under title I of the Elementary and Secondary Education Act of 1965, or on comparably rigorous State or local assessments; and

(C) disaggregated to show the achievement of students in individual schools and of students separately by race and by gender, as well as for students with disabilities, students with limited English proficiency, migrant students, and students who are economically disadvantaged.

(c) PROGRAM-IMPROVEMENT PLAN.—A local educational agency with schools that fail to show improvement in reading achievement within three years of receiving funds under this Act shall, with the approval of the State educational agency, develop and implement a program-improvement plan to improve student performance.

(d) REDUCED LOCAL ALLOCATIONS.—If a school participating in the program under this Act fails to show improvement in reading achievement of its students within two years after the local educational agency develops a plan subsection (b), the State educational agency shall reduce the allocation to that local agency by an amount equal to the share of the local agency's allocation attributable to that school.

SEC. 12. PARTICIPATION OF PRIVATE SCHOOL TEACHERS.

Each local educational agency receiving funds under this Act shall, after timely and meaningful consultation with appropriate private school officials, provide for the inclusion (in a manner proportionate to the number of children residing in the area served by the agency's project under this Act who attend private schools) of private school teachers in the professional-development activities the agency and its schools carry out with those funds.

SEC. 13. EVALUATION.

With funds reserved under section 4(a), the Secretary shall carry out an evaluation of the program authorized by this Act, including a measurement of its effectiveness in accordance with the Government Performance and Results Act of 1993.

SEC. 14. WAIVERS.

The Secretary may, at the request of a State educational agency, waiver or modify a requirement of this Act if the Secretary determines that such requirement impedes the ability of the State to carry out the purpose of this Act and that providing a waiver would better promote the purpose of this Act.

SEC. 15. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(3) STATE.—The term "State" means each of the 50 States, the District of Columbia, and Puerto Rico.

The CHAIRMAN. Pursuant to House Resolution 543, the gentleman from California (Mr. MARTINEZ) and a Member opposed, each will control 30 minutes.

□ 1030

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) claim the time in opposition?

Mr. GOODLING. I claim the time in opposition, Madam Chairman.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) will control 30 minutes in opposition.

The gentleman from California (Mr. Martinez) is recognized.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

The amendment I have will establish an initiative to reduce class sizes in grades 1, 2, and 3 to an average of 18 students per class by the year 2005. It would enable schools to hire over 100,000 additional teachers and would require school districts to contribute matching funds, with the amount of the match depending on the level of poverty in the district. Funds could be used to recruit, train, and pay teacher salaries of the additional teachers necessary to reduce the class size, and to ensure that all teachers are equipped with the latest and most successful instructional techniques. In ensuring this program has strong accountability provisions, school districts would be required to demonstrate how reduced class sizes are resulting in increased student achievement.

This amendment would help make sure that every child receives personal attention, gets a solid foundation for further learning, and learns to read independently by the end of the third grade. The impact of reducing class size was highlighted in the recent report issued by the Department of Education, "Reducing Class Size: What Do We Know?" This report reached three conclusions:

Research shows that smaller classes promote student achievement in early grades. The significant effect of class size reduction on student achievement appears when class size is reduced to the point between 15 and 20 students. If class size is reduced from substantially more than 20 students per class to below 20 students, the related increase in student achievement moves the average student from the 50th percentile up to the 60th percentile. For disadvantaged minorities, the effect is even larger.

Students and teachers and parents report positive effects from the impact of class size reduction on the quality of classroom activity. Most importantly, the study shows that 25 States already have started or are considering some sort of class size reduction initiative showing how this initiative truly has widespread support.

Madam Chairman, I believe this amendment is a critically important aspect of the education reform for today's schools and urge all Members to support its adoption.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment. This amendment is just the opposite of what we should be trying to do if we really are interested in reform in local school districts.

One size fits all has no place in this debate whatsoever. That has been the problem. With the money they now get, they can take it all and reduce class size. That is the beauty of this. If that is their most important initiative. But let me tell my colleagues, there had better be another initiative that is even more important, and that is teacher preparation. I do not care what size the class may be in relationship to students, if there is not a competent teacher in that classroom, it is not going to make a difference. Many sisters who taught in large classes for years will attest to that. It was the excellence of the teacher and the control of the teacher of the classroom.

So I do not want to tell somebody that they have to use this money to reduce class size. I want to tell them if that is what they want to do, that is allowable. And if they are going to prepare the teachers for those reduced classes, that is allowable. So the beauty of what the gentleman from Pennsylvania (Mr. PITTS) is offering is the fact that it gives those local areas the opportunity to determine what they need most in order to improve education in their local area. And that is what we should be considering.

We have to forget the bureaucrats who are campaigning against any changes because of what they get as far as the bureaucracy is concerned. And many of them are private, and they still get these grants. Many of them are grants that they do not even have to compete. So, again, let us not mix apples and oranges.

We have a golden opportunity. If in our districts we want to reduce class size, we can use the money for that purpose. If we want to better prepare teachers so that they can better teach, we can use it for that. If we want to use it because the equipment and the textbooks and so on are in bad shape, it can be used for that. It can be used for a combination of things. But, please, do not come here and tell the local district one more time that we, in Washington, D.C., have all the answers and they can only use the money specifically as we say, one size fits all.

Let me close just by again reminding everyone: The money that is available here can be used for the same activities that they have been using the money for in the past. What we take away is the one size fits all, we take away the paperwork, and we give them the flexibility to determine what is most important in their local district to improve education for all children.

Madam Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume to just comment that the gentleman has just said it: They can use the money for anything they feel like. So that if those programs that have been protected for so long by the national interest are not of vital concern to that locality, they will not use the money for it. So, in reality, the beauty of this, as they see it, is that these things may never happen.

Madam Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I rise in support of the amendment to reduce class size and opposition to the underlying bill.

Because I wish I were as wealthy as Bill Gates does not mean I am. If I wish that I could be as great a basketball player as Michael Jordan, it does not mean I am. And this debate is not about what we wish, it is not about families. Because I even agree with the philosophy of trying to drive more dollars to our local schools and classrooms and that parents and teachers should be in charge. This debate is not about families, it is about facts. It is about where this money is and where it actually goes.

To get to the facts, with all due respect, we said, let us see how all 50 States come out of this formula from this block grant that the chairman has devised, and so we said that we would not use the chairman's number, out of all due respect, and we would not use the Department of Education numbers either, and we would not use the Democrat or Republican numbers. We went to the CRS. The Congressional Research Service is a bipartisan organization. We wanted to see what they say, with the thick glasses and the green eyeshades and pounding the statistics.

Well, here are the facts: They say 27 States lose money. Twenty-seven States lose money.

Fact one. When we send money to the State and the local schools, 27 States come out lower under this bill.

Fact two. And we all know this is a fact. We can authorize and wish and hope and pray under this committee that we are going to get this money, but when the appropriation committee cuts this money by $550 million, a half a billion dollars cut, more States lose money.

So the fact of the matter is, my colleagues, look at the CRS money.

This is not a debate on a philosophy that I think we all disagree on: Trying to get our parents and teachers more involved in our local schools, trying to get our families more involved. It is not over promising to the parents and others that they are going to get all this money. Let us be truthful. Let us be real. Let us look at the facts.

The second point on this amendment. If we are going to make a difference in schools, it is with charter schools and public choice, it is with better trained teachers, it is with accountability and family involvement, and it is with discipline. And, with this amendment, it is with more teachers, better-trained teachers, and less children in the classroom.

This amendment, if we are going to make a difference, as this amendment does, reduces the average class size from 26 to 18. A teacher is teaching 18 children rather than 26. That is a huge difference. In Indiana, we have the Indiana prime time in first grades, where when we do this, reading scores are going up and up and up.

Let us make a difference, making the hard choices, providing more teachers and providing better ratios for our teachers in our schools. Vote for the Clay amendment.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume, before yielding to my colleague from Pennsylvania, to make sure everybody understands that fact one is totally wrong. CRS has made it very clear that that is totally wrong. And, in fact, in fact one he is again mixing apples and oranges. He is talking about an appropriation bill. We do not know what the appropriation bill will be when it is completed. I will guarantee it will be more, as it always is every year.

Fact two. Completely wrong. Mixing apples and oranges, because he is talking about an appropriation bill. CRS did this very clearly, very carefully, and the State of Indiana will receive $5,432,568 more down to the classroom to help reduce class size and to help better prepare teachers.

Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, again the Democrats are cooking the books. This amendment takes away the States' flexibility that we are trying to provide under our bill. It is based on the philosophy that the Federal Government knows best. The States and local districts should be making the decisions about how best to achieve the goal of improved student performance.

Under this amendment, States are allowed to use only one-half of 1 percent of their funds to carry out activities relating to improving teacher quality. At the local level such use of funds are only allowable after they have met certain specific targets in class size reduction. In effect, this amendment puts a very low priority on the importance of teacher quality and too much faith in the benefits of class size reduction.

In fact, teacher quality is more important than class size. After all, what good is a classroom of 20 or 10 or even 5 students if the teacher has no idea about the subject in which he or she is teaching? We have seen massive class size reduction efforts in several States that have led to negative impacts in certain poor and rural areas where already they are experiencing shortage of qualified teachers. A mandate that further reduces class size will, in effect, force them to hire more inexperienced and unqualified teachers with emergency license.

This amendment will only force thousands more children to be sent into trailers parked in the backs of schools. Is this what the supporters of this amendment really want? The quality of the teacher is much more important. We should emphasize that and let the local districts and the States, who understand that, have that flexibility.

Mr. MARTINEZ. Madam Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I thank the ranking member from California for yielding me this time, and would ask that Members study the CRS numbers, which I will submit for the RECORD, and see for themselves the 27 States that are cut under this funding.

I think it is very important for my colleagues to be able to see not what the Republican committee has put together, not what the Democratic administration at the Department of Education has put together, but what the nonpartisan number crunchers at CRS have put together. I would ask Members to look at the 27 States that are cut under those figures. And more States will be cut under that table when the Committee on Appropriations follows through on a $550 million cut in the appropriations process, when that bill comes to the floor.

Now, the committee chairman says it is apples and oranges. We all know that an authorization bill is directly tied to the appropriation bill and the appropriators determine the funding level. That is fact.

Madam Chairman, the tables I referred to above are submitted herewith:

Alaska—52.3% ($11,395,724)
  Young
Connecticut—8.5% ($2,566,669)
  Shaps
  Johnson
Delaware—13.2% ($1,538,907)
  Castle
D.C.—66.2% ($19,594,406)
Hawaii—67.5% ($23,428,242)
Idaho—7.8% ($1,022,722)
  Chenoweth
  Crapo
Iowa—39.8% ($15,248,832)
  Leach
  Nussle
  Ganske
  Latham
Kansas—0.6% ($151,556)
  Moran
  Ryun
  Snowbarger
  Tiahrt
Louisiana—5.3% ($3,293,031)
  Livingston
  Tauzin
  McCrery
  Cooksey
  Baker
Maryland—3.7% ($1,617,157)
  Gilchrest
  Ehrlich
  Bartlett
  Morella
Massachusetts—10.1% ($6,040,778)
Montana—12.2% ($1,590,614)
  Hill
Nebraska—31.7% ($6,830,260)
  Bereuter
  Christensen
  Barrett
Nevada—2.0% ($257,989)
  Ensign
  Gibbons
New Hampshire—17.3% ($2,296,611)
  Sununu
  Bass
New Mexico—18.5% ($4,841,853)
  Wilson
  Skeen
  Redmond
North Dakota—22.0% ($2,851,323)
Oklahoma—5.5% ($1,916,615)
  Largent
  Coburn
  Watkins
  Watts
  Istook
  Lucas
Oregon—0.9% ($268,893)
  Smith
Rhode Island—29.5% ($4,738,033)
South Carolina—0.7% ($242,524)
  Sanford
  Spence
  Graham
  Inglis
South Dakota—25.9% ($3,693,337)
  Thune
Utah—13.1% ($2,840,436)
  Hansen
  Cook
  Cannon
Vermont—17.4% ($2,075,763)
Virginia—4.3% ($2,241,574)
  Bateman
  Goodlatte
  Bliley
  Wolf
  Davis
Washington—16.5% ($9,409,741)
  White
  Metcalf
  Smith
  Hastings
  Nethercutt
  Dunn
West Virginia—10.8% ($2,635,214)
Wyoming—17.4% ($2,032,323)
  Cubin

TABLE 11C.—ESTIMATED STATE ALLOCATIONS UNDER H.R. 3248, AS ORDERED TO BE REPORTED, COMPARED TO ESTIMATES PREPARED BY THE U.S. DEPARTMENT OF EDUCATION (ED) OF FY1998 GRANTS UNDER ALL PROGRAMS PROPOSED TO BE CONSOLIDATED UNDER H.R. 3248

[H.R. 3248 Estimates: An Amount Equal to FY1998 Allocations Under Formula Grant Programs To Be Consolidated Is First Allocated To Each State. Next, Remaining Block Grant Appropriations (Assumed To Be Equal To $2.74 Billion Minus the Formula Grant Portion) Are Allocated With 50% In Proportion To ESEA Title I, Part A Grants And 50% In Proportion To Population Aged 5–17. Grants Are Estimated At The Maximum Authorized Level For FY1999.]

[ED Estimates of FY1998 Grants: Include Actual Or Projected Grants Under All Programs Proposed To Be Consolidated. For Grants to Entities That Provide Services Nationwide, Funds Are Spread Among All States, In Proportion To Population Aged 5–17. Data Were Received From ED on Sept. 15, 1998.]

State	Total estimated grant under H.R. 3248 at FY1999 authorized level	ED estimates of total FY1998 grants	Percentage difference
Alabama	$43,427,000	$37,847,464	14.7
Alaska	10,396,000	21,791,724	−52.3
Arizona	42,557,000	39,586,425	7.5
Arkansas	26,450,000	21,687,428	22.0
California	315,580,000	298,178,752	5.8
Colorado	31,706,000	31,361,652	1.1
Connecticut	27,552,000	30,118,669	−8.5
Delaware	10,134,000	11,672,901	−13.2
District of Columbia	10,009,000	29,603,406	−66.2
Florida	126,307,000	120,603,903	4.7
Georgia	72,595,000	62,047,160	17.0
Hawaii	11,295,000	34,723,242	−67.5
Idaho	12,016,000	13,038,722	−7.8
Illinois	118,597,000	106,357,682	11.5
Indiana	48,734,000	47,454,205	2.7
Iowa	23,036,000	38,284,832	−39.8
Kansas	23,464,000	23,615,556	−0.6
Kentucky	42,372,000	37,141,163	14.1
Louisiana	59,024,000	62,317,031	−5.3
Maine	12,505,000	12,142,653	3.0
Maryland	42,122,000	43,739,157	−3.7
Massachusetts	53,801,000	59,841,778	−10.1
Michigan	109,986,000	90,721,762	21.2
Minnesota	40,119,000	36,383,455	10.3
Mississippi	37,531,000	32,293,424	16.2
Missouri	49,873,000	49,857,568	0.0
Montana	11,462,000	13,052,614	−12.2
Nebraska	14,727,000	21,557,260	−31.7
Nevada	12,648,000	12,905,989	−2.0
New Hampshire	10,987,000	13,283,611	−17.3
New Jersey	66,235,000	54,511,691	21.5
New Mexico	21,328,000	26,175,853	−18.3
New York	211,655,000	185,851,927	13.9
North Carolina	59,565,000	59,271,274	0.5
North Dakota	10,131,000	12,982,323	−22.0
Ohio	110,142,000	96,755,688	13.8
Oklahoma	32,982,000	34,898,615	−5.5
Oregon	28,316,000	28,584,893	−0.9
Pennsylvania	116,992,000	106,949,829	9.4
Rhode Island	11,349,000	16,087,033	−29.5
South Carolina	34,950,000	35,192,514	−0.7
South Dakota	10,562,000	14,255,337	−25.9
Tennessee	48,747,000	48,234,290	1.1
Texas	220,192,000	188,545,340	16.8
Utah	18,817,000	21,657,436	−13.1
Vermont	9,830,000	11,905,763	−17.4
Virginia	50,445,000	52,686,574	−4.3
Washington	47,584,000	56,993,741	−16.5
West Virginia	21,863,000	24,498,214	−10.8
Wisconsin	49,155,000	43,326,942	13.5
Wyoming	9,650,000	11,682,323	−17.4
Puerto Rico	71,099,000	51,413,604	38.3
Outlying Areas	13,700,000	12,140,665	12.8
BIA	13,700,000	9,749,076	40.5
Other		28,726,870	na
Total	2,740,000,000	2,686,289,000	2.0

Table prepared by CRS on Sept. 16, 1998.

☐ 1045

Mr. GOODLING. Madam Chairman, when the gentleman gets around to putting charts in the RECORD, I will put the CRS chart in that the CRS just recently sent us, which will disprove all of that.

Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA) a very important member of the committee who will be receiving $12,253,118 for her local classrooms through this legislation.

Mrs. ROUKEMA. Madam Chairman, I know we will put it to good use. Absolutely. Because in this legislation and, by the way, I oppose this gutting amendment, but in this legislation, not only are we giving that local discretion to the informed people at the local level who know what their choices are and what their needs are, but we have here a vast number of really good options open to them. I think the debate thus far has distorted the meaning of the options that are there at the local level. For example, the implication has been that you cannot have more teachers in the classroom. We not only have more teachers in the classroom but they can use it to decrease teacher-pupil ratio and increase professional development for teachers. I could go on about the various things. In fact, here in the report, there are a number with specificity to the professionalism and the way it is going to improve standards, whether it is math and science or computers right in the classroom. I want to stress, as a former teacher, as a former PTA President, and as a former school board member, we at the local level know where this money should be going. That is the best way to do this.

Finally, and I do not think it has been stressed enough, the State in this legislation must comply with reporting to Congress, and those requirements to report how the funds are spent. We are not just giving them a blank check with total discretion. But they have to report back and explain exactly how, with precision, those funds were used to increase student achievement by the measurement of the State standards.

I urge defeat of this gutting amendment and support for the bill.

Madam Chairman, I rise in strong support of the legislation before us today.

It is time for the federal government to leave more decision, and send more money, to the local level.

This legislation will send 95%—that is 95%—of every dollar to the local school district. This is a $2.68 billion bill that we are discussing. Based on last year's figures, that is over $2.54 billion that will go directly to local school districts!

But that is just the money in the various programs. This bill also allows the schools to use their limited federal dollars to focus on the areas of most importance to that school district. They will not be tied to use funds in a program dictated by the federal government, but instead can make their own informed discretion—choices such as teachers in the classroom options, 27 uses, professional development, math and science instructions, computers, and teachers-pupil ratios.

This legislation allows the local school district to decide what program it wants to emphasize. This bill consolidates 31 separate federal education programs, and pools that money together to send to the local school districts.

It will be the local school district that decides whether to use that money on programs to combat illiteracy, efforts to reduce the pupil-teacher ratio, activities of comprehensive school reform, or any of a long list of allowable activities.

As a former teacher, PTA president, and school board member in my home community, I have always been active in the local school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about our school are made by that local community.

This bill would allow the schools the option of continuing any of these 31 programs in their own school. The great benefit is that the school is not tied to any one particular program, but instead could use the funds for whichever program the school chooses to emphasize.

(b) LOCAL USES OF FUNDS.—Funds made available under this section to a local educational agency shall be used for the following classroom services and activities:

(1) Programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program.

(2) Professional development for instructional staff.

(3) Programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.

(4) Efforts to lengthen the school day or the school year.

(5) Programs to combat illiteracy in the student population.

(6) Programs to provide for the educational needs of gifted and talented children.

(7) Promising education reform projects that are tied to State student content and performance standards.

(8) Carrying out comprehensive school reform programs that are based on reliable research.

(9) Programs that are built upon partnerships between local educational agencies and institutions of higher education, educational service agencies, libraries, businesses, regional educational laboratories, or other educational entities, for the purpose of providing educational services consistent with this section.

(11) The acquisition of books, materials and equipment, payment of compensation of instructional staff, and instructional activities that are necessary for the conduct of programs in magnet schools.

(12) Programs to promote academic achievement among women and girls.

(13) Programs to provide for the educational needs of children with limited English proficiency or who are American Indian, Alaska Native, or Native Hawaiian.

(14) Activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

(15) Efforts to reduce the pupil-teacher ratio.

(16) Projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

(17) Projects and programs to integrate arts education into the regular elementary and secondary school curriculum.

(18) Programs designed to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

(19) Mathematics and science education instructional materials.

(20) Programs designed to improve the quality of student writing and learning and the teaching of writing as a learning process.

(21) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to effectively use such equipment and software.

(22) Computer software and hardware for instructional use.

(23) Developing, adapting, or expanding existing and new applications of technology.

(24) Acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student learning.

(25) After-school programs designed to engage children in a constructive manner and to promote their academic, developmental, and personal growth;

(26) Developing, constructing, acquiring, maintaining, operating, and obtaining technical assistance in the use of telecommunications audio and visual facilities and equipment for use in the classroom.

(27) Developing, acquiring, and obtaining technical assistance in the use of educational and instructional video programming for use in the classroom.

We all read about the many concerns people have with schools today. This is one way to improve our schools.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I rise in strong support of the Clay amendment to reduce class size. We know that the size of the class and the quality of education go hand in hand and that overcrowded classrooms are one of the biggest obstacles to improving education for our children. We now have studies to confirm what parents and teachers have known for years. The smaller the class size, the better the learning experience. Even the very Republican governor of my home State of California has made smaller class size a priority for our State. But it costs money to reduce class size. Smaller classes mean training and hiring more teachers and building more classrooms. The Clay amendment will give school districts a good start toward smaller classes. Matching Federal and local funds could be used to recruit, to train, to pay the salaries of new teachers. Unlike the Dollars to the Classroom block grant, the Clay amendment holds schools accountable for the use of these funds. It requires school districts to show how reduced class size results in increased student achievement.

I urge my colleagues, vote for the Clay amendment. Turn H.R. 3248 from a bill that takes dollars from the classroom into a bill that improves education for all of our kids.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Georgia, I want to make sure that no one thought that I was questioning the gentleman from Indiana's figures in relationship to the figures that he had. The figures that he had is a CRS study that includes nonprofits and nonschool district. We are only talking about money to the classroom in the local school district. That is a big difference.

Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD) another member of the committee who will receive $11,536,998 more to his local classrooms.

Mr. NORWOOD. Madam Chairman, we thank the chairman and, of course, we are delighted to see that. I want to point out that this is just the facts. This is just the facts, folks. We are going to get it right this particular time. I am really for reducing class size. That is important. But I am for each school district determining if they need to reduce their class size.

Madam Chairman, I rise in strong support of H.R. 3248, the Dollars to the Classroom Act. Guaranteeing that 95 percent of Federal funds for elementary and secondary schools is spent directly in the classroom and not on the bureaucracy is common sense.

A recent Department of Education study found that 15 percent of every Federal education dollar is eaten up by the Federal and State bureaucracy. I am sure they have got another study giving us another number. Everybody has got their studies. The bottom line is we want this money to go to the students and go to the classrooms where people at home can make the decision about what is best for their children. Having it eaten up by the Federal government, that should not be so.

If we are going to spend Federal dollars and, remember, that is your dollars that you send up here for education and education programs, then we should make sure that these dollars support those people who actually teach our children.

That is not the only reason why I support Dollars to the Classroom. Under this bill, the great State of Georgia will receive an additional $26 million for education. With this legislation, each classroom in the 10th District of Georgia, and I thank the gentleman from Pennsylvania (Mr. GOODLING), will receive an average of 425 additional dollars. For a modest size, 20-classroom school at home, that can mean an additional $8,500. Madam Chairman, that is real money for our teachers and principals and students. Not only will this bill spend more Federal education dollars directly in the classroom, it gives our schools greater flexibility to receive money for any of the authorized uses for the existing 31 programs block-granted under the bill. Schools can choose to put a greater amount of moneys into priorities such as school safety or school reform or teacher improvement and technology if that is what that school determines it needs. Again, the key here is that with the Dollars to the Classroom Act, we let the schools decide what their priorities are.

I plead with my colleagues, do not let the Department of Education confuse you. We are going to increase the number of dollars in this bill. I ask my colleagues to support H.R. 3248.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, when Europe needed to be rebuilt after World War II, we came forward with a massive Marshall Plan, $20 billion to start and much more afterwards. When we needed to educate our GIs coming home from World War II, we passed a massive GI Bill of Rights education program and it did the job. Now we need to retool our schools. We really need a massive investment in education. What we are doing is playing Republican Chinese checkers, trivializing the whole problem by shifting money around, abolishing the Department of Education's authority and playing games by promising more money when it is the same amount of money basically that we have always had. I think the seriousness of the situation is better reflected in the statement being prepared for the superintendents who will be convening here from some of the country's most challenged school districts on Saturday.

They have prepared a statement which reads as follows: "We believe that there is a great necessity for an immediate meaningful Federal increased investment in education. Funds for school construction, class size reduction, technology and communications services must be at the core of an expanded Federal appropriation for education. The E-rate must be preserved as a permanent vehicle to lessen telecommunications costs. Additional categories of increased Federal financial assistance are needed and welcome. However, there are no substitute programs for the priorities set forth above. The preservation of the public school as an institution requires a highly visible assault on the problems which serve as monstrous roadblocks to school reform progress. A safe physical environment conducive to study is an absolute necessity."

We cannot have reduced class size unless we have more classrooms. In my district, several schools have twice the number of students they were built for. All the schools are over capacity in my district. There are several schools that still have furnaces which burn coal so the children who sit in those classrooms are endangered by coal smoke. On and on it goes.

We need a total package starting with the President's school construction package at the heart of a Federal investment in education which is adequate to meet today's needs.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I rise in strong support of the ranking member's amendment. One of the really fundamental ways in which we can really direct dollars to the classroom which will have a meaningful, long-term benefit for our children is to establish a policy that the Federal Government is going to commit a block of money for the reduction of class size. In my State, this would be an enormous boon to the establishment of better quality education for a wide spectrum of our classrooms where children are still suffering under very, very large ratios of sometimes 30 or 32 students per classroom. We could ask the question, "Why don't you do something about the class size?" Well, basically the biggest difficulty that districts have is in the school construction area. So fundamentally, there probably should be an additional amendment which would go to school construction, because in order to lower class size, we have to find the accommodations for the classes. But basically if we are able to add 100,000 additional teachers to our school population of teachers throughout the country, this will bring an enormous benefit directly to the classroom, directly to the children. If this is the purported purpose of the majority's support of Federal educational programs, here is an opportunity to really support a direct program that will have a direct beneficial impact on the education of our children. Individualization of education through smaller class size is probably the best way in which we can improve quality education for our children. This is not simply a way in which Federal moneys pour in. It requires school districts to contribute matching funds. I am in full support of this program, this amendment, and I urge this House to adopt it.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from New York, I would merely say that there are several hundred thousand teachers presently working at other jobs because they cannot find teaching jobs where they want to teach. It would be amazing if we all of a sudden decided we ought to create 100,000 more since there is no study that indicates that there is any shortage now or will be in the near future. As I said, hundreds of thousands of teachers are now working at other jobs.

Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA) who like the other gentleman from New York who just spoke will receive in his State an additional $13 million going to the classrooms.

Mr. FOSSELLA. I thank the gentleman for yielding time.

Madam Chairman, I appreciate the intent of the sponsor of this amendment to improve education for all children across this country. However, I believe that the Dollars to the Classroom legislation is quite simply better.

In short, we believe that the State of New York and specifically the people of Staten Island and Brooklyn deserve the flexibility and the autonomy to spend their tax dollars as they see fit.

The reality as we heard is that with the Dollars to the Classroom legislation, the State of New York or the State of Hawaii or the State of Indiana can spend the money as they see fit. If they want to go out and hire more teachers, they can do so.

□ 1100

If P.S. 4 in Staten Island decides they want to start a softball team they can do so. If P.S. 36 wants to expand the size of the classrooms or limit the size of the classrooms; that is, the number of students in that classroom, they can do so under this legislation.

As my colleagues know, it is important to look at those who defend the status quo as opposed to those who really and truly want to seek ways to improve quality of education in this country. Yes, education is a national issue, but we believe it is a local responsibility, and getting the money from Washington, from Albany, down to Staten Island and Brooklyn is the right approach.

Just look at the last couple of months. Education savings accounts where we wanted to provide parents the opportunity to set money aside tax free to spend on their child's education, passed this House narrowly, passed the Senate, vetoed by the President. Opportunity Scholarships, 2,000 to the poorest children in the Washington, D.C. school system to allow them to escape the horror of the public school system in Washington, D.C., passed this House narrowly in the Senate, threatened veto by the President and all the defenders of the status quo. Once again we see it here, people who are truly concerned about giving parents and teachers and local school boards the responsibility, the flexibility, the autonomy to make the decisions best for their children, we see the defenders of the status quo.

Once again, I urge the adoption of Dollars to the Classroom.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I rise with harboring deep concerns about the utter absence of any accountability in H.R. 3248 which is why I am in support of the amendment of the gentleman from Missouri (Mr. CLAY). With 3248 I say to the gentleman from New York (Mr. FOSSELLA) who is my good friend that my major concern, and I would agree with him that more money is going to local school districts that make those decisions, this is the right thing to do. But here in the Congress we passed the Welfare Reform Act that made it clear that we wanted accountability from welfare recipients. I would ask my colleagues on both sides of the aisle why would we stop or why that principle does not apply here. I have no problem giving money to local school districts. All I would like to see is that they demonstrate to us that indeed what they are getting, the moneys they are getting from the taxpayers, is actually resulting in improvement or increased through the performance, which is why the Clay amendment is so important. It provides money to reduce class size from 26 to 18, but the money will be taken away if the school districts cannot demonstrate that the reduced class sizes has resulted and increased student performance.

3248: Gone would be technology for education, gone would be the Eisenhower Professional Development program. In the private sector we spend anywhere from 6 to 10 percent training and training and retraining workers. Why it is we do not see that it is important to spend that type of money to train and retrain teachers is beyond me. Gone would be the magnet schools programs. Gone would be charter schools. Gone would be the 21st Century Community Learning Centers. New ideas, new approaches; fresh ideas, fresh approaches.

Mr. Chairman, the Clay amendment is the right way to go for this reason: accountability, accountability, accountability. On this side of the aisle we constantly praise, and I must admit sometimes I am at odds with the Reagan legacy. But Ronald Reagan said something I think that even my good friend, the gentleman from California (Mr. CUNNINGHAM), would have to agree with: Trust but verify. That is all we are asking for on this side. If we are going to give money to these local agencies which are huge sums of money to Kentuckians, to Pennsylvania, to Alabama and to Tennessee, let us at least hold these agencies accountable for the students, for these 6-, 7-, 8-year-olds cannot vote, we can, their parents can. Let us hold them accountable and do the right thing.

Mr. Chairman, I would urge us to do the right thing and support the amendment.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out that there is 1½ pages of accountability in this legislation, very, very important accountability. They have to show how they have used the money and how it has improved their school district.

See, I wish we could get away from this business of saying that somehow or other the programs that we have had for the last 30 or 35 years worked wonders. If those programs had worked wonders, why are 40 percent of our children at the end of third grade not able to read at a third great level? If those programs worked so well where they accounted every penny, every penny that counters came in to do, if they worked so well, why would 50 percent of our students who graduate not do well in math and science?

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from that wonderful State of Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the distinguished gentleman from the wonderful State of California for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the Dollars to the Classroom Act and in support of the Clay substitute. We should be working to ensure that a free quality education is available to all elementary and secondary education students in the United States and one that is as equal as possible so that everyone has as equal a chance as everyone else. That is not the way it is today, and the fact is that the Dollars to the Classroom Act I believe would undermine public education in this country because the basis of the bill is that not enough funding is going directly to the classroom, but the independent, very respected auditors, Coopers & Lybrand, would disagree. In an independent audit of elementary and secondary education programs administered by DOE Coopers & Lybrand found that the Department spends $87 million to administer more than $20 billion in grants to elementary and secondary education. That is four-tenths of 1 percent. These programs include Eisenhower Professional Development Grants for teachers, Goals 2000, et cetera, et cetera, and States can determine how to spend that money as easily as they could with a block grant.

I do have concerns about the dissolution of the 31 programs consolidated into a block grant, but I am most disappointed at the lack of consideration for the school districts most in need of federal assistance who would lose title I assistance. The Federal share of funding is only a small percentage, as we know, of the overall dollars spent on public elementary and secondary education because most Federal education funding is raised at the local level through property taxes. High poverty areas are at an automatic disadvantage in funding for their public schools, and title I is their vital funding source to make up for that disparity in funding between public schools in high poverty areas and those in high income areas. Passage of this act would end this important program for those areas with the lowest tax bases. Rather than taking funding away from our public schools the substitute of the gentleman from Missouri (Mr. CLAY) would add additional funding to our classrooms. Under block grants, increases in the student body would be ignored despite the fact that school crowding is one of the most pressing problems. The Clay substitute would reduce class sizes, and it ought to be supported.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds just to make sure that people are not confused now that somehow or other title I money is going to be in this block grant. We made very, very sure other than some little tiny demonstration program, I made very sure that title I was not in, I made very sure that individuals with disabilities education is not in because those are the two, only two, big programs that the Department has, and I made very sure that they are not part of it. Some little tiny demonstration program, yes, IDEA and title I. No, they are not part of the block grant.

Mr. TORRES. Mr. Chairman, I yield myself such time as I may consume, again just to address the gentleman from Pennsylvania (Mr. GOODLING) before I would allow him to recognize someone because they have more time than we have. He said that yesterday in the Committee on Rules and I explained to him in the Committee on Rules he better read his own bill because in his bill there are two sections to title I that are excluded as repealed in this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I wanted to speak for this, speak on behalf of Dollars to the Classroom and against this amendment, because of how it works for Kentucky. Kentucky has long been cited for their education reform bill that was passed in 1990, and I was proud to have supported that bill and to have been on the partnership for the implementation of it.

The entire bill, the entire reform was based on the fact that schools know best what their talents are, what their obstacles are, what the challenges are, their unique children in that school face, and the ideal was to put the dollars in the hands of a cite-based decision-making counsel made up of parents, made up of school employees, made up of teachers and the principal, and all together now they have the right to hire the teacher, hire the principals. They have the right to divide up their allocation of money. And the one thing I hear repeatedly from them is please stop telling us from Washington how we have to spend our money, how we have to comply with all these little incremental spendings instead of giving us the ability to really freely address the challenges that most confront our kids.

I want to point out that Secretary Riley points to Kentucky very often when he speaks as the model of school-based reform, the model of what all schools should be after, and it is hard to believe that a Department of Education would support a program that would fly in the face of what he points to every day as a model of school reform.

This bill is compatible with education in Kentucky with school reform. The substitute that has been proposed absolutely goes in the opposite direction of everything he talks about being good for schools. How we would possibly take a step like that when both sides agree that schools succeed one school at a time, one classroom at a time, one child at a time, and they have to be free and able to use their resources to do that.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, at this time I just want to comment on the fact they keep saying over and over again that only 6 or 7 percent of the total amount of money that is spent on elementary and secondary education in this country come from federal resources. So 93 or 94 percent of the resources come from state and local governments, but when it comes time to talk about the condition of our schools which people want to say could be much better and are not all that they should be, 94 percent of the blame gets laid at the feet of the Federal Government and 7 or 6 percent of the blame gets laid at the local and State government.

The fact of the matter is every level of government has responsibility to step forward and participate in making sure that we have the best educational system we can possibly have. People in my district in Massachusetts understand that this is a responsibility that is shared. They do not want to place the blame, they want to get moving on doing some things that are going to help the educational system.

Block granting, it is never on the charts when we ask people how they want to help improve their schools. They do not want to combine programs, do away with accountability, let States shift money from programs that are national priorities to other areas and then eventually defund. They state very clearly what they want in Massachusetts is for the Federal Government to step forward and play a role to help them modernize their schools because locally they do not have the resource, they have been unable to do that. So they have asked, because it is a national issue and a national infrastructure question, that the Federal Government step forward and provide funds, that when it comes time to making the classrooms the appropriate size, when instruction can best be done, they have not got the resources. They have looked to the Federal Government to target that particular area, and they have said give us some resources, and that is what this amendment does, and that is the way this system should function.

We have seen time and time again through examples in Tennessee, in Indiana, in North Carolina and Wisconsin smaller classroom sizes, a smaller ratio of teachers to students, has a positive effect on the ability of those students to learn, maintain their grade level throughout, and do a better job eventually and lead to a better life and a better community.

Let us stop with the politicking, let us stop with the slogans. As my colleagues know, Dollars to the Classroom is something everybody wants. It is not going to be done by defunding education through this system or anything else, it is going to be done by an effective approach.

Mr. GOODLING. Mr. Chairman, I yield 15 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, we have heard speakers from Kentucky, Tennessee; I see one from Missouri.

Mr. Chairman, I enter into the RECORD letters which are unsolicited, expressing enthusiastic support from professional educators from Kentucky, Tennessee, Missouri, Louisiana, Kansas and several others.

The letters referred to are as follows:

KENTUCKY ASSOCIATION OF
PROFESSIONAL EDUCATORS,
Lexington, KY, July 6, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: On behalf of the members and board of directors of the Kentucky Association of Professional Educators (KAPE), I want to express enthusiastic support for H.R. 3248—Dollars to the Classroom Act.

It is time that: a shift in how federal education dollars can be delivered to our nation's schools; dollars go directly to the classroom while giving states and local educators more funding options; teachers' hands not be tied with heavy regulations and tightly restricted grant programs; educators have greater flexibility to receive money for any of the authorized uses of the existing 31 programs; school districts are able to choose how federal money will be put into priority initiatives such as school safety, school technology, teacher improvement, and school reform.

It is our hope that Republicans will be ready to counter the accusations that are sure to come, such as cutting education programs, gutting the U.S. Department of Education and hurting children. We hope you and the Republicans are prepared to aggressively prepare to respond with arguments outlining the real value and benefits of this act.

We encourage your continued efforts in seeing this piece of legislation passed.

Sincerely,

RUTH GREEN,
Executive Director.

PROFESSIONAL EDUCATORS
OF TENNESSEE,
Columbia TN, July 28, 1998.

DEAR REPRESENTATIVE PITTS: The Board of Directors of Professional Educators of Tennessee register their support for the principles of: (1) using more of the money returned to the states from the federal government in the classroom instead of in bureaucratic offices, (2) allowing the states greater discretion in the use of dollars returned to the states by the federal government and (3) giving those closer to the child a greater voice in how education funds are spend; and finding these principles in the Dollars to the Classroom Act (H.R. 3248) by Representative Joseph Pitts of Pennsylvania and Senator Tim Hutchinson of Arkansas; we do endorse the Dollars to the Classroom Act; and encourage our Tennessee Representatives and Senators to support and vote for the Dollars to the Classroom Act.

Professional Educators of Tennessee is an organization of two thousand Tennesseans employed in education or preparing for a career in education. Sixteen percent of our members are education students in the universities of Tennessee. Of the remaining members, ninety-seven percent are teachers and administrators in the public schools of Tennessee. Professional Educators of Tennessee has a presence in 89 public school systems in Tennessee.

Sincerely

WALTER JEWELL,
Executive Director.

PROFESSIONAL EDUCATORS
OF IOWA,
Oskaloosa, IA, July 21, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

Dear Representative Pitts: On behalf of the members and board of directors of Professional Educators of Iowa (PEI), I am expressing our support for H.R. 3248—Dollars to the Classroom Act.

PEI was formed in 1981 by a group of educators that were concerned about the direction that the Iowa State Education Association, a subsidiary of the National Education Association, was leading teachers in Iowa with their philosophies and methods. These brave educators felt the need for a professional alternative that keeps the best interest of children first.

PEI is a nonprofit, nonpartisan; professional alternative to the labor union mentality that we believe is not good for public teachers and their students. We believe that educators should have the freedom to choose the organizations to which they want to belong. We also believe that local control of our schools is essential for the children of their respective districts. This allows parental involvement in educational programs, systems, curriculums and policies. Systemic change must occur before there can be any significant improvement in the public systems. Funding streams can be a key to positive change.

In our spring survey, one of the questions we asked our membership was if block-grant federal education dollars should be given back to the state government to spend as they see fit. The response is as follows: 50%—yes; 7%—no; 26%—need more information; 17%—no response. Another question we posed was that if block-grant funding passed, should it have provision to eliminate the Federal Department of Education within a specified time. The response is as follows: 44%—yes; 9%—no; 31%—need more information; 16%—no response.

We believe that the overwhelming majority of Professional Educators of Iowa members will support the Dollars to the Classroom Act when they have an understanding of the consolidation of other money streams and the return to local control.

The growth of Professional Educators of Iowa (over 600% since 1994) should help in your courageous battle to loosen government control, and resist the giant union lobby to do what is right and best for our children. Representative Pitts, we applaud your efforts and encourage you to persevere.

Thank you for your mission to improve America's schools.

Sincerely,

Jim Hawkins,
State Director.

Missouri State
Teachers Association,
Columbia, MO, August 20, 1998.

Hon. Joseph Pitts,
Cannon House Office Building,
Washington, DC.

Dear Representative Pitts: The Missouri State Teachers Association (MSTA) has long been an advocate for state and local control of public education. Founded in 1856, our 41,000 members have made local control a major tenet of our platform. Your legislation, H.R. 3248, the Dollars to Classroom Act, provides for a flexible grant program to distribute current federal aid to states and their respective community schools.

The history of federal programs has been one of bureaucracy and red tape that restricts the educational community's ability to prioritize federal funds to best assist improvement in student achievement. The application of a common sense approach to assist the needs of a local community's public schools have been handcuffed by federal rules, regulations and excessive administrative oversight.

MSTA has traditionally opposed federal intervention and intrusion into state and local control of public education, especially in the area of assessment and curriculum. MSTA's adopted resolutions also state that should funding for federal programs be distributed through block grants, then the Missouri State Board of Education, through Missouri's Department of Elementary and Secondary Education, should be given the authority to distribute those funds. In addition, local school districts could also benefit from having direct access to these funds under your proposal as more money could be spent on children in the classroom, not on federal bureaucracy and the administrators that run it. School districts that want to continue with the 31 grant programs that are being consolidated still have the opportunity to continue those individual programs. That decision is an exercise in freedom of choice and allows them to redirect the funds as they choose.

A letter will be sent to the Missouri congressional delegation to indicate our support of H.R. 3248 and encouraging them to vote for its passage. Your legislation allows the "public" in public education to have a larger say in how their tax dollars are spent.

Sincerely,

Kent King,
Executive Director.

Associated Professional
Educators of Louisiana,
Baton Rouge, LA, August 13, 1998.

Hon. Joseph Pitts,
Cannon House Office Building,
Washington, DC.

Dear Congressman Pitts: It is with much enthusiasm that I submit the enclosed resolution adopted by the Board of Directors of the Associated Professional Educators of Louisiana in support of H.R. 3248, Dollars to the Classroom Act. Our enthusiasm is generated by your common sense approach to the generation of additional funding for classrooms through the reduction of senseless and burdensome paperwork and the return of financial decision-making to those closest to the educational needs of our children.

Resourceful educators leave few stones unturned in their search for additional funding, and as a result, they spend countless hours in researching, applying, and then documenting the application of grant funds. It is bad enough that so much time is required of education department personnel (at both the state and federal level) in administering these funds, but the time spent by the teacher in pursuit of these funds is robbing the classroom of preparation time that might result in greater learning.

A number of studies have been made to determine how much of our education dollars actually reach the classroom—with varied results. Time and again, it has been reported that from four to six times as much paperwork is required to administer funding from the federal level as from the local level. Because there is general agreement that no more than 84% of federal funding reaches the classroom, a tremendous financial advantage would be gained through the passage of your bill which guarantees 95% of funding would be provided for classroom activities.

The purpose of education is to impart knowledge to students not to increase payrolls and size of the staff. Every worker spending time on burdensome paperwork—much of which could be eliminated by the passage of H.R. 3248—is siphoning dollars away from the necessities of education in the classroom. Thousands of non-productive workers could be eliminated in virtually every state under the concept you are proposing.

As noted in the resolution, we support H.R. 3248 and we are encouraging the entire Louisiana Congressional Delegation to support your measure, as well. We wish you the best of luck.

Sincerely,

Marcia Koopmann,
State President.

RESOLUTION

Whereas, this independent organization of professional educators was founded on the premise that educators deserved an independent local voice that represented the consensus of its members and that teaching methods, styles, and direction should be compatible with the student population in schools and the goals of the school district as determined at the local level, and

Whereas, sufficient funding is one of the most critical issues confronting successful education, the shortage of which drives resourceful educators to devote much of their precious time to the preparation of grant applications to fund perceived needs not being met with regular funding sources, and

Whereas, the administrative costs at the state and federal level of processing, monitoring, and reviewing these grant programs significantly reduces funding that is provided for the true purposes under which the grant program was established and the paperwork burden greatly increases the personnel requirements, and therefore the financial requirements at the state level, thus further reducing the effective use of available funds, and

Whereas, legislation is currently pending before Congress in the form of H.R. 3248, *Dollars to the Classroom Act*, by Rep. Joseph Pitts, that would shift power and funding for local schools from Washington to the states and would guarantee that at least 95 percent of existing federal funds reach the classroom. While not preventing the continued participation in existing federal programs, this major policy change would shift decision-making to the states and would allow no more than 5 percent of this money to be used for paperwork and administration. A 'hold-harmless' provision would guarantee that states receiving formula-based grants could not receive less than the amount they would have received to carry out those programs under existing statutes. Instead of funneling billions of tax dollars through a bloated bureaucratic system, the bill would ensure that money reaches teachers, students, and principals who make local decision that allow schools to succeed. Now, therefore, be it

Resolved, That the Board of Directors of the Associated Professional Educators of Louisiana (A+PEL) does hereby completely and enthusiastically support and urge the passage of H.R. 3248—Dollars to the Classroom Act—and we strongly encourage the Louisiana Congressional Delegation, by copy of this resolution, to provide support as well. Be it further

Resolved, That copies of this resolution be distributed to:

Representative Robert Livingston, Representative William Jefferson, Representative W.J. "Billy" Tauzin, Representative James M. McCrery, Representative Richard H. Baker, and Representative John Cooksey.

Official Action taken this 13th day of August, 1998.

Witness:
DORIS F. BUTLER,
MARY HALL.

Attest:
MARCIA KOOPMANN,
POLLY BROUSSARD.

ASSOCIATION OF AMERICAN EDUCATORS,
Mission Viejo, CA, July 28, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: On behalf of the members and board of directors of the Association of American Educators (AAE), and our state affiliates (see the undersigned), I write to express enthusiastic support for H.R. 3248—Dollars to the Classroom Act.

The AAE was formed just a little over four years ago by a group of concerned educators, many of whom are nationally known and respected for their contributions to public education (including 5 national educators of the year) who were not happy with the direction that the nation's most visible and vocal teacher organizations were leading us in. We felt there was a critical need for a member organization that was more concerned about our children's right to a good education than they were with just their own benefits.

The AAE is a nonprofit, nonpartisan, professional alternative to the labor union mentality that we feel is not a good fit for public school teachers. We are educators by calling but professionals by choice. We adhere to a few basic principles and beliefs, one of which is that public education will be improved if our schools, their administration, instructional services, and curriculum are under the control of and accountable to the citizens and taxpayers of the local communities they serve. We also believe that systemic changes must occur before there can be any real improvement in our educational system—especially in terms of education funding.

In that regard, an overwhelming majority of the members of the AAE would endorse your "Dollars to the Classroom" legislation. In evidence, I offer the results of our third annual survey of members of the AAE representing classroom teachers from all 50 states. When asked if they would favor legislation that would essentially block—grant federal education dollars back to the state and local governments to spend the money as they see fit—82% favored the idea, 13% had reservations, and 5% weren't sure.

Representative Pitts, I applaud your timely and sensible legislation and hope it passes. You will undoubtedly receive opposition from the protectors of the status quo—most particularly the teachers unions. For the sake of America's children, I urge you to stay the course. There is ample evidence, even from the teacher union's own internal surveys, that the union leadership does not represent the opinions of hundreds of thousands of teachers in America. In fact, there are now over 250,000 teachers who have chosen to join nonunion professional alternatives, like the AAE, in states where independent organizations have formed across the nation. These groups are growing dramatically, proving the big unions don't represent all teachers' beliefs!

Thank you for your vision for improving America's schools.

Sincerely,

Gary Beckner, Executive Director, Association of American Educators; Polly Broussard, Executive Director, Association Professional Educators of Louisiana; Ginger Tinney, Executive Director, Association of Professional Oklahoma Educators; Doug Barnett, President, Kansas Association of American Educators; Ruth Green, President, Kentucky Association of Professional Educators; Randy Hoffman, President, Keystone (PA) Teachers Association; Jim Hawkins, Executive Director, Professional Educators of Iowa; Walter Jewell, Executive Director, Professional Educators of Tennessee.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

□ 1115

Mr. GINGRICH. Mr. Chairman, I appreciate very much my friend from Pennsylvania yielding me this time.

This is really a very simple, straightforward policy decision. If my colleagues think the most effective way to help education is to have 31 different Washington bureaucracies with 31 different sets of regulations, 31 different auditors, 31 different sets of red tape, reports and forms, so that school districts back home fill out forms and have to keep track that they spend this dollar only in this box and this dollar only in this box, and they actually have to spend time recording everything they are doing, writing and filing reports; if my colleagues think that Washington is the center of America's education future and that bureaucracy is the answer to learning, then you should note "no."

What this bill does is very daring.

This bill says, real learning occurs when the local teacher, the local student, the local parent, and the local school board, and the local classroom make a decision. This bill, block grants $2,700,000,000 to the States to allow the local teacher to have a decisive impact and the local parents to have a decisive impact.

Now, today when people in Washington get up and say oh, we are really helping education, here is $100 for education. What they do not tell us is $65 gets to the classroom, $35 go to the bureaucrats, and that understates what is really happening, because, of course, if one goes to any teacher in America, particularly an older teacher who taught 25 or 30 years ago, and we say to them, do you fill out more paperwork now? Are there more people in your school's front office handling paper? Are there more people at the county office handling paper? We will suddenly discover that there is a hidden additional cost. Not only does 35 cents out of every Federal education dollar end up in the bureaucracy, but it distorts the time of the teacher away from education.

I used to teach both in college and high school. Education is a missionary experience. It is reaching out with love and energy and ingraining in students the interest in learning. When we make teachers into bureaucrats, we kill the missionary spirit, we kill the emotional investment. So what this bill does is it liberates teachers, parents and students to once again focus on learning, not on reports, not on regulations, not on bureaucracy, not on red tape.

Now, it also is very practical. If we are trying to balance the budget as we are, and we have succeeded, if we are trying to make sure we control spending in Washington, the question gets to be, so how do we get more per dollar. Well, we move, with this bill, and I commend the gentleman from Pennsylvania (Mr. PITTS) for his tremendous initiative in developing and pushing this forward.

The gentleman from Pennsylvania (Mr. PITTS) used to be the appropriations chairman of the State of Pennsylvania's legislature. He knows at the State level what the Federal Government does in red tape and bureaucracy and that is why he was able, with such passion, to work with the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING) to get this money back home.

Here is what we are doing. Without raising taxes, without increasing Federal spending, we are getting $800 million more to local classrooms. Instead of 65 cents out of every Federal dollar getting to the classroom, this bill moves it up to 95 cents, and I think that understates the effect, because there are so many fewer reports, so many fewer audits, so much less time spent on clerical bureaucratic work.

Now, that is $425 a classroom, in the classroom. If we go up to the average teacher and say, if you had 425 extra dollars this year, whether it was for computers, whether it was for audiovisual, whether it was for instructional material or for a field trip, and you knew that you would have the ability with the local parents, the local school board and your students to actually make the decision, not fill out a form in 31 copies, send it to Washington, wait 6 months and maybe get picked. There was a school district in Texas that spent $35,000 for a $1,300 grant that actually used the entire grant to pay for the buses to go and pay parking at an art museum. They lost almost $30,000 in the transaction. That is eliminated by this bill, because this bill says, the money will be back home, the teachers and parents will have it.

So I would just say to my friends on the left who are busy propping up Washington bureaucracy, if they are comfortable going home and saying, 65 cents on the dollar is all you are worth; I needed that extra 35 cents for my bureaucratic allies. And saying, no, we do not trust you, we are going to have 31 different auditors with 31 different sets of rules on 31 different sets of records, vote "no."

Mr. Chairman, I think for most Americans, people like the gentleman from Pennsylvania (Mr. GOODLING) who was a teacher, like the gentleman from Pennsylvania (Mr. PITTS) who was a teacher, I was a teacher, many of us who were teachers, we believe as teachers that getting that money back home to the local teacher, the local parent and the local student to make the decisions, that is the right way to strengthen education in America, and I urge a "yes" vote on final passage.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), the cochair of the Democratic Education Task Force and former chief State school officer of the State of North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise this morning in support of this amendment and in strong opposition to this bill. Let me tell my colleagues why. Dollars for the classroom is nothing more than a hollow sound and it is a joke, because what we are talking about is cutting the allocation to where every single district in my State would lose $12 million of money they badly need, and every other State loses money. These are the statistics I have read and have come from the department.

I served at the State level. I know what it takes. I hear this talk about paperwork, and it is true. But the truth is, usually it is not Federal paperwork, it is either State or local. People want to point to and use that as a reason not to send money.

Let me tell my colleagues what happens with block grants. I have been out there where block grants come from. But before I was the State superintendent of schools, I chaired the Committee on Appropriations of my State for 4 years, so I know how to use block grants. We send them out, and that is the best way I know; the next time comes there is a nice fat cut and we say oh, by the way, we are going to cut you this much and it is your job to reduce the administrative cost in it. And then pretty soon if you cannot get any more, you say well, you know, the problem with this program, we do not have enough accountability or enough money, so we are just going to cut out the program.

Well, I am here to tell my colleagues, we are here at the point where children are coming out of our schools at a greater number than at any other time in our history. As a matter of fact, over the next 5 years we will have more people showing up in this country than ever in the history of America, and in my State, we will be the fifth fastest growing State in the Nation.

Do not tell me we need to cut education money. We ought to be about finding a way to put additional money in it and reduce class sizes, because statistics prove when we reduce class sizes, educational opportunities for children increase and learning improves. There is abundant data available on that. Tennessee did the first study, and in North Carolina today we are reducing class sizes in kindergarten through third grade and we are doing it with State money.

Do not tell me we cannot blend these dollars at the State level and make it available to the local level without cutting and reducing the paperwork. It can be done, it is being done. This is just another way to cut the money for the public schools, and I oppose it and I think every Member of this body ought to vote against the bill.

Mr. GOODLING. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Pennsylvania (Mr. GOODLING) has 7 and one-quarter minutes remaining; the gentleman from California (Mr. MARTINEZ) has 8 minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I have one more speaker scheduled at this time who has not arrived yet, so I yield to the gentleman from Pennsylvania (Mr. GOODLING) to proceed with his speakers.

Mr. GOODLING. Mr. Chairman, I should preface this introduction by saying Gordon would have been proud of the former State superintendent defending the bureaucracy of the State superintendents. Gordon, of course, everybody knows who that is.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and for his work on this bill.

We have heard a number of things in this debate today. We have heard that IDEA was going to be ended. It is not. We have heard that Title I was going to end. It is not. In fact, Title I is one of the programs that already comes pretty close to the standard. I think it is well over 90 percent of the money that we appropriate federally in Title I gets to districts.

We have heard from our friend from Massachusetts a moment ago that if we ask people in his district whose fault it is that education is not producing the right result, they say, the Federal Government, even though right before that, he said that only about 6 percent of the money comes from the Federal Government.

Well, maybe this House ought to be more clear with the people we represent and explain to them that only about 6 percent of this money is Federal money, that local responsibility is paramount here, that we cannot continue to confuse Americans by letting them think the solution is going to come from somewhere where the solution is not going to come from.

Local and State decision-making on programs like classroom size, local and State decision-making on how and where we ought to add teachers is possible under this bill. I urge my colleagues to support it.

Mr. MARTINEZ. Mr. Chairman, I yield myself 30 seconds.

Two things. The previous speaker said that mentioned IDEA. Nobody on this side mentioned that IDEA was in this bill. We know that IDEA is not in the bill, that it is a separate bill.

Number 2, again he referred to the fact that Title I was not affected by this. Title I is affected by it. If my colleagues will read their own bill, in the section 107, repeals, as I said before, and you go to item number 5, it is section 502 of the Elementary and Secondary Education Act, 1965, which is part of Title I, and section 1503 of the Elementary and Secondary Education Act, 1965 is another part of it, so Title I is affected by this bill.

Mr. GOODLING. Mr. Chairman, I want to make sure that everybody understands that Title I is not part of this, other than a little demonstration project. We have to make sure that everybody understands that.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM), a former coach, a former teacher, a former dean of a college.

Mr. CUNNINGHAM. Mr. Chairman, why is the left against this bill? Because they want big government control for education and they will fight to keep it. They will do anything to keep those 760 Federal education programs which strangle the dollars going to the classroom.

Let us take a look at the D.C. bill. We could have waived Davis-Bacon for construction and saved $26 million, but did the left choose children and schools? No, they chose their union. We had 8 witnesses in a program, and the gentleman from North Carolina talked about block grants, all different programs, all good programs. The gentleman, when we asked which one of those that the other 7 had, they had none. The whole idea of a block grant is where parents and teachers in the community can make the decision, instead of a bureaucrat here in Washington D.C. that does not know your children. The left would fund all 8 programs, have bureaucracies here in Washington D.C. which take money away from the classroom.

Let us take a look at 100,000 teachers. Well, I do not guess my colleagues wanted the money, the surplus money for Social Security, because that is where the 100,000 teachers would pay for. The left said they want all the money for Social Security, but yet to pay for the 100,000 teachers, under the balanced budget agreement that the President signed and many of the Members signed is not there.

Mr. Chairman, $3 billion in literacy that the President wanted. There is 14 literacy programs. What is wrong with taking 1 or 2 and not just fully funding it, but increase the funding of those that work and get rid of the building, get rid of the bureaucrats that we have to pay their paycheck and their retirement which takes away from the classroom.

That is why the left does not want this bill. They want the big bureaucracy, not for children.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise as one of the members of the minority in this body, and that is that I am a classroom teacher. I spent 7 years in the public schools in Pennsylvania, and in fact, besides being a teacher and a head teacher in an impoverished district, I also for 3 years was assistant director of a Title I program, and for 1 year served in a program funded by Title III. I understand the need to get money to classroom teachers so that they can better motivate children. I also served in my capacity as vice president of my local education association.

I rise with unequivocal support for this bill. I praise my colleague and the leader of our committee who have done an outstanding job because this bill does I think what all of us in America want to do: It puts the dollars into the hands of those people who have the most responsibility to motivate young people, and that is our teachers. It is not the bureaucrats, it is not the pencil pushers in our regional offices, it is the men and women who serve in the classroom every day. And as one of them, I rise in strong support of this legislation and urge my colleagues to vote "yes" on the bill.

□ 1130

Mr. MARTINEZ. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to this bill, and I can explain why. It is not bureaucracy protection, it is people protection. Most of us know that a very large percentage of the students in public schools are from poor families.

There is a reason why we are against repeal of Davis-Bacon, and that is because we are trying to make sure that these children's parents do not remain in such poverty that they remain the ones at risk, they remain the people who are least educated.

All of us know that the labor unions in this country brought about the quality of salaries, brought about the middle income population of this Nation, the population that has the largest tax share of responsibility for the whole Nation.

We have to give attention to children in poverty.

There are many of us who are very skeptical of our own States and the way they handle things. We look at California to see how they are against bilingual education when they have a very large number of children that need it. That is the reason why we have some concern about block granting the dollars back.

States rights have never been so good to the minorities of this country. That is one of the reasons why we want to make sure that we maintain some quality, accountability, and consistency in programs.

We also understand that well-qualified teachers with a smaller number of students is more successful. We know that from experience. That is the reason why we support reduction of class size and support more quality educational opportunities for our teachers and better pay for our teachers so we can maintain good teachers in the classroom.

It is clear that all young children need a good education. We say that all the time. There are no jobs available without a good education and without good preparation. We simply want to make sure that, as far as we can be accountable, we can ensure that that happens in these classrooms.

It is not just a sense of trying to protect bureaucracy. It is a sense of attempting to protect people and especially poor people of this Nation who work long hours for little pay, last hired and first fired. That is what we are trying to protect. We are trying to make sure that all young people are prepared to take on the future and be ready for it.

Mr. MARTINEZ. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. MARTINEZ) has 5 minutes remaining. The gentleman from Pennsylvania (Mr. GOODLING) has 3¼ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, reducing class size, boosting academic standards, modernizing schools, these are real issues that affect our communities, our children, and the people that we care about.

But instead of dealing with these challenges, instead of focusing resources where they are most needed, this bill will take American schools backwards.

Worse yet, it kills off educational programs that have proven successful all across the country, programs like the School-to-Work programs that train high school students for good jobs with good pay with a mentor, programs like the Eisenhower grant that pays for more teacher training, like the Goals 2000 programs that help schools boost their academic standards.

These educational programs made sure that Federal dollars were spent wisely and responsibly. The emphasis of this emphasis was on learning and was on results.

Under this block grant program, funding will inevitably decrease. Under this block grant program, funding is shifted out of the classroom, out of the schools that most need it.

What we need here is accountability in our schools, and this bill undermines that. It does nothing to reduce class size, to improve academic performance, modernize our schools, or provide school safety. These are the issues that we need to be focusing on.

Democrats have proposed hiring 100,000 new teachers, to reduce class size in schools all across the country. Smaller class sizes have been proven to increase discipline, boost academic performance. These are the kinds of educational programs we should be supporting, not shuffling funds around through block grants and calling it progress.

I oppose this block grant program. I must say to my colleagues this afternoon that it is not coincidental that this attack on education and the attack next week on Social Security comes at a time when some of my colleagues think that the country is distracted from the issues that they care about.

All of us who have been to our district understand how important education is, how strong and important it is to support our education and public education system.

They understand the need to preserve and strengthen Social Security, not to raid it, not to raid the trust fund or rob the trust fund for some kind of a tax program that my colleagues think is in the best interest of their constituencies at the cost of taking it away from literally millions of seniors in our country. They are watching this Congress and how we act.

If we act responsibly in this very difficult time this country faces or whether or not we are going to seek relief, invade educational opportunities that have been set up for the people of this country, whether we are going to invade the Social Security Trust Fund, whether or not we are going to deal with the question of Health Maintenance Organizations that the people of this country are crying out for some reform.

So in conclusion, Mr. Chairman, I ask my colleagues to oppose this block grant program. I urge my colleagues to oppose it. It is not in the best interest of education. It diminishes the things that we have built on. It takes away in an unresponsible manner, I believe, the opportunities to move forward in our public educational system.

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, aside from the fact that the other side keeps saying that

States are going to get more money, in lieu of the fact that we know that the appropriators have cut the funds to all of these programs and that they will not simply by that fact, but according to CRS, these States will lose money: Alaska, Connecticut, Delaware, District of Columbia, Hawaii, Idaho Iowa, Kansas, Louisiana, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and West Virginia and Wyoming.

Mr. Chairman, if the Members who represent those States and those constituencies want to go back to their State and explain after the fact that reality sets in that they have lost money and answer to those school directors and school board members and superintendents and even the teachers and especially the students, then let them do that and let this fall on their head.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, this is just an amazing debate and a simple question that everybody has to ask themselves. The question is, do we trust the people at home, the elected school board members and the community, to try to decide what they want to spend their money on or do we in fact think that they are not very capable and so a handful of us here in Washington ought to figure out what the heck the priorities ought to be?

Now, I have to say, I think the country is coming over to our side. I do not think they want all this red tape. I do not think they want all these strings. What they want least of all is a bunch of people in the city, who do not even know what area code it is we live in, to try to tell us how to run our schools.

What the gentleman from Pennsylvania (Mr. PITTS) has proposed in this legislation is one simple thing, gather up as much of the money as you can, cut the strings, the red tape, send it back to the school districts and get the money in the classroom and let the schools decide how to spend the money.

I have to say that this concept of local control is not about local control. It is about faith and normal people who live and work in a community.

I would rather put my trust into the hands of us who live locally than to pass it off to some bureaucrats or some politicians in a far away place. Support the bill offered by the gentleman from Pennsylvania (Mr. PITTS).

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I cosponsored this bill because I think it just makes sense. In my home state of New Jersey, this means that we would receive roughly an extra 50 percent additional funding. That is $25 million more for New Jersey, which translates into $425 more for each classroom.

In my district, in central New Jersey, I have spoken and listened to numerous teachers, school board members and school administrators. I have heard about teachers carefully using their limited resources, yet still coming up short. They have expressed to me their frustrations in wasting limited time and funds with filling out paperwork to meet requirements of these well intended programs.

We have been blessed with wonderful teachers but it is unfair that their hands are tied from doing what they do best and what they were trained and hired to do. That is why I support Dollars to the Classroom Act. We should pass this legislation because it makes sense and will make a difference for the children of America.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, very quickly, if we go back to the early eighties, we had a whole series of categorical grant programs. We, the dictators here in Washington, said if you spend the money the way we tell you to, you can have the money. We, Republicans and Democrats, joined together. We eliminated most of those categorical grant programs. We turned it into a block grant, we gave it to the States, mandated that 80 percent of those block grant funds go on to the local school districts so that their local autonomy could say what is best. In Glens Falls, Queensbury, Clifton Park, Hyde Park, New York, they know better than we do.

This is a great bill. It is an especially good bill for New York State. I would ask the New Yorkers to come over here and vote for it. Do not go yelling for more money.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to make sure that everybody understands that those names of States that were being read have nothing to do with reality and have nothing to do with this legislation. Those States that were being read deal with, as a matter of fact, nonprofits and nonschool districts. We are interested in getting the money to school districts. We are interested in getting the money down to the children.

What we are admitting is that the well-intended programs of the last 30 some years did not work. Let us admit it. Let us try something different. That is why we have 40 percent of the children at the end of third grade that do not read at third grade level. That is why we have 50 percent of our students that do not do well in math and science when they graduate.

Let me remind my colleagues, on this amendment that is being offered, they are talking about $20 billion over a 5-year period. They did not say where it is going to come from. In all probability, it is going to come from the very programs that they have been standing up here all morning defending. It has to come from somewhere, folks. There is no tree up there that is going to yield it.

I include the following for the RECORD:

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEAs) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEAs UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3248

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
Alabama	$32,480,640	$28,726,394	13.1
Alaska	8,574,720	9,973,798	−14.0
Arizona	31,996,800	27,196,850	17.6
Arkansas	19,791,360	14,926,986	32.6
California	237,103,680	212,174,852	11.7
Colorado	23,698,560	18,948,065	25.1
Connecticut	20,659,200	18,744,802	10.2
Delaware	6,339,520	7,893,343	5.7
District of Columbia	6,355,840	7,431,557	12.4
Florida	94,823,040	91,729,340	3.4
Georgia	54,471,360	42,934,372	26.9
Hawaii	8,868,480	8,996,313	26.8
Idaho	9,253,440	8,516,600	8.7
Illinois	88,815,360	72,854,420	21.9
Indiana	36,406,080	30,973,512	17.5
Iowa	17,131,200	12,779,617	34.1
Kansas	17,618,880	15,544,068	13.3
Kentucky	31,801,920	24,600,251	29.3
Louisiana	44,208,960	34,665,652	27.5
Maine	9,648,000	8,159,272	18.2
Maryland	31,515,840	25,493,567	23.6
Massachusetts	40,377,600	38,492,132	4.9
Michigan	82,742,400	65,986,110	25.4
Minnesota	30,007,680	23,832,451	25.9
Mississippi	28,125,120	21,427,695	31.3
Missouri	37,344,960	29,020,065	28.7
Montana	9,038,400	7,169,578	26.1
Nebraska	11,083,200	11,733,360	−5.5
Nevada	9,667,200	8,894,488	8.7
New Hampshire	8,675,520	7,389,104	17.4
New Jersey	49,601,280	37,348,162	32.8
New Mexico	16,026,240	13,700,687	17.0
New York	159,475,200	146,444,545	8.9
North Carolina	44,436,320	40,496,357	10.0
North Dakota	8,333,760	7,915,178	5.3
Ohio	82,574,400	85,323,229	26.4
Oklahoma	24,687,360	20,223,570	22.1
Oregon	21,254,400	17,502,102	21.4
Pennsylvania	87,925,440	71,081,085	23.7
Rhode Island	9,001,920	7,181,696	25.3
South Carolina	26,136,000	23,189,775	12.7
South Dakota	8,543,040	7,702,811	10.9
Tennessee	36,509,760	29,345,406	24.4
Texas	165,546,240	134,012,463	23.5
Utah	14,062,080	11,304,868	24.4
Vermont	8,186,880	7,350,078	11.4
Virginia	37,687,680	30,384,386	24.0
Washington	35,669,760	34,440,440	3.6
West Virginia	16,408,320	13,455,322	21.9
Wisconsin	36,780,480	27,695,883	32.8
Wyoming	8,081,280	6,853,872	17.9
Puerto Rico	53,332,800	40,548,467	31.5

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly support this amendment because it seeks to alleviate a real problem that affects our Nation's schools by reducing class sizes in grades 1st through 3rd. It is clear that the "Dollars to the Classroom Act" cannot provide the necessary support for our education system. Without this amendment, H.R. 3248 is simply a politically-motivated measure that simply ignores the actual needs of the schools.

This amendment would reduce the class size in grades 1st through 3rd to an average of 18 students per class. The measure implements this program by authorizing $1.1 billion in FY 1999 and $7.34 billion over a five year period.

More importantly, this amendment would alleviate the concerns surrounding overburdened teachers by enabling schools to hire over 100,000 by the year 2005.

Funding proposed by this amendment would allow schools to recruit, train, and pay these additional teachers. Moreover, the funds would ensure that the teachers are equipped with the most current and effective instructional techniques.

The amendment also requires the school districts to demonstrate how reduced class sizes are resulting in increased student achievement.

I firmly believe that this amendment will serve the educational community well. Unlike H.R. 3248, this amendment serves the needs of our schools.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 543, further proceedings on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 543, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 offered by the gentlewoman from Hawaii (Mrs. MINK) amendment in the nature of a substitute No. 2 offered by the gentleman California (Mr. MARTINEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 207, not voting 28, as follows:

[Roll No. 450]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cannon
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—207

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—28

Blagojevich
Burton
Clay
Cox
DeFazio
Fawell
Gonzalez
Goss
Hilliard
Hutchinson
Kaptur
Kennelly
Manton
McCollum
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres
Watts (OK)

☐ 1205

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Mica against.

Messrs. BATEMAN, GALLEGLY, CHABOT, Mrs. MYRICK, and Mrs. KELLY changed their vote from "aye" to "no."

Ms. LOFGREN, and Messrs. SCOTT, WHITFIELD, SHERMAN, FOX of Pennsylvania, and OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARTINEZ

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a subsitute.

The Clerk redesignated the amendment in the nature of a subsitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded voted was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 215, not voting 29, as follows:

[Roll No. 451]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Becerra
Blagojevich
Burton
Clay
Condit
Conyers
Cox
DeFazio
Fawell
Gonzalez
Goss
Hoyer
Hunter
Kaptur
Kennelly
Manton
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres

□ 1213

The Clerk announced the following pair:

On this vote:

Mrs. Kennelly of Connecticut for, with Mr. Mica against.

Mr. ADAM SMITH of Washington changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3248) to provide dollars to the classroom, pursuant to House Resolution 543, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WOOLSEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 198, answered "present" 1, not voting 24, as follows:

[Roll No. 452]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter

Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—24

Blagojevich
Brown (CA)
Burton
Clay
DeFazio
Fawell
Gonzalez
Goss
Kaptur
Kennelly
Manton
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres

□ 1233

The Clerk announced the following pair:

On this vote:

Mr. Mica for, with Mrs. Kennelly of Connecticut against.

Mrs. KELLY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to vote on September 18, 1998.

Had I been able to vote, I would have voted in the following manner.

On agreeing to the amendment of Mrs. MINK of Hawaii, Roll No. 450, I would have voted no.

On agreeing to the amendment of Mr. MARTINEZ of California, Roll No. 451, I would have voted no.

On approving the final passage of H.R. 3248, To Provide Dollars to the Classroom, Roll No. 452, I would have voted yes.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3248, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3248, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I am pleased to announce we have concluded legislative business for this week.

The House will meet next week at 10 a.m. on Tuesday, September 22, for a pro forma session. There will not be votes that day.

Wednesday, September 23, the House will meet at 2 p.m. for legislative business. However, we do not expect any recorded votes before 5 p.m. on Wednesday. Of course, this is because of the Jewish holidays. On Wednesday, September 23, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Thursday, September 15 and throughout the balance of the week, the House will consider the following legislation:

H.R. 4006, the Lethal Drug Abuse Prevention Act; H.R. 3736, the Workforce Improvement and Protection Act of 1998; H.R. 2621, the Reciprocal Trade Agreement Authorities Act, Fast Track; H.R. 4579, the Taxpayer Relief Act of 1998; and, finally, H.R. 4578, the Save Social Security Act.

Mr. Speaker, we also hope to consider conference reports on the Department of Defense authorization, a very important bill; the higher education bill, and a number of appropriation conference reports.

Mr. Speaker, Members should be prepared to work late next week on all of these appropriation bills. As the majority leader alerted Members in a Dear Colleague just yesterday, it may also be necessary to work on Saturday, September 26 to complete work on those important appropriation bills as we are nearing the end of the Federal fiscal year.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan, the minority whip.

Mr. BONIOR. Mr. Speaker, I have several questions of the gentleman from New York. What day are you anticipating the fast track legislation coming to the floor?

Mr. SOLOMON. The schedule needs to be worked out, but more than likely it will be Friday. It all depends on all of the conference reports that we are getting back. But I think you can pretty much count on Friday.

Mr. BONIOR. The House has already completed its work on the continuing resolution that really has addressed the failure of this body to deal with the whole question of getting our work done on time. Now that we have passed that CR this week, why are we meeting on Saturday? The gentleman alluded to appropriation bills. Is the gentleman from New York saying that, if we meet on Saturday, it will be on appropriation bills, or are we thinking of other pieces of legislation to work on Saturday?

Mr. SOLOMON. As the gentleman knows, there have been some distractions, and we really need to keep the Members here. We are getting near the end of the year. None of us want to be faced with this problem of a shutdown as we perhaps were in the past. Personally I would say we may not be here, but I think Members better be prepared to be here on Saturday in case we need to get the work done.

Mr. BONIOR. Let me ask the question in another way, then. There was a concern that the majority may try to bring up fast track or the Tax/Social Security issue on Saturday. Can I have an assurance from my friend from New York that that will not happen?

Mr. SOLOMON. I say to the minority leader who has been in the majority, he knows how the schedule goes, and there is that possibility. Again, I think we will probably be able to stick to the schedule as was outlined by the majority leader.

Mr. BONIOR. Just so I am clear here, the gentleman from New York is saying that if we do meet on Saturday, and that is only a possibility, we will be doing appropriations bills?

Mr. SOLOMON. And we may do other business, too. It is all in an effort to get the work done. We certainly do not want to be here any longer in an election year than we have to be. But I think the gentleman is probably going to be pleased with how things work out.

Mr. BONIOR. I just want to point out once again, then I will stop, to my friend from New York, that the budget was supposed to have been done in April. Here we are pushing on October, and we still do not have a budget. The question of working on Saturday to finish the business of this House and of this country with respect to a budget obviously could make some sense, but if we are going to try to play games here and come in on Saturday to do a Tax/Social Security, raid on the Social Security trust fund, or if we are going to try to bring up fast track on a Saturday, I want the gentleman from New York and the leadership and you, Mr. Speaker, and others to understand that that is not going to be acceptable on this side of the aisle, and I suspect there are many Members on your side of the aisle. All we are looking for is assurances of fairness here. Given the fact that we have had difficulty with the question of fairness in the last two weeks, we regret that, we hope this will not continue but we regret it with respect to the question of the President in terms of how that has been dealt with. We hope, and I strongly want to emphasize, that these two issues need not be a part of the workday on Saturday if in fact we are in.

Mr. SOLOMON. With all due respect to the gentleman, we all have to have an effort of cooperation. I look back to the years of Ronald Reagan. We sat down and we worked on this budget. We worked on it when Democrats were in control of the House and Republicans were in control of the Senate; then when the Democrats had control of both houses. We worked together. That is what we should be doing now and getting this budget together. Let us just be frank about it. Saturday Members had better be prepared to be here. However, if there is no compelling reason to keep us here, we will not be.

ADJOURNMENT TO TUESDAY, SEPTEMBER 22, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 10 a.m. on Tuesday, September 22, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 23, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 22, 1998, it adjourn to meet at 2 p.m. on Wednesday, September 23, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. HASTINGS of Florida. Mr. Speaker, most respectfully I thank you for recognizing me and permitting me to act expeditiously in a matter that I wish to bring to the attention of the House.

Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution as a question of the privilege of the House.

The form of my resolution is as follows, and I shall try to be as expeditious as possible.

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I. In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include.

On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, section 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following.

□ 1230

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, if I may, this is a lengthy document, and unless the rules require all of it to be read into the RECORD, this Member has no great need to read it all, if that is permitted, and, if I would be permitted under leave, I would place it on the RECORD.

The SPEAKER. The form of a question of privilege should be read into the RECORD so all Members are notified.

Mr. HASTINGS of Florida. (a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated onto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent counsel Kenneth W. Starr further usurped and arrogated onto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of exercise that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the whole of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr by such conduct warrants impeachment and trial and removal from office.

Article II:

In his conduct of the office of independent counsel Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States and his duties as an officer of the United States and acted in ways that were calculated to and did unconstitutionally undermine the office of the President of the United States and obstruct, impede and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the United States of America by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of the President and obstructed, impeded and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing and humiliating the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and the people of the United States.

(2) Mr. Starr engaged in a willful and persistent course of conduct that was calculated to and did wrongfully demean, embarrass and defame an incumbent President of the United States and thereby undermine and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him including not only Mr. Starr's wrongful disclosures of grand jury material, but also other improper conduct such as his actions and conduct calculated to suggest without foundation that the incumbent President had participated in preparing a so-called, quote, talking points, unquote, outline to improperly influence the testimony of one or more persons scheduled to be deposed in a civil action. By his willful and persistent conduct and misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the United States and the people of the United States of America.

(3) Mr. Starr intentionally, willfully and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed salacious and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with an incumbent President of the United States. By including that unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of the United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a Nation. By including that narrative knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

Article III:

In his conduct of the office of independent counsel, Kenneth Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as a officer of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate onto himself powers that the Constitution of the United States assigned to the federal courts that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States of America and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse

of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigation and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly evade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the first and fifth amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial offices of the United States to discharge their duty to take care that the laws of the United States be faithfully executed.

(4) In his conduct of the office of independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past 4 years Mr. Starr has expended more than $40 million in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in Article III of these Articles of Impeachment, Kenneth Starr committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr by such conduct warrants impeachment and trial and removal from office.

Final article, Mr. Speaker, Article IV:

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these articles of impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminished the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of it is right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States or any officer should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

☐ 1300

Wherefore, Kenneth W. Starr, by such conduct, warrants impeachment and trial and removal from office.

Mr. Speaker, most respectfully, I gratefully thank my fellow colleagues for their patience in the House of Representatives. That concludes my noticing of the privileged resolution that I most respectfully put before the body.

The SPEAKER. Under Rule XI, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Florida will appear in the RECORD at this point. The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention, along with the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Illinois (Mr. LAHOOD) a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel.

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under Rule IX of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER. Under rule IX a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PERMISSION TO HAVE UNTIL MIDNIGHT, SEPTEMBER 22, 1998 TO FILE CONFERENCE REPORT ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight on September 22, 1998 to file the conference report on the bill, H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That it shall be in order at any time on Wednesday, September 23, 1998, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least two hours prior to its consideration. The Speaker or his designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. McINNIS) is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule truly is noncontroversial. It simply allows that we have suspensions in order on September 23, 1998. It also provides that the object of any motion to suspend the rules shall be announced from the floor at least 2 hours prior to its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, the gentleman is exactly right.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON WEDNESDAY, SEPTEMBER 23, 1998

Mr. McINNIS. Mr. Speaker, pursuant to the notice requirements of House Resolution 544, I announce that the following bills will be considered under suspension on Wednesday, September 23, 1998:

H.R. 2000, AK Native Claims; H.R. 4068, Native American Tech. Changes; H.R. 2314, Kickapoo Tribe; S. 1279, Indian Employment; H.R. 1481, Great Lakes; H.R. 1659, Mount St. Helens Monument; H.R. 3381, Gallatin Land Consolidation; H.R. 2223, Education Land Grant Act; H. Res. 144, Lewis & Clark; S. 1355, Lee Courthouse; H.R. 3598, White Federal Building; H.R. 1756, Money Laundering & Financial Crimes; H.R. 4005, Money Laundering Deterrence; H.R. 4244, Federal Procurement; H.R. 4283, Africa Seeds of Hope; H.R. 633, State Department Agents Retirement (GOV too); H. Res. 505, Pacific Islands; H. Con. Res. 315, Kosovo; H.R. 4558, Welfare Tech. Amends (Commerce too); H.R. 4017, Energy Conservation Reauthorization

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT OF 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Wildlife Refuge System (referred to in this Act as the "System"), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;

(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57; 111 Stat. 1252) significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

(3) to encourage donations and other contributions by persons and organizations to the System.

SEC. 3. GIFTS TO PARTICULAR NATIONAL WILDLIFE REFUGES.

Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended—

(1) by striking "(2) Any" and inserting the following:

"(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

"(A) IN GENERAL.—Any"; and

(2) by adding at the end the following:

"(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

"(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

"(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.".

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 2 or more national wildlife refuges or complexes of geographically related refuges in each United States Fish and Wildlife Service region, but not more than 20 pilot projects nationwide.

(2) VOLUNTEER COORDINATOR.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate evaluating and making recommendations regarding the pilot projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 1999 through 2002.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting "awards (including nominal cash awards) and recognition," after "lodging,"; and

(2) by inserting "without regard to their places of residence" after "volunteers".

(c) SENIOR VOLUNTEER CORPS.—Section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) is amended by striking paragraph (6) and inserting the following:

"(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.".

SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by adding at the end the following:

"(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

"(1) DEFINITION OF PARTNER ORGANIZATION.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

"(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

"(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

"(2) COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.

"(B) PROJECTS AND PROGRAMS.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

"(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

"(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

"(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

"(iv) advance education concerning the purposes of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

"(v) contribute financial resources to the refuge, under terms that require that the net revenues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

"(C) FEDERAL FUNDING AND OWNERSHIP.—

"(i) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

"(ii) USE OF FEDERAL FUNDS.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

"(iii) OWNERSHIP OF FACILITIES.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

"(D) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.".

SEC. 6. REFUGE EDUCATION PROGRAM DEVELOPMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 5) is amended by adding at the end the following:

"(e) REFUGE EDUCATION PROGRAM ENHANCEMENT.—

"(1) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

"(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

"(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

"(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

"(2) REFUGE PROGRAMS.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 6) is amended by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) $2,000,000 for each of fiscal years 1999 through 2004.".

Mr. SAXTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, as the author of H.R. 1856, the National Wildlife Refuge System Volunteer and Community Partnership Act, I am pleased to report that the Senate has passed this bill with amendments and returned it to us.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at National Wildlife Refuges and other Service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing visitor centers, to hunter safety classes, and operating heavy equipment.

I introduced H.R. 1856 after a field hearing held near the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey. That hearing addressed the large maintenance backlog at refuges. We heard from several local volunteer conservation groups who pointed out problems with the existing volunteer program. This bill is intended to solve those problems.

The biggest obstacle to improving the volunteer program is a shortage of staff at refuges. We can't expect refuge employees who have full-time operation and maintenance duties to also donate all of their weekends to working with volunteer groups. H.R. 1856 would address this problem by establishing up to 20 pilot projects for the purpose of hiring full-time volunteer coordinators. This will make it much easier for the Service and conservation groups to work together for the benefit of refuges.

H.R. 1856 also makes it easier for interested individuals and groups to donate money or services to refuges. It would ensure that gifts to a particular refuge will actually go to that refuge, instead of disappearing into a nationwide account.

Finally, the bill allows refuge managers to enter into cooperative agreements with local conservation groups to conduct projects on refuges. Again, these provisions are designed to make it easier for refuge managers to cooperate with local organizations. For example, if a volunteer group were interested in constructing a wildlife observation tower or other improvement at a refuge, this section would allow the refuge manager to contribute materials or staff assistance to the project.

All of these provisions are designed to make it easier for volunteers who are interested in helping to conserve fish and wildlife to contribute their skills and enthusiasm to our National Wildlife Refuges. Over the last two years, Congress and the Administration have significantly increased the resources available to Refuge operations and maintenance. However, even with those increased resources, the use of volunteers who donate their time and energy is still needed to allow the Refuge System to meet its conservation and management goals. By making it easier for them, this bill will enhance an already successful program and ultimately benefit fish and wildlife conservation throughout the National Wildlife Refuge System.

I urge you to agree to clear H.R. 1856, as amended by the Senate, and to send it to the President for signature. Together with the historic National Wildlife Refuge System Improvement Act of 1997 (P.L. 105–57) and increased funding, this Congress has done more for our National Wildlife Refuge System than any other in the last 30 years.

I urge the House to accept the Senate amendments on H.R. 1856.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1856, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO NELSON ROLIHLAHLA MANDELA

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Commitee on House Oversight be discharged from further consideration of the House concurrent resolution (H.Con.Res. 326) permiting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Mandela, and I ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 326

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE STUDY ACT OF 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1695) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Study Act of 1998".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to a peaceful Cheyenne village of more than 100 lodges on the Big Sandy, also known as Sand Creek, located within the Territory of Colorado, and in a running fight that ranged several miles upstream along the Big Sandy, slaughtered several hundred Indians in Chief Black Kettle's village, the majority of whom were women and children;

(2) the incident was quickly recognized as a national disgrace and investigated and condemned by 2 congressional committees and a military commission;

(3) although the United States admitted guilt and reparations were provided for in article VI of the Treaty of Little Arkansas of October 14, 1865 (14 Stat. 703) between the United States and the Cheyenne and Arapaho Tribes of Indians, those treaty obligations remain unfulfilled;

(4) land at or near the site of the Sand Creek Massacre may be available for purchase from a willing seller; and

(5) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek and to their tribes, and those descendants and tribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service.

(2) SITE.—The term "site" means the Sand Creek massacre site described in section 2.

(3) TRIBES.—The term "Tribes" means—

(A) the Cheyenne and Arapaho Tribe of Oklahoma;

(B) the Northern Cheyenne Tribe; and

(C) the Northern Arapaho Tribe.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary, in consultation with the Tribes and the State of Colorado, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the site.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, S. 1695, a bill introduced by Senator BEN NIGHTHORSE CAMPBELL, will begin the process to protect an important part of our western historical heritage—The Sand Creek Massacre Site.

S. 1695 authorizes the Secretary of the Interior to conduct a resource study of the Sand Creek Massacre Site located in Colorado and also determine the feasibility and suitability of designating the site as a unit of the National Park System. The study will include cost estimates for any necessary acquisitions, development, and operations, along with identifying alternatives for the management of thé historical site.

Mr. Speaker, this is an important bill which begins the process of conducting the resource study of a significant piece of our western history.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1695, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

IN RECOGNITION OF ERIC GROSS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to recognize a true American hero. He did not hit home runs, he did not score touchdowns, he did not star in any movies, but what Eric Gross did do in his 33 years of public service was provide an unparalleled role model as both a teacher and friend for students attending Carmel High School in Carmel, New York.

Mr. Speaker, I come to the House floor today to honor Eric, because this marks the first September since 1965 that he will not be heading back to school along with the students of Carmel High School. Although Eric continues his career as a journalist, he has retired from the profession to which he has given the most of his time. Eric served his 33 years as a speech therapist, helping youngsters overcome all types of challenges.

The beneficiaries of Eric's retirement from Carmel High School of course are his wife, Barbara, and his children, Kimberly and Andrew, who will now be able to spend more time with this thoughtful and giving man.

Eric Gross will be greatly missed at the institution where he served so long and gave so much. He will be missed by both students and colleagues alike throughout the entire school district.

Mr. Speaker, I wish Eric all the best in his retirement and salute him for his 33 years of public service as a teacher. He is a true American hero.

RENAMING THE CAPITOL HILL POLICE HEADQUARTERS IN MEMORY OF OFFICERS ENEY AND CHESTNUT AND DETECTIVE GIBSON

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I have today introduced in the House a concurrent resolution. That resolution renames the headquarters of the Capitol Police in the memory of Officers Christopher Eney, Jacob Chestnut and Detective John Gibson. I am introducing this resolution along with Senator PAUL SARBANES, and I know that many Members on both sides of the aisle will want to cosponsor it as well.

Mr. Speaker, these men are fallen heroes of the Capitol Police. Officer Eney lost his life during a training exercise in August of 1984. He was the first Capitol officer to lose his life. As we tragically know, Officer Chestnut and Detective Gibson were struck down in the line of duty just a few weeks ago on July 24. They were defending this Capitol, innocent citizens, staff and Members from a maniacal and senseless shooting spree at this Capitol.

Mr. Speaker, August 24, 1984, and July 24, 1998 will forever remind us that the risk is always present for those we ask to defend this free society. The Capitol police force, as a family who wish to honor the colleagues of the family who died while performing their duties by renaming their headquarters after them.

This resolution would rename the United States Capitol Police Headquarters as "The Eney Chestnut Gibson Memorial Building." This was popularly selected by the Capitol police and reflects the order in which each man lost his life.

I am proud and honored on behalf of all of my colleagues to work with Senator SARBANES and his colleagues in the Senate to honor these heroes and their families.

Mr. Speaker, these men and women of law enforcement, like those we ask to join the armed forces and defend freedom abroad, are responsible for us being able to meet in this body in a society that honors peace and order and law. The least we can do as a people is to honor our fallen officers by naming the headquarters where they served with dignity and pride.

I know that my colleagues will want to join me in cosponsoring this resolution.

RELIEF FOR AMERICA'S STRUGGLING FARMERS

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Mr. Speaker, yesterday afternoon I joined the gentleman from Oregon (Mr. BOB SMITH) and the Speaker of the House in announcing a much needed relief package for America's struggling farmers. This $3.9 billion package is a broad-based attempt to help all producers throughout this Nation who have suffered from both low prices and natural disasters.

The package includes $2.25 billion that will be used to address crop disaster losses and $1.65 billion that will go to farmers eligible for Freedom to Farm contracts.

I was thoroughly disappointed, though, in the lukewarm response our package received from our Nation's Secretary of Agriculture. His promotion of a more limited package that has failed in the Senate 4 times is alarming.

Mr. Secretary, please give our package a fair view. Take partisan gamesmanship out of the equation. Substance must take precedent over rhetoric. And by the way, I would urge you to use the Export Enhancement Program. In the last 3 years you have sat on over $1 billion that should be used to open world markets to our producers. The time to act is now.

□ 1315

ELECTION YEAR DEMAGOGUERY

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, what a difference an election year makes. Just last year, most Democrats worked with Republicans to balance the budget and cut taxes. But how soon they forget.

Last summer, they voted to cut taxes while we had a budget deficit. Apparently, according to Democrats, cutting taxes when you have a deficit does not threaten Social Security, but when you cut taxes in times of a budget surplus, suddenly they say that threatens Social Security.

This is a classic, classic example of election year demagoguery. We see the Democrats embrace demagoguery over Social Security every election year as sure as night follows day.

It is hard to know whether the Democrats are exploiting Social Security because they oppose tax cuts or because they just cannot resist scaring seniors yet again about Social Security.

Lies about cuts in Medicare are now followed by absurd charges that what will happen to Social Security if people are allowed to keep a little bit more of what already belongs to them. What a difference an election makes year makes, Mr. Speaker.

DO NOT CENSOR GRAND JURY TAPES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, some people want us to censor the tapes of the President's Grand Jury testimony. We should not be in the business of censoring things for partisan political purposes.

The same people who want us to censor the President's tapes would scream to high heavens if we had refused to release the Nixon tapes.

As U.S.A. Today, the Washington post, and many publications and columnists have pointed out, these difficulties were not brought on by enemies of the administration. We should not do anything to cover up perjury. We should not censor these tapes.

RECHARGE IMF

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, agriculture needs to have the International Monetary Fund recharged so that our markets in Asia and elsewhere can once again become stable trading partners.

Yet, we have heard some say Congress should not recharge the reserves because the IMF has not been successful in helping ailing currencies.

The causes of Asia's currency problems are far too complex to lay blame, entire blame with the IMF. However, there is a simple truth: When Asia's economies suffer, so do American exports and jobs.

We must redefine our relationship with the IMF so that we get a better accounting of how our limited tax dollars are used. Yet, reforming this relationship and recharging the IMF's reserves do not need to cancel each other. The House should follow the Senate's lead in approving IMF's recharge, while at the same time placing conditions on the use of these funds.

The sooner Asia's currency is rebound, the sooner agriculture can export our surpluses.

START HELPING OUR FARMERS

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, "if American agriculture does not grow, it dies." Those are the words of the current Secretary of Agriculture.

I represent a district with some of the richest farmland in America, the 5th district of Washington State. I know firsthand that the growth of world markets for Washington wheat and other commodities is essential to the survival of our farmers.

Secretary Glickman's words do not match the actions or, better said, the inactions of the U.S. Department of Agriculture. Our government has failed miserably to aggressively address the increasingly aggressive trade policies of competing nations which are glad to help their farmers capture markets abroad. Yet our government does not use the tools Congress made available to this administration to allow our farmers to compete against other governments who help their farmers.

This administration cuts agriculture research funding, opposes free market farmer assistance, will not use the export enhancement program, resist tax relief for farmers, and slashes the Foreign Market Development Program.

Mr. Secretary, please start helping our farmers.

REDUCE THE BURDEN ON AMERICAN FAMILIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the cog wheel of liberal logic has just a few teeth missing. It seems that my Democratic colleagues on the other side of the aisle are complaining because Republicans want to use one thin dime of each dollar of the budget surplus to reduce the burden on hard working middle class taxpayers.

Of course the liberal Democrats whine and complain because this means they cannot spend money to grow a more expensive, more intrusive Federal bureaucracy. Well because this is not salable to the American public, their latest claim is that they want to use the entire surplus to save Social Security.

Mr. Speaker, it is these very same liberals who are the reason Social Security is going bankrupt. They are the ones that continually borrowed from the trust fund to promote their dying social agendas, only to replace the money with their favorite three letters, IOU.

Let us allow hard-working Americans to keep some of the money they have earned. Let us allow a couple to marry without being punished by the IRS. Let us allow the self-employed to finally afford health insurance by deducting 100 percent of the cost. Let us support our children, our families, our marriages. Let us support America's future.

Mr. Speaker, we can do all this and still save Social Security. No longer is it IOU, but it is our commitment to the future.

AGRICULTURE RELIEF PACKAGE

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, American farmers are facing the hardest times they have had in years, and the President has shown a complete lack of leadership in helping them.

With the Clinton administration sitting on the sidelines as our family farmers struggle, Congress is taking swift action to protect our family farmers for many years to come, also with respect to the current disaster situation.

Yesterday, I was pleased to join members of the House leadership in announcing the $3.9 billion agriculture relief package to address crop disaster losses. Also on yesterday, the House Committee on Ways and Means passed a tax package that is going to be very beneficial from a long range perspective for all small business people including farmers.

These relief measures will place real money into our farmers' hands in a time of great need. It is incumbent upon the Clinton administration to get off the sidelines and join Congress in swiftly approving this much needed disaster package.

HELP THE AMERICAN FARMER

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I would like to address the actions that the administration has taken in their budget proposal this year with the farm crisis going on.

I spoke yesterday about the $573 million tax increase that they propose to put on our livestock farmers who are dying out there today. Also, I would like to point out what they are doing to help the grain farmer and the person trying to do conservation work.

In their budget proposal, they want to tax people for the information to find out how to comply with the programs. So when you go into the NRCS office or you go to the FSA office, bring your checkbook because the administration says they are going to charge you to get information from you. It is outrageous.

I would just like to tell the Secretary of Agriculture and this administration, they have taken enough out of the hide of the American farmer, and they better go to work and try to help them rather than to continue to tax them and put them out of business.

MEDI-SCARE ALL OVER AGAIN

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, how destructive it is to honest debate to hear our liberal friends one after another claim that tax relief for farmers and ranchers will threaten Social Security. How incredibly dishonest, misleading and, yes, typical to be hearing those accusations.

Can someone on the other side please explain to me how it is that spending does not threaten Social Security but tax relief does?

How ironic that the party that does not bat an eyelash about spending billions and billions of dollars in failed welfare programs and wasteful bureaucracies, without uttering a peep about its impact on Social Security, now claims the tax relief for farmers and ranchers and families is going to threaten Social Security.

How ironic that the party that did not put one dime aside for 40 years to save Social Security now claims that they are interested in protecting the Social Security Trust Fund.

It is pure politics. It is a perfect example of how the other side plays the game.

Mislead seniors, again; oppose tax cuts, nothing new there; and accuse Republicans of undermining the very system that they are trying to reform. It is Medi-scare all over again. How sad.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE STEEL IMPORT CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I am introducing a concurrent resolution today, along with 76 of my colleagues as original cosponsors, which calls on the Administration to take all necessary measures to respond to the surge of steel imports resulting from the financial crises occurring in Asia, Russia and in other areas of the world.

In two briefings held last Thursday and today, the Congressional Steel Caucus heard from top executives of the large integrated steel companies, from the President of the United Steelworkers of America and top executives of other steel industry sectors. The news is not good. Steel imports are pouring into the United States at very low prices and are threatening the existence of the U.S. steel industry and the jobs of persons working in this important industry. And I should remind everyone that every job in the steel industry also supports numerous jobs in terms of suppliers and downstream industries.

We should not be faced with this situation—the U.S. steel industry and its workers have sacrificed over the last decade and have invested heavily to make this industry the most competitive in the world. Demand for steel is high and the industry is lean and competitive. But the industry and the jobs of its workers are being threatened by unfairly priced and unfairly traded steel imports.

Between June of 1997 and June of 1998, steel imports to the U.S. from Russia increased 45.8 percent; from Korea, 89.5 percent; from Japan, 113 percent; and from Indonesia, 308 percent. There are indications that these import figures will grow even larger in the third quarter of 1998.

We are asking that the Administration take the following immediate actions to help stem these injurious imports: (1) to pursue enhanced enforcement of U.S. trade laws to protect the domestic steel industry and its jobs; (2) to pursue all available remedies to ensure a more equitable sharing by other nations of the burden of accepting these imports; (3) to establish a task force to closely monitor steel imports into the U.S.; and (4) to report to Congress by January 5, 1999 on a comprehensive plan for responding to this import crisis.

We cannot stand by and lose this vital U.S. industry and these important jobs as foreign nations attempt to export their way out of their own economic woes.

TAX RELIEF LEGISLATION FOR FARMERS AND RANCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, there is a crisis in rural America. Yesterday, we announced a $3.9 billion relief package, which I hope will start us down the path toward recovery. Next week, the House will vote on important tax relief legislation for America's farmers and ranchers.

Now, I just want to warn the American people about one thing, because these are some of the ploys that are going to be used by our liberal friends. The argument is going to be made over and over again, by an endless parade of folks from the other side, that the Republicans are raiding Social Security to give tax cuts to their rich friends. I have got to admit, the other side is not creative but they are predictable: Try and scare older Americans.

The fact of the matter is, and make no mistake about it, that these are the same folks who ran the House for 40 years and did not put one dime into the Social Security trust fund. On the other hand, our leadership has committed that 90 percent of the surplus, or $1.4 trillion, will be walled off and put aside for Social Security.

So when you hear the endless parade of speakers from the other side come down here, listen but bear in mind one thing. The question is, who are you going to trust? Are you going to trust the people who 3 years ago took control of the Congress and said that we would balance the budget and did it, who said that they would reform welfare and did it, who said that they would cut taxes and did it, who said that they would save Medicare and did it, who said that they would reform the IRS and did it, and who are now saying that we will save Social Security by taking the surplus, 90 percent of it, $1.4 trillion, and walling it off to save Social Security? Or are you going to believe the folks on the other side who for 40 years did not put a penny into the Social Security trust fund?

That is the question I think the American people have to ask themselves because it really is a matter of who are you going to trust? I would submit to the American people that we have an opportunity, with the tax relief bill that we are going to be voting on next week, to wall off 90 percent of the surplus, $1.4 trillion, over the course of the next several years, to save Social Security, take the balance, 10 percent, about $80 billion, and bring tax relief to middle income Americans, to families, by addressing the marriage tax penalty and taking steps to begin to eliminate that; by creating a small, safe exclusion in the Tax Code that allows people to put money aside and not pay taxes on it and by helping hard working farmers and ranchers across this country, in my State of South Dakota, who are trying to make a living, and feel the heavy hand, the heavy burden of government through taxes and regulation, because the 10 percent of the surplus that will be used for tax relief in this package is going to address a number of important issues for farmers and ranchers in my State of South Dakota.

The first is the death tax. It is going to make it easier to pass on the family farm or the ranch or the small business on to the next generation so when people die they do not have to visit the IRS at the same time they visit the undertaker. That is an important change. It makes permanent income averaging, because farming and ranching is a very volatile business and this allows them to spread out over time their tax liability. It also allows for deductibility of health insurance premiums for self-employed people. Farmers and ranchers do not get to deduct important tax change.

It also allows for a loss carry-back provision in which farmers can go back to their five most profitable years and, if they have experienced losses currently, taking their current losses against those profits and receive a refund from the Internal Revenue Service.

□ 1330

Important cash relief and tax relief and cash flow assistance to agriculture, where they desperately need it today. But we are going to hear again the parade of our friends from the other side, and they are our friends, but the fact of the matter is they are going to use the same old well-worn arguments to say that the Republicans want to give tax cuts to their rich friends, raid Social Security to give tax cuts to their rich friends.

Mr. Speaker, I tell my colleagues one thing for certain. The farmers and ranchers in South Dakota are not rich. They are hard-working people who deserve a break, and we have an opportunity to do something that is meaningful to help them back on their feet and recover and back on to better times.

I hope that the American people, and I want to put them on notice today, because they are going to hear it time after time after time again. This is the same argument that we have heard before. They are going to go after and try to scare older Americans.

I say to America, do not believe it. We have a commitment to save Social Security. We have proven in the past that we keep our promises with welfare reform, with the balanced budget, with tax relief, with Medicare and IRS reform.

Who is America going to trust and who are they going to believe is going to save Social Security for the future of America? That is the question that the American people have to answer. I hope as we have this debate in the ensuing days, that people are keenly aware of the arguments that are going to be made. But Americans should look at the record and ask themselves who they are going to trust.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today on account of a family medical emergency.

Ms. SÁNCHEZ (at the request of Mr. GEPHARDT) for today on account of official business.

By unanimous consent, leave of absence was granted to:

Mr. PEASE (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THUNE) and to include extraneous material:)

Mr. GALLEGLY.
Mr. SAXTON.
Mr. KING.
Mr. PAPPAS.
Mr. RADANOVICH.
Mr. SMITH of New Jersey.
Mr. FORBES.
Ms. PRYCE of Ohio.
Mr. KIND.
Ms. SLAUGHTER.
Mrs. MALONEY of New York.
Mr. CRAMER.
Mr. FARR of California.
Mr. STARK.
Mr. JOHN.

(The following Member (at the request of Mr. THUNE) and to include extraneous material:)

Mr. POMEROY.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1770. An act to evaluate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources, in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1998. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Resources.

S. Con. Res. 103. Concurrent Resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet; to the Committee on International Relations

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Mr. THUNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 22, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triclopyr; Extension of Tolerances for Emergency Exemptions [OPP–300695; FRL 6021–5] (RIN: 2070–AB78) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deltamethrin; Pesticide Tolerance [OPP–300669; FRL–5795–2] (RIN: 2070–AB78) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11055. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Charter and Bylaws; One Member, One Vote [No. 98–89] (RIN 1550–AB17) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11056. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—1998 Reporting Notice and Technical Amendment; Partial Updating of TSCA Inventory Data Base; Production and Site Reports [OPPTS–82051; FRL–6028–3] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 119–4074a; FRL–6148–3] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11058. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to VOC Regulations for Dry Cleaning and Stage I Vapor Recovery [MD 061–3028a, MD 065–3028a; FRL–6148–1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11059. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM–10 Nonattainment Area [PA039/067–4077; FRL–6149–1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11060. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules [NM 22–1–7103a; FRL–6152–4] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11061. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 212–0092a; FRL–6142–5] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11062. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Aerospace Manufacturing and Rework Facilities [AD-FRL–6154–1] (RIN: 2060–AE02) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11063. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Natural Rubber-Containing Medical Devices; User Labeling; Cold Seal Adhesives Partial Stay [Docket No. 96N–0119] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11064. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Device Reporting: Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting [Docket No. 98N–0170] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11065. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Final Rule To List the Illinois Cave Amphipod as Endangered (RIN: 1018–AE31) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11066. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Fairfax, VA [Airspace Docket No. 98–AEA–13] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tidioute, PA [Airspace Docket No. 98–AEA–05] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11068. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Danville, VA [Airspace Docket No. 98–AEA–12] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11069. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model SN–601 (Corvette) Series Airplanes [Docket No. 98–NM–158–AD; Amendment 39–10720; AD 98–18–04] (RIN: 2120–AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D and E Airspace; Crows Landing, CA [Airspace Docket No. 98–AWP–12] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11071. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 98–NM–255–AD; Amendment 39–10735; AD 98–18–19] (RIN: 2120–AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11072. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2A MK. 111 Series Airplanes [Docket No. 97–CE–111–AD; Amendment 39–10723; AD 98–18–07] (RIN: 2120–AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11073. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; JOHNSON City, TX [Airspace Docket No. 98–ASW–33] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–90–30 and MD–88 Airplanes [Docket No. 98–NM–10–AD; Amendment 39–10733; AD 98–18–17] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11075. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29322; Amdt. No. 411] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11076. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Expansion of Restricted Area R–6002, Poinsett-Sumter, SC [Airspace Docket No. 94–ASO–9] (RIN: 2120–AA66) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11077. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 98–NM–242–AD; Amendment 39–10730; AD 98–18–14] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Prairie Du Chien, WI Correction [Airspace Docket No. 98–AGL–32] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11079. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200, -200PF, and -200CB Series Airplanes Equipped with Rolls-Royce Model RB211–535E4/E4B Engines [Docket No. 98–NM–183–AD; Amendment 39–10743; AD 94–13–02 R1] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11080. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–01–AD; Amendment 39–10732; AD 98–18–16] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98–NM–167–AD; Amendment 39–10734; AD 98–18–18] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–V Series Airplanes [Docket No. 98–NM–230–AD; Amendment 39–10731; AD 98–18–15] (RIN: 2120–AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11083. A letter from the the Kenneth W. Starr, the Office of the Independent Counsel, transmitting appendices to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of the Independent Counsel, September 9, 1998; (H. Doc. No. 105—311); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2661. A bill to establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105–730). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2869. A bill to amend the Occupational Safety and Health Act of 1970 to exempt safety and health assessments, audits, and reviews conducted by or for an employer from enforcement action under such Act; with an amendment (Rept. 105–731). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2873. A bill to amend the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105–732). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4068. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; with an amendment (Rept. 105–733). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 4006 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration. H.R. 2314 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, and Mrs. THURMAN):

H.R. 4597. A bill to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, to protect the solvency of the Social Security system, to reserve Social Security surpluses solely for the Social Security system, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4598. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 4599. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 4600. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to allow group and individual health insurance coverage and group health plans to charge higher premiums to smokers; referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4601. A bill to prohibit the closure of certain National Weather Service weather stations until concerns of the Comptroller General about the National Weather Service modernization effort are addressed; to the Committee on Science.

By Ms. PRYCE of Ohio (for herself, Mr. REGULA, Mr. STOKES, Mr. CHABOT, Mr. PORTMAN, Mr. HALL of Ohio, Mr. OXLEY, Mr. GILLMOR, Mr. STRICKLAND, Mr. HOBSON, Mr. BOEHNER, Ms. KAPTUR, Mr. KUCINICH, Mr. KASICH. Mr. BROWN of Ohio, Mr. SAWYER, Mr TRAFICANT, Mr. NEY, and Mr. LATOURETTE):

H.R. 4602. A bill to name the Department of Veterans Affairs outpatient clinic located at 543 Taylor Avenue, Columbus, Ohio, as the "Chalmers P. Wylie Veterans Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

H.R. 4603. A bill to establish a portable retirement option for political appointees and congressional employees; referred to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. LIVINGSTON, Mr. BAKER, and Mr. JOHN):

H.R. 4604. A bill to direct the Minerals Management Service to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to compensate for oil and gas drainage in the West Delta Field; to the Committee on Resources.

By Mr. THORNBERRY:

H.R. 4605. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

By Mr. HOYER:

H. Con. Res. 327. A concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building"; to the Committee on Transportation and Infrastructure.

By Mr. REGULA (for himself, Mr. MURTHA, Mr. QUINN, Mr. VISCLOSKY, Mr. ENGLISH of Pennsylvania, Mr. COYNE, Mr. LIPINSKI, Mr. WELLER, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. WALSH, Mr. MCINTOSH, Mr. CARDIN, Mr. MOLLOHAN, Mr. KUCINICH, Mr. STUPAK, Mr. BOSWELL, Mr. BISHOP, Mr. TRAFICANT, Mr. ADERHOLT, Mr. SNYDER, Mr. BACHUS, Mr. EHRLICH, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. HOLDEN, Mr. LEACH, Mr. LEVIN, Mr. PALLONE, Ms. STABENOW, Mr. MCHALE, Mr. COSTELLO, Mr. NEY, Mr. JENKINS, Mr. BARCIA of Michigan, Mr. BROWN of California, Mr. BUNNING of Kentucky, Mr. KLINK, Mr. BORSKI, Mr. BLAGOJEVICH, Mr. OBERSTAR, Mr. CALLAHAN, Mr. SOUDER, Mr. ROEMER, Mr. SAXTON, Mr. MCDADE, Mr. PARKER, Mr. BILIRAKIS, Mr. GEKAS, Mr. BALLENGER, Mr. CANNON, Mr. CRAMER, Mr. EVANS, Mr. GREEN, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SHUSTER, Mr. FOX of Pennsylvania, Mr. PASTOR, Mr. GOODLING, Ms. DELAURO, Mr. RAHALL, Mr. BERRY, Mr. EHLERS, Mr. HOBSON, Mr. HINCHEY, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. MASCARA, Mr. SAWYER, Mr. UPTON, Mr. VENTO, Mr. WHITFIELD, Mr. DINGELL, Mr. WISE, and Mr. STOKES):

H. Con. Res. 328. A concurrent resolution calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H. Res. 545. A resolution impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. CONDIT (for himself, Mr. DEUTSCH, and Mr. LAHOOD):

H. Res. 546. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. LaHOOD (for himself and Mr. GILLMOR):

H. Res. 547. A resolution expressing the sense of the House of Representatives that the President should reimburse the Federal Government for the estimated $4,400,000 in costs incurred by the Office of Independent Counsel in investigating his relationship with Ms. Monica Lewinsky; to the Committee on the Judiciary.

By Mr. PACKARD (for himself and Mr. SKAGGS):

H. Res. 548. A resolution recognizing that prevention of youth suicide is a compelling national priority; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. WATKINS.

H.R. 306: Mr. DICKS.

H.R. 322: Mr. SHAYS.

H.R. 979: Mr. BARTLETT of Maryland.

H.R. 1061: Mr. GOODLING.

H.R. 1288: Ms. PELOSI.

H.R. 2139: Ms. HOOLEY of Oregon.

H.R. 2224: Mr. MINGE.

H.R. 2537: Mr. PACKARD and Mr. BOB SCHAFFER.

H.R. 2754: Mr. HALL of Ohio, Mr. BONIOR, and Ms. DELAURO.

H.R. 2850: Mr. SHERMAN.

H.R. 3107: Mr. HINCHEY.

H.R. 3320: Mr. WATT of North Carolina.

H.R. 3503: Mr. BLAGOJEVICH and Mr. COSTELLO.

H.R. 3572: Mr. ABERCROMBIE and Ms. KILPATRICK.

H.R. 3653: Mr. FILNER.

H.R. 3710: Mr. ACKERMAN, Mr. CAMP, Mr. FARR of California, Mr. SHAW, Mr. HYDE, Mr. MALONEY of Connecticut, Mr. HANSEN, Mr. GOODLATTE, Mr. MANTON, Mr. OBERSTAR, and Mr. EHLERS.

H.R. 4016: Mr. HANSEN.

H.R. 4019: Mr. WAXMAN and Mr. DAVIS of Virginia.

H.R. 4065: Mr. ROYCE.

H.R. 4179: Mr. FILNER, Mr. BROWN of Ohio, Mr. FROST, Mrs. MEEK of Florida, Mr. UNDERWOOD, Ms. CARSON, and Mr. PRICE of North Carolina.

H.R. 4184: Mr. BOSWELL and Mr. ETHERIDGE.

H.R. 4185: Mr. BOSWELL and Mr. ETHERIDGE.

H.R. 4213: Mr. PAXON, Mr. DEAL of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 4293: Mr. GEJDENSON and Mr. MENENDEZ.

H.R. 4316: Mr. UNDERWOOD.

H.R. 4369: Mr. COBURN.

H.R. 4398: Mrs. MORELLA and Mr. HILLIARD.

H.R. 4404: Mr. PARKER and Mr. WICKER.

H.R. 4449: Mr. COBLE, Mr. BASS, and Mr. TIAHRT.

H.R. 4455: Mr. LATHAM, Mr. HUTCHINSON, Mr. ENGLISH of Pennsylvania, Mrs. BONO, Mr. MANZULLO, and Mr. SNOWBARGER.

H.R. 4501: Mr. ENGLISH of Pennsylvania.

H.R. 4530: Mr. BOEHLERT, Mr. GILMAN, Mr. GANSKE, and Mr. KLUG.

H.R. 4583: Mr. LUTHER and Mr. MINGE.

H. Con. Res. 229: Mr. BRYANT, Mr. DEUTSCH, Mr. GOODLATTE, and Mr. YOUNG of Florida.

H. Con. Res. 274: Mr. BILIRAKIS, Ms. NORTON, Mrs. NORTHUP, Mr. FOLEY, Mr. WALSH, Mr. RAMSTAD, Mr. GREENWOOD, Mrs. THURMAN, Mr. ABERCROMBIE, and Mr. SMITH of New Jersey.

H. Con. Res. 290: Mr. HUTCHINSON, Mr. CANNON, Mr. COOK, Mr. BOB SCHAFFER, Mr. ENGLISH of Pennsylvania, Mr. ROYCE, and Mrs. BONO.

H. Con. Res. 317: Mr. BARRETT of Nebraska and Mr. GRAHAM.

H. Res. 460: Mr. DEAL of Georgia, Mr. COSTELLO, Mr. KILDEE, and Mrs. MYRICK.

H. Res. 523: Mr. TOWNS, Ms. NORTON, Mr. LANTOS, Mr. MENENDEZ, Mr. HOYER, Mr. ACKERMAN, Mr. MARKEY, Mr. DIXON, Mr. FARR of California, Mr. FROST, Mr. UNDERWOOD, Mr. CUMMINGS, Mr. MCGOVERN, Mr. HAMILTON, and Ms. KILPATRICK.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 8. September 17, 1998, by Mr. FILNER on H.R. 836, was signed by the following Members: BOB FILNER.

EXTENSIONS OF REMARKS

NATIONAL POW/MIA RECOGNITION DAY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. POMEROY. Mr. Speaker, I rise today to call to the attention of my colleagues, the observance of the National POW/MIA Recognition Day. To commemorate this day, there will be an interservice flyover of the Pentagon & two of the four pilots hail from my state of North Dakota. Captain Jon Wutzke, and Major Michael Wobbema, will pilot two F-16s from the 199th Fighter Wing of the North Dakota Air National Guard.

Otherwise known as the "The Happy Hooligans", this wing is one of the most proficient and decorated units in the U.S. military. It was the first Air National Guard Unit to fly in a NATO operation in 1986. In 1994 this group entered and won the William Tell Air Competition against fighter squadrons from around the world. Captain "Moose" Wutzke and Major Wobbema, will help focus the attention of our nation on the over 85,000 military personnel who have been taken Prisoner of War or became Missing in Action since the beginning of World War II. I've included their call names because this identifies them as more than just military personnel with a rank, but individuals with personalities.

The flight formation used in this event is the "Missing Man" formation in which the number three position flown by our Major Wobbema draws attention to those who have not returned. Having said that, we must not forget those who cannot experience the things we take for granted every day, our lives, our homes, our families and our country. These pilots are trying to remind us of the risk all our military personnel take so that we may continue our daily lives with safety and without fear.

INTRODUCTION OF LEGISLATION NAMING THE "CHALMERS P. WYLIE VETERANS OUTPATIENT CLINIC."

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. PRYCE of Ohio. Mr. Speaker, sadly, on August 14, 1998, former Representative Chalmers Wylie passed away at the age of 77. First elected to the House of Representatives in 1966, Chalmers Wylie served thirteen terms, rising to ranking member of the House Banking, Finance, and Urban Affairs Committee. Mr. Wylie dedicated his life to serving Ohio and, in particular, the people of the 15th District. He earned the respect and admiration of everyone with whom he came in contact and, still today, constituents speak of him fondly wherever I go.

While many knew of Chalmers Wylie's wonderful service in the House of Representatives, few people knew of his distinguished service during World War II. Chalmers Wylie was an Army combat veteran who was awarded the Purple Heart for wounds sustained while rescuing fallen comrades in Germany. Mr. Wylie also was awarded the Silver Star and Bronze Star, the Presidential Unit Citation with two oak-leaf clusters, as well as the French Croix de Guerre and Belgian Fourragere.

During his service in Congress, Chalmers Wylie also served as a distinguished member of the Veterans' Affairs Committee. In this position, he fought for the veterans of our nation and was instrumental in improving veteran access to medical care in Columbus, Ohio through the establishment of the Veterans Affairs Outpatient Clinic.

Today, with the support of the entire Ohio Delegation, I am introducing legislation to name the Department of Veterans Affairs Outpatient Clinic located at 543 Taylor Avenue, Columbus, Ohio, the "Chalmers P. Wylie Veterans Outpatient Clinic." I hope that my colleagues in the House will support the swift passage of this fitting tribute to Chalmers P. Wylie for his years of dedication and service to our nation.

TRIBUTE TO JULIA BALDERAS, LT. JOSE L. MORALEZ, DANIEL GARCIA PAYNE, DENNIS J. SANCHEZ AND DR. ROBERT SEGURA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Julia Balderas, Lt. Jose L. Moralez, Daniel Garcia Payne, Dennis J. Sanchez and Dr. Robert Segura for being selected 1998 Portraits of Success program honorees by KSEE 24 and Companies that Care. In celebration of Hispanic-American Heritage Month, these distinguished individuals were honored for their unique contributions to the betterment of their community.

Julia Balderas is a lifetime educator who has made significant contributions to her profession, her community and family. She is currently employed as a business and computer science instructor at Edison High School where she graduated in 1958. In 1962, Julia Balderas earned a baccalaureate degree in business from California State University Fresno. That same year, she returned to Edison High School and began her career in education, providing instruction in a variety of business and vocational development courses. During the early 1970's, Ms. Balderas furthered her professional career by completing her Masters Degree in Business at California State University, Fresno. She also worked as a cultural consultant, business instructor and administrator for various educational entities, including Fresno City College, Clovis Adult School and the California State Department of Education. In 1976, Ms. Balderas became an owner and partner of the Hacienda de Los Amiguitos Child Development Center. It became the only private bilingual preschool in the San Joaquin Valley. During the late 1970's and early 1980's, Ms. Balderas served as a lecturer at California State University, Fresno for the School of Business Administrative Sciences. She also lectured for the Chicano Leadership Conference for five years. Julia Balderas has been recognized not only for her outstanding leadership in education, but also for her passionate work on behalf of the poor. She is a founding member of MAPA (The Mexican American Political Association), an active member of El Concilio de Fresno, the League of Mexican American Women and dozens of other civic action groups that have made a real difference in the lives of thousands of people.

Lt. Jose L. Moralez began his law enforcement career with the Fresno Police Department as a cadet in 1974 and was sworn in as a police officer in 1977. In 1985, Lt. Moralez was promoted to the rank of Sergeant, followed by his promotion to Lieutenant in 1995. Lt. Moralez is currently assigned to the Southeast Policing District as its Field Commander. He oversees the evening operations of the unit as well as other city-wide operations. In addition to his patrol assignments, Lt. Moralez serves as Administrative Assistant to Chief of Police Ed Winchester. Lt. Moralez also participates as an instructor for the Advanced Officer Academy Courses at the Fresno Police Department. On the community front, Lt. Moralez is actively committed to working and expanding the Neighborhood Watch Association. Residents say they find him kind and approachable and turn to him often for his expert advice on home and neighborhood safety issues. Lt. Moralez also cares about and is involved with young people in our community. He has been very active in getting local merchants and residents to support inner city youth through the Boys and Girls Club. He recently spearheaded an effort to have the Boys and Girls Club repainted, after the facility started showing signs of a badly needed facelift. A source of pride for Lt. Moralez was coordinating and instructing at the Hispanic Residents Academy. This organization works to improve the working relationship between the police and the local residents. He and his wife Yolanda are blessed with two children.

Daniel Garcia Payne is a highly decorated and retired Marine Corps Officer. During the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

latter part of his 23-year career with the military, he managed a half a billion dollar budget and earned numerous commendations for his outstanding service. He holds a degree in missile munitions from John C. Calhoun College in Alabama and a degree in law enforcement from San Jose City College. More recently, Mr. Payne has devoted much of his time and efforts to local organizations that are working to better our community. As a licensed ordained minister, he was very instrumental in the establishment of the Valley Community Church. The Church targets its ministry work toward Hispanics who are not attending church and who need spiritual and civic growth. I have the pleasure of having Mr. Payne serve as a co-chairman on my Congressional Hispanic Advisory Committee. He has served as Vice Chairman of the Republican Central Committee and the California State Republican National Hispanic Assembly. Because of his military background, Mr. Payne also volunteers his time to several local veteran organizations. He is the past commander and currently an officer of the American Legion Post 4. He is also an active member of the Veterans of Foreign Wars, the American G.I. Forum, and the Disabled American Veterans. Mr. Payne is also active with youth. For the past five years he has served as co-coordinator of the popular Toys for Tots Christmas effort, which provides 20,000 gifts to needy children. He also co-founded "Drug Dilemma", a life drama project that is working to discourage high school students from experimenting with drugs. He and his wife Mary Lynn have two daughters.

Dennis J. Sanchez was born in Hanford, California where he attended local schools. After high school he attended College of the Sequoias and later graduated from Cal Poly San Luis Obispo with a degree in agronomy. After college Mr. Sanchez returned to Hanford, and along with his brother Peter, began farming operations in the early 1950's. At the same time, he enlisted into the California National Guard 2nd Battalion 49th Infantry Division, and received an honorable discharge in 1964 as a First Lieutenant. In 1968 he co-founded Sanchez & Sánchez Grain. In 1974 he opened Sanchez Feed & Seed. Today he continues to work on the farming side of the business, while juggling a very busy civic schedule. Throughout his adult life, Mr. Sanchez has volunteered and contributed to several organizations—namely, the League of United Latin American Citizens, the Kings County Farm Bureau, the State Fair Board, the Tulare Kings Hispanic Chamber and the San Joaquin Valley Latino Vote Coalition. In 1994, Dennis Sanchez was elected to the Hanford City Council. As an elected official, he has furthered efforts in the areas of crime and juvenile delinquency prevention, job creation, and attracting new business into the Hanford area. Mr. Sanchez is the father of four children, and the proud grandfather of ten children. It is for these reasons that he was selected as a 1998 Portrait of Success.

Dr. Robert Segura is a professor of education at California State University Fresno, a position he has held since 1980. Dr. Segura earned a baccalaureate and masters degree from New Mexico Highlands University at Las Vegas, New Mexico. He attained a doctoral degree in curriculum and instruction from Washington State University in Pullman, Washington. In his current position, Dr. Segura provides instruction in the social and cultural foundations of education. Previously, he was responsible for the development, implementation and administration of federal and state projects that service the university and public schools in Fresno. Dr. Segura has also served as an educational presenter, evaluator and consultant to the U.S. Department of Education, California's Department of Education and dozens of universities across the country. He has assisted in such areas as bilingual education, the education of gifted minority students, desegreation policy, migrant programs and a myriad of other issues. Dr. Segura has also published a series of bilingual children's books which are based on the characters of "Chato" and "Sapo." Dr. Segura's delightful and intriguing collection follows Chato and Sapo on many adventures, discoveries and pitfalls that they experience in school. Dr. Robert Segura is also recognized for his involvement in the political arena. I have the pleasure of having Dr. Segura serve as both a community representative for me in Fresno County and a as co-chairman on my Congressional Hispanic Advisory Committee. In addition, he is a member of the Hispanic Task Force and has served as President of the Fresno Chapter of the Republican National Hispanic Association. Additionally, he chairs the Human Relations Commission for the City of Fresno.

Mr. Speaker, it is with great honor that I pay tribute to Julia Balderas, Lt. Jose L. Moralez, Daniel Garcia Payne, Dennis J. Sanchez and Dr. Robert Segura for being recognized as the KSEE 24 and Companies that Care 1998 Hispanic-American Portraits of Success honorees. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine individuals many more years of success.

IN HONOR OF NAO TAKASUGI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a native son of my district, a man who decided to become part of the solution when confronted by a reticent City Hall, and who turned that decision into a distinguished career on behalf of his fellow citizens.

Nao Takasugi will retire from the California Assembly this year after three dignified terms. He began his foray into politics in much the same way I began mine: Bureaucratic bungling forced him to take on his local government. He ran for the Oxnard City Council in 1976, won, and then got right to work. During his 10 years as mayor of Ventura County's largest city, Mr. Takasugi was credited with piloting it through its most productive years by creating jobs and encouraging economic growth.

In 1992, Mr. Takasugi decided to take his problem-solving expertise to the state level and ran successfully for the California Assembly in the 37th District. Bills he introduced that were signed into law include an expanded Taxpayer Bill of Rights, creation of a settlement authority for taxpayers in dispute with the California Franchise Tax Board, adding Hepatitis B to the list of diseases children must be vaccinated against prior to attending school, and creating a three-year pilot project to extend the school year for the Oxnard Union High School District.

Mr. Takasugi was well-prepared to be an effective legislator. He was valedictorian of Oxnard High School and received his bachelor's degree in accounting form Temple University before earning his MBA from Wharton School of Business and Finance. He speaks both Japanese and Spanish. He has been a successful businessman for more than 35 years. He and Judy have been married 46 years and have five grown children.

Once he became involved in government, Mr. Takasugi took it on with the same zeal with which he conducts his private life. He has chaired more than 25 local, statewide, and national boards and commissions, including the U.S. Conference of Mayors, the National League of Cities, and the Economic Development Advisory Board. He has become a recognized expert on transportation and government issues.

In short, Mr. Takasugi is a shining example of the power inside each individual to make a difference. He has made that difference on behalf of the people in his community, his county and his state. Mr. Speaker, I know my colleagues will join me in thanking Mr. Takasugi for his many years of selfless service and wish him well in any future endeavors.

WHAT HAPPENED IN WESTHAMPTON BEACH?

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, seven new inlets between Moriches Inlet and Quogue village line were created when the ocean broke through the dunes. Many dune houses were carried off their foundations, were broken in pieces, and were washed into Moriches Bay, or cast up on the Mainland. This was also the fate of the Moriches and the Potunk Coast Guard Stations. People in those beach houses, those fortunate enough to cling to roofs, or able to swim, were tossed up on the Oneck section of the village, or on the golf course. Of about 179 dunes homes, only a few remained, and those were lift in uninhabitable condition. Other areas of the village which were particularly badly hit were Beach Lane, Stevens Lane, Main Street, and Library Avenue.

The West Bay Bathing Beach (Swordfish Club) was destroyed. The Rogers' Beach Club (Rogers Pavilion) was badly damaged. The Quantuck Beach Club was washed away, and its clubhouse was later found one mile directly north on a Quogue lawn.

The south end of the West Bay Bridge (Swordfish Bridge) was torn off, rendering it useless. The golf course was littered with wreckage from the beach. The Westhampton Yacht Basin was a shambles, with many work and pleasure boats either sunk, or up on the dry land.

Storekeepers and customers were taken by surprise, when a wall of ocean water, pushed by a storm surge, reached a height of six feet on Main Street. The water carried debris from the dunes with it. The first floor classrooms at the Six Corners School were inundated to a depth of nearly five feet, and many windows were blown in. Some two hundred children were in the school building as the storm approached. They were dismissed, and left the school unharmed, just in time.

All waterways and canals rose to unbelievable heights. Waves broke in Beaver Dam Creek, rose over Montauk Highway, and flooded Cook's Pond. Many village residents fled to higher ground, to the airport, or to Riverhead.

The Patio Building quickly became a storm emergency headquarters, and the Westhampton County Club was used as a temporary morgue. Twenty-nine people drowned. Breakdown of electricity, telephone and train service, water shortage and break off of telegraph communication, helped create deep distress in the village.

HARRY FREDERICK CASEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a journalist, a community leader, a father and a friend, Harry Frederick Casey.

Harry was born in Watsonville, California but by his high school years he had moved to King City which became his home. Harry attended University of California Berkeley, graduating in 1950 with a degree in journalism, and served in the United States Navy during World War II.

In 1952, Harry became a co-publisher of "The Rustler," the newspaper started by his grandfather in 1901, and his exceptional career in journalism began. By increments, Harry acquired other newspapers in the area, the Greenfield News, the Soledad Bee, and the Gonzales Tribune, He lent his expertise to professional organizations, serving as president of the California Newspaper Publishers Association in 1976, and as director of the California Press Association from 1986 to 1996 and president in 1993–94. Harry was nominated "Publisher of the Year" by Cal Press in 1981.

Harry was intricately involved in the life of his community. He was a charter member of the King City Junior Chamber of Commerce, and a member of the Rotary, Knights of Columbus, Toastmasters, American Legion, the Monterey County and State Cattlemen's Association, and the Monterey County Agriculture and Rural Life Museum. He served in public office on the King City Council. Harry's contributions did not go unrecognized. He was named "Jaycee of the Year", in 1961, and "Man of the Year" by the King City Chamber of Commerce in 1981. My father, State Senator Fred Farr, acknowledging him as setting the tone for his community, always invited Harry to the annual Buckeye weekends. The guests at these get-togethers included the leadership on the interior and coastal areas of Monterey County. The friendly and festive atmosphere had the combined purposes of conviviality, and of reminding ourselves of how much we value, and must care for, our region.

Harry's remarkable spirit is illustrated by the fact that he penned two novels, "Land of the Eagle" and "Pen and Plow" during his illness with cancer. A trilogy "Centennial Edition" has just been published as well.

Our hearts go out to Harry's family, his wife Peggy; his sons Richard and Bill; his daughters Sharon and Patty; his step-sons Michael and Patrick Barbree; his step-daughters Kelly, Shannon, Laurie, and Kathleen; and his 17 grandchildren.

Harry was a major influence in his community. His voice will be missed, yet his thoughts will remain a part of the cultural history of Monterey County. He was a friend. I miss him too.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. PRYCE. Mr. Speaker, during the week of September 14, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Monday, September 14, 1998

S. 2206—Community Opportunities, Accountability, and Training and Educational Services Act (Roll Call No. 426): Aye.

H. Con. Res. 304—Expressing the Sense of Congress Regarding the Culpability of Slobodan Milosovic for War Crimes, Crimes Against Humanity, and Genocide in the Former Yugoslavia (Roll Call No. 427): Aye.

H. Con. Res. 254—Calling on the Government of Cuba to Extradite to the United States Convicted Felon Joanne Chesimard and all other Individual who have Fled the United States to Avoid Prosecution or confinement for Criminal Offenses and who Currently Living Freely in Cuba (Role Call No. 428): Aye.

H. Con. Res. 185—Sense of the Congress on the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the U.S. to the Principles Expressed in the Declaration (Roll Call No. 429): Aye.

Tuesday, September 15, 1998

H.R. 4101 (Roll Call No. 430)—making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

On ordering the previous question: Aye.

H.R. 4103—Department of Defense Appropriations:

On motion to instruct conferees (Roll Call No. 431): Aye.

On motion to close portions of the conference (Roll Call No. 432): Aye.

H.R. 4328—making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999 and for other purposes:

On motion to instruct conferees (Roll Call No. 433): Aye.

H.R. 4194—making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporation, and offices for the fiscal year ending September 30, 1999, and for other purposes:

On motion to instruct conferences (Roll Call No. 434): Aye.

H.J. Res. 117—expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use (Roll Call No. 435): Aye.

S. 2073—to authorize appropriations for the National Center for Missing and Exploited Children (Roll Call No. 436): Aye.

H.R. 4382—to amend the Public Health Service Act to revise and extend the program for mammography quality standards (Roll Call No. 437): Aye.

Wednesday, September 16, 1998

H.R. 4300—to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

On agreeing to the McCollum amendment (Roll Call No. 438): Aye.

On agreeing to the Reyes amendment as modified (Roll Call No. 439): Nay.

On agreeing to the Traficant amendment (Roll Call No. 440): Aye.

On agreeing to the Waters amendment (Roll Call No. 441): Nay.

Final Passage (Roll Call No. 442): Aye.

H.R. 4550—to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand illegal drugs and the inappropriate use of illegal drugs:

On agreeing to the Taylor amendment (Roll Call No. 443): Nay.

Final Passage (Roll Call No. 444): Aye.

Thursday, September 17, 1998

H.J. Res. 128 (Roll Call No. 445)—making continuing appropriations for the fiscal year 1999 (Roll Call No. 445): Aye.

H.R. 4569—making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

H. Res. 542 (Roll Call No. 446)—providing for consideration of H.R. 4569 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purpose: Aye.

On agreeing to the Porter Amendment (Roll Call No. 447): Aye.

On agreeing to the Kennedy Amendment (Roll Call No. 448): Nay.

On passage (Roll Call No. 449): Aye.

Friday, September 18, 1998

H.R. 3248—Dollars to the Classroom Act:

On agreeing to the Mink amendment: (Roll Call 450): Nay.

On agreeing to the Martinez amendment (Roll Call 451): Nay.

On passage: (Roll No. 452): Aye.

TRIBUTE TO THE ST. GEORGE GREEK ORTHODOX CHURCH IN FRESNO IN CELEBRATION OF ITS 75TH ANNIVERSARY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate St. George Greek Orthodox Church for its 75 year anniversary in Fresno. St. George Church and its parish have established a strong foundation of moral guidance and deep religious Christian faith within Fresno's community.

St. George Greek Orthodox Church of Fresno was established in 1924 by several Greeks who emigrated to the San Joaquin Valley and settled in the Fresno area during the late 1800's. The early settlers established farms and started family businesses. The Greek community of Fresno was formed by the growing families of these early settlers. Many men from the Greek community served and fought in World War II.

St. George Church was established for the mutual benefit of the Greek community to preserve their religion, culture and language. The Church formed the first philanthropic society of women to assist the needy and to serve the community of Fresno. In 1955, St. George built a new church on a five-acre site and added a social hall shortly thereafter. St. George continued its expansion and built a school building for religious and cultural education and an audio-visual studio to support these educational activities.

St. George Church has initiated educational programs to reach out to the children, youth, and seniors in the Fresno area. St. George also reaches out to the growing multicultural, non-Greek Eastern Orthodox following including other Americans, Russians, Armenians, Lebanese, Serbians, Eritreans, Bulgarians, and Asians.

Mr. Speaker, I rise today to pay tribute to St. George Greek Orthodox Church of Fresno for its 75 year anniversary. St. George Church and its parish have established a strong foundation of moral guidance and Christian faith in its service to the community of Fresno. I ask my colleagues to join me in wishing St. George Greek Orthodox Church many more years of success.

A TRIBUTE TO PAT & ANN CIMMARUSTI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to honor two people whose lifetimes of service to others serves as a model to which others should strive.

Pat and Ann Cimmarusti will be honored tonight by UNICO National, Los Angeles Chapter. UNICO stands for Unity, Neighborliness, Integrity, Charity and Opportunity to serve. This husband and wife team have embodied that spirit over the years and are profoundly deserving of the honor.

Ann and Pat have been married for 56 years. They have raised three children, Loretta, Larry, and Ralph, who have brought into the family son-in-law Richard, and daughters-in-law Amalia and Hallie. Those unions have in turn blessed Ann and Pat with seven grandchildren and one great-granddaughter. Pat and Ann stand for family and unity and have been blessed by success and love by adhering to the UNICO motto of "Service above Self."

That service has extended far beyond their immediate family. Through UNICO, a national organization since 1947, Ann and Pat have given to a variety of organizations, such as hospitals, churches, families, and much, much more. UNICO provides a variety of scholarships and awards. Members actively participate in the Easter Seal project and raise funds for victims of national and international disasters. In 1987, UNICO founded Hope University, UNICO National College for the gifted and mentally retarded.

Pat and Ann Cimmarusti are in no small part responsible for the organization's continued success.

I know my colleagues will join me in extending our congratulations to this remarkable couple as they are honored for a lifetime of selfless service to others.

APPOINTMENT OF CONFEREES ON H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BERRY. Mr. Speaker, I rise today in support of American farmers. It is undeniable that there is an emergency facing the farming communities across the country. Natural disasters, global oversupply, diminished overseas demand, and low prices have combined to create this emergency.

I am a strong supporter of maintaining a balanced budget, but emergency designation for this additional spending is fully justified. It is a true emergency when our agriculture base is in danger of collapsing. This funding is an investment in our future prosperity and it is essential that it be delivered quickly.

This funding will not be a permanent solution, nor perhaps will it be nearly enough to adequately address the growing crisis. We must do much more to provide farmers and farming communities a safety net that works. Now, however, we have the opportunity to take immediate steps to address an immediate emergency.

I urge my colleagues to support this instruction and to support America's farmers.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

Mr. FARR of California. Mr. Chairman, I would like to state my concern with H.R. 4300, the so called Western Hemisphere Drug Elimination Act.

I want to talk about a problem that already exists and which will only be exacerbated by Title III of this legislation. Title III authorizes $65 million to the U.S. Agency for International Development to create and develop programs to urge farmers to stop growing crops that may be used to create illegal drugs and replace them with other crops.

Since enactment in 1991, the Andean Trade Preference Act (ATPA) has provided duty-free access to the U.S. market for flower exporters in four Latin American countries: Colombia, Bolivia, Ecuador, and Peru. For seven years it has allowed flower growers in these four countries to avoid tariffs normally imposed on their product. These tariffs range from 3.6 percent to 7.4 percent.

The purpose of this preferential treatment was intended to encourage Andean countries to develop legal alternatives to drug crop cultivation and production, the same intention of Title III that we are considering now. This policy has failed in Colombia. Coca eradication efforts to date in Colombia have been lest than anticipated.

For the third consecutive year Colombia has failed in its efforts to be fully certified, or reduce the production of illegal drugs. In order to maintain an open dialogue, the Administration recently made the determination to put forward a national-interest waiver with respect to Colombia.

Cultivation of coca, the raw material used to make cocaine, has dropped significantly in all of the Andean countries except Colombia. The Colombian coca crop expanded more than 30 percent from 1996 to 1997, from almost 51,000 hectares to over 67,000 hectares. Alternative crops developed in Colombia include cut flowers such as roses and carnations and then exported to the United States. Colombia now has the distinction of producing 80 percent of the world's cocaine and over 70 percent of the cut-flower imports into the United States.

The latter has resulted in a steady weakening of the American flower industry. Since the enactment of ATPA, the number of American chrysanthemum growers has fallen by 25 percent, the number of carnation growers has fallen as by much as one-third and the remaining major commercial types have fallen in the double-figure range as well. California flower growers go out of business at a rate of 10 percent per year.

California grows 22.1 percent of the Nation's cut flowers. In 1997 alone, flowers and foliage sales brought $729 million to the states economy. Although California is ranked number one in flower production, 77.9 percent of the industry is scattered throughout the United States, in my colleagues districts. In 1997 in California, more than 270 million rose blooms were sold for nearly $69 million. In my district in Monterey county alone, 75 million rose blooms were sold for more than $18 million.

We must oppose the continuation or expansion of a policy that has proved ineffective and is, in fact, detrimental to our own citizens and businesses.

Also of serious concern is the lack of reference to human rights protection in this bill. The countries who will "benefit" from this bill have some of the worse human rights abuse records in the hemisphere.

Since 1988, an average of ten people per day have died as a result of the political conflict in Colombia. In Bolivia in the first few months of 1997 at least six individuals were killed in confrontations with antinarcotics police, including a 3-month-old baby, a six-year old child and a 53-year-old woman.

There is no assurance that funds, equipment, or training intended for drug eradication will not be used against innocent citizens or for the benefit of the recipients. One Colombian General, when asked if counter-narcotics aid might be used against guerrillas struggling for political recognition, whether or not they are involved in drugs said, "It's the same organization, and everyone in it is responsible," To avoid corrupt law-enforcement officials in Mexico, elite units were formed, trained, and given helicopters by the U.S. Now, two years later, some 80 members of these elite units have been under investigation on allegations that some took hundreds of thousands of dollars in bribes to transport drugs to the U.S.

Concerned Members have been fighting to stop the School of the Americas from training the next generation of human rights abusers, but this bill wants to create not one but THREE new academies to train individuals in so called "drug-prevention efforts." These are nothing but human rights abuse academies.

I have seen no convincing reason to believe that a new infusion of $2.3 billion for counter narcotics programs in Latin America will prove more successful, and less damaging, than the billions of dollars that have been spent on similar programs over the past fifteen years.

Funds for international narcotics control efforts have increased 150 percent in the last ten years. Coca cultivation is 11.7 percent higher and opium production has doubled in the past 10 years. Colombia, the largest recipient of U.S. counter-drug assistance, has received nearly one billion dollars to date. Yet over the last decade, total drug production in Colombia has risen an estimated 260 percent.

In short: drugs are a serious problem—but Congress and the Administration must pursue a more careful and intelligent policy toward Colombia—both to fight drugs, and protect the human rights and safety of the Colombian people.

WHAT HAPPENED IN QUOGUE?

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, the storm wave broke through the dunes at several places in Quogue; at the western end; at what is now the Surf Club; and at the east end, east of the Quogue Beach Club.

As the ocean came over at the Westhampton Beach-Quogue line, it took with it the Quantuck Beach Club, five of six houses east of the club, and severely damaged the Kennedy houses. The inlet thus created was called the "Quantuck Inlet," and said to have been 400 feet wide and 20 feet deep at its deepest point. Ocean waves poured through this inlet into Quantuck Bay and the Quogue Canal, washing north nearly a mile. The flood waters tore out the Causeway between Quiogue and Quogue Wildlife Refuge. As the water surged up Assop's Neck Lane, the Church of the Atonement rose up off its foundation and headed toward Quogue Street, but was held fast by a row of small trees.

The effects of the surge were felt in the southwestern part of Quogue, as flood water reached a depth of about a foot at Quogue Street and Jessup Avenue, and higher in the more westerly portion. This water subsided rather quickly, after the surge was over.

As the ocean came over at the Surf Club, the club was damaged. The Beach Lane Bridge was destroyed by a combination of flood waters and large pieces of debris, and the entire area on both sides of the canal and up Beach Lane was badly hit. Ogden's Pond overflowed, ruining the second nine holes of the Field Club golf course. The lower part of the Shinnecock Yacht Club collapsed, leaving the second story loft on the ground.

Up in the village, high wind and driving rain took down trees, utility poles and power lines. The Quogue School was used as a temporary emergency shelter for some storm victims. Quogue residents lucky enough to be on high ground, opened their homes to others.

The storm spared the dunes between the two bridges, Beach Lane Bridge and Ocean Avenue Bridge. The latter structure was not destroyed, but badly damaged. Two Quogue young men in their early twenties, Charles Lucas and Tommy Fay, were drowned while attempting some rescue work.

The far easterly end of the Dune Road suffered severe damage, with the Quogue Beach Club half washed away, and several houses east of it completely wrecked.

TRIBUTE TO MR. TOM GOODMAN THRASHER OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CRAMER. Mr. Speaker, I would like to place in the CONGRESSIONAL RECORD a tribute to Mr. Tom Goodman Thrasher of Huntsville, Alabama, for his devotion to the advancement of our community and the well-being of our citizens.

Mr. Thrasher is the co-recipient of this year's James Record Humanitarian Award presented by the Arthritis Foundation. In his work for economic, social, and cultural development, Mr. Thrasher has indeed embodied the virtues of a humanitarian.

Born and raised in Alabama, Mr. Thrasher served our nation in the Army during the Second World War. After he returned stateside and received his discharge as a Lieutenant Colonel, he opened Thrasher Oil Company in Huntsville under a Shell Company franchise. He has been engaged in the business since its formation, with the exception of his call to active duty at Redstone Arsenal during the Korean War.

Mr. Thrasher's community involvement spans an amazing range of civic organizations and important causes. He has served as president of the Huntsville City School Board, chairman of the Industrial Development Board of Huntsville, and director of the Huntsville-Madison County Chamber of Commerce, just to name a few. He is the recipient of the highest honor that the Army can give a civilian—the Distinguished Citizen Service Medal. He has also received an honorary Doctorate in Humanities from the University of Alabama in Huntsville, as well as Huntsville's Outstanding Citizen of the Year Award.

Mr. Thrasher's outstanding contributions to the military are not limited to his service on active duty. As an original member and vice chairman of the Army Community Relations Committee, he has played a critical role in making Huntsville's defense community the pride of our state and our nation.

Mr. Speaker, it is with great pride that I pay tribute to Mr. Thrasher on the occasion of his receiving the Arthritis Foundation's Humanitarian Award, and I thank him for the leadership and vision that has helped make us the prosperous region we are today.

TRIBUTE TO SHERIFF STEVE MAGARIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Fresno County Sheriff Steven Magarian. Sheriff Magarian has been an inspirational role model to the law enforcement here in the 19th Congressional District.

As Chief Executive Officer for the County of Fresno Sheriff's Department, Sheriff Magarian leads, directs and manages a highly sophisticated, diversified and complex organization. Operating throughout a 6,000-square mile area, he holds responsibility for meeting the needs of residents throughout Fresno County, with an annual Department budget in excess of $60 million and personnel of approximately 1,000.

In his vital role, Sheriff Magarian has earned the public's trust, confidence, and support. Through his hard work, he established the department's primary mission. It is a mission that upholds fairness, justice and responsiveness to public needs and feelings while enforcing the law and protecting life and property.

Sheriff Magarian's leadership has guided the efforts and demeanor of the Department to conform with the high standards expected by the public. In administering the Patrol, Detective, Jail and Administrative divisions, his underlying commitment is to maintain the integrity of the constitutional rights as established by the framers of our Constitution.

Sheriff Magarian graduated from California State University, Fresno in 1972. In 1974 he received his Masters Degree in Criminology with distinction.

Sheriff Magarian has worked hard in the law enforcement arena. He created and implemented a county-wide narcotic suppression program through acquisition of a $500,000 state grant. This grant has been increased to $900,000 and approved for its eighth consecutive year. He also developed a highly successful Tactical Unit within the Patrol Division which targeted property crimes and arrested dozens of criminals. At a cost of only $35,000, this Unit successfully recovered several hundred thousand dollars in stolen property and returned property to its legal owners. As noted above these are just some of the contributions Mr. Magarian has accomplished.

Sheriff Magarian's 30-year career with Fresno County Sheriff's Department has been marked by significant law enforcement and management experience.

Mr. Speaker, it is with great honor that I pay tribute to Sheriff Magarian. I am honored to have Sheriff Magarian as a law enforcement official in the 19th Congressional District. I congratulate him on his lifetime of accomplishments and ask my colleague to join me in wishing him every success on his future endeavors.

IN HONOR OF JOSEPH RICHARD ZOELLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor Joseph Richard Zoellin, a business owner in Carmel, California, who was a model of small town merchants who have done, and continue to do, so much to make our country a better place to live.

Mr. Zoellin was a lifelong resident of the district I represent. After many years working for one of our local banks, he bought the Carmel Drive-in Market in 1949 and operated it for 32 years after that. Mr. Zoellin was not only a merchant, but he knew his customers personally, and strived to provide the sort of personal service which helps a local community's business district to thrive. I remember going to the market as a child, taking bottles to redeem, and taking advantage of the Zoellin's good nature.

Richard Zoellin was friendly to his customers, helpful, caring of his community and family, and, overall, a tremendous asset to Carmel. Every town needs people like him. Because of Mr. Zoellin, his community is a better place—this is not only an achievement of which anyone can be proud, but also one of the most worthwhile achievements of a person's lifetime.

INTRODUCTION OF LEGISLATION TO COMPENSATE FOR OIL AND GAS DRAINAGE IN THE WEST DELTA FIELD

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. JOHN. Mr. Speaker, I am pleased today to join a number of my colleagues in introducing legislation that will right a wrong suffered by the State of Louisiana over a decade ago.

I believe that all of my colleagues know that most of the Federal Outer Continental Shelf oil and gas development occurs off the coast of Louisiana and, indeed, off the coast of my Congressional district. Large portions of the Gulf of Mexico are among the very few areas of the OCS where offshore drilling is not prohibited by the Administration's recently announced leasing moratorium. To put the contributions of the State of Louisiana in perspective, in FY97 $3.2 billion of the slightly over $4 billion of OCS revenue received by the Federal government was generated off the coast of Louisiana. Louisiana has been making this type of contribution to the Federal government's effort to develop its oil and gas resources every year beginning in the early 1950's.

Throughout the entire history of Federal oil and gas development off the coast of Louisiana, the state and the Department of the Interior have cooperated on the development of oil and gas resources that might underlie both the state and Federal offshore waters. Obviously, the interest of our state and our delegation is that the revenues generated by the development of oil and gas resources owned by the people of Louisiana be returned to the treasury of the state of Louisiana. Where oil and gas resources occur in underground formations that underlie both state and Federal waters, the state and the Federal government have developed these areas through cooperative agreements that ensure that neither sovereign develops the resources of the other.

Unfortunately, this spirit of cooperation broke down in the mid-1980's in the development of a natural gas field along the seaward boundary of Louisiana called the West Delta Field. For the first and only time in the history of Federal OCS development off the coast of Louisiana, the Department of the Interior refused to cooperate with Louisiana in protecting Louisiana's resources from being developed by Federal lessees. As a result, Federal lessees drained over $18 million of Louisiana's natural gas, the revenues from which went to the Federal treasury rather than the State of Louisiana's treasury. In 1989, an Independent Fact Finder appointed by the Secretary of the Interior at the direction of Congress confirmed these facts. Since 6004(c) of the Oil Pollution Act of 1990 authorized an appropriation to repay the State of Louisiana and its lessees for the $18 million of gas developed improperly by the Federal lessees, plus interest. Today, the total authorized payment to the State and its lessees, with interest, is approximately $32 million.

The State of Louisiana and its lessees have never received this money. Therefore, this legislation authorizes an alternative means of compensating the State and its lessees. Under this legislation, the state lessee in the West Delta Field would be authorized to withhold its Federal royalty payments on other OCS production in the Gulf of Mexico, using these funds to pay the State of Louisiana and itself until the authorization in Section 6004(c) of the Oil Pollution Act of 1990 is satisfied. At that point, the lessee would resume its royalty payments to the Department of the Interior.

Mr. Speaker, the time has come to close this unhappy chapter in the relationship between the State and the Federal government on Federal OCS oil and gas development. Louisiana has been a good host to the Federal government with respect to OCS development. Louisiana expects the Federal government to honor the authorization enacted in 1990. I encourage my colleagues to support this long-overdue legislation and ensure its enactment this year.

REMEMBERING LONG ISLANDERS WHO DIED IN THE HURRICANE OF 1938

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to mark a very somber and tragic event in Long Island's history. It was 60 years ago this Monday, September 21st that a powerful hurricane struck the Island's South Shore with devastating force, leaving behind a horrific wake of death and ruin. Few hurricanes have ever struck this Nation's shores with such fury; when it was over, approximately 100 Long Islanders—and more than 600 people across the Northeast—were left dead, $400 million in property damage had been wrought and the shoreline of Long Island was altered forever.

The 1938 hurricane hit with a surprising power and few areas were struck as hard as my hometown of Westhampton Beach and nearby Quogue. Without the lifesaving forewarning of modern weather forecasting, the residents of these two Southampton communities were caught unaware. Thirty-one of them paid for it with their lives.

The hurricane's early edges pelted the Island as seemingly nothing more than a late summer rainstorm. Traveling in excess of 60 miles-per-hour, the full force of this tempest soon overcame those who were lulled into thinking the clouds would quickly pass. Packing winds gusting up to 180 miles-per-hour, the hurricane broadsided the South Shore. Roofs were torn off homes and scattered like leaves, and the storm surge pushed a wall of ocean water six feet high down Westhampton Beach's Main Street.

Local residents struggled to make it to higher ground, some traveling several miles inland to Riverhead to wait out the storm. Two hundred children huddled in the Six Corner School in Westhampton Beach and about 100 Quogue residents sought shelter in their three-year-old schoolhouse for safety.

When the storm passed and people emerged, the aftermath was nearly as chaotic as the storm itself. No more than a handful of homes near the shore were left standing, bridges were torn from their footings and massive inlets were carved from the barrier islands that guard Long Island from the Atlantic. Many lives across the East End were lost in the storm and the Westhampton Country Club was converted into a makeshift morgue. It would be years before Westhampton Beach and Quogue would fully recover.

Mr. Speaker, I ask my colleagues to pause a moment and remember those who lost their lives in the hurricane of 1938 as my Long Island neighbors mark this tragic anniversary.

I ask unanimous consent that I may include as part of the official RECORD these first-hand accounts of the 1938 hurricane as compiled by the Westhampton Beach and Quogue Historical Societies.

TRIBUTE TO MR. WILLIAM LANIER HALSEY, JR. OF HUNTSVILLE, AL

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CRAMER. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a tribute to Mr. William L. Halsey III of Huntsville, AL, for his longtime contributions to our community and the betterment of society.

In honor of Mr. Halsey's extraordinary efforts on behalf of Huntsville, Madison County, and the State of Alabama, the Arthritis Foundation has chosen him to be the co-recipient of this year's James Record Humanitarian Award.

It is a fitting tribute to one who has provided so much time, so much labor, and so much inspiration for the success of our region.

Mr. Halsey represents the third generation of the Halsey family to run W.L. Halsey Grocery Company, Inc., where he serves as chairman of the 119-year-old company today. He served our country during World War II, then he returned to his native Huntsville. To our community's great benefit, he devoted his considerable talent to the development of business, military, and non-profit interests of our area.

He has served on a long and distinguished list of civic and business organizations, including service as past president of the Huntsville-Madison County Chamber of Commerce, past president of the Huntsville Rotary Club, and past president of the Huntsville-Madison County Industrial Development Association.

He has received many awards and honors for his work, including an honorary Doctor of Laws degree from the University of Alabama and the Chamber of Commerce Distinguished Service Award.

Mr. Speaker, speaking as a native Huntsvillian and a military veteran, I offer special thanks to Mr. Halsey for his service as chairman of the Huntsville Army Advisory Committee in building Redstone Arsenal into the world-class institution it is today.

As the congressman for Alabama's Fifth Congressional District, it is an honor for me to have this opportunity to congratulate Mr. Halsey for being chosen for this year's Humanitarian Award and commend him for his lifetime of dedication to our community-at-large.

INTRODUCTION OF COALBED METHANE LEGISLATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. CUBIN. Mr. Speaker, I rise to introducer a bill which is of vital importance to my State of Wyoming as well as a number of other Western states, including Colorado, North Dakota, Montana, New Mexico, and Utah.

As some of my colleagues may be aware, on July 20 of this year, the U.S. Court of Appeals for the 10th Circuit reversed a lower court ruling that had affirmed the rights of landowners in the production of coal bed methane (CBM). The Appeals Court decision in the case of Southern Ute Tribe v. Amoco Production Company asserts that CBM is part of the local rather than a separate natural resource.

The ruling contradicts two previous U.S. Interior Department Solicitor General opinions that provided the legal basis for large-scale investment in CBM development and production in Wyoming and the other states mentioned previously.

Based on these opinions, numerous private citizens and corporations entered into lease and royalty agreements to devleop CBM. Now thousands of small landowners face the risk of losing their royalties, which could lead to mortgage defaults and losses of retirement savings. Additionally, CBM producers face risks to their long-term investments. Delays in drilling caused by this ruling will also impact state and local economies and tax revenues and deter the production of a domestic clean burning fuel—coal bed methane.

In order to protect the rights of landowners and lessees, I am today introducing a bill which will ensure the validity of existing lease and royalty contracts. This legislation simply states that all contracts entered into prior to the date of enactment of the bill are legal and valid. The legislation would do nothing with regard to any future contracts nor would it negate the rights of any recognized Indian Tribe.

My colleagues in the Senate, Messrs. THOMAS and ENZI, are introducing an identical measure in that body. I also intend to add this language to the Omnibus Parks bill which the House may consider in the very near future.

I commend this legislation to everyone in this chamber and encourage their support of it.

TRIBUTE TO PROFESSOR KENNETH NORRIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a leader in environmental protection, an author and scientist of the first order, and a teacher who has left a lasting legacy. Professor Kenneth Norris died August 16, 1998.

Ken Norris received his bachelor's and master's degrees in zoology from University of California at Los Angeles (UCLA). While studying for his doctorate, Ken was hired as founding curator at Marineland of the Pacific. It was there that Ken made discoveries that formed the basis for his pioneering studies of marine mammals, and the echolocation by which dolphins navigate, communicate, and investigate their watery world.

In 1959 Ken received his doctorate from Scripps Institute of Oceanography, his doctoral dissertation winning an award from the Ecological Society of America. Ken returned to UCLA to teach herpetology and to research desert reptiles. However, Ken was lured back to the ocean when offered the position of founding scientific director for the Oceanic Institute, in which he served from 1968 to 1971. As a scientific advisor to the United States Marine Mammal Commission, Ken helped to write the Marine Mammal Protection Act of 1972. It was in that year that he came to University of California, Santa Cruz to serve as director of the Center for Coastal Marine Studies. While in that position, Ken worked with others to develop the UC-Santa Cruz Joseph M. Long Marine Laboratory. Also in 1972, Ken created the UC Natural Reserve System which protects 120,000 acres of natural habitat throughout California. From 1977 to 1979, Ken chaired the environmental studies department at UC-Santa Cruz, teaching his popular and rigorous "Field Quarter" class which covered that natural history of California from the deserts to the forests, communicating his keen interest in ecological systems, and in rigorous scientific inquiry. Ken founded the Environmental Field Program which continues to support undergraduate research. He was a popular professor, whose ability to inspire respect for the environment spread well beyond his classroom through the host of his former students who carry his work forward. Ken retired in 1990.

Ken attained international recognition for the many ways he engendered support for the environment, especially his leadership in the world wide campaign to reduce the number of dolphins caught in the nets of fishermen. In 1992, he received the John Burroughs Medal for his book "Dolphin Days: The Life and Times of the Spinner Dolphin." He was named "Man of the Year" by the American Cetacean Society in 1996, and was a recipient of the Academy of Sciences Fellows Medal in 1977.

Our hearts go out to his family, his wife, Phyllis; three daughters Susie, Nancy and Barbara; his son Richard; his brother Robert; and his six grandchildren.

Ken Norris has gone far beyond leaving the world a better place, he has taught each of us a lesson about our ongoing responsibilities to the planet.

RIA DEL BENE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I submit the following for the RECORD.

I opened Ria's Beauty Shop on Friday the thirteenth of May, 1938. We had the hurricane on Wednesday the twenty-first of September 1938. My friends said, "You had to open your shop so we could have a hurricane!" Fifty years later I still operate the shop, and the Hurricane of 1938 only proved the strength of the people of this area.

I remember that day so very well, when we all joked about the winds and the bad weather, and the excitement mounted because this was a new experience. Our immediate family—Grandma, Mom, Dad, my brother and I were already living on Sunset Avenue. I ran down the Main Street to look over the area behind the Weixlebaum Building, and I saw the water being drained out of the Moniebogue Canal. I thought it was so strange! Not being knowledgeable on tidal waves, I didn't realize that the water gets sucked out, then comes back in a tidal wave. The water started coming up over the meadows south of Main Street, so I ran across the street to Grimshaw building (where Norma Reynolds is now). I ran to the top step so I could see better.

I soon realized that things could be very dangerous, as Main Street was getting flooded. I ran home and watched the water flow past the back of our property like a river. That was the old "Toot" White property, where Ici Aussi, La Shack, Alfonso, and Westhampton Custom Floors and Rug shops are now. We watched on the corner of our property, as the wind picked up a large wild cherry tree, at least one hundred years old, pulled it up, roots and all, and then laid it on the ground like a huge bouquet. Only when the call went out for volunteers to rescue people, did we face the reality that this was a tragedy, not an adventure.

My brother, Dannie, was among the many young men who went, and unfortunately, it was not just rescue, it was recovering bodies. The Westhampton Country Club was a temporary morgue, and the bodies were brought in there. So many people that we knew and loved had lost their lives to stay with their homes, rather than to leave in time.

My brother and I were born in the old Platt Building (where the Hampton Chronicle was later housed, operated by John King for many years, now part of it is Magic's Pub). In 1922, we moved to the old Ben Owen house (no longer standing), next to Mike Parlato's Garage (now Marakesh). The part of Main Street is the lowest, and the flood water was six or seven feet high in all those buildings. We were fortunate to have moved to Sunset Avenue in 1932.

That night of the hurricane, many of the storekeepers on the south side of Main Street, the Weixlebaums, the Ambrosinos, and Gelston Walter, brought their important papers and cash boxes to our house, because we were the first household not hit by flooding. Many people from Main Street came up to stay at our house. I don't know how Mom managed it, but she could always get more food together, no matter how many people appeared.

It took awhile for us to realize the enormity of the storm and its devastation. Through it all, my grandmother kept saying the rosary, beseeching God's help. He must have been listening, because it's amazing how fast everybody set about cleaning up and repairing, getting back to the normal routine of opening their shops, and doing "business as usual." The greatest thing about the disaster was the helping hand that each person gave the other. The saddest thing was the loss of life.

75TH ANNIVERSARY OF THE CONNECTICUT AIR NATIONAL GUARD

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to recognize the 75th Anniversary of the Connecticut Air National Guard, the "Flying Yankees."

Founded on November 1, 1923, the Flying Yankees are the third oldest flying unit in the Air National Guard and have played important roles in many of America's military operations.

During World War II, the unit served as part of the fabled "Flying Tigers" in the China/Burma/India theater of operations. The Flying Yankees also saw action in the Korean War as part of the Air Defense Command. From 1956 to 1971, the wing maintained 24 hour alert status. More recently, their overseas duties have included deployment to Italy and Bosnia to support NATO and United Nations forces in Operations Deny Flight and Decisive Endeavor.

Presently designated as the 103rd Fighter Wing, the unit is stationed at Bradley Air National Guard Base in East Granby, Connecticut. Its primary mission today remains what it was 75 years ago: to provide conventional air-to-ground operations in support of U.S. and Allied ground forces. In addition to its military objectives, the wing also protects the state by preserving peace and public safety and assisting in disaster relief and search and rescue missions. It has also been an active participant in community activities which include sponsoring youth leadership and drug awareness programs.

We in Connecticut are very proud of the Flying Yankees. So is the United States Air Force, which has recognized the unit's preparation and superb accomplishments by designating it as an Outstanding Air Force Unit.

At home or overseas, the Flying Yankees of the Air National Guard have protected democracy, fought for freedom, guaranteed safety, and saved lives. So today, I urge my colleagues to join me not only celebrating the foundation of the "Flying Yankees," but also honoring all those who have served their country and continue to serve in the 103rd Fighter Wing.

PERSONAL EXPLANATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. TAUSCHER. Mr. Speaker, last night on recorded vote No. 448, I unavoidably missed the vote on the Kennedy Amendment to H.R. 4569 because my beeper did not go off. Had I been present, I would have voted "aye," consistent with my cosponsorship of H.R. 611, a bill to close the School of the America's which has graduated many of Latin America's most notorious dictators and human rights violators.

A PARTNERSHIP BETWEEN LOCAL GOVERNMENT AND NON-PROFIT ORGANIZATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to celebrate the formation of an historical partnership between local government and a non-profit organization resulting in great overall benefits to the community.

On Tuesday, June 30, 1998, I attended a ceremony at which a California municipality, Sand City, and a sheltered workshop for developmentally disabled adults, Gateway Industries, finalized an agreement which will accomplish goals central to each of the organizations. I am pleased to have been a part of crafting this accord. In it, Sand City has given the clientele of Gateway Industries an opportunity to demonstrate their individual strengths and abilities in the mainstream workforce. Gateway Industries will provide the support needed for each of its clients who takes a job in Sand City.

Sand City will employ three individuals with developmental disabilities to help maintain its appearance. Tasks will include litter pickup, graffiti abatement, and general landscaping. The work program will be managed through the Sand City Public Works Department and Sand City Police Department. Gateway will be responsible for pre-employment screening, on-the-job training, and the facilitation of the relationship between employer and new employee.

Not only are Sand City and Gateway Industries stronger for this, but the community benefits as well. It is a win-win-win situation! The program will create a better understanding of the needs of persons with developmental disabilities by city agencies, and by the members of the community at large. The City will improve in overall appearance and the employed Gateway clients will gain job experience, self-work and independence. I commend Sand City Mayor Dave Pendergrass, and Ken Caldwell of Gateway Industries for the vision it took to develop this forward-looking arrangement. I would urge other entities to take note and to follow their excellent lead.

A VILLAGE KID IN THE 1938 HURRICANE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I insert the following:

My recollections of the 1938 Hurricane begin as I attend George Hunt's afternoon chemistry class on the second story of the old Six Corner's School, Westhampton beach. Wilson Eckart and I were at our desks next to the windows on the southeast side of the building. The wind and rain had started and the windows appeared to bend in their frames as the wind increased. The outside brick wall of the addition housing the English class began to sway and we all decided it was quite a blow!

Mr. Hutt soon moved us to desks in the center of the room, where we watched the tin roof from Mechanic's Hall on Mill Road sail across the playground. Elizabeth Parlato Cross was teaching fourth grade in that building at the time.

The roof was soon followed by a group of cherry trees, which appeared to be almost all those north of Main Street. One cherry tree left the others and sailed across the road west of the school, directly through Perry Pike's car parked at Slattery's Garage. Perry announced, "Class dismissed!" He was conducting French classes on the west side of the building.

Edgar J. Brong, the supervising principal, soon evacuated all classes to the gymnasium on the lower level. As the science class filed past the English room, the brick structure began to crumble. The door frame was about to give way, but Wilson Eckart held it fast as Lillian Roos, the English teacher got out, being the last to leave. There was no panic. All of us had seen many a September "line storm," and many of us had gone with our parents to sandbag the dunes when the ocean had broken through.

The students were warned to stay in the gym until all parents could be contacted, or other transportation provided. The danger of fallen wires was stressed. Some students heeded the warnings, others did not. However, everybody apparently arrived safely wherever they were headed. I rode home with Nonie Van Cott (Allen) and her father, Cliff Van Cott, of the Southampton Town Police.

My home was located on Library Avenue, South of Main Street, where the Grimshaw and Palmer Hardware building now stands. The Library was next door, and south of that was the Union Chapel.

My grandmother, Bess Clark, had hot rosettes and beach plum jelly waiting for me. As Gram, my mother and I sat at the kitchen table, the wind and rain increased. Salt and seaweed plastered the windows on all sides of the house, and the windows began to leak. It was said that those windows never leaked in one hundred years!

Gram and I mopped and mother worried about the weather vane on the chapel steeple, since the storm was so bad that she couldn't see it. (In our house we noted the wind direction every day, this was important to us.)

Just then, the solid old front door blew open. It took three of us to close it and turn the key in the old brass lock. Again it blew open. Gram searched for some tools, and eventually we managed to nail the door shut. We then knew for certain that the wind was definitely southeast.

Suddenly the rain stopped. The sun came out. Gram put the coffee pot on, but my mother had to investigate the weather vane. I reluctantly followed her to the chapel next door. The steeple had blown off and buried the weather vane in the soft ground. We later learned that this was the eye of the hurricane passing over.

Just as we returned home, the sky blackened and the rain and wind increased. Gram had poured the coffee when we heard a pounding on the door. It was cousin Gen (Mrs. Clifford Raynor) who lived further south on Library Avenue. She called "Come quick! The ocean is coming! Get in the car!"

Gram became obstinate. She had no intention of leaving her home, her three-colored cat or her mother's silver tray. I pushed her ahead of me to the car while she clutched the tray. She balked again before the open door.

And then I saw it. A solid, square, gray wall of water about thirteen feet high, slowly but steadily devouring the dividing line between sky and grass at the library, about fifty feet south of the car . . . no curling wave, just a wall. I stood at the car door and watched only the line which appeared stationary. It was hypnotic. I often had told friends of my recurring dream, "that dream," I called it, where in the dream, I ran slowly up Beach Lane, the ocean behind me. It now sounds too preposterous to be true, however it needs to go into this personal account.

Slowly, or so I thought, I pushed Gram into the car, but with such force, that she hit her head on the opposite side. Cousin Gen sped us up to the hangar at the Westhampton Beach Airport, on Riverhead Road. Gram, Mother, the silver tray and I joined others sitting on the floor, heads against the wall. I think there were only a few people there. It was very quiet. I don't remember any conversation. I do recall picturing the map of Long Island in my mind, and thinking, "It's so small, so flat, so narrow. Of course, the ocean will reclaim it one day. It just happens to be in our time. It will be no different from being rolled under a wave, it just takes a little longer."

Before the night was over, somebody picked us up and delivered us to the home of Gram's cousins, George and Mame Burns, on Osborne Avenue in Riverhead. The next morning, the sun was shining brightly as Mother and I returned home.

We found a forty foot boat from Yacht Basin docked against our kitchen windows, alongside the propane gas tanks. The untouched coffee cups were still on the kitchen table. The ocean had washed in about twelve inches above the floor of the house, and everything smelled terrible. The dining room floor had buckled, but the cat was safely upstairs. We felt very fortunate.

We went right up to Main Street to see what had happened, as did everybody else in the village who was able. Our village was a shambles. There was little conversation. It was very quiet. In those days, everyone, summer and winter residents, knew each other. We were a very close-knit community. I remember Dr. James Ewing saying to my mother, "Toni, this town is in shock!"

Our house was one of the few on Library Avenue left on its foundation. Men were at the foot of our street, clearing away the wreckage of Raynor's Garage, searching for bodies from the dunes, and removing them to the temporary morgue at the Country Club. This took days, and the weather had turned very hot.

Several days passed before we could communicate with my father, Jeremiah Ferguson. He was up in Western Nassau County, and couldn't get in touch with us. In turn, we couldn't get in touch with them. The newspapers and communications personnel had reported that Westhampton Beach had been washed right off the map. When he and other family members finally got through to the headquarters set up in the Patio Building, they only learned that our names had yet appeared on the list of missing persons.

The following days were spent carting water, sandwiches, and disinfectant to our house, Police Headquarters, the National Guard, and the Red Cross. It all became a blur of mud, dripping carpets, the smell of mildew. We couldn't believe that the ocean had done this to us. but we just kept moving, most of the time firm in the knowledge that Westhampton Beach would again appear on the map, even though it might take twenty years for that to happen!

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise in opposition to this amendment, I appreciate the motives of the proponents of this amendment which would eliminate funding for the U.S. Army School of the Americas (SOA). But I disagree with their assessment of the school and its graduates. The closure of the SOA would be detrimental to our relationship with Latin American countries, and could hinder progress in human rights efforts in those countries.

The School of the Americas was established as part of President John F. Kennedy's Alliance for Progress. It was created from the existing U.S. Army Caribbean Training Center in Panama. In 1984, the SOA was moved from Panama to Fort Benning, George. The purpose of the SOA is to provide guidance to Latin American military personnel so they can respond to drug trafficking, natural disasters, and human rights challenges in their countries. The SOA emphasizes the role of a professional military force in a democratic society. I support these objectives, as democratically elected civilian governments of Latin America support them.

Each year, soldiers from Argentina, Bolivia, Chile, Columbia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the SOA. No other school in the world with such a small operations budget brings together future civilian and military leaders of 16 countries in a purposeful effort to prepare for the future, strengthen alliance within a hemispheric region, to reinforce the principles of democracy, and increase mutual understanding and cooperation among neighboring countries.

The SOA has a very difficult task. It is charged with teaching students from countries with long histories of dictatorships and abuse, the value of promoting human rights. The curriculum is structured so that each student receives, on average, 30 minutes of human rights training and/or exposure every day. Of course, it is impossible to qualify the number of abuses that the SOA's human rights training has prevented. Consequently, the debate often turns to a finger-pointing game of highlighting the infrequent, but certainly reprehensible, lapses of judgement by a few SOA graduates.

Those who want to see the School close its doors focus their criticism on a few short passages (some less than a sentence in length) from three U.S. Army Intelligence training manuals provided to students in a few SOA classes in the 1980's. Most important is the fact that it has never been established that any of these passages were actually used or taught in a classroom at the School, nor was the "manual" developed by the SOA. Furthermore, not a single human rights violation can be reasonably linked or attributed to the School or its training manuals.

Yes, some 100 of the 60,000 graduates have been guilty of documented human rights abuses. But let's not forget about the other 59,900 graduates. Over 100 of these SOA graduates served or currently serve their nation and its people from the very highest levels of civilian and military office—from chief executive to commander of major military units.

A fair and objective assessment of Latin American history over the last 50 years will demonstrate that the U.S. Army School of the Americas saves lives. For example, in the early 1980's, El Salvador was accused of about 2,000 human rights violations per month; in the latter part of the decade, that figure dropped to approximately 20 each month. Although SOA cannot take all the credit, almost 50 percent of El Salvadoran officers have graduated from the school since 1986.

Not even the most vehement opponent of the School can deny that the overwhelming majority of graduates honorably serve their countries as professional men and women. While failure do occur, I challenge any opponent to demonstrate any correlation between reported misconduct by individual SOA graduates and the professional education and training they received at the School.

If Congress were to close the SOA, it would negatively affect our ability to have a meaningful and cost-effective vehicle to promote democracy and human rights within the ranks of the Latin American military. The State Department, Pentagon, and participating Latin American governments all agree that the SOA program is the best approach to achieving important national security and foreign policy objectives.

If the program were abolished, training for Latin American military personnel would become unavailable or more expensive. Fewer officers and enlisted personnel would be exposed to U.S. training and democratic values. In my view, that is not the way to promote human rights abroad.

I urge my colleagues to vote "no" on this ill-advised amendment.

ATROCITIES IN KOSOVO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Commission on Security and Cooperation in Europe—the Helsinki Commission—held a hearing on the latest atrocities in Kosovo. Senator ALFONSE D'AMATO and I co-chair the Commission and felt it critical to hold a hearing on the crisis in Kosovo. Other Commissioners—Senator FRANK LAUTENBERG and our colleagues Representatives STENY HOYER and BEN CARDIN—joined us at the hearing. Representative BEN GILMAN, Chairman of the House International Relations Committee, and Representative ELIOT ENGEL, a longstanding Kosovo advocate, were there as well.

The Commission, as most of you know, has a mandate and an obligation to document human rights violations where they occur in Europe. This is especially the case when these violations are, in fact, atrocities and crimes against humanity. Sadly, such violations are still taking place.

The hearing focused on the atrocities and the humanitarian crisis in Kosovo today as viewed by two individuals—Assistant Secretary of State John Shattuck and Senator Bob Dole—who have just returned from Kosovo and also from Belgrade, where they met with Milosevic himself. We heard what they saw firsthand in Kosovo and also what Belgrade says about what they saw. Both were excellent in their presentations, and their well-known records as public officials and as human rights advocates added to their effectiveness.

Secretary Shattuck, who heads the Bureau for Democracy, Human Rights and Labor, spoke in detail about the disturbing accounts of men and boys being separated from women and small children. This is exactly what would precede massacres in Bosnia-Herzegovina. Shattuck spoke about the heavily shelled and sometimes still burning towns which they saw, "abandoned to packs of wild dogs and heavily armed Serb police and Yugoslav army forces. Among the displaced children * * * there was evidence of the beginning of malnutrition."

Senator Dole added that many of the children have scabies and other skin ailments and sores in their mouths. He reported that personnel from humanitarian organizations are being harassed and even attacked, noting in particular the killing of three workers for the Mother Theresa Society.

As with Bosnia, Mr. Speaker, we must go beyond mere documentation of the tragedy in Kosovo. We must witness, but we must also act. No one can see or hear what has happened in Kosovo this year without asking what can be done to stop it from continuing. Half-measures will not address the central causes of this conflict. They may, in fact, make efforts to address those causes more difficult to undertake. We all learned from the Bosnian conflict that diplomacy alone will not work. Nor will more and more humanitarian assistance, as welcomed as such help might be. Decisive outside intervention is what is required, and NATO is the most likely organization to do this. Of course, NATO intervention has its risks, and we in the Congress and the U.S. Government must assess whether those risks are worth taking. The hearing certainly helped the Commissioners and other Members present understand the situation on the ground.

"What is urgently needed now is American leadership and a firm commitment to a genuine and just peace in Kosovo," said Senator Dole. "Bush gave Milosevic the green light, and it hasn't been turned off." "Yet, if we do not act before winter sets in," he added, "if the Kosovars in the mountains begin to freeze to death, then Milosevic can get away with the claim that he didn't murder them. To do the right thing, we don't have much time." Secretary Shattuck added that "crimes against humanity have been committed. [Thus] the International War Crimes Tribunal in The Hague is a critical piece of the long-term process of bringing a political solution in Kosovo."

In conclusion, the attacks on the people of Kosovo are inhumane and brutal beyond comprehension. The intentional displacement of the civilian population, the execution of people held in detention, the destruction of food supplies, and the prevention of aid deliveries all have happened so repeatedly that they cannot be dismissed as anything short of a deliberate policy to destroy. That policy originates in Belgrade, with Slobodan Milosevic at the helm. All the complexities of the Balkans do not erase that simple fact. Both the House and the Senate are on record as believing Milosevic is a war criminal. We would hope that, if we stop Milosevic, the problems in the region could be resolved in a peaceful and democratic way. Bosnia taught us the hard lesson that delayed action results in the loss of more and more lives.

Mr. Speaker, I have not been known as someone who readily recommends a military response, but, if we do not act in this case, knowing—as we do know—that many more people will die as a result, we share some responsibility for what does happen. We become, in effect, a partner in the crime. That happened in Bosnia. NATO must act in Kosovo. NATO must act now.

IN MEMORY OF ROBERT ORVILLE "BOB" BAILEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to reflect upon the passing, on August 18, 1998, of Robert Orville "Bob" Bailey, known as the Father of Aptos California.

Bob was born in Napa California, on December 8, 1924. His mother Hazel was a well-known elementary teacher in Watsonville, in Santa Cruz County. Bob attended Watsonville High School, Salinas Junior College and San Jose State University. he served in the United States Navy, on the S.S. Jeremiah O'Brien, from 1942 to 1946. Although he had visited Aptos as a youth, he did not actually move to the community until 1967. In that year he brought his wife Jan, and five sons to Aptos, becoming a member of the Rio del Mar Improvement Association upon his arrival.

Seven years later, he established Bob Bailey Real Estate in historic Redwood Village. Bob worked to preserve and protect the old buildings, exhibiting the dedication to community that became his hallmark. Soon his sons Robert and Paul joined him and helped to build it to a healthy sixteen-agent business. In 1982, Bob established Bob Bailey Real Estate and Property Management Company on Aptos Beach Drive, with windows overlooking the then-neglected Esplanade. Working with the Sheriff's Department and the Community Enhancement Committee, Bob was instrumental in cleaning up the community and bringing it together. Rio del Mar Beach became known as "Bob's Beach," while Bob became known as "The Watchdog of Rio del Mar." Bob and his wife Jan received the Aptos Chamber Business of the Year Award in 1991. Bob was given the "Man of the Year Award" by the Aptos Chamber in 1997.

Bob cared deeply for the health of local businesses, serving as a member of the Aptos Chamber of Commerce, and the Santa Cruz County Conference and Visitor's Council, as well as the Aptos Chamber Tourism Committee. Bob also volunteered for children and the schools, as an Eagle Scout and scoutmaster, and as a Shriner for 37 years, raising funds to fight childhood diseases. Bob Bailey is survived by his wife, Jan, by his five sons, Kent, Paul, Robert, Willis and Michael, by eight grandchildren, by his step-children, Yvonne Robera, Ronnie Obertello Jr., and Laura Helgueros, and by six step-grandchildren. Our hearts go out to his family.

Since he first arrived in the little community of Aptos, there have been a lot of changes, many of them wrought by Bob himself. Through both his work and service, Bob created a sense of community in Aptos. His dry wit and deep sense of responsibility will be missed, but the many ways he beautified and promoted his community remain as his legacy.

LIST KNOWN DEAD, WESTHAMPTON BEACH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I submit the following for the RECORD.

[From the Hampton Chronicle, 1938]

Bailey, Beulah, Maid at Surf and Dune Club.

Bragaw, Mrs. Katherine, aged 63 of 732 Berkeley Ave., Orange, N.J.

Bragaw, Miss Carolyn, aged 18, daughter of the above.

Brown, Mrs. Peggy, aged 21, wife of Peter C. Brown, 50 Montgomery Place, Brooklyn.

Clelland, Miss Agnes, aged 67, maid in household of Archibald McFarlane.

Dalin, Carl E., aged 67, of 44 Hawthorne Ave., Williston Park, L.I.

Dalin, Selma M., aged 64, wife of Carl E. Dalin.

Douglass, Payson Stone, aged 53, of Llewellyn Park, West Orange, N.J.

Flagge, Mrs. Marianna Bishop, aged 76, of New Rochelle, N.Y.

Foley, Mrs. Leo, aged 50, of 426 Clermont St., Brooklyn.

Jarvis, Mrs. William, aged 63, of Westhampton Beach.

Jenkins, Lena, aged 44 of Charleston, West Virginia, Employed at Gunning Point House.

King, Mrs. John L., aged 60, of Westhampton Beach.

Lea, Mrs. Edward P., aged 52, of South Orange, N.J.

Lewis, Warren G., aged 55, priorietor Surf and Dune Club.

Lewis, Frances, aged 63, wife of Warren G. Lewis.

Melvin, Robert, colored, aged 34, bartender at Surf and Dune Club.

Mudford, Mrs. Katherine, aged 65, of 840 Union St., Brooklyn, Hostess at Surf and Dune Club.

O'Brien, Mrs. J.F., aged 30, of 381 Central Park West, New York City.

Pinks, Mrs. James L., aged 55, of 969 Park Avenue, New York City.

Schlater, Mrs. Charles W., aged 51 of Washington, D.C.

Seeley, Anna, aged 37, colored, of 35 Pierrepoint St., Broolyn.

Williams, Mrs. Alverta Rivers, aged 44 of Quogue.

QUOGUE

Fay, Thomas, Jr., aged 21 of Quogue.

Lucas, Charles, Jr., aged 20, of Quogue.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. MALONEY of New York. Mr. Speaker, on Monday, September 14, I was unavoidably detained and missed rollcall votes 426 through 429. Had I been present, I would have voted "yes" on 426, 427, 428 and on 429.

PERSONAL EXPLANATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. KING. Mr. Speaker, yesterday I was unavoidably detained and missed several votes. Had I been present I would have voted as follows:

"No" on Rollcall No. 447, the Porter amendment to repeal the provisions that repealed Section 907.

"No" on Rollcall No. 448, the Kennedy (MA) amendment to ban funding for the School of the Americas.

"Yea" on Rollcall No. 449, Final passage of the Foreign Operations Appropriations bill.

TRIBUTE TO EVESHAM FIRE-RESCUE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. SAXTON. Mr. Speaker, on February 16, 1898, a group of concerned citizens from Marlton came together to seek a way to better protect their homes and businesses from the ravages of fire. The Marlton Fire Company No. 1, now a part of Evesham Fire-Rescue, evolved from this gathering.

By the 1920's, the rolls showed over 25 members who responded to approximately 30 incidents a year. The firemen responded to calls not only in Marlton, but also in the surrounding areas. As time marched on and apparatus grew in size and the township in population, additions were built onto the station.

The historic station's final relocation was to the back of the current Evesham Fire-Rescue property. The exterior of the building has been refurbished to reflect its history. Personnel are currently raising funds and hope to begin work to convert the Historic Station into a museum.

The heart of Evesham Fire-Rescue is its people. One of the largest combined fire and EMS organizations in the area with 130 volunteer firefighters and EMTs and 18 career staff, the Department also has an Explorer Post for teenagers, a Division of Fire Prevention which provides educational programs to the public and an Auxiliary, which provides refreshments to emergency response personnel.

On September 26, 1998, Evesham Fire-Rescue will honor its heritage with the celebration of the 100th anniversary of Marlton Fire Company No. 1.

On that date, Evesham Fire-Rescue will dedicate its new Marton Station, 105' Seagrave Tower Ladder Truck, and re-dedicate the Historic Fire Station and 1927 Hale Fire Engine.

I congratulate all Evesham Fire-Rescue personnel, past and present, and wish them another century of service to the community.

INTRODUCTION OF LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RANGEL. Mr. Speaker, along with many of my Democratic colleagues, today I am introducing a bill that contains many tax reduction provisions that have long been supported by many of the Democratic Members of this House. I am pleased that these provisions have been included in the tax legislation reported by the Committee on Ways and Means yesterday. The only difference between the bill that I am introducing today and the Committee bill is that my bill actually could become law. My legislation is consistent with the President's requirement that we save Social Security First, and therefore, unlike the Committee bill, it will not receive a certain Presidential veto.

I am introducing this bill to demonstrate that our vigilance in protecting Social Security is not just an excuse to oppose tax cuts. We Democrats do not oppose tax cuts. We support tax cuts. Virtually all of us voted for significant tax cuts last year. the 1997 bipartisan tax bill included nearly $300 billion in tax cuts over 10 years and the Democratic Members of this House supported a Democratic Substitute that would have provided even more tax relief for the middle class.

Many of the provisions in the Committee bill and in the bill I am introducing today originally were sponsored by Democrats. Marriage penalty relief, 100 percent deductibility for self-employed health insurance premiums and simplifying minimum tax rules to ensure that those promised the $500 per child credit enacted last year will receive it, were provisions offered in the Committee on Ways and Means last year by Democratic Members. Unfortunately, the Republicans voted them down last year.

We support fiscally responsible tax cuts, but unlike our Republican colleagues, we do not support using he Social Security surplus to pay for them. Therefore, any tax reductions that otherwise are not paid for will go into effect as soon as we have achieved the President's goal of saying Social Security First. The extension of expiring provisions and the phased-in increase in the Social Security earnings limit would become effective immediately, as under the Committee bill, since both bills pay for those provisions. Also, revenue-neutral and time-sensitive provisions such as the technical corrections and treatment of certain farm program payments would take effect immediately.

The Republicans have argued that the projected surpluses are sufficient to both cut taxes and preserve Social Security and that they are reserving 90 percent of the surpluses for Social Security. These assertions simply are not true.

The Republicans admit that 10 percent of the surplus is being diverted from Social Security under this bill. Moreover, there is nothing in the Republican proposal that actually reserves the other 90 percent for Social Security. In separate legislation, Republicans say they will "protect" Social Security. However, in that bill they merely require the Secretary of the Treasury to make several bookkeeping entries. They do not prevent the Congress from using the Social Security surplus for further tax cuts or further increases in spending. Under their plan, Congress could use the entire amount of the Social Security surplus next year for tax cuts or spending increases and there is nothing in the Republican proposal that would prevent it from doing so. With their bill they already have their noses in the Social Security tent. In this bill we propose to take the Social Security budget surplus truly off-budget so that it will not be spent until Social Security is solvent. This bill would take the entire amount of the Social Security surplus in each fiscal year and transfer it to the Federal Reserve Bank of New York to be held in trust for Social Security.

When we talk about future budget surpluses, we should be clear that we are speaking about projections. Hopefully, the projections will be accurate, but there are many unforeseen events in our global economy. It would be foolhardy to assume that we can predict all of them. That is why no less an authority that Alan Greenspan has warned this Congress that we should not spend money we may not have.

Even if we assume the optimistic projections will come true, the so-called surplus over the next 5 years is not really a surplus. It is due to the contributions that American workers have invested in Social Security. It already has been committed to the Social Security trust fund. If we treated those contributions like all businesses treat their contributions to their employees' retirement plans, we would have a $137 billion deficit over the next 5 years and only a $31 billion surplus over the next 10 years, even if the optimistic assumptions prove to be correct.

Perhaps spending some of this money would not be so bad if it really was not needed to shore up Social Security. We all know the challenge that Social Security faces as the baby-boomers near retirement. The reality is that all of the money that Congress has committed to the Social Security program is needed, not only 90 percent of the surplus.

We are pleased that the Republicans have adopted many of our ideas for inclusion in their tax bill. Those ideas can be enacted this year if we commit to taking action to ensure the solvency of Social Security. Enacting tax cuts now without that condition would violate our commitment to the Social Security program.

IMPLEMENTATION OF SECTION 565 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CALLAHAN. Mr. Speaker, yesterday during consideration on the floor of H.R. 4569, I had prepared a statement regarding implementation of section 565 of that bill, "Limitation on Assistance to Security Forces". That portion of my statement was inadvertently left out of the CONGRESSIONAL RECORD, and I would like to repeat what I intended to say yesterday as manager of that legislation.

Some problems have developed in the implementation of section 565 regarding assistance to the security units of foreign countries. Concerns have been expressed that the State Department has taken far too long to respond to inquiries as to whether there is credible evidence that a unit of a foreign security force has committed gross violations of human rights, or whether the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

Especially for the purchase of goods and services financed by our international credit agencies, it is important that the Department expedite such reviews. In my view, if within a reasonable period of time, such as 60 days, the State Department cannot issue an opinion, funds should be released for such purposes. This provision is intended as a guide to reason and not as an excuse to unnecessarily delay the provision of funds to accomplish important foreign policy and export financing goals.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. SANCHEZ. Mr. Speaker, on rollcall vote 447, I was unavoidably detained. Had I been present I would have voted Aye.

On rollcall vote 448, I was unavoidably detained. Had I been present I would have voted Aye.

On rollcall vote 449, I was unavoidably detained. Had I been present I would have voted Nay.

RECOGNIZING PETER ANTHONY BERRIO

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. PAPPAS. Mr. Speaker, in our daily lives, it is too often we overlook the true heroes who have been among us for so long. Therefore, when the opportunity to honor such an individual presents itself, I feel a special obligation. Peter Anthony Berrio of Colombia is the only one of his countrymen to have served in the second world war, in addition to being the oldest Colombian-American veteran. While he may be of foreign origin, Mr. Berrio fought bravely on behalf of the United States from 1942 through 1949, in the Pacific theater. As a Sergeant in the U.S. Army Air Corps, he served with uncommon valor, distinguishing himself as an outstanding soldier.

While some fifty years may have passed, the chance to honor such a man is finally upon us. On Thursday, November 19, 1998, Mr. Berrio will receive his due recognition during a ceremony in the Simon Bolivar Salon of the offices of the Provincial Government in Quindio Armenia, Colombia. He will receive medals for "Efficacy, Honor, and Fidelity," "World War Two Victory" and the "Insignia of Honor" from the United States, as well as the "Order of Quindio" and the "Knight of the First Order" from Colombia. I would like to send my best wishes and heartfelt thanks to Mr. Berrio for his service to this Nation.

STATEMENT IN HONOR OF THE 90TH ANNIVERSARY OF ST. CASIMIR'S POLISH NATIONAL CATHOLIC CHURCH IN ROCHESTER, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the legacy of St.

Casimir's Polish National Catholic Church in Rochester, New York. The parish will celebrate its 90th year of ministry during a special Con-celebrated Pontifical High Mass of Thanksgiving on September 26, 1998.

St. Casimir's Polish National Church in Rochester was organized on March 4, 1908, after a visit to Rochester by His Grace, The Most Rev. Prime Bishop Hodur, the first Bishop of the Polish National Catholic Church. The parish was established with approximately 150 families, under the leadership of the first Pastor, Father Valentine Gawrychowski. Their building was located on Hudson Avenue in Rochester, New York.

The parish increased in membership and erected a church building and rectory within two years. They were fortunate to burn the mortgage on this property in 1944. In 1950, a recreational building, including bowling lanes, was erected, and between 1956 and 1961 the church building was renovated internally and externally.

In more recent years, the congregation voted to relocate to the Town of Irondequoit, New York. Their new building was completed in March, 1977 and was consecrated by The Most Rev. Thaddeus Zielinski, Prime Bishop of the Polish National Catholic Church. The mortgage burning ceremony for this building was celebrated in December, 1993, in conjunction with the 85th Anniversary Parish Festivities.

I take great pride in knowing many parishioners of this long established and influential parish in my home District. I am grateful for the many contributions the church has made in and around the Rochester, New York area. Today, I ask that my colleagues pause with me to honor the legacy of one of America's greatest parishes: The St. Casimir's Polish National Catholic Church of Rochester, New York. I am greatly honored to join many others in congratulating St. Casimir's for 90 years of service to humanity.

SENATE—*Monday, September 21, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the world, Ruler over all life, our Adonai, sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and with one another. We thank You that we are united in our need to repent, to return to our real selves for an honest inventory, and then to come back to You with humble and contrite hearts. Forgive our sins of omission: the words and deeds You called us to do that we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls; blow the trumpets; and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives and the leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and to exemplify to our Nation the oneness of a shared commitment to You. In Your holy Name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President, and congratulations to you. I understand one of your sons was married this past weekend, and we wish him much happiness in the future.

The PRESIDENT pro tempore. Thank you.

SCHEDULE

Mr. LOTT. Mr. President, this afternoon, the Senate will be in a period for morning business until 2 p.m. I know there are Senators who wish to speak during that time. Senator CRAIG is here. Following morning business, the Senate will resume consideration of S. 1301, which is the Consumer Bankruptcy Protection Act.

As announced previously, there will be no rollcall votes during today's session out of respect for the Jewish holiday. Members are reminded that a cloture motion was filed on Friday to the committee substitute to the Child Custody Protection Act. Therefore, Members will have until 1 p.m. today to file first-degree amendments. The next rollcall vote will occur at approximately 2:20 p.m. tomorrow on or in relation to the Kennedy minimum wage amendment.

Further votes are expected to be stacked following the minimum wage vote and then continue into the evening as the Senate attempts to complete action on the bankruptcy bill. All Members will be notified as to the time and number of votes during Tuesday's session as that information becomes available.

Again, we will have a vote or votes, possibly as many as two or three, beginning at 2:20 p.m. and other votes in the afternoon, plus we will have, hopefully, final passage on bankruptcy reform and the cloture vote on child custody. Tuesday morning, we will announce the schedule for the remainder of the week as best we can determine it, but that takes a lot of cooperation from Members on both sides of the aisle.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. The time until 1 p.m. shall be under the control of the Senator from Idaho, Senator CRAIG, or his designee, and the time until 2 p.m. shall be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

THE ADMINISTRATION'S POLICIES

Mr. CRAIG. Mr. President, I have requested to speak in morning business to talk about our President's policies, to talk about this administration and the policies that impact all Americans.

As we know, the Senate has convened at a very interesting, unique, if not sad, day in the history of this Nation's Presidency. I will not dwell on that. It would be very inappropriate for me to do so. What I do want to talk about is an agenda that we have attempted to handle appropriately on the floor for the last several weeks; that is, to do the business of this Congress and to do the business of Government, to move the appropriations bills in an orderly fashion as our public and as the citizens of this Nation expect of us.

For the last 2 weeks, we have attempted to deal with an appropriations bill appropriating money to the Interior Department and to its ancillary agencies, to in large part administer policy and manage the public land resources of this country. But anyone watching, and certainly the majority leader, who just left the floor, knows how frustrating it has been in an attempt to responsibly move this legislation, only to have our colleagues on the other side of the aisle largely oppose it. Oppose it because within the bill are corrective measures that reflect an attempt to adjust the misguided policies of this administration as it deals with our public land resources.

We have made proposed changes. Why? Because the people of the public land West are saying, "No longer does this administration reflect our interests or our concerns or our economies."

Why am I speaking uniquely to the West? The appropriations bill largely deals with western public land and States' interests. But in my State of Idaho, where 63 percent of the land base is owned by and managed by the Federal Government, public land policy is critical, and mine is only a 63-percent ownership. In other States, like Nevada, it is much higher. So goes the Federal Government, so manages the land, so goes the economy and the lifestyles and the character of those States.

I would like to spend the next few minutes discussing those policies and our concern about the attitude of this administration as it has impacted our policies.

The provisions that I am talking about in the appropriations bill, if we can ever get back to it, are necessary, in my view, and appropriate, because many of us feel this administration has gone around Congress, the States and the local officials in an effort to place broad restrictions on the use of public lands for productive economic use, such as mining and forest products and grazing and even recreation. Recreation, a relatively benign use of the public land, is now being shaped, directed and oftentimes characterized by new policies of this administration. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

believe strongly that the provisions that we have placed in the Interior appropriations bill are necessary, as I mentioned earlier, to block the administration's arrogant abuse of power and its failure to acknowledge that our States ought to have a say in the use of our natural resource bases.

During the past 175 years, the United States has undergone an astonishing period of physical and economic growth. We acquired the Louisiana territory, bought Alaska from the Russians, and fought a war with Mexico over the Southwest and California. During that time, Americans moved westward, pursuing dreams of economic independence and the opportunity to raise their families in a new land.

Our Government encouraged the westward movement of these hardy people by creating opportunity through the Homestead Act or the Timber and Stone Act or the mining law of 1872. These statutes, and others, were designed to encourage people to seek a new life, to build the wealth of a nation by developing its vast store of natural resources. And the effort was successful beyond any nation or any people's wildest dreams and imaginations.

Thousands of American farmers and shopkeepers and clerks and grocers and professionals took up the challenge and moved West. They busted the sod of the central plains and established an agricultural wonder, the breadbasket of the world, never known before by man. They established enormous cattle and livestock operations from Texas to Kansas and Montana and throughout the Rocky Mountain States, including my State of Idaho.

Thousands of prospectors fanned out across the West in search of gold, silver and other minerals. What these early miners found at Sutter's Mill in California or at Telluride in Colorado or at Silver City in Nevada or in the Boise Basin of Idaho, and hundreds of other boomtowns across the West, galvanized the Nation.

Thousands more ordinary Americans got caught up in the gold rush, too. Most were not successful in finding their bonanza. Instead, they formed the backbone of the new West because they brought other skills and talents with them. These are the people who built the great cities of Denver, Salt Lake City, Boise, Helena, Houston and San Francisco. They became the merchants, the bankers, the doctors, and the educators who helped ensure the success of the intermountain and the coastal west.

These Americans built the great transcontinental railroad to bring additional settlers into the growing cities and towns and to move the exploding basket of western-produced goods to the markets of the East.

Throughout the balance of the 19th century, as well as the 20th century, both Federal and private lands in the West contributed mightily to the economic success of our great Nation. In addition to gold and silver, deposits of lead, nickel, molybdenum, iron, and other minerals were discovered and developed.

In the 1920s and 1930s, oil and natural gas deposits were found in Colorado, Wyoming, Montana, Utah and New Mexico. And, of course, the forest products and the livestock industries continued to grow and to prosper providing building materials and food for our growing Nation.

These achievements were not realized by the U.S. Government but by the women and the men who accepted the challenge who had the vision and who had the courage. They took enormous risks. And with their lives and with their fortunes they built new businesses, opened mines, started ranches and farms, and began new lives and created a new culture, a tradition, a western culture tradition, based on wise and sustainable use of the land and its resources.

Mr. President, I can talk about this firsthand. My own family is a part of that tradition of independence and determination. One hundred years ago next year, my grandfather set foot in Idaho and took advantage of the Homestead Act and began to build a ranching operation that flourished and raised a family with that ranching operation to be passed on to a future generation.

The western tradition recognized the value of land and its resources and the need to husband those resources carefully and sustainably. No one can honestly believe that we who live on and depend on these precious lands would seek to strip them of all of their values and deny their use and their beauty to the rest of Americans. You see, my granddad taught my father that tradition; and my father taught me that the land was a sacred resource that should be managed wisely.

Indeed, with forest products, mining, oil and gas production, and other forms of resource-intensive multiple uses in place, recreational opportunities began to flourish, began to increase. More and more Americans are coming to enjoy the natural beauty and the resources of the intermountain West. They come to enjoy our hunting and our fishing, our sightseeing, our camping, our mountain climbing, and to just be plain quiet; in other words, to search for and find solitude.

These opportunities were once available only to those of us who lived in these great States of the West—the Idahos and the Wyomings and the Montanas and other Rocky Mountain and Pacific States—or to the wealthy who could afford the time and expense associated with recreational journeys to our States.

Now our recreational-based economies have grown greatly and are supplementing our traditional economies devoted to forest products harvest, mining and agriculture. In fact, last year about 8.1 million visitors came to my State of Idaho alone. That is more than six times my State's population of 1.2 million.

Federal law acknowledges and encourages the diverse activities that take place on the lands about which I have talked. It has formalized the concept in a policy called multiple-use which was defined in the Multiple-Use Sustained Yield Act of 1960 to mean managing the natural resources in our public forests for the combination of uses that best meet the needs of the American people. It has long been recognized that multiple-use policy is in the best public interest because it enables the resources to continue to produce benefits while conserving the value of that resource.

Mr. President, while all of this suggests the western public land States are enjoying a life of beauty and economic success, I want to let my colleagues and the rest of America know that we in the West are facing a terrific threat. Unfortunately, that threat is our own Federal Government and the policies of this administration.

When the current administration took office, the Federal agencies responsible for managing Federal lands began an all-out assault on the concept of multiple-use in favor of preservation and limited use. They have relentlessly pursued a philosophy of returning these lands to something they call "presettlement conditions."

They have shut out local governments from land use planning decisions. They have reduced Federal land managers to messengers delivering land use policy decisions from Washington, DC, down to the local level, as if Federal authorities here know best how to manage specific tracts of Federal forest or other Federal land units.

This arrogant behavior is not occurring just in Idaho but it is represented and reflected across the public land States of the West. The Forest Service is proposing to limit boating experiences on the Snake River in Idaho. The Service is trying to remove from use thousands of acres of grazing land in Arizona and New Mexico through a concept and a contract with environmental groups, ignoring current permittees and State governments and the historic laws and policies formulated and passed by Congresses and by this Congress.

Also, having been denied the opportunity to shut down the mining industry by Congress' refusal to accept punitive changes in the mining law of 1872, Secretary Babbitt has stopped new mining activities on public lands by slowing the permit process to a crawl. And when he must operate within the context of the current law, he hops on a soapbox on Wall Street and demagogues the very action that the laws require him to take. As a result, no new jobs are being created and no new revenues are coming to either the States or the Federal Treasury.

Mr. President, some Federal use managers and national environmental groups also have stymied local efforts to resolve disputes over how to manage Federal lands. A group called the Quincy Library Group, encompassing forest product company employees and local authorities and environmentalists, developed a plan to protect roadless areas and old growth areas in the Plumas and Lassen National Forests in northern California while still allowing selective cutting on about 240 million board feet of forest products.

The Forest Service dragged its feet, would have nothing to do with the concept or the idea. It had to be changed here by the legislative effort. And let me tell you how popular it was. It passed the House by a 429-1 vote. It is pending here in the Senate. The administration was dragged into it kicking and screaming because the public outcry for the support of this balanced policy was so great.

Mr. President, another example of the arrogance of this administration's approach to land use policy is its decision to declare by proclamation a new unit in the protection category of Federal lands, the Grand Staircase Escalante National Monument. If you haven't heard about this, you haven't been listening to the cries coming from the West. The President unilaterally took 1.7 million acres of Federal and State land and included these acres in a new monument without consulting any of Utah's elected officials—not one, not Senator BENNETT nor Senator HATCH nor Utah's three Members in the House, not Utah's Governor. In fact, no one—well, except a few local environmental groups—knew of the President's plan, the plan that we only heard about when he stood on the banks of the Grand Canyon to proclaim it on the eve of his last election.

Now, as chairman of a Public Lands Subcommittee here in the Senate, I held hearings on a Utah wilderness bill. The State of Utah had worked to incorporate all interests, from the grassroots to the very highest levels of their Federal delegation, to try to preserve this area. They had been working on the way that public policy should appropriately be formed. Yet the President, with the sweep of a pen and the denial of local input, decided that he alone would lock up this land.

At a hearing on May 1, 1997, on legislation introduced to make sure that the President keeps his promise he made to Senator BENNETT, Louise Liston of Garfield County, UT, the local community elected commissioner said:

> We feel that the creation of this monument was deliberately fabricated behind closed doors without consulting or notifying any member of the Utah congressional delegation, the Governor, or any local official. I have no doubt that history will single it out as the best or perhaps I would say the worst example of the entire Clinton Presidency of irresponsible and indefensible policy making in the natural resource area. I certainly would hope that we do not see anything worse in the next 4 years.

I could go on and on with examples, and there are many. However, several of our colleagues have now joined me. I know they have other topics to visit that demonstrate the misguided positions of this administration.

Mr. President, I turn to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Idaho for sharing this information with us. I have, of course, in the course of my tenure as Senator in the last 2 years, had some of the same experiences in Alabama with plans for managing Federal lands. I believe we can do a better job of it. I thank him for sharing that with us.

This morning, the President has appeared at the United Nations and spoken to that body. While he is there, I hope he will take the time to take a second look at his proposal to build a new United States mission office at the United Nations.

The Environmental and Public Works Committee, on which I serve and which deals with public buildings, had hearings last week and was asked to approve a resolution which would allow funding to be provided to design a new Federal building to house the U.S. mission to the United Nations. The Clinton administration's proposal makes clear that frugality and respect for the taxpayers' money is not a part of this plan.

The current building, which is just 40 years old, is located at 799 United Nations Plaza, just across the street from the U.N. building in New York. The prospectus, the proposal, of the General Services Administration, who had managed the building of the new structure, requests our committee to approve a plan that would call for the demolition of the existing building and the construction of a new building which would be the most expensive office building per square foot the U.S. Government has ever built.

I asked Ambassador Burleigh and the representative from GSA about this. They did not dispute my assertion that this would be, in fact, the most expensive office building in history. According to the General Services Administration, the U.N. mission building total project costs for the 141,000-square-foot building would amount to $53 million, or $378 per square foot.

However, this estimate does not tell the whole story. The rest of the story is that there is another part of the Federal Government that will be contributing to this situation. The State Department is seeking an additional $24 million to spend on security, telecommunications, and the overall State Department oversight of this construction. These additional costs will bring the total project costs for this United States mission—which is really an office building—to the United Nations to at least $77 million, or a whopping $548 per square foot.

To put $548 per square foot into perspective, consider that the Islip, NY, courthouse, complete with all kinds of security features to keep judges and juries and defendants separate within its halls, came in with a total project cost of $262 per square foot, and that was extraordinarily expensive.

The Foley Square Court House in New York City, accused by many to be grossly overpriced and a waste of taxpayers' money, has a record project cost of $440 per square foot.

Now, courthouses are somewhat expensive. They are and should be august buildings. Courtrooms have to have high ceilings. You don't want a big courtroom looking like a little office space. You do need to have some marble, good paneling, big courtrooms. Every judge needs a courtroom to try the case and do the people's business. So courthouses are not really good comparisons to an office building because they ought to be more expensive. But this $548 exceeds any Federal courthouse expenditures we have.

Now, they say, this is in Manhattan and real estate is expensive there and that explains the cost of this building. But that is not so because we already own the land. This land was given to the United States for the U.S.-U.N. mission office by the Rockefeller family many years ago. So we have no real estate costs in this project.

The U.S. mission to the U.N. building would be 141,000 square feet; the occupiable square footage, according to General Services Administration and the Department of State, would be 107,000 square feet for its 292 current employees. Now, that would amount to 366 square feet for each employee. My colleagues should note that in our offices here in the Russell, Hart, and Dirksen Buildings, we have a number of employees and we have a lot of visitors. Our occupiable square footage—and we have checked it for my staff and myself—is 131 square feet per employee. That is about one-third of what they are asking for in New York, and they are spending $548 per square foot.

Before we move ahead and authorize the construction of the most expensive building ever constructed by the taxpayers that I am aware of, a mere office building, we need to be certain that this tremendous expense is justified and that all other options—including maybe releasing some space nearby for certain parts of the operation, if they need more space or renovation, if that is the appropriate thing, they have been examined closely and have proven not to be workable, and that there is no other way to build this building for less cost. I can't imagine there would not be. Just because the staff at the United Nations are involved in important issues does not mean they are masters of the universe and does not mean that they are entitled to palatial accordance.

Most of us in our personal lives have to deal with housing that is less than we desire. Our offices have to be less than we wish we could afford. Families and businesses all over America have to make tough choices. Working Americans do it every day. They ask whether they should buy a house with that one more bedroom so their children won't have to share a bedroom. They worry about that kind of thing, and rightly they should. They are frugal, they work hard, and they have a huge tax burden. Our people have to work until April, or later, every year just to pay their taxes—before they even start making money for their own families.

I think we have a responsibility. I ran for office just 2 years ago and I traveled all over my State of Alabama and talked to people. They are willing to pay some money up here and send tax money up here, but they want it used wisely. They want it to be used—if we have a surplus—to strengthen Social Security and pay down our debt. They want us to give them some tax relief. They don't want us to be spending this kind of money on office space when we don't need to. I believe it is a very important issue. And I see other buildings of that kind.

We have the Patent Office Building that is coming in and coming through our committee at an extraordinary cost in itself, and it is right here in Washington, DC. I think we are going to have to give a real hard look at the Patent Building. A lot of people are concerned about that.

People have raised a lot of concern about the $400 million cost overrun on the big Reagan Office Building here in Washington, DC. It is a magnificent building, but it was expensive. I just had the numbers on it. It is right here, three blocks from the White House, which is some of the prime real estate in America. In this Reagan International Trade Center Building, which will house nearly 7,000 Federal employees, the concrete used in the building would pave 106 miles of a two-lane highway. The atrium ceiling, with 1,240 pieces of glass, is 125 feet high. The basement is 7.7 acres. That building comes in at $264 per square foot, which is less than half of what they are talking about for a little office building in New York City, and it would house 7,000 employees.

So, Mr. President, these are matters that symbolize to the American people whether or not we in this Congress are managing their money wisely. It is a solemn commitment, a deep commitment that I have, and I hope every Member of this body has, and the President ought to have—how we are going to manage their money, and manage it wisely, is a responsibility that is deep.

I wish that all Americans could have a nice home. I wish every American could have a mansion. They won't have it in this life, but I wish it were possible. But we have to make compromises with reality. We don't have enough money to do everything we would like to do.

Mr. President, I will just say this. The President is in New York today. I hope he has had an opportunity to review this proposal that is being sent forward. I believe our committee, which may be voting on it this week, needs to give it a very hard look. I, for one, have not been convinced at all by our hearing last week that this is justified. I intend to do all I can—and I think others will join—to make sure we don't rush into this kind of boondoggle and take money from decent, hard-working Americans to fund a palace at the site of the United Nations.

I yield the floor.

Mr. CRAIG. Mr. President, I want to tell Senator SESSIONS how well he serves the taxpayers of our country and this Congress for bringing these issues to the floor. We do not, at a time of fiscal austerity and attempting to balance the budget and stabilize Social Security and strengthen it for the future and give some tax cuts, need to be committing ourselves to the building of palaces. I appreciate him bringing that issue to the floor, again, in the theme that there are other practices of this administration that deserve to be brought to the forefront for the American people to understand.

Let me turn to the Senator from Ohio, Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me begin by thanking my friend and colleague from Idaho, Senator CRAIG, the chairman of the Senate Republican Policy Committee, for arranging this opportunity to address some of the key accomplishments of the 105th Congress.

In just a matter of weeks, we will close the curtain on a productive and arguably historic Congress. Certainly, our most significant achievement was passage of the first balanced budget plan in a generation. Few pundits took us seriously when the Republican Congress came to power pledging to balance the budget by 2002. We were not only serious, but we're on the verge of success. A strong U.S. economy, spurred in part by a Congress committed to ending runaway deficit spending, has brought us to a balanced budget four years ahead of schedule. Now, for the first time, we're having debates on government surpluses, not government deficits.

We've changed the debate on taxes as well. Last year, we passed the first real tax cut in 16 years. We provided a $500-per-child tax credit for working families; inheritance tax relief; capital gains tax relief; flexible individual retirement accounts (IRAs) to encourage savings; and Alternative Minimum Tax relief for all businesses—large and small. And we're far from finished. We're on the verge of putting an end to the marriage penalty, and giving small business owners and family farmers the ability to fully deduct health insurance—something that is long, long overdue. And I know the current occupant of the Chair has been very much involved with that throughout the years.

We've not only changed the Tax Code, we've also reformed the tax collector. Our IRS reform bill will put a stop to IRS abuses against law-abiding citizens, create an improved management structure for the IRS, and establish new protections and rights for all taxpayers.

Ours has been an agenda designed to make a difference in the lives of ordinary Americans. I'd like to talk about three achievements I have focused on—issues that will improve and save lives, and further move our country forward.

JOB TRAINING

Let me begin with our long-overdue—and far-reaching—reform of our job training system.

Since coming to the Senate in 1995, I have devoted a great deal of my time to job training reform. Last month, these efforts paid off when the President signed our bill into law. I am convinced that its enactment came not a moment too soon.

Our economic future depends on a well-trained workforce. Employers at every level are finding it increasingly difficult to locate and attract qualified employees for high-skilled, good-paying jobs—as well as qualified employees for entry-level positions.

Right outside Washington, DC, in northern Virginia, 19,000 high-tech jobs remain unfilled because individuals lack the skills to fill them. However, even with this shortage here, I hear radio ads during my morning drive urging people to move to North Carolina to fill high-tech jobs there.

My home state of Ohio faces a similar challenge. Manpower Incorporated recently released a poll which indicated that the Dayton area had a bright future in terms of job growth: 42 percent of area companies plan on hiring more manufacturing workers. However, the availability of skilled workers to fill those jobs remains low.

And, according to the Manufacturers Alliance's Economic Report published in January, the mismatch between available jobs and available skilled workers is growing. While wages have increased for those who have the skills in demand, many jobs still go unfilled and the median duration of unemployment for those who lack the skills remains at recession levels.

Nationwide, the number of unfilled high-tech jobs is estimated to be 350,000. The increasing labor shortage threatens our Nation's economic growth and productivity.

Clearly, we need to do much more to prepare America's workers for tomorrow's jobs. The problem is our job training system is not simply up for the challenge. That is what our bill aims to address.

The current system is a fragmented and duplicative maze of narrowly focused programs, administered by numerous Federal agencies that lack coordination, lack a coherent strategy to provide training assistance, and lack the confidence of the two key consumers who use these services—workers seeking training, and businesses seeking to hire them.

That's why our reform bill is so important. It will fundamentally reform our ineffective job training programs, transforming them into a coordinated, accountable, and flexible workforce investment system.

The historic 1996 welfare reform bill was based on the principle that power ought to be devolved to States, communities, and individuals. It should go back to the local community. Our job training bill represents the final, essential chapter of welfare reform, by empowering States and localities—giving them the tools and flexibility they need to implement real reform, reform that will allow them to move people off welfare and into good-paying permanent jobs.

The bill promotes free market competition, eliminates government bureaucracy and promotes personal responsibility. It provides training assistance through individual training accounts or vouchers, in order to allow individuals seeking assistance to have a say about where, how, and what training they will receive. These programs should be tailored to individual needs, not to Washington bureaucracies.

This legislation will help real workers and real businesses build America's economy. One major Ohio newspaper called it "a bill that works." That's exactly right. The Congress can be very proud of this legislation.

SAVING KIDS

Let me now turn to a second piece of very important legislation this Congress can be proud of.

I might say this is a piece of legislation that my colleague from Idaho, LARRY CRAIG, was so very instrumental in getting passed. I don't think it is really a stretch at all to say that but for LARRY CRAIG this bill would not have been law—would not have been passed by this Congress, and would not have been signed by the President.

Let me tell the Members a little bit about it.

Last November, we passed a bill that will enable more of America's children to grow up in safe, stable, loving, and permanent homes.

Far too many children are spending their most important, formative years in a legal limbo that denies them their chance to be adopted—that denies them what all children should have—the chance to be loved and cared for by parents.

We are also sending too many children back to dangerous and abusive homes. We send them back to the custody of people who have already abused and tortured them.

Every day in America, three children actually die of abuse and neglect at the hands of their parents or caretakers. That's over 1200 children every year. And almost half of these children are killed after their tragic circumstances have come to the attention of child welfare agencies.

Why is this happening? Obviously, many factors are to blame. There are many excuses. But as we were working on our bill, it became increasingly clear that some of the tragedies in the child welfare system are the unintended consequences of a small part of a 1980 Federal law. Under this law, for a state to be eligible for federal matching funds for foster care expenditures, the state must have a plan providing that "reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home." These are "reasonable efforts."

In other words, no matter what the particular circumstances of a household may be—the state had to make reasonable efforts to keep it together, and to put it back together if it falls apart.

There is strong evidence to suggest that in practice, reasonable efforts have become extraordinary efforts. Efforts to keep families together at all costs.

Our bill changed the law in order to change this practice, to make it absolutely clear that the best interests of the child come first. This new law simply states: "In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be of primary concern."

With this new law, Congress put children first. This is a law that I believe will truly save young lives. It is a law that Congress should be very proud of.

WAR ON DRUGS

Finally, let me turn to the third item of which I think this Congress can be very proud. I would like to talk about the progress Congress has made in saving young lives from the often fatal scourge of illegal drugs.

Last year, I joined with my friend from Iowa, Senator GRASSLEY, and my Ohio House colleague, Congressman ROB PORTMAN to introduce and pass the Drug-Free Communities Act which supports community-based initiatives to educate children about the dangers of drugs. Youth substance abuse has more than doubled in the past five years. We must do more to protect our children from this threat to their health and safety. We believe that this bill will strike a major blow for our children's interests by empowering the people who work with our children on a daily basis, at the grass roots, at the community level in our neighborhoods.

Drug prevention is an important element of any comprehensive children's health policy. And in the long run, treatment and education is our best investment in getting serious users off drugs. However, to be successful now and over the long term, we need a balanced anti-drug strategy. We must have a strong commitment in each of the following areas: prevention, treatment, education, domestic law enforcement, and international eradication and interdiction efforts.

Over the last few years, our efforts to keep drugs from coming into the country have been lagging seriously behind the other components of our drug strategy. And the results of this imbalance—this lack of emphasis in international eradication and interdiction—has been devastating: A decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use. This alarming trend has to change, and requires leadership here in Washington. While drug education, treatment and domestic law enforcement are efforts done at the federal, state, and local levels, the Federal government is solely responsible to keep drugs from entering our country.

That is our responsibility solely, and it cannot be shared. And if we in Washington fail to do our job outside the country, we're making it far more difficult and far more costly for state and local governments to do their part.

This past July, Congressmen MCCOLLUM and HASTERT, and Senators COVERDELL, GRAHAM, GRASSLEY, and I introduced the Western hemisphere Drug Elimination Act—legislation designed to restore a balanced drug control strategy, and revive our sole responsibility to stop drugs from reaching our borders. This legislation calls for an additional $2.6 billion investment in international counter-narcotic efforts over 3 years. Specifically, the bill calls for a comprehensive eradication, interdiction and crop substitution strategy. The objective is to dramatically reduce the flow of drugs into the United States by driving up the price of drugs and hence reducing drug consumption. I believe that through this legislation, we can accomplish this very important goal.

We have to make it far more difficult for drug lords to bring drugs to our nation, and make drugs far more costly to buy. We need to raise the cost of doing business for drug traffickers.

Our bill would do this. It was passed by the House of Representatives just last week, and I have been working with my fellow cosponsors here in the Senate to increase funding for drug interdiction programs during the current appropriations process.

This effort is one key example of how this Congress has made a huge difference in the lives of America's children.

Mr. President, all of the measures I have just discussed have one thing in common: They are components of an overall vision of what our country can be—the kind of country our children deserve. I am very proud to have been a part of all these efforts, and I look forward to making further progress on these and other issues as we continue to make a positive, lasting difference in the lives of all Americans in the 106th Congress.

Again, I thank my colleague from Idaho for arranging the time, and I congratulate him for the role he has played in all three of these bills and these efforts. I yield the floor.

Mr. CRAIG. Mr. President, I thank my colleague from Ohio for those kind remarks. If it had not been for his leadership in the key areas he mentioned, we would not be dealing with them in the way this Congress is now and should be. These are the kind of programs that directly impact the lives of many of our citizens, and Congress should be aggressively pursuing many of the projects and pieces of legislation that the Senator from Ohio has discussed.

I now turn to Senator GRAMS from Minnesota who, I understand, wants to talk to us about tax cuts.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX CUTS AND THE GOOD GOVERNMENT AMENDMENT

Mr. GRAMS. Mr. President, I rise today to talk a little bit about tax relief and the obligation I feel this Congress has to the American people in the remaining days of this session.

I also compliment the Senator from Alabama, who now occupies the Chair, for talking about the need to be better stewards of the tax money we do collect from Americans today.

Instead of beginning with the American experience, I will start overseas for just a moment, and that is in Japan.

After years of rapid economic growth, which many called an "economic miracle," Japan's economy is now stagnating. To a large degree, the sickening Japanese economy has dragged the world economy down with it.

The U.S. government has been pushing Japan to pursue vigorous reforms to boost the economy again. One of the recommended measures is tax relief. President Clinton and Secretary of the Treasury, Robert Rubin, have repeatedly asked Japan to permanently reduce its income tax. As a result, the Japanese government proposed a tax cut of 7 trillion yen, but it is now suggested that this tax relief is too small and that deeper cuts are needed. I think this is a sound policy and the right approach to helping cure Japan's ills and I commend the administration for such advice. I just wish they would have that same advice for Congress. The question is, if tax relief will work for Japan as it has worked for many other countries, including our own during the Reagan administration, why do we not we pursue that same policy here in this country once again?

Mr. President, what these two events tell us is, first, the Federal tax burden has grown too high, too ridiculous. And second, the best solution to maintaining economic growth in this country is tax relief.

We have debated this issue in this Chamber again and again and the conclusion is clear to me: a high tax burden distorts economic behaviors. It discourages work, saving, and investment. It slows productivity and growth and decreases our competitiveness. Tax relief, on the other hand, does just the opposite. It will benefit millions of American families and will keep our economy healthy and strong.

Mr. President, I firmly believe that it is still critical to provide meaningful tax relief for the American people this year. The average American family today spends more on taxes than it does on food, clothing, and housing combined. A typical median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes. This means more than 3 hours of every 8-hour working day are dedicated just to paying taxes. In 1996, an average household with an annual income between $22,500 and $30,000 paid an average of $9,073 for food, clothing, and housing, and paid $11,311 in total taxes. Households with incomes ranging from $45,000 to $60,000 averaged $16,043 for basic necessities, and paid the tax collector $25,276.

If the "hidden taxes" that result from the high cost of government regulations are factored in, a family today gives up more than 50 percent of its annual income to the Government.

When the Government takes more, families get less. Between 1989 and 1995, the typical American family's real income fell by 5.2 percent. Most economists point out that the decreased income was the result of slow economic growth, a direct result of higher Federal taxes.

The American taxpayers desperately demand real tax relief and reform. They ushered in a new congressional majority in 1994 on our pledge that we would provide that relief. While we have delivered on a portion of our promises, much work remains to be done. Reforming the tax system for the taxpayers who sent us here begins with cutting their taxes. Our mission has not yet been completed.

We should not walk away from our obligation to the American taxpayers to pursue a Federal Government that serves with accountability and leaves working families a little more of their own money at the end of the day. We must pass meaningful tax relief this year.

In the next 5 years, for example, the Federal Government will take in more than $9.4 trillion from the pockets of the American people. The Congressional Budget Office has projected that in the next 10 years, we will have a $1.6 trillion budget surplus. Even after excluding the Social Security surplus, we will still have a surplus of $169 billion. The Government has no claim on any surplus because the Government did not generate it—it will be the result of the hard work of the American people, and it therefore should be returned to them in the form of tax relief.

I agree that reforming the Social Security and Medicare programs to ensure their solvency is vitally important. Any projected budget surplus should be used partly for that purpose. Yet, I believe strongly that the surplus alone will not save Social Security and, therefore, fundamental reform is needed to change it from a pay-as-you-go system to a fully funded one.

What truly bothers me, Mr. President, is Washington's continuation of its tax-and-spending policies. Despite a shrinking Federal deficit, the Government is getting bigger, not smaller. Total taxation is at an all-time high. So is total Government spending.

The White House and my colleagues have been talking about fencing off the budget surplus to save Social Security, but even as they talk, they continue to spend this budget surplus. Before the surplus even materialized, Washington had already spent $6 billion of it in the last supplemental bill. It is reported that another proposed supplemental bill will spend another $18 to $20 billion of this budget surplus.

Mr. President, when it comes to Federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to Government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax relief, Washington is always reluctant to act. Congress even goes so far as to require the tax cut advocates to pay for any tax relief via Washington's PAYGO rule that requires increasing taxes in order to cut taxes. Increase taxes on some Americans so we can get tax relief to others, but that is the only way that the system can work.

Nothing is more ridiculous than this requirement of the PAYGO rule. We must repeal it so we can shrink the size of the Government and we can let working families keep more of the money they earn, to spend on their priorities—not Washington priorities.

Washington's tax-and-spend policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. Therefore, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

I commend our colleague in the House, Chairman ARCHER, Chairman of the Ways and Means Committee, for his so-called "90–10" plan. The proposed plan includes many good tax relief measures that will help working Americans. I think this is a step in the right direction.

However, there are two things in the proposal that concern me.

First, the proposed $80 billion in tax relief over 5 years is just too small, compared with the possible budget surplus and total government spending.

By the way, an $80 billion surplus, or $80 billion in tax relief, over the next 5 years amounts to about $4 per person per month. That is not real tax relief, that is token tax relief. We need to do more.

It leaves only $30 billion for relief of the $150 billion marriage penalty tax, and this means millions of American couples will continue suffering from this tax injustice. We can and should do better.

Second, I do not have any problem at all returning some of the budget surplus to the taxpayers. In fact, I have argued repeatedly that the budget surplus should be returned to the taxpayers in the form of tax relief, Social Security reform and debt reduction. But what bothers me is that the proposed plan does nothing to reduce Government spending. In fact, we are talking about spending billions of dollars of the surplus in a supplemental spending bill this year. I believe we should cut the Government's wasteful programs and overhead, and let the taxpayers benefit from a more efficient, effective Government.

In the next few weeks, I will work with my colleagues to improve the House tax bill and deliver tax relief at the highest possible levels to America's families.

My final point is that we must pass a contingency plan to avoid a future government shutdown, and we must do it this year.

I have asked both the Senate majority and minority leaders several times to honor the commitment they made during the consideration of last year's disaster relief legislation to support an automatic CR to avoid a Government shutdown. But so far there is little interest in this good Government legislation. We need to pass that.

And here we are again, with just a few weeks left in this session, with only one appropriations bill signed into law. Clearly, we will not have a budget conference report this year, and I sincerely doubt we will complete all the appropriations bills before this fiscal year ends.

So tell me—do you not think we need a contingency plan, something to avoid the end-of-session battles that often result in more government spending?

Different priorities on spending and tax cuts often prevent us from completing all of the appropriations bills. Competing policy differences, particularly during an election year, make our budget and appropriations process more uncertain.

We need a contingency plan to avoid a government shutdown. There are essential functions and services of the federal government we must continue regardless of our differences in budget priorities.

Mr. President, I will wrap this up quickly. I know our time is running out. But let us not hold the American people hostage because of disagreement in Washington. I urge the leadership to support a sizable tax cut this year and take up the good Government legislation that would prevent a shutdown.

Thank you very much. I yield the floor. I thank the Senator from Idaho for securing this time for us to be able to talk this morning.

Mr. CRAIG. Mr. President, I ask unanimous consent that the majority side be allowed to continue until 1:10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. With that, I thank my colleague from Minnesota for that excellent speech. In my opinion, he is right on about the effective use of a surplus to grant tax relief and to shore up the Social Security system to reform it. Clearly, we have to hold down on the issue of supplemental spending.

With that, I now yield to my colleague from Colorado, Senator ALLARD, to wrap up this special order with his observations as to welfare reform—truly one of the great successes of our Republican Congress.

Mr. ALLARD. I thank the Senator from Idaho for yielding to me to make a few comments.

WELFARE REFORM

Mr. ALLARD. Mr. President, today I rise with good news about Americans on welfare. It is clear that the hard labor we put forth during the 104th Congress to enact welfare reform has been paying off with big returns. The system so many had grown to use as a crutch and a burden to self-sufficiency for 62 years was finally removed in July of 1997.

States are now showing that Americans can achieve financial independence when given the right tools. I thought it would be of benefit for the Members of the Senate to hear a review about Colorado's experience with changing the welfare program.

In 1982, I was elected to the State Senate of Colorado and found that one of the first issues I was involved in was the idea that we needed to change welfare. I was approached by one of the counties I represented at the time that had a very frustrating problem. They saw their budget escalating out of control, and there was not anything they could do about it.

So they said to the Colorado legislature at the time, and they said to me also, "Look, if you will give us some local control, we have some ideas on how we can change the welfare system to make it better and save the taxpayer dollars and actually get people to work and be self-sufficient."

They had two phases that they wanted to go through. First of all, they wanted to go through a reorganization of their county government. They wanted to consolidate those agencies that dealt with employment and welfare. And they wanted to put these agencies together and under the guidance of one individual. They happened to select Walt Speckman at the time who was in charge of finding jobs for people in Weld County. This was the county that had come to me and was trying to do something about reforming their welfare system.

They were putting him in charge because he was used to looking for jobs instead of putting people in a position where they were becoming put in a position to rely on government. This individual was used to getting them off of government and getting them into a self-sufficient program. And having been prepared to do that type of reorganization, they had to come to the State legislature to get some legislation passed. And I was involved in that.

Another part of that process was that they had to go to the Federal Government and they had to get a waiver in order to be able to waive some Federal laws and regulations that were being applied to the State of Colorado as well as the county.

As a result of that legislation—which we passed in a Republican legislature, by the way, from both the House and the Senate, and which was reluctantly signed by a Democratic Governor of the State of Colorado—we began to put the program in place. And as it moved along, we found that it was beginning to move people off of welfare into the workplace. It was working in this county at a time when there was a large amount of unemployment because one of the major employers in Weld County at that time had found it necessary—they were in a labor dispute, so they found it necessary to close their large plant.

We also recognized in this program that we needed to provide some daycare services for many of the women who were on welfare. Most of the people in Colorado who were on welfare were young women who had children. We had to provide educational opportunities for them as well.

This experience in Colorado gave us an example, those of us who were serving in the Congress at that time. After I left the Senate in the State of Colorado, then in 1990 I got elected to the House of Representatives, and it gave me a good example to point to my colleagues in the U.S. House of Representatives about how welfare reform could work if managed properly. And my colleague at that time was Senator Hank Brown from Colorado, who was from Weld County and also worked hard on welfare reform as a Member of the U.S. House of Representatives and in the U.S. Senate.

When I had the opportunity, as a Member of the House of Representatives, to work on welfare reform, I was thrilled because I could see what could happen if you would just turn the responsibility over to the States. If that State, in turn, would turn the responsibility over to the county, miracles could happen. And that is exactly the type of thing that I proposed in the 1994 election when the Republicans were putting forward the Contract With America.

I had a good deal to do with putting in a lot of the provisions that were in the Contract With America on welfare reform because I could point to the experience in Weld County and the experience of Colorado and the tremendous success that happened out of that program. So I was absolutely delighted to see that the Republican Congress was beginning to adopt that idea.

Finally, as I mentioned in my opening comments, in 1997 it was a Republican Congress, with a Republican Senate and Republican House, that finally had a reluctant President who was willing to sign some legislation on welfare reform. And it is working.

The Johnson era and the decades following this taught us that the availability of Government welfare only feeds poverty, digging a deeper hole for those who grow to depend on it. By returning power to the States and giving them the flexibility to design and administer welfare programs tailored to the needs of their citizens, Americans are seeing the fruits of liberating the public from welfare dependence.

Some skeptics would say our strong economy and low unemployment are responsible for the decline in welfare cases, but they forget that the flourishing economy of the 1980s barely put a dent in the welfare rolls. It is clear that our new laws are working.

From January 1993 to March 1998, the number of welfare recipients in the Nation declined by 5.2 million, or 37 percent, from 14.1 million individuals in 1993 to 8.9 million in 1998.

Since welfare reform was enacted in August of 1996, the number of recipients has declined by 3.3 million individuals, which is 27 percent, while the number of families on welfare has declined by 1.2 million, also 27 percent, since welfare reform was enacted.

I am proud to say that Colorado continues to be one of the front runners in the progress of welfare reform. Colorado is the only State which has block-granted all welfare funds directly to the counties.

Since 1995, Colorado's caseload has declined by nearly 50 percent.

I have a number of other examples that I will point out to my colleagues in the Senate on the success of the Colorado program.

Each county in my state has been experimenting with various programs which comply with the Colorado state law. Our law requires that an "individual responsibility contract" be signed by each of the 32,000 welfare recipients in Colorado. The contract describes each recipients program for obtaining a job. What makes Colorado's program work is the local flexibility and control handed to counties to carry out the new laws.

In addition, counties have used their leverage power through their contracting and procurement activities to help create more jobs in the private sector.

Counties in Colorado tell me they had to re-think their purpose in distributing welfare. Now, they see their role defined more by encouraging recipients to make a commitment to immediate work and imposing a shorter time limit for cutting off those who don't cooperate with this commitment. They are accomplishing this by reeducating recipients, creating new incentives to get off welfare, and contracting out job training.

Since implementation of "Colorado Works," our new version of the former Federal Temporary Assistance for Needy Families Program, welfare cases dropped 28 percent in just one year.

Several counties in Colorado have shown remarkable progress:

El Paso County has renamed its welfare office the "Family Independence Center" and has moved into the same building that houses Goodwill Industries. They have developed a philosophy of empowerment of participants to care for their own families and seek employment as soon as possible, not as a last step in the self-sufficiency process.

Boulder County has taken new strides in implementing reform. In July of 1997, they had 715 cases. At the end of June 1998, the caseload was 562. 257 people were placed in jobs. The average wage of the former recipients was $7.82 an hour.

Three of those former welfare recipients have found permanent jobs with Boulder County's own employment and training center.

Mesa County has gone even further with a reduction of 40 percent in their welfare rolls. They tell me it's working because the county commissioners and social services staff have remained committed to getting people off welfare and into jobs. Plus, businesses and human services agencies in the county have pitched in to help find jobs for former welfare recipients. In several Colorado counties, the leading civic organization in welfare-reform efforts is the Chamber of Commerce. Communities are pulling together resources to help new reforms become a success.

Colorado welfare cases have continued to drop since June of this year to an all-time low of 17,990 cases in the month of August. That is 10,000 fewer welfare cases than we had in 1983—15 years ago. But on top of that, this phenomenon has been taking place while population in Colorado has been increasing. According to the Census Bureau, our population has increased 13 percent from 1990 to 1995. Although caseload reduction is not the only measure for success in this area, the fact that we have reduced our welfare reform by more than 50 percent in just the last five years is worth talking about.

Caseworkers in my state applaud this work-first model. They stress that there has been a large increase in child care utilization and expenditures—yet another sign that Colorado residents are being put to work.

Since July, 1997, statewide child care expenditures have increased from $3 million to $6 million per month. Also, the number of families receiving child care assistance increased from 8,200 to 12,600 per month during the same period.

But I think more than anything else, we should acknowledge that there is a clear-cut change in society's opinion about behavior we once just accepted. It's no longer acceptable for large chunks of our tax dollars to serve as a permanent wage to those who choose to lean on welfare.

People are not helpless, as the welfare state has told them. In fact, predictions that we would see a massive increase in the homeless population have not come true.

Instead, we see now that for years, our laws underestimated the abilities of welfare recipients to work and care for their own families by earning their own money.

Mr. President, changing the work ethic of the welfare community is not a simple process, but the results so far are impressive. The state and local governments are proving that they can accomplish this goal when we give them the latitude to do so. I'm proud to have been a part of this historical policy change.

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for the examples he brings and the issue about which he speaks. There is no question that we are finding here the ideas that percolate from local and State governments which are really the laboratories of change that we have been able to bring and incorporate into public policy at this level, and welfare reform is the prime example. I am pleased that Senator ALLARD would speak to that this morning.

I recognize his leadership in that area.

Mr. ALLARD. I thank the Senator from Idaho.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time until 2 p.m. is to be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 2 p.m. time be extended until 2:10.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield myself such time as I may require.

FAIRNESS OF STARR/HOUSE PROCESS

Mr. BINGAMAN. Mr. President, as I make this statement today, it is doubtful that many in the press or the public are paying attention to the proceedings of the Senate. While many are watching every nuance and listening to every syllable of the President's videotaped testimony before the still-sitting grand jury, I want to talk about what I believe is a more important issue—the basic fairness of the process of which the videotape is a part.

Since we Senators may be called on to consider various allegations in judging articles of impeachment, I will not speak here about the substance of what is alleged, or about whether the allegations constitute adequate grounds for impeachment.

But I believe each of us has an immediate obligation to concern ourselves with the process that is being followed. My purpose today is to call for fairness in that process; fairness in the procedures Congress follows as it prepares to consider these allegations; fairness in the treatment afforded the President. Regardless of what disposition is finally made of the allegations leveled against the President by the Independent Counsel, it is in the interests of everyone—especially future Presidents—that basic fairness be maintained. And to my mind it is impossible to conclude that the process to date has been fair.

What "unfairness" am I talking about? Frankly, the lack of basic fairness in these proceedings has been so pervasive that it is hard to know where to begin. But here are three significant ways in which the process has lacked basic fairness.

The first is that the accused has been denied the secrecy of grand jury testimony. Second, the Independent Counsel's report was issued as a sensational narrative, not as a legal document. And third is the rush by both the Independent Counsel and the House to publish and publicize all the material unfavorable to the President before the House has reviewed it and before any determination that impeachment proceedings are warranted.

First, the actions of the independent counsel have had the effect, and possibly the purpose, of denying this accused, the President, the basic right to secrecy concerning testimony given to a grand jury.

While the grand jury was considering the matter, the pattern of leaking information about testimony was clear for all to see. Once the testimony was concluded, the Independent Counsel sought and gained authority to deliver to the House of Representatives his report and all materials he chose, regardless of their relevance to particular charges. I firmly believe the Independent Counsel did this with the expectation that the Republican leadership of the Congress would quickly make public any and all material in its possession that portrayed the President unfavorably.

Rule 6(e) of the Federal Rules of Criminal Procedure requires prosecutors to keep secret the testimony given before grand juries. And with this grand jury, the Independent Counsel assured the President and all witnesses that the testimony they gave was subject to the secrecy requirements under the rule.

The secrecy requirement recognizes the fact that grand jury proceedings are anything but fair and balanced legal proceedings. Witnesses before a grand jury are not entitled to legal counsel who can object when the rights of the witness are being violated. There is no opportunity for a person who is the target of a grand jury proceeding to cross-examine witnesses against him or to present testimony he considers favorable to his position.

In the case of this prosecutor and this grand jury, there was no secrecy, at least as to evidence damaging to the President. The substance of every witness's testimony was eagerly made known to the press and, in turn, eagerly reported.

As if to ensure that the full impact of the accumulated damaging testimony would be felt by the American public before any chance for rebuttal testimony could arise, the Independent Counsel then rushed to obtain court approval and to deliver to the House of Representatives the report and the accompanying documentation which he alone chose to include. The speedy delivery to the House of the report and materials the Independent Counsel selected, freed the grand jury testimony from the limitations of Rule 6(e), and gave the public the full brunt of the prosecution's case without any opportunity for the accused to question the testimony on which it was based.

BASIS FOR CLAIMING UNFAIRNESS

Second, the Independent Counsel presented his report, not as a legal document which should have set out the asserted grounds for impeachment and then summarized the evidence supporting each ground as well as the evidence arguing against it. Instead, he chose to present his report in the format of a narrative where facts are presented in a manner designed to arouse the greatest public revulsion. The narrative is one-sided in that it summarizes the evidence damaging to the President and omits all other. It contains damaging and salacious testimony concerning the President and others even when that testimony is not relevant to any asserted ground for impeachment.

The third basis for claimed unfairness is that the House, as of today, has made public the Independent Counsel's report, the President's videotaped testimony, and 2,800 pages of other grand jury testimony. This comes before the House has even made a determination to begin an impeachment inquiry. The effect of this action, and possibly its purpose, is to undermine any fair and objective assessment of the evidence and the allegations. The result is to try and convict the President in the court of public opinion long before there is any opportunity for the President's counsel to counter the accumulated weight of this evidence.

The rush by the House to disclose all, has pressured the media, us politicians, and the public to come to judgment before the defense can present its case.

Our system of justice requires that an accused person, first will be charged, second will be tried, and then if convicted, will be sentenced for the crime.

In this case, this procedure—this due process—is being trampled upon. The Independent Counsel has charged the President and every effort is being made to have the public convict and pronounce sentence on him before any trial occurs.

One final plea: we must constantly remember that the procedures followed in this case are not just procedures which will affect this President and this impeachment inquiry. What actions we take here will set a precedent for future Presidents and high government officials, and for future impeachment proceedings. If this President is not entitled to be treated fairly, then why should future Presidents expect fairness?

Mr. President, there is a certain mob mentality that has taken hold of some here in our Nation's capital. And in that atmosphere it may be foolhardy to think that a call for "fairness," for "due process," for the "rights of the accused," will be given much heed.

But just as this President justifiably is going to be judged by the American People and by history for his actions, we in Congress are going to be judged as well. If we deny the President basic fairness, that judgment on this Congress will be harsh, regardless of the final verdict on this President.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION REAUTHORIZATION ACT

Mr. JOHNSON. Mr. President, I rise today to give my full support for the Child Nutrition Reauthorization Act. This important legislation authorizes and allows for continued funding for important child nutrition programs for the next 5 years, until the year 2003.

I want to commend Agriculture Committee Chairman LUGAR and our ranking member, Senator HARKIN, and my colleagues on the Senate Agriculture Committee for working cooperatively in what I believe is a very excellent bipartisan spirit to unanimously pass this bill out of committee. I also want to thank my Senate colleagues for passing this vital legislation unanimously on the floor this past week. Clearly, this legislation demonstrates our commitment to feeding our Nation's children in an effective and cost-efficient manner.

The Child Nutrition Reauthorization legislation provides funding for the National School Lunch and Breakfast Program, for the Child and Adult Care Food Program, the Summer Food Service Program, the Women, Infant and Children (WIC) Program, along with many other nutrition food programs to feed our Nation's young people.

One of the provisions in this legislation that I worked on with a particularly focused effort during this debate was a provision that provides for a detailed research and pilot project on how school breakfast programs impact a child's academic success and behavioral attitudes.

This research provision is a modified version of S. 1396, the Meals for Achievement Act, which I introduced this last November. The research provision provides for the mandatory funding for a school breakfast research project to further test the impacts of school breakfast on children's academic and behavioral patterns.

This provision will require the Secretary of Agriculture to conduct a 5-year school breakfast study in six different school districts throughout the United States, involving approximately 15,000 schoolchildren.

As I have stated before, the research on the impact of children eating school breakfast, so far, points overwhelmingly to a positive result. Not only do our research studies so far indicate that the academic scores in reading, writing, and math improve, but levels of hyperactivity and tardiness are greatly reduced.

The purpose of the study contained in this legislation is to further analyze the existing data and to provide the additional research and data at a national level and to provide the positive impacts—to show what the positive impacts are, in general, of eating a school breakfast.

It is important to note that the funding for the research provision will require no new additional expenses and maintains our balanced budget discipline. It is not my intention that this research project create any new Federal bureaucracy. However, once the researchers have completed a 5-year study and find, as I believe they will, that breakfast does indeed improve a child's academic success, we as Federal lawmakers can work with local and State officials to create guidelines of how school breakfasts can improve success in all of the schools throughout our Nation.

The rationale for this provision is very simple: In order for the United States to compete effectively in the world, we must have an educated and productive workforce. We have far too many children who are simply not prepared at the beginning of each school-day to succeed with their schoolwork.

In 1994, the Minnesota Legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, showed that when all students are involved in school breakfast, there is a general increase in learning and achievement.

Again, researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of a universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, published this week in the Archives of Adolescent and Pediatric Medicine, which is a journal of the American Medical Association, found that students who ate breakfast showed great improvement in math grades, in particular, but also in attendance and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

This study is reflected in an article in this week's Economist Magazine, Mr. President. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, September 19, 1998]

YOUR MOTHER WAS RIGHT (AGAIN)—FREE BREAKFASTS MAY BE A GOOD WAY TO HELP POOR KIDS DO BETTER AT SCHOOL

When it was shown recently that fat people eat more than thin people, some laughed, some jeered and some bawled their indignation that money had been spent on discovering anything so obvious. But if the results had been different, they would have been very interesting: so it is not always wasteful to do research that tells you something you thought you knew all along. In any case, even if the results are expected, it sometimes takes such research to get people to pay attention to a problem.

So it is with a paper published this week in *Archives of Pediatric and Adolescent Medicine.* Michael Murphy, a psychologist at Massachusetts General Hospital, in Boston, and his colleagues have proved that what your mama told you all along is true: breakfast is good for you.

Dr. Murphy and his colleagues looked at a programme of free breakfasts in three inner-city state schools—one in Philadelphia and two in Baltimore. At these schools, 80% of children are so poor that they are eligible for a free school breakfast anyway; yet before the start of Dr. Murphy's programme, only 15% were eating one. Dr. Murphy says that this is because there is a stigma attached to showing that you are so destitute that you have to eat free. Also, because breakfasts are provided before school starts, they may be over by the time the school bus arrives, making it impossible for many pupils to benefit. Unlike free school lunches, which have a higher consumption rate, breakfast is not part of the normal school day.

The programme Dr. Murphy was studying provided breakfast free of charge for everyone regardless of their means, and changed the timing so that the meal was eaten after roll-call. Within four months of these innovations, participation had almost doubled, to 27%.

More significant, however, were the benefits of eating breakfast. Before the programme started, the researchers interviewed a sample of more than 100 school-children (the average age was just over ten) from the three schools, and also their parents and their teachers, to assess each child's sense of well-being, anxiety and depression. They also collected data on school attendance, tardiness, academic grades and breakfast consumption. Four months later, they did it all again (although this time they interviewed only a subset of those previously questioned).

> The researchers found that kids who started eating significantly more breakfast (defined as an increase of at least 20% over their previous consumption) were doing better at school, particularly in mathematics. This result confirms earlier studies on the benefits of breakfasting on academic performance. But Dr. Murphy and his colleagues also found that those children who started eating more breakfast were significantly less likely to feel anxious or depressed or to be described by their teachers as hyperactive or disruptive, than those who continued not to eat breakfast. Both regular and new members of the breakfast club were also less likely to play truant or be late for school. On the strength of these results, 20 schools in Maryland are now introducing free breakfasts for all.
>
> Of course, without depriving some children of the breakfasts they were already eating—an ethically dubious experiment—it is hard to separate cause and effect. It may be that children who are not late are more likely to eat breakfast anyway; skipping school presumably translates into skipping breakfast too. This, more than eating breakfast *per se* could account for the improvements in grades.
>
> But it may not matter whether eating breakfast improves mood and performance directly through its nutritional effect—or indirectly, simply by getting more pupils to arrive at school on time. Breakfast is no panacea, but it may be a cost-effective way to help the children who most need help. In America's inner cities, between one-third and two-thirds of children go hungry at least some of the time. Besides this, they frequently have to cope with difficult family circumstances and other severe problems. Learning is low on their list of priorities. Yet learning is perhaps their only real ticket to a better life.
>
> If by eating breakfast children do better, feel happier and find it easier to learn, then increasing the take-up of school breakfasts by making them free for all is surely a good idea. Bring on the buttered toast.

Mr. JOHNSON. Mr. President, The Economist notes that:

> The researchers found that kids who started eating significantly more breakfast . . . were doing better at school, particularly in mathematics. This result confirms earlier studies on the benefits of breakfasting on academic performance. But Dr. Murphy and his colleagues also found that those children who started eating more breakfast were significantly less likely to feel anxious or depressed, or to be described by their teachers as hyperactive or disruptive . . . less likely to play truant or be late for school. . . . Breakfast is no panacea, but it may be a cost-effective way to help children who most need help.

And so the provision of the Johnson school breakfast amendment, in our overall nutrition authorization, will build on already-existing research in individual school districts around the country and create a more comprehensive research strategy. But I believe that the facts that will be found are already apparent to us in the smaller research studies that have already been conducted. .

It is my hope that we will be able to build further on this information and this broader research from this larger pilot program contained in this legislation, to what ultimately will be a universal free breakfast program for all schoolchildren throughout the Nation. I think the research already is very apparent that this could be a very cost-effective, efficient way of enhancing academic performance and minimizing behavioral difficulties throughout all the schools in the United States. Obviously, this program would be constructed, as I envisioned, on a voluntary basis, from school district to school district, so there is no federalization or mandate. Yet, there is an opportunity for a constructive partnership to exist between the Federal Government and its nutrition programs and our individual school districts.

THE ADMINISTRATION'S FARM RELIEF PACKAGE

Mr. JOHNSON. Mr. President, I wish to touch on the status of agricultural disaster legislation this morning, which is pending in both the Senate and in the other body.

As many know, for the last several months the northern plains—in particular including my home State of South Dakota—have suffered through an extraordinarily difficult time in the agricultural sector. We face extremely low prices in both the grain and the livestock side of agriculture. Many parts of the northern plains as well have suffered from grain disease, as well as flooding and other natural calamities that have further caused extreme stress on agricultural producers in general. Now we find prices at remarkably low levels.

I received a report just recently from Winner, SD, indicating that corn there was bringing only $1.10 a bushel, and wheat in Alpena, SD, was bringing in around $2. Cattle in our State, as they are throughout much of the country, are bringing in the mid-$50 range. This represents a loss for each animal raised by our producers, and it creates a situation where hedging those losses with profitability in the grain sector is not possible either. It is a double-barreled hit. It is one that is unique—one that is not common. Even though we all understand that there are cycles of price in both the grain and livestock sector, for them to both be at the calamitously low level, complicated by further natural disasters at the same time, is just simply wreaking havoc across much of rural America and the United States.

My farm State colleagues and I have twice brought up our legislative response. We have, frankly, had mixed success on the floor of this body and in Congress in general. The economic relief package that we earlier offered would have provided a lift in the caps on marketing loan rates and an extension of terms of those loans from 9 to 15 months, a strategy that I believe is the most effective strategy that has been debated on this floor relative to addressing the problem of grain prices.

There is much that we can do in terms of disaster relief, and much of that is fine and good. But I think anyone who doesn't understand that the crisis we face both in livestock and grain is reflective of price simply doesn't get it. While disaster relief will tide some people over and address the cash flow problems that they face now over a short term, this body needs to be addressing the long-term problem of price in grain and livestock. And anything that doesn't do that is simply buying us time for yet another calamity to come down the road sometime soon.

A second provision in our package that provided disaster indemnity to assist producers who suffered from multiyear disasters—natural and otherwise—is a provision to provide market transparency through mandatory price reporting of livestock sales and mandatory labeling of beef and lamb products for their country of origin. We were successful in incorporating several of these provisions into the agricultural appropriations bill when it was considered on the floor of the Senate. The one measure that we were not successful with, unfortunately, was the lifting of caps and the extension of the marketing loan rates on grain. We have twice now voted on that marketing loan provision, and twice we have been defeated.

The Senate passed a $500 million indemnity program which, as is now agreed on by everyone essentially, is inadequate given the scope of the losses that have taken place, not just on the northern plains but in Texas, Louisiana, and other parts of the country that have suffered from the dire drought circumstance.

This legislation now is tied up in conference committee. It is my hope that we will see sufficient bipartisanship and statesmanship on the part of the conferees that a final product will return to the House and Senate that will, in fact, be constructive. In the meantime, however, released this weekend and announced this morning is an initiative promoted by the administration that I think this body and the conferees need to look at with the greatest care.

I applaud my colleague, Senator DASCHLE, in particular, for his unstinting work on the agriculture crisis problem and for his work with the administration to promote yet another constructive, positive approach to the kind of prices we face. Senator DASCHLE, who could well have been in our home State campaigning in his own reelection campaign, chose instead to remain here working around the clock and through the weekend with the administration, with our colleagues on the Senate Agriculture Committee, with both political parties, trying to see what we could do to augment the relief that had earlier been discussed and which had partially been passed by the Senate.

I again applaud Senator DASCHLE's extraordinary leadership, his willingness to stick with the real business of getting this legislation into shape, for getting it to the floor of the Senate, and for working with the administration to make sure that it has both congressional and administration support.

This relief package would come to slightly over $7 billion for 1 year. It would involve, again, uncapping of the marketing loan rate, which I have discussed and which I think we need to revisit, as the single best strategy available to us to address the issue of inadequate prices in the grain sector. It would lift these caps and extend the loan terms from 9 to 15 months. I think it would have an enormously positive economic impact all across rural America.

Second, it would tie our relief to production agriculture, which I think is important.

There is an alternative disaster package being talked about currently that would amount to augmenting the transition payments for producers—actually not the producers so much as it would be for landowners.

I applaud all efforts to go forward. I am not going to make the perfect the enemy of the good. I think there is urgency here that is critical. We need to proceed in an expeditious fashion as much as possible. I understand it may involve some give and take and will involve some of each side's strategy. But when I look at what the uncapping of the loan rates would do, even at this modest level, it is clear to me that it is a superior alternative.

The wheat price, which is currently capped at $2.58 per bushel under the Democratic plan, goes to $3.22. That is up 64 cents per bushel. That is under the Democratic plan and the plan proposed by the Clinton administration.

The alternative to that through the AMTA payments, if you were to equate it on a per bushel basis, would be not a 64-cent increase but a 23-cent increase.

On corn, the current cap is at $1.89. The Democratic proposal would increase that to $2.25, up 36 cents. The alternative through the AMTA payment increase would equate to about a 10-cent increase rather than a 36-cent increase.

The soybean cap would be increased modestly—from $5.26 per bushel to $5.33 a bushel, up 7 cents. But under the alternative AMTA approach, soybean producers would stand a chance of getting nothing if their soybeans were not planted on former base acreages.

The AMTA augmentation also suffers from the problem of what to do about renters. Some 43 percent of the crops being grown in America are being grown by farmers on rented land. It has been our experience in the past that if we do the AMTA payment approach, there may be a great many instances where the money will go exclusively to the landowner but nothing to the farmer who actually is growing the crop.

The Freedom to Farm legislation touted in the 1996 farm bill delivered planting and management flexibility to farmers. They have been able to take care of that flexibility. I think that has been positive. It has been a positive step in the right direction. I applaud that. No one is suggesting that we back up and retreat from that level of flexibility, that we back into some sort of micromanaged world out of Washington.

But the fact is when Freedom to Farm passed, wheat prices were nearly $6; not gaining—around $2 in many parts of the country. Corn was in the $3 range. It is far less than that; it is in the $1 range now.

Circumstances have changed. Many of us would say, "I told you so." There is a certain amount of foreseeability that those prices were not going to stay at that high level in perpetuity. Now we find that with Freedom to Farm, although it contains some positive things, it is, frankly, grossly inadequate in terms of providing the safety net, providing some kind of stability for family producers.

Now we find that declining transition payments and then ultimately a pat on the back and a "good luck," reducing America's commitment to family agriculture from $26 billion at a high water mark over a decade ago to $5 billion and ultimately to nothing, while our European allies spend $50 billion to sustain agriculture there, because they know what it is like to be hungry, puts U.S. producers at an incredible disadvantage.

It is my hope, again, that we will find the bipartisan will to deal with this in an urgent manner in the coming week or two of this Congress. The administration and the Democratic proposal, on top of these past efforts at meat labeling, price transparency, disaster payments and raising the marketing loan cap—which, by the way, is a marketing loan and not the kind of loan that results in massive grain buildup in supplies and inventory we suffered under in previous years—this disaster package also includes significant funds for Farm Service Administration operating loans for producers who have been hit by a disaster, for land compensation for flooded lands, for payment for crop losses on uninsured crops and for the additional FSA county staff support that will be necessary to implement all of this in an effective and efficient manner.

The bottom line, in my view, is price. We need to address both, however—the long-term strategy of what to do about price, as well as the short-term cash flow crisis that we have in rural America.

I believe that the previous package which was adopted only in part took us a long ways in the right direction. The current package, which was announced this morning by the administration, by Senator DASCHLE and Senator HARKIN, I think moves us far beyond the debate that has taken place so far. It is far more constructive. It is far more helpful as we deal with this crisis in rural America.

I again applaud Senator DASCHLE's extraordinary leadership, the work of Senator HARKIN and other members of the Ag Committee, Secretary Glickman and the Clinton administration for focusing with this kind of intensity in a timely manner on what needs to be done relative to American agriculture this year; not next year, not 5 years down the road, but this year.

I am hopeful, again, that the conferees will evaluate this proposal with the greatest amount of care and earnestness, and that when we adjourn this coming October, we will, in fact, have addressed this issue in a bipartisan fashion and in a cost-efficient fashion in this body and that it will be on the President's desk and that the President will have an opportunity to sign ag disaster legislation which, in fact, is meaningful and timely and sufficient to get our family producers down the road into another productive year in the coming planting season.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. KENNEDY. I yield myself all of the time remaining on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO SENATOR MURIEL HUMPHREY BROWN

Mr. KENNEDY. Mr. President, Muriel Humphrey Brown was an outstanding woman, and all of us who knew her and had the opportunity to serve with her in the Senate mourn her loss today. The people of Minnesota have lost one of their finest public servants, and this country has lost one of its finest crusaders.

Muriel was an outstanding campaigner for her husband, Hubert Humphrey, who was a great Senator himself, and a great Vice President too. Together, they made a extraordinary team. She was the soft-spoken, gentle, guiding force behind Hubert's mayoral, Senatorial, Vice Presidential and Presidential campaigns. In fact, Muriel changed the rules of Presidential campaigning by becoming one of the first wives to speak out by herself on the Presidential campaign trail. Muriel's eloquence and wisdom could still be heard in recent days, as she celebrated the victory of her son, Skip, in the primary last week in his campaign to become the next Governor of Minnesota.

Muriel was an eloquent activist in her own right. She became the twelfth woman to serve in the U.S. Senate, when she was appointed in 1978 to complete the unexpired term of her husband. During her service in the Senate that year, Muriel's courage, wisdom, and ability enabled her to carry on the high ideals and important social programs of her husband.

She was an able leader on issues important to women, and her vigorous support for legislation to extend the deadline for States to ratify the equal rights amendment was a major step forward for women's rights throughout the Nation.

As a member of the Senate Governmental Affairs Committee, Muriel introduced civil service reform amendments to protect employees who provided information on illegal Government activities and mismanagement. Her proposals became the foundation for the well-known "whistleblower" protections that employees have today.

Muriel also actively supported the passage of the Comprehensive Rehabilitation Amendments in 1978, which provided a wide range of new services for the handicapped and the retarded. Prior to her service in the Senate, she became a leading crusader for the disabled.

She had served on a committee for mental retardation during the administration of President Johnson, and she encouraged many reforms to improve mental health and care for the mentally ill.

And above all else, Muriel Humphrey was deeply committed to the enactment of the Humphrey-Hawkins full employment bill. Its goal was to do more to reduce unemployment in communities across the country, and the enactment of this legislation was a major accomplishment for Muriel and the entire Nation.

In every respect, Muriel was a wonderful wife, mother, Senator and leader. She served the American people for 34 years as the wife of our distinguished colleague, Hubert Humphrey, and also in her own right as a highly respected Member of the Senate. She had a remarkable grasp of the issues and a genuine interest in helping others. She earned the respect and admiration of all of us who had the privilege to serve with her, and her spirit and courage and determination will be long remembered by the American people.

My thoughts and prayers are with the Humphrey family. America has lost a unique leader, and the Kennedy family has lost a wonderful friend.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, on another matter, on tomorrow we will have an opportunity to address the issue of an increase in the minimum wage for working Americans, at 2:15 p.m. Starting at 10:30 in the morning, the amendment will be before the U.S. Senate, and we will have that opportunity, with the time equally divided before the luncheon break, to make the case for the increase in the minimum wage for working Americans, those who are on the lower rung of the economic ladder.

This afternoon, in the time which is available, I would like to anticipate and respond to a number of our colleagues who will raise questions about whether it is appropriate to increase the minimum wage at this time.

Throughout the history of the minimum wage, our opponents have claimed that raising the minimum wage will add to the rate of inflation. Those who oppose fair increases in the wages for working families also claim that unemployment will increase among the workers in this country and, therefore, be counterproductive to the various people we are trying to help.

We have raised it on five different occasions since the end of World War II. So it is fair enough for us to look back on the history of the increases in the minimum wage to find out if there is validity to those particular arguments. And, quite clearly, those arguments have to fail on their face. And I will have an opportunity briefly this afternoon and in a more detailed way to respond to these arguments on tomorrow.

But a basic, fundamental point, Mr. President, that is at the heart of this whole issue is whether we in this country really honor work and whether we think that Americans who work 40 hours a week, 52 weeks of the year ought to live in poverty, that they ought to live in poverty and that their children should live in poverty.

As Americans, we have experienced the most extraordinary economic growth over the period of the last 6 years, with economic growth, price stability, low interest rates, low rates of inflation, declining unemployment. We are also experiencing the longest period of economic growth and price stability in the history of this Nation.

I think we were reminded a week or so ago when we found out that the stock market went down some 300 points. People were saying we lost $1 trillion in terms of value, and then it bounced back the next day. We see these extraordinary fluctuations. We see the extraordinary creation of wealth in just about every population, except for the low-income, working families in this Nation. They have not been a part of the growth of economic prosperity.

If we look at what happened in this country in the immediate post-war period, from 1948 into the late 1950s through the 1960s, and actually up to 1972. If we divided the economic incomes into what they call quintiles and divide by five, and look at the relative growth in terms of income over a 30-year period, in the post-war period where we had times of recession, inflation, a variety of economic shocks, we come to one very basic and fundamental conclusion. All of those quintiles went up, and went up together. There was merely a 5-point or 10-point percent difference between those at one level and those at another level. All Americans went up together. The rising tide raised all the boats. We did not have this period of economic growth and price stability.

What has happened in the more recent times? In more recent times we have seen the enormous accumulation of wealth among the most fortunate individuals in this country and the wealthiest corporations and an actual decline in the purchasing power of the minimum wage workers. They have been the big losers. They haven't just been holding steady, they have lost in terms of purchasing power.

We have an opportunity tomorrow to say whether this is fair, right here in the United States of America, among our fellow citizens who are working hard and trying to provide for their families and have hopes and dreams like every Member of this body.

It is interesting that just this last year Members in the U.S. Senate accumulated, with our rate of inflation on our own salaries, the equivalent of more than $1.50 per hour in 1 year. Do we understand that? Every Member in this body this last year got an increase of more than $1.50 an hour. And they all effectively took it.

We are talking about the men and women in this country who work as teachers' aides, in nursing homes, and who clean these facilities that we have here in buildings all across America. They are also child care workers or assistants to children. We are asking to provide these workers an increase of 50 cents in January and 50 cents the following year.

We, in the Senate, have taken $1.50 for ourselves, and I didn't hear many voices in opposition to that. But we will hear a lot of opposition tomorrow about providing 50 cents for these hard-working Americans next year, and 50 cents the following year. We will hear opposition and we will have a vote here in the U.S. Senate. I will be frank and say it is still an uphill battle. We are continuing to make that case, and we are hopeful we will be successful.

How can we possibly justify voting ourselves $1.50 more an hour, but not for the child care workers, not for the teacher assistants, not for those working in nursing homes and looking after our parents? Why? Because they will say they are worried about inflation and are worried about the impact of the increase of the minimum wage on our total economy—an $8 trillion total economy. Ten million Americans will get the equivalent of another $1, spread over a 2-year period. The proposed increases in the minimum wage would amount to a tiny fraction of our total economy.

We are going to hear from some who will say we cannot afford it because it will be an inflator in terms of our economy. It wasn't an inflator when we had an increase for ourselves, but it will be an inflator if we are going to provide the increase for these working families. Many are working, single mothers who are trying to provide for their children. Sixty percent are women who have two or three jobs to try to provide for their families.

We hear a lot on the floor of the U.S. Senate about family values. What about that mother who doesn't have the time to spend with that child on their homework or doesn't have the time to take that child for a walk in the park on a Sunday because they have to go to another job? When that child asks to go to a birthday party, and the mother says, "You can't because we can't afford a present," what about those family values? What about those family values?

Raising the minimum wage is a fundamental issue of fairness. Are we going to honor work? Are we going to say to our fellow citizens that we, as a nation, have enough sense of common purpose and direction that we believe that many of our neighbors who may not have the kind of training or the education, may have had a life that has been challenging and difficult, may be struggling to try to provide for their families, are not even going to be able to be lifted out of poverty?

We have seen the greatest accumulation of wealth in the history of this Nation, and we have seen the greatest growth of disparity between the most affluent and those who are the neediest workers in our country, and we have seen this disparity grow to be greater than it has ever been in the history of this Nation. This is a very, very small step to try to do a little something about it. In past years, raising the minimum wage has been a bipartisan effort.

This chart reflects basically the points I have been making in the past few moments. This chart shows about where the minimum wage was, in real, constant dollars, from 1955–1998 and beyond, to the year 2000. In 1955, we got the increase in the minimum wage. It went to almost $6. For the period of the late 1950s, to the 1960s, the 1970s, beginning into the early 1980s, in all that period of time, for some 30 years, the purchasing power for the minimum wage was far above what it would be if we were able to pass the legislation tomorrow to increase the minimum wage by 50 cents next year and 50 cents the following year.

All we are trying to do is get to the bottom, not to the top, of what it would be—$7.38 in purchasing power. We are trying to just get into the zone. We will still be at the lowest for a period of 30 years, at a time of economic prosperity. These increases that have taken place since 1955 have had Republican and Democratic support. It didn't used to be a partisan issue. But we are just trying to get there.

We have to ask, Is that so unreasonable, Mr. President? Look what happens if we are not successful. If we are not successful in getting the increase in the minimum wage, the purchasing power of the minimum wage, drops back to $4.82 an hour. By 2000, it drops back to $4.82. We are just trying to get the minimum wage up to $6.15. Even by 2000, it will only be worth $5.76. It will still be well below what the purchasing power has been in here, Mr. President.

This is an extremely modest bill. This gives you the history on this chart. These are working families and individuals, who will and can work, who play by the rules, go out to earn a modest living every single day. If these workers miss a paycheck, they miss paying the utilities. If they miss a paycheck, they can't afford to provide for the kind of attention to meet health care for a child. If they miss a paycheck, there is no opportunity to provide for children. Nor can they give them a night out at the movies. That is how close this figure is, Mr. President.

Do you know what this $1 increase represents, Mr. President? That $1 increase, most of all, means dignity to these workers. That is our No. 1 reason. These workers can free themselves from the reliance on support programs. It gives them a sense of dignity. That is important. We spend a great deal of time around here adding and subtracting and looking at balances. Once in a while, we ought to look at what the real impact is in terms of human quality. It is dignity. It is the fact that men and women can look at their families and know that they have a job that offers them an opportunity to live with some dignity. That is what this is really about.

But look at what this $1 represents. Some people might say, well, that is not an awful lot. It certainly is for these families. It represents about 6 months of groceries for a family. It represents about 7 months of rent, on average, for a family. It represents two-thirds of the tuition for a community college so that one of their children can go on to a community college. That is the kind of hope and opportunity it means for these families. It is a big deal. It is important. We talk about a billion dollars here and a billion dollars being real money. But this 50 cents and 50 cents—another dollar, over the period of 2 years—is a lot of money for working families.

So, Mr. President, the other issue I will mention very briefly here is whether this adds to the rate of inflation. Mr. President, I want to address these two issues very quickly; that is, what the impact of the increase in the minimum wage is on inflation.

Raising the minimum wage does not fuel inflation. It says on the top of this chart, right here, going back to 1996, in January of 1996 we have three-tenths of 1 percent. This is the inflation rate increase per month during this period of time. It is three-tenths of 1 percent. It dropped here. Then it went up. But, generally speaking, for a period before 9 months, it was three-tenths of 1 percent. It increased it to $4.75.

Look at what happens to the rate of inflation. It drops back and drops, and it settles on in here. Instead of three-tenths per month, it drops down to two-tenths per month. Then we increase it to $5.15, and down it goes again, and then up, and then down again. This spans from January of 1996 through June of 1998. That is a pretty clear indication that the two last increases, with the rate of inflation, when we didn't have as favorable an economy as we do today—that effectively there has been no impact on the rate of inflation.

If we look at what the impact of the minimum wage has been on the unemployment rate, again, this chart here represents—these are Bureau of Labor statistics and they are authenticated. If you look back in October of 1996, what the rate of unemployment was, it was just above 5 percent—about 5.2 percent. We saw the increase in the minimum wage and a little blip here, and then we see how it has declined, below 5 percent. It was increased to $5.15, and the chart settles in now to about 5.5 percent. I think, if we look at the most recent figures, it is down to 4.3 percent.

So the two major arguments have been that it adds to the unemployment rate and it adds to the inflation rate.

The final point I will make, since this is an argument that is raised most recently, as well—maybe it doesn't add to inflation, but let's look at this. The minimum wage doesn't harm small business, it says on this chart. This is a Jerome Levy Economic Institute 1998 survey of 568 small businesses. "Did the recent increase in minimum wage affect hiring or unemployment decisions?" Mr. President, 6.2 percent said yes, 79 percent said no. "Would raising the minimum wage cause you to lay off or hire workers?" Three percent said yes, 93 percent said no. They have a longer study which basically supports this.

We have had the Restaurant Association that has talked about how this was going to be "devastating." But they have increased their employment by 230,000 restaurant workers over this period, although they had predicted an absolute disaster in terms of the restaurant business. That is done by the Bureau of Labor Statistics. So it is important that we try to put this into some kind of perspective.

The basic issue in question is: Are we going to be fair to working Americans? Do we believe that these Americans who are at the lower level of the economic ladder should be able to participate, to some degree, in terms of economic prosperity? Tomorrow, we will have an opportunity to answer that question. I hope that the Senate will vote in favor of providing it.

I thank the Chair and I thank the Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. I ask unanimous consent that morning business be extended for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

(The remarks of Mr. GRASSLEY and Mr. KYL pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1301, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Feingold/Specter amendment No. 3602 (to amendment No. 3559), to ensure payment of trustees' costs under chapter 7 of title 11, United States Code, of abuse motions, without encouraging conflicts of interest between attorneys and clients.

Feingold/Specter amendment No. 3565 (to Amendment No. 3559), to provide for a waiver of filing fees in certain bankruptcy cases.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are now, as I understand it, on the bankruptcy bill. As the Republican manager for this legislation, I want to speak to an amendment which was offered Friday by the Senator from Wisconsin, Mr. FEINGOLD, but also to speak generally about the behavior of the bankruptcy bar as it relates to the amount of bankruptcies that are being filed, which were at a historical high of 1.4 million last year. That was a 30-percent increase. There was probably a 25-percent increase in 1996 over 1995. As we all know, there is an explosion of filings for consumer bankruptcy.

I have blamed some of that on the law of 1978. That is why we have this bill before us, to change the law so it is not so easy to go into bankruptcy.

In 20 years, I have had hundreds of people talk to me about it being too easy to go into bankruptcy. It ought to be harder, in their judgment. I have not had one person say to me that it ought to be easier to go into bankruptcy, and I have had people who have gone through bankruptcy tell me how easy it is to get into bankruptcy.

I think the law of 1978 is at fault to some extent. I think the situation we have with Congress with 30 years of deficit spending, that Government doesn't have to live within its income, sends a signal to people in this country that it is all right for individuals to live beyond their income and avoid paying for it.

We have had a general lack of shame or personal responsibility that used to be associated with paying bills or not paying bills and the filing of bankruptcy. That is no longer the situation, although that can be somewhat to blame for Government not setting a good example in this area.

I also think there is more than just the downfall of personal responsibility. We have heard lots of speeches about how the credit industry, particularly the credit card industry, has not been very careful in the number of requests they have granted for bankruptcy, or the willy-nilly approach—I know they will say it is not willy-nilly. There is a very careful study they have of who ought to be mailed a credit card or not mailed a credit card. But as a practical matter, they have been pretty darn fluid with the number of credit cards that have been going through the mail.

All of these are reasons why we have this legislation before us. All of these are reasons why this bill was voted out of committee on a vote of 16 to 2. All of these are reasons why a very strong bill passed the House of Representatives by a veto-proof margin. And all of these, I think, are reasons that, hopefully, on Tuesday or Wednesday of this week we will pass this bill by a very substantial margin.

As I indicated, we have as one of the amendments that we will be voting on tomorrow an amendment offered by the Senator from Wisconsin.

In my earlier statements on the Senate floor, I have alluded to the role of the overly aggressive bankruptcy lawyers plague in fomenting the current crisis in our bankruptcy system. Last Friday, Senator FEINGOLD offered an amendment which will insulate bankruptcy lawyers from fines when they encourage bankruptcy abuse.

As reported by the Judiciary Committee, the Consumer Bankruptcy Reform Act fines—in other words, penalizes—bankruptcy lawyers who steer high-income people who can repay their debt into chapter 7. Under the bill, in the narrow circumstance where a chapter 7 trustee is successful in getting a chapter 7 case dismissed or converted to chapter 13, the lawyer for high-income bankruptcy will be fined if his or her case is not substantially justified. That is our bill.

This fine will reimburse the chapter 7 trustee for expenses incurred while detecting abuses of the bankruptcy system. I think any reasonable person will say that lawyers who file bankruptcy cases which are not substantially justified ought to be required and will be required to help defray the costs of these frivolous cases. That is all this bill does. Senator FEINGOLD wants to cut this reasonable effort to control a bankruptcy bar which is seriously out of control.

Mr. President, in order for my colleagues to understand the importance of imposing some reasonable controls on the conduct of bankruptcy lawyers, I want to give a little background on the conduct of bankruptcy lawyers.

Today, many lawyers who specialize in bankruptcy view bankruptcy as an opportunity to make big money for themselves. This profit motive causes bankruptcy lawyers to promote bankruptcy as the only option even when a financially troubled client has an obvious ability to repay his or her debts. In other words, this profit motive creates a real conflict of interest where bankruptcy lawyers push people into bankruptcy who don't belong there simply because they want to make a quick buck.

As one of the members of the National Bankruptcy Commission noted in the Commission's 1997 report, many who make their living off the bankruptcy process have forgotten that declaring bankruptcy should have a moral dimension.

As I have already said, the Consumer Bankruptcy Reform Act contains reasonable penalties for lawyer misconduct. These penalties will cause lawyers to think twice before they willy-nilly cart their client off to bankruptcy court and pocket a nice profit. Bankruptcy lawyers get paid ahead of anybody else if there are assets or, obviously, they charge before they are going to help you.

Some lawyers, in their rush to turn a profit, operate what are known as bankruptcy mills. These bankruptcy mills are nothing more than processing centers for bankruptcy. There is little or no investigation done as to whether an individual actually needs bankruptcy protection or whether or not a person is able to at least partially repay some of his debt.

Recently, one of these bankruptcy attorneys from Texas was sanctioned in bankruptcy court. According to the court, this attorney had very little knowledge of bankruptcy law, but advertised extensively in the Yellow Pages and on television. Apparently, his advertising worked, because he filed about 100 new bankruptcy cases a month. Most of the work was done by legal assistants with very limited training. The court concluded that the attorney's services "amount to little more than a large scale petition preparer service for which he receives an unreasonably high fee."

The practices of these bankruptcy mills are so deceptive and sleazy that last year the Federal Trade Commission went so far—our Federal Trade Commission—as to issue a consumer alert warning consumers of misleading ads promising debt consolidation.

Mr. President, I think there is a widespread recognition that bankruptcy lawyers are preying on unsophisticated consumers who need counseling and help in setting up a budget and who do not need to declare bankruptcy. Bankruptcy lawyers are the fuel which makes the engines of the bankruptcy mills run. It is not surprising that bankruptcy lawyers are leading the charge against this bankruptcy reform legislation.

I want to point to some other evidence of lawyers playing a prime role in this effort to get people into bankruptcy and to avoid the payment of debt.

We have previously heard complaints from some on the Senate floor about whether our bill does enough to protect child support and also to protect alimony during bankruptcy proceedings. I have already spoken to that topic on a previous occasion, but for now, I want to point out that some bankruptcy lawyers actually advertise that they can help deadbeat dads get out of their child support and other marital obligations. One bankruptcy lawyer has even written a book entitled, as you can see, "Discharging Marital Obligations in Bankruptcy," by James P. Caher, Esquire.

I think it is outrageous, Mr. President, that bankruptcy lawyers are helping deadbeats to cheat to force spouses out of alimony and to cheat children out of child support. That is a recipe for promoting poverty and human misery. Those who want to help the collection of child support during bankruptcy proceedings should join me in rejecting the Feingold amendment to protect bankruptcy lawyers. Those who are concerned about protecting child support should join me to ensure lawyers who engage in predatory conduct are subject to stiff fines.

Those who are concerned about protecting child support should join me in moving child support from No. 7 in the bankruptcy priority list to No. 1. This is the only way to get people's attention. This is the only way to restore professionalism to the bankruptcy bar.

Let me tell you, Mr. President, how far these practices have gone. First, I ask unanimous consent to have printed in the RECORD an article from the Consumer Bankruptcy News dated June 18 of this year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Consumer Bankruptcy News, June 18, 1998]

BANKRUPTCY REFORM PRESENTS MARKETING OPPORTUNITY FOR DEBTORS' COUNSEL

By now, you are well aware of the proposed bankruptcy amendments and how they could affect the relief available to consumers. But how aware of these changes is the general public, especially those people who consulted with you and decided to not file for bankruptcy at that time?

James P. Caher, who represents debtors in Eugene, Ore., suggests that you go through your files to check for cases in which you might have recommended that a client wait before filing for bankruptcy, such as if there was recent credit card use or preferential payments to be preserved. Those debtors might be able to discharge their credit card debts in Chapter 7 today, but will they even be eligible for Chapter 7 relief a month from now?

Caher recommends that you send them a letter like this one that he recently sent to about 150 people who had consulted with him.

POSSIBLE CHANGES IN BANKRUPTCY LAW

My records show that you discussed your financial problems and bankruptcy options with me on ________.

During the last few months, lobbyists for the credit card companies have been incredibly successful in pushing their idea of bankruptcy "reform" through Congress. Bills have been recommended by the judiciary committees of both Houses of Congress and a vote is possible as soon as next month.

I fear that some versions of these "reforms" will pass, and, if it does, bankruptcy will be much more difficult, more expensive and probably embarrassing.

If you've been able to solve your financial problems without the need for bankruptcy, congratulations. However, if you are still considering that option, you should keep an eye on what's going on in Congress, and consider filing before this new restrictive legislation passes.

Many of the people who received Caher's letter are trying to do the right thing by paying their bills and avoiding bankruptcy. It would be ironic if legislation that is intended to dissuade debtors from filing for bankruptcy actually encouraged it.

Caher acknowledged that there would be some satisfaction in seeing the bills backfire on the credit card industry that has spent so much time and effort in pushing them, but he added that he—like his clients—would much rather see the bills go away.

Mr. GRASSLEY. In this article, bankruptcy lawyers are advised to send out letters to anyone who has visited them recently asking about bankruptcy. This form letter encourages people to declare bankruptcy because if Congress passes bankruptcy reform, "Bankruptcy will be much more difficult, more expensive and probably [even] embarrassing."

I hope this bill does make bankruptcy more embarrassing—and more difficult. In fact, I plead guilty that that is a motive behind our legislation. The American people want people who voluntarily incur debts to pay those debts as agreed. Bankruptcy should be difficult, and the moral stigma that used to be associated with bankruptcy ought to be resurrected.

Do we say that never is anybody entitled to a fresh start? No, you never say "never." We have not in 100 years. The bankruptcy code, the national bankruptcy code, is 100 years old—when it was first passed. There has always been a concept that, maybe because of natural disaster, maybe because of a lot of illness, maybe even in some cases because of divorce, but things beyond your control, that you ought to have a fresh start. And we do not detract in this legislation from that 100-year tradition.

But we do say no to bankruptcy lawyers who advise this way or bankruptcy lawyers who send out notices that say, "You had better file for bankruptcy right now because Congress might pass a bill and make it more difficult to do it." Or we respond positively to the FTC sending out a warning to people: "Beware of people in the bankruptcy bar who are not acting in a responsible manner."

I will give you another example of what is wrong with our bankruptcy system. A few weeks ago, the Washington Times quoted a local bankruptcy attorney advising his clients, ". . . anybody who's going to file better do it now. Get in while the getting's good."

What has happened to the notion of bankruptcy then as a last resort? What has happened to any sense of personal responsibility? How can anyone describe filing bankruptcies as "getting in while the getting's good"? Mr. President, the getting may be good for the lawyers when someone else files for bankruptcy, but the rest of us have to pay the price—a $40-billion-a-year cost, $400 per family of four. That means any family of four is paying $400 more every year for increased costs of goods and services, because there is no free lunch when it comes to bankruptcy; somebody pays. The consumers of America are paying. It is a hidden tax.

Our bill will never do away completely with that hidden tax, but this legislation will reduce that hidden tax and hopefully be a small step towards the reestablishment of the principle of personal responsibility.

So the rest of us have to pay the price. This kind of attitude about bankruptcy represents some of what is wrong with our bankruptcy laws and why the current laws need to be changed. Not only do the current practices of bankruptcy lawyers do a disservice to their clients, they also cheat society as a whole. The integrity of the bankruptcy system depends in part upon the honesty and the competence of bankruptcy lawyers.

The Consumer Bankruptcy Reform Act makes necessary changes to correct abuses of the system by bankruptcy lawyers. It requires that attorneys investigate the financial resources of their clients. The bill holds attorneys responsible if they do not honestly determine that their clients really need bankruptcy protection.

In other words, we are just asking that lawyers do what they are trained to do, and that is to counsel people, counsel people in a responsible way. And just willy-nilly putting people into bankruptcy through some bankruptcy mill is not that sort of responsible jurisprudence.

If we want to keep bankruptcy available to those who really need it—in other words, the fresh start that for 100 years people have been entitled to—we have to address these misuses of the system by bankruptcy lawyers. This bill does exactly that. And in order for this bill to work, we need to reject the Feingold amendment and keep the incentives for responsible lawyer conduct currently in the bill.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we have seen a lot of home runs hit lately—McGwire, Sosa, Griffey and company—but I think the Senator from Iowa has hit a home run. He is bringing to this Senate body his deeply held values arising out of his Midwest background about responsibility and integrity, making a system work like it ought to work, and standing up with courage and challenging those who would abuse the system.

I think sometimes Congress passes laws that make it easy for people to abuse the system. Senator GRASSLEY is taking the lead as the prime sponsor for this bill, with Senator DURBIN, to correct some imbalances. I have been honored to have served on the subcommittee with him and the other members of that subcommittee and to see a bankruptcy bill come forward that actually improves the bankruptcy process while at the same time not denying those who need bankruptcy the right and opportunity to file bankruptcy as is provided for in our Constitution.

With regard to these attorneys' fees and to one of the provisions that would be eliminated by Senator FEINGOLD's amendment, I would like to make a couple comments.

First of all, the Feingold amendment would say that if somebody filed under chapter 7—that is, straight bankruptcy that wipes out all of your debts—and they were not substantially justified in that circumstance, then the trustee would have to file a motion to object and have a hearing and be paid for out of his funds. And if he prevailed, it would go into chapter 13, where the person filing bankruptcy would at least have to pay back a substantial part of his debts on a monthly basis in a payout plan, which we need more of in this country.

But the point is this. If the lawyer was not substantially justified in filing his client under chapter 7, and we had to conduct a court hearing to get the case transferred to chapter 13 because of his error, then who ought to pay? Under the Feingold amendment, the people who loaned money to the debtor would pay for the cost of getting the case transferred, instead of the lawyer who filed it. It doesn't just say the lawyer was in error. It said he was not "substantially justified" in filing.

The judges know who these lawyers are. They see them come before the courts all the time. The judges are going to give the lawyers a fair shake on these matters. They are not going to hit them every time a case is certified from chapter 7 to 13. But, if the attorney was not substantially justified in filing the case under Chapter 7, the debtor ought to pay. There is no free lunch. Somebody will pay.

I think the Senator from Iowa is correct. The Feingold amendment does undermine the integrity of the system. It takes the burden off of the lawyer, allows him to freely file wherever he wants. There is no burden on him to file it under the right act.

Once again, this is a historic bill and a good bill. I wish we could do some additional things which I believe are important. However, it does many, many things that are important and will improve a bankruptcy system that is out of control. It is to Senator GRASSLEY's credit that at a meeting with Members of the other party he agreed to a long list of amendments to be debated; I think 16. We need to move this bill. I thought we were down here this afternoon for people to offer amendments; they would offer them and debate them so we could vote on them and get on with this bill.

I have been in this body less than 2 years now, but it seems to me there are people who just don't want anything to pass. They want to go into November and say, "The Republicans don't want to pass any legislation. They have a majority. We can't get legislation passed."

If people have a right to present amendments and won't come to the floor, how will we get the bill up for a vote? It is almost a filibuster in secret—an underground filibuster.

I have been on Senator GRASSLEY's subcommittee and I care about this bill. We are interested in approving the bill if the amendments are good, and we need to oppose the amendments if they are not good. I think it is time for people who say they want good legislation to improve justice in America to present amendments. Let's get on with this legislation. The House has acted. It is time for the Senate to do our job. The result will be something good for America.

It was not a partisan bill in committee. It had overwhelming support in the subcommittee and came out of the full Senate Judiciary Committee 16-2, Democrats and Republicans alike joining in this amendment. I don't know why we aren't able to proceed and bring it to a vote and pass it. We have the kind of bill that will help this country. We ought not wait any longer. It is time to pass it.

I just note for the record that the Presiding Officer is a member of the Judiciary Committee and has been very supportive of this legislation and helped work hard to improve it. I thank the Chair for his leadership and skill as an attorney to contribute to this debate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUGS AND KIDS

Mr. GRASSELY. Mr. President, this past month, while we were away for the August recess, there was more bad news on the illegal drug front. It seems like the administration waits until no one is looking to release bad news. The administration waited until late in August and waited until a Friday afternoon to release the data. Needless to say, the President did not discuss this data on his regular radio show. I wonder why that is.

On Friday, 21 August, the annual Household Survey on Drug Abuse made its appearance. I want to share with my colleagues some of the data from that study. The information is based on a national survey of households in 1997. In this most recent survey, 24,000 people were interviewed, with an expanded survey for California and Arizona. For those of us concerned about drug use among our young, the numbers are disturbing.

Before I go into more detail on these numbers, let me explain something else. In this survey, as in all the others from this administration, there is an attempt to hide the pea. Most of my colleagues will remember the old carnival shell game. In the game, the object was to guess under which of three walnut shells the dealer hid the pea. Keep your eye on the shells.

According to the 1997 survey, 13.9 million Americans were current users of illicit drugs. A current user is someone who reported using in the past month before the survey. The survey notes that this is not a significant increase over 1996 when the number was 13 million. It also notes that this number is half of what it was in 1979, when the number was at its highest. Now, perhaps in someone's book an increase of 900,000 people is not statistically significant. But not in my book. It is even more significant that most of that increase is occurring among 12–17 year olds. The numbers are going up.

In 1992, there were 11 million current users. In 1993, there were 12 million. There are now almost 14 million. And these numbers may not tell the whole truth. Based on preliminary reviews of these household numbers by ONDCP, this type of survey is prone to undercounting. If that is true, then our problem could be very much more serious than we think. In addition, the administration is still trying to hide these numbers in happy talk about the reductions in drug use since 1979.

I am glad that we have not yet returned to the levels of reported use we saw in 1979. But let's remember something about how we got to those high levels then. They were the result of ignoring or making little of the fact that the United States had become a drug-using culture. In the early 1960's, there was no drug problem in this country. Less than 2 percent of the population indicated any regular drug use.

By 1979, that number had increased to over 10 percent, a fivefold increase. Those were the years of arguments that drugs were okay. That they did not hurt anyone. That you could use drugs responsibly. Our popular culture and many in our cultural elite made much of the benefits of using drugs. And who was the target audience for this message? It was kids, mostly aged 16–20. This age group began to experiment with illegal drugs in ever-increasing numbers. What that meant was that the increase in drug use between 1965 and 1979, while only 11 or so percent of the overall population, fell disproportionately on the young. This age group accounted for less than 25 percent of the population but bore most of the increase in drug use. The consequence was and remains a natural and national disaster.

Most of our addict population today comes from that cohort of users. Much of our increases in crime and domestic violence trace back to this source.

That episode of rapidly expanding drug use also created a continuing market in this country for illegal drugs that keeps the drugs flowing to our streets. It also created a builtin lobbying group that seeks to legalize drugs and make them available to yet more kids to this day.

Despite this, after 1979, when we woke up to the problem, we made major strides in reducing use among young people. We were very successful. It is interesting that today's legalizers try to cover up that fact. They would have us believe that since you cannot make a difference, our only rational choice is to make drugs widely available. Never mind that this is patently not true. As others have discovered, there is a benefit in relying on public amnesia on certain issues and on the useful lie. The simple fact is, that in the 1980's and early 1990's, with Just Say No and the war on drugs, we reduced drug use among kids by over 50 percent. We reduced cocaine use, which was the drug of choice, by 70 percent.

These were phenomenal gains made in just a few years. It is that success that the present administration is trying to invoke to paper over bad news.

Let me cite some of the current numbers: In 1997, 11.4 percent of young people 12–17 reported using an illegal drug in the 30 days before the survey. In 1992, that number was 5.3 percent. What that means is that we have seen a doubling in the current use of an illegal drug among the most at-risk population in just 5 years. But the administration takes heart in the fact that the 11.4 percent number is still lower than the 14.2 percent number in 1979. The problem is, after 1979 the numbers started going down in response to public and government efforts. Today the trend is against us.

But there's worse. Between 1996 and 1997, current illegal drug use increased significantly among 12- and 13-year-olds, rising from 2.2 to 3.8 percent. We are now seeing the onset of drug use among younger and younger kids. And we know from studies and experience that the earlier the onset of use the longer drug use lasts. The earlier the onset the more serious are the physical, psychological, and health consequences, and the harder it is for treatment to have any effect. And more and more young people are trying drugs.

Based on these numbers, the rate of first use of marijuana among young adults was at the highest levels since 1980.

The estimated number of new heroin users among the young was at the highest levels in 30 years.

The rate of first use of cocaine among youth was at its highest level in 30 years.

These use numbers are bad enough but there's another trend that makes them even scarier. One of the things that predicts increases in use is attitudes toward the dangers of using drugs. When people think using is risky and bad, fewer people use. We see this correlation in the years drug use among 12–17-year-olds was declining. But in the last several years more and more kids see no danger in using drugs.

Somewhere between 1992 and today we lost our clear, consistent, coherent anti-drug message. As a result, 1998 is beginning to look a lot like 1968 in terms of attitudes toward drugs. We are seeing bolder and better-funded efforts by legalizers to push drugs in the public marketplace. Many in Hollywood and the recording industry are back with the them that drugs are your friend. The culture and intellectual elite are back to arguing pro-drug themes.

We are also the beneficiaries of ambivalent messages from the administration on drug use. It has favored needle giveaway programs. It has been largely inert on the effort to legalize marijuana by calling it a medicine. It has downgraded or deemphasized our law enforcement and interdiction programs. And it has consistently tried to whitewash the bad news with happy talk. When you see numbers like these, repeated year after year, you've got a trend. The trend is against us. Where is this administration on this issue. What is it going to do? Clearly, what it has done so far is not working.

This is not right. It is not good. We are today well on our way to creating a drug-using population of young people to pass on to the next generation of policy makers and politicians. We are in the process of committing many of the same mistakes we learned to correct just a few years ago. I have no doubt we will eventually realize the mistake, but how many kids are we going to sacrifice to this new learning before we recover our senses?

DRUGS IN THE HEARTLAND

Mr. GRASSLEY. Mr. President, during the last week of the August recess, I traveled around Iowa launching a statewide antidrug coalition effort. I have been working on putting this program together for the last 2 years. It is an effort to bring together elements from all across my State from all areas of life to deal with the growing drug problem. I have spoken often about this problem here and in many of my public speeches. While we often hear about drug use in our inner cities, we are, perhaps, a little less prepared to learn about major drug use problems in our rural areas. Well, it's here and it is every bit as serious as drug use in our major urban centers. On my trip around Iowa, a young man named Josh, all of 15 years old, joined me.

Josh began using drugs at 11 and was an addict before he was a teenager. He began using marijuana. His friends told him it was "cool." He moved from that to just about every drug you can name. His story is becoming all too common. Last April, I held a field hearing in Cedar Rapids. The star witness at that hearing was a young woman of 17 who was a methamphetamine addict at 15. She was not only a user, she was also a pusher.

Today, methamphetamine use in Iowa is twice the national average.

Iowa is the target for Mexican criminal gangs pushing this drug every bit as much as San Diego or Los Angeles. Iowa and other States in the Midwest are also becoming home to an epidemic of meth-producing laboratories.

Many of these are located on farms or in small towns little prepared to be drug-producing emporiums.

If you talk to local sheriffs or police officers in even tiny towns, the story is shocking. I had a letter recently from a policeman in Ottumwa, Iowa, the home of Radar O'Reilly. What he tells me is that meth is now a major problem in this community of 30,000. It's not just a problem of users. It is increasingly a problem of producers. Many of the meth addicts have gone into the business of making their own. It's all to easy. If they can't get advice on how to make meth from their friends or contacts, why, they can simply pull it down off the Internet. Try it, if you don't believe me, it's that easy. You can put a small lab together in your kitchen.

You can use common household chemicals or chemicals used in agriculture, a frying pan, coffee filters, and a microwave.

Police have found labs in trailers, in vans, and sport vehicles. According to the policeman from Ottumwa, hardware stores there are having a problem keeping supplies of drain cleaner in stock because it is popular with the kitchen-lab crowd. Farmers across Iowa are having trouble with people stealing anhydrous ammonia. Anhydrous ammonia is used as a fertilizer to help fix nitrogen in the soil to grow corn. It is also used to produce meth. Local addicts and producers are stealing it from farms. County farm bureau organizations are having to issue advisories to farmers how to spot these thefts. This is only one of the chemicals. Many of these are carcinogenic. They are all dangerous and polluting.

This means the lab sites are toxic and dangerous and expensive to clean up. In many cases, the toxic waste materials are dumped into the ground or poured down the kitchen sink.

One of the major farming magazines in Iowa, Wallaces Farmer, devoted most of its September issue to this problem. Wallace Farmers does not normally deal with drug questions. But the most recent issue has a 20-page special on how meth is tearing apart the heartland. This should tell us something about what's happening. This story is increasingly common not only in Iowa but throughout the Midwest and the West. It is a problem moving eastward.

Along with cocaine, heroin, marijuana, and inhalants, we are seeing a resurgence in drug use in this country. I will have more to say on this later. Like our earlier epidemic, most of this increased use is occurring among the young, between the ages of 12 and 20.

Drug use among this age group has doubled in the past 5 years. We are well on our way to recreating the drug epidemic of the 1960's and 1970's.

There are some people who seem to welcome this development. The financier, Mr. Soros, is spending some of his fortune to promote drug legalization. He has convinced others to join him. He has a lobbying group that uses funds to promote legalization in the States, internationally, and to give the idea intellectual legitimacy. He is joined in the argument to make drugs legal and therefore available by worthies like Milton Friedman and William F. Buckley, Jr. Hollywood, TV, and our recording industry recognize the market potential of this and have begun pushing drugs in movies, music, and entertainment.

Now, many of these people will tell you that they don't mean to sell drugs to our kids. They mean it for adults. I have a problem with that, but it's not the central concern. The chief problem is, few adults actually start using drugs. That's a risky behavior we find almost exclusively among young people before the age of 20. By divorcing this reality from the argument to legalize, these people are little different from tobacco company executives. At least, privately, the tobacco companies were prepared to acknowledge that the primary market for new smokers was teens and preteens. They did not hide behind polite fictions and intellectual smoke screens.

What we are seeing in my State today and across this country is the fruits of these labors. The most recent reports on teenage drug use continue a disturbing cycle. That is why I began work to fight back. While I think there are many things government can and must do to deal with this problem, it is not solely or even wholly something that government can do. We need parents, schools, business, and other folks at the community level engaged in dealing with this problem. We need to be doing a lot more. This is not just a money problem. Resources are necessary but they are not sufficient. This is a people problem and we need to engage people to fight back. If we don't we are going to find ourselves in a drug problem every bit as serious as our last one. We are perilously close to that now.

In closing, let me read something that Ben Stein, host of a TV game show, wrote recently about his young son. He took him to what he thought was a safe retreat in rural Idaho, far from his native Los Angeles, for a summer vacation. What he discovered there was that his 11-year-old was being exposed to drug use every day. The source of that was other kids. The users and pushers were kids telling kids that drugs were cool. After all, that was the message everywhere. They were also providing the drugs. Stein wrote how it made him feel:

> I don't like being under siege about my boy's future. . . . I wish I had some help here from my Hollywood, my home, my workshop. I'd like some help from "The Simpsons" and "South Park" in telling my son that dope smoking is for losers and fools, that being high is stupid and unnatural and unhealthy, and that the cool people take life as it comes, sober and healthy and in some control of their own destinies.

There are a lot more people out there under siege. We need to be doing something about that.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the bankruptcy bill, S. 1301.

Mr. DOMENICI. I ask unanimous consent that I be permitted to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, first, I say to my good friend, Senator GRASSLEY, I was here for most of his speech and discussion. I commend him for not only what he said today, which many, many people ought to read, but because of his constant effort in the Senate and, obviously, back in his home State directed at trying to get our young people some help with reference to this siege that is upon them with reference to illegal drugs. I commend the Senator from Iowa for it.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2503 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCING NUCLEAR SECURITY

Mr. DASCHLE. Madam President, over the course of the past several months, I have come to the Senate floor on three occasions to discuss what I believe is the most important national security challenge we face today—reducing the risks associated with the spread and potential use of weapons of mass destruction. The depth and urgency of this challenge were dramatically illustrated in a recent article from Scientific American by Drs. Bruce Blair, Harold Feiveson, and Frank von Hippl. I am quoting from that article:

> [M]ilitary technicians at a handful of radar stations across northern Russia saw a troubling blip suddenly appear on their screens. A rocket, launched from somewhere off the coast of Norway, was rising rapidly through the night sky. Well aware that a single missile from a U.S. submarine plying those waters could scatter eight nuclear bombs over Moscow within 15 minutes, the radar operators immediately alerted their superiors. The message passed swiftly from Russian military authorities to the Russian President, who holding the electronic case that could order the firing of nuclear missiles in response, hurriedly conferred by telephone with his top advisors. For the first time ever, that nuclear briefcase was activated for emergency use.
>
> For a few tense minutes, the trajectory of the mysterious rocket remained unknown to the worried Russian officials. Anxiety mounted when the separation of multiple rocket stages created an impression of a possible attack by several missiles. But the radar crews continued to track their targets, and just a few minutes short of the procedural deadline to respond to an impending nuclear attack, senior military officers determined that the rocket was headed far out to sea and posed no threat to Russia.

As I noted, this chilling excerpt was not taken from Tom Clancy's latest techno-thriller. It happened. The event described did not occur during the heart of the Cold War. It happened January 25, 1995. It was not an isolated incident. According to public sources, Russian nuclear missiles have automatically switched to launch mode several times.

A look at the record since the January 25, 1995 incident demonstrates that, if anything, our concerns about Russia's early warning system, command and control system, and the morale of the people assigned to operate these systems, have only grown. That record is clear. No longer should anyone believe Russia's nuclear forces are exempt from the neglect and disarray that has been experienced by her conventional forces. A leading member of the Russian parliament, Lev Rokhlin, best summed up this deterioration: "[Russia's] strategic nuclear forces are headed for extinction. There are no means to maintain the forces." The dramatic economic downturn in Russia's economic circumstances will only exacerbate this situation. Some may be tempted to take joy in this situation. They should not. As the event of January 25, 1995 reminds us, U.S. security is dependent on the reliability of Russia's strategic warning and launch control systems.

Reasonable people can only ask the obvious question: with the Soviet Union dissolved and the cold war over for nearly seven years, how can the United States and Russia continue to be one bad call away from a nuclear disaster?

It is precisely for this reason that last September I sent a letter to the Congressional Budget Office asking them to assess the budget and security consequences of a series of measures designed to reduce the spread of nuclear weapons and the likelihood that they will ever be used. On Friday I received preliminary results from CBO on one means to accomplish this objective—improving Russia's confidence that it is not under attack by providing it with a global awareness of missile launches.

CBO reaches several conclusions in its report. First, there are a number of deficiencies in Russia's ground- and satellite-based early-warning systems. According to CBO, "Russia's early warning radars will not detect all missile attacks, especially missiles launched on shallow trajectories from submarines." The situation is similar with respect to Russia's space-based platforms. Quoting CBO, "Russia's satellite-based early-warning system also has shortcomings . . . CBO has estimated that its [satellite] fleet currently provides coverage of the U.S. missile fields for less than 17 hours a day. Thus, Russia cannot depend on its fleet to detect a U.S. missile launch." Second, CBO states that, "shortcomings in Russia's early-warning system can have a direct effect on the security of the United States." Nothing demonstrates this reality better than the Norwegian missile launch. Third, there are a variety of options available to the United States and Russia to address deficiencies in Russia's early warning system. Although CBO rightly asserts that further study is required to ensure that U.S. security is enhanced, not compromised, CBO lays out 5 options for U.S. policymakers. I ask that all of my colleagues take a look at this excellent study.

It must be noted at this point that during the recently concluded U.S.-Russia summit, just days before CBO released its analysis to me, the Administration and the Russians reached agreement to implement the first of CBO's 5 options—sharing early warning information on the launch of ballistic missiles and space launch vehicles. I commend the Administration for this initiative. I believe it is a small but useful step. However, it does not fully address the underlying weaknesses in Russia's early warning systems. The proposal will give the Russians access to some of our early warning data but does nothing to improve Russia's own ability to collect and assess this same information.

Therefore, much more needs to be done, not only in the area of early warning but elsewhere, if we are to reduce the risk of the spread and use of weapons of mass destruction to an acceptable level. As I stand here today—nearly 8 years after the fall of the Berlin Wall and the end of the Cold War—the United States and Russia still possess nearly 14,000 strategic nuclear weapons and tens of thousands of tactical nuclear weapons. Even more alarming, both sides keep the vast majority of their strategic weapons on a high level of alert, greatly increasing the likelihood of an unauthorized or accidental launch.

Russia's current economic and fiscal woes only add to my sense of concern. Numerous press accounts point out that Russia's early warning sensors are aging and incomplete, its command and control system is deteriorating, and the morale of the personnel operating these systems is suffering as a result of lack of pay and difficult working conditions. The Washington Post ran an article just yesterday that illustrates how increasingly dire economic circumstances in Russia affect U.S. security. According to the Post, street protests are popping up all over Russia, including a town called Snezhinsk, home of a nuclear weapons laboratory where workers said they have not been paid for 5 months.

I believe reducing the risks posed by weapons of mass destruction in Russia and elsewhere must be our number one national security objective in the post-Cold War era. In this regard, there are 3 initiatives the United States could take immediately that begin to address these risks: de-alerting a portion of the U.S. and Russian strategic and nuclear weapons, ratifying the Comprehensive Test Ban Treaty, and pushing for much deeper reductions in nuclear weapons than currently contemplated in START II.

However, these measures alone are not enough. We must vigorously pursue other possible avenues, many of which may lie outside the traditional arms control process. Therefore, I have asked the Congressional Budget Office to explore the budgetary and security implications of numerous other "non-traditional" proposals. I understand this work is nearing completion and hope to report back to the Senate on CBO's findings before we adjourn. I look forward to working with my colleagues and the Administration in the next session of Congress to fully explore these proposals.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 18, 1998, the federal debt stood at $5,516,026,623,213.76 (Five trillion, five hundred sixteen billion, twenty-six million, six hundred twenty-three thousand, two hundred thirteen dollars and seventy-six cents).

One year ago, September 18, 1997, the federal debt stood at $5,374,489,000,000

(Five trillion, three hundred seventy-four billion, four hundred eighty-nine million).

Twenty-five years ago, September 18, 1973, the federal debt stood at $460,592,000,000 (Four hundred sixty billion, five hundred ninety-two million) which reflects a debt increase of more than $5 trillion—$5,055,434,623,213.76 (Five trillion, fifty-five billion, four hundred thirty-four million, six hundred twenty-three thousand, two hundred thirteen dollars and seventy-six cents) during the past 25 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 11

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending September 11 that the U.S. imported 8,694,000 barrels of oil each day, 667,000 barrels a day less than the 9,371,000 imported during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less foreign oil than the same week a year ago, Americans still relied on foreign oil for 58 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the United States, if and when, foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States: now 8,694,000 barrels a day at a cost of approximately $104,154,120 a day.

SECRETARY OF EDUCATION DICK RILEY'S "BACK TO SCHOOL" ADDRESS

Mr. KENNEDY. Mr. President, on September 15, 1998, at the National Press Club, Secretary of Education Dick Riley, delivered an impressive "Back to School" Address on the state of education in the nation.

No one has been more thoughtful and effective in the effort to improve public schools for all children. I believe all of us will be interested in seeing this important address, and I ask unanimous consent that it be printed in the RECORD.

THE CHALLENGE FOR AMERICA: A HIGH QUALITY TEACHER IN EVERY CLASSROOM

Good afternoon. At the beginning of every school year, I have the good fortune to come to the National Press Club to give my "Back to School" address. I have been traveling from Georgia to the Pacific Northwest as part of my annual back to school push, and I can tell you that America's schools are overflowing with children. It is an exciting time for children and parents; but in too many cases our schools are overcrowded, wearing out and in desperate need of modernization.

As I noted in our annual report on the "baby-boom echo" which we released last week, we are once again breaking the national enrollment record. There are currently 52.7 million young people in school and more on the way. And in the next ten years we will need to recruit 2.2 million teachers to teach them.

This is why I believe that the education of our children should be this nation's number one national priority in this time of peace and prosperity. I also believe that this is the patriotic thing to do as well.

Like many of you I had the opportunity to see the movie, "Saving Private Ryan." It is a wonderful movie that acknowledges the sacrifice of a generation of Americans who did their duty in World War II. Tom Hanks plays Captain Miller, an English teacher, who does what he has to do, even at the risk of his own life. I believe that the new patriots of our time will be those Americans, young and old, who go into teaching to educate this generation of children.

And I will tell you this—as I travel around the country, parents tell me again and again that they have very clear priorities about what we should be doing here in Washington. They want safe schools, our help in building new schools and modernizing old ones, smaller classes, and the assurance that there is a good teacher in every classroom. This is the nation's business and we need to get on with it.

If Congress is serious about getting dollars to the classrooms, I urge them to enact our legislation to modernize our schools and reduce class size by hiring 100,000 new teachers. Rearranging existing programs, which seems to be the intent of the Congress, does nothing to address the real challenges facing schools today. In addition, Congress should fund the President's initiatives in the Appropriations bill that they are now considering.

The focus of my speech is on what we must do to prepare the next generation of teachers and this is why I am releasing a report today entitled "Promising Practices" which highlights new ways that we can improve teacher quality. This publication was developed following a national search for models of excellence that address the needs at every stage of a teacher's career.

In preparing my remarks I have had the good advice of three members of my staff—two former National Teachers of the Year—Terry Dozier and Mary Beth Blegen—as well as that of Paul Schwarz, the former principal of a nationally recognized high school—Central Park East in New York City. Like all good teachers Terry, Mary Beth and Paul have clear opinions about how we can improve American education. In other words, they do not mince words. So I won't either.

MISSING THE MARK IN RECRUITING NEW TEACHERS

I am concerned that we are missing the mark when it comes to preparing the next generation of teachers. We do not seem to recognize the magnitude of the task ahead. In the next ten years, we need to recruit 2.2 million teachers. One-half to two-thirds of these teachers will be first time teachers.

We have more than a million veteran teachers on the verge of retiring. The first chart attached to my speech makes this point very vividly. By my reckoning, we are about five years away from a very dramatic change in our teaching force.

The vast majority of these experienced teachers who are about to retire are women. This, in fact, may be the last generation of women who went into teaching because there were limited opportunities in other fields. In 1998, women have many more career options—and that is a very good thing for our nation. These new opportunities for women will require us, then, to work much, much harder to recruit and train a new generation of teachers.

Many people ask me whether we have a teacher shortage. My answer is yes. We face a shortage of high quality teachers. We are already seeing spot shortages developing in specific fields of expertise—math, science, special education and bilingual education. The recent news that New York City recruited math teachers from Austria highlights this growing dynamic.

School districts usually find a way to put somebody in front of every classroom, and that is the problem. Too many school districts are sacrificing quality for quantity to meet the immediate demand of putting a warm body in front of a classroom. This is a mistake. Even now, too many school districts are issuing emergency licenses.

Many of these emergency teachers are dedicated and want to do their best. But I have heard about and read too many horror stories about provisional teachers who are teaching by the seat of their pants with no preparation and no guidance.

The coming wave of retirements has enormous implications in our continuing effort to raise standards, to develop successful recruitment strategies, and prepare new teachers. We also need to recognize that the teaching profession is dramatically changing—the use of computers, teaching in teams, and the recognition that children learn in many different ways—are just three of the many factors reshaping this demanding profession.

Three other dynamics also require our attention: the increasing diversity of our classrooms and the lack of diversity of our teaching force; the increasing number of special education children and Limited English Proficient (LEP) children in the regular classroom and teachers who lack the training to teach them; and the need for many more incentives to keep veteran teachers up-to-date and in the classroom.

WHAT IS WRONG WITH THE SYSTEM

I believe we also need to take a hard look at the very structure of our current teaching system and get on with the task of modernizing it as well. We cannot allow an outdated teaching system to frustrate and even destroy the hopes and dreams of too many teachers.

The task is multi-dimensional. For example, too many teacher education programs are focused on theory and not enough on clinical experience.

Also, the current certification process is a cumbersome obstacle course that has little to do with excellence and much more to do with filling out paperwork.

And once a new teacher enters the classroom we allow a perverse "sink or swim" approach to define the first years in teaching. New teachers are usually assigned the most difficult classes in addition to all the extracurricular activities that no one else wants to supervise. Then we wonder why we lose 22% of new teachers in the first three years—and close to 50% in our urban areas.

This churning process and over-reliance on emergency teachers just doesn't cut it in my opinion. Imagine the outcry if a quarter of all new doctors left the profession after their first three years. This is why I encourage local school districts to develop some type of long-term induction or mentoring program to help new teachers stay in the profession.

CREATING A NATIONAL PARTNERSHIP

Education, as I have said many times before, is a state responsibility, a local function and a national priority. We cannot address the task at hand in a piecemeal fashion. We need a nationwide partnership among K–12 leaders, our higher education community, and political leaders at all levels.

Now a great deal of effort has gone into improving and supporting the teaching profession in the last decade. The National Commission on Teaching led by Governor Jim Hunt of North Carolina and Linda Darling Hammond has provided an excellent "road map" to improve the teaching profession. This is all to the good. But now we need to make things happen and go to a new level of intensity.

And I assure you—we will place a very strong emphasis on teacher quality when we ask the Congress to reauthorize the Elementary and Secondary Education Act next year. The bipartisan leaders of the Congressional education committee understand that need, and we will be working with them to shape that legislation.

IMPROVING RECRUITMENT

There are other steps we can take now to encourage more Americans to enter the teaching profession.

The Clinton Administration strongly supports the Feinstein-Boxer Amendment to the Higher Education Act that will provide Pell Grants for a fifth year to those college students who want to become teachers and need another year to meet state fifth year requirements. This is particularly important to the state of California which has the daunting task of recruiting 250,000 teachers in the next decade.

I am pleased that strong support is developing in the Congress for improvements in teacher education and standards. The Administration will continue to press the Congress to pass our proposals to recruit nearly 35,000 teachers over the next five years for underserved areas. As members meet today to advance this higher education legislation, I urge them to support our recruitment proposals.

This important piece of legislation will almost certainly include valuable new teacher loan forgiveness provisions that have been championed by Senator Kennedy.

I also urge Congress to fund the President's initiative to train new teachers in technology.

I support the creation of some type of national job bank to match teachers with districts with a growing shortage of quality teachers. There are wide regional variations in the need for teachers. We can do a lot to help get teachers in different parts of the country matched with school districts in other regions that are facing growing shortages.

At the same time, the increasing mobility of Americans is going to require states and school districts to take a serious look at the portability of teacher credentials, their years in service, and pensions. We do not need artificial shortages developing because states have not brought their policies up-to-date.

Our federal efforts to enlist millions of Americans to go into teaching can have an impact. Our best hope, however, is the strong encouragement of parents and grandparents whose lives have been touched by good teachers. I get distressed when I hear stories about parents discouraging their children from going into teaching. Teaching is about serving your country and being patriotic.

I also challenge the myth that teaching is only for those who can't cut it in other professions. Anyone who has ever spent an hour in a classroom full of demanding second graders or had the challenge of motivating a group of teenagers knows how difficult the job can be.

America's teachers are some of the most idealistic and patriotic Americans in this country. I am extremely proud of them. So many of them have entered teaching because they want to change the world and many of them do.

What are our other challenges?

CHALLENGES TO AMERICA'S HIGHER EDUCATION COMMUNITY

I challenge the leaders of America's great colleges and universities to make teacher education a much higher day-to-day priority. Teaching teachers has to be the mission of the entire university.

Our nation's colleges of education can no longer be quiet backwaters that get a mere mention in the annual report to university trustees. College administrators who complain about the high cost of remedial classes would do well to pay more attention to how they prepare teachers. Here several suggestions come to mind.

First, colleges of education should give basic skills tests to students entering teacher education programs prior to their acceptance and at the same time hold themselves more accountable for their graduates. This is why I endorse the thrust for accountability by Senator Bingaman and Representative George Miller.

Second, stronger links must be developed between our colleges of arts and sciences and colleges of education. Future teachers should major in the subject they want to teach, and that type of course work takes place in the colleges of arts and sciences.

Third, I urge teacher prep programs to put a much stronger focus on giving future teachers rigorous grounding in developing the skills they need to teach. It is harder than you think. Knowing your content is not enough. There is a skill and a craft to it all, and that is especially true when it comes to teaching reading. This is why I believe that every teacher who is seeking a certificate in elementary education should have solid preparation in reading.

One of the major aspects of the reading bill now up in the Congress is strong support for increased professional development for reading. I support this effort and ask the Congress to pass this needed legislation. We will never raise standards if we just stay with the status quo when it comes to improving literacy.

Fourth, colleges of education need to recognize that our special education and LEP populations are growing and deserve much more of their attention as they prepare teachers.

Finally, I urge colleges and universities to develop much stronger links with local schools. The El Paso school district, which we feature in our report "Promising Practices," has dramatically improved its test scores by working hand-in-hand with the University of Texas in El Paso to improve teacher education.

CHALLENGES TO STATE GOVERNMENT AND LOCAL SCHOOL DISTRICTS

State governments and local school districts have a powerful role to play in reshaping the teaching profession.

This is why I challenge every state to create a demanding but flexible certification process. Becoming a teacher should not be an endurance test that requires future teachers to overcome a bureaucratic maze of hoops and paperwork.

I believe a much stronger focus should be placed on assessing the knowledge and skills of future teachers however they got them. This is why I support rigorous alternative pathways to teaching which can be so helpful in recruiting mid-career professionals to the teaching profession.

I challenge every state to eliminate the practice of granting emergency licenses within the next five years. You cannot set standards and then immediately discard them when the need for another warm body arises. New York State has taken the lead in doing away with emergency licenses and other states should follow this good example.

At the same time, we cannot challenge high poverty schools to raise their standards and then shortchange them by doing nothing to help them recruit the best teachers. This is why we are pushing the Congress to pass our strong teacher recruitment initiative. At the same time, our nation's urban areas have to do their part as well. Outdated hiring practices sometimes seem to be the reason that they are losing good candidates for teaching positions to suburban school districts.

State and local school districts must also end the practice of teaching "out of field." (Over 30 percent of all math teachers, for example, are now teaching out of field.) I believe that every teacher, at a minimum, should have a minor in the subject that they teach.

I cannot even begin to tell you how baffled foreign education ministers are who visit me when I explain our unusual habit of allowing teachers to teach "out of field."

INCENTIVES FOR VETERAN TEACHERS

As we seek to raise standards for our students, we need to work much harder at giving veteran teachers the opportunity to keep on learning. Current professional development courses with their emphasis on workshops that put a premium on "seat time" really need to become a thing of the past.

We are developing more and more evidence that school districts that invest in quality professional development for their teachers see positive results in the classroom. The good work of Tony Alvarado in District 2 in New York City, who made sure learning new skills was an everyday experience for his teachers is a wonderful national model.

We need other incentives as well. The current system of providing salary increases for credits earned seems flawed. There is often no connection between the credits earned by a teacher and what he or she actually teaches in the classroom. And, there is little incentive to encourage teachers to gain more knowledge or improve specific skills for their classrooms. Excellence, in a word, is not rewarded.

Only 14 states, for example, currently provide salary supplements to those teachers who set out to become master teachers through the National Board Certification process. As a result many of the best teachers leave the classroom to get a bigger paycheck as a school administrator.

This is why I ask states and local school districts to take a good look at a new and developing concept called "knowledge and skill-based pay." Put simply, teachers are paid extra for new skills and knowledge they acquire. Teachers under this system get rewarded for specific skills and knowledge that help a school reach its own established goals.

Now, a word about teacher salaries. As I have said many times before, we cannot expect to get good teachers on the cheap. Mary Beth Blegen, the national teacher of the year in 1996, was being paid a $36,000 salary with 30 years of experience—a fraction of what she deserved—and what other professionals expect after years in service.

If we are going to entice more Americans to enter teaching we need to offer them fair and competitive salaries. And, if we are going to ask teachers to meet new and demanding standards we also need to pay them for their effort.

States like Connecticut and North Carolina have had the good sense to raise standards for teachers and raise salaries at the same time. The results in the classroom are promising. I believe every state would be wise to follow their good example.

If we really want to recruit and retain good teachers we need to let them teach in first class school buildings. What kind of message do we send our children and our teachers when we ask them to go to a run down school building just a mile down the road from an immaculate prison? President Clinton has proposed a very strong school construction initiative. Congress needs to get off the dime and pass it.

In this speech, I have challenged many different groups to come forward and join a national partnership for excellence in teaching. It seems appropriate to end my remarks by taking a moment to talk to America's teachers. You are the heart and soul of the renaissance of American education. As I travel throughout the country, I have the opportunity to meet many of you. Each time I am struck by how important, yet how difficult, your job is.

As teachers, you are being asked to know more and do more than ever before. Please continue your good work and go out of your way to recruit new teachers. Let others know the joy you get from teaching. Help the struggling teacher to improve—and help to counsel out of the profession those who cannot. And make the effort to measure yourselves against the best.

I end now with a quote from an old friend of mine from South Carolina, the writer Pat Conroy. This quote is from his novel "Prince of Tides." In this passage, Tom, a teacher who is the main character of the book is asked why he chose to "sell himself short" when he was so talented and could have done anything in his life.

Tom's reply goes like this, "There's no word in the language that I revere more than 'teacher.'" None. "My heart sings" he says, "when a kid refers to me as his teacher and it always has. I've honored myself and the entire family of man by becoming a teacher."

With that I thank all teachers on behalf of the American people. Thank you.

CHILD CUSTODY PROTECTION ACT

Mr. GRAMS. Madam President, I rise today in support of the Child Custody Protection Act. Nearly half the States have adopted laws which require some kind of parental involvement in their minor daughter's decision to have an abortion. Increasingly, these laws are being undermined by adults who take a pregnant girl across State lines for a secret abortion.

The Child Custody Protection Act will make it a Federal offense for someone, other than the minor girl's parent, to transport her knowingly across State lines in order to usurp her home State's abortion parental notification or consent laws. It does not impose any new parental notification or consent requirements on any State. It merely prevents the undermining of parental involvement laws in States that have them.

The Child Custody Protection Act is a parental rights bill. It prevents the circumvention of State laws, a policy all of us should support. It protects our daughters against manipulation and abuse. I urge the support of this legislation by all of my colleagues.

PARTIAL BIRTH ABORTION BAN

Mr. GRAMS. Madam President, I rise today to express my deep disappointment over the Senate's failure to override the President's veto of legislation which would ban the inhumane procedure known as partial-birth abortion.

A majority of the Congress agrees that the partial-birth abortion ban is not about the politics of pro-life and pro-choice. It is legislation that addresses a far more fundamental issue—our intolerance, as a civilized community, to allow this unparalleled cruelty to continue.

I thank Senator SANTORUM for his heartfelt dedication and determination to making this issue a priority for the Senate this session. His sincere, passionate speeches delivered during floor debate spoke directly to the hearts of his colleagues and to the American people.

This is the second time the Senate has voted on an override of a Clinton veto of a prohibition on partial-birth abortion. The will of both Houses of Congress, and of the American people is clear. I am dedicated to passing the partial-birth abortion ban, as I know are most of my colleagues in the Senate. We will continue this fight until we have succeeded, and I urge the Senate leadership to make the ban on partial-birth abortions the first piece of legislation we take up in the 106th Congress.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on September 18, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed by the President pro tempore (Mr. THURMOND) on September 21, 1998.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2675: A bill to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes (Rept. No. 105–337).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (Rept. No. 105–338).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 730: A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (Rept. No. 105–339).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1021: A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes (Rept. No. 105–340).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment:

S. 2273: A bill to increase, effective as of December 1, 1998, the rates of disability compensation for veterans with service-connected disabilities, and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. No. 105–341).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself, Mr. MACK, and Mr. FAIRCLOTH):

S. 2502. A bill to amend title 17, United States Code, to provide for protection of certain original designs; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2503. A bill to establish a Presidential Commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mrs. BOXER):

S. 2504. A bill to authorize the construction of temperature control devices at Folsom

Dam, California; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 2505. A bill to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 56. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; read the first time.

By Mr. KYL (for Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH)):

S.J. Res. 57. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; to the Committee on Labor and Human Resources.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. MACK, and Mr. FAIRCLOTH):

S. 2502. A bill to amend title 17, United States Code, to provide for protection of certain original designs; to the Committee on the Judiciary.

THE VESSEL HULL DESIGN PROTECTION ACT OF 1998

• Mr. BREAUX. Mr. President, today I introduce a bill cosponsored by Senators MACK and FAIRCLOTH entitled the Vessel Hull Design Protection Act of 1998. This bill will attempt to stop a very troubling problem facing America's marine manufacturers—the unauthorized copying of boat hull designs. Such piracy threatens the integrity of the United States marine manufacturing industry and the safety of American boaters.

A boat manufacturer invests significant resources in creating a safe, structurally sound, high performance boat hull design from which a line of vessels can be manufactured. Standard practice calls for manufacturing engineers to create a hull model, or "plug", from which they cast a "mold". This mold is then used for mass production of boat hulls. Unfortunately, those intent on pirating such a design can simply use a finished boat hull to develop their own mold. This copied mold can then be used to manufacture boat hulls identical in appearance to the original line, and at a cost well below that incurred by the original designer.

This so-called "hull splashing" is a significant problem for consumers, manufacturers, and boat design firms. American consumers are defrauded in the sense that they do not benefit from the many aspects of the original hull design that contribute to its structural integrity and safety, and they are not aware that the boat they have purchased has been copied from an existing design. Moreover, if original manufacturers are undersold by these copies, they may no longer be willing to invest in new, innovative boat designs—boat designs that could provide safer, less expensive, quality watercraft for consumers.

In the past, a number of States have enacted anti-boat-hull-copying, or "plug mold", statutes to address the problem of hull splashing. These States include my State of Louisiana, as well as Alabama, California, Florida, Indiana, Kansas, Maryland, Mississippi, Missouri, Tennessee, and Wisconsin. However, a decision by the U.S. Supreme Court in *Bonito Boats* v. *Thundercraft Boats, Inc.*, 489 U.S. 141 (1989), invalidated these State statutes on the basis that they infringed on the federal government's exclusive jurisdiction over the protection of intellectual property. In essence, the Supreme Court held that vessel hull design protection may be a legitimate goal, but it is Congress' job to provide it, not the States. The legislation we are introducing today is designed to do that job.

Such initiatives as this one are not new to Congress. In 1984, Congress acted to protect the unique nature of design work when it passed the Semiconductor Chip Protection Act. This act was designed to protect the mask works of semiconductor chips, which are essentially the molds from which the chips are made, against unauthorized duplication. I believe that the approach Congress took in that legislation should also be applied to protect boat hull designs. The Boat Protection Act of 1998 would work in concert with current federal law to protect American marine manufacturers from harmful and unfair competition.

Mr. President, I want my colleagues to take note of the fact that an identical bill, H.R. 2696, has already been passed in the House of Representatives by unanimous consent. I want to urge my colleagues to support the Vessel Hull Design Protection Act of 1998 and to join in this effort to protect the American public and the marine manufacturing community from the dangers and impropriety of hull splashing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Vessel Hull Design Protection Act".

SEC. 2. PROTECTION OF CERTAIN ORIGINAL DESIGNS.

Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 12—PROTECTION OF ORIGINAL DESIGNS

"Sec.
"1201. Designs protected.
"1202. Designs not subject to protection.
"1203. Revisions, adaptations, and rearrangements.
"1204. Commencement of protection.
"1205. Term of protection.
"1206. Design notice.
"1207. Effect of omission of notice.
"1208. Exclusive rights.
"1209. Infringement.
"1210. Application for registration.
"1211. Benefit of earlier filing date in foreign country.
"1212. Oaths and acknowledgments.
"1213. Examination of application and issue or refusal of registration.
"1214. Certification of registration.
"1215. Publication of announcements and indexes.
"1216. Fees.
"1217. Regulations.
"1218. Copies of records.
"1219. Correction of errors in certificates.
"1220. Ownership and transfer.
"1221. Remedy for infringement.
"1222. Injunctions.
"1223. Recovery for infringement.
"1224. Power of court over registration.
"1225. Liability for action on registration fraudulently obtained.
"1226. Penalty for false marking.
"1227. Penalty for false representation.
"1228. Enforcement by Treasury and Postal Service .
"1229. Relation to design patent law.
"1230. Common law and other rights unaffected.
"1231. Administrator; Office of the Administrator.
"1232. No retroactive effect.

"§ 1201. Designs protected

"(a) DESIGNS PROTECTED.—

"(1) IN GENERAL.—The designer or other owner of an original design of a useful article which makes the article attractive or distinctive in appearance to the purchasing or using public may secure the protection provided by this chapter upon complying with and subject to this chapter.

"(2) VESSEL HULLS.—The design of a vessel hull, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1202(4).

"(b) DEFINITIONS.—For the purpose of this chapter, the following terms have the following meanings:

"(1) A design is 'original' if it is the result of the designer's creative endeavor that provides a distinguishable variation over prior work pertaining to similar articles which is more than merely trivial and has not been copied from another source.

"(2) A 'useful article' is a vessel hull, including a plug or mold, which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is part of a useful article shall be deemed to be a useful article.

"(3) A 'vessel' is a craft, especially one larger than a rowboat, designed to navigate on water, but does not include any such craft that exceeds 200 feet in length.

"(4) A 'hull' is the frame or body of a vessel, including the deck of a vessel, exclusive of masts, sails, yards, and rigging.

"(5) A 'plug' means a device or model used to make a mold for the purpose of exact duplication, regardless of whether the device or model has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

"(6) A 'mold' means a matrix or form in which a substance for material is used, regardless of whether the matrix or form has an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information.

"§ 1202. Designs not subject to protection

"Protection under this chapter shall not be available for a design that is—

"(1) not original;

"(2) staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary;

"(3) different from a design excluded by paragraph (2) only in insignificant details or in elements which are variants commonly used in the relevant trades;

"(4) dictated solely by a utilitarian function of the article that embodies it; or

"(5) embodied in a useful article that was made public by the designer or owner in the United States or a foreign country more than 1 year before the date of the application for registration under this chapter.

"§ 1203. Revisions, adaptations, and rearrangements

"Protection for a design under this chapter shall be available notwithstanding the employment in the design of subject matter excluded from protection under section 1202 if the design is a substantial revision, adaptation, or rearrangement of such subject matter. Such protection shall be independent of any subsisting protection in subject matter employed in the design, and shall not be construed as securing any right to subject matter excluded from protection under this chapter or as extending any subsisting protection under this chapter.

"§ 1204. Commencement of protection

"The protection provided for a design under this chapter shall commence upon the earlier of the date of publication of the registration under section 1213(a) or the date the design is first made public as defined by section 1210(b).

"§ 1205. Term of protection

"(a) IN GENERAL.—Subject to subsection (b), the protection provided under this chapter for a design shall continue for a term of 10 years beginning on the date of the commencement of protection under section 1204.

"(b) EXPIRATION.—All terms of protection provided in this section shall run to the end of the calendar year in which they would otherwise expire.

"(c) TERMINATION OF RIGHTS.—Upon expiration or termination of protection in a particular design under this chapter, all rights under this chapter in the design shall terminate, regardless of the number of different articles in which the design may have been used during the term of its protection.

"§ 1206. Design notice

"(a) CONTENTS OF DESIGN NOTICE.—Whenever any design for which protection is sought under this chapter is made public under section 1210(b), the owner of the design shall, subject to the provisions of section 1207, make it or have it marked legibly with a design notice consisting of—

"(A) the words 'Protected Design', the abbreviation 'Prot'd Des.', or the letter 'D' with a circle, or the symbol *D*;

"(B) the year of the date on which protection for the design commenced; and

"(C) the name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

Any distinctive identification of the owner may be used for purposes of subparagraph (C) if it has been recorded by the Administrator before the design marked with such identification is registered.

"(2) After registration, the registration number may be used instead of the elements specified in subparagraphs (B) and (C) of paragraph (1).

"(b) LOCATION OF NOTICE.—The design notice shall be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce.

"(c) SUBSEQUENT REMOVAL OF NOTICE.—When the owner of a design has complied with the provisions of this section, protection under this chapter shall not be affected by the removal, destruction, or obliteration by others of the design notice on an article.

"§ 1207. Effect of omission of notice

"(a) ACTION WITH NOTICE.—Except as provided in subsection (b), the omission of the notice prescribed in section 1206 shall not cause loss of the protection under this chapter or prevent recovery for infringement under this chapter against any person who, after receiving written notice of the design protection, begins an undertaking leading to infringement under this chapter.

"(b) ACTIONS WITHOUT NOTICE.—The omission of the notice prescribed in section 1206 shall prevent any recovery under section 1224 against a person who began an undertaking leading to infringement under this chapter before receiving written notice of the design protection. No injunction shall be issued under this chapter with respect to such undertaking unless the owner of the design reimburses that person for any reasonable expenditure or contractual obligation in connection with such undertaking that was incurred before receiving written notice of the design protection, as the court in its discretion directs. The burden of providing written notice of design protection shall be on the owner of the design.

"§ 1208. Exclusive rights

"The owner of a design protected under this chapter has the exclusive right to—

"(1) make, have made, or import, for sale or for use in trade, any useful article embodying that design; and

"2 sell or distribute for sale or for use in trade any useful article embodying that design.

"§ 1209. Infringement

"(a) ACTS OF INFRINGEMENT.—Except as provided in subsection (b), it shall be infringement of the exclusive rights in a design protected under this chapter for any person, without the consent of the owner of the design, within the United States and during the term of such protection, to—

"(1) make, have made, or import, for sale or for use in trade, any infringing article as defined in subsection (e); or

"(2) sell or distribute for sale or for use in trade any such infringing article.

"(b) ACTS OF SELLERS AND DISTRIBUTORS.—A seller or distributor of an infringing article who did not make or import the article shall be deemed to have infringed on a design protected under his chapter only if that person—

"(1) induced or acted in collusion with a manufacturer to make, or an importer to import such article, except that merely purchasing or giving an order to purchase such article in the ordinary course of business shall not of itself constitute such inducement or collusion; or

"(2) refused or failed, upon the request of the owner of the design, to make a prompt and full disclosure of that person's source of such article, and that person orders or reorders such article after receiving notice by registered or certified mail of the protection subsisting in the design.

"(c) ACTS WITHOUT KNOWLEDGE.—It shall not be infringement under this section to make, have made, import, sell, or distribute, any article embodying a design which was created without knowledge that a design was protected under this chapter and was copied from such protected design.

"(d) ACTS IN ORDINARY COURSE OF BUSINESS.—A person who incorporates into that person's product of manufacture an infringing article acquired from others in the ordinary course of business, or who, without knowledge of the protected design embodied in an infringing article, makes or processes the infringing article for the account of another person in the ordinary course of business, shall not be deemed to have infringed the rights in that design under this chapter except under a condition contained in paragraph (1) or (2) of subsection (b). Accepting an order or reorder from the source of the infringing article shall be deemed ordering or reordering within the meaning of subsection (b)(2).

"(e) INFRINGING ARTICLE DEFINED.—As used in this section, an 'infringing article' is any article the design of which has been copied from a design protected under this chapter, without the consent of the owner of the protected design. An infringing article is not an illustration or picture of a protected design in an advertisement, book, periodical, newspaper, photograph, broadcast, motion picture, or similar medium. A design shall not be deemed to have been copied from a protected design if it is original and not substantially similar in appearance to a protected design.

"(f) ESTABLISHING ORIGINALITY.—The party to any action or proceeding under this chapter who alleges rights under this chapter in a design shall have the burden of establishing the design's originality whenever the opposing party introduces an earlier work which is identical to such design, or so simiiar as to make prima facie showing that such design was copied from such work.

"(g) REPRODUCTION FOR TEACHING OR ANALYSIS.—It is not an infringement of the exclusive rights of a design owner for a person to reproduce the design in a useful article or in any other form solely for the purpose of teaching, analyzing, or evaluating the appearance, concepts, or techniques embodied in the design, or the function of the useful article embodying the design.

"§ 1210. Application for registration

"(a) TIME LIMIT FOR APPLICATION FOR REGISTRATION.—Protection under this chapter shall be lost if application for registration of the design is not made within two years after the date on which the design is first made public.

"(b) WHEN DESIGN IS MADE PUBLIC.—A design is made public when an existing useful article embodying the design is anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public by the owner of the design or with the owner's consent.

"(c) APPLICATION BY OWNER OF DESIGN.—Application for registration may be made by the owner of the design.

"(d) CONTENTS OF APPLICATION.—The application for registration shall be made to the Administrator and shall state—

"(1) the name and address of the designer or designers of the design;

"(2) the name and address of the owner if different from the designer;

"(3) the specific name of the useful article embodying the design;

"(4) the date, if any, that the design was first made public, if such date was earlier than the date of the application;

"(5) affirmation that the design has been fixed in a useful article; and

"(6) such other information as may be required by the Administrator.

The application for registration may include a description setting forth the salient features of the design, but the absence of such a description shall not prevent registration under this chapter.

"(e) Sworn Statement.—The application for registration shall be accompanied by a statement under oath by the applicant or the applicant's duly authorized agent or representative, setting forth, to the best of the applicant's knowledge and belief—

"(1) that the design is original and was created by the designer or designers named in the application;

"(2) that the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and

"(3) that the applicant is the person entitled to protection and to registration under this chapter.

If the design has been made public with the design notice prescribed in section 1206, the statement shall also describe the exact form and position of the design notice.

"(f) Effect of Errors.—(1) Error in any statement or assertion as to the utility of the useful article named in the application under this section, the design of which is sought to be registered, shall not affect the protection secured under this chapter.

"(2) Errors in omitting a joint designer or in naming an alleged joint designer shall not affect the validity of the registration, or the actual ownership or the protection of the design, unless it is shown that the error occurred with deceptive intent.

"(g) Design Made in Scope of Employment.—In a case in which the design was made within the regular scope of the designer's employment and individual authorship of the design is difficult or impossible to ascribe and the application so states, the name and address of the employer for whom the design was made may be stated instead of that of the individual designer.

"(h) Pictorial Representation of Design.—The application for registration shall be accompanied by two copies of a drawing or other pictorial representation of the useful article embodying the design, having one or more views, adequate to show the design, in a form and style suitable for reproduction, which shall be deemed a part of the application.

"(i) Design in More Than One Useful Article.—If the distinguishing elements of a design are in substantially the same form in different useful articles, the design shall be protected as to all such useful articles when protected as to one of them, but not more than one registration shall be required for the design.

"(j) Application for More Than One Design.—More than one design may be included in the same application under such conditions as may be prescribed by the Administrator. For each design included in an application the fee prescribed for a single design shall be paid.

"§ 1211. Benefit of earlier filing date in foreign country

"An application for registration of a design filed in the United States by any person who has, or whose legal representative or predecessor or successor in title has, previously filed an application for registration of the same design in a foreign country which extends to designs of owners who are citizens of the United States, or to applications filed under this chapter, similar protection to that provided under this chapter shall have that same effect as if filed in the United States on the date on which the application was first filed in such foreign country, if the application in the United States is filed within 6 months after the earliest date on which any such foreign application was filed.

"§ 1212. Oaths and acknowledgments

"(a) In General.—Oaths and acknowledgments required by this chapter—

"(1) may be made—

"(A) before any person in the United States authorized by law to administer oaths; or

"(B) when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any official authorized to administer oaths in the foreign country concerned, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States; and

"(2) shall be valid if they comply with the laws of the State or country where made.

"(b) Written Declaration in Lieu of Oath.—(1) The Administrator may by rule prescribe that any document which is to be filed under this chapter in the Office of the Administrator and which is required by any law, rule, or other regulation to be under oath, may be subscribed to by a written declaration in such form as the Administrator may prescribe, and such declaration shall be in lieu of the oath otherwise required.

"(2) Whenever a written declaration under paragraph (1) is used, the document containing the declaration shall state that willful false statements are punishable by fine or imprisonment, or both, pursuant to section 1001 of title 18, and may jeopardize the validity of the application or document or a registration resulting therefrom.

"§ 1213. Examination of application and issue or refusal of registration

"(a) Determination of Registrability of Design; Registration.—Upon the filing of an application for registration in proper form under section 1210, and upon payment of the fee prescribed under section 1216, the Administrator shall determine whether or not the application relates to a design which on its face appears to be subject to protection under this chapter, and, if so, the Register shall register the design. Registration under this subsection shall be announced by publication. The date of registration shall be the date of publication.

"(b) Refusal To Register; Reconsideration.—If, in the judgment of the Administrator, the application for registration relates to a design which on its face is not subject to protection under this chapter, the Administrator shall send to the applicant a notice of refusal to register and the grounds for the refusal. Within 3 months after the date on which the notice of refusal is sent, the applicant may, by written request, seek reconsideration of the application. After consideration of such a request, the Administrator shall either register the design or send to the applicant a notice of final refusal to register.

"(c) Application To Cancel Registration.—Any person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the Administrator at any time to cancel the registration on the ground that the design is not subject to protection under this chapter, stating the reasons for the request. Upon receipt of an application for cancellation, the Administrator shall send to the owner of the design, as shown in the records of the Office of the Administrator, a notice of the application, and the owner shall have a period of 3 months after the date on which such notice is mailed in which to present arguments to the Administrator for support of the validity of the registration. The Administrator shall also have the authority to establish, by regulation, conditions under which the opposing parties may appear and be heard in support of their arguments. If, after the periods provided for the presentation of arguments have expired, the Administrator determines that the applicant for cancellation has established that the design is not subject to protection under this chapter, the Administrator shall order the registration stricken from the record. Cancellation under this subsection shall be announced by publication, and notice of the Administrator's final determination with respect to any application for cancellation shall be sent to the applicant and to the owner of record.

"§ 1214. Certification of registration

"Certificates of registration shall be issued in the name of the United States under the seal of the Office of the Administrator and shall be recorded in the official records of the Office. The certificate shall state the name of the useful article, the date of filing of the application, the date of registration, and the date the design was made public, if earlier than the date of filing of the application, and shall contain a reproduction of the drawing or other pictorial representation of the design. If a description of the salient features of the design appears in the application, the description shall also appear in the certificate. A certificate of registration shall be admitted in any court as prima facie evidence of the facts stated in the certificate.

"§ 1215. Publication of announcements and indexes

"(a) Publications of the Administrator.—The Administrator shall publish lists and indexes of registered designs and cancellations of designs and may also publish the drawings or other pictorial representations of registered designs for sale or other distribution.

"(b) File of Representatives of Registered Designs.—The Administrator shall establish and maintain a file of the drawings or other pictorial representations of registered designs. The file shall be available for use by the public under such conditions as the Administrator may prescribe.

"§ 1216. Fees

"The Administrator shall by regulation set reasonable fees for the filing of applications to register designs under this chapter and for other services relating to the administration of this chapter, taking into consideration the cost of providing these services and the benefit of a public record.

"§ 1217. Regulations

"The Administrator may establish regulations for the administration of this chapter.

"§ 1218. Copies of records

"Upon payment of the prescribed fee, any person may obtain a certified copy of any official record of the Office of the Administrator that relates to this chapter. That copy shall be admissible in evidence with the same effect as the original.

"§ 1219. Correction of errors in certificates

"The Administrator may, by a certificate of correction under seal, correct any error in a registration incurred through the fault of the Office, or, upon payment of the required fee, any error of a clerical or typographical nature occurring in good faith but not through the fault of the Office. Such registration, together with the certificate, shall thereafter have the same effect as if it has been originally issued in such corrected form.

“§ 1220. Ownership and transfer

“(a) Property Right in Design.—The property right in a design subject to protection under this chapter shall vest in the designer, the legal representatives of a deceased designer or of one under legal incapacity, the employer for whom the designer created the design in the case of a design made within the regular scope of the designer's employment, or a person to whom the rights of the designer or of such employer have been transferred. The person in whom the property right is vested shall be considered the owner of the design.

“(b) Transfer of Property Right.—The property right in a registered design, or a design for which an application for registration has been or may be filed, may be assigned, granted, conveyed, or mortgaged by an instrument in writing, signed by the owner, or may be bequeathed by will.

“(c) Oath or Acknowledgement of Transfer.—An oath or acknowledgment under section 1212 shall be prima facie evidence of the execution of an assignment, grant, conveyance, or mortgage under subsection (b).

“(d) Recordation of Transfer.—An assignment, grant, conveyance, or mortgage under subsection (b) shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, unless it is recorded in the Office of the Administration within 3 months after its date of execution or before the date of such subsequent purchase or mortgage.

“§ 1221. Remedy for infringement

“(a) In General.—The owner of a design is entitled, after issuance of a certificate of registration of the design under this chapter, to institute an action for any infringement of the design.

“(b) Review of Refusal To Register.—(1) Subject to paragraph (2), the owner of a design may seek judicial review of a final refusal of the Administrator to register the design under this chapter by bringing a civil action, and may in the same action, if the court adjudges the design subject to protection under this chapter, enforce the rights in that design under this chapter.

“(2) The owner of a design may seek judicial review under this section if—

“(A) the owner has previously duly filed and prosecuted to final refusal an application in proper form for registration of the design;

“(B) the owner causes a copy of the compliant in the action to be delivered to the Administrator within 10 days after the commencement of the action; and

“(C) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this chapter.

“(c) Administrator as Party to Action.—The Administrator may, at the Administrator's option, become a party to the action with respect to the issue of registrability of the design claim by entering an appearance within 60 days after being served with the complaint, but the failure of the Administrator to become a party shall not deprive the court of jurisdiction to determine that issue.

“(d) Use of Arbitration To Resolve Dispute.—The parties to an infringement dispute under this chapter, within such time as may be specified by the Administrator by regulation, may determine the dispute, or any aspect of the dispute, by arbitration. Arbitration shall be governed by title 9. The parties shall give notice of any arbitration award to the Administrator, and such award shall, as between the parties to the arbitration, be dispostive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Administrator from determining whether a design is subject to registration in a cancellation proceeding under section 1213(c).

§ 1222. Injunctions

“(a) In General.—A court having jurisdiction over actions under this chapter may grant injunctions in accordance with the principles of equity to prevent infringement of a design under this chapter, including, in its discretion, prompt relief by temporary restraining orders and preliminary injunctions.

“(b) Damages for Injunctive Relief Wrongfully Obtained.—A seller or distributor who suffers damage by reason of injunctive relief wrongfully obtained under this section has a cause of action against the applicant for such injunctive relief and may recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of good will, and punitive damages in instances where the injunctive relief was sought in bad faith, and, unless the court finds extenuating circumstances, reasonable attorney's fees.

“§ 1223. Recovery for infringement

“(a) Damages.—Upon a finding for the claimant in an action for infringement under this chapter, the court shall award the claimant damages adequate to compensate for the infringement. In addition, the court may increase the damages to such amount, not exceeding $50,000 or $1 per copy, whichever is greater, as the court determines to be just. The damages awarded shall constitute compensation and not a penalty. The court may receive expert testimony as an aid to the determination of damages.

“(b) Infringer's Profits.—As an alternative to the remedies provided in subsection (a), the court may award the claimant the infringer's profits resulting from the sale of the copies if the court finds that the infringer's sales are reasonably related to the use of the claimant's design. In such a case, the claimant shall be required to prove only the amount of the infringer's sales and the infringer shall be required to prove its expenses against such sales.

“(c) Statute of Limitations.—No recovery under subsection (a) or (b) shall be had for any infringement committed more than 3 years before the date on which the complaint is filed.

“(d) Attorney's Fees.—In an action for infringement under this chapter, the court may award reasonable attorney's fees to the prevailing party.

“(e) Disposition of Infringing and Other Articles.—The court may order that all infringing articles, and any plates, molds, patterns, models, or other means specifically adapted for making the articles, be delivered up for destruction or other disposition as the court may direct.

“§ 1224. Power of court over registration

“In any action involving the protection of a design under this chapter, the court, when appropriate, may order registration of a design under this chapter or the cancellation of such a registration. Any such order shall be certified by the court to the Administrator, who shall make an appropriate entry upon the record.

“§ 1225. Liability for action on registration fraudulently obtained

“Any person who brings an action for infringement knowing that registration of the design was obtained by a false or fraudulent representation materially affecting the rights under this chapter, shall be liable in the sum of $ 10,000, or such part of that amount as the court may determine. That amount shall be to compensate the defendant and shall be charged against the plaintiff and paid to the defendant, in addition to such costs and attorney's fees of the defendant as may be assessed by the court.

“§ 1226. Penalty for false marking

“(a) In General.—Whoever, for the purpose of deceiving the public, marks upon, applies to, or uses in advertising in connection with an article made, used, distributed, or sold, a design which is not protected under this chapter, a design notice specified in section 1206, or any other words or symbols importing that the design is protected under this chapter, knowing that the design is not so protected, shall pay a civil fine of not more than $500 for each such offense.

“(b) Suit by Private Persons.—Any person may sue for the penalty established by subsection (a), in which event one-half of the penalty shall be awarded to the person suing and the remainder shall be awarded to the United States.

“§ 1227. Penalty for false representation

“Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than $500 and not more than $1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited.

“§ 1228. Enforcement by Treasury and Postal Service

“(a) Regulations.—The Secretary of the Treasury and the United States Postal Service shall separately or jointly issue regulations for the enforcement of the rights set forth in section 1208 with respect to importation. Such regulations may require, as a condition for the exclusion of articles from the United States, that the person seeking exclusion take any one or more of the following actions:

“(1) Obtain a court order enjoining, or an order of the International Trade Commission under section 337 of the Tariff Act of 1930 excluding, importation of the articles.

“(2) Furnish proof that the design involved is protected under this chapter and that the importation of the articles would infringe the rights in the design under this chapter.

“(3) Post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

“(b) Seizure and Forfeiture.—Articles imported in violation of the rights set forth in section 1208 are subject to seizure and forfeiture in the same manner as property imported in violation of the customs laws. Any such forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

"§ 1229. Relation to design patent law

"The issuance of a design patent under title 35 for an original design for an article of manufacture shall terminate any protection of the original design under this chapter.

"§ 1230. Common law and other rights unaffected

"Nothing in this chapter shall annul or limit—

"(1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been registered under this chapter; or

"(2) any right under the trademark laws or any right protected against unfair competition.

"§ 1231. Administrator; Office of the Administrator

"In this chapter, the 'Administrator' is the Register of Copyrights, and the 'Office of the Administrator' and the 'Office' refer to the Copyright Office of the Library of Congress.

"§ 1232. No retroactive effect

"Protection under this chapter shall not be available for any design that has been made public under section 1210(b) before the effective date of this chapter.".

SEC. 3. CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

"12. Protection of Original Designs .... 1201".

(b) JURISDICTION OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

(2)(A) The section heading for section 1338 of title 23, United States Code, is amended by inserting "DESIGNS," after "MASK WORKS,".

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting "designs," after "mask works,".

(c) PLACE FOR BRINGING DESIGN ACTIONS.—Section 1400(a) of title 28, United States Code, is amended by inserting "or designs" after "mask works".

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall take effect one year after the date of the enactment of this Act.●

By Mr. DOMENICI:

S. 2503. A bill to establish a Presidential Commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

GUADALUPE-HIDALGO TREATY LAND CLAIMS EQUITY ACT OF 1998

Mr. DOMENICI. Madam President, the bill I am introducing today is the first step in addressing a longstanding unfairness that has blemished the conscience of New Mexico's history. It is an injustice that dates back to the time when Jefferson Davis, Daniel Webster, and Sam Houston walked the Halls of the Capitol as Senators.

In 1848, the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, the United States acquired the territory that is now California, Nevada, Utah, Arizona, New Mexico, Colorado, and Wyoming. The Treaty of Guadalupe-Hidalgo solved some problems but created others. It failed to adequately protect the civil and property rights of the people living in the newly annexed territory.

This bill is a very important piece of legislation. It is the opportunity to reverse the heritage of ill-will between the Hispanic people and the Federal Government. Hispanic descendants have been waiting for 150 years to get the Federal Government to fairly look into the land grant situation.

We ratified a treaty with property rights guarantees provisions which, in retrospect, have turned out to be inadequate. John R. Van Ness, described the treaty as an enormous real estate deal, but the land grant claimants were led to believe that their property rights would be honored and protected. Some officials with the Federal Government, on the other hand, expected to get clear title to most of the land it was paying for regardless of the existing property rights of the Mexicans.

The land grant applicants have endured hostile government officials. At one point, President Cleveland appointed William Andrew Sparks, as surveyor general for New Mexico. Sparks has been described by historians as "steeped in prejudice against New Mexico, its people and their property rights." We had corrupt lawyers, and a confederation of opportunists who used long legal battles to acquire empires that extended over millions of acres—all at the expense of Hispanics.

In 1891, the Surveyor General was replaced by the Court of Private Land Claims. The situation went from bad to worse because the court's procedures heavily favored the Government and the result was injustice.

The New Mexico Court of Claims required that claimants prove that the Spanish or Mexican granting official had the legal authority to issue the land grant. Consequently, many New Mexico land grants were held to be not legitimate. As a result, the New Mexico court rejected two-thirds of the claims presented before it. Ultimately, by one account written by Richard Griswold del Castillo, only 82 grants received congressional confirmation. This represented only 6 percent of the total area sought by land claimants. The Court of Private Land Claims enlarged the national domain of the Federal Government at the expense of hundreds of Hispanic villages, leaving a bitter legacy.

This bill is based on legislation recently passed by Congressman BILL REDMOND. This is a major piece of legislation, and I commend Congressman REDMOND. He came to Washington, and he quickly identified one of the most important and longstanding disputes that his constituents have had with the Federal Government and he took decisive action. He passed a major bill to begin the process of seeing what these claims were all about and adjudicating them, if possible.

Members retire from 20- and 30-year careers and never achieve the passage of an important piece of legislation, and yet, Congressman REDMOND got this bill passed in the House in his first term.

Congressman REDMOND's bill creates a Presidential commission to adjudicate the community land grants located in New Mexico. It is designed to benefit descendants of Mexican citizens who settled in Mew Mexico before the Treaty of Guadalupe-Hidalgo. The purpose of the legislation is to determine which community land grants could be reconstituted from land currently held by the Federal Government—and I repeat, from land currently held by the Federal Government. The legislation finally implements the spirit of Treaty of Guadalupe-Hidalgo.

I told Congressman REDMOND that I would sponsor his bill in the Senate, and today I am introducing the companion bill. I am proud to do so.

I have made some changes and only a couple of additions in the version of this bill that I am introducing today.

The changes are based on the lessons I have learned from talking to the heirs of some of the land grants; and from reviewing the history; and from talking to scholars, historians, and land grant lawyers.

I want to thank Roberto Mondragon, Max Cordova, Estevan Arellano, Joyce Guerin, Georgia Roybal, Juan Sanchez, Pedro Gutierrez, Jr., and Roberto Torrez for their invaluable help.

I have also asked the Indian leaders to review the legislation in draft form. While I have not yet received their comments, I want them to know that I view their issues to be important, and I look forward to working with them and for them.

First, it seems to me that the Federal Government needs to take an affirmative role in obtaining the necessary documentation needed to prove the validity of the community land grant claims. Unfortunately, many of the New Mexico documents were destroyed during the Pueblo revolt. But scholars have told me that the Mexican and Spanish governments have ever-improving archives that may indeed contain what these New Mexicans need. This bill requires the Secretary of State to negotiate an agreement with Mexico and Spain for access to the documents. It seems especially appropriate that in 1998, as New Mexico celebrates its 400th anniversary of the first

Hispanic settlement, that our Government would begin negotiating the necessary agreements for access to these critical and historically significant documents.

In reading the histories it seemed to me that there was a lot of ambiguity in the treaty and even more ambiguity and discretion in the statutes establishing the Surveyor General and the Court of Private Land Claims.

I believe history supports my view that ambiguity works to the detriment of the land grant claimants. Therefore, I propose that before the commission begin its work on adjudicating specific claims it first develop clear and concise rules so that everyone will be treated fairly. This legislation requires the Presidential commission to be formed and then to develop a Code of Land Claims Procedure that would be reviewed by the Energy Committee to insure that it is fair in the Senate and its counterpart in the House.

Once the documents are available and the rules have been spelled out, the commission would be ready to adjudicate the land claims.

Trying to do justice 150 years after the fact is complicated. This legislation holds harmless private land owners and the Indians of New Mexico with reference to their claims, their lands, and with reference to access to their sacred sites. It makes sure that title companies and lenders will be satisfied that this legislation and any petitions for reconstituting the land grants will not adversely affect private property. It makes sure that our State Engineer is satisfied with the criteria used to deal with land claims without upsetting our system of water rights. I believe we can all agree that we do not want to have the Federal Government interfering in these various areas.

The legislation calls upon the commission in its Code of Land Claims Procedure to have a clear set of rules for what can and cannot be done for our Indian people.

I am hopeful that this bill can address what has for too long been a tale of land loss and denial without creating new problems or injustices.

Madam President, I ask unanimous consent that a copy of the bill and a Spanish translation of my remarks appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2503

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Guadalupe-Hidalgo Treaty Land Claims Equity Act of 1998."

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title: table of contents.
Sec. 2. Definitions and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. International Document Procurement Agreement.
Sec. 5. Development of the Code of Land Grant Claims Procedure.
Sec. 6. Examination of land claims.
Sec. 7. Community Land Grant Study Center.
Sec. 8. Miscellaneous powers of Commission.
Sec. 9. Report.
Sec. 10. Termination.
Sec. 11. Authorization of appropriations.

SEC. 2. DEFINITIONS AND FINDINGS.

(a) Definitions.—For purpose of this Act:

(1) Commission.—The term "Commission" means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) Treaty of Guadalupe-Hidalgo.—The term "Treaty of Guadalupe-Hidalgo" means the treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207: 9 Bevans 791).

(3) Eligible Descendant.—The term "eligible descendant" means a descendent of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) Community Land Grant.—The term "community land grant" means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) Reconstituted.—The term "reconstituted", with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) Findings.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, Section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the "Guadalupe-Hidalgo Treaty Land Claims Commission."

(b) Number and Appointment of Members.—The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants. All members shall demonstrate knowledge and expertise about the history and law associated with the New Mexico land grants.

(c) Terms.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) Compensation.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4.—INTERNATIONAL AGREEMENTS FOR COOPERATION IN THE PROCUREMENT OF RELEVANT DOCUMENTS.

(a) Findings.—Congress recognizes that—

(1) the availability of documents concerning community land grants in the State of New Mexico in the United States is limited; and

(2) a fair and equitable evaluation of the community land grants will depend upon obtaining a comprehensive compilation of the relevant documents available.

(b) Bilateral Agreements.—The Secretary of State is authorized to negotiate bilateral agreements with the Governments of Mexico and Spain to obtain their full cooperation with the Commission so that the Commission will have access to certified copies of all relevant documents in those countries relating to community land grants in the State of New Mexico.

SEC. 5.—DEVELOPMENT OF CODE OF LAND GRANT CLAIMS PROCEDURES.

(a) Development of Procedures.—Not later than one year after the date on which the second bilateral agreement described in section 4 is concluded, the Commission shall develop workable and equitable procedures, in clear and concise form, for land grant evaluations, including but not limited to—

(1) a criteria for the Commission to use during its evaluation of what constituted a legal community land grant under Mexican and Spanish law;

(2) the scope of admissible evidence;

(3) appropriate presumptions, if any, regarding previous adjudications made by the Surveyor General and the Court of Private Land Claims, and other court decisions involving the Treaty;

(4) a set of procedural rules setting forth the burden of proof that the Commission will use in determining the validity of community land grants;

(5) an outline of investigative services the Commission proposes to make available to land grant claimants;

(6) safeguard, acceptable to title insurance companies, to ensure that private property owners will not be affected, either with the threat of losing possession to their property or any impairment to the legal, equitable or clear title to their property by the work of the Commission.

(8) safeguard, acceptable to the New Mexico State Engineer, that clearly protect and do not in any way affect the water rights of any person or entity;

(9) safeguards, acceptable to the various Native American Tribes and Pueblos, that clearly protect the status quo regarding existing Indian Lands;

(10) procedures, acceptable to the various Native American Tribes and Pueblos, that—

(A) provide them with access to sacred sites that may eventually be adjudicated as community land grants, and that may become part of any reconstituted community land grant; and

(B) require that any such sites be identified by the various Native American Tribes and Pueblos during the development of the Code of Land Grant Claims Procedures for the Commission;

(11) an outline of the rights and responsibilities of community land grantees if a community land grant is reconstituted, and

(12) any other items the Commission deems appropriate and necessary.

(b) Review by Congressional Energy Committees.—Prior to beginning the examination of specific community land claims, the Commission shall submit the Code of Land Claims Procedure to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The Committees shall have ninety days to hold hearings and examine the Code. The Commission may not commence evaluations of specific community land claims earlier than the 90 days after the date of submission of the Code under this subsection.

SEC. 6. EXAMINATION OF LAND CLAIMS LOCATED IN NEW MEXICO.

(a) Submission of New Mexico Land Claims Petitions.—Any three (of more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) Deadline for Submission.—To be considered by the Commission a petition under subsection (a) must be received by the Commission not later than five years after the date on which the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives has completed the 90-day review period.

(c) Elements of Petition.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty and that such land is now within the borders of the State of New Mexico.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanies with a survey or, if a survey is not feasible for them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) Petition Hearing.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under this section, at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) Subpoena Power.—

(1) In general.—The commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) Failure to obey a subpoena.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) Service of subpoenas.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) Service of process.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) Decision.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the commission shall determine, consistent with the Code of Land Claims Procedure, the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) Protection of non-Federal Property.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title or rights of owners of any nonfederal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address affect or otherwise involve non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under the subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 7. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 8. MISCELLANEOUS POWERS OF COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate, the Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Gifts, Bequests, and Devises.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission so long as it is determined that the acceptance of such gifts, bequests or devises do not constitute a conflict of interest.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as the other departments and agencies of the United States.

(e) Administrative Support Services.—Upon the request of the Commission the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) Immunity.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 9. REPORT.

As soon as practicable after reaching its last decision under section 6, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 10. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 9.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 7.

Mr. DOMENICI. Sr. Presidente, el proyecto de ley que estoy introduciendo hoy es el primer paso de progresión en corregir una injusticia del antiguo que ha manchado la conciencia de la historia de Nuevo Méjico. Es una injusticia que se remonta al tiempo en que Jefferson Davis, Daniel Webster, y Sam Houston andaban en los pasillos del Capitol como senadores.

En 1848, los Estados Unidos firmaron el Tratado de Guadalupe-Hidalgo con Méjico. Con este tratado, los Estados Unidos adquirieron el territorio que ahora es California, Nevada, Arizona, Nuevo Méjico, Colorado, y Wyoming. [El Tratado de Guadalupe-Hidalgo solucionó algunos problemas pero creó otros. No protegió adecuadamente los derechos civiles y de propiedad de la gente que vive en el territorio nuevamente anexado.]

Este proyecto de ley es un pedazo de legislación muy importante. Es la oportunidad de invertir la herencia de la mala voluntad entre la gente hispánica y el gobierno federal. Los descendientes hispánicos han estado esperando 150 años para inducir al gobierno federal para mirar con justicia las concesiones de la tierra.

Ratificamos un tratado con las provisiones de las garantías de los derechos de propiedad que, en retrospección, han resultado ser inadecuadas. John R. Van Ness describió el tratado como reparto enorme de las propiedades

inmobiliarias, pero condujeron a los demandantes de la concesión de la tierra a creer que los derechos de propiedad serían honrados y protegidos. Algunos funcionarios con el gobierno federal, por otra parte, esperaban para obtener titulo claro a la mayoría de la pista que lo pagaba, sin importar el derecho de propiedad existente de los mejicanos.

Los demandantes de la concesión de la tierra han aguantado a oficiales hostiles del gobierno. En una punta, el Presidente Cleveland designó Guillermo Andrew Sparks como el agrimensor general para Nuevo Méjico. Sparks han sido descrito por los historiadores según lo "empapado en prejudicar contra Nuevo Méjico, su gente, y los derechos de propiedad." Teníamos abogados corruptos y una confederación de los oportunistas que utilizaron batallas legales largas para adquirir los imperios de tierra que extendieron muchos millones acres—todos a expensas de los hispanos.

En 1891, el Agrimensor General fue substituido de la Corte de las Reclamaciones Privadas. La situación fue de mal a peor porque los procedimientos de la corte favorecieron fuertemente el gobierno. El resultado fue injusticia.

La Corte de Reclamaciones de Nuevo Méjico requirió que los demandantes prueben que el funcionario español mejicano que concedio tenía la autoridad legal para publicar la concesión de la tierra. Por lo tanto, muchas concesiones de la tierra de Nuevo Méjico fueron llevadas a cabo ser legítimas. Consecuentemente, la Corte de Nuevo Méjico rechazó dos tercios de las reclamaciones presentadas. En última instancia, por una cuenta escrita por Richard Griswold del Castillo, solamente las concesiones del ochenta-y-dos recibieron la confirmación del Congreso. Esto representó solamente seis por ciento del área total buscados de los demandantes. La Corte de las Reclamaciones Privadas de la Tierra agrandó el dominio nacional del gobierno federal a expensas de los centenares de aldeas hispánicas, dejando una herencia amarga.

Esta proyecto de ley se basa en la legislación aprobada recientemente por Congressman BILL REDMOND. Éste es un pedazo de legislación importante, y aplaudo Congressman REDMOND. Él vino a Washington, identificó rápidamente uno de los conflictos más importantes y de muchos años que sus componentes han tenido con el gobierno federal, y él tomó una acción decisiva—él aprobó una cuenta importante para comenzar el proceso de juzgar estas reclamaciones.

Algunos miembros se jubilaron de 20- y 30 años y nunca alcanzan el paso de legislación importante, pero, Congressman REDMOND consiguió la aprobación de esta cuenta en la Casa de Representantes en su primer término.

La cuenta de Congressman REDMOND crea a una Comisión Presidencial para juzgar las concesiones de la tierra de la comunidad situadas en Nuevo Méjico. Se diseña para beneficiar a descendientes de los ciudadanos mejicanos que colocaron en Nuevo Méjico antes del Tratado de Guadalupe-Hidalgo. El propósito de la legislación es para determinarse qué concesiones de la tierra de la comunidad se podrían reconstituir de la tierra tenida actualmente por el gobierno federal. La legislación finalmente pone el espíritu del Tratado de Guadalupe-Hidalgo.

Dije a Congressman REDMOND que patrocinaría su proyecto en el Senado, y estoy introduciendo hoy el proyecto del compañero. Estoy orgulloso hacer tan.

He hecho muy pocos cambios y solamente un par de adiciones en la versión de este proyecto que estoy introduciendo hoy.

Los cambios se basan en las lecciones que he aprendido de hablar con los herederos de algunas de las concesiones de la tierra; de repasar la historia; y de hablar con los eruditos, historiadores, y los abogados de la concesión de la tierra.

Deseo agradecer a Roberto Mondragón, Max Córdova, Estevan Arellano, Joyce Guerin, Georgia Roybal, Juan Sanchez, Pedro Gutierrez Jr., y Roberto Torrez por su ayuda inestimable.

También he pedido los caudillos de los Indios para repasar el bosquejo, y mientras que yo todavía no he recibido sus comentarios, quisiera que supieran que creo que sus asuntos son muy importantes, y miro adelante a trabajar con ellos.

Primero, me parecía que el gobierno federal necesita tomar un papel afirmativo en la obtención de la documentación necesaria para probar la validez de las concesiones de la tierra de la comunidad. Desafortunadamente, muchos de los documentos de Nuevo Méjico fueron destruidos. Pero los eruditos me han dicho que los gobiernos mejicanos y españoles tienen archivos siempre mejorando. Esta proyecto requiere a la secretaria del estado negociar un acuerdo con Méjico y España para el acceso a los documentos. Se parece especialmente apropiado que en 1998, cuando Nuevo Méjico celebra su 400o aniversario del primer establecimiento hispánico que nuestro gobierno comenzaría a negociar los acuerdos necesarios para estos documentos criticos e históricamente significativos.

En la leyenda de las historias, me parecía que había mucha ambigüedad en el tratado, y aún más ambigüedad y discreción en los estatutos que establecían el agrimensor general y la corte de las reclamaciones privadas de la tierra.

Creo que la historia sostiene mi opinión que la ambigüedad trabaje al detrimento de los demandantes. Por lo tanto, propongo que antes de que la Comisión comience su trabajo sobre el juicio de reclamaciones específicas, primero se convierte reglas claras y sucintas por lo tanto cada uno sea tratado con justicia. Esta legislación requiere a la Comisión presidencial ser formada y después desarrollar un Código del Procedimiento de las Reclamaciones de la Tierra que sería repasado del Comité de la Energía para asegurarse de que todo es justicia.

Cuando los documentos sean disponibles y se han explicado las reglas, la Comisión serían listas para juzgar las reclamaciones de la tierra.

Tratar de hacer la justicia 150 años después del hecho es complicado. Esta legislación sostiene inofensivos a propietarios privados de tierra. Se cerciora de que las compañías de título y los prestamistas sean satisfechos que esta legislación no afectará al contrario la característica privada. Se cerciora de que nuestro Ingeniero del Estado esté satisfecho con los criterios usados a encargar de las demandas de la tierra sin trastornar nuestro sistema de los derechos del agua. Creo que podemos todos convenir que no deseamos que el gobierno federal interfiera con nuestro sistema de los derechos del agua!

La legislación requere a la Comisión en su Código del Procedimiento de las Reclamaciones de la Tierra para tener una colección clara de reglas para lo que se pude hacer o no se puede hacer para los indios.

Estoy confiado que este proyecto tiene demasiado tiempo sin dar cuenta de la pérdida de la tierra y de la negación se resolverá sin crear nuevos problemas o injusticias.

Gracias, Sr. presidente.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 56. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; read the first time.

By Mr. KYL (for Mr. GRASSLEY (for himself, Mr. KYL, and Mr. HATCH):

S.J. Res. 57. A joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use; to the Committee on Labor and Human Resources.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE EXISTING FEDERAL LEGAL PROCESS FOR DETERMINING THE SAFETY AND EFFICACY OF DRUGS

Mr. GRASSLEY. Mr. President, I send to the desk a joint resolution.

This joint resolution is being introduced with the distinguished Senator from Arizona, Senator KYL, who is now in the chair, to address a very important issue. It is not an easy one to grasp on its face. This is largely because of an effort by some to misrepresent the facts of the case. In offering this resolution and asking my colleagues to join me in supporting and passing it, I would like to make some things very clear.

What this resolution expresses is the sense of the Congress for supporting existing procedures for determining the safety and efficacy of drugs made available to the public.

Specifically, it puts the Congress and the administration on record opposing the legalization of dangerous drugs such as marijuana, heroin, and LSD.

As we consider this language, we are likely to hear from many of the drug legalization lobbies. They are going to try to misrepresent their true goals and the meaning of this resolution. We have already seen some of these tactics in the House earlier this week. They are going to tell you that this resolution opposes sick people. They are going to tell you that they only want to make medicine available to the desperately ill. They imply, of course, that the rest of us are opposed to helping the sick. But the agenda here is not about helping sick people; it's about drug legalization.

Let's look at who's lobbying against our resolution. Since this is supposed to be about medicine, who's lobbying Congress? It is not the American Medical Association. It is not the American Psychiatric Association. It is not the American Cancer Society, the Glaucoma Society, the American Pediatrics Association, or any professional association of treatment specialists and scientists. It is the Drug Policy Foundation which opposes it, and the Marijuana Policy Project, the magazine High Times, and the marijuana legalization lobby, NORML—the National Organization for the Reform of Marijuana Laws. All of these groups are drug legalization lobbies. And have been for years. None of these groups are medical associations or have any scientific expertise. What they rely on is anecdotes, scare tactics, and misinformation. Now, what is the agenda here? Is the goal medicine or legalization?

Their agenda and their goal is not medicine, but it is legalization of drugs.

Let me note who's supporting our resolution. It is the Nation's drug czar. It is Gen. Barry McCaffrey. It is national parent groups, like National Families in Action and Community Anti-Drug Coalitions of America. It is the Parents' Resource Institute for Drug Education, or PRIDE. It is supported by virtually every anti-legalization group across the country in every state in the Union. They know the answer to my question.

But, let's consider another point. How do we normally make a dangerous drug with a high potential for abuse available as a legitimate medicine? Normally we do so with scientific validation. We do so by prescription. We control the quantities, the quality, and the distribution. We do not permit self-diagnosis and treatment. We do not license private citizens to manufacture the drugs in their kitchens or bathrooms. But what is happening with the efforts to make marijuana and other Schedule I drugs legal?

In most states where this effort is afoot, there is no prescription requirement. There is no scientific validation required. There are no controls and no supervision. People are authorized to grow marijuana, for example, at home. They are authorized to self administer it in any dose for any length of time for any ailment they think necessary. This does not mean for the terminally ill or those with desperate conditions. It means for any condition, from migraines to athlete's foot. Is this the way we treat Valium or anti-depressants? Is this the way we treat heart medicine or blood pressure medicine? Is this about medicine or about legalization? The answer is all too clear.

Our resolution addresses the effort by the drug legalization lobby in this country to get marijuana and other dangerous drugs on the streets, in our homes, and in our schools. These groups have been trying to do this for years. Sadly, they have been somewhat successful.

They have failed because the public won't have anything to do with legalization. The public overwhelmingly opposes efforts to legalize. Knowing this, the legalization lobby has hit upon a subterfuge to slip legalization through by calling it a medicine. It is a cynical and deceptive campaign.

What is being done here by these groups is to manipulate the public's concerns for the desperately ill. In efforts across the country, well-funded lobbying groups are promoting initiatives to declare marijuana and other dangerous drugs medicine. They are exploiting compassion to push their drug agenda. This effort is as fully sincere as anything we saw from the tobacco companies in their efforts to sell cigarettes.

What our resolution does is to put the Congress and the administration on record opposing this effort. We are taking this step to protect the present and future generations of young people from illegal drugs. The resolution passed the other body on Tuesday 310 to 93. I ask unanimous consent to have printed in the RECORD a letter from General McCaffrey, the Nation's drug czar, to me. He endorses this resolution. The administration supports it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, September 9, 1998.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for the opportunity to review your proposed Joint Resolution regarding the medicinal use of marijuana. The Office of National Drug Control Policy applauds your continuing contribution to the nation's drug policy. We at ONDCP offer our support for this important resolution and urge the Senate to send a clear signal to those who advocate for legalization of marijuana when the resolution comes to the Floor for a vote.

State ballot initiatives that define marijuana as a "medicine" fail to address the negative impact such legislation would have on the health of our youth or the nation's scientific process of approving medications. Designating medicine through ballot initiatives would undermine the long-established process which ensures that substances provided to the American public as medicines have undergone rigorous scientific scrutiny. This procedure protects Americans from unproven, ineffective, or dangerous treatments. Making an exception for marijuana would create a dangerous precedent. Medicine must be based on science rather than ideology.

Proponents of marijuana initiatives present marijuana as a benign substances. However, the latest scientific evidence demonstrates that marijuana is not. Smoked marijuana damages the brain, heart, lungs, and immune system. It impairs learning and interferes with memory, preception and judgment. Smoked marijuana contains cancer-causing components and has been implicated in a high percentage of automobile crashes and workplace accidents.

As your resolution points out, marijuana is also associated with behavior leading to more extensive drug use. Legalization of marijuana as medicine sends a confusing message to America's children at a time when drug use by young people has increased at an alarming rate. The increase in youth marijuana use has been fueled by a measurable decrease in the proportion of young people who perceive marijuana as dangerous.

Some Americans are unclear about what the scientific research shows about the effects of marijuana. To clarify this issue, ONDCP has commissioned a comprehensive study by the National Academy of Science's Institute of Medicine. It is crucial that America tell the truth to our children about the dangers of drug use. Toward that end, we congratulate you and the other sponsors of this Joint Resolution.

Respectfully,
BARRY R. MCCAFFREY,
Director.

Mr. GRASSLEY. Mr. President, drug use among kids is growing dramatically. In the last few years, after a decade of decline, drug use is on the rise among 12- to 17-year-olds. The age for first use of illegal drugs has dropped. Today, the first-use of marijuana by 12- to 17-year-olds is the highest since we've been keeping records. The same is true for cocaine, heroin, and hallucinogens. We need to be talking seriously about how to stop this. This is why we ask our colleagues to support our resolution.

I send that resolution to the desk. I send it to the desk and ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

A joint resolution (S.J. Res. 56) expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

Mr. GRASSLEY. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I rise today with my colleagues, Senator GRASSLEY and Senator HATCH, to introduce this joint resolution, which passed the House of Representatives last Tuesday by a vote of 310–93.

It has been endorsed by the administration's drug czar, Gen. Barry McCaffrey, and is part of our legislative response to the recent and significant increases in drug use, especially among our young people. It is this subject to which Senator GRASSLEY spoke earlier this afternoon.

Before I explain what this resolution is about, let me explain how it came about. In March of this year, Senator GRASSLEY and I convened an antidrug legalization roundtable. Attendees included Bill Bennett, Senator MACK, and 21 other people representing the Drug Czar's Office, civic groups, family groups and law enforcement officials. At that meeting, we learned about efforts all across the country to legalize drugs, including marijuana and other Schedule I drugs. Schedule I drugs include things not only like marijuana but LSD and heroin.

The groups asked why Congress, which, after all, enacts Federal drug laws, and the administration, which enforces Federal drug laws, have been relatively silent in the face of these ever bolder attempts to legalize drugs around the country. They urged us to step up to the plate and exert some leadership. They were correct in that request.

This joint resolution is but one step in the effort to demonstrate to our youth that the U.S. Congress strongly opposes drug abuse and efforts to legalize drugs. This resolution, I believe, will help send a very clear message that so long as marijuana, heroin, LSD, and others remain Schedule I drugs under the Controlled Substances Act, that Federal law should not be altered through adoption of statewide ballot propositions that would legalize these drugs.

Consider these statistics relating to drug use, especially among children: Marijuana use has more than doubled nationally since 1991. Heroin usage for 8th and 12th graders has more than doubled in the last 5 years. A 1997 survey by the Center on Addiction and Substance Abuse at Columbia University showed that 500,000 8th graders began using marijuana in the 6th and 7th grades. Even more alarming are the statistics in my own State of Arizona, where one out of six youths has used illegal drugs within the past month. This is one-third higher than the national average. Over 13 percent of Arizona children between the ages of 12 and 17 said they have used marijuana in the past month. Almost 17 percent admitted to having used any illicit drug, including cocaine, heroin, or inhalants, according to the National Household Survey on Drug Abuse.

Attempts to legalize drugs by way of State ballot initiatives inhibits us from getting drugs out of our schools, out of our workplaces, and out of our communities.

How can we expect our children to resist the lure of drugs if harmful drugs like marijuana are legalized under the guise of medicinal use, even though the FDA has not approved those drugs for medicinal use? How can we expect to have safe, drug-free workplaces if employees can smoke marijuana on the job, claiming it is medicine? How can we expect to have successful drug treatment programs if someone can light up a joint during a joint discussion, claiming marijuana is, after all, medicine?

In my own State of Arizona, the voters passed a ballot initiative, Proposition 200, in 1996 which legalized all Schedule I drugs for medicinal purposes. These would include marijuana, heroin, LSD, and all of the other Schedule I drugs. This year, there is another proposition which, if passed, will require the FDA to approve the efficacy of Schedule I drugs before they could be prescribed. That, of course, would be consistent with Federal law. I have been in strong support of that proposition.

Over $1.5 million was spent in Arizona by the prolegalization forces in the last election, the most prominent of whom were not from Arizona. Arizona is not the only State that is now a target of drug legalization. Other States that currently have pending legalization initiatives or legislation are Alaska, Arkansas, California, Colorado, the District of Columbia, Massachusetts, Nevada, Oregon, Rhode Island, New York, and Washington.

This joint resolution that we have introduced puts Congress and the administration firmly behind the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and all other Schedule I drugs for medicinal use.

Under current law, marijuana, heroin, LSD, and more than a hundred other drugs are classified as Schedule I because they have a high potential for abuse and lack any current accepted medical use.

Federal law [Controlled Substances Act] prohibits Schedule I drugs from being manufactured, distributed, or dispensed. This resolution re-affirms the law. It says that before any drug can be approved as a medication, it must meet extensive scientific and medical standards established by the FDA to ensure it is safe and effective. Marijuana and other Schedule I drugs have not been approved by the FDA to treat any disease or condition, though studies are being conducted to determine if there is any potentially appropriate treatment using marijuana. Attempts to legalize drugs fly in the face of established procedures for approving the safety and efficacy of drugs. Most important, legalization sends the wrong message to youth about the health and safety risks of using drugs.

I have joined with Senator GRASSLEY, Senator HATCH, and my colleagues in the House, Representative MCCOLLUM and Representative COX in introducing this resolution because I believe we must reassert leadership in this area.

I am particularly pleased that the administration supports this resolution, and I would just like to take a moment to single out General McCaffrey for the good work that he has done in improving the nation's drug-control policy.

I would urge my colleagues to pass this important piece of legislation and send it to the President for his prompt signature.

Mr. GRASSLEY. Mr. President, I request that the Senator from Arizona and I might enter into a colloquy on the question of our resolution.

Do I understand correctly that the effort in Arizona would not only legalize marijuana it would also make available as a so-called medicine heroin, LSD, and over 100 other dangerous drugs?

Mr. KYL. That is correct.

Mr. GRASSLEY. It is the Senator's understanding that there is no recognized medical use for heroin or LSD?

Mr. KYL. To my knowledge, neither of these drugs, which would be made legal in Arizona for medical use, have any recognized medical utility. In addition, both of these substances are illegal to prescribe as medicine under federal law and no doctor is authorized to prescribe them as a treatment.

Mr. GRASSLEY. Am I correct in believing that it is also illegal to prescribe marijuana, as a Schedule I drug, under Federal Law?

Mr. KYL. That is correct. Under the Controlled Substances Act, which governs how we deal with all drugs in this country, no Schedule I drug may be prescribed as a medicine. Schedule I drugs are placed in this category because they have no recognized medical use and have a high potential for abuse. These drugs are illegal because they are dangerous, they are not dangerous because they are illegal.

Mr. GRASSLEY. It is my understanding that we have the Federal Food, Drug, and Cosmetic Act, the Controlled Substances Act, and other laws governing the manufacture and sale of drugs in order to ensure they are safe and effective for public use.

Mr. KYL. That is correct. Many of these laws are on the books because at one time anybody could market any product to the public and call it a drug. Those were the days of snake oil salesmen who made the wildest claims for their products. They, of course, called their products "medicine" and sold them as cure-alls for every possible ailment. In many cases, in the early years of this century, those products contained large quantities of alcohol, opiates or cocaine. As a result, this country experienced a major drug epidemic centered largely on women and children who mostly used these products. None of the products were subject to regulation, they did not treat any diseases, there were no cures, but they did create a lot of addicts. Later, in response to this situation, Congress passed laws regulating these products to ensure that the public was not the victim of bad medicine, false claims, and snake oil.

Mr. GRASSLEY. The purpose of those laws was to ensure that we didn't declare anything a medicine until it had been scientifically evaluated, clinically tested, and proven effective, is that right?

Mr. KYL. Yes. Sometimes the time it takes to do this is frustrating, but the purpose is to ensure that we provide safe and effective medicine to the public.

Mr. GRASSLEY. As part of that process, when a medicine is found to work but is also found to be dangerous or subject to abuse, how is that normally dealt with?

Mr. KYL. Apart from over-the-counter medicines, we regulate access to drugs. This is what prescriptions are for. For dangerous drugs with a potential for abuse, we license their use and only permit people to use them based on a physician's prescription and under the continuing care of a doctor.

Mr. GRASSLEY. In many of the efforts we currently see to declare marijuana a medicine, I believe there is no requirement for a doctor's prescription?

Mr. KYL. The Senator is correct. In most of these efforts, what is called for is a doctor's recommendation. Frankly, that could mean anything.

Mr. GRASSLEY. That's certainly an unusual practice but if I understand many of these efforts, not only is no prescription required but users are authorized to grow marijuana at home for their own use.

Mr. KYL. The language differs in the various states, but that's essentially correct.

Mr. GRASSLEY. I believe that it is the case in some states or here in the nation's capital, a so-called care giver or up to three or four different care givers are authorized to grow marijuana at home and give it out. Let me see if I understand just what that means. If, for example, I was taking insulin to control diabetes, the parallel would be for me to be authorized to make it at home or to have three or four of my friends make it and give it to me when I wanted it.

Mr. KYL. That's about it.

Mr. GRASSLEY. So, there would be none of the normal controls or quality checks or physician-supervised treatments that we expect when we talk about medicine, especially medicine for the very ill?

Mr. KYL. That's right. But there is another big difference. These efforts do more than authorize that practice you describe. They place no limits on who would be eligible to receive these "treatments" and they do not limit the "illnesses" for which you may take the drug.

Mr. GRASSLEY. So, this drug can be used for anything anyone feels the need, they do not have to have a terminal illness or any serious disease?

Mr. KYL. That's just one more thing about these efforts that demonstrate what is really behind them. The real motive here is to legalize these drugs, not to make medicine available.

Mr. GRASSLEY. I agree with the Senator. If this effort succeeds, it looks to me like it could have a major effect in sending signals to young people about drug use.

Mr. KYL. The Senator is correct. We are already seeing the highest rates of first-time use of marijuana among teens and pre-teens in over 30 years. We are on the verge of a major, new drug epidemic. I do not think this is the time to be sending the kind of mixed message we see in these efforts to legalize marijuana or other Schedule I drugs.

Mr. GRASSLEY. I am working in my state to develop a statewide anti-drug coalition. In doing this, I have seen personally what is happening all across my state because of growing illegal drug use. This doesn't just affect kids, although they are the most vulnerable for use. Drug use affects whole families and communities. I agree that we must speak out against efforts to make our drug problem worse than it already is. We need to blow the whistle on these efforts to legalize by indirect means. I want to thank my distinguished colleague for taking the time to help me think through these issues.

Mr. KYL. I would like to thank the Senator for his efforts and I look forward to working with our colleagues to pass this resolution.

Mr. GRASSLEY. I would also like to thank the Senator for all his efforts on this.

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2339

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2339, a bill to provide for pension reform, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the names of the Senator from Nevada (Mr. REID) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New York (Mr. D'AMATO), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. INOUYE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 260, A resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day."

SENATE RESOLUTION 278

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

AMENDMENTS SUBMITTED

CHILD CUSTODY PROTECTION ACT

TORRICELLI AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITED INTERSTATE FIREARMS TRANSFERS.

Section 922(a)(3) of title 18, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "or licensed collector to transport" and inserting the following: "or licensed collector—

"(A) to transport";

(3) by striking "this paragraph" and inserting "this subparagraph";

(4) by adding "and" after the semicolon at the end; and

(5) by adding at the end the following:

"(B) to—

"(i) travel across a State line for the purpose of inducing any other person to transfer a firearm in violation of any applicable Federal or State law; and

"(ii) thereby obtain a firearm in violation of any applicable Federal or State law;".

HARKIN AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 5, strike line 17, and insert the following: "apply if—

"(A) the pregnancy was the result of rape by a parent or incest between the minor and a parent; or

"(B) the abortion was necessary to save the life of

LEAHY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

"§ 2341. Forceful transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSES.—Whoever knowingly uses force or threats of force to transport an individual who has not attained the age of 18 years across a State line, with the intent to avoid, evade, prevent, or obstruct compliance with the requirements of a law requiring parental involvement in a minor's abortion decision, in the State where the minor resides, if in fact as a result the individual obtains the abortion, shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) RESTITUTION.—In addition to any other penalty authorized by law, including consideration of an order of restitution to the victim of the offense pursuant to section 3664 of this title, the court, when sentencing a defendant convicted of an offense under subsection (a), may order that the defendant make restitution to the parent or guardian of the indivdual who obtained the abortion as a result of the offense. An order of restitution under this subsection shall be based upon—

"(1) the amount of damages resulting from or attributable to the offense;

"(2) the cost of necessary medical and related professional service; and

"(3) any lost income or other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

"(c) DEFINITIONS.—In this section—

"(1) the term 'law requiring parental involvement in a minor's abortion decision' is a law that requires, before an abortion is performed on a minor, the notification to, or consent of, any person or entity other than the minor, including the parent or guardian of the minor, or a judicial officer, and that—

"(A) is not enjoined or otherwise held invalid by a court of competent jurisdiction; or

"(B) the enforcement authorities of the State where the individual who obtains the abortion resides have not declined to enforce;

"(2) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(3) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

"(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following:

"117A. Forceful transportation of minors to avoid certain laws relating to abortion .... 2431".

SEC. 3. ASSISTANCE TO THE STATES TO ENFORCE PARENTAL INVOLVEMENT LAWS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) is amended by inserting after subpart 3 the following:

"Subpart 4—Grants to States To Assist Enforcement of Parental Involvement Laws

"SEC. 520A. PURPOSE.

"The purpose of this subpart is to supplement the provisions of subparts 1 and 2, in order to assist eligible States in enforcing State laws requiring parental involvement in a minor's abortion decision, and related procedures, including judicial bypass procedures.

"SEC. 520B. DEFINITIONS.

"In this subpart—

"(1) the term 'Director' means the Director of the Bureau of Justice Assistance of the Department of Justice;

"(2) the term 'eligible State' means a State that has enacted a law requiring parental involvement in a minor's abortion decision; and

"(3) the term 'law requiring parental involvement in a minor's abortion decision' has the meaning given that term in section 2431(c) of title 18, United States Code.

"SEC. 520C. GRANTS.

"(a) IN GENERAL.—The Director shall make grants to eligible States in accordance with this section.

"(b) APPLICATIONS.—In order for an eligible State to receive a grant under this subpart for a fiscal year, the chief executive of the eligible State shall submit to the Director an application, which shall include—

"(1) a statement that the applicant is the chief executive, or a designee of the chief executive, of a State that is an eligible State;

"(2) an assurance that Federal funds received under this subpart will be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded with amounts made available to the eligible State under this subpart;

"(3) a statement that amounts received by the eligible State under this subpart will be devoted entirely to enforcing the law requiring parental consent in a minor's abortion decision of the eligible State, and related procedures, including judicial bypass procedures; and

"(4) a description of the budget of the eligible State for the activities to be funded with amounts made available under this subpart for the fiscal year for which the grant is sought.

"(c) GRANT AMOUNT.—Of the total amount made available to carry out this subpart in each fiscal year, the Director shall allocate to each eligible State that meets the requirements of this section an amount equal to the pro rata share of that eligible State, based on the percentage of the population of the eligible State that is less than 18 years of age, based on the most recent calendar year for which such data is available.

"(d) RENEWAL OF GRANTS.—Subject to the availability of appropriations, a grant to an eligible State for a fiscal year under this subpart may be renewed for not more than 2 additional fiscal years, if the Director determines that the amount made available to the eligible State under this subpart for the preceding fiscal year was used in accordance with the application submitted by the eligible State under subsection (b).

"SEC. 520D. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $5,000,000 for each fiscal years 1999, 2000, and 2001.".

Amend the title to read as follows: "A bill to prohibit the forceful taking of minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, and to assist States in enforcing parental involvement laws.".

FEINSTEIN AMENDMENT NO. 3606

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1645, supra; as follows:

On page 5, strike line 17, and insert the following: "apply—

"(A) to any individual who is an adult member of the family of the minor who obtained the abortion, as the term 'adult' is defined for purposes of the State law requiring parental involvement in a minor's abortion decision; or

"(B) if the abortion was necessary to save the life of * * *.

BOXER AMENDMENT NO. 3607

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1645, supra; as follows:

On page 6, between lines 2 and 3, insert the following:

"(3) No prosecution shall be commenced or continued under subsection (a) if a parent of the individual upon whom the abortion is performed consents to the abortion after the abortion is performed.

KENNEDY AMENDMENT NO. 3608

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 6, strike line 17, and insert the following:

"(e) DIFFERENCE TO STATE AUTHORITIES.—

"(1) IN GENERAL.—No prosecution of any offense described in subsection (a) shall be commenced by the United States except upon the written notification of the Attorney General to the Federal prosecutor certifying that—

"(A) the appropriate court of the State does not have jurisdiction or refuses to assume jurisdiction with respect to the acts allegedly committed in violation of subsection (a); and

"(B) it is in the public interest and necessary to secure substantial justice for the United States to commence the prosecution.

"(2) SURRENDER TO STATE AUTHORITIES.—If the Attorney General does not make the certifications described in paragraph (1), the defendant shall be surrendered to the appropriate legal authorities of the State.

"(f) DEFINITIONS.—For purposes of this section—

KENNEDY AMENDMENT NO. 3609

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 5, strike lines 16 and 17, and insert the following:

"(2) The prohibition of subsection (a) does not apply if—

"(A) the law requiring parental involvement in a minor's abortion decision in the State where the individual who obtains the abortion resides has been enjoined or held unconstitutional by a court of competent jurisdiction;

"(B) the enforcement authorities of the State where the individual who obtains the abortion resides have declined to enforce the law described in paragraph (1); or

"(C) the abortion was necessary to save the life of

ADDITIONAL STATEMENTS

SALUTE TO DOW STEREO/VIDEO

• Mr. BURNS. Mr. President, I take this opportunity to salute DOW Stereo/Video of San Diego, and its Director, Tom Campbell, for successfully introducing HDTV to the consuming public. As co-chair of the Internet Caucus I am particularly pleased with this accomplishment, given Mr. Campbell's hard work as a member of the Advisory Board to the Caucus.

Following years of development, which has enjoyed substantial support from Congress, HDTV is now a reality. The technology for the first commercial units was largely developed by Panasonic/USA in the San Diego area. It once again proves what can happen when American ingenuity and talent are combined with commitment and perserverance.

DOW Stero/Video, through its leadership in Michael Romagnolo, President/CEO, and Tom Campbell, has been on the cutting edge of introducing new technologies to the American public for over 20 years. They were first in introducing WEB TV, digital video disc player (DVD), personal communications systems (PCS), consumer digital camcorder (DVC), and the first interactive multimedia system for automobiles featuring GPS navigation. Various industry awards and recognition has clearly earned DOW the title of "industry launch pad for the consumer electronic industry".

I ask my colleagues to join me today in congratulating Tom Campbell and DOW Stereo/Video. The American consumer will continue to benefit from their ongoing efforts.•

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

• Mr. SHELBY. Mr. President, I rise today to eulogize and celebrate the life of one of Alabama's great native sons—Dr. George Vernon Irons, Sr., who passed away July 21, 1998.

Dr. Irons was Distinguished Professor of History and Political Science Emeritus at Samford University, having served the University for 43 years. During that time, he taught a record number of University Presidents, 17.

Dr. Irons was the oldest member of the Alabama Sports Hall of Fame and one of Alabama's athletic greats—the only Alabama track and distance star inducted into the Alabama Sports Hall of Fame from the University of Alabama. Mr. President, only three men have been inducted into the Alabama Sports Hall of Fame on the first ballot: Ralph Shug Jordan, Paul "Bear" Bryant, and Dr. George Irons.

Dr. Irons is survived by his wife, Velma Wright Irons, a distinguished educator and nominee for the Alabama Women's Hall of Fame at Judson College; two sons: Dr. George Vernon Irons, Jr., a cardiologist in Charlotte, North Carolina; and William Lee Irons, a prominent Birmingham attorney. Dr. Irons and his son William are the only father and son to be selected for the 1998 Who's Who in America from Alabama.

Mr. President, Dr. George Vernon Irons Sr., gave tirelessly of himself to God and country. He was a man of great distinction, and I take great pride in offering this tribute on his behalf.

Mr. President, the following tribute, edited to meet CONGRESSIONAL RECORD length requirements, was written by Dr. Irons' son. It provides a comprehensive and detailed account of Dr. Irons' life and many accomplishments.

Mr. President, I ask unanimous consent that the tribute written by Dr. Irons' son William be printed in the RECORD.

The tribute follows:

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

(By William L. Irons)

Dr. George Vernon Irons, Sr., arrived at Birmingham's Howard College (now Samford University) in 1931. At that time, the school was experiencing serious financial difficulty, owing more than $400,000. Dr. Irons' first assignment for the troubled school began when University President Neal called him in and explained that the school had been noticed for foreclosure. "Your job, Irons, is to go to the banker and stop this foreclosure," President Neal directed.

Dr. Irons persuaded the banker, after much deliberation, to grant the university a two-year extension. The rest is history. Today, Samford University is the largest privately endowed Baptist school in the world, and is the only Baptist institution in America with an inspiring domed school of divinity.

As a result of Dr. Irons' key role in assisting Howard College to grow into an internationally acclaimed university, he was elected by the Samford University faculty to serve as Grand Marshall of all academic, graduation and commencement exercises. Leading the academic processional for 15 years. In 1976, he was recognized by Samford University Faculty Resolution for "his impeccable character and qualities of modesty, humility, kindness, and selfless service to the University."

While the final years of service often ebb, this was not the case for Dr. Irons. In the last few months of his life, at nearly 96 years of age, Dr. Irons secured a $100,000 scholarship contribution to Samford University as a perpetual memorial to his academic excellence as Distinguished Professor for 43 years.

In addition to his tireless efforts on behalf of Samford University, Dr. Irons is known as a sports legend. In the early 1920's, George Irons kept the athletic flame burning at the University of Alabama as its "Knight of the Cinderpath."

As a Junior in 1922, Irons won the prestigious A.A.U. Road Race in Atlanta. That same year, Irons broke the A.A.U. record, running four miles in 17-minutes and 24-seconds—an average of four, four-minute 21-second miles in succession. The four minute mile record would not be broken until 30-years later.

Irons then won the All Southern S.I.A.A. Road Race in Birmingham—a grueling three mile event over solid pavement. In a hard, driving rain, he broke the record by more than 20 seconds. This record has never been equaled nor broken.

For his prowess on the track field, Irons ran himself into the Alabama record books, including his addition to the Alabama Sports Hall of Fame in 1978 on the first ballot—the only track and distance runner ever inducted into the Hall of Fame.

While at the University of Alabama, Dr. Irons was a Phi Beta Kappa honors student, and the University's nominee for the Rhodes Scholarship in 1924. From there, he went on to Duke University where he earned his doctorate degree in history.

To his friends, Dr. Irons was the quintessential American. With large inviting hands, captivating smile and charming gentleman's demeanor, he radiated a generous spirit accessible to everyone. Witty and charming, he always made the other person "look good," even if to his own detriment. Eager to listen, never critical or negative, he could penetrate the soul of another and give an inspiring uplifting word of encouragement or silently go about doing good. A generous heart who cared deeply and passionately about the loves of his life and consecrated his energies to them. A braveheart of Scottish ancestry, he had the heart of a lion when his interests were challenged.

A consummate gentleman with the "can do" American spirit on any endeavor—interested in what you were doing and how he could help accomplish your objectives. With foresight he encouraged female colleagues to pursue their professional goals long before it was a popular undertaking.

He was a genteel man ever sensitive to another's hurt. He went about assisting without being asked. Dr. Irons had an unlimited capacity to give his endless energies to any task. His crisp walks across the Samford campus at near running gait were legendary among his students and the faculty. He had a great fighting heart for his beliefs and often referred to his middle initial "V" as "V for victory." Dr. Irons had an elegance rarely seen rivaling the beauty and grace of a swan, yet strong with the swift power of a lion if called upon.

Loyal and faithful, easy to greet, he was at ease before a large convocation audience or content to enjoy cherished time of solitude.

In addition to his other accomplishments, Dr. Irons, who was also Colonel Irons, proudly defended the United States in war and in peace for over one-third of the 20th Century. Dr. Irons, who achieved the rank of Lt. Col., served in the Anti-Aircraft Artillery branch of the U.S. Army and reserves.

Devoted to God, Dr. Irons gave selfless service to his Church as deacon, Sunday school teacher, and Chairman of the Board of Deacons. He was elected as lifetime Deacon, Southside Baptist Church. His life reflects his depth of devotion in word, deed and thought. Dr. Irons was an icon of virtue and a legendary role model for Samford students for almost a century.

Dr. Irons' life was one of sacrificial service. From his service to our nation, to his work on behalf of Samford University students and faculty, Dr. Irons was a figure of character, devotion to cause, and exemplary standards of honor, duty and integrity. His life is an inspiration to all.

Funeral services for Dr. Irons were conducted at Mountain Brook Baptist Church Chapel on July 27, 1998 by Dr. Irons' former student, Dr. James D. Moebes, Senior Minister.●

RECOGNITION OF ACHIEVEMENTS OF SAM HOWARD

●Mr. FRIST. Mr. President, I rise to recognize the achievement of Mr. Sam Howard, Chief Executive Officer of Phoenix Healthcare Corporation, who was recently selected to serve as Chairman of the Nashville Chamber of Commerce. Aside from the general prestige which accompanies attaining such an honor, Mr. Howard bears the distinction of being the first African American to hold this position. His talent and skills will certainly benefit the city of Nashville.

As the first African American to hold this position, Mr. Howard has a unique opportunity to encourage minority membership within the Chamber of Commerce and to promote minority entrepreneurs. The Urban Journal's July 1, 1998 edition highlighted Mr. Howard's top goals, including the development of a foreign trade mission, as well as focusing attention on public education and investments in the field of biomedicine and biotechnology.

Mr. Howard serves with me as a member of the National Bipartisan Commission on the Future of Medicare. The Commission has held a number of field hearings in Tennessee to gather the views and concerns of industry leaders and beneficiaries in the state. Mr. Howard's perspective as CEO of a health maintenance organization, which contracts with companies, Medicare and the TennCare program, is appropriate and useful for the Commission's goal of identifying challenges facing the Medicare program and for creating potential solutions.

Mr. President, I congratulate Mr. Howard on this worthy achievement and thank him for serving as a role model for the next generation. I am proud of his optimistic view toward life, and his perseverance and dedication toward overcoming obstacles. I wish him well throughout his tenure as Chairman of the Nashville Chamber of Commerce.●

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1998

Mr. DOMENICI. Madam President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 549, S. 2317.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2317) to improve the National Wildlife Refuge System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 2. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) In General.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) Conforming Amendments.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 3. KILLCOHOOK COORDINATION AREA.

(a) In General.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) Executive Orders.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 4. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) In General.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) Executive Order.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 5. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w-1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 6. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; *and*

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both."[; and.

[(3) in subsection (g)—

[(A) by striking "(g) Any" and inserting the following:

["(g) ENFORCEMENT.—

["(1) IN GENERAL.—Any"; and

[(B) by adding at the end the following:

["(2) FORFEITURE.—A gun, trap, net, or other equipment, or a vessel, vehicle, aircraft, or other means of transportation, used to aid the commission of a violation of this Act (including a regulation issued under this Act) shall be subject to forfeiture on conviction of a criminal violation under subsection (f)(1).

["(3) OTHER LAWS.—

["(A) IN GENERAL.—Except as provided in subparagraph (B), all provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of the customs laws of the United States, the disposition of the property and the proceeds of sale of the property, and the remission or mitigation of the forfeiture, shall apply to a seizure or forfeiture incurred, or alleged to have been incurred, under this Act to the extent that the provisions of law are applicable to, and not inconsistent with, this Act.

["(B) OFFICERS OR EMPLOYEES.—All powers, rights, and duties conferred or imposed by the customs laws of the United States on any officer or employee of the Department of the Treasury shall, for the purposes of this Act, be exercised or performed by the Secretary or such persons as the Secretary may designate.".]

Mr. CHAFEE. Mr. President, I introduced this bill last July on behalf of the administration. S. 2317 makes several changes to the National Wildlife Refuge System Administration Act of 1966. First, it removes three areas from the Refuge System that have lost the habitat value that led to their being incorporated into the Refuge System. Second, it changes the name of the Klamath Forest National Wildlife Refuge in Oregon to the Klamath Marsh National Wildlife Refuge. The current name leads visitors to believe that it is a national forest, causing confusion over what activities are permitted.

Mr. President, although no one like to see areas removed from the Refuge System, the three areas in question have truly lost their original wildlife value. Thirty-seven acres within the Upper Mississippi River National Wildlife and Fish Refuge has been developed for recreational purposes when it was leased to the Army Corps of Engineers (Corps). The area in question would be transferred to the Corps, which owns the adjoining lands, and its recreational use would be continued.

In 1934 an Executive order established the Killcohook Coordination Area as a migratory bird refuge as long as the Corps could continue to use the area as a dredge disposal site. Sixty years later this area is completely covered with piles of spoil and, not surprisingly, no remaining waterfowl habitat. This bill would eliminate the Fish and Wildlife Service's secondary jurisdiction.

The final change will revoke an easement that allows the Fish and Wildlife Service to prohibit hunting of migratory birds at Lake Elsie, North Dakota. The easement was granted in 1939 and the surrounding land is privately owned and the State owns the lake. Due to substantial development, the area is no longer suitable for migratory birds.

S. 2317 will also reduce the penalty for unintentional violations of the National Wildlife Refuge System Administration Act. Currently, all violations of the act are class A misdemeanors, regardless of whether or not it was an intentional violation. Unintentional violations will now be a class B misdemeanor.

Mr. President, I urge my colleagues in the Senate to support this bill.

Mr. DOMENICI. I ask unanimous consent that the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2317), as amended, was considered read the third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 22, 1998

Mr. DOMENICI. Madam President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, September 22. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. 1301, the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I further ask unanimous consent that on Tuesday morning at 9:30 a.m. Senator REED be recognized to offer an amendment regarding underwriting standards, and there be 1 hour for debate on the amendment equally divided, and that at the conclusion of the debate, the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Further, I ask unanimous consent that following the vote on or in relation to the Kennedy minimum wage amendment scheduled at approximately 2:20 p.m, the Feingold amendment, No. 3602, recur, and there be 10 minutes equally divided for closing remarks prior to the vote on or in relation to the amendment.

I further ask that following that vote the Feingold amendment, No. 3565, recur, and there be 5 minutes equally divided for closing remarks prior to a vote on or in relation to the amendment. Further, that following that vote, the Reed amendment recur and there be 10 minutes equally divided for closing remarks prior to a vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Finally, I ask unanimous consent that the Senate stand in recess on Tuesday from 12:30 until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, when the Senate convenes on Tuesday, Senator REED will be recognized to offer an amendment under a 1-hour time agreement. Following that debate, Senator KENNEDY will be recognized to offer an amendment regarding the minimum wage under a 2-hour time agreement. At 12:30 p.m, the Senate will recess until 2:15 p.m. to allow the two party conferences to meet. When the Senate reconvenes at 2:15, there will be 5 minutes for closing remarks on the Kennedy amendment prior to a vote on or in relation to the amendment. Following that vote, there will be up to four additional votes occurring in a stacked sequence with minimal debate between each vote. Those votes, in their respective order, will include the two Feingold amendments regarding attorney's fees and filing fees, the Reed amendment regarding underwriting standards, and the cloture vote on the child custody bill previously scheduled for 4:30 p.m. Further votes will occur into the evening as the Senate attempts to complete action on the bankruptcy bill.

As a reminder to Members, second-degree amendments to the child custody bill must be filed by 3:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:42 p.m., adjourned until Tuesday, September 22, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 22, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9:00 a.m.

Indian Affairs

To hold hearings on H.R. 1833, to provide for further self-governance by Indian tribes.

SD–562

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine internet privacy issues.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Environment and Public Works

Business meeting, to consider pending calendar business.

SD–406

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

10:00 a.m.

Armed Services

To hold closed hearings on North Korea's ballistic missile and weapons of mass destruction programs.

SH–219

Governmental Affairs

To resume hearings to examine information security issues.

SD–342

10:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues regarding the global eradication of polio and measles.

SD–124

Foreign Relations

To hold hearings on the nominations of Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Kazakhstan, and Robert Patrick John Finn, of New York, to be Ambassador to the Republic of Tajikistan.

SD–419

11:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of John D. Hawke, Jr., of the District of Columbia, to be Comptroller of the Currency, Department of the Treasury, and Saul N. Ramirez, Jr., of Texas, to be Deputy Secretary, William C. Apgar, Jr., of Massachusetts, to be Assistant Secretary for Housing and Federal Housing Administrator, Cardell Cooper, of New Jersey, to be Assistant Secretary for Community Planning and Development, and Harold Lucas, of New Jersey, to be Assistant Secretary for Public and Indian Housing, all of the Department of Housing and Urban Affairs.

SD–538

2:00 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine public and private forestry issues.

SR–328A

Budget

To hold hearings on global economic issues.

SD–608

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine United States commercial space launch industry activities.

SR–253

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine issues regarding the right to keep and bear arms, focusing on the Second Amendment as a source to individual rights.

SD–226

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

4:00 p.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the proposed consolidation of the Patent and Trademark Office.

SD 406

SEPTEMBER 24

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 2494, to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems.

SR–253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Rules and Administration

To hold closed followed by open hearings to examine United States Capitol securities issues.

SR–301

10:00 a.m.

Armed Services

Readiness Subcommittee

To hold hearings to examine readiness challenges confronting the United States Army and Marine Forces and their ability to successfully execute the National Military Strategy.

SH–216

Energy and Natural Resources

To hold oversight hearings to examine recent Midwest electricity price spikes.

SD–366

Small Business

To hold hearings to examine how small businesses can compete with campus bookstores.

SR–428A

2:00 p.m.

Armed Services

To hold open and closed hearings on the report of the Commission to Assess the Ballistic Missile Threat to the United States.

SH–216

Indian Affairs

To hold hearings on H.R. 1805, to amend the Auburn Indian Resoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.

SR–485

2:15 p.m.

Governmental Affairs

Business meeting, to consider pending calendar business.

SD–342

SEPTEMBER 25

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

SEPTEMBER 29

10:00 a.m.

Armed Services

To hold hearings to examine the status of United States military forces and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their ability to successfully execute the National Military Strategy.
SH-216

2:00 p.m.
Judiciary
To hold hearings on the implementation of the Radiation Exposure Compensation Act.
SD-226

SEPTEMBER 30

9:30 a.m.
Indian Affairs
Business meeting, to mark up S. 1870, to provide the National Indian Gaming Commission with resources to monitor and regulate certain Indian gaming operations, H.R. 1805, to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and H.R. 1833, to provide for further self-governance by Indian tribes; to be followed by hearings on S. 2010, to provide for business development and trade promotion for Native Americans.
SR-485

OCTOBER 1

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Forest Service cabin fees.
SD-366

OCTOBER 2

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for September.
1334 Longworth Building

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 24

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD-366

POSTPONEMENTS

SEPTEMBER 23

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253